

APPENDIX 3

Statutory Compliance Table



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Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
Environmental Planning and Assessment Act 1979			
Section 1.3	(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, (f) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, (g) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage), (h) to promote good design and amenity of the built environment, (i) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants, (j) to provide increased opportunity for community participation in environmental planning and assessment.	The proposal satisfies the relevant objectives of the Act.	Section 4.1.1
Section 4.15	(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	The relevant EPIs have been addressed in the EIS.	Section 4, Section 6.1, Section 6.2 and Section 6.3

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	consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and (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7.4, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), (v) (Repealed) that apply to the land to which the development application relates,		
	(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, (c) the suitability of the site for the development,	The likely impacts of the proposal have been addressed in the EIS.	Section 6
		The site is located within the R4 High density residential zone of Macquarie Park Corridor in an area ear marked for increased height and density through a recent uplift to the LEP controls for the site permitting a height of 150m and a density of 12.36:1. The site is ideally located as a prime location for additional residential density given its proximity to public transport and services. The proposal will sit comfortably within the site, in accordance the approved built form and massing for the site.	Section 6 and Section 7
	(d) any submissions made in accordance with this Act or the regulations, (e) the public interest.	Submissions will be considered after the SSD has been on public exhibition. Although no submissions have been received in relation to the early engagement. The proposal is considered to be in the public interest for the reasons set out in the EIS.	- Section 6.28 and Section 7

Environmental Planning and Assessment Regulation 2021

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Clause 191	Clause 191 of the EP&A Reg provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS addresses the requirements of the SEARs issued.	Section 6 and Appendix 2
Biodiversity Conservation Act 2016			
Section 7.9	In accordance with clause 7.9 of the Biodiversity Conservation Act 2016 an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development is to be accompanied by a biodiversity development assessment report unless that Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.	A BDAR Waiver was granted pursuant to Section 7.9.	Section 6.17 and Appendix 27
State Environmental Planning Policy (Planning Systems) 2021			
Clause 12	Clause 2.6 states: <i>"2.6 Declaration of State significant development: section 4.36</i> <i>(1) Development is declared to be State significant development for the purposes of the Act if -</i> <i>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without consent under Part 4 of the Act, and</i> <i>(b) the development is specified in Schedule 1 or 2."</i> Schedule 2, Clause 12 of the State Environmental Planning Policy (Planning Systems) 2021 states that the following development is considered to be SSD –: 12 Development at North Ryde Station Precinct Site	The proposed development is identified as a State Significant Development as it falls within the criteria of State Environmental Planning Policy (Planning Systems) 2021 Schedule 2, Clause 12. The proposal seeks to carry out an Amending DA to land within the North Ryde Station Precinct Site that involves a principal subdivision or the creation of new roadways and associated works The proposal also satisfies Section 2.11 of the Planning systems SEPP. As such, the development is classified as an SSD pursuant to Clause 12 of Schedule 2 of the Planning Systems SEPP. NB. Whilst the development is permitted under SEPP (Planning Systems) 2021 (Schedule 2 Clause 12), the primary approval pathway sought is via the Housing Delivery Authority's (HDA) expression of interest process from which the proposed development was declared	Section 4.3.1

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	<i>Development on land identified as being within the North Ryde Station Precinct Site on the <u>State Significant Development Sites Map</u> if the development is for the purposes of—</i> <i>(a) a principal subdivision establishing major lots or public domain areas, or</i> <i>(b) the creation of new roadways and associated works.</i> Section 2.11 of SEPP (Planning Systems) 2021 will also apply to the SSD application for alterations and additions to LDA2024/0066. Section 2.11 states as follows: “2.11 Concept development applications <i>If—</i> <i>(a) development is specified in Schedule 1 or 2 to this Chapter by reference to a minimum estimated development cost, other minimum size or other aspect of the development, and</i> <i>(b) development the subject of a concept development application under Part 4 of the Act is development so specified, any part of the development that is the subject of a separate development application is development specified in the relevant Schedule (whether or not that part of the development exceeds the minimum value or size or other aspect specified in the Schedule for such development).”</i> As established above, the applications will be SSD as specified in Schedule 2 and therefore satisfies Section 2.11(a).	State Significant Development by a Ministerial Order (No. 2) issued on 26 February 2025 (Schedule 11).	
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State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.119	Clause 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021 applies to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. 2.119 Development with frontage to classified road (1) The objectives of this section are— (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. (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— (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	The site is located adjacent to the M2 Motorway which is a State Classified Road however does not access the Motorway. The primary vehicular access to the site is off Halifax Street, which is a public road located off Wicks Road. The proposal includes the construction of the Mews Road to access Halifax Street. As the proposal includes the provision of vehicular access by way of a road other than the classified road, the requirements of clause 2.119 are satisfied. The Noise and Vibration Impact Assessment prepared by <i>Acoustic Dynamics</i> which accompanies the application provides an assessment of the proposal which demonstrates that suitable noise levels will be achieved by the proposed residential apartments.	Section 6.1.6 and Appendix 21
Clause 2.120	Clause 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021 applies to residential development adjacent to a road		

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	corridor with an annual average daily traffic volume of more than 20,000 vehicles. Clause 2.120 Impact of road noise or vibration on non-road development. <i>(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</i> <i>(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</i> <i>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,</i> <i>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time</i>	The site is adjacent to the M2 Motorway which is a State Classified Road. An amended Acoustic Assessment has been prepared by Acoustic Dynamics which includes recommendations to ensure compliance with the appropriate noise levels for residential development, measures relating to the mechanical plant, air conditioning units, kitchen/toilet exhaust fans, residential lifts and car park roller door shutter. A previous condition of consent was imposed on the original consent (LDA2024/0066) requiring compliance with the measures outlined in the acoustic report. A similar condition should be imposed on the amended proposal.	Section 6.1.6 and Appendix 21
Clause 2.121	2.121 Excavation in or immediately adjacent to corridors (1) This section applies to development that involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of any of the following roads or road projects (as described in Schedule 2)— (n) the M2, (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—	The proposal includes excavation greater than 3m in depth within the subject site. All excavation works are clear of the adjoining M2 Motorway. The previous application (LDA2024/0066) was referred to Transport for NSW for consideration, and no objection was raised.	Appendix 7, Appendix 14 and Appendix 19

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	(a) give written notice of the application to TfNSW within 7 days after the application is made, and (b) take into consideration— (i) any response to the notice that is received within 21 days after the notice is given, and (ii) any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette, and (iii) any implications of the ground penetration for the structural integrity of the road or project, and (iv) any cost implications for the road or project of the ground penetration. (3) The consent authority must provide TfNSW with a copy of the determination of the application within 7 days after the determination is made.	Given that the amended proposal will increase the depth of excavation to accommodate the two (2) additional basement levels the proposal will require a new referral to TfNSW.	
2.122	2.122 Traffic-generating development (1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves— (a) new premises of the relevant size or capacity, or (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity. (2) In this section, <i>relevant size or capacity</i> means— (a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity	Under this clause, the consent authority must not grant consent to development on land for residential accommodation for 75 or more dwellings where the site has access to the road unless it has consulted TfNSW and taken into consideration the impact of the development in relation to traffic movement and road network capacity. The amended development application includes a Transport Impact Assessment and Construction Traffic Management Plan prepared by <i>PDC Consulting</i> which addresses the parking and traffic impact of the uplift DA.	Appendix 19 Appendix 19a

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specified opposite that development in Column 3 of the Table to Schedule 3.

(3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—

(a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and

(b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.

(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.

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State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6	Chapter 4 'Remediation of Land' in State Environmental Planning Policy (Resilience and Hazards) 2021 applies to the whole of the State. In accordance with clause 4.6 of the SEPP a consent authority must not consent to the carrying out of any development on land 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.	For completeness, an updated PSI has been prepared by <i>EP Risk</i> and is submitted in support of the additional excavation. Based on the findings of the PSI and the management of any unexpected contamination finds during the development under a Construction Environmental Management Plan (CEMP), the Site can be made suitable for the proposed development in accordance with SEPP (Resilience and Hazards).	Appendix 12
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State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-Rural Area	Chapter 2 of this SEPP provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation. The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.	The site is not mapped as containing any areas of biodiversity value or significant vegetation. There are no threatened species or communities within the site and the development will not have the potential for serious or irreversible impacts. Trees removed will be replaced with suitable vegetation. Trees to be retained will be protected as set out in the amended Arboricultural Impact Assessment Report prepared by <i>Urban Arbor</i> .	Appendix 28
Chapter 6 Water Catchments	This Chapter applies to the whole of the Ryde Local Government Area. The aims of the Plan are to consider the impact on water quality and quantity; aquatic ecology; periodic flooding that benefits wetlands and other riverine ecosystems; and recreational land uses.	Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal. The objective of improved water quality is satisfied as the Proposed Stormwater Plans and Stormwater Management Report that accompany the DA can comply with Part 8.2 Stormwater Management of Ryde DCP 2014.	Appendix 15

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 Standards for residential development - BASIX	State Environmental Planning Policy (Sustainable Buildings) 2022 applies to the development and aims to encourage sustainable residential development.	A BASIX certificate and NatHERS accompany this submission.	Appendix 20
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State Environmental Planning Policy (Housing) 2021 – Chapter 4– Design Quality of Residential Apartment Development and the Apartment Design Guide

Clause 147	(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following— (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide, (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.	The design quality of the development is addressed within the Design Report prepared by FJC Studios to accompany this submission. The Design Report includes a Design Verification Statement. A separate assessment of the proposal against the ADG design criteria and details how the proposal has been designed in accordance with the design principles for residential apartment development is also provided. Of note, the design has already been through numerous design review panels which has established the current architectural design and merit of Building A. The proposal seeks to replicate the considered design approach in the new floor levels.	Appendix 7, Appendix 8 and Appendix 9
Clause 148	Pursuant to clause 148 of SEPP Housing if an application for a development application to which the Policy applies the consent authority must not refuse the application because of those matters: • if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide. • if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide, • if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	The proposed development provides parking 424 spaces in accordance with DCP Internal areas of apartments achieve the requirements. Ceiling heights comply with the requirements.	Appendix 7 and Appendix 9
Clause 149	Pursuant to clause 149 the Apartment Design Guide prevails over development control plans (1) A requirement, standard or control for residential apartment development that is specified in a development control plan and relates	The ADG prevails over the North Ryde Station Precinct (NRSP) DCP and is addressed in the ADG compliance table prepared by <i>FJC Studios</i>.	Appendix 9

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	to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter— (a) visual privacy, (b) solar and daylight access, (c) common circulation and spaces, (d) apartment size and layout, (e) ceiling heights, (f) private open space and balconies, (g) natural ventilation, (h) storage. (2) This section applies regardless of when the development control plan was made.		
Ryde Local Environmental Plan 2014			
2.3 Zone objectives and Land Use table	Zone R4 High Density residential The specific objectives of the Zone are stated as follows: • To provide for the housing needs of the community within a high density residential environment. • To provide a variety of housing types within a high density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposed development provides for additional residential housing to be provided on a site in which is ideally located for high density residential development, as evidenced by Clause 6.14 'Additional floor space and building heights for land at 3 Halifax Street, Macquarie Park'. The proposed development has been designed to provide a high level of amenity for future residents. All apartments have been designed to achieve the minimum internal apartment sizes and are provided with appropriate levels of solar access and natural ventilation. The proposal will provide private open space and communal open space in accordance with the requirements. Furthermore, the residential apartments are afforded suitable levels of privacy through the provision of adequate building separation and suitable privacy mitigation measures where appropriate. The proposal also ensures accessibility is achieved to all areas of the development.	Section 6.3.1

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		The proposal does not generally alter the site layout and design already considered under LDA2024/0066, and will ensure the site delivers more housing to meet the needs of the community.	
2.7 Demolition requires development consent	The demolition of a building or work may be carried out but only with development consent.	The proposal does not seek consent for demolition. All demolition works for the site have been approved and undertaken in accordance with LDA2024/0066.	N/A
4.3 Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. 33m 75m	Clause 6.14 establishes site specific controls in relation to the height of building development standard.	N/A See Clause 6.14
4.4 Floor Space Ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. 1.39:1 3.5:1	Clause 6.14 establishes site specific controls in relation to the floor space ratio (FSR) development standard.	N/A See Clause 6.14
4.6 Exceptions to development standards	(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard.	The proposed development is compliant with the FSR prescribed by the Ryde LEP 2014. Total FSR for LDA2024/0066 plus LDA2024/0103 plus SSD for Building A is 9.84:1.	Appendix 5
6.2 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.	The majority of earthworks are approved in accordance with LDA2024/0066. Two (2) additional basement levels are proposed as part of this SSD and as a result an updated Geotechnical Assessment and a Groundwater	Section 3.2.4, Section 6.22, Appendix 14

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	(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 and structural integrity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (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.	Impact Assessment have been prepared by <i>Morrow Consulting</i> and accompany the EIS. As previously assessed, the required earthworks are reasonable in the context of the development and will not adversely impact the amenity of adjoining land.	and Appendix 16
6.4 Stormwater Management	(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters. (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.	The proposal will maintain the approved water management arrangements for the development and site. The Water Management Plans for the approved development remain unchanged by the proposal and as such the original reports prepared by SGC can be relied on: - Stormwater Management Plan, Lot 102, 3 Halifax Street, Macquarie Park, Issue A (File Ref: 20230192-R01_Stormwater Management_102 [A].docx) - Stormwater Management Plan, Lot 102, 3 Halifax Street, Macquarie Park Issue P1 (File Ref: 20230192-R01_Stormwater Management_102 [P1].docx) - Stormwater Concept Design (sheets 1-7) Notably, the approved stormwater management system has been designed in accordance with Council's requirements.	Section 6.23

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6.13 Design excellence	(1) The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Ryde. (2) This clause applies to land identified as “Design Excellence” on the Design Excellence Map.	The land is not mapped as “design excellence”.	N/A
6.14 Additional floor space and building heights for land at 3 Halifax Street, Macquarie Park	(1) This clause applies to Lot 102, DP 1224238, 3 Halifax Street, Macquarie Park. (2) A building on land to which this clause applies may have a height of up to 150m. (3) The floor space ratio of buildings on land to which this clause applies may be up to 12.36:1. (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied— (a) at least 850m² of gross floor area on the site will be used for the purposes of affordable housing, and (b) at least 3,000m² of the site area will be used for the purposes of a single recreation area.	The Amending development application seeks to deliver the increased height and density permitted by Clause 6.14 to the already approved development (LDA2024/0066). Lot 102 contains two buildings, Building A and Building B, which will eventually be subdivided to sit on their own lot as follows:. - Lot 2 (containing building A) = 2,337m² - Lot 1 (containing Building B) = 3,939m² The proposal initially seeks to undertake the uplift in height and density for Building A, which will be followed by an Amending DA for Building B. The proposal will comply with height being 148m (within the maximum 150m). The proposal is compliant with the FSR maximum. The sum GFA of LDA2024/0066 plus LDA2024/0103 plus SSD for Bld A is 61,748m². This is equivalent to a FSR of 9.84:1. The applicant is seeking to provide all the required affordable housing within Upper Ground Floor and Level 1 of Building A. It is understood that this requirement is being addressed by the DPPI in terms of an adjustment to the provisions of subclause 6.14(4)(b).	Complies Appendix 7 Appendix 5 and Appendix 7

