

Appendix 2 - Statutory Compliance Tables

40-56 Ourimbah Road, Mosman

Relevant Consideration	Response	Document Reference
<i>Environmental Planning and Assessment Act 1979</i>		
Section 1.3 – Objects of Act <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 proposal is consistent with the objects of the EP&A Act by promoting the social and economic welfare of the community through the delivery of additional housing, including affordable housing, within an accessible and well-serviced location. The development will provide 63 residential apartments, including 12 affordable housing dwellings to be managed by a registered community housing provider for a minimum period of 15 years. The proposal supports the efficient use and development of urban land, contributes to housing supply and affordability objectives, and has been designed having regard to environmental constraints and opportunities identified through the technical assessments accompanying this EIS.	• N/A.
<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>	A Biodiversity Development Assessment Report (BDAR) Waiver was issued by the Department of Climate Change, Energy, the Environment and Water (DCCEE) on 16 June 2026. The waiver confirms that the proposed development is not likely to significantly affect biodiversity values and that the preparation of a BDAR is not required.	• Biodiversity Development Assessment Report Waiver (Appendix 17)

Relevant Consideration	Response	Document Reference
<i>to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage,</i>	An Aboriginal Heritage Impact Assessment has been prepared by Artefact Heritage and Environment to assess the potential impacts of the proposal on Aboriginal cultural heritage. The assessment found that no registered Aboriginal sites occur within the subject site and no Aboriginal objects were identified during the site inspection. The overall Aboriginal archaeological potential of the site is assessed as low due to the extensive disturbance associated with historical residential development, including excavation, terracing, levelling, landscaping, basement construction and underground services. A Statement of Heritage Impact (SOHI) and Historical Archaeological Memo have been prepared to assess the proposal's potential heritage impacts. While the site is not identified as a heritage item and is not located within a Heritage Conservation Area, it is adjacent to the heritage-listed <i>Shops and Flats, 60 Ourimbah Road</i> (Item I200) and is located in the vicinity of several other local heritage items and heritage conservation areas. The heritage assessments conclude that the proposal will not result in any unacceptable impacts on the heritage significance, setting or appreciation of nearby heritage items. The site is also assessed as having nil to low historical archaeological potential and no further archaeological assessment is required.	- Aboriginal Heritage Impact Assessment (Appendix 12) - Statement of Heritage Impact (Appendix 37) - Historical Archaeological Memo (Appendix 27)
<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>	The proposed development comprises the demolition of the existing dwellings and the construction of a part 8, part 9 storey residential flat building incorporating affordable housing in accordance with the Housing SEPP. The building adopts a contemporary architectural expression and has been designed to respond to the site's topography, surrounding urban context and strategic location. The proposal delivers a high standard of residential amenity for future occupants through well-designed apartments, communal open space, landscaping and supporting facilities. The design has been informed by the Better Placed framework and demonstrates the principles of good design through its consideration of context, built form, amenity, sustainability and landscape integration.	Sections 7.1.1 and 7.2.5 of the EIS
<i>to provide opportunities for participation in environmental planning and assessment,</i>	Community and stakeholder engagement has been undertaken during the preparation of the SSDA in accordance with the <i>Undertaking Engagement Guidelines for State Significant Projects</i> . As detailed in the Engagement Outcomes Report, engagement activities included the distribution of a community flyer to approximately 1,900 surrounding residents and businesses, an online community survey, two community drop-in sessions attended by 35 community members, consultation with Mosman Council, and the provision of dedicated project contact details for community enquiries. Feedback received through the engagement process informed the ongoing	Sections 6 and 7.2.4 of the EIS - Engagement Outcomes Report (Appendix 23)

Relevant Consideration	Response	Document Reference
	refinement of the proposal, including consideration of building design, landscaping, access arrangements, parking provision and residential amenity outcomes. The SSDA will be publicly exhibited by the Department of Planning, Housing and Infrastructure, providing a further opportunity for the community and stakeholders to review the proposal and make submissions. Any issues raised during the exhibition period will be considered and addressed as part of the assessment process.	
<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 facilitates ecologically sustainable development by integrating environmental, social and economic considerations into the design of the development. The ESD Report (Appendix 22) demonstrates that the proposal will achieve BASIX Water and Energy targets, satisfy NCC 2022 energy efficiency requirements, and deliver a high level of thermal performance through NatHERS modelling. The development incorporates water-efficient fixtures and appliances, energy-efficient building services, LED lighting, induction cooking, efficient heating and cooling systems, and provisions for responsible material selection and embodied carbon reduction. The proposal also provides high-quality housing, including affordable housing, while reducing resource consumption and improving occupant comfort and operational efficiency.	• Sections 4.10 and 7.2.9 of the EIS • ESD Report (Appendix 22)
<i>to promote a proportionate and risk-based approach to environmental planning and assessment,</i>	The Environmental Impact Statement (EIS) is supported by specialist studies addressing relevant matters including urban design, traffic and transport, heritage, ecology, arboriculture, noise, wind, solar access, groundwater, infrastructure and sustainability. These assessments demonstrate that the potential impacts of the development have been appropriately identified, quantified and managed through project design and recommended mitigation measures. The proposal has therefore been subject to a level of assessment that is commensurate with its scale, complexity and potential impacts, ensuring that planning decisions are informed by robust evidence and focused on matters of genuine environmental risk.	• Section 7 of the EIS
<i>to promote the orderly and economic use and development of land.</i>	The proposal responds to the State's growing population and the need to increase housing supply in well-located and accessible areas. The redevelopment of the site will deliver additional market and affordable housing within walking distance of public transport, services and the Spit Junction town centre. The proposal has been informed by a comprehensive analysis of the site and its surrounding context, together with detailed environmental investigations and an assessment against the relevant strategic and statutory planning framework. The proposal therefore represents the	• Sections 2 and 3 of the EIS

Relevant Consideration	Response	Document Reference
	orderly and efficient development of urban land and makes an appropriate contribution to meeting the State's housing and affordability objectives.	
Section 4.15 – Evaluation Section 4.15 (1)(a)(i) – EPIs	Refer to the discussion under the relevant State Environmental Planning Policies (SEPPs) below.	• N/A
Section 4.15 (1)(a)(ii) – draft EPI	No draft EPIs are relevant to this proposal	• N/A
Section 4.15 (1)(a)(iii) – DCP	Development control plans (DCP) do not apply to State significant development.	• N/A
Section 4.15 (1)(a)(iiia) – Planning agreement	No voluntary planning agreement accompanies this SSDA.	• N/A
Section 4.15 (1)(a)(iv) – Regulations –	Refer to the discussion under the relevant Environmental Planning and Assessment Regulation 2021 (EP&A Regulations) below.	• N/A
4.15(b) – Likely impacts of the development	Likely impacts of the development are addressed in detail in the EIS, and particularly, Section 5.4 .	• Section 5.4 of the EIS
4.15(c) – Site suitability	The suitability of the site is evaluated throughout the EIS and particularly, the assessment of existing and proposed site conditions, impacts and mitigation measures, in Section 7 .	• Section 7 of the EIS
Section 4.15(1)(e) – The public interest –	Public interest is addressed in detail in the EIS, particularly Section 8.8 , which demonstrates that the proposal provides an appropriate planning outcome consistent with the strategic planning framework, relevant planning controls, and the orderly development of land.	• Section 8.8 of the EIS
Environmental Planning and Assessment Regulation 2021		
Section 26 Information about affordable housing development of the Regulations.	In accordance with Section 26, a letter of support from EchoRealty is provided at Appendix 19 . The letter confirms EchoRealty's intention to manage the affordable housing component of the development, comprising 12 affordable housing apartments, for a minimum period of 15 years.	• Community Housing Provider Letter (Appendix 19)
Section 61(1) Additional matters that consent authority must consider (Demolition)	The proposal includes demolition works. Demolition will be undertaken in accordance with Australian Standard AS 2601—2001 <i>The Demolition of Structures</i> and any relevant conditions of consent.	

Relevant Consideration	Response	Document Reference
<i>Section 69 Compliance with Building Code of Australia and insurance requirements under <u>Home Building Act 1989</u></i>	The proposal includes building works and, in accordance with Section 69, all building work will be carried out in accordance with the requirements of the Building Code of Australia (BCA). A BCA Assessment Report prepared by Codex Building Consultants (Appendix 16) confirms that the proposed development is capable of achieving compliance with the relevant provisions of the BCA. Any development consent issued for the proposal would also require compliance with the BCA as part of the construction and certification process.	• Section 5.4 of the EIS • BCA Assessment Report (Appendix 16)
Section 190 – 192 EIS requirements	The EIS has addressed and been written in accordance with the specification criteria within Section 190 and 192 of the EP&A Regulation.	N/A
<i>Section 193 Principles of ecologically sustainable development</i>	Section 193 prescribes that the principles of Ecologically Sustainable Development (ESD) are required to be considered in the assessment of the proposal. The key principles of ESD as defined in the EP&A regulation are: • the precautionary principle. • inter-generational equity. • conservation of biological diversity and ecological integrity. • improved valuation, pricing, and incentive mechanisms. An ESD Report has been prepared by Aforia Consulting (Appendix 22) which addresses the four principles of ESD.	• Sections 4.10 and 7.2.9 of the EIS • ESD Report (Appendix 22)
Biodiversity Conservation Act 2016		
<i>Section 7.14 State significant development or infrastructure</i>	A BDAR Waiver was issued by the DCCEEW on 16 June 2026. The waiver confirms that the proposed development is not likely to significantly affect biodiversity values and that the preparation of a BDAR is not required.	• Biodiversity Development Assessment Report Waiver (Appendix 17)
State Environmental Planning Policies		
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	Schedule 1, Section 26A of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> states that the following development is considered to be SSD – (1) <i>Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—</i> (a) <i>the part of the development that is residential development has a capital investment value of—</i>	• N/A

Relevant Consideration	Response	Document Reference
	(i) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City in the Six Cities Region—more than \$75 million, or (ii) for development on other land—more than \$30 million, and (b) the development does not involve development prohibited under an environmental planning instrument applying to the land. The proposal: 1. Is located in the Eastern Harbour City ‘region’ of the Six Cities Region 2. Has an Estimate Development Value greater than \$75 million, and 3. Does not involve development prohibited under an EPI applying to the land. Therefore, the development is considered an SSD in accordance with Section 26A of the Planning Systems SEPP.	
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Chapter 3 of this SEPP states that land must not be developed if it is unsuitable for a proposed use due to contamination. If the land is deemed unsuitable, remediation must take place before development begins. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standard, ensures land is investigated if contamination is suspected, and requires Councils to be notified of all remediation proposals. The <i>Managing Land Contamination: Planning Guidelines</i> were prepared to assist Councils and developers to determine when land has been at risk. Section 4.6 of the SEPP requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use. The Preliminary Site Investigation concludes that the overall potential for contamination to exist on the site is low and that the site is suitable for the proposed residential development, subject to the implementation of the recommended management measures.	• Sections 2.2.6 and 7.2.7 of the EIS • Preliminary Site Investigation (Appendix 35)
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2</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 Arboricultural Impact Assessment prepared by NSW Trees (Appendix 14) identifies 12 trees within and adjoining the site, comprising 7 on-site trees and 5 street trees within the public domain. The assessment concludes that all on-site trees have a low retention value and are suitable for removal to facilitate the proposed	• Sections 2.2.8, 4.5 and 7.2.8 of the EIS • Arboricultural Impact Assessment (Appendix 14)

Relevant Consideration	Response	Document Reference
	development. A total of 7 on-site trees are proposed to be removed, while all 5 street trees along Ourimbah Road and Bond Street are to be retained and protected during construction in accordance with a Tree Protection Plan and Arboricultural Management Measures. Additionally, two (2) new street trees are proposed to be planted within the public domain adjacent to the site. To mitigate the loss of existing vegetation, the Arboricultural Impact Assessment recommends replanting in accordance with the approved Landscape Plan, with locally appropriate species incorporated into the landscape design. A BDAR Waiver was issued by the on 16 June 2026, confirming that the proposed development is not likely to have a significant impact on biodiversity values and that a BDAR is not required.	
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Chapter 2, Part 2.3, Division 17, Section 2.122 – Traffic-generating development Chapter 2, Part 2.3, Division 17, Section 2.122 requires the consent authority to provide Transport for NSW (TfNSW) with written notice of the development application for ‘traffic-generating development’ within the meaning of the SEPP, as set out in Schedule 3 of the SEPP. The proposed development comprises residential accommodation with access from a classified road. However, Schedule 3 only identifies residential accommodation with site with access to classified road as traffic-generating development where it contains 75 or more dwellings. As the proposal does not meet this threshold, it is not classified as traffic-generating development for the purposes of the SEPP. Accordingly, the notification requirements of Division 17, Section 2.122 do not apply to the proposed development. Chapter 2, Part 2.3, Division 17, Section 2.119 – Development with Frontage to a Classified Road Chapter 2, Part 2.3, Division 17, Section 2.119 applies to development on land with frontage to a classified road. The subject site has frontage to Ourimbah Road, which is classified as a regional road. Accordingly, the requirements of Section 2.119 are relevant to the proposed development. The proposal has been designed having regard to the objectives of the Section, namely to ensure that development does not compromise the effective operation of the classified road network and to appropriately manage the impacts of traffic noise and vehicle emissions on future residents.	• Sections 2.2.3, 4.8 and 7.1.4 of the EIS • Traffic and Parking Assessment (Appendix 39)

Relevant Consideration	Response	Document Reference
	Section 2.119(2)(a) – Vehicular access from a road other than the classified road The site also has frontage to Bond Street, a local road. The potential for vehicular access to be provided from Bond Street was considered as part of the Traffic and Parking Assessment. However, the assessment concludes that access from Bond Street is not a practicable solution due to the site's topography and operational constraints. In particular, Bond Street is approximately 6m higher than the western portion of the site where the proposed basement access is located. Providing vehicle access from Bond Street would require significant changes to the basement design, internal circulation arrangements and servicing configuration, and would substantially impact the efficiency and functionality of the development. Bond Street is also subject to a 2-tonne load limit, limiting its suitability for servicing and waste collection vehicles. The Traffic and Parking Assessment therefore concludes that, while an access point from Bond Street could potentially be achieved safely, it is not a practicable alternative, as contemplated by Section 2.119 for the following reasons: • Bond Street is approximately 4m higher than the proposed access point on Ourimbah Road. As a result, a compliant driveway from Bond Street would need to be approximately 37m in length (around half the length of the site) to achieve acceptable grades to the lower ground floor and basement levels, resulting in an inefficient site layout and reduced opportunities for landscaping, communal open space and building footprint. Such an arrangement would significantly constrain the basement layout and building design. • Bond Street is subject to a 2 tonne load limit. • A Bond Street access arrangement would likely require removal of an existing street tree. In contrast, the proposed Ourimbah Road access: • Utilises the lowest point of the site. • Retains the existing access arrangement generally in the location of the existing crossover. • Does not impact the existing bus stop on Ourimbah Road. • Achieves compliant sight distances. • Is located between the Cowles Road and Countess Street signalised intersections. • Is capable of accommodating simultaneous vehicle entry and exit movements. • Does not front a major traffic-generating development.	

Relevant Consideration	Response	Document Reference
	Allows the existing Bond Street crossover to be removed and reinstated as kerb and gutter. Having regard to these factors, the assessment concludes that the proposed access arrangement is both safe and practicable and satisfies the requirements of Section 2.119 of the Transport and Infrastructure SEPP. The proposed access is therefore provided from Ourimbah Road at the site's lowest point and utilises the location of an existing driveway crossover, thereby minimising site disturbance and enabling an efficient basement and servicing layout. Section 2.119(2)(b)(i) – Design of vehicular access The Traffic and Parking Assessment confirms that the proposed driveway has been designed in accordance with the relevant Australian Standards and provides compliant sight distances. The driveway is located away from the Bond Street intersection, approximately midway between the signalised intersections at Cowles Road and Countess Street and does not conflict with major traffic-generating driveways opposite the site. The driveway width allows opposing vehicles to enter and exit simultaneously, reducing the potential for queuing and rear-end conflicts. All vehicles, including service and waste collection vehicles, are able to enter and leave the site in a forward direction. The Traffic and Parking Assessment concludes that the proposed access arrangements will not adversely affect the safety, efficiency or operation of Ourimbah Road. Section 2.119(2)(b)(ii) – Emission of smoke or dust The development comprises residential accommodation and will not generate smoke, dust or emissions of a nature or scale that would adversely affect the operation of the classified road network. Any temporary construction-related impacts will be managed through the Construction Management Plan and standard construction environmental management measures. Section 2.119(2)(b)(iii) – Nature, volume and frequency of vehicle movements The Traffic and Parking Assessment estimates that the development will generate approximately 18 vehicle trips during each weekday peak hour. When compared with the existing lawful uses on the site, the net increase is estimated to be only 4–5 vehicle trips per peak hour, equating to approximately one additional vehicle movement every 12–15 minutes. This increase is considered negligible in the context of existing traffic volumes on Ourimbah Road and is not expected to adversely affect road network performance.	

Relevant Consideration	Response	Document Reference
	The Traffic and Parking Assessment further concludes that the surrounding road network, including the Ourimbah Road/Bond Street intersection and the proposed site access, will continue to operate satisfactorily with no material change to network performance. Section 2.119(2)(c) – Traffic noise and vehicle emissions The proposal comprises residential accommodation, which is a land use sensitive to traffic noise and vehicle emissions. These matters have been considered in the design of the development and are addressed by the accompanying Noise and Vibration Impact Assessment (Appendix 31). The building incorporates appropriate design and construction measures, including building orientation, façade treatments, glazing specifications and ventilation measures where required, to ensure future occupants achieve the relevant internal acoustic amenity criteria. Accordingly, the development is appropriately designed to ameliorate potential traffic noise and vehicle emission impacts arising from the adjoining classified road. Having regard to the findings of the Traffic and Parking Assessment and the Acoustic Assessment, the proposal satisfies the requirements of Section 2.119 and will not compromise the safety, efficiency or ongoing operation of Ourimbah Road.	
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	Section 2.1(5) of the SEPP requires the consent authority to be satisfied that the embodied emissions attributable to development subject to the BASIX standards in Schedules 1 or 2 have been quantified prior to the granting of development consent. The embodied emissions associated with the proposed development have been assessed in accordance with this requirement. The accompanying BASIX Certificate (No. 1853287M), dated 26 June 2026.	• Section 7.2.9 of the EIS • BASIX Certificate (Appendix 15)
<i>State Environmental Planning Policy (Housing) 2021</i>	Chapter 2, Part 2, Division 1 of the Housing SEPP contains the standards for development for the purposes of In-fill Affordable Housing (IAH) in NSW. The proposed development comprises residential development, which is permissible within the R3 Medium Density Residential zone under the Housing SEPP. The key provisions of the Housing SEPP have been considered in the preparation of the SSD application and are addressed in Table 1 and Table 3 below. Compliance with Chapter 4 of the Housing SEPP relates to the Apartment Design Guide and is demonstrated in Table 2 below.	• Table 1 and Table 3 of this Appendix

Relevant Consideration	Response	Document Reference
Mosman Local Environmental Plan 2012		
Part 2 Permitted or prohibited development		
<i>2.2 Zoning of the land to which this Plan applies</i>	The proposed residential flat building is permissible with consent in the R3 Medium Density Residential zone. The proposal is consistent with the objectives of the zone by providing additional housing supply, including affordable housing, within a well-located and accessible residential area. The development will deliver 63 apartments, including 12 affordable housing apartments, providing a diverse range of housing opportunities to meet the needs of the community. The proposed built form has been designed having regard to the site's strategic location within the Low and Mid Rise (LMR) housing inner area and is consistent with the desired future character envisaged by the LMR housing and IAH provisions of the Housing SEPP. The proposal also incorporates deep soil planting, landscaping and replacement tree planting, which will contribute to the site's landscape character and long-term urban canopy outcomes.	• Section 5.2.1 of the EIS
Part 4 Principle development standards		
<i>4.3 Height of buildings</i> Establishes a maximum building height of 8.5m for the site.	The site is located within the LMR Inner Area under Chapter 6 of the Housing SEPP. As a result, the applicable maximum building height is 22m, which prevails over the building height control prescribed under the MLEP 2012. In addition, the proposal seeks to utilise the IAH provisions of the Housing SEPP, which provides up to a 30% building height bonus and results in a maximum permissible building height of 28.6m. The proposed development exceeds this height standard and is supported by a Clause 4.6 written request to address the non-compliance, provided at Appendix 4.	• Clause 4.6 Variation Request – Building Height (Appendix 4)
<i>4.3A Height of buildings (additional provisions)</i> Establishes a maximum wall height of 7.2m at any point of the building.	As stated above, the site is subject to a maximum wall height of 7.2m under Section 4.3A of the MLEP 2012. However, the site is located within the LMR inner area under the Housing SEPP and the applicable building height under Chapter 6 of the Housing SEPP is 22m, which prevails over the local planning control. The proposal also relies on the IAH provisions of the Housing SEPP, resulting in a maximum permissible building height of 28.6m. Accordingly, the proposal exceeds the wall height development standard. The extent of the variation and its justification are addressed in the accompanying Clause 4.6 variation request (Appendix 4).	• Clause 4.6 Variation Request – Wall Height (Appendix 5)
<i>4.4 Floor space ratio</i>	The site is located within the LMR inner area under the Housing SEPP and the maximum FSR permitted under Chapter 6 of the Housing SEPP is 2.2:1, which prevails over the local planning control. The proposal also relies on the IAH provisions	• N/A

Relevant Consideration	Response	Document Reference
Establishes a maximum FSR of 0.7:1 for the site.	of the Housing SEPP, resulting in a maximum permissible FSR of 2.86:1. The proposal achieves an FSR of 2.86:1 and therefore complies with the applicable FSR standard.	
Part 5 Miscellaneous provisions		
5.21 Flood Planning <i>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</i> <i>(a) is compatible with the flood function and behaviour on the land, and</i> <i>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</i> <i>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</i> <i>(d) incorporate appropriate measures to manage risk to life in the event of a flood, and</i> <i>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian</i>	The site is not identified as flood prone land and is not affected by flood planning controls under Section 5.21 of MLEP 2012. The Flood Impact and Risk Assessment confirms that the site is not located within a flood planning area and is not subject to flooding in the 1% AEP. The rear of the site is classified as a flood fringe area in the PMF event. However, the FIRA (Appendix 25) has determined that given the flood hazard category for the affected area is low, the associate risk is considered low and not critical. Furthermore, Ourimbah Road remains accessible during a PMF event. Accordingly, the proposal is consistent with the objectives of Section 5.21.	• Section 7.2.12 of the EIS • Flood Impact and Risk Assessment (Appendix 25)

Relevant Consideration	Response	Document Reference
<i>vegetation or a reduction in the stability of river banks or watercourses.</i>		
Part 6 Additional local provisions		
6.6 Landscaped areas Establishes 40% landscaped area for development resulting in more than one dwelling per lot with FSR of greater than 0.6:1.	The proposal is subject to the non-discretionary development standards under the Housing SEPP. Pursuant to Section 19(2)(b) of the Housing SEPP, the applicable landscaped area requirement is the lesser of 35m² per dwelling or 30% of the site area. The proposal provides a landscaped area of 1,138.38m² ², representing 45% of the site area, and therefore complies with the applicable landscaped area requirement under the Housing SEPP.	• Sections 4.7 and 7.2.8 of the EIS • Landscape Report (including Landscape Plans) (Appendix 11)

State Environmental Planning Policy (Housing) 2021

The Housing SEPP aims to facilitate the delivery of new, diverse and affordable housing through incentives such as expanded zoning permissibility and FSR bonuses. This application has been lodged under Chapter 2 'Infill Affordable Housing' and Chapter 6 'LMR housing' of the Housing SEPP, therefore, the development standards in this chapter override the equivalent controls in the MLEP 2012 and establish the new 'base' height and FSR applicable to the site.

The tables below provide a summary of applicability and eligibility under Chapters 2, 4 and 6, respectively.

Chapter 2 – Infill Affordable Housing

Table 1 Compliance with Affordable Housing Requirements

Provision	Comment	Compliance
15C Development to which division applies		
<i>(1) This division applies to development that includes residential development if—</i> <i>(a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and</i>	The proposed residential flat building (RFB) is permitted with consent in the R3 Medium Density Residential zone under the MLEP 2012.	✓
<i>(b) the affordable housing component is at least 10%, and</i>	The proposal provides affordable housing equivalent to 15% of the total GFA. This equates to 1,105.16m ² of affordable housing and will deliver 12 affordable housing dwellings within the development.	✓
<i>(c) all or part of the development is carried out—</i> <i>(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or</i> <i>(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</i>	The site is located within the Six Cities Region and is identified as being within the LMR inner area under the Housing SEPP. The site is also situated within 400m of the Spit Junction town centre and within 400m of frequent public transport services. Accordingly, the site satisfies the definition of an 'accessible area' under the Housing SEPP, confirming that the proposal is located within an area intended to accommodate increased housing density and diversity. (ii) N/A	✓

Provision	Comment	Compliance
<i>(2) 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.</i>	N/A.	
<i>(2A) This division does not apply to development—</i> <i>(a) on land identified as an “Accelerated TOD Precinct” on the <u>Accelerated Transport Oriented Development Precincts Rezoning Areas Map</u>, or</i> <i>(b) on land identified as the “Warrawong Site” on the <u>State Significant Development Sites Map</u>, within the meaning of <u>State Environmental Planning Policy (Planning Systems) 2021</u>, Chapter 2, or</i> <i>(c) on land identified as the “Kanwal Site” on the <u>State Significant Development Sites Map</u>, within the meaning of <u>State Environmental Planning Policy (Planning Systems) 2021</u>, Chapter 2, or</i> <i>(d) carried out under the Codes SEPP, Parts 3B and 3BA, unless it is being carried out by or on behalf of the New South Wales Land and Housing Corporation constituted by the <u>Housing Act 2001</u>, or</i> <i>(e) on land identified on the <u>State Environmental Planning Policy (Precincts—Central River City) 2021 Sydney Olympic Park Land Application Map</u>.</i>	The site is not identified within any of the categories listed under items (a)–(e) and is therefore not subject to those exclusions or constraints.	
<i>(3) In this section—</i> <i>relevant zone means the following—</i> <i>(a) Zone E1 Local Centre,</i> <i>(b) Zone MU1 Mixed Use,</i> <i>(c) Zone B1 Neighbourhood Centre,</i> <i>(d) Zone B2 Local Centre,</i> <i>(e) Zone B4 Mixed Use.</i>	Noted.	

Provision	Comment	Compliance
16 Affordable housing requirements for additional floor space ratio		
(1) <i>The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the 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 proposal includes an affordable housing component comprising 15% of the total GFA, equating to 1,105.16m ² of affordable housing floor space. This will deliver 12 affordable housing dwellings within the development.	On merit
(2) <i>The minimum affordable housing component, which must be at least 10%, is calculated as follows— Affordable housing component = additional floor space ratio (as a percentage) ÷ 2</i>	The site is located within the LMR inner area under the Housing SEPP, which permits an FSR of 2.2:1. Pursuant to Section 16(1) of the Housing SEPP, the provision of affordable housing equivalent to 15% of the total GFA enables the proposal to utilise the maximum 30% FSR bonus. Accordingly, the maximum permissible FSR for the site is 2.86:1, resulting in a maximum permissible GFA of 7,229.2m ² . The proposal seeks a total GFA of 7,228.81m ² , which is within the maximum GFA permitted under the Housing SEPP.	
(3) <i>If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</i>	As the development satisfies the requirements of Section 16(1) and comprises an RFB, Section 16(3) of the Housing SEPP also permits a corresponding 30% increase to the maximum building height applicable to the site. Based on the underlying maximum building height control of 22m under the LMR housing provision, the maximum building height permitted under Section 16(3) is 28.6m. The proposed development exceeds the maximum building height permitted under Section 16(3) by a maximum of 3.04m (10.6%). Accordingly, the proposal seeks to vary the maximum building height permitted and is accompanied by a Clause 4.6 Written Request (Appendix 4).	
(4) <i>This section does not apply to development on land for which there is no maximum permissible floor space ratio.</i>	Noted.	
17 Additional floor space ratio for relevant authorities and registered community housing providers		
(1) <i>This section applies to residential development to which this division applies that is carried out— (a) by or on behalf of a relevant authority or registered community housing provider, and (b) on land with a maximum permissible floor space ratio of 2:1 or less.</i>	N/A.	
18 Affordable housing requirements for additional building height		

Provision	Comment	Compliance
<i>(1) This section applies to development that includes residential development to which this division applies if the development—</i> <i>(a) includes residential flat buildings or shop top housing, and</i> <i>(b) does not use the additional floor space ratio permitted under section 16.</i>	The proposed development utilises the additional FSR permitted under Section 16. Therefore, this section does not apply.	
19 Non-discretionary development standards—the Act, s 4.15		
<i>(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i> <i>Note—</i> <i>See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</i>	Noted.	
<i>(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—</i> <i>(a) a minimum site area of 450m²,</i>	The site has an area of 2,527.7m ² , exceeding the minimum site area of 450m ² required under this section.	✓
<i>(b) a minimum landscaped area that is the lesser of—</i> <i>(i) 35m² per dwelling, or</i> <i>(ii) 30% of the site area,</i>	The proposal provides approximately 1,138.38m ² of landscaped area, representing 45% of the site area. The minimum landscaped area required by this Section is 758.31m ² , being 30% of the site area and the lesser of the two standards specified. The proposal therefore complies with the landscaped area requirement.	✓
<i>(c) a deep soil zone on at least 15% of the site area, where—</i> <i>(i) each deep soil zone has minimum dimensions of 3m, and</i> <i>(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</i>	Chapter 4 applies to the development, therefore, according to Section 19(3), this section does not apply to the development.	

Provision	Comment	Compliance
<i>(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,</i>	Chapter 4 applies to the development; therefore, according to Section 19(3), this section does not apply to the development.	
<i>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</i>	The proposal complies with the minimum internal apartment area requirements specified in the ADG. All dwellings have been designed to achieve or exceed the minimum internal areas applicable to their respective apartment typologies. As demonstrated in the accompanying Architectural Plans (Appendix 8) and Apartment Design Guide Compliance Assessment contained within the Design Report (Appendix 9), the proposal provides appropriately sized dwellings that support a high standard of residential amenity and functionality for future residents. A summary compliance table demonstrating the proposal's consistency with the Apartment Design Guide (ADG) is provided in Table 2 of this Appendix.	✓
<i>(h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,</i> <i>(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas—</i> <i>(i) for each dwelling containing 1 bedroom—65m²,</i> <i>(ii) for each dwelling containing 2 bedrooms—90m²,</i> <i>(iii) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms.</i>	N/A.	
<i>(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.</i>	It is noted that the proposal relies on the LMR housing provisions under Chapter 6 of the Housing SEPP. Accordingly, the consent authority is required to consider the <i>Tree Canopy Guide for Low and Mid-Rise Housing</i> when determining the application. The Guide identifies a minimum deep soil requirement of 7% of the site area with a minimum dimension of 3m. It is also noted that, pursuant to Section 147(3) of the Housing SEPP, compliance with the ADG design criteria is not required for development to which Chapter 6 applies. The proposal demonstrates consistency with the relevant tree canopy and deep soil provisions of the <i>Tree Canopy Guide for Low and Mid-Rise Housing</i>. Accordingly, the proposal	

Provision	Comment	Compliance
	satisfies the matters that the consent authority must consider before granting consent under Chapter 6 of the Housing SEPP.	
20 Design requirements		
(1) <i>Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.</i> (2) <i>Subsection (1) does not apply to development to which Chapter 4 applies.</i>	N/A as Chapter 4 applies to the development.	
21 Must be used for affordable housing for at least 15 years		
(1) <i>Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</i> (a) <i>the development will include the affordable housing component required for the development under section 16, 17 or 18, and</i> (b) <i>the affordable housing component will be managed by a registered community housing provider.</i>	The affordable housing dwellings will be managed by EchoRealty, a registered Community Housing Provider (CHP). A letter from EchoRealty confirming its commitment to manage the affordable housing component is provided at Appendix 19. Accordingly, the consent authority can be satisfied that the affordable housing component will be both retained and managed in accordance with the requirements of the section.	✓
(2) <i>This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</i>	N/A.	
22 Subdivision permitted with consent		
<i>Land on which development has been carried out under this division may be subdivided with development consent.</i>	Noted.	

Provision	Comment	Compliance																				
22A Requirement to provide car parking																						
<i>Development consent must not be granted to development under this division unless—</i> <i>(a) the consent authority is satisfied the development will result in—</i> <i>(i) the following number of parking spaces for dwellings used for affordable housing—</i> <i>(A) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</i> <i>(B) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</i> <i>(C) for each dwelling containing at least 3 bedrooms—at least 1 parking space, and</i>	The proposal comprises the following affordable dwelling mix: <table><tr><th>Affordable Type</th><th>Unit</th><th>SEPP car parking minimum requirements</th><th>Car parking provided</th></tr><tr><td>1 bedroom</td><td></td><td>1.2 spaces, rounded down to 1 space</td><td>1</td></tr><tr><td>2 bedroom</td><td></td><td>4 spaces</td><td>4</td></tr><tr><td>3 bedroom</td><td></td><td>1 space</td><td>1</td></tr><tr><td>Total</td><td></td><td>6 spaces</td><td>6</td></tr></table> The proposal provides the minimum car spaces required under the Housing SEPP for affordable dwellings and therefore complies.	Affordable Type	Unit	SEPP car parking minimum requirements	Car parking provided	1 bedroom		1.2 spaces, rounded down to 1 space	1	2 bedroom		4 spaces	4	3 bedroom		1 space	1	Total		6 spaces	6	✓
Affordable Type	Unit	SEPP car parking minimum requirements	Car parking provided																			
1 bedroom		1.2 spaces, rounded down to 1 space	1																			
2 bedroom		4 spaces	4																			
3 bedroom		1 space	1																			
Total		6 spaces	6																			
<i>(ii) the following number of parking spaces for dwellings not used for affordable housing—</i> <i>(A) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</i> <i>(B) for each dwelling containing 2 bedrooms—at least 1 parking space,</i> <i>(C) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces, or</i>	The proposed number of car spaces for dwellings not used for affordable housing is shown below: <table><tr><th>Affordable Type</th><th>Unit</th><th>SEPP car parking minimum requirements</th><th>Car parking provided</th></tr><tr><td>1 bedroom</td><td></td><td>3 spaces</td><td>6</td></tr><tr><td>2 bedroom</td><td></td><td>24 spaces</td><td>24</td></tr><tr><td>3 bedroom</td><td></td><td>31.5 spaces, rounded up to 32 spaces</td><td>42</td></tr><tr><td>Total</td><td></td><td>59 spaces</td><td>72</td></tr></table> The proposal provides the minimum car spaces required under the Housing SEPP for dwellings no used for affordable housing and therefore complies.	Affordable Type	Unit	SEPP car parking minimum requirements	Car parking provided	1 bedroom		3 spaces	6	2 bedroom		24 spaces	24	3 bedroom		31.5 spaces, rounded up to 32 spaces	42	Total		59 spaces	72	✓
Affordable Type	Unit	SEPP car parking minimum requirements	Car parking provided																			
1 bedroom		3 spaces	6																			
2 bedroom		24 spaces	24																			
3 bedroom		31.5 spaces, rounded up to 32 spaces	42																			
Total		59 spaces	72																			
<i>(b) the consent authority has considered the Guide to Transport Impact Assessment published by Transport for NSW on 4 November 2024.</i>	A Traffic & Parking Assessment Report prepared by CJP Consulting Engineers is provided at Appendix 39 and assesses the transport, traffic, parking, servicing and access implications of the development.	✓																				

Chapter 4 - Design of Residential Apartment Development

Apartment Design Guide (ADG)

The table below is based on the ADG compliance table prepared by Doroch Architects and contained within the Design Report (**Appendix 9**).

Table 2 Assessment of the proposal in accordance with key ADG objectives and design criteria

ADG Objective			Comment	Compliance
3D: Communal and public open space				
1. COS has a minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the COS for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).			A COS area of 633.34m ² is provided at the lower ground level, representing approximately 25.1% of the 2,527.7m ² site area. Additional COS is also provided on the rooftop level. Accordingly, the proposal exceeds the minimum communal open space requirement of 25% of the site area. The principal communal open space has been designed and positioned to receive direct sunlight between 9.00am and 3.00pm on 21 June. More than 50% of the principal usable communal open space receives a minimum of two hours of direct sunlight during this period, thereby satisfying the solar access requirements of the ADG.	✓
3E: Deep soil zones				
Deep soil zones are to meet the following minimum requirements:			A total of 415.01m ² of deep soil planting is provided, representing approximately 16.41% of the site area. This exceeds the minimum deep soil requirement of 7% applicable to sites greater than 1,500m ² . The deep soil areas are primarily located along the western, eastern and the Ourimbah Road frontages, where they provide sufficient dimensions to support the establishment of mature canopy trees and substantial landscaping. These areas contribute to the site's landscape character, enhance biodiversity outcomes and provide visual screening for adjoining residential properties. Refer to Architectural Plans (Appendix 8) and the Landscape Report (including Landscape Plans) (Appendix 11) for further details. It is noted that the proposal relies on the LMR housing provisions under Chapter 6 of the Housing SEPP. Accordingly, the consent authority is required to consider the	On merit
Site area	Minimum dimensions	Deep soil zone (% of site area)		
less than 650m ²	-	7%		
650m ² - 1,500m ²	3m			
greater than 1,500m ²	6m			
greater than 1,500m ² with	6m			

ADG Objective			Comment	Compliance
significant existing tree cover			<i>Tree Canopy Guide for Low and Mid-Rise Housing</i> when determining the application. The Guide identifies a minimum deep soil requirement of 7% of the site area with a minimum dimension of 3m. It is also noted that, pursuant to Section 147(3) of the Housing SEPP, compliance with the ADG design criteria is not required for development to which Chapter 6 applies. The proposal demonstrates consistency with the relevant tree canopy and deep soil provisions of the Guide. Accordingly, the proposal satisfies the matters that the consent authority must consider before granting consent under Chapter 6 of the Housing SEPP.	
3F Visual privacy				
1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:			Appropriate setbacks and separation distances are provided throughout the development, predominately achieving or exceeding the relevant ADG criteria across the majority of the building envelope. Where minor variations occur, these are limited in extent and do not result in unacceptable impacts in terms of privacy, outlook, solar access or residential amenity. A detailed assessment of building separation and the associated amenity impacts is provided in Section 7.1.1 of the accompanying EIS.	On merit
Building height	Habitable rooms and balconies	Non-habitable rooms		
Up to 12m (4 storeys)	6m	3m		
Up to 25m (5-8 storeys)	9m	4.5m		
Over 25m (9+ storeys)	12m	6m		
Separation distances between buildings on the same site should combine required building separations depending on the type of room. Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties				
3J Bicycle and car parking - Non-discretionary standard				

ADG Objective	Comment	Compliance
1. For development in the following locations: - on sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street	The site is not located within 800 metres of a railway station or light rail stop within the Sydney Metropolitan Area. Accordingly, this requirement does not apply. Car parking provision has been assessed against the requirements of Section 22A of the Housing SEPP.	Does not apply
4A Solar Access		
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area. 2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter. 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	A total of 48 out of 63 apartments (76.19%) receive a minimum of two (2) hours of direct sunlight to living rooms and private open space areas between 9.00am and 3.00pm on 21 June, exceeding the ADG requirement that at least 70% of apartments achieve this outcome. In addition, only 6 of the 63 apartments (9.52%) receive no direct sunlight between 9.00am and 3.00pm on 21 June. This is below the maximum threshold of 15% specified by the ADG. Accordingly, the proposal satisfies the solar access objectives and design criteria of the ADG. Refer to the Shadow Diagrams contained within the Architectural Plans (Appendix 8) for further details.	✓
4B Natural Ventilation		
1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	A total of 45 out of 63 apartments (71.42%) achieve natural cross-ventilation, exceeding the ADG requirement that at least 60% of apartments within the first nine (9) storeys are naturally cross-ventilated. All cross-through apartments have an overall depth not exceeding 18m, measured from glass line to glass line, consistent with the requirements of the ADG.	✓

ADG Objective		Comment	Compliance
		Accordingly, the proposal achieves appropriate opportunities for natural ventilation and supports a high level of residential amenity for future occupants.	
4C Ceiling heights - Non-discretionary standard			
1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:		All habitable rooms achieve a minimum ceiling height of 2.7m, while all non-habitable rooms achieve a minimum ceiling height of 2.4m. Typical residential levels incorporate floor-to-floor heights of approximately 3.1m, supporting generous internal proportions and a high standard of residential amenity. Accordingly, the proposal satisfies the relevant ceiling height requirements of the ADG.	✓
Minimum ceiling height for apartment and mixed use buildings			
Habitable rooms	2.7m		
Non-habitable rooms	2.4m		
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area		
Attic spaces	1.8m at edge of room with a 30-degree minimum ceiling slope		
If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use		
These minimums do not preclude higher ceilings if desired.			
4D Apartment Size - Non-discretionary standard			
1. Apartments are required to have the following minimum internal areas:		All apartments meet or exceed the minimum internal area requirements applicable to their respective apartment typologies. Details of apartment sizes are provided in the apartment area schedule on Drawing A001 contained within the Architectural Plans (Appendix 8).	✓
Apartment type	Minimum internal area		

ADG Objective		Comment	Compliance
Studio	35m ²	All habitable rooms are provided with windows located in external walls and achieve the minimum glazing area requirements prescribed by the ADG. Daylight is provided directly to habitable rooms, with no reliance on borrowed light. Accordingly, the proposal provides appropriately sized dwellings with a high level of internal amenity and access to natural light.	
1 bedroom	50m ²		
2 bedroom	70m ²		
3 bedroom	90m ²		
- The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. 2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.		3. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. 4. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window. Accordingly, the proposal provides a high standard of internal amenity and satisfies the relevant ADG requirements relating to room depth.	✓
5. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space). 6. Bedrooms have a minimum dimension of 3m (excluding wardrobe space). 7. Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1-bedroom apartments. 4m for 2 and 3-bedroom apartments. 8. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.		All bedrooms meet or exceed the minimum floor area requirements prescribed by the ADG, with master bedrooms achieving a minimum area of 10m² and all other bedrooms achieving a minimum area of 9m², excluding wardrobe space. All bedrooms also achieve the minimum dimension of 3m. Living rooms and combined living/dining areas comply with the minimum width requirements applicable to each apartment typology. In addition, cross-over and cross-through apartments achieve appropriate internal widths, avoiding deep and narrow apartment layouts.	✓

ADG Objective			Comment	Compliance
			Accordingly, the proposal provides well-proportioned apartments that support a high level of residential amenity and functionality for future occupants.	
4E: Private Open Space and Balconies				
1. All apartments are required to have primary balconies as follows:			All apartments are provided with primary balconies that meet or exceed the minimum area and depth requirements applicable to their respective apartment typologies. The balconies provide functional outdoor living spaces that contribute to residential amenity and support a high quality living environment for future residents. Accordingly, the proposal satisfies the relevant ADG requirements relating to private open space.	✓
Dwelling type	Minimum area	Minimum depth		
Studio Apartments	4m ²	-		
1-bedroom apartments	8m ²	2m		
2-bedroom apartments	10m ²	2m		
3+ bedroom apartments	12m ²	2.4m		
The minimum balcony depth to be counted as contributing to the balcony area is 1m.				
2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.				
4F: Common circulation and spaces				
1. The maximum number of apartments off a circulation core on a single level is eight.			Each circulation core serves no more than eight (8) apartments on any typical residential level, satisfying the relevant ADG objective and supporting a high level of residential amenity through reduced reliance on shared circulation spaces. The development comprises a part 8 and part 9 storey residential flat building. Accordingly, the objective relating to the maximum number of apartments sharing a single lift in buildings of 10 storeys or more does not apply.	✓
2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.				

ADG Objective	Comment	Compliance										
4G: Storage												
1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	All apartments are provided with storage volumes that meet or exceed the minimum requirements applicable to their respective apartment typologies. At least 50% of the required storage for each dwelling is located within the apartment, with additional storage provided in secure basement storage cages. Details of the storage provision for each apartment are provided in the Apartment Storage Schedule on Drawing A001 contained within the Architectural Plans (Appendix 8).	✓										
<table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio Apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table>			Dwelling type	Storage size volume	Studio Apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³
Dwelling type			Storage size volume									
Studio Apartments			4m ³									
1 bedroom apartments			6m ³									
2 bedroom apartments			8m ³									
3+ bedroom apartments	10m ³											
At least 50% of the required storage is to be located within the apartment												

Chapter 6 – LMR Housing

The table below provides an assessment of the proposal with regard to Chapter 6 of the Housing SEPP.

Table 3 Compliance with LMR Housing Requirements

Provision	Comment	Compliance
162 Aim of chapter		
<i>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.</i>	Noted. The proposal is 330m walking distance to the Spit Junction town centre.	
163 Definitions		
<i>low and mid rise housing inner area means land within 400m walking distance of—</i> (a) <i>land identified as “Town Centre” on the Town Centres Map, or</i> (b) <i>a public entrance to a railway, metro or light rail station listed in Schedule 11, or</i> (c) <i>for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station.</i> <i>low and mid rise housing outer area means land between 400m and 800m walking distance of—</i> (a) <i>land identified as “Town Centre” on the Town Centres Map, or</i> (b) <i>a public entrance to a railway, metro or light rail station listed in Schedule 11, or</i> (c) <i>for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station.</i>	The proposal is within an LMR housing inner area as the site is within 400m of land identified as the Spit Junction town centre (on the Town Centres Map), at a walking distance of approximately 330m. 	✓
164 Land to which chapter applies		
(1) <i>This chapter applies to the whole of the State, other than the following—</i> (a) <i>bush fire prone land,</i> (b) <i>land identified as a coastal vulnerability area or a coastal wetlands and littoral rainforests area within the meaning of</i>	The proposal does not meet any of the thresholds/items in this section, and therefore, the development is able to utilise the LMR provisions.	✓

Provision	Comment	Compliance
<i>State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2,</i> <i>(c) land to which Chapter 5 applies,</i> <i>(d) land that is a heritage item or on which a heritage item is located,</i> <i>(e) the following local government areas—</i> <i>(i) Bathurst Regional,</i> <i>(ii) City of Blue Mountains,</i> <i>(iii) City of Hawkesbury,</i> <i>(iv) Wollondilly,</i> <i>(f) flood prone land in the Georges River Catchment and Hawkesbury-Nepean Catchment under State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6,</i> <i>(g) land in a flood planning area in the following local government areas—</i> <i>(i) Armidale Regional,</i> <i>(ii) Ballina,</i> <i>(iii) Bellingen,</i> <i>(iv) Byron,</i> <i>(v) City of Cessnock,</i> <i>(vi) Clarence Valley,</i> <i>(vii) City of Coffs Harbour,</i> <i>(viii) Dungog,</i> <i>(ix) Goulburn Mulwaree,</i> <i>(x) Kempsey,</i> <i>(xi) Kyogle,</i> <i>(xii) City of Lismore,</i> <i>(xiii) City of Maitland,</i> <i>(xiv) Nambucca Valley,</i> <i>(xv) City of Newcastle,</i> <i>(xvi) Port Stephens,</i> <i>(xvii) Queanbeyan-Palerang Regional,</i>		

Provision	Comment	Compliance
(xviii) Richmond Valley, (xix) City of Shoalhaven, (xx) Singleton, (xxi) Tweed, (xxii) Upper Hunter Shire, (xxiii) Walcha, (h) land in an ANEF contour of 25 or greater or ANEC contour of 20 or greater, (i) land within 200m of a relevant pipeline within the meaning of State Environmental Planning Policy (Transport and Infrastructure) 2021, section 2.77, (j) (Repealed) (k) land within 800m of a public entrance to a railway, metro or light rail station listed in Schedule 12. (l) land identified as “Accelerated TOD Precinct” on the <u>Accelerated Transport Oriented Development Precincts Rezoning Areas Map</u>, (m) land identified as “exclusion area” on the <u>Low and Mid Rise Housing Exclusion Map</u>.		
165 Non-discretionary development standards—the Act, s 4.15		
Sections 168, 169, 172, 173, 179, and 180 identify non-discretionary development standards for the Act, section 4.15(2).	Noted.	
175 Development standards—low and mid rise housing inner area		
(1) This section applies to land in a low and mid rise housing inner area in Zone R3 Medium Density Residential or R4 High Density Residential.	The site is zoned R3 Medium Density Residential and is approximately 330m walking distance from the Spit Junction town centre.	✓
(2) 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.	The site is located within the LMR inner area under the Housing SEPP and is eligible for the additional height uplift available under the IAH provisions, resulting in a maximum permissible building height of 28.6m. The proposal exceeds this height standard by 3.04m due to the lift overrun and	On merit

Provision	Comment	Compliance
	associated mechanical plant. A Clause 4.6 written request addressing the variation is provided at Appendix 4 .	
177 Landscaping—residential flat buildings or shop top housing		
<i>(1) This section applies to land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.</i>	The site is zoned R3 Medium Density Residential. This section, therefore, applies to the site.	
<i>(2) Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing unless the consent authority has considered the Tree Canopy Guide for Low and Mid Rise Housing, published by the Department in February 2025.</i>	The proposal provides 415.01m ² (16.41%) of deep soil area and 397.2m ² (15.7%) of tree canopy coverage. These figures meet and exceed the minimum requirements of 7% for deep soil and 15% for tree canopy.	✓
178 Minimum lot size for residential flat buildings or shop top housing		
<i>(1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.</i>	The site is zoned R3 Medium Density Residential. This section, therefore, applies to the site.	
<i>(2) A requirement specified in another environmental planning instrument or development control plan in relation to the following does not apply to development that meets the standards in section 180(2) or (3)—</i> <i>(a) minimum lot size,</i> <i>(b) minimum lot width.</i>	Noted. There are no environmental planning instruments or DCPs that specify a minimum lot size or minimum lot width for the site.	
180 Non-discretionary development standards—residential flat buildings and shop top housing in Zone R3 or R4		
<i>(2) The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing inner area—</i> <i>(a) a maximum floor space ratio of 2.2:1,</i> <i>(b) for residential flat buildings—a maximum building height of 22m,</i>	The site is located within a LMR inner area and is therefore subject to a maximum FSR of 2.2:1 and a maximum building height of 22m. The proposal also relies on the IAH provisions of the Housing SEPP. As the development provides affordable housing comprising at least 15% of the total GFA, it is eligible for the associated 30% FSR and height bonuses.	On merit for building height

Provision	Comment	Compliance
<i>(c) for a building containing shop top housing—a maximum building height of 24m.</i>	Accordingly, the maximum permissible FSR is 2.86:1 and the maximum permissible building height is 28.6m. The proposal achieves an FSR of 2.86:1 and a building height of 31.6m. While the proposal complies with the permissible FSR, it exceeds the maximum permissible building height. A Section 4.6 written request addressing the height variation is provided at Appendix 4.	