

Appendix C – Statutory Compliance Table

Statutory Reference	Relevant Considerations	Relevance	Section in EIS / Appendix
<i>Environmental Planning and Assessment Act 1979</i>			
Section 1.3	<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>	The amended proposal relates to the delivery of a warehouse and distribution centre. It will provide higher order employment opportunities which maximise the efficiency of the site and will support the broader industrial area. The proposal will not impact on important ecological or biodiversity values.	Section 4 and Section 6
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The amended proposal integrates sustainability principles into the development. It will provide uses which will provide significant jobs for the local and broader communities. This will be for the construction and operational phases. It will also promote economic benefits by attracting workers to the area.	
		The proposal will create a positive social benefit by providing a modern, high-quality warehouse and	

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		distribution facility which will also improve the general appearance and safety of the area. Further to this, the proposal which will remove an existing polluting industrial use in close proximity to residential areas, will facilitate site remediation to accommodate a cleaner industrial operation which has been specifically designed to respond to the surrounding context The environmental assessment that accompanies the application demonstrates that it will not give rise to unacceptable environmental impacts. Where environmental impacts do occur, they can be mitigated through the adoption of the proposed mitigation and management measures.	
	<i>To promote the orderly and economic use and development of land</i>	The proposal promotes the orderly and economic use and development of land by redeveloping a site containing outdated building stock for a contemporary warehouse and distribution facility which optimises the use of land.	
	<i>To promote the delivery and maintenance of affordable housing,</i>	N/A	
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	Detailed technical studies have been undertaken to determine the environmental impact of the warehouse and distribution centre use on the surrounding natural environment. The technical studies have confirmed that there is limited environmental impact associated with the proposal. Where there is an impact present,	

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		mitigation measures are proposed to ensure that the proposal does not cause an unacceptable impact on the surrounding natural environment.	
	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	A Statement of Heritage Impact (Appendix DD) and Aboriginal Cultural Heritage Assessment Report (Appendix CC) were undertaken for the original proposal undertaken to identify the presence of built and cultural heritage and ensure their sustainable management. The assessments conclude there will be no unacceptable impacts based on the disturbed nature of the site and absence of existing heritage values.	
	<i>To promote good design and amenity of the built environment,</i>	The proposed development is supported by a Design Report (Appendix I) and Landscape Plans (Appendix N). Careful consideration has been given to the design of the proposal to ensure the development delivers the highest standard of architectural and landscape design.	
	<i>To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The detailed design of the warehouse facility has been undertaken by a qualified architect (SBA) with the input from a range of specialist consultants including air quality, noise and vibration flooding geotechnical and structural engineers. The health and safety of all occupants remains a top priority of the development, during both the construction and occupation phases.	

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	<i>To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	The proposal has been prepared in accordance with the EP&A Act and the EP&A Regulations. As required by the SEARs, consultation has occurred with various agencies and the DPHI to facilitate the sharing of responsibility for environment planning and assessment.	
	<i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	Pre-lodgement community consultation was undertaken as required by the SEARs. Additionally, the application was required to be notified for a minimum of 28 days. This RTS package responds to comments and feedback received from the community during the exhibition period.	
Section 4.15	Relevant environmental planning instruments: - State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) - State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) - State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) - State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP) - State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)	See detail below under State Environmental Planning Policies (SEPPs).	Section 4
	Draft environmental planning instruments	N/A	N/A

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	Relevant planning agreement or draft planning agreement	N/A	N/A
	<i>Environmental Planning and Assessment Regulation 2021 – Schedule 2</i>	This EIS has been prepared in accordance with Schedule 2 of the Regulations.	-
	Development control plans: <i>Bayside Development Control Plan 2022 (BDCP 2022)</i>	See detail below under Development Control Plan	Appendix C
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development including the environmental impacts on the natural and built environments, and social and economic impact on the locality are assessed in detail within the EIS.	Section 5
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS	Section 5
	Any submissions made	Submissions will be considered following exhibition of the application.	-
	The public interest	The proposed development is compliant with the relevant planning instruments and controls applying to the site. The proposal will not create any significant adverse social, economic or environmental impacts which cannot be mitigated via the proposed mitigation measures in this application. On balance, the benefits of the development outweigh any adverse impacts and as such, the development is in the public interest.	Section 5

Statutory Reference	Relevant Considerations	Relevance	Section in EIS / Appendix
Environmental Planning and Assessment Regulation 2021			
Schedule 2	Schedule 2 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS	This EIS has been prepared to address the requirements of Schedule 2 of the Regulations and SEARs.	-
Biodiversity Conservation Act 2016			
Section 7.14	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 was issued on the 7 November for the development which outlined the proposal will not impact on threatened species and communities. An amended BDAR will be completed for the updated scheme and submitted to DPHI.	Appendix Q
State Environmental Planning Policies			
<i>State Environmental Planning Policy (Planning Systems) 2021</i> (Planning Systems SEPP)	Clause 3 of Schedule 1 of the Planning Systems SEPP provides that development for the purpose of warehouse and direction centre that has a CIV of more than \$30 million is classified as SSD.	The proposed works have an estimated development cost of \$182,810,001 (Excl. GST) and accordingly, the proposal is SSD for the purposes of the Planning Systems SEPP.	Appendix G
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (R&H SEPP)	Clause 3.11 of the R&H SEPP applies to any proposals which fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'.	The proposal is for a 'warehouse and distribution centre'. The proposal does not comprise potentially hazardous or potentially offensive development. Should an operator seek to occupy the premises within the subject site for purposes that would be classified as potentially offensive or hazardous, an assessment would be required to	Appendix Z and Appendix AA

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		be prepared and submitted with a further DA for assessment and approval. Initial environmental investigations have concluded that the site is constrained by potential sources of contamination which exist across the site due to previous land uses which is addressed with appropriate measures and plans. A RAP has been prepared to enable the site to be made suitable for the proposed development.	
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</i>	Clause 4.6(1) states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	See above. A RAP has been prepared and accompanies this SSDA which details the onsite remediation that is to occur under the proposed SSDA in addition to the ongoing site management to manage contamination under the Voluntary Management Plan (VMP).	Appendix AA
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)</i>	The Transport and Infrastructure SEPP is the primary planning instrument addressing the provision and operation of infrastructure across NSW. The SEPP provides planning pathways for various types of infrastructure within prescribed zones. Traffic generating development specified in Clause 2.121 requires referral to TfNSW, this includes: Car parking for 200 or more spaces Industry involving additional GFA that exceeds 20,000sqm	The proposed development requires referral to TfNSW. Transport for NSW has been consulted as part of the preparation of the EIS and the comments received after exhibition have been considered and responded to in the amended design.	Section 4 and Appendix M
<i>State Environmental Planning Policy (Industry and</i>	Clause 3.6 states that a person must not display an advertisement, except with the consent of the consent authority or except as otherwise provided by this Policy.	An indicative pylon sign is included under the architectural plans.	Appendix F

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<i>Employment) (I&E SEPP)</i>			
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP)</i>	A permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold.	The BDAR has considered all vegetation removal. The amended proposal seeks to reduce the amount of trees removed under the scheme.	N/A
Bayside Local Environmental Plan 2021			
Zoning and Land Use	The proposed development involves a warehouse or distribution centre which is a permissible use with consent in the IN1 Zone.	The proposal is entirely consistent with the objectives of the zone given: ▪ The proposal accommodates a warehouse and distribution facility which is permissible with consent. ▪ It will provide employment opportunities and floorspace which supports the surrounding and nearby centres. ▪ Consideration is given to the potential impacts of the future operations to other land uses, including the residential precinct, the riparian area, and private recreation facility adjacent to the site. ▪ The proposal maximises the potential of the industrial land by creating a two-storey warehouse and providing improved landscaping outcomes. ▪ The proposed has been designed to prioritise ecologically sustainable development ▪ The site is located within a highly accessible area in proximity to the Port Botany area to	N/A

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		contribute to growth and diversification of trade through the port.	
4.3 Height of Buildings	The site is not subject to a maximum building height control under the BLEP 2021	The proposed building form does not exceed the 51m height control applying to the site.	-
4.4 Floor Space Ratio	The site is not subject to a maximum FSR control under the BLEP 2021	The proposed development proposes a FSR of 0.9:1.	-
5.10 Heritage Conservation	Development consent is required to <i>(a) demolish or move any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)</i> <i>(i) a heritage item,</i> <i>(ii) an Aboriginal object,</i> <i>(iii) a building, work, relic or tree within a heritage conservation area,</i>	The site does not contain any heritage items and is not within a heritage conservation area. Therefore, it complies.	Section EE and Appendix DD
5.19 Business Premises and Office Premises in Zone IN1	Office premises are permitted on the site along the Stephen Road frontage under the Additional Permitted Uses Map.	The proposed offices are ancillary to the warehouse and distribution uses and therefore are permissible to be located across the site. Ancillary offices are located on the Stephen Road and Coal Pier Road frontages.	N/A

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	 *site is indicated in yellow outline		
5.21 Flood Planning	Development consent must not be granted for land within the flood planning area unless the consent authority is satisfied the development is in accordance with the relevant principles.	An assessment of flooding has been completed and is identified within the Civil Engineering Report (Water Cycle Management Plan) prepared by Costin Roe at Appendix V. Council's flood assessment shows that the site is affected by overland flow from Stephen Road, which drains through the site to the 'Floodvale' drain on the far east and local to Coal Pier Road. Additionally, council categorises flooding over the site as flood fringe. Costin Roe outline that the site is generally considered to be flood free and, following development the flooding which is shown to be impacted by flooding during the 1% AEP and in more intense storm events, will be adequately	Appendix V

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		managed through the proposed surface water drainage system. The proposed development does not significantly increase the total impervious areas and retains the existing overland flow path. The council drainage along the southern boundary has been relocated for provision of retaining walls along the southern boundary, approximately 0.5m higher than road levels to safely convey overland flows without affecting downstream developments or operation of the site. As such, there will be no significant increase in peak runoff from pre- to post-development.	
Bayside Development Control Plan 2022			
Section 3.3 Energy and Environmental Sustainability	C1. Areas of glazing are located to avoid energy loss and unwanted energy gain.	The proposed building design has considered glazing ratios on the site as well as building orientation and shading elements. The inclusion of glazing and translucent panels allows natural light to penetrate into each warehouse and reducing energy consumption.	Appendix P, Appendix F
	C2. Development provides appropriate sun protection during summer for glazed areas facing north, west and east, whilst allowing for penetration of winter sunlight (see Figure 3).		
	C3. Extensive areas of glazing that are unprotected from sun during summer are not permitted. Shading devices include eaves, awnings, balconies, pergolas, external louvers, and projecting sunshades. Unprotected tinted windows are not acceptable.	The use of glazing in the office areas provides natural daylight infiltration, while the proposed vertical panels will screen solar heat gain also offering passive shading to minimise excessive heat gain from direct sunlight.	
	C5. Ensure the location of windows, doors and internal layout of the building promotes air movement for cooling.	Windows, doors and the internal layout of the office spaces have been designed to allow for	Appendix P, Appendix F

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		passive cooling and ventilation opportunities where possible.	
	C9. Development is to be designed and constructed to meet the rating systems shown below: Energy: Minimum 4-star Green Star rating or equivalent Water: Minimum 5-star Green Star rating or equivalent.	There is commitment to achieving a 5-star Green Star Buildings v1 Certification for the development.	Appendix P, Appendix F
Section 3.3.2 Natural Daylight and ventilation (passive Design)	C5. Office premises must be designed to receive natural light and ventilation. Office floor plates are to have a depth of no greater than 20m if dual aspect, or 10m if single aspect. Office spaces should be designed, through orientation and the inclusion of environmental control devices, to achieve maximum daylight without compromising the internal amenity through glare or heat gain from direct sunlight.	Vertical, full-height window openings are strategically placed along the streetscape frontages to further break up the mass of the façade and permit natural light. These windows allow natural light to penetrate deep into the interior, reducing the need for artificial lighting and enhancing the quality of the workspace. The use of clear and spandrel glazing in the office areas provides natural daylight infiltration, while also offering passive shading to minimise excessive heat gain from direct sunlight.	Appendix P, Appendix F
	C6. Each industrial unit within an industrial complex must have a reasonable size window at each level to allow natural light and ventilation.	The inclusion of glazing and translucent panels allows natural light to penetrate into each warehouse and reducing energy consumption.	Appendix P, Appendix F
Section 3.3.3 Reflectivity	C2. For buildings in the vicinity of arterial roads/major roads and Sydney Airport, proof of light reflectivity is required and is to demonstrate that light reflectivity does not exceed 20%.	A Light Spill Assessment and Aviation Safeguarding Assessment has been prepared for the development. No concerns of light reflectivity have been identified by either of these assessments.	Appendix EE and Appendix W

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	C3. The placement, orientation and configuration of new buildings and facades must not result in glare that produces discomfort or endangers safety of pedestrians or motorists.	The proposed development has been orientated towards the western boundary along Stephen Road and the eastern boundary to Coal Pier Road. Façade articulation and vegetation will ensure that glare will not create impacts on residents and motorists.	Appendix P, Appendix F
	C4. Materials must be durable and can be easily cleaned and are graffiti resistant.	Noted. Materials will be durable and easily cleanable.	Appendix P, Appendix F
Section 3.3.5 Energy Assessment	C1. A report on energy and water efficiency is to be submitted with a development application for any building works with a construction cost of \$1,000,000 or more. The report must address how the principles of this DCP Part have been incorporated.	An ESD Report (Appendix P) has been prepared for the application alongside a Net Zero Statement.	Appendix P, Appendix F
Section 3.5 Transport, Parking and Access	C3. The design/width of the access driveway shall minimise the loss of on-street parking and be as per with Bayside Technical Specification – Traffic, Parking and Access.	The proposed development does not seek to create any additional driveways along Stephen Road, therefore it will not reduce on street parking levels. Two additional driveways are located on Coal Pier Road which will not impact parking as Coal Pier Road does not permit parking.	Appendix F
	C4. Off-street parking facilities are to be designed in accordance with current Australian Standards (AS2890 parking series).	Car parking areas have been designed with the relevant Australian standards.	Appendix F
Vehicular access	C9. Adequate sightlines are to be provided for pedestrians on the footpath as per Australian Standards.	Adequate sight lines are provided in the design of the accesses.	Appendix F
	C10. Vehicular access is to be provided from a secondary street frontage or rear lane, where possible.	Vehicle access for light vehicles is provided from Stephen Road as per existing access arrangements. Truck access is provided from the rear to reduce impacts on Stephen Road.	Appendix F

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Pedestrian Access	C14. Pedestrian entrances and access within a development must be legible and separated from vehicular access paths.	The pedestrian entrance along Stephen Road will be clearly signposted.	Appendix F
	C15. Car parks must provide a direct and safe pedestrian access to a building's entry and exit (well-lit and free of concealment opportunities).	Car parks will have clear and direct safe access to the buildings entry and exit.	Appendix F
Section 3.5.2 Traffic Impact Assessment and Transport Plans	C1. A Traffic and Parking Impact Assessment Report is to be prepared and submitted.	A Traffic Impact Assessment accompanies this application (Appendix M).	Appendix M
Sustainable Transport Management	C6. Commercial developments with more than 10 employees and a GFA greater than 1000m2 are required to prepare a Workplace "Green" Travel Plan. It is to be prepared accordance with Bayside Technical Specification – Traffic, Parking & Access and generally incorporate the following: a. Encourage staff to use public transport, cycle and/or walk to the workplace; b. Adopt car sharing and/or car pool scheme; c. Provide priority parking for staff with car pool; d. Provide bike storage area and end-of-trip facilities in convenient locations and encourage the use of these facilities; e. Adopt an implementation Strategy and set success measures; f. Establish clear and time bound measurable targets, actions, measurements, and monitoring framework on the number of staff travelling to work by public transport, cycling and walking.	A Green Travel Plan has been prepared for the application which incorporates the relevant green travel requirements.	Appendix M

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On-site car parking rates	C1. Development is to provide on-site car parking in accordance with the car parking rates outlined in Table 3 below. Warehouse and Distribution Centres 2 spaces; or 1 space / 300m² GFA, whichever is greater: plus 1 space / 40m² GFA of ancillary office Office Premises 1 space / 80 m² GFA	The proposed development provides 240 car parking spaces in accordance with the parking requirements for warehouse and distribution centres and office premises.	Appendix M
Section 3.5.4 Bicycle and Motorcycle Parking	C1. Bicycle & motorcycle parking must be provided on site as follows: Office Premises a. 1 bicycle space per 150sqm GFA b. 1 bicycle space per 400sqm GFA provided for visitors. c. 1 motorcycle space per 15 car spaces For all other new development with a gross floor area greater than 600sqm: a. 1 bicycle space per 600sqm GFA b. 1 motorcycle space per 15 car spaces	78 bike parking spaces have been provided across the site in accordance with the requirements for a warehouse and distribution centre and offices.	Appendix M
End of Trip Facilities	C6. Non-residential development shall provide end of trip facilities on site as follows: a. 1 personal locker for each bike parking space b. 1 shower and change cubicle for every 10 bicycle spaces or part thereof	End of trip facilities have been provided within the ground floor of the office portion of the site which includes 50 showers and 120 lockers. The provision of facilities is in accordance with the DCP requirements.	Appendix M

Statutory Reference	Relevant Considerations	Relevance	Section in EIS / Appendix
	c. 1 bicycle repair toolkit and pump d. Toilets, drying rooms, and hand washing facilities		
	C7. End of trip facilities are to be located close to the bicycle parking area, close to entry and exit points and within an area of security camera surveillance.	The end of trip facilities are located close to the pedestrian entry area and bike storage.	Appendix M
Section 3.5.5 Accessible Parking	C1. Accessible car parking spaces for people with a mobility impairment are to be included in the allocation of car parking for a development and provided in accordance with the rates specified in Table 4 below. In a car parking area containing 5 or less vehicle spaces, one accessible car parking space shall be provided although not signposted and reserved only for people with disabilities.	The development provides 6 accessible parking spaces.	Appendix M
Section 3.5.6 Loading Facilities	C1. The number of service bays are to be provided in accordance with Table 5 below. < 8000 m² GFA • 1 service bay (for MRV or larger) / 800 m² GFA 8000 m² GFA and above • 10 service bays (for MRV or larger); plus • 1 service bay (for MRV or larger) / 1,000 m² GFA	55 service bays are provided on the site.	Appendix M
	C4. Service bays are to be adequately screened from the street/public view and be located: a. near vehicle entry points and near lifts b. as far as practicable from adjoining sensitive land uses c. completely within the boundary of the site	Service bays have been appropriately screened from the street view as the office has been designed to screen the warehouses and loading areas from view of the residential receivers and public domain along Stephen Road.	Appendix M

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	d. clear of parked vehicles and through traffic.		
	C7. Service vehicles are to be able to enter and exit the property in a method that does not compromise pedestrian safety.	Service vehicles will enter and exit the site from Coal Pier Road.	Appendix M
	C8. Loading and waste collection points shall be: a. located separately from public parking areas where possible. b. designed and operated so that the vehicles can manoeuvre on site without interfering with buildings, parked vehicles, and landscaping.	Loading and waste collection points are located separate from the parking areas and will allow for suitable turning paths for vehicles.	Appendix M
	C9. A loading dock management plan is to be prepared for all development. This management plan shall also to address waste collection.	Noted. A Waste Management Plan has been prepared for the development.	Appendix BB
Section 3.5.7 Waste Collection	C1. Waste collection must be provided on-site within new building development (excluding development with less than 600m2 GFA and multi-unit developments with 10 dwellings or less). This waste collection bay may be shared with another loading/unloading space. Access must be designed to accommodate a Council garbage truck, or any vehicles used by private waste contractors (SRV minimum).	Waste collection has been outlined within the Waste Management Plan which outlines the proposed arrangements for access. Waste will be collected from each warehouse tenancy.	Appendix BB
	C2. The waste collection point is to be designed to: a. allow waste loading operations to occur on a level surface away from parking areas, turning areas, aisles, internal roadways and ramps b. provide sufficient side, rear and vertical clearance to allow for the waste collection activity to be undertaken (e.g. the lifting arc for automated bin lifters requires clearance to remain clear of any walls or ceilings and all service ducts, pipes and the like). c.	The waste collection points have been designed to address the relevant development and Australian standards.	Appendix BB

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	comply with Bayside Technical Specification – Traffic, Parking and Access.		
3.7 Landscaping and Biodiversity	C12. The minimum amount of landscaped area within the site is as follows: Industrial – 10%	10.2% of the site is proposed for landscaping.	Appendix N
	C15. Existing trees, including street trees, and natural formations including rock formations must be preserved where possible. The development proposal must demonstrate all efforts have been done to preserve significant features, like trees or outcrops.	Existing trees have been preserved where possible, especially along the western frontage on Stephen Road to provide visual privacy and create screening of the development for the residential properties to the west. Many trees along the northern boundary are also retained.	Appendix N
	C17. To ensure aviation safety, the management of vegetation in areas that are close to Sydney Airport needs to be considered. This includes avoiding the planting of tree species that will either attract wildlife or grow to a height that would intrude into Sydney Airport's prescribed airspace. In particular: a. Significant landscaping and/or tree planting which includes large numbers of flowering trees should be avoided within 3 km of Sydney Airport. b. Trees that are likely to eventually grow to a height that would intrude into one or more of Sydney Airport's prescribed airspace surfaces should be avoided. c. Proposals involving large-scale tree planting that could provide habitat for roosting species – such as the Grey Headed Flying Fox – should be accompanied by a risk assessment, to be provided to Council and Sydney Airport Corporation, considering	The proposed tree species will not impact on Sydney Airport airspace. The proposed tree species are native and will not grow to a height that will impact the OLS. The proposal does not include large scale tree planting.	Appendix N

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	the risk of roosting species flying across the Sydney Airport airfield or in the vicinity of the airport's flight paths.		
3.7.2 Planting Design and Species	C1. A minimum of 80% of a planting scheme proposed on deep soil is to consist of native or indigenous plants. Locally indigenous species are to be incorporated where practical and suit the microclimate conditions.	The proposal will include 100% native plantings.	Appendix N
	C2. For all development other than a single dwelling all tree planting within deep soil areas is native or indigenous, unless sun access is required, and then deciduous ornamental species can be included.	See above.	Appendix N
3.9 Stormwater Management and Waster Sensitive Urban Design	C1. All development is to be consistent with Bayside Technical Specification Stormwater Management relating to stormwater management and WSUD.	Noted. The stormwater system has been designed in accordance with council requirements.	Appendix V
	C2. Development must comply with the WSUD provisions outlined in Section 3.7 of this DCP (Landscaping and Biodiversity).	Noted. See above.	Appendix V
3.11 Contamination	C4. The following stages, as outlined in the NSW Consultants Reporting on Contaminated Land – Contaminated Land Guidelines (2020) and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM) Schedule B, must be followed: a. Provide a Preliminary Site Investigation (PSI).	A Contamination Assessment and Review of Preliminary and Detailed Site Investigation's was carried out for the development in addition to a Remediation Action Plan and Site Audit.	Appendix Z and Appendix AA

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	b. Provide a Sampling and Analysis Quality Plan (SAQP) when a Detailed Site Investigation (DSI) is required as the results of a Preliminary Site Investigation. c. Provide a Detailed Site Investigation (DSI) when the results of a Preliminary Site Investigation (PSI) indicate the site has been or may have been used for a potentially contaminating activity d. Where appropriate, provide a Site Specific Risk Assessment if concentrations of contaminants exceed Tier 1 assessment criteria and indicate that further investigation or evaluation is required e. Provide a Remedial Action Plan (RAP) if the Detailed Site Investigation (DSI) indicates that contamination has the potential to pose an unacceptable risk to human health or the environment (on- or off-site), under the proposed land-use or proposed development, and remediation of soil or groundwater is required. The RAP must clearly state remediation objectives and document the process to remediate the contaminated site. f. Provide a Site Remediation and Validation Report, when remediation or management of contaminated soil or groundwater is required, to detail the site work undertaken and demonstrate compliance with contaminated land guidelines. g. Provide an Environmental Management Plan (EMP) when required by an RAP and approved by Council when full clean-up is not feasible or when there is on-site containment of the contamination.		
Section 3.11.3 Containment or capping of	C10. The preferred hierarchy of options for site clean-up and/or management outlined in the NEPM (Assessment of Site Contamination) is:	The proposal involves on site remediation which meets this preferred requirement.	Appendix Z and Appendix AA

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contaminated material	a. On-site treatment of the contamination so that it is destroyed, or the associated risk is reduced to an acceptable level; and b. Offsite treatment of excavated soil, so that the contamination is destroyed, or the associated risk is reduced to an acceptable level, after which soil is returned to the site; or		
Section 3.11.4 Landscaping within the development – contaminated sites	C14. Where sites are to be capped or contained to manage contamination, the required minimum deep soil zones are to still be provided for the development site and capping or containment shall not limit the deep soil planting and species selection.	Noted. The deep soil provided on site will not be impacted by capping.	Appendix N
	C15. Deep soil zones must be remediated to provide a planting substrate suitable for the growth of plants.	10.2% landscaping has been provided across the site that provides suitable growth space for planting.	Appendix N
	C17. A landscape plan identifying deep soil zones and any proposed capping and containment areas is to be submitted when consolidation and isolation of the soil on-site by containment within a properly designed barrier, or when an appropriate management strategy is used.	Landscape plans have been provided and accompany this application.	Appendix N
3.14 Noise, Wind, Vibration and Air Quality	C1. The location of driveways, open space and recreation areas and ancillary facilities external to the development must be carefully planned to ensure minimal noise impact on adjoining residential properties.	The proposal has been designed to provide the warehouse operations within the central area of the site, to be screened from view by the warehouse-built form. The offices are located to address the street frontages. A Noise and Vibration Assessment (Appendix S) has been prepared and accompanies the application. the report outlines that subject to the implementation of the mitigation measures required, the development will be suitable from a	Appendix S

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		noise and vibration perspective. Landscaping has been incorporated into the design including retaining existing canopy trees to create screening where possible.	
	C2. Where development is in a location that is exposed to high levels of external noise, an acoustic report that demonstrates compliance with these objectives and controls, must be prepared by a suitably qualified and experienced professional and be submitted as part of a development application.	Noted. See above.	Appendix S
3.14.3 Acoustic Privacy – Non-residential	C1. A development application for a new building or for a change of use of an existing building, for a non-residential use that is likely to generate external noise, must be accompanied by a Noise Impact Assessment.	Noted see above.	Appendix S
Section 6.4 Industrial Premises	C10. Industrial development is to comply with the following: a. site operations and equipment associated with a development are to be contained wholly within the site b. building design and site layout shall allow for an efficient and safe system for manoeuvring, loading and unloading, and parking of vehicles within the site	All site and operations equipment are located within the site. Safe manoeuvring, loading and parking is provided as part of the building design.	Appendix F
	C2. Where an industrial unit complex consists of more than 10 units, the building layout must allow for visual connections through and beyond the site to assist in breaking down the visual scale of the development and provide more legible site access for visitors.	The development has been designed to screen warehouse operations from residential receivers to the west. Façade articulation and the office portion of the development has been designed in a way to break up the visual scale of the development.	Appendix F
	C3. An industrial development should be designed to locate sources of noise such as garbage collection, loading/unloading	Noted. See above. Warehouse operations have been located along Coal Pier Road to the east.	Appendix F

Statutory Reference	Relevant Considerations	Relevance	Section in EIS / Appendix
	areas, air conditioning plant/other machinery, and parking areas away from adjoining residential properties.		
	C4. Local road networks within the LGA are not to be adversely affected as a result of the operations of an industrial or business use.	Noted. Heavy vehicle traffic will be located along Coal Pier Road. The TIA prepared for the development outlined that the development will not impact the surrounding road network significantly and therefore will not require any infrastructure upgrades.	Appendix M
	C5. Buildings are to provide basic amenities for workers and visitors including a designated staff room or area that is: a. adequately furnished for staff b. provided with attached kitchen/kitchenette with a fridge, microwave, sink and tea/coffee making facilities For sites in excess of 1,000m², an outdoor staff recreation area is to be provided with the following configurations: a. a minimum of 16m², with a minimum dimension of 3 metres; b. ideally located in either: i. the front building setback ii. in an upper floor balcony iii. in an enclosed courtyard iv. in any other landscaped setting on the site c. designed to include a table and chairs d. designed to allow at least 6m², to receive direct sunlight for the four hours between 10AM and 2PM during mid-winter; and e. provide shading in summer.	Noted. Outdoor landscaped areas are provided within the development for the office spaces, which would provide amenity for future workers within the development. Internal tenancy fit outs will be subject to future applications. The balconies have been stepped down to ensure suitable solar access to these areas which will include suitable spaces for seating and landscaping.	Appendix M

Statutory Reference	Relevant Considerations	Relevance	Section in EIS / Appendix
	C8. Lighting is to be provided at all building entry and exit points to ensure safe access. External lighting to an industrial development must consider the impact of glare on the amenity of adjoining residents.	Lighting will be provided on all entry and exit points. A Light Spill Assessment (Appendix EE) has been prepared for the development which outlines that suitable mitigation measures have been implemented that will reduce impacts on residents.	Appendix EE
Site Planning and Setbacks	C9. Floor space is to be distributed on the site to ensure the scale of the building reinforces the role of the street and buildings are arranged and aligned to create a pleasant working environment.	The proposed development has been designed to respond to the site-specific constraints of the area which includes the residential interface. Therefore, the front of the building along the western boundary addresses the street with an office development which screens the industrial operations to the rear of the site.	Appendix F
	C10. The street setback of an industrial building must respond to the desired street setback and the future character statement of the street. Where the setback of adjoining buildings is inconsistent, the building should be consistent with the dominant setback found along the street.	Noted. A 10m setback has been provided along Stephen Road alongside a 3m setback whilst retaining existing canopy trees along the frontage in order to remain consistent with the existing streetscape. It is noted that the proposed development will increase the built form of development on the site, although suitable site specific mitigation measures and detailed design iteration has been undertaken in order to screen the development where possible to reduce privacy and visual impacts.	Appendix F
	C11. For sites with a road frontage to residential areas: a. buildings are to address the street, with restricted access points; and	The proposed development addresses the Stephen Road frontage and limits access for pedestrian and light vehicles only. Warehouse operations and heavy vehicles are limited to the rear of the site along Coal Pier Road.	Appendix F

Statutory Reference	Relevant Considerations	Relevance	Section in EIS / Appendix
	b. warehouse/factory functions as well as car parking, manoeuvring areas, loading and unloading facilities are to be located away from the residential areas.		
	C12. Industrial development is to avoid locating loading and unloading facilities and the majority of car parking along the main frontage.	Car parking has been located behind the development western façade within a mezzanine parking area which will be screening from the public domain and will also include a noise barrier to reduce impacts on sensitive receivers.	Appendix F
	C13. Not less than 10% of the development site shall be landscaped. On sites over 2,000m ² the front landscaped setbacks are additional to the 10% requirement. The majority of landscaping shall front the street/s to which the development fronts and include side and rear landscaped areas.	10.2% of the site has been allocated for landscaping meeting the requirements as outlined under the SEARs. the proposed development provides an increase in total landscaping on the site in comparison to the existing development. A 3m landscape front setback has been provided along Stephen Road.	Appendix F
	C14. Setbacks are to be in accordance with the following table:	A 10m front and rear setback has been provided with a 3m landscape setback along Stephen Road and Coal Pier Road. A 7.5m setback including 1.5m of landscaping is provided to the northern boundary and a 9.5m setback is provided to the south of the site including 2m of landscaping. These setbacks comply with the DCP requirements.	Appendix F

Statutory Reference	Relevant Considerations	Relevance	Section in EIS / Appendix																		
	<table><tr><th>Boundary</th><th>Landscape Setback</th><th>Building Setback</th></tr><tr><td>Front – to a non-classified road (Refer to Notes)</td><td>3 metres</td><td>9 metres (Refer to Notes)</td></tr><tr><td>Front – to a classified road (Refer to Notes)</td><td>4 metres</td><td>9 metres (Refer to Notes)</td></tr><tr><td>Side – adjoining a non-residential use/zone including lanes</td><td>2 metres</td><td>2 metres (Refer to Notes)</td></tr><tr><td>Side – adjoining a residential use/zone or in the Council's opinion the building impacts on the streetscape</td><td>3 metres</td><td>3 metres (Refer to Notes)</td></tr><tr><td>Rear – (Refer to Notes)</td><td>Nil to 3 metres</td><td>Nil to 3 metres</td></tr></table>	Boundary	Landscape Setback	Building Setback	Front – to a non-classified road (Refer to Notes)	3 metres	9 metres (Refer to Notes)	Front – to a classified road (Refer to Notes)	4 metres	9 metres (Refer to Notes)	Side – adjoining a non-residential use/zone including lanes	2 metres	2 metres (Refer to Notes)	Side – adjoining a residential use/zone or in the Council's opinion the building impacts on the streetscape	3 metres	3 metres (Refer to Notes)	Rear – (Refer to Notes)	Nil to 3 metres	Nil to 3 metres		
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Rear – (Refer to Notes)	Nil to 3 metres	Nil to 3 metres																			
	C19. Setbacks are to maximise the retention of existing trees and their root systems and may need to be variable to achieve this (includes trees on adjoining properties).	Noted. Deep soil zones have been provided where possible.	Appendix N																		
	C20. No part of the main building and other structures (including basement car parks, driveways, or OSD/infiltration system) are to encroach into the setback area.	Noted. The setback areas are structure free.	Appendix F																		
	C22. For multi-unit industrial development, car parking and loading/unloading facilities are not to be located within the front setback to the street.	The car parking on the site is located behind the front setback.	Appendix F																		

Statutory Reference	Relevant Considerations	Relevance	Section in EIS / Appendix
Building Design	C26. Building form is to provide visual interest through an articulated façade, such as projecting wall elements, shading devices, legible building entrances, and a variation in texture / finishes / materials.		Appendix F
	C27. Building frontages should be articulated with the use of brick, stone, concrete, glass (nonreflective), and like materials, but not concrete render.	The proposed building frontage has been designed to create visual interest and articulation of the façade which reduces excessive solar heat gain along the Stephen Road frontage utilising a variety of materials.	Appendix F
Landscaping	C32. A minimum of 10% of the development site is to be landscaped. On sites over 2000m² the front landscaped setbacks are additional to the 10% requirement. The majority of landscaping shall front the street/s to which the development fronts and include side and rear landscaped areas.	10.2% of the site has been allocated for landscaping meeting the requirements as outlined under the SEARs. the proposed development provides an increase in total landscaping on the site in comparison to the existing development. A 3m landscape front setback has been provided along Stephen Road and Coal Pier Road.	Appendix N
	C33. Landscaping is to be designed to: a. ameliorate the bulk and scale of industrial and business park buildings b. shade and ameliorate large expanses of pavement and surfacing c. create a comfortably scaled environment for pedestrians in the public domain or from within the site d. screen utility areas and the like.	Landscaping has been incorporated into the design of the development to reduce building bulk and scale, increase native plantings on the site and create a comfortable shaded environment for workers especially within the office spaces along Stephen Road.	Appendix N
	C34. The majority of landscaping is to front the street/s to which the development fronts and include side and rear landscaped areas. The landscape strip at the street frontage must not	The majority of landscaping is located at the front and rear setbacks along the Stephen Road and Coal Pier Road frontages including canopy trees,	Appendix N

Statutory Reference	Relevant Considerations	Relevance	Section in EIS / Appendix
	obstruct opportunities for passive surveillance of the street. The preferred planting are ground covers and low shrubs with larger canopied trees which allow clear sightlines at eye level.	ground covers and low shrubs to allow for passive surveillance.	
	C39. Canopy trees are to be planted liberally throughout the development and with a contiguous, even distribution to reduce the scale and bulk of buildings, unify buildings with the landscape and open spaces, enhance the streetscape and provide shade and canopy cover over the site. Minimum tree size is 100 litre. Tree selection shall be in scale with building heights and shall be strategically located, for example, to soften the ends and corners of buildings. Canopy trees strongly influence the impacts of a development on the streetscape.	Canopy trees are proposed to be planted across the site where possible, mainly within the front and rear landscaped setbacks. The development also seeks to retain the mature canopy trees where possible across the site.	Appendix N
Amenity and Operation	C43. Noise, air and odour emissions generated from the functions and operations of a development including associated vehicles are not to have any adverse impact on nonindustrial/business uses and residential areas in the vicinity of the site.	Noted. Suitable environmental testing for the construction and operational phases of the development have been assessed and are included in this application. All consultant reports outline recommendations and mitigation measures that demonstrate the development should substantially comply with the relevant criteria for industrial and commercial uses.	Throughout
	C44. An Acoustic Report undertaken by a suitably qualified acoustic consultant is required for centres in/adjacent to residential zones.	A Noise and Vibration Impact Assessment (NVIA) (Appendix S) has been prepared and accompanies this application.	Appendix S
	C45. For any proposed development that adjoins a residential property, the hours of operation are to be restricted to between 7.00am and 6.00pm Mondays to Fridays, 7.00am to 1.00pm Saturday and no work on Sundays or public holidays.	The proposed development will operate for 24 hours 7 days a week. The proposed operations during these times have been assessed within the	RTS Report

Statutory Reference	Relevant Considerations	Relevance	Section in EIS / Appendix
		EIS determining that 24/7 operations are suitable on the site.	
	C46. Noise emissions are to comply with the following noise criteria: a. Operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration); b. The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 30 dB(A) night time and should not be audible at a neighbouring residence; and c. The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.	The NVIA outlines that with the proposed design and mitigation measures, the development will comply with the relevant noise criteria.	Appendix S
	C47. Loading and unloading must not detract from the amenity of nearby residential areas or residential zoned land, including by noise impacts. Where loading and unloading movements are likely to affect residential areas or residential zoned land, schedules of vehicle movements and their routes must be provided in the Plan of Management (POM) and may be regulated through conditions of consent.	Loading and unloading will not occur along the Stephen Road frontage and will therefore not impact the residential areas.	Appendix S
	C48. A Plan of Management (POM) will be provided to ensure all relevant operations of the premises are understood and their impacts appropriately managed having regard to the context of the premises and its surrounds.	Noted. A Plan of Management (POM) will be provided for premises operations on confirmation of final warehouse and café tenants.	-