



APPENDIX E – AMENDED STATUTORY COMPLIANCE TABLE

Statutory Reference	Relevant Considerations	Relevance	Section in Modification Report
<i>Environmental Planning and Assessment Act 1979</i>			
Section 1.3	<i>(a) to promote land uses that improve the social and economic welfare of communities</i>	The proposal as modified will benefit the economic growth of western Sydney by delivering employment and jobs in the region as envisaged under SSD-17352813.	Section 6 & Section 7.5
	<i>(b) to promote the supply, delivery and maintenance of housing, including affordable housing,</i>	Not applicable to this project	
	<i>(c) to promote productivity through the development and management of the State and its resources,</i>	The development as modified will expand and leverage the capabilities of one of the most advanced food manufacturing facilities in Australia and accommodate Arnott's growing business.	
	<i>(d) to provide for the conservation of threatened species of native animals and plants and ecological communities and their habitats,</i>	Biodiversity and ecological values have been resolved under the approved SSD. The impacts associated with the additional tree removal have been assessed and are acceptable as discussed in Modification Report.	
	<i>(e) to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention,</i>	The development as modified does not change the ESD initiatives incorporated into the approved development.	
	<i>(f) to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage,</i>	As outlined in the EIS for the original SSDA, there are no built or cultural	

	heritage considerations relevant to the site.
<i>(g) To promote good design and amenity of the built environment,</i>	The proposal will not change the presentation of the approved development to the public domain. The alterations and additions to the existing facility are located in discreet areas of the site and will not impact on the amenity of the built environment within this established industrial precinct.
<i>(h) to provide opportunities for participation in environmental planning and assessment</i>	Community consultation and engagement with relevant stakeholder groups was undertaken throughout the design and assessment phases of the approved development. The application will be referred to Blacktown City Council and the relevant agencies for review.
<i>(i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The modified proposal has been assessed considering the potential environmental, economic and social impacts in Section 6 and Section 7.5 of the Modification Report. This includes consideration of the principles of ecologically sustainable development.
<i>(j) to promote a proportionate and risk-based approach to environmental planning and assessment,</i>	This modification has been lodged in accordance with Section 4.55(1A) of the EP&A Act as the proposed modifications will have minimal environmental impact above those anticipated under SSD-17352813.
<i>(k) to promote the orderly and economic use and development of land.</i>	The proposal seeks to deliver the orderly and economic use of the site as approved

		under SSD-17352813. The proposed staging will ensure the operations and functionality of the site will be maintained during the construction stages.	
	<i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	Community consultation and engagement with relevant stakeholder groups has been undertaken throughout the planning and design process.	
Section 4.15	Relevant environmental planning instruments: - SEPP 33 – Hazardous and Offensive Development - SEPP 55 – Remediation of Land <i>Blacktown Local Environmental Plan 2015 (BLEP 2015)</i>	The relevant Environmental Planning Instruments have been assessed in detail within Section 6 of the Modification Report and further within this table. The Modification Report complies with all relevant requirements as they apply to the site.	
	Draft environmental planning instruments:	N/A	
	Relevant planning agreement or draft planning agreement	N/A	
	<i>Environmental Planning and Assessment Regulation 2021 – Section 190</i>	This Modification Report has been prepared in accordance with the Regulations.	Throughout the Modification Report
	Development control plans: Blacktown Development Control Plan 2015 (BDCP 2015)	See detail below under development control plan	
	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 Modification Report.	Section 6
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the Modification Report and in the EIS for SSD-17352813.	Section 7.6

	Any submissions made	Submissions will be considered following exhibition of the application (if required).	
	The public interest	The development as modified is considered to be in the public interest due to the ongoing social and economic benefits the development will provide.	Section 7.7
Section 4.55(1A)	Is satisfied that the proposed modification is of minimal environmental impact	As has been demonstrated in the Modification Report, the proposal will have minimal environmental impact above those anticipated under SSD-17352813.	Section 3.4
	Is satisfied that the development to which 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)	The key principles of the approved development remain unchanged, as the proposal will continue to facilitate the expansion of the existing Arnott's food processing facility. The modifications do not alter the fundamental nature of the proposal, which was deemed to be consistent with the relevant environmental planning instruments and applicable regulations.	Section 3.3
<i>Biodiversity Conservation Act 2016</i>			
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 BC Act the likely impact of the proposed development on biodiversity values.	The proposed modification does not require an amended BDAR given the site has no remnant vegetation, no identified threatened species, and the impact on planted native vegetation does not necessitate species credits.	Section 6.6.2
State Environmental Planning Policies			
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</i> - section 4.6(1)	Section 4.6(1) states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	The proposed development (as modified) does not change the previous assessment of the development against the R&H SEPP as outlined in the original EIS. The	

		site remains suitable for the proposed development (as modified).	
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) – Chapter 2</i>	Traffic generating development specified at Clause 104 requiring referral to Transport for NSW (TfNSW) includes: - car park for more than 200 or more parking spaces - Industry involving additional gross floor area (GFA) that exceeds 20,000sqm	The proposal does not involve any changes to the approved car park that will now be delivered in Stage 2 of the project. The modified proposal results in additional GFA of 3,726sqm. The original SSDA was referred to TfNSW, who raised no further comment on the application.	Section 6.1
<i>State Environmental Planning Policy (Biodiversity and Conservation 2021) (B&C SEPP) – section 2.6</i>	A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.	A BDAR accompanied the original SSDA and concluded that the development would not have a significant impact on flora and fauna biodiversity values and no species or ecosystem credits are required to offset the clearing of planted native vegetation within the site. The additional tree removal proposed does not change the conclusions of the BDAR and replacement planting at a rate of 1:1 is proposed in accordance with the approved development.	Section 6.6.2
<i>Blacktown Local Environmental Plan 2015</i>			
Zoning and Land Use	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 proposed modifications do not change the land use and therefore remain permissible in the zone.	
4.3 Height of Buildings	No maximum building height applies to the site.	N/A	
4.4 Floor Space Ratio	No maximum floor space ratio applies to the site.	N/A	
5.10 Heritage Conservation	<i>Development consent is required to (a) demolish or move any of the following or altering the exterior of any of the following (including, in the case of a</i>	As outlined in the EIS for the original SSDA, there are no built or cultural	

	<i>building, making changes to its detail, fabric, finish or appearance)</i> <i>(i) a heritage item,</i> <i>(ii) an Aboriginal object,</i> <i>(iii) a building, work, relic or tree within a heritage conservation area,</i>	heritage considerations relevant to the site.	
7.2 Terrestrial Biodiversity	<i>The consent authority must consider 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> <i>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i> <i>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i> <i>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</i> <i>(v) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	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.	
Blacktown Development Control Plan 2015			
Part A – Introduction and General Guidelines 4.3 Tree Preservation	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: ▪ Has a height of more than 3m; and/or ▪ Has a trunk diameter of more than 200mm or more measured 1m above ground level.	A total of 272 trees were identified and approved for removal as part of SSD-17352813. To facilitate the new Stage 1 works, an additional 32 trees will require removal. As identified within the Modification Report, the removal of these additional trees is acceptable. Replacement tree planting throughout the site at a ratio of 1:1 is proposed as part of the new landscape strategy which takes	Section 6.6.2

		into consideration the proposed modifications and additional tree removal.	
4.5 Pollution Control	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.	The Air Quality Impact Assessment (AQIA) provides an assessment on the potential air quality, dust and odour impacts associated with the proposed modifications for the construction and operational phases. The AQIA concludes that the modification poses a low risk of adverse impacts to surrounding areas, even with the increase in production capacity.	Appendix G Section 6.3
4.5.3 Noise Pollution	Any machinery or activity considered to create a noise nuisance must be adequately soundproofed in accordance with the provisions of the Protection of the Environment Operations Act 1997. The Environment Protection Authority may require certain premises to be licensed under the Protection of the Environment Operations Act 1979.	The amended Noise and Vibration Assessment which confirms that the proposed modifications are acceptable from an acoustic perspective.	Appendix H Section 6.4
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.	The Waste Management Plan (WMP) has been amended to reflect the proposed modifications.	Appendix K
6. Car Parking	The following car parking rates apply: ▪ Light industry, general industry, heavy industry and warehouse or distribution centre': 1 space per 75sqm GFA ▪ Office 1 space per 40sqm GFA. Parking areas should have a separate entrance and exit where more than 50 spaces are provided.	The modified proposal does not involve any changes to the approved basement car park below the new processing facility, which accommodates a total of 468 spaces. Together with the 95 spaces to be retained in the south-east corner of the site near the high bay warehouse, the site will accommodate 563 total spaces following the completion of Stage 2.	Appendix F Section 6.1

		Based on the revised light vehicle trip generation associated with the increased staff numbers, the peak number of vehicles parked for an extended period will be 315 vehicles. The Traffic Impact Assessment (TIA) concludes that there will be sufficient spare capacity to accommodate the shift change overs.	
Part E – Development in the Industrial Areas 4.1 Setbacks	Required 10m setback to Huntingwood Drive and Brabham Drive (SP2-Local Road)	The proposed modifications maintain a 10m setback.	Appendix A Appendix B
4.2 Landscaping	No minimum landscaping requirement applies to the site; however, the provisions encourage significant landscaping for open spaces of the site and car parking areas	The modifications include replacement planting at a ratio of 1:1 including the additional tree proposed for removal.	
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 was prepared as part of SSD-17352813. The proposed modifications are not of a scale that will change the findings of this assessment as it mainly relates to the staging of works and involves minor additions that will not be perceivable from the public domain or adjoining properties.	
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 remains consistent with that approved under SSD-17352813.	Appendix A
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 and are included in the Addendum Transport Impact Assessment.	Appendix F
4.8 Car parking	Developments providing 50 parking or more must provide at least 2% as disabled spaces	As outlined above, the proposed modifications do not require any changes to the approved car parking. The development provides 10 disabled spaces which equates to the required 2%.	Section 6.2

Part 5 – Specific Controls for the Huntingwood Industrial Estate 5.4 Design Guidelines	Relevant considerations include: <i>High aesthetic standards for building designs are 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> <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> <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>	Design and built form have been assessed and approved under SSD-17352813. The proposed modifications are consistent with the approved design. The proposal relies on the existing vehicle access to the site.	Appendix A
Part J Water Sensitive Urban Design and Integrated Water Cycle Management	Site located within the Hawksbury River sub-catchment and permanent on-site detention (OSD) required. All development must have all works or activities undertaken in accordance with Managing Urban Stormwater: Soils and Construction (The Blue Book).	An Integrated Water Cycle Management Plan has been prepared to demonstrate that the development as modified (Stage 1) can provide and integrate water cycle management (WCM) measures into the stormwater management strategy for the site. The site includes three OSD systems which are located within the southern portion of the site. The proposal does not propose nor does it require an additional OSD system to facilitate the Stage 1 works.	Appendix C Section 6.5