

**APPENDIX B
STATUTORY
COMPLIANCE
TABLE**



STATUTORY COMPLIANCE TABLE

Proposed Residential Flat Building including In-Fill Affordable Housing and Build-to-Rent Housing
 24, 26 and 28 Middle Harbour Road, Lindfield
 Lot 13 DP5374, Lot 1 DP119944, Lot 14 DP5374, Lot 1 DP1192386, Lot 1 DP312386, Lot 16 DP5374 & Lot 768 DP752031

SSD-82548708

MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
Considerations under the EP&A Act and EP&A Regulation				
<i>Environmental Planning and Assessment Act 1979</i>	Section 1.3 - Objects of the Act	(a) <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 is appropriately located in an existing area of strategic importance. The suitability of the Site and the Proposal would see social and economic benefits for the area, without impacts to the State's natural and other resources.	N/A
		(b) <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 facilitates ecologically sustainable development.	Refer to PART 7 of the EIS.
		(c) <i>to promote the orderly and economic use and development of land,</i>	As well as fulfilling a significant role in satisfying the housing needs within NSW, the Proposal also demonstrates a logical redevelopment of an underutilised site adjacent to a site earmarked for substantial uplift and redevelopment. The Site's economic development is both logical and orderly for the following reasons: <ul style="list-style-type: none"> • It delivers residential accommodation and employment-generating opportunities in both the construction and operational phases in an area already earmarked by both State and Regional policies for housing upgrowth; • It provides both a new economically and ecologically sustainable development, delivering new industry-best-practice in housing construction; 	N/A



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			<ul style="list-style-type: none"> • It provides a genuine and obvious development of existing residential land, further reinforcing the notion of orderly development, within an area already designated for such purposes; • It retains and enhances the key existing vegetation within the Site; • It includes increased provisions for landscaping, helping to revitalise and naturally landscape a substantial canopy cover across the Site, further minimising the potential impacts of the Urban Heat Island Effect by further improving the Site's microclimate; and • It improves water-quality for stormwater in accordance with the requirements of Council's engineering guidelines. 	
		<i>(d) to promote the delivery and maintenance of affordable housing,</i>	The Proposal will provide 2,656m ² of affordable housing.	Refer below.
		<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 Proposal has submitted a BDAR and will not result in any impacts to threatened and other species of native animals and plants, ecological communities and their habitats.	Refer to PART 7 of the EIS.
		<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	The Proposal has been designed and will be managed to promote the sustainable management of built and cultural heritage.	Refer to PART 7 of the EIS.
		<i>(g) to promote good design and amenity of the built environment,</i>	The Proposal has been designed to promote designed excellence and high amenity in the built environment.	Refer to PART 7 of the EIS.



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		<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The Proposal would be implemented through best-industry practice standards and measures. The Proposal has been designed in accordance with the NCC. This incorporates into the design, all statutory and functional requirements, regarding access, egress and fire, which are deemed necessary to safeguard the safety of building occupants and the longevity of the development.	N/A
		<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	This Proposal is SSD, which devolves the environmental planning and assessment of the application to NSW DPHI. Notwithstanding, the Proposal has also been informed by engagement with Council.	N/A
		<i>(j) to provide increased opportunity for community participation in environmental planning and assessment.</i>	Community and stakeholder engagement has been undertaken for the Proposal. This has included meetings and notification letters to both agencies and all potentially impacted stakeholders.	Refer to PART 7 of the EIS.
	Section 4.15(1)(a) - Matters for consideration—general	<i>(i) any relevant environmental planning instrument, and</i>	EPIs relevant to the Proposal include: <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Industry and Employment) 2021</i> <i>State Environmental Planning Policy (Housing) 2021</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>State Environmental Planning Policy (Planning Systems) 2021</i>	Refer below.



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			<p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></p> <p><i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></p> <p><i>Ku-ring-gai Local Environmental Plan 2015</i></p>	
		<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>	<p>Proposed changes to the existing planning controls at the Site and surrounding TOD areas is currently being exhibited.</p> <p>It is noted that the Proposal will benefit from savings provisions and will be subject to the current controls, however the Proposal will provide an appropriate transition from the higher density development to the east and lower density to the west, and therefore will remain an appropriate response despite any changes to the control.</p>	N/A
		<i>(iii) any development control plan, and</i>	Despite the relevance of Clause 2.2 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> , KDCP 2024 has been considered and assessed.	Refer to Appendix 28 of this EIS.
		<i>(iii a) 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 agreements have been entered into as part of the Proposal.	N/A.
		<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	-	Refer below.



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	Section 4.15(1)(b) - Matters for consideration—general	<i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	-	Refer to PART 6 of this EIS.
	Section 4.15(1)(c) - Matters for consideration—general	<i>the suitability of the site for the development,</i>	-	Refer to Part 7 and Part 8 of this EIS.
	Section 4.15(1)(d) - Matters for consideration—general	<i>any submissions made in accordance with this Act or the regulations</i>	Part of the forthcoming exhibition and response to submissions phases	N/A
	Section 4.15(1)(e) - Matters for consideration—general	<i>the public interest</i>	-	Refer to PART 6 of this EIS.
<i>Environmental Planning and Assessment Regulation 2021</i>	Clause 190 - Form of environmental impact statement	1) <i>An environmental impact statement must contain the following information—</i> a) <i>the name, address and professional qualifications of the person who prepared the statement,</i> b) <i>the name and address of the responsible person,</i> c) <i>the address of the land—</i> i) <i>to which the development application relates, or</i> ii) <i>on which the activity or infrastructure to which the statement relates will be carried out,</i> d) <i>a description of the development, activity or infrastructure,</i>	-	Refer to Whole EIS.



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		e) <i>an assessment by the person who prepared the statement of the environmental impact of the development, activity or infrastructure, dealing with the matters referred to in this Division.</i>		
		2) <i>The person preparing the statement must have regard to—</i> 2) <i>for State significant development—the State Significant Development Guidelines, or</i> 3) <i>for State significant infrastructure—the State Significant Infrastructure Guidelines.</i>	-	Refer to Whole EIS.
		3) <i>An environmental impact statement must also contain a declaration by a relevant person that—</i> a) <i>the statement has been prepared in accordance with this Regulation, and</i> b) <i>the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and</i> c) <i>the information contained in the statement is not false or misleading, and</i> d) <i>for State significant development or State significant infrastructure—the statement contains the information required under the Registered Environmental Assessment Practitioner Guidelines.</i>	-	Refer to EIS Declaration on page ii of this EIS.



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	Clause 191 - Compliance with environmental assessment requirements	<i>The environmental impact statement must comply with the environmental assessment requirements notified under section 176 or the Act, section 5.16(4).</i>	The SEARs (reference: SSD- 82548708), issued by the NSW DPHI on 15 April 2025, identify the following Key Issues: <ol style="list-style-type: none"> 1) Statutory Context 2) Estimated Development Cost and Employment 3) Contributions and Public Benefit 4) Engagement 5) Design Quality 6) Built Form and Urban Design 7) Environmental Amenity 8) Visual Impact 9) Transport 10) Noise and Vibration 11) Water Management 12) Ground and Groundwater Conditions 13) Contamination and Remediation 14) Trees and Landscaping 15) Ecologically Sustainable Development (ESD) 16) Biodiversity 17) Waste Management 18) Social Impact 19) Flood Risk 20) Bushfire Risk 21) Aboriginal Cultural Heritage 22) Environmental Heritage 23) Public Space 	Refer to Appendix A and Part 7 of this EIS.



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			24) Hazards and Risks	
Considerations under EPIs				
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	Part 2.2 - State significant development	1) <i>Development is declared to be State significant development for the purposes of the Act if—</i> a) <i>the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</i> b) <i>the development is specified in Schedule 1 or 2.</i>	In accordance with Schedule 1 of the Planning Systems SEPP, development that has an EDC of more than \$75 million for the purpose of in-fill affordable housing, constitutes SSD. The EDC of the Proposal exceeds \$75 million.	Refer to Section 1.5 of this EIS.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Clause 3.12 - Matters for consideration by consent authorities	<i>In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development)—</i> (a) <i>current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and</i> (b) <i>whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and</i> (c) <i>in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and</i>	No Dangerous Goods are proposed to be stored as part of the Proposal.	Refer to PART 7 of this EIS



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		<p>(d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and</p> <p>(e) any likely future use of the land surrounding the development.</p>		
	<p>Clause 4.6 - Contamination and remediation to be considered in determining development application</p>	<p>1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>f) it has considered whether the land is contaminated, and</p> <p>g) 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>h) 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>Detailed site investigations of the Site have identified that the Site may be made suitable for the Proposal having regard to contamination.</p>	<p>Refer to PART 7 of this EIS.</p>
<p>State Environmental Planning Policy (Housing) 2021</p>	<p>Chapter 2, Division 1 - Clause 15C - Development to which division applies</p>	<p>1) This division applies to development that includes residential development if—</p>	<p>The Proposal is permissible with consent having regard to the Housing SEPP.</p> <p>At least 10% of the Proposal is be provided as affordable housing.</p>	-



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		<p>a) <i>the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and</i></p> <p>b) <i>the affordable housing component is at least 10%, and</i></p> <p>c) <i>all or part of the development is carried out—</i></p> <p style="padding-left: 40px;">(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></p> <p style="padding-left: 40px;">(ii) <i>for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</i></p> <p>2) <i>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></p> <p>(2A) <i>this division does not apply to development on land—</i></p> <p style="padding-left: 40px;">a) <i>identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map, or</i></p>	<p>The Site is located within the Six Cities Region and is within an accessible area.</p>	



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		b) <i>identified as the Warrawong Site on the State Significant Development Sites Map, within the meaning of State Environmental Planning Policy (Planning Systems) 2021, Chapter 2.</i> 3) <i>In this section—</i> a) <i>relevant zone means the following—</i> b) <i>Zone E1 Local Centre,</i> c) <i>Zone M1 Mixed Use,</i> d) <i>Zone B1 Neighbourhood Centre,</i> e) <i>Zone B2 Local Centre,</i> f) <i>Zone B4 Mixed Use.</i>		
	Chapter 2, Division 1 - Clause 16 - Affordable housing requirements for additional floor space ratio	1) <i>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 development on 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).</i> 2) <i>The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i>	17% affordable housing is provided and therefore an uplift of 30% has been included in the maximum floor space ratio, resulting in a total maximum floor space ratio of 3.25:1 for which compliance is sought.	-



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		<p>3) <i>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 development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</i></p> <p><i>Example—</i></p> <p><i>Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.</i></p> <p>4) <i>This section does not apply to development on land for which there is no maximum permissible floor space ratio.</i></p>		
	Chapter 2, Division 1 - Clause 18 - Affordable housing requirements for additional building height	<p>1) <i>This section applies to development that includes residential development to which this division applies if the development—</i></p> <p>a) <i>includes residential flat buildings or shop top housing, and</i></p> <p>b) <i>does not use the additional floor space ratio permitted under section 16.</i></p>	<p>17% affordable housing is provided and therefore an uplift of 30% has been included in the maximum building height, resulting in a total maximum building height of 33.07m.</p> <p>A variation of 4.07m (12.06%) to the maximum building height is sought and a Clause 4.6 Variation Request is provided.</p>	Refer to Appendix 29 .



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		2) <i>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> 3) <i>The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i>		
	Chapter 2, Division 1 - Clause 19 - Non-discretionary development standards	1) <i>The following are non-discretionary development standards in relation to the residential development to which this division applies—</i> a) <i>a minimum site area of 450m²,</i>	The lot size exceeds 450m ² .	-
		b) <i>a minimum landscaped area that is the lesser of—</i> i) <i>35m² per dwelling, or</i> ii) <i>30% of the site area,</i>	More than 30% of the site area will be provided as landscape area.	Refer to Appendix 4 of this EIS.
		c) <i>a deep soil zone on at least 15% of the site area, where—</i> i) <i>each deep soil zone has minimum dimensions of 3m, and</i> ii) <i>if practicable, at least 65% of the deep soil zone is located at the rear of the site,</i>	As per subclause (2) below, this clause does not apply.	N/A
		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>	As per subclause (2) below, this clause does not apply.	N/A



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		e) <i>the following number of parking spaces for dwellings used for affordable housing—</i> i) <i>for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</i> ii) <i>for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</i> iii) <i>for each dwelling containing at least 3 bedrooms— at least 1 parking space,</i>	Compliant car parking is provided.	Refer to Appendix 13 of this EIS.
		f) <i>the following number of parking spaces for dwellings not used for affordable housing—</i> i) <i>for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</i> ii) <i>for each dwelling containing 2 bedrooms—at least 1 parking space,</i> iii) <i>for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</i>	Compliant car parking is provided.	
		g) <i>the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</i>	The internal areas satisfy the requirements of the ADG.	Refer to Appendix 17 of this EIS.
		h) <i>for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,</i>	The Proposal does not seek consent for those purposes.	N/A.
		i) <i>if paragraphs (g) and (h) do not apply, the following minimum floor areas—</i> i) <i>for each dwelling containing 1 bedroom—65m²,</i>	Noted.	-



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		<ul style="list-style-type: none"> ii) for each dwelling containing 2 bedrooms—90m², iii) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms. 		
		2) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Noted.	-
	Chapter 2, Division 1 - Clause 20 - Design requirements	<ul style="list-style-type: none"> 1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy. 2) Subsection (1) does not apply to development to which Chapter 4 applies. 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— <ul style="list-style-type: none"> a) the desirable elements of the character of the local area, or b) for precincts undergoing transition—the desired future character of the precinct 	Noted.	-
	Chapter 2, Division 1 - Clause 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 15% component of the affordable housing will be used for at least 15 years while the 2% component of the affordable housing will be secured in perpetuity, and this may be confirmed as a mitigation measure.	



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		a) <i>the development will include the affordable housing component required for the development under section 16, 17 or 18, and</i> b) <i>the affordable housing component will be managed by a registered community housing provider.</i> 2) <i>This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</i>		
	Chapter 2, Division 1 - Clause 22 - Subdivision permitted with consent	<i>Land on which development has been carried out under this division may be subdivided with development consent.</i>	Subdivision of the Site is not sought.	-
	Chapter 4 - Clause 144 - Application of chapter	1) <i>In this policy, development to which this chapter applies is referred to as residential apartment development.</i> 2) <i>This chapter applies to the following—</i> a) <i>development for the purposes of residential flat buildings,</i> b) <i>development for the purposes of shop top housing,</i> c) <i>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.</i>	The Proposal seeks consent for the purposes of a residential flat building which is at least 3 storeys and contains at least 4 dwellings.	-



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Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		<p>3) <i>This chapter applies to development only if—</i></p> <p>a) <i>the development consists of—</i></p> <p style="padding-left: 40px;">(i) <i>the erection of a new building, or</i></p> <p style="padding-left: 40px;">(ii) <i>the substantial redevelopment or substantial refurbishment of an existing building, or</i></p> <p style="padding-left: 40px;">(iii) <i>the conversion of an existing building, and</i></p> <p>b) <i>the building is at least 3 storeys, not including underground car parking storeys, and</i></p> <p>c) <i>the building contains at least 4 dwellings.</i></p> <p>4) <i>If particular development comprises development for the purposes specified in subsection (2) and development for other purposes, this chapter applies only to the part of the development for the purposes specified in subsection (2).</i></p> <p>5) <i>This chapter does not apply to development that involves only a class 1a or 1b building within the meaning of the Building Code of Australia.</i></p> <p>6) <i>To avoid doubt, development to which Chapter 2, Part 2, Division 1, 5 or 6 or Chapter 5 applies may also be residential apartment development under this chapter.</i></p> <p>7) <i>In this section—</i></p> <p><i>underground car parking storey means a storey used for car parking that is—</i></p> <p style="padding-left: 40px;">a) <i>below ground level (existing), or</i></p> <p style="padding-left: 40px;">b) <i>less than 1.2m above ground level (existing).</i></p>		



STATUTORY COMPLIANCE TABLE

Proposed Residential Flat Building including In-Fill Affordable Housing and Build-to-Rent Housing
 24, 26 and 28 Middle Harbour Road, Lindfield
 Lot 13 DP5374, Lot 1 DP119944, Lot 14 DP5374, Lot 1 DP1192386, Lot 1 DP312386, Lot 16 DP5374 & Lot 768 DP752031

SSD-82548708

MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
	Chapter 4 - Clause 145 - Refer to design review panel for development applications	1) <i>This section applies to a development application for residential apartment development, other than State significant development.</i> 2) <i>Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.</i> 3) <i>This section does not apply if—</i> a) <i>a design review panel has not been constituted for the local government area in which the development will be carried out, or</i> b) <i>a competitive design process has been held.</i> 4) <i>In this section—</i> <i>competitive design process means a design competition held in accordance with the Design Competition Guidelines published by the Department in September 2023.</i>	The Proposal was not required to present to a SDRP.	Refer to PART 7 of the EIS.
	Chapter 4 - Clause 147 - Determination of development applications and modification applications for residential apartment development	1) <i>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—</i>	Consideration of these designed elements has been undertaken.	Refer to Appendix 17 of this EIS.



STATUTORY COMPLIANCE TABLE

Proposed Residential Flat Building including In-Fill Affordable Housing and Build-to-Rent Housing
 24, 26 and 28 Middle Harbour Road, Lindfield
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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		a) <i>the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i> b) <i>the Apartment Design Guide,</i> c) <i>any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</i> 2) <i>The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority.</i> 3) <i>To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</i> 4) <i>Subsection (1)(c) does not apply to State significant development.</i>		
	Chapter 4 - Clause 148 - Non-discretionary development standards for residential apartment development	1) <i>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> Note— <i>See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</i>	The Proposal has been designed to comply.	Refer to Appendix 17 of this EIS.



STATUTORY COMPLIANCE TABLE

Proposed Residential Flat Building including In-Fill Affordable Housing and Build-to-Rent Housing
 24, 26 and 28 Middle Harbour Road, Lindfield
 Lot 13 DP5374, Lot 1 DP119944, Lot 14 DP5374, Lot 1 DP1192386, Lot 1 DP312386, Lot 16 DP5374 & Lot 768 DP752031

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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		2) <i>The following are non-discretionary development standards—</i> a) <i>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> b) <i>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> c) <i>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>		
	Chapter 4 - Clause 149 - Apartment Design Guide prevails over development control plans	1) <i>A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter—</i> a) <i>visual privacy,</i> b) <i>solar and daylight access,</i> c) <i>common circulation and spaces,</i> d) <i>apartment size and layout,</i> e) <i>ceiling heights,</i> f) <i>private open space and balconies,</i> g) <i>natural ventilation,</i> h) <i>storage.</i>	Noted.	-



STATUTORY COMPLIANCE TABLE

Proposed Residential Flat Building including In-Fill Affordable Housing and Build-to-Rent Housing
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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		2) <i>This section applies regardless of when the development control plan was made.</i>		
	Chapter 5 - Clause 152 - Land to which chapter applies	<p><i>This chapter applies to land in the following local government areas that is in a Transport Oriented Development Area—</i></p> <ul style="list-style-type: none"> a) <i>Bayside,</i> b) <i>Burwood,</i> c) <i>Canada Bay,</i> d) <i>Canterbury-Bankstown,</i> e) <i>Central Coast,</i> f) <i>Cumberland,</i> g) <i>Georges River,</i> h) <i>Inner West,</i> i) <i>Ku-ring-gai,</i> j) <i>City of Lake Macquarie,</i> k) <i>City of Newcastle,</i> l) <i>City of Penrith,</i> m) <i>City of Wollongong.</i> <p><i>Note—</i></p> <p><i>A Transport Oriented Development Area is generally land within 400m of a railway or metro station in a local government area to which this chapter applies. When this chapter commenced, a Transport Oriented Development Area was not identified on the Transport Oriented Development Sites Map for each local government area.</i></p>	The Site is located within a TOD area.	-



STATUTORY COMPLIANCE TABLE

Proposed Residential Flat Building including In-Fill Affordable Housing and Build-to-Rent Housing
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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
	Chapter 5 - Clause 154 - Development permitted with development consent in Transport Orientated Development Areas	1) <i>Development for the purposes of residential flat buildings is permitted with development consent on land in the following zones in a Transport Orientated Development Area—</i> a) <i>a relevant residential zone,</i> b) <i>Zone E1 Local Centre or an equivalent land use zone,</i> c) <i>for land in the Canterbury-Bankstown local government area—Zone B2 Local Centre.</i> 2) <i>Development for the purposes of shop top housing is permitted with development consent on land in a relevant employment zone in a Transport Orientated Development Area.</i>	Development consent for the purposes of a residential flat building with infill affordable housing (and BtR housing) is sought.	-
	Chapter 5 - Clause 155 - Maximum building height and maximum floor space ratio	1) <i>This section identifies development standards for development under this chapter that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i> <i>Note—</i> <i>See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</i> 2) <i>The maximum building height for a residential flat building in a Transport Orientated Development Area is 22m.</i> 3) <i>The maximum building height for a building containing an independent living unit or shop top housing in a Transport Orientated Development Area is 24m.</i>	The Proposal has been designed to comply with the maximum floor space ratio including in-fill affordable housing bonus. A variation to the maximum building height, including the in-fill affordable housing bonus is sought.	Refer to Appendix 29 of this EIS.



STATUTORY COMPLIANCE TABLE

Proposed Residential Flat Building including In-Fill Affordable Housing and Build-to-Rent Housing
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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		4) <i>The maximum floor space ratio for the following in a relevant residential zone or relevant employment zone in a Transport Oriented Development Area is 2:5:1—</i> a) <i>a residential flat building,</i> b) <i>a building containing an independent living unit or shop top housing.</i> 5) <i>This section does not apply to the extent a provision of another chapter of this policy or another environmental planning instrument permits a greater maximum building height or floor space ratio for a residential flat building or building containing shop top housing on the land.</i>		
	Chapter 5 - Clause 156 - Affordable housing	1) <i>This section applies to development for the purposes of residential flat buildings, independent living units or shop top housing in a Transport Oriented Development Area if the building has a gross floor area of at least 2000m².</i> 2) <i>Development consent must not be granted unless the consent authority is satisfied that—</i> a) <i>at least 2% of the gross floor area of the building will be used for affordable housing, and</i> b) <i>the affordable housing will be managed by a registered community housing provider in perpetuity.</i>	At least 2% of the gross floor area will be used for affordable housing. A mitigation measure will ensure that the affordable housing is held in perpetuity.	-



STATUTORY COMPLIANCE TABLE

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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		3) <i>A requirement under a provision of another chapter of this policy, another environmental planning instrument or a planning agreement that requires the development to provide more affordable housing prevails over this section.</i> 4) <i>Affordable housing provided as part of the 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 required under this section.</i>		
	Chapter 5 - Clause 157 - Affordable housing parking spaces	1) <i>This section identifies a development standard for development under this chapter that, if complied with, prevents the consent authority from requiring more onerous standards for the matters.</i> Note— <i>See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</i> 2) <i>Development to which section 156 applies must provide the following number of parking spaces for each affordable housing dwelling required under that section—</i> a) <i>for each dwelling containing 1 bedroom—0.4 parking space,</i> b) <i>for each dwelling containing 2 bedrooms—0.5 parking space,</i> c) <i>for each dwelling containing 3 or more bedrooms—1 parking space.</i>	Compliant parking is provided.	Refer to Appendix 13 of this EIS.



STATUTORY COMPLIANCE TABLE

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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		3) <i>This section prevails over a provision in another chapter of this policy or another environmental planning instrument to the extent that other provision permits a lower number of parking spaces for dwellings used for affordable housing on the land.</i>		
	Chapter 5 - Clause 158 - Exception to minimum lot size	1) <i>This section applies if another environmental planning instrument applying to the land specifies a minimum lot size for development for the purposes of residential flat buildings or shop top housing (a minimum lot size restriction).</i> 2) <i>Development consent may be granted to development for the purposes of residential flat buildings or shop top housing on land in a Transport Oriented Development Area, despite a minimum lot size restriction.</i>	No exception to the minimum lot size is sought.	N/A
	Chapter 5 - Clause 159 - Minimum lot width	<i>Development consent must not be granted to development for the purposes of residential flat buildings, independent living units or shop top housing on a lot in a Transport Oriented Development Area, unless the lot is at least 21m wide at the front building line.</i>	The lot width of the Site complies.	-
	Chapter 5 - Clause 161 - Consideration of Apartment Design Guide	<i>Development consent must not be granted for development for the purposes of residential flat buildings, independent living units or shop top housing on land in a Transport Oriented Development Area unless the consent authority has considered the Apartment Design Guide.</i>	Consideration of the ADG has been undertaken.	Refer to Appendix 17 of this EIS.



STATUTORY COMPLIANCE TABLE

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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
State Environmental Planning Policy (Transport and Infrastructure) 2021	Clause 2.122 - Traffic generating development	1) <i>This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</i> <ol style="list-style-type: none"> a) <i>new premises of the relevant size or capacity, or</i> b) <i>an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</i> [...] 2) <i>Before determining a development application for development to which this section applies, the consent authority must—</i> <ol style="list-style-type: none"> a) <i>give written notice of the application to TfNSW within 7 days after the application is made, and</i> b) <i>take into consideration—</i> <ol style="list-style-type: none"> i) <i>any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</i> ii) <i>the accessibility of the site concerned, including—</i> <ol style="list-style-type: none"> 4) <i>the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i> 5) <i>the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</i> 6) <i>potential traffic safety, road congestion or parking implications of the development.</i> 	The Proposal involves residential accommodation but does not exceed 300 dwellings and is not expected to impact the operation of the local road network and is therefore not considered to be 'traffic generating development' as defined under Schedule 3 of the T&I SEPP.	Refer PART 7 of this EIS.



STATUTORY COMPLIANCE TABLE

Proposed Residential Flat Building including In-Fill Affordable Housing and Build-to-Rent Housing
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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Clause 2.10 - Council may issue permit for clearing of vegetation	<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.</i>	A Biodiversity Development Assessment Report has been submitted in support of the SSDA.	Refer to PART 7 and Appendix 6 of this EIS.
State Environmental Planning Policy (Sustainable Buildings) 2022	Clause 2.1 - Standards for BASIX development and BASIX optional development	(1) <i>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.</i> (2) <i>Schedule 2 sets out the standards that apply to—</i> (a) <i>BASIX development referred to in paragraph (c) or (d) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021, and</i> (b) <i>BASIX optional development if the development application or the application for a complying development certificate was accompanied by a BASIX certificate.</i> (3) <i>The standard specified in Schedule 2, section 4 extends to a swimming pool or spa that has a capacity of less than 40,000L if the swimming pool or spa is part of development referred to in paragraph (c) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021.</i>	A BASIX Certificate has been provided in which the proposed development complies with relevant BASIX targets.	Refer to Appendix 32 of this EIS.



STATUTORY COMPLIANCE TABLE

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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		(4) A standard specified in Schedule 1 or 2 does not apply to development involving a heritage item or in a heritage conservation area to the extent that the Planning Secretary is satisfied that the development is not capable of achieving a standard because of other development controls that apply. (5) Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.		
Ku-ring-gai Local Environmental Plan 2015	Part 2 - Subdivision 2.3 - Zone objectives and land use table	(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	Refer to below discussion	Refer below.
		R4 High Density Residential Objectives of zone 1) To provide for the housing needs of the community within a high density residential environment. 2) To provide a variety of housing types within a high density residential environment. 3) To enable other land uses that provide facilities or services to meet the day to day needs of residents. 4) To provide for high density residential housing close to public transport, services and employment opportunities.	The Proposal satisfies the objectives of the R2 zone in that it provides for the housing needs of the community within close proximity to public transport, services and employment opportunities and would not restrict other land uses that provide services or facilities to meet the day to day needs of residents.	-



STATUTORY COMPLIANCE TABLE

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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		<p>Permitted without consent <i>Home occupations</i></p> <p>Permitted with consent <i>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Home-based child care; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Shop top housing</i></p> <p>Prohibited <i>Any other development not specified in item 2 or 3</i></p>	The Proposal is permissible with consent in the R2 zoned land under the Housing SEPP controls.	Refer to TABLE 7 of this EIS.
	Part 4 - Subdivision 4.3 - Height of buildings	<p>1) <i>The objectives of this clause are as follows—</i></p> <p>a) <i>to ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres,</i></p> <p>b) <i>to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,</i></p> <p>c) <i>to enable development with a built form that is compatible with the size of the land to be developed.</i></p>	The Proposal seeks consent for building heights which exceed the maximum building heights. The height will be 33.07m, exceeding the maximum height by 4.07m (12.06%).	Refer to Appendix 29 of this EIS.



STATUTORY COMPLIANCE TABLE

Proposed Residential Flat Building including In-Fill Affordable Housing and Build-to-Rent Housing
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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		<p>2) <i>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></p> <p><i>(2A) Despite subclause (2), the height of a building on land in Zone R4 High Density Residential where the site area is within a range specified in Column 1 of the table to this subclause must not exceed the height specified opposite in Column 2 of the table.</i></p>		
	<p>Part 4 - Subdivision 4.4 - Floor space ratio</p>	<p>1) <i>The objectives of this clause are as follows—</i></p> <ul style="list-style-type: none"> a) <i>to enable development with a built form and density that is compatible with the size of the land to be developed, its environmental constraints and its contextual relationship,</i> b) <i>to provide for floor space ratios compatible with a range of uses,</i> c) <i>to ensure that development density is appropriate for the scale of the different centres within Ku-ring-gai,</i> d) <i>to ensure that development density provides a balanced mix of uses in buildings in the employment and mixed use zones.</i> <p>2) <i>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></p> <p><i>(2C) Despite subclause (2), the floor space ratio for a building on land in Zone R4 High Density Residential where the site area is within a specified range in Column 1 of the table to this subclause must not exceed the ratio specified opposite in Column 2 of the table.</i></p>	The proposed floor space ratio complies.	N/A



STATUTORY COMPLIANCE TABLE

Proposed Residential Flat Building including In-Fill Affordable Housing and Build-to-Rent Housing
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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
	Part 4 - Subdivision 4.6 - Exceptions to development standards	1) The objectives of this clause are as follows— a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances. 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. 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. c) Note—	The Proposal seeks consent for building heights which exceed the maximum building heights. The height will be 33.07m, exceeding the maximum height by 4.07m (12.06%).	Refer to Appendix 29 of this EIS.



STATUTORY COMPLIANCE TABLE

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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		<p>d) The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).</p> <p>4) The consent authority must keep a record of its assessment carried out under subclause (3).</p> <p>5) (Repealed)</p> <p>6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—</p> <p>a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</p> <p>b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.</p> <p>7) (Repealed)</p> <p>8) This clause does not allow development consent to be granted for development that would contravene any of the following—</p> <p>a) a development standard for complying development,</p>		



STATUTORY COMPLIANCE TABLE

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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated, c) clause 5.4, (caa) clause 5.5, (cab) clause 6.12, (ca) clause 4 of Schedule 1.		
	Part 5 - Subdivision 5.10 - Heritage conservation	1) <i>Objectives The objectives of this clause are as follows—</i> a) <i>to conserve the environmental heritage of Ku-ring-gai,</i> b) <i>to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i> c) <i>to conserve archaeological sites,</i> d) <i>to conserve Aboriginal objects and Aboriginal places of heritage significance.</i>	The Site is not a heritage item but is partially within a heritage conservation area.	Refer to PART 7 and Appendix 9 of this EIS.
	Part 6 - Subdivision 6.2 - Earthworks	1) <i>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</i> 2) <i>Development consent is required for earthworks unless—</i>	The proposed earthworks will not result in any adverse impacts to the Site or surrounding land having regard to soil stability, drainage or future amenity.	Refer to Appendix 8 of this EIS.



STATUTORY COMPLIANCE TABLE

Proposed Residential Flat Building including In-Fill Affordable Housing and Build-to-Rent Housing
 24, 26 and 28 Middle Harbour Road, Lindfield
 Lot 13 DP5374, Lot 1 DP119944, Lot 14 DP5374, Lot 1 DP1192386, Lot 1 DP312386, Lot 16 DP5374 & Lot 768 DP752031

SSD-82548708

MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		<p>a) <i>the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</i></p> <p>b) <i>the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</i></p> <p>3) <i>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</i></p> <p>a) <i>the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i></p> <p>b) <i>the effect of the development on the likely future use or redevelopment of the land,</i></p> <p>c) <i>the quality of the fill or the soil to be excavated, or both,</i></p> <p>d) <i>the effect of the development on the existing and likely amenity and structural integrity of adjoining properties,</i></p> <p>e) <i>the source of any fill material and the destination of any excavated material,</i></p> <p>f) <i>the likelihood of disturbing relics,</i></p> <p>g) <i>the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p>		



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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
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		h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		
	Part 6 - Subdivision 6.6 - Requirements for multi-dwelling housing and residential flat buildings	1) The objectives of this clause are— a) to provide site requirements for development for the purposes of multi dwelling housing and residential flat buildings so as to provide for the orderly and economic development of residential land while maintaining the local character, and b) to ensure that lot sizes and dimensions of medium and high density residential sites allow for generous landscaped areas and setbacks to ensure the amenity of adjoining properties and to support the desired future character of these areas. 2) Despite any other provision of this Plan, development consent must not be granted for the erection of multi dwelling housing or a residential flat building on a lot in a residential zone unless the lot has an area of at least 1,200 square metres and minimum dimensions (width and depth) of at least— a) if the area of the land is less than 1,800 square metres—24 metres, or b) if the area of the land is 1,800 square metres or more—30 metres.	The Site area complies.	-



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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		<p>3) <i>Despite subclause (2), development consent must not be granted for the erection of multi dwelling housing or a residential flat building on a lot on land identified as "Area 1" on the Lot Size Map unless the lot has an area of at least 5,000 square metres.</i></p> <p>(3A) <i>Development consent must not be granted for the erection of multi dwelling housing or residential flat buildings on land identified as "Area 2" on the Lot Size Map unless the lot is at least 4,300m².</i></p> <p>4) <i>For the purposes of this clause, if a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.</i></p>		
Considerations under other legislation				
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	Division 1—Requirements relating to matters of national environmental significance	1) <i>Division 1—Requirements relating to matters of national environmental significance</i>	The Proposal does not warrant any impacts on MNES.	N/A
<i>Water Management Act 2000</i>	Subdivision 91 – Activity approvals	<p>1) <i>There are two kinds of activity approvals, namely, controlled activity approvals and aquifer interference approvals.</i></p> <p>2) <i>A controlled activity approval confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land.</i></p>	The Site is not located within 40m of a watercourse.	N/A



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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		3) <i>An aquifer interference approval confers a right on its holder to carry out one or more specified aquifer interference activities at a specified location, or in a specified area, in the course of carrying out specified activities.</i>		
<i>Biodiversity Conservation Act 2016</i>	Section 7.9 - Biodiversity assessment for State significant development or infrastructure	2) <i>This section applies to—</i> a) <i>an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development, and</i> b) <i>an application for approval under Division 5.2 of the Environmental Planning and Assessment Act 1979 to carry out State significant infrastructure.</i> 3) <i>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> 4) <i>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.</i>	A BDAR has been submitted in support of the SSDA.	Refer to PART 7 of this EIS.
<i>Rural Fires Act 1997</i>	Subdivision 100B - Bush fire safety authorities	1) <i>The Commissioner may issue a bush fire safety authority for—</i> a) <i>a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes, or</i>	The Site is not bush fire prone land.	Refer to PART 7 of the EIS.



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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
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		<p><i>b) development of bush fire prone land for a special fire protection purpose.</i></p> <p>2) <i>A bush fire safety authority authorises development for a purpose referred to in subsection (1) to the extent that it complies with standards regarding setbacks, provision of water supply and other matters considered by the Commissioner to be necessary to protect persons, property or the environment from danger that may arise from a bush fire.</i></p> <p>3) <i>A person must obtain such a bush fire safety authority before developing bush fire prone land for a purpose referred to in subsection (1).</i></p> <p>4) <i>Application for a bush fire safety authority is to be made to the Commissioner in accordance with the regulations.</i></p> <p>5) <i>Development to which subsection (1) applies—</i> <i>a) does not include the carrying out of internal alterations to any building, and (a1) does not include the carrying out of any development excluded from the operation of this section by the regulations, and</i> <i>b) is not complying development for the purposes of the Environmental Planning and Assessment Act 1979, despite any environmental planning instrument.</i></p> <p>6) <i>In this section—</i></p> <p>7) <i>special fire protection purpose means the purpose of the following—</i> <i>a) a school,</i> <i>b) a child care centre,</i></p>		



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		<ul style="list-style-type: none"><i>c) a hospital (including a hospital for the mentally ill or mentally disordered),</i><i>d) a hotel, motel or other tourist accommodation,</i><i>e) a building wholly or principally used as a home or other establishment for mentally incapacitated persons,</i><i>f) seniors housing within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004,</i><i>g) a group home within the meaning of State Environmental Planning Policy No 9—Group Homes,</i><i>h) a retirement village,</i><i>i) any other purpose prescribed by the regulations.</i>		

