



Statutory Compliance

Dian, Rose Bay – State Significant Development (SSD-101842729)

2-6 Conway Avenue and 38-40 Carlisle Street, Rose Bay

Prepared on behalf of Two Conway Pty Ltd

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FPDplanning

Document control

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Project summary

Prepared on behalf of	Two Conway Pty Ltd
Land to be developed	2-6 Conway Avenue and 38-40 Carlisle Street, Rose Bay
Legal description	Various
Project description	Redevelopment of the site for an 8 storey residential flat building including infill affordable housing

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1 Statutory requirements

This document forms part of the EIS for a State Significant Development Application (SSDA) for development of residential flat buildings including private and affordable housing at 2-6 Conway Avenue and 38-40 Carlisle Street, Rose Bay and addresses all statutory requirements relevant to the proposed development, including:

- *Environmental Planning and Assessment Act 1979 (EP&A Act)*
- *Biodiversity Conservation Act 2016 (BC Act)*
- *Roads Act 1993 (Roads Act)*
- *Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)*
- *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*
- *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)*
- *State Environmental Planning Policy (Hazards and Resilience) 2021 (Hazards SEPP)*
- *State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)*
- *Woollahra Local Environmental Plan 2014 (Woollahra LEP)*
- *Woollahra Development Control Plan 2015 (Woollahra DCP).*

2 Statutory compliance

2.1 Environmental Planning and Assessment Act 1979

Relevant provisions	Consideration
Section 1.3 – Objects of the EP&A Act	
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The site is suitable for the residential development and will have a positive impact on the social and economic welfare of the community and natural environment as it will enable the delivery of 70 dwellings including 17 affordable dwellings and will positively contribute to housing supply and affordability in Woollahra LGA.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The EIS is consistent with the principles of ecologically sustainable development as detailed in the ESD Report at Appendix AA and BASIX certificate at Appendix Z.
(c) to promote the orderly and economic use and development of land,	The proposed development promotes the orderly development of land which has been demonstrated as suitable for residential development through the EIS.
(d) to promote the delivery and maintenance of affordable housing,	The proposal directly responds to this objective as it will deliver new affordable housing.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal would not have any impacts on threatened and other species of native animals and plants, ecological communities and their habitats as demonstrated in the BDAR Waiver Request (Appendix W).
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	Heritage impacts are addressed in the Preliminary Aboriginal Heritage Assessment (Appendix K) and Heritage Impact Assessment (Appendix L).
(g) to promote good design and amenity of the built environment,	The proposal is supported by an Architectural Design Report (Appendix E) which outlines the design principles and design response to demonstrate good design and amenity of the built environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposed development will promote proper construction and maintenance of the buildings through compliance with all relevant building standards to be further addressed in the future detailed design.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The proposed development is to be assessed as SSDA in accordance with the provisions of the Planning Systems SEPP.

Relevant provisions	Consideration
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Consultation has been carried out to inform the SSDA as detailed in the Engagement Report (Appendix AC). Further consultation will be carried out as part of the SSDA assessment.
Section 4.15(1) – Matters for consideration	
Relevant Environmental Planning Instruments	Addressed in this document.
Relevant proposed Environmental Planning Instruments	Not applicable. No draft instruments are applicable to the site.
Relevant planning agreements	Not applicable. No planning agreement is proposed.
Relevant Development control plans	Section 2.8 within this Statutory Compliance Table includes consideration of the Woollahra DCP noting that DCPs do not apply to SSD in accordance with Section 2.10 of the Planning Systems SEPP.
The EP&A Regulation (where they prescribe matter related to Section 4.15).	Section 61 of the EP&A Regulation sets out additional matters for consideration. This includes a requirement that in determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures. Demolition of structures will be consistent with any relevant requirements of Australian Standard AS 2601—2001: The Demolition of Structures.
The likely impacts of the development	The likely impacts of the development have been assessed in detail in the EIS.
Suitability of the site	The site has been demonstrated to be suitable for the proposed development through detailed site analysis and assessment of impacts as detailed in the EIS and accompanying reports.
Any submissions made in accordance with the EP&A Act	Any submissions received during the exhibition of the EIS will be considered as part of the assessment process.
The public interest	The proposed development is in the public interest as it will deliver a new housing including affordable housing.

2.2 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are to be accompanied by a biodiversity development assessment report (BDAR) 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.

A BDAR Waiver Request to be prepared (Appendix W).

A BDAR Waiver was issued by DPHI on 27 January 2026 confirming that a DBAR is not required as the proposed development is not likely to have any significant impacts on biodiversity values (Appendix X).

2.3 Roads Act 1993

Section 138 of the *Roads Act 1993* requires the approval of the appropriate roads authority for works within a public road reserve.

The proposal will include a new driveway access from Conway Avenue and making good of the surrounding verges being local roads.

Approval from Woollahra Council under Section 138 as the roads authority is required.

In accordance with Clause 4.42 of the EP&A Act, a consent under Section 138 of the *Roads Act 1993* cannot be refused if the project is approved and must be substantially consistent with the approval.

Consultation will be carried out with Council as part of the assessment of the SSDA.

2.4 Environmental Planning and Assessment Regulation 2021

Table 1: Consideration of the EP&A Regulation

Relevant provisions	Consideration
Section 29 Requires development applications for residential apartment development to be accompanied by a statement addressing the design principles in Chapter 4 of the Housing SEPP and objectives of the ADG.	This is included in the Architectural Design Report (Appendix E).
Section 190 Sets out the requirements for the form of the EIS	The EIS is consistent with the requirements of Section 190 and has been prepared in accordance with the <i>State Significant Development Guidelines</i> .
Section 191 Requires compliance with the environmental assessment requirements	The EIS has been prepared in accordance with the Housing Industry Specific SEARs issued on 17 December 2025. Appendix A outlines how the SEARs have been addressed in the EIS.
Section 192 Sets out the required content to be included in an EIS	The content of the EIS is consistent with the requirements set out in Section 192.
Section 193 Outlines the principles of ecologically sustainable development, which are to be addressed in the EIS.	The proposed development is consistent with the ESD principles. The proposed development is accompanied by a BASIX certificate (Appendix Z) which illustrates compliance with BASIX delivering high performance in water, energy, and thermal comfort while minimising environmental impacts.

Relevant provisions	Consideration
	A high level of sustainability is also achieved as detailed in the ESD Report at Appendix AA. The EIS is also supported by the BDAR Waiver Request which sets out that the the proposed development is not likely to result in a significant impact on any threatened species, populations or Threatened Ecological Communities. The EIS includes a detailed assessment of potential environmental impacts as a result of the proposal and concludes that all impacts can be suitability mitigated including through the Mitigation Measures detailed at Appendix C.

2.5 State Environmental Planning Policies

2.5.1 State Environmental Planning Policy (Planning Systems) 2021

Table 2: Consideration of the Planning Systems SEPP

Relevant provisions	Consideration
Section 2.6 Chapter 2 of the Planning Systems SEPP sets out that development specific Schedule 1 or 2 of the SEPP is declared to be state significant development. Schedule 1, Section 26A declares that development for the purpose of in-fill affordable housing to which Chapter 2, Part 2, Division 1 of the State Environmental Planning Policy (Housing) 2021 applies, with an EDC of more than \$75 million is SSD.	The proposed development is also for infill affordable housing with an EDC of more than \$75 million. The proposed development is therefore SSD.
Section 2.10 Establishes that development control plans do not apply to state significant development	Although DCPs do not apply to SSD the proposal has been prepared with consideration of the provisions of the Woollahra DCP (see Section 2.8 of this document).

2.5.2 State Environmental Planning Policy (Housing) 2021

Table 3: Consideration of the Housing SEPP

Relevant provisions	Consideration
Chapter 2 Affordable housing	
Part 2 Development for affordable housing	
Division 1 In-fill affordable housing	
Section 15A Objectives of division Sets out the objectives of this division which is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low-, low- and moderate-income households.	The proposal will provide new affordable housing that will assist in providing housing for very low, low and moderate income households.
Section 15B Definitions Relevant definitions in this division include: <i>affordable housing component, of development, means the percentage of the gross floor area used for affordable housing.</i>	The development includes an affordable housing component of 15% of the floor space.
Section 15C Development to which division applies This division applies to development that includes residential development if - - the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and - the affordable housing component is at least 10% and - all or part of the development is carried out – for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area – in an accessible area, - affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.	- The site is zoned R3 Medium Density Residential under the Woollahra LEP, which permits residential flat buildings. - The proposal includes 15% of the floor space as affordable housing. - The site is located 312m walking distance of a bus stop along New South Head Road as demonstrated in the survey plan at Appendix AD. This bus stop is serviced by bus routes 324, 325 and 386 which provide regular bus services to the Sydney CBD and Bondi Junction which meets these requirements.

Relevant provisions	Consideration
Section 16 Affordable housing requirements for additional floor space ratio Applies bonus floor space for development that includes residential development which is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with the below: $\text{affordable housing component} = \frac{\text{additional floor space ratio (as a percentage)}}{2}$ The minimum affordable housing component must be at least 10%. 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 land plus an additional building height that is the same percentage as the additional floor space ratio permitted.	The proposal includes 15% of the floor space as affordable housing. The applicable FSR under the Housing SEPP Low and Mid Rise Controls is 2.2:1. With a 30% bonus FSR this would result in a maximum permissible FSR of 2.86:1. The proposed FSR is compliant with Section 16 of the Housing SEPP. The maximum building height under the Housing SEPP Low and Mid Rise Controls is 22m. With a 30% bonus height increase, this would result in a maximum permissible building height of 28.6m. The proposed maximum building height is compliant with Section 16 of the Housing SEPP.
Section 19 Non-discretionary development standards – the Act, s 4.15 Sets out development standards that prevent the consent authority from requiring more onerous standards for the relevant matters of residential development which applies to this division: • A minimum sites area of 450m² • A minimum landscaped area of 35m² or 30% of the site area (whichever is the lesser) • A deep soil zone on at least 15% of the site area where each deep soil zone has a minimum dimension of 3m and if practicable at least 65% of the deep soil zone is located at the rear of the site • 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 • The following number of parking spaces for dwellings used for affordable housing – 1 bedroom – at least 0.4 spaces 2 bedrooms – at least 0.5 spaces 3 bedrooms at least 1 space. • The following number of parking spaces for dwellings not used for affordable housing - 1 bedroom – at least 0.5 spaces 2 bedrooms – at least 1 space 3 bedrooms at least 1.5 spaces. • A minimum internal area as specified in the Apartment Design Guide.	The proposed development complies with the non-discretionary standards as detailed below: • The total site area is 3,107sqm, which meets the minimum site area of 450 sqm • Landscaped area – The proposed development achieves 33% landscaped area. • Non-discretionary standards for deep soil do not apply to development where Chapter 4 and the Apartment Design Guide (ADG) and Tree Canopy Guide for Low and Mid Rise Development applies. • Non-discretionary standards for solar access do not apply to development where Chapter 4 and the ADG applies. • Car parking is proposed to be in accordance with the Woollahra DCP which exceeds the minimum requirements of the Housing SEPP. • All apartments are compliant with minimum internal areas specified in the ADG. Refer to the Design Report at Appendix E and Architectural Plans Appendix F.
Section 20 Consent must also not be granted to development unless the consent authority has considered whether the design of the residential development is compatible with –	This is addressed in the Architectural Design Report (Appendix E).

Relevant provisions	Consideration
- The desirable elements of the character of the local area or - For precincts undergoing transition – the desired future character of the precinct.	
Section 21 Must be used for affordable housing for at least 15 years Sets out that consent must not be granted unless the consent authority is satisfied that for a period of at least 15 years commencing on the day of occupation certificate is issued for the development that - - the development will include the affordable housing required for the development under Section 16, 17 or 18 and - the affordable housing component will be managed by a registered community housing provider. This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.	The proposed development includes 15% of the floor space as affordable housing comprising 17 of the total number of dwellings to be managed for a minimum of 15 years by a Community Housing Provider. A letter has been provided by Bridge Housing that it agrees to manage the affordable housing apartments for at least 15 years to fulfil the requirements of the Housing SEPP (Appendix AG). The letter also confirms that the proposed type and size of all affordable apartments is acceptable.
Section 22 Subdivision permitted with consent Sets out that land on which development has been carried out under this division may be subdivided with development consent.	It is proposed to consolidate the site into a single lot.
Chapter 4 Design of residential apartment development	
Section 146 Referral to design review panel for development applications A consent authority must refer the residential apartment development applications to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.	Does not apply to SSD.
Section 147 Determination of development applications and modification applications for residential apartment development Sets out that consent must not be granted to residential apartment development unless the consent authority has considered the following – - the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9. - the Apartment Design Guide - any advice received from a design review panel within 14 days after the consent authority referred the development application to the panel.	Refer to the Architectural Design Report at Appendix E for an assessment against the Apartment Design Guide.
148 Non-discretionary development standards for residential apartment development – the Act, s 4.15 Sets out development standards that prevent the consent authority from requiring more onerous standards for the relevant matters of residential development which applies to this division:	The proposed development includes 130 car parking spaces which is in accordance with the minimum non-discretionary car parking rates for affordable housing under the Housing SEPP and maximum rates

Relevant provisions	Consideration
- Car parking must be equal or greater than the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide - The internal area for each apartment must be equal or greater than the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide - The ceiling heights for the building must be equal or greater than the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	under the Woollahra DCP – see Section 2.8 of this document. As detailed in the Design Report at Appendix E, all internal areas of apartments and ceiling heights for the building comply with Part 4C and Part 4D of the Apartment Design Guide – TBC.
Chapter 6 Low and Mid Rise housing – Part 1 Preliminary	
Section 162 Aims of Chapter The aim of this chapter is to encourage the development of low and mid rise housing in areas that are well located with regard to goods, services and public transport.	The proposed development will deliver mid rise housing in an accessible area.
Section 163 Definitions Includes relevant definitions including: <i>low and mid rise housing inner area means land within 400m walking distance of—</i> <i>(a) land identified as “Town Centre” on the Town Centres Map, or</i> <i>(b) a public entrance to a railway, metro or light rail station listed in Schedule 11, or</i> <i>(c) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station.</i>	The site is within the low and mid rise housing inner area – being within 400m of Rose Bay Town Centre.
Section 164 Land to which chapter applies Sets out a number of exclusions for low and mid rise housing.	None of the exclusions applies to the site.
Chapter 6 Low and Mid Rise housing – Part 4 Residential flat buildings and shop top housing	
Section 174 Development permissible with consent 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.	Residential flat building is a permissible use in the R3 zone under the Woollahra LEP.
Section 175 Development standards – low and mid rise housing in inner areas Sets out development standards which apply in the R3 and R4 including that: <i>development consent must not be granted for development for the purposes of residential flat buildings with a building height of up to 22m unless the consent authority is satisfied the building will have 6 storeys or fewer.</i> In this section a storey does not include a basement within the meaning of the standard instrument – as set out below.	Infill affordable provisions apply allowing height of up to 28.6m.

Relevant provisions	Consideration
<i>basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).</i>	
Section 177 Landscape – residential flat building or shop top housing Requires consideration of the Tree Canopy Guide for Low and Mid Rise Housing, published by the Department in February 2025.	The Tree Canopy Guide for Low and Mid Rise Housing is addressed at Section 2.7 of this document.
Section 180 – Non-discretionary development standards Applies the following non-discretionary development standards in a low and mid rise housing inner area: (a) a maximum floor space ratio of 2.2:1, (b) a maximum building height of 22m for residential flat buildings.	Infill affordable bonus provisions apply.

2.5.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Table 4: Consideration of the Resilience and Hazards SEPP

Relevant provisions	Consideration
Chapter 3 Hazardous and Offensive Development	
Chapter 3 Hazardous and Offensive Development applies to any development which fall under the SEPPs definition of ‘potentially hazardous industry’ or ‘potentially offensive industry’.	The proposed development is not considered to fall within the abovementioned definitions and therefore is not applicable to this application.
Chapter 4 Remediation of Land	
Section 4.6 sets out that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated, and if the land is contaminated that it is satisfied that it is suitable in its contaminated state or that it will be suitable after remediation, for the purpose for which the development is proposed to be carried out. Further, the consent authority must consider 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.	A Preliminary Site Assessment has been prepared by EI Australia (Appendix U) which indicated that gross or widespread contamination is not present on the site. It concluded that the potential for site contamination is low and the site is deemed suitable for proposed residential development in accordance with the Resilience and Hazards SEPP.

2.5.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

Table 5 Consideration of the Transport and Infrastructure SEPP

Relevant provisions	Consideration
Section 2.48 Electricity Infrastructure This section requires a referral to the relevant electricity supply authority for development within 5m of overhead electricity power lines or adjacent to a substation.	Relevant referral to be carried out by DPHI.
Section 2.119 Development with frontage to classified road Sets out that development consent must not be granted to development with frontage to a classified road unless the safety, efficiency and operation of the road has been considered, and the development is appropriately designed and located to minimise any potential traffic impacts on the development.	Not applicable. The site does not have frontage to a classified road.
Section 2.120 – Impact of road noise or vibration on non-road development This section requires compliance with relevant noise criteria and consideration of the Development near Rail Corridors and Busy Roads Interim Guideline for development on land in or adjacent to a road corridor with an annual average daily traffic volume of more than 20,000 vehicles.	Not applicable – the site is not located adjacent to busy road. Notwithstanding, a Acoustic Assessment has been prepared (Appendix N).
Section 2.122 Traffic-generating development Sets out that development of 300 or more dwellings on a site with access to a local road or 75 or more dwellings on a site with access to a classified road or to road that connects to classified road (within 90m) is traffic generating development requiring referral to Transport for NSW (TfNSW).	Not applicable.

2.5.5 State Environmental Planning Policy (Sustainable Buildings) 2022

Table 6: Consideration of the Sustainable Buildings SEPP

Relevant provisions	Consideration
Chapter 2, Section 2.1 Applies to residential development and sets relevant standards for BASIX buildings relating to energy, water use and thermal performance. It also sets out that Development consent must not be granted to development to which the standards specified in Schedule 1 (BASIX buildings) apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.	A BASIX Certificate is included at Z.

2.5.6 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP) applies to land within a regulated catchment. The site is identified as being within the Sydney Harbour Catchment and therefore, the provisions in Division 2 of Chapter 6 are applicable to the site.

Chapter 6 requires the consent authority to consider potential impacts within regulated catchments, including:

- Water quality and quantity
- Aquatic ecology
- Flooding
- Recreation and public access.

This is addressed in the Integrated Water Management Plan (Appendix Q) and Flood Impact and Risk Assessment (Appendix R) which address the water quantity, water quality and flooding requirements.

Chapter 6 also sets out provisions which apply to development within the Foreshores and Waterways Area, however the site is located entirely outside the Foreshores and Waterways Area.

2.6 Woollahra Local Environmental Plan 2014

Table 7: Woollahra LEP

Control	Consideration	Complies
Part 2 Permitted and prohibited development		
Land use zone – objectives The site is zoned R3 Medium Density Residential and the following objectives apply: • To provide for the housing needs of the community within a medium density residential environment. • To provide a variety of housing types within a medium density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood. • To ensure development conserves and enhances tree canopy cover.	The proposed development meets the objectives of the R3 zone by providing new housing within a medium density residential environment, with an appropriate height and scale.	Yes
Permissible uses The R3 zone includes residential flat buildings as permissible with consent.	The proposal is for a residential flat building which is permissible with consent.	Yes

Control	Consideration	Complies
Part 4 Principal development standards		
Section 4.3 Height of buildings The Height of Buildings Map identifies the site as having a maximum height of 10.5m	Bonus provisions under the Housing SEPP apply as detailed in Section 2.5.2	NA
Section 4.4 Floor space ratio The Floor Space Ratio Map identifies the site as having a maximum FSR of 0.75:1	Bonus provisions under the Housing SEPP apply as detailed in Section 2.5.2.	NA
Part 5 Miscellaneous provisions		
Section 5.10 – Heritage Conservation The site is not a heritage item or within a heritage conservation area, however a heritage building is located to the north east of the site fronting Fernleigh Avenue at 5 Fernleigh Gardens, Rose Bay. Requires consent authority to consider the effect of the proposed development on a heritage item, heritage conservation area or land within the vicinity of a heritage item or heritage conservation area.	This is addressed in the Heritage Impact Assessment (Appendix L)	Yes
Section 5.21 Flood planning Requires the consent authority to consider whether the development is compatible with flood risk, whether it will adversely affect flood behaviour, the safe occupation or evacuation in a flood event, or the environment and incorporates appropriate measures to manage risk to life. The consent authority must also consider projected changes due to climate change, the intended design and scale of the building, risk to life and evacuation measures or the potential to modify, relocate or remove buildings in a flood event.	This is addressed in the Flood Impact and Risk Assessment (Appendix R).	Yes
Part 6 Additional local provisions		
Section 6.1 Acid sulfate soils Requires an acid sulfate soils management plan for certain development on land identified on the Acid Sulfate Soils map. The site is mapped as Class 5 Acid Sulfate Soils.	This is addressed in the Acid Sulfate Soils advice (Appendix V) which confirms that an acid sulfate soils management plan is not required.	Yes
6.2 Earthworks Requires the consent authority to consider the impacts of earthworks and associated construction dewatering.	This is addressed in the Geotechnical Assessment (Appendix S).	Yes

Control	Consideration	Complies
6.9 Tree canopy in zones R2 and R3 Requires the consent authority to consider whether the development will enable the retention and planting of trees to minimise the urban heat island effect, and will avoid, minimise or mitigate adverse impacts on the existing tree canopy.	To be addressed in the Landscape Plans (Appendix I).	Yes

2.7 Tree Canopy Guide for Low and Mid Rise Housing

Table 8: Tree canopy guide for low and mid rise housing

Control	Consideration	Complies
5.1.4 Quality of design, housing choice and diversity		
Deep soil - Minimum 7% with sites over 1,500sqm to seek to enhance deep soil to 15%. - Locate contiguous deep soil areas to maximise the number of trees that can be planted. The Tree Canopy Guide defines deep soil as follows: <i>A landscaped area connected horizontally to the soil system and local ground water system beyond and is unimpeded by any building or structure above or below ground with the exception of minor structures*.</i> <i>Deep soil zones with a minimum dimension of 3m allows sufficient space for the planting and healthy growth of new trees that provide canopy cover and assist with urban cooling and infiltration of rainwater to the water table. Deep soil also allows for the retention of existing trees.</i> <i>* Minor structures are defined as:</i> - path, access ramp or area of paving with a maximum width up to 1.2m - essential services infrastructure (such as stormwater pipes) with a maximum diameter up to 300mm - landscape structures (such as lightweight fences, light poles or seating) requiring a footing with a maximum size of up to 300mm x 300mm in cross section.	The proposed development achieves 15% of deep soil which meets the enhanced deep soil requirement.	Yes

Control	Consideration	Complies
<i>The 3 m dimension in deep soil refers to 3 m in every horizontal direction (length and width). This means deep soil is a minimum 9 m² (3 m x 3 m).</i>		
Canopy cover Minimum 15% with sites over 1,500sqm to seek to enhance canopy cover as follows: • 20% for sites over 1,500sqm, or • For every 575sqm of site area, or part thereof, plant at least 2 medium trees or one large tree in the deep soil area. The Tree Canopy Guide defines tree canopy as: <i>The layer of leaves, branches and stems of a tree that provide coverage of the ground when viewed from above, or the combined canopy area of a group of trees.</i>	The proposed development achieves 34% canopy cover exceeding the base and enhanced deep soil requirement.	Yes

2.8 Woollahra Development Control Plan 2015

Whilst it is noted that DCPs are not a matter for consideration in the assessment of SSDAs by virtue of Clause 2.10 of the Planning Systems SEPP, key provisions of the Woollahra DCP have been considered for the purposes of this SSDA, demonstrating that it is generally consistent – see Table 9.

Table 9: Woollahra DCP

Control	Consideration	Complies
Part B General Residential – Chapter B3 General Development Controls		
B3.2.2 Front setback The front setback of the building envelope is determined by averaging the three most typical setbacks of the four closest residential buildings that face the same side of the street. The front setback should be measured to the face of the front building wall or any protruding balcony deck or the like. Note: The setback is determined by the distance between the primary street boundary and the outside face of the front building wall, or any protruding balcony deck or the like (excluding car parking structures). Note: The front setback is the horizontal	The front setbacks have been designed having consideration to the Woollahra DCP control whilst responding the surrounding streetscape and building form context and ensuring ADG compliant building separation distances. This is detailed in the EIS and the Architectural Design Report (Appendix E).	Generally complies

Control	Consideration	Complies
distance between the building envelope and the primary street boundary, measured at 90° from the boundary Note: On corner lots, the shortest frontage to a street is typically where the front setback applies.		
B3.2.3 Side setbacks 3.5m on a site with a width measured along the front building line of greater than 35m Note: A reduced side setback may be considered where zero or significantly reduced setbacks are characteristic of the immediate streetscape.	A 4.5m side setback is proposed to 8 Conway Avenue to meet the requirements of the ADG.	Yes.
B3.2.3 Rear setbacks The minimum rear setback control is 25% of the average of the two side boundary dimensions, measured perpendicular to the rear boundary. The building must not encroach on the minimum rear setback.	Rear setback not applicable.	NA
B3.4 Excavation		
Basement walls and any piling (or similar structural elements) for residential flat buildings must be no closer to the boundary than 1.5m.	Basements are setback more than 1.5m from all boundaries.	Yes
B3.5.1 Streetscape and local character		
- The building is consistent with the desired future character of the area set out in the precinct controls in Parts B1 and B2 of this DCP. - Development retains vegetation of landscape value. - Development steps down sloping sites and follows the topography of the land. - Development minimises disturbance and adverse impacts on existing canopy trees which are to be retained. - External building materials and colours do not detract from the streetscape. Bright or obtrusive colour schemes are avoided. - Roof forms and roof structures (including roof terraces, lifts, lift overruns, stairwells, access hatches, and other like structures) are well-designed, contribute positively to the streetscape, and are well-integrated with the architecture of the building.	This is addressed in the Architectural Design report (Appendix E) and Arboricultural Report (Appendix J).	Yes

Control	Consideration	Complies
- The use of reflective materials is minimal (including windows, access hatches, skylights and balustrades). - Roof materials are non-reflective and do not cause excessive glare to adjacent properties. - The building addresses the street and provides opportunities for casual surveillance. At least one habitable room window overlooks the street.		
B3.5.2 Overshadowing		
- The development is designed so that: - sunlight is provided to at least 50% (or 35m² with a minimum dimension of 2.5m, whichever is the lesser) of the main ground level private open space of adjacent properties for a minimum of 2 hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not further reduced; and - north facing windows to upper level habitable rooms of adjacent dwellings receive at least 3 hours of sun between 9am and 3pm on 21 June over a portion of their surface. - Lot orientation may make the above difficult to achieve so a reduced amount of solar access may be considered, provided the proposed building complies with all setback controls.	This is addressed in solar testing included in the Architectural Design Report (Appendix E) and the EIS.	Non-compliance justified.
B3.5.4 Acoustic and visual privacy		
- New windows in habitable rooms are designed to prevent a direct sightline to the habitable room windows or private open space of an adjacent dwelling within 9m. - Windows to bathrooms and toilet areas have translucent glazing where these have a direct view to, and from, habitable rooms and private open space on adjoining and adjacent properties. - Private open spaces and the trafficable area of roof terraces (at or below the second storey) are to be suitably located and screened to prevent direct views to neighbouring habitable rooms (including bedrooms) within 9m and private open space within 9m. - Windows and balconies of an upper-level dwelling are designed to prevent overlooking of the private open space of a dwelling below within the same development.	The boundary wall of 8 Conway Street which faces the site is non-habitable. Accordingly, there would be no direct sightline to an adjacent dwelling within 9m. Private open spaces and roof terraces are more than 9m from adjacent dwellings with the exception of west facing balconies which face the blank wall of 8 Conway Street.	Yes

Control	Consideration	Complies
- The trafficable area of a roof terrace (above the second storey) is setback so that there is no direct line of sight, from that part of the building where the terrace or deck is, to: - neighbouring private open space within 12m; or - windows of habitable rooms in neighbouring dwellings within 12m.		
B3.7.1 landscaped areas and private open space		
30% of site area is to be tree canopy area 35% of the site area is to be deep soil landscaped area 40% of the front setback is to be deep soil landscaped area. - Existing canopy trees and vegetation of landscape value is to be incorporated into the landscape area and treatment.	The provisions of the ADG and Tree Canopy Guide for Low and Mid Rise Housing would apply as detailed in Section 2.7. The proposed development achieves 33% tree canopy cover.	NA
B3.7.3 Site facilities		
- Site services are suitably integrated with the development including the landscape design and are not visually intrusive within the streetscape. - Hydraulic fire services such as fire hydrants and booster installations are concealed. These services are to be: enclosed with doors if located in the building façade, or housed in a cabinet or enclosure if located external to the building. The location, design, colour and material of the doors, cabinet or enclosure are visually unobtrusive and suitably integrated with the development, including fencing and landscaping. - The substation is to be suitably located, screened and/or concealed. Council's preference is for a chamber substation. - Any screening or enclosure to conceal the substation is to be visually unobtrusive and suitably integrated with the development, including the fencing and landscape design.	Services are integrated into the overall building design as detailed the Architectural Design Report (Appendix E).	Yes
Part E1 Parking and access		
Car parking – maximum rates for Residential flat buildings: 1 bed: 1 space 2 bed: 1.5 spaces 3 bed: 2 spaces - Visitors: 0.25 spaces.	Car parking complies with the maximum rates as detailed in the EIS.	Yes

Control	Consideration	Complies
Bike parking: - Residents – 1 per dwelling - Visitors – 1 per 10 dwellings. - Electric bike charging points – 1/5 spaces.	Bicycle parking and E-bike charging has been provided to meet the relevant rates.	Yes
Motorcycle parking: 1 motorcycle parking space per 10 car spaces for all types of development. - Motorcycle parking spaces must have a minimum dimension of 1.2m x 2.5m.	Motorcycle parking is not required under the Housing SEPP however 7 spaces have been provided within the basement levels. Whilst the Woollahra DCP rate of 1 motorcycle parking space per 10 car parking spaces would require 13 spaces, the proposed approach is considered appropriate noting the Housing SEPP requirements and scale of the proposed development.	Non-compliance justified
Accessible parking: Accessible parking spaces must be provided at a rate in accordance with Part D3.5 of the Building Code of Australia.	The development includes nine accessible car parking spaces meaning that all of the seven proposed adaptable apartments would be allocated an accessible space.	Yes
EV charging: - Ensure that 100% of car spaces in all off-street parking of new residential and non-residential developments have electrical infrastructure to accommodate a 7kW (32A) EV charger in the future. - All new residential development (other than for dwelling houses, semi-detached dwellings or dual occupancies) must install EV charging equipment to 20% of the total car parking spaces assigned to residential lot owners (minimum 1), and 25% of visitor car parking spaces (minimum 1).	EV charging complies with the maximum rates as detailed in the Architectural Plans	Yes
Part E8 Adaptable housing		
At least 10% of the dwellings to Class A certification under AS 4299 – Adaptable housing.	The proposed includes 7 adaptable apartments (70%)	Yes