

APPENDIX B - STATUTORY COMPLIANCE TABLE

Statutory Reference	Relevant Considerations	Relevance	Section in Modification Report
<i>Environmental Planning and Assessment Act 1979</i>			
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 modified will benefit the economic growth of Western Sydney by delivering employment and jobs in the region as envisaged under SSD-9667 and SSD-67924472.	Section 6.3
	<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 provides for delivery of ESD principles.	
	<i>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-9667 and SSD-67924472.	
	<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 Lot 3 development as modified will not have an adverse impact on ecological communities as approved under the Concept DA and SSD-9667 and SSD-67924472.	
Section 4.15	Relevant environmental planning instruments: ▪ <i>Environment Protection and Biodiversity Conservation (EPBC) Act 1999</i>	Each of the State Environmental Planning Instruments and Environmental Planning Instruments have been assessed in detail within the main body of the Modification Report and further within this table. The Modification	Section 6.3

Statutory Reference	Relevant Considerations	Relevance	Section in Modification Report
	▪ <i>Biodiversity Conservation Act 2016</i> ▪ <i>Rural Fires Act 1997</i> ▪ <i>Western Sydney Parklands Act 2006</i> ▪ <i>Environmental Planning and Assessment Act 1979</i> ▪ <i>State Environmental Planning Policy (Precincts - Western Parkland City) 2021</i> ▪ <i>State Environmental Planning Policy (Planning Systems) 2021</i> ▪ <i>State Environmental Planning Policy (Sustainable Buildings) 2022</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> ▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ▪ <i>Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 –1987)</i>	Report complies with all relevant requirements as they apply to the site.	

Statutory Reference	Relevant Considerations	Relevance	Section in Modification Report
	Draft environmental planning instruments:	Not applicable	Not applicable
	Relevant planning agreement or draft planning agreement	Not applicable	Not applicable
	<i>Environmental Planning and Assessment Regulation 2021</i> – Schedule 2	This Modification Report has been prepared in accordance with the Regulations.	Throughout the Modification Report
	Development control plans: <i>Blacktown Development Control Plan 2015</i> (BDCP 2015)	BDCP 2015 does not apply to the site in accordance with clause 7.6 of SEPP Western Parkland City 2021.	N/A
	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 6.5
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the Modification Report.	Section 6.6
	Any submissions made	Submissions will be considered following exhibition of the application.	N/A
	The public interest	The proposal is in the public interest as it will provide a revenue stream for the WSP operations, including maintenance and development of new and existing facilities. It	Section 6.7

Statutory Reference	Relevant Considerations	Relevance	Section in Modification Report
		will also deliver employment opportunities and economic development within Western Sydney, aligned with the provisions of the Greater Sydney Region Plan	
Section 4.55(1A)	Is satisfied that the proposed modification is of minimal environmental impact	As has been demonstrated in the Modification Report, the proposed modification does not result in the creation of any new environmental impacts.	Section 6
	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 proposed modification is considered to remain substantially the same as that for which consent was previously granted, noting the use, key metrics, and environmental impacts remain consistent with the concept approval and detailed SSDA.	Section 3 and Section 6
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.	The SEARs require the assessment of any biodiversity impacts associated with the development in accordance with the Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method 2020, including the preparation of a Biodiversity Development Assessment Report (BDAR), unless a waiver is granted, or the site is on biodiversity certified land.	Section 4.1 and 6.3

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		All impacts associated with the development of Lot 3 have previously been assessed and approved under SSD-9667 and the associated Biodiversity Assessment Development Report (BDAR) prepared by Ecoplaning (2020). All BOS credits have been purchased and retired successfully as per condition B30, B31 and B32 of the SSD9667 Development Consent conditions and therefore a waiver from the need to prepare a BDAR for the Warehouse Facility on Lot 3 was granted for lodgement of the original SSDA.	
Rural Fires Act 1997			
All of document	The site is included within Vegetation Category 3 and a bushfire assessment has been prepared to assess the potential bushfire hazards in accordance with Planning for Bushfire Protection.	The Lot 3 development footprint remains consistent with that established under SSD-9667 and SSD-67924472. The subject land is identified as bushfire prone land by Blacktown City Council. The proposed changes are negligible on bushfire risk on the site and the proposal remain capable of satisfying the Planning for Bushfire Protection measures and the wording of condition B10 to B15 of the conditions of consent.	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in Modification Report
		The proposed modifications do not result in any changes which warrant further assessment of potential bushfire impacts.	
Western Sydney Parklands Act 2006			
Schedule 2	The site is located within the Western Parklands in accordance with Schedule 2 of the Western Sydney Parklands Act 2006 (WSP Act). A Plan of Management is required to facilitate the identification and assessment of proposals for income-earning activities within the WSP	The proposed development is consistent with the Western Sydney Parklands Plan of Management 2030 which identifies the site as a business hub to generate revenue to support the Parklands operations, including the maintenance and development of new facilities	Section 6.3
State Environmental Planning Policies			
<i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</i>	The proposed development is permitted with development consent in accordance with Clause 7.9(3) of State Environmental Planning Policy (Precincts—Western Parkland City) 2021	The proposed development of the site as an industrial business hub will provide a revenue stream for the WSP operations, including maintenance and development of new and existing facilities. It will also deliver employment opportunities and economic development within Western Sydney, aligned with the provisions of the Greater Sydney Region Plan	Section 6.3
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</i>	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	The proposed modifications do not result in any changes which warrant further assessment of potential contamination impacts. The Preliminary Hazard Risk Analysis prepared for the proposal outlines the facility is not classified	Appendix K Section 4.2 and 6.3

Statutory Reference	Relevant Considerations	Relevance	Section in Modification Report
	policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'	as potentially hazardous, and it is not deemed necessary to prepare a Preliminary Hazard Analysis as Chapter 3 of the SEPP does not apply.	
<i>State Environmental Planning Policy (Industry and Employment) (I&E SEPP)</i>	Clause 3.6 states that a person must not display an advertisement, except with the consent of the consent authority or except as otherwise provided by this Policy.	The modification does not include signage. Therefore, further assessment against the I&E SEPP is not required.	N/A
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C 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.	The proposal does not seek consent for the removal of vegetation. Site works and any associated impacts have been assessed and approved under SSD-67924472.	N/A