

Appendix B – Statutory Compliance Table

Table 40 Statutory Compliance Table

Statutory Requirement	Report/EIS	Technical Study
Commonwealth Acts of Parliament		
Environmental Protection and Biodiversity Conservation Act		
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 6.0	N/A
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 9.6	Appendix BB
	N/A	N/A
Section 139 Requirements for decisions about threatened species and endangered communities		
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 (ii.) the Apia Convention; or (iii.) CITES; or (b.) a recovery plan or threat abatement plan.	Section 6.0	N/A
2) 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	Section 6.0	N/A
NSW Acts of Parliament		
Environmental Planning and Assessment Act 1979		
Section 1.3 Objectives of the Act		
(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, (e.) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, (f.) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage), (g.) to promote good design and amenity of the built environment, (h.) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants, (i.) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State, (j.) to provide increased opportunity for community participation in environmental planning and assessment.	EIS Section 9.6 Section 9.5 Section 8.2.2 Section 6.3 Section 8.2.14 Section 8.2.18 Section 8.2.19 Construction impacts throughout EIS Section 7.0	N/A
Section 4.15 Evaluation		
1) Matters for consideration—general	Section 6.0	N/A

Statutory Requirement	Report/EIS	Technical Study
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		
(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	Section 6.0	N/A
(iii.) any development control plan, and	Section 6.0	Appendix E
(iii.a.) 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 6.0	N/A
(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	Section 9.5	N/A
(c.) the suitability of the site for the development,	Section 9.8	N/A
(d.) any submissions made in accordance with this Act or the regulations		Public consultation is expected to be carried out by DPHI on the submitted 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 0	N/A
Biodiversity Conservation Act		
2) The Minister for Planning, 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 Minister for Planning may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values	Section 6.0 Section 8.2.14	Appendix II Appendix JJ
3) If the Minister for Planning is of the opinion that proposed State significant development or State significant infrastructure that is the subject of an application to which this Division applies is likely to have serious and irreversible impacts on biodiversity values, the Minister—	Section 6.0 Section 8.2.14	Appendix II Appendix JJ
(a.) is required to take those impacts into consideration, and		
(b.) is required to determine whether there are any additional and appropriate measures that will minimise those impacts if consent or approval is to be granted		
NSW EPIs		
State Environmental Planning Policy (Housing) 2021	Section 6.3.3	Appendix L
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Section 6.0	Appendix II
State Environment Planning Policy (Transport and Infrastructure) 2021	Section 6.0	Appendix S
State Environmental Planning Policy (Planning Systems) 2021	Section 6.3.1	N/A
State Environment Planning Policy (Resilience and Hazards) 2021	Section 6.0	N/A
State Environmental Planning Policy (Sustainable Buildings) 2022	Section 6.0	Appendix FF
Newcastle Local Environmental Plan 2023	Section 6.3.4	N/A