

Appendix B - Updated Statutory Context Table

Statutory Requirement	Report / EIS	Technical Study
Commonwealth Acts of Parliament		
Environmental Protection and Biodiversity Conservation Act 1999		
Section 136 - General Considerations		
1) <i>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:</i> <i>(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</i> <i>(b.) economic and social matters.</i>	N/A	-
2) <i>In considering those matters, the Minister must take into account:</i> <i>(a.) the principles of ecologically sustainable development; and</i>	N/A	-
<i>(b.) the assessment report (if any) relating to the action</i>	N/A	-
Section 139 - Requirements for decisions about threatened species and endangered communities		
1) <i>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:</i> <i>(a.) Australia's obligations under:</i> <i>(i.) the Biodiversity Convention; or</i> <i>(ii.) the Apia Convention; or</i> <i>(iii.) CITES; or</i> <i>(b.) a recovery plan or threat abatement plan.</i>	Section 4.0	Appendix N
2) <i>If:</i> <i>(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</i> <i>(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;</i>	Section 4.0	Appendix N

Statutory Requirement	Report / EIS	Technical Study
<i>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</i>		
NSW Acts of Parliament		
Environmental Planning and Assessment Act 1979		
Section 1.3 - Objects of the Act		
<p>(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></p> <p>(b.) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i></p> <p>(c.) <i>to promote the orderly and economic use and development of land,</i></p> <p>(d.) <i>to promote the delivery and maintenance of affordable housing,</i></p> <p>(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></p> <p>(f.) <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i></p> <p>(g.) <i>to promote good design and amenity of the built environment,</i></p> <p>(h.) <i>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i></p> <p>(i.) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i></p> <p>(j.) <i>to provide increased opportunity for community participation in environmental planning and assessment.</i></p>	Section 5.6	-
Section 4.15 - Evaluation		
<p>1) <i>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—</i></p> <p>(a.) <i>the provisions of—</i></p> <p>(i.) <i>any environmental planning instrument, and</i></p>	Section 8.3 & refer to the Environmental Planning Instruments presented further below	-
<p>(ii.) <i>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</i></p>	Section 5.2	-
<p>(iii.) <i>any development control plan, and</i></p>	Section 5.6	-

Statutory Requirement	Report / EIS	Technical Study
<i>(iii.a.) 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</i>	Section 5.6	-
<i>(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,</i>	Section 8.4.1.1	-
<i>(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</i>	Section 8.4.2 Section 8.4.3 Section 8.4.4	Appendix G Appendix L Appendix N Appendix Y
<i>(c.) the suitability of the site for the development,</i>	Section 8.5	-
<i>(d.) any submissions made in accordance with this Act or the regulations</i>	Additional public consultation is expected to be carried out by the DPHI after the Amendment Report package is submitted. Any additional submissions received as a result are for DPHI's consideration in its assessment of the application against applicable plans and policies.	
<i>(e.) the public interest</i>	Section 8.6	
Biodiversity Conservation Act		
Section 7.9 – Biodiversity Assessment for State Significant Development		
1) <i>This section applies to— a. an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development,</i>	Section 5.0	Appendix N
2) <i>Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.</i>	Section 5.0 Section 7.5	Appendix N
Section 7.14 - State significant development or infrastructure		
<i>The Minister for Planning, when determining in accordance with the Environmental Planning and Assessment Act 1979 any such application, is to take into consideration under that Act the likely impact of the proposed development on</i>	Section 5.0 Section 7.5	Appendix N

Statutory Requirement	Report / EIS	Technical Study
<p><i>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</i></p>		
<p>3) <i>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—</i></p> <p><i>(a.) is required to take those impacts into consideration, and</i></p> <p><i>(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</i></p>	<p>Section 5.0 Section 7.5</p>	<p>Appendix N</p>
<p>NSW Environmental Planning Instruments</p>		
<p>State Environmental Planning Policy (Biodiversity and Conservation) 2021</p>		
<p>Chapter 6 – Water Catchments</p>		
<p>Division 2 – Controls on development generally</p> <p>6.6 <i>Water Quality and Quantity</i></p> <p>(1) <i>In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</i></p> <p><i>(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,</i></p> <p><i>(b) whether the development will have an adverse impact on water flow in a natural waterbody,</i></p> <p><i>(c) whether the development will increase the amount of stormwater run-off from a site,</i></p> <p><i>(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,</i></p> <p><i>(e) the impact of the development on the level and quality of the water table,</i></p> <p><i>(f) the cumulative environmental impact of the development on the regulated catchment,</i></p> <p><i>(g) whether the development makes adequate provision to protect the quality and quantity of ground water.</i></p> <p>(2) <i>Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—</i></p> <p><i>(a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and</i></p> <p><i>(b) the impact on water flow in a natural waterbody will be minimised.</i></p> <p>(3) <i>Subsections (1)(a) and (2)(a) do not apply to development on land in the Sydney Drinking Water Catchment.</i></p> <p>Note—</p> <p><i>Part 6.5 contains provisions requiring development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.</i></p>	<p>Section 5.0</p>	<p>-</p>

Statutory Requirement	Report / EIS	Technical Study
<p>6.7 Aquatic Ecology</p> <p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,</p> <p>(b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require—</p> <p>(i) a controlled activity approval under the Water Management Act 2000, or</p> <p>(ii) a permit under the Fisheries Management Act 1994,</p> <p>(c) whether the development will minimise or avoid—</p> <p>(i) the erosion of land abutting a natural waterbody, or</p> <p>(ii) the sedimentation of a natural waterbody,</p> <p>(d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,</p> <p>(e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,</p> <p>(f) if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.</p> <p>Example—</p> <p>Additional measures may include the incorporation of a vegetated buffer between the waterbody and the site.</p> <p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—</p> <p>(a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,</p> <p>(b) the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,</p> <p>(c) if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained,</p> <p>(d) the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,</p> <p>(e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.</p>	<p>Section 5.0</p>	
<p>6.8 Flooding</p>	<p>Section 5.0 Section 7.7</p>	<p>Appendix I</p>

Statutory Requirement	Report / EIS	Technical Study
<p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.</p> <p>(2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not—</p> <ul style="list-style-type: none"> (a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or (b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems. 		
<p>6.9 Recreation and public access</p> <p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider—</p> <ul style="list-style-type: none"> (a) the likely impact of the development on recreational land uses in the regulated catchment, and (b) whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation. <p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—</p> <ul style="list-style-type: none"> (a) the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation, (b) new or existing points of public access between natural waterbodies and the site of the development will be stable and safe, (c) if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded. <p>(3) This section does not apply to development on land in a regulated catchment if the land is in a special area under the Water NSW Act 2014</p>	Section 5.0	
<p>6.10 Total Catchment Management</p> <p>In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.</p>	Section 5.0	
<p>State Environmental Planning Policy (Transport and Infrastructure) 2021</p>		
<p>Subdivision 2 Development in or adjacent to road corridors and road reservations</p>		
2.120 Impact of road noise or vibration on non-road development	Section 5.0	Appendix O

Statutory Requirement	Report / EIS	Technical Study
<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> <ul style="list-style-type: none"> (a) residential accommodation, (b) a place of public worship, (c) a hospital, (d) an educational establishment or centre-based child care facility. <p>(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p> <p>(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p> <ul style="list-style-type: none"> (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am, (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time. <p>(3A) Subsection (3) does not apply to a building to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 7 applies.</p> <p>(4) In this section, freeway, tollway and transitway have the same meanings as they have in the Roads Act 1993.</p>		
<p>2.122 Traffic-generating development</p> <p>(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</p> <ul style="list-style-type: none"> (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. <p>(2) In this section, relevant size or capacity means—</p> <ul style="list-style-type: none"> (a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3. 	<p>Section 5.0 Section 7.6</p>	<p>Appendix H</p>

Statutory Requirement	Report / EIS	Technical Study
<p>(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—</p> <p>(a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and</p> <p>(b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</p> <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>(5) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.</p>		

State Environmental Planning Policy (Housing) 2021

Chapter 2 Affordable housing

<p>15. Requirement for imposition of conditions – the Act, s7.32(3)(a)</p> <p>Before imposing a condition under the Act, section 7.32, the consent authority must consider the following—</p> <p>(a) affordable housing must aim to create mixed and balanced communities,</p> <p>(b) affordable housing must be created and managed so that a socially diverse residential population, representative of all income groups, is developed and maintained in a locality,</p> <p>(c) affordable housing must be made available to very low, low and moderate income households, or a combination of the households,</p> <p>(d) affordable housing must be rented to appropriately qualified tenants and at an appropriate rate of gross household income,</p> <p>(e) land provided for affordable housing must be used for the purposes of the provision of affordable housing,</p> <p>(f) buildings provided for affordable housing must be managed to maintain their continued use for affordable housing,</p> <p>(g) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with other dwellings in the area.</p>	<p>Section 5.0</p>	<p>Appendix F</p>
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Statutory Requirement	Report / EIS	Technical Study
<p>Division 1 In-fill affordable housing</p>		
<p>16. <i>Affordable housing requirements for additional floor space ratio</i></p> <p>(1) <i>The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).</i></p> <p>(2) <i>The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i></p> <p>affordable housing component = $\frac{\text{additional floor space ratio}}{\text{(as a percentage)}} \div 2$</p> <p>(3) <i>If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</i></p> <p>(4) <i>This section does not apply to development on land for which there is no maximum permissible floor space ratio.</i></p>	Section 5.6.1	Appendix F
<p>18. <i>Affordable housing requirements for additional building height</i></p> <p>(1) <i>This section applies to development that includes residential development to which this division applies if the development—</i></p> <p>(a) <i>includes residential flat buildings or shop top housing, and</i></p> <p>(b) <i>does not use the additional floor space ratio permitted under section 16.</i></p> <p>(2) <i>The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).</i></p> <p>(3) <i>The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i></p> <p>affordable housing component = $\frac{\text{additional building height}}{\text{(as a percentage)}} \div 2$</p>	Section 5.6.1	Appendix F
<p>19. <i>Non-discretionary development standards—the Act, s 4.15</i></p> <p>(2) <i>The following are non-discretionary development standards in relation to the residential development to which this division applies—</i></p> <p>(a) <i>a minimum site area of 450m²,</i></p> <p>(b) <i>a minimum landscaped area that is the lesser of—</i></p> <p>(i) <i>35m² per dwelling, or</i></p> <p>(ii) <i>30% of the site area,</i></p> <p>(c) <i>a deep soil zone on at least 15% of the site area, where—</i></p>	Section 5.6.1	Appendix F

Statutory Requirement	Report / EIS	Technical Study
<p>(i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site, (d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter, (e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space, (f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces, (g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development, (h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide, (i) if paragraphs (g) and (h) do not apply, the following minimum floor areas— (i) for each dwelling containing 1 bedroom—65m², (ii) for each dwelling containing 2 bedrooms—90m², (iii) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms.</p>		
<p>20. Design requirements (1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low-Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy. (2) Subsection (1) does not apply to development to which Chapter 4 applies. (3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.</p>	Section 5.6.1	Appendix F
<p>21. Must be used for affordable housing for at least 15 years (1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</p>	Section 5.6.1	Appendix F

Statutory Requirement	Report / EIS	Technical Study
<p>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</p> <p>(b) the affordable housing component will be managed by a registered community housing provider.</p> <p>(2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</p>		
<p>22. Subdivision permitted with consent</p> <p>Land on which development has been carried out under this division may be subdivided with development consent.</p>	Section 5.6.1	Appendix F
<p>Chapter 3 Diverse Housing</p>		
<p>Part 3 Co-living Housing</p>		
<p>67. Co-living housing may be carried out on certain land with consent</p> <p>Development for the purposes of co-living housing may be carried out with consent on land in a zone in which—</p> <p>(a) development for the purposes of co-living housing is permitted under another environmental planning instrument, or</p> <p>(b) development for the purposes of residential flat buildings or shop top housing is permitted under Chapter 5 or another environmental planning instrument.</p>	Section 5.6.1	Appendix F
<p>68. Non-discretionary development standards—the Act, s 4.15</p> <p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of co-living housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>(2) The following are non-discretionary development standards in relation to development for the purposes of co-living housing—</p> <p>(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than—</p> <p>(i) the maximum permissible floor space ratio for residential accommodation on the land, and</p> <p>(ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,</p> <p>(b) for co-living housing containing 6 private rooms—</p> <p>(i) a total of at least 30m² of communal living area, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p> <p>(c) for co-living housing containing more than 6 private rooms—</p> <p>(i) a total of at least 30m² of communal living area plus at least a further 2m² for each private room in excess of 6 private rooms, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p>	Section 5.6.1	Appendix F

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<p>(d) communal open spaces—</p> <p>(i) with a total area of at least 20% of the site area, and</p> <p>(ii) each with minimum dimensions of 3m,</p> <p>(e) unless a relevant planning instrument specifies a lower number—</p> <p>(i) for development on land in an accessible area—0.2 parking spaces for each private room, or</p> <p>(ii) otherwise—0.5 parking spaces for each private room,</p> <p>(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,</p> <p>(g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.</p>		
<p>69. Standards for co-living housing</p> <p>(1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—</p> <p>(a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m² and not less than—</p> <p>(i) for a private room intended to be used by a single occupant—12m², or</p> <p>(ii) otherwise—16m², and</p> <p>(b) the minimum lot size for the co-living housing is not less than—</p> <p>(i) for development on land in Zone R2 Low Density Residential—600m², or</p> <p>(ii) for development on other land—800m², and</p> <p>(iii) (Repealed)</p> <p>(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing—</p> <p>(i) will not contain more than 12 private rooms, and</p> <p>(ii) will be in an accessible area, and</p> <p>(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and</p> <p>(e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and</p> <p>(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and</p> <p>(g) each private room will be used by no more than 2 occupants, and</p> <p>(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.</p>	<p>Section 5.6.1</p>	<p>Appendix F</p>

Statutory Requirement	Report / EIS	Technical Study
<p>(2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—</p> <p>(a) the front, side and rear setbacks for the co-living housing are not less than—</p> <p>(i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or</p> <p>(ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, and</p> <p>(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and</p> <p>(c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and</p> <p>(d), (e) (Repealed)</p> <p>(f) the design of the building will be compatible with—</p> <p>(i) the desirable elements of the character of the local area, or</p> <p>(ii) for precincts undergoing transition—the desired future character of the precinct.</p>		
<p>70. No subdivision</p> <p>Development consent must not be granted for the subdivision of co-living housing into separate lots.</p>	Section 5.6.1	Appendix F
Part 5 Housing for seniors and people with a disability		
<p>84. Development standards—general</p> <p>(1) This section applies to development for the purposes of seniors housing involving the erection of a building.</p> <p>(2) Development consent must not be granted for development to which this section applies unless—</p> <p>(a) the site area of the development is at least 1,000m², and</p> <p>(b) the frontage of the site area of the development is at least 20m measured at the building line, and</p> <p>(c) for development on land in a residential zone where residential flat buildings are not permitted—</p> <p>(i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and</p> <p>(ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and</p> <p>(iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.</p> <p>(3) The servicing equipment must—</p>	Section 5.6.1	Appendix F

Statutory Requirement	Report / EIS	Technical Study
<p>(a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and</p> <p>(b) be limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(c) not result in the building having a height of more than 11.5m.</p> <p>(4) Subsection (2)(a) and (b) do not apply to development if the development application is made by a social housing provider or Landcom.</p>		
<p>85. Development standards for hostels and independent living units</p> <p>(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.</p> <p>(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 5–13 and 15–21 if the development application is made by, or by a person jointly with, a social housing provider or Landcom.</p>	Section 5.6.1	Appendix F
<p>87. Additional floor space ratios</p> <p>(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if—</p> <p>(a) development for the purposes of a residential flat building or shop top housing is permitted on the land under Chapter 5 or another environmental planning instrument, or</p> <p>(b) the development is carried out on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.</p> <p>(2) Development consent may be granted for development to which this section applies if—</p> <p>(a) the site area of the development is at least 1,500m², and</p> <p>(b) the development will result in a building with the maximum permissible floor space ratio plus—</p> <p>(i) for development involving independent living units—an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or</p> <p>(ii) for development involving a residential care facility—an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or</p> <p>(iii) for development involving independent living units and residential care facilities—an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and</p> <p>(c) the development will result in a building with a height of not more than 3.8m above the maximum permissible building height.</p>	Section 5.6.1	Appendix F

Statutory Requirement	Report / EIS	Technical Study
<p>88. <i>Restrictions on occupation of seniors housing</i></p> <p>(1) <i>Development permitted under this Part may be carried out for the accommodation of only the following—</i></p> <p style="margin-left: 40px;">(a) <i>seniors or people who have a disability,</i></p> <p style="margin-left: 40px;">(b) <i>people who live in the same household with seniors or people who have a disability,</i></p> <p style="margin-left: 40px;">(c) <i>staff employed to assist in the administration and provision of services to housing provided under this Part.</i></p> <p>(2) <i>Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</i></p>	Section 5.6.1	Appendix F
<p>89. <i>Use of ground floor of seniors housing in business zones</i></p> <p>(1) <i>This section applies to a building used for the purposes of seniors housing on land in a business zone.</i></p> <p>(2) <i>Development consent must not be granted for development under this Part unless the part of the ground floor of the building that fronts a street will not be used for residential purposes.</i></p> <p>(3) <i>Subsection (2) does not apply to a part of a building that—</i></p> <p style="margin-left: 40px;">(a) <i>faces a service lane that does not require active street frontages, or</i></p> <p style="margin-left: 40px;">(b) <i>is used for 1 or more of the following purposes—</i></p> <p style="margin-left: 80px;">(i) <i>a lobby for a residential, serviced apartment, hotel or tenanted component of the building,</i></p> <p style="margin-left: 80px;">(ii) <i>access for fire services,</i></p> <p style="margin-left: 80px;">(iii) <i>vehicular access.</i></p> <p>(4) <i>Subsection (2) does not apply if another environmental planning instrument permits the use of the ground floor of the building for residential purposes.</i></p>	Section 5.6.1	Appendix F
<p>90. <i>Subdivision</i></p> <p>(1) <i>Development consent may be granted for the subdivision of land on which development has been carried out under this Part.</i></p> <p>(2) <i>Development consent must not be granted for the subdivision of a building resulting from development carried out under this Part on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.</i></p>	Section 5.6.1	Appendix F
<p>91. <i>Fire sprinkler systems in residential care facilities</i></p> <p>(1) <i>A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system.</i></p> <p>(2) <i>Development for the purposes of the installation of a fire sprinkler system in a residential care facility may be carried out with development consent.</i></p> <p>(3) <i>In this section—</i></p> <p><i>fire sprinkler system means a system designed to automatically control the growth and spread of fire that may include components like sprinklers, valves, pipework, pumps, boosters and water supplies.</i></p>	Section 5.6.1	Appendix F

Statutory Requirement	Report / EIS	Technical Study
Schedule 8 – Design principles for seniors housing		
<p>1 Neighbourhood amenity and streetscape <i>Seniors housing should be designed as follows—</i></p> <ul style="list-style-type: none"> <i>(a) to recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation,</i> <i>(b) to recognise the desirable elements of—</i> <ul style="list-style-type: none"> <i>(i) the location’s current character, or</i> <i>(ii) for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area,</i> <i>(c) to complement heritage conservation areas and heritage items in the area,</i> <i>(d) to maintain reasonable neighbourhood amenity and appropriate residential character by—</i> <ul style="list-style-type: none"> <i>(i) providing building setbacks to reduce bulk and overshadowing, and</i> <i>(ii) using building form and siting that relates to the site’s land form, and</i> <i>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and</i> <i>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours,</i> <i>(e) to set back the front building on the site generally in line with the existing building line,</i> <i>(f) to include plants reasonably similar to other plants in the street,</i> <i>(g) to retain, wherever reasonable, significant trees,</i> <i>(h) to prevent the construction of a building in a riparian zone.</i> 	Section 5.6.1	Appendix F
<p>2 Visual and acoustic privacy <i>Senior’s housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and all residents of the seniors housing by—</i></p> <ul style="list-style-type: none"> <i>(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and</i> <i>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</i> 	Section 5.6.1	Appendix F
<p>3 Solar access and design for climate <i>The design of seniors housing should—</i></p> <ul style="list-style-type: none"> <i>(a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and</i> <i>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</i> 	Section 5.6.1	Appendix F

Statutory Requirement	Report / EIS	Technical Study
<p>4 Stormwater <i>The design of seniors housing should aim to—</i></p> <ul style="list-style-type: none"> <i>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</i> <i>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</i> 	Section 5.6.1	Appendix F
<p>5 Crime prevention <i>Seniors housing should—</i></p> <ul style="list-style-type: none"> <i>(a) be designed in accordance with environmental design principles relating to crime prevention, and</i> <i>(b) provide personal property security for residents and visitors, and</i> <i>(c) encourage crime prevention by—</i> <ul style="list-style-type: none"> <i>(i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and</i> <i>(ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and</i> <i>(iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</i> 	Section 5.6.1	Appendix F
<p>6 Accessibility <i>Seniors housing should—</i></p> <ul style="list-style-type: none"> <i>(a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and</i> <i>(b) provide safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.</i> 	Section 5.6.1	Appendix F
<p>7 Waste management <i>Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.</i></p>	Section 5.6.1	Appendix F

Chapter 4 Design of residential apartment development

Statutory Requirement	Report / EIS	Technical Study
<p>142. Aims of chapter</p> <p>(1) The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes—</p> <p>(a) to ensure residential apartment development contributes to the sustainable development of New South Wales by—</p> <p>(i) providing socially and environmentally sustainable housing, and</p> <p>(ii) being a long-term asset to the neighbourhood, and</p> <p>(iii) achieving the urban planning policies for local and regional areas,</p> <p>(b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces,</p> <p>(c) to maximise the amenity, safety and security of the residents of residential apartment development and the community,</p> <p>(d) to better satisfy the increasing demand for residential apartment development, considering—</p> <p>(i) the changing social and demographic profile of the community, and</p> <p>(ii) the needs of a wide range of people, including persons with disability, children and seniors,</p> <p>(e) to contribute to the provision of a variety of dwelling types to meet population growth,</p> <p>(f) to support housing affordability,</p> <p>(g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions,</p> <p>(h) to facilitate the timely and efficient assessment of development applications to which this chapter applies.</p> <p>(2) This chapter recognises that the design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high quality design.</p>	Section 5.6.1	Appendix F
<p>144. Application of chapter</p> <p>(1) In this policy, development to which this chapter applies is referred to as residential apartment development.</p> <p>(2) This chapter applies to the following—</p> <p>(a) development for the purposes of residential flat buildings,</p> <p>(b) development for the purposes of shop top housing,</p> <p>(c) mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter.</p> <p>(3) This chapter applies to development only if—</p> <p>(a) the development consists of—</p> <p>(i) the erection of a new building, or</p> <p>(ii) the substantial redevelopment or substantial refurbishment of an existing building, or</p> <p>(iii) the conversion of an existing building, and</p>	Section 5.6.1	Appendix F

Statutory Requirement	Report / EIS	Technical Study
<p>(b) the building is at least 3 storeys, not including underground car parking storeys, and</p> <p>(c) the building contains at least 4 dwellings.</p> <p>(4) If particular development comprises development for the purposes specified in subsection (2) and development for other purposes, this chapter applies only to the part of the development for the purposes specified in subsection (2).</p> <p>(5) This chapter does not apply to development that involves only a class 1a or 1b building within the meaning of the Building Code of Australia.</p> <p>(6) To avoid doubt, development to which Chapter 2, Part 2, Division 1, 5 or 6 or Chapter 5 applies may also be residential apartment development under this chapter</p>		
<p>145. Referral to design review panel for development applications</p> <p>(1) This section applies to a development application for residential apartment development, other than State significant development.</p> <p>(2) Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.</p> <p>(3) This section does not apply if—</p> <p>(a) a design review panel has not been constituted for the local government area in which the development will be carried out, or</p> <p>(b) a competitive design process has been held.</p> <p>(4) In this section—</p> <p>competitive design process means a design competition held in accordance with the Design Competition Guidelines published by the Department in September 2023.</p>	Section 5.6.1	Appendix F
<p>147. Determination of development applications and modification applications for residential apartment development</p> <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> <p>(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,</p> <p>(b) the Apartment Design Guide,</p> <p>(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> <p>(2) The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority.</p> <p>(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</p> <p>(4) Subsection (1)(c) does not apply to State significant development.</p>	Section 5.6.1	Appendix F

Statutory Requirement	Report / EIS	Technical Study
<p>148. <i>Non-discretionary development standards for residential apartment development – the Act, s4.15</i></p> <p>(1) <i>The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i></p> <p>Note— <i>See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</i></p> <p>(2) <i>The following are non-discretionary development standards—</i></p> <ul style="list-style-type: none"> <i>(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</i> <i>(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,</i> <i>(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Gui</i> 	Section 5.6.1	Appendix F
<p>149. <i>Apartment design guide prevails over development control plans</i></p> <p>(1) <i>A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter—</i></p> <ul style="list-style-type: none"> <i>(a) visual privacy,</i> <i>(b) solar and daylight access,</i> <i>(c) common circulation and spaces,</i> <i>(d) apartment size and layout,</i> <i>(e) ceiling heights,</i> <i>(f) private open space and balconies,</i> <i>(g) natural ventilation,</i> <i>(h) storage.</i> <p>(2) <i>This section applies regardless of when the development control plan was made.</i></p>	Section 5.6.1	Appendix F
State Environmental Planning Policy (Planning Systems) 2021		
Part 2.2 State significant development		
<p>2.10 <i>Application of development control plans to State significant development</i></p> <p>(1) <i>Development control plans (whether made before or after the commencement of this Chapter) do not apply to—</i></p> <ul style="list-style-type: none"> <i>(a) State significant development, or</i> <i>(b) development for which a relevant council is the consent authority under section 4.37 of the Act.</i> 	Section 5.2 Section 5.6.1	-

Statutory Requirement	Report / EIS	Technical Study
<p>(2) A requirement of an environmental planning instrument that a development control plan be prepared before development consent can be granted to development does not apply to—</p> <p>(a) State significant development, or</p> <p>(b) development for which a relevant council is the consent authority under the Act, section 4.37.</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 style="padding-left: 40px;">(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 style="padding-left: 40px;">Note— The Act, Schedule 9 sets out the local government areas in each city in the Six Cities Region.</p> <p style="padding-left: 40px;">(ii) for development on other land—more than \$30 million, and</p> <p>(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.</p> <p>(1A) In determining the estimated development cost for subsection (1)(a), the estimated development cost of existing residential development must be included if—</p> <p>(a) the development will be carried out on the same land as the existing residential development, and</p> <p>(b) the development will result in—</p> <p style="padding-left: 40px;">(i) for development on land to which subsection (1)(a)(i) applies—at least 40 additional dwellings, or</p> <p style="padding-left: 40px;">(ii) for development on land to which subsection (1)(a)(ii) applies—at least 20 additional dwellings.</p> <p>(2) This section does not apply to—</p> <p>(a) development to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 4 applies, or</p> <p>(b) a development application made, but not finally determined, before the commencement of this section.</p> <p>(2A) This section, as in force immediately before the commencement of State Environmental Planning Policy Amendment (Housing) 2024, continues to apply to a development application made, but not finally determined, before the commencement.</p> <p>(2B) Subsection (1A) applies only if the development application for the development is made—</p> <p>(a) on or after 2 August 2024, and</p>	<p>Section 5.2</p>	

Statutory Requirement	Report / EIS	Technical Study
<p>(b) before 3 August 2025.</p> <p>(3) In this section— existing residential development means residential development in relation to which development consent was granted after 14 December 2021. residential development has the same meaning as in State Environmental Planning Policy (Housing) 2021, section 15B.</p>		
<p>28 Seniors housing</p> <p>(1) Development for the purposes of seniors housing if—</p> <p>(a) the seniors housing component has an estimated development cost of—</p> <p>(i) for development on land in the Greater Sydney region—more than \$30 million, or</p> <p>(ii) otherwise—more than \$20 million, and</p> <p>(b) the seniors housing component includes a residential care facility, and</p> <p>(c) other components of the proposed development are not prohibited on the land under an environmental planning instrument.</p> <p>(2) This section does not apply to development on land within the area of the City of Sydney</p>	Section 5.2	-
<p>State Environmental Planning Policy (Resilience and Hazards) 2021</p>		
<p>Chapter 4 Remediation of land</p>		
<p>4.6 Contamination and remediation to be considered in determining development application</p> <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>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p> <p>(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</p> <p>(4) The land concerned is—</p>	Section 5.6	Appendix EE

Statutory Requirement	Report / EIS	Technical Study
<p>(a) land that is within an investigation area,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>		

Ryde Local Environmental Plan 2014

Section 2.3 Zone objectives and land use table

<p>(1) Objectives of the MU1 Mixed Use Zone:</p> <ul style="list-style-type: none"> To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities. To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. To minimise conflict between land uses within this zone and land uses within adjoining zones. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities. To promote strong links between Macquarie University and research institutions and businesses in the Macquarie Park corridor. <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>	Section 5.6	-
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Section 4.3 Height of buildings

<p>(1) The objectives of this clause are as follows –</p> <p>(a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,</p> <p>(b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,</p> <p>(c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,</p>	Section 5.6	-
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Statutory Requirement	Report / EIS	Technical Study
<p>(d) to minimise the impact of development on the amenity of surrounding properties, (e) to emphasise road frontages along road corridors.</p> <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>		
Section 4.4 Floor space ratio		
<p>(1) The objectives of this clause are as follows –</p> <p>(a) to provide effective control over the bulk of future development, (b) to allow appropriate levels of development for specific areas, (c) in relation to land identified as a Centre on the Centres Map—to consolidate development and encourage sustainable development patterns around key public transport infrastructure.</p> <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>	Section 5.6	-
4.6 Exceptions to development standards		
<p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—</p> <p>(a.) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b.) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>(4) Development consent must not be granted for development that contravenes a development standard unless—</p> <p>(a.) the consent authority is satisfied that—</p> <ol style="list-style-type: none"> i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and <p>(b.) the concurrence of the Planning Secretary has been obtained.</p>	Section 5.6	Appendix D
Section 5.10 Heritage conservation		
<p>(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).</p>	Section 5.6	Appendix M

Statutory Requirement	Report / EIS	Technical Study
Section 5.21 Flood planning		
<p>(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—</p> <ul style="list-style-type: none"> (a.) is compatible with the flood function and behaviour on the land, and (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 (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 (d.) incorporates appropriate measures to manage risk to life in the event of a flood, and (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. 	<p>Section 5.6 Section 7.7</p>	<p>Appendix I</p>
Section 6.1 Acid Sulfate Soils		
<p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</p>	<p>Section 5.6</p>	<p>-</p>
Section 6.4 Stormwater management		
<p>(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development—</p> <ul style="list-style-type: none"> (a.) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b.) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and (c.) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact. 	<p>Section 5.6 Section 7.11</p>	<p>Appendix Q</p>
6.9 Development in Macquarie Park Corridor		
<p>(3) The consent authority may approve development with a height and floor space ratio that does not exceed the increased building height and floor space ratio identified on the Macquarie Park Corridor Precinct Incentive Height of Buildings Map and the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map, but only if the consent authority is satisfied that—</p> <ul style="list-style-type: none"> (a.) there will be adequate provision for recreation areas and an access network, and (b.) the configuration and location of the recreation areas will be appropriate for the recreational purposes of the precinct, and 	<p>Section 5.6.2 Section 5.6.3</p>	<p>Appendix D Appendix F</p>

Statutory Requirement	Report / EIS	Technical Study
<i>(c.) the configuration and location of the access network will allow a suitable level of connectivity within the precinct.</i>		