

## Appendix C – Statutory Compliance Table

Statutory Reference	Mandatory Considerations	Relevance	Section in EIS
Considerations under the EP&A Act and Regulation			
Section 1.3	<p>Objects of the Act</p> <ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.</li> <li>▪ To promote the orderly and economic use and development of land.</li> <li>▪ To promote the delivery and maintenance of affordable housing.</li> <li>▪ To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.</li> <li>▪ To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).</li> <li>▪ To promote good design and amenity of the built environment.</li> <li>▪ To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.</li> <li>▪ To promote the sharing of responsibility for environmental planning and assessment between the different levels of government in the State.</li> <li>▪ To provide increased opportunity for community participation in environmental planning and assessment.</li> </ul>	<p>The Project will deliver substantial social and economic benefits, such as providing new jobs, whilst also ensuring that any adverse environmental impacts would be minimised.</p> <p>The proposal has been designed in accordance with the principles of ecologically sustainable development as outlined in Section 6.15 and the Sustainability Report - Appendix T.</p> <p>The proposed development utilises existing industrial land rather than developing on greenfield sites thus conserving the State’s natural resources and environment. Additionally, the Project will not negatively impact on the delivery and maintenance of affordable housing.</p> <p>The site has been chosen as a result of a robust alternatives analysis and the comprehensive planning process has ensured the identification and resolution of key planning issues at an early stage.</p> <p>A BDAR Waiver has been undertaken and accepted by the DPHI. Protection of the environment has been considered throughout this environmental impact assessment and mitigation identification undertaken as described in Section 6.</p> <p>The nature of the proposed development as a waste transfer facility will enable recovery of resources and reduce the amount of waste going to landfill.</p> <p>An ACHAR has been undertaken and recommends an Aboriginal Cultural Heritage Management Plan (ACHMP).</p>	<p>Section 6.15</p> <p>ESD Report – Appendix T</p> <p>ACHAR – Appendix P</p> <p>Section 6.14</p> <p>Section 6.18</p> <p>Section 5</p> <p>Social Impact Assessment – Appendix Q</p> <p>Engagement Report – Appendix R</p>

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		<p>A Visual Impact Assessment has assessed the visual impacts as negligible, low or moderate-low, with one viewpoint assessed as moderate. The assessment outcomes reflect the predominantly industrial character of Hale Street and surrounding while also acknowledging residential receptors within the industrial area who may experience changes to their view.</p> <p>A CEMP and OEMP will be developed to ensure the safety of individuals on the site as well as minimising impact to the environment during construction and operation of the Project.</p> <p>The SSD proposal has been developed in consultation with the relevant stakeholders, government agencies and Bayside Council.</p> <p>The Project has been committed to a broad and inclusive public consultation process as outlined in the EP&amp;A Act. Engagement with the local community has been an ongoing part of the planning process and documented in a Social Impact Assessment and Engagement Report.</p>	
Section 4.15	<p>Relevant matters for consideration by the consent authority in the evaluation process include:</p> <ul style="list-style-type: none"> <li data-bbox="519 1034 1285 1305">▪ Environmental planning instruments</li> <li data-bbox="519 1305 1285 1361">▪ Draft environmental planning instruments</li> </ul>	<p>Relevant environmental planning instruments include:</p> <ul style="list-style-type: none"> <li data-bbox="1285 1121 1830 1153">▪ Transport and Infrastructure SEPP 2021</li> <li data-bbox="1285 1169 1830 1201">▪ Resilience and Hazards SEPP 2021</li> <li data-bbox="1285 1217 1830 1249">▪ Biodiversity and Conservation SEPP 2021</li> <li data-bbox="1285 1265 1830 1297">▪ Sustainable Buildings SEPP</li> </ul> <p>None relevant to the proposal.</p>	<p>This table, see further below</p> <p>NA</p>

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	<ul style="list-style-type: none"> <li>▪ Development control plans</li> </ul>	Section 2.10 of the Planning Systems SEPP states that DCPs do not apply to SSD. As such, it is not a mandatory requirement for the Project to be assessed against the Bayside DCP 2022.	NA
	<ul style="list-style-type: none"> <li>▪ Planning agreements or draft planning agreements</li> </ul>	None relevant to the proposal.	NA
	<ul style="list-style-type: none"> <li>▪ The EP&amp;A Regulations</li> </ul>	This EIS has been prepared in accordance with Division 5 of Part 8 of the Regulations.	EIS
	<ul style="list-style-type: none"> <li>▪ Likely environmental, social and economic impacts of the Project</li> </ul>	The likely impacts of the development including the environmental impacts on the natural and built environments, and social and economic impact on the locality are assessed in detail within the EIS.	Section 6
	<ul style="list-style-type: none"> <li>▪ Suitability of the site for the development</li> </ul>	The suitability of the site for the proposed development has been demonstrated in the EIS	Section 2.5
	<ul style="list-style-type: none"> <li>▪ Any submissions made</li> </ul>	Stakeholder and Community Engagement has been conducted and summarised in the EIS. Submission following the exhibition of the application will also be considered.	Section 5
	<ul style="list-style-type: none"> <li>▪ The public interest</li> </ul>	The public interest of the proposed development is demonstrated in the EIS.	Section 7
Considerations under other legislation			
Section 7.14 of the <i>Biodiversity Conservation Act 2016</i> (BC Act)	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). 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.	A BDAR Waiver has been accepted by the DPHI.	Appendix W

Statutory Reference	Mandatory Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> <li>▪ Upon application being made, DPHI (or delegate) may determine that the proposed development is not likely to have any significant impact on biodiversity values. In which case, a BDAR waiver is able to be obtained.</li> </ul>		
<p>Part 12 of the <i>Airports Act 1996</i> and the <i>Airports (Protection of Airspace) Regulations 1996</i></p>	<p>Part 12 of the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996 establish a framework for the protection of airspace at and around airports. The Airports Act defines any activity resulting in an intrusion into an airport's prescribed airspace to be a "controlled activity" that cannot be carried out without approval from aviation stakeholders. Controlled activities include the following:</p> <ul style="list-style-type: none"> <li>▪ permanent structures, such as buildings, intruding into the prescribed airspace;</li> <li>▪ temporary structures such as cranes intruding into the prescribed airspace; or</li> <li>▪ any activities causing intrusions into the prescribed airspace through glare from artificial light or reflected sunlight, air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter.</li> </ul> <p>The Regulations differentiate between short-term (not expected to continue longer than 3 months) and long-term controlled activities. The Airports Regulations allow for the airport operator to approve short-term penetrations of the OLS under delegation from the Department of Infrastructure, Transport, Regional Development and Communications and the Arts (Department) following consultation with the Civil Aviation Safety Authority (CASA) and Airservices Australia.</p> <p>With respect to long-term penetrations, the airport operator is required to invite the following stakeholders to assess or comment on an application if there is an intrusion into prescribed airspace:</p> <ul style="list-style-type: none"> <li>▪ CASA for an assessment of the impact on aviation safety;</li> <li>▪ Airservices Australia for assessments of proposals resulting in a penetration of surfaces including Navigation Aids Surfaces, PANS-OPS;</li> <li>▪ the local council authority responsible for building approvals; and</li> </ul>	<p>The aviation approval process includes separate assessments of the permanent building structure and temporary construction crane with consultation with the relevant stakeholders throughout.</p>	<p>Aviation Impact Assessment - Appendix E.</p>

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	<ul style="list-style-type: none"> <li>▪ the Department of Defence in the case of joint-user airports.</li> </ul> <p>The final approving authority for all short-term penetrations of Navigation Aids Surfaces and the PANS-OPS and long-term penetrations of the OLS is the Department as specified in the Airports Act 1996 and the Airports Regulations. In making its determination, the Department is required to assess the respective assessments of the airport operator, Airservices Australia and CASA. The Department cannot approve short-term penetrations of the PANS-OPS or RTCC without the support of the airport operator (in this instance, Sydney Airport) and also cannot approve long-term penetrations of the OLS in the event CASA’s assessment is not supportive of the application.</p>		
<p><i>National Airports Safeguarding Framework (NASF)</i></p>	<p>The National Airports Safeguarding Framework is a national land use planning framework that aims to:</p> <ul style="list-style-type: none"> <li>▪ improve community amenity by minimising aircraft noise-sensitive developments near airports; and</li> <li>▪ improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions through guidelines being adopted by jurisdictions on various safety-related issues.</li> </ul> <p>The National Airports Safeguarding Advisory Group (NASAG), comprising of Commonwealth, State and Territory Government planning and transport officials, the Australian Government Department of Defence, the Civil Aviation Safety Authority (CASA), Airservices Australia and the Australian Local Government Association (ALGA), has developed the National Airports Safeguarding Framework (the Framework).</p> <p>It consists of a set of guiding principles with nine guidelines relating to aircraft noise, windshear and turbulence, wildlife strikes, wind turbines, lighting distractions, protected airspace, communication equipment, helicopter landing sites and public safety areas at the end of runways.</p>	<p>These guidelines have been taken into consideration in the aviation impact assessments undertaken for the proposed development.</p>	<p>Aviation Assessment – Appendix E.</p>
<p>Considerations under Environmental Planning Instruments</p>			
<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p>	<p>Section 2.122: Traffic generating development</p> <p>The consent authority must take into consideration:</p>	<p>The proposal is defined as a traffic generating development under Schedule 3 of the SEPP.</p>	<p>Traffic Impact Assessment – Appendix G</p>

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	<ul style="list-style-type: none"> <li>▪ any submission from TfNSW</li> <li>▪ the accessibility of the site concerned, including:               <ul style="list-style-type: none"> <li>- the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</li> <li>- the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</li> </ul> </li> <li>▪ any potential traffic safety, road congestion or parking implications of the development.</li> </ul>	<p>The Guide to Traffic Generating Developments is a relevant consideration and is addressed in the Transport Impact Assessment with further discussion regarding traffic impacts in Section 6 of the EIS.</p> <p>The application will also be referred to TfNSW and address any submission received in regard to traffic safety, road congestion or parking implications of the development.</p>	Section 6.4
	<p>Chapter 5 Three ports – Port Botany, Port Kembla and Port of Newcastle</p> <p>The aims of the chapter relevant to the proposed development are as follows:</p> <ul style="list-style-type: none"> <li>▪ To provide a consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and the Port of Newcastle.</li> <li>▪ To provide for development at Port Botany that does not, by its nature or scale, constitute an actual or potential obstruction or hazard to aircraft.</li> <li>▪ To identify certain development as State significant development or State significant infrastructure.</li> </ul>	<p>The proposed development is identified in the Land Application Map 001 Map Port Botany to which Chapter 5 applies. The project site is not on unzoned land or located within the Lease Area.</p> <p>The EIS has taken into consideration the aims of the chapter and the IN1 Zone Objectives and Land Use:</p> <ul style="list-style-type: none"> <li>▪ To provide a wide range of industrial and warehouse land uses.</li> <li>▪ To encourage employment opportunities.</li> <li>▪ To minimise any adverse effect of industry on other land uses.</li> <li>▪ To facilitate and encourage port related industries that will contribute to the growth and diversification of trade through the port.</li> <li>▪ To enable development for the purposes of business premises or office premises associated with, and ancillary to, port facilities or industries.</li> <li>▪ To encourage ecologically sustainable development.</li> </ul>	<p>Aviation Impact Assessment – Appendix E</p> <p>Section 6 of the EIS</p> <p>ESD Report – Appendix T</p>

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		<p>An Aviation Impact Assessment has been undertaken and has found the proposed development does not constitute an actual or potential obstruction of hazard to aircraft.</p> <p>The proposed development will maintain industrial land use in the area and provide 11 FTE jobs and 12 FTE jobs during construction.</p> <p>The environmental impacts of the proposed development have been assessed in Section 6 and mitigation measures described.</p> <p>The proposed waste management facility will continue to facilitate growth and diversification in the Port Botany area.</p> <p>The project has been developed with ecologically sustainable principles in mind. A sustainability report has been undertaken.</p>	
	<p>5.19 – Business premises and office premises in Zone IN1</p> <p>Development consent must not be granted for development for the purposes of business premises or office premises on land within Zone IN1 General Industrial unless the consent authority is satisfied that the development is associated with and ancillary to, port facilities or industrial uses of land.</p>	<p>The proposed office onsite will be ancillary to the industrial use of the land as a waste management facility.</p>	<p>This Table</p>
	<p>5.20 – Earthworks</p> <p>(1) The objective of this section is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>(2) Development consent is required for earthworks unless—</p> <p style="padding-left: 40px;">(a) the earthworks are exempt development under this Chapter or another applicable environmental planning instrument, or</p>	<p>A detailed site investigation and remedial action plan have been undertaken for the proposed development including details regarding soil composition, contamination and hydrology.</p> <p>An integrated water management report has also been undertaken and has found the site is unlikely to result in water pollution.</p>	<p>Detailed Site Investigation – Appendix L</p> <p>Remedial Action Plan – Appendix M</p> <p>Integrated Water Management Report – Appendix J</p>

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	<p>(b) the earthworks are ancillary to development that is permitted without consent under this Chapter or to development for which development consent has been given.</p> <p>(3) Before granting consent to a development application for development for the purposes of earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the classification of the soil to be excavated,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</p> <p>(i) the potential impact on groundwater and groundwater dependent ecosystems,</p> <p>(j) whether the development is likely to result in water pollution or land pollution,</p> <p>(k) whether the development can be carried out in a way that will minimise wind-blown or traffic-generated dust emissions.</p> <p>(4) The consent authority must not grant consent to a development application under this section unless the consent authority is satisfied that fill brought to the site—</p> <p>(a) contains only virgin excavated natural material, or</p>	<p>An air quality impact assessment has been undertaken to assess the impacts of wind blown/ traffic generated dust emissions from the site and has found that the site will have minimal impact on the surrounding environment.</p> <p>An ACHAR has been conducted to assess the likelihood of disturbing aboriginal relics. Other heritage items are not expected on the site due to the distance from any listed heritage items.</p> <p>Appropriate mitigation measures and assessment of environmental impacts has been summarised in Section 6.</p> <p>A construction environmental management plan will be undertaken prior to any excavation taking place to minimise environmental impacts during demolition, excavation and construction.</p>	<p>Air Quality Impact Assessment – Appendix F</p> <p>Aboriginal Cultural Heritage Assessment Report – Appendix P</p> <p>Section 6 of the EIS</p>

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	<p>(b) is the subject of an excavated natural material exemption in force under the Protection of the Environment Operations (Waste) Regulation 2014, Part 9.</p> <p>(5) In this section— land pollution and water pollution have the same meaning as in the Protection of the Environment Operations Act 1997.</p>		
	<p>5.27 State significant development</p> <p>(1) Development is declared to be State significant development for the purposes of the Act if—</p> <p>(a) it is carried out on land within the Lease Area or on unzoned land under this Chapter, and</p> <p>(b) it is, by operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</p> <p>(c) it has a capital investment value of more than \$100 million or it is designated development (other than development specified in clause 28(c) or 30 (shipping facilities) of Schedule 3 to the Environmental Planning and Assessment Regulation 2000).</p> <p>(2) State Environmental Planning Policy (State and Regional Development) 2011 applies to development declared by this Chapter to be State significant development as if the declaration was made under State Environmental Planning Policy (State and Regional Development) 2011.</p> <p>(3) Despite subclause (2), clause 8(1) of State Environmental Planning Policy (State and Regional Development) 2011 does not apply to development carried out on land within the Lease Area or on land that is unzoned land under this Chapter.</p> <p>(4) Clause 12 of State Environmental Planning Policy (State and Regional Development) 2011 applies to development declared by this section to be State significant development in the same way it applies to development specified in Schedule 1 or 2 to State Environmental Planning Policy (State and Regional Development) 2011.</p>	<p>The Project is classified as SSD under Part 4, Division 4.7 of the EP&amp;A Act, in accordance with the categories and thresholds listed under clause 23(2) of Schedule 1 of the Planning Systems SEPP. The project site is not on unzoned land or located within the Lease Area.</p>	<p>Section 4</p>

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	<p>5.29 Preservation of trees or vegetation</p> <p>(1) The objective of this section is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.</p> <p>(2) This section applies to species or kinds of trees or other vegetation on land to which this Chapter applies (other than the Lease Area) that are prescribed for the purposes of this section by a development control plan made by the Council of the area in which they are situated or by the Planning Secretary.</p> <p>Note—</p> <p>A development control plan may prescribe the trees or other vegetation to which this section applies by reference to species, size, location or other manner.</p> <p>(3) A person must not cut down, top, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by—</p> <p style="padding-left: 40px;">(a) development consent, or</p> <p style="padding-left: 40px;">(b) a permit or an approval granted by the Council of the area in which the tree or vegetation is situated.</p> <p>(4) The refusal by the Council to grant a permit or an approval to a person who has duly applied for the grant of the permit or approval is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.</p> <p>(5) This section does not apply to a tree or other vegetation that the Council of the area in which the tree or vegetation is situated is satisfied is dying or dead and is not required as the habitat of native fauna.</p> <p>(6) This section does not apply to a tree or other vegetation that the Council of the area in which the tree or vegetation is situated is satisfied is a risk to human life or property.</p> <p>(7) A permit or approval must not allow cutting down, topping, pruning, removal, injuring or destruction of a tree or other vegetation—</p>	<p>The proposal aims to retain the existing vegetation as much as possible, although some tree removal may be necessary to install the new crossovers. No native vegetation communities will be affected by the proposed changes. Consent will be sought to remove the <i>Casuarina cunninghamiana</i> (Swamp She Oak) to accommodate the crossovers.</p> <p>Although Bayside Council have required additional trees to be planted to offset the removal of the above listed trees, CASA has recommended that landscaping should avoid the use of trees and shrubs attractive to birds and bats to avoid wildlife strikes within the vicinity of Sydney Airport. Therefore landscaping will not include replacement of trees to reduce the risk to aircraft.</p>	<p>Aviation Impact Assessment – Appendix E</p> <p>BDAR Waiver Acceptance – Appendix W</p>

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	<p>(a) that is or forms part of a heritage item, or</p> <p>(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,</p> <p>unless the Council is satisfied that the proposed activity—</p> <p>(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object or Aboriginal place of heritage significance, and</p> <p>(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object or Aboriginal place of heritage significance.</p> <p>Note—</p> <p>As a consequence of this subsection, the activities concerned will require development consent. The heritage provisions of section 5.31 will be applicable to any such consent.</p> <p>(8) This section does not apply to or in respect of—</p> <p>(a) the clearing of native vegetation—</p> <p>(i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or</p> <p>(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or</p> <p>(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or</p> <p>(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or</p> <p>(d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or</p>		

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	<p>(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993, or</p> <p>(f) plants declared to be marine vegetation under the Fisheries Management Act 1994.</p> <p>Note—</p> <p>Permissibility may be a matter that is determined by or under any of these Acts.</p>		
<p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></p>	<p>Chapter 2 – Coastal Management</p> <p>Chapter 2 promotes an integrated and coordinated approach to land use planning within the “coastal zone”. It maps the four coastal management areas that comprise the “coastal zone” as defined in the Coastal Management Act 2016 (CM Act) and specifies assessment criteria to be applied by consent authorities when assessing development proposals within these areas. The western portion of the Project Site is mapped as being within the “coastal use area”.</p> <p>2.11 Development on land within the coastal use area</p> <p>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority –</p> <ul style="list-style-type: none"> <li>(a) has considered whether the proposed development is likely to cause an adverse impact on the following – <ul style="list-style-type: none"> <li>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</li> <li>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</li> <li>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</li> <li>(iv) Aboriginal cultural heritage, practices and places,</li> <li>(v) cultural and built environment heritage, and</li> </ul> </li> <li>(b) is satisfied that –</li> </ul>	<p>The western portion of the Project Site is mapped as being within the “coastal use area” which is one of the four coastal management areas that comprise the “coastal zone”.</p> <p>The proposed development will not have an adverse impact on existing and safe access to the foreshore and beach, as the site is not in the vicinity of the foreshore and will not impact public access.</p> <p>Where the site is located the foreshore is not visible to the public therefore the proposed infrastructure will not affect the view of the foreshore or create overshadowing and wind funnelling.</p> <p>A desktop visual assessment has been conducted in section 6.14. The site will improve on the visual amenity of the surrounding area by redeveloping the existing deteriorating site and replacing it with new, congruent infrastructure.</p> <p>The bulk scale and size of the proposed development is in line with industrial infrastructure in the area and will have minimal impacts on the surrounding coastal environment.</p> <p>Environmental impacts of the proposed development have been assessed in Section 6.</p>	<p>Section 6</p>

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	<p>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>(ii) if that impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimise that impact, or</p> <p>(iii) if that impact cannot be minimised – the development will be managed to mitigate that impact, and</p> <p>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>		
	<p>Chapter 3 – Hazardous and Offensive Development</p> <p>Section 3.7 of the SEPP requires the consent authority, in making a determination on a potentially hazardous or potentially offensive development, to consider:</p> <ul style="list-style-type: none"> <li>▪ current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development;</li> <li>▪ whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply;</li> <li>▪ in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant; and</li> <li>▪ any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and any likely future use of the land surrounding the development.</li> </ul> <p>The proposed development is unlikely to trigger any provisions in relation to hazardous or offensive development, based on preliminary information, a PHA is unlikely to be required. See section 6.9</p>	<p>An assessment against <i>Applying SEPP 33</i> found that the facility is not potentially hazardous (Section 6.6). Further, the facility will not pose a significant risk or have a significant adverse impact on human health, life, property or the biophysical environment. The proposed facility will not be a potentially hazardous or offensive industry and, therefore, a PHA is not required.</p>	<p>Section 6.9</p>

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<p><i>State Environmental Planning Policy (Industry and Employment) 2021</i></p>	<p>Chapter 3 Advertising and signage – 3.1 Preliminary</p> <p>1) This Chapter aims –</p> <p>a) to ensure that signage (including advertising) –</p> <p>i) is compatible with the desired amenity and visual character of an area, and</p> <p>ii) provides effective communication in suitable locations, and</p> <p>iii) is of high quality design and finish and</p> <p>b) to regulate signage (but not content) under Part 4 of the Act, and</p> <p>c) to provide time-limited consents for the display of certain advertisements, and</p> <p>d) to regulate the display of advertisements in transport corridors, and</p> <p>e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</p> <p>2) This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.</p>	<p>1ai) The project is located in the Botany industrial area and will include signage of a similar scale, quality and design to existing industrial facilities in the area.</p> <p>ii) The signage has been designed to provide clear and visible communication to users of the facility. Signage will be provided on the façade of the building facing Hale Street and at the entrances to the site to provide site identification and direction.</p> <p>(iii) Signage will be produced to a high quality design and finish.</p> <p>b) Noted.</p> <p>c) Not applicable.</p> <p>d) The signage is not located in a transport corridor.</p> <p>e) The signage is not located in a transport corridor.</p> <p>2) Noted.</p>	<p>Section 3.3.7</p> <p>This table</p>
	<p>3.4 Signage to which this Chapter applies</p> <p>(1) This Policy applies to all signage that:</p> <p>(a) can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and</p> <p>(b) is visible from any public place or public reserve, except as provided by this Policy.</p> <p>(2) This Policy does not apply to signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it, or that is exempt development under this Policy.</p>	<p>1a) Development consent is sought for the Project, including signage.</p> <p>b) The signage would be visible from a public road – Hale Street, Botany and the off ramp from General Holmes Drive (M1) to Foreshore Road.</p> <p>2) The business identification signage is not exempt development as it does not meet the development standards for exempt development or is not a category of signage that is exempt development under the provisions of SEPP (Exempt and Complying Development Codes) 2008, Division 2 Advertising and Signage Exempt Development Code.</p> <p>Therefore, this chapter applies to the proposed signage.</p>	<p>This table</p>

Statutory Reference	Mandatory Considerations	Relevance	Section in EIS
	<p>Part 3.2 Signage Generally – 3.6 Granting of consent to signage</p> <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 signage has been designed to address the relevant objectives and criteria in the SEPP.</p> <p>a) See above</p> <p>b) See below</p>	<p>This table</p>
	<p>Schedule 5 Assessment Criteria</p> <p>1 Character of the area</p> <ul style="list-style-type: none"> <li>• Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</li> <li>• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</li> </ul>	<ul style="list-style-type: none"> <li>• The project is located in the Botany industrial area and will include signage of a similar scale, quality and design to existing industrial facilities in the area. It is assumed that the area will continue as an industrial area into the future. The signage is compatible with the existing and desired future character of the area.</li> <li>• There is no evident theme for outdoor advertising in the area or locality however the signage is of a similar scale, quality and design to existing industrial facilities in the area and is consistent with the signage requirements of the industry and Employment SEPP.</li> </ul>	<p>This table</p>
	<p>2 Special areas</p> <ul style="list-style-type: none"> <li>• 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?</li> </ul>	<p>The site is located within the Botany industrial area on Hale Street, a local road that services the industrial area. The surrounding land uses are industrial, including Wanless Waste Management and Botany Scrap Metal Recycling to the east and numerous industrial developments to the south such as Australian Metal Co Pty Ltd, 2k20 Automotive and ULD Transport.</p> <p>Sir Joseph Banks Park is a public recreation park located immediately west of the site, signage would not be visible from this location.</p>	<p>This table Section 6.14</p>

Statutory Reference	Mandatory Considerations	Relevance	Section in EIS
		<p>Mill Stream is located to the north and west of the site, however signage would not be visible from this waterway.</p> <p>Heritage items SWSOOS 1 &amp; 2 (sewers) are located adjacent to the site however these items are not accessible by the public.</p> <p>The signage would not detract from any amenity or visual quality associated with the local park, waterways or heritage sewers. The signage is contained within the site and visible by the public from Hale Street and the M1 off ramp only.</p>	
	<p>3 Views and vistas</p> <ul style="list-style-type: none"> <li>• Does the proposal obscure or compromise important views?</li> <li>• Does the proposal dominate the skyline and reduce the quality of vistas?</li> <li>• Does the proposal respect the viewing rights of other advertisers?</li> </ul>	<ul style="list-style-type: none"> <li>• There are no important views in the vicinity of the project.</li> <li>• The signage will not extend beyond the roof line of the building and will not dominate the skyline or reduce the quality of vistas.</li> <li>• The signage is located wholly in the project site and does not impact on any other advertisers.</li> </ul>	This table
	<p>4 Streetscape, setting or landscape</p> <ul style="list-style-type: none"> <li>• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</li> <li>• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</li> <li>• Does the proposal reduce clutter by rationalising and simplifying existing advertising?</li> <li>• Does the proposal screen unsightliness?</li> <li>• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</li> <li>• Does the proposal require ongoing vegetation management?</li> </ul>	<ul style="list-style-type: none"> <li>• The scale, proportion and form of the signage is shown in Appendix B. The business identification signage on the building façade occupies a small proportion of the total façade area (less than 5%) and is proportionate to the scale of the building and its orientation to the Hale St streetscape and M1 off ramp. The directional pylon signage is scaled and designed to provide clear direction to users of the site. The height of the building is relative to the surrounding environment and has been developed in accordance with aviation experts to ensure it addresses the safety and operational requirements of Sydney Airport. The bulk of the warehouse has been located to the west of the site further away from closest residents located to the east.</li> </ul>	This table Section 6.14

Statutory Reference	Mandatory Considerations	Relevance	Section in EIS
		<ul style="list-style-type: none"> <li>• The proposed development has been designed in a way to integrate into its surroundings, acknowledging the blend of industrial, commercial and residential zones. The signage does not contribute to the visual interest of the streetscape. The signage is functional in nature, identifying the owner of the facility and providing directional signage to users of the facility.</li> <li>• The proposal will only include signage for the operator, a single entity which provides rational, and simple signage.</li> <li>• The proposal does not screen unsightliness. However the proposed waste transfer station building provides a more cohesive look to the site than the existing variety of warehouse buildings in varying states.</li> <li>• A visual impact assessment has been undertaken as Section 6.14 of the EIS. The height of the building is relative to the surrounding environment and has been developed in accordance with aviation experts to ensure it addresses the safety and operational requirements of Sydney Airport . The proposed development has been designed in a way to integrate into its surroundings, acknowledging the blend of industrial, commercial and residential zones. The design emphasises proportionality, coherence and a disciplined application of materials and finishes to ensure the facility is well-integrated into its setting, inclusive of recessive colours and features.</li> <li>• The proposal requires minimal ongoing vegetation management.</li> </ul>	

Statutory Reference	Mandatory Considerations	Relevance	Section in EIS
	<p>5 Site and building</p> <ul style="list-style-type: none"> <li>• 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?</li> <li>• Does the proposal respect important features of the site or building, or both?</li> <li>• Does the proposal show innovation and imagination in its relationship to the site or building, or both?</li> </ul>	<ul style="list-style-type: none"> <li>• The scale, proportion and form of the signage is shown in Appendix B. The business identification signage on the building façade occupies a small proportion of the total façade area (less than 5%) and is proportionate to the scale of the building and its orientation to the Hale St streetscape and M1 off ramp. The directional pylon signage is scaled and designed to provide clear direction to users of the site.</li> <li>• The proposal is integrated with the building and site. The building façade signage does not impact on any functional aspects of the building. The directional signage is an important part of the safe functioning of the site, directing users to the appropriate area of the site.</li> <li>• The signage is functional in nature, identifying the business and providing directional signage to the users of the site.</li> </ul>	<p>This table Section 6.14</p>
	<p>6 Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> <li>• 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?</li> </ul>	<ul style="list-style-type: none"> <li>• The signage or structure does not incorporate safety devices or platforms. Access for maintenance and cleaning will be provided through mobile equipment.</li> <li>• Lighting: see below.</li> </ul>	<p>This table</p>
	<p>7 Illumination</p> <ul style="list-style-type: none"> <li>• Would illumination result in unacceptable glare?</li> <li>• Would illumination affect safety for pedestrians, vehicles or aircraft?</li> <li>• Would illumination detract from the amenity of any residence or other form of accommodation?</li> <li>• Can the intensity of the illumination be adjusted, if necessary?</li> <li>• Is the illumination subject to a curfew?</li> </ul>	<ul style="list-style-type: none"> <li>• The wall mounted business identification signs would be backlit and not result in unacceptable glare. Light boxes for the pylon signs will be provided but will be designed and scaled to avoid any impact beyond the site.</li> </ul>	<p>This table</p>

Statutory Reference	Mandatory Considerations	Relevance	Section in EIS
		<ul style="list-style-type: none"> <li>• Illumination will not have any impact on pedestrians, vehicles or aircrafts as the lighting will be designed to minimise light spill beyond the immediate location of the signage. Lighting is provided that improves the safety and amenity of the proposed facilities and the public domain in accordance with AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting.</li> <li>• Lighting is located and designed in such a way that it does not have a detrimental off-site impact to surrounding developments – particularly nearby residential dwellings. The nearest residential areas are approximately 390m away from the site and will not be affected by illumination. Illumination would not detract from the amenity of the resident located 60 m away.</li> <li>• The illumination can be adjusted if necessary.</li> <li>• The illumination is not subject to a curfew.</li> </ul>	
	<p>8 Safety</p> <ul style="list-style-type: none"> <li>• Would the proposal reduce the safety for any public road?</li> <li>• Would the proposal reduce the safety for pedestrians or bicyclists?</li> <li>• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</li> </ul>	<ul style="list-style-type: none"> <li>• The scale and nature of the signage would not present any safety issues to Hale Street or other public road. The signage is aimed at identifying the owner of the facility and providing direction to users of the site upon entry.</li> <li>• Hale Street is a local road that services an industrial area dominated by vehicle traffic, with limited pedestrian and bicycle movements. On the side of Hale Street that site is located there is no footpath. Nonetheless, the scale and nature of the proposal would not impact on the safety of pedestrian and bicycle movements as it is located away from the road, within the site and aimed at users of the site.</li> <li>• The proposal will not obscure sightlines from public areas that could reduce safety for pedestrians.</li> </ul>	This table

Statutory Reference	Mandatory Considerations	Relevance	Section in EIS
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	<p>The likely impact of the proposed development on biodiversity values is typically addressed by a Biodiversity Development Assessment Report (BDAR). The Minister for Planning, when determining a SSD application, is to take into consideration the likely impact of the proposed development on biodiversity values as assessed in the BDAR.</p> <p>However, upon application, DPHI (or delegate) may determine that the proposed development is not likely to have any significant impact on biodiversity values. In which case, a BDAR waiver is able to be obtained. A BDAR waiver application will be applied for.</p> <p>The provisions may be relevant for this project include:</p> <ul style="list-style-type: none"> <li>▪ Chapter 2 Vegetation in non-rural areas</li> </ul>	<p>A BDAR Waiver has been accepted by the DPHI.</p> <p>The proposal aims to retain the existing vegetation as much as possible, although some tree removal may be necessary to install the new crossovers. No native vegetation communities will be affected by the proposed changes. Consent will be sought to remove the <i>Casuarina cunninghamiana</i> (Swamp She Oak) to accommodate the crossovers.</p>	BDAR Waiver Acceptance – Appendix W
<i>State Environmental Planning Policy (Sustainable Buildings SEPP) 2022</i>	<p>The Sustainable Buildings SEPP aims to simplify and coordinate the way buildings are planned and sustainably planned for in NSW. The Sustainable Buildings SEPP has commenced in October 2023 and the relevant Chapters are listed below:</p> <ul style="list-style-type: none"> <li>▪ Chapter 3 Standards for non-residential development</li> </ul>	<p>Chapter 3 and the relevant schedules do not apply to the project as the development is permitted with consent under the SEPP (Transport and Infrastructure) 2021 Chapter 5.</p> <p>Although the Sustainable Buildings SEPP 2022 does not apply to the project, the ESD report has been undertaken with the Sustainable Buildings SEPP requirements in mind to provide a more sustainable approach in preparation for Net Zero.</p>	ESD Report – Appendix T
<i>Bayside LEP 2021</i>	<p>Although the Project Site is located within the Bayside LGA, it forms part of the Port of Botany which is recognised as a State significant precinct due to its importance to the NSW economy. The site is zoned IN1 General Industrial under the Transport and Infrastructure SEPP. Chapter 5 of the SEPP sets out the land use planning and assessment framework that applies to the Port. Consequently, the Bayside LEP 2021 does not apply to the Project Site.</p>	N/A	N/A
Development Control Plans			
Bayside DCP 2022	<p>Section 2.10 of the Planning Systems SEPP states that DCPs do not apply to SSD. As such, it is not a mandatory requirement for the Project to be assessed against the Bayside DCP 2022.</p>	N/A	N/A

