



APPENDIX C – STATUTORY COMPLIANCE TABLE

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
Environmental Planning and Assessment Act 1979			
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>	<p>Consistent</p> <p>The proposal seeks to deliver additional affordable housing subject to amendments to an approved shop-top housing development, retaining the approved design principles, pedestrian connections and commercial area.</p> <p>As identified in the SIA, the proposal will result in several social and economic benefits to the community.</p> <p>The EIS includes thorough environmental, economic, and social assessments to inform the design of the proposal and ensure its suitability for the site. Where appropriate, mitigation measures are provided to manage the social and economic welfare of the community during construction and operational phases of the development.</p>	Section 6.2.5
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	<p>Consistent</p> <p>The proposal addresses the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms in accordance with the requirements of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p> <p>In addition, an ESD Report and Net Zero Assessment Report, Energy Assessment Report, NCC Assessment Report, BASIX Assessment Report and BASIX Certificate have been prepared to accompany the EIS which demonstrates how ESD best practice principles are incorporated into the design and ongoing operation of the proposed development. These also demonstrate how the development will exceed the relevant industry-recognised building sustainability and environmental performance standards; and how the development minimises greenhouse gas emissions and consumption of resources.</p>	Section 6.2.1

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		In addition, the development will be constructed and operated to contribute towards the net zero priorities as outlined within the DPFI, Net Zero Plan 2020-2030. In support of this, and as required by the Sustainable Buildings SEPP.	
	<i>To promote the orderly and economic use and development of land</i>	Consistent The proposed redevelopment of the site responds to the State's growing population and the need to build more homes in accessible locations, to boost housing supply and improve affordability. The redevelopment of the site has been informed by a thorough site and local context analysis, environmental assessments and assessment against strategic and statutory planning policies to promote the orderly and economic use and development of the land.	Section 7
	<i>To promote the delivery and maintenance of affordable housing,</i>	Consistent The proposal includes the delivery of 17 affordable apartment units, which will be managed by a Community Housing Provider for at least 15 years.	Section 3 Appendix GG
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	Consistent A BDAR Waiver has been issued for the proposal, confirming that the development is unlikely to have any significant impact on biodiversity values on or off site.	Appendix W
	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	Consistent European heritage impacts have been addressed in the accompanying HIS in relation to the retention of the heritage-listed tree on the site and the site's proximity to other heritage items. The HIS has found that the proposal has an acceptable impact on the existing heritage fabric on and off the site. As excavation and construction on the basement structure has already commenced, and thus the ACHAR was excluded from the industry specific SEARs requirements for the proposed SSDA as the proposal would not result in any additional impacts on aboriginal heritage or archaeology beyond the original DA approval.	Section 6.1.8 Appendix CC
	<i>To promote good design and amenity of the built environment,</i>	Consistent	Section 6.1.4 Appendix H

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		The additional height and FSR afforded by the Housing SEPP have been skilfully provided to avoid adverse external amenity impacts, particularly in regard to additional overshadowing impacts to Centennial Park, visual and view loss impacts.	
	<i>To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants</i>	Consistent The construction of buildings will have regard to the requirements of the BCA and NCC.	Section 6.2.6
	<i>To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State</i>	Consistent It is expected the SSDA will be referred to Waverley Council and TfNSW as part of the exhibition process. Any comments from Council will be considered and addressed in the proponent's response to submissions report.	Section 5
	<i>To provide increased opportunity for community participation in environmental planning and assessment</i>	Consistent Community and stakeholder engagement has been undertaken during the preparation of the SSDA, as detailed in Section 5 of the EIS. Through the assessment period, there will be another opportunity for community and stakeholders to respond to the proposed development. The Applicant will respond to any concerns raised during the notification of the SSDA.	Section 5
Section 4.15 Evaluation	Relevant environmental planning instruments: <ul style="list-style-type: none"> ▪ <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> ▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> ▪ <i>State Environmental Planning Policy (Planning Systems) 2021</i> ▪ <i>State Environmental Planning Policy (Housing) 2021</i> ▪ <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> ▪ <i>Waverly Local Environmental Plan 2012</i> 	See detail below under State Environmental Planning Policies (SEPPs).	Appendix C
	Draft environmental planning instruments	No draft EPI's have been identified as relevant to this application.	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	Relevant planning agreement or draft planning agreement	A Planning Agreement has been executed and registered on the site. The terms of the planning agreement were negotiated and agreed by Westgate BJ Pty Ltd and Council on 21 March 2023 and requires the Developer to pay to Council a monetary contribution in the amount of \$6,300,000, as well as deliver a Public Plaza and Through-Site-Link on the site. The planning agreement map was updated in accordance with DA-360/2023.	Section 2
	Development control plans: <i>Waverley Development Control Plan 2022</i>	Refer to assessment below under <i>Waverley Development Control Plan 2022</i>	Appendix C
	<i>Environmental Planning and Assessment Regulation 2021</i>	Refer to assessment below under <i>Environmental Planning and Assessment Regulation 2021</i>	Appendix C
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The EIS and supporting technical studies have assessed and considered the environmental impacts on the natural and built environments, and social and economic impact on the locality in accordance with the SEARs. The project has been assessed on balance to have acceptable environmental impacts subject to the implementation of specific mitigation measures as detailed in the EIS and in the Mitigation Measures at Appendix D .	Section 7
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in Section 7 of the EIS.	Section 7
	Any submissions made	Submissions will be considered following exhibition of the application.	N/A
	The public interest	<p>The proposed development satisfactorily responds to the relevant planning instruments and controls applying to the site. The proposal will not create any adverse social, economic or environmental impacts that cannot be mitigated by the proposed mitigation measures provided at Appendix D.</p> <p>On balance, the benefits of the development outweigh any adverse impacts, and the development is deemed to be in the public interest.</p>	Section 7

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
Environmental Planning and Assessment Regulation 2021			
Section 26	Section 26 of the Regulations outlines the information required about affordable housing development. It states that an Applicant must specify the name of the registered Section 26 of the Regulations outlines the information required about affordable housing development. It states that an Applicant must specify the name of the registered community housing provider.	Complies A letter has been prepared by Uncle Earl Property, a tier 3 registered Community Housing Provider confirming that subject to a property management agreement, UEP intends to manage the affordable housing dwellings at the site for 15 years in accordance with the Housing SEPP.	Appendix GG
Section 173	Section 173 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	Complies This EIS has been prepared to address the requirements of Clause 173 of the EP&A Regulation and SEARs.	EIS
Section 193	Section 193 of the Regulations requires an assessment against the principles of ESD.	Complies The EIS has addressed the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms.	Section 6.2.1
Biodiversity Conservation Act 2016			
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	Complies A BDAR Waiver has been issued for the proposed development confirming that the development is unlikely to have any significant impact on biodiversity values of the site and surroundings.	Appendix W
State Environmental Planning Policies			
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	In accordance with Schedule 1, Section 26A of the Planning Systems SEPP, the following development is SSD: <ul style="list-style-type: none"> Development to which Chapter 2, Part 2, Division 1 of the Housing SEPP applies; and 	Complies The residential component of the proposal has an estimated EDC of \$79,968,278.	Sections 1, 3 Appendix G

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> ▪ Has an EDC of \$75M+ (for the residential components); and ▪ Is not prohibited under an EPI applying to the land; and ▪ Will provide at least 10% of the overall GFA as affordable housing for at least 15 years. 	<p>The proposed use 'shop top housing' is permitted with development consent in the MU1 (Mixed Use) zone under the Waverley LEP 2012.</p> <p>The proposal also provides 15% affordable housing and meets the locational criteria of the Housing SEPP. Therefore, the proposal qualifies as SSD.</p>	
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Clause 4.6(1) states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	<p>A Preliminary Site Investigation (PSI) and subsequent Detailed Site Investigation (DSI) was prepared for the site as part of the parent consent. In accordance with the DSI recommendations, a Remediation Action Plan (RAP) has been prepared for the site so that it can be made suitable for residential and commercial uses. Site preparation works have been initiated at the site in accordance with the parent consent.</p> <p>AssetGeoEnviro confirms that the proposed works will have no additional impact to the contamination status or require further remediation for the site or surrounding area.</p>	Appendix AA
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Section 2.119 relates to development with frontage to a classified road.	The proposal will provide vehicular access through Osmund Lane and thus, access will be provided through a road other than a classified road. The accompanying Traffic Impact Statement concludes that the development can facilitate safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development.	Appendix U
	Section 2.120 – Impact of road noise or vibration on non-road development.	The accompanying Noise and Vibration Impact Assessment assesses the proposed development in relation to the noise level requirements of the T&I SEPP. The report demonstrates that the proposal can achieve compliance with the mandatory road noise criteria in the SEPP with the incorporation of the recommended mitigation measures.	Appendix V
	Section 2.122 relates to traffic generating development	The proposed development is specified as 'traffic-generating development' as it comprises more than 50 car parking spaces in accordance with Columns 1 and 3 of Schedule 3 of the SEPP. In this regard, section 2.112 (Traffic-generating development) of the SEPP applies and the DA is required to be referred to Transport for NSW.	Section 3
<i>State Environmental Planning Policy (Housing) 2021</i>	Chapter 2 Affordable Housing Section 15C The in-fill affordable housing provisions of the Housing SEPP apply to	Complies The proposed shop top housing development is permitted with consent under the Waverley LEP 2012.	Section 2, 3

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>development that includes residential development if –</p> <ul style="list-style-type: none"> ▪ The development is permitted with consent under an EPI. ▪ The affordable housing component is at least 10%. ▪ The development is carried out in an accessible area. 	<p>At 15% of the total GFA is proposed to be affordable housing.</p> <p>The site is located in an accessible area served by the T4 Eastern Suburbs and Illawarra Line being within close proximity to Bondi Junction Train Station and therefore meets the 'accessible area' requirements of the Housing SEPP.</p>	
	<p><u>Section 16 Affordable housing requirements for additional floor space ratio</u></p> <p>The minimum affordable housing component is 10%. 30% additional FSR is permitted for proposals delivering up to 15% affordable housing, based on the maximum permissible FSR for the land, in accordance with Section 16 (1) and (2). In accordance with Section 16 (3), the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</p>	<p>Complies</p> <p>15% of the total GFA proposed is provided as affordable housing. Therefore, the proposal seeks to utilise the 30% FSR bonus available.</p> <p>As the full 30% bonus FSR is permitted under Section 16 (1) and the development comprises shop top housing, a 30% height bonus is also applicable to the proposed development.</p>	Section 3
	<p>Non-discretionary development standards</p> <p>19(2)(a) Minimum site area of 450m²</p>	<p>Complies</p> <p>2,481m² (2,599.1m² including the land beneath Osmund Lane)</p>	Section 2
	<p>19(2)(b) minimum landscaped area that is the lesser of:</p> <ul style="list-style-type: none"> ▪ 35m² per dwelling ▪ 30% of the site area 	<p>Complies</p> <p>A total landscaped area of 813m² is proposed, equating to 32.78% of the site area.</p> <p>As the site is located in the Bondi Junction Town Centre and within a mixed-use zone, development is predominantly built to the site boundaries. This is consent with the parent development consent. Landscaping is achieved through on structure planting at upper levels and the rooftop of the proposed development.</p>	Appendix P Appendix Q
	<p>19(2)(c) 15% deep soil zone, with:</p> <ul style="list-style-type: none"> ▪ Minimum dimensions of 3m ▪ 65% located at the rear of the site 	<p>175m² deep soil area.</p> <p>Due to the mixed-use nature of the proposal and near 100% site coverage, opportunities for deep soil planting at ground level are</p>	Appendix P Appendix Q

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>limited. To address this, on-structure planting has been maximized at upper levels, achieving 813m² of green cover, equivalent to 30.8% of the total site area. This approach ensures that the development provides significant green spaces despite the constraints of the site.</p>	
	<p>19(2)(d) living rooms and POS in at least 70% of dwelling receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter.</p>	<p>The Architectural Design Report indicates that 85% of the apartments will receive at least 2 hours of solar access, which exceeds the 70% requirement set by the Apartment Design Guide (ADG).</p>	<p>Appendix H</p>
	<p>19(2)(e) car parking for affordable housing dwellings:</p> <ul style="list-style-type: none"> ▪ 1 bedroom: 0.4 parking spaces ▪ 2 bedroom: 0.5 parking spaces ▪ 3 bedroom: 1 parking space <p>19(2)(f) car parking for non-affordable housing dwellings:</p> <ul style="list-style-type: none"> ▪ 1 bedroom: 0.5 parking spaces ▪ 2 bedroom: 1 parking spaces ▪ 3 bedroom: 1.5 parking space 	<p>Complies</p> <p>In accordance with the residential car parking requirements under the Housing SEPP, a minimum of 100 car parking spaces are required with consideration of the affordable and non-affordable parking requirements. The proposal seeks to deliver 126 residential parking spaces which is higher than the required minimum of 100 spaces based on the respective parking rates for the projects affordable and non-affordable apartments. The proposed provision of has been prepared to account for the greater, non-affordable rates, considering that the affordable apartments will transition to market rate apartments after 15 years. Additionally, the rates provided in the Housing SEPP are a minimum rate and not a maximum rate.</p>	<p>Section 6.1.3 Appendix U</p>
	<p>Section 20 Design Requirements Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with:</p> <p>(a) the desirable elements of the character of the local area, or</p> <p>(b) for precincts undergoing transition—the desired future character of the precinct.</p>	<p>Complies</p> <p>Site context and neighbourhood character were careful considerations in the built form and urban design response and the proposed development continues to respond to the site context.</p>	<p>Appendix H</p>
	<p>Section 21 Must be used for affordable housing for at least 15 years The consent authority is to be satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development, the development will include the affordable housing component specified above, and the affordable housing</p>	<p>Complies</p> <p>The proponent is committed to providing 15% of the total proposed GFA as affordable housing to be managed by a Community Housing Provider for a period of 15 years.</p>	<p>Appendix GG</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	component will be managed by a registered community housing provider.		
	<p><u>Chapter 4 Design of Residential Apartment Development</u> Under Chapter 4 of the Housing SEPP, the consent authority must consider: (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide</p>	<p>Generally Complies A detailed assessment of the proposal against the design principles for residential apartment development and the Apartment Design Guide (ADG) is provided in the accompanying Design Report, prepared by SJB Architects. The assessment demonstrates that the proposal achieves a high level of consistency with the key numerical requirements of the ADG including:</p> <ul style="list-style-type: none"> ▪ Solar and daylight access. ▪ Natural ventilation. ▪ Apartment size and layout. ▪ Ceiling heights. ▪ Private open space and balconies. ▪ Communal Open Space. ▪ Visual Privacy. ▪ Storage. 	Appendix H
<p><i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></p>	<p>The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings and to ensure consistent assessment of the sustainability of buildings.</p>	<p>Complies An ESD and Net Zero Assessment Report and BASIX Certificate accompany the proposal which demonstrates how a high level of energy efficiency and environmental sustainability are achieved in the proposed development, with a strong emphasis placed on the passive efficiency of the building, including passive heating, cooling, natural lighting and natural ventilation.</p> <p>The proposal meets the relevant BASIX targets. An Embodied Emissions Report also accompanies the ESD and BASIX Report, which quantifies the amounts of key materials used in the construction of the proposed development. In addition, Net Zero Assessment Report, Energy Assessment Report, NCC Assessment Report, and BASIX Certificate have been prepared to accompany the EIS.</p>	Section 6.2.1
Waverly Local Environment Plan 2012			
<p>4.3 Height of buildings</p>	<p>36m base LEP height 46.8m inclusive of 30% Housing SEPP bonus</p>	<p>The proposal has a maximum height of Building A: 42.3m to roof level and 43.8m to the lift overrun Building B: 54m to the roof level and 56.6m to the fire stair.</p> <p>A clause 4.6 variation request has been prepared to comprehensively justify the proposed height variation, demonstrating that the</p>	Appendix F

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case	
4.4 Floor space ratio	3.5:1 base LEP height 4.55 inclusive of 30% Housing SEPP bonus	The proposal has a compliant FSR of 4.55:1 equating to 11,288m ² of GFA	Section 3
5.10 Heritage Conservation	The consent authority must consider any impacts to heritage items.	European heritage impacts have been addressed in the accompanying HIS in relation to the retention of the heritage-listed tree on the site and the site's proximity to other heritage items. The HIS has found that the proposal has an acceptable impact on the existing heritage fabric on and off the site. As excavation and construction on the basement structure has already commenced, the requirement for an ACHAR was excluded from the industry specific SEARs. It was determined that the proposed SSDA would not result in any additional impacts on aboriginal heritage or archaeology beyond the original DA approval.	Appendix CC
5.21 Flood planning	The objectives of this clause are as follows: (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.	The accompanying Flood Risk Assessment demonstrates that the site is located outside of flood prone areas and is clear of the Probable Maximum Flood (PMF) extent. No flood risk management measures are required as part of this development.	Appendix Z
6.1 Acid sulfate soils	Development consent must not be granted under this clause for the carrying out of work unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Soils Manual and has been provided to the consent authority.	The site is not affected by acid sulfate soils.	N/A
6.2 Earthworks	Development consent is required for earthworks unless: (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to development that	Earthworks including bulk excavation have commenced on site in accordance with the parent consent. A Geotechnical Statement accompanies the SSDA confirming the proposed works the subject of the SSDA will have no additional impact on the site's geotechnical conditions or surrounding area.	Appendix X

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	is permitted without consent under this Plan or to development for which development consent has been given.		
6.5 Active street frontages	The consent authority must be satisfied that the building will have an active street frontage.	The site is identified on the Active Street Frontages Map as being required to have an active street frontage on Oxford Street. The development includes ground floor retail tenancies to enhance the streetscape activation at the ground plane along the site frontages to Oxford Street.	Section 3
6.10 Design excellence on certain land in Bondi Junction	Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied and the development exhibits design excellence.	<p>The proposed design is based on the built form and urban design scheme approved under the parent consent. In preparation of this SSDA, a bridging design integrity process was undertaken in collaboration with DPHI, Government Architect NSW (GANSW) and Design Integrity Panel (DIP), comprised of the Jury panel who reviewed the original design excellence competition.</p> <p>As discussed in the EIS and accompanying DIP Report, the project design addresses the DIP's findings and has incorporated their recommendations. The competition jury / DIP confirm that the proposed scheme exhibits "design excellence".</p> <p>An exemption from the requirement to undertake a new competitive design process for the above development, pursuant to Clause 6.10 of the Waverley Local Environmental Plan (WLEP) 2012 has been issued by GANSW (refer to Appendix OO).</p>	Appendix MM Appendix OO
6.12 Development on certain land in Bondi Junction	The consent authority must be satisfied that the non-residential GFA will be the same or greater than the total non-residential GFA of all buildings on the site on 1 January 2021.	On 1 January 2021, 160m ² of non-residential GFA was on site. The proposal exceeds the existing non-residential GFA in providing 467m ² of retail GFA.	Section 3
6.14 Waste minimisation and recycling	The consent authority must be satisfied— (a) the development maximises opportunities, through design and integration, to provide waste and recycling storage and collection facilities, and (b) all waste and recycling storage and collection facilities are appropriately sized to meet the waste generated by the occupants, and (c) the development provides for safe and equitable access to waste and recycling storage and collection facilities.	An Operational Waste Management Plan has been prepared that provides details on the location and size and access to waste, recycling, storage and collection facilities.	Appendix BB

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
6.15 Stormwater management	The consent authority must be satisfied the development— (a) is designed to maximise the use of water permeable surfaces on the land, considering the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or, if the impact cannot be reasonably avoided, minimises or mitigates the impact.	A Water Management Plan has been prepared as part of the Water Management Plan. The Stormwater management for the proposed development involves: <ul style="list-style-type: none"> The inclusion of 2x On-site Detention (OSD) systems designed to meet the requirements of Councils. 'Water Management Technical Manual 2021'. Our calculations indicate a Site Storage Requirements (SSR) of 41m³ for tank A and 36m³ for Tank B contained within a cast-situ concrete tank and a maximum Permissible Site Discharge (PSD) of 41.52l/s for tank A and 34.46l/s for tank B, for all storms up to the 20yr storm event. The Rainwater reuse system has a 50yr design life. <p>On this basis, the proposed stormwater management system for the proposed development will adequately collect and dispose stormwater whilst not causing any adverse stormwater impacts.</p>	Appendix Y
6.17 Affordable housing contributions	The consent authority may impose a condition requiring an affordable housing contribution (a contribution) equivalent to 1% of the gross floor area of the residential component of the development (excluding gross floor area used for the purposes of affordable housing) in accordance with the <i>Waverley Affordable Housing Contributions Scheme 2023</i> .	The consent authority may impose a condition of consent requiring the dedication or payment of monetary equivalent to Waverley Council in accordance with the contributions scheme.	N/A
Waverley Development Control Plan 2022			
Part B- General Provisions – B7 Transport			
7.2 Onsite parking	Car park design must be in accordance with relevant Australian Standards.	Complies The accompanying Transport Impact Assessment confirms that the proposed car park design is in accordance with the relevant AS.	Appendix U
7.2.1 Vehicle Access	One vehicle access point per development (including any access for service vehicles and parking for non-residential uses within mixed use development) is permitted.	Complies One access point is provided to the site.	Section 3
	Vehicle access is to be from lanes and secondary streets where available, and not	Complies	Section 3

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	from primary street fronts or streets with major pedestrian activity.	Access is provided from Osmund Lane.																												
7.2.2 Car Parking Provision Rates	<p>Parking should be provided at the following maximum rates:</p> <p><u>High Density Residential</u> 1-bedroom: 0.4 spaces 2-bedroom: 0.7 spaces 3+ bedroom: 1.2 spaces 1 visitor space per 7 units</p> <p><u>Business and office premises</u> 0.66 spaces per 100sqm GFA</p> <p><u>Retail premises</u> 2 spaces per 100sqm GFA</p>	<p>Refer to Comment</p> <p>The DCP generates a maximum parking requirement of 104 spaces including 95 residential spaces and 9 non-residential spaces.</p> <p>The proposal provides 138 spaces in total which exceeds the maximum DCP parking requirement. The proposal seeks to reply in the Housing SEPP parking provisions for in-fill affordable housing developments which generate a minimum residential parking requirement of 100 spaces.</p> <p>The proposal complies with the minimum Housing SEPP residential parking rates and the maximum DCP non-residential parking rates.</p>	Appendix U																											
7.2.6 Bicycle parking	<p>Parking for bikes is to be provided at the minimum rates outlined in the table below, except where an apartment in a residential building has a basement storage area on title that is large enough to accommodate a Class 1 bike locker.</p> <table border="1"> <thead> <tr> <th>Land Use</th> <th>Bicycle Parking Rates Long-stay / resident/ employee</th> <th>Short-stay/ Visitor</th> </tr> </thead> <tbody> <tr> <td>Residential Development</td> <td>All residential development 1 space per dwelling</td> <td>Medium and High Density (3+ dwellings) 1 space per 10 dwellings</td> </tr> <tr> <td>Office</td> <td>Employee 0.45 spaces per 100m² GFA</td> <td>Visitor 1 space per 2000m² GFA</td> </tr> <tr> <td>Retail</td> <td>Employee 0.1 spaces per 100m² NFA</td> <td>Visitor 0.4 spaces per 100m² GFA</td> </tr> <tr> <td>Education (primary, secondary, tertiary)</td> <td>Employee 0.3 spaces per staff</td> <td>Student 0.3 spaces per student</td> </tr> <tr> <td>Tourist Accommodation</td> <td>Staff and Long Stay 0.1 spaces per staff / long stay visitor</td> <td>Visitor 1 space per 10 units</td> </tr> <tr> <td>Places of assembly / sports facilities / community centres</td> <td>Staff 0.1 spaces per staff</td> <td>Visitor 0.1 spaces per seat</td> </tr> <tr> <td>Food and drink premises</td> <td>Staff 0.1 spaces per staff</td> <td>Visitor 0.1 spaces per seat</td> </tr> <tr> <td>Healthcare, Childcare, Other</td> <td>Staff 0.1 spaces per staff</td> <td>Visitor 0.05 spaces per visitor</td> </tr> </tbody> </table>	Land Use	Bicycle Parking Rates Long-stay / resident/ employee	Short-stay/ Visitor	Residential Development	All residential development 1 space per dwelling	Medium and High Density (3+ dwellings) 1 space per 10 dwellings	Office	Employee 0.45 spaces per 100m ² GFA	Visitor 1 space per 2000m ² GFA	Retail	Employee 0.1 spaces per 100m ² NFA	Visitor 0.4 spaces per 100m ² GFA	Education (primary, secondary, tertiary)	Employee 0.3 spaces per staff	Student 0.3 spaces per student	Tourist Accommodation	Staff and Long Stay 0.1 spaces per staff / long stay visitor	Visitor 1 space per 10 units	Places of assembly / sports facilities / community centres	Staff 0.1 spaces per staff	Visitor 0.1 spaces per seat	Food and drink premises	Staff 0.1 spaces per staff	Visitor 0.1 spaces per seat	Healthcare, Childcare, Other	Staff 0.1 spaces per staff	Visitor 0.05 spaces per visitor	<p>Refer to Comment</p> <p>94 bike parking spaces are proposed to be provided. This is three (3) spaces off the DCP requirements. This is considered to provide adequate bike parking facilities in support of the proposed development and will meet the demand generated at the site.</p>	Appendix U
Land Use	Bicycle Parking Rates Long-stay / resident/ employee	Short-stay/ Visitor																												
Residential Development	All residential development 1 space per dwelling	Medium and High Density (3+ dwellings) 1 space per 10 dwellings																												
Office	Employee 0.45 spaces per 100m ² GFA	Visitor 1 space per 2000m ² GFA																												
Retail	Employee 0.1 spaces per 100m ² NFA	Visitor 0.4 spaces per 100m ² GFA																												
Education (primary, secondary, tertiary)	Employee 0.3 spaces per staff	Student 0.3 spaces per student																												
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Places of assembly / sports facilities / community centres	Staff 0.1 spaces per staff	Visitor 0.1 spaces per seat																												
Food and drink premises	Staff 0.1 spaces per staff	Visitor 0.1 spaces per seat																												
Healthcare, Childcare, Other	Staff 0.1 spaces per staff	Visitor 0.05 spaces per visitor																												
	<p>Bike parking is to be provided in accordance with requirements for layout, design and security as set out in the Australian Standard AS 2890.3 -1993 Parking facilities – Bicycle parking facilities, including:</p> <ul style="list-style-type: none"> Security Class 1 bike lockers for occupants of residential buildings; 	<p>Complies</p> <p>Bike parking will be provided in accordance with the relevant Australian Standards.</p>	Appendix U																											

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> Security Class 2 bike enclosures for staff/employees of any land use; and Security Class 3 bike rails/ racks for visitors of any land use. 		
7.3 Loading Facilities	Where possible access to a loading facility must be provided via a laneway or secondary frontage.	<p>Complies</p> <p>The proposed ground level fitout aligns with the loading bay located at street level, accessed from Osmund Lane, established under the parent consent.</p>	Section 3
	<p>The following design principles should be considered in the design of loading facilities including:</p> <ul style="list-style-type: none"> The size and layout of the service area must be designed to facilitate operations relevant to the development; A service area must be a physically defined area not used for other purposes, such as storage of goods and equipment or parking; Security Class 3 bike rails/ racks for visitors of any land use. All vehicles must enter and exit the property in a forward direction; Internal circulation must be adequate for the largest vehicle anticipated to use the site; and Loading facilities must be designed to comply with the requirements of AS 2890.2 -2002 Part 2: Off-Street Commercial Vehicle Facilities. 	<p>Refer to Comment</p> <p>Consistent with the parent consent, the ground floor fitout will continue to feature a service area/loading dock area on ground floor adjacent to Building A. The service area can accommodate Council's 10.5m long garbage truck as well as medium rigid vehicle (MRV8.8m). The loading bay is designed in accordance with the requirements of AS/NZS2890.1:2004 and AS2890.2:2018, including height clearances of 4.5 metres to structure and services to accommodate service vehicles longer than 6.4 metres. The provision of one loading bay on the ground floor, designed to accommodate Council's waste truck and medium rigid vehicles is sufficient to support the proposal</p>	Appendix U
7.4 Pedestrian/Bicycle Circulation and Safety	The location of parking spaces is not to obstruct pedestrian and bicycle access to the premises or major pedestrian and cycling routes.	The proposed parking spaces will not obstruct pedestrian and bicycle access to premises or major pedestrian and cycling routes.	Appendix B
<p>Part E – Site Specific Development <u>E6 194-214 OXFORD STREET, 2 NELSON STREET AND OSMUND LANE, BONDI JUNCTION</u></p>			
6.1 Built Form	(a) A two/three storey podium is to be provided fronting Oxford Street.	The SSDA will retain the approved design of the podium which will create a visual two storey podium, with double height ground level.	Appendix B Appendix H

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(b) Architectural form is to be articulated to address the corner of Oxford Street, York Road and Syd Einfeld Drive.	The SSDA will retain the approved design of the podium which continues the finer-grain of the street wall along Oxford Street, to then be book-ended by an elegant tower form to the western end of the site. The proposal incorporates glazing, arches, landscaping and colours and finishes to address the corner of Oxford Street, York Road and Syd Einfeld Drive.	Appendix B Appendix H
	(c) The articulation of the podium level is to reflect a fine grain, terrace-like subdivision pattern consistent with the existing terrace subdivision pattern along West Oxford Street.	The SSDA will retain the approved design of the podium which takes the datum lines from the adjoining shop top housing to the east with articulation and material. Following the DIP comments, an additional awning along Oxford Street is proposed to better integrate with the adjoining terraces.	Appendix B Appendix H
	(d) The towers are to be set back six metres from the edge of the podium fronting Oxford Street. A lesser setback may be considered if it can be demonstrated that it achieves the objectives of this DCP.	Refer to Comment The SSDA will retain the approved design of the podium which is setback 4m from Oxford Street. This 4 metre is taken adjusted boundary line following the dedication of land on Oxford Street for footpath widening.	Appendix B Appendix H
	(e) The tower location must minimise overshadowing of Centennial Park and the surrounding low scale residential areas.	Complies The SSDA will retain the approved location of towers as approved. Further to the consultation session held with Centennial Park Trust, eight (8) options for alternative, proposal designs and were assessed. Subsequently, the proposed tower design has been prepared to avoid any additional overshadowing to ensure that there is no additional overshadowing impact within the designated times and areas of “no additional impact” as prescribed under the Greater Sydney Parklands Shadow Modelling Study 2022. The proposed tower form will maintain the required solar access to the surrounding low scale residential areas as detailed in Section 6.1.4 of the EIS.	Section 6.1.4 Appendix B Appendix H
	(f) No additional height or floorspace ratio above the LEP controls will be considered for these sites.	In November 2023, the NSW DPHI released a policy initiative to incentivise and support the delivery of affordable housing under Chapter 2, Part 2, Division 1 of the Housing SEPP. This brings together all levels of government, investors, and the private sector to unlock quality affordable housing supply over the medium term. The consequences of not carrying out the development would undermine the objectives of providing affordable housing for the community, meeting housing demands and employment opportunities. As such, the proposal seeks to increase the height and FSR above the LEP controls in accordance with the state initiative to deliver much needed housing and affordable housing.	Section 4

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		Clause 2.10 of the Planning Systems SEPP provides that DCPs do not apply to SSDAs. The assessment against the DCP provisions has been prepared to demonstrate that the proposal will generally maintain compliance with the objectives or key provisions of the DCP. Details provided as part of this EIS demonstrate that the additional height and floor space ration will achieve consistency with the DCP objectives and will not result in adverse environmental and amenity impacts.	
	(g) Floor space in podium levels must be used for commercial and retail uses. Any storage space, servicing areas, car parking or other areas that are not defined as calculable floor space under Waverley LEP must be located below ground.	Complies The floor space in podium level will be used for commercial and retail uses.	Section 3
6.2 Design Excellence	(a) The tower location must minimise overshadowing of Centennial Park and the surrounding low scale residential areas.	Complies The SSDA will retain the approved location of towers as approved. Further to the consultation session held with Centennial Park Trust, eight (8) options for alternative, proposal designs and were assessed. Subsequently, the proposed tower design has been prepared to avoid any additional overshadowing to ensure that there is no additional overshadowing impact within the designated times and areas of “no additional impact” as prescribed under the Greater Sydney Parklands Shadow Modelling Study 2022. The proposed tower form will maintain the required solar access to the surrounding low scale residential areas as detailed in Section 6.1.4 of the EIS.	Section 6.1.4 Appendix B Appendix H
	(b) The development must minimise any impacts on heritage items in the vicinity of the site.	Consistent European heritage impacts have been addressed in the accompanying HIS in relation to the retention of the heritage-listed tree on the site and the site’s proximity to other heritage items. The HIS has found that the proposal has an acceptable impact on the existing heritage fabric on and off the site.	Section 6.1.8 Appendix CC
	(c) The development must minimise any visual impact of the buildings when viewed from Centennial Park and the Public Domain.	A visual assessment has been conducted of the proposed development as viewed from Centennial Park and the Public domain	Section 6.1.4 Appendix
	(d) The development must incorporate Ecologically Sustainable Development	Complies	Section 6.2.1

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	Principles to minimise carbon emissions, potable water use, energy use and waste.	<p>An ESD and Net Zero Assessment Report and BASIX Certificate accompany the proposal which demonstrates how a high level of energy efficiency and environmental sustainability are achieved in the proposed development, with a strong emphasis placed on the passive efficiency of the building, including passive heating, cooling, natural lighting and natural ventilation.</p> <p>The proposal meets the relevant BASIX targets. An Embodied Emissions Report also accompanies the ESD and BASIX Report, which quantifies the amounts of key materials used in the construction of the proposed development. In addition, Net Zero Assessment Report, Energy Assessment Report, NCC Assessment Report, and BASIX Certificate have been prepared to accompany the EIS.</p>	
	(e) The internal planning and façade design of the buildings are to address and ameliorate the significant road noise.	The accompanying Noise and Vibration Impact Assessment assesses the proposed development in relation to the noise level requirements of the T&I SEPP. The report demonstrates that the proposal can achieve compliance with the mandatory road noise criteria in the SEPP with the incorporation of the recommended mitigation measures.	Appendix V
	(f) All materials must be naturally finished, low maintenance, contextually appropriate and painted surfaces are discouraged. Materials used shall be durable and weather well over time.	Complies Refer to the materials proposed, they are of an appropriate quality and design as detailed in Appendix B and Appendix H .	Appendix B Appendix H
	(g) Air conditioners are not to be located on balconies.	Noted	Appendix B
6.3 Public Domain	(a) As agreed in the Voluntary Planning Agreement, a public plaza totaling a minimum of 311m ² , a pedestrian/cycleway through site link from Oxford Street to Osmund Lane totaling 136m ² and approximately 208m ² of footpath widening is to be provided.	Complies The public place, proposed as part of this SSDA is equal to or greater than that identified in Control 6.3(a). Refer to Appendix B for further details and are calculations.	Appendix B
	(b) The public plaza must receive 3 hours solar access to a minimum of 50% of its area on 21 June.	The public plaza, proposed as part of this SSDA will retain a similar layout and size as the parent consent.	Appendix B
	(c) The area within the drip line of the heritage listed Norfolk Island pine tree must incorporate permeable materials.	Noted, refer to the attached Landscape Plan at Appendix P .	Appendix P

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(d) A through-site link is to be provided between Oxford Street and Osmund Lane uncovered by any structure (except for the building awning) and must be publicly accessible between the hours of 7am-10pm Monday to Sunday.	Public access across the through-site link is being managed under the Planning Agreement which has been executed and registered on the site in relation to the parent consent. The terms of the planning agreement were negotiated and agreed by Westgate BJ Pty Ltd and Council on 21 March 2023 and were subsequently varied in tandem with the amending DA. The amended planning agreement (VPA-194) has been executed, registered and the relevant Bank Guarantee collected. The proposal will not impact the access provided to the through-site link.	Appendix B
	(e) Active frontages are to be provided to all public places at street level.	Complies The amending SSDA will retain the approved podium design with active frontages are to be provided to all public places at street level.	Appendix B
	(f) Street furniture and public art is to be provided within any public plaza in accordance with Council's Public Domain Improvement Plan and Public Domain Technical Manual.	No change to the public street works and public art are proposed as part of this SSDA. This is being managed under the parent consent.	N/A
	(g) Awnings and footpaths are to be provided on all active frontages.	Complies The appropriate awnings and footpaths are proposed to be provided across the active frontages.	Appendix B
	(h) The 3.5m of land dedicated along Oxford Street will be used for mature street tree plantings and landscaping purposes.	No change to the road dedication and public street works are proposed at Oxford Street as part of this SSDA. This is being managed under the parent consent.	N/A
	(i) Stormwater drainage locations and landscaping are to be detailed in any plans submitted as part of a design excellence competition.	Noted, in support of this SSDA, a DIP has been undertaken.	Appendix MM
	(j) Under awning lighting is to be provided to achieve appropriate luminance levels for pedestrians (refer to relevant Australian Standards). Lighting should be recessed into the soffit of the awning.	Noted, this can be addressed at the detailed design phase.	Appendix B

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(k) Landscaping and design of the public domain is to be high quality and incorporate features such as indigenous tree species and landmark sculptural elements.	Public domain works, including landscaping works, will be undertaken in collaboration with Council, as per the detailed design phase work under the parent consent.	N/A
	(l) A Landscape Plan for the proposed public plaza and public realm surrounding the development is required to be submitted in accordance with the Waverley Development Application Guide and include: i. Substantial planting of mature trees fronting Oxford Street, Syd Einfeld Drive and York Road; and ii. A schedule of the common name and scientific name of species to be planted, the size and number; and iii. A plan showing the location of the plants in the schedule and all deep soil planting.	A landscape plan has been prepared at Appendix P which details the landscape layout and species across the areas fronting the adjoining roads.	Appendix P
	(m) An independent arborist report must be submitted to Council prior to the commencement of any design excellence competition. The report will detail all existing trees on and adjacent to the site and outline all trees that can be retained based on AS 4970 – Protection of trees on development sites.	N/A	N/A
	(n) A communal rooftop space landscaped with drought tolerant Australian native plants must be provided for resident access and use on both towers.	A landscape plan has been prepared at Appendix P which details the landscape layout and species across the communal rooftop spaces.	Appendix P
	(o) Podiums are to be landscaped with drought tolerant Australian native plants.	A landscape plan has been prepared at Appendix P which details the landscape layout and species across the podiums.	Appendix P
	(p) A Public Art Plan is to be prepared and submitted that outlines public art for the proposed public plaza and public realm surrounding the development.	No change to the public street works and public art are proposed as part of this SSDA. This is being managed under the parent consent.	N/A
	(q) The ongoing management of any public domain or plazetta provided is to be the responsibility of the body corporate.	Public access across the through-site link is being managed under the Planning Agreement which has been executed and registered on the site in relation to the parent consent. The terms of the planning	Section 2.3

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		agreement were negotiated and agreed by Westgate BJ Pty Ltd and Council on 21 March 2023 and were subsequently varied in tandem with the amending DA. The amended planning agreement (VPA-194) has been executed, registered and the relevant Bank Guarantee collected. This VPA includes the relevant measures to ensure ongoing management of the public plaza by the body corporate.	
	(r) Any land dedicated for public use must only be used for public use and cannot be used for vehicle access, garbage truck access or space required for the operation or maintenance of the towers.	Public access across the through-site link is being managed under the Planning Agreement which has been executed and registered on the site in relation to the parent consent. The terms of the planning agreement were negotiated and agreed by Westgate BJ Pty Ltd and Council on 21 March 2023 and were subsequently varied in tandem with the amending DA. The amended planning agreement (VPA-194) has been executed, registered and the relevant Bank Guarantee collected. This includes dedication and access arrangements.	Section 2.3
6.4.1 Waste General	(a) The Site Waste & Recycling Management Plan (SWRMP) is to be submitted in accordance with the Waverley Development Application Guide.	Refer to the Waste Management Plan, Appendix BB.	Appendix BB
	(b) Waste storage space is to be designed with flexibility to accommodate a future change in use to a use with a higher waste generation rate.	Refer to the Waste Management Plan, Appendix BB.	Appendix BB
6.4.2 Waste Amenity	(a) Waste and recycling storage areas must be visually and physically integrated into the design of the space.	Refer to the Waste Management Plan, Appendix BB.	Appendix BB
	(b) Waste and recycling storage areas must be designed and located to avoid adverse impacts on the amenity of adjoining sites including noise, odour and visual impacts.	Refer to the Waste Management Plan, Appendix BB.	Appendix BB
	(c) All public place waste and recycling receptacles must align with council's Public Domain Technical Manual.	Refer to the Waste Management Plan, Appendix BB.	Appendix BB
6.4.3 Waste Access and Collection	(a) On-site waste collection is to be accommodated within a basement or at grade within the buildings from a dedicated collection point or loading bay that does not	Refer to the Waste Management Plan, Appendix BB.	Appendix BB

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	impede pedestrian or vehicle movement within the development.		
	(b) The on-site waste collection point is to be of a sufficient size to store all bins to be collected without interruption to the functioning of the development.	Refer to the Waste Management Plan, Appendix BB.	Appendix BB
6.4.4 Waste Ongoing Management	(a) Ongoing management of the area is to be in accordance with the approved site waste and recycling management plan (SWRMP) of each development in the area to ensure that appropriate waste and recycling services are provided.	Refer to the Waste Management Plan, Appendix BB.	Appendix BB
	(b) The SWRMP must be re-evaluated every 5 years and amended with relevant information.	Refer to the Waste Management Plan, Appendix BB.	Appendix BB
	(c) Waste generated by a development must not exceed the maximum permitted generation rates for each building's use.	Refer to the Waste Management Plan, Appendix BB.	Appendix BB
6.5 Access and Parking	(a) Osmond Lane is to be retained as a 7.0 metre local access lane with "No Parking" restrictions on both sides.	Complies Osmond Lane will be retained as a 7.0 metre local access lane with "No Parking" restrictions on both sides.	Appendix B
	(b) Access to and from Osmond Lane at Nelson Street is to be left-in left-out with enforcement by signs or a central raised median on Newland Street.	Access to and from Osmond Lane at Nelson Street is being managed as part of the parent consent. No change is proposed under the SSDA.	N/A
	(c) The pedestrian bridge over Syd Einfeld Drive and ramps/stairs is to be retained. The bridge should be easily accessible from the site and the pedestrian and cycleway through site links.	Any pedestrian bridge over Syd Einfeld Drive is being managed as part of the parent consent. No change is proposed under the SSDA.	N/A
	(d) Resident parking should be provided on site	Complies All residential parking is proposed to be located on site.	Appendix B
	(e) The 3.5m road widening dedication along Oxford Street is not required for traffic related	No change to the road dedication and public street works are proposed at Oxford Street as part of this SSDA. This is being managed under the parent consent.	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	uses and as such can be allocated for other purposes.		
	(f) Resident parking for this development will not be included within area 22 of the Waverley Resident Planning Parking Scheme (RPPS).	Noted	N/A