

Appendix 3 – Statutory Compliance Table

This table summarises the development compliance with the relevant statutory provisions and identifies where a more detailed assessment is provided in the EIS or in the accompanying technical reports.

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
Environmental Planning and Assessment Act 1979			
Section 1.3	Objects 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 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 proposed development is consistent with the objects of the EP&A Act for the following reasons: • The development will facilitate the delivery of much needed housing including 10% affordable housing • The proposal promotes orderly and economic use of land as it will provide housing which responds to the changing needs of the Burwood community. • The site does not contain any threatened species and so the proposal protects the environment. • The proposal incorporates a detailed Connecting with Country strategy and so it promotes the sustainable management of built and cultural heritage, including Aboriginal cultural heritage. • The proposal is a high quality design with particularly high amenity • It allows for additional employment opportunities throughout the construction and operation phases • It will facilitate ecologically sustainable development.	Section 5

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	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.	The proposal has committed to a BASIX to support ecologically sustainable development.	
Section 4.15	(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 (iii) any development control plan, and (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 (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), (v) (Repealed) that apply to the land to which the development application relates,	The relevant provisions of the EPIs have been addressed in this EIS.	Section 5 of this EIS and this table.

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	(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,	The significant likely impacts of the development have been addressed in detail in the EIS.	Sections 7 and 8
	(c) the suitability of the site for the development,	The site is located within an MU1 Mixed Use zone and the proposed development will sit comfortably within the emerging context of the Burwood town centre and the variety of scale of development evident within the visual catchment of the site. The site has a very high level of accessibility and is an ideal location for high density residential development. Finally, the redevelopment of the site will facilitate a significant contribution to affordable housing. The assessment of the key issues demonstrates that the development will not result in any unreasonable impacts on the surrounding properties or the public domain having regard to the design measures implemented into the design and the proposed mitigation measures.	Sections 2.4, 7 and 8
	(d) any submissions made in accordance with this Act or the regulations,	Submissions will be considered following the public exhibition of the application.	-
	(e) the public interest.	The proposed development will deliver substantial social and economic benefits.	Section 8
Section 4.36	Section 4.36(3) of the EP&A Act states that: <i>The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development.</i>	The site was declared to be SSD under the HDA, specifically pursuant to State Significant Declaration Order (No 13) 2025 (Order) issued on 8 September 2025. The Order states development specified in EOI application 268844 dated 6 June 2025, including development for the purposes of a residential flat building with provision of affordable housing at 17-19 Conder Street and 21 Conder Street, Burwood, is SSD. The Order enables SSD-95843710 to be undertaken through the Housing Delivery Authority (HDA) pathway with a Concurrent Rezoning to Burwood Local Environmental Plan 2012 (BLEP	Section 5.1.1

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		2012). Therefore, the proposed development is SSD by virtue of Ministerial planning order.	
Environmental Planning and Assessment Regulation 2021			
Clause 191	Clause 191 of the EP&A Reg provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS has been prepared to address the requirements of Clause 191 of the EP&A Regulations and SEARs.	Section 7 of the and Appendix 1
Water Management Act 2000			
Section 90	In accordance with section 90(2) of the Water Management Act 2000, an water management work approval is required for construction dewatering. Notwithstanding this in accordance with clause 4.41(1)(g) of the EP&A Act a water management work approval for construction dewatering under section 90 of the Water Management Act 2000 is not required for SSD that is authorised by a development consent granted under Division 4.7 of the EP&A Act.	A Groundwater Seepage Analysis prepared by EI Australia accompanies the application and is included as Appendix 10 . The Analysis indicates that groundwater will be encountered by the proposed basement. However, due to the size of the basement, it is not likely that more than 3ML per year groundwater take would occur as a result of the proposal, and so it is expected that a drained basement will be acceptable for the development.	Appendix 10
Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017			
Section 7.9	In accordance with clause 7.9 of the Biodiversity Conservation Act 2016 an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development is to be accompanied by a biodiversity development assessment report unless that Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.	A delegate of the Secretary of the Department of Planning and Environment and a Delegate of the Secretary within the Environment and Heritage Group have determined that the proposed development is not likely to have any significant impact on biodiversity values and that a BDAR is not required to accompany any application for development consent for the proposed development. A waiver for the preparation of a BDAR was provided.	Appendix 25

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State Environmental Planning Policy (Resilience and Hazards) 2021			
Clause 4.6	Chapter 4 'Remediation of Land' in State Environmental Planning Policy (Resilience and Hazards) 2021 applies to the whole of the State. In accordance with clause 4.6 of the SEPP a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and 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. Clause 4.6 also provides that before determining an application for consent to carry out development that would involve a change or use to carry out development for a recreational purposes 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.	The site is occupied by two residential flat buildings which were constructed 15 years ago and which involved significant excavation. The subject proposal does not seek to change the existing residential use of the site. As the site has been historically used for residential purposes, including previous basement excavation, the consent authority can be satisfied that the site is suitable in its current state for the proposed development.	Section 7.15 of the EIS
State Environmental Planning Policy (Biodiversity and Conservation) 2021			
Chapter 2 Vegetation in Non-Rural Area	Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the Hills Shire Council and requires approval for removal of trees on the site.	There are no trees on the site.	Section 7.7.1
Chapter 6 Water Catchments	The site is located within the Hawkesbury-Nepean system and Clause 6.6 requires consideration of water quality and quantity including: <i>(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,</i> <i>(b) whether the development will have an adverse impact on water flow in a natural waterbody,</i>	The impact of the development on water quality has been addressed in the EIS. Water Sensitive Urban Design measures are to be implemented.	Section 7.13 and Appendices 17 and 18

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	(c) whether the development will increase the amount of stormwater run-off from a site, (d) whether the development will incorporate on-site stormwater retention, infiltration or reuse, (e) the impact of the development on the level and quality of the water table, (f) the cumulative environmental impact of the development on the regulated catchment, (g) whether the development makes adequate provision to protect the quality and quantity of ground water. Clause 6.6(2) provides that development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures— (a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and (b) the impact on water flow in a natural waterbody will be minimised.		
State Environmental Planning Policy (Sustainable Buildings) 2022			
Chapter 2 Standards for residential development - BASIX	State Environmental Planning Policy (Sustainable Buildings) 2022 applies to the development and aims to encourage sustainable residential development.	A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.	Appendix 13
State Environmental Planning Policy (Housing) 2021 – Chapter 4– Design Quality of Residential Apartment Development and the Apartment Design Guide			
Clause 147	Clause 147 of the SEPP requires that: (1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified,	The design quality of the development when evaluated in accordance with the nine applicable design quality principles, and the Apartment Design Guide (ADG) are addressed in Appendix 9 Design Report prepared by the project architect.	

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	<i>unless the consent authority has considered the following—</i> <i>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i> <i>(b) the Apartment Design Guide,</i> <i>(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</i>	The proposed development satisfies the design principles of Schedule 9 of the SEPP as follows: Context and Neighbourhood Character The development is considered to be contextually appropriate for the following reasons: • The proposed development is permissible in the MU1 zone pursuant to the Burwood Local Environmental Plan 2012, meets the objectives of the zone and is consistent with the desired future character of the area. • The proposed development will deliver the urban renewal of a consolidated site within Burwood which will contribute profoundly to the vibrancy, amenity, economic success and housing choice within the area. The siting, scale, bulk, and massing of the development is generally consistent with the emerging character and pattern of development within the Burwood town centre and represents an appropriately designed development which will contribute positively to the area. • The proposed massing of the development provides a singular slam tower form which achieves a comfortable fit with the emerging hierarchy of height within the Burwood town centre whilst also realising the environmental capacity of the site. The proposed massing of the development facilitates a high level of environmental performance within the development, reduced impacts on surrounding properties, allows for integration with the surrounding landscape and appropriate levels of solar access. • The proposal is a transit orientated development that will provide additional housing choice with excellent access to the facilities within the Burwood town centre and is in close proximity to a range of recreational opportunities and transport facilities.	

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		- Having regard to the planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location having regard to the future desired character of the area and the emerging context. In this regard the development will be compatible with its emerging context. Built Form and Scale The scale of the proposed building is appropriate to the scale of the street and the forthcoming development of the surrounding properties for the following reasons: - The proposed distribution of built form and massing of the building is the result of a considered analysis of the context of the site, the emerging character of the area, the applicable planning provisions and the desire to deliver a positive urban design outcome as well as affordable housing. - The proposed development has been specifically designed as a robust architectural solution, with the scale of the proposed building responding positively to the scale and siting of future development within the visual catchment of the site, particularly with much higher buildings only 180 metres to the east. - The proposed design delivers appropriate separation between other buildings as well as a superior level of environmental performance within the development. - The proposal incorporates a high level of materiality and demonstrates fine grain active frontage and the buildings architecture combined with the public domain improvements will serve to activate and enliven the street frontage of the site. - The architectural package includes solar access analysis which demonstrates that the proposed scale of the	

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		development will not unreasonably overshadow development on adjacent and nearby sites. • The scale of the proposed buildings will not be perceived as jarring or antipathetic in the future streetscape and urban design context which will develop in the area. • The proposed development will provide a high quality contemporary new development which will contribute positively to the emerging urban character of the area. Density The density of dwellings proposed is considered appropriate for the site and its location in that: • The proposal facilitates the delivery of much needed housing within the demonstrated environmental capacity of the site. • The availability and capacity of the local infrastructure, public transport and recreational opportunities supports the proposed number of apartments. The site is extremely well located in terms of access to public transport infrastructure within the Burwood town centre. • The density proposed does not give rise to any significant impacts on the adjoining properties in terms of overshadowing, loss of privacy or visual impact as detailed in this Statement. • An acceptable level of amenity is provided for occupants of the development having regard to the constraints of the site. • The scale of the building within the overall Burwood town centre is considered and achieves a high quality urban design outcome which matches the emerging street wall height within the context of the site, and provides additional housing within a tower which provides modulation to the skyline.	

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		The scale of the proposed development does not result in any unreasonable impacts on the surrounding properties in terms of loss of views, loss of visual or acoustic privacy or visual impact. The architectural package includes a solar access analysis which demonstrates that the proposed scale of the development will not unreasonably overshadow development on adjacent and nearby sites. Sustainability The proposed development has been designed to reflect best practice sustainable building principles to improve environmental performance, in relation to energy and water efficient design and technology and use of renewable energy. The design provides for passive solar design principles, thermal massing and achieves cross ventilation to an acceptable number of dwellings within the development and a BASIX Certificate accompanies this application which confirms that the development will meet the NSW Government's requirements for sustainability for residential flat building. Landscape The proposed development incorporates a strong landscaped character within the front and rear setbacks as well as for the rooftop common open space area. The proposed development includes a comprehensive design for the landscaping of the site and all public domain areas surrounding the site. The Landscape Package prepared by Melissa Wilson Landscape Architects that accompanies the application at Appendix 8 demonstrates that the proposal will result in a high density residential development within a generously landscaped setting having regard to the urban context of the site. The landscaping proposed represents an integral element in ensuring the development has an appropriate contextual fit and will positively contribute to the envisaged character of Burwood town centre.	

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		The proposed development provides a consolidated rooftop common open space area which meets the minimum required 25% area. The common open space area will be used for a range of activities and will include BBQs, soft and hard landscaping and outdoor seating. The common open space area will receive good levels of solar access and will have a high level of amenity. Amenity A particularly high level of amenity is provided for the occupants of the development with the development providing generous apartment sizes and practical room dimensions and shapes, storage space, indoor and outdoor space and access for all age groups and degrees of mobility. The number of units with access to natural light and ventilation has also been maximised with over 71.4% receiving cross flow ventilation and 93% receiving over 2 hours of solar access to a portion of the living room window between 9am and 3pm on 21 June. The separation distances within the site are generally consistent or exceed those suggested in the Apartment Design Guide and high levels of visual privacy between the apartments within the development has been achieved. Privacy is achieved with measures such as screens, highlight windows, or blank wall treatments. Overall the design of the development ensures a particularly high level of amenity for the residents of the building. Safety The safety and security of the public domain around the site will be significantly enhanced by introducing additional activity on the site and the casual surveillance of all surrounding streets from the dwellings within the development. The entries to the development will be appropriately lit at night to enhance safety, visibility and legibility. Effective access control	

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		has been achieved through the provision of physical barriers to attract, channel and/or restrict the movement of people within the development. The internal areas within the development such as the entrances and lobbies will be well used by residents. The common areas will be under the supervision of the occupants of the apartments on the levels above. The use and supervision of the common areas will reduce the opportunities for crime. Housing Diversity and Social Interaction The proposed development provides a mix of 17 x 1 bedroom apartments (13.2%), 102 x 2 bedroom apartments (65.8%), and 10 x 3 bedroom apartments (21%). Aesthetics The proposed development provides for a contemporary and attractive development which is compatible with the emerging character within the area. The proposed development introduces a variety of building elements and utilises a visually engaging architectural language with a selection of appropriate materials and finishes. The proposed built form and composition of the development responds to the desired future character of the Burwood town centre and will provide a positive contribution to the visual quality of the area.	
Clause 30	Pursuant to clause 30 of SEPP 65 if an application for a development application to which the Policy applies the consent authority must not refuse the application because of those matters: - if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide. - if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the	- Each apartment complies with the minimum area requirement. - Each apartment has a minimum ceiling height of 2.7 metres for habitable rooms, which requires 3.2m floor to floor heights.	

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	relevant apartment type specified in Part 4D of the Apartment Design Guide, if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.		
The Sydney Local Environmental Plan 2012			
Clause 2.3 Zone Objectives and Land Use Table	The site is zoned MU1 Mixed Use pursuant to the BLEP 2012. Clause 2.3(2) of the BLEP provides that 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. The objectives of the MU1 Mixed Use zone are: - To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities. - To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. - To minimise conflict between land uses within this zone and land uses within adjoining zones. - To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.	The proposed development provides for a residential flat development which is permissible in the zone. Whilst the objectives of the zone are heavily focused on the provision of employment generating uses, the subject site is unique in that it is located at the edge of the MU1 zone and somewhat isolated from the core of the MU1 zone and as such there is limited demand at this edge condition for non-residential uses on the subject site. Moreover, the small site area creates a significant difficulty in providing multiple uses within the proposed building including the additional servicing and access requirements that would occur. Notwithstanding that there is no no-residential uses proposed, the subject development will introduce additional resident population which will contribute positively to the economic success of other buildings and uses within the Burwood town centre. Finally, the site interfaces with an R1 zone to the rear and side and non-residential uses in the subject building and so in this instance the provision of only residential use is aligned with the zone objective to minimise conflict between land uses in the adjoining zones.	
Clause 4.3 Height of Buildings	The height of a building is not to exceed the maximum height shown for the land on the height of buildings map.	In accordance with clause 4.3 'Height of Buildings' 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'. The proposed maximum height for the site is compliant with the proposed 76 metre height control.	

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Clause 4.4 FSR	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.	Clause 4.4 of the BLEP provides that 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. The proposed maximum floor space ratio for the site is compliant with the proposed 8.52:1 FSR control.	
Clause 5.10 Heritage	Clause 5.10(4) of the SLEP states that: The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	The subject site is not listed as an individual heritage item, nor is it located within a heritage conservation area. However, the site is located within close proximity to a number of heritage items listed in Schedule 5 of the Burwood Local Environmental Plan 2012. A Heritage Impact Statement prepared by Heritage 21 accompanies this submission at Appendix 30 which confirms that the proposal does not result in any adverse heritage impacts.	Section 7.17 and Appendix 30.
Clause 6.21 Design Excellence	Clause 6.5 of the BLEP applies to development for the erection of a new building over 3 storeys in the MU1 zone and provides that development consent must not be granted unless in the opinion of the consent authority the proposed development exhibits design excellence.	A detailed explanation in relation to design excellence is provided at Sections 7.1 and 7.2 of the EI & R Statement	
Clause 6.1 Acid Sulphate Soils	The site is not identified as being affected by acid sulfate soils on the Acid Sulfate Soils Map.	The site is located within Class 5 land, but is more than 500 metres from an adjacent class land, and the proposed development will not lower the watertable in the adjacent class land. Accordingly, an acid sulfate soils management plan is not required.	
Clause 7.23 Large retail development outside of Green Square Town Centre and other planned centres	Clause 7.23 of the SLEP 2012 applies to the site and provides that development consent must not be granted to development on land to which this clause applies for the purposes of shops or markets with a gross floor area greater than 1,000 square metres..	The retail tenancies do not individually exceed 1,000sqm	N/A