

Statutory Compliance Tables

Table 1 Mandatory Considerations Table

Statutory Reference	Mandatory Consideration	Section in EIS / Relevant Appendix
Environmental Planning and Assessment Act 1979		
Section 1.3	<p>(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,</p> <p>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p> <p>(c) to promote the orderly and economic use and development of land,</p> <p>(d) to promote the delivery and maintenance of affordable housing,</p> <p>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</p> <p>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</p> <p>(g) to promote good design and amenity of the built environment,</p> <p>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</p>	<p>The proposals consistency with the aims of the EP&A Act 1979 has been demonstrated throughout the discussion on planning and environmental outcomes.</p> <p>The EP&A Act has been discussed at Section 5.3 of the EIS.</p>

	<p>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</p> <p>(j) to provide increased opportunity for community participation in environmental planning and assessment</p>	
Section 4.15	<p>Address the statutory provisions contained in all relevant legislated and draft environmental planning instruments, including but not limited to:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011. • State Environmental Planning Policy (Infrastructure) 2007. • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. • State Environmental Planning Policy No 64 – Advertising and Signage. • State Environmental Planning Policy No 55 – Remediation of Land. • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP). • State Environmental Planning Policy (Koala Habitat Protection) 2019. • Newcastle Local Environmental Plan 2012 	All applicable and relevant EPIs and strategies are addressed within Section 5 of this EIS.
	<ul style="list-style-type: none"> • Draft State Environmental Planning Policy (Remediation of Land). • Draft State Environmental Planning Policy (Environment). • Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities). • Draft State Environmental Planning Policy (SEPP) for strategic conservation planning. 	All relevant draft Planning Policies addressed within Section 5 of this EIS.
	<p>Permissibility</p> <ul style="list-style-type: none"> • Detail the nature and extent of any prohibitions that apply to the development. 	The permissibility of the project has been discussed as Section 5 of this EIS.
	<p>Development Standards</p> <ul style="list-style-type: none"> • identify compliance with the development standards applying to the site and provide justification for any contravention of the development standards adequately demonstrate 	The relevant development standards applicable to the site have been discussed at Section 5.

	and document how each of the provisions in the listed instruments are addressed, including reference to necessary technical documents.	
Environmental Planning and Assessment Regulation 2000		
Schedule 2	Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> outlines the requirements of Planning Secretary and approval bodies in relation to Environmental Impact Statements.	The SEARs reiterate the statutory context and requirements for the preparation of an EIS, particularly as outlined in Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (the Regulation). The SEARs identify key issues, which are addressed throughout this EIS. The SEARs have been addressed at Appendix A.
Heritage Act 1997		
	<p>Heritage</p> <ul style="list-style-type: none"> • Address any archaeological potential or archaeological significance on and adjacent to the site and the impacts the development may have on this significance. • Provide a statement of significance and an assessment of the impact on the heritage significance of the heritage items on and adjacent to the site in accordance with the guidelines in the NSW Heritage Manual (Heritage Office and DUAP, 1996) and Assessing Heritage Significance (OEH, 2015). <p>Aboriginal Cultural Heritage</p> <ul style="list-style-type: none"> • The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigation in NSW (DECCW 2010), and be guided by the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales (OEH 2011). 	<p>A Statement of Heritage Impact covering these issues has been prepared and is located at Appendix P. These findings are summed up in Section 7 of this EIS.</p> <p>An Aboriginal cultural heritage report at Appendix Q addresses these topics.</p> <p>Consultation with Aboriginal authorities have been undertaken as per this request.</p>

	<ul style="list-style-type: none"> • Consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR. • Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to Heritage NSW. • The assessment of Aboriginal cultural heritage values must include a surface survey undertaken by a qualified archaeologist. The result of the surface survey is to inform the need for targeted test excavation to better assess the integrity, extent, distribution, nature and overall significance of the archaeological record. The results of surface surveys and test excavations are to be documented in the ACHAR. • The ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the project to formulate appropriate measures to manage unforeseen impacts. • The ACHAR must outline procedures to be followed in the event Aboriginal burials or skeletal material is uncovered during construction to formulate appropriate measures to manage the impacts to this material. <p>NOTE: The process described in the Due Diligence Code of Practice for the protection of Aboriginal objects in NSW (DECCW 2010) is not sufficient to assess the impacts on Aboriginal cultural heritage of Major Projects.</p>	<p>The Aboriginal cultural heritage report at Appendix Q provides information on these matters.</p> <p>The Aboriginal cultural heritage report at Appendix Q includes a survey by a qualified archaeologist.</p> <p>A procedure to be followed has been provided within the Aboriginal cultural heritage report at Appendix Q.</p> <p>The ACHAR addresses procedures to follow if Aboriginal burials or skeletal material is found.</p>
	<p>BCD has reviewed the document 'Request for Secretary's Environmental Assessment Requirements - Redevelopment Masterplan and Stage 1 Approval - Newcastle Grammar School, Park Campus 127 Union Street, Cooks Hill NSW 2300' as prepared by KDC Pty Ltd (dated 12 August 2020) and has prepared Standard SEARs which are presented in Attachment A. There are no project-specific SEARs provided for this project (Attachment B). Details of guidance documents are provided in Attachment C.</p> <p>Biodiversity</p> <p>1. Biodiversity impacts related to the proposed development (SSD-13895306) are to be assessed in accordance with the Biodiversity Assessment Method 2020 and documented in a Biodiversity</p>	

	<ul style="list-style-type: none"> b. Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations. c. Water Quality Objectives (as endorsed by the NSW Government http://www.environment.nsw.gov.au/ieo/index.htm) including groundwater as appropriate that represent the community's uses and values for the receiving waters. d. Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government. <p>6. The EIS must assess the impacts of the development on water quality, including:</p> <ul style="list-style-type: none"> a. The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the development protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction. b. Identification of proposed monitoring of water quality. <p>7. The EIS must assess the impact of the development on hydrology, including:</p> <ul style="list-style-type: none"> a. Water balance including quantity, quality and source. b. Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas. c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems. d. Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches). e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water. f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and reuse options. g. Identification of proposed monitoring of hydrological attributes. 	<p>The EIS provides information in relation to these matters within Section 6.</p> <p>Water Quality information is provided at Section 7 of this EIS.</p> <p>Hydrology information has been assessed within Section 7 of this EIS.</p> <p>Flooding and erosion impacts have been assessed in Section 6 of this EIS with information from the Flood Study at Appendix BB.</p> <p>Flood assessment and modelling is provided in Section 6 of this EIS with information from the Flood Study at Appendix BB.</p> <p>Flood modelling for these events are provided in the Flood Study at Appendix BB.</p> <p>The EIS considers and documents these matters in Section 6 of this EIS as per SEARs requirements.</p>
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Flooding and coastal erosion

8. The EIS must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 (NSW Government 2005) including:
 - a. Flood prone land.
 - b. Flood planning area, the area below the flood planning level.
 - c. Hydraulic categorisation (floodways and flood storage areas).
9. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 1 in 10 year, 1 in 100 year flood levels and the probable maximum flood, or an equivalent extreme event.
10. The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios:
 - a. Current flood behaviour for a range of design events as identified in 11 above. This includes the 1 in 200 and 1 in 500 year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
11. Modelling in the EIS must consider and document:
 - a. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood.
 - b. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affectation of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazards and hydraulic categories.
 - c. Relevant provisions of the NSW Floodplain Development Manual 2005.
12. The EIS must assess the impacts on the proposed development on flood behaviour, including:
 - a. Whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure.
 - b. Consistency with Council floodplain risk management plans.
 - c. Compatibility with the flood hazard of the land.
 - d. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
 - e. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
 - f. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

The EIS addresses impacts on flood behaviour as a result of the development in Section 6. Information on these findings is provided via the Flood Study at Appendix BB.

	<ul style="list-style-type: none"> g. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the SES and Council. h. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the SES and Council. i. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the SES. j. Any impacts the development may have on the social and economic costs to the community as consequence of flooding. <p>13. The [EIS/EA] must describe the potential effects of coastal processes and hazards (within the meaning of the Coastal Management Act 2016), including sea level rise and climate change:</p> <ul style="list-style-type: none"> a. On the proposed development b. Arising from the proposed development. <p>The [EIS/EA] must consider have regard to any certified Coastal Management Program (or Coastal Zone Management Plan) and be consistent with the management objectives described in the Coastal Management Act 2016 and development controls for coastal management areas mapped under the State Environmental Planning Policy (Coastal Management) 2018.</p>	
State Environmental Planning Policy (State and Regional Development) 2011		
Schedule 1, Clause 15	<p>Development is declared to be SSD due to fulfilling the following criterion.</p> <ul style="list-style-type: none"> (1) Development for the purpose of a new school (regardless of the capital investment value). (2) Development that has a capital investment value of more than \$20 million for the purpose of alterations or additions to an existing school. (3) Development for the purpose of a tertiary institution (within the meaning of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017), including associated research facilities, that has a capital investment value of more than \$30 million. 	Refer to Section 5.13.1 of the EIS and Appendix NN for QS Report

State Environmental Planning Policy (Infrastructure) 2007

Clause 45	<p><i>(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</i></p> <p><i>(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,</i></p> <p><i>(b) development carried out—</i></p> <p><i>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i></p> <p><i>(ii) immediately adjacent to an electricity substation, or</i></p> <p><i>(iii) within 5m of an exposed overhead electricity power line,</i></p> <p><i>(c) installation of a swimming pool any part of which is—</i></p> <p><i>(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</i></p> <p><i>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</i></p> <p><i>(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.</i></p> <p><i>(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—</i></p> <p><i>(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</i></p> <p><i>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</i></p>	Refer to section 5.13.2 of the EIS and Building Services Report at Appendix II.
Clause 101	<p><i>(1) The objectives of this clause are—</i></p> <p><i>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i></p>	Refer to section 5.13.2 of the EIS.

	<p><i>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></p> <p><i>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p> <p><i>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p><i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i></p> <p><i>(i) the design of the vehicular access to the land, or</i></p> <p><i>(ii) the emission of smoke or dust from the development, or</i></p> <p><i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></p> <p><i>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p>	
Clause 102	<p><i>(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—</i></p> <p><i>(a) residential accommodation,</i></p> <p><i>(b) a place of public worship,</i></p> <p><i>(c) a hospital,</i></p> <p><i>(d) an educational establishment or centre-based child care facility.</i></p>	Refer to section 5.13.2 of the EIS.
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017		
	The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—	Refer to Section 5.13.3 of the EIS.

	<p>a. improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p> <p>b. simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</p> <p>c. establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</p> <p>d. allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p> <p>e. providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>f. aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</p> <p>g. ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</p> <p>h. encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</p>	
<p>Clause 35 Schools— development permitted with consent</p>	<p>In accordance with Clause (35)(1), development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone. As identified in Clause 33, the R3 Medium Density Residential zone is an identified prescribed zone for the purposes of Part 4 of the SEPP.</p> <p>In accordance with Clause 35(6) of the SEPP Education the following must be considered for the assessment of a school development permitted with consent:</p> <p><i>(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:</i></p>	<p>Refer to Section 5.13.3.1 of the EIS.</p>

	<p><i>(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and</i></p> <p><i>(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</i></p> <p>It is noted that Clause 35(9) states:</p> <p><i>A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.</i></p>	
Schedule 4 – Design Quality Principles	Schedule 4 of the SEPP Education outlines the design quality principles that are proposed for consideration of applications for school developments.	Please refer to Section 5.13.3.2 for a detailed assessment of the development against these principles.
State Environmental Planning Policy No 64 – Advertising and Signage.		
Clause 3 Aims, objectives etc	<p>(1) This Policy aims—</p> <p>(a) to ensure that signage (including advertising)—</p> <p>(i) is compatible with the desired amenity and visual character of an area, and</p> <p>(ii) provides effective communication in suitable locations, and</p> <p>(iii) is of high quality design and finish, and</p> <p>(b) to regulate signage (but not content) under Part 4 of the Act, and</p> <p>(c) to provide time-limited consents for the display of certain advertisements, and</p> <p>(d) to regulate the display of advertisements in transport corridors, and</p> <p>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</p> <p>(2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.</p>	A detailed assessment of the development alongside the principles of Schedule 1 has been provided within Section 5.13.4 of this EIS.

State Environmental Planning Policy No 55 – Remediation of Land		
Clause 7 (1)	<p>A consent authority must not consent to the carrying out of any Development on land unless:</p> <ul style="list-style-type: none"> • 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. 	<p>Refer to the Preliminary Site Investigation at Appendix X.</p> <p>Due to the findings, A Remediation Action Plan has been provided at Appendix Y.</p>
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)		
Clause 7	<ul style="list-style-type: none"> • (1) A person must not clear vegetation in a non-rural area of the State to which Part 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 4. • (3) Subclause (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 clause unless the conditions to which the authorisation is subject are complied with. • (5) Subclause (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 Policy is prohibited if the clearing is not carried out in accordance with the permit or approval. 	<p>Refer to Section 5.13.6 of the EIS. Tree removal forms part of the application supported with an Arborist Report at Appendix O.</p>
State Environmental Planning Policy (Koala Habitat Protection) 2020		
Clause 5	In accordance with Clause 5 of this SEPP, the requirements of this SEPP do not apply to this DA.	N/A
State Environmental Planning Policy (Koala Habitat Protection) 2021		
Clause 18	In accordance with Clause 18 of this SEPP, the requirements of this SEPP do not apply to this DA.	N/A

Newcastle Local Environmental Plan 2012

Aims	<p>(1) This Plan aims to make local environmental planning provisions for land in the City of Newcastle in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.</p> <p>(2) The particular aims of this Plan are as follows—</p> <p>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</p> <p>(a) to respect, protect and complement the natural and cultural heritage, the identity and image, and the sense of place of the City of Newcastle,</p> <p>(b) to conserve and manage the natural and built resources of the City of Newcastle for present and future generations, and to apply the principles of ecologically sustainable development in the City of Newcastle,</p> <p>(c) to contribute to the economic well being of the community in a socially and environmentally responsible manner and to strengthen the regional position of the Newcastle city centre as a multi-functional and innovative centre that encourages employment and economic growth,</p> <p>(d) to facilitate a diverse and compatible mix of land uses in and adjacent to the urban centres of the City of Newcastle, to support increased patronage of public transport and help reduce travel demand and private motor vehicle dependency,</p> <p>(e) to encourage a diversity of housing types in locations that improve access to employment opportunities, public transport, community facilities and services, retail and commercial services,</p> <p>(f) to facilitate the development of building design excellence appropriate to a regional city.</p>	<p>The Newcastle LEP 2012 has been addressed at Section 5.14 of the EIS. The Aims of the LEP 2012 have been addressed at Section 5.14.3.1 of the EIS.</p>
Clause 2.3 Zoning and Land Use	<p>The site is within the R3 Medium Density Residential Zone</p> <p>The objectives of the R3 Zone are as follows:</p> <p><i>1 Objectives of zone</i></p> <ul style="list-style-type: none"> <i>To provide for the housing needs of the community within a medium density residential environment.</i> <i>To provide a variety of housing types within a medium density residential environment.</i> 	<p>As demonstrated throughout this EIS, the proposal is satisfactory in terms of its permissibility given the R3 Medium Density Residential Zone of the site in the Newcastle Local Environmental Plan 2012 (NLEP 2012) as an educational establishment.</p>

	<ul style="list-style-type: none"> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> • <i>To allow some diversity of activities and densities if—</i> <ul style="list-style-type: none"> (i) <i>the scale and height of proposed buildings is compatible with the character of the locality, and</i> (ii) <i>there will be no significant adverse impact on the amenity of any existing nearby development.</i> • <i>To encourage increased population levels in locations that will support the commercial viability of centres provided that the associated new development—</i> <ul style="list-style-type: none"> (i) <i>has regard to the desired future character of residential streets, and</i> (ii) <i>does not significantly detract from the amenity of any existing nearby development.</i> 	
Clause 2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Demolition is included within this application. Refer to Section 4 and 5.14 of the EIS.
Clause 4.3 Maximum Height of Building	The site is not subject to a height of building control.	Refer to Section 5.14 of the EIS.
Clause 4.4 Floor Space Ratio	The site is not subject to a floor space ratio control.	Refer to Section 5.14 of the EIS.
Clause 5.10 Heritage Conservation	<p>The site is not subject to heritage status however is nearby to the Cooks Hill heritage conservation area (north) and Hamilton South 'Garden Suburb' heritage conservation area (west).</p> <p>The design of the proposed buildings will give consideration to the heritage areas and heritage items on Union Street and Parkway Avenue to ensure cohesiveness in the streetscape and reduce any potential of detracting from the heritage significance of the areas and items.</p>	Refer to Section 5.14 of the EIS.

<p>Clause 6.1 Acid Sulfate Soils</p>	<p>The site is subject to Class 4 acid sulfate soils where the following require consent:</p> <ul style="list-style-type: none"> • <i>Works more than 2 metres below the natural ground surface.</i> • <i>Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</i> 	<p>Refer to Section 5.14 of the EIS.</p>
<p>Clause 6.2 Earthworks</p>	<p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,</p> <p>(b) to allow earthworks of a minor nature without requiring a separate development consent.</p> <p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to other development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development;</p>	<p>Refer to Section 5.14 of the EIS.</p>

Part 7 Additional Local Provisions – Newcastle City Centre	As the Park Campus is not within the area mapped within the Newcastle City Centre, this Section of the LEP 2012 does not apply to the site.	Refer to Section 5.14 of the EIS.
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