

Appendix B – Statutory Compliance Table

1.0 State Legislation

Table 1 Compliance with State legislation

Statutory Requirement	Comment	EIS Reference	Appendix Reference
Environmental Planning and Assessment Act 1979 (NSW)			
Section 1.3 – Objectives of the Act			
The objects of this Act are as follows—	See below.		
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal enables the social and economic betterment of the community through the integration of commercial and residential land uses, including affordable housing.	Section 7.22	Appendix MM
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	Various ecologically sustainable development initiatives have been incorporated into the design of the proposal.	Section 4.14	Appendix BB Appendix CC
(c) to promote the orderly and economic use and development of land,	The proposal aligns with the economic vision of the Edgecliff Commercial Centre (ECC) Strategy.	Section 3.1.1	N/A
(d) to promote the delivery and maintenance of affordable housing,	The proposal involves the provision of affordable housing.	Section 4.5 Section 4.6	Appendix D Appendix QQ
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The site is not identified as having any biodiversity value requiring protection.	Section 7.23	Appendix NN
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal includes the refurbishment of the heritage item on the site and has been designed in accordance with the Connecting with Country framework and through meaningful engagement with Local Knowledge Holders.	Section 4.8 Section 7.6 Section 7.7	Appendix P Appendix Q Appendix R

Statutory Requirement	Comment	EIS Reference	Appendix Reference
Appendix S			
(g) to promote good design and amenity of the built environment,	The proposal provides a high level of amenity for the future residents and employees of the building and has been designed in accordance with feedback from the State Design Review Panel (SDRP).	Section 7.1 Section 7.2 Section 7.3 Section 7.4	Appendix E Appendix F Appendix G Appendix H
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The construction and maintenance of the proposed development will be in accordance with the prepared management plans.	Section 7.11 Section 7.21	Appendix O Appendix AA
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	This application is State significant but relies on the strategic direction provided by Woollahra Municipal Council.	Section 5.4 Section 5.5	N/A
(j) to provide increased opportunity for community participation in environmental planning and assessment	A community engagement process was undertaken prior to the lodgement of this application.	Section 1.5.2 Section 6.0	Appendix L
Section 4.15 - Evaluation			
(l) 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—	See below.		
(a) the provisions of—			
(i) any environmental planning instrument, and	This table outlines the relevant provisions of environmental planning instruments, provides a summary of compliance, and identifies where those provisions are addressed in the EIS and supporting documentation.	Section 5.5.1 Section 5.5.2 Section 5.5.3	N/A
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	N/A	N/A	N/A
(iii) any development control plan, and	As per Section 4.23 of the EP&A Act, a concept SSDA has been prepared concurrently and therefore the Woollahra	Section 5.5.4	N/A

Statutory Requirement	Comment	EIS Reference	Appendix Reference
	DCP does not apply. Notwithstanding, due regard to the DCP has been had as part of formulating the proposal.		
(iia) 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	A Voluntary Planning Agreement was executed between Council and Edgecliff Central Pty Ltd as per PP-2022-1646.	Section 3.3	N/A
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	Compliance with the EP&A Regulations is discussed below.	Section 5.5	N/A
(b) 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 proposed development will not result in any unacceptable adverse impact on the surrounding environment, subject to the proposed mitigation measures to minimise potential impacts.	Section 7.0	Appendix E Appendix M Appendix N Appendix T Appendix DD
(c) the suitability of the site for the development,	The proposed development is suitable for the site.	Section 8.6	N/A
(d) any submissions made in accordance with this Act or the regulations,	N/A	N/A	N/A
(e) the public interest	The proposed development is in the public interest.	Section	N/A
Section 4.23 - Concept development applications as alternative to DCP required by environmental planning instruments			
(1) However, if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land	The requirement for a DCP to be prepared under the Woollahra LEP is only in relation to obtaining the uplift provisions. Given DCPs do not apply to SSD, a concept SSDA has been prepared concurrently with this application. The detailed design scheme aligns with the concept scheme.	Section 5.6	N/A
(2) Any such concept development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations.			
Biodiversity Conservation Act 2016 (NSW)			
Section 7.9 - Biodiversity assessment for State significant development or infrastructure			
(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, and	As the site is not characterised by any substantial biodiversity, a Biodiversity Development Assessment Report Waiver has been prepared.	Section 7.23	Appendix NN

Statutory Requirement	Comment	EIS Reference	Appendix Reference
(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.			
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 the Environmental Planning and Assessment Act 1979, Division 5.2, that is required under Division 2 to be accompanied by a biodiversity development assessment report.	As the site is not characterised by any substantial biodiversity, a Biodiversity Development Assessment Report Waiver has been prepared by Ecoplaning.	Section 7.23	Appendix NN
(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.			
Environmental Planning and Assessment Regulation 2021 (NSW)			
Part 8 – Infrastructure and environmental impact assessment			
Part 8 includes relevant statutory requirements under:	The EIS contains all the required information in accordance with the <i>State significant development guidelines – preparing an environmental impact statement</i> , dated July 2022.	N/A	N/A
Division 2 Environmental assessment requirements for State significant development, designated development and activities.			
Division 5 Environmental impact statements.			

2.0 Environmental Planning Instruments

Table 2 Compliance with the relevant Environmental Planning Instruments

Statutory Requirement	Comment	EIS Reference	Appendix Reference
State Environmental Planning Policy (Planning Systems) 2021			
Section 2.6 – Declaration of State significant development			
(l) Development is declared to be State significant development for the purposes of the Act if—	See below.		
(b) the development is specified in Schedule 1 or 2.			
Schedule 1, Section 26A – Infill affordable housing			
(l) Development to which <i>State Environmental Planning Policy (Housing) 2021</i> , Chapter 2, Part 2, Division 1 applies if—	The proposed development involves infill affordable housing and exceeds the \$75 million threshold and is therefore considered as State significant development.	Section 4.1	Appendix PP
(a) the part of the development that is residential development has an estimated development cost of—			
(i) for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$75 million, or			
(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.	The proposed development is not prohibited under any other EPI.	Section 5.5	N/A
State Environmental Planning Policy (Transport and Infrastructure) 2021			
Section 2.118 Development on proposed classified roads			
(l) Consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land is declared to be a classified road) may be granted only with the concurrence of TfNSW—	As a portion of the site is reserved for the purpose of a classified road and the estimated development cost exceeds \$185,000, consent may only be granted with the concurrence of Transport for NSW.	Section 7.8	N/A
(b) development with an estimated development cost greater than \$185,000.			
(3) In deciding whether to grant concurrence to proposed development under this section, TfNSW must take the following matters into consideration—	See below.		
(a) the need to carry out development for the purposes of a classified road or a proposed classified road,	The proposed development is not for a classified road.		

Statutory Requirement	Comment	EIS Reference	Appendix Reference
(b) the imminence of acquisition of the land by TfNSW,	The portion of the site impacted by the land reservation is currently occupied by the heritage item at 136 New South Head Road.		
(c) the likely additional cost to TfNSW resulting from the carrying out of the proposed development.	There's no additional cost to TfNSW.		
Section 2.119 Development with frontage to classified roads			
(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—	Vehicular access is provided from Darling Point Road, and not New South Head Road which is deemed as a classified road.	Section 4.10.1	Appendix U
(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and			
(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—	The proposed development will not generate any adverse impacts to the role or operation of New South Head Road.	Section 4.10 Section 7.9	Appendix O Appendix U Appendix V
(i) the design of the vehicular access to the land, or			
(ii) the emission of smoke or dust from the development, or			
(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and			
(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	Traffic noise impacts from New South Head Road and Darling Point Road have been analysed, with treatments to be integrated into the design to ensure compliance with Transport & Infrastructure SEPP requirements.	Section 7.15	Appendix DD
Section 2.120 Impact of road noise or vibration on non-road development			
(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—	Subject to the implementation of mitigation measures during the detailed design stage of the proposal, the development is capable of achieving the relevant noise criteria.	Section 7.15	Appendix DD
(a) residential accommodation,			
(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—			

Statutory Requirement		Comment	EIS Reference	Appendix Reference
(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,				
(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.				
Section 2.122 – Traffic generating development				
(l) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—		See below.		
(a) new premises of the relevant size or capacity, or				
Schedule 3 – Traffic-generating development to be referred to TfNSW				
Purpose of development	Size or capacity threshold	The proposal is traffic generating development due to the two retail premises on the site and the consent authority is required to provide Transport for NSW with written notice.	Section 5.4	Appendix D
Car parks	50 or more car parking spaces			
State Environmental Planning Policy (Housing) 2021				
Chapter 2 Affordable Housing				
Section 15C – Development to which this division applies				
(l) This division applies to development that includes residential development if—		See below.		
(a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument, and		The proposed development is permitted with consent under the Woollahra LEP.	Section 5.5.1	N/A
(b) the affordable housing component is at least 10%, and		At least 10% of the GFA is proposed as the affordable housing component.	Section 4.6	Appendix D
(c) all or part of the development is carried out—		The site is located in Edgecliff which is located within the Eastern Harbour City as per the Greater Sydney Region Plan.	Section 2.1	N/A
(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or				
(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.				
Section 16 – Affordable housing requirements for additional floor space ratio				

Statutory Requirement	Comment	EIS Reference	Appendix Reference
(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).	The amount of GFA allocated affordable housing is 1,702m², which equates to 15% of the total GFA being 11,349m². Therefore, the amount of affordable GFA meets the 15% required to permit the 30% height and FSR bonus pursuant to Chapter 2 of the Housing SEPP.	Section 4.6 Section 5.5.2	Appendix D Appendix I
(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows— $\text{affordable housing component} = \frac{\text{additional floor space ratio (as a percentage)}}{2}$	The proposed GFA is 11,349m² which equates to a total FSR of 6.65:1 (or 33% above the maximum permissible under WLEP). The difference equates to 260m² which is entirely attributable to the technical requirement to exclude the 40m² land reservation from the site area when calculating the maximum permissible GFA using an FSR of 6.5:1. A Clause 4.6 Variation Request has been submitted at Appendix I to vary to the maximum FSR permissible under clause 6.11(3) of the Woollahra LEP and Section 16(1) of the Housing SEPP.		
(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).	The proposed development is for shop top housing. The proposed development is eligible for an additional 30% above the maximum building height under the Woollahra LEP.	Section 5.5.2	N/A
Section 19 – Non-discretionary development standards – the Act, s4.15			
(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	Noted.		
(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—	See below.		
(a) a minimum site area of 450m²,	The area of the site is 1,746m².	Section 4.1	Appendix J
(b) a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area,	Due to the highly urban context, it is not feasible to provide 30% of the site area as landscaping. Notwithstanding, the proposal includes a total landscaped area of 1,543m², therefore contributing the visual and environmental amenity of the site.	Section 4.11	Appendix H

Statutory Requirement	Comment	EIS Reference	Appendix Reference
(e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	The proposed development utilises the non-discretionary parking rates to calculate the required amount parking spaces based on the dwelling mix for the affordable housing component. The proposed development includes 11 parking spaces located on the Level 1 carpark and is therefore compliant with the relevant parking requirement (noting one of the spaces is provided as a visitor space as required by the CHP).	Section 4.10.1	Appendix D Appendix U
(f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	The proposed development utilises the non-discretionary parking rates to calculate a required amount of 63 car parking spaces based on the dwelling mix for market dwellings. Accordingly, the proposed development includes 63 car parking spaces located across all levels of the carpark.	Section 4.10.1	Appendix D Appendix U
(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	The proposed development meets the minimum internal areas stipulated in the Apartment Design Guide (ADG).	Section 7.3	Appendix G
Section 20 – Design requirements			
(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—	The precinct is planned to undergo transition in accordance with the ECC Strategy. The proposed development is compatible with the desired future character of the site as described in the ECC Strategy.	Section 7.2.4	N/A
(a) the desirable elements of the character of the local area, or			
(b) for precincts undergoing transition—the desired future character of the precinct.			
Section 21 - Must be used for affordable housing for at least 15 years			
(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—	The affordable housing component will be managed by a registered community housing provider (CHP) for at least 15 years commencing on the day an occupation certificate is issued for the development.	Section 7.3.3	Appendix QQ
(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and			
(b) the affordable housing component will be managed by a registered community housing provide			

Statutory Requirement	Comment	EIS Reference	Appendix Reference
Chapter 4 – Design of residential apartment developments			
Section 144 – Application of chapter			
(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.	The development is for the purpose of a mixed use development that does not involve boarding houses or co-living, and therefore this section applies.	Section 4.1 Section 4.5 Section 4.9	Appendix D Appendix E
(2) 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	The proposed development involves the erection of a new building.		
(b) the building is at least 3 storeys, not including underground car parking storeys, and	The proposed building exceeds three storeys.		
(c) the building contains at least 4 dwellings.	The proposed development contains more than four dwellings.		
Section 148 – Non-discretionary development standards for residential apartment development – the Act, s4.15			
(2) The following are non-discretionary development standards—	See below.		
(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,	The amount of carparking proposed is equal to, or greater than the minimum amount of carparking specific in Part 3J of the Apartment Design Guide.	Section 4.10 Section 7.9	Appendix U
(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,	The internal area for each apartment is equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide.	Section 7.3	Appendix D Appendix G

Statutory Requirement	Comment	EIS Reference	Appendix Reference
(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.	The ceiling heights for each apartment is equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	Section 7.3	Appendix D Appendix G
State Environmental Planning Policy (Resilience and Hazards) 2021			
Section 4.6 – Contamination and remediation to be considered in determining development applications			
(1) A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, and (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 (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.	The suite of assessments and plans collectively demonstrate that the site can be made suitable for the proposed mixed-use development.	Section 7.19	Appendix FF Appendix GG Appendix LL
(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.			
(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.			
State Environmental Planning Policy (Sustainable Buildings) 2022			
Section 2.1 – Standards for BASIX development and BASIX optional development			
(1) Schedule 1 sets out the standards that apply to BASIX development referred to in paragraphs (a) and (b) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021.	The proposed development aligns with the definition of a BASIX building as it involves the erection of a BASIX building which means a building that contains at least one dwelling.	Section 5.5.3	Appendix BB Appendix CC

Statutory Requirement	Comment	EIS Reference	Appendix Reference
(5) Development consent must not be granted to development to which the standards specified in Schedules 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.	The provisions of <i>Schedule 1 – Standards for erection of BASIX buildings</i> have been considered and implemented in the design of the proposed development.		
Woollahra Local Environmental Plan 2014			
Section 2.3 – Zone objectives and land use table			
(1) Objectives of zone - To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities. - To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. - To minimise conflict between land uses within this zone and land uses within adjoining zones. - To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. - To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area. - To ensure development is of a height and scale that achieves the desired future character of the centre. - To maximise public transport patronage and encourage walking and cycling. - To encourage the retention and planting of trees and other vegetation as part of development to minimise the urban heat island effect and to improve microclimates.	The proposal is consistent with the objectives of the MUI zone in that: The proposal is consistent with the objectives of the MUI zone in that: - It is a truly mixed-use development integrating retail, commercial and residential (affordable and market) land uses. - The two retail tenancies, and through site link will activate New South Head Road ground plane. - The scale of the proposed development is compatible with the desired future character. - The location enables future residents and employees to easily access the site via public transport. - The landscape design will embellish the built form and provide high quality communal areas for residents	Section 2.2 Section 4.5 Section 4.9 Section 4.11 Section 5.5.1	Appendix E
(3) Permitted with consent Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Dwelling houses; Entertainment facilities; Environmental facilities; Environmental protection works; Function centres; Home occupations (sex services); Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Sex services premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals	The site is zoned MUI Mixed Use, and the proposed land uses of the site comprise: - Commercial premises, - Retail premises, and - Shop top housing. These land uses are permitted with consent in the MUI zone.	Section 5.5.1	N/A

Statutory Requirement	Comment	EIS Reference	Appendix Reference
Section 2.7 Demolition requires development consent			
The demolition of a building or work may be carried out only with development consent.	Development consent is sought for the demolition of the buildings at the following addresses in accordance with the existing development on the site: • 136 New South Herad Road (non-significant heritage fabric only) • 138 – 140 New South Head Road, • 142 – 144 New South Head Road, and • 146 – 148 New South Head Road.	Section 4.7	Appendix D
Section 4.3 Height of buildings			
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	The site is subject to a site-specific height standard.	N/A	N/A
Section 4.4 Floor Space Ratio			
(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	The site is subject to a site-specific floor space ratio standard.	N/A	N/A
Section 4.6 – Exceptions to development standards			
(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	A small portion of the site (40m ²) located at 136 New South Head Road (on the corner of New South Head Road and Darling Point Road), is subject a potential future acquisition by Transport for NSW for the intended use of widening New South Head Road. This area of the site is technically unable to be used when calculating the maximum GFA for the proposed development. As a result, an administrative Clause 4.6 Variation Request has been prepared to capture the additional GFA that is excluded due to the road acquisition.	Section 7.8	Appendix I Appendix E
(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—			
(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and			
(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.			
Section 5.1A – Development on land intended to be acquired for public purposes			

Statutory Requirement		Comment	EIS Reference	Appendix Reference
(2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.		40m ² of the site is subject to a potential future acquisition for the purposes of road widening. No works are proposed within this area.	Section 7.8	Appendix I Appendix E
Land	Development			
Zone MU1 Mixed Use and marked "Classified Road"	Roads			
Section 5.10 – Heritage conservation				
(2) Development consent is required for any of the following—		See below.		
(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—		The existing development located at 136 New South Head Road is listed as local heritage item 238 in Schedule 5 of the Woollahra LEP.	Section 4.7 Section 7.6 Section 7.7	Appendix D Appendix Q Appendix R Appendix P
(i) a heritage item,				
(ii) an Aboriginal object,				
(iii) a building, work, relic or tree within a heritage conservation area,		This proposal involves the restoration of this building to accommodate a retail tenancy, and therefore development consent is sought for the structural alteration of the internal fabric of the building.		
(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,				
(1) The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6)				
Section 5.21 – Flood Planning				
(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—		The site is in a located within a Low Flood Risk Precinct and the site is not sensitive to climate change or blockage of underground infrastructure.	Section 7.18	Appendix HH Appendix II
(a) is compatible with the flood function and behaviour on the land, and				
(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and		Notably, the proposed approach to flood management is consistent with the studies undertaken for the Paddington catchment area.		

Statutory Requirement	Comment	EIS Reference	Appendix Reference				
(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.	Given compliance with the relevant flood-related standards and requirements of Woollahra Council and the NSW Floodplain Development Manual, the flood impact is considered to be acceptable and further mitigation measures are not required.						
(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development, (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.							
Section 6.1 – Acid sulfate soils							
(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. <table><tr><th>Class of land</th><th>Works</th></tr><tr><td>5</td><td>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td></tr></table>	Class of land	Works	5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	The site is within an area that is not associated with a risk of occurrence of acid sulphate soils. The nearest area associated with a risk of occurrence of acid sulfate soils ('disturbed terrain') is located approximately 200 metres to the south-west of the site."	Section 7.16	Appendix EE
Class of land	Works						
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.						
Section 6.2 Earthworks							
(3) In deciding whether to grant development consent for earthworks and associated construction dewatering (or for development involving ancillary earthworks), the consent authority must consider the following matters—	Some site levelling is proposed to facilitate the proposal. Reports have submitted with the EIS assess the impacts of the proposed site levelling as it relates to the	Section 7.16 Section 7.19 Section 7.21	Appendix EE Appendix II Appendix KK				

Statutory Requirement	Comment	EIS Reference	Appendix Reference
(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity and structural integrity of surrounding properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	considerations under clause 6.3(3) and propose mitigation measures where required.		Appendix P Appendix R
Section 6.11 – Development on land at 136-148 New South Head Road, Edgecliff			
(1) The objectives of this clause are as follows—	See below.		
(a) to allow higher density development on certain land in Edgecliff,	The proposed development will facilitate higher density development on the site that is subject to this clause.	Section 5.5.1	Appendix D Appendix E Appendix I
(b) to ensure the development reflects the desired character of the area and exhibits design excellence,	The built form, massing and proposed land uses are permissible with consent and are consistent with the desired character envisaged by the site specific LEP provisions and the Housing SEPP affordable housing provisions. The building has been designed by Tzannes with landscaping by Oculus. Over the past 40 years, Tzannes has been recognised with over 200 international, national and state design excellence awards.		
(c) to provide for non-residential floor space and diverse housing.	The proposed development accommodates a mix of commercial and retail floor space, and affordable and market housing in a range of apartment sizes.		
(2) This clause applies to land identified as “Area 1” on the <i>Key Sites Map</i> .	The site is shown as Area 1 on the Key Sites Map.		
(3) A building resulting from development on land to which this clause applies may have a floor space ratio of up to 5:1 and a building height of up to 46m if the consent authority is satisfied of the following—	The maximum FSR for the site under clause 6.11(3) is 5:1 which increases to 6.5:1 with the inclusion of the Housing SEPP bonus. This equates to a total GFA of 11,076m ² . The proposed GFA is 11,349m ² which equates to a total FSR of		

Statutory Requirement	Comment	EIS Reference	Appendix Reference
	6.65:1. The difference equates to 260m ² which is entirely attributable to the technical exclusion the 40m ² land reservation from the site area when calculating the maximum permissible GFA using an FSR of 6.5:1. A Clause 4.6 Variation Request has been submitted as Appendix I.		
(a) all lots comprising the land are consolidated into a single lot (the consolidated lot),	This application includes lot amalgamation to consolidate the five lots into a single lot.		
(b) development on the consolidated lot will be the result of a single development application,	This SSDA is a single development application for the detailed development of the consolidated lot. A concurrent Concept SSDA has been lodged to satisfy sub clause 6.11(4) below. .		
(c) there will be no vehicular access between New South Head Road and the consolidated lot,	Vehicular access is provided via Darling Point Road.		
(d) the non-residential floor space ratio of the building will be at least 1:1 and no more than 2:1.	The non-residential floor space is 1,747m ² . This equates to an FSR of 1.0:1.		
(4) Subclause (3) applies only if a development control plan that provides for the following matters has been prepared for the land— (a) building envelopes and built form controls, including storeys and setbacks and provision for a podium and tower, (b) a mix of apartment types, including the number of bedrooms in each apartment, (c) conservation of heritage items on the consolidated lot, (d) appropriate car parking and vehicle access arrangements.	As per Section 4.23 of the EP&A Act, in lieu of a site-specific DCP a concept SSDA was lodged concurrently with this detailed SSDA. The Concept SSDA provides for the matters required by 6.11(4)(a)-(d). It is noted that Council adopted the Draft DCP for 136-148 New South Head Road, Edgecliff on 26 November 2024. The proposal is consistent with objectives of the DCP as outlined in the EIS.	Section 5.6	N/A
(6) Development consent must not be granted to development on land to which this clause applies unless— (a) a design review panel has reviewed the development, and (b) the consent authority considers the advice of the design review panel, and (c) the consent authority is satisfied the development exhibits design excellence.	The SDRP considered the proposed development on 2 October 2024 and provided advice on 9 October 2024. A further second SDRP meeting is planned to occur in March 2025.	Section 6.0 Section 7.1	Appendix E Appendix L
(7) In deciding whether the development exhibits design excellence, the consent authority must consider the following—	See below.		

Statutory Requirement	Comment	EIS Reference	Appendix Reference
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	Tzannes have prepared a comprehensive Architectural Design Report that explains and illustrates in detail how the architecture has been shaped to achieve design excellence. The design embeds the projects Connecting with Country principles into the architecture, materials and place creation. The podium and tower architecture provide a cohesive response to the site's context, characteristics and planning controls. The proposed materiality – a combination of brickwork, concrete, bronze, steel, aluminium and glass will ensure that the facades are high quality and expressive.	Section 4.13 Section 7.1	Appendix D Appendix E
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The site is currently a series of buildings that relate poorly to each other and the contemporary conditions along New South Head Road and Darling Point Road. The form of the proposal will significantly improve the quality of the public domain by providing a consistent and activated four storey street wall to New South Head Road, and by providing a new publicly accessible through site link that will enable the retained heritage item to be experienced in the round. The tower is setback from the podium to provide visual relief to public domain. Further relief and interest will be provided by the architectural expression and articulation of the facades.	Section 4.11 Section 4.12 Section 7.3	Appendix E Appendix H
(c) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The proposed cantilever above the heritage building is limited to a third of the heritage floor plate. The southwest face of the tower is shaped in response to the heritage building and street intersection below. The tower adopted a significant recess to the southwest to allow for clear reading of the heritage building from the street.	Section 7.2 Section 7.2.3	Appendix E
(d) whether the building resulting from the development will incorporate sustainable design principles, including in relation to the following— (i) sunlight, (ii) natural ventilation, (iii) wind,	The proposed development exhibits a high standard of residential amenity for the future residents in both the market and affordable dwellings.	Section 7.3 Section 7.4	Appendix D Appendix E Appendix G Appendix M Appendix X

Statutory Requirement	Comment	EIS Reference	Appendix Reference
(iv) reflectivity, (v) visual and acoustic privacy, (vi) safety and security, (vii) resource, energy and water efficiency,			Appendix BB
(e) whether the proposed development will detrimentally impact the following— view corridors and landmarks, (i) pedestrian, cycle, vehicular and service access, (ii) circulation requirements, including the permeability of the pedestrian network,	The proposed development will not detrimentally impact the view corridors of pedestrians, as it will instead improve the capacity of pedestrians to navigate the building.	Section 7.5 Section 7.9.5	Appendix W Appendix N
(f) the impact of the development on the public domain,	The proposal will have a positive impact. It will increase activation and vibrancy in the public domain for the following reasons: • It will rejuvenate the heritage item and deliver active frontages to New South Head Road. • The renewal of the site will increase pedestrian activity in the ECC. • Multiple lobbies for the range of uses will create a safe and secure ground plane by creating ongoing passive surveillance. • The publicly accessible through site link will be a sculpted space that will visually interesting and pleasant public domain experience. New openings to the rejuvenated heritage building will interact with the through site link.	Section 4.11 Section 4.12 Section 7.3	Appendix E Appendix H
(g) whether there are appropriate interfaces at ground level between the buildings and the public domain,	The proposed ground plane will provide a highly activated public domain interface to New South Head Road and Darling Point Road. The combination of retail frontages, lobbies, and the through site link will ensure a dynamic relationship between the public domain and the building.	Section 7.2.3	Appendix E
(h) whether the development will include a mix of retail, commercial and residential uses.	The development will include retail use on the ground floor, commercial in the podium and affordable and market residential apartments in the tower	Section 4.5	Appendix E