
Appendix H

Statutory and MRP DCP compliance

Relevant provision	Compliance/alignment	Assessment notes
ACTS OF PARLIAMENT		
Environmental Planning and Assessment Act 1979		
Section 1.2 – Objects of the Act		
a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources	Y	The proposed warehouse and distribution centre is part of a planned industrial estate within a precinct specifically identified as a locality suited to employment generating development. The industrial estate (SSD-10749) has achieved appropriate conservation of natural resources and the Lot K site sits within the planned estate.
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	Y	The environmental planning instruments which apply to this site reflect the local and State vision for the Mamre Road precinct and were prepared with ESD principles in mind. The proposed use of Lot K, being consistent with those higher-level instruments, is also aligned with ESD principles.
c) to promote the orderly and economic use and development of land,	Y	The industrial estate, within which Lot K sits, has been master planned and authorised as State significant development, which confirms the orderly and economic staged development proposed.
d) to promote the delivery and maintenance of affordable housing	Y	Not applicable. Housing is not proposed however it is noted that affordability is a factor of many things, including household income, and a purpose of development in this precinct is to enable employment-generating development.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	Y	The environmental impacts of the proposed development are considered relative to matters such as conservation and the protection of biodiversity and found to be acceptable.
f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	Y	The Aboriginal cultural heritage and historic heritage impacts of the proposed development have been considered and found to be acceptable.
g) to promote good design and amenity of the built environment	Y	The proposed development acknowledges that the Mamre Road precinct is seeking to deliver a world class industrial area for Western Sydney and the design, landscaping and amenity features are consistent with this.

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h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Y	The design, construction and operation of the proposed facility have considered the health and wellbeing of employees, contractors, and visitors.
i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	Y	Not applicable. The environmental planning instruments which apply to this site are coherent and set out the various approval and concurrence requirements for this development.
j) to provide increased opportunity for community participation in environmental planning and assessment.	Y	The processes associated with State significant development, which includes both the industrial estate and the proposed development on Lot K, makes adequate provision for community and regulator participation.
Section 4.15 - Evaluation		
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	Y	The development has been assessed in accordance with the relevant NSW environmental planning instruments. The EIS demonstrates the proposed development is in accordance with the relevant provisions and consistent with the relevant objectives.
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	Y	No draft instruments, relevant to this development, have been identified.
iii. any development control plan, and	Y	An assessment against the Mamre Road Precinct Development Control Plan (MRP DCP) is provided separately.

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(iii.) 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	Y	<p>The DPHI Voluntary Planning Agreement (VPA) covers the construction and delivery of the Mamre Road and Abbott intersection to provide adequate capacity to service the estate which includes the proposed development.</p> <p>The Local VPA agreement covers the construction and delivery of the intersection of Abbott Road and Adlington Road to provide adequate capacity to service the estate which includes the proposed development.</p> <p>All Special Infrastructure Contributions (SIC) and Local 7.11 charges or works will be completed prior to the subdivision works certificate to enable the subdivision to be registered.</p> <p>There are no extra contributions required for the on-lot developments such as the warehouse and distribution centre on Lot K.</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	Y	The EIS has been prepared in accordance with the relevant provisions of the EP&A Regulation 2021.
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	Y	The likely impacts of the proposed have been assessed within the EIS and supporting technical consultant 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. The only factor where impacts require specific mitigation or management is noise.
c. the suitability of the site for the development,	Y	<p>The site is suitable for the proposed development.</p> <p>The Mamre Road Precinct is zoned IN1 General Industrial specifically for industrial uses of the type proposed under this application.</p> <p>The proposed development is consistent with the strategic vision for the precinct and relevant statutory provisions such as permissibility and development controls. The proposed development also aligns with the Concept Master Plan, approved as SSD-10479 and as modified, in terms of development type, scale, access and services.</p>
d. any submissions made in accordance with this Act or the regulation	Y	Any submissions received will be considered by the applicant following exhibition of the EIS.

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e. the public interest	Y	The proposed development is consistent with the principles of ecologically sustainable development (ESD) which underpin the EP&A Act and with local strategic intent expressed in instruments such as the Local Strategic Planning Statement and the Community Plan, which were derived from broad-based community engagement and preferences for the future of Penrith local government area. The development is therefore considered in the public interest.
Biodiversity Conservation Act 2016		
Section 7.9 – Biodiversity Assessment for SSD		
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	Y	The proposed development will not impact biodiversity. The project area has been cleared as part of the approved Stage 1 development (SSD-10479).
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.	Y	A BDAR waiver is not required for this development. The land is classified as ‘urban capable’ and the development on Lot K will not involve any vegetation clearing
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	Y	Biodiversity assessment is provided
Section 7.14 - SSD		
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	Y	The proposed development will not impact biodiversity. The project area has been cleared as part of the approved Stage 1 development (SSD-10479). The site is also noted to be certified as urban capable land under the CPCP and does not require assessment under the BC Act and regulations.
2. The Minister for Planning, when determining in accordance with the Environmental Planning and Assessment Act 1979 any such application, is to	Y	As above.

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<p>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 may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.</p>		
ENVIRONMENTAL PLANNING INSTRUMENTS		
State Environmental Planning Policy (Planning Systems) 2021		
Section 2.6 – Declaration of SSD		
<p>Schedule 1</p> <p>12 Warehouses or distribution centres</p> <ol style="list-style-type: none"> 1. Development that has a capital investment value of more than the relevant amount for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation. 2. This section does not apply to development for the purposes of warehouses or distribution centres to which section 18 or 19 applies. 3. In this section the relevant amount means— <ol style="list-style-type: none"> a) for development in relation to which the relevant environmental assessment requirements are notified under the Act on or before 31 May 2023—\$30 million, or b) for any other development—\$50 million. 	Y	<p>The proposed development is for the purpose of a ‘warehouse or distribution centre’ and it has an estimated development cost greater than \$50 million.</p>
Section 2.122 – Traffic generating development		
<ol style="list-style-type: none"> 1. This section applies to development specified in Column 1 of the Table to Schedule 3 that involves— <ol style="list-style-type: none"> 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 	Y	<p>The proposed development is a ‘traffic generating development’ as it is for a warehouse and distribution centre with a site area of more than 8,000 m².</p>

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State Environmental Planning Policy (Industry and Employment) 2021		
Section 2.10 – Zone objectives and land use tables		
<p>1. The Table at the end of this section specifies for each zone— Zone IN1 General Industrial 1.</p> <p>Objectives of zone</p> <ul style="list-style-type: none"> • To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space. • To encourage employment opportunities along motorway corridors, including the M7 and M4. • To minimise any adverse effect of industry on other land uses. • To facilitate road network links to the M7 and M4 Motorways. • To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment. • To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone. 	Y	The proposed warehouse and distribution centre is a use permitted with consent under the IN1 zone. Other minor uses, such as offices, are ancillary to the dominant use of warehouse and distribution centre.
(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	n/a	Matter for the consent authority.

Relevant provision	Compliance/alignment	Assessment notes
Section 2.17 – Requirements for DCPs		
<ol style="list-style-type: none"> 1. Except in such cases as the Secretary may determine by notice in writing to the consent authority or as provided by section 2.18, the consent authority must not grant consent to development on any land to which this Chapter applies unless a development control plan has been prepared for that land. 2. The requirements specified in Schedule 2 apply in relation to any such development control plan. 3. For the purposes of section 3.44(3) of the Act, a development control plan that is required by this section may be prepared and submitted by 60% of the owners of the land to which the plan applies 4. The Minister is authorised, for the purposes of section 3.44(5)(b) of the Act, to act in the place of the relevant planning authority in accordance with that section. 	Y	The MRP DCP applies to all of the Mamre Road precinct, including the subject site. The design and built form of the proposed development aligns to the requirements of the DCP.
Section 2.19 - ESD		
<p>The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that—</p> <ol style="list-style-type: none"> a) building heights will not adversely impact on the amenity of adjacent residential areas, and b) site topography has been taken into consideration 	Y	The maximum height of buildings is consistent with the Concept Master Plan. The heights of the buildings on Lot K are equal or lower than the prescribed height.
Section 2.21 – Rainwater harvesting		
<p>The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Secretary</p>	Y	The proposed warehouse and distribution centre includes rainwater harvesting as part of the stormwater management strategy.

Relevant provision	Compliance/alignment	Assessment notes
Section 2.24 – Public utility infrastructure		
<ol style="list-style-type: none"> 1. The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required. 2. In this section, public utility infrastructure includes infrastructure for any of the following— <ol style="list-style-type: none"> a) the supply of water, b) the supply of electricity, c) the supply of natural gas, d) the disposal and management of sewage. 3. This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this section. 	Y	<p>The infrastructure requirements for the Kemps Creek Industrial Estate were considered and addressed as part of the approved Concept Master Plan (SSD-10479). The proposed development is consistent with the Concept Master Plan and the infrastructure being constructed as part of the Stage 1 works will adequately service Lot K.</p>
Section 2.28 – Industrial release area, arrangements for regional transport infrastructure		
<ol style="list-style-type: none"> 1. This section applies to the land shown edged heavy black on the Industrial Release Area Map but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 7.1 of the Act). 2. The object of this section is to require assistance to authorities of the State towards the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) to satisfy needs that arise from development on land to which this section applies. 3. Despite any other provision of this Chapter, the consent authority must not consent to development on land to which this section applies unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) in relation to the land to which this Chapter applies. 4. Subsection (3) only applies if the land that is the subject of the application for development consent was not being used for industrial purposes immediately before the application was made. 	Y	<p>The Mamre Road Land Owner Group – East (LOG-E) is collectively in negotiation with the DPPI and Penrith City Council to contribute to transport upgrades consistent with the road network described in the MRP DCP. This includes the upgrade and signalisation of the Mamre Road intersection at Mamre Road. It also includes the widening of Aldington Road and Abbotts Road which requires the dedication of land owned by LOG-E owned along the road frontages. This involves construction of new signalised intersections on Aldington Road, including one which will form the main access to the Kemps Creek Industrial Estate. The upgrades are proposed to be undertaken as part of Planning Agreements with NSW Government and Penrith City Council.</p>

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5. Subsection (3) does not apply in relation to— <ol style="list-style-type: none"> a) any land that is reserved exclusively for a public purpose, or b) any development that is, in the opinion of the consent authority, of a minor nature 		
Section 2.30 – Design principles		
In determining a development application that relates to land to which this Chapter applies, the consent authority must take into consideration whether or not— <ol style="list-style-type: none"> a) the development is of a high quality design, and b) a variety of materials and external finishes for the external facades are incorporated, and c) high quality landscaping is provided, and d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned. 	Y	The proposed development considers and reflects the design elements (architectural, civil and landscape). The proposed design is also consistent with the Concept Master Plan.
Section 2.31 – Preservation of trees and vegetation		
<ol style="list-style-type: none"> 1. The objective of this section is to preserve the amenity of the area through the preservation of trees and other vegetation. 2. This section applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this section by a development control plan made under Division 3.6 of the Act 	Y	The site does not contain trees prescribed pursuant to an existing development control plan.
Section 2.34 – Development of land within or adjacent to a transport investigation area		
Consent must not be granted to development in the area marked “Transport Investigation Areas A and B” on the Land Zoning Map that has a capital investment value of more than \$200,000 without the concurrence of Transport for NSW.	Y	The site is not within or adjacent to a transport investigation area.

Relevant provision	Compliance/ alignment	Assessment notes
Section 2.35 – Development within the Mamre Road precinct		
<ol style="list-style-type: none"> 1. Consent must not be granted to development in the area marked “Transport Investigation Areas A and B” on the Land Zoning Map that has a capital investment value of more than \$200,000 without the concurrence of Transport for NSW. 2. In determining whether to provide concurrence, Transport for NSW is to take into account the likely effect of the development on— <ol style="list-style-type: none"> a) the practicability and cost of carrying out transport projects on the land in the future, and b) without limiting paragraph (a), the structural integrity or safety of, or ability to operate, transport projects on the land in the future, and c) without limiting paragraph (a), the land acquisition costs and the costs of construction, operation or maintenance of transport projects on the land in the future, and d) in relation to Transport Investigation Area A—current or future development and operation of an intermodal terminal, including whether the development for which consent is sought is likely to impede access to or from an intermodal terminal 	Y	<p>The site is located in the MRP and has an estimated development cost in excess of \$200,000. The proposed development requires concurrence from Transport for NSW under this section.</p>
Section 2.37 – Airspace operations		
<ol style="list-style-type: none"> 1. The objectives of this section are as follows— <ol style="list-style-type: none"> a) to provide for the effective and ongoing operation of the Airport by ensuring that such operation is not compromised by proposed development that penetrates the prescribed airspace for the Airport, b) to protect the community from undue risk from that operation. 2. If a development application is received and the consent authority is satisfied that the proposed development will penetrate the prescribed airspace, before granting development consent, the consent authority must consult with the relevant Commonwealth body about the application. 3. The consent authority may grant development consent for the development if the relevant Commonwealth body advises that— <ol style="list-style-type: none"> a) the development will penetrate the prescribed airspace but it has no objection to its construction, or 	Y	<p>The proposed development is proximate to the Western Sydney Airport. It is for the purpose of a warehouse and distribution centre and does not include any sensitive land uses such as residential or childcare centres.</p> <p>The development will not penetrate the OLS.</p> <p>The proposed development will therefore not result in any impacts to airspace operations</p>

Relevant provision	Compliance/ alignment	Assessment notes
<p>b) the development will not penetrate the prescribed airspace.</p> <p>4. To avoid doubt, the consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the prescribed airspace and should not be constructed.</p>		
<p>Section 2.38 – Development of land adjacent to the Western Sydney airport</p>		
<p>1. The objectives of this section are as follows—</p> <p>a) to provide for the effective and ongoing operation of the Airport by ensuring that such operation is not compromised by proposed development in close proximity to the Airport,</p> <p>b) to protect the community from undue risk from that operation.</p> <p>2. This section applies to development on land, any part of which is less than 13 kilometres from a boundary of the Airport.</p> <p>3. The consent authority must not grant consent for development to which this section applies unless the consent authority is satisfied that the proposed development will not attract birds or animals of a kind and in numbers that are likely to increase the hazards of operating an aircraft</p>	<p>Y</p>	<p>The proposed development does not include any operations which are considered ‘bird attracting’ and will not create a hazard to airport operations in the area.</p>

Relevant provision	Compliance/ alignment	Assessment notes
Section 2.40 - Earthworks		
<p>1. The objectives of this section are as follows—</p> <ul style="list-style-type: none"> a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, b) to allow earthworks of a minor nature without separate development consent. <p>2. Development consent is required for earthworks unless—</p> <ul style="list-style-type: none"> a) the work is exempt development under this Chapter or another applicable environmental planning instrument, or b) the work is ancillary to other development for which development consent has been given. <p>3. Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <ul style="list-style-type: none"> a) the likely disruption of, or detrimental effect on, existing drainage patterns and soil stability in the locality, b) the effect of the proposed development on the likely future use or redevelopment of the land, c) the quality of the fill or the soil to be excavated, or both, d) the effect of the proposed development on the existing and likely amenity of adjoining properties, e) the source of fill material and the destination of excavated material, f) the likelihood of disturbing relics g) the proximity to and potential for adverse impacts on a waterway, drinking water catchment or environmentally sensitive area, h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development, <ul style="list-style-type: none"> i) the proximity to and potential for adverse impacts on a heritage item, an archaeological site, or a heritage conservation area, ii) the visual impact of earthworks as viewed from the waterways. 	Y	The proposed development includes only minor earthworks. The bulk earthworks were assessed and authorised as part of the approved Stage 1 works.

Relevant provision	Compliance/ alignment	Assessment notes
Section 2.41 – Development on flood prone land		
1. This section applies to development requiring consent that is carried out on flood prone land.	Y	<p>The subject land (Lot K) is not identified as flood prone land.</p> <p>As part of SSD 10479, a Flood Risk Assessment and a supplementary Flood Risk Information Letter for the overall industrial estate were provided by Cardno (2020). This was updated as part of the Mod 2 application to include the additional Stage 1 works in Lot D (Stantec, 2023)</p> <p>The Cardno Flood Risk Assessment Report provided a high-level understanding of the opportunities and constraints of the site due to flooding at the estate based on an assessment of flooding under benchmark (pre-development) conditions.</p> <p>The Cardno Report modelled likely flood risk for storm events with a 2-year annual recurrence interval (ARI), a 20-year ARI and a 100-year ARI. The areas impacted are generally along the riparian zone for Ropes Creek, to the north-east of the industrial estate.</p> <p>The extent and level of flooding for all mapped scenarios were shown to not extend to Lot K. Only the land at the extreme north-east portion of the overall industrial estate was shown to be impacted by flooding under the modelled scenarios.</p>
Section 2.42 – Heritage conservation		
<p>1. Objectives</p> <p>The objectives of this section are as follows—</p> <ul style="list-style-type: none"> a) to conserve the environmental heritage of the Western Sydney Employment Area, b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, c) to conserve archaeological sites, d) to conserve Aboriginal objects and Aboriginal places of heritage significance. <p>2. Requirement for consent Development consent is required for any of the following—</p> <ul style="list-style-type: none"> a) demolishing or moving 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) a heritage item, (ii) an Aboriginal 	Y	<p>No heritage items are located on the subject site, and the site is not located within a Heritage Conservation Area.</p> <p>A Historical Heritage Assessment Report was prepared by Biosis (2020) and considered as part of the Project Approval SSD-10479.</p> <p>The Biosis report was based on a desktop assessment complemented by field investigations. Databases searched included the State Heritage Register (SHR), Commonwealth Heritage List (CHL), National Heritage List (NHL), Section 170 heritage registers and the Penrith Local Environmental Plan 2010. These searches revealed that no heritage listed items were present in the study area.</p> <p>The potential archaeological remains in the site are associated with agriculture and domestic themes. The high levels of disturbance from the continuous use of the site since the 1970s for market gardening makes it unlikely for these remains to still be present in the site.</p> <p>Four heritage items are recorded on the State Heritage Inventory in the broader area, and all to the south or south-west of the site, and will not be directly or indirectly impacted.</p>

Relevant provision	Compliance/ alignment	Assessment notes
<p>object, (iii) a building, work, relic or tree within a heritage conservation area,</p> <p>b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 3 in relation to the item,</p> <p>c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>e) erecting a building on land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>f) subdividing land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>		

Section 2.43 – Consent for clearing native vegetation

<p>1. A person must not clear native vegetation on land in Zone C2 Environmental Conservation or Zone RE1 Public Recreation without development consent</p> <p>2. Development consent under this section is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation caused by the clearing of the vegetation—</p> <p>a) that there is no reasonable alternative available to the disturbance of the native vegetation,</p> <p>b) that any impact of the proposed clearing on biodiversity values is avoided or minimised,</p> <p>c) that the disturbance of the native vegetation will not increase salinity,</p> <p>d) that native vegetation inadvertently disturbed for the purposes of construction will be re-instated where possible on completion of construction,</p> <p>e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid a net loss of remnant native vegetation,</p>	Y	The proposed development will not require the clearing of native vegetation within land zoned as C2. The project area is cleared as approved under SSD-10479 Stage 1 works.
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Relevant provision	Compliance/ alignment	Assessment notes
<p>f) that the clearing of the vegetation is unlikely to cause or increase soil erosion, salination, land slip, flooding, pollution or other adverse land or water impacts.</p> <p>3. The consent authority must, when determining a development application in respect of the clearing of native vegetation on land zoned E2 Environmental Conservation have regard to the objectives for development in that zone.</p>		

Section 2.44 – Stormwater, water quality and water sensitive design

<p>1. The objective of this section is to avoid or minimise the adverse impacts of stormwater on the land on which development is to be carried out, adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems.</p> <p>2. Before granting development consent to development on land to which this Chapter applies, the consent authority must take into consideration whether—</p> <p>a) water sensitive design principles are incorporated into the design of the development, and</p> <p>b) riparian, stormwater and flooding measures are integrated, and</p> <p>c) the stormwater management system includes all reasonable management actions to avoid adverse impacts on the land to which the development is to be carried out, adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems, and</p> <p>d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems, and</p> <p>e) the development will have an adverse impact on— (i) the water quality or quantity in a waterway, including the water entering the waterway, and (ii) the natural flow regime, including groundwater flows to a waterway, and (iii) the aquatic environment and riparian land (including aquatic and riparian species, communities, populations and habitats), and (iv) the stability of the bed, banks and shore of a waterway, and</p> <p>f) the development includes measures to retain, rehabilitate and restore riparian land.</p>	Y	<p>The site design incorporates water quality and water sensitive urban design measures.</p> <p>The Stormwater Management Report includes a strategy to provide water sensitive urban design (WSUD). The proposed WSUD measures are intended to respond to the stormwater quality and quantity (flow) targets and achieve satisfactory outcomes during the period that the MRP Stormwater Scheme is not constructed or operational. The ultimate strategies are to be implemented once the MRP Stormwater Scheme is operational.</p>
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Relevant provision	Compliance/ alignment	Assessment notes
<p>3. For the purposes of subsection (2)(a), the water sensitive design principles are as follows—</p> <ul style="list-style-type: none"> a) protection and enhancement of water quality, by improving the quality of stormwater runoff from catchments, b) minimisation of harmful impacts of development on water balance and on surface and groundwater flow regimes, c) integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space, habitat improvement and recreational and visual amenity, d) retention, where practical, of on-site stormwater for use as an alternative supply to mains water, groundwater or river water. 		
Section 3.6 - Signage		
<p>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—</p> <ul style="list-style-type: none"> a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5 	Y	<p>The proposed development includes business identification signage for the proposed warehouse and distribution centre, plus wayfinding signage. The proposed signage is consistent with the objectives as it is directly associated with the proposed development, provides effective communication in suitable locations and will be of a high-quality design and finish.</p>
Schedule 5 – Assessment criteria		
Character of the area		
<p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>	Y	<p>The proposed development is consistent with the strategic vision and the land-use zoning for the precinct.</p>
<p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	Y	<p>A signage plan has been prepared consistent with controls applying to the precinct.</p>
Special areas		
<p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	Y	<p>No environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas will be impacted adversely.</p>

Relevant provision	Compliance/alignment	Assessment notes
Views and vistas		
Does the proposal obscure or compromise important views?	Y	Viewsheds are not compromised by the proposed warehouse.
Does the proposal dominate the skyline and reduce the quality of vistas?	Y	The buildings are within height controls for the precinct and consistent with other development in terms of scale and bulk.
Does the proposal respect the viewing rights of other advertisers?	Y	Sightlines to advertising are not impacted.
Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Y	The scale, proportion and form of the proposal is consistent with the Concept Master Plan for the industrial estate and with the controls for precinct development.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Y	The proposed development is a bespoke warehouse and is consistent with the Concept Master Plan for the industrial estate and with the controls for precinct development.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Y	No existing advertising is being rationalised however signage is discrete and consistent with the controls for precinct development.
Does the proposal screen unsightliness?	Y	The Mamre Road Precinct is a generally greenfield site in a state of transformation and no specific unsightliness exists however it is noted that substantial landscaping is proposed for the perimeter of Lot K.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Y	There are limited buildings, structures or tree canopies in the area with which to compare however it is noted that the development is consistent with the Concept Master Plan for the industrial estate and with the building controls for precinct development.
Does the proposal require ongoing vegetation management?	Y	The landscaping will require periodic maintenance however there are no tracts of native vegetation on Lot K which will require ongoing management.
Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Y	The proposed development is a bespoke warehouse and is consistent with the Concept Master Plan for the industrial estate and with the controls for precinct development.
Does the proposal respect important features of the site or building, or both?	Y	The proposed development sits within the site slope and is consistent with the Concept Master Plan for the industrial estate and with the controls for precinct development.

Relevant provision	Compliance/alignment	Assessment notes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Y	The proposed development is a bespoke warehouse. Innovation is expressed through the vehicle circulation, storage arrangements and smaller multiple building form (rather than a standard 'big box' warehouse)
Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Y	Traffic circulation safety measures, such as signage, are included.
Illumination		
Would illumination result in unacceptable glare?	Y	Lighting will be unobtrusive and glare will not impact nearby premises.
Would illumination affect safety for pedestrians, vehicles or aircraft?	Y	Aircraft safety, pedestrian and vehicle movement are not likely to be impacted by any illumination on Lot K.
Would illumination detract from the amenity of any residence or other form of accommodation?	Y	The nearest residential or accommodation facilities are located approximately 1 km to the east of the site and will not be impacted by illumination at Lot K.
Can the intensity of the illumination be adjusted, if necessary?	Y	Illumination will be unobtrusive and adjustment of lighting intensity is not considered necessary. Nevertheless it is possible to reduce lumens in lighting at the site, subject to safety considerations.
Is the illumination subject to a curfew?	Y	No known curfew exists.
Safety		
Would the proposal reduce the safety for any public road?	Y	The proposed development is consistent with the precinct structure plan and road network, and meets traffic safety requirements.
Would the proposal reduce the safety for pedestrians or bicyclists?	Y	Adequate provision is made for movement by pedestrians and cyclists. The development will not reduce safety for pedestrians and cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Y	Adequate provision is made for sight lines and pedestrian safety.

Relevant provision	Compliance/alignment	Assessment notes
State Environmental Planning Policy (Precincts – Western Parkland City) 2021		
Section 4.17 – Aircraft noise		
<ol style="list-style-type: none"> 1. The objectives of this section are— <ol style="list-style-type: none"> a) to prevent certain noise sensitive development on land near the Airport, and b) to minimise the impact of aircraft noise for other noise sensitive development, and c) to ensure that land use and development near the Airport do not hinder or have other adverse impacts on the ongoing, safe and efficient 24 hours a day operation of the Airport 2. Development consent must not be granted to noise sensitive development if the development is to be located on land that is in an ANEF or ANEC contour of 20 or greater. 3. Subsection (2) applies despite the following— <ol style="list-style-type: none"> a) Part 2, Divisions 7 and 8 of State Environmental Planning Policy (Affordable Rental Housing) 2009, b) Chapter 3 of State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004, c) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. 4. Despite subsection (2), development consent may be granted to development for the purposes of dwelling houses on land that is in an ANEF or ANEC contour of 20 or greater if— <ol style="list-style-type: none"> a) immediately before the commencement of this Chapter— (i) there were no dwellings on the land, and (ii) development for the purposes of dwelling houses was permitted on the land, and b) the consent authority is satisfied that the development will meet the indoor design sound levels. (4A) Subsection (2) does not apply to development for the purposes of subdivision of land in an ANEF or ANEC contour of 20 or greater if the development application was made before 1 October 2020. 	Y	The proposed development is classified as ‘Other Industrial’ which can be accommodated within ANEF zones as per the Australian Standard (AS2021- 2015).

Relevant provision	Compliance/ alignment	Assessment notes
Section 4.18 – Building wind shear and turbulence		
<ol style="list-style-type: none"> 1. The objective of this section is to safeguard Airport operations from wind shear and turbulence generated by buildings. 2. This section applies to development— <ol style="list-style-type: none"> a) on land shown as the “Windshear Assessment Trigger Area” on the Lighting Intensity and Wind Shear Map, and b) that penetrates the 1:35 surface. (2A) Development consent must not be granted to the development unless the consent authority has consulted the relevant Commonwealth body. 3. For the purposes of this section, development penetrates the 1:35 surface if the distance from the runway centreline to the closest point of the building is less than or equal to 35 times the height above runway level of the building 	Y	<p>The proposed development site will be located beyond the airport boundary and does not represent a risk of windshear and/or turbulence at the airport. The buildings and the cranes will not have an impact upon the OLS.</p>
Section 4.19 – Wildlife hazards		
<ol style="list-style-type: none"> 1. The objective of this section is to regulate development on land surrounding the Airport where wildlife may present a risk to the operation of the Airport. 2. Development consent must not be granted to relevant development on land in the 13 km wildlife buffer zone unless the consent authority— <ol style="list-style-type: none"> 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 c) 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. 	Y	<p>The proposed warehouse and distribution centre does not attract wildlife. Prescribed wildlife-attracting activities such as turf farming or waste facilities are not proposed.</p>

Relevant provision	Compliance/ alignment	Assessment notes
<p>3. Despite subsection (2), development for the following purposes is prohibited on land in the 3 km wildlife buffer zone—</p> <ul style="list-style-type: none"> a) livestock processing industries, b) turf farming, c) waste or resource management facilities that consist of outdoor processing, storage or handling of organic or putrescible waste 		
Section 4.20 – Wind turbines		
<p>1. The objective of this section is to regulate the construction of wind turbines and wind monitoring towers on land within 30 kilometres of the Airport.</p> <p>2. Development for the following purposes is prohibited on land in the 3 km zone—</p> <ul style="list-style-type: none"> a) electricity generating works comprising a wind turbine, b) wind monitoring towers that are not ancillary or incidental to the Airport. <p>3. Development consent must not be granted to development for the purposes of a large wind monitoring tower in the 3–30 km zone unless the consent authority has consulted the relevant Commonwealth body.</p> <p>4. Development consent must not be granted to development for the purposes of a electricity generating works comprising a wind turbine on land in the 3–30 km zone unless the consent authority—</p> <ul style="list-style-type: none"> a) has consulted the relevant Commonwealth body, and b) has considered a written assessment of the risk of the development to the safe operation of the Airport provided by the applicant, and c) is satisfied that the development will adequately mitigate the risk to the safe operation of the Airport 	Y	No wind turbines are required for the operation of the proposed facility.

Relevant provision	Compliance/ alignment	Assessment notes
Section 4.21 - Lighting		
<ol style="list-style-type: none"> 1. The objective of this section is to safeguard Airport operations from the risk of lighting and reflectivity distractions for pilots. 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— <ol style="list-style-type: none"> 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 	Y	<p>The nearest point of the proposed development is in excess of 6 km from the centre of Runway 05L/23R and does not lie within any of the NASF light zones and therefore no special lighting requirements apply.</p>
Section 4.22 – Airspace operations		
<ol style="list-style-type: none"> 1. The objectives of this section are— (a) to provide for the effective and ongoing operation of the Airport by ensuring that its operation is not compromised by development that penetrates the prescribed airspace for the Airport, and <ol style="list-style-type: none"> a) the relevant Commonwealth body does not object to the development. 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. (3) Development consent must not be granted to development to which this section applies unless— <ol style="list-style-type: none"> a) the consent authority has consulted the relevant Commonwealth body, and b) the relevant Commonwealth body advises the consent authority that— (i) the development will penetrate the prescribed airspace but it does not object to the development, or (ii) the development will not penetrate the prescribed airspace 	Y	<p>Operation of the warehouse and distribution centre is not likely to produce such an exhaust plume and therefore not have an impact on Western Sydney airport. There is no penetration of the OLS including adequate clearance for typical construction cranes to be used on the development. The proposed development will not have any impact upon the performance of ATC Communications systems or navigation aids installed at Western Sydney airport.</p>

Relevant provision	Compliance/alignment	Assessment notes
Section 4.23 – Public safety		
<ol style="list-style-type: none"> 1. The objective of this section is to regulate development on land on which there is an appreciable risk to public safety from the operation of the Airport. 2. Development for the following purposes is prohibited on land shown as the “public safety area” on the Public Safety Area Map— Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Ecotourist facilities; Education establishments; Entertainment facilities; Function centres; Funeral homes; Health services facilities; Heavy industrial storage establishments; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Service stations; Tourist and visitor accommodation 3. Development consent must not be granted to development for a purpose not specified in subsection (2) on land shown as the “public safety area” on the Public Safety Area Map unless the consent authority— <ol style="list-style-type: none"> a) has considered a written assessment of the risk of the development to persons provided by the applicant, which includes— (i) the risk to persons on the land in the event of an emergency or other incident at or around the Airport, including an incident involving an aircraft landing or taking off from the Airport, and (ii) the likely number of people who will use or otherwise be present on the land, and (iii) the compatibility of the development with the risk, including in relation to the number of people who will use or otherwise be present on the land, and b) is satisfied that the development will adequately mitigate the risk to persons on the land, including by limiting the number of people or vehicles 	Y	The proposed development site is located outside of the designated public safety areas associated with the runways at Western Sydney airport.

Relevant provision	Compliance/ alignment	Assessment notes
Section 4.23A – Operation of certain air transport facilities		
<ol style="list-style-type: none"> 1. The objective of this section is to regulate development that may impact the operation of certain air transport facilities. 2. Development consent must not be granted to development on land shown as the “Building Restricted Area” on the Building Restricted Area Map unless the consent authority— <ol style="list-style-type: none"> a) has consulted the relevant Commonwealth body, and b) is satisfied that the development will not adversely impact the operation of communication and air traffic control facilities or structures associated with the Airport’s air transport facilities. 	Y	The proposed development site is not within the Building Restricted Area.
State Environmental Planning Policy (Resilience and Hazards) 2021		
Section 4.6 – Contamination and remediation		
<ol style="list-style-type: none"> 1. In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development)— <ol style="list-style-type: none"> a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and e) any likely future use of the land surrounding the development 	Y	<p>A Preliminary Hazards Analysis has been undertaken. It concluded that the risks at the site boundary are not considered to exceed the acceptable risk criteria.</p> <p>On the basis of a risk screening, the proposed development is not potentially hazardous.</p>

Relevant provision	Compliance/alignment	Assessment notes
State Environmental Planning Policy (Sustainable Buildings) 2022		
Section 3.2 – Development consent for non-residential development		
<p>1. In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—</p> <ol style="list-style-type: none"> the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials, a reduction in peak demand for electricity, including through the use of energy efficient technology, a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design, the generation and storage of renewable energy, the metering and monitoring of energy consumption, the minimisation of the consumption of potable water. <p>g) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified</p>	Y	<p>A Sustainability Report identifies the sustainability measures to be implemented and being considered as part of the proposed development.</p> <p>The report considers four specific matters stipulated in the SEARs:</p> <ul style="list-style-type: none"> • a description of how the development responds to the provisions of Section 3.2 of State Environmental Planning Policy (Sustainable Buildings) 2022 • a description of how the principles of ecologically sustainable development would be incorporated into the design, construction and ongoing operation of the development • a description of the measures to be implemented to minimise consumption of resources especially energy and water • an assessment of the energy use of the proposal and all reasonable and feasible measures that would be implemented on site to minimise the proposal’s greenhouse gas emissions. <p>The report also includes a description of the measures to be implemented to minimise consumption of resources, especially energy and water. Hence the requirement pursuant to the MRP DCP to demonstrate a commitment to achieving no less than 4 stars under Green Star or 4.5 stars under the Australian Building Greenhouse Rating system, now part of the NABERS scheme, is achieved.</p>
Section 3.2 – Other considerations for large commercial development		
<ol style="list-style-type: none"> In deciding whether to grant development consent to large commercial development, the consent authority must consider whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050. Development consent must not be granted to large commercial development unless the consent authority is satisfied the development is capable of achieving the standards for energy and water use specified in Schedule 3. For the purposes of subsection (2), development is capable of achieving a standard specified in Schedule 3 if there is a NABERS commitment agreement in place to achieve the standard. 	Y	<p>A Sustainability Report identifies the sustainability measures to be implemented and being considered as part of the proposed development. It provides an assessment of the energy use of the proposal and all reasonable and feasible measures that would be implemented on site to minimise the proposal’s greenhouse gas emission to contribute to NSW goal of achieving net zero GHG emissions by 2050.</p> <p>A Net Zero Statement has been prepared for the proposed development and contained in Appendix DD. The statement aims to detail how the development is aligned with the Net Zero Statement Technical Notes issued by the NSW Government and describes how the project will avoid dependence on fossil fuels and be capable of operating at net zero emissions by 2035.</p>

Relevant provision	Compliance/alignment	Assessment notes
<p>4. Subsection (2), to the extent it relates to energy use, does not apply to large commercial development on land to which the following local environmental plans apply—</p> <p>a) Sydney Local Environmental Plan 2012,</p> <p>b) Sydney Local Environmental Plan (Green Square Town Centre) 2013,</p> <p>c) Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013.</p> <p>5. Despite subsection (4), subsection (2) applies to large commercial development to the extent that the development relates to prescribed serviced apartments.</p>		<p>The standards for energy and water use specified in Schedule 3 are as follows for the proposed development:</p> <ul style="list-style-type: none"> • 5.5 star NABERS energy rating for the prescribed office areas. • 3 star NABERS water rating for the prescribed office areas. <p>The Sustainability report demonstrates that the proposed development can achieve these ratings. In addition, a NABERS ‘agreement to rate’ has been included within Appendix DD.</p>

Section 3.3 – Other considerations for certain State significant development

<p>1. This section applies to non-residential development that is declared to be State significant development by State Environmental Planning Policy (Planning Systems) 2021, section 2.6(1) and specified in that policy, Schedule 1, sections 13–15.</p> <p>2. In deciding whether to grant development consent to development to which this section applies, the consent authority must consider whether the development will minimise the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.</p>	Y	<p>While the proposed development is declared SSD, it is not a development specified under sections 13015 in Schedule of the Planning Systems SEPP. These relate to cultural, recreation and tourist facilities, hospitals, medical centres and health research facilities and educational facilities.</p> <p>Notwithstanding the above, as demonstrated in the Sustainability Report, the proposed development will minimise the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in NSW by 2050. In addition, as described above, a Net Zero Statement has been prepared which describes how the project will avoid dependence on fossil fuels and be capable of operating at net zero emissions by 2035.</p>
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DEVELOPMENT CONTROL PLAN

Mamre Road Precinct DCP

Structure Plan

Mamre Road Structure Plan

<p>1. Development applications are to be generally consistent with the Precinct Structure Plan (Figure 2), the water cycle management strategy and local road network strategy.</p>	Y	<p>The proposed development is consistent with the general arrangement of the Structure Plan as it supports industrial land uses in accordance with the Plan; maintains future road access for adjoining land; and includes water cycle management initiatives which enable the development to meet the DCP targets through an interim solution for initial stages and a final solution that will accommodate later stages</p>
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Relevant provision	Compliance/alignment	Assessment notes
2. The consent authority will consider the extent to which the proposed development is consistent with the Structure Plan, including cumulative and precedent implications on existing and planned infrastructure, and services and amenities provision	Y	The proposed development remains consistent with the Precinct Vision because it continues to provide for a land use (warehousing and distribution centre) on large, consolidated lots to support the extension of the Western Sydney Employment Area; it does not generate any unacceptable environmental impacts to local sensitive receivers; remains aligned with the objectives and controls of the MRP DCP and Structure Plan.
3) Proposed variations to the general arrangement of the Structure Plan must be consistent with the Precinct Vision, to the satisfaction of the consent authority	Y	The proposed development is generally consistent with the Structure Plan with respect to land use, site layout and connectivity and infrastructure provision.
<i>Development controls</i>		
Clause 2.2.2 Biodiversity certification		
1. Development is to be sited, designed and managed to avoid or mitigate potential adverse impacts on natural areas and habitat	Y	Siting and design have considered the need to avoid or mitigate impacts on natural areas.
2. Development applications for land that has the potential to impact biodiversity prior to the approval of the CPCP are to be accompanied by a Biodiversity Development Assessment Report	Y	The biodiversity impact of the Kemps Creek Industrial Estate was assessed as part of the approved Stage 1 works (SSD-10479). In addition, Lot K and surrounding lots are certified as Urban Capable Land under CPCP.
3. Where development is proposed to impact on an area of native vegetation, it shall be demonstrated that no reasonable alternative is available and suitable ameliorative measures are proposed (e.g., weed management, rehabilitation, nest boxes).	Y	Siting and design have considered the need to avoid or mitigate impacts on natural areas.
4. A Weed Eradication and Management Plan outlining weed control measures during and after construction is to be submitted with the development application	Y	<p>An overarching Vegetation Management Plan (VMP) and Weed Management Plan (WMP) were appended to the Flora and Fauna Management Plan (FFMP) for the Stage 1 Development CEMP.</p> <p>The VMP covers ongoing maintenance activities such as weed and pest control, and progressive establishment and monitoring of vegetation and landscaping. These activities are also applicable to the Lot K development.</p> <p>Any specific vegetation management conditions of consent within the Lot K SSD Planning Approval would be captured in a lot-specific Flora and Fauna Management Plan at the relevant time.</p> <p>The WMP covers ongoing weed management, control measures and disposal. Activities related to weed management and progressive revegetation at the proposed Lot K site will be undertaken in accordance with the overarching VMP and WMP.</p>

Relevant provision	Compliance/alignment	Assessment notes
Clause 2.2.3 Biodiversity conservation and management – Blue Green Network		
1. Minimise clearing of native vegetation within the blue-green network, which comprises land zoned E2 Environmental Conservation, RE1 Public Recreation, RE2 Private Recreation and riparian corridors. Note: Clause 33K of WSEA SEPP also applies.	Y	The proposed development seeks to minimise the clearing of any vegetation.
2. No clearing of native vegetation shall occur within the Precinct on land zoned Environmental Conservation (E2), Public Recreation (RE1), and Private Recreation (RE2) without having regard to the Biodiversity Conservation Act 2016		The proposed development does not include the clearing of any vegetation on land zoned C2.
3. A Vegetation Management Plan (VMP) for the rehabilitation and conservation of native vegetation is to be prepared by a suitably qualified expert for land within the blue-green network.	Y	A VMP has been prepared. .
4. A Threatened Species Assessment is to be undertaken for development applications on land within 500m of an E2 Environmental Conservation zone to determine the presence of threatened species or their habitat. Building setbacks for grey-headed flying fox and raptors are required, if present on or adjacent to the development site, are outlined in Table 3.	Y	The proposed development is not within 500 m of C2 land.
5. Bushfire Asset Protection Zones (APZs), stormwater detention basins, and roads are to be located wholly within land zoned IN1 General Industrial and avoid the blue-green network	Y	No APZs are required outside the IN1 zoned land.
Clause 2.2.3 Biodiversity conservation and management – Geneal biodiversity management		
6. Avoid impacts on habitat features which provide essential habitat for threatened species and other fauna including large trees including dead trees at (>50cm trunk diameter at breast height) and avoid impacts to soil within the dripline of the retained trees.	Y	The proposed development avoids, as far as possible, any impact on habitat.

Relevant provision	Compliance/ alignment	Assessment notes
7. Any mature native tree removed is to be replaced by at least 2 trees selected from the Plant List (Appendix C) which would develop to a similar size at maturity	Y	The VMP and Landscape Plan provide details of the tree replacements.
8. Mitigation for threatened ecological communities is to be undertaken in accordance with: <ul style="list-style-type: none"> • Best Practice Guidelines: Cooks River/Castlereagh Ironbark Forest (NSW DECC, 2008) within and adjacent to the TEC; and, • Recovering Bushland on the Cumberland Plain: Best Practice Guidelines for the Management and Restoration of Bushland (NSW DECC, 2005). 	Y	The proposed development does not include the clearing of any vegetation or habitat. No threatened ecological communities are impacted by the proposed development.
9. Where practical, prior to development commencing, applicants are to: <ul style="list-style-type: none"> • Provide for the appropriate re-use of native plants (including but not limited to seed collection) on site and re-use of topsoil that contains known or potential native seed bank; • Undertake a pre-clearance assessment for native fauna immediately prior to native vegetation clearing to ensure arboreal mammals, roosting and hollow-using birds, bats and reptiles found to be present are prevented from accessing vegetation to be cleared, and appropriately removed prior to clearing; and • Native animals are to be relocated from development sites in accordance with the former Office of Environment and Heritage’s Policy on the Translocation of Threatened Fauna in NSW. 	Y	The proposed development does not include the clearing of any vegetation or habitat.
10. WONS and weeds on the National Environmental Alert List under the National Weeds Strategy are to be managed and eradicated (refer to NSW Weed Wise for current weed identification and management approaches).	Y	An overarching Vegetation Management Plan (VMP) and Weed Management Plan (WMP) were appended to the Flora and Fauna Management Plan (FFMP) for the Stage 1 Development CEMP. The VMP covers ongoing maintenance activities such as weed and pest control, and progressive establishment and monitoring of vegetation and landscaping. These activities are also applicable to the Lot K development. Any specific vegetation management conditions of consent for Lot K would be captured in a lot-specific Flora and Fauna Management Plan at the relevant time. The WMP covers ongoing weed management, control measures and disposal. Activities related to weed management and progressive revegetation at the proposed Lot K site will be undertaken in accordance with the overarching VMP and WMP.

Relevant provision	Compliance/ alignment	Assessment notes
11. Subdivision design and bulk earthworks are to consider the need to minimise weed dispersion during and after construction and promote weed eradication. A Weed Eradication and Management Plan is to be submitted with subdivision development applications.	Y	An overarching Vegetation Management Plan (VMP) and Weed Management Plan (WMP) were appended to the Flora and Fauna Management Plan (FFMP) for the Stage 1 Development CEMP. The VMP covers ongoing maintenance activities such as weed and pest control, and progressive establishment and monitoring of vegetation and landscaping. These activities are also applicable to the Lot K development. Any specific vegetation management conditions of consent within the Lot K SSD Planning Approval would be captured in a lot-specific Flora and Fauna Management Plan at the relevant time. The WMP covers ongoing weed management, control measures and disposal. Activities related to weed management and progressive revegetation at the proposed Lot K site will be undertaken in accordance with the overarching VMP and WMP.
12. Pest control techniques implemented during and post construction are to be in accordance with regulatory requirements for chemical use and address the relevant pest control strategy and are to reduce the risk of secondary poisoning (e.g. from Pindone or second generation rodenticides).	Y	Weed management is addressed in the Construction Environmental Management Plan. The plan covers ongoing maintenance activities such as weed and pest control, and progressive establishment and monitoring of vegetation and landscaping.
13. Vegetation to which Part 3 of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 applies is the same vegetation that must not be ringbarked, cut down, lopped, topped, removed, injured, wilfully destroyed or cleared without a development consent or permit granted by Council	Y	The proposed development does not include the clearing of any vegetation or habitat.
14. Where high intensity lighting is necessary for site operation, safety and security, it is to be designed to avoid light spill into adjoining natural areas. Australian Standard AS 4282 or updates to that standard are to be considered as a minimum.	Y	Light spill will not occur to any natural area.
15. Where a development footprint contains or is within 100m of known microbat colonies or habitat likely to support microbat colonies, street lighting must be of the type that will not attract insects	Y	The proposed development does not include the clearing of any vegetation or habitat. No microbat colonies have been identified near the site.
16. Where noise adjacent to natural areas is likely to impact wildlife, the proponent must manage the timing of noise producing activities, including installing appropriate noise treatment barriers along major roads and other attenuation measures	Y	The proposed development is not adjacent to natural areas or Environmental Conservation and Recreation zoned land.

Relevant provision	Compliance/alignment	Assessment notes
17. Ensure appropriate mitigation strategies (including fauna-sensitive road design elements) are employed to minimise vehicle strike during and after road construction and upgrading.	Y	Fauna harm mitigation is addressed in the Construction Environmental Management Plan.
18. Traffic calming measures shall be considered in all development areas adjacent to Environmental Conservation and Recreation zoned lands not subject to wildlife (including koala) exclusion fencing, such as speed humps, audible surfacing and faunal bridges	Y	The proposed development is not adjacent to Environmental Conservation and Recreation zoned land.
19. Ensure movement of fauna is facilitated within and through wildlife corridors by: <ul style="list-style-type: none"> • Ensuring that activities do not create barriers to the movement of fauna along and within wildlife corridors; • Separating fauna from potential construction hazards through the pre-construction and construction process 	Y	The proposed development is not adjacent to Environmental Conservation and Recreation zoned land.
20. Adopt and implement open structure design for roads adjacent to known populations of Cumberland Plain Land Snail in accordance with actions under the Save our Species Program (EES, 2020).	Y	There are no known populations of Cumberland Plain Land Snail within or adjacent to Lot K.
Clause 2.3 Riparian land		
1. Within a mapped riparian corridor (field-validated), as identified in Figure 2, existing native vegetation is to be retained, rehabilitated and managed in accordance with the controls below, except where clearing is required for essential infrastructure e.g., roads.	Y	The subject site is not located within a mapped riparian corridor.
2. Modifications to a natural (or historic) waterbody and waterfront land requires the approval of Natural Resources and Assessment Regulator (NRAR), including the enhancement of the ecological outcomes of the watercourse, hydrological benefits and ensure the long-term geomorphic stability of the watercourse	Y	The subject site is not located within a mapped riparian corridor
3. Waterways of Strahler Order 2 and higher will be maintained in a natural state, including the maintenance and restoration of riparian area and habitat, such as fallen debris.	Y	The subject site is not located within a mapped riparian corridor

Relevant provision	Compliance/alignment	Assessment notes
4. Where a development is associated with or will affect a waterway of Strahler Order 2 or higher, rehabilitation shall return that waterway to a natural state..	Y	The subject site is not located within a mapped riparian corridor
5. Waterway crossings such as bridges are to be maintained to retain ecological connectivity and water quality	Y	The subject site is not located within a mapped riparian corridor
6. Road crossings across a waterway of Strahler Order 2 or higher are to be designed to minimise impacts to vegetated riparian area and species movements in accordance with NSW Department of Primary Industries - Fisheries requirements to maintain fish passage.	Y	The subject site is not located within a mapped riparian corridor
7. Where development is unavoidable within riparian areas or waterfront lands, the development application shall demonstrate that potential impacts on water quality, aquatic habitat, and riparian vegetation will be negligible or offset in accordance with the vegetated riparian zone and offsetting requirements as specified NRAR Guidelines for Controlled activities on waterfront land - riparian corridors (May 2018)	Y	The subject site is not located within a mapped riparian corridor
8. All riparian corridors shall comprise a vegetated riparian zone along each side of the watercourse/channel.	Y	The subject site is not located within a mapped riparian corridor
9. The vegetated riparian zone shall be vegetated with fully structured native vegetation (trees, shrubs and groundcover species).	Y	The subject site is not located within a mapped riparian corridor
10. Riparian areas along Kemps Creek and Ropes Creek shall retain proteaceae shrubs providing habitat and connectivity for the Eastern Pygmy Possum <i>Cercartetus nanus</i>	Y	The subject site is not located within a mapped riparian corridor
11. Activities within the vegetated riparian zone, such as cycleways and paths, detention basins, stormwater management devices and essential services, must comply with the 'riparian corridor matrix' in the NRAR Guidelines.	Y	The subject site is not located within a mapped riparian corridor
12. The number of vehicular and pedestrian watercourse crossings should be minimised and designed in accordance with the NRAR Guidelines.	Y	The subject site is not located within a mapped riparian corridor

Relevant provision	Compliance/ alignment	Assessment notes
13. Private and public fencing should avoid intersecting across riparian corridors.	Y	The subject site is not located within a mapped riparian corridor
14. Bushfire asset protection zones should be located outside the vegetated riparian zones.	Y	The subject site is not located within a mapped riparian corridor
<p>15. Appropriate widths for vegetated riparian zones are dependent on the stream order in accordance with the Strahler methodology. Stream width shall be measured either in accordance with the 'Waterfront Land Tool' as developed by the NRAR, or from the top of the highest bank on both sides of the channel/watercourse. Enhancement of riparian corridors should:</p> <ul style="list-style-type: none"> • Respond to the hydrological regime of the drainage area for watercourse treatments; • Replicate the natural watercourse through creation of a meandering channel; • Simulate natural stream bank and bed substrate having regard to riparian requirements and flow velocities to sustain vegetation groupings; • Minimise ongoing maintenance through channel and stream bed design; • Establish functional riparian zones and natural stream channels; • Maintain or create a full assemblage of local indigenous vegetation with natural instream obstructions; • Minimise damage to channel banks and vegetation from storm flow events; and • Ensure that the channel has the capacity to support flood flows having regard to the steepness of the catchment and stream channel morphology. 	Y	The subject site is not located within a mapped riparian corridor
16. Where a development proposal would significantly affect Key Fish Habitat and/or threatened fish, applicants must include an Aquatic Ecological Environmental Assessment in accordance with the Fisheries Management Act 1994.	Y	The subject site is not located within a mapped riparian corridor

Relevant provision	Compliance/alignment	Assessment notes
17. Water holding structures (e.g. farm dams) more than 0.1ha in area or 3ML in volume within 3km of the approach boundary to Western Sydney Airport, are to be avoided unless appropriate wildlife strike assessment and design/maintenance controls are implemented, to ensure there is no attraction for water-favouring fowl.	Y	The subject site is not located within a mapped riparian corridor
18. Dams proposed for retention must be subject to a geotechnical investigation to determine the safety of the structure with respect to surrounding land uses.	Y	The subject site is not located within a mapped riparian corridor
19. Where development immediately abuts a riparian corridor, development shall be located and designed to minimise environmental impact to the riparian corridor. Consideration must be given to issues such as surveillance, built form and design, landscaping, opportunity for public interfaces, where appropriate, and protection from bushfire threat	Y	The subject site is not located within a mapped riparian corridor.
Clause 2.4 Integrated water cycle management – Waterway health and WSUD		
1. Development applications must demonstrate compliance with the stormwater quality targets in Table 4 and the stormwater flow targets during construction and operation phases in Table 5 and Table 6 at the lot or estate scale to ensure the NSW Government’s waterway objectives (flow and water quality) for the Wianamatta-South Creek catchment are achieved (see Appendix D). Where the strategy for waterway management is assessed at an estate level, the approval should include for individual buildings within the estate, which may be the subject of future applications.	Y	The Stormwater Management Report includes a strategy to provide water sensitive urban design (WSUD). The proposed WSUD measures are intended to respond to the stormwater quality and quantity (flow) targets and achieve satisfactory outcomes during the period that the MRP Stormwater Scheme is not constructed or operational. The ultimate strategies are to be implemented once the MRP Stormwater Scheme is operational.
2. The stormwater flow targets during operation phase (Table 5) include criteria for a mean annual runoff volume (MARV) flow-related option and a flow duration-related option. Applicants must demonstrate compliance with either option	Y	The Stormwater Management Report demonstrates compliance with flow requirements.

Relevant provision	Compliance/ alignment	Assessment notes
3. Development applications must include a Water Management Strategy (WMS) detailing the proposed Water Sensitive Urban Design (WSUD) approach, how the WMS complies with stormwater targets (i.e. MUSIC modelling), and how these measures will be implemented, including ongoing management and maintenance responsibilities. Conceptual designs of the stormwater drainage and WSUD system must be provided to illustrate the functional layout and levels of the WSUD systems to ensure the operation has been considered in site levels and layout.	Y	The Stormwater Management Report has used MUSIC modelling. It also includes a strategy to provide water sensitive urban design (WSUD).
4. The design and mix of WSUD infrastructure shall consider ongoing operation and maintenance. Development applications must include a detailed lifecycle cost assessment (including capital, operation/maintenance, and renewal costs over 30 years) and Maintenance Plan for WSUD measures.	Y	The components of the interim water management strategy will remain in private ownership and shared assets will be maintained under the community title through the community association. In the ultimate scenario when the MRP Integrated Stormwater Management Scheme is operational, the on-lot GPTs will continue to be maintained and operated by tenants, including on Lot K.
5. WSUD infrastructure may be adopted at a range of scales (i.e. allotment, street, estate, or sub-precinct scale) to treat stormwater, integrate with the landscape and maximise evaporative losses to reduce development flow runoff. Vegetated WSUD measures, naturalised trunk drainage and rainwater/stormwater reuse are preferred. Acceptable WSUD measures to retain stormwater within the development footprint and subdivision are shown in Table 7.	Y	The Water Sensitive Urban Design (WSUD) strategy for the Estate-wide development incorporates a series of management measures to address stormwater quality, quantity (peak flow attenuation) and flow volume. The elements of the strategy, such as gross pollutant traps (GPTs) and detention basins, are shown on the civil drawings. Note that as required by Sydney Water, the GPT for Lot K (and other lots) are accommodated within the lot.
6. Development must not adversely impact soil salinity or sodic soils and shall balance the needs of groundwater dependent ecosystems	Y	Given the minimal impact to the saline low yielding shallow regolith groundwater zone at the site and the relatively distant location of Cumberland River Flat Forest with reference to Lot K, the Douglas Partners report considers that impacts to groundwater associated with the proposed development are unlikely to significantly affect GDEs. Refer to Stormwater Management Report and also Geotechnical and Groundwater Assessment
7. Infiltration of collected stormwater is generally not supported due to anticipated soil conditions in the catchment. All WSUD systems must incorporate an impervious liner unless a detailed Salinity and Sodicity Assessment demonstrates infiltration of stormwater will not adversely impact the water table and soil salinity (or other soil conditions).	Y	Other than one GPT, the WSUD devices are not within Lot K.

Relevant provision	Compliance/alignment	Assessment notes
8. Where development is not serviced by a recycled water scheme, at least 80% of its non-potable demand is to be supplied through allotment rainwater tanks.	Y	Recycled water scheme is available.
9. Where a recycled water scheme (supplied by stormwater harvesting and/or recycled wastewater) is in place, development shall: <ul style="list-style-type: none"> • Be designed in a manner that does not compromise waterway objectives, with stormwater harvesting prioritised over reticulated recycled water; • Bring a purple pipe for recycled water to the boundary of the site, as required under Clause 33G of the WSEA SEPP. Not top up rainwater tanks with recycled water unless approved by Sydney Water; and • Design recycled water reticulation to standards required by the operator of the recycled water scheme 	Y	Recycled water system design will comply with relevant standards.
Clause 2.4 Integrated water cycle management –Trunk drainage		
10. Indicative naturalised trunk drainage paths are shown in Figure 4	Y	Noted.
11. Naturalised trunk drainage paths are to be provided when the: <ul style="list-style-type: none"> • Contributing catchment exceeds 15ha; or • 1% AEP overland flows cannot be safely conveyed overland as described in Australian Rainfall and Runoff – 2019; unless otherwise agreed by the consent authority. 	Y	Trunk drainage for the Estate was authorised under SSD-10479.
12. The design and rehabilitation of naturalised trunk drainage paths is to be generally in accordance with NRAR requirements (refer to Section 2.3) that replicates natural Western Sydney streams. An example of a naturalised trunk drainage path is shown in Figure 3	Y	Trunk drainage for the Estate was authorised under SSD-10479.

Relevant provision	Compliance/ alignment	Assessment notes
<p>13. Naturalised trunk drainage paths shall be designed to:</p> <ul style="list-style-type: none"> • Contain the 50% AEP flows from the critical duration event in a low flow natural invert; • Convey 1% AEP flows from the critical duration event with a minimum 0.5m freeboard to applicable finished floor levels and road/driveway crossings; and • Provide safe conveyance of flows up to the 1% AEP flood event 	Y	Trunk drainage for the Estate was authorised under SSD-10479.
<p>14. Where naturalised trunk drainage paths traverse development sites, they may be realigned to suit the development footprint, provided that they:</p> <ul style="list-style-type: none"> • Comply with the performance requirements for flow conveyance and freeboard; o Are designed to integrate with the formed landscape and permit safe and effective access for maintenance; • Do not have adverse flood impacts on neighbouring properties; and • Enter and leave the development site at the existing points of flow entry and exit 	Y	Trunk drainage for the Estate was authorised under SSD-10479.
<p>15. Trunk drainage paths shall remain in private ownership with maintenance covenants placed over them to the satisfaction of Council (standard wording for positive covenants is available from Council). Easements will also be required to benefit upstream land.</p>	Y	Trunk drainage for the Estate was authorised under SSD-10479.
<p>16. Where pipes/ culverts are implemented in lieu of naturalised trunk drainage paths, they must remain on private land and not burden public roads, unless otherwise accepted by Council.</p>	Y	Trunk drainage for the Estate was authorised under SSD-10479.
<p>17. High vertical walls and steep batters shall be avoided. Batters shall be vegetated with a maximum batter slope 1V:4H. Where unavoidable, retaining walls shall not exceed 2.0m in cumulative height.</p>	Y	The pads for Lot K have been designed with batters and retaining walls which comply with the control.
<p>18. Raingardens and other temporary water storage facilities may be installed online in naturalised trunk drainage paths to promote runoff volume reductions.</p>	n/a	Not proposed.

Relevant provision	Compliance/ alignment	Assessment notes
19. Subdivision and development are to consider the coordinated staging and delivery of naturalised trunk drainage infrastructure. Development consent will only be granted to land serviced by trunk drainage infrastructure where suitable arrangements are in place for the delivery of trunk infrastructure (to the satisfaction of the relevant Water Management Authority)	Y	Trunk drainage for the Estate was authorised under SSD-10479.
20. Stormwater drainage infrastructure, upstream of the trunk drainage, is to be constructed by the developer of the land considered for approval.	Y	Trunk drainage for the Estate was authorised under SSD-10479.
21. All land identified by the Water Management Authority as performing a significant drainage function and where not specifically identified in the Contributions Plan, is to be covered by an appropriate “restriction to user” and created free of cost to the Water Management Authority.	Y	Not required.
22. All proposed development submissions must clearly demonstrate via 2-dimensional flood modelling that: 1) Overland flow paths are preserved and accommodated through the site; 2) Runoff from upstream properties (post development flows) are accommodated in the trunk drainage system design; 3) Any proposed change in site levels or drainage works are not to adversely impact and upstream or downstream, or cause a restriction to flows from upstream properties; 4) There is no concentration of flows onto an adjoining property; and 5) No flows have been diverted from their natural catchment to another	Y	The extent and level of flooding for all mapped scenarios were modelled for the Estate, and were shown to not extend to Lot K. Only the land at the extreme north-east portion of the overall industrial estate was shown to be impacted by flooding.

Relevant provision	Compliance/ alignment	Assessment notes
Clause 2.5 Flood prone land		
<p>1. A comprehensive Flood Impact Risk Assessment (FIRA) (prepared by a qualified hydrologist and hydraulic engineer) is to be submitted with development applications on land identified as fully or partially flood affected. The FIRA should utilise Council's existing data and data arising from the Wianamatta (South) Creek Catchment Flood Study⁵ to provide an understanding of existing flooding condition and developed conditions consistent with the requirements of the NSW Flood Prone Land Policy and Floodplain Development Manual. The FIRA shall determine:</p> <ul style="list-style-type: none"> • Flood behaviour for existing and developed scenarios for the full range of flooding including the 5% Annual Exceedance Probability (AEP), 1% AEP, 0.5% AEP, 0.2% AEP and Probable Maximum Flood (PMF); • Flood Function (floodways, flood fringe and flood storage areas); • Flood Hazard; and • Flood constraints, including evacuation constraints (if applicable) 	Y	The subject land is not mapped as flood prone land.

Relevant provision	Compliance/ alignment	Assessment notes
<p>2. The FIRA shall adequately demonstrate to the satisfaction of the consent authority that:</p> <ul style="list-style-type: none"> • development will not increase flood hazard, flood levels or risk to other properties; • Development has incorporated measures to manage risk to life from flooding; • For development located within the PMF, an Emergency Response Plan is in place; • Structures, building materials and stormwater controls are structurally adequate to deal with PMF flow rates and velocities (including potential flood debris); • Development siting and layout maintains personal safety during the full range of floods and is compatible with the flood constraints and potential risk; • The impacts of sea level rise and climate change on flood behaviour has been considered; • Development considers Construction of Buildings in Flood Hazard Areas and accompanying handbook developed by the Australian Building Codes Board (2012); and • Fencing does not impede the flow of flood waters/overland flow paths. 	n/a	The subject land is not mapped as flood prone land.
<p>3. New development in floodways, flood fringe and/or flood storages or in high hazard areas in the 1% AEP flood event considering climate change is not permitted.</p>	n/a	The subject land is not mapped as flood prone land.
<p>4. Development applications are to consider the depth and nature of flood waters, whether the area forms flood storage, the nature and risk posed to the development by flood waters, the velocity of floodwaters and the speed of inundation, and whether the development lies in an area classed as a 'floodway', 'flood fringe area' or 'flood storage area'.</p>	n/a	The subject land is not mapped as flood prone land.
<p>5. Subdivision of land below the flood planning level will generally not be supported.</p>	n/a	Subdivision is not proposed.

Relevant provision	Compliance/alignment	Assessment notes
6. Subdivision must comply with Designing safer subdivisions guidance on subdivision design in flood prone areas 2007 (Hawkesbury-Nepean Floodplain Management Steering Committee).	n/a	Subdivision is not proposed.
7. Finished floor levels shall be at 0.5m above the 1% AEP flood.	Y	The subject land is not mapped as flood prone land.
8. Flood safe access and emergency egress shall be provided to all new and modified developments consistent with the local flood evacuation plan, in consultation with Council and the State Emergency Services (SES)	Y	Access is outside flood prone areas.
9. Potential pollutants stored or detained on-site (such as on-site effluent treatment plants, pollutant stores or on-site water treatment facilities) shall be stored above the 1% AEP flood. Details must be provided as part of any development application.	Y	All of Lot K is outside the 1% AEP flood limit.
10. Development should not obstruct overland flow paths. Development is required to demonstrate that any overland flow is maintained for the 1% AEP overland flow with consideration for failsafe of flows up to the PMF.	Y	All of Lot K is outside the 1% AEP flood limit.
11. Where existing natural streams do not exist, naturalised drainage channels are encouraged to ensure overland flows are safely conveyed via vegetated trunk drainage channels with 1% AEP capacity plus 0.5m freeboard. Any increase in peak flow must be offset using onsite stormwater detention (OSD) basins	Y	All of Lot K is outside the 1% AEP flood limit.
12. OSD is to be accommodated on-lot, within the development site, or at the subdivision or estate level, unless otherwise provided at the catchment level to the satisfaction of the relevant consent authority	Y	The proposed arrangement is for interim OSD facilities and longer term conformance with the regional solution, as and when available.
13. Stormwater basins are to be located above the 1% AEP	Y	All of Lot K is outside the 1% AEP flood limit.
14. Post-development flow rates from development sites are to be the same or less than predevelopment flow rates for the 50% to 1% AEP events	Y	The subject land is not mapped as flood prone land. Overland flow flooding is not identified as a risk.

Relevant provision	Compliance/ alignment	Assessment notes
15. OSD must be sized to ensure no increase in 50% and 1% AEP peak storm flows at the Precinct boundary or at Mamre Road culverts. OSD design shall compensate for any local roads and/or areas within the development site that does not drain to OSD.	Y	The subject land is not mapped as flood prone land. Overland flow flooding is not identified as a risk.
16. Earthworks up to the PMF must meet the requirements of Clauses 33H and 33J of the WSEA SEPP as well as Sections 2.5 and 4.4 of this DCP.	Y	The subject land is not mapped as flood prone land.
<p>17. Filling of floodways and/or critical flood storage areas in the 1% AEP flood will not be permitted. Filling of other land at or below the 1% AEP is also discouraged, but will be considered in exceptional circumstances where: The below criteria have been addressed in detail in the supporting FIRA;</p> <ul style="list-style-type: none"> • The purpose for which the filling is to be undertaken is adequately justified; • Flood levels are not increased by more than 10mm on surrounding properties; • Downstream velocities are not increased by more than 10%; • Flows are not redistributed by more than 15%; • The cumulative effects of filling proposals is fully assessed over the floodplain; • There are alternative opportunities for flood storage; • The development potential of surrounding properties is not adversely affected; • The flood liability of buildings on surrounding properties is not increased; • No local drainage flow/runoff problems are created; and • The filling does not occur within the drip line of existing trees 	Y	The subject land is not mapped as flood prone land

Relevant provision	Compliance/ alignment	Assessment notes
Clause 2.6 Aboriginal cultural heritage		
1. Sites of known Aboriginal Heritage and areas of high and moderate– high Aboriginal archaeological potential, as identified in the Mamre Road Aboriginal Heritage Study (EMM Consulting 2020), are shown in Figure 5.	Y	An Aboriginal and Historical Heritage Letter of Advice (LoA) has been prepared for the proposed development at Lot K. As part of the Concept Master Plan Approval, an Aboriginal Cultural Heritage Assessment (ACHA) and Historical Heritage Assessment (HHA) were prepared in 2021. As an ACHA and HHA have already been undertaken for the study area (including the subject site), and approved estate-wide bulk excavation works have since occurred, another comprehensive investigation in the form of an ACHA or HHA is not required.
2. Any development application within land that contains a known Aboriginal cultural heritage site and/or areas of moderate and moderate– high archaeological potential (refer Figure 5) must consider and comply with the requirements of the NPW Act and related guidelines. An Aboriginal Cultural Heritage Assessment in accordance with Heritage NSW guidelines (e.g. Code of Practice for Archaeological Investigation of Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010) shall be completed to inform future assessment and approval requirements for the activity (if any).	Y	No known Aboriginal cultural heritage site and/or areas of moderate and moderate– high archaeological potential occur within Lot K.
3. In order to ensure that a person undertaking any development or activities on land does not harm Aboriginal objects, development applications must identify any areas of Aboriginal heritage value that are within or adjoining the area of the proposed development, including any areas within the development site that are to be retained and protected (and identify the management protocols for these).	Y	Aboriginal and Historical Heritage Letters of Advice (LoA) have been prepared for the proposed development at Lot K.
4. Ground disturbance proposed in areas where cultural material has not been identified and/or is considered of low potential to occur is to be subject to a due diligence investigation consistent with best practice guidelines (e.g. Due Diligence Code of Practise for the Protection of Aboriginal Objects in NSW). The findings of the due diligence should guide future assessment and approval requirements for the activity (if any).	Y	Aboriginal and Historical Heritage Letters of Advice (LoA) have been prepared for the proposed development at Lot K.
5. Developments or other activities that will impact on Aboriginal heritage may require consent under the NPW Act, such as an Aboriginal Heritage Impact Permit, from Heritage NSW and consultation with the relevant Aboriginal communities.	Y	Aboriginal and Historical Heritage Letters of Advice (LoA) have been prepared for the proposed development at Lot K.

Relevant provision	Compliance/ alignment	Assessment notes
6. Where the necessary consents have already been obtained from Heritage NSW, the development application must demonstrate that the development w	Y	Aboriginal and Historical Heritage Letters of Advice (LoA) have been prepared for the proposed development at Lot K.
Clause 2.7 Non-Aboriginal heritage		
1. A Heritage Impact Statement shall be lodged with a development application for subdivision, buildings or works in the vicinity of heritage items listed under the WSEA SEPP and identified in Figure 6, including development that: <ul style="list-style-type: none"> • May have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing; or • May undermine or otherwise cause physical damage to a heritage item; or • Will otherwise have any adverse impact on the heritage significance of a heritage item within which it is situated. 	Y	<p>The proposed works will occur within areas of low historical archaeological potential. Should unanticipated historical archaeology be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic.</p> <p>Aboriginal and Historical Heritage Letters of Advice (LoA) have been prepared for the proposed development at Lot K.</p>
2. Subdivision applications shall define an appropriate setting or curtilage for the heritage building as part of the Heritage Impact Statement or Conservation Management Plan	n/a	Subdivision is not proposed.
3. In determining the curtilage of a heritage building, consideration is to be given to: <ul style="list-style-type: none"> • The original form and function of the heritage building: The heritage building's former use and architecture should be reflected in the design of the curtilage. For example, it may be appropriate that a larger curtilage be maintained around a former rural homestead than that of a suburban building; • Outbuildings: A heritage building and its associated outbuildings should be retained on the same allotment; and • Gardens, trees, fencing, gates and archaeological sites: Features that are considered valuable in interpreting the history and in maintaining the setting of a building should be identified and, where possible, retained within the curtilage. 	Y	No heritage building is within or adjacent to the site

Relevant provision	Compliance/alignment	Assessment notes
<p>4. Development shall be of a scale and form that does not detract from the historical significance, appearance and setting of the heritage item, and consider the following:</p> <ul style="list-style-type: none"> • The height of new development near heritage items shall be less than the subject item. New development or large additions or alterations must provide a transition in height from the heritage item. Increases in height shall be proportional to increased distance from the items; • Views and vistas to the heritage item from roads and other prominent areas are key elements in the landscape and shall be retained; • If the development site can be viewed from a heritage item(s), any new development will need to be designed and sited so that it is not obtrusive when it is viewed from the heritage item(s); and • Curtilages shall be retained around all listed items sufficient to ensure that views to them and their relationship with adjacent settings are maintained 	Y	<p>No heritage building is within or adjacent to the site.</p> <p>Aboriginal and Historical Heritage Letters of Advice (LoA) have been prepared for the proposed development at Lot K.</p>
<p>5. The colours and materials used in a new development (whether an extension or addition) should complement the colours and materials of the heritage item. New development within the curtilage must not adversely impact upon the significant fabric of a heritage item.</p>	Y	<p>No heritage building is within or adjacent to the site.</p> <p>Aboriginal and Historical Heritage Letters of Advice (LoA) have been prepared for the proposed development at Lot K.</p>
<p>6. Where possible, existing fences that have been identified as significant or that contribute to the overall setting or character of a heritage item are to be retained or repaired.</p>	Y	<p>No heritage building is within or adjacent to the site.</p> <p>Aboriginal and Historical Heritage Letters of Advice (LoA) have been prepared for the proposed development at Lot K.</p>
<p>7. New fences should either match as closely as possible the original fencing, or if the original fence type is not known, specifically relate to the architectural character and period of the existing heritage item with respect to design, materials, colour and height.</p>	Y	<p>No heritage building is within or adjacent to the site.</p> <p>Aboriginal and Historical Heritage Letters of Advice (LoA) have been prepared for the proposed development at Lot K.</p>
<p>8. New development shall not be sited in front of the front building line of the existing heritage item nor shall it extend beyond the established side building lines of the heritage item.</p>	Y	<p>No heritage building is within or adjacent to the site.</p> <p>Aboriginal and Historical Heritage Letters of Advice (LoA) have been prepared for the proposed development at Lot K..</p>

Relevant provision	Compliance/alignment	Assessment notes
9. Vegetation around a heritage item shall be assessed for its value to the item and retained where required	Y	No heritage building is within or adjacent to the site. Aboriginal and Historical Heritage Letters of Advice (LoA) have been prepared for the proposed development at Lot K..
Clause 2.8 Bushfire prone land		
1. Land identified as 'bushfire prone land' on the Penrith City Council Bushfire Prone Land Map is to address the bush fire protection measures in the Rural Fire Service publication Planning for Bushfire Protection 2019 (PBP) (as amended).	Y	A Bushfire Protection Assessment has been prepared. The overall site and the surrounding land within the industrial estate is mapped as Vegetation Category 2 under the Penrith Bushfire Prone Land Map. The Bushfire Protection Assessment for Lot K confirms that the Asset Protection Zones (Defendable Spaces) as provided for under the original Concept Master Plan, and the construction standards recommended in the Bushfire Protection Assessment prepared by ABPP, dated 23rd September 2021, remain valid
2. A Bushfire Assessment Report, prepared in accordance with PBP, must accompany all development applications on land identified as bush fire prone land.	Y	A Bushfire Protection Assessment has been prepared.
3. Development on land within 250m of land zoned RU2, E2, and E4 that is not identified as bushfire prone land must consider ways to minimise the risk of ember attack, particularly with regard to roof design, building materials and landscape design.	Y	The site is not within 250 m of land zoned RU2, E2, and E4.
4. Bushfire hazard reduction work must be authorised by the Rural Fires Act 1997.	Y	Bushfire hazard reduction work is not proposed or required.
Clause 2.9 Salinity		
1. Development applications shall include a detailed salinity analysis and Salinity Management Plan, noting the relatively low permeability and saline clay soils dominant in the area. The analysis is to consider the stormwater management measures proposed in accordance with Section 2.4 to limit the mobilisation of salts in the catchment.	Y	The salinity of the subject site has been addressed as part of the approved Stage 1 works which will enable the project area to be suitable for the proposed development.

Relevant provision	Compliance/alignment	Assessment notes
2. Salinity investigations are to be conducted in accordance with the Local Government Salinity Initiative series by the former Department of Natural Resources (2002).	Y	The salinity of the subject site has been addressed as part of the approved Stage 1 works which will enable the project area to be suitable for the proposed development.
3. The author of the salinity analysis must sign off on the project on completion of works and submit this to Council prior to an occupation certificate being issued, if required.	Y	The salinity of the subject site has been addressed as part of the approved Stage 1 works which will enable the project area to be suitable for the proposed development.
4. Disturbance to the natural hydrological system shall be minimised by maintaining good surface drainage and reducing water logging on the site.	Y	The salinity of the subject site has been addressed as part of the approved Stage 1 works which will enable the project area to be suitable for the proposed development.
5. Groundwater recharge is to be minimised to the extent it does not adversely impact groundwater dependent ecosystems downstream.	Y	The salinity of the subject site has been addressed as part of the approved Stage 1 works which will enable the project area to be suitable for the proposed development.
6. Construction techniques shall be employed that prevent structural damage to the development as a result of salinity (see Building in a Saline Environment)	Y	The salinity of the subject site has been addressed as part of the approved Stage 1 works which will enable the project area to be suitable for the proposed development.
7. All works are to conform with the Western Sydney Salinity Code of Practice June 2003.	Y	The salinity of the subject site has been addressed as part of the approved Stage 1 works which will enable the project area to be suitable for the proposed development.
Clause 2.10 Contaminated land		
1. Prior to granting development consent, the consent authority must be satisfied that the site is suitable, or can be made suitable, for the proposed use having regard to land contamination.	Y	The project area for the Kemps Creek Industrial Estate, including Lot K, has been remediated as part of the approved Stage 1 works (SSD-10479). The land is suitable for the proposed development
2. All development applications shall be accompanied by a Stage 1 Preliminary Site Investigation prepared in accordance with State Environmental Planning Policy No 55 – Remediation of Land and the Contaminated Land Management Act 1995	Y	The project area for the Kemps Creek Industrial Estate, including Lot K, has been remediated as part of the approved Stage 1 works (SSD-10479). The land is suitable for the proposed development

Relevant provision	Compliance/alignment	Assessment notes
<p>3. Where a site has known contamination, or a Stage 1 Preliminary Site Investigation identifies potential or actual site contamination, a Stage 2 Detailed Site Investigation must be prepared in accordance with State Environmental Planning Policy No 55 – Remediation of Land and the Contaminated Land Management Act 1995. A Remediation Action Plan (RAP) will be required for contaminated land identified in the Stage 2 Detailed Site Investigation. Remediation works identified in the RAP will require development consent</p>	Y	The project area for the Kemps Creek Industrial Estate, including Lot K, has been remediated as part of the approved Stage 1 works (SSD-10479). The land is suitable for the proposed development
<p>4. A Section A1 Site Audit Statement (SAS) or Section A2 SAS accompanied by an Environmental Management Plan (EMP) (issued by a NSW EPA Accredited Site Auditor) will be required where remediation works have been undertaken to confirm a site is suitable for the proposed use</p>	Y	The project area for the Kemps Creek Industrial Estate, including Lot K, has been remediated as part of the approved Stage 1 works (SSD-10479). The land is suitable for the proposed development
<p>Clause 2.11 Aviation safeguarding</p>		
<p>5. An Aviation Safeguarding Assessment is to be submitted with development applications detailing compliance with aviation safeguarding measures and the controls outlined below.</p> <ul style="list-style-type: none"> The aviation safeguarding assessment must evaluate the wildlife likely to be present on the subject land and the risk of the wildlife to the operation of the Airport provided by the applicant which includes; – i. the species, size, quantity, flock behaviour (where applicable) and the particular times of day or year when the wildlife is likely to be present, – ii. whether any of the wildlife is a threatened species, – iii. a description of how the assessment was carried out, and – iv. is satisfied that the development will mitigate the risk of wildlife to the operation of the Airport. 	Y	An Aviation Safeguarding Assessment has been prepared. The proposed development is unlikely to result in any impact to the operation of aircraft operations or to the Western Sydney airport.
<p>6. The height of buildings, structures, landscaping and cranes do not impact on the operations of the airport or create a hazard to the safe navigation of aircraft. Buildings and any ancillary structures must not encroach into protected airspace.</p>	Y	An Aviation Safeguarding Assessment has been prepared. The proposed development is unlikely to result in any impact to the operation of aircraft operations or to the Western Sydney airport.
<p>7. Development is constructed in accordance with Australian Standards AS2021 – Acoustics Noise Intrusion – Building Siting and Construction</p>	Y	The proposed development does not require acoustic mitigation measures for the intended industrial use.

Relevant provision	Compliance/alignment	Assessment notes
8. Development does not impact on the operational aspects of the Airport with regard to light emission and reflective surfaces	Y	An Aviation Safeguarding Assessment has been prepared. The proposed development is unlikely to result in any impact to the operation of aircraft operations or to the Western Sydney airport.
9. Development must not generate emissions into the protected airspace.	Y	Emissions are not generated.
10. Any plumes do not: <ul style="list-style-type: none"> • Have peak vertical velocities of more than 4.3m/sec. • Incorporate flares. 	Y	No plumes are associated with the development.
11. Development must not attract wildlife which would create a safety hazard in the operations of the Airport.	Y	An Aviation Safeguarding Assessment has been prepared. The proposed development is unlikely to result in any impact to the operation of aircraft operations or to the Western Sydney airport.
12. All waste bins are to be designed and installed with fixed lids	Y	An Aviation Safeguarding Assessment has been prepared. The proposed development is unlikely to result in any impact to the operation of aircraft operations or to the Western Sydney airport.
13. Any bulk waste receptacle or communal waste storage area must be contained within enclosures that cannot be accessed by birds or flying foxes	Y	An Aviation Safeguarding Assessment has been prepared. The proposed development is unlikely to result in any impact to the operation of aircraft operations or to the Western Sydney airport.
14. Any stormwater detention within the 8km wildlife buffer is to be designed to fully drain within 48 hours after a rainfall event.	Y	An Aviation Safeguarding Assessment has been prepared. The proposed development is unlikely to result in any impact to the operation of aircraft operations or to the Western Sydney airport.
15. Development must not impact upon communication, navigation and surveillance systems.	Y	An Aviation Safeguarding Assessment has been prepared. The proposed development is unlikely to result in any impact to the operation of aircraft operations or to the Western Sydney airport.
16. Development within the building restricted area does not create electromagnetic field radiations that will interfere with signals transmitted by the communication, navigation or surveillance facility.	Y	An Aviation Safeguarding Assessment has been prepared. The proposed development is unlikely to result in any impact to the operation of aircraft operations or to the Western Sydney airport.

Relevant provision	Compliance/ alignment	Assessment notes
Clause 2.12 Development adjacent to Warragamba Pipelines		
1. Where development (including subdivision) is proposed adjacent to the Warragamba Pipelines corridor, applicants shall consult with Water NSW. Development is to be consistent with Guidelines for development adjacent to the Upper Canal and Warragamba Pipelines (WaterNSW). Any written requirements of Water NSW shall be submitted with the development application, including how the requirements have been addressed.	n/a	The proposed development is not adjacent to the Warragamba Pipelines
2. Prior written approval shall be obtained from Water NSW for any access required to the Warragamba Pipelines corridor during the investigation and construction phases.	n/a	The proposed development is not adjacent to the Warragamba Pipelines
3. Access points to the Warragamba Pipelines corridor for Water NSW staff and contractors to carry out inspections and maintenance shall be retained or provided.	n/a	The proposed development is not adjacent to the Warragamba Pipelines
4. Stormwater systems serving development adjacent to the Warragamba Pipelines shall be designed to ensure that stormwater does not enter the corridor.	n/a	The proposed development is not adjacent to the Warragamba Pipelines
5. Security fencing shall be provided, or existing security fencing retained along the length of development boundaries that directly adjoin the Warragamba Pipelines corridor.	n/a	The proposed development is not adjacent to the Warragamba Pipelines
6. Road crossings should generally avoid the Warragamba Pipelines corridor. Any proposed road crossings shall be designed and located in accordance with Water NSW requirements.	n/a	The proposed development is not adjacent to the Warragamba Pipelines
7. Earthworks (excavation or filling) and landscaping works carried out adjacent to or crossing the Warragamba Pipelines shall avoid damage to the infrastructure.	n/a	The proposed development is not adjacent to the Warragamba Pipelines

Relevant provision	Compliance/alignment	Assessment notes
Clause 2.13 Electricity transmission line easements		
1. Development on land affected by the Electricity Transmission Line Easements (refer Figure 8) must be in accordance with the relevant electricity supply authority's requirements	n/a	No electricity transmission line easement affects Lot K.
Clause 2.14 Utility services		
1. Applicants shall liaise with relevant service providers to ensure satisfactory arrangements have been made to service the development, in accordance with the relevant service providers requirements. This includes water, recycled water, sewer, drainage, electricity, gas (where required) and telecommunications. Indicative trunk infrastructure is identified in Figure 8.	Y	The majority of utility service requirements have been satisfied as part of the approved Stage 1 works (SSD-10479). The Applicant will continue to liaise with the relevant service providers where necessary.
2. A Utilities Plan is to be submitted with subdivision development applications demonstrating satisfactory arrangements for the delivery of utilities and services connections.	Y	The majority of utility service requirements have been satisfied as part of the approved Stage 1 works (SSD-10479). The Applicant will continue to liaise with the relevant service providers where necessary.
3. The Utilities Plan should allow for the installation of emerging utilities technologies, such as hydrogen district cooling/heating systems and micro-grids for energy sharing.	Y	The majority of utility service requirements have been satisfied as part of the approved Stage 1 works (SSD-10479). The Applicant will continue to liaise with the relevant service providers where necessary.
4. Where a recycled water network is available, development shall connect to this network (refer Section 2.4). Development must be plumbed to enable connection to and use of recycled water via the third pipe network and designed in consultation with Sydney Water.	Y	The majority of utility service requirements have been satisfied as part of the approved Stage 1 works (SSD-10479). The Applicant will continue to liaise with the relevant service providers where necessary.
5. Utilities are to be accommodated in the road reserve, unless otherwise required by the relevant utility authority. The design of roads will need to take this into consideration.	Y	The majority of utility service requirements have been satisfied as part of the approved Stage 1 works (SSD-10479). The Applicant will continue to liaise with the relevant service providers where necessary.
6. Electricity and telecommunication mains are to be placed underground.	Y	Services will be underground.
7. Where technically feasible, compatible public utility services shall be coordinated in common trenching to maximise cost-effectiveness.	Y	Future action. Capable of compliance.

Relevant provision	Compliance/alignment	Assessment notes
8. Premises are to be provided with high speed, high reliability telecommunications infrastructure (e.g. optic fibre or DSL technology).	Y	The majority of utility service requirements have been satisfied as part of the approved Stage 1 works (SSD-10479). The Applicant will continue to liaise with the relevant service providers where necessary.
9. Applicants will be required to deliver water and sewer services upgrades (in accordance with current Sydney Water procurement guidelines) to meet the anticipated demand.	Y	The majority of utility service requirements have been satisfied as part of the approved Stage 1 works (SSD-10479). The Applicant will continue to liaise with the relevant service providers where necessary.
Clause 2.15 Transport investigation areas		
1. Proposed development on land subject to the proposed Intermodal Terminal (refer to Section 3.4.2 and Figure 9) must make provision for the Intermodal Terminal and any road and rail access points.	n/a	The site is not identified as a Transport Investigation Area 'A' under the Industry and Employment SEPP
2. Applicants must consult with TfNSW in preparing development applications for this land to ensure an appropriate area is available and access is not adversely impacted by development	n/a	The site is not identified as a Transport Investigation Area 'A' under the Industry and Employment SEPP
3. Proposed development on land subject to the proposed Western Sydney Freight Line (WSFL) corridor (refer Figure 9) must make provision for the WSFL and access to the corridor.	n/a	The site is not identified as a Transport Investigation Area 'B' under the Industry and Employment SEPP.
4. Applicants must consult with TfNSW in preparing development applications for this land to ensure an appropriate area is available and future access is not adversely impacted by development	n/a	The site is not identified as a Transport Investigation Area 'B' under the Industry and Employment SEPP.
5. The WSFL corridor is not to be compromised by development, including any key rail and road interfaces with the Intermodal Terminal.	n/a	The site is not identified as a Transport Investigation Area 'B' under the Industry and Employment SEPP.
6. Proposed development on land subject to Mamre Road and the proposed Southern Link Road (refer Figure 9) must make provision for the upgrade and construction of these roads and future access to the corridors	n/a	The site is not identified as a Transport Investigation Area 'B' under the Industry and Employment SEPP.
7. Applicants must consult with TfNSW in preparing development applications for this land to ensure an appropriate area of land is available and future access is not adversely impacted by development	n/a	The site is not identified as a Transport Investigation Area 'B' under the Industry and Employment SEPP.

Relevant provision	Compliance/alignment	Assessment notes
Clause 3.1 Subdivision		
Subdivision is to be in accordance with the controls in Table 8.	n/a	The proposed development does not involve subdivision of land.
2. Subdivision design is to enable the conservation of natural and landscape features, including important fauna habitats, rare or threatened plant habitats, and designated biodiversity areas.	n/a	The proposed development does not involve subdivision of land.
3. Subdivision design shall balance cut and fill as far as practicable. Development applications must include an Earthworks Plan, detailing the proposed cut and fill strategy, how the design minimises cut and/or fill, and justification for the proposed changes to the landform.	n/a	The proposed development does not involve subdivision of land.
4. Lots adjoining or containing watercourses are to maintain or establish native vegetation riparian corridors in accordance with Section 2.3	n/a	The proposed development does not involve subdivision of land.
5. Land zoned E2 Environmental Conservation must not be subdivided unless the consent authority is satisfied appropriate arrangements have been made for revegetation and rehabilitation in accordance with a Vegetation Management Plan, including ongoing monitoring and management.	n/a	The proposed development does not involve subdivision of land.
6. Subdivision design is to facilitate the precinct road network and hierarchy.	n/a	The proposed development does not involve subdivision of land.
7. Access to lots should be from local or collector industrial roads.	Y	Access is from local or collector roads
8. Lots adjoining the potential intermodal terminal and dedicated freight corridor shown in Figure 17 should be larger lots (i.e. 10,000m ² or greater) to support freight and logistics development.	n/a	Lot K does not adjoin a potential intermodal terminal and dedicated freight corridor.

Relevant provision	Compliance/alignment	Assessment notes
Clause 3.2 Views and visual impact		
1. The design of subdivisions and building orientation should respond to the significant landscape elements and view corridors identified in Figure 11, including Mount Vernon, Wianamatta-South Creek and Ropes Creek. Development applications should demonstrate how the natural features of the site have influenced the design.	Y	Subdivision is not proposed. Building orientation responds to operational needs and also to landscape elements and view corridors.
2. Site design shall retain visual connection with the blue-green network, ridge lines and vistas.	Y	The proposed development does not prohibit the visual connection with the blue-green grid.
3. The design of lots adjoining Mamre Road, Southern Link Road, and Aldington/Abbotts Road shall promote a high-quality landscape character.	Y	Building orientation responds to operational needs and also to landscape elements and view corridors.
4. Subdivision development applications for land on ridgelines and highpoints shall give careful consideration to the potential siting and scale of buildings	n/a	Subdivision is not proposed.
5. All retaining walls must include mature tree planting along the top of the retaining wall to mitigate the visual impact of buildings when viewed from sensitive locations (refer Figure 9). Sufficient deep soil shall be available to accommodate a mature screening tree.	Y	Plantings are proposed along the top of retaining walls.
Clause 3.3 Interface with Mount Vernon rural-residential area		
1. Development applications for land within 250m of the southern and south-eastern Precinct boundary (refer Figure 10) are to include a Landscape Plan and Visual Impact Assessment by suitably qualified designers which demonstrate a sympathetic transition to Mount Vernon, including appropriate cross-sections illustrating visual mitigation strategies.	n/a	The development is not situated within 250 m of the southern or south-eastern Precinct boundary
2. Landscape setbacks and treatments are to be in accordance with Section 4.2.3	n/a	The development is not situated within 250 m of the southern or south-eastern Precinct boundary
3. A minimum 30m building setback is to be provided to buildings that directly adjoin a rural residential zone. An indicative landscape treatment within the interface area is shown in Figure 11	n/a	The development is not situated within 250 m of the southern or south-eastern Precinct boundary

Relevant provision	Compliance/ alignment	Assessment notes
4. Subdivision within the visually sensitive interface (refer Figure 10) should relate to the scale of adjoining rural-residential buildings and consider the use of height transitions and more generous building separation.	n/a	The development is not situated within 250 m of the southern or south-eastern Precinct boundary
5. The design of sites adjoining rural-residential areas should respond to natural level changes and use a combination of mounding and vegetation screening to soften the visual impact.	n/a	The development is not situated within 250 m of the southern or south-eastern Precinct boundary
6. Tree planting shall be located to provide a visual barrier to industrial development. Mature tree planting is to be located on the top of landscape mounds, as well as on the rise or fall, to ensure the lower tree canopy meets the canopy of the tree on the top of the mound. The placing of trees shall also be staggered to ensure a continuous visual screen.	n/a	The development is not situated within 250 m of the southern or south-eastern Precinct boundary
7. At planting, trees within the sensitive interface area should be a minimum 2m in height.	n/a	The development is not situated within 250 m of the southern or south-eastern Precinct boundary
8. Boundary fences within the sensitive interface area should be a minimum 1.8m in height.	n/a	The development is not situated within 250 m of the southern or south-eastern Precinct boundary
9. Site design shall minimise light spill to adjoining residential areas (refer Section 4.2.10).	n/a	The development is not situated within 250 m of the southern or south-eastern Precinct boundary
10. Uses and building elements that are likely to adversely impact the amenity of adjoining rural-residential areas (e.g. loading areas, driveways, storage areas and roof top equipment) shall be sited away from the sensitive interface and use landscaped screening.	n/a	The development is not situated within 250 m of the southern or south-eastern Precinct boundary
Clause 3.4 Transport network – Hierarchy and design		
1. Development applications shall be accompanied by a Traffic and Transport Report. The Traffic and Transport Report shall include a Green Travel Plan and Travel Access Guide, and assess the impact of projected pedestrian and vehicular traffic associated with the proposal, and outline the extent and nature of traffic facilities necessary to preserve or improve the safety and efficiency of the road system.	Y	A Transport Impact Assessment has been prepared.

Relevant provision	Compliance/ alignment	Assessment notes
2. Subdivision and development are to consider the coordinated staging and delivery of final road infrastructure throughout the precinct. Development consent will only be granted to land serviced by a suitable road network with traffic capacity to service the development (to the satisfaction of the relevant roads authority).	Y	The proposed development will be accessible via the Aldington Road, Abbots Road and Abbots Road / Aldington Road upgrade.
3. The Precinct shall be developed generally in accordance with the desired road network structure and hierarchy (Figure 12). The road network will comprise the arterial roads of Mamre Road and the future Southern Link Road (Movement Corridors), Aldington Road/ Abbots Road (distributor road) and an indicative internal industrial local and collector road network.	Y	The proposed development is consistent with the Concept Master Plan (SSD-10479).
4. Until the delivery of the connection of Aldington Road to the future Southern Link Road, all development accessed from Aldington Road and Abbots Road is to be accessed via the southern end of Aldington Road/ Abbots Road and Mamre Road. Access to the north via Bakers Lane is not permitted	Y	All future development traffic will go via the upgraded Aldington Road, Abbots Road and Abbots Road / Aldington Road intersection until the delivery of the southern link road and northern Aldington Road upgrades.
5. The centre line for all Local Industrial Roads and Collector Industrial Roads shall be on the common cadastre boundary between adjoining lot plans unless otherwise agreed by adjoining owners	Y	Centre line for Local Industrial Roads and Collector Industrial Roads is on the common cadastre boundary between adjoining lot plans.
6. Internal local roads are to be designed to: <ul style="list-style-type: none"> • Create a permeable network based on a modified grid system; • Provide access to and facilitate the development of adjoining properties; • Provide a pedestrian and cycle network that minimises travel distances and conflicts with industrial traffic; • Maximise connectivity to and from open space and employment service hubs; • Take account of topography, view corridors, site drainage, and vegetation; • Provide frontage to and maximise surveillance of open space and riparian corridors; • Provide views to landscape features and visual connections to activity nodes; and • Maximise the effectiveness of water sensitive urban design measures. 	Y	A Transport Impact Assessment has been prepared.

Relevant provision	Compliance/alignment	Assessment notes
<p>7. Variations to the desired road network and hierarchy (refer Figure 12) must demonstrate to the consent authority's satisfaction that the proposal:</p> <ul style="list-style-type: none"> • Will not detrimentally impact on access to adjoining properties; • Provides for the management of stormwater to drain to the trunk drainage network without negative impacts on other properties; • Will not impede the orderly development of adjoining properties in accordance with the Structure Plan (Figure 2) and this DCP; • Does not restrict the ability to provide water, sewer, electricity and other essential services to adjoining properties; and • Includes written evidence of consultation with affected adjoining owners and agreement with these affected owners. 	Y	A Transport Impact Assessment has been prepared.
<p>8. A public road is to adjoin land zoned RE1 Public Recreation along Wianamatta-South Creek precinct in accordance with Figure 12.</p>	n/a	Public roads do not adjoin RE1 land
<p>9. Access points shall be located to optimise safety, traffic flow and landscape opportunity, as well as end user operations. All parking shall be provided either on site or in centralised offroad locations.</p>	Y	Access points have been located to optimise safety, traffic flow and landscape opportunity, as well as end user operations. Refer to the Architectural Drawings.
<p>10. Direct vehicle access to Mamre Road, Southern Link Road and distributor roads (Aldington Road/ Abbotts Road) is not permitted.</p>	Y	Access is only via local industrial roads.
<p>11. All intersections within the internal road network shall incorporate traffic facilities, which promote safe and efficient pedestrian, cyclist and traffic movement.</p>	Y	A Transport Impact Assessment has been prepared. Refer also to the Architectural Drawings.
<p>12. The internal road pattern is to facilitate 'through-roads' with cul-de-sacs to be avoided unless dictated by topography or other constraints.</p>	Y	A Transport Impact Assessment has been prepared. Refer also to the Architectural Drawings.
<p>13. Heavy vehicles are to avoid Bakers Lane, especially in the vicinity of existing schools.</p>	Y	The proposed development does not require heavy vehicle access via Bakers Lane.

Relevant provision	Compliance/alignment	Assessment notes
<p>14. Internal road network intersections are to be provided at the following minimum intervals:</p> <ul style="list-style-type: none"> • Local to local industrial road – 40m-60m; • Local to collector/distributor road – 100-200m; and • Collector/distributor to sub-arterial – 400m-500m. • Accommodate heavy vehicle parking and manoeuvring areas; • Avoid conflict with staff, customer and visitor vehicular movements; and • Ensure satisfactory and safe operation with the adjacent road system 	Y	A Transport Impact Assessment has been prepared. Refer also to the Architectural Drawings.
<p>15. Development shall, where appropriate, be designed to:</p> <ul style="list-style-type: none"> • Allow all vehicles to either leave or enter the site in a forward direction; • Accommodate heavy vehicle parking and manoeuvring areas; • Avoid conflict with staff, customer and visitor vehicular movements; and • Ensure satisfactory and safe operation with the adjacent road system. 	Y	A Transport Impact Assessment has been prepared. Refer also to the Architectural Drawings.
<p>16. Development applications shall detail the volume, frequency and type of vehicle movements.</p>	Y	A Transport Impact Assessment has been prepared.
<p>17. The design of manoeuvring areas for large vehicles shall consider the Australian Standard 2890 series and Performance Based Standards: An Introduction for Road Managers (National Heavy Vehicle Regulator – May 2019)</p>	Y	A Transport Impact Assessment has been prepared.
<p>18. Road design is to address the Guide for Traffic Generating Development (former RTA 2002).</p>	n/a	Local industrial roads (public) are not proposed. Internal circulation roads form part of the Lot K design.
<p>19. Road design must comply with the road configurations in Table 8 and corresponding typical road cross-sections (Figure 12, Figure 13, Figure 14, Figure 15, and Figure 16).</p>	n/a	Local industrial roads (public) are not proposed. Internal circulation roads form part of the Lot K design.
<p>20. The road network is to be designed for 30m Performance Based Standards (PBS) Level 2 Type B vehicles and tested for a 36.5m PBS Level 3 Type A vehicles</p>	n/a	Local industrial roads (public) are not proposed. Internal circulation roads form part of the Lot K design.

Relevant provision	Compliance/ alignment	Assessment notes
21. To accommodate the design vehicle (i.e. B-double and B-triple) the standard kerb return radius will need to increase from 12.5m to 15.0m.	n/a	Local industrial roads (public) are not proposed. Internal circulation roads form part of the Lot K design.
22. Road design shall consider arrangements for broken down vehicles and incident response.	n/a	Local industrial roads (public) are not proposed. Internal circulation roads form part of the Lot K design.
23. For roads adjoining open space, finished road design levels shall match with existing levels of open space and negate the need for retaining walls or battering. Design is to address: <ul style="list-style-type: none"> • Public access to open space; • Function of the road; • Impact on existing vegetation; • Public amenity; • Public safety; and • Impact on ability to provide street tree planting. 	n/a	Local industrial roads (public) are not proposed. Internal circulation roads form part of the Lot K design.
24. Alternate road configurations may be considered in special circumstances where it can be demonstrated the following key principles can be achieved: <ul style="list-style-type: none"> • Road and lane widths must allow for two-way movement and turning movements of design vehicles, including consideration for buses, heavy vehicles, garbage trucks and emergency vehicles; • Verge widths must consider requirements for utilities, street tree planting, footpaths, shared paths and urban design outcomes; • Adequate on-street parking must be provided; • Adequate swept turning paths must be provided for all design vehicles at intersections and for property access to meet the required design vehicle; • Road widths must be set to minimise kerbside restrictions and regulatory signage; • Sufficient width must be provided for specialist drainage functions; and • Life cycle costs for construction and maintenance must be minimised. 	n/a	Local industrial roads (public) are not proposed. Internal circulation roads form part of the Lot K design.

Relevant provision	Compliance/alignment	Assessment notes
Clause 3.4.2 Western Sydney Intermodal Terminal and Freight Network		
1. Development is to enable the delivery of the Intermodal Terminal and dedicated freight network, as identified in Figure 17.	n/a	The development is not located on or adjacent the dedicated freight network
2. Land identified for the intermodal facility is to be integrated with a dedicated freight network to the south, via a road crossing of future Southern Link Road.	n/a	The development is not located on or adjacent the dedicated freight network
3. Development applications for lots including or adjacent to the dedicated freight corridor shall make provision for the dedicated freight corridor.	n/a	The development is not located on or adjacent the dedicated freight network
4. The dedicated freight corridor shall be a minimum of 10.0m wide and meet the design requirements specified by Transport for NSW.	n/a	The development is not located on or adjacent the dedicated freight network
5. Development applications for lots with an identified access point (refer Figure 17) shall demonstrate how access to and from the dedicated freight corridor will be achieved	n/a	The development is not located on or adjacent the dedicated freight network
6. All fire compliant internal access roads are to be a minimum of 8.0m wide to safeguard for a precinct-wide AGV freight network unless development applications can demonstrate how an AGV freight network can be safeguarded within their development	n/a	The development is not located on or adjacent the dedicated freight network
Clause 3.4.3 Public transport, pedestrian and cycle network		
1. Bus stops should be provided, if identified by bus operators and TfNSW in consultation with Council as part of the development application process.	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).
2. Development is to respond to the provision of a future bus link to the M4 Motorway.	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).
3. Pathways for cyclists and pedestrians are to be provided that integrate with regional active transport connections, and links to key catchments and employment hubs across WSEA	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).

Relevant provision	Compliance/ alignment	Assessment notes
4. The road network is to be designed in accordance with this DCP, to ensure public transport (i.e. buses) can be accommodated along key roads to support early adoption of good travel practices by future workers	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).
5. Indented bus bays should be provided along Aldington Road and Abbotts Road, as required by TfNSW as part of the public exhibition process for a development application	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).
6. All footpaths are to be consistent with the relevant requirements of Walking Space Guide - Towards Pedestrian Comfort and Safety (NSW Government).	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).
7. Footpaths should have ramps at all kerb corners for wheelchairs and pram access and cater for all people with diverse abilities in line with current Australian Standards	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).
8. Street lighting in accordance with the provisions of AS1158 should be provided in all streets	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).
9. Pedestrian crossing distances in local streets should be shortened through kerb extensions and tight turning radii, which can cause vehicular traffic to slow to negotiate the tighter corners	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).
10. To enable comfortable passage for all people with diverse abilities, footpaths must be: <ul style="list-style-type: none"> • Provided on both sides of the road; • A minimum of 1.5m wide on one side; • A minimum of 2.5m shared path on the opposing side (with the exception of distributor roads, refer to Table 9); • A minimum of 3.0m on approach routes to predictable destinations such as employment hubs and parks; and • A minimum width of 3.5m for shared paths for recreational use within open space and environmental corridors 	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).

Relevant provision	Compliance/alignment	Assessment notes
11. A durable, non-slip surface and even paving is to be designed and constructed for minimum maintenance. Continuous pathways, uninterrupted by variations in surface material must be provided.	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).
12. Gradients from pathways to streets are to be minimal, safe and comfortable for people with limited mobility and those using wheelchairs, prams and trolleys in line with current Australian Standards.	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).
13. Gradients and ramps must be aligned with desired paths of travel for pedestrians and cyclists.	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).
14. A smooth transition from ramps to roads is to be provided for people using wheelchairs or prams. Ramps should be designed in accordance with appropriate design guidelines and be as wide as the pathway or marked crossing point to eliminate squeeze points at transition areas.	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).
15. Reconstructed driveways/pathways are to achieve a useable cross slope for a width of 915mm. Cars must slow to negotiate the two steeper ramps on either side of the pathway crossing, but will not 'bottom out' at these angles (Preiser. W and Ostroff E (2001) Universal Design Handbook McGraw-Hill).	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).
16. All cycle routes and facilities are to be consistent with the relevant requirements of Austroads Cycling Aspects of Austroads Guides and former RMS Bicycle Guidelines including line-marking, signage and logos and Council policies regarding bicycle access.	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).
17. Pedestrian and cycle routes and facilities in public spaces are to encourage way finding and be convenient, safe, well lit, clearly defined, functional and accessible to all.	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).
18. Shared paths and pedestrian refuge islands are to be designed to be fully accessible by all in terms of access points and gradients, in accordance with Australian Standard 1428:1-4.	Y	These matters were addressed as part of Concept Master Plan approval (SSD-10479).

Relevant provision	Compliance/alignment	Assessment notes
Clause 3.5 Council engineering works and construction standards		
1. Engineering works shall be consistent with Council's standards, as amended: <ul style="list-style-type: none"> • Stormwater Drainage Specifications for Building Developments; • Council's Water Sensitive Urban Design (WSUD) Technical Guidelines; • Engineering Design Specifications for Civil Works; and • Engineering Construction Specifications for Civil Works. 	Y	Refer to drawings for civil works and construction.
<i>General requirements for industrial development</i>		
Clause 4.1 Site analysis		
1. All development applications are to be accompanied by a Site Analysis Plan	Y	A Site Set Out Plan is provided.
Clause 4.2.1 Building height		
1. Building height should respond to the natural landscape and scale of adjoining development, with lower elements towards the street, pedestrian paths, adjoining rural residential areas, environmental and open space areas, riparian corridors and ridgelines.	Y	The proposed height and massing of the buildings have been designed to best suit the natural attributes of the site and the specific operational needs of the occupant. The scale and typology of the development are aligned with the MRP DCP Vision. Lot K does not adjoin any rural-residential areas.
2. Buildings should not exceed a maximum height of 16m from the existing ground level within 250m of a rural-residential zone. For all other sites, a maximum building height of 20m from existing ground level is permitted.	n/a	The site is not within 250 m of a rural-residential zone.
3. Should the nature of the business require that part of the building exceeds the 20m building height control (e.g. high bay warehouses), the proponent must demonstrate that the taller element will not create unacceptable solar, wind and visual impacts to surrounding sensitive uses or impact on the environmental and open space lands or the public domain.	n/a	Building height does not exceed 20 m.
4. Taller building elements over 15m should be set back from the street frontage.	n/a	Building height does not exceed 15 m.

Relevant provision	Compliance/alignment	Assessment notes
5. Building height must ensure direct solar access to public domain, including street trees and footpaths, open space and environmental areas, between the hours of 11:00am and 2:00pm at the winter solstice, 21 June. Shadow diagrams must demonstrate this outcome	Y	Adjoining public domain land retains solar access.
6. Building services located on the roof (such as HVAC, lift motor room, exhaust fans, etc) must be accommodated within the maximum permissible height of the building and away from the street frontage or sensitive interfaces where possible.	Y	Building services located on the roof are within the maximum permissible building height
7. A Visual Impact Assessment is to be submitted with development applications demonstrating that development will not have a significant adverse impact on the scenic quality of: <ul style="list-style-type: none"> • The Precinct, particularly when viewed from elevated locations and view lines identified in Figure 10; • Wianamatta-South Creek; and • Adjoining rural-residential areas 	Y	A Visual Impact Assessment is provided.
8. Buildings should be sited on mid-slope to minimise visual impact on ridges and to be in harmony with the existing landscape. Where possible, buildings should be designed to "step" physically up or down the site in keeping with the existing topography.	Y	The proposed development is appropriately sited on the sloping topography and is consistent with the parameters approved under the Concept Master Plan (SSD-10479).
Clause 4.2.2 Building setbacks		
1. Building setbacks are to be in accordance with the standards outlined in Table 10 <i>[note: the reference to Table 10 is evidently a typographical error as the parking provisions are in table 12]</i>	N	One ancillary building – the gatehouse at the north-western corner of the site – does not meet the requirement for a 5 m setback as noted in Table 10. The gatehouse is setback from the northern boundary by 2.66 m for safety and efficiency reasons. The departure from the DCP requirement is justified pursuant to clause 1.5.2 of the DCP. Refer to section 4.6 of the EIS. Refer also to the Architectural Drawings.

Relevant provision	Compliance/ alignment	Assessment notes
<p>2. Notwithstanding control (1) above, the following development is permitted within the defined setback for any road (excluding Mamre Road and proposed Southern Link Road):</p> <ul style="list-style-type: none"> • Landscaping; • Maintenance/rehabilitation of biodiversity corridors or areas; • Utility services installation; • Cross-overs; • Fire access roads; • Approved signage; • Street furniture; or • Drainage works. 	Y	Noted.
<p>3. Side and rear boundary setbacks may incorporate accessways and driveways (not permitted in setbacks to designated roads), where an alternative arrangement cannot be achieved. Setbacks to public roads may incorporate loading dock manoeuvring areas and associated hard stand if set behind a landscape setback of at least 6.0m to the property boundary.</p>	Y	Noted.
<p>4. Setbacks may incorporate an off-street parking area if it can be demonstrated that the location of the car parking area:</p> <ul style="list-style-type: none"> • Is within a setback at least 13.0m in depth, as measured from the property boundary to the building line, and set behind a landscape setback at least 6.0m in depth; • Promotes the function and operation of the development; • Enhances the overall design of the development by implementing design elements, including landscaping, that will screen the parking area and is complementary to the development; and • Does not detract from the streetscape values of the locality. 	Y	Noted.
<p>5. The design of setbacks and hardstand areas should seek to minimise the visual impacts of the development (see also 4.2.3 Landscaping).</p>	Y	Hardstand areas are generally internal and /or filtered or obscured by buildings, landscaping or retaining walls. The 2.66 m setback for the proposed gatehouse is justified from a visual impact perspective.
<p>6. Additional setbacks may be applicable to avoid construction over easements</p>	n/a	Not required as no easements have been registered on Lot K.

Relevant provision	Compliance/alignment	Assessment notes
7. For corner sites, setbacks must ensure clear vehicular sight lines for perpendicular traffic (Figure 18)	Y	Lot K is a corner site. Sight lines are satisfactory. Refer to the Architectural Drawings.
Clause 4.2.3 Landscaping		
1. Development proposals must demonstrate a 10% tree canopy on development lot (excluding public roads and any non-industrial land). This includes preserving existing trees, where possible, and adding to the existing canopy to provide green infrastructure and amenity. This control can be measured at estate or lot scale, depending on the subject land of the development application. Where the tree canopy strategy is established at an estate level, the approval should establish the framework for individual lots, where future development applications will be required. If the control is satisfied at an estate scale, the 10% tree canopy control does not need to apply again to individual lots, if they are consistent with the concept plan or estate approval.	Y	A 10% tree canopy is achieved. There are no existing trees on the site. Refer to the Landscape Drawings
2. A Landscape Plan prepared by a Landscape Architect is to be submitted with all development applications	Y	A landscape plan has been prepared. Refer to the Landscape Drawings
3. Landscaped area is to be provided in accordance with Table 11 Minimum landscape requirements	Y	The landscaping achieves the minimum landscape area required. Refer to the Landscape Drawings
4. A minimum 15% of the site area is to be pervious surfaces, achieved through landscaping and/or the use of permeable paving materials. Perviousness is to be calculated in accordance with the following index: <ul style="list-style-type: none"> • Deep soil (one metre or more in depth, connected subsoil) – 100% • Shallow soil (less than one metre in depth, not connected to subsoil) – 75% • Permeable pavement – 50% • Hardstand – 0% 	N	The Lot K site provides a permeable surface over 13% of the overall site area. The departure from the development standard set by MRP DCP is minor and justified. Refer to Section 4.6 of the EIS.
5. Existing remnant vegetation and paddock trees shall be retained within setback areas and enhanced as an integral part of the landscaping proposals for each development.	n/a	There is no remnant vegetation on Lot K.

Relevant provision	Compliance/ alignment	Assessment notes
6. Landscaped front setbacks should include canopy trees whose mature height is in scale with the proposed development	Y	Refer to the Landscape Drawings
7. Setbacks shall include suitable tree planting along the northern and western elevations of buildings to provide shadow and cool the building	Y	Landscaping includes trees along northern and western perimeters which will provide shade when mature. Refer to the Landscape Drawings
8. Developments adjoining existing sensitive receivers (e.g. educational establishments) shall be designed to mitigate impacts on sensitive receivers such as through generous buffer zones and landscaping, and locating noise generating activities away from the sensitive interface, as well as traffic management measures to improve safety and minimise conflicts.	n/a	There are no adjoining sensitive receivers for Lot K.
9. Tree planting in the form of island planter beds shall be provided at a rate of one planter bed per 10 car spaces within car parks to reduce the heat island effect of hard surfaces that are a minimum 1.5m dimension.	Y	Refer to the Landscape Drawings
10. Evergreen shrubs and trees shall screen car parks, vehicular manoeuvring areas, garbage areas, storage areas from the street frontage.	Y	Screening trees are provided on both street frontages. Refer to the Landscape Drawings
11. Paving, structures and wall materials should complement the architectural style of buildings	Y	Refer to the Landscape Drawings

Relevant provision	Compliance/ alignment	Assessment notes
<p>12. The selection and location of proposed trees and other landscaping plants is to:</p> <ul style="list-style-type: none"> • Be consistent with the preferred trees identified in Appendix C; • Consider the use of local native vegetation communities; • Re-use of native plants or topsoil removed during earthworks; • Contribute to the management of soil salinity, water levels and soil erosion; • Ensure tree species being low maintenance and drought tolerant; • Consider the capacity of the species to contribute to tree canopy cover; • Ensure invasive turf (including Kikuyu) is not used in areas adjoining remnant vegetation within environmental conservation and recreation areas and riparian corridors, or within landscape buffers; • Incorporate a diverse range of flora species for to increase species resilience; and • Consider service authority requirements in easement locations 	Y	<p>Tree selection is consistent with the preferred species listed in Council guide. Refer to the planting palette and legend in the Landscape Drawings.</p>
<p>13. Street tree planting is to:</p> <ul style="list-style-type: none"> • Target a minimum container pot of 75L; • Provide continuous canopy along road corridors, including appropriate spacing; • Be setback a minimum 600mm from the back of kerb to tree centreline; and • Take account of sight line requirements near intersections. 	Y	<p>Street trees are not within the Lot K site. These matters were satisfactorily addressed pursuant to the Concept Master Plan (SSD-10479).</p>
<p>14. Sufficient area/space is to be made available to allow trees to grow to maturity and not damage local infrastructure.</p>	Y	Refer to the Landscape Drawings
<p>15. No plant species that are considered a Weed of National Significance and/or a Noxious Weed in New South Wales shall be used.</p>	Y	<p>No weed species are to be planted. Refer to the Landscape Drawings</p>
<p>16. Local indigenous groundcovers should be considered as a turf alternative in areas not specifically designed for pedestrian use.</p>	Y	Refer to the Landscape Drawings planting schedule. Spacings are appropriate.

Relevant provision	Compliance/alignment	Assessment notes
Clause 4.2.4 Communal areas		
1. Each building shall be provided with at least 1 communal area for the use and enjoyment of employees and visitors to that development. The space shall be commensurate with the scale of the development and be accessible from the main office.	Y	The office areas include kitchens and breakout spaces, plus amenities and access to an outdoor area with tables and seating. Refer to the Architectural Drawings.
2. In locating communal areas, consideration should be given to the outlook, natural features of the site, and neighbouring buildings.	Y	The office areas include kitchens and breakout spaces, plus amenities and access to an outdoor area with tables and seating. Refer to the Architectural Drawings.
3. Communal areas shall be embellished with appropriate soft landscaping, shade, paving, tables, chairs, bins, and access to drinking water etc. commensurate with the scale of the development, activities, and anticipated number of workers. Consider opportunities for small scale active recreation uses, such as a basketball half court or table tennis.	Y	The office areas include kitchens and breakout spaces, plus amenities and access to an outdoor area with tables and seating. Refer to the Architectural Drawings.
4. Communal areas shall be relatively flat and not contain impediments which divide the area or create physical barriers which may impede use.	Y	The office areas include kitchens and breakout spaces, plus amenities and access to an outdoor area with tables and seating. Refer to the Architectural Drawings.
5. Communal areas must receive a minimum of 2 hours direct sunlight between 11am and 3pm on the 21st of June.	Y	The outdoor area with tables and seating will receive more than 2 hours of direct sunlight (PM). Refer to the Architectural Drawings.
Clause 4.2.5 Building design		
Control 1) Developments with a construction cost of \$1 million or more are to demonstrate a commitment to achieving no less than 4 stars under Green Star or 4.5 stars under the Australian Building Greenhouse Rating system (now part of the National Australian Built Environment Rating System (NABERS)).	Y	Agreed. Refer to the Sustainability Assessment and the NABERS Agreement to Rate.
Control 2) An access report is required where universal access is a requirement of the Disabilities Discrimination Act 1992.	n/a	Not required.
1. Buildings shall be oriented so building frontage is parallel with the primary street frontage.	Y	The proposed warehouse addresses the primary street frontage.

Relevant provision	Compliance/alignment	Assessment notes
2. Buildings should take advantage of a north or north-easterly aspect to maximise passive solar illumination, heating and natural cross-ventilation	Y	Solar access and cross ventilation are incorporated in the warehouse design.
3. Siting and building orientation shall consider landscaping requirements (refer Section 4.2.3), including the best location for tree planting to shade and screen development.	Y	The building design incorporates optimal landscaping locations which screen and cool the site. Refer to the Landscape Drawings
4. Building design should minimise overshadowing within the site and on adjoining buildings.	Y	There is no overshadowing of adjacent buildings. Refer to the Architectural Drawings.
5. Buildings should be oriented so that loading, servicing and large areas of car parking (i.e. greater than 20 spaces) are accommodated to the rear or the side of the site and not directly visible from the public domain.	Y	The primary road frontage is to 'Road 01'. The car parking s provided on the frontage to the secondary 'Road 02' and heavy vehicle parking is provided at the rear of the warehouse building. Refer to the Architectural Drawings.
6. The design of facades along the primary street frontage(s) should strengthen passive surveillance and streetscape character, such as through the use of glazing for the office or administration components of the building.	Y	There is an office at the primary street frontage which provides passive surveillance. Refer to the Architectural Drawings and also the report on Crime Prevention Through Environmental Design.
7. External finishes should contain a mix of materials and colours and low reflectivity to minimise glare and reflection.	Y	Refer to the Architectural Drawings.
8. Elevations visible from the public domain must be finished with materials and colours and articulation that enhance the appearance of that façade and provide an attractive and varied streetscape.	Y	Refer to the Architectural Drawings.
9. In visually sensitive locations, such as adjoining the Mount Vernon rural-residential area, the colour and material palette should utilise muted tones of the natural landscape and avoid bright bold colours and textures	n/a	Lot K is not within a visually sensitive location.
10. Large expanses of wall or building mass should be relieved by the use of articulation, variation in construction materials, fenestration or alternative architectural enhancements (refer Figure 19 and Figure 20).	Y	There is limited opportunity for a large warehouse to achieve articulation. This design nevertheless deploys fenestration, awnings and landscaping to provide relief. Refer to the Architectural Drawings.

Relevant provision	Compliance/alignment	Assessment notes
11. Energy efficient design principles shall be employed in all building designs (Figure 21).	Y	Greenhouse gas and energy efficiency are matters which are include in the Sustainability Assessment. For completeness, a NSW NABERS Embodied Emissions Form has been completed
12. Entrances to buildings must be highlighted by architectural features consistent with the overall design of the building.	Y	Entrances to buildings are highlighted by architectural features consistent with the overall design of the building. Refer to the Architectural Drawings.
13. Courtyard and screen walls shall be in the same material as the building facades.	n/a	Courtyard and screen walls are not proposed. Refer to the Architectural Drawings.
14. The design and location of roof elements and plant and mechanical equipment, including exhausts, is to minimise visual impact from the street or from elevated locations, such as screening with an integrated built element such as parapets.	Y	The design and location of roof elements and plant and mechanical equipment has minimised visual impact from the street. Refer to the Architectural Drawings.
15. The design of the main office and administration components shall: <ul style="list-style-type: none"> • Be located at the main frontage of the building and be designed as an integral part of the overall building, rather than a 'tack on' addition; • Have a designated entry point that is highly visible and directly accessible from visitor parking and the main street frontage; and • Incorporate the principles of Universal Design. 	Y	For the purpose of operational efficiency, the warehouse design separates long-term storage from the more active day-to-day goods distribution area with a partition generally across the centre of the warehouse. This requires two separate offices to support those discrete operational functions. There is not a 'main' office and the offices are integrated into the building design, and accessible from vehicle parking areas. Refer to the Architectural Drawings.
16. Roof forms should help to visually articulate the use within the building. This may include transitions between foyer, office and larger warehouse uses.	Y	Roof forms and other architectural features assist in a visual identity for offices, car parking and warehousing functions. Refer to the Architectural Drawings.
17. Roof design must provide natural illumination to the interior of the building.	Y	Refer to the Architectural Drawings.

Relevant provision	Compliance/ alignment	Assessment notes
<p>18. Development applications shall demonstrate Ecological Sustainable Design (ESD) measures have been incorporated into the design, including a consideration of:</p> <ul style="list-style-type: none"> • Building and window orientation; • Window size and glass type; • Material, colour and surface treatments (note control 19 in relation to roof colour); • Insulation; • Landscaping and trees to provide shade and moderate the building microclimate; • Natural ventilation and light with generous, all weather openings; • Utilise extensive roof areas for energy and water collection; • Air flow, ventilation and building morphology to support cooling; and • Circular economy in the design, construction and operation of buildings, public domain, infrastructure, and energy, water and waste systems. 	Y	ESD measures have been incorporated into the design of the facility. Refer to the Sustainability Report.
<p>19. Light coloured materials should be used in roof construction to reduce the urban heat effect.</p>	Y	Refer to the Architectural Drawings.

Relevant provision	Compliance/alignment	Assessment notes
<p>20. Building services, excluding manufacturing plant and operations, should promote:</p> <ul style="list-style-type: none"> • Separate metering of water and electricity for multiple uses or tenants; • Shut-off valves at stormwater outlets to trap toxic spills; • Waterless urinals; • Energy efficient lighting; • Gas boosted solar hot water for staff amenities (kitchen, toilets, showers); • Rainwater and recycled water for toilet flushing, irrigation or other non-potable uses; • Waste heat recovery systems; • Integrated systems for energy generation – waste and water; • Air-cooled systems, ground source heat rejection or pond heat rejection; and • Energy storage systems combined with the use of photo voltaic cells for roof areas. 	Y	<p><i>NABERS Energy for Warehouses and Cold Stores: Rules v1.0 (August 2022)</i> is the relevant set of principles and standards for gathering, interpreting and using data. The proposed facility adopts these principles.</p> <p>Refer to the Architectural Drawings and Sustainability Assessment.</p>
<p>21. Measures to improve air quality and visual and thermal comfort to be considered include:</p> <ul style="list-style-type: none"> • Low VOC paints and low-formaldehyde floor covering, adhesives and furniture; • lazed facades to be shaded and/or use performance glass to control radiant heat; • Occupant control of comfort parameters (e.g. operable windows, control of air flow); • Protection from noise (e.g. open windows or between production and office areas); • Provision of quality landscaped outdoor amenity areas for staff; • Hydronic heating and ceiling fans; and • Materials with low reflectance values. 	Y	<p>Measures to improve air quality and visual and thermal comfort have been incorporated in the design.</p> <p>Refer to the Architectural Drawings and Sustainability Assessment.</p>

Relevant provision	Compliance/ alignment	Assessment notes
Clause 4.2.6 Design of storage areas		
1. Storage areas are to be located within the building, where practical.	Y	As a standard warehouse, all storage areas are within the building. Notwithstanding this, a small shipping container storage area is proposed to the south of the warehouse centrally between the docks. These containers cannot be unloaded or handled on the docks. As such, stock will be unloaded from the containers and put directly away in the warehouse. As such, no goods or material will be stored outside of the containers or external to the warehouse.
2. External storage areas must be located behind the front building setback, not be visible from a public place, and be consistent with the design of the primary development. The following matters must be addressed in designing external storage areas: <ul style="list-style-type: none"> • The proposed height and on-site arrangement of stored goods; • The visual and amenity impact of the storage area and how this is proposed to be minimised (orientation, screening with landscaping and/or solid fencing, etc.), particularly where the development interfaces with Mount Vernon; • Access arrangements; and • Noise, odour and safety issues 	Y	The storage of goods and material will predominantly be contained within the warehouse building. Some stock will be contained in shipping containers located externally to the building. However, this stock will be unloaded and directly placed in the warehouse such that no goods or material will be stored outside.
3. For sites with multiple frontages, either to roads or other public spaces, the location and orientation of external storage areas shall minimise visual impact from all potential viewpoints.	Y	No goods or material will be stored externally to the building. One small container storage area will be located immediately south of the warehouse centrally between the docks. It will only allow for about three 40 ft containers. This will largely be screened by landscaping on the southern boundary of the site.
Clause 4.2.7 Storage, transportation, handling and processing of chemical substances		
1. Development involving the storage, transportation and processing of chemical substances shall have regard to the requirements of State Environmental Planning Policy No. 33 - Hazardous and Offensive Development.	n/a	This development is not a potentially hazardous industry. A Preliminary Hazard Assessment (PHA) is not required.

Relevant provision	Compliance/ alignment	Assessment notes
<p>2. A Chemical Use and Storage Report is to accompany development applications involving the storage, transportation and/or processing of chemical substances, except where:</p> <ul style="list-style-type: none"> • The chemicals are of household or hospital grade and used for routine cleaning; • The total quantity of chemicals used or stored does not exceed 100 litres; or • The chemicals are not of sufficient acidity, alkalinity or strength to cause significant harm on skin contact, or to the environment. 	n/a	Not triggered.
<p>3. Development applications shall outline methods for the storage and handling of chemical substances and measures to manage potential spills, such as bunding developed in accordance with the EPA's Bunding and Spill Management Guidelines.</p>	n/a	Chemical substances in specified quantities are not stored or handled as part of the standard operations for the development.
Clause 4.2.8 Signage and estate entrance walls		
<p>1. All advertising is required to be:</p> <ul style="list-style-type: none"> • Constructed of high quality, durable materials; • Considered in conjunction with the design and construction of buildings; • Restricted generally to one sign identifying the name of the occupants and/or products manufactured or produced on the site; and • Contained wholly within the site. 	Y	All signage is within the site and constructed of suitable materials. Refer to the Architectural Drawings.
<p>2. Free standing pylon signage must not exceed 10m in height from finished ground level and 2m width. No signage is permitted in the bottom 2m of the structure.</p>	Y	Free standing pylon signage is less than 10 m high. Refer to the Architectural Drawings.
<p>3. Building identification signage should have a maximum advertising area of up to 0.5 square metres for every metre of lineal street frontage.</p>	Y	Refer to the Architectural Drawings.
<p>4. Sky signs and roof signs that project vertically above the roof of a building are not permitted.</p>	Y	Not proposed.

Relevant provision	Compliance/alignment	Assessment notes
5. Flat mounted wall signs for business identification signage are to be no higher than 15 metres above finished ground level	Y	Refer to the Architectural Drawings.
6. Signs should generally be confined to the ground level of the building, awning or fascia, unless it can be demonstrated that the building is of a scale, architectural style and in a location that would be enhanced by signage at different elevations	Y	Refer to the Architectural Drawings.
7. Signs are to be contained fully within the confines of the wall or awning to which it is mounted	Y	Refer to the Architectural Drawings.
8. In the case of multiple occupancy of a building or site: <ul style="list-style-type: none"> • Each development should have a single directory board listing each occupant of the building or site; • Only one sign is to be placed on the face of each premises either located on or over the door; and • Multiple tenancies in the same building should use consistent sign size, location and design to avoid visual clutter and promote business identification. 	n/a	Single occupant only.
9. Illuminated signs are not to detract from the architecture of the building during daylight.	Y	Refer to the Architectural Drawings.
10. Illumination (including cabling) of signs is to be either: <ul style="list-style-type: none"> • Concealed; • Integral with the sign; • Provided by means of carefully designed and located remote or spot lighting 	Y	Refer to the Architectural Drawings.
11. A curfew may be imposed on the operation of illuminated signs where continuous illumination may adversely impact the amenity of residential buildings or the environment.	n/a	Matter for consent authority.

Relevant provision	Compliance/alignment	Assessment notes
12. Up-lighting of signs is prohibited. External lighting of signs is to be downward pointing and focused directly on the sign and is to minimise the escape of light beyond the sign.	Y	Refer to the Architectural Drawings.
13. A maximum of one illuminated sign is permitted on each elevation of each building.	Y	Refer to the Architectural Drawings.
14. Illuminated signage shall be oriented away from residential receivers.	Y	Refer to the Architectural Drawings.
Clause 4.2.9 Safety and surveillance		
1. A Crime Risk Assessment Report must be prepared for the development of new buildings.	Y	A CPTED Report has been prepared.
2. Buildings should be designed to overlook public domain areas and provide casual surveillance	Y	Refer to the Architectural Drawings and CPTED Report.
3. Building entrances should be orientated towards the street to ensure visibility between entrances, foyers, car parking areas and the street	Y	Refer to the Architectural Drawings and CPTED Report.
4. Appropriate lighting should be provided to all cycle and pedestrian paths, bus stops, car parks and buildings	Y	Refer to the Architectural Drawings and CPTED Report.
5. Development should provide clear sight lines and well-lit routes between buildings and the street, and along pedestrian and cycle networks within the public domain	Y	Refer to the Architectural Drawings and CPTED Report.
6. Consideration should be given to the use of landscape elements so as to not compromise the perceived level of safety.	Y	Refer to the Architectural Drawings and CPTED Report.
Clause 4.2.10 Lighting		
1. Lighting details shall be provided as part of development applications.		

Relevant provision	Compliance/alignment	Assessment notes
2. Lighting design should address the principles of CPTED where there is significant pedestrian activity, late night work-shifts or safety and security issues.	Y	Refer to the Architectural Drawings and CPTED Report.
3. Adequate lighting shall be provided to meet security requirements without excessive energy consumption. Lighting powered by solar batteries or other renewable energy sources and the use of sensor lighting, both internally and externally, is encouraged.	Y	Refer to the Architectural Drawings, CPTED Report and Sustainability Report.
4. Lighting is to be designed or directed so as to not cause light spill onto adjoining sites or sensitive receivers, such as rural-residential areas.	Y	Light spill is minimised and does not impact sensitive receivers.
Clause 4.2.11 Fencing		
1. Fencing along street frontages should provide open style fencing, which does not obstruct views of landscaping from the street or reduce visibility.	Y	Refer to the Architectural Drawings
2. Palisade fencing is encouraged.	Y	Refer to the Architectural Drawings
3. Solid fences above 1 metre in height are not permitted along street frontages.	Y	Refer to the Architectural Drawings
4. No fencing other than a low ornamental type may be erected at the front or secondary street site boundary.	Y	Refer to the Architectural Drawings
5. High security fencing should be located either behind the landscape setback or alternatively within the landscaped area midway between the site front or secondary boundary and the building line (refer to Figure 22). The design of the landscape setback should consider site security management.	Y	Refer to the Architectural Drawings
Clause 4.3.1 Noise and vibration		
1. Any machinery or activity considered to produce noise emissions from a premise shall be adequately sound-proofed so that noise emissions are in accordance with the provisions of the Protection of the Environment Operations Act 1997.	Y	Refer to Noise Impact Assessment.

Relevant provision	Compliance/alignment	Assessment notes
2. Noise should be assessed in accordance with Noise Policy for Industry (EPA, 2017) and NSW Road Noise Policy (Department of Environment, Climate Change and Water, 2011).	Y	Refer to Noise Impact Assessment.
3. An Acoustic Report by a qualified acoustical engineer must be submitted where proposed development, including traffic generated by that development, will create noise and/or vibration impacts, either during construction or operation, that impacts on adjoining developments or nearby rural-residential areas. The Acoustic Report should outline the proposed noise amelioration strategies and management methods	Y	Refer to Noise Impact Assessment.
4. An Acoustic Report shall be prepared for developments within 500m of rural-residential areas and other sensitive receivers, including educational establishments.	Y	Refer to Noise Impact Assessment.
5. Acoustic Reports for individual developments must assess cumulative noise impacts, including likely future noise emissions from the development and operation of the Precinct. The consultant should liaise with the relevant consent authority to determine acceptable amenity goals for individual industrial developments and background noise levels	Y	Refer to Noise Impact Assessment.
6. The use of mechanical plant and equipment may be restricted in areas close to sensitive receivers, such as adjoining rural-residential development and educational establishments.	n/a	The site is not adjacent to sensitive receivers.
7. Building design is to incorporate noise amelioration features. Roof elements are to control potential breakout noise, having regard to surrounding topography.	Y	Refer to Noise Impact Assessment and Architectural Drawings.
8. Boundary fences are to incorporate noise amelioration features and control breakout noise having regard to developments adjoining rural-residential areas.	n/a	The site is not adjacent to sensitive receivers.
9. Development shall comply with the relevant Australian Standards for noise and vibration.	Y	Refer to Noise Impact Assessment.

Relevant provision	Compliance/alignment	Assessment notes
10. A qualified acoustical consultant is to certify any acoustic design measures have been satisfactorily incorporated into the development at construction certificate stage and validate the criteria at occupation certificate stage	Y	Refer to Noise Impact Assessment.
Clause 4.3.2 Trading and operating hours		
1. The consent authority shall have regard to the likely impact of the trading hours of a particular activity on the amenity of adjoining sensitive receivers including rural-residential areas and educational establishments.	Y	The proposed development is to operate 24 hours, 7 days a week consistent with the Concept Master Plan (SSD-10479).
Clause 4.3.3 Air quality		
1. Any development likely to, or capable of, generating air emissions must comply with the Protection of the Environment Operations Act 1997 and associated regulations.	Y	Refer to the Air Quality Letter of Advice.
2. An Air Quality and Odour Assessment is required for development that may have an adverse impact on local and regional air quality, including construction impacts on adjoining rural-residential areas.	Y	Refer to the Air Quality Letter of Advice.
3. 3) The Air Quality and Odour Assessment should be in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA 2017) and/or The Technical framework - assessment and management of odour from stationary sources in NSW (EPA 2006) and include but not be limited to: <ul style="list-style-type: none"> • haracterisation of all emissions; • Measures to mitigate air impacts, including best practice measures; and • Details of any monitoring programs to assess performance of any mitigation measures and to validate any predictions as a result of the assessment. 	Y	Refer to the Air Quality Letter of Advice.
4. Developments that involve back up power generation of electricity with diesel equipment that has the capacity to burn more than 3 megajoules of fuel per second must include a best practice review of reasonable and feasible diesel emission reduction technology.	n/a	Not triggered. Back-up power generation is not proposed.

Relevant provision	Compliance/alignment	Assessment notes
Clause 4.4.1 Development on sloping sites		
1. Site planning is to respond to the natural topography of the site and protect vegetation, particularly where it is important to site stability.	Y	The proposed development involves only minor earthworks. Earthworks were approved as part of Stage 1 works. The site planning is consistent with the Concept Master Plan (SSD-10479).
2. Where practicable, site design shall balance cut and fill and minimise the extent of earthworks and need for retaining walls (refer Section 3.1)	Y	The proposed development involves only minor earthworks. Earthworks were approved as part of Stage 1 works. The site planning is consistent with the Concept Master Plan (SSD-10479).
3. A Geotechnical Report is to be submitted with applications proposing to change site levels.		A Geotechnical Assessment was prepared and approved at Concept Master Plan stage
4. Excavation and fill shall be adequately retained and drained in accordance with Council's Engineering Works and Construction Standards.	Y	Refer to the Civil Infrastructure Report.
5. Level transitions must be managed between lots and not at the interface to the public domain.	Y	Refer to the Civil Infrastructure Report.
6. Finished ground levels adjacent to the public domain or public road shall be no greater than 1.0m above the finished road level (or public domain level).	Y	Refer to the Civil Infrastructure Report
7. Where a level difference must exceed 1.0m and adjoins the public domain or public road, the retaining wall must be tiered. Each retaining wall tier element shall be no more than 2.0m. A 1.5m wide deep soil zone with suitable landscaping is to be provided between each tier. An indicative tiered retaining wall is shown in Figure 23. The maximum cumulative height of any retaining walls adjoining the public domain is 6.0m.	Y	Refer to the Civil Infrastructure Report
8. The toe (fill retaining wall) or top (cut retaining wall) of all retaining walls are to be setback 2.0m into the property boundary and the setback is to be suitably landscaped.	Y	Refer to the Civil Infrastructure Report.
9. The highest retaining wall element is to be suitably fenced for safety.	Y	Refer to the Architectural Drawings.

Relevant provision	Compliance/alignment	Assessment notes
10. Imported fill is to be Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) and validated by a suitably qualified person.	Y	Refer to the Civil Infrastructure Report.
11. Where possible, fill material should be sourced from within the Precinct	Y	Earthworks were approved as part of Stage 1 works (SSD-10479).
12. On sloping sites, site disturbance is to be minimised by using split level or pier foundation building designs	Y	Earthworks were approved as part of Stage 1 works (SSD-10479).
13. All retaining walls proposed for the site are to be identified in the development application for the proposed development.	Y	Refer to the Civil Infrastructure Report
14. Retaining wall design and materials shall complement architectural and landscape design.	Y	Refer to the Architectural Drawings.
15. Topsoil shall be preserved on site and suitably stockpiled and covered for re-use.	n/a	All existing topsoil was excavated as part of the approved Stage 1 works.
16. Earthworks in the floodplain must address Section 2.5 and Clause 33H of the WSEA SEPP.	n/a	Works are not proposed in the floodplain.
Clause 4.4.2 Erosion and sediment control		
1. Development applications must include an Erosion and Sediment Control Plan (ESCP) prepared by a Certified Professional in Erosion and Sediment Control (CPESC)	Y	An Erosion and Sediment Control Plan has been prepared.
2. The ESCP is to be implemented under the supervision of a CPESC. The relevant consent authority will require the CPESC to regularly audit and certify that the works are suitable to protect Wianamatta-South Creek and its tributaries, including audit reports.	Y	Future action (post-consent). Capable of compliance. Refer to Erosion and Sediment Control Plan.

Relevant provision	Compliance/alignment	Assessment notes
3. Soil erosion and sediment control measures are to be provided on-site before the commencement of any earthworks or development activity, in accordance with the approved ESCP. These must be maintained throughout the course of construction until disturbed areas have been revegetated and the soil stabilised to the satisfaction of the relevant consent authority.	Y	Future action (post-consent). Capable of compliance. Refer to Erosion and Sediment Control Plan.
4. Development is to comply with the construction phase targets in Table 5.	Y	Future action (post-consent). Capable of compliance. Refer to Erosion and Sediment Control Plan.
5. Erosion and sediment control measures are to be installed in accordance with best practice (including Managing Urban Stormwater – Soils and Construction and Best Practice Erosion and Sediment Control, IECA)	Y	Future action (post-consent). Capable of compliance. Refer to Erosion and Sediment Control Plan.
<p>6. The ESCP is to consider the following measures:</p> <ul style="list-style-type: none"> • Identify all areas likely to cause pollution of waterways from stormwater run-off and implement appropriate devices to stop the risk of pollution; • Divert clean water around the construction site to prevent contamination; • Retain as much natural vegetation as possible and limit site disturbance; • Control stormwater that enters the construction site from upstream; • Divert stormwater from undisturbed upper slopes onto stable areas; • Retain and stockpile all excavated topsoil for future landscaping; • Prevent sediment/silt from entering adjoining property by installing sediment control devices at the low side of sites and wash down areas; • Install high efficiency sediment basins to ensure compliance with the water quality target throughout the construction and building phases; • Provide a single, stabilised entry/exit point to the site; • Prevent sediment, including building materials, from reaching the road or stormwater system. Sediment is to be removed by sweeping, shovelling or sponging. Under no circumstances shall sediment be hosed; • Where a work zone permit over public property is applicable, debris control devices are to prevent spillage of building materials into stormwater drains; <ul style="list-style-type: none"> • Compact all drainage lines when backfilling; • Connect downpipes to the stormwater system as early as possible; 	Y	Refer to Erosion and Sediment Control Plan.

Relevant provision	Compliance/alignment	Assessment notes
<ul style="list-style-type: none"> • Revegetate all disturbed areas, after on-site works are completed; and • Maintain all sediment control devices during earthworks and construction. 		
Clause 4.5 Waste minimisation and management		
<p>1. Development applications shall include a Waste and Resource Recovery Management Plan (WRRMP) developed by an appropriate specialist. The WRRMP is to outline the waste likely to be generated by the development and methods of managing the generation, storage and disposal of wastes in an integrated way during construction and operation.</p>	Y	A Waste Management Plan has been prepared.
<p>2. The WRRMP should address the following matters:</p> <ul style="list-style-type: none"> • he types and volumes of waste and recyclables generated; • Details of on-site storage and/or treatment of waste; • Disposal of waste generated which cannot be re-used or recycled; and • Ongoing management of waste during the operational phase of the development 	Y	Refer to Waste Management Plan.
<p>3. Waste storage and collection areas should be:</p> <ul style="list-style-type: none"> • Flexible in their design to allow for future changes in the activities and tenancies; • Located away from primary street frontages, where applicable; • Suitably screened from public areas to minimise noise, odour and visual impacts; • Designed and located to consider possible traffic hazards (pedestrian/vehicular); • Accessible to collection vehicles; • Compatible with the collection service(s) to be used; and • Designed to encourage the separation of materials 	Y	Refer to Waste Management Plan.

Relevant provision	Compliance/alignment	Assessment notes
<p>4. The design of waste storage and collection areas must consider:</p> <ul style="list-style-type: none"> • Separating dry recyclables for recycling on-site, including containers, paper, cardboard and toners for printers and photocopiers; • Placing food scraps in specialised containment bins, with regular collection; • Providing refrigerated garbage rooms where there are large quantities of perishable wastes and infrequent collections; and • Placing clinical or hazardous and liquid waste in specialised containment bins for collection by specialised services 	Y	Refer to Waste Management Plan.
<p>5. Grease traps must be provided where there is a likelihood of liquid waste entering the drainage system (contact Sydney Water to obtain trade waste requirements).</p>	Y	Refer to Waste Management Plan.
<p>6. For communal storage/collection facilities, each tenant should have a designated area.</p>	n/a	Single occupant only.
Clause 4.6.1 Parking and manoeuvring		
<p>1. On-site car parking is to be provided to a standard appropriate to the intensity of the proposed development as set out in Table 12. Parking is to meet AS 2890 and AS 1428</p>	Y	Refer to Transport Impact Statement.
<p>2. For activities not identified in Table 12, the TfNSW (formerly RTA) Guide to Traffic Generating Developments (ISBN 0 7305 9080 1) and AS 2890 should be referred to as a guide</p>	n/a	Not triggered.
<p>3. Car parking and associated internal manoeuvring areas provided over and beyond the requirements of this DCP shall be calculated as part of the development's gross floor area</p>	Y	Noted
<p>4. The design of car parks and spaces must comply with the relevant Australian Standards.</p>	Y	Refer to Transport Impact Statement.

Relevant provision	Compliance/alignment	Assessment notes
5. The movement of pedestrians throughout the car park shall be clearly delineated and be visible for all users of the car park to minimise conflict with vehicles.	Y	Refer to Architectural Drawings.
6. Car parking areas for heavy vehicles should be constructed of hard standing, all weather material, with parking bays and circulation aisles clearly delineated. Permeable paving materials should be used where practicable.	Y	Refer to Architectural Drawings and Transport Impact Statement.
7. The design of parking and access areas is to address WSUD principles (refer Section 2.4), including the use of permeable pavement materials in light vehicle parking areas	Y	Refer to Architectural Drawings
8. Parking areas should incorporate dedicated parking bays for electric vehicle charging.	Y	Refer to Architectural Drawings
9. Vehicle access is to be integrated into the building design as to be visually recessive.	Y	Refer to Architectural Drawings
10. Vehicular access must be swept path tested for the largest vehicle that will access a particular site e.g. 30m PBS Level 2 Type B or 36.5m PBS Level 3 Type A vehicles	Y	Refer to Transport Impact Statement.
11. Turning circles shall accommodate the largest type of truck reasonably expected to service the site. A standard truck must be able to complete a 3-point or semi-circular turn on-site without interfering with parked vehicles, buildings, landscaping, storage and work areas	Y	Refer to Transport Impact Statement.
12. Internal directional signs are to be provided to assist site visitors in locating parking areas.	Y	Refer to Architectural Drawings
13. Car park design is to promote passive surveillance, incorporate active measures (e.g. cameras and security patrols) where necessary, and minimise dark areas through lighting.	Y	Refer to CPTED Report.

Relevant provision	Compliance/alignment	Assessment notes
14. Access to security parking shall be designed to ensure the access mechanism is accessible to the vehicle driver on the entry side of the driveway	Y	Refer to Architectural Drawings
15. Provision should be made for all vehicles to enter and exit a secure (i.e. boom-gated) area in a forward direction	Y	Refer to Architectural Drawings
16. Visitor parking should be provided outside the secured parking areas	Y	Refer to Architectural Drawings
17. The design of car parks should ensure staff/visitor parking is given safe separation from loading dock circulation areas for heavy vehicles	Y	Refer to Architectural Drawings
18. Vehicular ramps less than 20m long must have a maximum grade of 1 in 5 (20%)	Y	Refer to Architectural Drawings
19. Development shall provide on-site loading facilities to accommodate the anticipated heavy vehicle demand for the site.	Y	Refer to Architectural Drawings
20. All loading and unloading areas are to be: <ul style="list-style-type: none"> • Integrated into the design of developments; • Separated from car parking and waste storage and collection areas; • Located away from the circulation path of other vehicles; and • Designed for commercial vehicle circulation and access. 	Y	Refer to Architectural Drawings
21. Vehicular access to the loading / unloading area(s) is preferred off rear lanes, side streets and right of ways. Where appropriate, consider a single vehicular access point for the loading/unloading area(s) and waste collection area(s)	Y	Refer to Architectural Drawings
22. Car park surfaces should use finishes that minimise heat retention e.g. painted in light coloured paint.	Y.	Future action. Capable of compliance, assuming that concrete is a suitable finish.
23. Potential entrapment points shall be avoided (e.g. blind corners, wide columns) and lighting and mirrors used when unavoidable.	Y	Refer to Architectural Drawings.

Relevant provision	Compliance/alignment	Assessment notes
24. Access, parking, manoeuvring and loading facilities shall be in accordance with AS 2890 and Performance Based Standards An introduction for road managers (National Heavy Vehicle Register, May 2019) to accommodate vehicle types outlined in Table 13 The design shall have regard to the Standard Vehicle Turning Templates of the former RMS publication Policies Guidelines and Procedures for Traffic Generating Developments	Y	Refer to Transport Impact Statement.
25. The following bicycle destination facilities for staff are to be provided: <ul style="list-style-type: none"> • For ancillary office and retail space with a gross floor area over 2500m2 , at least 1 shower cubicle with ancillary change rooms; • For industrial activities with a gross floor area over 4000m2 , at least 1 shower cubicle with ancillary change rooms; • Change and shower facilities are to be located close to the bicycle storage areas; and • Where the building is strata-titled, the facilities are to be available to all occupants. 	Y	Refer to Architectural Drawings.
26. Bicycle parking, facilities and storage must be in convenient locations, visible, secure, and provide weather protection for the bicycle.	Y	Refer to Architectural Drawings.
Clause 4.6.2 Driveways		
1. The road access to the site must provide for safe entry and exit, with appropriate traffic sight distance. All vehicles should enter/exit the site in a forward direction	Y	Refer to Transport Impact Statement.
2. Driveways and access roads shall be designed in accordance with AS2890.1 and 2 – 2004	Y	Refer to Transport Impact Statement.
3. The design of driveways shall consider traffic volumes on the surrounding road network and to and from the development.	Y	Refer to Transport Impact Statement.

Relevant provision	Compliance/ alignment	Assessment notes
<p>4. Driveways should be:</p> <ul style="list-style-type: none"> • Provided from lanes and secondary streets rather than the primary street; • Located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees; • Designed to avoid conflict between heavy vehicle and staff, customer and visitor vehicular and cycle movements, preferably by providing separate access driveways; • Located to minimise amenity impacts to adjacent rural-residential development; • Designed to avoid direct access across a site boundary with a major road. Auxiliary lanes (deceleration and acceleration) may need to be provided to minimise conflicts between entering / leaving traffic and fast moving through traffic; and • For driveways with high traffic volumes, located away from major roads, intersections, opposite other intense developments, high pedestrian zones, and where right turn movements would obstruct traffic. 	Y	Refer to Transport Impact Statement and Architectural Drawings.
<p>5. Driveway widths must have swept turning paths tested for larger vehicle types such as 30m PBS Level 2 Type B vehicles and 36.5m PBS Level 3 Type A vehicles where appropriate</p>	Y	Refer to Transport Impact Statement.
<p>6. The required threshold should be set within the property to prevent cross fall greater than 4% within the footway area.</p>	Y	Refer to Transport Impact Statement and Architectural Drawings.
<p>7. Driveways are to be sealed from the public road up to the parking areas.</p>	Y	Refer to Transport Impact Statement and Architectural Drawings.
<p>8. New allotments must have direct access to dedicated public roads.</p>	Y	Lot K has direct access to a public road.