

Appendix D

Statutory Compliance Table

Statutory Requirement	Relevance and Assessment	Reference
NSW Acts of Parliament		
Environmental Planning and Assessment Act 1979		
Section 1.3 – Objects of the Act		
a. <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>	No change to the approved development.	-
b. <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	No change to the approved development.	-
c. <i>to promote the orderly and economic use and development of land,</i>	The proposed modification constitutes the orderly and economic development of the site as it does not propose any change to the consistency of the development with the approved, with only minor design refinements to the approved Warehouse 1.	-
d. <i>to promote the delivery and maintenance of affordable housing,</i>	Not applicable.	-
e. <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 change to the approved development.	-
f. <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	No change to the approved development.	-
g. <i>to promote good design and amenity of the built environment,</i>	No change to the approved development.	-
h. <i>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	No change to the approved development.	-

i. to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	Not applicable.	-
j. to provide increased opportunity for community participation in environmental planning and assessment.	Not applicable.	-
Section 4.55 – Modification of consents—generally		
(1A) Modifications involving minimal environmental impact 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—	The Modification Application falls under Section 4.55(1A) of the EP&A Act, as outlined in the following sections.	-
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	The proposed modifications are of minimal environmental impact as: <ul style="list-style-type: none"> • The design changes are a result of further design refinement and do not impact on any external receivers; and • The proposed design changes to are minor in nature and therefore will not result in any perceptible environmental impact. 	Section 6.0
(b) 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), and	The development, as proposed to be modified, is substantially the same development as that originally approved in that it: <ul style="list-style-type: none"> • The proposed modifications are minor in nature and are in response to detailed design considerations from the tenant of the warehouse, who require specific changes to accommodate their national business operations. • The development remains as originally approved in terms of its intended use and overarching design principles. • The proposed modifications do not alter the key components of the approved development, being an industrial estate. • The operational elements of the Warehouse 1 do not change, with the design elements purely being a refinement to ensure the efficient operation of the building by the tenant. • The proposed modifications do not increase the gross floor area or building height of Warehouse 1. 	Section 3.4
c) it has notified the application in accordance with— <ul style="list-style-type: none"> (i) the regulations, if the regulations so require, or (ii) 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 	Not applicable.	-
(d) 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.	Not applicable.	-

Statutory Instruments		
Environmental Planning and Assessment Regulation 2021		
Section 99 – Making a Modification Application		
(1) A modification application must— (a) be in the approved form, and (b) contain all the information and documents required by— (i) the approved form, and (ii) the Act or this Regulation, and (c) be submitted on the NSW planning portal.	Complies.	-
(2) If the modification application is for State significant development— (a) the application must also include particulars of the nature of the modification, and (b) the applicant must have regard to the State Significant Development Guidelines in preparing the application.	The Modification Application accurately describes the proposed modification and has had regard to the Department’s State Significant Development Guidelines.	-
Section 100 – Consent of Modification Application		
(1) A modification application must contain the following information— (a) the name and address of the applicant,	Complies.	Section 1.1
(b) a description of the development that will be carried out under the development consent,	Complies.	Section 1.2
(c) the address and folio identifier of the land on which the development will be carried out,	Complies.	Section 1.0
(d) a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved,	Complies.	Section 3.0
(e) whether the modification is intended to— (i) merely correct a minor error, misdescription or miscalculation, or (ii) have another effect specified in the modification application,	The Modification Application is categorised as being under Section 4.55(1A) of the EP&A Act as it the proposed modifications relate to minimal environmental impacts.	Section 4.0
(f) a description of the expected impacts of the modification,	An assessment of any potential impacts from the proposed modification can be found in the Modification Report.	Section 6.0

(g) <i>an undertaking that the modified development will remain substantially the same as the development originally approved,</i>	The development, as proposed to be amended, remains substantially the same as the development approved by the DPE in April 2023.	Section 3.0
(h) <i>for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information,</i>	Not applicable.	-
(i) <i>if the applicant is not the owner of the land—a statement that the owner consents to the making of the modification application,</i>	The Applicant is the owner of the site as identified in the Modification Report.	Section 1.0
(j) <i>whether the modification application is being made to— (i) the Court under the Act, section 4.55, or (ii) the consent authority under the Act, section 4.56.</i>	Not applicable.	-

Environmental Planning Instruments

State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.122 – Traffic-generating development

1. <i>This section applies to development specified in Column 1 of the Table to Schedule 3 that involves— a. new premises of the relevant size or capacity, or b. an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</i>	The proposed modification does not increase the existing capacity of the premises as approved.	-
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State Environmental Planning Policy (Industry and Employment) 2021

Clause 2.10 Zone Objectives and Land Use Table

1. <i>The Table at the end of this section specifies for each zone— Zone IN1 General Industrial 1. Objectives of zone</i>	The site is zoned IN1 General Industrial. The proposed <i>Warehouse and distribution centre</i> use is permissible with consent. The proposed development is consistent with the zone objectives in that it will encourage industrial employment opportunities and facilitate a wide range of employment generating land uses. Specifically, the proposed development is consistent with the objectives of the IN1 Zone as:	Section 4.0
<ul style="list-style-type: none"> <i>To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.</i> <i>To encourage employment opportunities along motorway corridors, including the M7 and M4.</i> <i>To minimise any adverse effect of industry on other land uses.</i> <i>To facilitate road network links to the M7 and M4 Motorways.</i> <i>To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.</i> 	<ul style="list-style-type: none"> It will facilitate employment generating development including warehousing and ancillary office space; It will provide a high number of employment opportunities within close proximity to the M7, M4 and future M12 Motorways; It does not result in significant adverse impact to the adjoining Mount Vernon rural-residential area; and It will provide a high-quality development that does no prejudice environmental sustainability. 	

- 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.
- The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

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—

- building heights will not adversely impact on the amenity of adjacent residential areas, and
- site topography has been taken into consideration.

The maximum building heights remain unchanged, with only a minor 250mm increase to the roof height of the office component, which sits largely within and below the height of the approved warehouse.

Appendix A

Clause 2.22 Development adjoining residential land

This section applies to any land to which this Chapter applies that is within 250 metres of land zoned primarily for residential purposes.

Part of the Warehouse 1 office component sits within 250m of the Mount Vernon residential area, however the proposed modifications will not result in any impacts not previously considered, assessed and approved, given the changes are minor design refinements only.

Appendix A

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—

- the development is of a high quality design, and
- a variety of materials and external finishes for the external facades are incorporated, and
- high quality landscaping is provided, and
- the scale and character of the development is compatible with other employment-generating development in the precinct concerned.

The development, as proposed to be modified, remains unchanged

Appendix A

Mamre Road Precinct Development Control Plan

Section 4.2 Built form design controls

4.2.1 Building Height

1) Building height should respond to the natural landscape and scale of adjoining development, with lower elements towards the street, pedestrian paths, adjoining rural-residential areas, environmental and open space areas, riparian corridors and ridgelines.

The proposed roof adjustment to the office roof by 250mm continues to satisfy this DCP requirement and does not result in a perceptible impact. It continues to sit below the 16m height limit that applies to this land within 250m of the Mount Vernon residential area.

Appendix A

2) Buildings should not exceed a maximum height of 16m from the existing ground level within 250m of a rural-residential zone. For all other sites, a maximum building height of 20m from existing ground level is permitted.

4.2.3 Landscaping

4) A minimum 15% of the site area is to be pervious surfaces, achieved through landscaping and/or the use of permeable paving materials. Perviousness is to be calculated in accordance with the following index:

- Deep soil (one metre or more in depth, connected subsoil) – 100%
- Shallow soil (less than one metre in depth, not connected to subsoil) – 75%
- Permeable pavement – 50%

Hardstand – 0%

The proposed modification results in a minor decrease in the pervious area of the development by 815m², being a 3% reduction from the approved area, however still provides 16% of the site area as pervious surfaces.

Appendix A

Section 4.6 – Access and Parking

1) On-site car parking is to be provided to a standard appropriate to the intensity of the proposed development as set out in Table 11. Parking is to meet AS 2890 and AS 1428. Table 12. Minimum parking rates

Warehouse 1 requires 250 parking spaces, and provides 294 (a reduction of 6 from the approved 300 spaces), and therefore continues to comply.

**Section 6.2
Appendix B**

Activity	Parking Requirement
Warehouses or distribution centres	1 space per 300m ² of gross floor area or 1 space per 4 employees, whichever is the greater
Ancillary office space	1 space per 40m ² of gross floor area