

Appendix U – Statutory Compliance Table

Relevant consideration	Comment/Assessment	Section in EIS
Environmental Planning and Assessment Act 1979		
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 Project seeks to redevelop the currently underutilised site. It will be replace 38 existing social housing apartments with 104 social housing units and 60 affordable housing units in a locality that has excellent proximity to transport, shops and services, and is greatly in need of additional social and affordable housing. It employs ecologically sustainable development (ESD) principles within the design meeting efficiency targets for water and energy, and throughout construction and operation. A BDAR Waiver has been granted by DPHI and is provided at Appendix J. There are no heritage items or known Aboriginal heritage objects within the vicinity of the site that will directly or indirectly impact the significance of environmental heritage. An AHIMS search was undertaken and concluded that the proposed development will not have a detrimental impact on built or cultural heritage and no. The EIS has addressed all relevant policies and Environmental Planning Instruments (EPIs) and has demonstrated that the Project satisfies all relevant objectives. The ESI includes a Planning Proposal to seek	Chapter 7, Appendix U and Appendix J.
b) <i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>		
c) <i>to promote the orderly and economic use and development of land,</i>		
d) <i>to promote the delivery and maintenance of affordable housing,</i>		
e) <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>		
f) <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>		
g) <i>to promote good design and amenity of the built environment,</i>		
h) <i>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants</i>		
i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>		

Relevant consideration	Comment/Assessment	Section in EIS
j) to provide increased opportunity for <i>community</i> participation in environmental planning and assessment.	an increase to the building height and FSR development standards within SSLEP 2015. As identified in the Social and Community Infrastructure Report, the Project will result in various additional social benefits to the community including: • Provision additional social and affordable housing units within Caringbah with significant affordable housing need and context of State-wide housing crisis. • Inclusion of two- and three-bedroom units that largely reflects the Sutherland Shire LGA rental stress demand. • Proximity and accessibility of the Site to employment centres, training and educational services and opportunities a significant positive benefit for future residents. • Replacement of aging with new modern development with enhanced landscaping, open space amenity and aesthetic value a benefit for future residents and nearby neighbours. • Convenient access to public transport, including buses and trains, reducing reliance on private vehicles, minimal impact on public transport demand. • Proximity to Sutherland Hospital, Caringbah medical precinct, and other medical/dental centres ensures adequate healthcare access.	

Relevant consideration	Comment/Assessment	Section in EIS
	Sufficient recreation and open space, including a new park proposed immediately north of the site and other parks within 800m walking distance. The Project will also result in the creation of additional employment opportunities during construction. The Project has been subject of an extensive design review process that involved engagement with Sutherland Shire Council's planning team and design review by Government Architect NSW (GANSW). During this process various design options were explored, and feedback received was reviewed and incorporated where an improved outcome could be achieved (Refer to Design Report at Appendix B which documents this process). The Project represents high quality design that will provide excellent amenity for future residents and is an attractive addition to the streetscape. Community and stakeholder feedback has been sought during the preparation of the Project. Through the assessment period, there will be another opportunity for community and stakeholders to respond to the proposed development. The Applicant will respond to any concerns raised during the notification of the SSDA and Planning Proposal.	
Section 4.14 Evaluation		
(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— (a) the provisions of		

Relevant consideration	Comment/Assessment	Section in EIS
(i) any environmental planning instrument, and	All relevant EPIs are considered in the table below.	Appendix U
(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	There are no relevant draft instruments.	
(iii) any development control plan, and	Pursuant to Clause 2.10 of the Planning Systems SEPP, DCPs do not apply to SSDAs. As such, consideration of Sutherland Shire DCP 2015, is not required. Nevertheless, the Project has been designed with consideration of specific aspects of the Sutherland Shire DCP as outlined within the EIS.	Section 4 and Section 7.
(iiia) 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	There are no agreements or draft planning agreements relevant to this Project.	
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	Refer below.	
Environmental Planning and Assessment Regulation 2021		
Section 26 Information about affordable housing development (1) A development application for development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1, 2 or 5 applies must specify the name of the registered community housing provider who will manage— (a) for development to which Division 1 applies—the affordable housing component.	Homes NSW is the State agency that is responsible for delivering social and affordable housing. Homes NSW has commenced a procurement process to partner with a community housing provider (CHP) to deliver and manage the Project social and affordable housing. The CHP is anticipated to be advised prior to any Occupation Certificate for the development.	

Relevant consideration	Comment/Assessment	Section in EIS
27 BASIX development <i>(1) A development application for BASIX development must be accompanied by—</i> <i>(a) a relevant BASIX certificate for the development issued no earlier than 3 months before the day on which the development application is submitted on the NSW planning portal, and</i> <i>(b) the other matters required by the BASIX certificate.</i>	A BASIX certificate has been prepared by ADP.	Appendix V.
29 Residential apartment development <i>(1) A development application that relates to residential apartment development must be accompanied by a statement by a qualified designer.</i> <i>(2) The statement must—</i> <i>(a) verify that the qualified designer designed, or directed the design of, the development, and</i> <i>(b) explain how the development addresses—</i> <i>(i) the design principles for residential apartment development, and</i> <i>(ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.</i>	A Design Statement has been prepared by Bates Smart.	Appendix B.
193 Principles of ecologically sustainable development <i>(2) The precautionary principle is that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.</i>	Principles of ESD are met through thorough assessment of potential impact throughout Section 7 and the inclusion of mitigation measures to ensure any potential impacts can be appropriately managed.	Section 7.7 & Appendix Q.
Biodiversity and Conservation Act 2016		
Section 7.14 – State Significant Development or Infrastructure <i>(1) This section applies to an application for development consent for State significant development under Part 4 of the Environmental</i>	A BDAR Waiver has been granted by DPHI and is provided at Appendix J. Accordingly, no further assessment of biodiversity impacts is required.	Section 7.9 & Appendix J.

Relevant consideration	Comment/Assessment	Section in EIS
<i>Planning and Assessment Act 1979, or an application for approval for State significant infrastructure under Part 5.1 of the Environmental Planning and Assessment Act 1979, that is required under Division 2 to be accompanied by a biodiversity development assessment report.</i> <i>The Minister for Planning, when determining in accordance with the EP&A Act 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>		
State Environmental Planning Policies		
State Environmental Planning Policy (Planning Systems) 2021		
2.6 Declaration of State significant development <i>(1) Development is declared to be State significant development for the purposes of the Act if -</i> <i>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without consent under Part 4 of the Act, and</i> <i>(b) the development is specified in Schedule 1 or 2.</i>	Schedule 1, Clause 26 states that the following development is considered to be SSD: <i>(1) Development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation if the development—</i> <i>(a) has an estimated development cost of more than \$30 million, or</i> <i>(b) will result in more than 75 dwellings.</i> The Project is permissible with consent in the R4 High Density Residential zone pursuant to the Sutherland Shire LEP. The Project has an estimated development cost of \$121.2 million. Therefore, the development is SSD.	Section 5.2, Appendix N.

Relevant consideration	Comment/Assessment	Section in EIS
State Environmental Planning Policy (Resilience and Hazards) 2021		
Chapter 2 Coastal management Part 2.1 Preliminary 2.1 Aim of Chapter The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by— (a) managing development in the coastal zone and protecting the environmental assets of the coast, and (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.	The Site is not identified as being located within the Coastal areas of the R&H SEPP mapping and therefore this Chapter is not relevant to the Project.	
Section 4.6 – Contamination and Remediation to be considered in determining development application A consent authority must not consent to the carrying out of any development on land unless— a) it has considered whether the land is contaminated, and b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The Detailed Site Investigation demonstrates that the site can be made suitable for the proposed development subject to implementation of the recommended mitigation measures.	Section 7.15 and Appendix H.

Relevant consideration	Comment/Assessment	Section in EIS
c) <i>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.</i>		
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity SEPP) states that a person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.	A BDAR Waiver has been granted by DPHI and is provided at Appendix J. Accordingly, no further assessment of biodiversity impacts is required.	Section 2.3.8, and Appendix J.
State Environmental Planning Policy (Transport and Infrastructure) 2021		
2.99 Excavation in, above, below or adjacent to rail corridors <i>(1) This section applies to development (other than development to which section 2.101 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—</i> <i>(a) within, below or above a rail corridor, or</i> <i>(b) within 25m (measured horizontally) of a rail corridor, or</i> <i>(c) within 25m (measured horizontally) of the ground directly below a rail corridor, or</i> <i>(d) within 25m (measured horizontally) of the ground directly above an underground rail corridor.</i> <i>(2) Before determining a development application for development to which this section applies, the consent authority must—</i> <i>(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</i> <i>(b) take into consideration—</i>	The proposal involves earthworks below 2m within 25m of the adjoining rail corridor. Therefore, the Proposal is required to be referred to the rail authority for the rail corridor. A Report on Geotechnical Investigation has been prepared by Douglas Partners which has considered the adjoining rail provided design recommendations accordingly.	Section 7.11 and Appendix G.

Relevant consideration	Comment/Assessment	Section in EIS
(i) any response to the notice that is received within 21 days after the notice is given, and (ii) any guidelines issued by the Planning Secretary for the purposes of this section and published in the Gazette. (3) Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor to which the development application relates. (4) In deciding whether to provide concurrence, the rail authority must take into account— (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on— (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects. (5) The consent authority may grant consent to development to which this section applies without the concurrence of the rail authority concerned if— (a) the rail corridor is owned by or vested in ARTC or is the subject of an ARTC arrangement, or (b) in any other case, 21 days have passed since the consent authority gave notice under subsection (2)(a) and the rail authority has not granted or refused to grant concurrence.		

Relevant consideration	Comment/Assessment	Section in EIS
2.100 Impact of rail noise or vibration on non-rail development (1) This section applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration— (a) residential accommodation, (b) a place of public worship, (c) a hospital, (d) an educational establishment or centre-based child care facility. (2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette. (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded— (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am, (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.	The Proposal is supported by a Noise and Vibration Impact Assessment has considered noise and vibration impacts associated with rail operations on the amenity of residents and concludes that the proposed development can satisfy the relevant standards, policies and guidelines.	Section 7.10 and Appendix AA.
2.122 Traffic-generating development (1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves— (a) new premises of the relevant size or capacity, or	The proposal is “traffic generating development” being within 90m of a State road (Kingsway) and comprising more than 75 dwellings. Therefore, the Proposal is required to be referred to TfNSW. A Transport and Accessibility Impact Assessment has been prepared by TTPP and concludes that traffic and parking aspects of	Section 7.8 and Appendix E.

Relevant consideration	Comment/Assessment	Section in EIS
<i>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</i> <i>(2) In this section, relevant size or capacity means—</i> <i>(a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or</i> <i>(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.</i> <i>(3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—</i> <i>(a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and</i> <i>(b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</i> <i>(4) Before determining a development application for development to which this section applies, the consent authority must—</i> <i>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</i> <i>(b) take into consideration—</i>	the proposed development are considered to be satisfactory.	

Relevant consideration	Comment/Assessment	Section in EIS
(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 (ii) the accessibility of the site concerned, including— (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and (iii) any potential traffic safety, road congestion or parking implications of the development. (5) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.		
State Environmental Planning Policy (Sustainable Buildings) 2022		
2.1 Standards for BASIX development and BASIX optional development (1) Schedule 1 sets out the standards that apply to BASIX development referred to in paragraphs (a) and (b) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021. (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.	The Project is BASIX development that is referred to in paragraphs (a) and (b) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021. A BASIX certificate has been prepared by ADP.	Appendix V.
State - Environmental Planning Policy (Housing) 2021		
Chapter 2 Affordable Housing		

Relevant consideration	Comment/Assessment	Section in EIS
15B Definitions (1) In this division— <i>affordable housing component, of development, means the percentage of the gross floor area used for affordable housing.</i> <i>residential development means development for the following purposes—</i> (a) attached dwellings, (b) dual occupancies, (c) dwelling houses, (d) manor houses, (e) multi dwelling housing, (f) multi dwelling housing (terraces), (g) residential flat buildings, (h) semi-detached dwellings, (i) shop top housing. (2) In this division, residential development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation is taken to be used for the purposes of affordable housing.	The Project is for a residential flat building to be carried out by the Land and Housing Corporation (operating as Homes NSW) for the purposes of affordable housing.	
15C Development to which division applies (1) This division applies to development that includes residential development if— (a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and (b) the affordable housing component is at least 10%, and	The Project is permitted with consent. Refer to SSLEP 2015 below. 100% of the Project is affordable housing (inclusive of social housing). The Sutherland Shire LGA is within the Six Cities Region, and the Site is an accessible area being within 350m walking distance of a train station and within 400m of a	

Relevant consideration	Comment/Assessment	Section in EIS
(c) all or part of the development is carried out— (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.	bus stop used by a regular bus service with at least 1 bus per hour between: 6am and 9pm each day from Monday to Friday, both days inclusive, and 8am and 6pm on each Saturday and Sunday.	
19 Non-discretionary development standards—the Act, s 4.15 (2) The following are non-discretionary development standards in relation to the residential development to which this division applies— (a) a minimum site area of 450m²,	The area of the Site is 3,596m².	
(b) a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area,	A total landscaped area of 1,460m² is proposed, which is approximately 40% of the site area.	
(c) 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.	A total of 735m² / 20.4% of Site area: 580m² / 16.1% of Site area, with a minimum dimension of 6m (ADG measurement). 157m² / 3.5% of Site area of deep soil that is under 6m minimum dimension. Deep soil zones are primarily located in the front of the Site to support retention and planting of trees within and adjoining the north facing communal open space area and to integrate with important street trees on Flide Street and the future Caringbah town centre park.	Section 4.6
(d) 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,	110 apartments (67%) of units receive a minimum of 2 hours of solar access between 9am and 3pm on the winter solstice.	Appendix B

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	Whilst strict compliance is not achieved, this is considered to be justified as this the number of apartments receiving 2 hours increases to 148 (90%) when assessing for a further hour in the morning from 8am instead of 9am (i.e 8am to 3pm) on the winter solstice, ensuring a high level of amenity will be achieved. Two apartments in the development are south facing and receive less than 15 minutes midwinter solar access between 9am and 3pm (1% of all apartments).																															
(e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	Application of these rates demands a total of 82 parking spaces, as follows: <table><tr><th>Type</th><th>Unit No.</th><th>Spaces required per unit in ADG</th><th>Demand</th><th>Proposed</th></tr><tr><td>1 bedroom</td><td>77</td><td>0.4</td><td>30.8</td><td></td></tr><tr><td>2 bedroom</td><td>71</td><td>0.5</td><td>35.5</td><td></td></tr><tr><td>3 bedroom</td><td>16</td><td>1</td><td>16</td><td></td></tr><tr><td>Visitor</td><td>-</td><td>-</td><td>-</td><td></td></tr><tr><td>Total</td><td>164</td><td></td><td>82.3</td><td>83</td></tr></table> 83 parking spaces are proposed as well as two motorbike parking spaces are proposed within the basement car park.	Type	Unit No.	Spaces required per unit in ADG	Demand	Proposed	1 bedroom	77	0.4	30.8		2 bedroom	71	0.5	35.5		3 bedroom	16	1	16		Visitor	-	-	-		Total	164		82.3	83	Appendix T
Type	Unit No.	Spaces required per unit in ADG	Demand	Proposed																												
1 bedroom	77	0.4	30.8																													
2 bedroom	71	0.5	35.5																													
3 bedroom	16	1	16																													
Visitor	-	-	-																													
Total	164		82.3	83																												
(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	Complies with ADG controls for internal area of apartments.	Appendix B																														
20 Design requirements	As demonstrated in the accompanying Design Report, the proposed development has been designed in	Section 7.2 & Appendix B.																														

Relevant consideration	Comment/Assessment	Section in EIS
(3) <i>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—</i> (a) <i>the desirable elements of the character of the local area, or</i> (b) <i>for precincts undergoing transition—the desired future character of the precinct.</i>	response to this evolving precinct with a massing strategy that reflects the future character of the area and addresses the constraints and opportunities of the site. The 8-14 storey scale embraces its northern park edge, shifting built form southward for optimal public domain integration. Massing rises eastward toward the station, stepping down to the west where adjacent building height limits are capped at 6 storeys. Articulated edges preserve mature trees and define inclusive and welcoming entries for all users.	
21 Must be used for affordable housing for at least 15 years (1) <i>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—</i> (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>	Not applicable. The Project is to be carried out by the Land and Housing Corporation.	
Chapter 4 Design of residential apartment development		
142 Aims of chapter (1) <i>The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes—</i> (a) <i>to ensure residential apartment development contributes to the sustainable development of New South Wales by—</i>	The Project meets the aims of Chapter 4 of the Housing SEPP by substantially complying to all relevant controls and guidelines within the ADG and through a design that achieves the design principles. Refer below for further details.	Appendix B and Section 7.2. and 7.3.

Relevant consideration	Comment/Assessment	Section in EIS
(i) providing socially and environmentally sustainable housing, and (ii) being a long-term asset to the neighbourhood, and (iii) achieving the urban planning policies for local and regional areas, (b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces, (c) to maximise the amenity, safety and security of the residents of residential apartment development and the community, (d) to better satisfy the increasing demand for residential apartment development, considering— (i) the changing social and demographic profile of the community, and (ii) the needs of a wide range of people, including persons with disability, children and seniors, (e) to contribute to the provision of a variety of dwelling types to meet population growth, (f) to support housing affordability, (g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, (h) to facilitate the timely and efficient assessment of development applications to which this chapter applies. (2) This chapter recognises that the design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high quality design.		

Relevant consideration	Comment/Assessment	Section in EIS
147 Determination of development applications and modification applications for residential apartment development <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—</i> <i>(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,</i> <i>(b) the Apartment Design Guide,</i> <i>(c) 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> <i>(2) 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> <i>(3) 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> <i>(4) Subsection (1)(c) does not apply to State significant development.</i>	The Project has been designed with consideration of the relevant provisions of the Apartment Design Guide (ADG). A Design Report has been prepared by Bates Smart at Appendix B, confirming that the scheme was designed by a registered architect and details how the design principles for residential apartments set out within Schedule 9 of the Housing SEPP have been met. An assessment against the ADG is provided in Appendix B, that confirms that the development is consistent with the objects outlined in Chapter 4 of the Housing SEPP. The application is SSD and therefore subsection (1)(c) does not apply. Nevertheless, the Project has been the subject of the Government Architect NSW Design Review and internal Homes NSW Design Excellence review processes.	Appendix B
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> <i>(2) The following are non-discretionary development standards—</i>	Non-discretionary controls for car parking and internal apartment sizes for affordable housing are specified in Clauses 19(2)(e) and (g) of the Housing SEPP as outlined and addressed in the table above. Minimum ceiling heights of 2.7m and 2.4m are achieved for habitable and non-habitable rooms respectively.	Appendix A.

Relevant consideration	Comment/Assessment	Section in EIS
(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, (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, (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.		
Chapter 6 Low and Mid Rise Housing Part 4 Residential flat buildings and shop top housing		
175 Development standards—low and mid rise housing inner area (1) This section applies to land in a low and mid rise housing inner area in Zone R3 Medium Density Residential or R4 High Density Residential. (2) Development consent must not be granted for development for the purposes of residential flat buildings with a building height of up to 22m unless the consent authority is satisfied the building will have 6 storeys or fewer. (3) Development consent must not be granted for development for the purposes of a building containing shop top housing with a building height of up to 24m unless the consent authority is satisfied the building will have 6 storeys or fewer. (4) In this section, a storey does not include a basement within the meaning of the standard instrument.	The Proposal is for residential flat buildings over 22m and therefore the proposal can exceed 6 storeys.	
177 Landscaping—residential flat buildings or shop top housing (1) This section applies to land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.	The Tree Canopy Guide aims for developments to achieve 20% canopy cover where the Site is more than 1,500 m²	Appendix B.

Relevant consideration	Comment/Assessment	Section in EIS
(2) Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing unless the consent authority has considered the Tree Canopy Guide for Low and Mid Rise Housing, published by the Department in February 2025.	(enhanced). The proposed canopy cover is 22% and therefore complies with this requirement.	
178 Minimum lot size for residential flat buildings or shop top housing (1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential. (2) A requirement specified in another environmental planning instrument or development control plan in relation to the following does not apply to development that meets the standards in section 180(2) or (3)— (a) minimum lot size, (b) minimum lot width.	Noted.	
180 Non-discretionary development standards—residential flat buildings and shop top housing in Zone R3 or R4 (1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential. (2) The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing inner area— (a) a maximum floor space ratio of 2.2:1, (b) for residential flat buildings—a maximum building height of 22m,	Being located within the low and mid rise housing inner area and comprising 100% affordable housing, the applicable development standards for building height is 28.6m and FSR is 2.86:1 pursuant to Chapter 2, Part 2, Division 1 and Chapter 6, Part 4, Division 1 & 2 of the Housing SEPP. The proposed building height and FSR is 49.6m and 3.9:1, respectively. A concurrent Planning Proposal to amend the SSLEP 2015 building height and FSR controls for the Site to 50m and 4:1 is presented and justified in Chapter 8 of this SSDA to facilitate the development.	Section 7.2, Chapter 8.

Relevant consideration	Comment/Assessment	Section in EIS
(c) for a building containing shop top housing—a maximum building height of 24m.		
Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)		
2.2 Zoning of land to which Plan applies <i>For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.</i>	The Site is zoned R4 High Density Residential under the SSLEP 2015.	Section 5.3.
Clause 2.3 – Zone objectives and Land Use Table <i>Zone R4 High Density Residential</i> 1 Objectives of zone • To provide for the housing needs of the community within a high density residential environment. • To provide a variety of housing types within a high density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To encourage the supply of housing that meets the needs of the Sutherland Shire's population, particularly housing for older people and people with a disability. • To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features. • To minimise the fragmentation of land that would prevent the achievement of high density residential development. 2 Permitted without consent <i>Home occupations</i>	The proposed development is consistent with the objectives of the R4 zone in that: • It comprises High density development that delivers 164 social and affordable units in a high-density environment. • It includes both social and affordable housing and a mix of bedroom typologies. • It provides additional social housing which is essential social infrastructure. • It retains and protects high value retention trees located within Flide Street, Gardere Street and Willarong Road and is complementary to recent contemporary developments adjacent to the Site. • It of high quality design which maximises privacy of living spaces and solar access of adjoining residents and future Site residents through a combination of building separation, unit orientation and use of screening where necessary. Overshadowing of adjoining sites is also minimised through relocating floor space to more central locations within the site. Residential flat buildings are permitted with consent in the R4 zone.	

Relevant consideration	Comment/Assessment	Section in EIS
3 Permitted with consent <i>Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Flood mitigation works; 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; Semi-detached dwellings; Seniors housing; Shop top housing</i> 4 Prohibited <i>Any other development not specified in item 2 or 3</i>		
4.3 Height of buildings <i>(1) The objectives of this clause are as follows—</i> <i>(a) to ensure that the scale of buildings—</i> <i>(i) is compatible with adjoining development, and</i> <i>(ii) is consistent with the desired scale and character of the street and locality in which the buildings are located or the desired future scale and character, and</i> <i>(iii) complements any natural landscape setting of the buildings,</i> <i>(b) to allow reasonable daylight access to all buildings and the public domain,</i> <i>(c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,</i>	Being located within the low and mid rise housing inner area and comprising 100% affordable housing, the applicable development standards for building height is 28.6m pursuant to Chapter 2, Part 2, Division 1 and Chapter 6, Part 4, Division 1 of the Housing SEPP. The proposed building height is 49.6m. A concurrent Planning Proposal to amend the SSLEP 2015 building height controls for the Site to 50m is presented and justified in Chapter 8 of this SSDA to facilitate the development.	Section 7.2.2, Chapter 8 & Appendix A.

Relevant consideration	Comment/Assessment	Section in EIS
(d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves, (e) to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings in those zones, (f) to achieve transitions in building scale from higher intensity employment and retail centres to surrounding residential areas. (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		
4.4 Floor space ratio (1) The objectives of this clause are as follows— (a) to ensure that development is in keeping with the characteristics of the site and the local area, (b) to ensure that the bulk and scale of new buildings is compatible with the context of the locality, (c) to control development density and intensity of land use, taking into account— (i) the environmental constraints and values of the site, and (ii) the amenity of adjoining land and the public domain, and (iii) the availability of infrastructure to service the site, and (iv) the capacity of the road network to accommodate the vehicular and pedestrian traffic the development will generate, and (v) the desirability of retaining the scenic, visual, and landscape qualities of the area.	Being located within the low and mid rise housing inner area and comprising 100% affordable housing, the applicable development standards for FSR is 2.86m pursuant to Chapter 2, Part 2, Division 1 and Chapter 6, Part 4, Division 2 of the Housing SEPP. The proposed FSR is 3.9:1. A concurrent Planning Proposal to amend the SSLEP 2015 FSR control for the Site to 4:1 is presented and justified in Chapter 8 of this SSDA to facilitate the development.	Section 7.2.3, Chapter 8 & Appendix A.

Relevant consideration	Comment/Assessment	Section in EIS
(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.		
5.21 Flood planning (1) The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood. (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and	The site is not mapped as being flood prone within Sutherland Shire Council's Flood Maps. Mott MacDonald engaged with Council engineers in relation to the Draft Sutherland Shire Overland Flow – Flood Study (2023) and it was confirmed that the Site is not affected by the 1% AEP and is not considered to have flooding affectation. Accordingly, further consideration or the preparation of a flood impact risk assessment is considered unnecessary. Refer to IWMP at Appendix I for further details.	Section 7.13 and Appendix I.

Relevant consideration	Comment/Assessment	Section in EIS
(d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development, (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion. (4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause. (5) In this clause— Considering Flooding in Land Use Planning Guideline means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021. flood planning area has the same meaning as it has in the Flood Risk Management Manual.		

Relevant consideration	Comment/Assessment	Section in EIS
<i>Flood Risk Management Manual means the Flood Risk Management Manual, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.</i>		
6.1 Acid sulfate soils <i>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</i>	Douglas Partners confirm within the Geotechnical Investigation the Site is located outside of areas known to acid sulfate risk within NSW Department of Climate Change, Energy, the Environment & Water Acid Sulfate Soil Risk Map (1994 -1996).	Section 7.11, Appendix G.
6.2 Earthworks <i>(1) 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> <i>(2) Development consent is required for earthworks unless—</i> <i>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</i> <i>(b) 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>	Bulk earthworks will be limited to back fill of the existing basement retaining wall in the north of the Site and excavation of the basement. Whilst there are two carpark levels, only one level of basement excavation is required, as the new ground plane has been raised back closer to its existing natural ground plane.	Section 7.11, Appendix G, Appendix AB, Appendix AC.

Relevant consideration	Comment/Assessment	Section in EIS
(3) In deciding whether to grant 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, (d) the effect of the development on the existing and likely amenity and structural integrity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		
6.4 Stormwater management (1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this Plan applies and on native bushland and receiving waters. (2) (Repealed) (3) Development consent must not be granted to development on land to which this Plan applies unless the consent authority is satisfied that the development—	The Project incorporates the principle of water sensitive urban design. Stormwater will be managed via a treatment train including pit and pipe networks, rainwater tanks, StormFilters, and Ocean Guard baskets for suspended solids. First flush devices on downpipes will prevent debris entering tanks, with overflow directed to StormFilter chambers. The system applies to the new building's drainage network connected to a combined water quality and detention tank. To ensure that the development improves the quality of stormwater leaving the development site Mott	Section 7.12, Appendix I

Relevant consideration	Comment/Assessment	Section in EIS
(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.	MacDonald has reviewed the site and formulated a Water Sensitive Urban Design concept model as per the SSDCP 2015, Sutherland Shire Stormwater Specification 2009 and other relevant guidelines.	
6.5 Environmentally sensitive land—terrestrial biodiversity (1) The objective of this clause is to maintain terrestrial biodiversity by— (a) protecting native fauna and flora, and (b) protecting the ecological processes necessary for their continued existence, and (c) encouraging the conservation and recovery of native fauna and flora and their habitats. (2) This clause applies to land identified as “Environmentally Sensitive Land” on the Terrestrial Biodiversity Map. (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider— (a) whether the development is likely to have— (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and	A Biodiversity Development Assessment Report (BDAR) Waiver was granted by DPHI on 19 September 2025. Accordingly, no further assessment of biodiversity impacts is required.	Section 7.9, Appendix J.

Relevant consideration	Comment/Assessment	Section in EIS
(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and (iv) any adverse impact on the habitat elements providing connectivity on the land, and (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. (4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.		
6.13A Green grid links (1) The objective of this clause is to provide for a network of tree-lined pathways for pedestrians and cyclists that run between and through open spaces and along waterways. (2) This clause applies to land identified as a green grid link on the Green Grid Map.	Part of the site (southern portion adjacent to rail corridor) is identified on the Green Grid Map. Discussions with Council have identified that the preferred green grid connections to the Town Centre in this location are via Gardere Street and Flide Street as opposed to along the rail corridor. The proposal includes the retention of trees and connections along the preferred route.	Section 4.6, Appendix B, Appendix O.

Relevant consideration	Comment/Assessment	Section in EIS
(3) In deciding whether to grant development consent to development on land to which this clause applies, the consent authority must consider the extent to which the development— (a) retains and enhances tree canopy cover, and (b) facilitates and prioritises pathways for pedestrians and cyclists that run between and through open spaces and along waterways.		
6.16 Urban design—general (1) In deciding whether to grant development consent for any development, the consent authority must consider the following— (a) the extent to which high quality design and development outcomes for the urban environment of Sutherland Shire have been attained, or will be attained, by the development, (b) the extent to which any buildings are designed and will be constructed to— (i) strengthen, enhance or integrate into the existing character of distinctive locations, neighbourhoods and streetscapes, and (ii) contribute to the desired future character of the locality concerned, (c) the extent to which recognition has been given to the public domain in the design of the development and the extent to which that design will facilitate improvements to the public domain, (d) the extent to which the natural environment will be retained or enhanced by the development, (e) the extent to which the development will respond to the natural landform of the site of the development,	The Proposal is a result of consideration of the Site's context, opportunities and constraints by Bates Smart and Turf Design Studio as well as a suite of technical specialists as demonstrated in the Design Report at Appendix L and throughout this EIS. The proposal has been the subject of the Government Architect's design review as outlined in the Design Report at Appendix B.	Chapter 7.2 and Appendix B.

Relevant consideration	Comment/Assessment	Section in EIS
(f) the extent to which the development will preserve, enhance or reinforce specific areas of high visual quality, ridgelines and landmark locations, including gateways, nodes, views and vistas, (g) the principles for minimising crime risk set out in Part B of the Crime Prevention Guidelines and the extent to which the design of the proposed development applies those principles. (2) In this clause, Crime Prevention Guidelines means the publication, Crime prevention and the assessment of development applications (ISBN 0 7347 0184 5), published by the NSW Department of Urban Affairs and Planning in 2001.		
6.17 Urban design—residential accommodation <i>In deciding whether to grant development consent for development for the purposes of residential accommodation the consent authority must consider the following—</i> (a) the extent to which recognition has been given in the design of the development to the needs of the diverse and changing population of Sutherland Shire, (b) the extent to which any adverse impacts of the development on adjoining land and open space, in terms of overshadowing, overlooking, views, privacy and visual intrusion, will be minimised, (c) the extent to which the quality of the streetscape concerned will be improved by the development, (d) the extent to which there will be private open space of a sufficient area and dimensions to enable proposed and required activities, (e) the extent to which any adverse impacts of the development on adjoining land, in terms of size, bulk, height, scale and siting, will be minimised,	The Proposal comprises 100% affordable housing and has been designed with respect of the Site's context, opportunities and constraints by Bates Smart and Turf Design Studio as well as a suite of technical specialists as demonstrated in the Design Report at Appendix L and throughout this EIS. Careful consideration has been given to building massing to minimise impacts on surrounding properties such as overlooking and overshadowing. The proposal will achieve a high level of amenity or residents and result in streetscape improvements and beneficial social impacts. The proposal has been the subject of the Government Architect's design review as outlined in the Design Report at Appendix B.	Chapter 7.2 and Appendix B.

Relevant consideration	Comment/Assessment	Section in EIS
<i>(f) the extent to which the residential accommodation concerned integrates with a well-designed landscaped setting,</i> <i>(g) any opportunities for the provision of affordable housing.</i>		