



Statutory Compliance Table

Kogarah Golf Club Redevelopment – Concept & Early Works SSDA

13-19A Marsh Street, Arncliffe

SSD-84467726

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Commonwealth Legislation

Airports Act 1996

Statutory Requirement	Relevance and Assessment	Compliance
Part 12 – Protection of airspace around airports		
Division 4 – Protection of proscribed airspace		
Section 182 – Controlled activities		
(1) For the purposes of this Division, the following activities are controlled activities in relation to a prescribed airspace: (a) constructing a building, or other structure, that intrudes into the prescribed airspace; (b) altering a building or other structure so as to cause the building or structure to intrude into the prescribed airspace; (c) any other activity that causes a thing attached to, or in physical contact with, the ground to intrude into the prescribed airspace; (d) operating a source of artificial light, where: (i) the intensity of the light emitted exceeds the level ascertained in accordance with the regulations; and (ii) the light is capable of blinding or confusing pilots of aircraft operating in the prescribed airspace; (e) operating prescribed plant, or a prescribed facility, that reflects sunlight, where: (i) the intensity of the reflected sunlight exceeds the level ascertained in accordance with the regulations; and (ii) the reflected sunlight is capable of blinding pilots of aircraft operating in the prescribed airspace; (f) an activity that results in air turbulence, where: (i) the level of the turbulence exceeds the level ascertained in accordance with the regulations; and (ii) the turbulence is capable of affecting the normal flight of aircraft operating in the prescribed airspace; (g) an activity that results in the emission of smoke, dust or other particulate matter, where: (i) the emission exceeds the level ascertained in accordance with the regulations; and (ii) the smoke, dust or particulate matter is capable of affecting the ability of aircraft to operate in the prescribed airspace in accordance with Visual Flight Rules;	The Proposal seeks consent for an overarching Concept Masterplan, comprising maximum building envelopes that establish maximum building heights. The proposed building envelopes penetrate the Obstacle Limitation Surface (OLS) for Sydney Airport on Block 2, 3A and 3B. Specifically, the Proposal seeks to establish a maximum building height of up to RL 70 for Block 2, 3A and 3B, exceeding the OLS of RL 51 by up to 19m. Therefore, the Proposal comprises a 'controlled activity' due to penetration of the OLS for Block 2, 3A and 3B. The penetration of the OLS is considered supportable on the basis it is below the most constraining of the Procedures for Air Navigation Services – Operations (PANS-OPS) surface overhead and it can be demonstrated that construction equipment (e.g. cranes) and activities will not adversely affect the safety, regularity and efficiency. A recent redesign of the airspace around the Sydney Basin for the introduction of the Western Sydney International Airport prompted many changes to the procedures for Sydney Kingsford Smith Airport. An initial assessment of the revised procedures indicates that the protection surface for the RNP VNAV PANS-OPS approach procedure to Runway 16R will be the most restrictive Terminal Instrument Flight Procedure Obstacle Protection (TIFPOP) surface affecting the site. The lowest TIFPOP comprises a height of RL 70.59m AHD over the south-eastern part of the Site, this surface is marginally above the proposed height variation and may necessitate a temporary height approval for cranes to be used for construction of the upper levels of the Block 3C buildings. It is noted that detailed modelling and verification are currently in progress to confirm full compliance with aviation safety requirements. For further discussion, refer to the Aeronautical Impact Assessment prepared by Strategic Airspace (Appendix S).	Yes

(h) an activity that results in the emission of steam or other gas, where: (i) the emission exceeds the level ascertained in accordance with the regulations; and (ii) the steam or gas is capable of affecting the ability of aircraft to operate in the prescribed airspace in accordance with Visual Flight Rules.	
Section 183 – Controlled activities not to be carried out without approval	
(1) A person must not: (a) carry out a controlled activity in relation to prescribed airspace; or (b) cause to be carried out a controlled activity in relation to prescribed airspace; unless: (c) carrying out the activity is in accordance with an approval granted under regulations made for the purposes of this Division; or (d) the activity is declared by the regulations to be exempt from this Division.	The Proposal represents a controlled activity in relation to a prescribed airspace. The carrying out of the activity will be in accordance with an approval granted under regulations made for the purposes of Division 3, Part 12 of the <i>Airports Act 1996</i>. Yes

Environmental Protection and Biodiversity Conservation Act 1999

Statutory Requirement	Relevance and Assessment	Compliance
Chapter 4 – Environmental assessments and approvals		
Part 7 – Deciding whether approval of actions is needed		
Division 1 – Referral of proposals to take action		
Section 68 – Referral by person proposing to take action		
(1) A person proposing to take an action that the person thinks may be or is a controlled action must refer the proposal to the Minister for the Minister's decision whether or not the action is a controlled action. (2) A person proposing to take an action that the person thinks is not a controlled action may refer the proposal to the Minister for the Minister's decision whether or not the action is a controlled action. (3) In a referral under this section, the person must state whether or not the person thinks the action the person proposes to take is a controlled action. (4) If the person states that the person thinks the action is a controlled action, the person must identify in the statement each provision that the person thinks is a controlling provision.	A referral application under Section 68 of the <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) was lodged on 3 February 2026 with the Commonwealth Department of Climate Change, Energy, the Environment and Water (Commonwealth DCCEEW) due to potential impacts of the project on Matters of National Environmental Significance (MNES). For further information, refer to the Biodiversity Development Assessment Report (BDAR) (Appendix DD).	Yes

Division 2 – Ministerial decision whether action needs approval

Section 75 – Does the proposed action need approval?

(1) <i>The Minister must decide:</i> (a) <i>whether the action that is the subject of a proposal referred to the Minister is a controlled action; and</i> (b) <i>which provisions of Part 3 (if any) are controlling provisions for the action.</i>	A decision was made on the referral on 20 March 2026 confirming that the proposed action (i.e. the Proposal) is not a controlled action and therefore no further assessment or approval under the EPBC Act is required. For further information, refer to the BDAR (Appendix DD).	Yes
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NSW Acts of Parliament

Environmental Planning and Assessment Act 1979

Statutory Requirement	Relevance and Assessment	Compliance
Part 1 – Preliminary		
Section 1.3 – Objects of Act		
<i>The objects of this Act are as follows—</i> (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 seeks to enable delivery of a world-class precinct that leverages the site's strategic location adjacent to Sydney Airport and strong transport connections by delivering multi-level logistics development, trade-related enterprise and supporting uses with publicly accessible open space. Specifically, the Proposal is accompanied by executed Voluntary Planning Agreements (VPA) which ensure the delivery of key public benefits (refer to Section 1.4 of the EIS). These public benefits will ensure high amenity for future workers and visitors, in addition to the significant economic benefits of the development. As such, the Proposal will promote the social and economic welfare of the community, whilst ensuring the highest and best use of the Site.	Yes
(b) <i>to promote the supply, delivery and maintenance of housing, including affordable housing,</i>	The Site is not zoned for the purposes of residential accommodation and therefore the Proposal does not relate to the delivery of residential land uses.	N/A
(c) <i>to promote productivity through the development and management of the State and its resources,</i>	The Proposal seeks to unlock a large and unutilised site immediately adjacent to Sydney Airport for land uses that encourage economic activity and trade-focused businesses that benefit directly from, or benefit from a synergy due to, the physical proximity of land within the zone to Sydney Airport, Port Botany and regional transport network links.	Yes
(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 seeks to protect and mitigate any identified impacts on the environment. A BDAR (Appendix DD) has been prepared to assess biodiversity impacts in accordance with Commonwealth and State legislation. For further discussion, refer to Section 6.13 of the EIS and BDAR (Appendix DD).	Yes
(e) <i>to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention,</i>	The Proposal promotes resilience through a number of measures, as outlined in the Sustainability Report (Appendix BB).	Yes
(f) <i>to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage,</i>	The Proposal will not impact on existing heritage values on or surrounding the Site. It is not identified as containing a heritage item, nor is the Site located within a heritage conservation area. Further, due to the high disturbance prevalent throughout the recent history of the Site and geotechnical works identifying the presence of fill at	Yes

	depths up to 1.8m across the Site, it has been identified as containing low potential for Aboriginal sites or historical archaeological sites. For further discussion, refer to the Section 6.14 and 6.15 of the EIS, as well as the Aboriginal Cultural Heritage Assessment Report (ACHAR) (Appendix EE), Historical Archaeological Assessment (Appendix FF), and Statement of Heritage Impact (Appendix GG).	
(g) 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,	The Concept Masterplan will enable the future delivery of built form representing good design and high amenity for workers and visitors. It is accompanied by an Indicative Reference Scheme that represents a 'proof-of-concept' within the proposed planning framework. It demonstrates good design and amenity of the built environment. It is also supported by Urban Design Guidelines (Appendix L) to guide the future development, to be subject to future Detailed DAs, and ensure the achievement of good design outcomes.	Yes
(h) to provide opportunities for participation in environmental planning and assessment,	The Applicant has consulted with the community during the preparation of the EIS which will be publicly exhibited in accordance with the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act). Refer to Section 5.0 of the EIS and the Engagement Report (Appendix Q).	Yes
(i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The Proposal is consistent with the principles of Ecologically Sustainable Development (ESD) in accordance with Section 193 of the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation). A Sustainability Report (Appendix BB) which discusses the incorporation of ESD principles into the Concept Masterplan, strategies and commitments made for the Proposal, and an assessment of the energy use and other measures to be implemented on the Site. Specifically, the Proposal seeks to deliver state-of-the-art facilities that will redefine the logistics landscape in Australia, setting new benchmarks for scale, efficiency, sustainability and innovation. It includes a minimum 5-star Green Star target, consistent with Stockland's broader portfolio-wide Environmental, Social, and Governance (ESG) strategy focused on decarbonisation, circularity, resilience and social impact. For further discussion on ESD, refer to Section 6.11 of the EIS and the Sustainability Report (Appendix BB).	Yes
(j) to promote a proportionate and risk-based approach to environmental planning and assessment,	Not applicable.	N/A
(k) to promote the orderly and economic use and development of land.	In establishing a Concept Masterplan for the Site, the Proposal seeks to enable future development of the land in an orderly and economic manner.	Yes

The Proposal responds to the limited industrial land supply in Eastern Sydney by delivering more intensive and efficient development on a site with demonstrated capacity. It subsequently supports expected population growth in Eastern Sydney and growth of surrounding nationally significant trade gateways of Sydney Airport and Port Botany.

Further, it will have significant economic benefits to the NSW economy, supporting between 1,750 to 2,890 direct ongoing full-time jobs and between \$470 million and \$630 million in value-add each year once complete and fully occupied.

For further discussion on the economic impact of the Proposal, refer to **Section 6.5** of the EIS and the Economic Impact Assessment (**Appendix U**).

Part 4 – Development assessment and consent

Division 4.3 – Development that needs consent (except complying development)

Section 4.15 – Evaluation

(1) <i>Matters for consideration—general</i> <i>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—</i> (a) <i>the provisions of—</i> (i) <i>any environmental planning instrument, and</i>	The Proposal is compliant with relevant provisions of applicable Environmental Planning Instruments (EPIs), with the exception of the Height of Buildings development standard under Clause 4.3 of the <i>Bayside Local Environmental Plan 2021</i> (Bayside LEP 2021). In accordance with Clause 4.6 of the Bayside LEP 2021, a Clause 4.6 Variation Request (Appendix P) has been prepared which justifies the proposed contravention to the Height of Buildings development standard.	Yes
(ii) <i>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</i>	Not applicable.	N/A
(iii) <i>any development control plan, and</i>	Section 2.10(1) of <i>State Environmental Planning Policy (Plannings Systems) 2021</i> (Planning Systems SEPP) outlines that Development Control Plans (DCPs) do not apply to State Significant Development (SSD). As such, the <i>Bayside Development Control Plan 2022</i> (Bayside DCP 2022) is not applicable to the State Significant Development Application (SSDA). Notwithstanding this, relevant provisions of the Bayside DCP 2022 have been considered where appropriate.	Yes
(iiia) <i>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</i>	The Proposal is supported by separate executed Voluntary Planning Agreements (VPAs) with Transport for NSW and Bayside Council respectively. For a description of the executed VPAs, refer to Section 1.4.3 and 1.4.4 of the EIS.	Yes
(iv) <i>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,</i>	This SSDA has been prepared in accordance with applicable provisions of the EP&A Regulation.	Yes

<i>(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,</i>	The likely impacts of the Proposal are outlined in Section 6.0 of the EIS and the supporting documentation. It includes the adoption of mitigation measures (Appendix D) to mitigate any potential impacts.	Yes
<i>(c) the suitability of the site for the development,</i>	The Site is suitable for the Proposal, specifically comprising land uses permissible with consent under the Bayside LEP 2021 and consistent with the previous Planning Proposal (PP-2022-1748). For further discussion, refer to Section 7.6 of the EIS.	Yes
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	The Applicant will address any submissions made during the public exhibition of the EIS.	Yes
<i>(e) the public interest.</i>	The Proposal is in the public interest, specifically facilitating significant public benefits and between 1,750 to 2,890 direct ongoing full-time jobs once complete. For further discussion, refer to Section 7.7 of the EIS.	Yes
Division 4.4 – Concept development applications		
Section 4.22 – Concept development applications		
<i>(1) For the purposes of this Act, a concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.</i> <i>(2) In the case of a staged development, the application may set out detailed proposals for the first stage of development.</i>	The SSDA seeks consent for a Concept Masterplan to support the staged delivery of the Kogarah Golf Club Redevelopment. It seeks to establish key parameters to inform separate future Detailed Development Applications (DAs) for development, including maximum building envelopes, gross floor area, land uses and other parameters It also seeks consent for the carrying out of initial site preparation and infrastructure works (Early Works) required to support future development and publicly accessible open space. For further discussion, refer to Section 3.0 of the EIS.	Yes
<i>(3) A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.</i> <i>(4) If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless—</i> <i>(a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or</i> <i>(b) the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.</i> <i>The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.</i>	The Applicant requests the SSDA be treated as a Concept DA, including detailed proposal for initial site preparation and infrastructure works (Early Works).	Note
<i>(5) The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.</i>	The impacts of the Concept Masterplan have been assessed in Section 6.0 of the EIS and supporting documentation. It is noted that the consent authority must only consider the impacts of the Concept Masterplan (and Early Works), with the likely impacts of carrying out future development to be considered as part of future Detailed DAs.	Note

Section 4.23 – Concept development applications as alternative to DCP required by environmental planning instruments		
(1) <i>An environmental planning instrument cannot require the making of a concept development application before development is carried out.</i>	The preparation of a site-specific DCP is required prior to development consent being granted under Clause 6.18 of the Bayside LEP 2021.	Yes
(2) <i>However, if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land.</i>	In accordance with Section 4.23(2) of the EP&A Act, the Concept Masterplan satisfies the requirements of Clause 6.18 of the Bayside LEP 2021.	
(3) <i>Any such concept development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations.</i>	The Concept Masterplan is accompanied by Urban Design Guidelines (Appendix L) and technical assessment including mitigation measures that address the information required under Clause 6.18 of the Bayside LEP 2021.	Yes
Section 4.24 – Status of concept development applications and consents		
(1) <i>The provisions of or made under this or any other Act relating to development applications and development consents apply, except as otherwise provided by or under this or any other Act, to a concept development application and a development consent granted on the determination of any such application.</i>	The Concept Masterplan establishes a framework for future Detailed DAs to be undertaken on the Site. Future DAs on the Site must demonstrate consistency with an approved and in-force Concept Masterplan.	Note
(2) <i>While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site (the concept consent).</i>		
(3) <i>Subsection (2) does not prevent the modification in accordance with this Act of a consent granted on the determination of a concept development application.</i>	Not applicable.	N/A
4) <i>Subsection (2) does not prevent the determination of a further development application for the site that is inconsistent with the concept consent if the consent authority determines the application by granting development consent subject to a condition requiring the modification or surrender of the concept consent.</i>		
Division 4.7 – State significant development		
Section 4.36 – Consent for State significant development		
(1) <i>For the purposes of this Act, State significant development is development that is declared under this section to be State significant development.</i>	The Proposal is classified SSD in accordance with the Planning Systems SEPP. The Concept Masterplan comprises development for the purposes of Warehouses or distribution centres, Cultural, recreation and tourist facilities, and Data centres greater than the thresholds established in Schedule 1 of the Planning Systems SEPP.	Note
(2) <i>A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.</i>		

Section 4.38 – Consent for State significant development		
(1) <i>The consent authority is to determine a development application in respect of State significant development by—</i> (a) <i>granting consent to the application with such modifications of the proposed development or on such conditions as the consent authority may determine, or</i> (b) <i>refusing consent to the application.</i>	The Applicant seeks development consent under Division 4.7 ‘State significant development’ of the EP&A Act for a Concept Masterplan and Early Works, as described in Section 3.0 of the EIS.	Yes
(2) <i>Development consent may not be granted if the development is wholly prohibited by an environmental planning instrument.</i>	The Proposal does not represent wholly prohibited by any applicable EPI.	Yes
(3) <i>Development consent may be granted despite the development being partly prohibited by an environmental planning instrument.</i>	The Proposal does not represent partly prohibited development by any applicable EPI.	Yes
(4) <i>If part of a single proposed development that is State significant development requires development consent to be carried out and the other part may be carried out without development consent—</i> (a) <i>Division 5.1 does not apply to that other part of the proposed development, and</i> (b) <i>that other part of the proposed development is taken to be development that may not be carried out except with development consent.</i> (4A) <i>The Planning Secretary may determine that particular development does or does not form part of a single proposed development for the purposes of subsection (4).</i> (4B) <i>Subsection (4) does not apply to development that the Planning Secretary determines does not form part of a single proposed development under subsection (4A).</i> (4C) <i>The regulations may provide for the following in relation to a determination made under subsection (4A)—</i>	The SSDA includes all components requiring development consent, with the exception of the External Roadworks DA (refer to Section 1.5 of the EIS) that is subject to separate DA.	N/A
Section 4.41 – Approvals etc legislation that does not apply		
(1) <i>The following authorisations are not required for State significant development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply)—</i> (a) <i>(Repealed)</i> (b) <i>a permit under section 201, 205 or 219 of the Fisheries Management Act 1994,</i> (c) <i>an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977,</i> (d) <i>an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974,</i> (e) <i>(Repealed)</i> (f) <i>a bush fire safety authority under section 100B of the Rural Fires Act 1997,</i>	The following legislative approvals would be required if the Proposal was not considered SSD: (g) <i>a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the Water Management Act 2000.</i>	Note

(g) a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the Water Management Act 2000.		
Section 4.42 – Approvals etc. legislation that must be applied consistently		
(1) An authorisation of the following kind cannot be refused if it is necessary for carrying out State significant development that is authorised by a development consent under this Division and is to be substantially consistent with the consent— (a) an aquaculture permit under section 144 of the Fisheries Management Act 1994, (b) an approval under the Coal Mine Subsidence Compensation Act 2017, section 22, (c) a mining lease under the Mining Act 1992, (d) a production lease under the Petroleum (Onshore) Act 1991, (e) an environment protection licence under Chapter 3 of the Protection of the Environment Operations Act 1997 (for any of the purposes referred to in section 43 of that Act), (f) a consent under section 138 of the Roads Act 1993, (g) a licence under the Pipelines Act 1967.	The Proposal will require approval for roadworks under Section 138 of the Roads Act 1993.	Note

Biodiversity and Conservation Act 2016

Statutory Requirement	Relevance and Assessment	Compliance
Part 7 – Biodiversity assessment and approvals under Planning Act		
Division 2 – Biodiversity assessment requirements		
Section 7.9 – Biodiversity assessment for State significant development or infrastructure		
(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, and (2) Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. (3) The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.	A BDAR (Appendix DD) has been prepared by SLR Consulting to consider the likely impact of the Proposal on biodiversity values. For further discussion, refer to Section 6.13 of the EIS and BDAR (Appendix DD).	Yes

Section 7.14 – State significant development or infrastructure

- (1) *This section applies to an application for development consent for State significant development under Part 4 of the Environmental Planning and Assessment Act 1979, or an application for approval for State significant infrastructure under the Environmental Planning and Assessment Act 1979, Division 5.2, that is required under Division 2 to be accompanied by a biodiversity development assessment report.*
- (2) *The relevant authority, when determining in accordance with the Environmental Planning and Assessment Act 1979 any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The relevant authority may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.*

A BDAR (**Appendix DD**) has been prepared by SLR Consulting to consider the likely impact of the Proposal on biodiversity values. For further discussion, refer to **Section 6.13** of the EIS and BDAR (**Appendix DD**).

Yes

NSW Statutory Instruments

Environmental Planning and Assessment Regulation 2021

Statutory Requirement	Relevance and Assessment	Compliance
Part 3 – Development applications		
Division 1 – Making development applications – the Act, ss 4.12 and 4.64		
Section 35B – Additional requirements for development applications involving contravention of development standards		
(1) <i>This section applies to a development application that proposes, in accordance with a relevant EPI provision, development that contravenes a development standard imposed by any environmental planning instrument.</i> (2) <i>The development application must be accompanied by a document that sets out the grounds on which the applicant seeks to demonstrate that—</i> (a) <i>compliance with the development standard is unreasonable or unnecessary in the circumstances, and</i> (b) <i>there are sufficient environmental planning grounds to justify the contravention of the development standard.</i>	The Concept Masterplan contravenes the Height of Buildings development standard under Clause 4.3 of the Bayside LEP 2021. In accordance with Clause 4.6 of the Bayside LEP 2021, a Clause 4.6 Variation Request (Appendix P) has been prepared which justifies the proposed contravention to the Height of Buildings standard. It demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention.	Yes
Part 8 – Infrastructure and environmental impact assessment		
Division 5 – Environmental impact statements – the Act, ss 4.12(8), 5.7(1) and 5.16(2)		
Section 190 – Form of environmental impact statement		
(1) <i>An environmental impact statement must contain the following information—</i> (a) <i>the name, address and professional qualifications of the person who prepared the statement,</i> (b) <i>the name and address of the responsible person,</i> (c) <i>the address of the land—</i> (i) <i>to which the development application relates, or</i> (ii) <i>on which the activity or infrastructure to which the statement relates will be carried out,</i> (d) <i>a description of the development, activity or infrastructure,</i> (e) <i>an assessment by the person who prepared the statement of the environmental impact of the development, activity or infrastructure, dealing with the matters referred to in this Division.</i>	Refer to the Signed Declaration (page 3), description of the Proposal (Section 3.0 of the EIS) and Assessment of Impacts (Section 6.0 of the EIS).	Yes

(2) <i>The person preparing the statement must have regard to—</i> (a) <i>for State significant development—the State Significant Development Guidelines, or</i> (b) <i>for State significant infrastructure—the State Significant Infrastructure Guidelines.</i>	The EIS has been prepared in accordance with the Department of Planning, Housing and Infrastructure's 'State Significant Development Guidelines – Preparing an Environmental Impact Statement'.	Yes
(3) <i>An environmental impact statement must also contain a declaration by a relevant person that—</i> (a) <i>the statement has been prepared in accordance with this Regulation, and</i> (b) <i>the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and</i> (c) <i>the information contained in the statement is not false or misleading, and</i> (d) <i>for State significant development or State significant infrastructure—the statement contains the information required under the Registered Environmental Assessment Practitioner Guidelines.</i>	The EIS has been reviewed by a Registered Environmental Assessment Planner (REAP). Refer to the Signed Declaration provided on page 3 of the EIS.	Yes
Section 191 – Compliance with environmental assessment requirements		
<i>The environmental impact statement must comply with the environmental assessment requirements notified under section 176 or the Act, section 5.16(4).</i>	The EIS has been prepared to address all matters within the issued Secretary's Environmental Assessment Requirements (SEARs) dated 17 June 2025. Refer to the SEARs Compliance Table (Appendix A) that outlines where all matters have been addressed.	Yes
Section 192 – Content of environmental impact statement		
(1) <i>An environmental impact statement must contain the following—</i> (a) <i>a summary of the environmental impact statement,</i>	Refer to the Summary provided on page 4 of the EIS.	Yes
(b) <i>a statement of the objectives of the development, activity or infrastructure,</i>	Refer to Section 1.3 of the EIS for the objectives of the Proposal.	Yes
(c) <i>an analysis of feasible alternatives to the carrying out of the development, activity or infrastructure, considering its objectives, including the consequences of not carrying out the development, activity or infrastructure,</i>	Refer to Section 2.5 of the EIS which considers feasible alternatives, including doing nothing, use of the Site for alternative purposes, as well as alternative designs and layout.	Yes
(d) <i>an analysis of the development, activity or infrastructure, including—</i> (i) <i>a full description of the development, activity or infrastructure, and</i>	Refer to Section 3.0 of the EIS and supporting documentation for a description of the Proposal, including Concept Masterplan and Early Works.	Yes
(ii) <i>a general description of the environment likely to be affected by the development, activity or infrastructure and a detailed description of the aspects of the environment that are likely to be significantly affected, and</i> (iii) <i>the likely impact on the environment of the development, activity or infrastructure, and</i>	Refer to Section 6.0 of the EIS and supporting documentation for a description and assessment of the likely impact of the Proposal on the environment.	Yes
(iv) <i>a full description of the measures to mitigate adverse effects of the development, activity or infrastructure on the environment, and</i>	Refer to Section 6.0 of the EIS and the Consolidated Mitigation Measures (Appendix D).	Yes

<i>(v) a list of the approvals that must be obtained under another Act or law before the development, activity or infrastructure may lawfully be carried out,</i>	Refer to Section 4.0 of the EIS which identifies the approvals that must be obtained.	Yes
<i>(e) a compilation, in a single section of the environmental impact statement, of the measures referred to in paragraph (d)(iv),</i>	Refer to the Consolidated Mitigation Measures (Appendix D).	Yes
<i>(f) the reasons justifying the carrying out of the development, activity or infrastructure, considering biophysical, economic and social factors, including the principles of ecologically sustainable development set out in section 193.</i>	Refer to Section 6.0 and 7.0 of the EIS for justification for carrying out of the development and Section 6.11 of the EIS for the consistency of the Proposal with the ESD principles.	Yes
Section 193 – Principles of ecologically sustainable development		
<i>(1) The principles of ecologically sustainable development are the following—</i> <i>(a) the precautionary principle,</i> <i>(b) inter-generational equity,</i> <i>(c) conservation of biological diversity and ecological integrity,</i> <i>(d) improved valuation, pricing and incentive mechanisms.</i>	The Proposal is consistent with the ESD principles, as demonstrated in Section 6.11 of the EIS and the Sustainability Report (Appendix BB).	Yes

NSW Environmental Planning Instruments

State Environmental Planning Policy (Industry and Employment) 2021

Statutory Requirement	Relevance and Assessment	Compliance
Chapter 2 – Advertising and signage		
Part 3.2 – Signage generally		
Section 3.6 – Granting of consent to signage		
<i>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—</i> (a) <i>that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</i> (b) <i>that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</i>	The Concept Masterplan does not seek consent for the display of signage. However, it seeks consent for the <i>Advertising structures</i> use on Block 1 where the relevant provisions of Chapter 3 of the Industry and Employment SEPP will apply to a future Detailed DA. The Concept Masterplan seeks to establish key parameters for the signage under the proposed Urban Design Guidelines (Appendix L), with consideration towards the relevant provisions of <i>State Environmental Planning Policy (Industry and Employment) 2021</i> (Industry and Employment SEPP) provided below. It is noted that supporting and ancillary business identification and wayfinding signage will be considered against the relevant provisions of the Industry and Employment SEPP as part of future Detailed DAs.	Note
Part 3.3 – Advertisements		
Section 3.7 – Advertisements to which this Part applies		
(1) <i>This Part applies to all signage to which this Chapter applies, other than the following—</i> (a) <i>business identification signs,</i> (b) <i>building identification signs,</i> (c) <i>signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,</i> (d) <i>signage on vehicles.</i>	Part 3.3 of the Industry and Employment SEPP will apply to the proposed <i>Advertising structures</i> use on Block 1 under the Concept Masterplan.	Note
Section 3.8 – Prohibited advertisements		
(1) <i>Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions—</i> <i>environmentally sensitive area</i>	Block 1 of the Concept Masterplan is not identified on land within any of the subject zones or descriptions. It is noted that the <i>Advertising structures</i> use is an Additional Permitted Use specifically established under Schedule 1, Section 47 of the Bayside LEP 2021 for Lot 31 DP1231484 (19 Marsh Street).	Yes

<i>heritage area (excluding railway stations)</i> <i>natural or other conservation area</i> <i>open space</i> <i>waterway</i> <i>residential (but not including a mixed residential and business zone, or similar zones)</i> <i>scenic protection area</i> <i>national park</i> <i>nature reserve</i>		
Division 2 – Control of advertisements		
Section 3.9 – Requirement for consent		
<i>A person must not display an advertisement, except with the consent of the consent authority or except as otherwise provided by this Chapter.</i>	The Concept Masterplan does not seek consent for the display of signage. However, it does seek consent for the <i>Advertising structures</i> use on Block 1 where the relevant provisions of Chapter 3 of the Industry and Employment SEPP will apply to a future Detailed DA.	Note
Section 3.11 – Matters for consideration		
(1) <i>A consent authority (other than in a case to which subsection (2) applies) must not grant consent to an application to display an advertisement to which this Chapter applies unless the advertisement or the advertising structure, as the case requires—</i> <i>(a) is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</i> <i>(b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</i> <i>(c) satisfies any other relevant requirements of this Chapter.</i>	Any future Detailed DA for an <i>Advertising structure</i> on Block 1 must demonstrate compliance with the subject requirements. Specifically, an <i>Advertising structure</i> on Block 1 can comply with the subject requirements for the following reasons: • It is capable of achieving the objectives of Chapter 3, including a design that is compatible with the desired amenity and visual character; • It is capable of complying with the relevant assessment criteria and acceptable impacts on road safety and lighting; and • It is capable of satisfying all relevant requirements under Chapter 3.	Note
(3) <i>In addition, if section 3.16 or 3.22 applies to the case, the consent authority must not grant consent unless arrangements that are consistent with the Guidelines have been entered into for the provision of the public benefits to be provided in connection with the display of the advertisement.</i>	Any future Detailed DA for an <i>Advertising structure</i> on Block 1 must demonstrate compliance with the <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> (the Guidelines).	Note
Division 3 – Particular advertisements		
Section 3.15 – Advertisements with display area greater than 20 square metres or higher than 8 metres above ground		
(1) <i>This section applies to an advertisement—</i> <i>(a) that has a display area greater than 20 square metres, or</i> <i>(b) that is higher than 8 metres above the ground.</i>	An <i>Advertising structure</i> on Block 1 may comprise a display area greater than 20m ² and be higher than 8m above the ground. Any future Detailed DA for an <i>Advertising structure</i> on Block 1 will include an assessment against the criteria under Schedule 5 of the Industry and Employment SEPP.	Note

(2) <i>The consent authority must not grant consent to an application to display an advertisement to which this section applies unless—</i> (a) <i>the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</i> (b) <i>the consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.</i>		
Section 3.16 - Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road		
(1) <i>This section applies to the display of an advertisement to which section 3.15 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.</i> (2) <i>The consent authority must not grant development consent to the display of an advertisement to which this section applies without the concurrence of TfNSW.</i> (3) <i>In deciding whether or not concurrence should be granted, TfNSW must take into consideration—</i> (a) <i>the impact of the display of the advertisement on traffic safety, and</i> (b) <i>the Guidelines.</i> (4) <i>If TfNSW has not informed the consent authority within 21 days after the copy of the application is given to it under section 3.15(2)(b) that it has granted, or has declined to grant, its concurrence, TfNSW is taken to have granted its concurrence.</i> (5) <i>Nothing in this section affects section 3.14.</i> (6) <i>This section does not apply when the Minister for Planning is the consent authority.</i>	An <i>Advertising structure</i> on Block 1 may comprise a display area greater than 20m² and would be located within 250m of a classified road (Marsh Street). In this instance, TfNSW would be required to provide concurrence as part of a future Detailed DA for the erection of a subject <i>Advertising structure</i>. It would consider and demonstrate compliance with traffic safety matters and the Guidelines.	Note
Section 3.17 – Advertising display area greater than 45 square metres		
<i>The consent authority must not grant consent to the display of an advertisement with an advertising display area greater than 45 square metres unless—</i> (a) <i>a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct, or</i> (b) <i>in the case of the display of an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines.</i>	An <i>Advertising structure</i> on Block 1 may comprise a display area greater than 45m². In accordance with Section 4.23(2) of the EP&A Act, the SSDA represents a Concept DA and therefore satisfies the requirement for a site-specific DCP under Section 3.17(a) of the Industry and Employment SEPP. Therefore, development consent may be granted for a future Detailed DA comprising an <i>Advertising structure</i> on Block 1 with a display area greater than 45m².	Note
Section 3.20 – Wall advertisements		
(1) <i>Only one wall advertisement may be displayed per building elevation.</i> (2) <i>The consent authority may grant consent to a wall advertisement only if—</i> (a) <i>the consent authority is satisfied that the advertisement is integrated with the design of the building on which it is to be displayed, and</i> (b) <i>for a building having—</i>	An <i>Advertising structure</i> on Block 1 may represent a wall advertisement. A wall advertisement on Block 1 is capable of meeting the subject requirements.	Note

(i) an above ground elevation of 200 square metres or more—the advertisement does not exceed 10% of the above ground elevation, and (ii) an above ground elevation of more than 100 square metres but less than 200 square metres—the advertisement does not exceed 20 square metres, and (iii) an above ground elevation of 100 square metres or less—the advertisement does not exceed 20% of the above ground elevation, and (c) the advertisement does not protrude more than 300 millimetres from the wall, unless occupational health and safety standards require a greater protrusion, and (d) the advertisement does not protrude above the parapet or eaves, and (e) the advertisement does not extend over a window or other opening, and (f) the advertisement does not obscure significant architectural elements of the building, and (g) a building identification sign or business identification sign is not displayed on the building elevation.	
Section 3.21 – Freestanding advertisements	
(1) The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.	An Advertising structure on Block 1 may represent a freestanding advertisement. A freestanding advertisement on Block 1 is capable of meeting the subject requirements. Note

State Environmental Planning Policy (Planning Systems) 2021

Statutory Requirement	Relevance and Assessment	Compliance
Chapter 2 – State and regional development		
Part 2.2 – State significant development		
Section 2.6 – Declaration of State significant development: section 4.36		
(1) Development is declared to be State significant development for the purposes of the Act if— (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The Proposal comprises development for the purposes of <i>Warehouses or distribution centres, Cultural, recreation and tourist facilities, and Data centres</i> greater than the thresholds established in Schedule 1 of the Planning Systems SEPP (refer below).	Yes
(2) If a single proposed development the subject of one development application comprises development that is only partly State significant development declared under subsection (1), the remainder of the development is also declared to be State significant development, except for—	In accordance with Section 2.6(2) of the Planning Systems SEPP, all parts of a single DA are also declared SSD for the purposes of EP&A Act, except for so much of the remainder of the development that is not sufficiently related to the SSD. The consent authority may be satisfied that any components not considered SSD are sufficiently related given all logistics buildings in the Indicative Reference Schemes are	Yes

(a) so much of the remainder of the development as the Director-General determines is not sufficiently related to the State significant development, and (b) coal seam gas development on or under land within a coal seam gas exclusion zone or land within a buffer zone (within the meaning of clause 9A of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007), and (c) development specified in Schedule 1 to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.	classified as SSD, with the alternative mixed-use development on Block 2 comprising a hotel classified as SSD and the data centre on Block 3C classified as SSD. Further, any remaining components of the Concept Masterplan represent important elements that contribute to the creation of a functional and cohesive development outcome. This includes Block 1, which represents a key entry statement to the precinct fronting the Cooks River foreshore link. It will provide complementary uses to supplement and support the primary land uses on the remainder of the Site, also supporting the activation of the foreshore link. Therefore, the consent authority may be satisfied that any components not considered SSD are sufficiently related.	
Section 2.10 – Application of development control plans to State significant development		
(1) Development control plans (whether made before or after the commencement of this Chapter) do not apply to— (a) State significant development, or (b) development for which a relevant council is the consent authority under section 4.37 of the Act.	Section 2.10(1) of the Planning Systems SEPP stipulates that DCPs do not apply to SSD. As such, the Bayside DCP 2022 is not applicable to the SSDA. Notwithstanding this, relevant provisions of the Bayside DCP 2022 have been considered where appropriate.	Note
(2) A requirement of an environmental planning instrument that a development control plan be prepared before development consent can be granted to development does not apply to— (a) State significant development, or (b) development for which a relevant council is the consent authority under the Act, section 4.37.	The preparation of a site-specific DCP is required for the Site prior to development consent being granted under Clause 6.18 of the Bayside LEP 2021. In accordance with Section 2.10 of the Planning Systems SEPP, Clause 6.18 does not apply to SSD and does not require consideration under this SSDA. Regardless, the Concept Masterplan satisfies the requirements of Clause 6.18 in accordance with Section 4.23(2) of the EP&A Act. The Concept Masterplan is accompanied by Urban Design Guidelines (Appendix L) and technical assessment including mitigation measures that address the information required under Clause 6.18 of the Bayside LEP 2021.	Note
Section 2.11 – Concept development applications		
If— (a) development is specified in Schedule 1 or 2 to this Chapter by reference to a minimum estimated development cost, other minimum size or other aspect of the development, and (b) development the subject of a concept development application under Part 4 of the Act is development so specified, any part of the development that is the subject of a separate development application is development specified in the relevant Schedule (whether or not that part of the development exceeds the minimum value or size or other aspect specified in the Schedule for such development).	The Proposal comprises development for the purposes of Warehouses or distribution centres, Cultural, recreation and tourist facilities, and Data centres greater than the thresholds established in Schedule 1 of the Planning Systems SEPP (refer below). Therefore, any part of the development that is the subject of a DA is development specified in the relevant sections of Schedule 1 (whether or not that part of the development exceeds the minimum value or size or other aspect specified in the Schedule for such development).	Note

Schedule 1 – State significant development—general		
Section 12 – Warehouses or distribution centres		
(1) Development that has an estimated development cost 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. (3) In this section— relevant amount means— (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.	The Concept Masterplan includes <i>Warehouse or distribution centre</i> uses, which are depicted in the Indicative Reference Schemes as multi-level logistics buildings. All individual logistics buildings depicted in the Indicative Reference Schemes represent development at one (1) location and related to the same operation with an Estimated Development Cost (EDC) greater than \$50 million. Therefore, all <i>Warehouse or distribution centre</i> uses associated with the Concept Masterplan are classified as SSD for the purposes of EP&A Act.	Yes
Section 13 – Cultural, recreation and tourist facilities		
(2) Development for other tourist related purposes (but not including any commercial premises, residential accommodation and serviced apartments whether separate or ancillary to the tourist related component) that— (a) has an estimated development cost of more than \$100 million, or (b) has an estimated development cost of more than \$10 million and is located in an environmentally sensitive area of State significance or a sensitive coastal location.	The Concept Masterplan includes a <i>Hotel and motel accommodation</i> use on Block 2, depicted in the Alternative Use scheme as a hotel. This use is defined as a type of development for ‘other tourist related purposes’, where the hotel development in the Alternative Use scheme comprises an EDC of more than \$100 million. Therefore, the <i>Hotel and motel accommodation</i> use associated with the Concept Masterplan are classified as SSD for the purposes of EP&A Act.	Yes
Section 25 – Data centres		
(1) Development for the purpose of data centres that has a total power consumption of more than the relevant amount. (2) In this section— relevant amount means— (a) for development in relation to which the relevant environmental assessment requirements are notified under the Act on or before 31 May 2023—10 megawatts, or (b) for any other development—15 megawatts.	The Concept Masterplan includes a <i>Data centre</i> use on Block 3C, depicted in the Alternative Use scheme as a data centre with an estimated total power consumption of 80 megawatts. Therefore, the <i>Data centres</i> use associated with the Concept Masterplan are classified as SSD for the purposes of EP&A Act.	Yes

State Environmental Planning Policy (Resilience and Hazards) 2021

Statutory Requirement	Relevance and Assessment	Compliance
Chapter 2 – Coastal management		
Part 2.2 – Development controls for coastal management areas		
Section 2.10 – Development on land within the coastal environment area		
(1) <i>Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—</i> (a) <i>the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i> (b) <i>coastal environmental values and natural coastal processes,</i> (c) <i>the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</i> (d) <i>marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i> (e) <i>existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i> (f) <i>Aboriginal cultural heritage, practices and places,</i> (g) <i>the use of the surf zone</i>	A portion of the Site fronting the Cooks River is identified as a coastal environment area. The consent authority may be satisfied that the Proposal is unlikely to cause an adverse impact on the area for the following reasons: • The Early Works do not comprise the carrying out of seawall or any ultimate works along the foreshore; • The Civil Drawings (Appendix N) and Civil Engineering Report (Appendix HH) have considered hydrological and water aspects, including erosion and sediments control measures; • A BDAR (Appendix DD) has considered all ecological aspects; and • An ACHAR (Appendix EE) has considered the impacts of the Proposal on Aboriginal cultural heritage, practices and places.	Yes
(2) <i>Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—</i> (a) <i>the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or</i> (b) <i>if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i> (c) <i>if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>	The Proposal has been designed and sited and will be managed to avoid an adverse impact on the elements identified in Section 2.10(1) in relation to the Site.	Yes
(3) <i>This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.</i>	The Site is not identified as land contained within the Foreshores and Waterways Area within the meaning of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (Biodiversity and Conservation SEPP).	Note

Section 2.11 – Development on land within the coastal use area

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—*
- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following—*
- (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
- (b) *is satisfied that—*
- (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

A portion of the Site fronting the Cooks River is identified as a coastal use area. The consent authority may be satisfied that the Proposal is unlikely to cause an adverse impact on the area for the following reasons:

- It will have an acceptable impact on overshadowing, wind and view loss, consistent with the desired future character for a multi-level logistics hub;
- It will not impact on the visual amenity or any scenic qualities;
- An ACHAR (**Appendix EE**) has considered the impacts of the Proposal on Aboriginal cultural heritage, practices and places.
- It has been designed, sited and will be managed to minimise and mitigate any impacts; and
- It is appropriate for the environment adjacent to the Cooks River and Sydney Airport.

Yes

- (2) *This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.*

The Site is not identified as land contained within the Foreshores and Waterways Area within the meaning of the Biodiversity and Conservation SEPP.

Note

Chapter 3 – Hazardous and offensive development

Part 3 – Potentially hazardous or potentially offensive development

Section 3.12 – Matters for consideration by consent authorities

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)—

- (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*

The Proposal is not classified as 'potentially hazardous industry' as it is currently not expected to involve the storage of dangerous goods in excess of the screening thresholds set out in applicable guidelines. It is also not classified as a 'potentially offensive industry'. For further discussion, refer to **Section 6.9** of the EIS.

Yes

(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.	
Chapter 4 – Remediation of land	
Section 4.6 – Contamination and remediation to be considered in determining development application	
(1) A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines. (3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.	A Preliminary Site Investigation (PSI) (Appendix MM) and Detailed Site Investigation (DSI) (Appendix NN) has been prepared by Douglas Partners. The PSI assesses the overland flow path, while the DSI assesses the development area. The assessments conclude the Site can be made suitable for the Proposal subject to the completion of a Remediation Action Plan (RAP). A RAP (Appendix OO) has subsequently been prepared by Douglas Partners. It concludes that the Site can be made suitable for the proposed land uses. For further discussion on contamination and remediation, refer to Section 6.19. Yes

State Environmental Planning Policy (Sustainable Buildings) 2022

Statutory Requirement	Relevance and Assessment	Compliance
Chapter 3 – Standards for non-residential development		
Section 3.1 – Application of Chapter		
(1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves— (a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or	The Proposal does not involve the erection of a new building. Therefore, Chapter 3 of <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> (Sustainable Buildings SEPP) will apply to future Detailed DAs under the Concept Masterplan for the erection of a new building with an EDC of \$5 million or more.	N/A

(b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more.	The Kogarah Golf Club Redevelopment seeks to create a world-class precinct, including state-of-the-art facilities that will redefine the logistics landscape in Australia, setting new benchmarks for scale, efficiency, sustainability and innovation. The future development is therefore capable of compliance with the relevant provisions under Chapter 3 of the Sustainable Buildings SEPP. For further discussion on sustainability, refer to Section 6.11 of the EIS and the Sustainability Report (Appendix BB).	
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State Environmental Planning Policy (Transport and Infrastructure) 2021

Statutory Requirement	Relevance and Assessment	Compliance
Chapter 2 – Infrastructure		
Part 2.3 – Development controls		
Division 12A – Pipelines and pipeline corridors		
Section 2.77 – Determination of development applications		
(1) Before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must— (a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and (b) take those risks into consideration, and (c) give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and (d) take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given. (2) Land is in a pipeline corridor for the purposes of this section if the land is located— (a) within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, or (b) within 20m of the centreline (measured radially) of a relevant pipeline, or (c) within 20m of land the subject of an easement for a relevant pipeline.	The Site is affected by two (2) pipeline corridors, identified as the Sydney Desalination Pipeline and Moombah-Sydney Pipeline (refer to Section 2.2.3 of the EIS). A Preliminary Hazard Analysis (PHA) (Appendix Y) has been prepared to confirm that the risk criteria published in HIPAP No.4 is satisfied, based on the risks generated by gas pipelines and associated infrastructure near the Proposal, as well as the proposed land uses. Therefore, the consent authority may be satisfied that the Proposal does not result in an intolerable level risk and complies with the applicable risk criteria. For further discussion, refer to Section 6.9 of the EIS and the PHA (Appendix Y).	Yes

Division 17 – Roads and traffic

Section 2.122 – Traffic-generating development

- (1) *This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—*
- (a) *new premises of the relevant size or capacity, or*
 - (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) *In this section, relevant size or capacity means—*
- (a) *in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
 - (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- (4) *Before determining a development application for development to which this section applies, the consent authority must—*
- (a) *give written notice of the application to TfNSW within 7 days after the application is made, and*
 - (b) *take into consideration—*
 - (i) *any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including—*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) *any potential traffic safety, road congestion or parking implications of the development.*
- (5) *The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.*

The Concept Masterplan includes development specified in, and exceeding the thresholds established in Schedule 3 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP).

A Transport Impact Assessment (TIA) (**Appendix V**) has been prepared to outline that the Indicative Reference Schemes contemplated under the Concept Masterplan would generate fewer traffic movements during peak hours when compared to the reference scheme supporting the previous Planning Proposal (PP-2022-1748).

For further discussion, refer to **Section 6.6** of the EIS and the TIA (**Appendix V**).

Yes

Bayside Local Environmental Plan 2021

Statutory Requirement	Relevance and Assessment	Compliance
Part 2 – Permitted or prohibited development		
Part 2 – Permitted or prohibited development		
Clause 2.2 – Zoning of land to which Plan applies		
<i>For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.</i>	The Site is identified as comprising land zoned: • SP2 Infrastructure; • SP4 Enterprise; • RE1 Public Recreation; and • C2 Environmental Conservation.	Yes
Clause 2.3 – Zone objectives and Land Use Table		
Zone SP2 Infrastructure 1 Objectives of zone • To provide for infrastructure and related uses. • To prevent development that is not compatible with or that may detract from the provision of infrastructure. 2 Permitted without consent <i>Environmental protection works</i> 3 Permitted with consent <i>Aquaculture; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose</i> 4 Prohibited <i>Any development not specified in item 2 or 3</i>	A north-western portion of the Site is located within the SP2 Infrastructure zone. Whilst the Proposal does not involve the delivery of land uses which relate directly to the provision of infrastructure and related uses, the Proposal does not detract from or inhibit the existing use of the land zoned SP2 as a temporary construction compound for the M6 Motorway Stage 1 tunnelling works (previously utilized for the M8 Motorway construction). As such, the Proposal is consistent with the objectives of the SP2 Infrastructure zone.	Yes
Zone SP4 Enterprise 1 Objectives of zone • To provide for development and land uses that support enterprise and productivity. • To encourage economic activity and trade-focused businesses that benefit directly from, or benefit from a synergy due to, the physical proximity of land within the zone to Sydney Airport, Port Botany and regional transport network links. • To promote trade-related enterprises that are associated with trade logistics and distribution, just-in-time supply, the movement of perishables, time-sensitive goods processing, and the management of air and sea commerce.	The Proposal is consistent with the objectives of the SP4 Enterprise zone for the following reasons: • It provides the ability for a range of logistics and warehouse land uses which supports enterprise and productivity in an ideal location relative to existing transport infrastructure, including but not limited to Sydney Airport; • The proximity of the Site in relation to Sydney Airport presents a unique opportunity to deliver land uses which encourage economic activity and trade-focused businesses and utilise regional transport network links; and • It will generate construction and ongoing employment opportunities.	Yes

• To facilitate local employment opportunities through a range of logistics and business land uses and visitor accommodation. • To promote high quality development adjacent to public open spaces. 2 Permitted without consent Nil 3 Permitted with consent Building identification signs; Business identification signs; Food and drink premises; Hotel or motel accommodation; Light industries; Serviced apartments; Shops; Take away food and drink premises; Any other development not specified in item 2 or 4 4 Prohibited Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities	
Zone RE1 Public Recreation 1 Objectives of zone • To enable land to be used for public open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes. 2 Permitted without consent Environmental protection works; Flood mitigation works 3 Permitted with consent Aquaculture; Boat launching ramps; Centre-based child care facilities; Community facilities; Emergency services facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Water supply systems 4 Prohibited Any development not specified in item 2 or 3	The Proposal is consistent with the objectives of the RE1 Public Recreation zone for the following reasons: • It includes the delivery of high-quality open space, including contributions to the regional cycle links, and a master planned park, being 'Pemulwuy Park (North)' and 'Pemulwuy Park (South)'. Together, these parks will comprise 14 hectares of public open space delivered by the Proposal; and • It will enable the future embellishment of passive open space and environmental enhancements. Yes

C2 Environmental Conservation 1 Objectives of zone - To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. - To prevent development that could destroy, damage or otherwise have an adverse effect on those values. - To provide for passive recreational activities that are compatible with the environmental constraints of the land. 2 Permitted without consent <i>Nil</i> 3 Permitted with consent <i>Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Oyster aquaculture; Roads</i> 4 Prohibited <i>Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3</i>	The Proposal is consistent with the objectives of the C2 Environmental Conservation zone as it involves the delivery of high-quality open space.	Yes
Part 4 – Principal development standards		
Clause 4.3 – Height of buildings		
(2) <i>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</i>	The Site comprises a maximum permissible height of RL 51m Australian Height Datum (AHD) across the majority of the development area. This is with exception of the southern portion of the development area where it falls to RL 40m AHD and Lot 31 DP1231486 in the northern portion of the development area which comprises a maximum permissible height of 24m. The Concept Masterplan seeks to vary the Height of Buildings development standard in accordance with Clause 4.6 of the Bayside LEP 2021 which enables the consent authority to grant consent for development even though the development contravenes a development standard. The proposed height variation seeks to vary the Height of Buildings development standard for Block 2, 3A and 3B from RL 51m AHD (approx. 47.4m above future ground level) to RL 70m AHD (approx. 66.4m above future ground level) as part of the proposed building envelopes. This represents a 19m (37.25%) variation to the development standard. For further discussion, refer to the Clause 4.6 Variation Request (Appendix P).	No

Clause 4.4 – Floor space ratio		
(2) <i>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</i>	A maximum floor space ratio of 1.25:1 applies to land on Lot 31 DP 1231486 only. The Proposal seeks approval for a Concept Masterplan which delivers on this FSR for the identified lot.	Yes
Clause 4.6 – Exceptions to development standards		
1) <i>The objectives of this clause are as follows—</i> (a) <i>to provide an appropriate degree of flexibility in applying certain development standards to particular development,</i> (b) <i>to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i> (2) <i>Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i> (3) <i>Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—</i> (a) <i>compliance with the development standard is unreasonable or unnecessary in the circumstances, and</i> (b) <i>there are sufficient environmental planning grounds to justify the contravention of the development standard.</i>	Clause 4.6 of the Bayside LEP 2021 enables the consent authority to grant consent for development even though the development contravenes a development standard. The Concept Masterplan seeks to vary the Height of Buildings development standard under Clause 4.3 of the Bayside LEP 2021. A Clause 4.6 Variation Request (Appendix P) has been prepared by Colliers Urban Planning. It outlines the Concept Masterplan seeks to vary the Height of Buildings development standard for Block 2, 3A and 3B from RL 51m AHD (approx. 47.4m above future ground level) to RL 70m AHD (approx. 66.4m above future ground level) as part of the proposed building envelopes. This represents a 19m (37.25%) variation to the development standard. In accordance with Clause 4.6 of the Bayside LEP 2021, the Clause 4.6 Variation Request demonstrates that compliance with the Height of Buildings development standard is unreasonable and unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention. For further discussion, refer to the Clause 4.6 Variation Request (Appendix P).	Yes
Part 5 – Miscellaneous provisions		
Clause 5.7 – Development below mean high water mark		
(2) <i>Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).</i>	The Site is partially identified as comprising areas below the mean high-water mark along the Cooks River. The Concept Masterplan includes the establishment of a new seawall along the Cooks River foreshore, to be delivered as part of a future Detailed DA(s). The Early Works do not include any works below the mean high-water mark.	Yes
Clause 5.10 – Heritage conservation		
(2) <i>Requirement for consent Development consent is required for any of the following—</i> (a) <i>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> (i) <i>a heritage item,</i> (ii) <i>an Aboriginal object,</i> (iii) <i>a building, work, relic or tree within a heritage conservation area,</i>	The Proposal will not impact on existing heritage values on or surrounding the Site. It is not identified as containing a heritage item, nor is the Site located within a heritage conservation area. Further, due to the high disturbance prevalent throughout the recent history of the Site and geotechnical works identifying the presence of fill at depths up to 1.8m across the Site, it has been identified as containing low potential for Aboriginal sites or historical archaeological sites.	N/A

(b) <i>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 5 in relation to the item,</i> (c) <i>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,</i> (d) <i>disturbing or excavating an Aboriginal place of heritage significance,</i> (e) <i>erecting a building on land—</i> (i) <i>on which a heritage item is located or that is within a heritage conservation area, or</i> (ii) <i>on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</i> (f) <i>subdividing land—</i> (i) <i>on which a heritage item is located or that is within a heritage conservation area, or</i> (ii) <i>on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</i>	For further discussion, refer to the Section 6.14 and 6.15 of the EIS, as well as the Aboriginal Cultural Heritage Assessment Report (ACHAR) (Appendix EE), Historical Archaeological Assessment (Appendix FF), and Statement of Heritage Impact (Appendix GG).	
Clause 5.21 – Flood planning		
(2) <i>Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</i> (a) <i>is compatible with the flood function and behaviour on the land, and</i> (b) <i>will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</i> (c) <i>will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</i> (d) <i>incorporates appropriate measures to manage risk to life in the event of a flood, and</i> (e) <i>will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i> (3) <i>In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</i> (a) <i>the impact of the development on projected changes to flood behaviour as a result of climate change,</i> (b) <i>the intended design and scale of buildings resulting from the development,</i> (c) <i>whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</i>	The Site is identified as land within the flood planning area. A Flood Impact Risk Assessment (FIRA) (Appendix II) has been prepared to assess the potential impacts of the Proposal on the flood behaviour of the Site, as well as risks associated with the Proposal as a result of its flood character.	Yes

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.	
Part 6 – Additional local provisions	
Clause 6.1 – Acid sulfate soils	
(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	The development land is identified as land containing Class 3 acid sulfate soils. The impacts of this in relation to the proposed Early Works on the Site have been addressed in the Acid Sulfate Soils Assessment and Management Plan (ASSMP) (Appendix KK) prepared by Douglas Partners. The ASSMP demonstrates that the impacts and risks associated with the presence of acid sulfate soils are capable of being mitigated. Yes
Clause 6.2 – Earthworks	
(2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given. (3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the 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 development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any watercourse, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The Proposal seeks approval for Early Works, including bulk earthworks to support future delivery of built form and publicly accessible open space. The primary drivers for the proposed earthworks is to ensure the ability of the Site to accommodate future built form and road networks, and mitigate the effects of any potential adverse impacts. The potential impacts of this Proposal have been addressed in Section 6.0 to the EIS. The proposed earthworks are appropriate for the following reasons: • It effectively manages drainage patterns and soil stability to not impact on upstream or downstream properties; • It supports the development of land consistent with the approved Planning Proposal for the Site; • It will not impact on the quality of the fill and/or soil to be excavated; • It will not adversely impact the existing amenity of the Site's surroundings; • It will not impact on any significant archaeology as the Site has been assessed to have low archaeological potential, notwithstanding that an unexpected finds policy has been implemented; • It will not impact on any waterways; and • It incorporates suitable mitigation measures to address any impacts of the Proposal. Yes
Clause 6.3 – Stormwater and water sensitive urban design	
(2) Before granting development consent to development on any land to which this Plan applies, the consent authority must be satisfied that— (a) water sensitive urban design principles are incorporated into the design of the development, and	The proposed Early Works for the Site implement water sensitive urban design principles, including riparian, stormwater and flooding measures. The stormwater management system seeks to avoid adverse impacts on the land to which the Yes

(b) <i>riparian, stormwater and flooding measures are integrated as part of the development, and</i> (c) <i>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, native bushland, waterways, receiving waters and groundwater systems, and</i> (d) <i>if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways receiving waters and groundwater systems, and</i> (e) <i>the development is designed to maximise the use of water permeable surfaces on the site having regard to the soil characteristics affecting on-site infiltration of water.</i>	development is to be carried out. Refer to the Civil Engineering Report (Appendix HH), prepared by Costin Roe Consulting.	
Clause 6.4 – Terrestrial biodiversity		
(2) <i>This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.</i> (3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider—</i> (a) <i>the objective of the clause, and</i> (b) <i>whether the development is likely to have—</i> (i) <i>any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i> (ii) <i>any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i> (iii) <i>any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i> (iv) <i>any adverse impact on the habitat elements providing connectivity on the land, and</i> (c) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development, and</i> (d) <i>any opportunity to restore or enhance remnant vegetation, habitat and biodiversity corridors.</i> (4) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i> (a) <i>the development is designed, sited and will be managed to avoid any potentially adverse environmental impact, or</i> (b) <i>if that impact cannot be reasonably avoided by adopting feasible alternatives—</i> (i) <i>the development is designed, sited and will be managed to minimise that impact, or</i> (ii) <i>the development includes measures to offset the loss of biodiversity.</i>	The Site contains land identified as containing terrestrial biodiversity. The potential impact of the Proposal on the ecological value and significance of the flora and fauna on the Site, including appropriate measures to avoid, minimise or mitigate these impacts are discussed in the Arboricultural Impact Assessment (AIA) (Appendix M) and the BDAR (Appendix DD). The AIA and BDAR determine that the potential impacts of the Proposal on terrestrial biodiversity are capable of being mitigated.	Yes
Clause 6.5 – Riparian land, wetlands and waterways		
(2) <i>This clause applies to the following land—</i>	The Site is located along the Cooks River, which is identified as a ‘Waterway’ and ‘Stream Order 4’ under the Bayside LEP 2021. The impact of the Proposal on the	Yes

(a) land identified as “Waterway” on the Waterways Map, (b) land identified as “Wetlands” on the Wetlands Map, (c) land within— (i) 10 metres of streams mapped as Stream Order 1 on the Stream Order Map, (ii) 20 metres of streams mapped as Stream Order 2 on the Stream Order Map, (iii) 30 metres of streams mapped as Stream Order 3 on the Stream Order Map, (iv) 40 metres of streams mapped as Stream Order 4 on the Stream Order Map. (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider— (a) whether the development is likely to have an adverse impact on the following— (i) the surface and groundwater characteristics of the land, including water quality, water flows and salinity, (ii) native flora and fauna, including migratory species and the provision and quality of their habitats, (iii) the stability of the bed, shore and banks of any waterway, (iv) the free passage of fish and other native aquatic and terrestrial organisms within or along any waterway or riparian land, (v) public access to, and use of, any public waterway and its foreshores, and (b) any future rehabilitation or re-creation of the waterway and riparian areas, and (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development, and (d) whether or not the development is likely to increase water extraction from the watercourse, and (e) the opportunity for the rehabilitation of existing piped or channelised waterways to a near natural state.	subject matters has been considered as part of the assessment of impacts, outlined in Section 6.0 of the EIS and supporting documentation.	
Clause 6.7 – Airspace operations		
(2) The consent authority must not grant development consent to development that is a controlled activity within the meaning of Division 4 of Part 12 of the Airports Act 1996 of the Commonwealth unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.	The Proposal is a ‘controlled activity’ within the meaning of Division 4, Part 12 of the Airports Act 1996. The Applicant seeks a controlled activity approval in accordance with the Airports (Protection of Airspace) Regulations 1996. Refer to Section 6.4 of the EIS and Aeronautical Impact Assessment (Appendix S).	Yes
Clause 6.8 – Development in areas subject to aircraft noise		
(2) This clause applies to development— (a) on land— (i) near the Sydney (Kingsford-Smith) Airport, and (ii) in an ANEF contour of 20 or greater, and (b) the consent authority considers is likely to be adversely affected by aircraft noise.	The Site is located on land near the Sydney (Kingsford-Smith) Airport and is therefore likely to be adversely affected by aircraft noise. The Proposal comprises non-residential land uses and is unlikely to be affected by aircraft noise for the following reasons:	Yes

(3) <i>In deciding whether to grant development consent to development to which this clause applies, the consent authority—</i> (a) <i>must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and</i> (b) <i>must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2015, and</i> (c) <i>must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015 for development for the following purposes—</i> (i) <i>for development proposed to be located in an ANEF contour of 20 or greater—child care centres, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings or residential accommodation,</i> (ii) <i>for development proposed to be located in an ANEF contour of 25 or greater—business premises, hostels, hotel or motel accommodation, office premises or retail premises.</i>	• It will not result in an increase in the number of dwellings or people affected by aircraft noise; • It will have regard to the Site in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2015, noting that no controls relate to industrial land uses which are not light industrial; and • It will have regard to Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015. For further information, refer to Section 6.7 of the EIS and Noise and Vibration Impact Assessment (Appendix W).	
Clause 6.10 – Design excellence		
(2) <i>This clause applies to the following development—</i> (a) <i>development involving the erection of a new building or external alterations to an existing building within the Arncliffe Precinct or the Banksia Precinct,</i> (b) <i>development involving the erection of a new building or external alterations to an existing building on land shown edged heavy black on the Design Excellence Map,</i> (c) <i>development that is the subject of a development application that relies on clause 4.3(2A) (a), (f), (g), (h), (i) or (k).</i>	The developable area of the Site is identified on the Design Excellence Map under Bayside LEP 2021. Therefore, the provisions of Clause 6.10 of the Bayside LEP 2021 apply to development involving the erection of a new building or external alterations to an existing building within the developable area. This SSDA for the proposed Concept Masterplan and Early Works does not involve the erection of a new building or external alterations to an existing building within the developable area. Therefore, the provisions of Clause 6.10 of the Bayside LEP 2021 do not apply to this SSDA, but will apply to future Detailed DAs. The relevant matters under Clause 6.10 of the Bayside LEP 2021 in relation to future Detailed DAs are discussed in Section 6.3 of the EIS.	Yes
Clause 6.11 – Essential services		
<i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</i> (a) <i>the supply of water,</i> (b) <i>the supply of electricity,</i> (c) <i>the disposal and management of sewage,</i> (d) <i>stormwater drainage or on-site conservation,</i> (e) <i>suitable vehicular access.</i>	The Proposal demonstrates that adequate service connections and capacity can be delivered to support the Proposal. Refer to Section 3.2.3 and 6.21 of the EIS.	Yes

Clause 6.18 – Development of certain land at Cooks Cove

- (1) *This clause applies to the following land at 13–19A Marsh Street, Arncliffe—*
- (a) *Lot 100, DP 1231954,*
 - (b) *Lot 1, DP 108492,*
 - (c) *Lot 1, DP 329283,*
 - (d) *Lot 31, DP 1231486,*
 - (e) *Lot 14, DP 213314,*
 - (f) *Lots 62 and 63, DP 1301057.*
- (2) *Development consent must not be granted for development on land to which this clause applies unless—*
- (a) *a development control plan that provides for the matters specified in subclause (3) has been prepared for the land, or*
 - (b) *the consent authority is satisfied that the development is of a minor nature and is consistent with the objectives of the zone in which the land is located.*
- (3) *The development control plan must provide for the following—*
- (a) *distribution of land uses, including public open space,*
 - (b) *vehicular and pedestrian access and circulation,*
 - (c) *active transport connections,*
 - (d) *the provision of appropriate parking,*
 - (e) *vegetation management, tree retention and landscaping,*
 - (f) *the achievement of appropriate interface between open spaces and buildings,*
 - (g) *built form controls, including the massing and modulation of buildings and the treatment of facades,*
 - (h) *the application of the principles of ecologically sustainable development,*
 - (i) *environmental constraints, including acid sulfate soils, flooding, groundwater, stormwater, aircraft movement and noise, contamination and remediation,*
 - (j) *heritage conservation,*
 - (k) *biodiversity.*

Clause 6.18 of the Bayside LEP 2021 applies to the Site, requiring the preparation of a site-specific DCP prior to development consent being granted, unless the development is considered minor in nature and consistent with the zone objectives.

In accordance with Section 4.23(2) of the EP&A Act, the SSDA represents a Concept DA comprising a Concept Masterplan and therefore satisfies the requirement for the preparation of a site-specific DCP under Clause 6.18 of the Bayside LEP 2021.

The SSDA addresses all matters under Subclause 3 under the Concept Masterplan through accompanying Urban Design Guidelines (**Appendix L**) and technical assessment including mitigation measures.

Therefore, the consent authority may be satisfied that the SSDA satisfies the requirements of Clause 6.18, enabling development consent to be granted for development on the Site.

Yes

Clause 6.19 – Development in areas of activity hazard risk

- (2) *This clause applies to land identified as the following on the Activity Hazard Risk Map—*
- (a) *“Botany Industrial Park Risk Area”,*
 - (b) *“High Pressure Gas Pipeline Risk Area”.*
- (3) *Development consent must not be granted to development on the land unless the consent authority—*

The Site is identified as including the High Pressure Gas Pipeline Risk Area. The Proposal is accompanied by a PHA (**Appendix Y**) which confirms that the relevant risk criteria is satisfied based on the risks generated by gas pipelines and associated infrastructure near the Proposal, as well as the proposed land uses.

Therefore, the Planning Secretary and consent authority may be satisfied that the Proposal does not result in an intolerable level risk and complies with the applicable risk criteria. For further discussion on hazards and risks, refer to **Section 6.9** of the EIS.

Yes

(a) has given a copy of the development application and a copy of the accompanying documents to the Planning Secretary within 7 days of receiving the application, and (b) has considered any submissions made by the Planning Secretary if the submissions are made within 28 days of the consent authority giving the copy to the Planning Secretary.		
Clause 6.20 – Development of certain land at 19A Marsh Street, Arncliffe		
(1) This clause applies to Lot 100, DP 1231954, 19A Marsh Street, Arncliffe. (2) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development will not result in more than the following maximum floor areas on the land— (a) a gross floor area of 340,000m², (b) a floor area of 20,000m² of office premises, (c) a combined floor area of 20,000m² of hotel or motel accommodation and serviced apartments, (d) a combined floor area of 10,000m² of shops and food and drink premises.	The Concept Masterplan seeks consent for the maximum permissible Gross Floor Area (GFA) on Lot 100 DP1231954 (19A Marsh Street). As outlined in Section 3.2.4 of the EIS, the supporting Indicative Reference Schemes demonstrate achievement of the maximum permissible GFA. The assessment of likely impacts as a result of the Proposal demonstrates that the maximum permissible GFA will not have any unacceptable impact on the environment and is consistent with the previous Planning Proposal (PP-2022-1748). For further discussion, refer to Section 6.0 of the EIS and support documentation.	Yes
(3) Development for the purposes of trade-related enterprises is permitted with development consent on land to which this clause applies. trade-related enterprise has the same meaning as in State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021, Chapter 6.	The Trade-related enterprise use is permitted with development consent on Lot 100 DP1231954 (19A Marsh Street). As outlined in Schedule 8 of <i>State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021</i>: <i>Trade-related enterprise means a business or government activity directly related to the carrying out of air, land or sea commerce, air passenger services or other trade, including the import or export of advanced technology goods or services, trade-related warehousing, customs agencies, freight forwarding, trade logistics and distribution, and time-sensitive goods processing.</i>	Note
Schedule 1 – Additional permitted uses		
Section 47 – Use of certain land at 19 Marsh Street, Arncliffe		
(1) This clause applies to Lot 31, DP 1231484, 19 Marsh Street, Arncliffe, identified as “47” on the Additional Permitted Uses Map. (2) Development for the purposes of advertising structures is permitted with development consent.	The Advertising structures use is permitted with development consent on Lot 31 DP1231484 (19 Marsh Street), including Block 1 under the Concept Masterplan.	Note



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