

## Appendix 2

### Statutory Compliance

Statutory Reference	Description	Comment	Section in EIS
<b>Environmental Planning and Assessment Act 1979</b>			
Section 1.3	<p>The objects of this Act are as follows—</p> <p>(a) <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></p> <p>(b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i></p> <p>(c) <i>to promote the orderly and economic use and development of land,</i></p> <p>(d) <i>to promote the delivery and maintenance of affordable housing,</i></p> <p>(e) <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i></p> <p>(f) <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i></p> <p>(g) <i>to promote good design and amenity of the built environment,</i></p> <p>(h) <i>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i></p> <p>(i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i></p>	<p>The proposal is consistent with the objects of the EP&amp;A Act as it:</p> <ul style="list-style-type: none"> <li>• promotes the proper development of the land as it provides employment generating development that will increase the economic growth of the Western Sydney region</li> <li>• includes consideration of relevant economic, environmental and social outcomes</li> <li>• promotes the orderly and economic use of land</li> <li>• promotes good design and amenity</li> <li>• ensures no adverse impacts are imposed on items of European or Aboriginal heritage significance</li> <li>• ensures community participation throughout the engagement process</li> </ul>	All

Statutory Reference	Description	Comment	Section in EIS
	<i>(j) to provide increased opportunity for community participation in environmental planning and assessment</i>		
Section 4.12(8)	<i>A development application for State significant development or designated development is to be accompanied by an environmental impact statement prepared by or on behalf of the applicant in the form prescribed by the regulations.</i>	This EIS has been prepared to accompany an SSD application and is in the form prescribed by the regulations.	All
Section 4.15	Relevant environmental planning instruments: <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Planning Systems) 2021</i></li> <li>• <i>State Environmental Planning Policy (Industry and Employment) 2021</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>• <i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></li> <li>• <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></li> <li>• <i>Fairfield Local Environmental Plan 2013</i></li> </ul>	The relevant EPIs are addressed within this table and Section 4 of the EIS.	Section 4 and Appendix 2
	Relevant planning agreements or draft planning agreements (section 4.15)	No planning agreement or draft planning agreement has been entered into as part of this application.	n/a
	Relevant Development control plans (section 4.15): <ul style="list-style-type: none"> <li>• <i>Fairfield Citywide Development Control Plan 2013</i></li> </ul>	Section 2.10 of the Planning Systems SEPP provides that development control plans do not apply to state significant development.  Furthermore, pursuant to Section 7.6 of the Precincts SEPP, a Development Control	Section 4.7

Statutory Reference	Description	Comment	Section in EIS
		Plan does not apply to land to which the Precincts SEPP applies, unless it is made by the Director-General. Accordingly, as the Fairfield Citywide Development Control Plan 2013 was not made by the Director-General, it does not apply to land to which the Precincts SEPP applies.	
	Likely impacts of the development, suitability of the site, the public interest (section 4.15)	The likely impacts of the development, suitability of the site and the public interest are considered within the assessment of impacts and project justification sections of the EIS.	Section 4.3
<b>Roads Act 1993</b>			
Section 138	Consent from the appropriate roads authority is required for development which digs up or disturbs the surface of a public road.	The proposal seeks approval to construct the Estate Road identified on the Masterplan (Appendix 6) which will disturb Wallgrove Road (classified road no 515) and therefore will require approval under section 138.  It is presumed DPHI will refer the application to TfNSW during the assessment process.	Section 4.5
<b>Western Sydney Parklands Act 2006</b>			
Section 22	Land comprising Western Sydney Parklands	The site is located within the Western Parklands in accordance with Section 22 and Schedule 2.	Section 4.4
Section 23	a Plan of Management is required to facilitate and guide the use and development of land within the Parklands	The proposed development is consistent with the Western Sydney Parklands Plan of Management 2030 (WSP POM) which recognises the site as a business hub.	Section 4.4
<b>Environment Protection and Biodiversity Conservation Act 1999</b>			
Part 3— Requirements	Requirements relating to matters of national environmental significance	Under the Act any action which “has, will have, or is likely to have a significant impact	Section 4.1

Statutory Reference	Description	Comment	Section in EIS
for environmental approvals		<p>on a matter of national environmental significance” is defined as a “controlled action”, and requires approval from the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) who are responsible for administering the EPBC Act.</p> <p>The BDAR prepared by Ecoplanning concludes no MNES have been determined to occur within the subject land. Therefore, no further consideration under the EPBC Act and approval from the DCCEEW is not required.</p>	Appendix 13 – Biodiversity Development Assessment Report
<b>Biodiversity Conservation Act 2016</b>			
Section 7.9	<p>(1) <i>This section applies to—</i></p> <p>(a) <i>an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development, and</i></p> <p>(b) <i>an application for approval under Division 5.2 of the Environmental Planning and Assessment Act 1979 to carry out State significant infrastructure.</i></p> <p>(2) <i>Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.</i></p> <p>(3) <i>The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment</i></p>	<p>A BDAR has therefore been prepared by Ecoplanning in accordance with Section 7.9 and is included in Appendix 13.</p> <p>The consent authority must consider if the proposed development is likely to have serious and irreversible biodiversity impact and determine any additional and appropriate measures that would minimise such impacts should approval be granted.</p> <p>The BC Act comprises a mandatory framework for addressing impacts on biodiversity from development and clearing. This framework includes the Biodiversity Offsets Scheme (BOS) and assessment methodologies such as the NSW Biodiversity Assessment Method (BAM).</p>	Section 6.4

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	<p><i>requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.</i></p>	<p>The BAM also identifies that areas of the subject land are mapped as containing biodiversity values which may include 'Threatened species or communities with potential for serious and irreversible impacts', however, this is not a relevant trigger given the above.</p> <p>The BDAR notes that Cumberland Shale Plains Woodland within the site is consistent with the Threatened ecological communities Cumberland Plain Woodland in the Sydney Basin Bioregion, which is listed as a Critically Endangered Ecological Community under the BC Act.</p> <p>Approximately 5.65 of CPW occurs within the study area, of which 3.61 ha exists in disturbed condition and 2.04 ha occurs as Derived Native Grassland (DNG). Approximately 3.05 ha of this TEC is marked for removal as part of the proposed development.</p> <p>Additionally, the BDAR notes the Southern Myotis, a threatened fauna species listed under the BC Act has been assumed present, despite being considered unlikely to occur within the subject land.</p> <p>Given this, impact assessments in accordance with Section 7.3 of the BC Act (i.e. the Assessment of Significance) and associated guidelines (OEH 2018) have</p>	

Statutory Reference	Description	Comment	Section in EIS
		<p>been undertaken. These assessments concluded that the proposed project would not have a significant impact on these threatened species or the TEC.</p>	
<b>Contaminated Land Management Act 1997</b>			
CLM Act	<p>The <i>Contaminated Land Management Act 1997</i> (CLM Act) establishes a process for investigating and (where appropriate) remediating land where contamination poses a significant risk of harm to human health or the environment.</p>	<p>The Preliminary Site Investigation prepared by Construction Services (Appendix 12) confirms a search of the NSW EPA online contaminated land record of notices indicated that the site (and land located immediately adjacent to the site) was not the subject of:</p> <ul style="list-style-type: none"> <li>• <i>Orders made under Part 3 of the Contaminated Land Management Act 1997;</i></li> <li>• <i>Notices available to the public under section 58 of the CLM Act;</i></li> <li>• <i>An approved voluntary management proposal under the CLM Act that has not been fully carried out and where NSW EPA approval has not been revoked;</i></li> <li>• <i>Site audit statements provided to the NSW EPA under section 53B of the CLM Act that relate to significantly contaminated land;</i></li> <li>• <i>Where practicable, copies of anything formerly required to be part of the public record; or</i></li> <li>• <i>Actions taken by NSW EPA (or the previous State Pollution Control Commission) under section 35 or 363 of</i></li> </ul>	Section 6.6

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		<p><i>the Environmentally Hazardous Chemicals Act 1985.</i></p> <p>A search of the NSW EPA online list of NSW contaminated sites notified to NSW EPA indicated that the site (and land located immediately adjacent to the site) was not on the list.</p>	
<b>Heritage Act 1977</b>			
Part 4	<p>(1) <i>When an interim heritage order or listing on the State Heritage Register applies to a place, building, work, relic, moveable object, precinct, or land, a person must not do any of the following things except in pursuance of an approval granted by the approval body under Subdivision 1 of Division 3—</i></p> <p>(a) <i>demolish the building or work,</i></p> <p>(b) <i>damage or despoil the place, precinct or land, or any part of the place, precinct or land,</i></p> <p>(c) <i>move, damage or destroy the relic or moveable object,</i></p> <p>(d) <i>excavate any land for the purpose of exposing or moving the relic,</i></p> <p>(e) <i>carry out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct,</i></p> <p>(f) <i>alter the building, work, relic or moveable object,</i></p> <p>(g) <i>display any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct,</i></p> <p>(h) <i>damage or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land.</i></p>	<p>The site for development of the Wallgrove Business Hub contains no items of heritage significance, and the heritage impact of the development has been established to be neutral.</p> <p>The closest item of heritage significance to the site is the Upper Canal System (Pheasants Nest Weir to Prospect Reservoir) 440m away from the site, listed on the State Heritage Register.</p> <p>The Statement of Heritage Impact (Appendix 14) and Section 6.10 of the EIS demonstrate the proposed works will not detract from the heritage significance of the SHI and subsequently no approvals under the <i>Heritage Act 1977</i> are required.</p>	Section 6.10

Statutory Reference	Description	Comment	Section in EIS
<b>Rural Fires Act 1997</b>			
Section 100B	(3) <i>A person must obtain such a bush fire safety authority before developing bush fire prone</i>	<p>The site is included within Vegetation Category 1 and 2 bushfire prone land by the by the NSW Rural Fire Service (NSWRFS).</p> <p>The Rural Fires Act requires that consideration be made to the potential bushfire impacts on development at the planning assessment stage to ensure protection of people and property in the event of a bushfire.</p> <p>Under section 4.41 of the EP&amp;A Act, SSD is exempt from the requirement for a bushfire safety authority under section 100B of the Rural Fires Act. Notwithstanding, a Bushfire Assessment has been prepared by Petersons Bushfire is included at Appendix 15.</p>	Section 6.9
<b>Environmental Planning and Assessment Regulations 2021</b>			
Section 190	Form of environmental impact statement.	The EIS has been prepared in accordance with this section including consideration of the <i>State Significant Development Guidelines</i> .	All
Section 192	Content of an environmental impact statement.	The EIS includes all content required under this section.	All
<b>State Environmental Planning Policy (Planning Systems) 2021</b>			
<b>Chapter 2 – State and regional development</b>			
<i>section 5, schedule 2</i>	<b>5 Development in the Western Parklands</b> <i>Development that has a capital investment value of more than \$10 million on land identified as being within the Western Parklands on the Western Sydney Parklands</i>	Chapter 2 aims to identify development that is State significant development, State significant infrastructure, critical State	Section 4.5.1

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	<p><i>Map within the meaning of State Environmental Planning Policy (Western Sydney Parklands) 2009.</i></p>	<p>significant infrastructure and regionally significant development.</p> <p>The development is for a warehouse and distribution centre within the Western Sydney Parklands with an EDC of \$78,036,000. A EDC report for the proposal is included at Appendix 5.</p> <p>As the development meets the criteria of Chapter 2, the application will be assessed as SSD and determined by the Minister for Planning and Open Spaces (or nominated delegate).</p>	
<b>State Environmental Planning Policy (Precincts—Western Parkland City) 2021</b>			
<b>Chapter 7 Western Sydney Parklands</b>			
Section 7.1	<p><i>The aim of this Chapter is to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney by—</i></p> <p><i>(a) allowing for a diverse range of recreational, entertainment and tourist facilities in the Western Parklands, and</i></p> <p><i>(b) allowing for a range of commercial, retail, infrastructure and other uses consistent with the Metropolitan Strategy, which will deliver beneficial social and economic outcomes to western Sydney, and</i></p> <p><i>(c) continuing to allow for and facilitate the location of government infrastructure and service facilities in the Western Parklands, and</i></p> <p><i>(d) protecting and enhancing the natural systems of the Western Parklands, including flora and fauna species and communities and riparian corridors, and</i></p>	<p>The proposal is consistent with the aims of Chapter 7, as outlined below:</p> <p>(a) the proposal enables an alternative revenue stream for the WSPT to fund the delivery and ongoing operation of a diverse range of facilities within the Parklands</p> <p>(b) as above, the proposed business hub will deliver social and economic benefits to the Parklands and the greater Western Sydney. The construction and ongoing operation of the hub will facilitate a large number of employment opportunities.</p> <p>(c) not applicable</p> <p>(d) the concept design including the developable area, building siting and</p>	Section 4.5.2

Statutory Reference	Description	Comment	Section in EIS
	<p>(e) <i>protecting and enhancing the cultural and historical heritage of the Western Parklands, and</i></p> <p>(f) <i>maintaining the rural character of parts of the Western Parklands by allowing sustainable extensive agriculture, horticulture, forestry and the like, and</i></p> <p>(g) <i>facilitating public access to, and use and enjoyment of, the Western Parklands, and</i></p> <p>(h) <i>facilitating use of the Western Parklands to meet a range of community needs and interests, including those that promote health and well-being in the community, and</i></p> <p>(i) <i>encouraging the use of the Western Parklands for education and research purposes, including accommodation and other facilities to support those purposes, and</i></p> <p>(j) <i>allowing for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its functions as set out in section 12 of the <a href="#">Western Sydney Parklands Act 2006</a>, and</i></p> <p>(k) <i>ensuring that development of the Western Parklands is undertaken in an ecologically sustainable way.</i></p>	<p>setbacks have been selected to protect and enhance the Parklands, including the native and exotic vegetation areas,</p> <p>(e) the proposal seeks to protect and enhance the cultural and historical heritage of the Parklands and the site, it is not anticipated that the proposal will adversely impact these values, nonetheless, mitigation measures are incorporated to avoid unacceptable impacts on historical and cultural heritage</p> <p>(f) not applicable, the site has been identified within the POM for the use of a business hub and remains consistent with this vision</p> <p>(g) not applicable, the subject site is located within the periphery of the parklands and is surrounded by private parcels of land, therefore facilitating public access (for recreational purposes) would not be considered a safe or viable option</p> <p>(h) as addressed, the proposed hub will generate revenue for the WSPT to enable funding for community uses within the Parklands</p> <p>(i) not applicable</p> <p>(j) the subject site is currently leased to TfNSW</p> <p>(k) the proposal incorporates ESD principles and measures to promote ecological sustainability. The future DAs will incorporate ESD principles for the development of individual buildings.</p>	

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Section 7.2	Chapter 7 applies to land within the Western Parklands	As noted, this Chapter applies, a thorough assessment has been provided accordingly	Section 4.5.2
Section 7.6	<i>A development control plan does not apply to the Western Parklands unless it is made by the Director-General.</i>	As the Fairfield Citywide Development Control Plan 2013 was not made by the Director-General, it does not apply to land to which the Precincts SEPP applies.	Section 4.5.2
Section 7.8	<i>From the commencement of this Chapter the land is unzoned.</i>	Noted.	Section 4.5.2
Section 7.9	<p>(1) <i>The following development may be carried out on land in the Western Parklands without consent, but only if it is carried out by or on behalf of a public authority amenity facilities; community facilities; depots; entertainment facilities; environmental facilities; environmental protection works; function centres; information and education facilities; kiosks; public administration buildings; recreation areas; recreation facilities (outdoor); restaurants or cafes; roads; signage (for directional, informative, or interpretative purposes); ticketing facilities.</i></p> <p>(2) <i>Development for the purposes of extensive agriculture, other than farm buildings, may be carried out on public land in the Western Parklands without consent unless the land is in an environmental conservation area as shown on the Environmental Conservation Areas Map.</i></p> <p>(3) <i>Any development not specified in subsection (1) or (4), or permitted without consent by subsection (2), may be carried out in the Western Parklands only with consent.</i></p> <p><i>Development for the purposes of residential accommodation is prohibited in the Western Parklands.</i></p>	<p>Sections 7.9(1), (2) or (4) do not apply to the proposed industrial land uses.</p> <p>Accordingly, the proposed development is permitted with development consent in accordance with Section 7.9(3) of the Precincts SEPP.</p>	Section 4.5.2
Section 7.10 Matters to be considered by	<i>In determining a development application for development on land in the Western Parklands, the consent authority</i>	The proposal is consistent with Section 7.10 as outlined below:	Section 4.5.2

Statutory Reference	Description	Comment	Section in EIS
the consent authority—generally	<p><i>must consider such of the following matters as are relevant to the development—</i></p> <ul style="list-style-type: none"> <li><i>(a) the aim of this Chapter, as set out in section 7.1,</i></li> <li><i>(b) the impact on drinking water catchments and associated infrastructure,</i></li> <li><i>(c) the impact on utility services and easements,</i></li> <li><i>(d) the impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities,</i></li> <li><i>(e) the impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland,</i></li> <li><i>(f) the impact on the Western Parkland’s linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use,</i></li> <li><i>(g) the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney,</i></li> <li><i>(h) the impact on public access to the Western Parklands,</i></li> <li><i>(i) consistency with—</i> <ul style="list-style-type: none"> <li><i>i. any plan of management for the parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the Western Sydney Parklands Act 2006, or</i></li> <li><i>ii. any precinct plan for a precinct of the parklands, that includes the Western Parklands, prepared and adopted under that Part,</i></li> </ul> </li> <li><i>(j) the impact on surrounding residential amenity,</i></li> <li><i>(k) the impact on significant views,</i></li> </ul>	<ul style="list-style-type: none"> <li>(a) the aims of Chapter 7 are adequately addressed above</li> <li>(b) the proposal is not anticipated to have adverse impacts on water catchments</li> <li>(c) The existing service infrastructure required to facilitate the proposal is outlined in Appendix 30. Relevant infrastructure is proposed, where services are not provided or adequate at the site.</li> <li>(d) A BDAR has been prepared by Ecoplanning (Appendix 13) to assess the biodiversity impacts of the proposal. The Cumberland Plain Woodland is present within the site. The BDAR outlines actions to avoid and minimise impacts on native vegetation and habitat and biodiversity</li> <li>(e) As above.</li> <li>(f) The proposed site is not located in proximity to the Parklands circulation and access networks</li> <li>(g) the site is located on the fringe of the Parklands and is surrounded by existing private developments, thereby the proposal is not considered to have any adverse impact on scenic continuity</li> <li>(h) as noted, the site is located within the periphery of the parklands and is surrounded by private parcels of land, therefore facilitating public access (for recreational purposes) would not be considered a safe or viable option</li> </ul>	

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	<p>(l) <i>the effect on drainage patterns, ground water, flood patterns and wetland viability,</i>  (m) <i>the impact on heritage items,</i>  (n) <i>the impact on traffic and parking.</i></p>	<p>(i) the site is identified for the purposes of a business hub, therefore, the proposal demonstrates consistency with the Plan of Management prepared in accordance <i>Western Sydney Parklands Act 2006</i></p> <p>(j) the proposed siting, orientation, setbacks and landscaping have been design to minimise impacts on nearby rural residential receivers</p> <p>(k) A Visual Impact Analysis has been prepared by Nettleton Tribe. The analysis concludes that the proposed impacts are considered acceptable given the building location, surrounding context, design of buildings, materiality and landscaping.</p> <p>(l) The proposed stormwater management system has been designed to reduce the overall impact of the development on the existing onsite and surrounding stormwater systems and flow regime. In regard to flooding, the civil engineering report concluded that there is a low flood risk for the site.</p> <p>(m) the site does not comprise or is not located in proximity to items of heritage significance, thereby no adverse impacts are anticipated</p> <p>(n) the proposal seeks the provision of on-site carparking spaces, no street or external parking is proposed. The primary vehicle access to the site is proposed to be via Wallgrove Road. Access arrangement will consist of</p>	

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		<p>construction of a new intersection which is sought to ensure safe vehicle ingress and egress. It is noted the proposal is classified as ‘traffic generating development’ and referral to TfNSW should be undertaken accordingly.</p>	
Section 7.11	<p><i>Development consent must not be granted to any development on land in the Western Parklands unless the consent authority is satisfied that—</i></p> <p><i>(a) the development will have a neutral or beneficial impact on the quality of the water in the bulk water supply infrastructure shown on the <a href="#">Bulk Water Supply Infrastructure Map</a>, and</i></p> <p><i>(b) the development will not impact on the integrity or security of the bulk water supply infrastructure, and</i></p> <p><i>(c) the development will not increase the risk of illegal access to the bulk water supply or security of the bulk water supply infrastructure, and</i></p> <p><i>(d) access to bulk water supply infrastructure for maintenance and operation activities by Water NSW and Sydney Water Corporation will not be impeded by the development.</i></p>	<p>The site is located approximately 400m from the Bulk Water Supply Infrastructure as outlined on DPEs Bulk Water Supply Infrastructure Map.</p> <p>Given this, it is not anticipated that the proposal will adversely impact the water quality within this infrastructure.</p> <p>The Service Infrastructure Assessment identifies the proposed connection to water services.</p>	Section 4.5.2
Section 7.12	<p><i>(1) This section applies to development on land in the Western Parklands that is in, or adjoins—</i></p> <p><i>(a) a nature reserve (within the meaning of the <a href="#">National Parks and Wildlife Act 1974</a>), or an environmental conservation area shown on the <a href="#">Environmental Conservation Areas Map</a>.</i></p>	<p>The site is not located within or adjoining an environmental conservation area as shown on the Environmental Conservation Areas Map or a nature reserve as dedicated under the <i>National Parks and Wildlife Act 1974</i>.</p> <p>Therefore, no consideration under Section 7.12 is required.</p>	Section 4.5.2
Section 7.13	<p><i>(2) This section applies to land that is at or below the flood planning level.</i></p>	<p>The site is located adjacent to a tributary of Ropes Creek and is subject to flooding from this creek and from local overland flow.</p>	Section 4.5.2

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	<p>(3) <i>Development consent must not be granted for development on land to which this section applies unless the consent authority is satisfied that the development—</i></p> <ul style="list-style-type: none"> <li>(a) <i>is compatible with the flood hazard of the land, and</i></li> <li>(b) <i>is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</i></li> <li>(c) <i>incorporates appropriate measures to manage risk to life from flood, and</i></li> <li>(d) <i>is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</i></li> <li>(e) <i>is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</i></li> </ul>	<p>The Civil Engineering Report prepared by Henry and Hymas and CSS (Appendix 10) note, all the finished levels are above the peak 1% AEP flood level for flooding originating off-site or from Rope Creek Tributary. Additionally, the proposed finish levels of the development provide all lots with flood immunity up to the Extreme Event (PMF). Accordingly, risk to life is effectively managed in providing areas of flood free refuge.</p> <p>The proposed Estate Road and intersection with Wallgrove Road provides safe emergency access, further to this, local surrounding road networks (Wallgrove Road) can facilitate safe emergency access to the greater high network (M7 Motorway).</p> <p>In light of the above, it is concluded that there is a low flood risk for the site and there is no requirement for estate specific flood response plans.</p>	
Section 7.14	<p>(5) <i>Heritage impact assessment</i>  <i>The consent authority may, before granting consent to any development on land in the Western Parklands—</i></p> <ul style="list-style-type: none"> <li>(a) <i>on which a heritage item is situated, or within the vicinity of land referred to in paragraph (a), require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.</i></li> </ul>	<p>A Heritage Impact Assessment has been prepared by Artefact for the proposed development.</p> <p>The assessment concludes the site contains no items of heritage significance, and the heritage impact of the development has been established to be neutral. The closest item of heritage significance to the site is the Upper Canal System (Pheasants Nest Weir to</p>	Section 4.5.2

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		Prospect Reservoir) 440m away from the site, listed on the State Heritage Register.	
Section 7.15	<p>(1) <i>This section applies to signage that is visible from a public place.</i></p> <p>(2) <i>Development consent must not be granted to the erection of signage unless—</i></p> <p>(a) <i>the consent authority is satisfied that the signage is consistent with any signage policy prepared by the Trust, and</i></p> <p>(b) <i>in the case of a road sign, the Roads and Traffic Authority has been given written notice of the development application and any comments received by the consent authority from the Roads and Traffic Authority within 21 days have been considered by the consent authority.</i></p>	<p>Signage is not proposed as part of this Concept and Stage 1 DA.</p> <p>Further DA's incorporating signage will be prepared in accordance with any signage policy.</p>	Section 4.5.2
Section 7.16	<i>Development consent must not be granted to development on private land in the Western Parklands...</i>	Not applicable.	Section 4.5.2
Section 7.17	<p><i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—</i></p> <p>(a) <i>the supply of water,</i></p> <p>(b) <i>the supply of electricity,</i></p> <p>(c) <i>the disposal and management of sewage,</i></p> <p>(d) <i>stormwater drainage or on-site conservation, suitable road access.</i></p>	As noted above, the provision of infrastructure are proposed and will adequately service the site.	Section 4.5.2
Section 7.18	<p>(2) <i>Development consent is required for earthworks unless—</i></p> <p>(a) <i>the work is exempt development under this Chapter or another applicable environmental planning instrument, or</i></p>	Cut and fill earthworks are required to achieve the grades and levels required to construct the proposed warehouses and the associated access roads, car parks and loading areas.	Section 4.5.2

Statutory Reference	Description	Comment	Section in EIS
	<p><i>(b) the work is ancillary to other development for which development consent has been given.</i></p> <p><i>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</i></p> <p><i>(a) the likely disruption of, or any detrimental effect on, 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 any fill material and the destination of any excavated material,</i></p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p><i>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,</i></p> <p><i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p>	<p>The cut and fill earthworks calculations have been undertaken for Stage 1. The cut and fill quantities for the site result in a site spoil of material in the order of 8,400m<sup>3</sup> during this stage.</p> <p>The Civil Engineering Report prepared by Henry and Hymas outlines the potential impacts and associated measures to ensure no adverse impacts will occur.</p>	
Section 7.21	<p><i>(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by—</i></p> <p><i>(a) development consent, or</i></p> <p><i>(b) a permit granted by the council concerned.</i></p>	<p>Development consent is sought for the removal of trees and vegetation.</p> <p>A BDAR has been prepared and residual impacts will be offset by retiring existing biodiversity credits and generating suitable biodiversity credits.</p>	Section 4.5.2
<b>State Environmental Planning Policy (Industry and Employment) 2021</b>			
Chapter 2	Western Sydney Employment Area	This chapter does not apply to the site as it is not located within the Western Sydney Employment Area.	N/A

Statutory Reference	Description	Comment	Section in EIS
Chapter 3	Advertising and Signage	Chapter 3 does not apply to the site in accordance with the provisions of section 7.5(1) of the Precincts SEPP.	N/A
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>			
<b>Chapter 2 – Infrastructure</b>			
Section 2.48	<p>(1) <i>This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</i></p> <ul style="list-style-type: none"> <li>(a) <i>the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</i></li> <li>(b) <i>development carried out—</i> <ul style="list-style-type: none"> <li>i. <i>within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i></li> <li>ii. <i>immediately adjacent to an electricity substation, or</i></li> <li>iii. <i>within 5m of an exposed overhead electricity power line,</i></li> </ul> </li> </ul> <p>(2) <i>Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</i></p> <ul style="list-style-type: none"> <li>(a) <i>give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</i></li> <li>(b) <i>take into consideration any response to the notice that is received within 21 days after the notice is given.</i></li> </ul>	A service and asset location plan are provided within the Infrastructure Assessment. The plan identifies the site is not within 2m of an underground powerline or electricity distribution pole. Therefore, it is anticipated the works will not adversely impact an electricity transmission or distribution network.	Section 4.2

Statutory Reference	Description	Comment	Section in EIS
Section 2.77	<p>(1) <i>Before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must—</i></p> <p>(a) <i>be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and</i></p> <p>(b) <i>take those risks into consideration, and</i></p> <p>(c) <i>give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and</i></p> <p>(d) <i>take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given.</i></p>	<p>Section 2.77 stipulates that the consent authority must not grant consent to development unless the potential safety risks or risks to the integrity of the pipeline that are associated with the development have been identified and risks have been taken into consideration.</p> <p>DPEs Development adjacent to land in a pipeline corridor Planning Circular (PS 21-029) identifies the licence areas of several pipelines. Pipeline 1 is associated with the Jemena Eastern Gas Pipeline (EGP).</p> <p>The subject site within the measurement length of the Jemena Gas Networks Trunk Pipeline (JGN) High Pressure Gas Pipeline (Licence 1).</p> <p>The Pipeline Hazard and Risk Assessment concludes there is an extremely low risk of fatality and complies with the relevant DPHI criteria. The assessment provides recommendations which relate to future built form development. The Applicant will accept a condition of consent requiring compliance with the recommendations.</p>	Section 4.2 and Section 6.8
Section 2.119	<p>(2) <i>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p> <p>(a) <i>where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p>	<p>Section 2.119 stipulates that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that vehicular access to the land is provided by a road other than the classified road and the safety, efficiency and ongoing operation of</p>	Section 6.5

Statutory Reference	Description	Comment	Section in EIS
	<p>(b) <i>the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i></p> <ul style="list-style-type: none"> <li>i. <i>the design of the vehicular access to the land, or</i></li> <li>ii. <i>the emission of smoke or dust from the development, or</i></li> <li>iii. <i>the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></li> </ul> <p>(c) <i>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.</i></p>	<p>the classified road will not be adversely affected.</p> <p>The development fronts Wallgrove Road, which is a State, classified road (Number 515).</p> <p>The proposal includes the provision of an access road to the proposed business hub off Wallgrove Road. This will ensure safe vehicular access to the site by a road other than a classified road. It is noted this access provision is subject to further consultation with TfNSW.</p>	
Section 2.122	<p>(3) <i>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—</i></p> <ul style="list-style-type: none"> <li>(a) <i>given written notice of the intention to carry out the development to TfNSW in relation to the development, and</i></li> <li>(b) <i>taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</i></li> </ul> <p>(4) <i>Before determining a development application for development to which this section applies, the consent authority must—</i></p> <ul style="list-style-type: none"> <li>(a) <i>give written notice of the application to TfNSW within 7 days after the application is made, and</i></li> <li>(b) <i>take into consideration—</i></li> </ul>	<p>Section 2.122 requires that development applications for certain traffic generating development, as set out in Schedule 3 of the policy, be referred to TfNSW and that any submission from the TfNSW be considered prior to the determination of the application.</p> <p>The proposal seeks approval for a Warehouse and Distribution Centre with a GFA greater than 8,000m<sup>2</sup> and is therefore classified as traffic generating development.</p> <p>An assessment of the key traffic impacts is provided at Section 6.5. The Application should be referred to TfNSW accordingly.</p>	Section 6.5

Statutory Reference	Description	Comment	Section in EIS
	<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>		
<b>Chapter 4 Major infrastructure corridors</b>			
Section 4.3	<p>Chapter 4 aims to preserve corridors for future major infrastructure and covers portions of Fairfield, Blacktown, Penrith, Liverpool, Camden and Campbelltown LGAs.</p> <p><i>This Chapter applies to all land within a future infrastructure corridor and the adjacent land referred to in section 4.9(1)(b)–(d).</i></p>	The site is not identified within or adjacent to land within a Future Infrastructure Corridor. Therefore, no consideration under Chapter 4 is necessary.	N/A
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>			
<b>Chapter 3 Hazardous and Offensive Development</b>			
Section 3.1	Chapter 3 applies to any development which is defined as potentially hazardous or potentially offensive.	A Pipeline Hazard and Risk Assessment (Appendix 23) and provides an assessment against the relevant sections of the SEPP.	Section 6.8
Section 3.7	Under section 3.7, in determining whether a development is potentially hazardous industry consideration must be	A Pipeline Hazard and Risk Assessment (Appendix 23) has been prepared and	Section 6.8

Statutory Reference	Description	Comment	Section in EIS
	<p>given to current circulars of guidelines published by DPE relating to hazardous or offensive development.</p>	<p>identifies the potential safety risks and risks to the integrity of the pipeline.</p> <p>The assessment concludes the:</p> <ul style="list-style-type: none"> <li>individual risk of fatality at the site is extremely low</li> <li>proposal is compliant with relevant DPHI risk criteria</li> <li>societal risk is within the 'as low as reasonably possible' region but is well below the 'intolerable' risk region for all population estimates.</li> </ul> <p>The Pipeline Hazard and Risk Assessment provides sufficient information and justification to grant development consent and is discussed further in the EIS.</p>	
Section 3.12	<p>The consent authority must consider the matters under section 3.12 in determining an application under this part of the SEPP.</p>	<p>As above, the Pipeline Hazard and Risk Assessment (Appendix 23) identifies the potential safety risks and risks to the integrity of the pipeline.</p> <p>The assessment concludes the:</p> <ul style="list-style-type: none"> <li>individual risk of fatality at the site is extremely low</li> <li>proposal is compliant with relevant DPHI risk criteria</li> <li>societal risk is within the 'as low as reasonably possible' region but is well below the 'intolerable' risk region for all population estimates.</li> </ul>	Section 4.2 and 6

Statutory Reference	Description	Comment	Section in EIS
		The Pipeline Hazard and Risk Assessment provides sufficient information and justification to grant development consent and is discussed further in the EIS.	
<b>Chapter 4 Remediation of land</b>			
Section 4.4	Chapter 4 applies to the state and seeks to determine whether the land is contaminated, if it is suitable for development and/or if it requires remediation	A Preliminary Site Investigation (PSI) has been undertaken by Construction Sciences (Appendix 12).	Section 4.2
Section 4.6	The consent authority must be 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	<p>The PSI notes there is contamination present at the site arising from past land use activities, specifically the presence of visible fragments of asbestos containing material (ACM) in surface soils.</p> <p>Given this, a detailed site investigation and remediation will be undertaken. It is requested that this be required as a condition of consent.</p>	Section 4.2
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>			
<b>Chapter 2 – Vegetation in Non-Rural Areas</b>			
~	Chapter 2 establishes requirements for clearing vegetation in a non-rural area of the State.	Chapter 2 does not apply as the land is unzoned.	Section 6.4
<b>Chapter 4 – Koala Habitat Protection 2021</b>			
~	Chapter 4 applies to all LGAs listed in Schedule 2 of the SEPP are subject to the development controls outlined in Chapter 4. Fairfield LGA is listed within Schedule 2 as part of the Central Coast Koala Management Area.	<p>However, the SEPP does not apply to SSD. Furthermore, the BDAR prepared by Ecoplanning concludes no records for the Koala have been recorded in the subject land or surrounds in the past 18-years.</p> <p>Accordingly, a Koala Assessment Report is not required.</p>	N/A

Statutory Reference	Description	Comment	Section in EIS
<b>State Environmental Planning Policy (Sustainable Buildings) 2022</b>			
<b>Chapter 3 Standards for non-residential development</b>			
Section 3.1	<p><i>(1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—</i></p> <p><i>(a) the erection of a new building, if the development has a capital investment value of \$5 million or more,</i></p>	<p>This chapter applies to the proposal as it exceeds the EDC threshold of \$5 million. The development is designed in accordance with Section 3.2 – as demonstrated below:</p>	Section 1
Section 3.2	<p><i>(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—</i></p> <p><i>(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,</i></p> <p><i>(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,</i></p> <p><i>(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,</i></p> <p><i>(d) the generation and storage of renewable energy,</i></p> <p><i>(e) the metering and monitoring of energy consumption,</i></p> <p><i>(f) the minimisation of the consumption of potable water.</i></p> <p><i>(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</i></p>	<p>The operational emissions data at this time has not been quantified, however, will be modelled at a later stage of the project.</p>	Section 4.2

Statutory Reference	Description	Comment	Section in EIS
<b>Fairfield Local Environmental Plan 2013</b>			
Section 1.3	This Plan applies to the land identified on the Land Application Map.	The site is excluded from the Land Application Map. Therefore, the provisions of the Fairfield LEP do not apply to the site.	Section 4.12
<b>Fairfield Citywide Development Control Plan 2013</b>			
Section 1.3.1	Land to which this Development Control applies to	<p>Section 2.10 of the Planning Systems SEPP provides that development control plans do not apply to state significant development.</p> <p>Furthermore, pursuant to Section 7.6 of the Precincts SEPP, a Development Control Plan does not apply to land to which the Precincts SEPP applies, unless it is made by the Director-General. Accordingly, as the Fairfield Citywide Development Control Plan 2013 was not made by the Director-General, it does not apply to land to which the Precincts SEPP applies.</p>	Section 4.13