



## Appendix H

### Statutory Compliance Table

Requirement	Compliance	EIS	Technical Study
<b>Commonwealth Acts of Parliament</b>			
<b>Environmental Protection and Biodiversity Conservation Act 1999</b>			
<b>Section 136 General Considerations</b>			
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.	✓	<b>Section 4.3</b> <b>Section 7.0</b>	<b>Appendix PP</b>
2) In considering those matters, the Minister must take into account: (a) the principles of ecologically sustainable development; and	✓	<b>Section 3.10</b> <b>Section 6.13</b>	<b>Appendix X</b>
(b) the assessment report (if any) relating to the action	✓	<b>Section 6.11</b>	<b>Appendix PP</b>
<b>Section 139 Requirements for decisions about threatened species and endangered communities</b>			
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	✓	<b>Section 6.6</b>	<b>Appendix PP</b>



Requirement	Compliance	EIS	Technical Study
<ul style="list-style-type: none"> <li>ii. the Apia Convention; or</li> <li>iii. CITES; or</li> </ul> (b) a recovery plan or threat abatement plan.			
2) If: <ul style="list-style-type: none"> <li>(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</li> <li>(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;</li> </ul> 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.	✓		
<b>NSW Acts of Parliament</b>			
<b>Environmental Planning and Assessment Act 1979</b>			
<b>Section 1.3 Objects of the Act</b>			
The objects of this Act are as follows— <ul style="list-style-type: none"> <li>(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,</li> <li>(b) to promote the supply, delivery and maintenance of housing, including affordable housing,</li> <li>(c) to promote productivity through the development and management of the State and its resources,</li> <li>(d) to protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats,</li> <li>(e) to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention,</li> </ul>	✓	<b>Section 7.1</b>	-



Requirement	Compliance	EIS	Technical Study
<p>(f) to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage,</p> <p>(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,</p> <p>(h) to provide opportunities for participation in environmental planning and assessment,</p> <p>(i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p> <p>(j) to promote a proportionate and risk-based approach to environmental planning and assessment,</p> <p>(k) to promote the orderly and economic use and development of land.</p>			
<b>Section 4.15 Evaluation</b>			
<p>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—</p> <p>(a) the provisions of—</p> <p>i. any environmental planning instrument, and</p>	✓	<b>Section 4.5</b> & refer to the Environmental Planning Instruments presented further below.	-
<p>(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</p>	✓	<b>Section 4.1</b> <b>Section 4.6</b>	-
<p>(iii) any development control plan, and</p>	✓	<b>Section 4.5</b>	-



Requirement	Compliance	EIS	Technical Study
(iia) 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	-	-
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	✓	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 7.3	-
(c) the suitability of the site for the development,	✓	Section 7.4	-
(d) any submissions made in accordance with this Act or the regulations	✓	Section 4.5	-
(e) the public interest.	✓	Section 7.5	-
<b>Biodiversity Conservation Act 2016</b>			
<b>Division 2 Biodiversity assessment requirements – Section 7.9 Biodiversity assessment for State significant development or infrastructure</b>			
2) Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. 3) The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the <i>Environmental Planning and Assessment Act 1979</i> .	✓	Section 6.11	Appendix PP
<b>Division 4 Biodiversity assessment and offsets – Section 7.14 State Significant Development or Infrastructure</b>			
1) This section applies to an application for development consent for State significant development under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> , or an application for approval for State significant infrastructure under the <i>Environmental Planning and Assessment Act 1979</i> , Division 5.2,	✓	Section 6.11	Appendix PP



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<p>that is required under Division 2 to be accompanied by a biodiversity development assessment report.</p> <p>2) The relevant authority, 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 relevant authority may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.</p>			
<b>NSW EPIs</b>			
<b>State Environmental Planning Policy (Planning Systems) 2021</b>			
<p><b>Section 28 Seniors housing</b></p> <p>(1) Development for the purposes of seniors housing if—</p> <p>(a) the seniors housing component has an estimated development cost of—</p> <p>(i) for development on land in the Greater Sydney region—more than \$30 million, or</p> <p>(ii) otherwise—more than \$20 million, and</p> <p>(b) the seniors housing component includes a residential care facility, and</p> <p>(c) other components of the proposed development are not prohibited on the land under an environmental planning instrument.</p> <p>(2) This section does not apply to development on land within the area of the City of Sydney.</p>	✓	<b>Section 4.0</b>	<b>Appendix J</b>
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>			
<b>Section 2.122 Traffic-generating development</b>			
<p>4) Before determining a development application for development to which this section applies, the consent authority must—</p>	✓	<b>Section 6.8</b> <b>Section 4.7</b>	<b>Appendix O</b>



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<p>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</p> <p>(b) take into consideration—</p> <ul style="list-style-type: none"> <li>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</li> <li>ii. the accessibility of the site concerned, including— <ul style="list-style-type: none"> <li>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</li> <li>(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</li> </ul> </li> <li>iii. any potential traffic safety, road congestion or parking implications of the development.</li> </ul> <p>5) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.</p>			
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>			
<b>Section 4.6 Contamination and remediation to be considered in determining development application</b>			
<p>1) A consent authority must not consent to the carrying out of any development on land unless—</p> <ul style="list-style-type: none"> <li>(a) it has considered whether the land is contaminated, and</li> <li>(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</li> <li>(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.</li> </ul>	✓	<b>Section 6.13</b>	<b>Appendix U</b> <b>Appendix V</b>



Requirement	Compliance	EIS	Technical Study
<p>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.</p> <p>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.</p>			
<p><b>State Environmental Planning Policy (Housing) 2021</b></p>			
<p><b>Division 1 Land to which Part applies</b></p>			
<p><b>Section 79</b> – Land to which Part applies</p> <p><i>This Part applies to land in the following zones—</i></p> <p>(c) <i>Zone R2 Low Density Residential,</i></p> <p>(d) <i>Zone R3 Medium Density Residential,</i></p>	<p>✓</p>	<p><b>Section 4.6</b></p>	<p>-</p>
<p><b>Section 80</b> – Land to which Part does not apply – general</p> <p>(1) <i>This Part does not apply to the following land—</i></p> <p>(a) <i>land to which <u>Warringah Local Environmental Plan 2000</u> applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under the Plan,</i></p> <p>(b) <i>land described in Schedule 3.</i></p> <p>(2) <i>Nothing in Schedule 3 operates to preclude the application of this Part to land only because—</i></p> <p>(a) <i>the land is identified under <u>State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2, or</u></i></p>	<p>✓</p>	<p><b>Section 4.6</b></p>	<p>-</p>



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<p><i>(b) in relation to land used for the purposes of an existing registered club—the land is described in another environmental planning instrument as—</i></p> <p><i>(i) private open space, or</i></p> <p><i>(ii) open space where dwellings or dwelling houses are permitted.</i></p>			
<p><b>Section 81</b> – Seniors housing permitted with consent</p> <p><i>Development for the purposes of seniors housing may be carried out with development consent—</i></p> <p><i>(a) on land to which this Part applies, or</i></p> <p><i>(b) on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.</i></p>	✓	<b>Section 4.6</b>	-
<b>Division 3 Development Standards</b>			
<p><b>Section 84</b> – Development standards general</p> <p><i>(1) This section applies to development for the purposes of seniors housing involving the erection of a building.</i></p> <p><i>(2) Development consent must not be granted for development to which this section applies unless—</i></p> <p><i>(a) the site area of the development is at least 1,000m<sup>2</sup>, and</i></p> <p><i>(b) the frontage of the site area of the development is at least 20m measured at the building line,</i></p> <p><i>(c) for development on land in a residential zone where residential flat buildings are not permitted—</i></p> <p><i>(i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and</i></p> <p><i>(ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection</i></p> <p><i>(3), and</i></p>	✓	<b>Section 4.6</b>	-



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<i>(iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.</i>			
<p><b>Section 85</b> – Development standards for hostels and independent living units</p> <p><i>(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.</i></p>	✓	<b>Section 4.6</b>	<p><b>Appendix D</b></p> <p><b>Appendix O</b></p>
<i>(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 5–13 and 15–21 if the development application is made by, or by a person jointly with, a social housing provider or Landcom</i>	✓	<b>Section 4.6</b>	<p><b>Appendix D</b></p> <p><b>Appendix O</b></p>
<p><b>Section 87</b> – Additional floor space ratios</p> <p><i>(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if—</i></p> <p><i>(a) development for the purposes of a residential flat building or shop top housing is permitted on the land under Chapter 5, Chapter 6 or another environmental planning instrument, or</i></p> <p><i>(b) the development is carried out on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.</i></p> <p><i>(2) Development consent may be granted for development to which this section applies if the site area of the development is at least 1,500m<sup>2</sup>, and the development will result in a building with one or more of the following—</i></p> <p><i>(a) a maximum permissible floor space ratio plus—</i></p> <p><i>(i) for development involving independent living units—up to an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or</i></p>	✓	<b>Section 4.6</b>	<b>Appendix II</b>



Requirement	Compliance	EIS	Technical Study
<p><i>(ii) for development involving a residential care facility—up to an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or</i></p> <p><i>(iii) for development involving independent living units and residential care facilities—up to an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, or</i></p> <p><i>(b) a height of not more than 3.8m above the maximum permissible building height.</i></p>			
<p><b>Section 88</b> – Restrictions on occupation of seniors housing</p> <p><i>(1) Development permitted under this Part may be carried out for the accommodation of only the following—</i></p> <p><i>(a) seniors or people who have a disability,</i></p> <p><i>(b) people who live in the same household with seniors or people who have a disability,</i></p> <p><i>(c) staff employed to assist in the administration and provision of services to housing provided under this Part.</i></p> <p><i>(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</i></p>	✓	<b>Section 4.6</b>	-
<p><b>Section 91</b> – Fire sprinkler systems in residential care facilities</p> <p><i>(1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system.</i></p> <p><i>(2) Development for the purposes of the installation of a fire sprinkler system in a residential care facility may be carried out with development consent.</i></p>	✓	<b>Section 4.6</b>	<b>Appendix C</b>
<b>Division 4 -Site-related requirements</b>			



Requirement	Compliance	EIS	Technical Study
<p><b>Section 93</b> –Location and access to facilities and services – independent living units</p> <p><i>(1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services—</i></p> <p><i>(a) by a transport service that complies with subsection (2), or</i></p> <p><i>(b) on-site.</i></p> <p><i>(2) The transport service must—</i></p> <p><i>(a) take the residents to a place that has adequate access to facilities and services, and</i></p> <p><i>(b) for development on land within the Greater Sydney region—</i></p> <p><i>(i) not be an on-demand booking service for the transport of passengers for a fare, and</i></p> <p><i>ii) be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and</i></p> <p><i>(c) for development on land that is not within the Greater Sydney region—be available both to and from the site during daylight hours at least once each weekday.</i></p> <p><i>(3) For the purposes of subsections (1) and (2), access is adequate if—</i></p> <p><i>(a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and</i></p> <p><i>(b) the distance is accessible by means of a suitable access pathway, and</i></p> <p><i>(c) the gradient along the pathway complies with subsection (4)(c).</i></p> <p><i>(4) In subsection (3)—</i></p> <p><i>(a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and</i></p> <p><i>(b) the distance is to be measured by reference to the length of the pathway, and</i></p>	<p>✓</p>	<p><b>Section 4.6</b></p>	<p><b>Appendix O</b></p>



Requirement	Compliance	EIS	Technical Study
<p><i>(c) the overall average gradient must be not more than 1:14 and the gradients along the pathway must be not more than—</i></p> <p><i>(i) 1:12 for a maximum length of 15m at a time, or</i></p> <p><i>(ii) 1:10 for a maximum length of 5m at a time, or</i></p> <p><i>(iii) 1:8 for a maximum length of 1.5m at a time.</i></p>			
<p><b>Section 94</b> – Location and access to facilities and services – residential care facilities</p> <p><i>(1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services—</i></p> <p><i>(a) on-site, or</i></p> <p><i>(b) by a transport service other than a passenger service</i></p>	✓	<b>Section 4.6</b>	<b>Appendix O</b>
<p><b>Section 95</b> – Water and sewer</p> <p><i>(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will—</i></p> <p><i>(a) be connected to a reticulated water system, and</i></p> <p><i>(b) have adequate facilities for the removal or disposal of sewage.</i></p> <p><i>(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority—</i></p> <p><i>(a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or</i></p> <p><i>(b) if reticulated services are not available—must satisfy the responsible authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.</i></p>	✓	<b>Section 4.6</b>	<b>Appendix R</b>
<p><b>Section 96</b> – Bushfire prone land</p> <p><i>(1) A consent authority must not consent to development under this Part on relevant bush fire prone land unless the consent authority is satisfied the development complies with the requirements of Planning for Bushfire Protection.</i></p>	✓	<b>Section 4.6</b>	<b>Appendix CC</b>



Requirement	Compliance	EIS	Technical Study
<p>(2) In determining a development application for development under this Part on land near relevant bush fire prone land, the consent authority must—</p> <p>(a) consult with the NSW Rural Fire Service and consider its comments, and</p> <p>(b) consider the following including—</p> <p>(i) the location of the development,</p> <p>(ii) the means of access to and egress from the location,</p> <p>(iii) the size of the existing population within the area,</p> <p>(iv) age groups within the population and the number of persons within the age groups,</p> <p>(v) the number of hospitals and other facilities providing care to the residents of the facilities within the area, and the number of beds within the hospitals and facilities,</p> <p>(vi) the number of schools within the area and the number of students at the schools,</p> <p>(vii) existing seniors housing within the area,</p> <p>(viii) the road network within the area and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the area in the event of a bush fire,</p> <p>(ix) the adequacy of access to and from the site of the development for emergency response vehicles,</p> <p>(x) the nature, extent and adequacy of bush fire emergency procedures that can be applied to the development and its site,</p> <p>(xi) the requirements of Fire and Rescue NSW.</p>			
<b>Division 5 Design requirements</b>			
<p><b>Section 97</b> – Design of in-fill self-care housing</p> <p>(1) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023.</p>	✓	<b>Section 4.6</b>	<b>Appendix K</b>



Requirement	Compliance	EIS	Technical Study
(2) <i>Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.</i>			
<b>Division 7 Non-discretionary development standards</b>			
<b>Section 106</b> – Application of design principles for seniors housing <i>Nothing in this division affects the operation of section 97(2).</i>	✓	<b>Section 4.6</b>	-
<p><b>Section 107</b> – Non-discretionary development standards for hostels and residential care facilities—the Act, s 4.15</p> <p>(2) <i>The following are non-discretionary development standards in relation to development for the purposes of hostels or residential care facilities—</i></p> <p>(a) <i>no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,</i></p> <p>(b) <i>servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—</i></p> <p style="padding-left: 20px;"><i>(i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and</i></p> <p style="padding-left: 20px;"><i>(ii) is limited to an area of no more than 20% of the surface area of the roof, and</i></p> <p><i>(iii) does not result in the building having a height of more than 11.5m,</i></p> <p>(c) <i>the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</i></p> <p>(d) <i>internal and external communal open spaces with a total area of at least—</i></p> <p style="padding-left: 20px;"><i>(i) for a hostel—8m<sup>2</sup> for every bed, or</i></p> <p style="padding-left: 20px;"><i>(ii) for a residential care facility—10m<sup>2</sup> for every bed,</i></p> <p>(e) <i>at least 15m<sup>2</sup> of landscaped area for every bed,</i></p>	✓	<b>Section 4.6</b>	-



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<p>(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p> <p>(g) for a hostel—at least 1 parking space for every 10 beds in the hostel,</p> <p>(h) for a residential care facility—at least 1 parking space for every 15 beds in the facility,</p> <p>(i) at least 1 parking space for every 2 employees who are on duty at the same time,</p> <p>(j) at least 1 parking space for the purpose of ambulance parking.</p>			
<p><b>Section 108</b> – Non-discretionary development standards for independent living units—the Act, s 4.15</p> <p>(2) The following are non-discretionary development standards in relation to development for the purposes of independent living units—</p> <p>(a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,</p> <p>(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—</p> <p style="padding-left: 20px;">(i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and</p> <p style="padding-left: 20px;">(ii) is limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(iii) does not result in the building having a height of more than 11.5m,</p> <p>(c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</p> <p>(d) for a development application made by a social housing provider—at least 35m<sup>2</sup> of landscaped area per dwelling,</p> <p>(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p> <p>(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,</p>	✓	<b>Section 4.6</b>	-



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<p>(i) for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and—</p> <p>(i) an area of at least 10m<sup>2</sup>, or</p> <p>(ii) for each dwelling containing 1 bedroom—an area of at least 6m<sup>2</sup>,</p> <p>(j) for a development application made by, or made by a person jointly with, a social housing provider—at least 1 parking space for every 5 dwellings,</p>			
<b>Schedule 8 – Design Principles for Seniors Housing</b>			
<p>1) Neighbourhood amenity and streetscape</p> <p>2) Visual and acoustic privacy</p> <p>3) Solar access and design for climate</p> <p>4) Stormwater</p> <p>5) Crime prevention</p> <p>6) Accessibility</p> <p>7) Water management</p>	✓	<b>Section 4.6</b>	<b>Appendix K</b>
<b>State Environmental Planning Policy (Sustainable Buildings) 2022</b>			
<b>Section 2.1 Standards for BASIX development and BASIX optional development</b>			
<p>1) Schedule 1 sets out the standards that apply to BASIX development referred to in paragraphs (a) and (b) of the definition of <i>BASIX development</i> in the <i>Environmental Planning and Assessment Regulation 2021</i>.</p> <p>2) Schedule 2 sets out the standards that apply to—</p> <p>(a) BASIX development referred to in paragraph (c) or (d) of the definition of <i>BASIX development</i> in the <i>Environmental Planning and Assessment Regulation 2021</i>, and</p> <p>(b) BASIX optional development if the development application or the application for a complying development certificate was accompanied by a BASIX certificate.</p>	✓	<b>Section 4.0</b>	<b>EIS</b>  <b>Appendix X</b> <b>Appendix Y</b> <b>Appendix GG</b>



Requirement	Compliance	EIS	Technical Study
3) The standard specified in Schedule 2, section 4 extends to a swimming pool or spa that has a capacity of less than 40,000L if the swimming pool or spa is part of development referred to in paragraph (c) of the definition of <i>BASIX development</i> in the <i>Environmental Planning and Assessment Regulation 2021</i> .			
4) A standard specified in Schedule 1 or 2 does not apply to development involving a heritage item or in a heritage conservation area to the extent that the Planning Secretary is satisfied that the development is not capable of achieving a standard because of other development controls that apply.			
5) Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.			
<b>Eurobodalla Local Environmental Plan 2012</b>			
<b>Clause 2.3 Zone objectives and Land Use Table</b>			
The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	✓	<b>Section 4.5</b>	-
<b>Clause 4.3 Height of buildings</b>			
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the <i>Height of Buildings Map</i> .	✓	<b>Section 6.1.2</b>	<b>Appendix II</b>
<b>Clause 4.4 Floor space ratio</b>			
Not adopted.		<b>Section 6.1.3</b>	-
<b>Clause 4.6 Exemptions to development standards</b>			
(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a	✓	<b>Section 6.1.2</b>	<b>Appendix II</b>



Requirement	Compliance	EIS	Technical Study
development standard that is expressly excluded from the operation of this clause.			
<b>Clause 5.10 Heritage Conservation</b>			
<p>(2) <b>Requirement for consent</b> Development consent is required for any of the following—</p> <p>(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)—</p> <ul style="list-style-type: none"> <li>(i) a heritage item,</li> <li>(ii) an Aboriginal object,</li> <li>(iii) a building, work, relic or tree within a heritage conservation area,</li> </ul> <p>(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,</p> <p>(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,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land—</p> <ul style="list-style-type: none"> <li>(i) on which a heritage item is located or that is within a heritage conservation area, or</li> <li>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</li> </ul> <p>(f) subdividing land—</p> <ul style="list-style-type: none"> <li>(i) on which a heritage item is located or that is within a heritage conservation area, or</li> <li>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</li> </ul>	✓	Section 6.13	Appendix FF



Requirement	Compliance	EIS	Technical Study
<b>Clause 5.11 Bush fire hazard reduction</b>			
Bush fire hazard reduction work authorised by the <i>Rural Fires Act 1997</i> may be carried out on any land without development consent.	✓	Section 6.5	Appendix CC
<b>Clause 5.21 Flood Planning</b>			
(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.	✓	Section 6.6	Appendix BB
<b>Clause 6.4 Earthworks</b>			
(3) Before granting development consent for earthworks, the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed 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,	✓	Section 3.5.3	Appendix P



Requirement	Compliance	EIS	Technical Study
(d) the effect of the proposed development on the existing and likely amenity 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 watercourse, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.			
<b>Clause 6.9 Stormwater</b>			
(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 site, having regard to the soil characteristics affecting on site infiltration of water, and (b) includes, where practical, on site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) avoids, or where an impact cannot be avoided, minimises and mitigates, the impacts of stormwater run off on adjoining downstream properties, native bushland and receiving waters.	✓	<b>Section 3.9</b>	<b>Appendix R</b>