

Appendix C – Statutory Compliance Table

Statutory Reference	Relevant Considerations	Relevance	Reference
Environmental Planning and Assessment Act 1979			
Section 1.3	<i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal redevelops a currently underutilised site. As identified in the Social Impact Assessment (Appendix NN), the proposal will create social and economic benefits to the community. The EIS and accompanying technical reports provide detailed environmental, economic, and social assessments that have informed the design of the proposal and ensure its suitability for the site. Mitigation measures will be implemented to manage the social and economic welfare of the community during construction phases and the ongoing operation of the development.	Section 4
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposal 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>. The ESD Report (Appendix HH) and the Section J Analysis Report (Appendix II) identify how ESD best practice principles are incorporated into the design and ongoing operation of the proposed development and how the development will exceed relevant industry recognised building sustainability and environmental performance standards.	
	<i>To promote the orderly and economic use and development of land</i>	The proposed development responds to the State's growing population and the need to boost housing	

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		diversity and housing supply (both affordable and market housing) in accessible locations.	
		The proposal has been informed by detailed site and local context analysis and environmental assessment against relevant strategic and statutory planning policies to promote the orderly and economic use and development of the land.	
	<i>To promote the delivery and maintenance of affordable housing,</i>	The proposal will deliver 60 affordable housing units at a well-connected location and make a significant contribution to City of Sydney LGA's housing targets.	
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	A BDAR Waiver was issued by the Department of Climate Change, Energy, the Environment and Water (DCCEE) on 2 September 2025 (Appendix KK). The BDAR Waiver confirms the development is unlikely to have any significant impact on biodiversity values.	
	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	An Aboriginal Objects Due Diligence Assessment (Appendix SS) has been prepared as well as a Heritage Impact Statement (Appendix PP) to assess the impact on surrounding heritage.	
	<i>To promote good design and amenity of the built environment,</i>	The original concept envelope under the site subject to a competitive design process, including an architectural design competition undertaken in 27 May 2024. Following the endorsement of the 30% infill affordable housing uplift under the Housing SEPP, a Bridging Design Excellence Strategy was held in April 2024 in lieu of commencing a new competition. The DIP has reviewed the SSDA proposal and confirmed that the scheme maintains the supported design elements within the Design Competition scheme. The design excellence process is detailed in the Design Competition Report (Appendix N) and the Design Integrity Panel Report (Appendix XX).	

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		The DIP Reports outline the DIP's requests for clarification and recommend for further design refinements during the DIP two formal DIP sessions. These matters for consideration are detailed in Section 6.1.1 of the EIS.	
	<i>To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The construction of buildings will have regard to the requirements of the BCA and NCC.	
	<i>To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	It is expected the SSDA will be referred to City of Sydney Council, TfNSW and any other relevant agencies as part of the exhibition process. Any comments from Council will be considered and addressed in the proponent's response to submissions report	
	<i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	As detailed in Section 5 of the EIS, community and stakeholder engagement has been undertaken during the preparation of the SSDA. Through the public exhibition phase, there will be further opportunities for community and stakeholders to respond to the proposed development. The applicant will respond to any concerns raised following the public exhibition of the SSDA.	
Section 4.15	Relevant environmental planning instruments: - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Housing) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022	See detail below under State Environmental Planning Policies (SEPPs).	Section 4

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	Sydney Local Environmental Plan (SLEP) 2012		
	Draft environmental planning instruments	No draft EPI's have been identified as relevant to this application.	N/A
	Relevant planning agreement or draft planning agreement	A Voluntary Planning Agreement for the site already exists and has been executed. The existing VPA will be amended to reflect the future consent for SSDA.	Section 2.3
	Environmental Planning and Assessment Regulation 2021 – Schedule 2	This EIS has been prepared in accordance with Schedule 2 of the Regulations.	Section 4
	Development control plans: <i>Sydney Development Control Plan 2012</i>	Clause 2.10 of the Planning Systems SEPP provides that DCPs do not apply to SSDAs. As such, compliance with the Sydney DCP 2022 is not a mandatory consideration.	N/A
	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 likely impacts of the development including the environmental impacts on the natural and built environments, and social and economic impact on the locality are assessed in detail within the EIS.	Section 6
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS.	Section 7
	Any submission made	Submissions will be considered following exhibition of the application.	Section 7
	The public interest	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. On balance, the benefits of the development outweigh any adverse impacts, and the development is deemed to be in the public interest.	Section 7
Environmental Planning and Assessment Regulation 2021			

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Schedule 2	Schedule 2 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS has been prepared to address the requirements of Schedule 2 of the Regulations and SEARs.	
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.	A letter has been prepared by Bridge Housing, a registered Community Housing Provider confirming that subject to a property management agreement, Bridge Housing intends to manage the affordable housing dwellings at the site for 15 years in accordance with the Housing SEPP.	Appendix J
Section 173	Section 173 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS has been prepared to address the requirements of Clause 173 of the EP&A Regulation and SEARs.	Section 4
Section 193	Section 193 of the Regulations requires an assessment against the principles of ESD.	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 Appendix HH
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.	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.	Section 4.1.3 Appendix KK
State Environmental Planning Policies			
<i>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</i>	In accordance with Schedule 1, Section 26A of the Planning Systems SEPP, development to which: - Chapter 2, Part 2, Division 1 of the Housing SEPP applies; and - Has a Capital Investment Value of over \$75 million + (for the residential components) and; - Is not prohibited under an EPI applying to the land; and - Will provide at least 10% of the residential component as affordable housing for at least 15 years	The residential component of the proposal has an estimated EDC of \$415,794,759 The proposed use 'mixed use development' is permitted with development consent in the MU1 (Mixed Use) zone under the Sydney LEP 2012. The proposal also provides 15% affordable housing and meets the locational criteria of the Housing SEPP. Therefore, the proposal qualifies as SSD.	Section 3 and Appendix H

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	Is classified as State Significant Development.		
<i>State Environmental Planning Policy (Housing) 2021</i>	Chapter 2 Affordable Housing, Division 1, Section 15C The in-fill affordable housing provisions of the Housing SEPP apply to development that includes residential development if – - 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	The proposed land uses are permitted with consent under the SLEP. At least 10% of the total GFA is proposed to be affordable housing. The site is approximately 500 metres from Kings Cross Station and meets the ‘accessible area’ threshold.	Section 1.2.4
	Section 16 Affordable housing requirements for additional floor space ratio 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).	15% of the total GFA proposed is provided as affordable housing. Therefore, the proposal seeks to utilise the 30% FSR bonus available. As the full 30% bonus FSR is permitted under Section 16 (1) and the development comprises residential development, a 30% height bonus is also applicable to the proposed development.	Section 1.2.4
	Non-discretionary development standards 19(2)(a) Minimum site area of 450m² 19(2)(b) minimum landscaped area that is the lesser of: 35m² 30% of the site area 19(2)(c) 15% deep soil zone, with: - Minimum dimensions of 3m 65% located at the rear of the site	The landscape design provides for 2,702sqm of landscaped area which complies a compliant outcome with the 30% requirement which is equal to 1,919.4sqm. The proposed development provides 826sqm of deep soil area which falls just short of the required provision of 959.7sqm. Notwithstanding, a significant portion of deep planting is at rear of the site and has a dimension of 3m.	Section 3.1.1 Appendix EE
	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	The Architectural Design Report indicates that 71.4% of the apartments will receive at least 2 hours of solar access, which exceeds the 70%	Section 6.1.3

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		requirement set by the Apartment Design Guide (ADG).	
	19(2)(e) car parking for affordable housing dwellings: 1 bedroom: 0.4 parking spaces 2 bedroom: 0.5 parking spaces 3 bedroom: 1 parking space	The proposed development provides for 42 1-bedroom affordable housing units 18 2-bedroom affordable housing units In accordance with the minimum rate of the Housing SEPP, 26 parking spaces are required. The proposed development provides 26 affordable parking spaces, therefore demonstrating compliance.	Section 6.1.8 Appendix T
	19(2)(f) car parking for non-affordable housing dwellings: 1 bedroom: 0.5 parking spaces 2 bedroom: 1 parking spaces 3 bedroom: 1.5 parking space	The proposed development provides for: 12 1-bedroom units 53 2-bedroom units 102 3+ bedroom units In accordance with the minimum rate of the Housing SEPP, 238 parking spaces are required. The proposed development provides 289 space, therefore demonstrating compliance.	Section 6.1.8 Appendix T
	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 the desirable elements of the character of the local area, or for precincts undergoing transition—the desired future character of the precinct.	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.	Appendix L
	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	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.	Section 1.2.4 Appendix J

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	affordable housing component will be managed by a registered community housing provider.		
	Chapter 4 Design of Residential Apartment Development 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,	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 FJC Architects. The assessment demonstrates that the proposal achieves a high level of consistency with the key numerical requirements of the ADG including: ▪ Solar and daylight access. ▪ Natural ventilation. ▪ Apartment size and layout. ▪ Ceiling heights. ▪ Private open space and balconies. ▪ Communal Open Space. ▪ Visual Privacy. ▪ Storage.	Section 6
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</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.	Potential sources of contamination exist at the site but subject to the recommendations and the Remedial Action Plan (RAP), the site can be made suitable for the proposed mixed-use development outcome. Under the SEPP a consent authority must be 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.	Section 6.2 Appendix DD
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)</i>	State Environmental Planning Policy (Transport and Infrastructure) 2021	Clause 2.119 relates to development with frontage to a classified road. The consent authority must not grant consent to development unless it is satisfied that where practicable and safe, vehicular access is provided by a road other than a classified road and that the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development. The site is accessed via Forbes Street.	Section 6.1 Appendix T

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	2.119 Development with frontage to classified road	Clause 2.120 relates to the impact of road noise or vibration on non-road development. The consent authority must be satisfied that appropriate measures will be taken to ensure that the relevant LAeq levels are not exceeded for development for the purposes of residential accommodation. The noise and vibration impact assessment confirmed that the residential component of the development is capable of achieving the relevant acoustic requirements, subject to mitigation measures and the inclusion of plenums, where required.	Section 6.1 Appendix T
	2.120 Impact of road noise or vibration on non-road development	Clause 2.122 relates to traffic generating development and requires that before granting consent the consent authority must refer certain development for with access to any road to Transport for NSW. The proposed development is considered traffic generating development.	Section 6.1 Appendix T
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP)</i>	A permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold.	As this project requires consent under the EP&A Act, the Vegetation SEPP is not relevant.	N/A
<i>State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)</i>	The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings and to ensure consistent assessment of the sustainability of buildings.	Chapter 2, Part 2.1(5) requires that development consent must not be granted for BASIX development unless the consent authority is satisfied that embodied emissions attributable to the development have been quantified. A BASIX certificate and NABERS has been prepared and submitted with the application.	Section 6.2 Appendix HH
Sydney Local Environmental Plan 2012			
Zoning and Land Use	The proposed development involves a mixed-use development with in-fill affordable housing which is a permissible use with consent in the MU1 Mixed Use Zone. The objectives of the MU1 Mixed Use zone are:	The proposal is entirely consistent with the objectives of the zone given:	

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	▪ 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 ensure land uses support the viability of nearby centres. ▪ To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.		
4.3 Height of Buildings	The site is subject to a split height of building control. ▪ 22m to the north. ▪ 35m to the south. (Note: Housing SEPP allows 30% increase)	The proposed development exceeds the permissible height control (inclusive of the available 30% uplift under the Housing SEPP) by 20m at its highest point. A Clause 4.6 variation report has been prepared to address the proposed variation and is available at Appendix F.	Section 3 and Appendix F
4.4 Floor Space Ratio	The site is subject to a split FSR control. ▪ 3.5:1 ▪ 4:1 (Note: Housing SEPP allows 30% increase)	The proposed development exceeds the permissible FSR control (inclusive of the available 30% uplift under the Housing SEPP) by 57%. A Clause 4.6 variation report has been prepared to address the proposed variation and is available at Appendix G.	Section 3 and Appendix G

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5.10 Heritage Conservation	The objectives of the Clause are to conserve the environmental heritage of Willoughby and to conserve heritage significance of heritage items and heritage conservation areas. Development consent is required to <i>(a) demolish or move 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)</i> <i>(i) a heritage item,</i> <i>(ii) an Aboriginal object,</i> <i>(iii) a building, work, relic or tree within a heritage conservation area,</i>	The site is not a heritage item nor is it located within a heritage conservation area. However, the site borders the Woolloomooloo Heritage Conservation Area (HCA) and nearby to number of heritage items. A Heritage Impact Statement has been prepared by Urbis and accompanies this application and concludes the proposal avoids affecting nearby heritage items and conservation area.	Appendix PP Section 6.1.10
5.21 Flood Planning	The objectives of the Clause are 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) and to avoid adverse or cumulative impacts on flood behaviour and the environment.,	TTW undertook a Flood Impact and Risk Assessment to identify any flood risk in relation to the proposed development and surrounds. Post-development flood modelling found that the proposed works have negligible impacts to offsite flood conditions with no increase in the flood hazard on site.	Section 6.2 and Appendix OO
6.21C Design Excellence	<i>(1) Development consent must not be granted to development to which this Division applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence</i>	The original concept development application was subject to a competitive design process in accordance with the SLEP. In preparation of this SSDA, a bridging design integrity process was undertaken in collaboration with DPHI, GANSW and comprised members of the panel who formed part of the initial design excellence competition. Subsequent to this process the DIP endorsed the design that incorporates the 30% uplift and confirmed that the design continues to demonstrate design excellence in alignment with the winning scheme.	Appendix M Section 1.2.2
6.21D Competitive design process	1. Development consent must not be granted to the following development to which this Division applies unless a	As above.	Appendix M Section 1.2.2

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	competitive design process has been held in relation to the proposed development— a. development in respect of a building that has, or will have, a height above ground level (existing) greater than— i. 55 metres on land in Central Sydney, or ii. 25 metres on any other land, b. development having an estimated development cost of more than \$100,000,000, c. development in respect of which a development control plan is required to be prepared under clause 7.20, d. development for which the applicant has chosen such a process. 3. A building demonstrating design excellence— a. may have a building height that exceeds the maximum height shown for the land on the Height of Buildings Map by an amount, to be determined by the consent authority, of up to 10% of the amount shown on the map, or b. is eligible for an amount of additional floor space, to be determined by the consent authority, of up to 10% of— i. the amount permitted as a result of the floor space ratio shown for the land on— (A) for a building for which development consent is granted under clause 6.60B—the Alternative Floor Space Ratio Map—Employment Sites or the Alternative Floor Space Ratio Map—Affordable Housing Sites, or		

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	(B) otherwise—the Floor Space Ratio Map, and ii. any accommodation floor space or community infrastructure floor space for which the building is eligible under Division 1 or 2.		
7.13 Contribution for purpose of affordable housing	(b) for development applications lodged on or after 1 July 2022— (i) 3% of the total floor area of the development that is intended to be used for residential purposes, and (ii) 1% of the total floor area of the development that is not intended to be used for residential purposes.	The consent authority may impose a condition of consent requiring the dedication or payment of monetary equivalent to CoS Council, in accordance with the contributions scheme.	Section 4.3
7.14 Acid sulfate soils	Class 5	The site is identified as containing Class 5 acid sulphate soils and within 150m of a class 2. A review of the Australian Soil Resource Information System (ASRIS) Acid Sulfate Soil (ASS) map dataset as detailed within the geotechnical report prepared by Douglas and Partners concludes there is an extremely low probability of ASS at the site	Section 6.2 Appendix Y
7.19 Demolition must not result in long term adverse visual impact	<i>Development consent must not be granted to development involving the demolition of a building unless the consent authority is satisfied that—</i> <i>(a) any land affected by the demolition—</i> <i>(i) in the case of land to which any provision of Division 5 (Site specific provisions) of Part 6 applies—is subject to a site-specific development control plan, or</i> <i>(ii) in any other case—will be comprehensively redeveloped under the development consent (if granted) or under an existing development consent relating to the site, and</i> <i>(b) adequate measures will be taken to assist in mitigating any adverse visual impacts that may arise as a result of the</i>	Future demolition works will not result in long term adverse visual impacts on the surrounding locality. Ahead of demolition works commencing on site, the applicant is willing to accept a reasonable and relevant condition stipulating the requirement for a Construction and Demolition Management Plan.	N/A

Statutory Reference	Relevant Considerations	Relevance	Reference
	<i>demolition with regard to the streetscape and any special character area.</i>		