



## Appendix B – Statutory Compliance Table

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<b><i>Environmental Planning and Assessment Act 1979</i></b>			
<b>Section 1.3</b>	a. <i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal will promote the social and economic welfare of the community and a better environment through the employment of appropriate mitigation and management measures identified by a range of technical assessments completed for the site.	Throughout EIS
	b. <i>To promote the supply, delivery and maintenance of housing, including affordable housing,</i>	Not applicable to this application.	
	c. <i>to promote productivity through the development and management of the State and its resources,</i>	The proposal has undergone considerable government agency engagement to ensure a collaborative planning process is achieved. Meetings with DPHI and Council were completed to allow the opportunity for discussion and comment.	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	d. <i>to protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats,</i>	The proposal has undertaken the relevant assessments to demonstrate the proposal will protect the environment, including any threatened species, ecological communities and their habitats.	
	e. <i>to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention,</i>	The development has considered the impacts of climate change and natural disasters through its design and implementation of ESD strategies. The development has employed measures to promote resilience and adaptability.	
	f. <i>to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage,</i>	The proposal will promote the sustainable management of built and cultural heritage. No adverse impacts to heritage items or significant values will arise from the development.	
	g. <i>to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings,</i>	The design of the proposal seeks to achieve high quality built and landscape outcomes alongside functionality and amenity to meet worker and visitor needs.	
	h. <i>to provide opportunities for participation in environmental planning and assessment,</i>	The community will be provided with the opportunity to provide feedback on the proposal at the exhibition stage. These comments will be considered and responded to at this future stage.	
	i. <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and</i>	Ecological sustainable development will be achieved by the proposal through the design	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<i>social considerations in decision-making about environmental planning and assessment,</i>	and construction of a development which appropriately supports economic, environmental and social considerations.	
	j. <i>to promote a proportionate and risk-based approach to environmental planning and assessment,</i>	The proposal promotes a risk-based approach to the planning and assessment of the project.	
	k. <i>to promote the orderly and economic use and development of land.</i>	The proposal promotes the orderly and economic use and development of land.	
<b>Section 4.15</b>	Relevant environmental planning instruments: <ul style="list-style-type: none"> <li>▪ WPC SEPP</li> <li>▪ Resilience &amp; Hazards SEPP 2021 – Hazardous and Offensive Development</li> <li>▪ Resilience &amp; Hazards SEPP 2021 – Remediation of Land</li> <li>▪ Planning Systems SEPP</li> <li>▪ Transport &amp; Infrastructure SEPP</li> <li>▪ Industry &amp; Employment SEPP</li> <li>▪ Sustainable Buildings SEPP</li> </ul>	See detail below under State Environmental Planning Policies (SEPPs).	Following sections Throughout EIS
	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.	N/A	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	Consistency with the Western Sydney Aerotropolis Phase 2 Development Control Plan 2022 (DCP) will be addressed in the EIS.	This EIS has been prepared in accordance with the Western Sydney Aerotropolis Phase 2 DCP.	Appendix C
	Relevant planning agreement or draft planning agreement: Non identified for the site.	Not applicable.	N/A
	Relevant matters prescribed by the Regulations	Clause 66 Contributions for certain areas of Sydney applies and will be addressed in the EIS and VPA entered into for any matters that may be the subject of a contribution plan should one not be in force for the land on which the application relates. The EIS will be prepared in accordance with the provisions under Sections 190-192 of the Regulations.	EIS
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development including the environmental impacts on the natural and built environments, and social and economic impact on the locality are assessed in detail within the EIS.	Section 6 Assessment of Impacts
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS, including whether the proposal fits within the locality and whether the site attributes are conducive to the proposed development.	Section 7.6 Suitability of the Site.
	Any submission made	Submissions will be considered following exhibition of the application.	Section 5 Community Engagement

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	The public interest	The public interest of the project will be fully detailed and addressed within the EIS. Given the alignment of the project with Federal, State and local strategic policy it is considered that the project is in the public interest.	Section 7.7 Public Interest
Section 4.24	Status of concept development applications and consents	Not applicable as it sets out the provisions for concept approval.	N/A
<b>Mandatory relevant considerations under EPI's</b>			
<b>State Environmental Planning Policy (Precincts – Western Parkland City) – Chapter 4</b>			
<b>State Environmental Planning Policy (Precincts – Western Parkland City) – Chapter 4</b>	<p>The WPC SEPP is the principal environmental planning instrument that sets out land use zones and development controls for the site. The WPC SEPP includes the following relevant considerations that will be fully addressed in the EIS.</p> <p>The project is generally consistent with the provisions within the WPC SEPP.</p>		
Part 4.2 Zoning and Land Use	<p>The proposed development involves Warehouse or distribution centres which is a permissible use with consent in the Enterprise (ENT) Zone.</p> <p>The objectives of the ENT zone are as follows:</p> <ul style="list-style-type: none"> <li>▪ To encourage employment and businesses related to professional services, high technology, aviation, logistics, food production and processing, health, education and creative industries.</li> <li>▪ To provide a range of employment uses (including aerospace and defence industries) that are</li> </ul>	<p>The proposal is entirely consistent with the objectives of the zone given:</p> <ul style="list-style-type: none"> <li>▪ The proposed warehouses will encourage employment and business activity in relation to industrial and logistics industries.</li> <li>▪ The future tenants of the site will support the range of employment uses which will be compatible with future technology and work arrangements.</li> <li>▪ The appropriate waste management measures have been identified for the</li> </ul>	Section 4.2.2 Permissibility

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>compatible with future technology and work arrangements.</p> <ul style="list-style-type: none"> <li>To encourage development that promotes the efficient use of resources, through waste minimisation, recycling and re-use.</li> <li>To ensure an appropriate transition from non-urban land uses and environmental conservation areas in surrounding areas to employment uses in the zone.</li> <li>To prevent development that is not compatible with or that may detract from the future commercial uses of the land.</li> <li>To provide facilities and services to meet the needs of businesses and workers.</li> </ul>	<p>proposal, this includes the optimal storage, collection and transportation of waste, alongside recycling and reuse practices.</p> <ul style="list-style-type: none"> <li>The transition of use to a warehouse and distribution uses aligns with this objective.</li> <li>The proposed use is compatible as it will provide employment generating land.</li> <li>The development will provide considerable construction and operational jobs for the district as well as provide warehouse floorspace to unlock warehousing and logistic operations</li> </ul>	
4.15 Subdivision	Land to which this Chapter applies may be subdivided, but only with development consent.	The site is not proposed to be subdivided.	N/A
4.14 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Development consent will be acquired for demolition of any buildings.	Section 3.5.1 Demolition
4.17 Aircraft Noise	Development consent must not be granted to noise sensitive development listed in clause 4.17(5) if the development is to be located on land that is an ANEF or ANEC contour of 20 or greater.	<p>The site is located within areas impacted by aircraft noise, including ANEC exceeding 35 and ANEC 30-35.</p> <p>Industrial buildings are acceptable in ANEF zones less than 30; however, Avlaw note, that office spaces may require design solutions to adapt to noise management requirements.</p>	Section 6.2 Standard Impact Assessment and Appendix O

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
4.18 Building wind shear and turbulence	Development consent must not be granted to development shown on the Lighting and Wind Shear Map or development that penetrates the 1:35 surface unless the consent authority has consulted with the Commonwealth Body.	Not applicable as the site is not in the Windshear Assessment Trigger Area.	N/A
4.19 Wildlife hazards	<p>Development consent must not be granted to relevant development on land in the 13km buffer unless the consent authority has:</p> <ul style="list-style-type: none"> <li>▪ has consulted with relevant Commonwealth body, and</li> <li>▪ 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, and</li> <li>▪ is satisfied that the development will mitigate the risk of wildlife to the operation of the Airport.</li> <li>▪ Development for the following purposes is prohibited in the 3-km wildlife buffer zone–</li> <li>▪ livestock processing industries,</li> <li>▪ turf farming, waste or resource management facilities that consist of outdoor processing, storage or handling of organic or putrescible waste.</li> </ul>	<p>The site is located within the 3km wildlife buffer zone. The proposed uses are not prohibited within this zone and is not considered 'relevant development'.</p> <p>The proposal includes a Wildlife Hazard Assessment to confirm that the proposed development reduces wildlife attractiveness of the site in comparison to existing habitat.</p>	Section 6.2 Standard Impact Assessment and Appendix O
4.21 Lighting	Development consent must not be granted to development for identified development purposes and for 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.	<p>The site is located within the Light Control Zone B. This zone is in relation to runway 05R/23L which will not be operational when the airport opens in 2026.</p> <p>Road and hardstand lighting will be pointed down to provide visibility during the evening</p>	Section 6.2 Standard Impact Assessment and Appendix O

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		to assist the operations of trucks, cars and pedestrians, and to avoid generating impacts to the airport.	
4.22 Airspace operations	<p>The consent authority must consult with the relevant Commonwealth body who must advise that the development will penetrate the prescribed airspace but does not object to the development or the development will not penetrate the prescribed airspace.</p> <p>The consent authority must not grant consent if the relevant Commonwealth body advises that the development will penetrate the prescribed airspace and should not be carried out.</p>	<p>The site is underneath the approach and take-off surfaces for runway 05R/23L (i.e. second runway to open) with a small corner under the transitional surface. When single-runway operations are considered in isolation, the site falls completely under the Inner Horizontal Surface. When all these surfaces are considered, they range from 96.2m AHD in the SE corner of the site and rise to 106.8m AHD in the SE corner. Warehouse 1 is the tallest built structure proposed at the site at approximately 70.10 AHD, which means that all built structures across the site will remain well below the OLS.</p> <p>The proposal may require a controlled activity approval to utilise cranes during construction.</p>	Section 6.2 Standard Impact Assessment and Appendix O
4.23 Public Safety	The consent authority must consider a written assessment of the risk of the development to persons provided by the applicant and is satisfied that the development within a public safety area will adequately mitigate the risks to persons on the land including by limiting the number of people or vehicles.	The Public Safety Area (PSA) for the future second runway intersects a portion of the western and northern parts of the site. Offices have not been located within this portion of the site.	Section 6.2 Standard Impact Assessment and Appendix O
4.23A Operation of Certain Air Transport Facilities	This clause applies to development on land shown as the 'Building Restricted Area' unless the consent authority has consulted within the relevant Commonwealth body and is satisfied that the development will not adversely impact	The site is not affected by the building restricted area.	Section 6.2 Standard Impact Assessment and Appendix O

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	the operation of communication and air traffic control facilities or structures associated with the Airport's air transport facilities		
4.24 Flood planning	The consent authority must consider whether the development demonstrates that it meets the relevant requirements of the clause. Development consent may be granted to development on land below the flood planning level only if the development does not involve earthworks that will affect flood storage capacity or flood behaviour and is not located on a floodway area or flood storage area.	<p>Portions of the site are affected by the 1 in 100 AEP Flood Event in accordance with the Flood Planning Map. However, most of the proposed development, including the employment land are located outside the flood planning area, with only the Stormwater basins located in this area. Notwithstanding, flood assessment has been undertaken by AT&amp;L through the preparation of a Flood Impact Risk Assessment (FIRA).</p> <p>The FIRA confirms the proposed development is consistent with the clause for the following reasons:</p> <ul style="list-style-type: none"> <li>i. Has reflected the flood hazard by locating employment areas outside the floodway.</li> <li>m. Does not increase the flood level or flood risk to nearby dwellings or other buildings</li> <li>n. Is located above and outside the high hazard areas associated with Couth Creek.</li> <li>o. Access to Elizabeht Drive for evacuation purposes is maintained.</li> <li>p. Any changes have not increased shear stress or the potential for erosion or habitat degradation.</li> </ul>	Section 6.1.9 Flooding an Appendix BB

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>q. Does not increase the costs associated with flood damage to nearby dwellings or other buildings.</p> <p>This plan has been developed in accordance with the applicable DCP.</p>	
4.25 Preservation of trees and vegetation in Environment and Recreation Zone and Cumberland Plain	<p>This section applies to land—</p> <p>(a) in the Environment and Recreation Zone, or</p> <p>(b) shown as “existing native vegetation” on the High Biodiversity Value Areas Map.</p>	<p>Section 4.25 of the SEPP relates to the preservation of trees and vegetation in the Environment and Recreation Zone (ENZ) and High Biodiversity Value (HBV). No impacts to HBV are proposed as part of the project. The loss of 0.04 ha native vegetation on biodiversity certified ENZ land will be adequately compensated by revegetation within the riparian zone, immediately adjacent to the impacted area, under a Vegetation Management Plan (VMP).</p>	Section 6.1.11
4.25A Clearing of native vegetation	<p>This section applies to land shown as “existing native vegetation” on the High Biodiversity Value Areas Map.</p> <p>Development consent must not be granted to development on the land unless the consent authority is satisfied that the development will not result in clearing of native vegetation.</p>	<p>No development is occurring on HBV mapped land under the project.</p> <p>Revegetation under a VMP will occur within and adjacent to HBV, supporting long-term management of HBV.</p>	Section 6.1.11
4.26 Heritage conservation	<p>European Heritage</p> <p>The consent authority may before granting consent require a heritage management document to be prepared that assesses the effect on the heritage significance of items in the vicinity.</p>	<p>There are no items identified as local or state heritage items. There are also no items within the vicinity of the site that may potentially be impacted.</p> <p>In addition, the proposed development is likely to result in complete removal of AHIMS #45-5-5696 (LR01) and AHIMS #45-5-5702</p>	Section 6.2

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>Aboriginal Archaeology</p> <p>The consent authority must consider the effect of the proposed development on the heritage significance of the place and an Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and notify the local Aboriginal communities, in writing or other appropriate manner, about the application and take into consideration a response received within 28 days after the notice is sent.</p>	<p>(LR07), and partial removal of AHIMS #45-5-5703 (PADLR). Conservation is possible for the westernmost part of AHIMS #45-5-5703 (PADLR), which falls outside the footprint of the proposed development. This area of potential conservation includes the area of 'Aboriginal cultural sensitivity - high' that is mapped in the Western Sydney Aerotropolis Precinct Plan.</p>	
4.27 Transport Corridors	<p>The consent authority must obtain concurrence from Transport for NSW for development on transport corridor land with a CIV greater than \$200,000 and/or development that penetrates the ground to a depth of at least 2 metres below ground level (existing) on land within 25 metres (measured horizontally) of transport corridor land.</p>	<p>Concurrence to TfNSW is required.</p>	<p>N/A</p>
4.28B Aboriginal cultural guidelines	<p>Development consent must not be granted to development on land to which this Policy applies unless the consent authority has considered <i>Recognise Country: Guidelines for development in the Aerotropolis</i> published in November 2022 on the Department's website.</p>	<p>A Connecting with Country framework has been prepared by Ngurra Advisory in accordance with the Recognise Country Guidelines.</p>	<p>Connecting with Country Framework Appendix V</p>
4.31 Design Review Panels	<p>Development consent must not be granted to the development unless a design review panel reviews the development, the consent authority takes into account the findings of the design review panel, and the consent authority is of the opinion that the development exhibits design excellence.</p>	<p>Project meets the relevant thresholds of this clause and as such is required to be reviewed by the State Design Review Panel (SDRP).</p> <p>Two SDRP meetings have been completed in accordance with the SEARs. The findings of the SDRP meetings have been addressed in</p>	<p>Project Design</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		the project design and outlined in the SDRP Response Tables	
4.32 Architectural design competitions	This section applies to development in relation to a building that has, or will have, a height above ground level (existing) greater than 40m or 12 storeys.	The proposal does not trigger this control and therefore does not apply.	N/A
4.33 Consideration of Design Excellence	<p>Consent authority must have regard to the relevant matters outlined in this clause to determine whether the proposed development exhibits design excellence.</p> <p>The following assessment is provided below.</p> <hr/> <p>1 (a) whether the development responds to the physical and cultural connection of the local Aboriginal community to the land,</p> <hr/> <p>1 (b) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p>	<p>Project is required to address the relevant matters outlined within this clause to the satisfaction of the consent authority. A description of how the proposed development complies with each consideration is demonstrated below.</p> <hr/> <p>The development has undertaken ongoing engagement with the traditional custodians and Aboriginal community to provide a culturally responsive design that celebrates and respects country and their connection to the land. The Connecting with Country Framework document prepared by Ngurra Advisory will ensure that the ongoing development of the site and the tenant's broader operations will respect and consider Country, and the broader benefits to the local Aboriginal community.</p> <hr/> <p>A high standard of architectural design has been employed and demonstrated through the Architectural Design Statement (SBA) and Urban Design Report (Urbis). These reports ensure a high standard of architectural design, materials and detailing</p>	Design Excellence Strategy Appendix H

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		appropriate to a warehouse and distribution building is achieved. The delivery of a modern, high-quality Industrial Estate has been designed within a strategic location within the Badgerys Creek Precinct of the Aerotropolis.	
	1 (c) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The Connecting with Country Framework, Architectural Design Statement and Urban Design Report will ensure that the form of the Industrial Estate considers and improves the quality and amenity of the surrounding public domain.	
	1 (d) whether the development detrimentally impacts on view corridors.	The Architectural Design Statement and Urban Design Report demonstrates how the proposed Industrial Estate has been designed with an appropriate site layout to protect view corridors. Key view corridors from the site are celebrated and maintained, which is reinforced within the Visual Impact Assessment.	
	2 (a) the suitability of the land for development,	<p>The site is suitable for the proposed development given its size, topography and minimal environmental constraints. The proposed development considers the sites environmental conditions to ensure a suitable development sympathetic to the landscape.</p> <p>The site is also zoned to support the Industrial Estate as well as strategically aligned to deliver warehouse land uses.</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	2 (b) the existing and proposed uses and use mix,	The site is suitable for the proposed land uses, as identified in the Precinct Plan, being large format warehousing and distribution estate, due to its size, topography and strategic location adjoining the Western Sydney International Airport and key transport corridors.	
	2 (c) Aboriginal heritage,	<p>The Connecting with Country Framework and incorporated feedback through the consultation process undertaken by Ngurra Advisory has identified areas of regional cultural significance and opportunities to celebrate and recognise Country within the estate. These findings have guided the design response to ensure Aboriginal heritage and cultural values are protected and celebrated.</p> <p>The proposed development is supported by an Aboriginal Cultural Heritage Assessment to confirm Aboriginal heritage impacts will be appropriately managed.</p>	
	2 (d) the relationship of the development with other buildings (existing or proposed) on the same site or neighbouring sites in terms of separation, setbacks, amenity and urban form,	The proposed Industrial Estate generally complies with the relevant built form controls for warehouse development in the Aerotropolis DCP and as such considers the spatial relationship between buildings, public domain and open space.	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>The property at 135 Lawson Road has also been considered in the site layout and design to ensure lot isolation is avoided.</p>	
	<p>2 (e) the bulk, massing and modulation of buildings,</p>	<p>The bulk, massing and modulation achieved by the proposed warehouses is suitable given the use of a range of large and small format warehouse typologies.</p> <p>The proposed building envelopes comply with the relevant height and massing requirements outlined in the Precinct Plan and DCP.</p>	
	<p>2 (f) street frontage heights,</p>	<p>The bulk, massing and modulation has been designed to be sympathetic to the street frontage. The warehouses which address the street frontage support a suitable height that considers the perceived bulk and scale of the building when viewed from the streetscape. The proposed warehouse envelopes comply with the relevant height and massing requirements outlined in the Precinct Plan and DCP.</p>	
	<p>2 (g) environmental performance and amenity standards, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,</p>	<p>The proposed development has incorporated principles of sustainable design to provide high amenity standards within the warehouses and across the site. Amenity has been prioritised to ensure visual, shadow, solar, acoustic, noise and glare impacts are minimised.</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	2 (h) the achievement of the principles of ecologically sustainable development,	The project has incorporated the principles of ecologically sustainable development and detailed within the ESD Report.	
	2 (i) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,	The design of the Industrial Estate has considered pedestrian, vehicular and service access and circulation requirements to ensure the safe and efficient movement of people and vehicles.	
	2 (j) the impact on, and proposed improvements to, the public domain,	<p>The proposed development ensures no impacts to the public domain. High quality landscaped setbacks are provided along the street frontages to enhance amenity and to create green interfaces from the site.</p> <p>The ENZ zoned land will not be impacted by the proposed development.</p>	
	2 (k) the impact on special character areas,	Whilst there are no special character areas within the site, the proposed development considers the broader context and landscape features in proximity to the site including Badgerys Creek to the west. The proposed Industrial Estate is designed to respect the existing character of Badgerys Creek, whilst also supporting the future emerging industrial character of the precinct.	
	2 (l) achieving appropriate interfaces at ground level between the building and the public domain,	The project has considered the interface at the ground level between the built form and public domain particularly through	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		architectural façade and landscape treatment along the interfaces.	
	2 (m) architectural diversity where the development is to consist of more than 2 buildings.	The proposed development includes a Design Excellence Strategy which will guide the development of a world-class, industrial estate. Whilst the opportunity for architectural diversity for warehouses is limited, the strategy will encourage an innovative approach to warehouse development and design through the delivery of large and small format typologies.	
4.39 Development must be consistent with Precinct Plan	Development consent must not be granted to development on land to which a precinct plan applies unless the consent authority is satisfied that the development is consistent with the precinct plan.  Minor inconsistencies may be considered if a written request is provided by the applicant to justify the inconsistency	As the Aerotropolis Precinct Plan applies to the development, an assessment of consistency is required. The proposed development has been designed generally in accordance with the Precinct Plan.	Precinct Plan Compliance Table
4.49 Public utility infrastructure	The consent authority must be is satisfied that public utility infrastructure that is essential for the development is available, or the public utility infrastructure will be available when required.	The proposed development can be appropriately serviced.	Section 6.1.6
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>			
Section 4.6	Contamination and remediation are to be considered in determining a development application. A detailed site investigation will be submitted as part of the SSDA.	The site can be made suitable for the proposed industrial land uses. A Remediation	Section 6.2

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		Action Plan has been prepared, and detailed in Section 6.2 of the EIS.	
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>			
Section 2.122	Clause 2.122 relates to traffic generating development and requires that before granting consent the consent authority must refer certain development for with access to any road to Transport for NSW.	The proposed warehouse and distribution centres achieve a total area of more than 8,000m <sup>2</sup> which is therefore considered to be traffic generating development. The proposed development requires referral to TfNSW.	6.2 Traffic and Transport
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>			
Chapter 2	Chapter 2 – Vegetation in non-rural areas will be considered within the SSDA.	Vegetation in non-rural areas has been considered for this site.	Throughout EIS
<b>State Environmental Planning Policy (Industry and Employment) 2021 (I&amp;E SEPP)</b>			
Schedule 5 criteria under the Industry & Employment SEPP	All signage will be required to consider the Schedule 5 criteria under the Industry & Employment SEPP. Signage details will be included in the SSDA.	An assessment against Schedule 5 has been provided below. The proposed signage is consistent with the criteria.	Architectural Plans
	<p><b>1 Character of the area</b></p> <ul style="list-style-type: none"> <li>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</li> </ul>	The proposed signage is compatible with the proposed industrial land and desired future character of the area. The proposed signage will not detract from the streetscape as the signage will be located within the proposed industrial estate and will not disrupt vehicular	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> <li>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</li> </ul>	<p>flow. The scale and location of the proposed signage is consistent with the scale of the proposed built form and similar industrial development locations. The proposed landscaping will further integrate the signage within the streetscapes.</p>	
	<p><b>2 Special areas</b></p> <ul style="list-style-type: none"> <li>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</li> </ul>	<p>The proposal does not detract from the amenity or visual quality of any environmentally sensitive areas, natural or other conservation areas, open space area, waterways or rural landscapes.</p>	
	<p><b>3 Views and vistas</b></p> <ul style="list-style-type: none"> <li>Does the proposal obscure or compromise important views?</li> <li>Does the proposal dominate the skyline and reduce the quality of vistas?</li> <li>Does the proposal respect the viewing rights of other advertisers?</li> </ul>	<p>The proposed signage will not dominate the skyline or obscure important views. It is located within the estate, at an appropriate scale that will not compromise views to and from the site</p>	
	<p><b>4 Streetscape, setting or landscape</b></p> <ul style="list-style-type: none"> <li>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</li> <li>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</li> <li>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</li> </ul>	<p>The proposed signage is compatible with the scale of the proposed streetscape and setting. The proposed signage will incorporate quality materials and finishes and provide a coherent and integrated colour scheme based on the marketing colours of the specific tenants.</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> <li>Does the proposal screen unsightliness?</li> <li>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</li> <li>Does the proposal require ongoing vegetation management?</li> </ul>		
	<p><b>5 Site and building</b></p> <ul style="list-style-type: none"> <li>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</li> <li>Does the proposal respect important features of the site or building, or both?</li> <li>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</li> </ul>	<p>The proposed signage will not detract from any important building features and has been positioned and scaled by the project architects. The signage has been designed to enhance the aesthetic quality of the building.</p>	
	<p><b>6 Associated devices and logos with advertisements and advertising structures</b></p> <ul style="list-style-type: none"> <li>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</li> </ul>	<p>None are identified as integral parts of the signage structure.</p>	
	<p><b>7 Illumination</b></p> <ul style="list-style-type: none"> <li>Would illumination result in unacceptable glare?</li> <li>Would illumination affect safety for pedestrians, vehicles or aircraft?</li> <li>Would illumination detract from the amenity of any residence or other form of accommodation?</li> </ul>	<p>No illumination is proposed.</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> <li>Can the intensity of the illumination be adjusted, if necessary?</li> <li>Is the illumination subject to a curfew?</li> </ul>		
	<p><b>8 Safety</b></p> <ul style="list-style-type: none"> <li>Would the proposal reduce the safety for any public road?</li> <li>Would the proposal reduce the safety for pedestrians or bicyclists?</li> <li>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</li> </ul>	The proposed signage will not distract motorists. No safety implications for pedestrians or vehicular users are envisaged.	

**State Environmental Planning Policy (Sustainable Buildings) 2022**

<p><u>Chapter 3 Standards for non-residential development.</u></p> <p>3.2 Development consent for non-residential development</p>	<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> <ul style="list-style-type: none"> <li>the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,</li> <li>a reduction in peak demand for electricity, including through the use of energy efficient technology,</li> <li>a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,</li> <li>the generation and storage of renewable energy,</li> <li>the metering and monitoring of energy consumption,</li> </ul>	The project has been prepared with a supporting embodied emissions materials form at Appendix KK and responds to the sustainable design measures requirements, as detailed in Appendix Z.	<p>ESD Report</p> <p>Net Zero Statement</p> <p>Embodied Emissions Materials Form</p>
---	---	---	--

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> <li>the minimisation of the consumption of potable water.</li> </ul>		
	(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.	An embodied emissions materials form has been prepared as part of this application.	
3.3 Other considerations for large commercial development	(1) 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.	The proposed development minimises the generation of on-site fossil fuels. The project has been prepared with a supporting Net Zero Statement.	
	(2) 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.	This has been responded to in the following sections.	
	(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.	A NABERS commitment agreement has been prepared as part of this application.	
<u>Schedule 3 Standards for energy and water use for large commercial development</u>	<p>Energy use</p> <p>The standard for energy use for development for the purposes of prescribed office premises is a 5.5 star NABERS energy rating.</p>	The proposal will achieve the identified energy rating.	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	Water use The standard for water use for large commercial development is a 3 star NABERS water rating.	The proposal will achieve the identified water rating.	
<b>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</b>			
Clause 3 of Schedule 1	Development within the Western Sydney Aerotropolis that has a cost of more than \$30 million is classified as SSD.	The proposal is for development within the Western Sydney Aerotropolis and has a cost of more than \$30 million. Therefore, it is classified as SSD.	N/A
<b>Considerations under other legislation</b>			
<b>Environmental Planning and Assessment Regulation 2021</b>			
Schedule 2	Schedule 2 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS has been prepared to address the requirements of Schedule 2 of the Regulations and SEARs.	EIS
<b>Biodiversity Conservation Act 2016</b>			
Part 7 and Part 8 (2) (BCA)	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	No development is proposed on non-certified land. A BDAR has not been prepared, and assessment of biodiversity under the Biodiversity Conservation Act 2016 (BC Act) or Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is not required for the proposed development. This report has been prepared to demonstrate consistency with the planning framework,	Biodiversity Impact Assessment

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
including the BC Act, Precinct Plan, Western Parkland City SEPP and Aerotropolis DCP.			
<b>Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</b>			
Chapter 2	<p>Chapter 2 of the EPBC Act establishes controls for assessing and regulating the environmental impact of activities (including development) where a Matters of National Environmental Significance (MNES) may be affected. Under the EPBC Act, any action which has, will have, or is likely to have a significant impact on MNES is defined as a “controlled action” and requires approval from the relevant Commonwealth Minister.</p> <p>Assessment of significance is required in accordance with the Significant Impact Guidelines 1.1 – Matters of National Environmental Significance published by the Commonwealth Department of Agriculture, Water and the Environment (DAWE).</p>	There is no requirement to assess the impact of development activities on MNES within the Growth Centres and no requirement for referral of activities to the Commonwealth DCCEEW. The site is therefore exempt from further assessment of threatened species and endangered ecological communities listed under the Commonwealth EPBC Act if the proposal is granted approval at the State level and is in accordance with the various Growth Centres requirements.	Biodiversity Impact Assessment
<b>Federal Airports Act 1996</b>			
Part 12 – Protection of airspace around airports	Part 12 – Protection of airspace around airports including activities that result in intrusions into prescribed airspace and controlled activities that may require approval under section 182 of the Airports Act.	An aviation safeguarding assessment has been prepared and submitted within the EIS. This assessment will consider Part 12: Protection of airspace around airports and confirms the proposed development will ensure the protection of airspace.	Aviation Safeguarding Assessment
<b>Water Management Act 2000</b>			

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
Section 91	Section 91 of the Water Management Act regulates two kinds of activities, controlled activity approvals and aquifer interference approvals; Whilst a water use approval, a water management work approval or controlled activity approval other than an aquifer interference approval, which confers a right to carry out specified aquifer interference activities is not required for SSD.	Guidelines for Controlled Activities on Waterfront Land; and NSW Aquifer Interference Policy, 2012 has been considered in the EIS and supporting documentation. They do not apply to the proposed development.	N/A
<b>Rural Fires Act</b>			
Rural Fires Act	Planning for Bushfire Protection (NSW Rural Fire Service 2019) will be considered in the assessment provided within the EIS.	A Bushfire Assessment has been prepared as part of the EIS. The assessment confirms that the proposed industrial development complies with the requirements of Planning for Bush Fire Protection 2019	Bushfire Hazard Assessment
<b>Roads Act 1993</b>			
Section 138	Section 138 regulates works and structures in, on or over a public road including requirements for concurrence from TfNSW.	Note: any crossovers and/or upgrade works would be undertaken via a separate Section 138 Roads Act Approval following development consent being obtained.	N/A
<b>Precinct Plan</b>			
<b>Western Sydney Aerotropolis Precinct Plan</b>			

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
Objectives of the Precinct plan	The Western Sydney Aerotropolis Precinct Plan will be addressed in detail within the EIS.	A Precinct Plan Compliance Table has been prepared to demonstrate the proposed developments consistency with the controls.	Precinct Plan Compliance Table
<b>Development Control Plan</b>			
<b>Western Sydney Aerotropolis Development Control Plan 2022</b>			
Objectives and controls throughout DCP	The Western Sydney Aerotropolis – Phase 2 Development Control Plan (DCP) provides the planning, design and environmental objectives and controls which will inform the preparation and assessment of Development Applications (DA's). These objectives and controls supplement those in the Precinct Plan. The DCP will be addressed in detail within the EIS and any inconsistencies will be justified.	A DCP Compliance Table has been prepared to demonstrate the proposed developments consistency with the controls.	DCP Compliance Table