

## Appendix H – Statutory Compliance Table

Statutory Requirement	Relevance and Assessment	Location
<b>NSW Acts of Parliament</b>		
<b><i>Environmental Planning and Assessment Act 1979</i></b>		
<b><i>Section 1.3 – Objects of the Act</i></b>		
<i>a. to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i>	The proposed development will provide diverse housing types and a community facility to support the social and economic welfare of the community. The proposed development delivers significant public benefits to the site including extensive publicly accessible open spaces.	-
<i>b. to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The principles of Ecologically Sustainable Development (ESD), as outlined in Division 5 of the EP&A Regulations and other relevant economic, environmental and social considerations, have been addressed in the ESD Report prepared by Atelier Ten and provided at <b>Appendix GG</b> . The report confirms the proposal's consideration and commitment to ESD principles through its design, construction and operation. Refer to <b>Section 7.7</b> of the EIS for further discussion.	<b>Section 7.7 Appendix JJ</b>
<i>c. to promote the orderly and economic use and development of land,</i>	The proposal provides for the orderly and economic development of the proposed development in accordance with Planning Proposal vision and the Design Guide parameters for the site, facilitating the delivery of residential development, community infrastructure, commercial premise and associated facilities and infrastructure.	-
<i>d. to promote the delivery and maintenance of affordable housing,</i>	<p>The proposal will provide 197 affordable housing, 147 social housing and 11 specialist disability accommodation (SDA). The affordable housing will be managed by Bridge Housing.</p> <p>The proponent is committed to delivering housing diversity and affordability, with the aforementioned considerations identified as core principles for the proposal. Specifically, Bridge Housing will be the operation of affordable housing at the site.</p>	<b>Section 4.0 Appendix B</b>

<p>e. <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i></p>	<p>The EIS is accompanied by a BDAR waiver, which confirms that the site is not identified with remnant vegetation, threatened ecological community, threatened species or significant habitats.</p>	<p><b>Section 7.21</b> <b>Appendix K</b></p>
<p>f. <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i></p>	<p>The site is not a heritage item nor within a Heritage Conservation Area. A number of heritage items and heritage conservation areas do however surround the site. Redfern Park to the west of the site is a State Heritage Item. The Waterloo Conservation Area adjoins the site to the south.</p> <p>The proposal will not result in adverse impacts on Aboriginal cultural and environmental heritage. An unexpected finds procedure (UFP) will be implemented for the management of potential archaeological resources on the site.</p>	<p><b>Section 7.15</b> <b>Appendix CC</b> <b>Appendix DD</b> <b>Appendix EE</b></p>
<p>g. <i>to promote good design and amenity of the built environment,</i></p>	<p>The proposed built form is the result of an Architectural Design Competition and subsequent extensive consultation with the Design Review Panel (refer to <b>Section 1.5</b> of the EIS). It is considered to exhibit design excellence and a high standard of amenity.</p>	<p><b>Section 1.5</b> <b>Appendix B</b> <b>Appendix K</b></p>
<p>h. <i>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i></p>	<p>Homes NSW and Bridge Housing are committed to the highest standards of construction and maintenance for the project. The health and safety of building occupants will be protected.</p>	<p>-</p>
<p>i. <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i></p>	<p>Consultation has been undertaken with various levels of government and government agencies during the preparation of this SSDA. The proposal has been designed in accordance with feedback from the DRP sessions.</p>	<p><b>Section 6.0</b> <b>Appendix K</b> <b>Appendix N</b></p>
<p>j. <i>to provide increased opportunity for community participation in environmental planning and assessment.</i></p>	<p>Consultation with First nations people, stakeholders and communities to date has informed, and will continue to assist, the development and operation of the proposed development.</p> <p>Further consultation will be carried out during exhibition of the application, prior to the commencement of construction, and throughout the construction period.</p>	<p><b>Section 6.0</b> <b>Attachment B</b> <b>Appendix N</b> <b>Appendix L</b></p>

<p><b>Section 4.7 – Provisions relating to Sydney district or regional planning panels</b></p>		
<p>1. Development of the following kind cannot be declared as regionally significant development for which a Sydney district or regional planning panel is the consent authority—</p> <p>(a) <i>complying development,</i></p> <p>(b) <i>development for which development consent is not required,</i></p> <p>(c) <i>development that is State significant development,</i></p> <p>(d) <i>development for which a person or body other than a council is the consent authority,</i></p> <p>(e) <i>development within the City of Sydney.</i></p>	<p>The proposed development is consistent with Division 4.7 of the EP&amp;A Act, particularly for the following reasons:</p> <ul style="list-style-type: none"> <li>• the development has been declared to have state significance;</li> <li>• the development is only partly prohibited by an environmental planning instrument; and</li> <li>• the development has been evaluated and assessed against the relevant heads of consideration under section 4.15(1), as outlined in this EIS.</li> </ul>	<p>-</p>

**Section 4.15 – Evaluation**

<p>1. <i>Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—</i></p> <p>a. <i>the provisions of—</i></p> <p>i. <i>any environmental planning instrument, and</i></p>	<p>The EIS has assessed the development in accordance with the relevant NSW environmental planning instruments. The assessment demonstrates the proposal is in accordance with the relevant provisions and consistent with the relevant objectives.</p>	<p><b>Section 5.5</b></p>
<p>ii. <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i></p>	<p>The EIS has assessed the Proposal in accordance with the relevant State and Local planning instruments as detailed in this table. The assessment demonstrates the Proposal is in accordance with the objectives of the provisions of the relevant policies.</p>	<p><b>Section 5.5</b> <b>Section 7</b></p>
<p>iii. <i>any development control plan, and</i></p>	<p>In accordance with Section 2.10 of State Environmental Planning Policy (Planning Systems) 2021, this SSDA is not subject to the Sydney DCP 2012.</p>	<p>-</p>
<p>(iii.a.) <i>any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i></p>	<p>This Proposal is not subject to a voluntary planning agreement.</p>	<p>-</p>
<p>iv. <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph),that apply to the land to which the development application relates,</i></p>	<p>The EIS has been prepared in accordance with the relevant provisions of the EP&amp;A Regulation.</p>	<p>-</p>
<p>b. <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</i></p>	<p>The potential impacts of the Proposal have been assessed within the EIS and supporting technical consultant appendices. The assessments have had regard to the environmental impacts on both the natural and built environments and social and economic impacts in the locality.</p>	<p><b>Section 7.0</b> <b>Supporting Appendices</b></p>
<p>c. <i>the suitability of the site for the development,</i></p>	<p>Having regard to the characteristics of the site and its immediate surrounding context, the proposed development is suitable for the site for the following reasons:</p> <ul style="list-style-type: none"> <li>• the site is zoned R1 under the Sydney LEP 2012, where residential flat buildings and community facilities are permissible with consent;</li> <li>• the proposal will contribute to the urban renewal of an important site nestled within Redfern, adjacent to existing social housing and Redfern Park which provides a significant recreational contribution to the area;</li> <li>• is under single ownership by Homes NSW whose role is to grow and manage the supply of housing for people in need;</li> <li>• is capable of being development in a manner that will minimise impacts to the natural, historical and environmental qualities of the setting;</li> <li>• will not result in any adverse environmental impacts and any impact can be appropriately managed and mitigated;</li> </ul>	<p><b>Section 8.5</b></p>

- the site is an underutilised landholding within a highly accessible and amenity rich location;
- the site is not affected by significant constraints such as bushfire hazards, endangered species and contamination or hazardous material; and
- the site's surrounding context is conducive to supporting built forms of varying heights, contributing to the housing diversity within the local area.

d. any submissions made in accordance with this Act or the regulations

Any submissions received will be considered by the applicant following the exhibition of the Environmental Impact Statement.

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e. the public interest

Having regard to the public interest, the proposed development is in the public interest for the following reasons:

**Section 8.6**

- it will enable the orderly and economic development of the site which has been predominately vacant for nearly 10 years featuring a tired and no longer fit for purpose community facility building, with a modern development that will exhibit a high standard of architecture, urban, and landscape design;
- it will provide for 197 affordable housing apartments, 147 social housing apartments and 11 Specialist Disability Accommodation units in a location close to public transport providing connections to employment destinations and other amenities;
- it will improve the existing visual street appeal, providing built forms and a public domain that has been subject to extensive design excellence processes;
- it demonstrates the desire to achieve a high level of environmental performance including achieving a 5 Star Green Star Building rating amongst other certifications, as well as measures that promote and support the uptake of sustainable transport options;
- it will enable opportunities to increase connections across the site which will be complimented by landscaped areas, providing areas of respite for residents, visitors and the local community;
- it will provide a renewed community facility that has been designed to meet the changing needs of the community and enable PCYC to continue their charitable work in empowering young people to reach their potential;
- it will enable the creation of jobs throughout the construction and operation phases of the development; and
- it will not result in any significant environmental impact that cannot be appropriately mitigation or managed through the adherence of Mitigation Measures detailed in **Attachment K** of the EIS.

(3) The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development, but only if the Minister has obtained and made publicly available advice from the Independent Planning Commission about the State or regional planning significance of the development.

Development carried out on behalf of the Land and Housing Corporation with a capital investment value of more than \$30 million or will result in more than 75 dwellings is identified in Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021 and is therefore declared to be State Significant Development (SSD) for the purposes of the Environmental Planning & Assessment Act 1979 (EP&A Act).

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As the proposed development is for the purposes of social and affordable housing, a community facility and commercial uses on behalf of Land and Housing Corporation (now Homes NSW), comprising a total of 355 dwellings and an estimated development cost of \$213,576,513 (excluding GST), it is declared State significant development. Before a State significant development can be determined, it is subject to a comprehensive assessment under the EP&A Act.

#### Section 4.38 – Consent for State Significant Development

(3) Development consent may be granted despite the development being partly prohibited by an environmental planning instrument.

The site is zoned R1 General Residential under the Sydney LEP 2012. Residential flat buildings and community facilities are permitted with consent.

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Commercial premises are prohibited within the R1 General Residential zone under the Sydney LEP 2012. In accordance with Clause 4.38(3) of the EP&A Act, SSD can be partly prohibited under the relevant Environmental Planning Instrument (in this case being the Sydney LEP 2012).

### Biodiversity and Conservation Act 2016

#### Section 7.9 – Biodiversity Assessment for State Significant Development

(1) This section applies to—

(a) an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development,

(2) Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

(3) The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.

This EIS is accompanied by a BDAR waiver request prepared by Ecological. The request confirms that the Proposal is not likely to have any significant impact on biodiversity values.

**Section 5.3.2**  
**Section 5.4**  
**Section 7.21**  
**Appendix M**

#### Section 7.14 – State Significant Development or Infrastructure

(1) This section applies to an application for development consent for State significant development under Part 4 of the Environmental Planning and Assessment Act 1979, or an application for approval for State significant infrastructure under Part 5.1 of the Environmental Planning and Assessment Act 1979, that is required under Division 2 to be accompanied by a biodiversity development assessment report.

(2) The Minister for Planning, when determining in accordance with the Environmental Planning and Assessment Act 1979 any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The Minister for Planning may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.

The EIS is accompanied by a BDAR waiver request prepared by Ecological. The request confirms that the proposal is not likely to have any significant impact on biodiversity values.

Determination has been provided under Clause 7.9(2) of the Biodiversity Conservation Act 2016, that the proposed development is not likely to have any significant impact on biodiversity values and therefore a Biodiversity Development Assessment Report (BDAR) is not required.

**Section 7.21  
Appendix M**

## **Water Management (General) Regulation 2018**

### **Schedule 4 - Section 17A -Taking Groundwater for Excavation**

(1) The holder of a water supply work approval in relation to the taking of more than 3 megalitres of groundwater in a water year using the water supply work to which the approval relates, but only if—

- (a) the water supply work approval is subject to a condition that limits the amount of water that can be taken using the water supply work during a water year, and
- (b) the taking of groundwater is for the purposes of excavation required for the construction of a building, road or infrastructure (other than in the course of carrying out mining operations or prospecting operations), and
- (c) the taking of groundwater is carried out in accordance with the conditions of the water supply work approval.

(2) This clause applies to the taking of water only from the following groundwater sources—

- (a) Botany Sands Groundwater Source under the Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2011,
- (b) a groundwater source specified by the Minister, by order published in the Gazette, for the purposes of this clause.

(3) The exemption conferred by this clause in respect of a particular groundwater source ceases to have effect—

- (a) 6 months after the date on which Minister makes a declaration under section 65 of the Act in respect of the groundwater source, or
  - (b) at the end of 30 June 2025,
- whichever occurs first.

As the site is underlain by the Botany Sands aquifer, the extraction of groundwater for site dewatering purposes is covered by a water access licence (WAL) exemption. In accordance with the exemption under Schedule 4, Section 17A, a WAL is not required for the groundwater take for temporary construction dewatering.

## **Statutory Instruments**

### **Environmental Planning and Assessment Regulation 2021**

## Part 8 – Infrastructure and Environment Impact Assessment

Part 8 of the *Environmental Planning and Assessment Regulation 2021* include relevant statutory requirements under:

- Division 2 Environmental assessment requirements for State significant development, designated development and activities.
- Division 5 Environmental impact statements.

The EIS and SSDA has been prepared to address the relevant provisions under Part 8 of the *Environmental Planning and Assessment Regulation 2021*.

EIS

## NSW Environmental Planning Instruments

### State Environmental Planning Policy (Planning Systems) 2021

#### Section 2.6 – Declaration of State Significant Development

(1) Development is declared to be State significant development for the purposes of the Act if—

- (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and
- (b) the development is specified in Schedule 1 or 2.

#### Schedule 1 Section 26 Housing development carried out by certain public authorities

(1) Development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation if the development—

- (a) has an estimated development cost of more than \$30 million, or
- (b) will result in more than 75 dwellings.

As the proposed development is for the purposes of social and affordable housing, a community facility and commercial uses on behalf of Land and Housing Corporation (now Homes NSW), comprising a total of 355 dwellings and an estimated development cost of \$213,576,513 (excluding GST), it is declared State significant development. Before a State significant development can be determined, it is subject to a comprehensive assessment under the EP&A Act.

Section 5.1

### State Environmental Planning Policy (Transport and Infrastructure) 2021

#### Section 2.48 – Determination of development applications—other development

(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- (b) development carried out—
  - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
  - (ii) immediately adjacent to an electricity substation, or
  - (iii) within 5m of an exposed overhead electricity power line,

The proposal involves the replacement of the existing substation on the site with two (2) new substations to improve capacity and enable adequate servicing of the proposed built form.

Section 4.14  
Appendix MM

#### Section 2.122 – Traffic-generating development

<p>(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</p> <p>(a) new premises of the relevant size or capacity, or</p> <p>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</p>	<p>The site does not have a frontage to a classified road. Traffic impacts are further discussed in <b>Section 7.6</b> of this EIS and the Traffic Impact Assessment at <b>Appendix R</b>, demonstrating that the proposed development will not generate adverse traffic impacts.</p>	<p><b>Section 7.8</b> <b>Appendix R</b></p>
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**State Environmental Planning Policy (Industry and Employment) 2021**

**Section 3.6 – Granting Consent to Signage**

<p>(1) A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—</p> <p>(a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</p> <p>(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</p>	<p>Signage zones are proposed to provide clarity of locations of signage on the site. The signage zones will facilitate detailed signage capable of being consistent with Schedule 5 of the SEPP, which contains the relevant assessment criteria for signage which are to be considered by the consent authority.</p>	<p><b>Section 5.4</b></p>
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**Schedule 5**

**1 – Character of the Area**

<p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>	<p>The proposed tenant signage is compatible with the desired future character as it appropriately identifies the community facility at building S1, while also assisting with wayfinding. The proposed external signage zones are located on the elevations of building S1 to which they relate and are therefore consistent with the intended community facility use.</p>	<p>-</p>
<p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>Not applicable, there is currently no theme for outdoor advertising in the area, noting the future character is for community facility and the proposed sign is for facility identification and wayfinding purposes.</p>	<p>-</p>

**2 – Special Areas**

<p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The site is not identified with any heritage items nor is located within a heritage conservation area (HCA). The proposal is located opposite to the Redfern Estate HCA and Waterloo Estate HCA, however it is not considered that the scale of the tenant signage zones proposed will detract from the amenity or visual quality of the heritage item.</p> <p>The proposed signage for tenant signage will not detract from the amenity or visual quality of the area which is due to undergo substantial residential and community transformation. The proposed estate signage has been thoughtfully considered and will feature a high quality finish.</p>	<p>-</p>
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**3 – Views and Vistas**

<p>Does the proposal obscure or compromise important views?</p>		<p>-</p>
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<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	No, the proposed tenant signage zones are appropriately sized and located to not dominate the skyline. The proposed signage is wholly located on the facades of building S1, and do not protrude above the rooftop. As such, the proposed signage does not obscure or compromise important views or reduce the quality of vistas.	-
<i>Does the proposal respect the viewing rights of other advertisers?</i>		-
<b>4 – Streetscape, setting or landscape</b>		
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	Yes, the proposed signage zones are scaled to be highly visible for road users to navigate the proposed community facility building, while not appearing out of scale, setting or landscape.	-
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	Not applicable, there is no existing advertising on the site.	-
<i>Does the proposal screen unsightliness?</i>	The proposal does not screen unsightliness however provides for identification of the future community facility.	-
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	The proposed signage zones do not protrude above the proposed buildings not tree canopy.	-
<i>Does the proposal require ongoing vegetation management?</i>	No.	-
<b>5 – Site and building</b>		
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	The proposed signage zones have been thoughtfully considered to provide future tenant identification. They are entirely compatible with the characteristics of the site and the proposed warehouse buildings which are large scale and large floor areas consistent with the future character of the Prospect Hill Business Precinct.	-
<i>Does the proposal respect important features of the site or building, or both?</i>	Yes. The proposed signage zones are consistent with the design and features of the buildings.	-
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	The proposed signage zones provide for opportunities for PCYC to identify their business on the elevations of the community facility at building S1.	-
<b>6 – Associated devices and logos with advertisements and advertising structures</b>		
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	The proposed tenant signage zones do not propose any safety or lighting devices, logos or any form of advertising. The signage zones sit on the elevations of Warehouse 1 and no content is proposed at this stage.	-
<b>7 – Illumination</b>		
<i>Would illumination result in unacceptable glare?</i>	Not applicable - the proposed tenant signage zones are not proposed to be illuminated.	-

Would illumination affect safety for pedestrians, vehicles or aircraft?	Not applicable.	-
Would illumination detract from the amenity of any residence or other form of accommodation?	Not applicable.	-
Can the intensity of the illumination be adjusted, if necessary?	Not applicable.	-
Is the illumination subject to a curfew?	Not applicable.	-

**8 – Safety**

Would the proposal reduce the safety for any public road?	No, the proposed signage zones are appropriately sized and separated from existing and proposed public roads. As such, the signage is not expected to reduce safety for public roads.	-
Would the proposal reduce the safety for pedestrians or bicyclists?		-
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?		-

**State Environmental Planning Policy (Resilience and Hazards) 2021**

**Section 4.6 – Contamination and Remediation to be considered in determining development application**

<p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) 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.</p> <p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p> <p>(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</p>	<p>The consent authority can be satisfied that the land can be remediated to be suitable for the proposed uses, as determined by the environmental consultant and accredited environmental site auditor as per the Remediation Action Plan.</p>	<p><b>Section 5.4 Appendix W</b></p>
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**Section 4.7 Remediation work permissible**

<p>(1) A person may carry out a remediation work in accordance with this Chapter, despite any provision to the contrary in an environmental planning instrument, except as provided by section 4.16(3).</p>	<p>Category 2 remediation work will be required on the site. A Remediation Action Plan prepared by EI at Appendix X confirms that asbestos-impacted, TRHs and PAH soils, and ASS and PASS are identified at multiple locations</p>	<p><b>Section 7.10 Appendix T-W</b></p>
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- (2) A person must not carry out a category 1 remediation work except with the consent of the consent authority.
- (3) A person may carry out a category 2 remediation work without the consent of the consent authority.
- (4) A person who carries out a remediation work must ensure that section 4.13 (if it applies) and sections 4.14 and 4.15 are complied with in relation to the work.

of the site. Acid Sulfate Soil Management and Remediation Action Plan have been prepared by EI at **Appendix T** and **Appendix W** respectively.

## State Environmental Planning Policy (Housing) 2021

### Section 144 – Application of chapter

- (1) In this policy, development to which this chapter applies is referred to as residential apartment development.
- (2) This chapter applies to the following—
- (a) development for the purposes of residential flat buildings,
  - (b) development for the purposes of shop top housing,
  - (c) mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter.
- (3) This chapter applies to development only if—
- (a) the development consists of—
    - (i) the erection of a new building, or
    - (ii) the substantial redevelopment or substantial refurbishment of an existing building, or
    - (iii) the conversion of an existing building, and
  - (b) the building is at least 3 storeys, not including underground car parking storeys, and
  - (c) the building contains at least 4 dwellings.
- (4) If particular development comprises development for the purposes specified in subsection (2) and development for other purposes, this chapter applies only to the part of the development for the purposes specified in subsection (2).
- (5) This chapter does not apply to development that involves only a class 1a or 1b building within the meaning of the Building Code of Australia.
- (6) To avoid doubt, development to which Chapter 2, Part 2, Division 1, 5 or 6 applies may also be residential apartment development under this chapter.

The proposed development includes the following residential development:

- two (2) solely residential flat buildings; and
- one (1) mixed use development.

The buildings proposed vary in height comprising a minimum of 3 storeys to a maximum of 14 storeys.

**Section 4.0**  
**Appendix A**  
**Appendix B**

### Section 148 – Non-discretionary development standards for residential apartment development—the Act, s 4.15

<p>(1) The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>Note— 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.</p> <p>(2) The following are non-discretionary development standards—</p> <p>(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</p> <p>(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,</p> <p>(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</p>	<p>Satisfied.</p> <p>The proposed development will provide 66 Car Parking Spaces in accordance with the maximum car parking rates as identified by Clause 7.5(1)(b) of the City of Sydney LEP 2012 and the Apartment Design Guide (ADG).</p> <p>All internal apartment areas and room sizes have been designed in accordance with ADG requirements, refer to <b>Appendix B</b>. It is noted a minor variation to the minimum internal area of studio apartments is proposed within Building S2 and which is discussed further in <b>Section 7.3</b> of the EIS.</p> <p>All ceiling heights for the building have been designed in accordance with ADG requirements, refer to <b>Appendix B</b>.</p>	<p><b>Section 7.3</b> <b>Section 7.8</b> <b>Appendix B</b> <b>Appendix R</b></p>
<b>Section 149 – Apartment Design Guide prevails over development control plans</b>		
<p>(1) A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter—</p> <p>(a) visual privacy,</p> <p>(b) solar and daylight access,</p> <p>(c) common circulation and spaces,</p> <p>(d) apartment size and layout,</p> <p>(e) ceiling heights,</p> <p>(f) private open space and balconies,</p> <p>(g) natural ventilation,</p> <p>(h) storage.</p>	<p>Satisfied.</p> <p>The proposed development has been designed in accordance with the ADG requirement. A detailed breakdown of these requirements is provided in <b>Section 7.4</b> of the EIS.</p>	<p><b>Section 7.3</b> <b>Appendix B</b></p>
<b>Schedule 9 – Design principles for residential apartment development</b>	<p>The residential proposal has responded to the design principles for residential apartment development. Refer to Design Verification Statement prepared by Hayball and Silverster Fuller and provided at <b>Appendix B</b>.</p>	<p><b>Section 4.0</b> <b>Section 7.1-7.7</b> <b>Appendix B</b></p>
<b>State Environmental Planning Policy (Sustainable Buildings) 2022</b>		
<b>Section 2.1 – Standards for BASIX development and BASIX optional development</b>	<p>Sustainability and the principles of ESD are addressed at <b>Section 7.7</b> and <b>8.1</b> of this EIS. A BASIX Certificate for the proposed development is provided within the ESD Assessment at <b>Appendix JJ</b>.</p>	<p><b>Section 7.7</b> <b>Section 8.1</b> <b>Appendix JJ</b></p>

<i>Sydney Local Environmental Plan 2012</i>		
<b>Clause 2.3 – Zone objectives and Land Use Table</b>	The site is zoned R1 General Residential. Development for the purposes of residential flat buildings and community facilities is permitted with consent. It is noted commercial premises are prohibited within the R1 General Residential zone under the Sydney LEP 2012. In accordance with Clause 4.38(3) of the EP&A Act, SSD can be partly prohibited under the relevant Environmental Planning Instrument (in this case being the Sydney LEP 2012).	<b>Section 4.0</b>
<b>Clause 4.3 – Height of buildings</b> <b>Clause 4.6 – Exceptions to development standards</b>	The maximum height of buildings control for the respective buildings is provided below: <ul style="list-style-type: none"> <li>• S1: RL47.72</li> <li>• S2: RL81.11</li> <li>• S3: RL66.72</li> <li>• S4: RL51.11</li> </ul> A minor height variation relating to Building S3 is proposed. Refer to the Clause 4.6 Variation Request.	<b>Section 4.0</b> <b>Section 7.3</b> <b>Appendix A</b> <b>Appendix B</b> <b>Appendix E</b>
<b>Clause 4.4 – Floor space ratio</b>	The base mapped floor space ratio (FSR) on the site is 1.5:1. Further floor space is available under Clause 6.59. A Clause 4.6 Variation Request has been prepared demonstrating why a variation to the FSR standard is considered reasonable in the context of Clause 6.59. Refer to the assessment below.	<b>Section 7.3</b> <b>Appendix A</b> <b>Appendix B</b> <b>Appendix F</b>
<b>Clause 5.19 – Heritage conservation</b>	The site is not a heritage item nor within a Heritage Conservation Area. A number of heritage items and heritage conservation areas do however surround the site. Redfern Park to the west of the site is a State Heritage Item. The Waterloo Conservation Area adjoins the site to the south.	<b>Section 7.15</b> <b>Appendix CC</b> <b>Appendix DD</b> <b>Appendix EE</b>
<b>Clause 5.21 – Flood planning</b>	Flooding implications of the proposed development are discussed further in <b>Section 7.14</b> and <b>Appendix Z</b> .	<b>Section 7.14</b> <b>Appendix Z</b>
<b>Clause 6.21C – Design excellence</b>	The design is capable of achieving design excellence in accordance with the Sydney LEP and the Design Guide. Refer to <b>Section</b> Error! Reference source not found. for further information.	<b>Section 7.2</b>
<b>Clause 6.21D – Competitive design process</b>	A competitive design process was undertaken for Building S2 which is the largest building on the site. Notwithstanding, since the other elements of the site were subject to an alternative design excellence process, a Design Competition waiver is sought for the site. This is considered appropriate as the Design Guide notes an alternative design excellence process could be arranged for the site, subject to agreement from the consent authority. The Design Guide was endorsed by the Government Architect NSW and therefore the site's approach to design excellence is considered sufficient and consistent with the Design Guide.	<b>Appendix K</b>
<b>Clause 6.59 – 600-660 Elizabeth Street, Redfern</b>		
(1) This clause applies to Lot 1, DP 1249145, 600–660 Elizabeth Street, Redfern.	Noted.	<b>Section 7.3</b>

<i>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied the buildings on the land will not overshadow Redfern Park and Oval between 9am and 3pm.</i>	The proposal does not overshadow Redfern Park and Oval between 9am and 3pm.	<b>Section 7.6</b> <b>Section 7.7</b> <b>Appendix A</b> <b>Appendix B</b> <b>Appendix E</b> <b>Appendix F</b>
<i>(3) A building on land to which this clause applies may exceed the floor space ratio shown for the land on the Floor Space Ratio Map by— (a) if at least 3,500m<sup>2</sup> of floor area of all buildings on the land is used for the purposes of community facilities—up to 0.57:1, and (b) if all BASIX affected development on the land exceeds the BASIX commitments for energy and water for the development by at least 5 points—up to 0.15:1.</i>	Achieved.	
<i>(4) Development consent must not be granted under subclause (3) unless the consent authority— (a) is satisfied— (i) at least 30% of the gross floor area used for the purposes of residential accommodation will be used for the purposes of affordable housing, and (ii) the affordable housing will be provided by or on behalf of a public authority or a social housing provider, and (b) has considered the Design Guide—600–660 Elizabeth Street, Redfern, published by the Department in October 2023.</i>	(a) The BASIX energy commitment is exceeded under the Sustainable Building SEPP. However, the water stretch target (+5) is not achieved. Refer to <b>Section 7.7</b> of the EIS for further detail.  (i) The entire residential accommodation component is proposed to be used for the purposes of affordable housing.  (ii) The affordable housing component will be provided by Bridge Housing who is a community and social housing provider.  (b) An assessment of the proposal against the Design Guide is provided in <b>Appendix B</b> .	
<i>(5) In calculating the floor space ratio for the purposes of this clause, the gross floor area of buildings on land to which this clause applies does not include the floor area used for the purposes of community facilities.</i>	Noted.	
<i>(6) Clause 7.20 does not apply to a building on land to which this clause applies.</i>	Noted.	
<i>(7) For land to which this clause applies, the reference to the amount permitted as a result of the floor space ratio shown for the land on the Floor Space Ratio Map in clause 6.21D(3)(b)(i) is taken to include an additional amount that is to be permitted by the consent authority under subclause (3) of this clause.</i>	The proposed FSR is 2.442:1 which exceeds the maximum permissible due to the BASIX water target not being met as described above. The maximum permissible FSR excluding the additional BASIX water FSR would be 2.2771:1. Therefore the variance is considered 6.75%. A Clause 4.6 Variation Request justifying the variation is provided at <b>Appendix F</b> .	
<b>Clause 7.5 – Residential flat buildings, dual occupancies and multi dwelling housing</b>		

<p>(1) The maximum number of car parking spaces for residential flat buildings, dual occupancies and multi dwelling housing is as follows—</p> <p>(b) on land in category B—</p> <p>(i) for each studio dwelling—0.2 spaces, and</p> <p>(ii) for each 1 bedroom dwelling—0.4 spaces, and</p> <p>(iii) for each 2 bedroom dwelling—0.8 spaces, and</p> <p>(iv) for each 3 or more bedroom dwelling—1.1 spaces, and</p> <p>(v) for each dwelling up to 30 dwellings—0.167 spaces, and</p> <p>(vi) for each dwelling more than 30 and up to 70 dwellings—0.1 spaces, and</p> <p>(vii) for each dwelling more than 70 dwellings—0.05 spaces,</p>	<p>Satisfied.</p> <p>The proposed development will provide 66 Car Parking Spaces In accordance with the maximum car parking rates as identified by Clause 7.5(1)(b) of the City of Sydney LEP 2012 and the Apartment Design Guide (ADG).</p>	<p><b>Section 7.8</b> <b>Appendix R</b></p>
<p><b>Clause 7.6 – Office premises and business premises</b></p>	<p>The site is not mapped under the Public Transport Accessibility Level Map. No office car parking proposed.</p>	<p>-</p>
<p><b>Clause 7.13 – Contribution for purpose of affordable housing</b></p>	<p>In accordance with the <i>City of Sydney Affordable Housing Program</i>, where social/affordable housing floor space is being provided, in accordance with the Principles of the Program, a contribution requirement will not be applied to that floor space. It also notes that where a building is predominantly affordable housing (with a small proportion of floorspace dedicated to ancillary non-residential uses), provided it is in accordance with the Principles of the Program, and does not include any market housing, a contribution requirement will not be applied to the entirety of the floor space in that building.</p> <p>It is noted the proposed community facility uses may not be considered ancillary to the broader development (like the commercial uses which are for the purposes of Bridge Housing head office). Notwithstanding, a contribution which would technically be applicable to the community facility use is not considered appropriate given 100% of the housing on the site will be either affordable or social.</p>	<p><b>Section 3.3</b></p>
<p><b>Clause 7.14 – Acid sulfate soils</b></p>	<p>The site is identified as Class 5. An Acid Sulfate Soils Management Plan has been prepared by EI in response to Clause 7.14(3).</p>	<p><b>Section 7.8</b> <b>Appendix T</b></p>
<p><b>Clause 7.19 – Demolition must not result in long term adverse visual impact</b></p>	<p>Development consent is sought for the demolition of existing structures on the site. Redevelopment of the site where demolition is proposed is sought in alignment with Clause 7.19(a)(ii). Construction hoarding will be implemented to minimise adverse visual impacts that may arise as a result of the demolition.</p>	<p><b>Section 7.4.1</b> <b>Appendix P</b></p>