

Appendix C – Statutory Compliance Table

Statutory Reference	Relevant Considerations	Assessment	Section in EIS
<i>Environmental Planning and Assessment Act 1979</i>			
Section 1.3	<i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal redevelops a currently underutilised site to ensure the effective use of the State land in accordance with strategic planning objectives. The proposal will deliver 49 residential dwellings including 11 affordable housing units to be managed by a CHP for 15-year period, which will contribute to housing supply for the community and create social benefits to the community. The proposal will generate 132 full time jobs during construction and will therefore drive economic outcomes for a short-term period. The EIS and accompanying technical reports provide detailed environmental, economic, and social assessments that have informed the design of the proposal and ensure its suitability for the site. Mitigation measures will be implemented to manage the social and economic welfare of the community during construction phases and the ongoing operation of the development.	Section 5 Section 6 Aboriginal Cultural Heritage Assessment Report at Appendix F Historic Archaeology Report at Appendix T Heritage Impact Statement at Appendix BB
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposal addresses the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity, and improved valuation, pricing, and incentive mechanisms in accordance with the requirements of the <i>Environmental Planning and Assessment Regulation 2021</i>. The ESD Report identifies how ESD best practice principles are incorporated into the design and ongoing operation of the proposed development and how the development will exceed relevant industry recognised building sustainability and environmental performance standards.	ESD Report at Appendix Q Architectural Design Report at Appendix M

<i>To promote the orderly and economic use and development of land</i>	The proposal has been informed by detailed site and local context analysis and environmental assessment against relevant strategic and statutory planning policies to promote the orderly and economic use and development of the land. As outlined previously, the proposal optimises the capacity of the land to deliver medium density development in accordance with the provisions of the Housing SEPP.
<i>To promote the delivery and maintenance of affordable housing,</i>	The proposal will deliver 11 affordable housing units managed by Bridge Housing for a 15-year period in direct accordance with this objective.
<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	A BDAR Waiver Determination Letter was issued on 21 July 2025 by Department of Planning, Housing and Infrastructure (Appendix J) which confirms the proposed development is not likely to have any significant impacts on biodiversity. The proposal seeks to remove 26 existing trees on the site however this is mitigated through extensive landscaping throughout the site which will support native ecological communities.
<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	An Aboriginal Cultural Heritage Assessment Report (ACHAR) and Historic Archaeology Report (HAA) has been prepared as well as a Heritage Impact Statement to assess the impact on surrounding built and archaeological heritage. The ACHAR concluded that there may be potential harm associated with the proposed development as the site may contain Aboriginal objects, although the extent of this is unclear, and further investigation is required. Mitigation measures are also proposed to reduce the impact. The HAA identifies that no known heritage items, conservation areas or known areas of archaeology were identified within the site and at the site inspection, no historical artefacts or areas of archaeological potential were observed. The potential archaeological resource of the site does not contain anything that would be defined as ‘relics’ under the NSW Heritage Act and

therefore no further historical archaeological impact assessment, or approvals are required.

The Heritage Impact Assessment concluded that the proposed development would have an acceptable impact on heritage items and no further mitigation measures are required.

The proposal enables the redevelopment of the site whilst promoting and respecting built and archaeological heritage.

To promote good design and amenity of the built environment,

The proposed design and amenity outcome is appropriate for the site and locality. The additional height and FSR afforded by the Housing SEPP bonuses have been designed to avoid adverse external amenity impacts, particularly regarding overshadowing to neighbouring residential development. A full assessment against the principles of Better Placed and the Apartment Design Guide is provided in the Architectural Design Report at **Appendix M**.

To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

The construction of buildings will have regard to the requirements of the BCA and NCC. A BCA Statement and an Access Statement has been prepared to confirm compliance of the proposed design with the relevant legislation. This will be further developed during the post-approval design development phase, prior to receipt of Construction Certificate as per appropriate conditions of development consent.

To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

The applicant has met with Council on 18 September 2025 as part of the pre-lodgement process and considered outcomes of this meeting as discussed in the EIS.

The SSDA will be referred to Woollahra Council, TfNSW and any other relevant agencies as part of the exhibition process. Any comments from the stakeholders will be considered and addressed in the proponent's Response to Submissions report.

	<i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	As detailed in Section 5 of the EIS, community and stakeholder engagement has been undertaken during the preparation of the SSDA. Through the public exhibition phase, there will be further opportunities for community and stakeholders to respond to the proposed development. The applicant will respond to any concerns raised following the public exhibition of the SSDA.	
Section 4.15	Relevant environmental planning instruments	An assessment against the following State Environmental Planning Policies (SEPPs) is provided in this table: ▪ <i>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP);</i> ▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP);</i> ▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP);</i> ▪ <i>State Environmental Planning Policy (Sustainable Buildings) 2022 (SB SEPP)</i> ▪ <i>State Environmental Planning Policy (Housing) 2021</i> ▪ <i>Woollahra Local Environmental Plan 2014 (WLEP 2014)</i>	This table.
	Draft environmental planning instruments	No draft EPI's have been identified as relevant to this application.	N/A
	Relevant planning agreement or draft planning agreement	No relevant planning agreement or draft planning agreement are associated with this application.	N/A
	Environmental Planning and Assessment Regulation 2021	This EIS has been prepared in accordance with the <i>Environmental Planning and Assessment Regulation 2021</i> as discussed in this table.	N/A

	Development control plans: <i>Woollahra Development Control Plan 2015</i>	Section 2.10 of the Planning Systems SEPP provides that DCPs do not apply to SSDAs. As such, compliance with the Woollahra DCP 2015 is not a mandatory consideration.	N/A
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development including the environmental impacts on the natural and built environments, and social and economic impact on the locality are assessed in detail within the EIS.	Section 6
	The suitability of the site for the development	The suitability of the site for the proposed development is discussed in Section 7.6 EIS.	Section 7.6
	Any submission made	Submissions will be considered following exhibition of the application.	N/A
	The public interest	The proposed development is considered in the public interest as discussed in Section 7.7 of the EIS.	Section 7.7
<i>Environmental Planning and Assessment Regulation 2021</i>			
Part 8	Environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS addresses the SEARs issued by the Secretary as part section 175 of the EP&A Regulations and contains the detailed information identified in section 190 and 192 of the EP&A Regulations.	EIS
Section 26	Outlines the information required about affordable housing development. It states that an Applicant must specify the name of the registered Section 26 of the Regulations outlines the	A letter has been prepared by Bridge Housing, a registered Community Housing Provider confirming that subject to a property management agreement, Bridge Housing intends to manage the affordable housing dwellings at the site for 15 years in accordance with the Housing SEPP.	CHP Letter at Appendix X

information required about affordable housing development. It states that an Applicant must specify the name of the registered community housing provider.

Section 27	A development application for BASIX development must be accompanied by— (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 (b) the other matters required by the BASIX certificate.	The SSDA is accompanied by a relevant BASIX certificate for the development issued no earlier than 3 months before the day on which the development application is submitted. The Certificate is dated within 3 months of lodgement as per section 27 of the EP&A Regulations.	BASIX Certificate at Appendix I
Section 29	A development application that relates to residential apartment development must be accompanied by a statement by a qualified designer.	A Design Verification Statement prepared by MHNDU is provided within the Design Report as per section 29 of the EP&A Regulations.	Design Report at Appendix M
Section 35B	The development application must be accompanied by a document that sets out the grounds on which the applicant seeks to demonstrate that— (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and	A Clause 4.6 Variation Request which sets out the grounds on which the applicant seeks to vary the maximum building height standard is prepared by Urbis at Appendix L as per Section 35B of the EP&A Regulations.	Clause 4.6 Variation Request at Appendix L

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Section 193	Outlines the principles of ecologically sustainable development as the following— (a) the precautionary principle, (b) inter-generational equity, (c) conservation of biological diversity and ecological integrity, (d) improved valuation, pricing and incentive mechanisms.	The EIS has addressed the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms.	Section 6.2 ESD Report at Appendix Q
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Biodiversity Conservation Act 2016

Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	A BDAR Waiver Determination Letter was issued on 21 July 2025 by Department of Planning, Housing and Infrastructure (Appendix J) which confirms the proposed development is not likely to have any significant impacts on biodiversity.	BDAR Waiver at Appendix J
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State Environmental Planning Policies

State Environmental Planning Policy (Planning Systems) 2021

Schedule 1, Section 26A	Development to which satisfies the following is classified as State significant development : ▪ Chapter 2, Part 2, Division 1 of the Housing SEPP applies; and ▪ Has a estimated development cost of over \$75 million + (for the residential components) and; ▪ Is not prohibited under an EPI applying to the land; and ▪ Will provide at least 10% of the residential component as affordable housing for at least 15 years	The development has an estimated development cost (EDC) of \$86.6 million. The proposed use 'Residential flat building' is permitted with development consent in the R3 Medium Density Residential zone under WLEP 2014. The proposal also provides 15% affordable housing and meets the locational criteria of the Housing SEPP. Therefore, the proposal qualifies as SSD.	Cost Report at Appendix O
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State Environmental Planning Policy (Housing) 2021

Section 15C	The in-fill affordable housing provisions of the Housing SEPP apply to development that includes residential development if –	Residential flat buildings are permitted with consent in the R3 Medium Density Zone under the WLEP 2014. 15% total GFA is proposed to be affordable housing. The site is within 180m of the bus stop located at New South Head Rd at Newcastle Street which is serviced by 10 bus routes on the weekday and	N/A
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	▪ The development is permitted with consent under an EPI. ▪ The affordable housing component is at least 10%. ▪ The development is carried out in an accessible area	weekend. The site is also within 1km of the Rose Bay ferry wharf. Therefore, the site meets the 'accessible area' threshold.	
Section 16	The minimum affordable housing component is 10%. 30% additional FSR is permitted for proposals delivering up to 15% affordable housing, based on the maximum permissible FSR for the land, in accordance with Section 16 (1) and (2). In accordance with Section 16 (3), the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).	15% of the total GFA proposed is provided as affordable housing. Therefore, the proposal seeks to utilise the 30% FSR bonus available. This permits a maximum FSR of 2.86:1. The proposed FSR is 2.86:1 and is compliant under section 16 of the Housing SEPP. As the full 30% bonus FSR is permitted under Section 16 (1) and the development comprises residential development, a 30% height bonus is also applicable to the proposed development. This permits a maximum building height of 28.6m. The proposed maximum building height is 30.61m and as such a clause 4.6 variation request has been prepared to vary section 18 of the Housing SEPP. The non-compliant portion of the building is related to the lift overrun only, and the building up to the parapet and all habitable floor space is compliant.	Clause 4.6 Variation Request at Appendix L
Section 18	The minimum affordable housing component, which must be at least 10%, is calculated as follows—	As above.	Clause 4.6 Variation Request at Appendix L

$$\text{affordable housing component} = \frac{\text{additional building height}}{(\text{as a percentage})}$$

Section 19	The following are non-discretionary development standards in relation to the residential development to which this division applies—		
19(2)(a) Minimum site area of 450m ²	The site area is 2657m ² and so meets the minimum site area requirement of 450m ² .	Survey Plan at Appendix CC	
19(2)(b) minimum landscaped area that is the lesser of: ▪ 35m² ▪ 30% of the site area	The landscape design provides for 1196sqm of landscaped area (46% of the site area). This is greater than the required 797.1sqm of landscape area.	Landscape Plans at Appendix V	
19(2)(c) 15% deep soil zone, with: ▪ Minimum dimensions of 3m 65% located at the rear of the site	Not applicable as Chapter 4 of the Housing SEPP applies to the site.	N/A	
19(2)(d) living rooms and POS in at least 70% of dwelling receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter	Not applicable as Chapter 4 of the Housing SEPP applies to the site.	N/A	

	19(2)(e) car parking for affordable housing dwellings: 1 bedroom: 0.4 parking spaces 2 bedroom: 0.5 parking spaces 3 bedroom: 1 parking space	The proposed development provides for 5 1-bedroom units 5 2-bedroom units 1 3-bedroom units In accordance with the minimum rate of the Housing SEPP, 6 parking spaces are required. The proposed development provides 6 affordable parking spaces.	Transport Impact Assessment at Appendix DD
	19(2)(f) car parking for non-affordable housing dwellings: 1 bedroom: 0.5 parking spaces 2 bedroom: 1 parking spaces 3+ bedroom: 1.5 parking space	The proposed development provides for: 1 1-bedroom units 5 2-bedroom units 32 3+-bedroom units In accordance with the minimum rate of the Housing SEPP, 54 parking spaces are required. The proposed development provides 54 spaces, therefore demonstrating compliance.	Transport Impact Assessment at Appendix DD
	(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	Objective 4D-1 outlines the minimum internal areas for apartments as follows: 1 bedroom 50m2 2 bedroom 70m2 3 bedroom 90m2 All apartments exceed the minimum internal area size.	Design Report at Appendix M
Section 20	Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential	Site context and neighbourhood character were careful considerations in the built form and urban design response and the proposed development continues to respond to the site context. Although this site and building represent the first in a series of similar projects, they will, over time, become	Section 6.1.2.3

	development is compatible with the desirable elements of the character of the local area, or for precincts undergoing transition—the desired future character of the precinct.	part of a broader context defined by residential apartment buildings of a similar scale within 800m of Rose Bay as per the LMR planning policy. Consistency with the future character of Rose Bay is discussed in Section 6.1.2.3 of the EIS.	
Section 21	The consent authority is to be satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development, the development will include the affordable housing component specified above, and the affordable housing component will be managed by a registered community housing provider.	The proponent is committed to providing 15% of the total proposed GFA as affordable housing to be managed by Bridge Housing for a period of 15 years. A condition of consent can be imposed to reflect this.	CHP Letter of Intent at Appendix K
Section 147	The consent authority must consider: (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide, (c) any advice received from a design review panel within 14 days after the consent authority referred the development	A detailed assessment of the proposal against the Schedule 9 design principles for residential apartment development and the Apartment Design Guide (ADG) is provided in the accompanying Design Report, prepared by MHNDU. The assessment demonstrates that the proposal achieves a high level of consistency with the key numerical requirements of the ADG including: ▪ Solar and daylight access. ▪ Natural ventilation. ▪ Apartment size and layout. ▪ Ceiling heights. ▪ Private open space and balconies.	Section 6

application or modification
application to the panel.

- Communal Open Space.
- Visual Privacy.
- Storage.

The DPHI have confirmed the proposal does not require a review by the SDRP.

Section 148	The following are non-discretionary development standards—		
	(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,	The proposed car parking rates are compliant with the in-fill affordable housing provisions under Chapter 2.	N/A
	(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,	All apartments exceed the minimum internal area size.	Design Report at Appendix M
	(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	The proposed floor to floor height is 3.15m. The proposed ceiling heights are in accordance with the NSW ADG as: ▪ habitable rooms: 2.7m ▪ non-habitable rooms: 2.4m	Design Report at Appendix M

Section 164	This chapter applies to the whole of the State, other than the following— (a) bush fire prone land, (b) land identified as a coastal vulnerability area or a coastal wetlands and littoral rainforests area within the meaning of State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2... ...(e) the following local government areas— (i) Bathurst Regional, (ii) City of Blue Mountains, (iii) City of Hawkesbury, (iv) Wollondilly... ... (g) land in a flood planning area in the following local government areas— (i) Armidale Regional, (ii) Ballina, (iii) Bellingen, (iv) Byron, (v) City of Cessnock, (vi) Clarence Valley, (vii) City of Coffs Harbour, (viii) Dungog,	The site is <i>not</i> identified as: ▪ bush fire prone land, ▪ within a coastal vulnerability area or a coastal wetlands and littoral rainforests area, ▪ within a TOD or deferred TOD precinct, ▪ in an ANEF or ANEC contour of 20 or greater or ▪ within the local government area identified at Section 164(1)(e) or (g). The site is located in the Mosman local government area and as such the provisions of the chapter apply to the site.	N/A
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- (ix) Goulburn Mulwaree,
- (x) Kempsey,
- (xi) Kyogle,
- (xii) City of Lismore,
- (xiii) City of Maitland,
- (xiv) Nambucca Valley,
- (xv) City of Newcastle,
- (xvi) Port Stephens,
- (xvii) Queanbeyan-Palerang Regional,
- (xviii) Richmond Valley,
- (xix) City of Shoalhaven,
- (xx) Singleton,
- (xxi) Tweed,
- (xxii) Upper Hunter Shire,
- (xxiii) Walcha,

Section 174	Development for the purposes of residential flat buildings is permitted with development consent on land to which this chapter applies in a low and mid rise housing area in Zone R2 Low Density Residential or R3 Medium Density Residential.	Development of a residential flat building is permitted with consent in the R3 Medium Density Residential zone under WLEP 2014.	N/A
Section 175	(1) This section applies to land in a low and mid rise housing inner area in Zone R3 Medium Density	The site is within the LMR inner area in R3 Zone. Consent cannot be granted for development with a building height of up to 22m unless the consent authority is satisfied the building will have 6-storeys or fewer.	N/A

	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 site seeks to utilise the infill affordable bonus provisions under Chapter 2 of the Housing SEPP and will have a height of 8 storeys. The 30% height and FSR bonus has been calculated on the 'base' height control of 22m. Refer to assessment under Chapter 2 of the Housing SEPP contained within this table.	
Section 177	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.	The proposed development has considered the Tree Canopy Guide for Low and Mid-Rise Housing, published by the Department in February 2025. An assessment against these provisions is provided in Section 6.7.3.	Section 6.7.3

Section 178	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.	The minimum lot size provision under the Wollahra LEP does not apply.	N/A
Section 180	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, (c) for a building containing shop top housing—a maximum building height of 24m.	The site is located within 400m of the Rose Bay town centre and is within the 'inner' area. Non-discretionary standards of a maximum FSR of 2.2:1 and a maximum building height of 22m for residential flat buildings apply to the development. The site seeks to utilise the infill affordable bonus provisions under Chapter 2 of the Housing SEPP. The 30% height and FSR bonus has been calculated on the 'base' height control of 22m and FSR control of 2.2:1. Refer to assessment under Chapter 2 of the Housing SEPP contained within this table.	N/A
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</i>			
Section 4.6	Land must not be rezoned or developed unless contamination has been considered and, where	A Preliminary Site Investigation prepared by EI Australia found the potential presence of asbestos within existing structures and on soil surfaces. Mitigation measures in this report suggest that before demolition, a Hazardous Materials Survey (HMS) must be carried out to identify and	Preliminary Site Investigation at Appendix Y

relevant, land has been appropriately remediated.

manage hazardous materials (including asbestos) to protect worker safety and prevent contamination. A licensed assessor must conduct an asbestos clearance inspection and issue certification after removal. If hazardous materials remain, further removal and validation are required. After demolition, an intrusive investigation should be undertaken to assess potential ASS in the excavation area, following the ASSMAC (1998) guidelines.

Subject to implementation of these mitigation measures, the site can be made suitable for the residential development.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)

Section 2.48

Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

The site is located within 5 metres of exposed overhead electricity lines on Dover Road.

The proposed development requires consultation with the electricity supply authority to be carried out. This will occur as part of the public exhibition of the SSDA.

N/A

State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)

2.1 Standards for BASIX development and BASIX optional development	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.	Schedule 1 of the Sustainable Buildings SEPP applies to the erection of BASIX buildings and therefore applies to the development. The ESD Report quantifies the embodied emissions of the development.	ESD Report at Appendix Q
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Woollahra Local Environmental Plan 2014

Zoning and Land Use	The proposed development seeks consent for a residential flat building which is a permissible use with consent in the R3 Medium Density Residential Zone. The objectives of the zone are: • To provide for the housing needs of the community within a medium density residential environment. • To provide a variety of housing types within a medium density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The site is zoned R3 Medium Density Residential. Residential flat buildings are permissible with consent. The proposed development is consistent with the objectives of the R3 zone in that: ▪ It will provide 49 new residential units and 11 affordable units. ▪ The proposal will support the function of the Rose Bay Local Centre by providing more housing nearby. ▪ The development has been carefully designed to be in-keeping with the character of the neighbourhood. ▪ The proposal increases canopy cover.	N/A
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	• To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood. • To ensure development conserves and enhances tree canopy cover.		
4.1 Minimum subdivision lot size	This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan. The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	The minimum lot size does not apply as per the Housing SEPP.	N/A
4.3 Height of Buildings	The site is subject to a height building control of 10.5m on the Height of Buildings Map.	Under Chapter 6 of the Housing SEPP, a base height of 22 metres is permitted under the low-mid rise provisions, with a further 30% increase available through the in-fill affordable housing provisions contained in Chapter 2 of the Housing SEPP. The provisions of the Housing SEPP override the WLEP 2014 and as such a maximum building height of 28.6m applies to the site. An assessment against these provisions is provided in this assessment table under the Housing SEPP.	N/A

4.4 Floor Space Ratio	The site is subject to a FSR control of 0.75:1 on the Floor Space Ratio Map.	Under Chapter 6 of the Housing SEPP, a base FSR of 2.2:1 metres is permitted under the low-mid rise provisions, with a further 30% increase available through the in-fill affordable housing provisions contained in Chapter 2 of the Housing SEPP. The provisions of the Housing SEPP override the WLEP 2014 and as such a FSR of 2.86:1 applies to the site. An assessment against these provisions is provided in this assessment table under the Housing SEPP.	N/A
Clause 4.6	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. 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	A Clause 4.6 Variation Request has been prepared to amend section 18 of the Housing SEPP related to the maximum building height. The variation to the control is 2.01m related to the lift overrun only. The Clause 4.6 Variation Request addresses subclause (a) and (b) and finds that the variation is acceptable in this circumstance.	Clause 4.6 Variation Request at Appendix L

unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

5.10 Heritage Conservation	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	The site is not listed as a local item and is not located in a heritage conservation area. The subject site is located within the vicinity of two heritage items listed under Schedule 5 Part 1 of the WLEP 2014; St Andrew's Scots Presbyterian Church complex and setting, including interiors and moveable relics which is located directly across from the site on the eastern side, and Rose Bay Hotel and interiors which is located to the west of the site, along New South Head Road. A Heritage Impact Statement has been prepared by Weir Phillips Heritage and accompanies this application and concludes the proposal does not adversely impact the significance of surrounding heritage items or heritage conservation areas. A Historical Archaeological Assessment has been prepared by Virtus Heritage and accompanies this application. It concludes that the potential archaeological resource of the site has been assessed for significance and found that no assessment criteria or threshold have been met for either local or state significance. The potential archaeological resource of the site does not contain anything that would be defined as 'relics' under the NSW Heritage Act and therefore no further historical archaeological impact assessment, or approvals are required. The proposal will therefore not have an adverse impact on historic archaeology.	Aboriginal Cultural Heritage Assessment Report (ACHAR) (Appendix F) Historic Archaeology Report (HAA) (Appendix T) Heritage Impact Statement (Appendix BB)
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		The ACHAR concluded that there may be potential harm associated with the proposed development as the site may contain Aboriginal objects, although the extent of this is unclear, and further investigation is required. Mitigation measures are also proposed to reduce the impact.	
5.21 Flood Planning	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.	The site is not designated as flood affected. Although, Dover Road is classified as a high hazard floodway, reflecting the potential risk to life during extreme events. A Flood Impact and Risk Assessment has been prepared by Catchment Simulation Solutions and submitted with this application. The assessment concludes that the proposed development will not result in any adverse impacts on flood behaviour. The below mitigation measures are suggested: ▪ The sensitivity of the works to climate change, blockage scenarios and cumulative impacts within the floodplain was assessed, with no significant adverse outcomes identified. Emergency response considerations confirm that although evacuation during the peak of a flood would not be possible, all habitable floor levels are located above the PMF. As such, residents would be required to shelter in place for a short period (less than 60 minutes) until safe access is re-established. ▪ To mitigate this, a flood emergency response plan template has been prepared, see Appendix D of the Flood Impact and Risk Assessment. The purpose of this plan is to promote awareness of flood behaviour in the vicinity of the site and outlines what site occupants should do before, during and after flood events to minimise the risk to life and property.	Flood Impact and Risk Assessment at Appendix R
6.1 Acid Sulfate Soils	<u>Class 4</u> Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the	The site is identified as containing land classified as Acid Sulfate Soils Class 4. A Preliminary Site Investigation report was prepared by EI Australia which found the potential presence of Acid Sulfate Soils was considered to be low to medium, but only 2 metres below ground level. The proposed excavation	Acid Sulfate Soils Management Plan at Appendix G

	watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	levels are deeper than this which is therefore within the risk level for Acid Sulfate Soils. An Acid Sulfate Management Plan has been prepared by EI Australia and submitted with this application which concludes there is potential for the presence of acid sulfates, albeit low. Appropriate mitigation measures have been identified to manage potential risks, including a pre-construction investigation with soil sampling and lab analysis being recommended. If ASS is present, management will include lime treatment, controlled stockpiling, rapid disposal, daily pH monitoring, and treatment of exposed soils. Groundwater will be managed to meet strict discharge standards (pH 6–8, low sediment). Acidic water will be treated with lime in settlement tanks. Contingency measures address unexpected ASS depths, neutralization failures, bund damage, and delays. The ASMP emphasises proactive monitoring, rapid response, and compliance with environmental standards to ensure safe redevelopment.	
6.2 Earthworks	In deciding whether to grant development consent for earthworks and associated construction dewatering (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	Earthworks involving excavation is proposed under this SSDA. De-watering of the site is not proposed as a tanked basement will be undertaken. In response to the matters for consideration under subclause (3), the development: ▪ A Geotechnical Report has been prepared by Morrow which confirms the development will not adversely impact land stability, groundwater flow or present structural risk to adjoining structures. ▪ The works will not adversely affect the future use of the site for a residential flat building. ▪ An Archaeology Report has been prepared by Virtus Heritage and confirms the potential archaeological resource of the project area does not contain anything that would be defined as 'relics' under the	Geotechnical Investigation Report at Appendix S Site Hydrogeology Report at Appendix Z

	(b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity and structural integrity of surrounding properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	NSW Heritage Act and has such there is a low likelihood of disturbing relics. Stormwater measures are proposed in the Civil Plans to ensure there is no adverse impact on surrounding waterways.	
6.9 Tree canopy cover in Zones R2 and R3	Consent authority is to consider whether the development (a) incorporates planning and design measures to enable the retention and planting of trees to	The development incorporates planning and design measures to enable planting of trees. Whilst 27 trees are proposed to be removed, the proposal delivers significant planting across the site with 398.5sqm of canopy coverage and 26.15sqm deep soil planting (3m width) proposed. The proposal mitigates the loss of trees as much as possible through this	Landscape Plan at Appendix V Section 6.7

minimise the urban heat island effect, and

(b) will avoid, minimise or mitigate adverse impacts on the existing tree canopy.

proposed new planting and the building design, which locates the envelope in the centre of the site to allow for perimeter landscaping.

ADG Design Criteria	Assessment
Solar Access (min 70%)	Complies 71.4% of apartments receive a minimum of 2 hrs direct sunlight to the Living rooms & private open spaces between 9am - 3pm at mid winter.
South Facing Apartments (max 15%)	Complies 12.2% of apartments receive no direct sunlight between 9 am - 3 pm at mid winter.
Natural Cross Ventilation (min 60%)	Complies 71.4% of apartments are naturally cross ventilated in the eight storeys of the building.
Universal Design (min 20%)	Complies 20% of dwellings meet the Liveable Housing Guideline's silver level universal design. The ADG refers to the local Council DCP for adaptable housing. As per the Woollahra Development Control Plan 2015, the development provides 10% of apartments as adaptable under AS 4299 – Adaptable housing.
Deep Soil (min 7%)	Non-compliant 261.5 sqm of deep soil zones, representing 9.8% of the site area when measured at a width of 3m as per the Tree Canopy Guide for LMR Housing. 2.7% of the site area is provided as deep soil when measured at a width of 6m under the NSW ADG. This represents a technical departure. Refer to Section 6.7.3 of the EIS for justification.
Communal Open Space (min 25%)	Complies The development provides 652 sqm of communal open space, greater than 25% of the site area.

More than 50% of the communal open space receives is in direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.

Building Separation**Non-compliant**

The proposed development is generally compliant with the building separation distances specified in the ADG, with the exception of Levels 4 and 5. At these levels, the proposed rear and side setbacks to the adjoining properties are non-compliant, as they do not provide the required 12 m separation at Level 4 or 18 m at Level 5. Notwithstanding this, the glass line complies with the relevant separation requirements; the non-compliance relates only to the outermost parts of the building, specifically the balconies.

Ceiling Heights**Complies**

The proposed ceiling heights are:

- habitable rooms: 2.7m
- non-habitable rooms: 2.4m

Apartment Size and Mix**Complies**

49 apartments are provided with a mix of 1, 2, 3 and 4 bedrooms. 11 affordable housing apartments are proposed, with a mix of 1, 2 and 3 bedrooms.
