

Appendix G – Statutory Compliance Table

SSD-74509208 – 1 Art Gallery Road, Campbelltown

Statutory Requirement	Report/EIS	Technical Study
Commonwealth Acts of Parliament		
Environmental Protection and Biodiversity Conservation Act 1999		
Section 136 General Considerations		
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: (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; (b) economic and social matters.	Section 4.3, Section 7.3	N/A
2) In considering those matters, the Minister must take into account: (a) the principles of ecologically sustainable development; and (b) the assessment report (if any) relating to the action	Section 7.2.2	Appendix K
Section 139 Requirements for decisions about threatened species and endangered communities		
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: (a) Australia's obligations under: i. the Biodiversity Convention; or ii. the Apia Convention; or iii. CITES; or (b) a recovery plan or threat abatement plan.	Section 7.2, Section 7.3	N/A

Statutory Requirement	Report/EIS	Technical Study
2) If: (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 (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; 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.	N/A	N/A
NSW Acts of Parliament		
Environmental Planning and Assessment Act 1979		
Section 1.3 Objects of the Act		
The objects of this Act are as follows— (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 promote the supply, delivery and maintenance of housing, including affordable housing, (c) to promote productivity through the development and management of the State and its resources, (d) to protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats, (e) to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention, (f) to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage, (g) to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings, (h) to provide opportunities for participation in environmental planning and assessment, (i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	Section 4.5; Section 7.3.1	N/A

Statutory Requirement	Report/EIS	Technical Study
(j) to promote a proportionate and risk-based approach to environmental planning and assessment, (k) to promote the orderly and economic use and development of land.		
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—	Section 4.5 & refer to the Environmental Planning Instruments presented further below.	N/A
(a) the provisions of— i. any environmental planning instrument, and		
ii. any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Section 4.5	-
iii. any development control plan, and	Section 4.5	Appendix G
- 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	Section 6.13	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 4.5	-
(b) the significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Section 6.0; Section 7.5	-
(c) the suitability of the site for the development,	Section 7.6	-
(d) any submissions made in accordance with this Act or the regulations,	Public consultation is expected to be carried out by the Department of Planning, Housing and Infrastructure (Department) on the submitted SSDA. Any submissions received as a result are for the Department's consideration in its	

Statutory Requirement	Report/EIS	Technical Study
	assessment of the application against applicable plans and policies.	
(e) the public interest.	Section 7.7	-
Environmental Planning and Assessment Regulation 2021		
Part 8 – Infrastructure and Environmental Impact Assessment		
Part 8 of the Environmental Planning and Assessment Regulation 2021 include relevant statutory requirements under: • Division 2 Environmental assessment requirements for State significant development, designated development and activities • Division 5 Environmental Impact Statements.	The EIS has been prepared to address the relevant provisions under Part 8 of the Environmental Planning and Assessment Regulation 2021.	
Biodiversity Conservation Act 2016		
2) 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 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 4.2	-
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— 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	Section 4.2	-

Statutory Requirement	Report/EIS	Technical Study
NSW EPIs		
State Environmental Planning Policy (Transport and Infrastructure) 2021		
Section 2.48 Determination of development applications – other development		
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— (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— 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— 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. 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— (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.	Section 4.4	Appendix J

Statutory Requirement	Report/EIS	Technical Study
Section 2.122 Traffic-generating development		
4) Before determining a development application for development to which this section applies, the consent authority must— (a) give written notice of the application to TfNSW within 7 days after the application is made, and (b) take into consideration— 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 ii. the accessibility of the site concerned, including— (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (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 iii. any potential traffic safety, road congestion or parking implications of the development. 5) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.	Section 4.4	Appendix E
State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)		
Section 2.6 Declaration of State Significant Development (1) Development is declared to be State significant development for the purposes of the Act if – (a) The development on the land concerned is, by operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) The development is specified in Schedule 1 or 2	The proposed development is declared state significant development as it is a form of development specified in Schedule 1 of the Planning System SEPP. Specifically, it is development for the purpose of an information and education facility and has an estimated development cost of more than \$30 million.	
Schedule 1 State significant development – general		
13 Cultural, recreation and tourist facilities		
(1) Development that has an estimated development cost of more than \$30 million for any of the following purposes—		

Statutory Requirement	Report/EIS	Technical Study
(d) information and education facilities, including art galleries		
2.10 Application of development control plans to State significant development (1) Development control plans (whether made before or after the commencement of this Chapter) do not apply to - (a) State significant development		It is recognised that the Campbelltown Development Control Plan 2015 (Campbelltown DCP) does not apply by virtue of Section 2.10. Nevertheless, the Campbelltown DCP has been considered in Appendix G.

Statutory Requirement	Report/EIS	Technical Study
State Environmental Planning Policy (Resilience and Hazards) 2021		
Section 4.6 Contamination and remediation to be considered in determining development application		
1) A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. 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. 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.	Section 4.4	Appendix I
State Environmental Planning Policy (Sustainable Buildings) 2022		
Section 3.2 Development consent for non-residential development		
1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following— (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials, (b) a reduction in peak demand for electricity, including through the use of energy efficient technology, (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,	Section 4.5	Appendix K

Statutory Requirement	Report/EIS	Technical Study
(d) the generation and storage of renewable energy, (e) the metering and monitoring of energy consumption, (f) the minimisation of the consumption of potable water. 2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.		
Campbelltown Local Environmental Plan 2015		
Section 5.10 Heritage conservation		
1) Objectives The objectives of this clause are as follows— (a) to conserve the environmental heritage of Campbelltown, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance. 2) Requirement for consent Development consent is required for any of the following— (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)— 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— 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 4.5	Appendix P Appendix V

Statutory Requirement	Report/EIS	Technical Study
(f) subdividing land— 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. 3) When consent not required However, development consent under this clause is not required if— (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development— i. is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and ii. would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or (b) the development is in a cemetery or burial ground and the proposed development— i. is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and ii. would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or (d) the development is exempt development. 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). 5) Heritage assessment The consent authority may, before granting consent to any development— (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),		

Statutory Requirement	Report/EIS	Technical Study
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. 6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause. 7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)— (a) notify the Heritage Council of its intention to grant consent, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent. 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— (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 (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. 9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item— (a) notify the Heritage Council about the application, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent. 10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that— (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and		

Statutory Requirement	Report/EIS	Technical Study
(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.		

Section 5.21 Flood planning		
1) The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood. 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— (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. 3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change,	Section 4.5	Appendix L

Statutory Requirement	Report/EIS	Technical Study
(b) the intended design and scale of buildings resulting from the development, (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, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion. 4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause. 5) In this clause— Considering Flooding in Land Use Planning Guideline means the Considering Flooding in Land Use Planning Guideline published on the Department’s website on 14 July 2021. flood planning area has the same meaning as it has in the Flood Risk Management Manual. Flood Risk Management Manual means the Flood Risk Management Manual, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.		
Section 7.1 Earthworks		
1) The objective of this clause is to ensure that 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. 2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given. 3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material,	Section 4.5	Appendix M

Statutory Requirement	Report/EIS	Technical Study
(f) the likelihood of disturbing relics,		
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,		
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		

Campbelltown Development Control Plan 2015

Table 1 *Project Consistency with Campbelltown DCP 2015*

Section	Comment	Complies
Part 2 Requirements Applying to all Types of Development		
2.3 Views and Vistas	The proposed development appropriately responds to Campbelltown's important views and vistas, and importantly, is considerate of surrounding heritage items. Built form reorientation also allows for the opportunity to create new view/vista corridors to and from Campbelltown City Centre as detailed in the Design Report at Appendix C .	✓
2.4 Sustainable Building Design	The proposed development aligns with sustainable building design, considering energy consumption, solar power and water recycling. Further discussion is provided in the ESD Report and Net Zero Statement at Appendix K .	✓
2.5 Landscaping	The proposed landscaping seeks to provide elements that enhance the proposed development and existing character of the area, retaining and enhancing the existing native flora and fauna characteristics of the site where feasible. Further discussion is provided in the Landscape Drawings at Appendix F .	✓
2.7 Erosion and Sediment Control	The proposed development will ensure appropriate erosion and sediment controls are in place, as detailed in the Geotechnical Report at Appendix M .	✓
2.8 Cut, Fill and Floor Levels	The proposed development will respond appropriately to site conditions, with minimal excavation and surface water and flood levels managed appropriately. Further discussion is provided in the Geotechnical Investigation at Appendix M .	✓
2.9 Demolition	Proposed demolition works will ensure no adverse impacts and will be undertaken in accordance with the relevant Australian Standards. Further detail of the proposed demolition is provided in the Architectural Drawings at Appendix A .	✓
2.10 Water Cycle Management	The proposal will ensure that appropriate water cycle management is maintained on-site, as detailed in the Integrated Water Management Plan at Appendix X .	✓
2.11 Heritage Conservation	The Site is not identified as a heritage item, nor does it lie within a heritage conservation area. Notwithstanding this, the proposal will ensure that the new development will take appropriate account of proximate heritage items, promoting protection and conservation where possible. Further discussion is provided in the Heritage Impact Statement and Aboriginal Cultural Heritage Assessment Report at Appendix V and Appendix P .	✓

2.13 Security	The proposal will ensure that appropriate safety and crime prevention measures are integrated into the development, as detailed in the CPTED report provided at Appendix U . The proposal will be bolstered by suitable lighting, landscaping, access and surveillance measures.	✓
2.14 Risk Management	The proposal will ensure that hazards are appropriately addressed where relevant to the Site. As such, a Hazards and Risk Review has been prepared and is provided at Appendix CC , to minimise any risks.	✓
2.15 Waste Management	The proposal will include waste systems that are commensurate to the increased Arts Centre capacity, with appropriate storage, management, disposal and access procedures as detailed in the Operational Waste Management Plan and Construction and Demolition Waste Management Plan at Appendix GG and Appendix HH .	✓
2.16 Provision of Services	The proposal will ensure that the expanded Arts Centre facilities will have access to adequate water and power supply, with appropriate ongoing functioning of on-site sewage systems. Further detail is provided in the Infrastructure and Utilities Report and Hydraulic Services IWMP at Appendix J and Appendix Y .	✓
2.20 Acoustic Privacy	A Noise and Vibration Report has been prepared at Appendix S and confirms that the proposal will achieve reasonable standards of residential amenity and safety, ensuring that any adverse noise and vibration impacts are appropriately mitigated during construction and operation stages.	✓
Part 6 Commercial Development		
6.4 General Requirements for Commercial Development	The proposal delivers a contemporary civic building with articulated form, varied materiality and a clear public entry, strengthening the visual presence of the Campbelltown Arts Centre and contributing positively to the surrounding streetscape and public domain. Car parking, servicing and ancillary functions are integrated so they do not dominate the site's presentation, with further detail provided in the Architectural Drawings and Architectural Design Report at Appendices A and C , respectively.	✓
Building Form and Character		
Car parking and Access	The proposal provides a reconfigured at-grade parking and access arrangement that supports safe, legible and efficient movement for vehicles, pedestrians and service vehicles, while maintaining strong access to the broader public transport and bus network. The proposed car parking and entry arrangements will leverage existing Site conditions and maintain appropriate siting, design and construction. The layout is intended to accommodate operational demand in a functional manner and minimise conflict between public, service and event-related movements, as detailed in the Transport and Accessibility Impact Assessment at Appendix E .	✓
Public Domain	The proposal enhances and better integrates with the public domain through a more prominent and welcoming arrival sequence, improved pedestrian legibility, upgraded outdoor interfaces and incorporation of public art opportunities as part of the renewed cultural precinct. This approach reinforces the Centre's civic role and supports day-to-day activation, gathering and community use, with relevant detail in Appendices A and C .	✓
Landscaping	The landscape strategy retains key existing landscape assets, including the Japanese Garden, and introduces new planting and outdoor spaces that soften built form, improve amenity and strengthen the site's connection to	✓

	surrounding parklands and public areas. Landscaping is scaled to the development and is intended to provide shade, visual relief and a high-quality setting for the expanded Arts Centre, as shown in the Landscape Drawings at Appendix F .	
Residential Interface	The proposal has been designed to manage its interface with nearby residential and other sensitive uses through considered siting, separation of public and back-of-house functions, and mitigation of amenity impacts associated with servicing, lighting and operations. Given the presence of nearby seniors housing and other sensitive receivers, acoustic and operational impacts have been assessed through the EIS and supporting technical studies, including the Noise and Vibration Report at Appendix S .	✓
6.7 Commercial Waste Management	As noted in response to the provisions of Section 2.15 , the proposal will ensure the delivery of appropriate facilities for storage and collection of commercial waste and minimise adverse impacts on the amenity of all users on site. Further detail is provided in the Operational Waste Management Plan and Construction and Demolition Waste Management Plan at Appendix GG and Appendix HH .	✓