

Statutory Compliance Table

Statutory Reference	Relevant Considerations	Relevance	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>	<p>Complies</p> <p>The proposal promotes the social and economic welfare of the community by delivering high-quality housing in a strategically appropriate location.</p> <p>In addition, the proposal includes a monetary contribution equivalent to 10% of the GFA to provide affordable housing in the North Sydney LGA.</p> <p>The proposal will address a growing and critical need for residential development and contribute to alleviating the existing housing crisis in Greater Sydney.</p>	Throughout the EIS
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	<p>Complies</p> <p>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>.</p>	
	<i>To promote the orderly and economic use and development of land</i>	<p>Complies</p> <p>The proposal will promote the orderly and economic use and development of land. The site is mapped as a 'Transit Oriented Development Area' to which Chapter 5 of the Housing SEPP applies, and the proposal is permissible with consent.</p>	
	<i>To promote the delivery and maintenance of affordable housing,</i>	<p>Complies</p> <p>The proposal actively promotes the delivery and maintenance of affordable housing with the inclusion of an affordable housing provision equating to 10% of the gross floor area of the residential component of the development, in the form of a monetary contribution, paid to North Sydney Council, to fund/provide affordable housing in the LGA in partnership with their nominated Community Housing Provider.</p>	
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	<p>Complies</p> <p>A BDAR Waiver request (Appendix GG) has been submitted for the project which details that the proposal is unlikely to have any significant impact on biodiversity values of the site and surroundings. The Waiver was granted on 12 September 2025.</p>	
	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	<p>Complies</p> <p>The proposal promotes the sustainable management of built and cultural heritage through the development of a site that is not a heritage item, not within a heritage conservation area, and not identified as containing Aboriginal cultural heritage significance.</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<i>To promote good design and amenity of the built environment,</i>	<p>A PHAA (Appendix V) and ADD (Appendix U) have been undertaken to confirm the impact of the development to heritage matters relevant to the site.</p> <p>Complies</p> <p>The proposal delivers a built form that responds to existing and emerging character of the site, while aligning with anticipated precinct growth. The design carefully balances residential amenity with the strategic opportunities afforded by proximity to St Leonards Station and the Crows Nest Metro. Key design responses include:</p> <ul style="list-style-type: none"> ▪ Strategic building orientation, responding to direct interface amenity, solar access and topography. ▪ Generous setbacks and privacy measures to promote visual privacy. ▪ Strong podium that presents at a human scale, with a tower form that incorporates a strong vertical expression to reduce perceived bulk. ▪ High levels of amenity for future residents, including: <ul style="list-style-type: none"> – Useable and inviting communal space. – Optimal orientation for views and solar access. – Alignment with the NSW Apartment Design Guide. ▪ Generous public realm upgrades through the provision of a landscape pedestrian link along Mitchell Street. 	
	<i>To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	<p>Complies</p> <p>The proposed development is capable of achieving Code Compliance (Access and BCA), as confirmed in the enclosed Accessibility Report (Appendix X) and (Appendix DD).</p>	
	<i>To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	<p>Complies</p> <p>The SSDA will be referred to Council and State agencies for referral comments during the public exhibition. Any submissions will be responded to as part of the Response to Submissions.</p>	
	<i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	<p>Complies</p> <p>Community and stakeholder engagement has been conducted during the preparation of the SSDA (Appendix I).</p> <p>During the assessment period, there will be an additional opportunity for the community and stakeholders to provide feedback on the proposed development. The Applicant will address any concerns raised during the exhibition of the proposed development.</p>	
Section 4.15	<p>Relevant environmental planning instruments:</p> <ul style="list-style-type: none"> ▪ SEPP (Planning Systems) 2021 	See detail below under State Environmental Planning Policies (SEPPs).	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> ▪ SEPP (Transport and Infrastructure) 2021 ▪ SEPP (Resilience and Hazards) 2021 ▪ SEPP (Biodiversity and Conservation) 2021 ▪ SEPP (Sustainable Buildings) 2022 ▪ SEPP (Housing) 2021 ▪ North Sydney Local Environmental Plan 2013 ▪ Crows Nest Transport Oriented Development Precinct Design Guide, November 2024 		
	Draft environmental planning instruments	N/A	N/A
	Relevant planning agreement or draft planning agreement	N/A	N/A
	Environmental Planning and Assessment Regulation 2021 – Schedule 2	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	Section 2.10(1) of SEPP (Planning Systems) provides that the provisions of Development Control Plans do not apply to SSD.	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 an 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 demonstrated in the EIS.	Section 6
	Any submission made	Submissions will be considered following exhibition of the application.	Section 5
	The public interest	<p>The proposed development satisfactorily responds to the relevant planning instruments and controls applying to the site. The proposal will not create any adverse social, economic or environmental impacts that cannot be mitigated by the proposed mitigation measures provided at Appendix E.</p> <p>On balance, the benefits of the development outweigh any potential adverse impacts, and the development is deemed to be in the public interest.</p>	Section 7
Environmental Planning and Assessment Regulation 2021			
Schedule 2	Schedule 2 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS has been prepared to address the requirements of Schedule 2 of the Regulations and SEARs.	Throughout the EIS
Section 173	Section 173 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS has been prepared to address the requirements of Clause 173 of the EP&A Regulation and SEARs.	Section 1 and Appendix A
Section 193	Section 193 of the Regulations requires an assessment against the principles of ESD.	The EIS has addressed the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and	Section 6.7

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		ecological integrity and improved valuation, pricing and incentive mechanisms.	
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 R
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 Cox Architecture is provided within the Design Report as per section 29 of the EP&A Regulations.	Design Report at Appendix G
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 (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.	A Clause 4.6 Variation Request which sets out the grounds on which the applicant seeks to vary the non-residential FSR standard is prepared by Urbis at Appendix L as per Section 35B of the EP&A Regulations.	Clause 4.6 Variation Request at Appendix AA
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 request has been submitted for the project which details that the proposal is unlikely to have any significant impact on biodiversity values of the site and surroundings. The Waiver was granted on 12 September 2025.	Section 4.3 and Appendix GG
State Environmental Planning Policies			
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	Schedule 2, Section 19 of the Planning Systems SEPP provides that development for the purpose of residential accommodation or mixed use development on land identified as an 'Accelerated TOD Precinct' is State Significant Development if the part of the development that is for the purposes of residential accommodation has an estimated cost of more than \$60 million.	The site is located in the Crows Nest Accelerated TOD Precinct. The residential component of the proposed mixed use development has an estimated development cost of more than \$60 million (refer Appendix B). As such, the proposal is SSD.	Section 4.1.1 and Appendix B
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Clause 4.6(1) states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	A Detailed Site Investigation (DSI) has been undertaken to assess the suitability of the site, from a contamination perspective, for the proposed development and whether further investigation and/or management is required. Based on the results of the DSI, it is found that the site is suitable for the proposed mixed use (commercial and residential) development subject to implementation of recommendations specified in the report.	Section 6.7 and Appendix N
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Section 2.48: Determination of other development applications – other development, applies to development carried out within 5m of an exposed overhead electricity powerline.	The site is located within 5 metres of exposed overhead electricity lines on Mitchell Street. The 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

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	Section 2.99: Excavation in, above, below or adjacent to rail corridors, applies to development within a rail corridor that has excavation more than 2m below ground level.	The consent authority will give notice the rail authority of the proposed development within 7 days of the application being made and consider any response received within 21 days of notice being given.	Appendix B
	Section 2.100: Impact of rail noise or vibration on non-rail development	<p>A Noise and Vibration Impact Assessment has been prepared, which includes investigation of the impact of rail noise and vibration intrusion on the development.</p> <p>The assessment finds that resulting noise and vibration levels from the operation of the Sydney Metro will be acoustically acceptable without additional acoustic mitigation to the proposed project.</p>	Section 6.7 and Appendix I
	Section 2.122A: Traffic-generating development – exemption for Accelerated TOD Precincts: This section states that Section 2.122 in relation to traffic-generating development does not apply to development for the purposes of residential accommodation on land identified as an ‘Accelerated TOD Precinct’.	<p>The site is located in the Crows Nest Accelerated TOD Precinct. This SSD application has not been made before the commencement of Section 2.122A and has not been made after 30 November 2027. Therefore Section 2.122 of the T&I SEPP does not apply to the proposed development.</p> <p>The proposed commercial component does not trigger traffic generating development.</p>	N/A
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	A permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold.	Consent is sought for tree removal under this application.	N/A
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings and to ensure consistent assessment of the sustainability of buildings.	The proposed development achieves the requisite BASIX ratings. The ESD Consultant has also quantified the embodied emissions attributable to the development in compliance with the State Environmental Planning Policy (Sustainable Buildings) 2022.	Section 6.7 and Appendix P, Appendix Q and Appendix R
<i>State Environmental Planning Policy (Housing) 2021</i>	<p>Chapter 4 Design of Residential Apartment Development – Under Chapter 4 of the Housing SEPP, the consent authority must consider:</p> <p>(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,</p> <p>(b) the Apartment Design Guide,</p>	<p>A detailed assessment of the proposal against the design principles for residential apartment development and the Apartment Design Guide (ADG) is provided in the accompanying Design Report. The assessment demonstrates that the proposal achieves a high level of compliance with the key numerical requirements of the ADG including:</p> <ul style="list-style-type: none"> ▪ Solar and daylight access ▪ Natural ventilation ▪ Apartment size and layout ▪ Ceiling heights ▪ Private open space and balconies ▪ Communal Open Space ▪ Visual Privacy ▪ Deep soil area ▪ Storage <p>An assessment of the proposal’s consistency with the ADG is provided below.</p>	Appendix G

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
North Sydney Local Environmental Plan 2013			
Zoning and Land Use	The proposed development involves shop top housing which is a permissible use with consent in the MUI (Mixed Use) Zone.	<p>Complies</p> <p>The proposal is entirely consistent with the objectives of the MUI zone, with the development creating a balanced, high-quality mixed-use environment.</p> <p>This is achieved through the provision of active commercial uses at ground level (and lower levels) to support employment and vibrant streets and apartments located at the upper levels to ensure residential amenity.</p>	Throughout EIS
4.3 Height of Buildings	139 metres	<p>Complies</p> <p>The proposal has a maximum height of RL 229.3 to the highest point of the building. This equates to a maximum building height of 139 metres.</p>	Section 6 and Appendix F
4.4 Floor Space Ratio	13.8:1	<p>Complies</p> <p>The proposal will result in a total GFA on the site of 18,961 square metres, which equates to an FSR of 13.35:1.</p>	Section 6 and Appendix F
4.4A Non-Residential Floor Space Ratio	3:1	<p>Variation Proposed</p> <p>A non-residential FSR of 1.43:1 is proposed.</p> <p>This is a percentage variation of 53.3%.</p> <p>A Clause 4.6 Variation Request has been prepared to justify the floor space departure.</p>	Section 6, Appendix F and Appendix AA
5.10 Heritage Conservation	<p>Development consent is required to</p> <p><i>(a) demolish or move any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)</i></p> <p><i>(i) a heritage item,</i></p> <p><i>(ii) an Aboriginal object,</i></p> <p><i>(iii) a building, work, relic or tree within a heritage conservation area,</i></p>	<p>The site is not identified as a heritage item under the local or State planning framework and is not in proximity of any items of environmental heritage. A local heritage item is located to the north-west of the site on the corner of Chandos Street and Christie Street, however the proposal does not have a direct interface with this item and will not block any existing views from the immediate street frontages to the heritage item.</p> <p>To the north of the site is the Holtermann Estate B local heritage conservation area (HCA). The site is not located within the HCA and as such will have no physical impact on the significance of the local character. The proposed massing is compliant with the newly introduced height control and as such is consistent with the transition of heights proposed under the Crows Nest TOD Urban Design Framework, to reduce visual impact and overshadowing on the HCA. As outlined in the shadow analysis discussed at Section 6.3.2, there is no shadow cast by the development on the HCA.</p> <p>As such, the proposal will not have an impact on the significance of surrounding local or State heritage items or the Holtermann Estate B HCA.</p>	Section 6.7, Appendix U and Appendix V

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5.21 Flood Planning	<p>The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(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,</p> <p>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,</p> <p>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.</p>	<p>The report states that the site does not appear to be within a flood zone area based on the floodplain risk management study and plan conducted by GRC Hydro for the North Sydney Local Government Area.</p> <p>The Integrated Water Management Plan prepared by Meinhardt does not identify any mitigation measures required for flooding.</p>	Section 6.7 and Appendix M
6.1 Acid Sulphate Soil	<p><i>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.</i></p>	The site is not mapped as being within area of Acid Sulfate Soils.	N/A
6.10 Earthworks	<p>Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(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.</p>	Consent is sought for earthworks under this SSDA.	N/A
6.15 Airspace operations	<p>If development is proposed to penetrate the Limitation or Operations Surface, the consent authority must not grant consent unless it has consulted with the relevant Commonwealth Body.</p>	<p>The proposed building, including future construction cranes, will intrude into the Sydney (Kingsford-Smith) Aerodrome OLS. Approval from aviation safety and airspace protection authorities/agencies will be required.</p>	Section 6.7 and Appendix W
Development Control Plan			
Section 2.10(1) of the Planning Systems SEPP provides that the provisions of Development Control Plans do not apply to SSD.			
Crows Nest TOD Precinct Design Guide			
7.1 Objectives	<p>The objectives of this part are to—</p> <p>(a) increase housing supply in the Crows Nest Transport Oriented Development Precinct, and</p> <p>(b) enable a variety of land uses within walking distance of the St Leonards train and Crows Nest metro stations, and</p> <p>(c) deliver housing supported by public spaces, vibrancy and community amenity, and</p> <p>(d) increase the amount of affordable housing in the Precinct</p>	<p>Complies</p> <p>The proposal includes 181 residential apartments which will boost housing supply in this highly accessible location.</p> <p>Residential and commercial land uses are proposed. The site is within walking distance to both the St Leonards train station and Crows Nest metro station.</p> <p>An activated and improved public domain outcome associated with the high quality podium design and linear park will contribute to the vibrancy and community amenity in this part of St Leonards.</p> <p>An affordable housing contribution equivalent to 10% of new residential GFA proposed on the site will be made to North Sydney Council to fund affordable housing in the LGA in partnership with their nominated Community Housing Provider.</p>	Throughout EIS

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
7.2 Application of part	This part applies to land identified as “Crows Nest Transport Oriented Development Precinct” on the Key Sites Map	<p>Complies</p> <p>The site is located within the Crows Nest TOD Precinct on the Key Sites Map.</p>	
7.3 Design Guide	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.	<p>Complies</p> <p>An assessment of the proposal’s consistency with the Crows Nest TOD Precinct Design Guide is provided below.</p>	Appendix C
7.4 Design excellence	<p>(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.</p> <p>(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.</p> <p>(3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors from public spaces,</p> <p>(d) how the development addresses the following matters—</p> <p>i. the suitability of the land for development,</p> <p>ii. existing and proposed uses and use mix,</p> <p>iii. heritage issues and streetscape constraints,</p> <p>iv. 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,</p> <p>v. bulk, massing and modulation of buildings,</p> <p>vi. environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</p> <p>vii. the achievement of the principles of ecologically sustainable development,</p> <p>viii. pedestrian, cycle, vehicular and service access, circulation and requirements,</p> <p>ix. the impact on, and proposed improvements to, the public domain,</p> <p>x. achieving appropriate interfaces at ground level between the development and the public domain,</p> <p>xi. active street frontages,</p> <p>xii. integration of landscape design.</p>	<p>Complies</p> <p>As demonstrated in the Architectural Plans, Architectural Design Report and Landscape Design Report the proposed development achieves design excellence through a considered architectural, urban and landscape response, in accordance with Clause 7.4(3)(a)-(d). Refer to discussion in Section 6.1.</p>	Section 6.1, Appendix F, Appendix G and Appendix H

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
7.5 Affordable housing	<p>(1) In this clause, the Crows Nest Transport Oriented Development Precinct Affordable Housing Principles are as follows—</p> <p>(a) affordable housing must be provided and managed to accommodate a diverse residential population within areas representative of all income groups in North Sydney,</p> <p>(b) affordable housing must be rented to tenants at rents that do not exceed a benchmark of 30% of actual household income,</p> <p>(c) dwellings provided for affordable housing must be managed to maintain their continued use as affordable housing,</p> <p>(d) the Council must use the following received by or on behalf of the Council to improve or replace, or provide additional, affordable housing in North Sydney—</p> <p style="padding-left: 20px;">i. rent from affordable housing, excluding landlords' expenses, such as management and maintenance costs and rates and taxes payable in connection with the dwellings,</p> <p style="padding-left: 20px;">ii. money from the disposal of affordable housing,</p> <p>(e) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings forming part of the proposed development that are not intended to be used as affordable housing, particularly in relation to internal fittings and finishes, solar access and privacy.</p> <p>(2) This clause applies to development on land identified as "Affordable Housing Contribution Area" on the Affordable Housing Map resulting in—</p> <p>(a) the erection of a new building with more than 200m² of gross floor area used for the purposes of residential accommodation, or</p> <p>(b) alterations to an existing building that result in at least 200m² of additional gross floor area used for the purposes of residential accommodation.</p> <p>(3) This clause does not apply to development for the purposes of boarding houses, community housing, group homes, hostels or public housing.</p> <p>(4) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following—</p> <p>(a) the Crows Nest Transport Oriented Development Precinct Affordable Housing Principles,</p> <p>(b) the impact of the development on the existing mix and likely future mix of residential accommodation in North Sydney.</p> <p>(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).</p> <p>(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.</p> <p>(7) A condition imposed under this clause must permit a person to satisfy the contribution by—</p>	<p>Complies</p> <p>An affordable housing contribution equivalent to 10% of new residential GFA proposed on the site will be made to North Sydney Council to fund affordable housing in the LGA in partnership with their nominated Community Housing Provider, thereby satisfying Section 7.5(7)(b).</p>	Section 3

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>(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</p> <p>(b) a monetary contribution paid to the Council, of equivalent value to the gross floor area specified in subclause (6).</p> <p>(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.</p>		

Crows Nest TOD Precinct Design Guide Consistency Assessment

Reference	Assessment
<p>3.2 Connecting with Country</p>	<p>Complies</p> <p>The project has been informed by a deep understanding of the system of Country and the importance of embedding cultural knowledge into the planning, design, and development of the proposed development.</p> <p>Guided by the Connecting to Country principle of A Connection to Place, the design grounds the architecture in Sydney's sandstone bedrock, expressed through a solid podium base and a natural colour palette. The ground plane provides communal spaces on Atchison Street and Mithcell Street that invite gathering and interaction, while native planting across the streetscape and podium fosters cultural and ecological connections, supporting wellbeing, mindfulness, and care for Country.</p>
<p>3.3 Land Use</p>	<p>Complies</p> <p>A mix of commercial and residential uses are proposed, consistent with the MUI Mixed Use zoning under North Sydney LEP.</p> <p>The proposed land use mix provides opportunity for new housing on strategically appropriate site, while ensuring the site comprises an adequate provision of commercial floor area to contribute to the ongoing viability of the St Leonards Core.</p>
<p>3.4 Built Form</p>	<p>Partial Compliance</p> <p>The proposed 40-storey building is located within proximity of St Leonards station partially within in 'height cluster area', where TOD controls have identified sites as having capacity for taller buildings.</p> <p>As confirmed throughout the EIS and supporting documents, the proposal is able to be accommodated on the site while limiting overshadowing and view impacts due to the corner location of the site, proposed setbacks and the slender nature of the tower form.</p> <p>Floor to floor heights have been proposed to achieve compliance with the maximum floor height assumptions for all residential and commercial areas. The proposed rooftop plant is compliant, at a maximum height of 4.5 metres, however the lift overrun exceeds the maximum height which is in part due to the increased height of a lift overrun required for a 40-storey building at a height of being 6.1 metres.</p> <p>The proposal is compliant on the FSR control however a variation is proposed to the non-residential FSR control to reduce the quantum of commercial floor space in accordance with market demand.</p> <p>Active street frontages are provided to Atchison Street and Mitchell Street as follows:</p> <ul style="list-style-type: none"> ▪ The development proposes a commercial lobby and a commercial tenancy along Atchison Street. A residential lobby is also proposed in the centre of the frontage which will be highly activated by tenants throughout the day. Entrances and lobbies as per of mixed-use development are permitted under clause 4.4A (6). ▪ Along Mitchell Street, a public open space area within the ground level setback is proposed as per the Council urban domain objectives for this area and the Crows Nest TOD design guidelines. The façade of the eastern elevation of the podium is highly activated, with glazing along the façade to provide sightlines into and from the ground level commercial tenancy. ▪ Along Atchison Lane, the proposed landscaping and public domain features including visitor bicycle parking is proposed to activate the eastern end of the laneway. This frontage accommodates vehicular access, fire services (fire pump, fire tank and fire control) and a substation which can be excluded from the active street frontage provision as per clause 4.4A (6).

Reference	Assessment
	<p>High quality communal open space is provided at Level 4 for the occupants of the building which includes indoor and outdoor spaces for active and passive use, landscaped terraces and indoor dining spaces.</p> <p>A mix of 1, 2, 3 and 4-bedroom apartments are provided within the development to cater to diverse families.</p>
<p>3.4.1 Solar Amenity and Overshadowing</p>	<p>Partial Compliance</p> <p>Shadow diagrams and detailed shadow analysis have been prepared by COX Architecture (Appendix F and Appendix G) which show the shadow cast by the proposed development at hourly intervals between 9am and 3pm at the winter solstice.</p> <p>The diagrams demonstrates that the proposed development results in some additional overshadowing to the Mitchell Street Plaza at 1pm and 2pm on June 21. The extent of additional shadow is limited in both extent and duration and is a direct result of the increased building height of the proposed development, which complies with the TOD controls at 139 metres. On balance, the additional shadow is considered consistent with the anticipated built form outcomes for the precinct.</p> <p>The shadow diagrams demonstrate that the proposed development does not result in any additional overshadowing of any of the other spaces nominated by the Crows Nest Design Guide between 10am and 3pm in mid winter and that shadows from the proposed development do not extend beyond the Crows Nest precinct boundary between 9am and 3pm on June 21.</p>
<p>3.5 Minimum Lot Size</p>	<p>Complies</p> <p>The site has a total area of 1374.4 square metres.</p>
<p>3.6.3 Tree Canopy, Deep Soil and Biodiversity</p>	<p>Variation Required</p> <p>While there is no opportunity for deep soil planting on the ground plane due to the mixed use nature of the proposal which has almost 100% site coverage, the proposal includes the provision of a 5 metre wide landscaped pedestrian link, along Mithell Street providing a legible extension of Mitchell Street Plaza and opportunities for additional soft landscaping and tree planting.</p> <p>As detailed in the enclosed Landscape Concept Plan (Appendix H), the raised planter beds will accommodate small tree planting on Mitchell Street, while additional landscaping is provided on the Level 4 podium, which includes additional raised planters to support substantial planting. Plant species have been selected to withstand necessary shade and wind conditions.</p> <p>Four street trees are proposed to be removed on Atchison Lane. Eighteen new trees are proposed across the site, including four new trees on Mitchell Street within the landscaped pedestrian link, thereby ensuring no net loss of tree canopy cover. This is discussed further in Section 6.5.</p> <p>A BDAR Waiver request has been submitted for the project which details that the proposal is unlikely to have any significant impact on biodiversity values of the site and surroundings. The Waiver was granted on 12 September 2025 (Appendix GG).</p>
<p>3.7 Design Excellence</p>	<p>Complies</p> <p>Section 6 of the EIS demonstrates that the proposed development achieves all matters for consideration in regard to Design Excellence.</p>
<p>3.8 Setbacks</p>	<p>Partial Compliance</p> <p>The proposal complies with the applicable podium street setbacks proposing a 5m setback to Mitchell Street, 1.5m setback to Atchison Lane and 3m reverse setback to Atchison Street.</p> <p>Above the podium, the tower form is setback to align with the ADG requirements with an 8m setback to Mitchell Street, 6.2m Atchison, 3m setback to Atchison Street and a 6m setback to the western boundary.</p> <p>It is noted that the 6m setback to the western boundary is non-compliant with the ADG separation requirements. This setback has been incorporated to match the common boundary setback (and respect the visual privacy) of the property at 6-16 Atchison Street. No windows are proposed along the western façade of the tower, ensuring no opportunity for overlooking of this neighbouring property.</p>
<p>3.9 Street Wall Heights</p>	<p>Complies</p> <p>The proposal incorporates a four storey podium consistent with the recommended street wall height. The podium maintains a consistent height to each street frontage. The podium aligns with the existing neighbouring podium at 6-16 Atchison St, providing a cohesive urban response.</p>
<p>3.10 Movement</p>	<p>Complies</p> <p>The proposal includes a 5-metre wide landscaped pedestrian link along Mitchell Street, providing an extension of the Mitchell Street Plaza and facilitating key north-south pedestrian connection within the precinct. Further upgrades to the footpath and public realm along the Atchinson Street frontage are also proposed.</p>

Reference	Assessment
	Weather protection is provided for pedestrians through the provision of awnings and reverse setbacks along the Atchinson Steet frontage. New tree planting within the Mitchell Street pedestrian link with provide further shade for pedestrians.
3.11 Car Parking	<p>Complies</p> <p>Residential parking is provided in compliance with the Design Guide parking rates. In this regard, the proposal generates a maximum residential parking rate of 110 car spaces.</p> <p>Assessment of the car parking provision is provided in the Transport Impact Assessment (Appendix K).</p>
3.12 Wind Management	<p>Complies</p> <p>A Desktop Wind Study has been prepared by SLR to assess wind conditions associated with the existing site and the proposed development (Appendix J).</p> <p>Mitigation measures included in the study to mitigate adverse wind effects have been incorporated into the design of the development.</p>
3.13 Flooding	<p>Complies</p> <p>The site is not identified as a site with potential major overland flow on the Flood Consideration Lots map.</p>

Apartment Design Guide Consistency Assessment

A full Assessment against the ADG is provided at **Appendix G**.

Design Criteria	Assessment
Solar Access (min 70%)	<p>Complies</p> <p>74% of apartments receive a minimum of 2 hrs direct sunlight to the Living rooms & private open spaces between 9am - 3pm at mid winter.</p>
South Facing Apartments (max 15%)	<p>Complies</p> <p>3% of apartments receive no direct sunlight between 9 am - 3 pm at mid winter.</p>
Natural Cross Ventilation (min 60%)	<p>Complies</p> <p>63% of apartments are naturally cross ventilated in the first nine storeys of the building.</p> <p>The development does not include any cross-through apartments.</p>
Adaptable Housing (min 20%)	<p>Complies</p> <p>20% of apartments are adaptable and 30% meet the Liveable Housing Guideline's silver level universal design.</p>
Deep Soil (min 7%)	<p>Variation Required</p> <p>No deep soil is provided due to the site constraints. The proposal requires full basement coverage on the constrained site to meet servicing and parking needs, while its Crows Nest TOD Precinct location limits deep soil planting in favour of mixed-use development, with active non-residential uses provided along Atchison Street and part of Mitchell Street.</p> <p>To mitigate the lack of deep soil, extensive stormwater management measures are proposed in the design as outlined in the Integrated Water Management Plan to promote management of water and reduce runoff. Together with the proposed planting on structure at level 4, this is consistent with the design guidance of the NSW ADG and achieves the intent of the control.</p>
Communal Open Space (min 25%)	<p>Complies</p> <p>The development provides 665 sqm of communal open space, greater than 25% of the site area.</p> <p>88% of the principal usable part of the communal open space is in direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June</p>

Design Criteria	Assessment
Building Separation	<p>Variation Required</p> <p>The tower design is generally compliant with the building separation distances of the ADG, in exception of the western site boundary. The site's western interface is to the existing serviced apartments at 6-16 Atchinson Street which incorporates a non-compliant 6 metre tower setback to the common boundary, with screened windows.</p> <p>The proposal aligns with this 6 metre tower setback to the western boundary, rather than the recommended 12m separation distance for habitable rooms / balconies at 9 storeys and above under the NSW ADG. This is considered appropriate as the façade has been treated to ensure no opportunity for overlooking, a compliant setback would result in an inefficient floorplate to the tower, a compliant separation distance would not result in a reduction in the proposed extent of shadow cast to Mitchell Street.</p>
Ceiling Heights	<p>Complies</p> <p>Floor to floor heights have been proposed to meet the requirements of the TOD controls, this provides for ceiling heights that meet the minimum requirements of the ADG.</p>
Apartment Size and Mix	<p>Complies</p> <p>181 apartments are provided with a mix of 1, 2 and 3 bedrooms.</p>