

Appendix M: Statutory Compliance Table

138 Maroubra Road, Maroubra

1.0 Acts and Regulations

Statutory Requirement	Response	EIS Section	Documentation
Environmental Planning and Assessment Act 1979			
Section 1.3 Objects of the Act			
<i>The objects of this Act are as follows–</i>			
<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,</i>	The proposed development promotes the social and economic welfare of the community by delivering 64 new dwellings including 13 affordable dwellings and a retail premises within an identified strategic centre. The proposed development will manage any potential impacts on the State’s natural and other resources through appropriate mitigation measures.	9.1	N/A
<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	Ecologically sustainable development initiatives are incorporated into both the architectural and operational aspects of the development.		
<i>(c) to promote the orderly and economic use and development of land,</i>	The proposed development promotes the orderly and economical use of the land by replacing a vacant commercial building with a mixed-use development comprising retail and residential land uses, that is of a scale as anticipated by the planning controls applying to the site and that is consistent with the NSW strategic planning framework.		
<i>(d) to promote the delivery and maintenance of affordable housing,</i>	The proposed development 13 affordable housing dwellings that will be managed for at least 15 years by a tier 1 community housing provider.		
<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	The proposed development is within an established urban area and it is not anticipated that the development have any impact on any threatened species of native animals and plants, ecological communities or their habitats.		

Statutory Requirement	Response	EIS Section	Documentation
<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	The proposed development does not unreasonable impact on any built or cultural heritage including Aboriginal cultural heritage.		
<i>(g) to promote good design and amenity of the built environment,</i>	The proposed development promotes good design and amenity of the built environment and satisfies key ADG design guidelines for solar access, cross ventilation, communal open space, private open space, storage and universal design.		
<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The proposed development will meet the relevant requirements of the BCA and comply with relevant legislation and the regulations to protect the health and safety of future occupants.		
<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	The proposed development is State Significant and the Minister or DPHI as delegate is the consent authority. Randwick Council will be notified of the proposed development during the exhibition process.		
<i>(j) to provide increased opportunity for community participation in environmental planning and assessment.</i>	The Applicant has undertaken pre-lodgement engagement with the community and the proposed development will be publicly notified during the exhibition period.		
Section 4.15 Evaluation			
<i>(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—</i>	As below.		
<i>(a) the provisions of—</i>			
<i>(i) any environmental planning instrument, and</i>	This statutory compliance table demonstrates compliance with relevant provisions of environmental planning instruments that apply to the project including the Randwick LEP and Housing SEPP.		This Appendix M
<i>(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</i>	There is no proposed instrument relevant to the proposed development.	N/A	N/A
<i>(iii) any development control plan, and</i>	Development control plans do not apply to State significant development pursuant to Section 2.10 of the Planning SEPP.	4.2, 8.2, 8.3, 8.4, 8.8	Appendix S – Urban Design Report

Statutory Requirement	Response	EIS Section	Documentation
	However, the Randwick DCP 2012 prescribes a building envelope at the site and neighbouring site to the west. This SSDA proposes a reasonable alternative to the prescribed DCP envelope, as addressed in the EIS and supporting technical documents.		
<i>(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</i>	No planning agreement is proposed to be entered into.	3.16	N/A
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	Addressed below.	N/A	This Appendix M
<i>(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,</i>	The likely impacts of the proposed development have been addressed in the EIS and in supporting technical documents. Mitigation measures have been proposed where required and the proposed development will not result in any unreasonable impacts on the surrounding natural and built environment. The proposed development will have a positive social and economic impact on the locality.	8.0, 8.18	EIS and Appendices
<i>(c) the suitability of the site for the development,</i>	The proposed development is suitable for the site.	9.6	N/A
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	Any submission made in accordance with the Act or the regulations during the exhibition period will be considered.	N/A	N/A
<i>(e) the public interest.</i>	The proposed development is in the public interest.	9.7	N/A
Biodiversity Conservation Act 2016			
Section 7.9 Biodiversity assessment for State significant development or infrastructure			
<i>(1) This section applies to—</i>	A letter issued by DPHI to the Applicant dated 11 July confirms that DPHI and DCCEEW consider that a Biodiversity Development Assessment Report (BDAR) is not required as the site is not likely to have any significant impact on biodiversity values.	N/A	Appendix AA
<i>(a) an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development, and</i>			
<i>(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.</i>			
<i>(3) The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the</i>			

Statutory Requirement	Response	EIS Section	Documentation
<p><i>environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.</i></p>			
Section 7.14 State significant development or infrastructure			
<p><i>(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.</i></p>	<p>As above, that a Biodiversity Development Assessment Report (BDAR) is not required as the site is not likely to have any significant impact on biodiversity values.</p>		Appendix AA
<p><i>(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.</i></p>			
<p><i>(3) If the Minister for Planning decides to grant consent or approval and the biodiversity offsets scheme applies to the proposed development, the conditions of the consent or approval may require the applicant to retire biodiversity credits to offset the residual impact on biodiversity values (whether of the number and class specified in the report or other number and class). The residual impact is the impact after the measures that are required to be carried out by the terms or conditions of the consent or approval to avoid or minimise the impact on biodiversity values of the proposed development.</i></p>	<p>The biodiversity offsets scheme does not apply to the proposed development.</p>		
<p><i>(4) A condition to retire biodiversity credits is required to be complied with before any development</i></p>	<p>A condition to retire biodiversity credits is not sought as part of this SSDA.</p>		

Statutory Requirement	Response	EIS Section	Documentation
<p><i>is carried out that would impact on biodiversity values. If the retirement of particular biodiversity credits applies to a stage of the development, compliance with the condition for their retirement is postponed until it is proposed to carry out that stage of the development.</i></p>			
<p><i>(5) This section does not operate to limit the matters that the Minister for Planning may take into consideration in relation to the impact of proposed development on biodiversity values, the measures that the Minister may require to avoid or minimise those impacts or the power of the Minister to refuse to grant consent or approval because of those impacts.</i></p>	Noted.		
<p><i>Part 8 Infrastructure and environmental impact assessment</i> <i>Division 2 Environmental assessment requirements for State significant development, designated development and activities – the Act, s 4.39, 4.64 and Div 5.1 SEARs were received SSD-77829461 dated 15 November 2024. The EIS has been prepared to address the SEARs. EIS and Appendices Appendix A EIS and Appendices</i> <i>Division 5 Environmental impact statements – the Act, s4.12(8), 5.7(1) and 5.16(2) The EIS contains all the required information in accordance with the State significant development guidelines – preparing an environmental impact statement, dated July 2022. EIS and Appendices EIS and Appendices</i></p>			
<p>Environmental Planning and Assessment Regulation 2021 (NSW)</p>			
<p>Part 8 Infrastructure and environmental impact assessment</p>			
<p><i>Division 2 Environmental assessment requirements for State significant development, designated development and activities – the Act, s 4.39, 4.64 and Div 5.1</i></p>	<p>SEARs were received SSD-81426710 dated 31 March 2025. The EIS has been prepared to address the SEARs.</p>	<p>EIS and Appendices</p>	<p>Appendix A EIS and Appendices</p>

Statutory Requirement	Response	EIS Section	Documentation
Division 5 Environmental impact statements – the Act, s4.12(8), 5.7(1) and 5.16(2)	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.	EIS and Appendices	EIS and Appendices

2.0 Environmental Planning Instruments

Statutory Requirement	Comment	EIS Section	Documentation
State Environmental Planning Policy (Planning Systems) 2021			
Section 2.6 Declaration of State significant development: section 4.36			
(1) <i>Development is declared to be State significant development for the purposes of the Act if—</i> (b) <i>the development is specified in Schedule 1 or 2.</i>	The development is specified as SSD under Section 27 In-fill affordable housing as noted below.		
Schedule 1, Section 26A – In-fill affordable housing			
(1) <i>Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—</i> (a) <i>the part of the development that is residential development has an estimated development cost of—</i> (i) <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,</i>	The proposed development involves in-fill affordable housing and exceeds the \$75 million threshold and is therefore considered as State significant development.	3.2	Appendix D
(b) <i>the development does not involve development prohibited under an environmental planning instrument applying to the land.</i>	The proposed development does not involve any development prohibited under an EPI.		
Section 2.10 Application of development control plans to State significant development			
(1) <i>Development control plans (whether made before or after the commencement of this Chapter) do not apply to—</i> (a) <i>State significant development,</i>	The proposed development is State significant development and therefore the Randwick DCP does not apply.	1.8, 4.0, 7.0	Appendix S
State Environmental Planning Policy (Housing) 2021			
Chapter 2, Part 2, Division 1 In-fill affordable housing			
Section 15C Development to which this division applies			
(1) <i>This division applies to development that includes residential development if—</i>	See below.		

Statutory Requirement	Comment	EIS Section	Documentation
<i>(a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument, and</i>	The development is permitted with consent under Randwick LEP 2012. Refer below assessment against relevant LEP considerations.	1.0	Appendix M
<i>(b) the affordable housing component is at least 10%, and</i>	The affordable housing component for the proposal is 15%.		
<i>(c) all or part of the development is carried out—</i>	See below.		
<i>(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</i>	The development is on land is in an accessible area within the Six Cities Region as defined in Schedule 10 of Housing SEPP. Refer to confirmation of accessible area below.		
<i>(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</i>			
<i>(2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.</i>	There is no requirement under another chapter of the Housing SEPP that requires affordable housing to be delivered. All affordable housing provided is per the provisions for infill affordable housing in Chapter 2.		
Section 18 Affordable housing requirements for additional building height			
<i>(1) This section applies to development that includes residential development to which this division applies if the development— (a) includes residential flat buildings or shop top housing, and (b) does not use the additional floor space ratio permitted under section 16.</i>	The proposed development includes a residential flat building and does not use the additional floor space ratio permitted under section 16.	1.0	
<i>(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).</i>	The LEP maximum permitted height is 25m. As the proposed development provides 15% of total GFA as infill affordable housing, 30% additional height can be utilised. This equates to 32.5m. The proposed development has a maximum building height of 32.5m and therefore is compliant with the maximum permitted height under s18(2).		
<i>(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows— affordable housing component = $\frac{\text{additional building height}}{\text{(as a percentage)}} \div 2$</i>			

Statutory Requirement	Comment	EIS Section	Documentation																				
Section 19 Non-discretionary development standards – the Act, s 4.15																							
(1) <i>The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i>	Noted.																						
(2) <i>The following are non-discretionary development standards in relation to the residential development to which this division applies—</i>	As below.																						
(a) <i>a minimum site area of 450m²,</i>	The site area is 1,518.5sqm	1.3.2	Appendix A																				
(b) <i>a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area,</i>	358sqm of landscaped area is provided, equivalent to 23.6% of the total site area. However the total landscaped communal open space is 821sqm, equivalent to 54% of the site area.	3.13, 8.8	Appendix I																				
(c) <i>a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</i>	No deep soil is provided, however the proposed development provides sufficient soil depths suitable for tree planting to the Level 2 and rooftop communal open spaces. This approach is suitable given the sites constraints and the proposed re-use of the existing basement level and footprint on the site.	3.13																					
(d) <i>living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</i>	74% of dwellings receive at least 3 hours of direct solar access.	8.4	Appendix E Appendix N																				
(e) <i>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,</i>	6 residential car parking spaces are proposed for affordable housing as required. <table border="1" data-bbox="862 1045 1433 1244"> <thead> <tr> <th>Beds</th> <th>Rate</th> <th>Units</th> <th>Req Parking</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>0.4</td> <td>7</td> <td>2.8</td> </tr> <tr> <td>2</td> <td>0.5</td> <td>6</td> <td>3</td> </tr> <tr> <td>3</td> <td>1</td> <td>0</td> <td>0</td> </tr> <tr> <td colspan="3">Total Req</td> <td>6</td> </tr> </tbody> </table>	Beds	Rate	Units	Req Parking	1	0.4	7	2.8	2	0.5	6	3	3	1	0	0	Total Req			6	8.12	Appendix H
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<p>(f) the following number of parking spaces for dwellings not used for affordable housing—</p> <p>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</p>	<p>53 residential car parking spaces are proposed for dwellings not used for affordable housing.</p> <table border="1"> <thead> <tr> <th>Beds</th> <th>Rate</th> <th>Units</th> <th>Req Parking</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>0.5</td> <td>20</td> <td>10</td> </tr> <tr> <td>2</td> <td>1</td> <td>8</td> <td>8</td> </tr> <tr> <td>3</td> <td>1.5</td> <td>23</td> <td>34.5</td> </tr> <tr> <td colspan="3">Total Req</td> <td>53</td> </tr> </tbody> </table>	Beds	Rate	Units	Req Parking	1	0.5	20	10	2	1	8	8	3	1.5	23	34.5	Total Req			53	8.12	Appendix H
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<p>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</p>	All apartments meet or exceed minimum internal area requirements per the ADG.	8.7	Appendix E Appendix C																				
Section 20 Design requirements																							
<p>(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—</p>	See below.																						
<p>(b) for precincts undergoing transition—the desired future character of the precinct.</p>	The precinct is Eastgardens-Maroubra Junction which is identified as a strategic centre in the NSW strategic planning framework. The centre is undergoing transition as a result of recent planning reform including the infill affordable housing provisions of the Housing SEPP, as well as the Low and Mid Rise Housing Policy which applies to land outside of the centre. The proposed development is compatible with the desired future character of the precinct, as established by all of the EPIs that apply to the land and mindful of the National Housing Accord housing target for Randwick LGA of 4,000 new dwellings by 2029.	8.2	Appendix S																				
Section 21 Must be used for affordable housing for at least 15 years																							
<p>(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—</p>	<p>Affordable housing will be provided for a period of at least 15 years and will be managed by a registered community housing provider.</p> <p>The development will include the affordable housing component required under section 18, being 15% to enable a 30% uplift in the permitted maximum height of building.</p>																						
<p>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</p>																							

Statutory Requirement	Comment	EIS Section	Documentation
<i>(b) the affordable housing component will be managed by a registered community housing provider.</i>			
Chapter 4 Design for residential apartment development			
Section 144 Application of chapter			
<i>(2) This chapter applies to the following—</i>	See below.		
<i>(a) development for the purposes of residential flat buildings,</i>	The proposed development includes a residential flat buildings.	3.0	Appendix E
<i>(3) This chapter applies to development only if—</i>	See below.		
<i>(a) the development consists of— (i) the erection of a new building, or</i>	The proposed development is for the erection of a new building.		
<i>(b) the building is at least 3 storeys, not including underground car parking storeys, and</i>	The proposed development is at least 3 storeys.		
<i>(c) the building contains at least 4 dwellings.</i>	The proposal contains 64 dwellings		
Section 144 Application of chapter			
<i>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following— (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</i>	DJRD architects have considered the design principles for residential apartment development set out in Schedule 9 and the ADG.		Appendix F Appendix C
Section 148 Non-discretionary development standards for residential apartment development – the Act, s 4.15			
<i>(1) The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i>	Noted.		
<i>(2) The following are non-discretionary development standards—</i>	See below.		
<i>(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,</i>	Residential car parking is provided per the non-discretionary development standards in s19 of the Housing SEPP for Infill Affordable Housing.	8.12	Appendix H

Statutory Requirement	Comment	EIS Section	Documentation
<i>(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,</i>	All apartments meet or exceed minimum internal area requirements per the ADG.	8.7	Appendix E Appendix C
<i>(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.</i>	The ceiling heights for the proposal are compliant with minimum ceiling heights specified in Part 4C of the ADG.		Appendix E Appendix C
Schedule 10 Dictionary			
<i>accessible area means land within— ... (c) 400m walking distance of a bus stop used by a regular bus service, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between— (i) 6am and 9pm each day from Monday to Friday, both days inclusive, and (ii) 8am and 6pm on each Saturday and Sunday.</i>	The site is on land that is an accessible area as it is within 400m of Bus Stop: Pacific Square, Anzac Parade which is serviced by multiple regular bus services. For the purposes of determining that the site is within an accessible area, Bus Route 396 <i>Maroubra Beach to City Circular Quay</i> services the bus stop at least once per hour between 6am and 9pm each day from Monday to Friday and between 8am and 6pm on each Saturday and Sunday.	1.5.1	
State Environmental Planning Policy (Transport and Infrastructure) 2021			
Chapter 2, Part 2.3, Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations			
2.119 Development with frontage to classified road			
<i>(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— (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— (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or</i>	The land does not have a frontage to a classified road. Maroubra Road is an unclassified regional road per TfNSW's Schedule of Classified Roads and Unclassified Regional Roads.	8.12	Appendix H

Statutory Requirement	Comment	EIS Section	Documentation
<p>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p>(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.</p>			
2.122 Traffic-generating development			
<p>(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</p> <p>(a) new premises of the relevant size or capacity, or</p> <p>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</p>	<p>Referral to Transport for NSW (TfNSW) is not required as Maroubra Road is an unclassified regional road and the development includes less than 75 dwellings, and therefore does not trigger the notification requirements for traffic-generating development under Section 2.122 and Schedule 3 of the T&I SEPP.</p>	8.12	Appendix H
State Environmental Planning Policy (Resilience and Hazards) 2021			
Section 4.6 Contamination and remediation to be considered in determining development applications			
<p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p>	<p>The proposed development includes the replacement of the existing single level basement and as a result, only minor excavation works below natural ground level are required. Comprehensive soil testing and geotechnical investigations have informed the approach to the design of the proposed development and excavation strategy.</p> <p>In any case, the PSI undertaken confirms that the land is, or can be made suitable for the purposes of residential accommodation and the proposed development.</p>	8.14	Appendix V
State Environmental Planning Policy (Sustainable Buildings) 2022			
Chapter 2 Standards for residential development - BASIX			
Section 2.1 Standards for BASIX development and BASIX option development			
<p>(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.</p> <p>(5) Development consent must not be granted to development to which the standards specified in Schedule</p>	<p>The proposed development is a BASIX development referred to in paragraph (a) of the definition of BASIX development in the EP&A Regulations as below.</p> <p>The development has been designed to incorporate the standard specified in Schedule 1.</p>	8.13	Appendix Y Appendix Z

Statutory Requirement	Comment	EIS Section	Documentation
1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.			
Randwick LEP 2012			
Part 2 Permitted or prohibited development			
Zone E2 Commercial Centre	The land is within the E2 Commercial Centre Zone per the Randwick LEP 2012 Land Zoning Map.		
<p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity. • To encourage investment in commercial development that generates employment opportunities and economic growth. • To encourage development that has a high level of accessibility and amenity, particularly for pedestrians. • To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area. • 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 facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community. • To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones. • To facilitate a safe public domain. • To support a diverse, safe and inclusive day and night-time economy. 	The proposed development meets the objectives of the E2 Zone.	9.6	
<p>3 Permitted with consent</p> <p>...Commercial premises; ... Residential flat buildings; ... Shop top housing; ... Any other development not specified in item 2 or 4</p>	<p>The proposed development is for the purposes of a shop top housing development including a residential flat building with ground floor retail premises. A retail premises is a type of commercial premises.</p> <p>The proposed land uses are permitted with consent in the Zone.</p>		

Statutory Requirement	Comment	EIS Section	Documentation
Clause 2.7 Demolition requires development consent			
The demolition of a building or work may be carried out only with development consent.	The proposal seeks consent for the demolition of all existing buildings on the site.		
Clause 4.3 Height of buildings			
<i>(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.</i>	The maximum height of building that applies to the land under the LEP is 25m. However, refer above s18 of the Housing SEPP, which permits an additional 30% height (up to 32.5m) for the delivery of 15% of total GFA as infill affordable rental housing.	8.1	
Clause 4.4 Floor space ratio			
<i>(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.</i>	No maximum floor space ratio applies to the land under the LEP.	N/A	N/A
Clause 5.10 Heritage Conservation			
<i>(5) Heritage assessment The consent authority may, before granting consent to any development— (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i>	The proposed development is in the vicinity of some local heritage items, most relevant item I227, however it is not considered necessary to prepared a heritage management document as the proposed development will have a negligible impact on the significance of these heritage items.	8.15	N/A
Clause 6.2 Earthworks			
<i>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (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,</i>	The proposed development seeks to utilise the existing levels of the single existing basement layer, and as a result only minor targeted earthworks are proposed. The proposed development will not effect the development or likely future use of the land or adjoining properties.	3.5, 8.14, 8.18	Appendix V Appendix R

Statutory Requirement	Comment	EIS Section	Documentation
<p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>			
Clause 6.11 Design Excellence			
<p>(2) This clause applies to development involving the construction of a new building or external alterations to an existing building—</p> <p>(c) that is, or will be, at least 15 metres in height.</p>	The clause applies as the proposed building is at least 15m in height.	8.18, 8.2, 8.3, 8.4 8.5	Appendix S Appendix E Appendix F Appendix N Appendix P
<p>(3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the proposed development exhibits design excellence.</p>	We are of the opinion that the proposed development exhibited design excellence, for the reasons set out in response to 6.11(4) below.		
<p>(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) how the proposed development responds to the environmental and built characteristics of the site and whether it achieves an acceptable relationship with other buildings on the same site and on neighbouring sites,</p> <p>(d) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security, resource, energy and water efficiency, renewable energy sources and urban heat island effect mitigation,</p>	<p>The proposed development:</p> <ul style="list-style-type: none"> • displays a high standard of architectural design, • is of a form and appearance that will improve the quality and amenity of the public domain, particular in comparison to the existing vacant, low-grade commercial building at the site, • has an acceptable relationship with other buildings on neighbouring sites, by preserving reasonable amenity to neighbours to the north and east and facilitating a future feasible development of the site to the west, • does not unreasonably impact on view corridors and landmarks. 		

Statutory Requirement	Comment	EIS Section	Documentation
<i>(e) whether the proposed development detrimentally impacts on view corridors and landmarks.</i>			