Appendix C – Statutory Compliance Table

Kamay Energy Storage SSDA- SSD-92494458

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
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 4.5	N/A	Yes
Section 4.36 Development that is State Significant Development			
(3) The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development.	Section 4.1	N/A	Yes
(3A) The Minister may make a declaration under subsection (3) only if the Minister has obtained and made publicly available advice from the Independent Planning Commission about the State or regional planning significance of the development			

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
Section 4.15 - Evaluation			
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 4.0	N/A	Yes
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 4.0	N/A	Yes
iii. any development control plan, and	Not applicable - development control plans are not required to be assessed as part of State Significant Development Applications (SSDAs).		
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	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 4.5	N/A	Yes
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 6.0	Reports Appended to the EIS	Yes
c. the suitability of the site for the development.,	Section 18.6	N/A	Yes
d. any submissions made in accordance with this Act or the regulations	Not Applicable – submissions will be considered following the public exhibition of the SSDA.		
e. the public interest	Section 18.7	N/A	Yes
Biodiversity Conservation Act 2016			
Section 7.9 Biodiversity Assessment for State Significant Development			
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,*	Section 4.4 and Section 7.0	Appendix H	Yes

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
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 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 Part 5.1 of the Environmental Planning and Assessment Act 1979, 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 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 4.4 and Section 7.0	Appendix H	Yes
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 4.3	N/A	Yes
(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; and*	Section 18.3.2	N/A	Yes

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
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.* *(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 4.3 and Section 7.0	Appendix H	Yes
NSW Environmental Planning Instruments			
State Environmental Planning Policy (Hazards and Resilience) 2021			
Section 2.7 Development on certain land within coastal wetlands and littoral rainforests			
(1) The following may be carried out on land identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent— *(a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,* *(b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,* *(c) the carrying out of any of the following—* *(i) earthworks (including the depositing of material on land),* *(ii) constructing a levee,* *(iii) draining the land,* *(iv) environmental protection works,*	Section 4.6 and Section 7.0	Appendix H	Yes

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
(d) any other development. *(2) Development for which consent is required by subsection (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.* *(3) Despite subsection (1), development for the purpose of environmental protection works on land identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map may be carried out by or on behalf of a public authority without development consent if the development is identified in—* *(a) the relevant certified coastal management program, or* *(b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993, or* *(c) a plan of management under Division 3.6 of the Crown Land Management Act 20* *(4) A consent authority must not grant consent for development referred to in subsection (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.* *(5) Nothing in this section requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the Biosecurity Act 2015.* *(6) This section does not apply to the carrying out of development on land reserved under the National Parks and Wildlife Act 1974 if the proposed development is consistent with a plan of management prepared under that Act for the land concerned.*			
Section 2.8 Development on land in proximity to coastal wetlands or littoral rainforest			
(1) Development consent must not be granted to development on land identified as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on— (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest. (2) This section does not apply to land that is identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map.	Section 4.6 and Section 7.0	Appendix H	Yes

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
Section 2.10 Development on land within the coastal environment area			
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following— (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, (b) coastal environmental values and natural coastal processes, (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1, (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, (f) Aboriginal cultural heritage, practices and places, (2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	Section 4.6 and Section 7.0	Appendix H	Yes
Section 2.11 Development on land within the coastal use area			
(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority— (a) has considered whether the proposed development is likely to cause an adverse impact on the following— (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	Section 4.6 and Section 7.0	Appendix H	Yes

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands, (iv) Aboriginal cultural heritage, practices and places, (v) cultural and built environment heritage, and (b) is satisfied that— (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.			
Section 2.12 Development in coastal zone generally—development not to increase risk of coastal hazards			
Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	Section 4.6 and Section 7.0	Appendix H	Yes
Section 2.13 Development in coastal zone generally—coastal management programs to be considered			
Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.	Section 4.6 and Section 7.0	Appendix H	Yes
Section 3.11 Preparation of preliminary hazard analysis			
A person who proposes to make a development application to carry out development for the purposes of a potentially hazardous industry must prepare (or cause to be prepared) a preliminary hazard analysis in accordance with the current circulars or guidelines published by the Department of Planning and submit the analysis with the development application.	Section 4.6 and Section 7.0	Appendix H	Yes

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
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 (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 and Section 7.0	Appendix H	Yes
State Environmental Planning Policy (Transport and Infrastructure 2021)			
2.36 Development permitted with consent			
(1) Development for the purpose of electricity generating works may be carried out by any person with consent on the following land— *(a) in the case of electricity generating works comprising a building or place used for the purpose of making or generating electricity using waves, tides or aquatic thermal as the relevant fuel source—on any land,* *(b) in any other case—any land in a prescribed non-residential zone.* *(2) Development for the purpose of a back-up electricity generating plant that operates for not more than 200 hours in any year may be carried out by any person with consent on any land.* *(3) Development for the purpose of the expansion of existing electricity generating works may be carried out by or on behalf of a public authority with consent on any land that is adjacent to the existing works.* *(4) Consent is not required to carry out any such development on land if the development could, but for subsection (3), be carried out on that land without consent.*	Section 4.5	N/A	Yes

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
(5) Development for the purpose of, or resulting in, a change of fuel source of an existing coal or gas fired generating works by a proportion of more than 5 per cent in any 12 month period may only be carried out with consent. *(6) If, under any environmental planning instrument (including this Chapter), development for the purpose of—* *(a) industry, or* *(b) a waste or resource management facility,* *may be carried out on land with consent, development for the purpose of electricity generating works that generate energy from waste, or from gas generated by waste, may also be carried out by any person with consent on that land.* ***Note—*** *Thermal energy from waste development is regulated by Division 28.* *(7) Without limiting subsection (1), development for the purpose of a small wind turbine system may be carried out by any person with consent on any land.* *(8) However, subsection (7) only applies in relation to land in a prescribed residential zone if—* *(a) the small wind turbine system has the capacity to generate no more than 10kW, and* *(b) the height of any ground-mounted small wind turbine in the system from ground level (existing) to the topmost point of the wind turbine is no more than 18m.* *(9)* ***Solar energy systems*** *Development for the purpose of a solar energy system may be carried out by any person with consent on any land.*			
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,* *(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—*	Section 4.5	N/A	Yes

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
(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.* *(3) Subsection (2) does not apply to development specified in subsection (1)(b) if the development involves only one or more of the following—* *(a) internal alternations to a building,* *(b) a change of use of an existing building,* *(c) a change to the hours of operation specified in the development consent,* *(d) a subdivision that does not involve construction work.*			
State Environmental Planning Policy (Biodiversity and Conservation) 2021			
2.6 Clearing that requires permit or approval			
(1) A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part. *(2) A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.* *(3) Subsection (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.* *(4) Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.*	Section 4.5	Appendix H	Yes

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
(5) Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out. *(6) For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.*			
Sutherland Local Environmental Plan			
Clause 2.3 – Zone objectives and land use table			
(1) The Land Use Table at the end of this Part specifies for each zone— (a) the objectives for development, and (b) development that may be carried out without development consent, and (c) development that may be carried out only with development consent, and (d) development that is prohibited. (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. (3) In the Land Use Table at the end of this Part— (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone. (4) This clause is subject to the other provisions of this Plan.	Section 4.5	N/A	Yes
Clause 5.21 Flood planning			
(1) The objectives of this clause are as follows— *(a) to minimise the flood risk to life and property associated with the use of land,* *(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,* *(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,* *(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.* *(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—*	Section 4.5 and Section 9.0	Appendix J	Yes

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
(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.* *(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*			
Clause 5.22 Special flood considerations			
(1) The objectives of this clause are as follows— *(a) to enable the safe occupation and evacuation of people subject to flooding,* *(b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,* *(c) to avoid adverse or cumulative impacts on flood behaviour,* *(d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,* *(e) to avoid adverse effects of hazardous development on the environment during flood events.* *(2) This clause applies to—* *(a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and*	Section 4.5 and Section 9.0	Appendix J	Yes

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
(b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may— *(i) cause a particular risk to life, and* *(ii) require the evacuation of people or other safety considerations.* *(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—* *(a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and* *(b) incorporates appropriate measures to manage risk to life in the event of a flood, and* *(c) will adversely affect the environment in the event of a flood.* *(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*			
Clause 6.1 Acid sulphate soils			
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. *(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.* *(3) Development consent must not be granted under this clause for the carrying out of works unless—* *(a) an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority, and* *(b) the consent authority is satisfied that any disturbance of acid sulfate soils resulting from the works will be managed so as to minimise adverse impacts on natural waterbodies, wetlands, native vegetation, agriculture, fishing, aquaculture and urban and infrastructure activities.* *(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—* *(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and* *(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.* *(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—*	Section 4.5 and 8.0	Appendix I	Yes

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
(a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety, *(b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),* *(c) minor work, being work that costs less than $20,000 (other than drainage work).* *(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—* *(a) the works involve the disturbance of less than 1 tonne of soil, and* *(b) the works are not likely to lower the watertable.*			
Clause 6.5 Environmentally sensitive land – terrestrial biodiversity			
(1) The objective of this clause is to maintain terrestrial biodiversity by— *(a) protecting native fauna and flora, and* *(b) protecting the ecological processes necessary for their continued existence, and* *(c) encouraging the conservation and recovery of native fauna and flora and their habitats.* *(2) This clause applies to land identified as "Environmentally Sensitive Land" on the Terrestrial Biodiversity Map.* *(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—* *(a) whether the development is likely to have—* *(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and* *(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and* *(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and* *(iv) any adverse impact on the habitat elements providing connectivity on the land, and* *(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*	Section 4.5 and 7.0	Appendix H	Yes

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that— *(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or* *(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or* *(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*			
Clause 6.6 Environmentally sensitive land – ground water vulnerability			
(1) The objectives of this clause are as follows— *(a) to maintain the hydrological functions of key groundwater systems,* *(b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.* *(2) This clause applies to land identified as "Environmentally Sensitive Land" on the Groundwater Vulnerability Map.* *(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following—* *(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),* *(b) any adverse impacts the development may have on groundwater dependent ecosystems,* *(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),* *(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.* *(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—* *(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or* *(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or* *(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*	Sections 4.5, 7.0 and 8.0	Appendix H Appendix J	Yes

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
Clause 6.7 Environmentally sensitive land – riparian land and watercourses			
(1) The objective of this clause is to protect and maintain the following— *(a) water quality within watercourses,* *(b) the stability of the bed and banks of watercourses,* *(c) aquatic and riparian habitats,* *(d) ecological processes within watercourses and riparian areas.* *(2) This clause applies to land identified as "Environmentally Sensitive Land" on the Riparian Lands and Watercourses Map.* *(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—* *(a) whether or not the development is likely to have any adverse impact on the following—* *(i) the water quality and flows within the watercourse,* *(ii) aquatic and riparian species, habitats and ecosystems of the watercourse,* *(iii) the stability of the bed and banks of the watercourse,* *(iv) the free passage of fish and other aquatic organisms within or along the watercourse,* *(v) any future rehabilitation of the watercourse and riparian areas, and* *(b) whether or not the development is likely to increase water extraction from the watercourse, and* *(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.* *(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that—* *(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or* *(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or* *(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*	Section 4.5 and 7.0	Appendix H	Yes
Clause 6.16 Urban design – general			
(1) In deciding whether to grant development consent for any development, the consent authority must consider the following— *(a) the extent to which high quality design and development outcomes for the urban environment of Sutherland Shire have been attained, or will be attained, by the development,*	Section 4.5	N/A	Yes

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
(b) the extent to which any buildings are designed and will be constructed to— *(i) strengthen, enhance or integrate into the existing character of distinctive locations, neighbourhoods and streetscapes, and* *(ii) contribute to the desired future character of the locality concerned,* *(c) the extent to which recognition has been given to the public domain in the design of the development and the extent to which that design will facilitate improvements to the public domain,* *(d) the extent to which the natural environment will be retained or enhanced by the development,* *(e) the extent to which the development will respond to the natural landform of the site of the development,* *(f) the extent to which the development will preserve, enhance or reinforce specific areas of high visual quality, ridgelines and landmark locations, including gateways, nodes, views and vistas,* *(g) the principles for minimising crime risk set out in Part B of the Crime Prevention Guidelines and the extent to which the design of the proposed development applies those principles.* *(2) In this clause, **Crime Prevention Guidelines** means the publication, Crime prevention and the assessment of development applications (ISBN 0 7347 0184 5), published by the NSW Department of Urban Affairs and Planning in 2001.*			

Statutory Requirements	EIS Section	Technical Study	Compliance? Yes/No
Clause 6.19 Kurnell Peninsula			
(1) The objective of this clause is to minimise risk to life or property in the event of an emergency on Kurnell Peninsula. *(2) This clause applies to land identified as "Refinery Risk Area" on the Activity Hazard Risk Map.* *(3) Despite any other provisions of this Plan, development consent must not be granted for development for the following purposes on land to which this clause applies—* *(a) dual occupancies,* *(b) multi dwelling housing,* *(c) secondary dwellings,* *(d) seniors housing,* *(e) shop top housing.* *(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the contents of any reports relating to Kurnell Peninsula about the following matters that have been prepared by the Department and given to the Council—* *(a) risk assessment,* *(b) transportation,* *(c) dangerous goods routes,* *(d) guidelines on risk assessment criteria and methodology.*	Sections 4.5 and 13.0	N/A	Yes