

Appendix B - Statutory Compliance Table

This statutory compliance table identifies all relevant statutory requirements for the Project and indicates where they have been addressed in the EIS, Technical Report or approved DA form for the project. Appendix references in this table correspond to the Appendix structure set out in Section 1.7 of the Environmental Impact Statement.

Statutory Requirement	Relevance and Assessment
Environmental Planning and Assessment Act 1979	
Section 1.3 – Objects of the Act	
<ul style="list-style-type: none"> a) 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, b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, c) to promote the orderly and economic use and development of land, d) to promote the delivery and maintenance of affordable housing, e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage), g) to promote good design and amenity of the built environment, h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants, i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State, j) to provide increased opportunity for community participation in environmental planning and assessment. 	<p>This State Significant Development Application (SSDA) is consistent with the objects of the EP&A Act. The proposal promotes the social and economic welfare of the community through the delivery of market and affordable housing in a highly accessible centre location, the efficient use of serviced land, and the generation of employment through retail and construction activity. Environmental impacts have been comprehensively assessed and are either acceptable or capable of being appropriately mitigated. Consistency with the objects of the Act is addressed throughout the EIS, including Chapter 3 (Project Description), Chapter 4 (Statutory Context), Chapter 6 (Assessment of</p>

	Impacts) and Appendix I (Architectural Design Report).
<p>Part 4</p> <p>Division 4.3 Development that needs consent (except complying development)</p>	
<p>Section 4.15 – Evaluation</p> <p>(1) Matters for consideration—general. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—</p> <ul style="list-style-type: none"> (a) the provisions of— <ul style="list-style-type: none"> (i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, (c) the suitability of the site for the development, (d) any submissions made in accordance with this Act or the regulations (e) the public interest 	<p>The SSDA has been prepared having regard to the matters for consideration under section 4.15 of the EP&A Act. Relevant environmental planning instruments, likely environmental, social and economic impacts, site suitability, public submissions and the public interest are comprehensively addressed within Chapter 4 (Statutory Context), Chapter 6 (Assessment of Impacts) and Chapter 7 (Justification for the Project), supported by detailed technical appendices.</p>

Division 4.7 State significant development

Section 4.36 Development that is State significant development

- (1) For the purposes of this Act, *State significant development* is development that is declared under this section to be State significant development.
- (2) A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.
- (3) The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development.
 - (3A) The Minister may make a declaration under subsection (3) only if the Minister has obtained and made publicly available advice from the Independent Planning Commission about the State or regional planning significance of the development.
 - (3B) Subsection (3A) does not apply if the development includes residential accommodation.
 - (3C) If the Minister makes a declaration under subsection (3), the Planning Secretary must, as soon as practicable, notify the council for the area in which the specified land is located that the declaration has been made.
- (4) A State environmental planning policy that declares State significant development may extend the provisions of the policy relating to that development to State significant development declared under subsection (3).

4.39 Regulations—State significant development(cf previous s 89G)

In addition to any other matters for or with respect to which regulations may be made under this Part, the regulations may make provision for or with respect to the procedures and other matters concerning State significant development, including the following—

- (a) the environmental impact statements to accompany development applications in respect of State significant development,
- (b) the requirements for the preparation of those environmental impact statements, including consultation requirements with respect to government agencies and other affected persons,

The proposed development is declared State Significant Development under the Planning Systems SEPP. The SSDA and accompanying EIS have been prepared in accordance with the EP&A Act and the Environmental Planning and Assessment Regulation 2021, including the procedural requirements applicable to SSD. This is addressed in Chapter 4 (Statutory Context), including consideration of the Planning Systems SEPP and the Housing SEPP infill affordable housing pathway.

<p>(c) the making of orders under section 4.36(3) declaring specified development to be State significant development,</p> <p>(d) the making of information publicly available relating to development applications in respect of State significant development and the determination of those applications,</p> <p>(e) requiring applicants to provide responses to submissions made on development applications in respect of State significant development</p>	
Biodiversity and Conservation Act 2016	
Section 7.9 – Biodiversity Assessment for State Significant Development	
<ol style="list-style-type: none"> 1. This section applies to— <ol style="list-style-type: none"> a. an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for <ol style="list-style-type: none"> a) State significant development, 2. Any such application is to be accompanied by a biodiversity development assessment report unless the Planning <ol style="list-style-type: none"> b) Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. 	<p>A Biodiversity Development Assessment Report (BDAR) is not required for the proposal, as the Planning Secretary and Environment Agency Head have been requested to determine that the development is not likely to have a significant impact on biodiversity values. The BDAR Waiver Request and supporting justification are addressed in Chapter 6.1 (Biodiversity) and Appendix T.</p>
Environmental Planning and Assessment Regulation 2021	
Part 3 Development Application	
Section 35B – Additional requirements for development applications involving contravention of development standards	
<ol style="list-style-type: none"> 1) This section applies to a development application that proposes, in accordance with a relevant EPI provision, development that contravenes a development standard imposed by any environmental planning instrument. 	<p>Separate written requests pursuant to Clause 4.6 of the Ku-ring-gai Local Environmental Plan 2015 have been prepared to support proposed</p>

<p>(2) The development application must be accompanied by a document that sets out the grounds on which the applicant seeks to demonstrate that—</p> <p>(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and</p> <p>(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.</p>	<p>variations to the floor space ratio and height of building development standards.</p> <p>The written requests address the matters in section 35B(2) of the Environmental Planning and Assessment Regulation 2021, including whether strict compliance with the relevant development standards is unreasonable or unnecessary in the circumstances and whether sufficient environmental planning grounds exist to justify the variations.</p> <p>The requests are provided at:</p> <ul style="list-style-type: none"> • Appendix V – Clause 4.6 Variation Request (Floor Space Ratio) • Appendix U – Clause 4.6 Variation Request (Building Height) <p>The environmental, amenity and built-form implications of the proposed variations are assessed in Chapters 3, 4 and 6 of the EIS.</p>
<p>Part 8 – Infrastructure and Environment Impact Assessment</p> <p>Section 190 – Form of Environmental Impact Statement</p>	
<p>2) The person preparing the statement must have regard to—</p> <p>(a) for State significant development—the State Significant Development Guidelines,</p>	<p>This EIS has been prepared in accordance with Sections 190–192 of the Environmental Planning and Assessment Regulation 2021 and the Department’s State Significant</p>

	Development Guidelines – Preparing an Environmental Impact Statement. All SEARs have been addressed, as documented in Appendix A, with detailed assessment provided throughout Chapters 3–6 of the EIS and the supporting technical appendices.
Section 191 – Compliance with environmental assessment requirements	
The environmental impact statement must comply with the environmental assessment requirements notified under section 176 or the Act, section 5.16(4)	This EIS has been prepared in accordance with Sections 190–192 of the Environmental Planning and Assessment Regulation 2021 and the Department’s State Significant Development Guidelines – Preparing an Environmental Impact Statement. All SEARs have been addressed, as documented in Appendix A, with detailed assessment provided throughout Chapters 3–6 of the EIS and the supporting technical appendices.
Section 192 – Content of Environmental Impact Statement	
1) An environmental impact statement must contain the following— (a) a summary of the environmental impact statement, (b) a statement of the objectives of the development, activity or infrastructure,	This EIS has been prepared in accordance with Sections 190–192 of the Environmental Planning and Assessment Regulation 2021 and the Department’s State Significant Development Guidelines – Preparing an Environmental Impact Statement.

<p>(c) an analysis of feasible alternatives to the carrying out of the development, activity or infrastructure, considering its objectives, including the consequences of not carrying out the development, activity or infrastructure,</p> <p>(d) an analysis of the development, activity or infrastructure, including--</p> <ul style="list-style-type: none"> (i) a full description of the development, activity or infrastructure, and (ii) a general description of the environment likely to be affected by the development, activity or infrastructure and a detailed description of the aspects of the environment that are likely to be significantly affected, and (iii) the likely impact on the environment of the development, activity or infrastructure, and (iv) a full description of the measures to mitigate adverse effects of the development, activity or infrastructure on the environment, and (v) a list of the approvals that must be obtained under another Act or law before the development, activity or infrastructure may lawfully be carried out, <p>(e) a compilation, in a single section of the environmental impact statement, of the measures referred to in paragraph (d)(iv),</p> <p>(f) the reasons justifying the carrying out of the development, activity or infrastructure, considering biophysical, economic and social factors, including the principles of ecologically sustainable development set out in section 193.</p>	<p>All SEARs have been addressed, as documented in Appendix A, with detailed assessment provided throughout Chapters 3–6 of the EIS and the supporting technical appendices.</p>
<p>Section 193 – Principles of ecologically sustainable development</p>	
<p>(1) The principles of ecologically sustainable development are the following—</p> <ul style="list-style-type: none"> (a) the precautionary principle, (b) inter-generational equity, (c) conservation of biological diversity and ecological integrity, (d) improved valuation, pricing and incentive mechanisms 	<p>The proposal is consistent with the principles of ecologically sustainable development. These principles are addressed in Chapter 3.6, Chapter 6.20 and the ESD Report at Appendix W, including consideration of social, economic and environmental outcomes and inter-generational equity.</p>

State Environmental Planning Policies	Relevance and Assessment
State Environmental Planning Policy (Planning Systems) 2021	
Section 2.6 – Declaration of State Significant Development	
<p>Development is declared to be State significant development for the purposes of the Act if—</p> <ul style="list-style-type: none"> a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and b) the development is specified in Schedule 1 or 2. 	<p>The proposed development comprises infill residential development, including affordable housing, within the Greater Sydney Region, with an estimated development cost exceeding \$75 million. Accordingly, the development is declared State Significant Development pursuant to Schedule 1, clause 26A of the Planning Systems SEPP. This is addressed in Chapter 4 (Statutory Context) of the EIS.</p>
Section 2.10 – Application of development control plans to State significant development	
<p>1) Development control plans (whether made before or after the commencement of this Chapter) do not apply to—</p> <ul style="list-style-type: none"> a) State significant development, or b) development for which a relevant council is the consent authority under section 4.37 of the Act. 	<p>Ku-ring-gai DCP 2025 does not apply to this State Significant Development Application. Notwithstanding, relevant DCP provisions have been considered as non-statutory guidance and are addressed in Chapter 3 (Project Description), Chapter 6.2 (Built Form), Appendix I (Architectural Design Report) and Appendix H (Architectural Drawings).</p>

Schedule 1 State significant development—general	
<p>26A In-fill affordable housing</p> <p>(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—</p> <p>(a) the part of the development that is residential development has an estimated development cost of—</p> <p>(i) for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$75 million, or</p>	<p>The proposed development is for the purposes of residential development including in-fill affordable housing within the Greater Sydney Region with an Estimated Development Cost (EDC) of more than \$75 million. Therefore, in accordance with Schedule 1, Section 26A of the Planning Systems SEPP, it is declared to be SSD for the purposes of the EP&A Act. This is addressed in Chapter 4 Statutory Context of the EIS.</p>
State Environmental Planning Policy (Transport and Infrastructure) 2021	
Section 2.120 - Impact of road noise or vibration on non-road development	
<p>(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—</p> <p>(a) residential accommodation</p>	<p>This matter is addressed in Chapter 4 (Statutory Context) and Chapter 6.17 (Transport, Traffic, Parking and Access) of the EIS, supported by the Traffic Impact Assessment at Appendix R.</p>
Section 2.122 - Traffic-generating development	
<p>(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</p> <p>(a) new premises of the relevant size or capacity, or</p>	<p>The proposed development constitutes traffic-generating development under the SEPP. The application has been referred to Transport for NSW in accordance</p>

<p>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</p>	<p>with the statutory referral requirements, with traffic impacts assessed in Chapter 6.17 of the EIS and Appendix R.</p>
<p>State Environmental Planning Policy (Housing) 2021</p>	
<p>Chapter 2 – Affordable Housing. Part 2, Division 1 In-fill affordable housing</p>	
<p>Section 15C – Development to which this division applies Section 16 – Affordable housing requirements for additional floor space ratio Section 18 – Affordable housing requirements for additional building height</p>	<p>The proposal satisfies the infill affordable housing pathway under Chapter 2, Part 2, Division 1 of the Housing SEPP. The development utilises the additional floor space ratio and building height allowances available under sections 16 and 18 in exchange for the provision of affordable housing.</p> <p>Any minor exceedance beyond the resulting numerical standards is addressed separately through Clause 4.6 variation requests under the KLEP 2015 (Appendices U and V). This framework is addressed in Chapter 4.2 (Power to Grant Approval) and Chapter 4.4 (Affordable Housing Framework and Viability).</p>

Chapter 4 – Design of residential apartment development	
Section 147 – Determination of development applications and modification applications for residential apartment development	
<p>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</p> <ul style="list-style-type: none"> (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide, (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel. <p>Section 148 – Non-discretionary development standards for residential apartment development – the Act, s4.15</p>	<p>Design Principles are addressed in Chapter 3 Project Description and Chapter 6.3 Built Form, including ADG compliance within Appendix I - Architectural Design Report, and Appendix H - Architectural Drawings</p>
State Environmental Planning Policy (Sustainable Buildings) 2022	
Chapter 2 – Standards for residential development—BASIX	
<p>Section 2.1 – Standards for BASIX development and BASIX optional development</p>	<p>BASIX energy, water and thermal comfort requirements have been incorporated into the design of the proposed development. Compliance is addressed in Chapter 6.5 of the EIS, with NCC (BCA) compliance documented separately in Appendix J.</p>

State Environmental Planning Policy (Resilience and Hazards) 2021	
Chapter 4	
Section 4.6 – Contamination and Remediation to be considered in determining development application	
<p>1. A consent authority must not consent to the carrying out of any development on land unless—</p> <ul style="list-style-type: none"> a. it has considered whether the land is contaminated, and b. if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and c. if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. 	<p>The site is suitable for the proposed development and land use. Contamination and remediation matters are addressed in Chapter 6.9 of the EIS and the Remediation and Validation Report at Appendix HH.</p>
Local Planning Instrument	Relevance and Assessment
Ku-ring-gai Local Environmental Plan 2015	
Part 2 Permitted or prohibited development	
2.1 Land use zones	See EIS Chapter 4.3 Permissibility.
Part 4 Principal development standards	
<ul style="list-style-type: none"> 4.3 Height of buildings 4.4 Floor space ratio 4.5 Calculation of floor space ratio and site area 4.6 Exceptions to development standards 	<p>Variations to the maximum building height and floor space ratio development standards are sought pursuant to Clause 4.6 of the KLEP 2015. The required written requests addressing Clauses 4.6(3) and (4) are provided at Appendices U</p>

	(Building Height) and V (Floor Space Ratio) and are addressed in Chapter 4 (Statutory Context) of the EIS.
Part 5 Miscellaneous provisions	
5.10 Heritage conservation	See EIS Chapter 4.3 Permissibility.
Part 6 Additional local provisions	
6.1 Acid sulfate soils 6.2 Earthworks 6.6 Requirements for multi dwelling housing and residential flat buildings 6.7 Active Street Frontage 6.14 Affordable housing contributions	See EIS Chapter 4.3 Permissibility.
Relevant Guidelines	Relevance and Assessment
Apartment Design Guide	
Part 3 – Siting the development Part 4 – Designing the building	Design principles and Apartment Design Guide compliance are addressed in Chapters 3 and 6 of the EIS, supported by Appendix H (Architectural Drawings) and Appendix I (Architectural Design Report), with related wind, noise and landscape considerations addressed in Appendices S, JJ and O.

Note: The proposed development involves variations to development standards relating to floor space ratio and building height. These variations are sought pursuant to Clause 4.6 of the Ku-ring-gai Local Environmental Plan 2015 and are supported by separate written requests submitted with the application.