

Appendix B – Statutory Compliance Table

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
Environmental Planning and Assessment Act 1979			
1.3 Objects of 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,	The proposed development will benefit the community by providing high-quality affordable and private market housing on the site. The proposal will address a growing and critical need for residential development and contribute to alleviating the existing housing crisis in metropolitan Sydney and NSW.	Throughout EIS
	(b) To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposed development is informed by the principles of ecologically sustainable development. Under the existing approved consents, the site will deliver a commercial premises, which will generate a small number of jobs on the fringe of the emerging Tallawong town centre. The proposal will address a critical requirement for affordable housing, with a provision of 70 new affordable dwellings on the site.	Appendix K
	(c) To promote the orderly and economic use and development of land,	The proposed development will promote the orderly and economic use and development of land. The proposal is located within a designated growth area identified for residential development and is a permissible and anticipated development outcome within the R3 zone.	Throughout EIS

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	(d) To promote the delivery and maintenance of affordable housing,	70 new affordable dwellings (over 17% of the total dwelling yield) will be provided by the development. The affordable housing will be maintained for a period of at least 15 years and will be managed by a registered Community Housing Provider, consistent with the requirements of Chapter 2, Part 2, Division 1 of <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP).	Throughout EIS
	(e) To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposed development is situated on bio-certified land.	Appendix G
	(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is not expected to result in impacts on Aboriginal or historical archaeological or cultural heritage values, noting the disturbed nature of the site. The proposed development will not impact any built heritage items, noting that there are no such items on or in the vicinity or visual catchment of the site.	Appendix X Appendix O Appendix V
	(g) to promote good design and amenity of the built environment,	The design of development includes high-quality architectural finishes and site-wide landscaping, including generous common open space areas. The residential units meet or exceed relevant ADG amenity criteria, including with respect to solar access, cross-ventilation, and visual privacy. Setbacks have been provided to buildings in line with ADG requirements.	Appendix F Appendix Y

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		The proposed development will not generate unreasonable overshadowing impacts on neighbouring properties to the south. The development will incorporate ESD measures including	
	(j) to provide increased opportunity for community participation in environmental planning and assessment.	Stakeholder engagement has been undertaken in the preparation of this SSDA, outlined in the Engagement Outcomes Report.	Appendix J
4.15 Evaluation (1) Matters for consideration	Environmental planning instruments	The following EPIs apply to the proposed development: ▪ <i>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</i> ▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)</i> ▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</i> ▪ <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP)</i> ▪ <i>State Environmental Planning Policy (Sustainable Buildings) 2022 (SB SEPP)</i> ▪ <i>State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</i> ▪ <i>State Environmental Planning Policy (Precincts—Central River City) 2021 (CRC SEPP)</i> Refer to SEPP compliance assessment, below.	This document

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	Draft environmental planning instruments	None applicable to the site or the development.	N/A
	Development control plan	Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (amended March 2022) is the DCP which applies to the land. Clause 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of the Policy) do not apply to state significant development. Notwithstanding, relevant considerations of the Blacktown Growth Centre Precincts DCP are addressed as part of this SSDA.	Appendix C
	Planning agreement	None applicable to the development.	N/A
	The regulations	This EIS has been prepared in accordance with Part 8 of the <i>Environmental Planning and Assessment Regulation 2021</i> .	N/A
	Likely impacts	The likely impacts of the development including the environmental impacts on the natural and built environments, and social and economic impacts on the locality are assessed in detail within the EIS.	Throughout EIS
	Suitability of the site	The suitability of the site for the proposed development is demonstrated in the EIS.	EIS
	Submissions	Submissions will be considered following exhibition of the application.	N/A
	The public interest	The proposal is in the public interest as it will facilitate the delivery of additional affordable and private market dwellings on a highly accessible site located near transport infrastructure and within an identified growth area.	N/A

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Environmental Planning and Assessment Regulation 2021			
66 Contributions plans for certain areas in Sydney—the Act, s 4.16(1)	Under Section 66 of the EP&A Regulation, a development application for development on land in a residential zone under a Precinct Plan in the CRC SEPP must not be determined by the consent authority unless a contributions plan has been approved for the land.	Development on the land is subject to the Western Sydney Growth Areas Special Infrastructure Contribution (SIC) which is created under the EP&A Act. There are operative 7.11 Contribution Plans relative to this area which satisfy the requirements of the Regulations.	N/A
Part 8 Infrastructure and Environmental Impact Assessment	Part 8 of the Regulations sets out the application requirements for SSD applications.	This SSD has been prepared in accordance with the requirements of Part 8 of the Regulations.	N/A
Biodiversity Conservation Act 2016			
7.14 State significant development or infrastructure	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under the BC Act the likely impact of the proposed development on biodiversity values.	The site is located in the north-west Sydney Growth Area and on bio-certified land. The proposal is consistent with the conditions of the biodiversity certification order and accordingly no additional biodiversity assessment is required.	
State Environmental Planning Policy (Planning Systems) 2021			

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Schedule 1(26A) In-fill affordable housing	Clause 26A of Schedule 1 of the Planning Systems SEPP provides that development for the purpose of infill affordable housing is classified as SSD if: - It relates to development to which Chapter 2, Part 2, Division 1 of the Housing SEPP applies - The development relates to residential development with an estimated development cost of more than \$75m; and - The development does not pertain to development that is prohibited under an EPI.	The proposed development: - Relates to development to which Chapter 2, Part 2, Division 1 of the Housing SEPP applies, - Will have an EDC of \$79,199,519 (Exc. GST), and - Is permitted with consent under the CRC SEPP which is the primary EPI applying to the site.	Appendix L
State Environmental Planning Policy (Resilience and Hazards) 2021			
4.6 Contamination and remediation to be considered in determining development application	Under Section 4.6(1) of the R&H SEPP, the consent authority must be 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.	The PSI submitted with this SSDA did not identify any current or historical contaminating activities at the site, notwithstanding the presence of potential contamination including: The use hazardous building materials containing asbestos containing material, lead-based paints and polychlorinated biphenyls	Appendix S

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		▪ Dumped waste materials (timber, metal, plastics and paper) across various areas of the site potentially containing contaminants of potential concern The PSI finds that the site presents a low to medium risk of contamination. However, it is noted that the demolition of the existing structures on the site will be carried out prior to consent being granted for this SSDA (subject to a separate, activated consent) and that excavation will take place to facilitate the basement levels for carparking, thereby removing the potential contamination sources identified in the PSI. As such, the PSI concludes that the identified potential contamination sources will not preclude the site from the future development as proposed by this SSD and the activated previous consents. Notwithstanding this finding, the PSI includes the following recommendations as part of the removal of potential contamination sources: ▪ A hazardous materials building survey to determine the presence of ACM in building materials and inform any management controls required during demolition and redevelopment. ▪ A hazardous building material inspection of the waste materials (timber, metal, plastics, and paper) observed across the site surface and investigation of the underlying fill material prior to commencement of the earthworks program to quantify the extent of fill and assess the potential contamination risk to site	

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		workers during works and to classify the material for off-site disposal.	
State Environmental Planning Policy (Precincts—Central River City) 2021 – Appendix 11 Blacktown Growth Centres Precinct Plan			
Part 2 Permitted or prohibited development	The land is zoned R3 Medium Density Residential under the CRC SEPP.	The proposed development comprises the construction of 1x shop-top housing building and 5x residential flat buildings on the site. These uses are permitted with consent on land zoned R3 under the provisions of the CRC SEPP. The proposed development is entirely consistent with the objectives of the R3 zone, for the following reasons: ▪ The project will provide for the housing needs of the community within a medium-density residential environment comprising 6x 5-storey buildings, ▪ The proposal will deliver 70 new affordable dwellings as part of the development (equating to over 17% of the total dwelling yield), enhancing housing choice and equity within this key growth precinct, ▪ The proposal will retain the commercial tenancy at Building A, as previously approved, which will provide services to meet the day-to-day needs of residents.	Appendix F
4.1AB Minimum lot sizes for residential development in Zone R2 Low Density Residential	The proposed development contemplates the construction of residential flat buildings on the site. The CRC SEPP provides a	Subdivision works on the site will be carried out as part of the existing, activated consents. It is noted that the following lot sizes and dwelling yields will be delivered as part of the development, in exceedance of the minimum requirements:	EIS

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and Zone R3 Medium Density Residential	minimum density requirement of 25 dwellings / 2,000sqm for the site.	Lot 1 (Buildings A & B): 135 dwellings on an allotment of 4,835sqm. Density of 55.9 dwellings / 2,000sqm. Lot 2 (Buildings C & D): 138 dwellings on an allotment of 5,079sqm. Density of 54.3 dwellings / 2,000sqm. Lot 3 (Buildings E & F): 138 dwellings on an allotment of 5,353sqm. Density of 51.6 dwellings / 2,000sqm.	
4.3 Height of buildings	The site is subject to a maximum building height of 12m under the CRC SEPP.	The proposal utilises the building height incentives which are provided by the in-fill affordable housing provisions of the Housing SEPP.	EIS
4.4 Floor space ratio	The site is not subject to a maximum floor space ratio standard under the CRC SEPP.		N/A
5.10 Heritage conservation	No heritage listings apply to the site. The Aboriginal Cultural Heritage statement and Historical Archaeological Impact Assessment find that the proposed development is not expected to result in impacts on Aboriginal or historical archaeological or cultural heritage values, noting the disturbed nature of the site.		Appendix X
6.1 Public utility infrastructure	Development consent must not be granted for development on land within the Blacktown Growth Centres Precinct unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available, or that adequate arrangements have been made to make that infrastructure available when it is required.	The site is located within an existing and rapidly growing residential growth area which benefits from ready access to necessary electricity, water, and sewerage infrastructure.	EIS

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
State Environmental Planning Policy (Housing) 2021			
Chapter 2 Affordable housing			
15C Development to which this division applies	The incentive provisions of Chapter 2, Part 1, Div. 1 of the Housing SEPP apply to development that includes residential development, if: - the development is permitted with consent under an EPI, and - the affordable housing component is at least 10%, and - for development on land in the Six Cities Region, all or part of the development is carried out in an accessible area.	The proposed use of the land for the purposes of shop-top housing and residential flat buildings are permitted with consent under the CRC SEPP which applies to the land. 70 of the proposed 411 dwellings will be used for the purpose of affordable housing, equating to over 17% of the total dwelling yield and far exceeding the minimum 10% required by the Housing SEPP. The land is considered 'accessible' in accordance with the definition in the Housing SEPP, as it is located less than 200m away from public bus stops which provide services at the least: - Once per hour between 6am and 9pm from Monday to Friday (inclusive), and - Once per hour between 8am and 6pm on Saturday and Sunday	EIS
18 Affordable housing requirements for additional building height	The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for development on the land plus an additional 30%, based on a minimum affordable housing component calculated as follows: AH = % additional BH ÷ 2	The proposed development will introduce additional building height onto 1x approved shop-top housing building and 5x approved residential flat buildings. The affordable housing component of the development will comprise 70 of 411 dwellings, equating to 17% of the total yield. This exceeds the minimum requirements set out by this provision, based on the following:	Appendix F

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	'AH' – affordable housing 'BH' – building height	- The proposal seeks a 30% incentive building height (based on the difference between the CRC SEPP maximum height control and the incentive building height of 15.6m, available under the infill affordable housing provisions of the Housing SEPP) - The minimum affordable housing component is to comprise 15% - The project will deliver 17% affordable housing, exceeding the 15% minimum requirement	
21 Must be used for affordable housing for at least 15 years	The consent authority must be satisfied that the development will include the required affordable housing component and that the affordable housing component will be managed by a registered community housing provider for a period of at least 15 years, commencing on the day an occupation certificate is issued for the development.	The Proponent is committed to the delivery of this project and the significant investment in affordable housing to be made. A letter of support has been provided by Evolve Housing, a registered CHP, indicating its support of the proposed development and its interest in managing the affordable housing component.	Appendix AA
Chapter 4 Design of residential apartment development			
147 Determination of development applications and modification applications for residential apartment development	The consent authority is to consider: the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9	This proposal has been designed with due consideration of the design criteria set out in Schedule 9 of the Housing SEPP, and is found to meet or exceed key ADG requirements.	Appendix F

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	the Apartment Design Guide		
State Environmental Planning Policy (Transport and Infrastructure) 2021			
2.122 Traffic-generating development	Section 2.122 of the T&I SEPP relates to traffic generating development and requires that, before granting consent, the consent authority must refer certain development for with access to any road to TfNSW.	The proposed development is considered to be traffic generating development in accordance with Schedule 3 of the T&I SEPP, as it relates to development for the purpose of residential accommodation on land with access to a road, that will result in over 300 dwellings. It is understood that the application will be referred to TfNSW for comment during assessment.	N/A
State Environmental Planning Policy (Sustainable Buildings) 2022			
Chapter 2 Standards for residential development –BASIX	Chapter 2 and Schedule 1 of the SB SEPP set out the following minimum energy use and water use targets for this development, as follows: - Energy use – target 35% - Water use – target 40%	The development will achieve: 35% energy use 40% water use Additionally, the development will achieve an average 6 Star NatHERS rating.	Appendix K