

APPENDIX C – STATUTORY COMPLIANCE TABLE

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
Environmental Planning and Assessment Act			
Section 1.3	<p><i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i></p>	<p>The proposal involves the consolidation of expanded operations within an established industrial area and responds to Arnott's growing business. The proposal appropriately balances the delivery of additional industrial floorspace and the consideration of environmental constraints, with the intent of promoting the social and economic welfare of the community and facilitating a better environment.</p>	Section 6.14
	<p><i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i></p>	<p>The proposal has been carefully designed with regards to the principles of Ecologically Sustainable Development.</p>	Section 6.8
	<p><i>To promote the orderly and economic use and development of land</i></p>	<p>The proposal provides for the highest and best use of the site through the development of residual land that complements the existing land use. The proposal will also leverage capabilities through the successful integration of the proposed development and will deliver a state-of-the-art facility.</p>	

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	<i>To promote the delivery and maintenance of affordable housing</i>	Not applicable. The proposal does not involve residential land uses.	
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	No threatened species have been recorded at the site. The proposal involves significant replacement tree planting at a ratio of 1:1 to mitigate the required removal of planted native vegetation.	Section 6.11
	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	There are no heritage items within the site and the site has generally low potential for Aboriginal sites to occur.	Section 6.13
	<i>To promote good design and amenity of the built environment,</i>	The built form of the proposed development is largely dictated by the engineering and logistical requirements of the intended purpose and is entirely consistent with the character of the surrounding Huntingwood Industrial Precinct. The development will incorporate high-quality materials and finishes.	
	<i>To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The proposed development will comply with the National Construction Code to ensure the health and safety of workers and visitors to the site.	
	<i>To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	Whilst the SSDA will be assessed and determined by the Minister for Planning (or under delegation by DPIE), Blacktown City Council has	N/A

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	<p><i>To provide increased opportunity for community participation in environmental planning and assessment.</i></p>	<p>been consulted during the process and has reviewed the proposal.</p> <p>Consultation with relevant stakeholders, including owners and occupiers surrounding the site was undertaken prior to lodgement of the SSDA and during the formal exhibition period.</p>	Section 5
Section 4.15	<p>Relevant environmental planning instruments:</p> <p>SEPP 33 – Hazardous and Offensive Development</p> <p>SEPP 55 – Remediation of Land</p> <p><i>Blacktown Local Environmental Plan 2015 (BLEP 2015)</i></p>	<p>See detail below under State Environmental Planning Policies (SEPPs).</p>	
	<p>Draft environmental planning instruments:</p> <p>Draft State Environmental Planning Policy (Remediation of Land)</p>	<p>See detail below under SEPPs.</p>	
	<p>Relevant planning agreement or draft planning agreement</p>	<p>None relevant to the proposal.</p>	
	<p><i>Environmental Planning and Assessment Regulation 2000 – Schedule 2</i></p>	<p>This EIS has been prepared in accordance with Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p>	
	<p>Development control plans:</p>	<p>See detail below under development control plan</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<i>Blacktown Development Control Plan 2015 (BDCP 2015)</i>		
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development including the environmental impacts on the natural and built environments, and social and economic impact on the locality are assessed in detail within the EIS.	Section 6
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS	Section 6.16
	Any submissions made	Submissions will be considered following exhibition of the application.	
	The public interest	<p>The proposed development is compliant with the relevant planning instruments and controls applying to the site.</p> <p>The proposal will not create any adverse social, economic or environmental impacts which cannot be mitigated via the proposed mitigation measures in this application.</p> <p>On balance, the benefits of the development outweigh any adverse impacts and as such, the development is in the public interest.</p>	Section 7
Environmental Planning and Assessment Regulation 2000			

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Schedule 2	Schedule 2 of the EP&A Reg provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS	This EIS has been prepared to address the requirements of Schedule 2 of the EP&A Regulations and SEARs.	
Biodiversity Conservation Act 2016			
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that <i>Biodiversity Conservation Act 2016</i> the likely impact of the proposed development on biodiversity values.	The SEARs require the preparation of a BDAR as the proposal seeks to remove vegetation and impact on biodiversity values at the site.	Section 6.11 and Appendix W
State Environmental Planning Policies			
<i>State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)</i>	Clause 3 of Schedule 1 of the SRD SEPP provides that development for the purpose of food and beverage processing (including bakery) that has a CIV of more than \$30 million is classified as SSD.	The proposed works have an estimated CIV of \$115,930,775 and accordingly, the proposal is SSD for the purposes of the SRD SEPP.	Appendix F
<i>State Environmental Planning Policy No. 33 – Hazardous</i>	SEPP 33 applies to any proposals which fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'.	The identified proposed quantities for DGs did not exceed the SEPP 33 thresholds and the required separation distance from the site boundaries are satisfied. Additionally, the expected transport	Section 6.5 and Appendix K

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<i>and Offensive Development</i> (SEPP 33)		<p>movements of DGs would not be considered to exceed the transport thresholds.</p> <p>Subsequently, SEPP 33 does not apply to the project and a Preliminary Hazard Analysis does not need to be prepared.</p>	
<i>State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)</i>	<p>Traffic generating development specified at Clause 104 requiring referral to Transport for NSW (TfNSW) includes:</p> <p>car park for more than 200 or more parking spaces</p> <p>Industry involving additional gross floor area (GFA) that exceeds 20,000sqm</p>	<p>The proposed development requires referral to TfNSW.</p>	
<i>State Environmental Planning Policy No. 55 - Remediation of Land</i> (SEPP 55)	<p>Clause 7 states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.</p>	<p>The combined Preliminary Site Investigation and Limited Detailed Site Investigation has confirmed that the site is generally suitable for the proposed development with respect to SEPP 55.</p>	Section 6.7.5 and Appendix S
<i>State Environmental Planning Policy No 64—</i>	<p>A person must not display an advertisement, except with the consent of the consent authority or except as otherwise provided by this Policy.</p>	<p>Not applicable. Signage will be considered as part of a separate development application to Blacktown City Council.</p>	

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<i>Advertising and Signage</i>			
<i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)</i>	A permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold.	As this project requires consent under the EP&A Act, the Vegetation SEPP is not relevant.	
Draft Environmental Planning Instruments			
<i>Draft State Environmental Planning Policy (Remediation of Land) (draft SEPP)</i>	The Explanation of Intended Effect (EIE) for the draft SEPP was on exhibition from 31 January 2018 until 13 April 2018. The draft SEPP will retain the key operational framework of SEPP 55 and add new provisions relating to remediation works. The assessment under SEPP 55 remains relevant to the draft SEPP.	The Explanation of Intended Effect (EIE) for the draft SEPP was on exhibition from 31 January 2018 until 13 April 2018. The draft SEPP will retain the key operational framework of SEPP 55 and add new provisions relating to remediation works. The assessment under SEPP 55 remains relevant to the draft SEPP	Section 6.7.5 and Appendix S
Blacktown Local Environmental Plan 2015			
<i>Zoning and Land Use</i>	The proposed development would be considered 'General industry' for the purposes of the BLEP 2015, which is a permissible use with consent in the IN2 Light Industrial Zone.	The proposal is entirely consistent with the objectives of the zone given:	

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		<p>It provides for the expansion and successful integration of the existing industrial use within the site.</p> <p>It will deliver an additional 273 direct jobs once operational.</p> <p>As discussed in Section 6, the proposal will not adversely impact on other industrial uses in the surrounding area or the natural environment.</p> <p>The proposal will consolidate the use of the site within an established industrial precinct, thereby protecting industrial land for appropriate uses</p>	
4.3 Height of Buildings	No maximum building height applies to the site.	Not applicable	
4.4 Floor Space Ratio	No maximum floor space ratio applies to the site.	Not applicable	
5.10 Heritage Conservation	<p>Development consent is required to</p> <p><i>(a) demolish or move any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)</i></p> <p><i>(i) a heritage item,</i></p> <p><i>(ii) an Aboriginal object,</i></p>	<p>The site does not contain a heritage item and is not located in an HCA.</p> <p>No Aboriginal sites were identified during the site survey and the site has generally low potential for Aboriginal sites to occur.</p>	Section 6.13 and Appendix Y

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p><i>(iii) a building, work, relic or tree within a heritage conservation area,</i></p>		
7.2 Terrestrial Biodiversity	<p>The consent authority must consider whether the development is likely to have:</p> <p><i>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i></p> <p><i>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i></p> <p><i>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i></p> <p><i>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</i></p> <p><i>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p>	<p>The site is not mapped under the NSW Government Biodiversity Values Map. The site and development footprint did not contain any naturally occurring or remnant native vegetation.</p>	Section 6.11 and Appendix W
7.9 Frontage to Roads in SP2 Zone	<p>Development consent must not be granted to development unless the consent authority has considered the following:</p> <p><i>(a) where practicable, whether vehicular access to the land is provided by a road other than the road in SP2 Zone,</i></p>	<p>Not applicable. The development does not involve new vehicle access to Brabham Drive, which is zoned SP2. The proposal will utilise the two existing vehicle access points to Huntingwood Road.</p>	

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	<p>(b) whether the safety, efficiency and ongoing operation of the road will be adversely affected by the development as a result of</p> <p>(i) the design of the vehicular access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the road to gain access to the land.</p>		

Blacktown Development Control Plan 2015

Part A – Introduction and General Guidelines 4.3 Tree Preservation	<p>The DCP outlines that development consent is required for the removal of a prescribed tree, which is described as a perennial plant with a self-supporting stem which:</p> <p>Has a height of more than 3m; and/or</p> <p>Has a truck diameter of more than 200mm or more measured 1m above ground level.</p>	<p>The SSDA seeks consent for the removal of 260 trees from within the site.</p> <p>The site is not listed on Council's Register of Significant Vegetation</p>	Section 6.12 and Appendix W
4.5 Pollution Control	<p>The emission of air impurities, as defined under the Protection of the Environment Operations Act 1997, is to be controlled to the satisfaction of Council at all times.</p>	<p>Air quality and odour impacts as a result of the construction and operational phase of the development have been assessed in the EIS.</p>	Section 6.3 and Appendix N
4.5.3 Noise Pollution -	<p>Any machinery or activity considered to create a noise nuisance must be adequately soundproofed in accordance with the provisions of the Protection of the</p>	<p>Noise and vibration impacts as a result of the construction and operational phase of the development have been assessed in the EIS.</p>	Section 6.2 and

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	Environment Operations Act 1997. The Environment Protection Authority may require certain premises to be licensed under the Protection of the Environment Operations Act 1979.		Appendix M.
4.5.4 Waste Storage and Removal	Adequate storage for waste materials must be provided on-site and any such waste must be removed at regular intervals and not less frequently than once per week.	Waste management during the construction and operational phases of the development have been assessed in the EIS.	Section 6.9 and Appendix U
6. Car Parking	<p>The following car parking rates apply:</p> <p>Light industry, general industry, heavy industry and warehouse or distribution centre': 1 space per 75sqm GFA</p> <p>Office 1 space per 40sqm GFA.</p> <p>Parking areas should have a separate entrance and exit where more than 50 spaces are provided.</p>	The adequacy of the proposed car parking has been assessed in the EIS.	Section 6.1 and Appendix L
Part E – Development in the Industrial Areas	Required 10m setback to Huntingwood Drive and Brabham Drive (SP2-Local Road)	The proposal has been set back a minimum of 10m from the Huntingwood Drive and Brabham Drive frontages	Section 3.2.2.2 and Appendix B
4.1 Setbacks			
4.2 Landscaping	No minimum landscaping requirement applies to the site, however the provisions encourage significant	Landscaping works throughout the site including 265 replacement trees and partial green wall to the car park structure	Section 3.2 and Appendix J

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	landscaping for open spaces of the site and car parking areas		
4.3 Consideration of Adjoining land	Particular attention should be given to the appearance of development from through roads and adjoining land. Building materials and landscaping which require little maintenance are preferred and screen walls and/or landscaping may be effective in screening industrial development	A Visual Impact Assessment has been prepared to assess the visual impact of the development on nearby public and private receivers and significant vantage points in the public domain.	Section 6.4 and Appendix O
4.5 Building Design and Construction	High standard of visual and environmental quality, high aesthetic standards for building designs are encouraged.	The design and built form has been assessed within the EIS.	Section 6.4 and Appendix O
4.7 Vehicular access and circulation	Detailed vehicular access and circulation plans should be prepared for the proposal, ensuring compliance with the Austroads Design Vehicles and Turning Path Templates.	Swept paths have been prepared as part of the Transport Impact Assessment.	Appendix L
4.8 Car parking	Developments providing 50 parking or more must provide at least 2% as disabled spaces	10 disabled spaces are provided which equates to 2% of the 468 parking spaces provided.	Appendix B
Part 5 – Specific Controls for the Huntingwood Industrial Estate	<p>Relevant considerations include:</p> <p><i>High aesthetic standards for building designs is encouraged, such as variations in facade treatments, roof lines and selection of building materials to achieve an attractive design. High quality landscaping is required.</i></p>	<p>Design and built form have been assessed within the EIS.</p> <p>The proposal relies on the existing vehicle access to the site.</p>	Section 3.2

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5.4 Design Guidelines	<p><i>Where long, continuous facades present themselves along a street frontage, care should be taken to provide visual relief along the facade by varying the facade alignment, using varying external finishes (texture and colour), providing glass curtain walls or locating office facilities along the facade.</i></p> <p><i>The design of buildings on lots that have dual road frontage should be such that the building addresses the road frontage from which vehicular access is gained.</i></p>		
Part J Water Sensitive Urban Design and Integrated Water Cycle Management	<p>Site located within the Hawkesbury River sub-catchment and permanent on-site detention (OSD) required.</p> <p>All development must have all works or activities undertaken in accordance with Managing Urban Stormwater: Soils and Construction (The Blue Book).</p>	<p>The Integrated Water Cycle Management Plan has been prepared to demonstrate that the development is able to provide and integrate water cycle management (WCM) measures into the stormwater management strategy for the site.</p> <p>Modelling results of the proposed stormwater management system (using MUSICX) confirm that the development can achieve Council's requirements of 90% reduction in gross pollutants, 85% reduction in total suspended solids, 65% reduction in total phosphorous and 45% reduction in total nitrogen.</p> <p>An erosion and sediment control plan is provided as part of the Civil Engineering Package.</p>	Section 6.7.1 and Appendix P