Level 4, 180 George Street
Sydney NSW 2000
Australia
colliers.com.au

Statutory Compliance Table

SSD-86270706

Statutory Requirement	Report / EIS	Technical Study
Commonwealth Acts of Parliament		
Environmental Protection and Biodiversity Conservation Act 1999		
Section 136 General considerations		
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.	**Section 7.14**	**Appendix V** **Appendix Z** **Appendix AA**
2) In considering those matters, the Minister must take into account: (a) the principles of ecologically sustainable development; and (b) the assessment report (if any) relating to the action	**Section 3.13** **Section 5.0** **Section 7.0**	**Appendix O**
Section 139 Requirements for decisions about threatened species and endangered communities		
3) 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 ii. the Apia Convention; or iii. CITES; or (b) a recovery plan or threat abatement plan.	**Section 5.0**	N/A

4) If: (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 (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; 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.	N/A	N/A
NSW Acts of Parliament		
Environmental Planning and Assessment Act 1979		
Section 1.3 Objects of the Act		
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, (b) to promote the supply, delivery and maintenance of housing, including affordable housing, (c) to promote productivity through the development and management of the State and its resources, (d) to protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats, (e) to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention, (f) to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage, (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, (h) to provide opportunities for participation in environmental planning and assessment, (i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, (j) to promote a proportionate and risk-based approach to environmental planning and assessment, (k) to promote the orderly and economic use and development of land.	**Section 5.5** and refer to the Environmental Planning Instruments presented further below.	N/A

Level 4, 180 George Street
Sydney NSW 2000
Australia
colliers.com.au

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— (i) any environmental planning instrument, and	**Section 5.5** and refer to the Environmental Planning Instruments presented further below.	N/A
(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	N/A	N/A
(iii) any development control plan, and	N/A	N/A
(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	N/A	N/A
(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,	**Section 5.5**	N/A
(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 7.0**	Refer to the Environmental Impact Statement (EIS).
(c) the suitability of the site for the development,	**Section 8.5**	N/A
(d) any submissions made in accordance with this Act or the regulations,	Public consultation is expected to be carried out by the Department of Planning, Housing and Infrastructure (DPHI) on the submitted State significant development application. Any submissions received as a result are for DPHI's consideration in its assessment of the application against applicable plans and policies.	
(e) the public interest.	**Section 8.6**	N/A
Biodiversity Conservation Act 2016		
Division 2 Biodiversity assessment requirements – Section 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. 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 *Environmental Planning and Assessment Act 1979*.	**Section 5.5** **Section 7.16**	**Appendix Q**
Division 4 Biodiversity assessment and offsets – 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.	**Section 5.5** **Section 7.16**	**Appendix Q**
NSW Environmental Planning Instruments		
State Environmental Planning Policy (Resilience and Hazards 2021)		
Section 3.12 Matters for consideration by consent authorities		
In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development) (a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and	**Section 5.5**	N/A

(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and (c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and (d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and (e) any likely future use of the land surrounding the development.		
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. 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.	**Section 5.5** **Section 7.12**	**Appendix R**
State Environmental Planning Policy (Transport and Infrastructure 2021)		
Section 2.48 Determination of development applications – other development		
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— (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,	**Section 5.5**	N/A

(b) development carried out—

i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

ii) immediately adjacent to an electricity substation, or

iii) within 5m of an exposed overhead electricity power line,

(c) installation of a swimming pool any part of which is—

i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or

ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,

(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

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—

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

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

Section 2.98 Development adjacent to rail corridors		
2) Before determining a development application for development to which this section applies, the consent authority must— (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, 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.	**Section 5.5**	N/A
Section 2.99 Excavation in, above, below or adjacent to rail corridors		

Level 4, 180 George Street
Sydney NSW 2000
Australia
colliers.com.au

3) Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor to which the development application relates. 4) In deciding whether to provide concurrence, the rail authority must take into account— (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on— i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.	**Section 5.5**	N/A
Section 2.100 Impact of rail noise or vibration on non-rail development		
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. 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— (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am, (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.	**Section 5.5** **Section 7.6**	N/A
Section 2.120 Impact of road noise or vibration on non-road development		
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. 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— (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,	**Section 5.5** **Section 7.9**	**Appendix Y**

Level 4, 180 George Street
Sydney NSW 2000
Australia
colliers.com.au

(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.		
Section 2.121 Excavation in or immediately adjacent to corridors		
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— (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.	**Section 5.5** **Section 6.0**	**Appendix T**
State Environmental Planning Policy (Housing) 2021		
Chapter 3 Diverse Housing Part 3 Co-living housing	**Section 5.5** **Section 7.0**	**Appendix F**
Chapter 4 Design of residential apartment development	**Section 5.5** **Section 7.0**	**Appendix F**
State Environmental Planning Policy (Sustainable Buildings) 2022		
Section 2.1 standards for BASIX development and BASIX optional development		
1) Schedule 1 sets out the standards that apply to BASIX development referred to in paragraphs (a) and (b) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021. 2) Schedule 2 sets out the standards that apply to— (a) BASIX development referred to in paragraph (c) or (d) of the definition of ***BASIX development*** in the *Environmental Planning and Assessment Regulation 2021*, and (b) BASIX optional development if the development application or the application for a complying development certificate was accompanied by a BASIX certificate.	**Section 5.5**	**Appendix Q**

Level 4, 180 George Street
Sydney NSW 2000
Australia
colliers.com.au

2A) The standards that apply to BASIX development the subject of an amended BASIX certificate are— (a) if the BASIX development is the subject of a development application or application for a complying development certificate that has been lodged—the standards that applied to the development when the original BASIX certificate was issued, or (b) otherwise—the standards specified in subsections (1) or (2). 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 ***BASIX development*** in the *Environmental Planning and Assessment Regulation 2021*. 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 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified using an approved BASIX system.		
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 2 Vegetation in non-rural areas	**Section 5.5** **Section 7.16**	**Appendix Q**
North Sydney Local Environmental Plan 2013		
Clause 2.3 Zone objectives and land use table		
2) 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.	**Section 4.0** **Section 5.5**	N/A
Clause 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*.	**Section 4.0** **Section 5.5**	N/A
Clause 4.4 Floor space ratio		

Level 4, 180 George Street
Sydney NSW 2000
Australia
colliers.com.au

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*.	**Section 5.5**	N/A
Clause 5.10 Heritage conservation		
2) **Requirement for consent** Development consent is required for any of the following— (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)— i) a heritage item, ii) an Aboriginal object, iii) a building, work, relic or tree within a heritage conservation area, (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, (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, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land— i) on which a heritage item is located or that is within a heritage conservation area, or ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land— i) on which a heritage item is located or that is within a heritage conservation area, or ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.	**Section 2.5** **Section 7.16**	**Appendix S**
Clause 5.11 Bush fire hazard reduction		
Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.	N/A	N/A
Clause 5.21 Flood planning		

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. 3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development, (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.	**Section 2.6**	N/A
Part 6 Additional local provisions		
1) This Division applies to the North Sydney Centre. 2) A provision in this Division prevails over any other provision of this Plan to the extent of any inconsistency.	**Section 5.5**	N/A
Clause 6.3 Building heights and massing		
3) A building on land in the North Sydney Centre may have a height that exceeds the maximum height of buildings shown for the land on the Height of Buildings Map. 5) In determining whether to grant development consent for development on land to which this Division applies, the consent authority must consider the following—	**Section 4.0** **Section 5.5**	**Appendix E** **Appendix F**

Level 4, 180 George Street
Sydney NSW 2000
Australia
colliers.com.au

(a) the likely impact of the proposed development on the scale, form and massing of the locality, the natural environment and neighbouring development and, in particular, the lower scale development adjoining the North Sydney Centre, (b) whether the proposed development preserves significant view lines and vistas, (c) whether the proposed development enhances the streetscape in relation to scale, materials and external treatments.		
Clause 6.10 Earthworks		
2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given. 3) Before granting 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— i) drainage patterns and soil stability in the locality of the development, and ii) natural features of, and vegetation on, the site and adjoining land, (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 of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing Aboriginal objects or 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.	**Section 5.5** **Section 7.12**	**Appendix U**
Clause 6.12 Residential flat buildings		
2) This clause applies to land in Zone R4 High Density Residential.	N/A	N/A

Level 4, 180 George Street
Sydney NSW 2000
Australia
colliers.com.au

Clause 6.12A Residential flat buildings in Zone MU1 Mixed Use		
2) This clause applies to land in Zone MU1 Mixed Use. 3) Development consent must not be granted for development for the purpose of a residential flat building on land to which this clause applies unless the consent authority is satisfied that— (a) the residential flat building is part of a mixed use development, and (b) no part of the ground floor of the building that is facing a street is used for residential accommodation.	**Section 5.5**	**Appendix F**
Clause 6.13 Vehicular access		
Despite any other provision of this Plan, development for the purposes of a driveway and vehicular crossing within a road reserve associated with a permissible use in an adjoining zone may be carried out with development consent.	**Section 5.5** **Section 7.8**	**Appendix M**
Clause 6.15 Airspace operations		
2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application. 3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that— (a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or (b) the development will not penetrate the Limitation or Operations Surface. 4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.	**Section 5.5**	N/A