

## Appendix C – Statutory Compliance Table

The purpose of this table is to capture all relevant statutory guidelines and note where they are addressed in the EIS.

| Statutory Requirement   | Report / EIS  | Technical Study |
|---|---------------|-----------------|
| <b>Commonwealth Acts of Parliament</b>  |               |                 |
| <b>Environmental Protection and Biodiversity Conservation Act 1999</b>  |               |                 |
| <b>Section 136 General Considerations</b>   |               |                 |
| 1) In deciding whether or not to approve the taking of an action, and what conditions to attach to an approval, the Minister must consider the following, so far as they are not inconsistent with any other requirement of this Subdivision:<br>(a.) matters relevant to any matter protected by a provision of Part 3 that the Minister has decided is a controlling provision for the action<br>(b.) economic and social matters.  | Section 7.3.3 |                 |
| 2) In considering those matters, the Minister must take into account:<br>(a.) the principles of ecologically sustainable development; and   | Section 7.1   |                 |
| (b.) the assessment report (if any) relating to the action  | -             |                 |
| <b>Section 139 Requirements for decisions about threatened species and endangered communities</b>   |               |                 |
| 1) In deciding whether or not to approve for the purposes of a subsection of section 18 or section 18A the taking of an action, and what conditions to attach to such an approval, the Minister must not act inconsistently with:<br>(a.) Australia's obligations under:<br>(i.) the Biodiversity Convention; or<br>(ii.) the Apia Convention; or<br>(iii.) CITES; or<br>(b.) a recovery plan or threat abatement plan.   |               | Appendix M      |
| 2) If:<br>(a.) the Minister is considering whether to approve, for the purposes of a subsection of section 18 or section 18A, the taking of an action; and<br>(b.) the action has or will have, or is likely to have, a significant impact on a particular listed threatened species or a particular listed threatened ecological community;<br>the Minister must, in deciding whether to so approve the taking of the action, have regard to any approved conservation advice for the species or community |               | Appendix M      |
| <b>NSW Acts of Parliament</b>   |               |                 |

| Statutory Requirement   | Report / EIS   | Technical Study |
|---|--|-----------------|
| <b>Environmental Planning and Assessment Act 1979</b>   |  |                 |
| <b>Section 1.3 Objects of the Act</b>   |  |                 |
| <ul style="list-style-type: none"> <li>(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,</li> <li>(b.) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</li> <li>(c.) to promote the orderly and economic use and development of land,</li> <li>(d.) to promote the delivery and maintenance of affordable housing,</li> <li>(e.) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</li> <li>(f.) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</li> <li>(g.) to promote good design and amenity of the built environment,</li> <li>(h.) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</li> <li>(i.) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</li> <li>(j.) to provide increased opportunity for community participation in environmental planning and assessment.</li> </ul> | Section 7.1  |                 |
| <b>Section 4.15 Evaluation</b>  |  |                 |
| <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> <p>(a.) the provisions of—</p> <ul style="list-style-type: none"> <li>(i.) any environmental planning instrument, and</li> </ul>   | Section 7.3.1 & refer to the Environmental Planning Instruments presented further below. |                 |
| <ul style="list-style-type: none"> <li>(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</li> </ul>  | N/A – no proposed instruments are relevant to this proposal.                             |                 |
| <ul style="list-style-type: none"> <li>(iii.) any development control plan, and</li> </ul>  | Section 4.6  |                 |
| <ul style="list-style-type: none"> <li>(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</li> </ul>  | N/A – no planning agreements have been entered into.                                     |                 |
| <ul style="list-style-type: none"> <li>(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,</li> </ul>  | Section 7.3.2  |                 |

| Statutory Requirement   | Report / EIS  | Technical Study          |
|---|---|--------------------------|
| (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  | Section 7.3.3   |                          |
| (c.) the suitability of the site for the development,   | Section 7.3.4   |                          |
| (d.) any submissions made in accordance with this Act or the regulations  | Public consultation is expected to be carried out by DPE on the submitted development application. Any submissions received as a result are for DPE's consideration in its assessment of the application against applicable plans and policies. |                          |
| (e.) the public interest  | Section 7.3.5   |                          |
| <b>Biodiversity Conservation Act</b>  |   |                          |
| 2) The Minister for Planning, when determining in accordance with the <i>Environmental Planning and Assessment Act 1979</i> any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The Minister for Planning may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values  | Section 4.5   | Appendix M               |
| 3) If the Minister for Planning is of the opinion that proposed State significant development or State significant infrastructure that is the subject of an application to which this Division applies is likely to have serious and irreversible impacts on biodiversity values, the Minister—<br>(a.) is required to take those impacts into consideration, and<br>(b.) is required to determine whether there are any additional and appropriate measures that will minimise those impacts if consent or approval is to be granted | Section 4.5   | Appendix M               |
| <b>NSW EPIs</b>   |   |                          |
| <b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>  |   |                          |
| <b>Section 1.121 Traffic-Generating Development</b>   |   |                          |
| (3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—<br>(a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and<br>(b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.                                    | Section 4.5<br>Section 5.0  | Appendix F<br>Appendix P |

| Statutory Requirement  | Report / EIS                            | Technical Study   |
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| <p>(4) Before determining a development application for development to which this section applies, the consent authority must—</p> <p>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</p> <p>(b) take into consideration—</p> <p>(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</p> <p>(ii) the accessibility of the site concerned, including—</p> <p>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</p> <p>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</p> <p>(iii) any potential traffic safety, road congestion or parking implications of the development.</p> | <p>Section 4.5</p> <p>Section 5.0</p>   | <p>Appendix F</p> <p>Appendix P</p>                         |
| <b>State Environmental Planning Policy (Planning Systems) 2021</b>   |   |   |
| <p>Development that has a capital investment value of more than \$30 million for any of the following purposes—</p> <p>(a) hospitals,</p> <p>(b) medical centres,</p> <p>(c) health, medical or related research facilities (which may also be associated with the facilities or research activities of a NSW local health district board, a University or an independent medical research institute).</p>   | <p>Section 4.3.1</p>                    | <p>A CIV Report has been provided under a sperate cover</p> |
| <b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>   |   |   |
| <b>Section 4.6 - Contamination and remediation to be considered in determining development application</b>   |   |   |
| <p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(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</p> <p>(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>  | <p>Section 4.5</p>                      | <p>Appendix O</p>   |
| <b>Ryde Local Environmental Plan 2014</b>  |   |   |
| <b>Section 2.3 Zone objectives and Land Use Table</b>  |   |   |
| <p>(2) 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.</p>   | <p>Section 4.6</p>                      |   |
| <b>Section 4.3 Height of buildings</b>   |   |   |
| <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>   | <p>Section 4.6</p> <p>Section 6.1.2</p> | <p>Appendix B</p>   |
| <b>Section 4.4 Floor space ratio</b>   |   |   |
| <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>  | <p>Section 4.6</p>                      | <p>Appendix B</p>   |
| <b>Section 5.10 Heritage conservation</b>  |   |   |

| Statutory Requirement  | Report / EIS                | Technical Study |
|--|-----------------------------|-----------------|
| (4) Effect of proposed development on heritage significance - The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).  | Section 4.6<br>Section 6.7  | Appendix H      |
| (5) Heritage assessment - The consent authority may, before granting consent to any development—<br>(a) on land on which a heritage item is located, or<br>(b) on land that is within a heritage conservation area, or<br>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),<br>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.  | Section 4.6<br>Section 6.7  | Appendix H      |
| (8) Aboriginal places of heritage significance - The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—<br>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and<br>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.  | Section 4.6<br>Section 6.6  | Appendix R      |
| <b>Section 5.21 Flood planning</b>   |                             |                 |
| (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—<br>(a) is compatible with the flood function and behaviour on the land, and<br>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and<br>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and<br>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and<br>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. | Section 4.6<br>Section 6.22 | Appendix K      |
| (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—<br>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,<br>(b) the intended design and scale of buildings resulting from the development,<br>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,<br>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.  | Section 4.6<br>Section 6.22 | Appendix K      |