

Statutory Compliance Table

1.0 STATE LEGISLATION

Table 1: State Legislation Compliance Table

Statutory Requirement	Comment	Compliance	EIS Section	Documentation
<i>Environmental Planning and Assessment Act 1979 (NSW)</i>				
Section 1.3 Objects of the Act				
<i>The objects if this Act are as follows</i>	See below.			
<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i>	The proposed development will promote the social and economic welfare of the community through the provision of new housing in an identified strategic centre, close to services, employment and public transport. The proposed development will not significantly impact the proper management, development and conservation of the State's natural and other resources.	Yes	Section 8.6 Section 8.7	-
<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposal is consistent with the principles of ecologically sustainable development as identified in the ESD Report prepared as Appendix L.	Yes	Section 7.17	Appendix L
<i>(c) to promote the orderly and economic use and development of land,</i>	The proposed development will facilitate the orderly and economic use and renewal of a large consolidated site within the Crows Nest TOD Precinct identified for greater density as anticipated under the NSW Strategic Planning Framework. The EIS also outlines the alternatives considered for the site.	Yes	Section 3.5	-
<i>(d) to promote the delivery and maintenance of affordable housing,</i>	The proposed development includes an affordable housing contribution under Clause 7.5 of the North Sydney LEP, equivalent to 3% of the total GFA. This contribution is available to government to promote the delivery and maintenance of affordable housing.	Yes	Section 4.16	-
<i>(e) to protect the environment, including the conservation of threatened and other species of</i>	The proposed building height will not impact on the conservation of threatened and other species or native animals and plants, ecological communities or their habitats.	Yes	Section 7.20	Appendix T

Statutory Requirement	Comment	Compliance	EIS Section	Documentation
<i>native animals and plants, ecological communities and their habitats,</i>	A BDAR Waiver was granted for the proposal dated 19 September 2025. The BDAR Waiver determination noted that the proposed development “is not likely to have significant impact on biodiversity values.”			
<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	The proposed development will not adversely impact Aboriginal cultural heritage. Designing with Country principles have also informed the development. An Aboriginal Objects Due Diligence Assessment has been prepared and confirms that the study area is considered to have low to nil potential to contain subsurface Aboriginal objects. The proposed development is not on land identified as containing any items of local or state heritage significance. There are no heritage items located on adjoining land and it is considered that the proposed development will have no impact on any heritage items in the surrounding area.	Yes	Section 7.18 Section 7.19	Appendix AA Appendix M Appendix G
<i>(g) to promote good design and amenity of the built environment,</i>	The proposed development has been designed by award winning architects Group GSA and promotes good design and amenity, including by delivering rooftop communal open space for future residents benefit. The proposed variation to the height does not compromise or impact the good design of the building and the amenity of the surrounding built environment. Upper levels including the rooftop communal open space are setback, and the impact of the proposed additional height in terms of shadow impact, view sharing, privacy and bulk and scale are considered in the following sections of this report.	Yes	Section 4.0 Section 7.0	Appendix M
<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The proposed building will satisfy the requirements of the NCC and relevant standards in order to protect the health and safety of occupants.	Yes	-	Appendix AB
<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	The proposed development is State Significant and the consent authority is the Minister or their delegate. The applicant has engaged with State Government agencies and North Sydney Council during the preliminary stages of the project. The proposed development is also a direct response to the State-led rezoning of the Crows Nest TOD Precinct associated with State government priorities and the Federal Housing Accord targets.	Yes	-	-
<i>(j) to provide increased opportunity for community participation in environmental planning and assessment.</i>	The project team has undertaken consultation and feedback with all relevant stakeholders. An Engagement Report has been prepared by Planning & Co.	Yes	Section 6.0	Appendix W

Statutory Requirement	Comment	Compliance	EIS Section	Documentation
Section 4.15 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—				
<i>(i) any environmental planning instrument, and</i>	This Statutory Compliance table outlines compliance with relevant provisions of environmental planning instruments that apply to the project including where it has been addressed in the EIS and supporting documentation.	Yes	-	Appendix B
<i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	Not applicable.	Yes	-	-
<i>(iii) any development control plan, and</i>	Development control plans do not apply to State Significant developments under Section 2.10 of the Planning SEPP.	Yes	-	-
<i>(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</i>	Not applicable.	Yes	-	-
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	Compliance with the EP&A Regulations is detailed in this Statutory Compliance Table.	Yes	-	-
<i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The proposed development will not result in any unacceptable adverse impacts on the surrounding natural and built environment. Mitigation measures are proposed where relevant.	Yes	Section 7.0	Appendix C
<i>(c) the suitability of the site for the development,</i>	The proposed development is suitable for the site as demonstrated in the EIS.	Yes	Section 8.8	-
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	All public submissions through the appropriate channels will be considered and responded in accordance with this Act.	Yes	Section 6.0	Appendix W
<i>(e) the public interest.</i>	The proposed development is in the public interest as demonstrated by the EIS.	Yes	Section 8.9	-
Biodiversity Conservation Act 2016 (NSW)				
Section 7.9 Biodiversity assessment for State significant development or infrastructure				
(1) This section applies to—				

Statutory Requirement	Comment	Compliance	EIS Section	Documentation
<i>(a) an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development, and</i>	The proposal seeks to apply for development consent under Part 4 of the EP&A Act and hence Section 7.9 applies. A BDAR Waiver has been obtained for the proposal dated 19 September 2025. The BDAR Waiver determination noted that the proposed development “is not likely to have significant impact on biodiversity values.”	Yes	Section 7.20	Appendix T
<i>(2) Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.</i>				
<i>(3) The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.</i>				
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 Planning and Assessment Act 1979, or an application for approval for State significant infrastructure under the Environmental Planning and Assessment Act 1979, Division 5.2, that is required under Division 2 to be accompanied by a biodiversity development assessment report.</i>	A BDAR Waiver has been issued and the Determination noted that the proposed development “is not likely to have significant impact on biodiversity values.”	Yes	Section 7.20	Appendix T
<i>(2) The Minister for Planning, when determining in accordance with the Environmental Planning and Assessment Act 1979 any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The Minister for Planning may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.</i>				
Environmental Planning and Assessment Regulation 2021 (NSW)				
Part 8 Infrastructure and environmental impact assessment				
Division 2 Environmental assessment requirements for State significant development,	SEARs were received for SSD-86462209 dated 23 June 2025. The EIS has been prepared to address the SEARs.	Yes	-	Appendix A

Statutory Requirement	Comment	Compliance	EIS Section	Documentation
designated development and activities – the Act, s 4.39, 4.64 and Div 5.1				
Division 5 Environmental impact statements – the Act, s4.12(8), 5.7(1) and 5.16(2)	The EIS contains all the required information in accordance with the <i>State significant development guidelines – preparing an environmental impact statement</i> , dated July 2022.	Yes	Whole document	-

2.0 ENVIRONMENTAL PLANNING INSTRUMENTS

Table 2: EPI Compliance Table

Statutory Requirement	Comment	Compliance	EIS Section	Documentation
State Environmental Planning Policy (Planning Systems) 2021				
Section 2.6 Declaration of State significant development: section 4.36				
<i>(1) Development is declared to be State significant development for the purposes of the Act if— (b) the development is specified in Schedule 1 or 2.</i>	The proposed development meets the criteria to be State significant development under Schedule 2, Section 19 as: - It is development for the purposes of residential accommodation - Is on land identified as an Accelerated TOD Precinct, being the Crows Nest TOD Precinct - Has an EDC of more than \$60 million. Therefore, the proposed development is declared a state significant development and the Minister or their delegate is the consent authority.	Yes	Section 5.1	Appendix A
Section 2.10 Application of development control plans to State significant development				
<i>(1) Development control plans (whether made before or after the commencement of this Chapter) do not apply to— (a) State significant development,</i>	The provisions and requirements under the North Sydney Development Control Plan 2025 (North Sydney DCP 2025) do not apply to this SSDA. Nonetheless, some DCP controls are given weight by the ADG or the Crows Nest Design Guide, specifically regarding view corridors, above-podium setbacks and non-residential car parking. These controls as well as other relevant DCP considerations are outlined in Table 4.	Yes	-	Appendix A
Schedule 2, Section 19 Development in Accelerate TOD Precincts				
<i>(1) Development for the purposes of residential accommodation on land identified as an “Accelerated TOD Precinct” on the <u>Accelerated Transport Oriented Development Precincts Rezoning Areas Map</u>, if the development has an estimated development cost of more than \$60 million.</i>	The proposed development is identified as an ‘Accelerated TOD Precinct’ and has an estimated development cost exceeding the \$60 million threshold.	Yes	Section 5.1	Appendix N

Statutory Requirement	Comment	Compliance	EIS Section	Documentation
<i>(2) A mixed use development on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map that includes development for the purposes of residential accommodation, if the part of the development that is for the purposes of residential accommodation has an estimated development cost of more than \$60 million.</i>	Not Applicable.	N/A	-	-
<i>(3) This section does not apply in relation to a development application made on or after 30 November 2027.</i>	This development application is made before 30 November 2027.	Yes	-	-
State Environmental Planning Policy (Housing) 2021				
Chapter 4 Design for residential apartment development				
Section 144 Application of chapter				
<i>(2) This chapter applies to the following—</i> <i>(a) development for the purposes of residential flat buildings,</i> <i>(b) development for the purposes of shop top housing,</i> <i>(c) mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter.</i> <i>(3) This chapter applies to development only if—</i> <i>(a) the development consists of—</i> <i>(i) the erection of a new building, or</i> <i>(ii) the substantial redevelopment or substantial refurbishment of an existing building, or</i> <i>(iii) the conversion of an existing building, and</i> <i>(b) the building is at least 3 storeys, not including underground car parking storeys, and</i> <i>(c) The building contains at least 4 dwellings.</i>	This chapter applies to the proposed development as a residential flat building, consisting of the erection of a new building, the building is at least 3 storeys and contains at least 4 dwellings.	Yes	-	Appendix D
Section 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>	Group GSA have comprehensively addressed the design principles and the ADG. Refer to the compliance chapter of the Design Report.	Yes	Section 7.1-7.8	Appendix M

Statutory Requirement	Comment	Compliance	EIS Section	Documentation
(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 application or modification application to the panel.				
Section 148 Non-discretionary development standards for residential apartment development – the Act, s 4.15				
(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.	Noted.			
(2) 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 car parking provision meets the Crows Nest TOD Precinct Design Guide 2024 maximum requirements. These parking rates are also consistent with those included in the North Sydney Development Control Plan 2025 as referenced in Part 3J of the ADG.	Yes	Section 7.10	Appendix D Appendix E Appendix M
(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,	The proposed 1 bed, 2 bed and 3 bed apartments achieve the minimum internal areas.	Yes	-	Appendix D 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 ceiling heights for the proposal are compliant with minimum ceiling heights specified in Part 4C of the ADG.	Yes	-	Appendix D Appendix M
149 Apartment Design Guide prevails over development control plans				
(1) A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter— (a) visual privacy, (b) solar and daylight access, (c) common circulation and spaces, (d) apartment size and layout,	Noted.	Noted	-	-

Statutory Requirement	Comment	Compliance	EIS Section	Documentation
(e) ceiling heights, (f) private open space and balconies, (g) natural ventilation, (h) storage. (2) This section applies regardless of when the development control plan was made.				
State Environmental Planning Policy (Transport and Infrastructure) 2021				
Chapter 2, Part 2.3, Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations				
2.122A Traffic-generating development—exemption for Accelerated TOD Precincts				
(1) Section 2.122 does not apply to development for the purposes of residential accommodation on land identified as an “Accelerated TOD Precinct” on the <u>Accelerated Transport Oriented Development Precincts Rezoning Areas Map</u>.	Section 2.122A of the TI SEPP provides an exemption to traffic-generating development for Accelerated TOD Precincts. Therefore, referral to TfNSW is <u>not</u> required on this basis.	Exempt	-	-
State Environmental Planning Policy (Biodiversity and Conservation) 2021				
Chapter 2 Vegetation in non-rural areas				
2.1 Aims of Chapter				
The aims of this Chapter are— (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	A BDAR Waiver has been obtained for the proposal dated 19 September 2025 which confirms that the proposed development will have minimal biodiversity impacts.	Yes	Section 7.20	Appendix T
State Environmental Planning Policy (Resilience and Hazards) 2021				
Section 4.6 Contamination and remediation to be considered in determining development applications				
(1) 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 (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. (2) Before determining an application for consent to carry out development that would involve a change of use on any	A Preliminary Site Investigation (PSI) has been prepared by Environmental Group Australia. In accordance with the recommendations of the PSI, a supplementary contamination report can be undertaken following demolition works. In any case, the PSI finds that the site is not identified in any databases as being potentially contaminated land, is not likely to be affected by acid sulfate soil materials and is, or can be made, suitable for the proposed land use.	Yes	Section 7.14	Appendix AF

Statutory Requirement	Comment	Compliance	EIS Section	Documentation
<i>of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i> <i>(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</i>				
State Environmental Planning Policy (Sustainable Buildings) 2022				
Chapter 2 Standards for residential development - BASIX				
Section 2.1 Standards for BASIX development and BASIX option development				
<i>(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.</i>	The proposed development is considered a BASIX development referred to in paragraph (a) of the definition of BASIX development in the EP&A Regulations as below. The development has been designed to incorporate the standard specified in Schedule 1.	Yes	Section 5.2	Appendix L Appendix U
<i>(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.</i>				
North Sydney Local Environmental Plan 2013				
Clause 2.1 Lane use zones				
Zone R4 High Density Residential	The site is zoned R4 High Density Residential Zone under the NSLEP 2013. Residential flat buildings are permitted in the R4 Zone. The proposed development is consistent with the objectives of the R4 Zone as it will provide for the housing needs of the community within a high density environment, provides greater diversity of housing types, does not compromise the amenity of the surrounding area and achieves a reasonably high level of residential amenity for future residents.	Yes	Section 5.1	-
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 development of sites for high density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.				

Statutory Requirement	Comment	Compliance	EIS Section	Documentation
To ensure that a reasonably high level of residential amenity is achieved and maintained.				
2 Permitted without consent				
Environmental protection works				
3 Permitted with consent				
Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Entertainment facilities; Home-based child care; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Shop top housing				
4 Prohibited				
Any other development not specified in item 2 or 3				
Clause 4.3 Height of buildings				
(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 .	The maximum permissible building height under the NSLEP 2013 is 43m. The proposed development has a proposed maximum building height of 46.6m, representing a proposed variation of 3.6m (8.37%). A Clause 4.6 Variation Request has been prepared which determines	No	Section 7.1	Appendix D Appendix M Appendix AG
Clause 4.4 Floor space ratio				
(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 .	Under Clause 4.4 of NSLEP 2013, the maximum permissible FSR is 3.5:1. The proposed development has a proposed FSR of 3.5:1.	Yes	Section 7.6	Appendix D Appendix M
Clause 5.21 Flood planning				
(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	The site is flood affected per Council’s flood risk mapping. A Flood Impact and Risk Assessment has been prepared by BG&E, which includes flood modelling to predict the flood level impacts of the proposed development for the 1% AEP and PMF events. The Flood Assessment confirms that the proposed development is compliant with the Flood Planning Level criteria under Council’s Floodplain	Yes	Section 7.9	Appendix X

Statutory Requirement	Comment	Compliance	EIS Section	Documentation
<i>(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</i> <i>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</i> <i>(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.</i> <i>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</i> <i>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</i> <i>(b) the intended design and scale of buildings resulting from the development,</i> <i>(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,</i> <i>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</i>	Management Policy for all building elements, including the basement and ground floor.			
Clause 6.10 Earthworks				
<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> <i>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</i> <i>(a) the likely disruption of, or any detrimental effect on—</i> <i>(i) drainage patterns and soil stability in the locality of the development, and</i> <i>(ii) natural features of, and vegetation on, the site and adjoining land,</i>	Consent is sought for earthworks to accommodate a 3-level basement parking structure. A Geotechnical Investigation Report has been prepared for the proposed development. Regarding excavation through the identified soil condition, the report provides recommendations regarding future design of foundations in fill material, expected soil and rock conditions, use of flexible shoring systems and management of vibration during excavation that will inform future earthworks. It is also expected that a suitably qualified geotechnical engineer will assess the condition of exposed material at foundation or subgrade level during excavation, and that regular inspections of battered and unsupported excavations will occur and be monitored.	Yes	Section 7.13	Appendix J

Statutory Requirement	Comment	Compliance	EIS Section	Documentation
(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 of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing Aboriginal objects or 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.				
Clause 6.12 Residential flat buildings				
(1) The objective of this clause is to ensure that dwelling houses, dual occupancies or semi-detached dwellings will not be left isolated on sites that are not reasonably capable of development for residential flat buildings. (2) This clause applies to land in Zone R4 High Density Residential. (3) Development consent must not be granted for development for the purposes of a residential flat building if the development will result in a single dwelling house, dual occupancy or semi-detached dwelling being located on adjoining land in Zone R4 High Density Residential unless— (a) the adjoining land is at least 900 square metres, or (b) the consent authority is satisfied that the adjoining land is land on which development may be carried out for the purposes of a residential flat building.	The site is a corner site at the intersection of Nicholson Street and Oxley Street. Adjoining residential sites will not be isolated as a result of this proposed development.	Yes	-	Appendix D Appendix M
Part 7 Crows Nest Transport Oriented Development Precinct				
7.1 Objectives				
The objectives of this part are to— (a) increase housing supply in the Crows Nest Transport Oriented Development Precinct, and (b) enable a variety of land uses within walking distance of the St Leonards train and Crows Nest metro stations, and (c) deliver housing supported by vibrant public spaces and community amenity, and	The proposed development is consistent with the objectives of this Part by: - Increasing housing supply in the Crows Nest TOD precinct, - Proposes increased residential uses and enhanced ground floor activation and community amenity in the form of a public plaza in a highly	Yes	-	-

Statutory Requirement	Comment	Compliance	EIS Section	Documentation
<i>(d) increase the amount of affordable housing in the Precinct.</i>	accessible location within walking distance of both St Leonards train and Crows nest metro stations, Providing a 3% contribution towards affordable housing as per Clause 7.5 (7)(b)			
7.2 Application of part				
<i>This part applies to land identified as “Crows Nest Transport Oriented Development Precinct” on the Key Sites Map.</i>	This part applies to the site.	Yes	-	-
7.3 Design guide				
<i>Development consent must not be granted for development on land to which this part applies unless the consent authority is satisfied the development will be consistent with the Crows Nest Transport Oriented Development Precinct Design Guide.</i>	An assessment against the provisions of the Crows Nest TOD Design Guide is provided in the following Table 3 of this document.	Yes	-	Appendix B
7.4 Design excellence				
<i>(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.</i> <i>(2) Development consent must not be granted for development on land to which this part applies unless the consent authority considers that the development exhibits design excellence.</i> <i>(3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</i> <i>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i> <i>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</i> <i>(c) whether the development detrimentally impacts on view corridors from public spaces,</i> <i>(d) how the development addresses the following matters—</i> <i>(i) the suitability of the land for development,</i> <i>(ii) existing and proposed uses and use mix,</i> <i>(iii) heritage issues and streetscape constraints,</i> <i>(iv) the relationship of the development with other existing or proposed development on the same site or on</i>	The proposal has undergone engagement with DPHI and Council to incorporate feedback from early stages of design. Refer to Section 6.2 and 6.3 of the EIS. Further, the key design moves have been influenced by the contextual surround and TOD precinct controls and aligns to the strategic visions and objectives of the Crows Nest Precinct Design Guide and relevant strategic plans. Refer to Table 3 of this document which addresses the matters listed in subsection (3).	Yes	Section 2.4 Section 6.2 Section 6.3	Appendix B Various technical assessments as referred to in Section 7.0 of the EIS

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<i>neighbouring sites in terms of separation, setbacks, amenity and urban form,</i> <i>(v) bulk, massing and modulation of buildings,</i> <i>(vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</i> <i>(vii) the achievement of the principles of ecologically sustainable development,</i> <i>(viii) pedestrian, cycle, vehicular and service access, circulation and requirements,</i> <i>(ix) the impact on, and proposed improvements to, the public domain,</i> <i>(x) achieving appropriate interfaces at ground level between the development and the public domain,</i> <i>(xi) active street frontages,</i> <i>(xii) integration of landscape design.</i>				
7.5 Affordable housing				
<i>(2) This clause applies to development on land identified as “Affordable Housing Contribution Area” on the Affordable Housing Map resulting in—</i> <i>(a) the erection of a new building with more than 200m² of gross floor area used for the purposes of residential accommodation, or</i> <i>(b) alterations to an existing building that result in at least 200m² of additional gross floor area used for the purposes of residential accommodation.</i>	A base rate of 3% applies to the site. The proposed development will provide a monetary contribution for affordable housing at a value equivalent to 3% of the total proposed GFA.	Yes	Section 4.16	-
<i>(4) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following—</i> <i>(a) the Crows Nest Transport Oriented Development Precinct Affordable Housing Principles,</i> <i>(b) the impact of the development on the existing mix and likely future mix of residential accommodation in North Sydney.</i>	The proposed development will provide a monetary contribution for affordable housing in accordance with Clause (7)(b). The proposed development will positively contribute to the future mix of residential accommodation in North Sydney.	Yes	Section 4.16 Section 7.7.4	-
<i>(5) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing contribution equivalent to the contribution specified in subclause (6).</i>	Noted.	N/A	-	-

Statutory Requirement	Comment	Compliance	EIS Section	Documentation
<i>(6) The contribution for development is the amount of gross floor area equivalent to the percentage, shown for the land on the Affordable Housing Map, of the gross floor area of the residential component of the development.</i>	A base rate of 3% applies to the site. The proposed development will provide a monetary contribution for affordable housing at a value equivalent to 3% of the total proposed GFA.	Yes	Section 4.16	-
<i>(7) A condition imposed under this clause must permit a person to satisfy the contribution by— (a) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 50m², and a monetary contribution, paid to the Council, for any remainder, or (b) a monetary contribution paid to the Council, of equivalent value to the gross floor area specified in subclause (6).</i>	In accordance with subsection (b), the proposed development will provide a monetary contribution for affordable housing at a value equivalent to 3% of the total proposed GFA.	Yes	Section 4.16	-
<i>(8) The rate at which a monetary contribution is taken to be equivalent to floor area for the purposes of this clause must be calculated by reference to the market value of dwellings of a similar size to the dwellings in the proposed development.</i>	An independent evaluation has been undertaken by Savills to determine the total value of the required contribution, which has been provided to DPHI.	Yes	Section 4.16	-

3.0 CROWS NEST TOD DESIGN GUIDE

Table 3: Crows Nest TOD Design Guide Compliance Table

Provision	Assessment	Compliance	EIS Section	Documentation
3.2 Connecting with Country				
1. <i>Consider how development responds to the physical and cultural connection of the local Aboriginal community to the land.</i> 2. <i>Consider, how development can revive and enliven pre-development landscapes and traditional uses of Country and language. Country centred approach –</i> a. <i>Encourage incorporation of locally indigenous vegetation that enhances environmental quality, relationship to Country and optimise opportunities for habitat for endemic and native flora and fauna species;</i> b. <i>acknowledge Aboriginal knowledge systems and consider how they can contribute to informing future building design and landscaping outcomes as an expression of Connecting with Country;</i> c. <i>acknowledge and celebrate Aboriginal living cultures, relationships and site-specific stories of place through architecture, landscaping, art, and other creative expression involving the engagement of suitably qualified Aboriginal practitioners and the protection of Aboriginal cultural and intellectual property rights;</i> d. <i>consider Aboriginal inclusion, comfort and access in the design and operation of publicly accessible space;</i> e. <i>identify opportunities to name streets, public places, and provide wayfinding signage in local traditional language or implement dual naming. Where Aboriginal naming is adopted, consider providing physical material that outlines the pronunciation and history behind the Aboriginal name, where appropriate and agreed to by relevant Aboriginal stakeholders.</i> <i>Note: for Aboriginal naming and dual naming, consultation is encouraged with the NSW Geographical Names Board, local language subject matter experts and with Aboriginal stakeholder groups.</i>	Refer to the Connecting with Country report which details how Indigenous cultural and connecting to Country has been incorporated in the design of the proposed development.	Yes	Section 2.8	Appendix M Appendix AA

Provision	Assessment	Compliance	EIS Section	Documentation
3.3 Land Use				
1. <i>The distribution of land uses in the precinct is to be generally consistent with Figure 4 and as zoned under the relevant LEP.</i> 2. <i>Development should retain a balance of commercial and residential uses within the St Leonards Core with a minimum non-residential floor space requirement for the MU1 Mixed Use zone to provide jobs as required in the LEP.</i> 3. <i>Retain commercial core on appropriate sites to maintain viability of the St Leonards Core.</i>	The proposed development is for the purposes of a residential flat building, which is permitted in the R4 zone pursuant.	Yes	Section 5.1	Appendix B
3.4 Built Form				
1. <i>Building heights are to transition from St Leonards Train Station, Crows Nest Metro Station and the Pacific Highway down to the surrounding lower density areas.</i>	The proposed building height has given consideration to height transition from St Leonards Train Station and Crows Nest Metro Station towards lower density residential areas and is largely compliant with the maximum permitted height under the LEP. The proposed minor variation to the height standard does not affect the desired transition in building heights and density away from the Metro and Pacific Highway. The design report provides a comprehensive analysis of the planning context, with particular consideration to the future context defined by the Crows Nest TOD rezoning and existing proposed developments (DAs, SSDAs and HDAs)	Yes	Section 2.4	Appendix M
2. <i>Tall buildings are to be positioned to avoid significant impact on the solar amenity and wind impact of lower density areas and public open space.</i>	Section 7.2 of the EIS provides a thorough overshadowing assessment of impact to surrounding lower density areas and public open spaces supported by analysis provided in the Design Report. Assessment is detailed under Section 3.4.1 provisions of this table. The Wind Report prepared by Windtech concludes that with the inclusion of the recommended mitigation measures, the wind conditions for the various trafficable outdoor areas within and around the development are expected to be suitable for their intended use and the wind speeds are	Yes	Section 7.2 Section 7.12	Appendix M Appendix AD

Provision	Assessment	Compliance	EIS Section	Documentation
	expected to satisfy the applicable criteria for pedestrian comfort and safety.			
3. <i>Preserve the existing low-scale fine-grain built form of Crows Nest Village to maintain its local shopping street character and limit overshadowing and view impacts.</i>	Not Applicable.	N/A	-	-
4. <i>Developments must consider appropriate interfaces and sensitive design to limit impact on heritage conservation areas and high-quality character areas.</i>	The proposed development is not on land identified as containing any items of local or state heritage significance. There are no heritage items located on adjoining land and it is considered that the proposed development will have no impact on any heritage items in the surrounding area. The Design Report establishes the design principles that underpin the design of the proposal which considers sensitive interfaces with consideration of existing character.	Yes	Section 2.0 Section 7.6 Section 7.19	Appendix M
5. <i>Maximum floor height assumptions should be based on:</i> a. <i>Ground Floor- 5m.</i> b. <i>Above ground floor (residential) - 3.2m.</i> c. <i>Above ground floor (commercial) - 3.8m.</i> d. <i>Rooftop service zone (2-20 storeys) - 2m.</i> e. <i>Rooftop service zone (21-40 storeys) - 4.5m</i>	All floor heights comply with maximum heights.	Yes	-	Appendix D
6. <i>Maximum floorspace ratio (FSR) and minimum non-residential FSR assumptions should be based on the following gross building area (GBA) to gross floor area (GFA):</i> a. <i>Residential - 75%.</i> b. <i>Ground floor (non-residential - retail) - 65%.</i> c. <i>Non-residential - 85%.</i>	Not Applicable.	N/A	-	-
7. <i>Rooftop plant is to be incorporated into the overall building height as indicated in the maximum height of buildings map.</i>	The proposed development seeks a minor variation of 3.6m (8.37%) to the maximum permitted height under the LEP. The minor variation is limited to a portion of the rooftop communal open space, lift overrun, fixed pergola structures, some rooftop plant and a section of the external perimeter handrails to the rooftop communal open space.	Clause 4.6 Variation request prepared	Section 7.1	Appendix D Appendix AG

Provision	Assessment	Compliance	EIS Section	Documentation
8. <i>Ensure active street frontages are provided at ground level and accommodate non-residential land uses, particularly along Christie, Mitchel, Oxley, Atchison, Chandos and Clarke Streets.</i>	Residential Flat Buildings are permitted land use in the R4 Zone under the LEP and there is also no minimum non-residential floor space control that applies to the land under Cl 4.4A of the LEP. Further, it is considered that providing non-residential uses for the proposed development along Oxley Street would likely be commercially unfeasible and is not the best use of the ground floor as detailed in Section 7.5 of the EIS. It is anticipated that the majority of non-residential uses will be located along the Pacific Highway 'spine' and Willoughby Road, as well as Atchison Street per the land use zoning and non-residential floor space controls in the North Sydney LEP. Design of the ground plane and street interface/activation is outlined in the Design Report.	Supported by Council	Section 7.5	Appendix M
9. <i>The built form recommendations (Figures 5, 6 and 7) should be considered in future development.</i>	The proposed built form has been considered and is the proposed development is generally in accordance with the built form recommendations in the Design Guide.	Yes	-	Appendix B
10. <i>Preserve high quality heritage character around the Fiveways Intersection as a key gateway to the southern end of the Precinct (Figure 6).</i>	Not Applicable.	N/A	-	-
11. <i>Taller buildings are to be concentrated close to the Crows Nest Metro and ensure a better transition to lower density areas (Figure 7).</i>	The proposed development is consistent with the desired height transition from the Metro down to lower density areas.	Yes	Section 7.6	Appendix M
12. <i>Increase permeability through blocks by providing through site links between the Metro Station and the mixed-use zone (Figure 7).</i>	Not Applicable.	N/A	-	-
13. <i>Provide quality open space for the use of occupants in any new high-density development.</i>	The ground and lower ground communal open space provides residents a landscaped setting where they may benefit from new and existing vegetation and mature trees. The open space provides a relaxed setting that	Yes	Section 7.6	Appendix D Appendix M Appendix S

Provision	Assessment	Compliance	EIS Section	Documentation
	will facilitate opportunities for social interaction between residents. Similarly, the rooftop garden is a high-amenity and accessible communal open that provides opportunities for connection to other residents and the broader surrounding landscape.			
14. <i>Ensure a variety of dwelling sizes are provided within a development to cater for diverse families.</i>	The proposed apartment mix provides an appropriate a range of apartment types to cater for different household types, including young families, professionals and older people seeking to 'downsize' whilst remaining in their local area.	Yes	Section 7.7.4	Appendix D Appendix M
3.4.1 Solar Amenity and Overshadowing				
15. <i>Solar amenity and protection from overshadowing should be consistent with Table 2.</i> 16. <i>The consent authority may grant consent to development that seeks to provide affordable housing consistent with the LEP height and FSR controls, subject to the consideration at development application stage of acceptable overshadowing impacts. Low density residential areas located outside the Crows Nest TOD Precinct boundary should not receive less than 2 hours of sunlight in accordance with Table 2.</i> 17. <i>Shadow diagrams and analysis should be prepared on a site by site basis at development application stage for consideration of the consent authority to demonstrate compliance with Table 2 and Figure 8.</i>	The proposed development will not overshadow any of the existing or planned public open spaces identified in the Crows Nest Design Guide on 21 June between 9am and 3pm. Shadow diagrams demonstrate that the proposed development will not cause any overshadowing of the identified future 'potential' park located at the corner of Oxley and Christie Street on 21 June between 10am and 3pm. There is no low-density zoned land that is impacted by overshadowing from the proposed development. The nearest R2 Zoned land is located south of River Road. The proposed development does not cast a shadow that extends south of River Road.	Yes	Section 7.2	Appendix M
3.6 Landscape and Environment				
3.6.1 Public Spaces				
1. <i>Ensure publicly accessible open spaces have appropriate solar access for their intended purpose including those listed in Table 2.</i> 2. <i>Ensure the public spaces support the integration of all levels of pedestrian activity. Road frontage and visibility are key</i>	Shadow diagrams demonstrate that the proposed development will not cause any overshadowing of the identified future 'potential' park located at the corner of Oxley and Christie Street on 21 June between 10am and 3pm.	Yes	Section 4.5	Appendix M

Provision	Assessment	Compliance	EIS Section	Documentation
<i>considerations, especially in high-density areas so open space is accessible for all.</i> 3. <i>Reconnect the surrounding streets and neighbourhoods through the creation of a clear and legible network of high amenity, safe and accessible public spaces that support pedestrian and cycle access through and across the Crows Nest Precinct.</i> 4. <i>Investigate the provision of open space and funding mechanisms for additional public open space or the embellishment of existing public open space as part of future development.</i> 5. <i>Incorporate green walls and green roofs in developments.</i>	The existing open space as identified in Figure 7 of the Crows Nest Design Guide is improved through the design of the ground plane and street interface/activation as outlined in the Design Report.			
3.6.3 Tree Canopy, Deep Soil and Biodiversity				
<i>Deep soil</i> 1. <i>Provide deep soil zones are to be a minimum dimension of 3m x 3m to support new trees and retain any existing trees. Deep soil zones for development should be provided as per the benchmarks in Tables 4 and 5. Development is not to reduce the amount of deep soil provided.</i> 2. <i>Deep soil is to be unimpeded by any building or structure above or below ground, except for minor structures such as pathways, access ramps or area of paving with a maximum width of 1.2m; essential services infrastructure (such as stormwater pipes) with a maximum diameter of up to 300mm; and landscape structures (such as lightweight fences, light poles or seating) requiring a footing with a maximum size of up to 300mm x 300mm in cross section.</i> 3. <i>Where possible establish contiguous deep soil zones within and between property boundaries to maximise tree planting by establishing them right up to abutting boundary walls and fence lines.</i> 4. <i>Development is to maintain existing soil profiles and not regrade soils and levels of soils surrounding retained vegetation and buffers to ensure the health of retained vegetation.</i>	The proposal provides 798.5 sqm (26.5%) deep soil in accordance with the definition provided, exceeding the 25% control for sites greater than 3,000 sqm under the Crows Nest Design Guide.	Yes	Section 7.15	Appendix S
<i>Tree Canopy</i> 1. <i>Development should retain existing canopy cover to provide shade for urban heat mitigation and contribute to the NSW government tree canopy targets for Greater Sydney. Canopy</i>	A 35% canopy cover is required for the site. The proposed tree canopy coverage is 1,136 sqm, which equates to 37.7% of site area, complying with the Tree Canopy	Yes	Section 7.15	Appendix S

Provision	Assessment	Compliance	EIS Section	Documentation
<i>cover for private land should be provided as per the canopy cover or tree planting rate in Table 4. Development shall not reduce the amount of canopy coverage provided.</i> 2. <i>Canopy cover on streets and public open space should be provided as per Table 5. Development shall not reduce the amount of canopy coverage provided.</i> 3. <i>All proposed trees are to align with the minimum diameter spread and canopy are at maturity in Table 6.</i> 4. <i>Provide adequate setbacks as outlined in section 3.8 and Figure 9 to allow for opportunities to enhance transition areas and pedestrian links.</i> 5. <i>Maintain existing trees where possible.</i> 6. <i>Trees planted should reflect diversity of local and endemic indigenous flora and fauna that is tolerant and resilient within the urban environment.</i> 7. <i>Preserve the green edge and views along Gore Hill Park and Cemetery emphasising its significance to the community by preserving view lines.</i>	requirements. Tree canopy has been planned for the site with consideration of the high-density urban environment. Side and rear setbacks preserve and accommodate significant trees and mitigate visual and amenity impacts on adjacent properties. Additional setbacks along Oxley Street allow for generous landscape integration. The landscape plan provides a planting schedule that is reflective of the local and endemic indigenous flora that is characteristic of and will integrate with the surrounding urban environment.			
Biodiversity 1. <i>Development applications are required to complete an analysis of the biodiversity values within the development site, as well as surrounding sites to determine the location and extent of the biodiversity values. The results of the analysis are used to:</i> <i>a. avoid impacts to biodiversity values and supporting vegetation that provide significant landscape or amenity value, are part of a threatened ecological community, or provide habitat (including hollow bearing trees, dead standing trees, recruitment trees, roost trees, nest trees, or trees with any other habitat features)</i> <i>b. retain and rehabilitate biodiversity values within the site</i> <i>c. retain or create buffers within the site to the biodiversity values within the precinct.</i> 2. <i>Retained biodiversity values are protected during construction and operation of the development. Prior to any works commencing on site, a vegetation management plan to rehabilitate and manage existing native vegetation must be prepared by a suitably qualified ecologist.</i> 3. <i>Landscape plans are to incorporate:</i> <i>a. a diversity of local provenance native trees, shrubs and groundcover species (rather than exotic species or non-local native species) from the relevant native vegetation community (or communities) that occur or once occurred in the local area</i>	A BDAR Waiver has been obtained for the proposal dated 19 September 2025. The Determination noted that the proposed development “is not likely to have significant impact on biodiversity values.” Appropriate biodiversity protection measures will be implemented during construction. This process may be conditioned at any determination. The landscape plan provides a planting schedule that is reflective of the local and endemic indigenous flora that is characteristic of and will integrate with the surrounding urban environment.	Yes	Section 7.20	Appendix T

Provision	Assessment	Compliance	EIS Section	Documentation
<i>b. growth forms from all strata including groundcovers, shrubs and canopy species</i> <i>c. existing ecosystem features including bush rock, fallen logs and branches</i>				
3.7 Design Excellence				
1. <i>Development consent must not be granted for development on land identified as "Crows Nest Transport Oriented Development Precinct" on the Key Sites Map unless the consent authority considers that the development exhibits design excellence.</i>	The site is within the "Crows Nest Transport Oriented Development Precinct" on the Key Sites Map and thus is required to exhibit design excellence.	Yes	See below	See below
2. <i>In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters-</i> <i>a. whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i> <i>b. whether the form and external appearance of the development will improve the quality and amenity of the public domain,</i> <i>c. whether the development detrimentally impacts on view corridors from public spaces,</i> <i>d. the consistency of the development with any guidelines issued by the Planning Secretary relating to the design and amenity of the area</i>	The following matters have been addressed or considered in identified sections of the EIS and supporting documentation. a. Refer to Section 3.2.8, 3.5, 4.5, 4.6, 7.6. b. Refer to the Design Report. c. Refer to Section 7.3. d. Refer to this table and the Design Report.	Yes	Refer to referenced Section of the EIS	Refer to referenced supporting documents associated within relevant Sections in EIS
3. <i>There are a number of matters where consideration must be given to how the development addresses the following matters -</i> <i>a. the suitability of the land for development,</i> <i>b. existing and proposed uses and use mix,</i> <i>c. heritage issues and streetscape constraints,</i> <i>d. the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</i> <i>e. bulk, massing and modulation of buildings,</i> <i>f. environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</i> <i>g. the achievement of the principles of ecologically sustainable development,</i>	The following matters have been addressed or considered in identified sections of the EIS and supporting documentation. a. Refer to Section 8.8. b. Refer to the Section 3.5. c. Refer to Section 7.3. 5.1, 7.7.4. d. Refer to Section 2.4 and the Design Report. e. Refer to Section 7.6 and the Design Report f. Refer to Section 7.17, 7.2, 7.12 which addressed environmental impacts to sustainable design, overshadowing and wind.	Yes	Refer to referenced Section of the EIS	Refer to referenced supporting documents associated within relevant Sections in EIS.

Provision	Assessment	Compliance	EIS Section	Documentation
<i>h. pedestrian, cycle, vehicular and service access, circulation and requirements,</i> <i>i. the impact on, and any proposed improvements to, the public domain,</i> <i>j. achieving appropriate interfaces at ground level between the development and the public domain,</i> <i>k. active street frontages,</i> <i>l. integration of landscape design</i>	g. Refer to Section 7.17. h. Refer to Section 4.8, 7.10. i. Refer to the Design Report. j. Refer to the Design Report. k. Refer to Section 7.5. l. Refer to Section 4.12, 7.6, 7.15.			
3.8 Setbacks				
<i>1. Buildings are to be setback from all street frontages in accordance with the setbacks shown in the map at Figure 10.</i> <i>2. New development adjoining the increased setbacks and landscaped areas should contribute to its landscape character. For example, by providing planter boxes, lighting, green walls and deep soil to support larger trees.</i> <i>3. Above podium setbacks are to be provided in accordance with the relevant council DCP.</i>	The proposed development provides a 3m setback along Nicholson Street and Oxley Street frontages on the first three-storeys at the podium in accordance with the 3m prescribed setback as mapped in Figure 10. The podium setbacks provide sufficient space for deep soil planting and mature trees that will reduce the overall bulk of the building when viewed from the public domain. The proposal seeks a minor reduction to the upper levels of the tower setback to Nicholson Street prescribed in the Design Guide. The Design Guide recommends upper-level setbacks as prescribed by the North Sydney DCP 2025. Part E, Table E-1.2 of the DCP requires a 6m setback above the third storey. The proposed development provides a 5m setback above the 3rd storey, reducing the setback recommended by the DCP by 1m. The minor reduction to the tower setback along Nicholson Street is not anticipated to have any adverse impacts in terms of how the proposed development is viewed from the street. The proposed tower setback is softened by landscaping on structure to upper level balconies and will contribute to the street and the landscaped setting of Wollstonecraft and Crows Nest.	Suitable alternative proposed	Section 4.2 Section 4.5 Section 6.3 Section 7.4	Appendix D Appendix M Appendix S
3.9 Street Wall Heights				

Provision	Assessment	Compliance	EIS Section	Documentation										
1. Podium heights are to be provided in accordance with the heights shown in the map in Figure 11. 2. Corner sites are to maintain a consistent podium height to all street frontages	The proposed development provides a s-storey podium which is consistent with the three-storey street wall as noted in Figure 11 of the Crows Nest Design Guide.	Yes	Section 4.5 Section 7.6	Appendix D										
3.10 Movement														
1. The movement network should consider the movement map in Figure 12. 2. Establish a pedestrian route between St Leonards Train Station and the Crows Nest Metro. 3. Provide shade and shelter for pedestrians with reverse setbacks where possible. 4. Establish active transport routes away from high traffic networks. 5. Introduce through site links to improve permeability and walkability. 6. Establish and upgrade crossings and footpaths to improve pedestrian amenity particularly around the Crows Nest Metro Station and along the Pacific Highway.	Both Nicholson Street and Oxley Street frontages of the proposed development are noted for tertiary movement network and active transport network. The tree retention along these frontages has been prioritised and in conjunction with the proposed tree planting, the proposed tree canopy will provide opportunities for shade and pedestrian comfort. The landscape plan plans for pedestrian access and movement along these frontages. Further, the site is also serviced by existing and planned cycling infrastructure along Nicholson Street and the Pacific Highway. Refer to the TIA which details the proposed future cycling network per the Draft North Sydney Bike Plan 2025-2045.	Yes	Section 2.6 Section 4.7	Appendix E Appendix S										
3.11 Car Parking														
1. The parking provisions for development of residential flat buildings and the residential component of shop top housing is to be provided in accordance with maximum car parking rates in Table 7. <table><tr><th>Apartment Size</th><th>Maximum car parking rates (per dwelling)</th></tr><tr><td>Studio</td><td>0.3</td></tr><tr><td>1 bedroom</td><td>0.4</td></tr><tr><td>2 bedroom</td><td>0.7</td></tr><tr><td>3+ bedroom</td><td>1</td></tr></table> 2. Notwithstanding the car parking rates, in Table 7 and the relevant LEP's and DCP's for other land uses, minimised provision of parking for all land uses is encouraged to capitalise on the proximity of St Leonards Train Station and the Crows Nest Metro Station.	Apartment Size	Maximum car parking rates (per dwelling)	Studio	0.3	1 bedroom	0.4	2 bedroom	0.7	3+ bedroom	1	A maximum of 71 car parking spaces are permitted under the TOD Design Guide. The proposed development makes provision for 71 residential parking spaces including 62 adaptable spaces over three levels of basement and a part of the lower ground. The proposed development also provides 7 motorcycle spaces and 1 car wash bay. The car parking provision is compliant with the maximum rates of Table 7. A high proportion of adaptable car spaces have been provided to provide flexibility for future residents and accommodate the potential needs of a range of tenants, such as downsizers wishing to remain in their community or larger families.	Yes	Section 4.7 Section 4.8 Section 7.10	Appendix E
Apartment Size	Maximum car parking rates (per dwelling)													
Studio	0.3													
1 bedroom	0.4													
2 bedroom	0.7													
3+ bedroom	1													

Provision	Assessment	Compliance	EIS Section	Documentation
3. <i>The provision of car parking (including driveways and ramps) is not to result in the underachievement of deep soil requirements.</i> 4. <i>All above ground car parking areas must be sleeved through architectural treatments or landscaping.</i> 5. <i>Electric vehicle (EV) charging stations are to be provided in accordance with the following provisions:</i> a. <i>All garages and car spaces allocated to an individual residential apartment must make provision for charging stations, as defined by NSW Electric and Hybrid Vehicle Plan (part of Transport for NSW's Future Transport 2056) which provides faster, more secure charging.</i> b. <i>In new development:</i> i. <i>EV charging switchboards should have sufficient capacity for a future when all residents are charging.</i> 6. <i>Loading and servicing facilities are to be provided according to the applicable council DCP.</i>	The proposed parking provision is consistent with the approach of the Design Guide including achievement of deep soil requirements. Loading and servicing facilities are in accordance with relevant standards. The proposed development will provide EV charging stations in accordance with the provisions.			
3.12 Wind Management				
a. <i>All new development is to be designed to mitigate adverse wind effects.</i> b. <i>A development application is to be accompanied by a quantitative wind effects report.</i>	A qualitative wind assessment has been prepared to ensure the proposed development does not have adverse pedestrian wind effects and provides mitigation measures to implement.	Yes	Section 7.12	Appendix AD
3.13 Flooding				
2. <i>Requirements for development of the potentially flood-affected lots on Figure 13 -Flood Consideration Lots Map:</i> a. <i>Carry out a Flood Impact and Risk Assessment (FIRA) in accordance with NSW Flood Risk Management Guideline LU01 This will document in a site-specific report the flood depths and levels at the site in a range of flood events, up to the PMF, and assess compliance of the development with Council controls and those set out below. Flood behaviour may be determined from Council studies or the State Led Rezoning Crows Nest - Flooding and Stormwater Study (GRC Hydro, 2024) where mapping is not available. Modelling can be updated to include features at and around the site not captured in the catchment-wide studies.</i> b. <i>Map and describe design flood behaviour at the site including flood hazard and flood function in a range of</i>	A Flood Impact and Risk Assessment has been prepared by BG&E, which includes flood modelling to predict the flood level impacts of the proposed development for the 1% AEP and PMF events. The Flood Assessment confirms that the proposed development is compliant with the Flood Planning Level criteria under Council's Floodplain Management Policy for all building elements, including the basement and ground floor. All entrance levels and floor levels have been set above the applicable flood planning level of 1% AEP + 0.30 m (or PMF where relevant), confirming that the proposed development satisfies	Yes	Section 7.9	Appendix X

Provision	Assessment	Compliance	EIS Section	Documentation
<i>events. Demonstrate proposed development will not impact existing flood behaviour in accordance with the requirements of a FIRA.</i> <i>c. Demonstrate compliance with the Flood Planning Levels (FPLs) at the site. FPLs are set out in Council policy. If no FPLs are specified, North Sydney Council's may be used, as set out in Section 4.4 of the "Floodplain Management Policy (Interim)" (2022). It specifies, amongst others, an FPL of 1% AEP + 0.3 m for residential, habitable rooms, and a minimum of 1% AEP for businesses.</i> <i>d. Determine the evacuation procedures and emergency access to be used in the event of a flood. If shelter-in-place is to be used, demonstrate the site can be safely occupied during all flood events which may involve access to level 1 and above if the ground floor is below the PMF.</i>	both Council flood control requirements and the relevant SEARS requirements.			

4.0 DEVELOPMENT CONTROL PLANS

The North Sydney Development Control Plan 2025 (**North Sydney DCP 2025**) applies to the Site. However, per Section 2.10 of the Planning Systems SEPP, a DCP does not apply to State Significant Development. Further, Section 149 of the Housing SEPP confirms that the ADG overrides the DCP with regard to matters including visual privacy, solar access, ventilation and storage, amongst others.

Nonetheless, some DCP controls are given weight by the ADG or the Crows Nest Design Guide, specifically regarding view corridors, above-podium setbacks and non-residential car parking. These controls as well as other relevant DCP considerations are outlined in.

Section 4.15(3A) of the EP&A Act also clarifies that when considering a provision of a development control plan a consent authority must “*be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards*”.

Table 4: North Sydney DCP 2025 Compliance Table

Provision	Assessment	Compliance	EIS Section	Documentation
Part B, Section 2 Visual Impact and Views				
2.2 Views				
<i>The ability to share views becomes increasingly more difficult in locations of existing or anticipated areas of high density (e.g. North Sydney Centre, St Leonards and Milsons Point). Whilst no-one is entitled to a view, attempts should be made to consider the potential impact on existing views and share those where reasonably possible.</i> <i>When considering impacts on views, Council will generally not refuse a development application on the grounds that the proposed development results in the loss of views, where that development strictly complies with the building envelope controls applying to the subject site.</i>	The VIA prepared by Planning & Co assesses all key potential view impacts. The view impact analysis has concluded that views from the surrounding residential buildings will generally experience either a low or moderate qualitative extent of view loss	Yes	Section 7.3	VIA
<i>P1 Development should be designed such that views from streets and other public places, as identified in the relevant Planning Area Character Statement and Locality Area provisions (refer to Part F of the DCP), are not unreasonably obstructed.</i>				
<i>P3 Development should be designed to promote the sharing of views from surrounding residential properties and public places.</i>				
Part D, Section 4: Car Parking and Transport				
4.2.1 Quantity Requirements				

Provision	Assessment	Compliance	EIS Section	Documentation
<i>Developments containing adaptable housing must allocate at least one accessible parking space to each adaptable dwelling.</i>	62 of 71 car parking spaces are adaptable spaces to cater to the specific needs of the end users. This sufficiently accommodates the provision of 16 adaptable units.	Yes	Section 4.8	Arch Plans Access report TIA
4.4 Loading and Servicing Facilities				
<i>P3 Developments containing more than 60 dwellings must provide at least 1 service delivery space, capable of accommodating at least:</i> <i>(a) 1 Heavy Rigid Vehicle; or</i> <i>(b) 2 Medium Rigid Vehicles.</i> <i>Note: For the purposes of P2 and P3 above, Medium Rigid Vehicles and Heavy Rigid Vehicles are deemed to be same as that described in Section 2 of Australian Standard AS 2890.2 - Parking facilities - Part 2: Off-street commercial vehicle facilities.</i> <i>P4 Provide loading spaces and courier parking spaces near vehicle entry points to a site and lifts.</i> <i>P5 Height clearances, including access routes to the required loading spaces must comply with Australian Standard AS 2890.2.</i>	The TIA confirms that “all loading and servicing for the residential apartments is proposed to take place within the designated loading dock on the lower ground floor level. The loading dock includes one bay suitable for vehicles up to and including Council’s 10.5- metre-long waste collection vehicle.” The car parks and loading area layouts have been reviewed against the requirements of the Australian Standard for Off Street Car Parking (AS/NZS2890.1:2004 and AS2890.6:2022) and Off Street Commercial Vehicle Facilities (AS2890.2:2018). This assessment included a review of the following and have been deemed acceptable: • bay and aisle width • adjacent structures • circulation roads and ramps • ramp grades • height clearances.	Yes	Section 7.10	Arch Plans Access report TIA OWMP

Provision	Assessment	Compliance	EIS Section	Documentation																		
1.2.2 Universal Design and Adaptable Housing																						
<i>A minimum of 20% of dwellings in multi-dwelling housing and residential flat buildings that contain more than 5 dwellings must comprise adaptable housing, and be designed and constructed to a minimum Class C Certification under AS 4299 – Adaptable Housing.</i> <i>Adaptable dwellings must be clearly identified on the submitted development application plans, be integrated into the overall design of the development and not use a different standard of materials and finishes to the remainder of the building.</i>	16 adaptable units have been provided. The adaptable units are across 2 types and shown on drawings DA9203 & DA9204. The 16 adaptable units are also capable of satisfying the Silver level of Livable Housing Guidelines. In addition to the adaptable units provided 20 additional units (shown on drawings DA9210 & DA9211) are capable of providing compliance with the features of Silver level of Livable Housing Guidelines By incorporating the requirements of the below Checklist in the Specifications of the project, the nominated Livable units can achieve full compliance with Livable Housing Guidelines- Silver Level.	Yes	-	Arch plans Access report																		
1.3.6 Setbacks																						
Side <i>P2 Building setbacks are to comply with the requirements set out in Table E-1.2.</i> <table><tr><th colspan="4">TABLE B-1.5 - Side Setback Requirements</th></tr><tr><th>Zone</th><th>Development Types</th><th colspan="2">Minimum Setback Requirement</th></tr><tr><td rowspan="3">R4 High Density Residential</td><td>Attached dwellings; Dual occupancies; Dwelling houses; Group Homes; Secondary dwellings; Semi-detached dwellings;</td><td colspan="2">1.5m; and The building must not exceed a building height plane commencing at 3.5m above ground level (existing) from side boundaries and projected internally to the site at 45° (refer to Figure B-1.3).</td></tr><tr><td rowspan="2">Boarding houses; Multi-dwelling housing; Residential flat building; seniors housing</td><td>On land with a height limit of 12m or less</td><td>3m; and The building must not exceed a building height plane commencing at 3.5m above ground level (existing) from side boundaries and projected internally to the site at 45° (refer to Figure B-1.3).</td></tr><tr><td>On land with a height limit greater than 12m</td><td>1st to 3rd storey (up to 10m) Above 3rd storey</td><td>4.5m 6m</td></tr></table>	TABLE B-1.5 - Side Setback Requirements				Zone	Development Types	Minimum Setback Requirement		R4 High Density Residential	Attached dwellings; Dual occupancies; Dwelling houses; Group Homes; Secondary dwellings; Semi-detached dwellings;	1.5m; and The building must not exceed a building height plane commencing at 3.5m above ground level (existing) from side boundaries and projected internally to the site at 45° (refer to Figure B-1.3).		Boarding houses; Multi-dwelling housing; Residential flat building; seniors housing	On land with a height limit of 12m or less	3m; and The building must not exceed a building height plane commencing at 3.5m above ground level (existing) from side boundaries and projected internally to the site at 45° (refer to Figure B-1.3).	On land with a height limit greater than 12m	1st to 3rd storey (up to 10m) Above 3rd storey	4.5m 6m	The proposed development provides the following side and rear setbacks which are compliant: - West (rear): – Podium: 12m – Tower: 12m - South (side): – Podium: 10m (to middle of drainage easement lot) – Tower: 12m (to middle of drainage easement lot)	Yes	Section 4.2 Section 7.4	Arch Plans Design report
TABLE B-1.5 - Side Setback Requirements																						
Zone	Development Types	Minimum Setback Requirement																				
R4 High Density Residential	Attached dwellings; Dual occupancies; Dwelling houses; Group Homes; Secondary dwellings; Semi-detached dwellings;	1.5m; and The building must not exceed a building height plane commencing at 3.5m above ground level (existing) from side boundaries and projected internally to the site at 45° (refer to Figure B-1.3).																				
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		On land with a height limit greater than 12m	1st to 3rd storey (up to 10m) Above 3rd storey	4.5m 6m																		
Rear <i>P6 Despite P5 above, buildings within the R4 High Density Residential zone:</i> <i>(a) must be setback a minimum of 1.5m from the rear boundary; and</i>																						

Provision	Assessment	Compliance	EIS Section	Documentation
<i>(b) where the land is restricted by a height limit: (ii) in excess of 12m must be setback at least 4.5m from the rear boundary for the 1st to 3rd storeys of the building (no more than 7m above existing ground level) and 6m for any part of the building above the 3rd storey.</i>				