

STATUTORY COMPLIANCE TABLE

100 Edinburgh Road, Castlecrag

Overview

The statutory instruments addressed in this document include the following:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Sustainable Building) 2022
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Willoughby Local Environmental Plan 2012 (WLEP 2012)

Additionally, an assessment against Council's local policy has also been provided:

- Willoughby Development Control Plan 2023 (WDCP 2023)

Compliance with these instruments is addressed below in **Table 1-3**:

Table 1: Compliance Table

Mandatory Matters for Consideration	Response	Document Reference
Consideration under the Act and Regulation		
<i>Environmental Planning and Assessment Act, 1979</i>	The proposal is consistent with the objects of the EP&A Act. In particular, the proposal: • Promotes the social welfare of community, by providing quality housing opportunities, including affordable housing, in a well-served area. • Allows for orderly and economic development of the land as envisioned in within the strategic plans applicable to the locality. • Promotes sustainable management of built and cultural heritage within the vicinity of the site. • Promotes quality design and amenity of the built environment, architecturally designed. Is developed to provide housing for the community and provides public domain benefits for the community.	Section 5.3 of EIS
	Part 4, Division 4.7, Section 4.36 (3) states the following:	Refer to Appendix E (State Significant

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	<i>The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development.</i> The specified development at 100 Edinburgh Road, Castlecrag (EOI application 256918) was declared to be State significant development under the Ministerial Order dated 23th July 2025. As such, the proposed development is State significant development.	Development Declaration Order)
<i>Environmental Planning and Assessment Regulation 2021</i>	Section 61(1) prescribes that the consent authority in determining a DA must consider Australian Standard AS 2601 – 2001. Any demolition works will be undertaken in accordance with AS 2601-1991. The Demolition of Structures published by Standards Australia. Section 69 prescribes that any building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA) pursuant to Clause 69 of the EP&A Reg and will be conditioned as part of any development consent. Section 193 prescribes that the principles of Ecologically Sustainable Development (ESD) are required to be considered in the assessment of the proposal. An ESD Report has been prepared by PEM Group and is available as Appendix M which addresses the four principles of ESD.	Section 7.1.1 of EIS and Appendix M (Ecology Sustainable Development).
Relevant Environmental Planning Instruments		
<i>State Environmental Planning Policy (Housing) 2021</i>	<u>Chapter 4</u> The provisions of Chapter 4 Design of Residential Apartment Development under <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP) are relevant to the proposed development. Clause 147 Determination of development applications and modification applications for residential apartment	Please refer to Appendix G (Design Verification Statement) and Appendix H (ADG Compliance).

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	<i>development in Chapter 4 of SEPP (Housing) 2021 is also relevant and stipulates that:</i> <i>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following –</i> <i>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i> <i>(b) the Apartment Design Guide,</i> <i>(2) Subsection (1)(c) does not apply to State significant development.</i>	
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Division 5, Clause 2.48 of the Transport and Infrastructure SEPP requires the consent authority to give written to the electricity supply authority for the area and take into consideration any response to that notice before granting consent to a development likely to affect an electrical transmission or distribution network. Division 17, Section 2.122 requires the consent authority to provide TfNSW with written notice of the development application for 'traffic-generating development' within the meaning of the SEPP, as set out in Schedule 3 of the SEPP. The Traffic Impact Assessment prepared by PTC concludes that the proposal does not create adverse impacts to the road network and infrastructure upgrades are not required.	Refer to Section 7.1.4 of the EIS and Appendix Q (Traffic Impact Assessment).

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<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	<u>Chapter 2 Vegetation in Non-Rural areas</u> The State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the site. The aims of the plan are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation. The Biodiversity and Conservation SEPP implement a series of general controls on the development situated within regulated water catchments. The site is located within the Sydney Harbour Catchments. Therefore, the following parts of the Biodiversity and Conservation SEPP will apply.	Refer to BDAR Waiver attached in Appendix B. Refer to Landscape Plans in Appendix L. Refer to BDAR Waiver Request provided in Appendix C and a BDAR Waiver (Appendix B) issued by DPHI.
<i>State Environmental Planning Policy (Sustainability Building) 2022</i>	The application is accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. A BASIX certificate was submitted with this application for the residential component of the proposed development. If the application had been recommended for approval, conditions would have been imposed to ensure BASIX commitments were fulfilled during the construction of the development. The application is also accompanied by a NABERS Embodied Emissions Materials Form for the non-residential component of the proposed development.	Please refer to BASIX Certificate in Appendix J and NatHERS Certificate in Appendix X for residential component. Please refer to NABERS Embodied Emissions Material Form for non-residential component in Appendix II.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	<u>Chapter 4 Remediation of Land</u> Chapter 4 of this SEPP states that land must not be developed if it is unsuitable for a proposed use due to contamination. If the land is deemed unsuitable, remediation must take place before development begins. The policy makes remediation permissible across the State, defines when consent is required,	Section 7.2.5 of the EIS and Detailed Site Investigation Report in Appendix R.

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	requires all remediation to comply with standard, ensures land is investigated if contamination is suspected, and requires Councils to be notified of all remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist Councils and developers to determine when land has been at risk. Clause 4.6 of the SEPP requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use. The Detailed Site Investigation confirmed that the site is considered suitable for the proposal.					
<i>Willoughby Local Environmental Plan 2012</i>	Zoning and Permissibility The site is zoned E1 Local Centre and RE1 Public Recreation under Willoughby LEP (2012). Mixed-use development is permitted with consent in the E1 Local Centre zone. The RE1 Public Recreation zone is a small portion running along half of the southern boundary of the subject site. The proposed building footprint will not affect the RE1 zone. Objectives of the Zone <table><tr><th>Objective</th><th>Response</th></tr><tr><td><i>To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.</i></td><td>The proposed development is in the form of mixed-use development which consists of retail premises on ground floor and residential on the upper levels. It provides opportunities for retail and business as well as housing needs for the</td></tr></table>	Objective	Response	<i>To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.</i>	The proposed development is in the form of mixed-use development which consists of retail premises on ground floor and residential on the upper levels. It provides opportunities for retail and business as well as housing needs for the	Please refer to Table 2 below for a full assessment against WLEP 2012. This aside, the proposal is accompanied by a concurrent rezoning report in Appendix I .
Objective	Response					
<i>To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.</i>	The proposed development is in the form of mixed-use development which consists of retail premises on ground floor and residential on the upper levels. It provides opportunities for retail and business as well as housing needs for the					

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	community including market housing and affordable housing within the local centre area.	
	<i>To encourage investment in local commercial development that generates employment opportunities and economic growth.</i>	The proposed development consists of a supermarket on lower ground level and speciality retail premises on ground level which enables employment and economic opportunities.
	<i>To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.</i>	The proposed development consists of 150 residential units which enables a range of residents visiting the local centre. It will activate a vibrant street frontage along Edinburgh Road.
	<i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i>	The proposed development consists of a supermarket on the lower ground level and a variety of speciality retail tenancies on ground floor. This will encourage business opportunities at the public domain level.
	<i>To provide for services and employment within walking distance of residences.</i>	The proposed development generates employment opportunities within walking distance by providing a new local centre on the ground level and residences on the upper level.
	<i>To generally conserve and enhance the unique sense of place of local centres by</i>	The proposed development is designed through careful considerations of architectural and urban

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	<i>ensuring new development—</i> <i>(a) displays architectural and urban design quality, and</i> <i>(b) integrates with the desired character and cultural heritage of local centres.</i> built form. The outdoor seating area enables a sense of place and culture which enables the local residents and visitors to explore the characteristics of Castlecrag. Table 2 below considers other Willoughby Local Environmental Plan (2012) provisions.	
Consideration under other legislation		
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	The <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) is federal legislation which provides a legal framework to protect and manage nationally important flora, fauna, ecological communities and heritage places defined as ‘matters of national environmental significance’ (MNES). The BDAR Wavier Request has assessed the relevant provisions of the EPBC Act and is available as Appendix C. The BDAR Waiver is provided in Appendix B.	BDAR Waiver Request (Appendix C). BDAR Waiver (Appendix B).
<i>Biodiversity Conservation Act 2016</i>	The <i>Biodiversity Conservation Act 2016</i> (BC Act) identifies and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Impacts to threatened species and endangered ecological communities listed under the BC Act are required to be assessed in accordance with Section 7.3 of the BC Act. In accordance with the requirements of s.7.9 of the BC Act a biodiversity assessment has been prepared. The BDAR Wavier Request has assessed the relevant provisions of the BC Act and is available as Appendix C. The BDAR Waiver is provided in Appendix B.	BDAR Waiver Request (Appendix C). BDAR Waiver (Appendix B).

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WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012

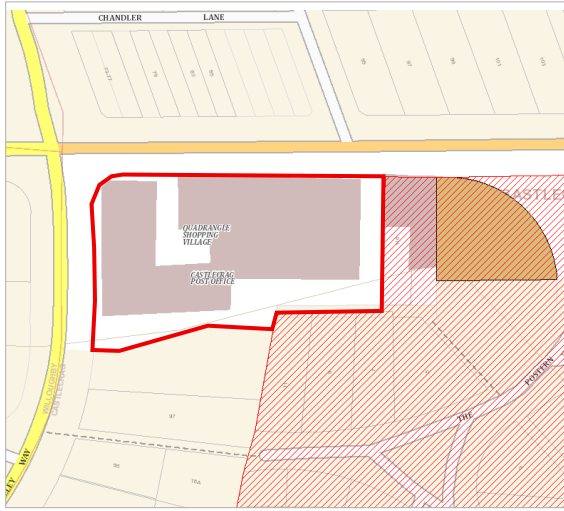
The relevant matters to be considered under the Willoughby Local Environmental Plan 2012 for the proposed development are outlined below. It is worth noting that although an assessment against the LEP has been provided, various development standards have been overridden by concurrent rezoning.

Table 2: LEP Compliance Table

Standards and Provisions	Proposal/ Comments	Compliance
Part 2 Permitted or prohibited development		
Section 2.1 Land use zones	The subject site is mainly zoned E1 – Local Centre (Lot 11/DP611594) with a portion of the southeastern strip zoned RE1 Public Recreation (Lot 1/DP43691). The proposed development is in the form of mixed-use development which is permitted with consent under the E1 zone.	Yes
Part 4 Principal development standards		
Section 4.3 Height of buildings Allowable: Lot 11/DP611594: 97.49m Lot 1/DP43691: n/a	Proposed: 48.96m The proposal has been declared as a SSDA and a Concurrent Planning Proposal applies which presumes that existing development standards would be exceeded by more than 20% in some instances.	Partial – WLEP 2012 is superseded by concurrent rezoning. Please see the accompanying Concurrent Rezoning Report in Appendix I .
Section 4.4 Floor space ratio Allowable: Lot 11/DP611594: 1.6:1 Lot 1/DP43691: n/a	Proposed: 4.2:1 LEP standards are superseded by concurrent rezoning.	n/a – See supplementary Concurrent Rezoning proposal in Appendix I .
Section 4.6 Exceptions to Development Standards	LEP standards are superseded by concurrent rezoning.	n/a – See supplementary Concurrent Rezoning proposal in Appendix I .

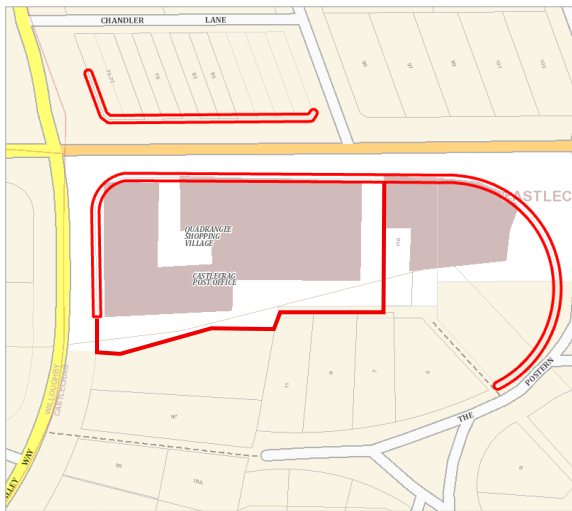
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Part 5 Miscellaneous provisions		
Section 5.1 Relevant acquisition authority	The subject site is not identified as land reserved for certain public purposes.	Yes
Section 5.7 Development below mean high water mark	The proposal does not involve any development below mean high water mark.	n/a
Section 5.10 Heritage Conservation	The site is not a heritage item and is not located within a heritage conservation area. However, the eastern boundary and half of the southern boundary adjoins immediately with the Griffin Conservation Area. There is also a local heritage item to the east of site at 120 Edinburgh Road. Please refer to Heritage Report in Appendix W.  Figure i. LEP Heritage Map	Yes
Section 5.21 Flood Planning	The site is not affected by flood and is not within the flood planning area. According to the Willoughby City Council Floodplain Management, the subject site is within the Sailors Bay Creek Flood Study area. The study shows that the subject site is not located in a flood-affected land.	Yes

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Part 6 Additional local provisions		
Section 6.1 Acid sulfate soils	The site is classified as class 5 in acid sulfate soils. Further assessment can be provided if required by the consent authority.	Yes
Section 6.2 Earthworks	Please refer to the Geotechnical Investigation Report in Appendix O . Recommendations from the report will be carried out prior/during construction.	Yes
Section 6.3 Urban Heat	The proposed development will implement awnings and eaves to provide shelter from the sun. The proposed public domain on ground floor will implement sufficient tree canopies to achieve urban cooling.	Yes
Section 6.4 Limited development on foreshore area	The site is not located in a foreshore area. Development will not impact natural foreshore processes or affect the significance and amenity of the area.	n/a
Section 6.7 Active Street Frontages	The northern boundary facing Edinburgh Road and western boundary facing Eastern Valley Way have been classified as Active Street Frontages. The proposed development consists of specialty retail premises on ground floor.  Figure ii. LEP Active Street Frontages Map	Yes

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Section 6.8 Affordable Housing	The subject site has been identified as Area 1 in the Affordable Housing Map which means 4% of GFA from the proposed development will be dedicated to affordable housing. The proposed development will consist of 10 affordable units which exceeds the 7% of the total units.	Yes
Section 6.23 Design Excellence	The objective of this clause is to deliver the highest standard of architectural, urban and landscape design. Subclause 8 states that a design competition is not required if the consent authority agrees as such, a design review panel (DRP) has been undertaken in relation to the proposal, and the consent authority takes into account the advice of the DRP.	The NSW Department of Planning, Housing & Infrastructure has agreed that a design competition is not required and endorsed an Alternative Design Excellence Strategy (ADES), which is provided in Appendix GG . As per the ADES, two DRP sessions were undertaken in relation to the proposal. Appendix KK also demonstrates how the proposal achieves the design excellence provisions of Section 6.23 in the WLEP 2012.

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WILLOUGHBY DEVELOPMENT CONTROL PLAN 2023

In accordance with Clause 2.10 of the State Environmental Planning Policy (Planning Systems) 2021, development control plans do not apply to state significant development. The assessment of the proposed development against the relevant provisions of the WDCP 2023 is provided in the table below for reference only.

Table 3: DCP Compliance Table

CI	Controls	Proposal	Compliance
Part L – Place Based Plans			
6	Castlecrag Local Centre		
6.2	Performance criteria		
a	Reinforce the Griffin philosophy that the built form is subordinate to the surrounding natural environment.	The proposed design resonates a sense of heritage through its fine articulation and form.	Complies
b	Design buildings which are highly articulated with strong horizontal elements.	The proposed development features a high standard of articulation which follows the site topography.	Complies
c	Encourage green roofs and roof top gardens in appropriate locations.	The proposed communal open space on the roof top incorporates landscaping works.	Complies
d	Retain the fine grain-built form of existing shopfronts on Edinburgh Road.	The proposed development consists of a supermarket and specialty retail shopfronts along Edinburgh Road.	Complies
e	Ensure any redevelopment of the Quadrangle site provides new publicly accessible open space with good solar access.	The proposed development will have more than 50% of solar access for the publicly accessible open space.	Complies
f	Ensure any redevelopment of the Quadrangle provides a significant proportion of non-residential floor space as shown on Figure 11, with a pattern of fine grain shops along the Edinburgh Road frontage.	The lower ground level and ground level of the proposed development has been allocated for non-residential use which	Complies

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CI	Controls	Proposal	Compliance
		enhances local shopfronts and street activation.	
g	Maintain active street frontages.	The proposed development achieves Active Street Frontage in compliance with clause 6.7 of the <i>WLEP 2012</i> .	Complies
h	Minimise vehicular access from Edinburgh Road.	The proposed development includes a single vehicular entry located at the northeastern corner of Edinburgh Road.	Complies
i	Provide deep soil zones in appropriate locations to support existing and additional mature trees with wide tree canopies to improve the streetscape and reduce urban heat impacts.	The proposed development includes 528m ² (10%) of deep soil area located at the lower ground and ground floor.	Complies
6.3	Master plan for Castlecrag local centre		
1	Retention of the Griffin Centre and ground floor façade, roof line and active street frontage.	The subject site is not within the Griffin Centre.	n/a
2	Provide for a new park/green space.	The proposal is the construction of a new mixed-use development. Communal open spaces will be provided on the roof top area with greenery.	Complies
3	Extend the curved façade of the Griffin Centre to reinforce The Postern.	The subject site is not within the Griffin Centre nor The Postern.	n/a
4	Provide pedestrian links through to the Quadrangle site.	Pedestrian links are provided throughout the public domain on ground level and the rear of site. There is also a through site link running north-south of site in between the two residential buildings.	Complies
5	Retain mature boundary trees.	Trees along the site boundary have been	Complies

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CI	Controls	Proposal	Compliance
		retained. The proposed design will provide more trees along the public domain.	
6	For any new development of the Quadrangle site, include a plaza with good solar access.	The proposed development will have ground floor specialty retail which benefits from maximum solar access.	Complies
7	Provide roof top gardens and communal open space for any shop top housing.	The proposed development includes communal open space at the roof top with greenery.	Complies
9	Retain at-grade car parking area.	The subject site does not include any at-grade car parking area.	Complies
10	Provide kerb blisters to improve mid-block crossing amenity.	The proposed development does not contain a mid-block crossing.	n/a
11	Provide threshold and kerb blister treatments to improve pedestrian amenity.	The proposed development will enable kerb blister treatments to improve pedestrian safety.	Complies
12	For new developments, provide open space between shop top housing buildings.	The proposed development consists of two 11-storey envelopes with landscape separation in between.	Complies
13	Provide new vehicle access to the Quadrangle basement.	The proposed development seeks to retain the existing vehicular access to the basement car parking.	Complies
14	Provide a new left out vehicle access from the Quadrangle.	The proposed development seeks to retain the existing vehicular access from the basement.	Complies
15	Create a green entry point at the intersection of Eastern Valley Way and Edinburgh Road.	The proposed development consists of retail shop fronts at the intersection of Edinburgh Road and Eastern Valley Way with abundance of tree	Complies

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CI	Controls	Proposal	Compliance
		canopies provided at the entrances.	
6.4	Controls for Castlecrag local centre		
1	Ensure a maximum of 4 storeys above the level at the Eastern Valley Way frontage and up to 3-storeys along Edinburgh Road (the additional storey below the Edinburgh Road frontage would use the topography of the site).	The proposed development is subject to a HDA and SSD government policies. Thus, the proposed development will exceed the maximum number of storeys prescribed.	n/a
2	Retain the Griffin Centre which is identified as a heritage item.	The proposed development is not within the Griffin Centre.	n/a
3	Ensure a maximum of 3 storeys and 6m setback above the second level on the northern side of Edinburgh Road.	As mentioned above, the proposed development will exceed the maximum number of 3-storeys due to the HDA scheme.	n/a
4	Ensure a maximum of 3 storeys for The Postern.	The subject site is not within The Postern.	n/a
5	Require amalgamation for two development sites at 95–103 Edinburgh Road with vehicular access from the rear lane or side street.	The subject site is not within the development sites at 95-103 Edinburgh Road.	n/a
6	Create public open space on the council-owned car park next to the Griffin Centre.	The subject site is not within the council-owned car park next to the Griffin Centre.	n/a
7	Provide a minimum 3m upper-level setback (2nd storey) for shop top housing.	The proposed development will have a minimum of 3m upper-level setback.	Complies
8	Maintain direct pedestrian links from the Quadrangle site to The Postern.	The proposed development does not seek to change	Complies

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CI	Controls	Proposal	Compliance
		any pedestrian links. All direct pedestrian links to The Postern will be maintained.	
9	Ensure the built form does not restrict solar access along the footpath and adjoining public open space on the southern side of Edinburgh Road from 9am to 3pm on 21 June.	The proposed development ensures maximum solar access provided for the footpath and public domain.	Complies
10	Retain the mature trees at the front and rear of the Quadrangle site.	The proposed development seeks to maintain trees at the front and rear of the subject site.	Complies
11	Provide a 'green' landscaped entry point.	The proposed development a row of trees at the public domain to ensure the entry points for retail shop fronts are landscaped.	Complies
12	Provide a rooftop garden over the development with car parking area below.	The proposed development provides communal open space on the roof top with basement car parking.	Complies