

Appendix 24

Statutory compliance table

Statutory reference	Mandatory consideration	Assessment	Section in EIS	Section in Amendment Report
Environmental Planning and Assessment Act 1979				
Consideration under the Act and Regulation				
Section 1.3	Relevant objects of the Act <ul style="list-style-type: none"> <i>to promote the supply, delivery and maintenance of housing, including affordable housing</i> <i>to protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats</i> <i>to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage</i> <i>to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings</i> <i>to provide opportunities for participation in environmental planning and assessment</i> <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</i> <i>to promote the orderly and economic use and development of land.</i> 	It delivers a residential flat building, including in-fill affordable housing, on a strategically located site that is readily accessible by existing infrastructure.	Section 7	Section 5
		The proposed development includes new planting in the communal open spaces and landscaped areas along the site's boundary. The development will not result in impacts to the habitat of any threatened species as detailed in the accompanying BDAR	Section 6.4	N/A
		The proposed development has been assessed for potential impacts upon Aboriginal and European heritage within and surrounding the site. The accompanying Statement of Heritage Impact and Aboriginal Due Diligence Report demonstrate that the proposal will not physically alter contributory items in the Balfour Street / Highfield Conservation Area and is not expected have an impact on Aboriginal heritage items	Section 6.14 and Section 6.15	Section 7
		The proposed development is accompanied by an architectural design report which details the rationale for the built form outcome of the site. The accompanying Architectural Design Statement addresses the Design Principles for affordable housing in the Housing SEPP.	Section 6.1	Section 7
		As detailed in Section 5 of the original EIS and Section 6 of this Amendment Report, community and stakeholder engagement has been undertaken during the preparation of the SSDA and post-exhibition.	Section 5	Section 6

Statutory reference	Mandatory consideration	Assessment	Section in EIS	Section in Amendment Report
			Section 6.13, Appendix 15 and Appendix 23	N/A
		The proposal is consistent with strategic plans including the National Housing Accord, Greater Sydney Region Plan and North District Plan and allows for the orderly development of the land in line with planning objectives for urban growth and housing supply.	Section 7	Section 3
Application				
Section 4.12(8)	<i>A development application for State significant development or designated development is to be accompanied by an environmental impact statement prepared by or on behalf of the applicant in the form prescribed by the regulations.</i>	The EIS submitted with the original application has been prepared to accompany an SSD application and is in the form prescribed by the regulations.	N/A	N/A
Evaluation				
Section 4.15	a) the provisions of:	The environmental planning instruments relevant to the site are addressed at Section 4 and Appendix 4 of the EIS submitted as part of the original application and in Section 5 and this appendix of the Amendment Report.	Section 4 and Appendix 4	Section 5
	i) any environmental planning instrument, and			
	ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the	There are no draft EPIs relevant to the site.	N/A	N/A

Statutory reference	Mandatory consideration	Assessment	Section in EIS	Section in Amendment Report
	proposed instrument has been deferred indefinitely or has not been approved), and			
	iii) any development control plan, and	DCPs are not applicable to SSD applications.	N/A	N/A
	a. any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	There is no planning agreement relevant to the proposal.	N/A	N/A
	iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The Environmental Planning and Assessment Regulation 2021 is addressed at Section 4 and Appendix 4 of the original EIS and this appendix of the Amendment Report.	Section 4 and Appendix 4	Appendix 1
	v) repealed	N/A	N/A	N/A
	b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts the locality	The likely impacts of the development, including environmental impacts on the natural and built environments, social and economic impacts are addressed at Section 6 of the original EIS and Section 7 of the Amendment Report.	Section 6	Section 7
	c) the suitability of the site for the development	The suitability of the site for the development is considered at Section 6.	Section 6	Section 7
	d) any submissions made in accordance with this Act or the regulations	Any submissions received on the original application have been considered and addressed as part of a 'Response to submission report'. Any submissions received on the Amendment Report will be considered and addressed as part of a 'Response to submission report' as detailed within Section 6 of this Amendment Report.	Section 5	Section 6
	e) the public interest	The development is in the public interest as detailed in Sections 2 and 7 of the original EIS and Section 8 of this Amendment Report.	Section 2 and 7	Section 8

Statutory reference	Mandatory consideration	Assessment	Section in EIS	Section in Amendment Report
Environmental Planning and Assessment Act 1979				
Section 190	Form of environmental impact statement	The EIS submitted as part of the original application has been prepared in accordance with this section including consideration of the State Significant Development Guidelines.	All	N/A
Section 192	Content of an environmental impact statement	The EIS submitted as part of the original application includes all content required under this section.	All	N/A
Biodiversity Conservation Act 2016				
Section 7.9	<ol style="list-style-type: none"> 1. This section applies to— <ol style="list-style-type: none"> (a) an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development, and (b) an application for approval under Division 5.2 of the Environmental Planning and Assessment Act 1979 to carry out State significant infrastructure. 2. Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. 3. The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979. 	<p>A Biodiversity Development Assessment Report (BDAR) has been prepared and included as part of this EIS. The BDAR has been prepared with respect to the biodiversity values land at the site and confirms that the proposal is suitable and warrants approval subject to the following mitigation measures;</p> <ul style="list-style-type: none"> • The works are wholly contained within the property boundaries of the subject site including laydown of materials and equipment in a staged development • Bats must be surveyed in roof cavities and under eaves etc to determine which species are present in buildings before demolition, during demolition, roofs must be dismantled in evenings when bats are likely foraging and not roosting in roof cavities • Landscaping should include up to 80% of native tree, shrub, forb and grass species that are representative of PCT 3262, Sydney Turpentine Ironbark Forest, to enhance the native vegetation component of the locality, which in turn would increase potential roosting and foraging habitat for native fauna occurring in the locality 	Section 6.10	N/A

Statutory reference	Mandatory consideration	Assessment	Section in EIS	Section in Amendment Report
Contaminated Land Management Act 1997				
-	This Act establishes a process for investigating and (where appropriate) remediating land where contamination poses a significant risk of harm to human health or the environment.	<p>Site contamination has been considered through the preparation of a Preliminary Site Investigation.</p> <p>The PSI deems it necessary to conduct further contamination investigations, namely, a Hazardous Material Survey of all structures on site prior to demolition and a Detailed Site Investigation (Stage 2) Report.</p> <p>These reports will be submitted post lodgement prior to any work commencing for the proposed development.</p>	Section 6.6 and Appendix 20	N/A
Heritage Act 1977				
-	The Heritage Act 1977 establishes a framework for the identification, conservation, and management of environmental heritage, including buildings, works, relics, and places of historical, cultural, or social significance	<p>While the site is not identified as a Heritage item, it is located within the Balfour Street/Highfield Road Conservation area. An HIS has been prepared and has found that the proposed development will be in keeping with the future character of the area.</p> <p>The recommendations of the Aboriginal Heritage assessment are based on the statutory requirements under the NPW Act and Heritage Act. The assessment concludes that Aboriginal objects are unlikely to be present.</p>	Section 6.14 and Appendix 32 & 33	Section 7

Statutory reference	Mandatory consideration	Assessment	Section in EIS	Section in Amendment Report
State Environmental Planning Policy (Biodiversity and Conservation) 2021				
2. Vegetation in non-rural areas				
Section 2	Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity SEPP) states that a person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.	<p>Information on existing trees to be removed is included in the Arboricultural Impact Appraisal and Method Statement, which is submitted with this EIS.</p> <p>The AIA concludes that three high category trees and thirty-seven low category trees will require removal to accommodate the proposal.</p> <p>If adequate precautions to protect the retained trees are specified and implemented through the arboricultural method statement included in this report, the development proposal is expected to have a moderate impact on the contribution of trees to local amenity or character.</p>	Section 6.4, Appendix 23	Appendix 16, Section 7.13
State Environmental Planning Policy (Housing) 2021				
2. Affordable Housing				
Chapter 2	Development for affordable housing	Part 2 of the Housing SEPP applies to in-fill affordable housing. A full assessment of this part is provided in the table below.	Appendix 4	N/A
4. Design of Residential Apartment Development				
Chapter 4	Design of residential apartment development	A comprehensive assessment of the proposed development against nine design quality principles of Chapter 4 of the Housing SEPP and consideration of the Apartment Design Guidelines is provided in the Architectural Design Statement and Architectural Verification Statement prepared by Giles Tribe.	Appendix 4 and 9	N/A

Statutory reference	Mandatory consideration	Assessment	Section in EIS	Section in Amendment Report
5 Transport oriented development				
Clause 152 (i)	This chapter applies to land in the Ku-ring-gai local government areas that is in a Transport Oriented Development Area precinct	The provisions in this chapter are relevant to the proposed development.	Appendix 4	N/A
Clause 153	If there is an inconsistency between this chapter and another provision of this or another environmental planning instrument, whether made before or after the commencement of this chapter, this chapter prevails to the extent of the inconsistency.	The provisions in this chapter of the Housing SEPP prevail over the provisions in the KLEP 2015. Accordingly, the proposed development has been assessed under the provisions of this chapter where inconsistencies occur.	Section 4	N/A
Clause 154	Development for the purposes of residential flat buildings is permitted with development consent on land in the following zones in a Transport Oriented Development Area— (a) a relevant residential zone, (2) <i>The maximum building height for a residential flat building in a Transport Oriented Development Area is 22m.</i>	The proposed development is permitted in accordance with Clause 154 of Chapter 5, Housing SEPP.	Section 4	N/A
Clause 155	(2) <i>The maximum building height for a residential flat building in a Transport Oriented Development Area is 22m.</i>	Chapter 2, Part 2, Division 1, Section 16(3) of the Housing SEPP allows for an additional 30% building height for residential flat buildings that include affordable housing, allowing for a total building height of 28.6m for the proposal. A clause 4.6 variation request for an increase in building height variation to 32.6m has been submitted.	Appendix 5	Appendix 5
Clause 156	(1) This section applies to development for the purposes of residential flat buildings, independent living units or shop top housing in a Transport Oriented Development	This section applies as the proposed gross floor area is 15,401m ² .	N/A	N/A

Statutory reference	Mandatory consideration	Assessment	Section in EIS	Section in Amendment Report
	Area if the building has a gross floor area of at least 2000m ² .			
Clause 156 (2)	Development consent must not be granted unless the consent authority is satisfied that— (a) at least 2% of the gross floor area of the building will be used for affordable housing, and (b) the affordable housing will be managed by a registered community housing provider in perpetuity.	Complies. 2% of the GFA (315.8m ²) is proposed for affordable housing in perpetuity. A statement from Cubic Real Estate is (CHP) accompanies this SSDA.	N/A	Appendix 6
Clause 156 (3)	A requirement under a provision of another chapter of this policy, another environmental planning instrument or a planning agreement that requires the development to provide more affordable housing prevails over this section.	Complies	N/A	N/A
Clause 156 (4)	Affordable housing provided as part of the 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 required under this section.	Noted. The proposed development provides a total of 17% of the GFA for affordable housing. 2% of this is provided in accordance with Section 151(2) and 15% is provided pursuant to Section 15(c).	N/A	N/A
Clause 157 Affordable housing parking spaces	(2) Development to which section 156 applies must provide the following number of parking spaces for each affordable housing dwelling required under that section— (a) for each dwelling containing 1 bedroom—0.4 parking space, (b) for each dwelling containing 2 bedrooms—0.5 parking space, (c) for each dwelling containing 3 or more bedrooms—1 parking space.	The proposal includes a total of 30 affordable spaces for the proposed 30 affordable homes proposed	Section 3	Section 7
Clause 158	(1) This section applies if another environmental planning instrument applying to the land specifies a minimum lot size for development for the purposes of residential flat	Noted. Proposal complies with the minimum lot size.	Section 1 Section 3	N/A

Statutory reference	Mandatory consideration	Assessment	Section in EIS	Section in Amendment Report
	buildings or shop top housing (a minimum lot size restriction). (2) Development consent may be granted to development for the purposes of residential flat buildings or shop top housing on land in a Transport Oriented Development Area, despite a minimum lot size restriction			
Clause 159 Minimum lot width	Development consent must not be granted to development for the purposes of residential flat buildings, independent living units or shop top housing on a lot in a Transport Oriented Development Area, unless the lot is at least 21m wide at the front building line.	Complies. The front building line will be approximately 64m.	Section 3	N/A
Clause 161 Consideration of Apartment Design Guide	Development consent must not be granted for development for the purposes of residential flat buildings, independent living units or shop top housing on land in a Transport Oriented Development Area unless the consent authority has considered the Apartment Design Guide.	The Architectural Design Report prepared by Giles Tribe includes an Apartment Design Guide compliance table. This table demonstrates how the proposed development complies with the recommendations in the Apartment Design Guide.	Appendix 9	N/A
Chapter 2, Part 2, Division 1 Infill affordable housing				
15C Development to which Division applies	<i>This division applies to development that includes residential development if</i> a) <i>the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and</i> b) <i>the affordable housing component is at least 10%, and</i> c) <i>all or part of the development is carried out—</i>	The proposed development (residential flat building) is permitted with consent pursuant to Section 154, Chapter 5 of the Housing SEPP. The proposal comprises 17% affordable housing. The site is within an accessible area in the Six Cities Region.	Appendix 4 Section 1, Section 3, Section 4 and Section 6 Appendix 4	N/A Appendix 6 N/A

Statutory reference	Mandatory consideration	Assessment	Section in EIS	Section in Amendment Report
	<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 for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</i>			
	<i>2. 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>	Noted.	N/A	N/A
16 Affordable housing requirements for additional floor space ratio	<i>1. 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>	The proposed development includes an affordable housing component of 17%. As such, the proposed development seeks to utilise the 30% bonus FSR incentives.	Section 1, Section 3, Section 4 and Section 6	N/A
	<i>2. The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px auto;"> $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{\text{(as a percentage)}} + 2$ </div>	Therefore, the maximum permitted FSR is 3.25:1. The proposal complies with this control.	Section 1, Section 3, Section 4 and Section 6	Appendix 6
	<i>3. 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>	The proposed development seeks to utilise the 30% bonus height and FSR incentives. A maximum building height of 32.6m is proposed. A clause 4.6 request is submitted with this EIS under a separate cover, justifying this height variation.	Appendix 4	Appendix 5 Appendix 6

Statutory reference	Mandatory consideration	Assessment	Section in EIS	Section in Amendment Report																																		
	4. This section does not apply to development on land for which there is no maximum permissible floor space ratio.	N/A	N/A	N/A																																		
19 Non-discretionary development standards	2. The following are non-discretionary development standards in relation to the residential development to which this division applies-	Complies. The site area is 4,771m ² .	Section 3	Section 2																																		
	(a) site area if the site area is at least 450 sqm																																					
	(b) a minimum landscaped area that is the lesser of— (i) 35 sqm per dwelling, or (ii) 30% of the site area,	Complies. 44.7% of the site area (2132.69 sqm) is proposed to be landscaped.	Section 6	N/A																																		
	(c) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	N/A as Chapter 4 applies pursuant to Subclause 3.	Section 6	N/A																																		
	(d) 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	N/A as Chapter 4 applies, pursuant to Subclause 3.	-	Appendix 6																																		
	(e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	The provisions of Section 19 of the Housing SEPP require the following minimum parking provision at the site:	Section 6	Section 4																																		
(a) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space,	<table border="1"> <thead> <tr> <th>Unit type</th> <th>Spaces per unit</th> <th>No. of units</th> <th>Required spaces</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td colspan="5">Affordable housing dwellings</td> </tr> <tr> <td>2 bed</td> <td>0.5</td> <td>24</td> <td>12</td> <td>30</td> </tr> <tr> <td>3 bed</td> <td>1</td> <td>6</td> <td>6</td> <td></td> </tr> <tr> <td colspan="5">Market housing</td> </tr> <tr> <td>2 bed</td> <td>1</td> <td>55</td> <td>55</td> <td>132</td> </tr> <tr> <td>3 bed</td> <td>1.5</td> <td>56</td> <td>84</td> <td></td> </tr> </tbody> </table>	Unit type	Spaces per unit	No. of units	Required spaces	Proposed	Affordable housing dwellings					2 bed	0.5	24	12	30	3 bed	1	6	6		Market housing					2 bed	1	55	55	132	3 bed	1.5	56	84		Section 6	Section 4 Section 7
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	<i>(iii) for each dwelling containing at least 3 bedrooms— at least 1.5 parking spaces,</i>	<table border="1" data-bbox="1155 336 1774 552"> <tr> <td>4 bed</td> <td>1.5</td> <td>9</td> <td>13.5</td> <td></td> </tr> <tr> <td>Visitor</td> <td colspan="2">1 visitor space per six dwellings</td> <td colspan="2">20</td> </tr> <tr> <td>Car share</td> <td colspan="2">1 space per 90 dwellings</td> <td colspan="2">2 car shar spaces</td> </tr> <tr> <td>SUBTOTAL</td> <td colspan="2"></td> <td colspan="2">184</td> </tr> </table> <p data-bbox="1155 592 1774 743">The proposed number of car parking spaces has been reduced to better align with the minimum rates in the Housing SEPP. While this remains marginally above the minimum car parking rates for housing specified under the Housing SEPP.</p> <p data-bbox="1155 775 1774 898">The proposed provision of 30 affordable housing car parking spaces satisfies the minimum car parking rates for affordable dwellings as prescribed under the Housing SEPP.</p>	4 bed	1.5	9	13.5		Visitor	1 visitor space per six dwellings		20		Car share	1 space per 90 dwellings		2 car shar spaces		SUBTOTAL			184			
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	<i>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</i>	<p data-bbox="1155 906 1774 1058">he proposed apartment sizes significantly exceed the minimum internal area requirements outlined in the NSW Apartment Design Guide (ADG), offering enhanced residential amenity, with the smallest of each apartment the following sizes:</p> <ul data-bbox="1155 1061 1774 1185" style="list-style-type: none"> • 1 bed: 61m² • 2 bed: 83m² • 3 bed: 146m² • 4 bed: 176m² 	Appendix 4	N/A																				
19(3) Design requirements	<i>3. 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— (a) the desirable elements of the character of the local area, or</i>	Complies. The development will be compatible with the character of the local area and the desired future character of the area.	Section 6	Section 7																				

Statutory reference	Mandatory consideration	Assessment	Section in EIS	Section in Amendment Report
	<i>(b) for precincts undergoing transition—the desired future character of the precinct.</i>			
21 Must be used for affordable housing for at least 15 years	<p><i>1. 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><i>a. the development will include the affordable housing component required for the development under section 16, 17 or 18, and</i></p> <p><i>b. the affordable housing component will be managed by a registered community housing provider.</i></p>	Complies. A condition of consent can be imposed to ensure the affordable housing is used for a minimum period of 15 years.	N/A	N/A
State Environmental Planning Policy (Planning Systems) 2021				
Schedule 1, Clause 26A				
Section 2.6	Declaration of State Significant Development (Section 1 of this EIS).	The proposal is declared SSD under Schedule 1(26A) of the Planning Systems SEPP as the development has an EDC of more than \$75 million for the purposes of affordable housing in the Eastern Harbour City.	Section 1 and Appendix 4	N/A
State Environmental Planning Policy (Resilience and Hazards) 2021				
2. Contamination and remediation to be considered in determining development application				
Section 4.6	<i>(1) A consent authority must not consent to the carrying out of any development on land unless— (f) it has considered whether the land is contaminated, and (g) 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 (h) if the land requires remediation to be made suitable for the purpose for which the development is proposed to</i>	<p>Site contamination has been considered through the preparation of a PSI Report. The PSI deems it necessary to conduct further contamination investigations, namely, a Hazardous Material Survey of all structures on site prior to demolition and a Detailed Site Investigation (Stage 2) Report.</p> <p>These reports will be submitted post lodgement prior to any works commencing for the proposed development.</p>	Section 6.6 and Appendix 20	N/A

Statutory reference	Mandatory consideration	Assessment	Section in EIS	Section in Amendment Report
	<i>be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i>			
State Environmental Planning Policy (Sustainable Building) 2022				
Section 2.1	Standards for BASIX development and BASIX optional development.	This EIS includes an Environmentally Sustainable Development Report (ESD Report) which demonstrates how the development will minimise waste, reduce demand for electricity and water, and utilise renewable energy. The Architectural Plans are also supported by a BASIX Certificate.	Section 6.13, Appendix 21 and Appendix 22	N/A
State Environmental Planning Policy (Transport and Infrastructure) 2021				
2. Infrastructure				
Section 2.48	Section 2.48 provides that any development carried out within 5m of an exposed overhead electricity powerline is to be notified to the electricity supply authority and consideration given to any response received.	The site contains an overhead power line leading to the existing dwellings. The application will therefore require referral to the relevant electricity supply authority for comment.	Section 4	N/A

Ku-ring-gai Local Environmental Plan 2015

Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015) regulates development throughout the is Ku-ring-gai area. As the *State Environmental Planning Policy (Housing 2021)* applies to the site, the LEP does not apply.

Notwithstanding, for consistency, an assessment against the provisions of the KLEP 2015 has been provided below.

Clause	Consideration	Discussion	Section in Amendment Report
2.2 Zoning	The site is zoned R4 High Density Residential form the KLEP 2015 with the stated objectives: <ul style="list-style-type: none"> To provide for the housing needs of the community within a high density residential environment. 	Clause 154 of the Housing SEPP permits residential flat buildings in a relevant residential zone in a Transport Orientated Development <ul style="list-style-type: none"> The proposed development provides 30 new affordable homes and 90 new market residential homes assisting 	Section 5

Clause	Consideration	Discussion	Section in Amendment Report
	<ul style="list-style-type: none"> To provide a variety of housing types within a high density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To provide for high density residential housing close to public transport, services and employment opportunities 	<p>to meet the housing needs within the Ku ring-gai LGA and increasing supply in a well serviced location.</p> <ul style="list-style-type: none"> The proposed development includes both market residential and affordable housing with a mix of apartment sizes and tenures suited to a range of demographics. 	
4.3 Height of buildings	<p>The objectives of this clause are as follows—</p> <p>(a) to ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring gai centres,</p> <p>(c) to enable development with a built form that is compatible with the size of the land to be developed.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	N/A. Refer to Clause 154 of Chapter 5, Housing SEPP, Section 16 of the Housing SEPP and Clause 4.6 Variation (Appendix 5).	Section 7
4.4 Floor space ratio	0.3:1	N/A. Refer to Clause 154 of Chapter 5, Housing SEPP, Section 16 of the Housing SEPP and Clause 4.6 Variation (Appendix 5).	Section 4
4.6 Exceptions to development standards	<p>Objectives are as follows: (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—</p>	<p>Clause 4.6 request is submitted with this Amendment Report under a separate cover which addresses the variation from the development standard in regard to building height.</p> <p>The proposed variation of 4. metres is considered necessary to respond to the site's sloping topography while achieve a high-quality building design.</p> <p>The variation of 4m in the development standard is also necessary to maximise the site's floor space ratio of 3:23:1.</p>	Section 4 Appendix 17

Clause	Consideration	Discussion	Section in Amendment Report
	<p>(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and</p> <p>(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.</p>	<p>This is in order to deliver 30 new affordable homes in a strategically located existing urban area within the Lindfield TOD precinct.</p> <p>Strict compliance with the development is considered unreasonable in this regard. Refer to the Clause 4.6 Request for further details.</p>	
5.10 Heritage conservation	<p>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.</p> <p>The consent authority may, before granting consent to any development—</p> <p>b) on land that is within a heritage conservation area require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p> <p>(6) Heritage conservation management plans: The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<ul style="list-style-type: none"> • The Statement of Heritage Impact in Appendix 32 identifies that the height and bulk of the building will have an impact on the surrounding houses. • Notwithstanding, the materials and colours chosen in the design are sympathetic to the surrounding area. These finishes will reduce the impact and integrate, as best as possible, with the architectural style of the locality. • Appropriate setbacks are included on all sides between the proposed residential flat building and the existing properties, reducing potential overbearing impacts. In addition, a further setback of 3m is proposed on the building from the 5th storey and above further reducing the impact of the height and bulk of the proposed development. • A 12m upper-level setback is included to further reduce visual amenity impacts • The proposed development includes appropriate landscaping measures that respond to the site's current topography and existing vegetation on the site. 	Section 7
6.1 Acid Sulfate Soils	<p><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>The site is classified as containing class 5 acid sulphate soils.</p>	Section 6 of the original EIS

Clause	Consideration	Discussion	Section in Amendment Report
	<p><i>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 water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i></p> <p><i>Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</i></p>	<p>The Geotechnical Investigation states that the site is not consistent with the geomorphic criteria necessary for the presence of Acid Sulphate Soils.</p> <p>The Geotechnical Investigation prepared by Green Geotechnics includes an acid sulphate soils assessment demonstrating that the construction of the proposed development will not require the preparation of an Acid Sulphate Soils Management Plan.</p>	
6.2 Earthworks	Development consent is required for earthworks.	Consent for earthworks is being sought via this SSD application.	N/A
6.3 Biodiversity protection	<p>The intent of this clause is to:</p> <p>(a) protecting biological diversity of native fauna and flora,</p> <p>(b) protecting the ecological processes necessary for their continued existence</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) the impact of the proposed development on the following:</p> <p>(i) any native vegetation community,</p> <p>(ii) the habitat of any threatened species, population or ecological community,</p> <p>(iii) any regionally significant species of plant, animal or habitat,</p>	<p>The proposed development is accompanied by a BDAR which is included in Appendix 24 of this EIS.</p> <ul style="list-style-type: none"> The proposed development will impact on 0.0121ha of degraded native vegetation and this will be offset in accordance with the Biodiversity Offset Scheme. Ecological processes on the site are already limited due to fragmentation and past landscaping. The proposed development avoids impacts on significant ecological functions and proposes native landscaping to promote future biodiversity support. The site contains very limited and degraded remnants of Sydney Turpentine Ironbark Forest, which is listed as a threatened species. However, ground truthing by ACS has concluded that the subject site is no longer representative of PCT 3262. Targeted assessments identified no suitable habitat for threatened fauna species within the development footprint. The report found no breeding or foraging sites and prescribed 	Section 7

Clause	Consideration	Discussion	Section in Amendment Report
	<p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(b) is designed, and will be sited and managed, to avoid any potentially adverse environmental impact or, if a potentially adverse environmental impact cannot be avoided—</p> <p>(i) the development minimises disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations</p> <p>(ii) measures have been considered to maintain native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors,</p>	<p>mitigation measures to ensure no impact on potential roosting bats.</p> <ul style="list-style-type: none"> • No regionally significant species or habitats were found on the site due to its long history of residential use and exotic landscaping. • The proposal includes landscaping with native species and avoids significant habitat fragmentation, helping to maintain and enhance limited ecological connectivity in the area. 	
<p>6.5 Stormwater and water sensitive urban design</p>	<p>(2) Before granting development consent to development on any land to which this Plan applies, the consent authority must be satisfied that—</p> <p>(a) water sensitive urban design principles are incorporated into the design of the development, and</p> <p>(b) riparian, stormwater and flooding measures are integrated, and</p> <p>(c) the stormwater management system includes all reasonable management actions to avoid any adverse impacts on the land to which the development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems.</p>	<p>A Water Cycle Management Report prepared by Smart Structures Australia is in Appendix 16.</p> <p>The Water Cycle Report includes Water Sensitive Urban Design (WSUD) features including stormwater filtration system and vegetated swales. The report evaluates the quantity and quality of stormwater associated with the proposed development and demonstrates that an appropriate stormwater management strategy has been adopted to satisfy the council's requirements.</p> <p>In addition, a flood risk commentary letter has been prepared by Smart Structures Australia which demonstrates that the site is not identified as being affected by flooding during a 1% AEP storm event. Accordingly, no flood planning controls are applicable to this development.</p>	<p>Section 6</p>

Clause	Consideration	Discussion	Section in Amendment Report
6.6 Requirements for multi dwelling housing and residential flat buildings	<p>(2) Development consent must not be granted unless the lot has an area of at least 1,200 square metres and minimum dimensions (width and depth) of at least—</p> <p>(a) if the area of the land is less than 1,800 square metres—24 metres, or</p> <p>(b) if the area of the land is 1,800 square metres or more—30 metres.</p>	The proposed development complies with this clause. The site has a total area of 4,771m ² and a frontage of approximately 64m.	Section 4