

Appendix 6

Statutory Compliance Table

Section 4.55(1A) Application (SSD 10424)

2-60 RIVERVIEW STREET AND TAMBOURINE BAY ROAD, RIVERVIEW

STATUTORY PLANNING FRAMEWORK		
Instrument	Application to subject site	Compliance
Commonwealth Planning		
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	<p>Under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval on a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a “controlled action” and formal Commonwealth approval is required.</p> <p>The proposal does not warrant significant impacts on MNES, therefore no further consideration of the EPBC Act is required.</p>	Yes
State Planning		
<i>Environmental Planning and Assessment Act 1979</i>	<p>The <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) is the overarching governing statute for all development in NSW and pursuant to Part 4, the type of proposed development (depending on the Capital Investment Value (CIV)), would be considered as either State, Regional or Local development. A resultant DA would be assessed and determined by the relevant consent authority.</p> <p>Section 4.55(1A) of the EP&A Act makes provision to modify a Development Application (DA) that has been made pursuant to Part 4 of the EP&A Act.</p> <p>The proposal as submitted to DPE is considered to satisfy the provisions of Section 4.55(1A) of the Act in that the changes proposed will result in minimal environmental impact and will result in the development being substantially the same as that for which consent was originally granted. The key provisions of Section 4.55(1A) of the EP&A Act have been considered below:</p> <p><i>A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:</i></p> <p style="padding-left: 40px;"><i>(a) it is satisfied that the proposed modification is of minimal environmental impact, and</i></p>	Yes



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	<p>(b) <i>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).</i></p> <p>(c) <i>it has notified the application in accordance with:</i></p> <p style="padding-left: 40px;">(i) <i>the regulations, if the regulations so require, or</i></p> <p style="padding-left: 40px;">(ii) <i>a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i></p> <p>(d) <i>it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i></p> <p>The purpose of this modification is to make minor changes to the architectural plans for the Site to improve the functionality of the College. The amendments have been developed to accord with the general character and appearance of the approved design of the College.</p> <p>Overall, it is noted the amendments will not materially affect the ultimate use, function and general appearance of the Site and are consistent with the development as approved under SSD-10424.</p>	
<i>Environmental Planning and Assessment Regulation 2021</i>	<p>The <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation) contains key provisions for the day-to-day operation of the NSW planning system, in support of the EP&A Act.</p> <p>This Modification has been prepared in accordance with the form prescribed by the EP&A Regulation.</p>	Yes
<i>Biodiversity Conservation Act 2016</i>	<p>The <i>Biodiversity Conservation Act 2016</i> (BC Act) sets out, among other things, to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change.</p>	Yes



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	<p>The subject site not identified as containing areas mapped on the Biodiversity Values Map (BV Map).</p> <p>A BDAR Wavier was provided as part of the original SSDA (dated 20 April 2020).</p>	
<i>Protection of the Environment Operations Act 1997</i>	<p>Schedule 1 of the <i>Protection of Environment & Operations Act 1997</i> (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is "<i>an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal).</i>"</p> <p>Schedule 1 of the POEO Act details a series of schedule activities that may require consideration once specific tenants are identified.</p> <p>The proposal will not involve any activity that would require the issue of an Environmental Protection Licence.</p>	Yes
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	<p>The <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP) contains planning provisions relating to:</p> <ul style="list-style-type: none">▪ land use planning within the coastal zone, in a manner consistent with the objects of the <i>Coastal Management Act 2016</i>.▪ management of hazardous and offensive development.▪ remediation of contaminated land and to minimise the risk of harm. <p>In relation to the subject site, the following matters are highlighted.</p> <p>A Preliminary Site Investigation (PSI) was provided as part of the original SSD. The proposed modifications do not intend any changes in this regard and the recommendations of the PSI remain.</p>	Yes
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	<p>The <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport and Infrastructure SEPP) contains planning provisions relating to:</p> <ul style="list-style-type: none">▪ infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery.▪ child-care centres, schools, TAFEs and Universities.▪ planning controls and reserves land for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line).	Yes



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	<ul style="list-style-type: none">land use planning and assessment framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle. <p>Chapter 3 – Educational establishments and child care facilities</p> <p>Part 3.4 of the Transport and Infrastructure SEPP relates specifically to schools and identifies prescribed zones within which development for a school may be carried out by any person with development consent. The SP2 Zone within which the Site is located are prescribed zones for the purpose of Clause 3.34, Part 3.4 of the Transport and Infrastructure SEPP, and therefore the proposed development is permissible with consent.</p> <p>Pursuant to Clause 3.36(6):</p> <p>(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:</p> <p>(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and</p> <p>(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</p> <p>The Design Quality Principles outlined in Schedule 8 relates to context, built form and landscape; sustainability, efficiency and durability; accessibility and inclusivity; health and safety; amenity; whole of life; flexibility and adaptivity; and aesthetics. The development (as modified) has been designed in accordance with the design quality principles.</p>	
<i>Inner West Local Environmental Plan 2022</i>	<p>The Site is subject to the provisions of <i>Inner West Local Environmental Plan 2022</i> (IWLEP2022).</p> <p>The proposed modifications relate to the existing and approved educational establishment on the Site, which is permitted with consent in the <i>SP2 Infrastructure (Educational Establishments)</i> zone.</p> <p>An assessment of the development standards is included in the Modification Report</p>	Yes

