

Appendix C – Statutory Compliance Table

SSD-96272465– 11 – 23 Rangers Avenue, Mosman 2088

Statutory Reference	Relevant Considerations	Relevance	Appendix / Updated RTS Appendix
Environmental Planning and Assessment Act 1979			
Section 1.3	<i>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>	The proposed development will benefit the social welfare of the community by providing high-quality affordable and private market housing on the site. Specifically, 44 residential apartments including 10 affordable housing apartments will be provided as part of this application. The EIS includes thorough environmental, economic, and social assessments to inform the design of the proposal and ensure its suitability for the site. Where appropriate, mitigation measures are provided to manage the social and economic welfare of the community during construction and operational phases of the development.	Appendix Y Appendix Q Appendix K Appendix F Appendix Z
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposal addresses the principles of ESD including the precautionary principle, intergenerational equity, and the conservation of biological and ecological integrity. An ESD report has been prepared by E-LAB Consulting in Appendix Q to accompany the EIS which identifies how ESD principles are incorporated into the design and ongoing operation of the proposed development, how the development will meet or exceed the relevant industry recognised building sustainability and environmental performance standards, and how the development minimises greenhouse gas emissions and consumption of resources. Specifically, the proposal satisfies and exceeds the requirements for achieving a BASIX certificate, provide a 10kW solar PV system and 10kL rainwater tank for landscape irrigation, confirming that the proposal will be able to achieve the ESD principles.	
	<i>To promote the orderly and economic use and development of land</i>	The proposed redevelopment of the site responds to the State’s growing population and the need to build more homes in accessible locations, to boost housing supply and improve affordability. The redevelopment of the site has been informed by a thorough site and local context analysis, environmental assessments and assessment against strategic and statutory planning policies to promote the orderly and economic use and development of the land.	
	<i>To promote the delivery and maintenance of affordable housing,</i>	The proposal includes the delivery of 10 affordable housing units (15% of the total proposed GFA) which will be managed by a Community Housing Provider (Bridge Housing) for at least 15 years. A Letter from the CHP has been provided at Appendix K .	

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	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	A BDAR Waiver has been issued by the Department of Climate Change, Energy, the Environment and Water on 3/11/2025 in respect of the proposed development which confirms that the proposal is not likely to have any significant impact on biodiversity values and that a Biodiversity Development Assessment Report is not required.	
	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	An Aboriginal Heritage Due Diligence report have been by prepared Artefact Heritage and Environment Pty Ltd (refer to Appendix F) to assess the impacts of the proposal. The Due Diligence Report has found that no known Aboriginal sites have been identified within or overlap the site. The overall Aboriginal archaeological potential of the subject area is assessed to be low due to the high level of ground disturbance within the site. This specifically includes the cutting to support the construction of the existing residential buildings. A Heritage Impact Statement has been prepared by Urbis Heritage as documented in Appendix Z. Specifically, the subject site is not located within a heritage conservation area nor are there any individually listed heritage items within the subject site under a statutory instrument. However, the site is located in the vicinity heritage items including 'Divided Road' (LEP #I438), 'Steps' Bloxsome Lane (LEP #I331) and Holt Estate Heritage Conservation Area #C3. Overall, the Heritage Impact Statement concludes that the proposed works will have a minimal and acceptable impact on heritage items.	
	<i>To promote good design and amenity of the built environment,</i>	The proposed development comprises the construction of a part 6, part 7 storey residential flat building. The residential flat building will have a contemporary appearance and provide a high-level of amenity for future residents. The proposal will follow the Better Placed design strategies and promote good design.	
	<i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	Community and stakeholder engagement has been undertaken during the preparation of the SSDA, as detailed in Section 5 of the EIS. Engagement activities undertaken for the project included distribution of a community newsletter to surrounding residents, emailing elected officials and members of parliament and maintaining dedicated project phone and email lines. Through the assessment period, there will be another opportunity for community and stakeholders to respond to the proposed development. The Applicant will respond to any concerns raised during the notification of the SSDA.	
Section 4.15	<u>Relevant environmental planning instruments:</u> - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Housing) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - Mosman Local Environmental Plan 2012	See detail below under State Environmental Planning Policies (SEPPs).	Appendix C RtS Appendix C
	Draft environmental planning instruments:	None applicable to the proposed development.	N/A

Statutory Reference	Relevant Considerations	Relevance	Appendix / Updated RTS Appendix
	Relevant planning agreement or draft planning agreement	None applicable to the proposed development.	N/A
	Environmental Planning and Assessment Regulation 2021 – Schedule 2	This EIS has been prepared in accordance with Schedule 2 of the Regulations.	N/A
	Development control plans: <i>Mosman Development Control Plan 2012 (MDCP 2012)</i>	Clause 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of the Policy) do not apply to SSD. Accordingly, a detailed assessment of the <i>Mosman</i> DCP 2012 has not been prepared.	N/A
	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 including the environmental impacts on the natural and built environments, and social and economic impact on the locality are assessed in detail within the EIS.	
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS.	
	Any submission made	Submissions will be considered following exhibition of the application.	RtS Report
	The public interest	The proposed development satisfactorily responds to the relevant planning instruments and controls applying to the site. The proposal will not create any adverse social, economic or environmental impacts that cannot be mitigated by the proposed mitigation measures provided at Appendix D. On balance, the benefits of the development outweigh any adverse impacts, and the development is deemed to be in the public interest.	Appendix D
Environmental Planning and Assessment Regulation 2021			
Section 26	Section 26 of the Regulations outlines the information required about affordable housing development. It states that an Applicant must specify the name of the registered Community Housing Provider (CHP) who will manage the affordable housing component of the development.	A letter of support for the proposed development has been prepared by Bridge Housing Pty. Ltd TA HomeGround Sydney, a Tier 1 Community Housing Provider (CHP). The letter outlines Bridge Housing's interest in providing property management services for the 10 affordable housing apartments of the proposal, for at least 15-year period.	Appendix K
Schedule 2	Schedule 2 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS has been prepared to address the requirements of Schedule 2 of the Regulations and SEARs.	Appendix A
Biodiversity Conservation Act 2016			
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	A BDAR Waiver has been issued for the proposed development confirming that the development is unlikely to have any significant impact on biodiversity values of the site and surroundings.	Appendix J
State Environmental Planning Policies			

Statutory Reference	Relevant Considerations	Relevance	Appendix / Updated RTS Appendix
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	Clause 26A of Schedule 1 of the Planning Systems SEPP provides that development for the purpose of infill affordable housing is classified as SSD if: - It relates to development to which Chapter 2, Part 2, Division 1 of the Housing SEPP applies - The development relates to residential development with an EDC of more than \$75m; and - The development does not pertain to development that is prohibited under an EPI.	The proposal has an estimated EDC of greater than \$75,000,000 (refer Appendix O). The proposed use ‘residential flat building’ is permitted with development consent in the R3 Medium Density Residential zone under Chapter 6 Section 176 of the Housing SEPP. The proposal also provides 15% affordable housing and meets the locational criteria of the Housing SEPP. Therefore, the proposal qualifies as SSD.	Appendix O
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Clause 4.6(1) states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	A Preliminary Site Investigation has been prepared by EI Australia (refer to Appendix G) to address the potential for contamination on the site. The PSI concludes that the results are below the Site Assessment Criteria (SAC) and a trigger for remediation and a Detail Site Investigation (DSI) was not required for the development to proceed.	Appendix G RTS Appendix T
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Section 2.122 Traffic generating development specified at Clause 104 requiring referral to Transport for NSW (TfNSW) includes: Car parks (whether or not ancillary to other development) including 200 or more parking spaces if the proposal does not have access, or does not connect to a road that has access, to a classified road.	The proposed development does not connect to a classified road and does not adjoin rail corridors therefore the proposed development does not require referral to TfNSW.	Not applicable.
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	Chapter 2 Vegetation in non-rural areas aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	The accompanying Arboricultural Impact Assessment prepared by Blue Brothers Enterprises confirms that all trees on the site are located within the proposed construction footprint and cannot be retained under the current development design. Additionally, the proposed landscaping will allow a tree canopy cover of 22% within the site area to be achieved, in accordance with the Tree Canopy Guide for Low and Mid Rise Housing. A BDAR Waiver has been granted for the proposed development which confirms that the proposed development is unlikely to have any significant impact on biodiversity values of the site and surroundings.	Appendix H, Appendix J
<i>State Environmental Planning Policy (Housing) 2021</i>	Chapter 2 Affordable Housing, Division 1 Infill Affordable Housing <u>Section 15C</u> The in-fill affordable housing provisions of the Housing SEPP apply to development that includes residential development if – - The development is permitted with consent under an EPI. - The affordable housing component is at least 10%. - The development is carried out in an accessible area.	Complies The proposed ‘residential flat building’ is permitted with development consent in the R3 Medium Density Residential zone under Mosman LEP 2012. 15% of the total GFA is proposed to be affordable housing. The site is located within the LMR ‘outer area’ under the Housing SEPP, within 800m of the Cremorne Town Centre and within 400m of frequent transport and therefore meets the ‘accessible area’ requirements of the Housing SEPP. This confirms that the proposal will be located within an “Accessible Area”. The AH lift lobby area was reduced during design development for the RtS	Appendix K
	<u>Section 16 Affordable housing requirements for additional floor space ratio</u>	Complies	Appendix B

Statutory Reference	Relevant Considerations	Relevance	Appendix / Updated RTS Appendix
	The minimum affordable housing component is 10%. 30% additional FSR is permitted for proposals delivering up to 15% affordable housing, based on the maximum permissible FSR for the land, in accordance with Section 16 (1) and (2). In accordance with Section 16 (3), the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).	15% of the total GFA proposed is provided as affordable housing. The proposal seeks to utilise the 30% FSR bonus available. As the full 30% bonus FSR is permitted under Section 16 (1) and the development comprises a residential flat building, a 30% height bonus is also applicable to the proposed development.	
	<u>Non-discretionary development standards</u> 19(2)(a) Minimum site area of 450m²	Complies The site area is 3,594sqm	Appendix B
	19(2)(b) minimum landscaped area that is the lesser of: 35m² per dwelling 30% of the site area	Complies A total landscaped area of 2057sqm is proposed, representing 57.2% of the site. This is consistent with the Apartment Design Guide.	Appendix B RTS Appendix M
	19(2)(c) 15% deep soil zone, with: - Minimum dimensions of 3m 65% located at the rear of the site	Complies The proposal will include 16.2% of Deep Soil Area with a minimum dimension of 3m. This exceeds the requirements on the Tree Canopy Guide for Low and Mid Rise Housing for a 15% deep soil zone. This outcome was achieved during design development for the RTS.	Appendix B RTS Appendix M
	19(2)(d) living rooms and POS in at least 70% of dwelling receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter.	Complies 75% of apartments within the development will receive at least 2 hours of direct solar access to their living and POS areas, consistent with the ADG design criteria.	Appendix M RTS Appendix D RTS Appendix M
	19(2)(e) car parking for affordable housing dwellings: 1 bedroom: 0.4 parking spaces 2 bedroom: 0.5 parking spaces 3 bedroom: 1 parking space 19(2)(f) car parking for non-affordable housing dwellings: 1 bedroom: 0.5 parking spaces 2 bedroom: 1 parking spaces 3 bedroom: 1.5 parking space	Complies Car parking for the proposal has been provided in compliance with the minimum Housing SEPP rates. The proposal generates a parking requirement of at least 53 spaces for the affordable and market apartments. The proposal provides 91 spaces which exceeds the minimum requirement. It is noted that the minimum car parking requirement in the Mosman DCP 2012 have also been considered, which generate a parking rate of 53 spaces including 11 visitor spaces. The proposal exceeds both the DCP and Housing SEPP requirements and therefore complies.	Appendix BB RTS Appendix J
	<u>Section 20 Design Requirements</u> 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	Complies As demonstrated in the accompanying Design Report, the proposed development has been designed in response to the desired future character of the Mosman which is evolving in response to the recently introduced LMR controls. Sites within 800m of Cremorne town centre are eligible for height and density uplift in, when combined with	Appendix M RTS Appendix D

Statutory Reference	Relevant Considerations	Relevance	Appendix / Updated RTS Appendix
	- the desirable elements of the character of the local area, - or for precincts undergoing transition—the desired future character of the precinct.	the infill affordable housing provisions of the Housing SEPP, permit up to a part 6 and part 7 storey residential flat buildings and shop-top housing developments. The proposal has been designed to be generally consistent with the LMR and infill affordable housing height and FSR controls and is therefore considered to be compatible with the desired future character of the precinct. The design of the proposal has also considered the desirable elements of the existing character of the area, which has resulted in a built form that has been refined and articulated to be sympathetic to existing low density dwelling houses and apartment development and is highly landscaped to fit in with the leafy context of the locality.	
	<u>Section 21 Must be used for affordable housing for at least 15 years</u> The consent authority is to be satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development, the development will include the affordable housing component specified above, and the affordable housing component will be managed by a registered community housing provider.	Complies The proponent is committed to providing 15% of the total proposed GFA as affordable housing to be managed by a Community Housing Provider Bridge Housing Pty. Ltd. for a period of 15 years.	Appendix K
	Chapter 4 Design of Residential Apartment Development Under Chapter 4 of the Housing SEPP, the consent authority must consider: (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide	Complies A detailed assessment of the proposal against the design principles for residential apartment development and the Apartment Design Guide (ADG) is provided in the accompanying Design Report. The assessment demonstrates that the proposal achieves a high level of compliance with the key numerical requirements of the ADG including: - Solar and daylight access - Natural ventilation - Apartment size and layout - Ceiling heights - Private open space and balconies - Communal Space (including indoor) - Visual Privacy - Deep soil area - Storage The east and west setbacks have been increased during RtS design development	Appendix B, Appendix M Appendix HH RTS Appendix D
	Chapter 6 Low and Mid Rise Housing, Part 4 Residential flat buildings and shop top housing <i>low and mid rise housing outer area</i> means— (a) <i>land between 400m and 800m walking distance of—</i> (i) <i>land identified as “Town Centre” on the <u>Town Centres Map</u>, or</i> (ii) <i>a public entrance to a railway, metro or light rail station listed in Schedule 11, or</i>	As shown in the map below prepared by LTS surveyors, the site is within the Low and Mid Rise housing area, as it is within 800m walking distance from the Cremorne Town Centre. Specifically, the site is located 742m Cremorne Town Centre via Rangers Avenue and 668m via Bloxsome and Holt Avenue. The site is wholly located within the low and mid rise housing ‘outer area’.	Appendix GG

Statutory Reference	Relevant Considerations	Relevance	Appendix / Updated RTS Appendix
	(iii) for a light rail station listed in Schedule 11 with no public entrance— a platform of the light rail station, and (b) if part of a lot is on land identified in paragraph (a)—the lot, unless the lot is also in the low and mid rise housing inner area.		

	174 Development for the purposes of residential flat buildings is permitted with development consent on land to which this chapter applies in a low and mid rise housing area in Zone R2 Low Density Residential or R3 Medium Density Residential.	The site is zoned R3 Medium Density Residential under Mosman LEP 2012. The proposed residential flat building is therefore permitted within the mapped low and mid rise housing area.	
	<u>176 Development Standards – low and mid rise housing outer area</u> 176(2) Development consent must not be granted for development for the following purposes if a resulting building will have a building height of up to 17.5m unless the consent authority is satisfied that the building will have 4 storeys or fewer— (a) residential flat buildings, (b) buildings containing shop top housing.	The LMR 17.5m height limit for the outer areas has been applied to the proposal as the base height control. The 30% infill affordable housing bonus has been applied to the 17.5m height control, resulting in a total height control of 22.75m with which the proposal complies.	Appendix B
	<u>177 Landscaping – residential flat buildings or shop top housing</u> 175(2) Development consent must not be granted for development for the purposes of residential flat buildings unless the consent authority has considered the <i>Tree Canopy Guide for Low and Mid Rise Housing</i>, published by the Department in February 2025.	The proposal has considered the <i>Tree Canopy Guide for Low and Mid Rise Housing</i>. The accompanying Landscape Plans demonstrate that the proposal achieves a total tree canopy coverage of 22% of the site area, exceeding the recommended 20% coverage in the Tree Canopy Guide.	Appendix U RTS Appendix M
	<u>180 Non-discretionary development standards – residential flat buildings in Zone R3</u> 180 (3) The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing outer area— (a) a maximum floor space ratio of 1.5:1, (b) a maximum building height of 17.5m.	The 1.5:1 FSR control and the 17.5m height control have been applied to the proposed development as the base height and FSR controls. The 30% infill affordable housing bonus has been applied to the base LMR height and FSR controls, resulting in a total allowable height of 22.75m and a total allowable FSR of 1.95:1 with which the proposal complies.	Appendix B
Mosman Local Environmental Plan 2012			
2.1 Land Use zones	The site is located in the R3 Medium Density Residential zone	The proposed residential flat development is permissible with consent in the R3 Medium Density Residential zone. The proposal is consistent with the objectives of the R3 zone by providing for the housing needs of the community within a medium density residential environment. The proposal provides a variety of housing types within a medium density residential environment, including 2, 3 and 4-bed and affordable housing apartments. The built form is a variety of housing types within a medium density residential environment of a height and scale that achieves the desired future character of the neighbourhood, as envisioned by the LMR and infill affordable housing provisions of the Housing SEPP. The proposal provides for and enhances tree canopy cover.	Section 4
4.1A Minimum lot size for residential flat buildings	700sqm	The site has an area of 3,594m².	Appendix B
4.3 Height of Buildings	8.5m	The LMR and infill affordable housing provisions of the Housing SEPP override this control.	N/A

4.3A Height of Buildings (additional provisions)	(4) A building on land to which this clause applies must not have a wall height, at any point of the building (other than at a chimney, gable end or dormer window), that exceeds 7.2 metres.	Note that this clause applies to low density 2-storey dwellings and not apartment buildings specified in the Low and Mid Rise Housing Policy.	Appendix L RtS Appendix E Clause 4.6 – Height of Building variation request
4.4 Floor Space Ratio	0.55:1	The LMR and infill affordable housing provisions of the Housing SEPP override this control.	N/A
4.6 Exception		A Section 4.6 Variation Request has been prepared for the Height of Building variation, see.	Clause 4.6 – Building Height variation request
5.10 Heritage Conservation	The consent authority must consider any impacts to heritage items.	A HIS have been prepared to assess the impacts of the proposal on built heritage. The SOHI identifies that the site is not located within a heritage item. Therefore, a heritage related consent with regards to 5.10 (2) is not required.	Appendix Z RTS Appendix O
5.21 Flood Planning	The objectives of this clause are as follows: (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.	A Flood Impact and Risk Assessment Report has been prepared by BG&E Civil to assess the proposal's impacts during flood events. As noted in the updated Flooding Response from BG&E Civil, the Mosman LGA flood study adopts the direct rainfall approach, and the site is only affected by the edge of a flood path. Edge effects of this nature are not considered flooding and is not considered to pose a risk to life or the development or require mitigation works.	Appendix R RTS Appendix I
6.4 Scenic Protection	(1) The objectives of this clause are as follows— (a) to recognise and protect the natural and visual environment of Mosman and Sydney Harbour, (b) to reinforce the dominance of landscape over built form, (c) to ensure development on land to which this clause applies is located and designed to minimise its visual impact on those environments.	The site is located on land mapped as Scenic Protection. The development is located above a rock wall and is suitably integrating into the landform, maintaining the existing character. The proposed site landscaping strategy seeks to introduce significant landscaping, resulting in 22% tree canopy cover. As outlined in the Visual Impact Statement, visibility to the proposal from low-lying foreshore areas deeper within the SPA is highly constrained by intervening topography, vegetation and development. In the majority of views modelled from key foreshore locations, the proposal is either not visible or significantly block to an extent that it remains subservient to surrounding landforms. It is unlikely the proposal will be visible from Sydney Harbour to an extent that would result in any significant visual impact on the natural and visual environment.	Appendix CC RTS Appendix K