

## 1.0 Statutory Compliance Table

Statutory Requirement	Relevance and Assessment	Location
<b>NSW Acts of Parliament</b>		
<i>Environmental Planning and Assessment Act 1979</i>		
<i>Section 1.3 – Objects of the Act</i>		
<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>The proposed development will increase the social welfare of the community through the introduction of communal open space, residential housing and the generation of jobs whilst managing social impacts.</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>The proposed development will facilitate the ecological sustainable development of the site through the reintroduction of endemic species and a range of sustainability targets.</p> <p>An ESD Report has been provided at <b>Appendix Y</b>. A Social Impact Assessment has been undertaken and is provided at <b>Appendix FF</b>. Consultation with the community and stakeholders has been undertaken, A Consultation Outcomes Report is provided at <b>Appendix QQ</b>.</p>	<p><b>Appendix Y</b> <b>Appendix FF</b> <b>Appendix QQ</b> <b>Section 5</b> <b>Section 6.20</b></p>
<p>c. <i>to promote the orderly and economic use and development of land,</i></p>	<p>The proposed development constitutes the orderly and economic development of the site by delivering high-quality mixed-use residential development in the Aerotropolis Core, on land recently recognised to provide this type and intensity of development. The development will facilitate communal open space, private open space and retail components to further promote the orderly and economic use of land.</p>	<p><b>Section 7.1</b></p>

d. to promote the delivery and maintenance of affordable housing,	The proposed mixed-use residential development does not specifically facilitate affordable housing.	-
e. to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposed development will restore the environment by reintroducing the endemic species to the site. The proposed development will not adversely impact Thompsons Creek.	<b>Section 7.1</b>
f. to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed mixed-use residential development has been prepared in consideration of State heritage listed Kelvin Park Homestead. A Statement of Heritage Impact ( <b>Appendix O</b> ) has been prepared to support the proposal.  A Historical Archaeological Assessment has been undertaken and is provided at <b>Appendix HH</b> . The proposed development will carefully manage any unexpected finds of Aboriginal relics and non-Aboriginal relics through proper construction management techniques.	<b>Appendix O</b> <b>Appendix HH</b> <b>Section 6.2.2</b> <b>and 6.2.3</b>
g. to promote good design and amenity of the built environment,	The proposed mixed-use residential development has been subject to an extensive design process, including with the State Design Review Panel.	<b>Appendix B</b> <b>Appendix E</b>
h. to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposed development will be constructed in accordance with a detailed Construction Traffic Management Plan which will minimise any environmental impacts. A Construction Management Plan will also be prepared to support construction on the site.	<b>Appendix H</b>
i. to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	Not applicable.	-
j. to provide increased opportunity for community participation in environmental planning and assessment.	The proposed development has provided and will continue to provide the opportunity for the local community and stakeholders to participate in consultation of the development. A Consultation Outcomes Report is provided at <b>Appendix QQ</b> .	<b>Appendix QQ</b> <b>Section 5.0</b>
<b>Section 4.15 – Evaluation</b>		
1. Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application— a. the provisions of— i. any environmental planning instrument, and	This EIS has assessed the development in accordance with the relevant NSW environmental planning instruments. The assessment demonstrates the proposed development is in accordance with the relevant provisions and consistent with the relevant objectives of these instruments.	<b>Section 4.0</b>

<p>ii. any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</p>	<p>The EIS has assessed the proposed development in accordance with the relevant State and Local planning instruments as detailed in this table. The assessment demonstrates the proposed development is in accordance with the objectives of the provisions of the draft policies.</p>	<p><b>Section 4.0</b></p>
<p>iii. any development control plan, and</p>	<p>An assessment against the Western Sydney Aerotropolis Development Control Plan – Phase 2 (WSA DCP) is provided in <b>Appendix F</b>.</p>	<p><b>Appendix F</b></p>
<p>(iii.a.) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</p>	<p>The proponent intends to contribute to State and local infrastructure. A Letter of Offer to provide a monetary contribution for local infrastructure has been provided to Council and the same will be undertaken for State (SIC) infrastructure contributions.</p>	<p>-</p>
<p>iv. the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</p>	<p>The EIS has been prepared in accordance with the relevant provisions of the EP&amp;A Regulation as outlined in the EIS document.</p>	<p>-</p>
<p>b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</p>	<p>The potential impacts of the proposed development have been assessed within the EIS and supporting technical appendices. The assessment has had regard to the environmental impacts on both the natural and built environments and social and economic impacts in the locality. Mitigation measures are also proposed to manage environmental impacts.</p>	<p><b>Section 6.0</b></p>
<p>c. the suitability of the site for the development,</p>	<p>The development is considered suitable for the site in that:</p> <ul style="list-style-type: none"> <li>• The proposed development is generally consistent with Chapter 4 State Environmental Planning Policy (Precincts – Western Parkland City) 2021</li> <li>• The proposed mixed-use residential development will support the delivery of housing in the Aerotropolis Core that is accessible and in close proximity to the Aerotropolis Metro Station.</li> <li>• The proposal is consistent with the zoning and objectives of the land.</li> <li>• The site is not constrained by environmental grounds such as contamination, Aboriginal or European heritage, geotechnical constraints or the like.</li> </ul>	<p><b>Section 3.0</b></p>
<p>d. any submissions made in accordance with this Act or the regulations</p>	<p>Any submissions received will be considered by the applicant following exhibition of the EIS.</p>	<p>-</p>
<p>e. the public interest</p>	<p>The development is identified as being in the public interest for the following reasons:</p> <ul style="list-style-type: none"> <li>• It is consistent with relevant state and local strategic plan objectives and generally complies with the relevant state and local planning controls;</li> </ul>	<p><b>Section 7.6</b></p>

- It will provide a diverse range of high quality residential apartments of varying sizes and configurations.
- The development provides for an embellished public realm, through the provision of generous through-site links and a new various landscaped public open space. The public domain enhancements will foster community and encourage social interaction between residents, workers, visitors, and the public.
- The proposed development is sensitive to the neighbouring heritage item 'Kelvin Park Homestead'. The proposed built form is respectful of the heritage item and has resulted in a sensitive proposal that has been skilfully and appositely designed.
- The proposed development responds to the desired future character of the area as envisioned by the Western Sydney Aerotropolis Plan 2020

## Biodiversity Conservation Act 2016

### Section 7.9 – Biodiversity Assessment for State Significant Development

1. This section applies to—
  - a. an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development,
2. 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.
3. The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.

Narla identified that the site is situated on Biodiversity Certified land. No further impact assessment under the Biodiversity Conservation Act of threatened species, populations or ecological communities is required for the proposed mixed-use residential development. Narla has provided a Bio-certification Letter Report, attached to **Appendix BB**.

**Appendix BB**  
**Section 6.11**

### Section 7.14 – State Significant Development or Infrastructure

1. This section applies to an application for development consent for State significant development under Part 4 of the Environmental Planning and Assessment Act 1979, or an application for approval for State significant infrastructure under Part 5.1 of the Environmental Planning and Assessment Act 1979, that is required under Division 2 to be accompanied by a biodiversity development assessment report.
2. The Minister for Planning, when determining in accordance with the Environmental Planning and Assessment Act 1979 any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The Minister for Planning

As outlined above, no further impact assessment under the Biodiversity Conservation Act of threatened species, populations or ecological communities is required for the proposed mixed-use residential development. Narla is satisfied that the proposed development has been suitably positioned in areas of lower ecological value where feasible.

**Appendix BB**  
**Section 6.11**

may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.

## NSW Environmental Planning Instruments

### State Environmental Planning Policy (Planning Systems) 2021

#### Section 2.6 – Declaration of State Significant Development

##### Schedule 1

##### 29 Development in the Western Sydney Aerotropolis

Development on land shown on the Land Application Map under State Environmental Planning Policy (Precincts—Western Parkland City) 2021, Chapter 4 if the proposed development—

1. has an estimated development cost of more than \$30 million, and
2. does not involve development—
  - a) prohibited under the Chapter, or
  - b) to which that Policy, section 4.13A applies.

As the proposed development is for the purposes of development in the Western Sydney Aerotropolis, and has an estimated development cost of more than \$30 million (refer to Quantity Surveyor Report under separate cover), it is declared State significant development. Further, the development does not include prohibited development or development to which Section 4.13A applies to. Accordingly, it is deemed State Significant Development.

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### State Environmental Planning Policy (Transport and Infrastructure) 2021

#### Section 2.122 – Traffic-generating development

1. This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—
  - a. new premises of the relevant size or capacity, or
  - b. an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

The proposal is identified as traffic-generating development under Schedule 3 because it is classified as residential accommodation as it will result in over 300 dwellings that have access to a road.

Section 2.22 requires the consent authority to provide Transport for NSW (TfNSW) with written notice of the development application for traffic generating development. This application will be referred to TfNSW.

**Appendix G  
Section 6.5**

#### Section 2.48 Determination of development applications – other development

- (1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—
  - (a) 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,
  - (b) development carried out—
2. (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or  
(ii) immediately adjacent to an electricity substation, or

This SSDA will be referred to the relevant utility providers during the assessment as described in **Section 6.7** of the EIS.

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- (iii) within 5m of an exposed overhead electricity power line,
  - © installation of a swimming pool any part of which is—
    - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
    - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
    - (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.
  - (2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—
    - (a) 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
    - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.
  - (3) Subsection (2) does not apply to development specified in subsection (1)(b) if the development involves only one or more of the following—
    - (a) internal alterations to a building,
    - (b) a change of use of an existing building,
  - © a change to the hours of operation specified in the development consent,
  - (d) a subdivision that does not involve construction work.

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### **Section 2.120 Impact of road noise or vibration on non-road development**

- (1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—
  - (a) residential accommodation,
  - (b) a place of public worship,
- © a hospital,
- (d) an educational establishment or centre-based child care facility.
- (2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.
- (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following Laeq levels are not exceeded—

A Noise and Vibration Impact Assessment has been provided by Acoustic Logic at **Appendix P** which confirms that compliance with the above mentioned noise levels can be achieved for each of the dwelling subject to the implementation of detailed design measures. See **Section 6.14** of the EIS for a detailed assessment.

(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,

(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

## State Environmental Planning Policy (Precincts – Western Parkland City) 2021

### Section 4.12 Zone Objectives and Land Use Table

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

#### Zone MUI Mixed Use

##### d. Objectives of zone

- To integrate a mixture of compatible land uses in accessible locations.
- To promote business, office, retail, entertainment and tourist uses.
- To promote a high standard of public amenity and convenient urban living.
- To provide for residential and other accommodation that includes active non-residential uses at street level.
- To ensure an appropriate transition from non-urban land uses and environmental conservation areas in surrounding areas to urban land uses in the zone.

The site is zoned MUI Mixed Use. Development for the purpose of mixed-use residential development is permitted with consent.

The proposed development is consistent with the objectives of the MUI zone as:

- It integrates compatible land use, with its proximity to the Aerotropolis Metro Station.
- The development is inclusive of two retail tenancies.
- The development will facilitate high-quality communal open space at ground level which will be publicly accessible.
- The proposed development supports the overall delivery of the Aerotropolis Core which will transform the surrounding land uses into an urban environment.

A full assessment has been completed in Table 12 of the EIS.

#### Section 4.0

### Section 4.19 Wildlife Hazards

(2) Development consent must not be granted to relevant development on land in the 13 km wildlife buffer zone unless the consent authority—

(a) has consulted the relevant Commonwealth body, and

(b) has considered a written assessment of the wildlife that is likely to be present on the land and the risk of the wildlife to the operation of the Airport provided by the applicant, which includes—

(i) species, size, quantity, flock behaviour and the particular times of day or year when the wildlife is likely to be present, and

(ii) whether any of the wildlife is a threatened species, and

(iii) a description of how the assessment was carried out, and

© is satisfied that the development will mitigate the risk of wildlife to the operation of the Airport, including, for example, measures relating to—

(i) waste management, landscaping, grass, fencing, stormwater or water areas, or

(ii) the dispersal of wildlife from the land by the removal of food or the use of spikes, wire or nets.

Narla has provided a Bio-certification Letter Report, attached to **Appendix BB**. Narla identified that the site is situated on Biodiversity Certified land. No further impact assessment under the Biodiversity Conservation Act of threatened species, populations or ecological communities is required for the proposed mixed-use residential development. Narla is satisfied that the proposed development has been suitably positioned in areas of lower ecological value where feasible.

#### Appendix BB

#### Section 4.21 Lighting

(2) Development consent must not be granted to development for the following purposes on land shown as the “6km Lighting Intensity Radius”, a “Light Control Zone” or a “Runway Boundary” on the Lighting Intensity and Wind Shear Map unless the consent authority has consulted the relevant Commonwealth body—

(a) installation and operation of external lighting (whether coloured or white lighting) in connection with development for the following purposes—

(i) classified roads,

(ii) freight transport facilities,

(iii) heavy industrial storage establishments,

(iv) recreation facilities (major),

(v) recreation facilities (outdoor),

(b) installation and operation of external lighting in connection with construction works that is likely to be obtrusive or create light spill outside the land on which the construction works are carried out.

The site is located within the 6km Lighting Intensity Radius. The proposal does not include any of the listed purposes and therefore is compliant with the clause.

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#### Section 4.22 Airspace Operations

(2) This section applies to development on land shown on the Obstacle Limitation Surface Map that is a controlled activity within the meaning of Part 12, Division 4 of the Airports Act 1996 of the Commonwealth.

This clause refers to development located within the Obstacle Limitation Service Map. The development site is located between 120 RL-130 RL on the Obstacle Limitation Service Map. The proposed development's highest point is 111.5 (39.90m) and is below 120RL.

**Section 4.3**

This SSDA will be referred to the Commonwealth Government for assessment.

#### Section 4.24 Flood Planning

(2) This section applies to—

(b) other land that is at or below the flood planning level.

AT&L has prepared a Flood Impact and Risk Assessment Report (FIRA) which is provided in **Appendix CC**.

**Appendix CC**  
**Section 6.15**

#### Section 4.25 Preservation of trees and vegetation in Environment and Recreation Zone and Cumberland Plain

(2) This section applies to land—

(a) in the Environment and Recreation Zone, or

(b) shown as “existing native vegetation” on the High Biodiversity Value Areas Map.

The site is not located in the Environment Recreation Zone and is not shown as “existing native vegetation” on the High Biodiversity Value Areas Map.

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#### Section 4.25A Clearing of native vegetation

(1) This section applies to land shown as “existing native vegetation” on the High Biodiversity Value Areas Map.	As above, the site is not located on the High Biodiversity Value Areas Map.	-
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**Section 4.26 Heritage Conservation**

(4) <i>Effect of proposed development on heritage significance</i> The consent authority must, before granting consent under this section in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	The site is not identified as a heritage item under Schedule 2 (Environmental Heritage) of the Parkland City SEPP. The site is not located in a heritage conservation area. The land to the immediate east of the site at 30 The Retreat, Bringelly (Lots 2711–2714 in DP 1128906) contains a state heritage item (item no. 13) identified as the Kelvin Park Homestead.  Aboriginal and European heritage impacts are discussed throughout the EIS and in their respective appendices.	<b>Appendix O</b> <b>Appendix AA</b> <b>Appendix HH</b> <b>Section 6.4</b>
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**Section 4.27 Transport corridors**

(1) <i>Development consent must not be granted to the following development unless the consent authority has obtained the concurrence of Transport for NSW—</i> (a) <i>development on transport corridor land with an estimated development cost of more than \$200,000,</i> (b) <i>development that involves the penetration of ground to a depth of at least 2 metres below ground level (existing) on land within 25 metres (measured horizontally) of transport corridor land.</i>	The proposed development does involve the penetration of ground to a depth exceeding 2 metres below the existing ground level. Although, the site is not located within 25m of transport corridor land.  Concurrence is required with transport for NSW as the development has an estimated development cost of more than \$200,000.	-
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**Section 4.28 Warragamba Pipelines**

<i>Development consent must not be granted to development on land shown as “Warragamba Pipeline” on the Warragamba Pipelines Map unless the consent authority—</i> (a) <i>has obtained the concurrence of Water NSW, and</i> (b) <i>is satisfied that the development will not adversely affect—</i> (i) <i>the quantity or quality of water in the Warragamba Pipelines controlled area (declared under the Water NSW Act 2014), or</i> (ii) <i>the operation and security of water supply pipelines from Warragamba Dam to Prospect Reservoir and associated infrastructure.</i>	The site is not located on the Warragamba Pipeline.	
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**4.28A Sydney Science Park**

(1) <i>This section applies to land identified as “Sydney Science Park” on the Sydney Science Park Map.</i>	The site is not located within land identified as “Sydney Science Park” on the Sydney Science Park Map.	
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**Section 4.28B Aboriginal cultural guidelines**

Development consent must not be granted to development on land to which this Policy applies unless the consent authority has considered Recognise Country: Draft Guidelines for development in the Aerotropolis published in October 2021 on the Department's website.

The proposed development has considered the Recognise Country: Draft Guidelines for development in the Aerotropolis through its design and engagement approach. Refer to the Design Excellence Report at **Appendix E** and the EIS (**Section 3.3**).

**Appendix E**  
**Section 3.3**

## Part 4.5 Design Excellence

### 4.29 Objectives

The objectives of this Part are—

- (a) to ensure development in the Western Sydney Aerotropolis is consistent with the policy entitled Better Placed, published by the Government Architect NSW in May 2017, and
- (b) to deliver the highest standard of architectural, urban and landscape design.

The proposed development is consistent with the *Better Placed* policy, see **Appendix E**.

**Appendix E**

The proposed development will deliver the highest standard of architectural, urban and landscape design. The proposed development has been reviewed by the SDRP twice and exhibits design excellence, refer Design Report at **Appendix E**.

### 4.30 Application of this Part

- (1) This Part does not apply to complying development
- (2) This Part does not apply to development on land to which a master plan applies if the consent authority is satisfied that the master plan adequately provides for assessment of the design quality of the development.

The proposal is State significant development. The proposed development is not complying development. The proposed development is not on land to which a master plan applies.

### 4.31 Design review panel

- (1) This section applies to the following development—
  - (a) State significant development,
  - (b) development with a capital investment value of more than \$30 million,
  - © development with a site area of at least 10,000m<sup>2</sup>,
  - (d) development in relation to a building that has, or will have, 3 or more storeys above ground level (existing)

The section applies to the development. The development is a State significant development. The proposed development exceeds a CIV of \$30 million, the development has a CIV of \$206,692, 916 (excluding GST). The proposed site area exceeds 10,000m<sup>2</sup>, the site area is 20,907m<sup>2</sup>. The proposed development will be more than three storeys, all buildings on the site will exceed three storeys above ground level.

**Appendix E**

The proposed development has been reviewed by the SDRP twice and exhibits design excellence, refer Design Excellence Report at **Appendix E**.

- (2) Development consent must not be granted to the development unless—
  - (a) a design review panel reviews the development, and
  - (b) the consent authority takes into account the findings of the design review panel, and
  - (c) the consent authority is of the opinion that the development exhibits design excellence.

Complies. The development has been reviewed by the SDRP on two occasions and supports the development, as above.

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The SDRP findings will be taken into account by the relevant consent authority.

### Section 4.32 Architectural design competition

(1) This section applies to development in relation to a building that has, or will have, a height above ground level (existing) greater than 40m or 12 storeys.

The proposed development does not exceed 40m or 12 storeys. Therefore, the proposed development does not require an architectural design competition.

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### 4.33 Consideration of design excellence

(1) In considering whether development exhibits design excellence for the purposes of this Part, the consent authority must have regard to the following matters—

- (a) whether the development responds to the physical and cultural connection of the local Aboriginal community to the land,
- (b) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
- (c) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
- (d) whether the development detrimentally impacts on view corridors.

A Design Excellence Report is provided at **Appendix E** and demonstrates how the development will deliver design excellence.

**Appendix E**

(2) The consent authority must also have regard to how the development addresses the following matters—

- (a) the suitability of the land for development,
- (b) the existing and proposed uses and use mix,
- (c) Aboriginal heritage,
- (d) the relationship of the development with other buildings (existing or proposed) on the same site or neighbouring sites in terms of separation, setbacks, amenity and urban form,
- (e) the bulk, massing and modulation of buildings,
- (f) street frontage heights,
- (g) environmental performance and amenity standards, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
- (h) the achievement of the principles of ecologically sustainable development,
- (i) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,
- (j) the impact on, and proposed improvements to, the public domain,
- (k) the impact on special character areas,
- (l) achieving appropriate interfaces at ground level between the building and the public domain,
- (m) architectural diversity where the development is to consist of more than 2 buildings.

A Design Excellence Report is provided at **Appendix E** and demonstrates how the development will deliver design excellence.

**Appendix E**

### Part 4.7 Precinct plans and master plans

#### Section 4.39 Development must be consistent with precinct plan

(1) Development consent must not be granted to development on land to which a precinct plan applies unless the consent authority is satisfied that the development is consistent with the precinct plan.

(2) Subsection (1) does not apply if—

(a) the consent authority has considered a written request from the applicant that seeks to justify an inconsistency by demonstrating that—

(i) the inconsistency is minor, and

(ii) consistency with the plan is unreasonable or unnecessary in the circumstances, and

(iii) sufficient environmental planning grounds justify the inconsistency, and

The Western Sydney Aerotropolis Precinct Plan applies to the site. The site is located within the Aerotropolis Core. **Appendix DD** provides a detailed assessment of the Western Sydney Aerotropolis Precinct Plan.

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The Vision for the Aerotropolis Core is focused on employment and economic development. The Vision recognised that the Aerotropolis Core will also include residential development of which these SSDA seeks to provide. This SSDA is aligned with the objectives of the Aerotropolis Core precinct objectives as the proposal will facilitate residential development in the Aerotropolis Core in an area that is not impacted by aircraft noise and benefits from its proximity to the future Aerotropolis Metro Station (currently under construction).

#### 4.40 Development prior to precinct plan

(1) This section applies to development on land in the Western Sydney Aerotropolis if there is no precinct plan in force for the land.

This clause does not apply. The Western Sydney Aerotropolis Precinct Plan applies to the site.

### Division 2 Master plans and complying development

#### 4.42 Consent authority to consider master plan

Development consent must not be granted to development on the following land unless the consent authority has considered the master plan or draft master plan—

(a) land to which a master plan applies or is proposed to apply,

(b) land shown on the Land Application Map that is adjacent to land to which a master plan applies or is proposed to apply.

The proposed SSDA has considered the Bradfield Masterplan which is applicable to the land at the site's western boundary.

**Section 1.4.1**

As discussed in detail in **Section 3** of the EIS, the applicant has prepared a submission to the Bradfield Masterplan and is working to collaborate with the WPCA to develop a more mutually beneficial local road and access arrangement

### Division 4 Infrastructure

#### 4.47 Development to which Division applies

This Division applies to the following development on land in the Western Sydney Aerotropolis—

(a) development to which section 4.40 applies,

(b) development for commercial or industrial purposes,

(c) development for residential purposes that results in an increase in the number of dwellings on the land.

The proposed development is for residential purposes and results in an increase in the number of dwellings on the land. Therefore, *Division 4 Infrastructure* is applicable to the proposed development.

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#### 4.49 Public utility infrastructure

(1) Development consent must not be granted to development to which this Division applies unless the consent authority is satisfied that—

- (a) public utility infrastructure that is essential for the development is available, or
- (b) the public utility infrastructure will be available when required.

The proposed development will provide all essential public utility infrastructure as required for Stage 1. Stage 2 will be reliant on the broader Infrastructure and servicing of the precinct. See **Section 3.12** of the EIS and **Appendix MM**. Sydney Water's Feasibility Letter is provided at **Appendix NN**.

**Section 6.7.2**  
**Appendix MM**  
**Appendix NN**

#### State Environmental Planning Policy (Resilience and Hazards) 2021

##### Section 4.6 – Contamination and Remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless—

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose

The *State Environmental Planning Policy Resilience and Hazards 2021* (R&H SEPP) aims to promote the remediation of contaminated land to reduce the risk of harm to human health or any other aspect of the environment.

**Appendix Q**

Section 4.6 stipulates that a consent authority must not consent to the carrying out of development unless:

- It has considered whether the land is contaminated, and
- If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The EIS is accompanied by a Preliminary Geotechnical Investigation (PGI) at **Appendix Q** prepared by Intrax. The PGI confirms that the ground conditions are suitable for the proposed development. The ground profile investigated is confirmed to permit typical construction practices for foundations and basement constructions. Intrax recommends the following additional geotechnical investigations are conducted that obtain the following:

- Ground data to a depth of at least 5 metres below pile toe depth.
- Laboratory test data to support assignment of soil parameters.
- Excavatability assessment.
- Rock mass structure and defect orientation.

These works will be undertaken at a later stage.

#### State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021 (Housing SEPP) applies to the proposal's residential component. The Housing SEPP applies to development for the purpose of RFB's and mixed-use development with a residential accommodation component of which the SSDA proposes.

Appendix E

Chapter 4 of the *Housing SEPP*, requires the consent authority to refer the development application to the relevant design review panel for advice concerning the design quality of the development and consider:

- The design review panel's advice.
- The design quality of the development.
- The Apartment Design Guide (ADG).

The proposal is consistent with the Housing SEPP and is generally compliant with the design principles and criteria of the ADG. Detailed assessment of the proposal against the ADG is provided in **Appendix E**. Departures with the ADG are expanded upon in **Section 6.0** of the EIS. The Design Excellence Report at **Appendix E** demonstrates how the proposal exhibits design excellence and supports a high-quality residential amenity outcome.

2.1 Standards for BASIX development and BASIX optional development

- (1) Schedule 1 sets out the standards that apply to BASIX development referred to in paragraphs (a) and (b) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021.
- (2) Schedule 2 sets out the standards that apply to—
  - (a) BASIX development referred to in paragraph (c) or (d) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021, and
  - (b) BASIX optional development if the development application or the application for a complying development certificate was accompanied by a BASIX certificate.
- (3) The standard specified in Schedule 2, section 4 extends to a swimming pool or spa that has a capacity of less than 40,000L if the swimming pool or spa is part of the development referred to in paragraph (c) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021.

An ESD report is provided at **Appendix Y** and provides a detailed assessment of the relevant standards.

Appendix Y  
Appendix JJ

A BASIX Compliance Report is provided at **Appendix JJ** as well as a Section J Compliance Statement.

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- (4) A standard specified in Schedule 1 or 2 does not apply to development involving a heritage item or in a heritage conservation area to the extent that the Planning Secretary is satisfied that the development is not capable of achieving a standard because of other development controls that apply
- (5) Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.
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