



# Statutory Compliance Table

Control	Relevant Considerations	Response	Section in EIS
<b>Environmental Planning and Assessment Act 1979</b>			
<b>Section 1.3</b>	<i>(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,</i>	<p><b>Complies</b></p> <p>The proposal will benefit the social welfare of the community by providing high quality affordable and private market housing in an accessible location.</p> <p>The proposal will address a growing and critical need for residential development and contribute to alleviating the housing crisis in Greater Sydney.</p> <p>Alongside the housing delivered by the proposal, the development also provides high quality cultural and creative floor space, including cinema uses that reinforce the site / Oxford Street's longstanding cultural function.</p>	<b>Throughout the EIS</b>
	<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	<p><b>Complies</b></p> <p>The proposal addresses the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms in accordance with the requirements of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p>	<b>Section 6.1, Appendix O</b>

<b>Control</b>	<b>Relevant Considerations</b>	<b>Response</b>	<b>Section in EIS</b>
	<i>(c) to promote the orderly and economic use and development of land,</i>	<p><b>Complies</b></p> <p>The proposal will promote the orderly and economic use and development of land. The proposal is permissible with consent and provides cultural and creative uses in accordance with Council’s recent LEP amendment for the ‘Oxford Street Cultural and Creative Precinct’.</p>	<b>Throughout the EIS</b>
	<i>(d) to promote the delivery and maintenance of affordable housing,</i>	<p><b>Complies</b></p> <p>The proposal actively promotes the delivery and maintenance of affordable housing by incorporating 14 affordable apartments, which will be managed by a Community Housing Provider for 15 years.</p> <p>This ensures a significant portion of the proposal will be accessible to those in need, addressing the urgent demand for affordable housing in the area. By integrating affordable housing within a high quality, well designed development, the proposal not only meets immediate housing needs but also ensures long term sustainability and community inclusivity.</p>	<b>Throughout the EIS</b>
	<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	<p><b>Complies</b></p> <p>A BDAR Waiver was granted by DPHI on 13 November 2025. The waiver was granted on the basis that the works will not adversely impact threatened species and ecological communities.</p>	<b>Section 6.2, Appendix H and Appendix I</b>
	<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	<p><b>Complies</b></p> <p>An Aboriginal Due Diligence Assessment (<b>ADD</b>), Heritage Impact Statement (<b>HIS</b>) and European Archaeology Documentation accompany the DA.</p> <p>The Aboriginal Due Diligence Assessment confirms that no Aboriginal archaeological constraints affect the proposed redevelopment. The site was found to have nil to low potential to contain Aboriginal objects due to extensive prior disturbance, and with adherence to the recommended mitigation measures,</p>	<b>Section 6.1.7 and Appendix K, Appendix L and Appendix OO</b>

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		<p>the project can proceed without posing a significant risk to Aboriginal cultural heritage values.</p> <p>The HIS concludes that the proposal will have no adverse heritage impacts on the Paddington Urban Conservation Area (HCA), Busby's Bore or the Rose Terraces. The retention of the two storey masonry façades to Oxford Street and Verona Street will maintain the legibility of the historic subdivision pattern and broader streetscape character. The demolition of the buildings at 13–15 Oxford Street and 2 Verona Street is considered acceptable, as these structures do not reflect the characteristic typologies or historical development phases of the area. Their replacement with higher quality built form will enhance the architectural contribution to the streetscape.</p> <p>The archaeological investigations conclude that the proposal will not result in unacceptable impacts on European archaeological resources. While some relics may be uncovered during excavation, they can be appropriately managed through the recommended archaeological excavation methodology, ensuring compliance with the Heritage Act 1977 and Heritage NSW guidelines.</p>	
	<p>(g) <i>to promote good design and amenity of the built environment,</i></p>	<p><b>Complies</b></p> <p>The proposal delivers a built form that thoughtfully responds to both the existing and desired future character of Paddington. The architectural response has been carefully considered to capitalise on the site's strategic location along Oxford Street, within close proximity to the CBD. Key design responses include:</p> <ul style="list-style-type: none"> <li>• Strategic building orientation, responding to site layout and topography.</li> <li>• Suitable setbacks and privacy measures to promote visual privacy.</li> <li>• Articulated upper levels to reduce perceived bulk.</li> <li>• High levels of amenity for future residents, including: <ul style="list-style-type: none"> <li>- Generous communal spaces.</li> </ul> </li> </ul>	<p><b>Section 6.1, Appendix D and Appendix E</b></p>

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		<ul style="list-style-type: none"> <li>- Optimal orientation for views and solar access.</li> <li>- Compliance with NSW Apartment Design Guide.</li> <li>- Integration of 14 affordable housing dwellings.</li> </ul>	
	<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	<p><b>Complies</b></p> <p>The proposed development is capable of achieving Code Compliance (Access and BCA).</p>	<b>Appendix Q and Appendix R</b>
	<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	N/A	<b>N/A</b>
	<i>(j) to provide increased opportunity for community participation in environmental planning and assessment.</i>	<p><b>Complies</b></p> <p>Community and stakeholder engagement has been conducted during the preparation of the SSDA, as outlined in <b>Section 5</b> of the EIS. During the assessment period, there will be an additional opportunity for the community and stakeholders to provide feedback on the proposed development.</p> <p>The Applicant will address any concerns raised during the exhibition of the proposed development.</p>	<b>Section 5 and Appendix N</b>
<b>Section 4.15</b>	<i>(i) The provisions of – any environmental planning instrument</i>	<p>The relevant instruments are:</p> <ul style="list-style-type: none"> <li>• SEPP (Planning Systems) 2021.</li> <li>• SEPP (Transport and Infrastructure) 2021.</li> <li>• SEPP (Sustainable Buildings) 2022.</li> <li>• SEPP (Resilience and Hazards) 2021.</li> <li>• SEPP (Housing) 2021.</li> <li>• SEPP (Biodiversity and Conservation) 2021.</li> <li>• Sydney Local Environmental Plan 2012.</li> </ul> <p>An assessment against these instruments has been undertaken below.</p>	<b>Section 4, Appendix C</b>

<b>Control</b>	<b>Relevant Considerations</b>	<b>Response</b>	<b>Section in EIS</b>
	(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),	N/A	<b>N/A</b>
	(iii) any development control plan,	Section 2.10(1) of SEPP (Planning Systems) provides that the provisions of Development Control Plans do not apply to SSD.	<b>N/A</b>
	(iiiia) 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,	N/A	<b>N/A</b>
	(iv) the regulations	Consideration of the <i>Environmental Planning and Assessment Regulation 2021</i> is contained Section 4 of the EIS.	<b>Section 4</b>
	(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,	The likely impacts of the development are assessed in detail within the EIS.	<b>Section 6</b>
	(c) the suitability of the site for the development,	The suitability of the site for the proposed development is demonstrated in the EIS.	<b>Section 7</b>
	(d) any submissions made in accordance with this Act or the regulations,	Submissions will be considered following exhibition of the application.	<b>Section 5</b>
	(e) the public interest.	<p>The proposed development satisfactorily responds to the relevant planning instruments and controls applying to the site.</p> <ul style="list-style-type: none"> <li>It will deliver a substantial public benefit by providing new housing, including a dedicated affordable housing component secured for a minimum of 15 years. This</li> </ul>	<b>Section 7.7</b>

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		<p>ensures that moderate income households, including essential workers, will have access to well located housing in central Sydney, directly responding to the State's affordable housing objectives and the targets set under the National Housing Accord.</p> <ul style="list-style-type: none"> <li>• The project increases the overall supply and diversity of housing in the locality. A mix of apartment types and terraces will be provided, responding to different household needs and market segments. Delivering this housing in an inner city, high amenity location ensures that growth is directed to areas with strong infrastructure capacity and access to services.</li> <li>• The proposal retains and expands cultural and creative uses within the site, including cinema and bar space, thereby reinforcing Oxford Street's role as a cultural and creative hub.</li> <li>• The development also generates significant economic and employment benefits.</li> <li>• Activated retail and cultural frontages along Oxford Street will enhance safety, vibrancy and pedestrian amenity, reinforcing Oxford Street's role as a high street destination.</li> <li>• The design carefully manages heritage considerations by retaining the Verona Cinema façade, mitigating impacts on Busby's Bore, and ensuring a sympathetic response to the adjoining heritage terrace group. This ensures that renewal is achieved in a way that respects the cultural and historic values of the locality.</li> <li>• The development also incorporates sustainability measures consistent with the Sustainable Buildings SEPP, including BASIX compliance, water sensitive urban design, and deep soil planting, thereby contributing to the long term environmental performance and resilience of the precinct.</li> </ul>	

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		<p>The proposal will not create any adverse social, economic or environmental impacts that cannot be mitigated by the proposed mitigation measures provided at <b>Appendix B</b>.</p> <p>On balance, the benefits of the development outweigh any potential adverse impacts, and the development is deemed to be in the public interest.</p>	
<b>Environmental Planning and Assessment Regulation 2021</b>			
<b>Section 24</b>	<p>(1) A development application must—</p> <p>(a) be in the approved form, and</p> <p>(b) contain all the information and documents required by—</p> <p>(i) the approved form, and</p> <p>(ii) the Act or this Regulation.</p>	<p><b>Complies</b></p> <p>The application has been prepared in the approved form and contains all the relevant information required for assessment.</p>	<b>Executive Summary</b>
<b>Section 29</b>	<p>(1) A development application that relates to residential apartment development must be accompanied by a statement by a qualified designer.</p>	<p><b>Complies</b></p> <p>The DA is accompanied by a Design Report which includes a Design Verification Statement by an NSW Registered Architect (Tim Greer of TZG).</p>	<b>Appendix D</b>
<b>Section 26</b>	<p>(1) A development application for development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1, 2 or 5 applies must specify the name of the registered community housing provider who will manage—</p> <p>(a) for development to which Division 1 applies—the affordable housing component, or</p>	<p><b>Complies</b></p> <p>The name of the registered community housing provider is Bridge Housing.</p> <p>Bridge Housing is a Tier 1 community housing provider and charity with a long history of delivering community housing in Sydney. The organisation first began as SWISH, the South-West Inner Sydney Housing Cooperative, in 1984. Bridge manages a diverse community of 5,700 residents in Sydney.</p>	<b>Appendix M</b>
<b>Section 86A</b>	<p>(1) This section applies to development permitted under State Environmental Planning Policy</p>	<p>Bridge Housing will manage for a period of not less than 15 years for the affordable housing provided under the in-fill affordable housing provisions of the <i>Housing SEPP</i>.</p>	

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	<p><i>(Housing) 2021, Chapter 5 to which that policy, section 156 applies.</i></p> <p><i>This section mandates that the nominated affordable housing is used and managed by a registered CHP in perpetuity. It also requires registration of restrictions and evidence of compliance.</i></p>		
<b>Section 173</b>	<p><i>(1) Before preparing an environmental impact statement, the responsible person must apply to the Planning Secretary for the environmental assessment requirements for the environmental impact statement.</i></p>	<p>This EIS has been prepared to address the requirements of Clause 173 of the EP&amp;A Regulation and SEARs.</p>	<b>Section 1, Appendix A</b>
<b>Section 193</b>	<p><i>Defines the principles of ecologically sustainable development as follows:</i></p> <p><i>(a) The precautionary principle,</i></p> <p><i>(b) Inter-generational equity,</i></p> <p><i>(c) Conservation of biological diversity and ecological integrity,</i></p> <p><i>(d) Improved valuation, pricing and incentive mechanisms</i></p>	<p><b>Complies</b></p> <p>The proposal aligns with the principles of ecologically sustainable development (ESD).</p>	<b>Appendix O</b>

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<b>Biodiversity Conservation Act 2016</b>			
<b>Section 7.14</b>	(2) <i>The Minister for Planning, 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.</i>	A BDAR Waiver was granted by DPHI on 13 November 2025. The waiver was granted on the basis that the works will not adversely impact threatened species and ecological communities.	<b>Appendix I</b>
<b>State Environmental Planning Policy (Planning Systems) 2021</b>			
<b>Section 2.6</b>	(1) <i>Development is declared to be State significant development for the purposes of the Act if—</i>  (a) <i>the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</i>  (b) <i>the development is specified in Schedule 1 or 2.</i>	The proposal is SSD pursuant to Schedule 1, Section 26A of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP), as it includes 'in-fill affordable housing' and:  <ul style="list-style-type: none"> <li>• Is not prohibited under an Environmental Planning Instrument (EPI) applying to the land.</li> <li>• Has an EDC that exceeds \$75 Million (for the residential component).</li> <li>• Meets the locational requirements of the Housing SEPP; and</li> <li>• Will provide at least 10% of the total floor space as affordable housing for at least 15 years.</li> </ul>	<b>Section 4</b>

Control	Relevant Considerations	Response	Section in EIS
<b>Section 26A</b>	<p>(1) <i>Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—</i></p> <p>(a) <i>the part of the development that is residential development has an estimated development cost of—</i></p> <p>(i) <i>for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$75 million, or</i></p> <p><i>Note— The Act, Schedule 9 sets out the local government areas in each city in the Six Cities Region.</i></p> <p>(ii) <i>for development on other land—more than \$30 million, and</i></p> <p>(b) <i>the development does not involve development prohibited under an environmental planning instrument applying to the land.</i></p>	As above.	<b>Section 4</b>
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>			
<b>Section 2.119 Development with frontage to a classified road</b>	<p>(2) <i>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>(a) <i>where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p>	<p>The site fronts Oxford Street, a classified road. In accordance with Clause 2.119(2)(a), vehicular access has been relocated to Verona Street, ensuring that access is provided from a local road. This removes the existing Oxford Street driveway and eliminates conflict with buses and through-traffic.</p> <p>Consistent with Clause 2.119(2)(b), the driveway access is appropriately set back from Oxford Street, ensuring all vehicle manoeuvring occurs clear of the classified road reserve and that its operation, efficiency and safety are not adversely</p>	<b>Section 6.1, Appendix BB</b>

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	<p>(b) <i>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>(ii) <i>the emission of smoke or dust from the development, or</i></p> <p>(iii) <i>the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></p> <p>(c) <i>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>	<p>affected in any way. The TIA also confirms that traffic generation is negligible and that no impacts on the classified road or surrounding intersections are expected.</p> <p>To satisfy Clause 2.119(2)(c), the development incorporates appropriate measures to manage potential traffic noise and emissions, ensuring acceptable amenity for future occupants given the site’s proximity to Oxford Street.</p> <p>Accordingly, the proposal is considered to comply with Section 2.119.</p>	
<p><b>Section 2.120</b></p> <p><b>Impact of road noise or vibration on non-road development</b></p>	<p>(1) <i>This section 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>(a) <i>residential accommodation,</i></p> <p>(b) <i>a place of public worship,</i></p>	<p>A Noise and Vibration Assessment has been prepared for the proposal, which includes residential accommodation located adjacent to Oxford Street, a road with traffic volumes exceeding 20,000 AADT. The assessment includes 3D noise modelling of building façades under both “windows open” and “windows closed” scenarios.</p> <p>The modelling confirms that with windows closed, internal noise levels comply with the LAeq criteria in the Transport and Infrastructure SEPP and relevant Interim Guidelines. Under natural ventilation (“windows open”), some habitable rooms may exceed the applicable internal limits. To ensure full compliance, the development will incorporate a mechanical air-ducted ventilation system designed in accordance with the NCC and relevant Australian Standards, enabling residents to</p>	<p><b>Section 6.1.4 and Appendix J</b></p>

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	<p>(c) <i>a hospital,</i></p> <p>(d) <i>an educational establishment or centre-based child care facility.</i></p> <p>(2) <i>Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</i></p> <p>(3) <i>If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</i></p> <p>(a) <i>in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,</i></p> <p>(b) <i>anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i></p>	<p>maintain closed windows while still achieving the required fresh air supply.</p> <p>On this basis, the proposal is capable of meeting the internal noise criteria in Section 2.120(3), and appropriate measures will be implemented at detailed design to ensure compliance.</p>	

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<b>Section 2.122 Traffic- generating development</b>	<p>(4) <i>Before determining a development application for development to which this section applies, the consent authority must—</i></p> <p>(a) <i>give written notice of the application to TfNSW within 7 days after the application is made, and</i></p> <p>(b) <i>take into consideration—</i></p> <p>(i) <i>any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</i></p> <p>(ii) <i>the accessibility of the site concerned, including—</i></p> <p>(A) <i>the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i></p> <p>(B) <i>the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</i></p> <p>(iii) <i>any potential traffic safety, road congestion or parking implications of the development.</i></p>	<p>The proposal will provide for no more than 75 dwellings and is not expected to impact the operation of the local road network and is therefore not considered to be ‘traffic generating development’ as defined under Schedule 3 of the T&amp;I SEPP.</p>	<p>N/A</p>

Control	Relevant Considerations	Response	Section in EIS
<b>State Environmental Planning Policy (Sustainable Buildings) 2022</b>			
<b>Section 2.1</b>	<p>(1) <i>Schedule 1 sets out the standards that apply to BASIX development referred to in paragraphs (a) and (b) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021.</i></p> <p>(5) <i>Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</i></p>	<p><b>Complies</b></p> <p>The proposed development achieves the requisite BASIX ratings. The ESD Consultant has also quantified the embodied emissions attributable to the development in compliance with the State Environmental Planning Policy (Sustainable Buildings) 2022.</p>	<b>Section 6.2.4 and Appendix O</b>
<b>Section 3.2</b>	<p>(1) <i>In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—</i></p> <p>(a) <i>the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,</i></p> <p>(b) <i>a reduction in peak demand for electricity, including through the use of energy efficient technology,</i></p> <p>(c) <i>a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,</i></p> <p>(d) <i>the generation and storage of renewable energy,</i></p>	<p><b>Complies</b></p> <p>An ESD Report has been submitted demonstrating that the non-residential components of the development address the sustainability considerations in Section 3.2 of the SEPP. The report also quantifies embodied emissions as required under Section 3.2(2). Further detailed compliance with NCC Section J will be confirmed at the Construction Certificate stage.</p>	<b>Section 6.2.4 and Appendix O</b>

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	<p>(e) <i>the metering and monitoring of energy consumption,</i></p> <p>(f) <i>the minimisation of the consumption of potable water.</i></p> <p>(2) <i>Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</i></p>		
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>			
<b>Chapter 4</b>	<p>(1) <i>A consent authority must not consent to the carrying out of any development on land unless—</i></p> <p>(a) <i>it has considered whether the land is contaminated, and</i></p> <p>(b) <i>if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i></p> <p>(c) <i>if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i></p>	<p>A Detailed Site Investigation (DSI) and Remediation Action Plan (RAP) prepared by EI Australia confirm the site’s historical uses, including former service station, light industrial and warehouse activities. The DSI identified friable asbestos in fill at two locations within 17 Oxford Street.</p> <p>EI Australia advises that the site can be made suitable for the proposed development subject to the remediation measures outlined in the RAP, related to the identified asbestos.</p> <p>On this basis, the consent authority can be satisfied that any identified contamination can be appropriately remediated prior to use, in accordance with the SEPP (Resilience and Hazards) 2021.</p>	<b>Appendix T and Appendix U</b>

Control	Relevant Considerations	Response	Section in EIS
<b>State Environmental Planning Policy (Housing) 2021</b>			
<b>Section 15C</b>	<p>(1) <i>This division applies to development that includes residential development if—</i></p> <p>(a) <i>the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and</i></p> <p>(b) <i>the affordable housing component is at least 10%, and</i></p> <p>(c) <i>all or part of the development is carried out—</i></p> <p style="padding-left: 20px;">(i) <i>for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or</i></p> <p style="padding-left: 20px;">(ii) <i>for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</i></p> <p>(2) <i>Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.</i></p>	<p>The proposed development is:</p> <p>(a) Permitted with consent under the Sydney LEP 2012.</p> <p>(b) Will provide at least 10% affordable housing.</p> <p>(c) Carried out in an ‘accessible’ area.</p> <p>The Oxford Street frontage of the site contains the Oxford Street at West Street bus stop (Stop ID 202196).</p> <p>The bus stop meets the criteria of a regular service stop defined by the Passenger Transport Act 1990. It also complies with the service standards stipulated in legislation, having more than one service per hour between 6am and 9pm on a weekday and 8am and 6pm on the weekend.</p>	<b>Appendix C and Appendix D</b>

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<p><b>Section 16</b></p>	<p>(1) <i>The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the development on the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).</i></p> <p>(2) <i>The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i></p> $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{\text{(as a percentage)}} + 2$ <p>(3) <i>If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</i></p>	<p><b>Complies</b></p> <p>The site has a maximum height of 20m (13-17 Oxford Street) and 12m (2 Verona Street) and a maximum FSR of 4.3:1 (13-17 Oxford Street) and 1:1 (2 Verona Street) under the Sydney LEP 2012.</p> <p>The Applicant is seeking to provide ‘in-fill affordable housing’ in accordance with Chapter 2 of the Housing SEPP (this provision, Section 16). Section 16 enables up to 30% additional building height and floor space, on top of the local controls established under the Sydney LEP 2012.</p> <p>For a proposal that provides 12.5% of the maximum permissible GFA as affordable housing (to be managed by a Registered CHP for 15 years), a 25% uplift is available on the local built form controls.</p> <p>This results in the following maximum built form controls:</p> <ul style="list-style-type: none"> <li>• Height of buildings: 25m (13-17 Oxford Street) and 15m (2 Verona Street).</li> <li>• Floor Space Ratio: 5.375:1 (13-17 Oxford Street) and 1.25:1 (2 Verona Street)</li> </ul> <p>In order to access these provisions, the Applicant is required to provide:</p> <ul style="list-style-type: none"> <li>• At least 12.5% of the maximum permissible FSR + 30% (being 1,476sqm) as affordable housing, to be managed by a registered CHP for at least 15 years from the day an occupation certificate is issued for the development.</li> </ul> <p>In accordance with these requirements, the proposal provides:</p> <ul style="list-style-type: none"> <li>• 1,481sqm of affordable housing (equating to 14 apartments), to be managed by a CHP for 15 years.</li> </ul> <p>With regard to compliance, the proposal seeks:</p>	<p><b>Appendix C, Appendix D and Appendix MM</b></p>

Control	Relevant Considerations	Response	Section in EIS
		<ul style="list-style-type: none"> <li>Height of buildings: 24.95m (13-17 Oxford Street) and 12.95m (2 Verona Street).</li> <li>Floor Space Ratio: 4.5:1 (13-17 Oxford Street) and 1.9:1 (2 Verona Street).</li> </ul> <p>It is noted that the FSR for 2 Verona Street is exceeded and therefore a Clause 4.6 variation request has been prepared, refer to <b>Appendix MM</b>.</p>	
<b>Section 19</b>	<p>(2) <i>The following are non-discretionary development standards in relation to the residential development to which this division applies—</i></p> <p>(a) <i>a minimum site area of 450m<sup>2</sup>,</i></p> <hr/> <p>(b) <i>a minimum landscaped area that is the lesser of—</i></p> <p>(i) <i>35m<sup>2</sup> per dwelling, or</i></p> <p>(ii) <i>30% of the site area,</i></p> <hr/> <p>(c) <i>a deep soil zone on at least 15% of the site area, where—</i></p> <p>(i) <i>each deep soil zone has minimum dimensions of 3m, and</i></p> <p>(ii) <i>if practicable, at least 65% of the deep soil zone is located at the rear of the site,</i></p> <hr/> <p>(d) <i>living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</i></p>	<p><b>Complies</b></p> <p>The site area is 2,533sqm.</p> <hr/> <p><b>Acceptable on Merit</b></p> <p>924sqm of landscaped area (equivalent to 36% of the site area) has been provided on the site which exceeds the Housing SEPP requirement of 30%.</p> <p>177sqm of deep soil planting has been provided (equivalent to 7% of the site area), meeting the NSW ADG minimum requirement.</p> <hr/> <p><b>Acceptable on Merit</b></p> <p>80% of apartments in the proposal meet this requirement for two hours, consistent with Objective 4A-1 of the ADG.</p>	<b>Executive Summary, and Appendix D</b>

Control	Relevant Considerations	Response	Section in EIS
	<p>(e) <i>the following number of parking spaces for dwellings used for affordable housing—</i></p> <p>(i) <i>for each dwelling containing 1 bedroom— at least 0.4 parking spaces,</i></p> <p>(ii) <i>for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</i></p> <p>(iii) <i>for each dwelling containing at least 3 bedrooms— at least 1 parking space,</i></p>	<p><b>Acceptable on Merit</b></p> <p>The proposed development comprises:</p> <ul style="list-style-type: none"> <li>• 6 x studio and 1-bedroom affordable units.</li> <li>• 7 x 2-bedroom affordable units.</li> <li>• 1 x 3 or more-bedroom affordable units.</li> </ul> <p>Based on the Housing SEPP rates, this generates the requirement for (at least) 7 parking spaces. In response, the development provides 2 parking spaces for affordable housing, which is a shortfall of 5 spaces.</p> <p>Notwithstanding the numerical shortfall, the parking provision is considered acceptable on merit given the site’s highly accessible location, excellent public transport connectivity and strong active transport links.</p>	
	<p>(f) <i>the following number of parking spaces for dwellings not used for affordable housing—</i></p> <p>(i) <i>for each dwelling containing 1 bedroom— at least 0.5 parking spaces,</i></p> <p>(ii) <i>for each dwelling containing 2 bedrooms—at least 1 parking space,</i></p> <p>(iii) <i>for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</i></p>	<p><b>Acceptable on Merit</b></p> <p>The proposed development comprises:</p> <ul style="list-style-type: none"> <li>• 11 x 1 bedroom market units.</li> <li>• 22 x 2-bedroom market units.</li> <li>• 18 x 3 or more-bedroom market units.</li> </ul> <p>Based on the Housing SEPP rates, this generates the requirement for (at least) 55 parking spaces. In response, the development provides 56 parking spaces for market housing.</p> <p>Therefore the development is compliant with the Housing SEPP market housing parking rates.</p>	
	<p>(g) <i>the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</i></p>	<p><b>Complies</b></p> <p>Each apartment achieves the minimum internal area requirements of the ADG.</p>	

Control	Relevant Considerations	Response	Section in EIS
	<p>(3) <i>Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—</i></p> <p>(a) <i>the desirable elements of the character of the local area, or</i></p> <p>(b) <i>for precincts undergoing transition—the desired future character of the precinct.</i></p>	<p><b>Complies</b></p> <p>The proposed development is compatible with both the existing and desired future character of Paddington.</p> <p>Along Oxford Street, the architectural response continues the established pattern of vertically articulated buildings that define the streetscape between South Dowling Street and Taylor Square. This character (largely shaped prior to the Federation-era street widening) is reinforced through the modulation, proportions and materiality adopted for the proposal, ensuring strong visual consistency and an appropriate sense of scale.</p> <p>The proposal further responds to local character through appropriate massing, setbacks, deep soil landscaping and an articulated built form.</p> <p>Residential uses on upper levels optimise solar access, natural ventilation and privacy, while active ground floor uses reinforce the cultural and retail identity of Oxford Street.</p> <p>Overall, the development provides a contextually responsive and well integrated built form that aligns with the desired future character for this transitioning precinct and supports broader strategic objectives for urban renewal in a highly accessible location.</p>	

Control	Relevant Considerations	Response	Section in EIS
<b>Section 21</b>	<p>(i) <i>Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</i></p> <p>(a) <i>the development will include the affordable housing component required for the development under section 16, 17 or 18, and</i></p> <p>(b) <i>the affordable housing component will be managed by a registered community housing provider.</i></p>	<p><b>Complies</b></p> <p>The proposed development exceeds the minimum requirement for affordable housing under the relevant provisions.</p>	<b>Appendix C and Appendix D</b>
<b>Section 147</b>	<p>(i) <i>Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</i></p> <p>(a) <i>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></p> <p>(b) <i>the Apartment Design Guide,</i></p> <p>(c) <i>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></p>	<p>A comprehensive assessment of the proposal against Guide (ADG), is provided in the accompanying Design Report prepared by TZG.</p> <p>The assessment confirms that the proposal generally complies with the key numerical requirements of the ADG, including:</p> <p>the design principles for residential apartment development under Schedule 9 of the Housing SEPP, as well as the Apartment Design Solar and daylight access.</p> <ul style="list-style-type: none"> <li>• Natural ventilation.</li> <li>• Apartment size and layout.</li> <li>• Ceiling heights.</li> <li>• Private open space and balconies.</li> <li>• Communal open space.</li> <li>• Visual privacy.</li> <li>• Deep soil area.</li> </ul>	<b>Appendix D and Appendix E</b>

Control	Relevant Considerations	Response	Section in EIS
		<ul style="list-style-type: none"> <li>Storage.</li> </ul> <p>Where strict numerical compliance with the ADG objectives is not achieved, a performance based solution is proposed in accordance with the relevant design guidance, demonstrating an acceptable design outcome.</p>	
<b>Section 148</b>	<p>(1) <i>The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i></p> <p><i>Note—</i></p> <p><i>See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</i></p> <p>(2) <i>The following are non-discretionary development standards—</i></p> <p>(a) <i>the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</i></p> <p>(b) <i>the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,</i></p>	<p><b>Acceptable on Merit</b></p> <p>Under the Housing SEPP, the development would ordinarily be required to provide a minimum of 62 car parking spaces as a non discretionary development standard. The proposal includes 58 spaces, representing a minor shortfall of 4 spaces.</p> <p>While the Housing SEPP minimum is not met, the Department’s In-fill Affordable Housing Practice Note (December 2023) confirms that non discretionary standards do not prevent consent being granted where they are not fully complied with. The Transport Impact Assessment further concludes that the proposed parking supply will adequately meet expected demand.</p> <p>Given the site’s exceptional access to frequent bus services along Oxford Street and its strong connections to active transport networks, the parking provision is considered appropriate and justified on merit.</p> <p><b>Complies</b></p> <p>All apartments will achieve the minimum internal areas prescribed under Objective 4D-1 of the ADG.</p>	<b>Appendix C, Appendix D and Appendix BB</b>

Control	Relevant Considerations	Response	Section in EIS
	<p>(c) <i>the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</i></p>	<p><b>Complies</b></p> <p>All apartments include floor to ceiling heights in compliance with the requirements of Objective 4C-1 of the ADG.</p>	

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

<b>Section 2.1</b>	<p><i>The aims of this Chapter are—</i></p> <p>(a) <i>to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</i></p> <p>(b) <i>to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i></p>	<p><b>Complies</b></p> <p>A BDAR Waiver was granted by DPHI on 13 November 2025. The waiver was granted on the basis that the works will not adversely impact threatened species and ecological communities.</p>	<b>Appendix I</b>
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Control	Relevant Considerations	Response	Section in EIS
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**Sydney Local Environmental Plan 2012**

- Part 2**
- The site has two separate land use zones:
- R1 (General Residential) at 2 Verona Street
  - E1 (Local Centre) at 13-15 & 17 Oxford Street

**Complies**

Proposed Land Uses

2 Verona Street

- 'Multi dwelling housing' (as a form of 'residential accommodation') is an innominate permitted land use in the R1 (General Residential) zone.

13-15 & 17 Oxford Street

- 'Shop top housing' is permitted with consent in the E1 zone.
- 'Entertainment facilities' are permitted with consent in the E1 zone.

**Section 4,  
Appendix C**



**Land Use Table**

**Zone R1 General Residential**

Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.

**Complies**

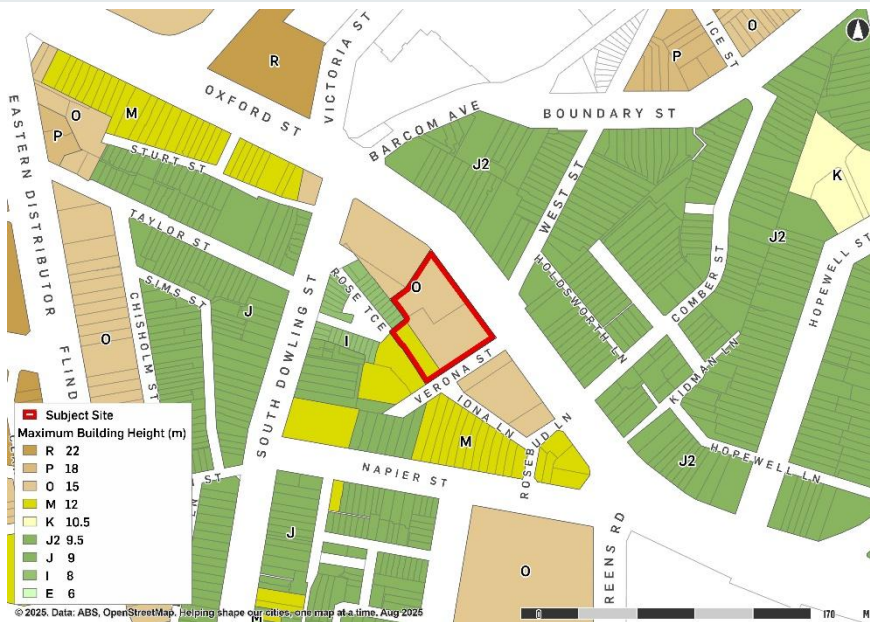
The proposal addresses the objectives of R1 zone as follows:

- It increases residential supply on the site and delivers a mix of dwelling types, ranging from studios to three bedroom apartments and terrace houses, supporting a diversity of household types/needs. The inclusion of 14 affordable housing units further contributes to housing choice and social diversity.

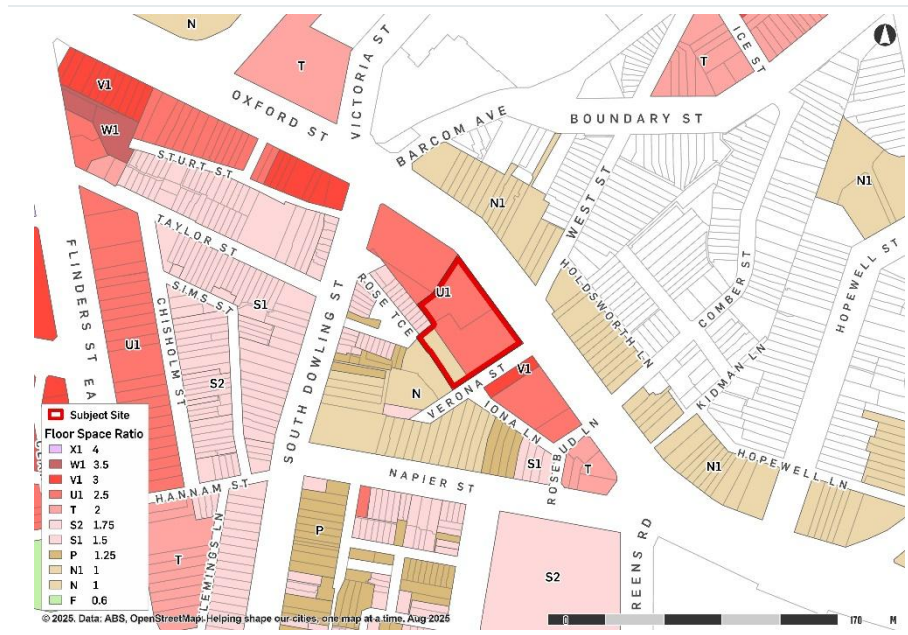
**Throughout EIS**

Control	Relevant Considerations	Response	Section in EIS
	<ul style="list-style-type: none"> <li><i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> <li><i>To maintain the existing land use pattern of predominantly residential uses.</i></li> </ul>	<ul style="list-style-type: none"> <li>The development also incorporates complementary non residential uses, including cultural/creative spaces and ground floor retail, which will support the day today needs of residents and the wider community. The site's location along Oxford Street provides excellent access to frequent public transport, shops, services, community facilities and employment centres, reducing reliance on private vehicles.</li> <li>Generous landscaping, deep soil areas and high quality communal open spaces enhance residential amenity. Overall, the proposal delivers an integrated mixed-use outcome that aligns with the intended character and objectives of the R1 zone.</li> </ul>	
	<p><b>Zone E1 Local Centre</b></p> <p>Objectives of zone</p> <ul style="list-style-type: none"> <li><i>To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.</i></li> <li><i>To encourage investment in local commercial development that generates employment opportunities and economic growth.</i></li> <li><i>To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.</i></li> <li><i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i></li> <li><i>To maximise public transport patronage and encourage walking and cycling.</i></li> </ul>	<p><b>Complies</b></p> <p>The proposal addresses the objectives of E1 zone as follows:</p> <ul style="list-style-type: none"> <li>It delivers a mix of cultural/creative and retail uses that will serve local residents, workers and visitors, while supporting economic activity and generating additional employment opportunities, including through the operation of the cinema/bar and retail tenancies.</li> <li>The inclusion of new residential dwellings within this highly accessible location contributes to a vibrant and active local centre and aligns with the City of Sydney's strategic housing objectives. Active non-residential uses are focused along the Oxford Street frontage, reinforcing street activation and enhancing the pedestrian experience.</li> <li>The site benefits from excellent public transport accessibility, including frequent bus services along Oxford Street and nearby rail connections at Kings Cross and Museum stations. This supports the zone objective to maximise public transport patronage and encourage walking and cycling.</li> </ul>	<p><b>Throughout EIS</b></p>

Control	Relevant Considerations	Response	Section in EIS
<b>Section 4.3</b> <b>Height of Buildings</b>	Base <ul style="list-style-type: none"> <li>13-15 &amp; 17 Oxford Street: 15m</li> <li>2 Verona Street: 12m</li> </ul> Alternative <ul style="list-style-type: none"> <li>13-15 &amp; 17 Oxford Street: 20m</li> <li>2 Verona: not subject to alternative height controls.</li> </ul> Note: Section 16 of the Housing SEPP applies a 25% bonus on top of these 'local' height controls.	<b>Complies</b> The proposal achieves maximum heights of: <ul style="list-style-type: none"> <li>24.95m for 13-15 &amp; 17 Oxford Street</li> <li>12.95m for 2 Verona Street.</li> </ul> When applying the 25% height bonus permitted under Section 16 of the Housing SEPP, the applicable height limits increase to 25m along Oxford Street (from the 20m alternative control) and 15m for 2 Verona Street (from the 12m base control).  The proposed building heights fall within these adjusted maximums and therefore comply with the height provisions as modified by the Housing SEPP.	<b>Appendix C and Appendix D</b>



Control	Relevant Considerations	Response	Section in EIS
<b>Section 4.4</b>	Base	The proposal achieves an FSR of:	<b>Appendix MM</b>
<b>Floor Space Ratio</b>	<ul style="list-style-type: none"> <li>13-15 &amp; 17 Oxford Street: 2.5:1</li> <li>2 Verona Street: 1:1</li> </ul> <p>Alternative</p> <ul style="list-style-type: none"> <li>13-15 &amp; 17 Oxford Street: 4.3:1 (being 3.5:1 + 0.8:1 under 6.60D &amp; 6.60E).</li> <li>2 Verona: not subject to alternative FSR controls.</li> </ul> <p>Note: Section 16 of the Housing SEPP applies a 25% bonus on top of these 'local' FSR controls.</p>	<ul style="list-style-type: none"> <li>4.5:1 for 13-15 &amp; 17 Oxford Street.</li> <li>1.9:1 for 2 Verona Street.</li> </ul> <p>When applying the 25% Housing SEPP bonus to the alternative local controls, the maximum permissible FSRs increase to 5.375:1 for 13-15 &amp; 17 Oxford Street and 1.7:1 for 2 Verona Street.</p> <p>The Oxford Street component comfortably complies with the adjusted FSR control at 4.5:1.</p> <p>At 2 Verona Street, the proposal results in a minor technical exceedance above the applicable 1.25:1 maximum. A Clause 4.6 Variation Request has been prepared to address this non-compliance, refer to <b>Appendix MM</b>.</p> <p>Notably, if applied on a 'whole of site' basis, the proposal is 1,650sqm under the maximum permissible GFA.</p>	



Control	Relevant Considerations	Response	Section in EIS
<p><b>Section 4.6</b> <b>Exceptions to</b> <b>Development</b> <b>Standards</b></p>	<p>(2) <i>Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i></p> <p>(3) <i>Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—</i></p> <p>(a) <i>compliance with the development standard is unreasonable or unnecessary in the circumstances, and</i></p> <p>(b) <i>there are sufficient environmental planning grounds to justify the contravention of the development standard.</i></p>	<p>It is noted that Sections 4.6(8)(ci) and 4.6(8)(cm) of the LEP prevent the use of Clause 4.6 to vary the bonus height and floor space controls under Sections 6.60D and 6.60E of the Sydney LEP. As a result, Clause 4.6 cannot be used to modify the incentive controls that apply to land within the Oxford Street Cultural and Creative Precinct.</p> <p>The sites at 13–15 and 17 Oxford Street fall within this precinct and the proposal complies with the applicable height and FSR controls (as modified by the Housing SEPP bonus). Accordingly, no Clause 4.6 variation is required for these properties.</p> <p>The site at 2 Verona Street, however, is located outside the precinct and is subject to its own standalone FSR control, which may be varied with a Clause 4.6 request.</p> <p>While the proposal results in a technical exceedance of this control, the supporting Clause 4.6 demonstrates that strict compliance would unreasonably constrain a design that otherwise satisfies the objectives of the standard.</p>	<p><b>Appendix D and</b> <b>Appendix MM</b></p>
<p><b>Section 5.10</b> <b>Heritage</b> <b>Conservation</b></p>	<p>(4) <i>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. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p>	<p><b>Complies</b></p> <p>A Heritage Impact Statement (HIS) prepared by Urbis assesses the built-heritage implications of the proposal. While the site is not individually listed, it lies within the Paddington Urban Heritage Conservation Area (HCA) (Item C50, Sydney LEP 2012). Within the HCA, 17 Oxford Street is identified as a neutral item and 13–15 Oxford Street and 2 Verona Street as detracting items.</p> <p>The site is also located above the State heritage item “Busby’s Bore including tunnels, shafts and wells” (SHR No. 00568) and near the “Rose Terraces” (Items I1102 and I1103), a group of nineteenth century terrace houses that contribute to the historic residential character of Paddington.</p>	<p><b>Appendix NN</b></p>



Control	Relevant Considerations	Response	Section in EIS
<b>Section 6.21C</b> <b>Design Excellence</b>	<p>(i) <i>Development consent must not be granted to development to which this Division applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.</i></p>	<p><b>Complies</b></p> <p>The proposal achieves ‘design excellence’ for the following reasons:</p> <ul style="list-style-type: none"> <li>• The building incorporates a refined material palette (retained red brick façade, pigmented concrete podium and light-toned brick upper levels) creating a layered, contextually responsive architectural expression. Facade modulation reflects the vertical rhythm of Oxford Street and addresses the finer grain of Verona Street.</li> <li>• The development removes the existing Oxford Street driveway, reinstating a safe, continuous footpath. Active retail and cultural uses at ground level enhance street activation.</li> <li>• The proposal respects the character of the Oxford Street Cultural and Creative Precinct, retaining the historic cinema facade and reinforcing the established streetscape pattern between South Dowling Street and Taylor Square. Terraces along Verona Street transition sensitively to the lower scale residential area.</li> <li>• The massing is sculpted through solar analysis and modulation to minimise bulk and protect neighbouring amenity. The proposal achieves full ADG compliance, providing excellent solar access, ventilation, privacy and communal open space.</li> <li>• A cohesive landscape strategy includes a deep soil courtyard, rooftop planting, balcony planters and climate appropriate species selected to improve microclimate, privacy, biodiversity and resident amenity.</li> </ul> <p>Overall, the proposal delivers a contextually appropriate and high performing built form that demonstrates ‘design excellence’ in accordance with Section 6.21C of the Sydney LEP 2012.</p>	<b>Appendix E</b>

Control	Relevant Considerations	Response	Section in EIS
<b>Section 6.60D Oxford Street Cultural and Creative Precinct</b>	<p>(2) <i>This clause applies to the Oxford Street Cultural and Creative Precinct.</i></p> <p>(3) <i>A building on land to which this clause applies may have either or both of the following—</i></p> <p>(a) <i>a height not exceeding the maximum height shown for the land on the Alternative Height of Buildings Map,</i></p> <p>(b) <i>a floor space ratio not exceeding the maximum floor space ratio shown for the land on the Alternative Floor Space Ratio Map.</i></p> <p>(4) <i>Subclause (3) applies only if—</i></p> <p>(a) <i>the building will be used for the purposes of one or more of the following—</i></p> <p>(i) <i>commercial premises,</i></p> <p>(ii) <i>community facilities,</i></p> <p>(iii) <i>entertainment facilities,</i></p> <p>(iv) <i>health services facilities,</i></p> <p>(v) <i>hotel or motel accommodation,</i></p> <p>(vi) <i>information and education facilities,</i></p> <p>(vii) <i>light industries, and</i></p> <p>(c) <i>for the rebuilding or alteration of an existing building used for cultural or creative purposes—the amount of floor space used for cultural or creative purposes will be at least the sum of the following—</i></p>	<p><b>Complies</b></p> <p>The Applicant has obtained legal advice confirming a ‘shop top housing’ development can utilise the height and floor space bonuses subject to meeting the required conditions.</p> <p>To qualify for the alternative height and floor space controls – the proposal must retain the existing ‘cultural and creative’ GFA on site plus provide 10% of the proposed GFA for cultural or creative purposes.</p> <p>This is broken down as follows:</p> <ul style="list-style-type: none"> <li>• Existing ‘cultural and creative’ GFA – 626sqm</li> <li>• 10% of Proposed GFA – 1,016sqm</li> <li>• Total Required – 1,640sqm</li> </ul> <p>The proposal meets this requirement by providing 1,666sqm of ‘cultural and creative use’, in the form of an ‘entertainment facility’ (cinema/bar), in Basement Level 3 and on the Ground Floor.</p> <p>In relation to 6.60D(5) - the development promotes pedestrian attracting uses along the Oxford Street frontage through active cultural/creative spaces and retail premises, ensuring continuous activation. Removal of the existing Oxford Street driveway further enhances pedestrian safety and reinstates an uninterrupted footpath.</p>	<b>Appendix D</b>

Control	Relevant Considerations	Response	Section in EIS
	<p>(i) <i>the amount of floor space used for cultural or creative purposes immediately before the development is carried out,</i></p> <p>(ii) <i>10% of the gross floor area of the building resulting from the development.</i></p> <p>(5) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development promotes land uses that will attract pedestrian traffic along ground floor street frontages in the Oxford Street Cultural and Creative Precinct.</i></p>		
<p><b>Section 6.60E Flinders Street and Oxford Street</b></p>	<p>(1) <i>This clause applies to land in the Oxford Street Cultural and Creative Precinct with a street frontage to Flinders Street or Oxford Street.</i></p> <p>(2) <i>A building on land to which this clause applies may have a floor space ratio exceeding the maximum permissible FSR by up to 0.8:1 if the additional GFA is—</i></p> <p>(a) <i>located in a basement, and</i></p> <p>(b) <i>used for the purposes of entertainment facilities.</i></p> <p>(3) <i>Clause 6.21D(3) does not apply to a building on land to which this clause applies.</i></p>	<p><b>Complies</b></p> <p>The site is located within the Oxford Street Cultural and Creative Precinct and has a frontage to Oxford Street, satisfying the locational requirements of the clause.</p> <p>The proposal includes an entertainment facility (cinema/bar) wholly contained within Basement Level 3, enabling the use of the additional basement FSR provision.</p> <p>A total of 1,473sqm of basement GFA is proposed, equating to 0.7:1 FSR (on the 13-15 &amp; 17 Oxford Street site area), which is compliant with the 0.8:1 cap.</p> <p>This FSR is provided in addition to the 3.5:1 available under Clause 6.60D.</p>	<p><b>Appendix D</b></p>

Control	Relevant Considerations				Response	Section in EIS
<b>Part 7, Division 1</b> <b>Car parking ancillary to other development</b>	<i>Type</i>	<i>No. of units</i>	<i>Max. Rate</i>	<i>Max. Spaces</i>	<p>The proposal provides 58 resident car parking spaces, compared to a maximum of 51 spaces permitted under the applicable LEP rates. However, the LEP framework would permit up to 60 spaces where visitor parking is included.</p>	<b>Appendix BB</b>
	<i>Studio</i>	3	0.2 / unit	1		
	<i>1 bed</i>	14	0.4 / unit	6	<p>While no visitor parking is proposed as part of the development, this demonstrates that the site is capable of accommodating up to 60 spaces under a compliant parking scenario. The proposed provision therefore represents a redistribution of parking supply toward resident use, rather than a material intensification beyond what is envisaged by the planning controls.</p>	
	<i>2 bed</i>	29	0.8 / unit	23		
	<i>3/4 bed</i>	19	1.1 / unit	21		
	<i>Subtotal</i>					
	<i>Visitor</i>			9	<p>Importantly, the proposal does not give rise to any adverse traffic, safety or on-street parking impacts. The Transport Impact Assessment confirms that the surrounding road network has sufficient capacity to accommodate the traffic generation from the development.</p>	
	<b>Total</b>	<b>65</b>		<b>60</b>		

<b>Control</b>	<b>Relevant Considerations</b>	<b>Response</b>	<b>Section in EIS</b>
<b>Section 7.14 Acid Sulfate Soils</b>	<p>(2) <i>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.</i></p> <p><i>Class 5 – Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i></p>	<p>An Acid Sulfate Soil Assessment has been undertaken. Although the site is mapped as Class 5 under the Sydney LEP 2012, regional mapping (Botany Bay Acid Sulfate Soil Risk Map), field inspection and laboratory testing all confirm no presence of actual or potential acid sulfate soils. The proposed works will not lower the watertable in adjacent land. Acid sulfate soils therefore present no constraint to the development.</p>	<b>Appendix X</b>
<b>Section 7.36 Dwelling retention</b>	<p>(2) <i>Development consent must not be granted for the following development in relation to a residential flat building or a building containing 3 or more dwellings if the development would reduce the number of dwellings on the site of the building by more than the greater of 15%, rounded to the nearest whole number of dwellings, or 1 dwelling—</i></p> <p><i>(a) making alterations to the building,</i></p> <p><i>(b) enlarging or extending the building,</i></p> <p><i>(c) demolishing the building and erecting a new building.</i></p>	<p><b>Complies</b></p> <p>The existing residential flat building at 13–15 Oxford Street contains 27 dwellings. The proposal increases the total number of dwellings across the site to 65, including 14 affordable housing units.</p> <p>As the development results in a net increase of 38 dwellings, it does not reduce dwelling numbers and therefore fully complies with Section 7.36 Dwelling Retention.</p>	<b>Appendix C and Appendix D</b>

#### **Development Control Plan**

Section 2.10(1) of the Planning Systems SEPP provides that the provisions of Development Control Plans do not apply to SSD.