

Appendix B – Statutory Compliance Table

| Statutory Requirement | Location | Comment |
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| Commonwealth Acts of Parliament | | |
| Environmental Protection and Biodiversity Conservation Act | | |
| 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. | EIS Section 5.0 | There are a number of positive social and economic impacts and benefits of the proposed development as outlined in the EIS. |
| 2) In considering those matters, the Minister must take into account: (a.) the principles of ecologically sustainable development; and | EIS Section 7.10 EIS Section 8.5 ESD Report (Appendix Y) | The proposal exhibits consistency against the principles of ESD. |
| (b.) the assessment report (if any) relating to the action | N/A | N/A |
| 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. | EIS Section 5.0 | Noted. |
| 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 | EIS Section 5.0 EIS Section 7.11 Streamlined BDAR (Appendix AA) | The proposal will not have a significant impact on any threatened species or ecological communities. |
| NSW Acts of Parliament | | |
| Environmental Planning and Assessment Act 1979 | | |
| Section 1.3 Objectives 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, | EIS Section 5.0 | The proposal is consistent with the objectives of the EP&A Act. |

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| (j.) to provide increased opportunity for community participation in environmental planning and assessment. | | |
| 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 | EIS Section 5.0 | As outlined below, the proposal has been assessed against all applicable EPIs and is generally compliant. |
| (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 | N/A | N/A |
| (iii.) any development control plan, and | EIS Section 5.0 | As per Section 2.10(1)(a) of the Planning Systems SEPP, Development Control Plans (DCPs) do not apply to SSDAs. Notwithstanding, some aspects of the Pittwater DCP 2021 have informed the design approach of the site. |
| (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 | 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, | N/A | 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 | EIS Section 5.0 EIS Section 7.0 | The EIS has considered all potential environmental impacts of the proposed development. The assessment concluded that the proposed development will not result in any adverse impacts and where any impacts are posed, mitigation measured have been identified. |
| (c.) the suitability of the site for the development, | EIS Section 8.6 | The proposed development is entirely suitable for the site. |
| (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 Error! Reference source not found. | The proposal will deliver significant public benefit that aligns with the public interest. |
| Biodiversity Conservation Act | | |
| 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 | EIS Section 5.0 Streamlined BDAR (Appendix AA) | A Streamlined BDAR has been prepared, confirming the proposed development is not expected to have any adverse impacts on biodiversity values. |

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| <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> <p>(a.) is required to take those impacts into consideration, and</p> <p>(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</p> | <p>EIS Section 7.11</p> <p>Streamlined BDAR (Appendix AA)</p> | <p>A Streamlined BDAR has been prepared, confirming the proposed development is not expected to have any adverse impacts on biodiversity values.</p> |
| <p>NSW EPIs</p> | | |
| <p>State Environmental Planning Policy (Housing) 2021</p> | <p>EIS Section 5.0</p> <p>Architectural Design Report (Appendix J)</p> <p>Seniors Housing Design Guide Report (Appendix K)</p> <p>Clause 4.6 Variation Requests (Appendix E and F)</p> | <p>An assessment against Chapter 3 Part 5 of the SEPP has been undertaken, which the proposal is generally consistent with. Clause 4.6 Variation Requests have been provided against section (2)(c)(i) and (2)(c)(iii) demonstrating the proposal, notwithstanding minor non-compliances, achieves the relevant objectives of the SEPP and does not have any adverse environmental impacts.</p> |
| <p>State Environmental Planning Policy (Biodiversity and Conservation) 2021</p> | <p>EIS Section 5.0</p> <p>Streamlined BDAR (Appendix AA)</p> | <p>An assessment has been undertaken against Chapter 4. The site does not meet the definition of 'core koala habitat'.</p> |
| <p>State Environment Planning Policy (Transport and Infrastructure) 2021</p> | <p>Section 5.0</p> <p>Traffic and Parking Assessment (Appendix P)</p> | <p>An assessment has been undertaken against Section 2.122. The proposal does not meet the definition of 'traffic generating development'.</p> |
| <p>State Environmental Planning Policy (Planning Systems) 2021</p> | <p>Section 5.0</p> | <p>The proposal is classified as an SSDA by way of schedule 1, section 28 of the SEPP.</p> |
| <p>State Environment Planning Policy (Resilience and Hazards) 2021</p> | <p>Section 5.0</p> <p>Preliminary Site investigation (Appendix V)</p> <p>Streamlined BDAR (Appendix AA)</p> | <p>An assessment has been undertaken against Chapters 2, 3 and Chapter 4. The proposal complies with all relevant provisions.</p> |
| <p>State Environmental Planning Policy (Sustainable Buildings) 2022</p> | <p>Section 5.0</p> <p>ESD Report (Appendix Y)</p> | <p>The development will meet and exceed industry benchmarks and schemes, as well as reduce emissions and consumption of energy.</p> |
| <p>Pittwater Local Environmental Plan 2014</p> | <p>Section 5.0</p> <p>Clause 4.6 Variation Request Height of Buildings (Appendix E)</p> | <p>The proposal is generally consistent with the LEP, notwithstanding a minor non-compliance against the height of buildings standard. A Clause 4.6 Variation Request has been provided demonstrating the proposal, notwithstanding minor non-compliance, achieves the relevant objectives of the control and does not have</p> |

any adverse environmental impacts.