

Appendix A – Statutory Compliance Table

Statutory Reference	Relevant Considerations	Relevance	Section in Modification Report
Environmental Planning and Assessment Act 1979			
Section 1.3	<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 as amended will continue to utilise zoned industrial land with multiple best-in-class warehouse and distribution centre buildings. The strategic location of the site, being interconnected to major roadways and in proximity to Western Sydney, will facilitate social and economic benefits, with potential environmental impacts appropriately mitigated, managed and minimised to avoid unacceptable impacts on the local community and the environment.	Section 4
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposal's design will continue to integrate the principles of Ecologically Sustainable Development (ESD) from materiality to energy and water conservation. The precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing, and incentive mechanisms in accordance	Section 3

	with the requirements of the <i>Environmental Planning and Assessment Regulation 2021</i> .
<i>To promote the orderly and economic use and development of land</i>	The amended development will provide functional and useable warehouse and distribution centre gross floor area (GFA) in a suitable site, given its proximity to Western Sydney and access to major roadways, to assist with the current shortfall in warehouse and distribution floor space.
<i>To promote the delivery and maintenance of affordable housing,</i>	N/A
<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	The proposal as amended does not impact the Blacktown Creek Riparian Corridor or any drainage swales.
<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	The proposal as amended does not change the previous findings of the approved ACHAR.
<i>To promote good design and amenity of the built environment,</i>	The proposed development achieves compliance with the design applicable Clauses of the I&E SEPP, namely Clause 2.20, Clause 2.22, and Clause 2.30.
<i>To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	Construction and maintenance of the proposed development, including the wellbeing of employees onsite, have been considered at multiple stages across the MODIFICATION REPORT.

	<i>To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	N/A
	<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: ▪ <i>Biodiversity Conservation Act 2016</i> ▪ <i>Road Act 1993</i> ▪ <i>Environmental Planning and Assessment Act 1979</i> ▪ <i>Environmental Planning and Assessment Regulation 2021</i> ▪ <i>State Environmental Planning Policy (Planning Systems) 2021</i> ▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> ▪ <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> ▪ <i>State Environmental Planning Policy (Industry and Employment) 2021</i> Draft environmental planning instruments:	See detail below under State Environmental Planning Policies (SEPPs).

Section 4

Relevant planning agreement or draft planning agreement		N/A
Environmental Planning and Assessment Regulation 2021 – Part 8, Division 5, Section 191	The Modification Report has been prepared in accordance with Section 191 of the <i>Environmental Planning and Assessment Regulation 2021</i> .	Throughout report
Development control plans: <i>Huntingwood Precinct Development Control Plan 2011</i>	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 is 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.	Section 7
Any submission made	Submissions will be considered following exhibition of the application.	Section 5
The public interest	The proposed development as amended remains in the public interest as it will deliver industrial floor space and employment in the Western Sydney Employment Area and support economic development within Western Sydney, aligned with the strategic vision for the area.	Section 7

Environmental Planning and Assessment Regulation 2021

Schedule 2	Schedule 2 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the EIS.	This Modification Report has been prepared to address the requirements of Schedule 2 of the Regulations and SEARs.	Throughout report
------------	--	--	--------------------------

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 BC Act the likely impact of the proposed development on biodiversity values.	A new BDAR has been provided with this modification package.	N/A
--------------	--	--	------------

Rural Fires Act 1997

All of document	The site is included within a Vegetation Buffer area and a bushfire assessment was prepared to assess the potential bushfire hazards in accordance with Planning for Bushfire Protection within the original SSDA.	The project does not change or amend the development footprint to require additional vegetation planting; thus the findings of the original Bushfire report remain valid and unaffected.	N/A
-----------------	--	--	------------

State Environmental Planning Policies

<i>State Environmental Planning Policy (Planning Systems) 2021</i> (Planning Systems SEPP)	Clause 12 – Warehouse and distribution centre (1) Development that has a capital investment value of more than the relevant amount for the purpose of warehouses or distribution centres (including container	The proposed development results only in minor amendments to the overall approved development, which significantly exceeded this threshold. The proposal as amended exceeds the threshold for the project to remain SSD.	N/A
--	---	--	------------

	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		
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</i>	Clause 4.6 – Contamination and remediation to be considered in determining development application Clause 4.6 states that land must not be developed unless contamination has been considered and, where relevant, land has been appropriately remediated. SEPP (Resilience and Hazards) applies to any proposals which fall under the policy’s definition of ‘potentially hazardous industry’ or ‘potentially offensive industry’.	The proposal does not increase or amend the area of the site previously considered under SSD-36138263. Appropriate management plans are in place under the existing consent which remain relevant, therefore no further assessment is required.	Section 6
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)</i>	Clause 2.119 – Development with frontage to classified road A consent authority must not provide development consent on land fronting a classified road unless it is demonstrated that access, safety, and efficiency of the development will not impact this classified road and the	The proposed development requires referral to TfNSW.	Section 4 and 6

	type of development is not sensitive to traffic noise or vehicle emissions.		
	Clause 2.122 – Traffic generating development In accordance with the T&I SEPP, development with 8,000sqm in site area or (if the site area is less than the gross floor area) 8,000sqm of gross floor area is required to be referred to Transport for New South Wales.	The proposal continues to exceed this threshold and will therefore be referred to TfNSW for review and comment during the public exhibition period.	Section 4
<i>State Environmental Planning Policy (Industry and Employment) (I&E SEPP)</i>	Clause 3.6 – Granting of consent to signage A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied— (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.	The proposed signage remains substantially the same and generally consistent with the original signage assessment undertaken for the site. Some additional identification signs are proposed across the estate to increase wayfinding.	Section 6
Schedule 5 – Assessment criteria			
1 Character of the Area	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed estate signage remains compatible with the future industrial precinct character of the site, being within an industrial employment area. The proposed signage remains consistent with surrounding industrial warehouse and distribution	

		centres in Huntingwood and the wider Western Sydney area.
2 Special Areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage does not detract from the amenity or visual quality of the Blacktown Creek riparian corridor, Timbertop Reserve to the north of the site, or St Bartholomew's Church and Cemetery to the west of the site.
3 Views and Vistas	Does the proposal obscure or compromise important views?	The proposed signage does not obscure or comprise any important views.
	Does the proposal dominate the skyline and reduce the quality of vistas?	In the context of the industrial precinct, the proposed development does not dominate the skyline or reduce the quality of vistas.
	Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not impact the viewing rights of any surrounding signage or advertisers.
4 Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is appropriate for the industrial setting.
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage contributes to the articulation of the proposed warehouse façades.
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed development rationalises the industrial precinct, by serving as wayfinding as well as business identification for tenants onsite.
	Does the proposal screen unsightliness?	The proposed signage is not required to screen unsightliness.

	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage will not protrude above the industrial precinct buildings proposed.
5 Site and building	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale, proportion and other characteristics of the industrial precinct.
	Does the proposal respect important features of the site or building, or both?	The proposed signage enhances the elevations and important features of the proposed warehouse buildings.
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage services the functional requirements of the site while not overwhelming the development.
6 Associated devices and logos with advertisements and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Safety devices and logos have been designed as an integral part of the proposed signage.
7 Illumination	Would illumination result in unacceptable glare?	The component of the signage which is illuminated will not result in unacceptable glare.
	Would illumination affect safety for pedestrians, vehicles or aircraft?	Any illumination will not affect pedestrian, motorist or aircraft safety.
	Would illumination detract from the amenity of any residence or other form of accommodation?	The illumination will not detract from the amenity of residential area north of the site provided the separation by the Great Western Highway.

	Can the intensity of the illumination be adjusted, if necessary?	The illuminated signs can have their intensity adjusted.	
	Is the illumination subject to a curfew?	The illuminated signage will operate within the same parameters as the warehouse and distribution use – 24 hours per day, 7 days per week.	
8 Safety	Would the proposal reduce the safety for any public road?	The proposed signage will not reduce the safety for any of the surrounding motorways.	
	Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage will not reduce the safety for pedestrians or cyclists given the lack of pedestrian or bicycle network surrounding the site.	
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will not reduce the safety for pedestrians by obscuring sightlines.	
State Environmental Planning Policy (Industry and Employment) 2021, Chapter 2 – Western Sydney Employment Area	Clause 2.10 – Zone objectives and land use table	The proposed development continues to involve a warehouse and distribution centre which is a permissible use with consent in the IN1 General Industrial Zone. The office component is subservient to the dominant warehouse and distribution centre use and permitted with consent. The proposal as amended remains consistent with the zone objectives for the reasons previously considered suitable.	Throughout Modification Report
	3 Permitted with consent <i>Building identification signs; Business identification signs; Depots; Environmental facilities; Environmental protection works; Food and drink premises; Freight transport facilities; Garden centres; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Industries (other than offensive or</i>		

hazardous industries); Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Roads; Service stations; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres.

IN1 Zone Objectives:

- To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.
 - To encourage employment opportunities along motorway corridors, including the M7 and M4.
 - To minimise any adverse effect of industry on other land uses.
 - To facilitate road network links to the M7 and M4 Motorways.
 - To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.
 - To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.
-

Clause 2.12 – Subdivision – consent requirements (1) Land to which this Chapter applies may be subdivided, but only with consent.	Consent for site consolidation and subdivision was previously included as part the SSDA, creating three Torrens title lots. This modification does not seek to amend that aspect of the approval.	Section 3
Clause 2.14 – Demolition requires development consent The demolition of a building or work may be carried out only with development consent.	N/A	N/A
Clause 2.19 – Ecologically sustainable development The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that the development contains measures designed to minimise— (a) the consumption of potable water, and (b) greenhouse gas emissions.	The development as amended is still targeting a 5 Star Green Star energy rating, with accreditation proposed to occur post consent.	N/A
Clause 2.20 – Height of buildings The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that— (a) building heights will not adversely impact on the amenity of adjacent residential areas, and (b) site topography has been taken into consideration.	The proposed development does not seek to amend the approved building heights under the existing SSDA approvals.	N/A
Clause 2.21 – Rainwater harvesting The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that adequate arrangements will be	Each warehouse building’s designed still seeks to harvest rainwater into dedicated rainwater tanks. This non-potable water will be used for toilet flushing and irrigation. Where a given tank is full, any excess	N/A

made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Secretary.	will discharge via gravity into the stormwater drainage system.	Throughout the Modification Report
Clause 2.22 – Development adjoining residential land (1) This section applies to any land to which this Chapter applies that is within 250 metres of land zoned primarily for residential purposes.	The proposed development is within approx. 65 metres of land zoned R2 Low Density Residential to the north.	
(2) The consent authority must not grant consent to development on land to which this section applies unless it is satisfied that—		
(a) wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity, and	The proposed changes do not substantially change or alter the previously approved building compatibility.	
(b) goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land, and	All plant remains screened.	
(c) the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is		

	situated has been designed to present an attractive appearance, and (d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and (e) the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like, and (f) the development will provide adequate off-street parking, relative to the demand for parking likely to be generated, and (g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.	The general look and feel, namely when viewed from residential viewpoints, remains consistent with the approval architectural design principles of the SSD. Noise impacts, traffic impacts and parking have been assessed as remaining substantially the same as those previously approved for the site.	
Clause 2.24 – Public utility infrastructure	(1) The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been	Existing site utilities and site utility upgrades satisfy the demands generated by the proposed development.	Section 6

	made to make that infrastructure available when required.		
Clause 2.25 – Development on or in vicinity of proposed transport infrastructure routes	(2) The consent authority must refer to the Secretary of the Department of Planning any application for consent to carry out development on land to which this section applies. (3) The consent authority must, before determining any such development application, consider any comments made by the Secretary as to the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned.	Noted.	N/A
Clause 2.28 – Industrial Release Area – satisfactory arrangements for the provision of regional transport infrastructure and services	(3) Despite any other provision of this Chapter, the consent authority must not consent to development on land to which this section applies unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) in relation to the land to which this Chapter applies.	A component of the determination as amended will be the establishment of contributions. A component of these contributions will be allocated to supporting the provision of regional transport infrastructure that such a development relies on to operate.	Section 6
Clause 2.30 – Design Principles	In determining a development application that relates to land to which this Chapter applies, the consent authority must take into consideration whether or not— (a) the development is of a high quality design, and	A high-quality industrial design is achieved with the juxtaposition of materials, offsetting offices, and creating a mix of grounded and elevated forms.	Section 3

	(b) a variety of materials and external finishes for the external facades are incorporated, and (c) high quality landscaping is provided, and (d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.		
Clause 2.31 – Preservation of trees or vegetation	(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by— (a) development consent, or (b) a permit granted by the Secretary as the relevant planning authority for the purposes of Division 3.6 of the Act.	Tree removal is proposed within the Great Western Highway road reserve, between back of kerb and the site’s northern boundary, in the location of the approved left turn lane into the upgraded Flushcombe Road / Great Western Highway intersection. Whilst the intersection upgrade works have been approved, tree removal was not specifically assessed or called out in the consent documentation. No tree removal is proposed to be undertaken without development consent.	Section 6
Clause 2.42 – Heritage conservation	(1) Objectives The objectives of this section are as follows— (a) to conserve the environmental heritage of the Western Sydney Employment Area, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites,	The findings of the previously prepared HIS and ACHAR remain valid and unaffected for the purpose of this Modification.	N/A

	(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.		
Clause 2.43 – Consent for clearing native vegetation	(2) Development consent under this section is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation caused by the clearing of the vegetation— (a) that there is no reasonable alternative available to the disturbance of the native vegetation, (b) that any impact of the proposed clearing on biodiversity values is avoided or minimised, (c) that the disturbance of the native vegetation will not increase salinity, (d) that native vegetation inadvertently disturbed for the purposes of construction will be re-instated where possible on completion of construction, (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid a net loss of remnant native vegetation (f) that the clearing of the vegetation is unlikely to cause or increase soil erosion, salination, land slip, flooding, pollution or other adverse land or water impacts.	The findings of a new BDAR support the approach to clearing.	N/A
Clause 2.44 – Stormwater, water quality and water sensitive design	(2) Before granting development consent to development on land to which this Chapter applies, the consent authority must take into consideration whether—	The proposed development as amended incorporates principles of WSUD into the stormwater design, integrating primary treatment via Gross Pollutant Traps (GPTs) filtering into bio-retention	Section 6

-
- | | |
|---|--|
| <ul style="list-style-type: none"> (a) water sensitive design principles are incorporated into the design of the development, and (b) riparian, stormwater and flooding measures are integrated, and (c) 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, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems, and (d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems, and (e) the development will have an adverse impact on— <ul style="list-style-type: none"> (i) the water quality or quantity in a waterway, including the water entering the waterway, and (ii) the natural flow regime, including groundwater flows to a waterway, and (iii) the aquatic environment and riparian land (including aquatic and riparian species, communities, populations and habitats), and (iv) the stability of the bed, banks and shore of a waterway, and | <p>systems within the On-site Stormwater Detention (OSD) basins for across the site.</p> |
|---|--|
-

	(f) the development includes measures to retain, rehabilitate and restore riparian land.	N/A as no changes to the development footprint are proposed.	N/A
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (B&C SEPP)	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.	N/A
Draft Environmental Planning Instruments			
N/A			