

Appendix B – Statutory Compliance Table

Statutory Requirement	Relevance and Assessment	EIS Section
NSW Acts of Parliament		
<i>Environmental Planning and Assessment Act 1979</i>		
<i>Section 1.3 – Objects of the Act</i>		
<i>The objects of this Act are as follows –</i> <i>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,</i> <i>b. to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i> <i>c. to promote the orderly and economic use and development of land,</i> <i>d. to promote the delivery and maintenance of affordable housing,</i> <i>e. to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i> <i>f. to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i> <i>g. to promote good design and amenity of the built environment,</i> <i>h. to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i> <i>i. to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i> <i>j. to provide increased opportunity for community participation in environmental planning and assessment.</i>	The proposed development is consistent with the objects of the EP&A Act for the following reasons: - It delivers public benefits to the Sydney LGA, by revitalising an underutilised site which will include the provision of affordable housing, new public open space, new public roads, and a new art studio and gallery space. - It facilitates ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment. - It facilitates the orderly and economic use and development of land. - Assists with the objectives of the National Housing Accord by providing 850 rental dwellings. - It promotes the delivery and maintenance of build-to-rent and affordable housing. - It facilitates good design and amenity of the built environment. - It promotes the proper construction and maintenance of buildings. - It is consistent with Division 4.7 of the EP&A Act as demonstrated in the Environmental Impact Statement.	Section 6.5
<i>Section 4.15 – Evaluation</i>		
<i>(1) 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> <i>(a) the provisions of—</i> <i>(i) any environmental planning instrument, and</i>	As demonstrated in Section 6.0 of the EIS, the Proposal in accordance with the relevant NSW Environmental Planning Instruments (EPIs). The assessment demonstrates it is in accordance with the relevant provisions and consistent with the relevant objectives and controls of the applicable EPIs.	Section 6.0

Statutory Requirement	Relevance and Assessment	EIS Section
<i>(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</i>	Not applicable.	Section 6.5
<i>(iii) any development control plan, and</i>	Not applicable.	Section 6.5
<i>(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</i>	The proposed development includes land dedication and public benefit under the VPA which will support local infrastructure, community facilities, and public services, enhancing the economic sustainability of the precinct and reducing future public expenditure.	Section 2.8.1
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), (v) (Repealed) that apply to the land to which the development application relates,</i>	The EIS has been prepared in accordance with the EP&A Regulations, including the principles of ecologically sustainable development through the precautionary principle (and other considerations), which assesses the threats of any serious and irreversible environmental damage. It also addresses proposed amendments to the SLEP 2012 and their impacts in accordance with the HDA pathway.	Section 6.5
<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>	A comprehensive assessment of the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, is provided at Section 8.0 of the EIS.	Section 8.0

Statutory Requirement	Relevance and Assessment	EIS Section
(c) the suitability of the site for the development,	• Having regard to the characteristics of the site and its immediate surrounding context, the proposed development is suitable for the site for the following reasons: • The site is located within the MU1 Mixed Use Zone and E1 Local Centre. • The proposed development will allow for the development of a dilapidated and currently underutilised site. • The site is located within Waterloo and the City of Sydney which has a prevailing medium and high-rise built form that will continue to evolve over time as redevelopment occurs across the City of Sydney and the proposed development is consistent with that typology and also responds to the lower density character which surrounds the site through the careful placement of built form across the site and design of the podiums. • All necessary utility services are readily available to the proposal, and are capable of accommodating any additional demand that may be associated with the residential uplift proposed for the site. • The size and dimensions of the site are suitable for the scale of the proposed development. • The site is proximate to a range of high-frequency public transport options, including buses along Elizabeth Street and Bourke Street and Green Square State and Waterloo Station. • The proposal is sympathetic to surrounding existing residential premises, surrounding heritage items and the broader context of Waterloo and the Danks Street Precinct.	Section 9.5
(d) any submissions made in accordance with this Act or the regulations	Any submissions received will be considered by the Applicant following the exhibition of the EIS.	N/A

Statutory Requirement	Relevance and Assessment	EIS Section
<i>the public interest</i>	• Having regard to the public interest, the proposed development is in the public interest for the following reasons: • It will increase the supply and choice of housing in a highly accessible location. The proposal presents an important opportunity to revitalise the site in accordance with the strategic vision for Waterloo. • It will achieve significant diverse residential supply at the site (BTR, affordable housing dwellings, city starters), which is proximate to a range of employment opportunities in the Sydney CBD. This directly contributes to the achievement of diverse housing in City of Sydney in line with the National Housing Accord. • Direct employment opportunities will be created during the construction and operational phases of the proposal. • The development is consistent with planning controls under the Sydney LEP, Housing SEPP and implements the objectives of the ADG. The proposed rezoning addresses the height and FSR variations. • The proposed development provides improved amenity by revitalising a currently underutilised property and remediating it for significant housing supply. • The delivery of affordable housing will ensure that residents can access housing that is affordable and in close proximity to jobs, services and education.	Section 9.6
Section 4.36 – Development that is State significant development		
(3) <i>The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development.</i> (3A) <i>The Minister may make a declaration under subsection (3) only if the Minister has obtained and made publicly available advice from the Independent Planning Commission about the State or regional planning significance of the development</i>	The site was declared State Significant Development (SSD) pursuant to State Significant Declaration Order 2025 (Order) dated 17 February 2025. The Order declares development specified in EOI application 229420 dated 8 January 2025, including development for the purposes of mixed-use development (Build to Rent including affordable housing) with ground floor non-residential uses. Therefore, the proposed development is SSD by virtue of Ministerial planning order.	Section 6.1
Section 4.41 – Approvals etc legislation that must be applied consistently		

Statutory Requirement	Relevance and Assessment	EIS Section														
(1) For the purposes of this Act, State significant development is development that is declared under this section to be 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. (3) The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development. (3A) The Minister may make a declaration under subsection (3) only if the Minister has obtained and made publicly available advice from the Independent Planning Commission about the State or regional planning significance of the development. (3B) Subsection (3A) does not apply if the development includes residential accommodation. (3C) If the Minister makes a declaration under subsection (3), the Planning Secretary must, as soon as practicable, notify the council for the area in which the specified land is located that the declaration has been made. (4) A State environmental planning policy that declares State significant development may extend the provisions of the policy relating to that development to State significant development declared under subsection (3).	Section 4.41 of the EP&A Act stipulates that certain authorisations are not required for State significant development. The following legislative approvals would otherwise be required if the Project was not State significant. <table><tr><th>Legislation</th><th>Approval Otherwise Required</th></tr><tr><td colspan="2">Legislation that does not apply to State Significant Development</td></tr><tr><td>Fisheries Management Act 1994</td><td>No</td></tr><tr><td>Heritage Act 1977</td><td>No</td></tr><tr><td>National Parks and Wildlife Act 1974</td><td>No</td></tr><tr><td>Rural Fires Act 1997</td><td>No</td></tr><tr><td>Water Management Act 2000</td><td>Yes</td></tr></table>	Legislation	Approval Otherwise Required	Legislation that does not apply to State Significant Development		Fisheries Management Act 1994	No	Heritage Act 1977	No	National Parks and Wildlife Act 1974	No	Rural Fires Act 1997	No	Water Management Act 2000	Yes	Section 6.3
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Section 4.42 – Approvals etc legislation that must be applied consistently

Statutory Requirement	Relevance and Assessment	EIS Section																		
(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— (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 4.42 of the EP&A Act stipulates that certain authorisations cannot be refused if they are necessary for carrying out State significant development. The following table lists legislative approvals that are required for the Project and cannot be refused if the Project is approved. <table><tr><th>Act</th><th>Approval Required</th></tr><tr><td colspan="2">Legislation that must be applied consistently</td></tr><tr><td>Fisheries Management Act 1994</td><td>No</td></tr><tr><td>Mine Subsidence Compensation Act 1961</td><td>No</td></tr><tr><td>Mining Act 1992</td><td>No</td></tr><tr><td>Petroleum (Onshore) Act 1991</td><td>No</td></tr><tr><td>Protection of the Environment Operations Act 1997</td><td>No</td></tr><tr><td>Roads Act 1993</td><td>Yes</td></tr><tr><td>Pipelines Act 1967</td><td>No</td></tr></table>	Act	Approval Required	Legislation that must be applied consistently		Fisheries Management Act 1994	No	Mine Subsidence Compensation Act 1961	No	Mining Act 1992	No	Petroleum (Onshore) Act 1991	No	Protection of the Environment Operations Act 1997	No	Roads Act 1993	Yes	Pipelines Act 1967	No	Section 6.3
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Biodiversity and Conservation Act 2016																				
Section 7.14 – State Significant Development or Infrastructure																				
(1) This section applies to an application for development consent for State significant development under Part 4 of the Environmental Planning and Assessment Act 1979, or an application for approval for State significant infrastructure under the Environmental Planning and Assessment Act 1979, Division 5.2, that is required under Division 2 to be accompanied by a biodiversity development assessment report. (2) The relevant authority, 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 relevant authority may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.	In accordance with this Act, an assessment of any State Significant proposal's biodiversity impacts must be undertaken as part of the provision of any SSDA, including the provision of a Biodiversity Development Assessment Report (BDAR) in instances where it is required. Section 7.14 requires the consent authority to take into consideration the likely impact of the proposed development on biodiversity values as assessed in the BDAR. Given the sites location within a historically light industrial area and the absence of native vegetation communities on site, the proposed development is not considered to result in any adverse impacts to biodiversity on the site or within the surrounding area. As such, this SSDA is accompanied by a BDAR Waiver Request prepared by Kingfisher Urban Ecology and Wetlands, and a BDAR Waiver issued by DPHI, which are provided at Appendix Q.	Section 6.4																		

Statutory Requirement	Relevance and Assessment	EIS Section
NSW Environmental Planning Instruments		
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>		
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.	The State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP) aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Section 4.6 stipulates that a consent authority must not consent to the carrying out of development unless: - It has considered whether the land is contaminated, and 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. - If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is suitable that the land will be remediated before the land is used for that purpose. This EIS is accompanied by a Geotechnical Investigation at Appendix J and a Status of Environmental Remediation and Reporting letter at Appendix K prepared by EI Australia which confirms that the site will be made suitable for the proposed future use as a mixed use rental housing precinct.	Section 6.4
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>		
Section 2.48 – Determination of development applications – other development		

Statutory Requirement	Relevance and Assessment	EIS Section
<i>(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—</i> <i>(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,</i> <i>(b) development carried out—</i> <i>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i> <i>(ii) immediately adjacent to an electricity substation, or</i> <i>(iii) within 5m of an exposed overhead electricity power line,</i>	The State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure of the State. Bourke Road is a Regional Road (Classified Road). Section 2.48 requires the consent authority to give written notice to the electricity supply authority for the area and take into consideration any response to that notice before granting consent to a development likely to affect an electrical transmission or distribution network. The application will be referred to the relevant utility providers during the assessment. Further discussion on infrastructure and utilities is also provided at Appendix AA.	Section 6.4
Section 2.119 – Development with frontage to classified road		
<i>(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—</i> <i>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i> <i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i> <i>(i) the design of the vehicular access to the land, or</i> <i>(ii) the emission of smoke or dust from the development, or</i> <i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i> <i>(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.</i>	As discussed in Section 8.6, access has been designed accordingly to ensure the mentioned provisions are achieved.	Section 6.4
State Environmental Planning Policy (Housing) 2021		
Part 2 – Development for affordable housing		
15C Development to which division applies		

Statutory Requirement	Relevance and Assessment	EIS Section
(1) This division applies to development that includes residential development if— (a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and (b) the affordable housing component is at least 10%, and (c) all or part of the development is carried out— (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.	Part 2 of the Housing SEPP does not apply to site.	N/A
Part 4 – Build-to-Rent Housing		
Build-to-Rent Housing	The provisions of this section are not applicable to this SSDA, as the SLEP 2012 switches off Part 4 for land in Green Square. Please review Section 6.5 for further assessment.	Section 6.5
Sydney Local Environmental Plan 2012		

Statutory Requirement	Relevance and Assessment	EIS Section
<i>Clause 2.3</i> <i>Zone Objectives and Land Use Table</i>	The site is partially zoned E1 Commercial Centre and MU1 Mixed Use. Development for shop-top housing and residential flat buildings are permissible in both zones. The proposal is consistent with the E1 Commercial zone as: • It integrates compatible land uses through the delivery of residential development and retail tenancies which serve the needs of the existing and future Waterloo community. • The proposal provides 4,450sqm to non-residential tenancies to support employment opportunities. • The proposed development incorporates parks, through site links and retail development to ensure it is well activated. • Retail and non-residential uses such as parks and public plazas make up the majority of the site's ground level. • The proposed two-through site links ensure a development that encourages walking and cycling. The through-site links provide access to the surrounding public transport network. The proposal is consistent with the MU1 Mixed Use zone as: • Incorporates a range of retail and commercial tenancies that generate employment opportunities. • The proposed development provides a diverse ground plane with active uses including retail and commercial ground floor tenancies, public parks and public plazas which work cohesively to support the needs of residents and the broader community. • The proposed development sets a strong precedent for quality public amenities through the walkable and highly active ground plane. • The proposed mix of residential, retail/commercial and recreational land uses support the viability of Waterloo Centre. • The proposal successfully integrates suitable land uses in a highly accessible locational that maximises public transport use, walking and cycling.	Section 6.5
<i>Clause 4.3</i> <i>Height</i>	The development has a maximum height of 123m. This SSDA seeks to amend the maximum building height for the site to be part 3m, part 26m, part 31m, part 30m, part 46m, part 65m, and part 123m. Refer to Section 4.2 for further detail.	Section 6.5
<i>Clause 4.4</i> <i>Floor Space Ratio</i>	The development has a proposed FSR of 3.05:1. Further discussion is provided in Section 4.2 which includes the amendments proposed to the Sydney LEP 2012.	Section 6.5

Statutory Requirement	Relevance and Assessment	EIS Section
<i>Clause 5.10</i> <i>Heritage</i>	The site is not heritage-listed and is not within a heritage conservation area. There are a number of heritage buildings located adjacent to or within the vicinity of the site. The proposed development takes into consideration the heritage items to the immediate south and to the west of the site. The proposed development does not propose works that will adversely impact the significance of the surrounding heritage items.	Section 6.5
<i>Clause 5.21</i> <i>Flood Planning</i>	The site is identified in the Alexandra Canal Catchment Area. A Flood Impact and Risk Assessment (FIRA) has been prepared by Stantec and is found in Appendix V. The FIRA identifies that the site is not affected by the 1% AEP and is mostly flood free during the 1% AEP event with the climate change adjustment. During the PMF, the flood hazard for the site ranges from category H1 to category H5 at the existing site with the category H5 flood hazard being concentrated along the site's western boundary with Young Street. Refer to Section 8.8 for further detail on the flood assessment and analysis.	Section 6.5
<i>Clause 6.14(4)</i>	As identified in Section 4.2 the site is proposed to be excluded from this clause.	Section 6.5
<i>Clause 6.21C</i> <i>Design Excellence</i>	The proposed development demonstrates design excellence through a high standard of architectural design, materiality, and detailing appropriate to its urban context. It enhances the public domain via activated street frontages, integrated landscaping, and improved pedestrian permeability. The built form responds sensitively to view corridors, solar access, and privacy considerations. The proposal achieves ecologically sustainable development principles and delivers a coherent urban form that supports amenity, accessibility, and long-term resilience The proposal was shown at two SDRP sessions with analysis at Section 7.0 of this EIS.	Section 6.5
<i>Clause 6.21D</i> <i>Competitive Design Process</i>	As identified in Section 4.2, the site is proposed to be excluded from this clause. An alternative design excellence process was implemented to ensure design quality of the proposal, which involved review of the proposal by a Design Review Panel of experts twice before lodgement.	Section 6.5
<i>Clause 6.43</i> <i>Danks Street South Precinct</i>	As identified in Section 4.2, the site is proposed to be excluded from this clause.	Section 6.5

Statutory Requirement	Relevance and Assessment	EIS Section
Clause 7.5 <i>Car Parking Residential Flat Buildings, Dual Occupancies and Multi Dwelling Housing</i>	As detailed in Section 8.6 , the proposed number of car parking spaces complies with the maximums prescribed in the SLEP 2012.	Section 6.5
Clause 7.13 <i>Contribution for purpose of affordable housing</i>	The proposed development will deliver a 25% uplift of affordable housing and an additional contribution for the purpose of affordable housing will be made. The affordable housing proposed within the development will be excluded from the calculation of contributions. A contribution will be imposed via a condition of consent.	Section 6.5
Clause 7.14 <i>Acid Sulfate Soils</i>	The site is identified as Class 5 acid sulfate soils. The development does not include works within 500m of adjacent Class 1, 2, 3 or 4 land. As such, an acid sulfate soils management plan is not required. Notwithstanding, an Acid Sulfate Soil Assessment is provided at Appendix M and Soil Salinity Assessment is found at Appendix LL.	Section 6.5
Clause 7.16 <i>Airspace operations</i>	The proposed development is located approximately 5.4km northeast of the Sydney Airport aerodrome reference point. The Aviation Report (Appendix Y) confirms that any building tower or crane that exceeds 72m AHD at the site will penetrate the OLS and require aviation approval. The proposal exceeds the OLS and therefore approval from the regulatory authority/Sydney Airport is required. The proposal is entirely below the PANS-OPS and RTCC surfaces which cannot be penetrated.	Section 6.5
Clause 7.19 <i>Demolition must not result in long term adverse visual impact</i>	Demolition of existing structures on the site has been carried out pursuant to prior City of Sydney approval D/2020/45. Notwithstanding this, pursuant to clause (a)(ii), the site will be comprehensively redeveloped, subject to this SSDA.	Section 6.5
Clause 7.20 <i>Development requiring or authorising preparation of a development control plan</i>	Since the project is SSD, development control plans do not apply and therefore the preparation of a DCP under clause 7.20 is not relevant	Section 6.5
Clause 7.23 <i>Large retail development outside of Green Square Town Centre and other planned centres</i>	The proposed development will deliver ground floor retail to services the proposed development and the broader community. The retail tenancies will not have a GFA of 1,000sqm or greater and will therefore comply with this clause.	Section 6.5