

Appendix D – Statutory Compliance Table

SSD-64916225 – Indigenous Centre of Excellence – Western Sydney University Parramatta South Campus

Statutory Requirement	Report / EIS	Technical Study
NSW Acts of Parliament		
Environmental Planning and Assessment Act 1979		
Section 1.3 Objects of the Act		
(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.	Section 5.5 Section 8.2.1	N/A
Section 4.15 Evaluation		
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— (a.) the provisions of— (i.) any environmental planning instrument, and	Section 5.0 & refer to the Environmental Planning Instruments presented further below.	-

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(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	N/A	N/A
(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	N/A	N/A
(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,	Section 5.0	N/A
(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 7.0 Section 8.4	
(c.) the suitability of the site for the development,	Section 8.5	-
(d.) any submissions made in accordance with this Act or the regulations	Public consultation is expected to be carried out by DPHI on the submitted development application. Any submissions received as a result are for DPHI's consideration in its assessment of the application against applicable plans and policies.	
(e.) the public interest	Section 8.6	-
Section 4.36 Development that is 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.	Section 5.1	N/A
Section 4.38 Consent for State significant development		
2) Development consent may not be granted if the development is wholly prohibited by an environmental planning instrument.	Section 5.2	N/A
Section 4.41 Approvals etc legislation that does not apply		

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<p>1) The following authorisations are not required for State significant development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply)—</p> <ul style="list-style-type: none"> (a) (Repealed) (b) a permit under section 201, 205 or 219 of the Fisheries Management Act 1994, (c) an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977, (d) an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974, (e) (Repealed) (f) a bush fire safety authority under section 100B of the Rural Fires Act 1997, (g) a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the Water Management Act 2000. 	Section 5.3	N/A
Section 4.42 Approvals etc legislation that must be applied consistently		
<p>1) An authorisation of the following kind cannot be refused if it is necessary for carrying out State significant development that is authorised by a development consent under this Division and is to be substantially consistent with the consent—</p> <ul style="list-style-type: none"> (a) an aquaculture permit under section 144 of the Fisheries Management Act 1994, (b) an approval under the Coal Mine Subsidence Compensation Act 2017, section 22, (c) a mining lease under the Mining Act 1992, (d) a production lease under the Petroleum (Onshore) Act 1991, (e) an environment protection licence under Chapter 3 of the Protection of the Environment Operations Act 1997 (for any of the purposes referred to in section 43 of that Act), (f) a consent under section 138 of the Roads Act 1993, (g) a licence under the Pipelines Act 1967. 	Section 5.3	N/A
Biodiversity Conservation Act		
<p>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.</p>	Section 5.4	Appendix DD
<p>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—</p> <ul style="list-style-type: none"> (a.) is required to take those impacts into consideration, and (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 		
NSW EPIs		
State Environmental Planning Policy (Transport and Infrastructure) 2021		

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<p>Section 2.48 – Determination of Development Applications – other development</p> <p>(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</p> <ul style="list-style-type: none"> (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower, (b) development carried out— <ul style="list-style-type: none"> (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or (ii) immediately adjacent to an electricity substation, or (iii) within 5m of an exposed overhead electricity power line, (c) installation of a swimming pool any part of which is— <ul style="list-style-type: none"> (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool, (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned. <p>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</p> <ul style="list-style-type: none"> (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and (b) take into consideration any response to the notice that is received within 21 days after the notice is given. 	<p>Section 5.4</p>	<p>Appendix O</p>
<p>Section 2.119 – Development with frontage to classified road</p> <p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</p> <ul style="list-style-type: none"> (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— <ul style="list-style-type: none"> (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road. 	<p>Section 5.4 Section 7.11</p>	<p>Appendix S</p>
<p>Section 2.120 – Impact of road noise or vibration on non-road development</p> <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>Section 5.4 Section 7.13</p>	<p>Appendix JJ</p>

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<p>Section 2.122 – Traffic generating development</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>	<p>Section 5.4</p>	<p>Appendix S</p>
State Environmental Planning Policy (Resilience and Hazards) 2021		
<p>Section 3.12 Matters for consideration by consent authorities</p> <p>In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development)—</p> <p>a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and</p> <p>b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and</p> <p>c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and</p> <p>d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and</p> <p>e) any likely future use of the land surrounding the development.</p>	<p>Section 5.5</p>	
<p>Section 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>Section 5.4 Section 7.17</p>	<p>Appendix L Appendix M</p>
State Environmental Planning Policy (Industry and Employment) 2021		

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<p>3.6 Granting of consent to signage A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—</p> <ul style="list-style-type: none"> a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5. 	Section 5.4	
Parramatta Local Environmental Plan 2023		
<p>Clause 2.3 – Zone Objectives and Land Use Table (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 5.5	N/A
<p>Clause 4.3 – Height of Buildings (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 5.5	N/A
<p>Clause 4.4 – Floor Space Ratio (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 <i>Floor Space Ratio Map</i>.</p>	Section 5.5	N/A
<p>Clause 5.10 - Heritage Conservation (2) Requirement for consent Development consent is required for any of the following—</p> <ul style="list-style-type: none"> a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— <ul style="list-style-type: none"> i. a heritage item, ii. an Aboriginal object, iii. a building, work, relic or tree within a heritage conservation area, b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, d) disturbing or excavating an Aboriginal place of heritage significance, e) erecting a building on land— <ul style="list-style-type: none"> i. on which a heritage item is located or that is within a heritage conservation area, or ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, 	Section 5.5 Section 7.7	Appendix Z Appendix AA Appendix BB

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<p>Clause 5.21 – Flood Planning</p> <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 5.5 Section 7.17</p>	<p>Appendix K</p>
<p>Clause 6.1 - Acid sulfate soils</p> <p>1) The objective of this clause is to ensure development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	<p>Section 5.5</p>	<p>Appendix L Appendix M</p>
<p>Clause 6.2 - Earthworks</p> <p>1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> a) to ensure earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, b) to allow earthworks of a minor nature without requiring separate development consent. 	<p>Section 5.5</p>	<p>Appendix Q</p>
<p>Clause 6.3 – Biodiversity</p> <p>3) In deciding whether to grant development consent to development on the land, the consent authority must consider—</p> <ul style="list-style-type: none"> a) whether the development is likely to have— <ul style="list-style-type: none"> i. an adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and ii. an adverse impact on the importance of the vegetation and habitat elements on the land to the survival of native fauna, and iii. the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and iv. an adverse impact on the habitat elements providing connectivity on the land, and v. an adverse impact on the habitat of threatened species, populations or ecological communities, and b) appropriate measures proposed to avoid, minimise or mitigate adverse impacts of the development. 	<p>Section 5.5 Section 8.2</p>	<p>Appendix DD</p>

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<p>Clause 6.4 – Riparian land and waterways</p> <p>3) In deciding whether to grant development consent to development on the land, the consent authority must consider—</p> <ul style="list-style-type: none"> a) whether the development is likely to have an adverse impact on the following— <ul style="list-style-type: none"> i. the water quality and flows in the waterway, ii. the quality, flows and capacity of groundwater systems, iii. aquatic and riparian species, habitats and ecosystems of the waterway, iv. the stability of the bed and banks of the waterway, v. the free passage of fish and other aquatic organisms in or along the waterway, vi. future rehabilitation of the waterways and riparian areas, and b) whether the development is likely to increase water extraction from the waterway, and c) appropriate measures to avoid, minimise or mitigate the impacts of the development. 	<p>Section 5.5</p>	<p>Appendix K</p>
<p>Clause 6.5 – Stormwater management</p> <p>2) Development consent must not be granted to development unless the consent authority is satisfied the development—</p> <ul style="list-style-type: none"> a) is designed to maximise the use of water permeable surfaces, having regard to the soil characteristics affecting on-site infiltration of water, and b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and land used for water-based recreation or, if the impacts cannot be reasonably avoided, minimises and mitigates the impacts 	<p>Section 5.5</p>	<p>Appendix Q</p>
<p>Clause 6.6 – Foreshore area</p> <p>2) Development consent must not be granted to development on land in the foreshore area except for the following purposes—</p> <ul style="list-style-type: none"> a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, b) the erection of a building on a site in the foreshore area if the levels, depth or other exceptional features of the site make it appropriate to grant development consent, c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors). 	<p>Section 5.5</p>	<p>N/A</p>
<p>Clause 7.17 – Car parking – general</p> <p>1) This clause applies to development—</p> <ul style="list-style-type: none"> a) involving a land use specified in the table to subclause (2) if the development includes a car parking space that is ancillary to the land use, and b) that is not on land identified as “Area A” on the Special Provisions Area Map. 	<p>Section 5.5</p>	<p>Appendix S</p>