

KEY LEGISLATION

COMMONWEALTH ACTS

Environmental Protection and Biodiversity Conservation Act 1999		
	Comment	EIS Reference
		Refer to Section 5 and Section 8

STATE ACTS AND REGULATIONS

Environmental Planning and Assessment Act 1979		
	Comment	EIS Reference
Section 1.3 Objectives		
The objects of this Act are as follows—		
a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal will deliver 319 units, of which 11 will be affordable for 15 years. It provides infill development in a highly accessible location and therefore facilitates less resource use, along with facilitating conservation of valuable natural and other resources.	Section 5
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal facilitates a sustainable and resilient development outcome that contributes to meeting NetZero targets of the State. Furthermore, it enables living within homes that are comfortable regardless of season and adaptable to changing climatic conditions, there in providing greater resilience and overall quality of life.	
c) to promote the orderly and economic use and development of land,	The proposal will facilitate development of the land that promotes greater economic activity on the site itself, along with providing more homes close to employments.	
d) to promote the delivery and maintenance of affordable housing,	The proposal will deliver 319 units, of which 11 will be affordable for 15 years.	
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	A BDAR Waiver confirms that the proposal will have no impacts on threatened species, including native animals, plants, ecological communities and associated habitats.	
f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The subject site is not a heritage item nor it is within a heritage conservation. A heritage impact assessment confirms that the proposed development is considered acceptable within its context. <i>"the design of this proposal has balanced the requirements of working within a regulatory</i>	

Environmental Planning and Assessment Act 1979

	Comment	EIS Reference
	<i>context addressing numerous considerations to modernize and make necessary upgrades to meet current living standards whilst also seeking to minimise impact to the heritage significance of its context.</i> In addition, Aboriginal Cultural Heritage has been considered, along with Connecting with Country to ensure that a country centered, rather than people focused design is implemented on site.	
g) to promote good design and amenity of the built environment,	The proposal provides a high quality design outcome and meets the 9 design quality principles of Schedule 9 of the Housing SEPP 2021. Refer to Appendix ##.	
h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal is supported by a BCA and other technical assessments which confirm that the building can be properly constructed and maintained.	
i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The proposal facilitates achievement of this objective.	
j) to provide increased opportunity for community participation in environmental planning and assessment.	Community engagement has occurred during the preparation of the EIS and will also occur during the formal submission and assessment phase.	

Section 4.15 Evaluation

1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

(a) the provisions of—		Section 5 Appendix 1B Appendix 1C
(i) any environmental planning instrument, and	All relevant EPI's have been considered.	
(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	No relevant proposed instrument has been exhibited that relates to the subject site.	
(iii) any development control plan, and	Development Control Plans are specifically excluded from being applicable to SSD	

Environmental Planning and Assessment Act 1979		
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	application per Clause 2.10 of the SEPP (Planning Systems) 2021. Regardless, the draft DCP prepared by Council but not exhibited or adopted has been considered.	
(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	No planning agreement exists.	
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	Addressed in Section 5.3	
(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,	Considered in Sections 5, 7 and 8 of EIS	Sections 5, 7 and 8 of EIS
(c) the suitability of the site for the development,	Considered in Section 8 of EIS	Section 8.6
(d) any submissions made in accordance with this Act or the regulations,	All submissions will be considered as required following formal exhibition of the proposal.	Section 8.4
(e) the public interest.	Considered in Section 8 of EIS	Section 8.7

Environmental Planning and Assessment Regulation 2021		
	Comment	EIS Reference
Section 24 Content of a Development Application		
1) A development application must—	The proposal has been prepared in a manner consistent with the requirements of the Regulation. This is a SSDA and accordingly is accompanied by an EIS.	--
a) be in the approved form, and		
b) contain all the information and documents required by—	The proposal is lodged on the NSW Major Projects Planning Portal.	
(i) the approved form, and		
(ii) the Act or this Regulation, and		
Example— The Act, section 4.12(8) requires a development application for State significant development or designated development to be accompanied by an environmental impact statement.		

Environmental Planning and Assessment Regulation 2021		
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c) be submitted on the NSW planning portal.		
Section 29 Residential apartment development		
1) A development application that relates to residential apartment development must be accompanied by a statement by a qualified designer.	A Statement by a Qualified Designer is included in this EIS.	Section 5, Section 7 Appendix 1D Appendix 6 & 7
2) The statement must— a) verify that the qualified designer designed, or directed the design of, the development, and b) explain how the development addresses— c) the design principles for residential apartment development, and d) the objectives in Parts 3 and 4 of the Apartment Design Guide.	The Statement addresses all relevant requirements.	

Biodiversity Conservation Act 2016		
	Comment	EIS Reference
7.9 Biodiversity assessment for State significant development or infrastructure		
1) This section applies to— a) an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development, and b) an application for approval under Division 5.2 of the Environmental Planning and Assessment Act 1979 to carry out State significant infrastructure.	Refer to Section 5	Section 5.2 Appendix 24
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		

Biodiversity Conservation Act 2016		
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	requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.	