

Appendix C – Statutory Compliance Table

Statutory Reference	Relevant Considerations	Assessment	Section in EIS
<i>Environmental Planning and Assessment Act 1979</i>			
Section 1.3	<i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	<p>The proposal redevelops a currently underutilised site to ensure the effective use of the State land in accordance with strategic planning objectives.</p> <p>The proposal will deliver 53 residential dwellings including 11 affordable housing units to be managed by a CHP for 15-year period, which will contribute to housing supply for the community and create social benefits to the community. The proposal will generate 141 full time jobs during construction and will therefore drive economic outcomes for a short-term period.</p> <p>The EIS and accompanying technical reports provide detailed environmental, economic, and social assessments that have informed the design of the proposal and ensure its suitability for the site. Mitigation measures will be implemented to manage the social and economic welfare of the community during construction phases and the ongoing operation of the development.</p>	<p>Section 5</p> <p>Section 6</p> <p>Aboriginal Cultural Heritage Assessment Report at Appendix O</p> <p>Historic Archaeology Report at Appendix P</p> <p>Heritage Impact Statement at Appendix Q</p> <p>ESD Report at Appendix AA</p> <p>Architectural Design Report at Appendix H</p> <p>BDAR Waiver Determination Letter at Appendix Z</p>
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	<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> <p>The ESD Report identifies how ESD best practice principles are incorporated into the design and ongoing operation of the proposed development and how the development will exceed relevant industry recognised building sustainability and environmental performance standards.</p>	
	<i>To promote the orderly and economic use and development of land</i>	The proposal has been informed by detailed site and local context analysis and environmental assessment against relevant strategic and statutory planning policies to promote the orderly and economic use and development of the land. The proposal optimises the capacity of the land to deliver medium density development in accordance with the provisions of the Housing SEPP.	
	<i>To promote the delivery and maintenance of affordable housing,</i>	The proposal will deliver 11 affordable housing units managed by Evolve Housing for a 15-year period in direct accordance with this objective.	
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	<p>A BDAR Waiver Determination Letter was issued on 18 December 2025 by Department of Planning, Housing and Infrastructure, which confirms the proposed development is not likely to have any significant impacts on biodiversity.</p> <p>The proposal seeks to remove 5 existing trees and 1 existing group of trees on the site; however this is mitigated through extensive landscaping across the site, which will support native ecological communities.</p>	
	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	An Aboriginal Cultural Heritage Assessment Report (ACHA) and Historic Archaeology Report (HAA) has been prepared as well as a Heritage Impact Statement to assess the impact on surrounding built and archaeological heritage.	

The ACHA concluded that there may be potential harm associated with the proposed development as the site may contain Aboriginal objects, although the extent of this is unclear, and further investigation is required. Mitigation measures are also proposed to reduce the impact.

The HAA identifies that no known heritage items, conservation areas or known areas of archaeology were identified within the site and at the site inspection, no historical artefacts or areas of archaeological potential were observed. The potential archaeological resource of the site does not contain anything that would be defined as 'relics' under the NSW Heritage Act and therefore no further historical archaeological impact assessment, or approvals are required.

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

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

To promote good design and amenity of the built environment,

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

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

The construction of buildings will have regard to the requirements of the BCA and NCC as per relevant conditions of consent.

This will be further developed during the post-approval design development phase, prior to receipt of Construction Certificate as per appropriate conditions of development consent.

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

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

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

To provide increased opportunity for community participation in environmental planning and assessment.

As detailed in **Section 5** of the EIS, community and stakeholder engagement has been undertaken during the preparation of the SSDA. Through the public exhibition phase, there will be further opportunities for community and stakeholders to respond to the proposed development. The applicant will respond to any concerns raised following the public exhibition of the SSDA.

Section 4.15

Relevant environmental planning instruments

An assessment against the following State Environmental Planning Policies (SEPPs) is provided in this table: This table.

- *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)*
- *State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)*

	<ul style="list-style-type: none"> State Environmental Planning Policy (Sustainable Buildings) 2022 (SB SEPP) State Environmental Planning Policy (Housing) 2021 Mosman Local Environmental Plan 2012 (MLEP) 	
Draft environmental planning instruments	No draft EPI's have been identified as relevant to this application.	N/A
Relevant planning agreement or draft planning agreement	No relevant planning agreement or draft planning agreement are associated with this application.	N/A
Environmental Planning and Assessment Regulation 2021	This EIS has been prepared in accordance with the <i>Environmental Planning and Assessment Regulation 2021</i> as discussed in this table.	N/A
Development control plans: <i>Mosman Residential Development Control Plan 2012</i>	Section 2.10 of the Planning Systems SEPP provides that DCPs do not apply to SSDAs. As such, compliance with the Mosman Residential DCP 2012 is not a mandatory consideration.	N/A
The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development including the environmental impacts on the natural and built environments, and social and economic impact on the locality are assessed in detail within the EIS.	Section 6
The suitability of the site for the development	The suitability of the site for the proposed development is discussed in Section 7.6 of the EIS.	Section 7.6
Any submission made	Submissions will be considered following exhibition of the application.	N/A
The public interest	The proposed development is considered in the public interest as discussed in Section 7.7 of the EIS.	Section 7.7

Environmental Planning and Assessment Regulation 2021

Part 8	Environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS addresses the SEARs issued by the Secretary as part section 175 of the EP&A Regulations and contains the detailed information identified in section 190 and 192 of the EP&A Regulations.	EIS
Section 26	Outlines the information required about affordable housing development. It states that an Applicant must specify the name of the registered Section 26 of the Regulations outlines the information required about affordable housing development. It states that an Applicant must specify the name of the registered community housing provider.	A letter has been prepared by Evolve Housing, a registered Community Housing Provider confirming that subject to a property management agreement, Bridge Housing intends to manage the affordable housing dwellings at the site for 15 years in accordance with the Housing SEPP.	CHP Letter at Appendix L
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 GG

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 FJC Studio is provided within the Design Report as per section 29 of the EP&A Regulations.	Architectural Design Report at Appendix H
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 maximum building height standard and wall height standard, has been prepared by Urbis as per Section 35B of the EP&A Regulations.	Clause 4.6 Variation Request at Appendix F
Section 193	Outlines the principles of ecologically sustainable development as the following— (a) the precautionary principle, (b) inter-generational equity, (c) conservation of biological diversity and ecological integrity, (d) improved valuation, pricing and incentive mechanisms.	The EIS has addressed the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms.	Section 6.7 and Section 7.3 ESD Report 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 Determination Letter was issued on 18 December 2025 by Department of Planning, Housing and Infrastructure, which confirms the proposed development is not likely to have any significant impacts on biodiversity.	BDAR Waiver at Appendix Z
State Environmental Planning Policies			
State Environmental Planning Policy (Planning Systems) 2021			
Schedule 1, Section 26A	Development to which satisfies the following is classified as State significant development : <ul style="list-style-type: none">Chapter 2, Part 2, Division 1 of the Housing SEPP applies; andHas a estimated development cost of over \$75 million + (for the residential components) and;Is not prohibited under an EPI applying to the land; andWill provide at least 10% of the residential component as affordable housing for at least 15 years	The development has an estimated development cost (EDC) of \$105,839,929. The proposed use 'Residential flat building' is permitted with development consent in the R3 Medium Density Residential zone under MLEP 2012. The proposal also provides 15% affordable housing and meets the locational criteria of the Housing SEPP. Therefore, the proposal qualifies as SSD.	Cost Report at Appendix M
State Environmental Planning Policy (Housing) 2021			
Section 15C	The in-fill affordable housing provisions of the Housing SEPP apply to development that includes residential development if – <ul style="list-style-type: none">The development is permitted with consent under an EPI.The affordable housing component is at least 10%.The development is carried out in an accessible area	Residential flat buildings are permitted with consent in the R3 Medium Density Zone under the MLEP 2012. A minimum of 15% total GFA is proposed to be affordable housing. The site is located within the LMR 'inner area' under the Housing SEPP, within 400m of the Spit Junction Town Centre and within 400m of frequent transport, with bus services on Raglan street and Military Road, and therefore meets the 'accessible area' requirements	Section 2 and Section 4

		of the Housing SEPP. This confirms that the proposal will be located within an “Accessible Area”.	
Section 16	<p>The minimum affordable housing component is 10%. 30% additional FSR is permitted for proposals delivering up to 15% affordable housing, based on the maximum permissible FSR for the land, in accordance with Section 16 (1) and (2).</p> <p>In accordance with Section 16 (3), the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</p>	<p>15% of the total GFA proposed is provided as affordable housing. Therefore, the proposal seeks to utilise the 30% FSR bonus available. This permits a maximum FSR of 2.86:1.</p> <p>The proposed FSR is 2.86:1 and is compliant under section 16 of the Housing SEPP.</p> <p>As the full 30% bonus FSR is permitted under Section 16 (1) and the development comprises residential development, a 30% height bonus is also applicable to the proposed development. This permits a maximum building height of 28.6m.</p> <p>The maximum building height ranges across the site from 22.8m (top of lift overrun on southern portion) – 33.4m (top of lift overrun on northern portion). This results in a 16.78% variation to the height of building control.</p>	Section 4, Section 6.2 and the Clause 4.6 Variation Request at Appendix F .
Section 18	<p>The minimum affordable housing component, which must be at least 10%, is calculated as follows—</p> $\text{affordable housing component} = \frac{\text{additional building height}}{\text{(as a percentage)}} + 2$	As above.	Clause 4.6 Variation Request at Appendix F
Section 19	The following are non-discretionary development standards in relation to the residential development to which this division applies—		
	19(2)(a) Minimum site area of 450m ²	The site area is 3,233 sqm.	Survey Plan at Appendix G
	<p>19(2)(b) minimum landscaped area that is the lesser of:</p> <ul style="list-style-type: none"> ▪ 35m² ▪ 30% of the site area 	The landscape design provides for 1,104.4sqm (34.2%) landscaped area.	Landscape Plans at Appendix J
	<p>19(2)(c) 15% deep soil zone, with:</p> <ul style="list-style-type: none"> ▪ Minimum dimensions of 3m 65% located at the rear of the site 	Not applicable as Chapter 4 of the Housing SEPP applies to the site.	N/A
	19(2)(d) living rooms and POS in at least 70% of dwelling receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter	Not applicable as Chapter 4 of the Housing SEPP applies to the site.	N/A
	<p>19(2)(e) car parking for affordable housing dwellings:</p> <ul style="list-style-type: none"> ▪ 1 bedroom: 0.4 parking spaces ▪ 2 bedroom: 0.5 parking spaces ▪ 3 bedroom: 1 parking space 	In accordance with the minimum rate of the Housing SEPP, 5 parking spaces are required. The proposed development provides 11 affordable parking spaces.	Transport Impact Assessment at Appendix X
	<p>19(2)(f) car parking for non-affordable housing dwellings:</p> <ul style="list-style-type: none"> ▪ 1 bedroom: 0.5 parking spaces ▪ 2 bedroom: 1 parking spaces ▪ 3+ bedroom: 1.5 parking space 	In accordance with the minimum rate of the Housing SEPP, 42 parking spaces are required. The proposed development provides 63 spaces, therefore demonstrating compliance.	Transport Impact Assessment Appendix X

	(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	Objective 4D-1 outlines the minimum internal areas for apartments as follows: 1 bedroom 50m2 2 bedroom 70m2 3 bedroom 90m2 All apartments exceed the minimum internal area size.	Architectural Design Report at Appendix H
Section 20	Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with the desirable elements of the character of the local area, or for precincts undergoing transition—the desired future character of the precinct.	As demonstrated in the accompanying Design Report, the proposed development has been designed in response to the desired future character of the Mosman which is evolving in response to the recently introduced LMR controls. Sites within 800m of Spit Junction town centre, in combination with infill affordable housing provisions of the Housing SEPP. Consistency with the future character of Mosman is discussed in Section 6.1 and Section 6.2 of the EIS.	Section 6.1 and 6.2 and Architectural Design Report at Appendix H
Section 21	The consent authority is to be satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development, the development will include the affordable housing component specified above, and the affordable housing component will be managed by a registered community housing provider.	The proponent is committed to providing 15% of the total proposed GFA as affordable housing to be managed by Evolve Housing for a period of 15 years. A condition of consent can be imposed to reflect this.	CHP Letter of Intent at Appendix L
Section 147	The consent authority must consider: (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide, (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.	A detailed assessment of the proposal against the Schedule 9 design principles for residential apartment development and the Apartment Design Guide (ADG) is provided in the accompanying Design Report. The assessment demonstrates that the proposal achieves a high level of consistency with the key numerical requirements of the ADG including: <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 ▪ Storage 	Section 6 and Appendix H
Section 148	The following are non-discretionary development standards—		
	(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,	The proposed car parking rates are compliant with the in-fill affordable housing provisions under Chapter 2.	Section 6.6
	(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,	All apartments exceed the minimum internal area size.	Architectural Design Report at Appendix H

(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

The proposed floor to floor height is 3.15m. The proposed ceiling heights are in accordance with the NSW ADG as:

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

Section 164

This chapter applies to the whole of the State, other than the following—

- (a) bush fire prone land,
- (b) land identified as a coastal vulnerability area or a coastal wetlands and littoral rainforests area within the meaning of State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2...

...(e) the following local government areas—

- (i) Bathurst Regional,
- (ii) City of Blue Mountains,
- (iii) City of Hawkesbury,
- (iv) Wollondilly...

... (g) land in a flood planning area in the following local government areas—

- (i) Armidale Regional,
- (ii) Ballina,
- (iii) Bellingen,
- (iv) Byron,
- (v) City of Cessnock,
- (vi) Clarence Valley,
- (vii) City of Coffs Harbour,
- (viii) Dungog,
- (ix) Goulburn Mulwaree,
- (x) Kempsey,
- (xi) Kyogle,
- (xii) City of Lismore,
- (xiii) City of Maitland,
- (xiv) Nambucca Valley,
- (xv) City of Newcastle,
- (xvi) Port Stephens,
- (xvii) Queanbeyan-Palerang Regional,
- (xviii) Richmond Valley,
- (xix) City of Shoalhaven,
- (xx) Singleton,

The site is *not* identified as:

- bush fire prone land,
- within a coastal vulnerability area or a coastal wetlands and littoral rainforests area,
- within a TOD or deferred TOD precinct,
- in an ANEF or ANEC contour of 20 or greater or
- within the local government area identified at Section 164(1)(e) or (g).

The site is located in the Mosman local government area and as such the provisions of Chapter 6 Low and Mid rise housing apply to the site.

N/A

- (xxi) Tweed,
- (xxii) Upper Hunter Shire,
- (xxiii) Walcha,

Section 174	Development for the purposes of residential flat buildings is permitted with development consent on land to which this chapter applies in a low and mid rise housing area in Zone R2 Low Density Residential or R3 Medium Density Residential.	Development of a residential flat building is permitted with consent in the R3 Medium Density Residential zone under MLEP 2012. The proposed residential flat building is therefore permitted within the mapped low and mid rise housing area.	N/A
Section 175	<p>(1) This section applies to land in a low and mid rise housing inner area in Zone R3 Medium Density Residential or R4 High Density Residential.</p> <p>(2) Development consent must not be granted for development for the purposes of residential flat buildings with a building height of up to 22m unless the consent authority is satisfied the building will have 6 storeys or fewer</p> <p>(3) Development consent must not be granted for development for the purposes of a building containing shop top housing with a building height of up to 24m unless the consent authority is satisfied the building will have 6 storeys or fewer.</p> <p>(4) In this section, a storey does not include a basement within the meaning of the standard instrument.</p>	<p>The site seeks to utilise the infill affordable bonus provisions and will have a height of 10 storeys. The 30% height and FSR bonus has been calculated on the 'base' height control of 22m.</p> <p>Refer to assessment under Chapter 2 of the Housing SEPP contained within this table.</p>	N/A
Section 177	Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing unless the consent authority has considered the <i>Tree Canopy Guide for Low and Mid Rise Housing</i> , published by the Department in February 2025.	The proposed development has considered the <i>Tree Canopy Guide for Low and Mid-Rise Housing</i> , published by the Department in February 2025. The accompanying Landscape Plans demonstrate that the proposal achieves a total tree canopy coverage of 28.82% of the site area, exceeding the recommended 20% coverage in the Tree Canopy Guide.	Section 6.5 and Appendix J
Section 178	<p>A requirement specified in another environmental planning instrument or development control plan in relation to the following does not apply to development that meets the standards in section 180(2) or (3)—</p> <p>(a) minimum lot size,</p> <p>(b) minimum lot width.</p>	The minimum lot size provision under the Mosman LEP does not apply.	N/A
Section 180	<p>The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing inner area—</p> <p>(a) a maximum floor space ratio of 2.2:1,</p> <p>(b) for residential flat buildings—a maximum building height of 22m,</p> <p>(c) for a building containing shop top housing—a maximum building height of 24m.</p>	<p>The site is located within 400m of the Spit Junction town centre and is within the 'inner' area. Non-discretionary standards of a maximum FSR of 2.2:1 and a maximum building height of 22m for residential flat buildings apply to the development.</p> <p>The site seeks to utilise the infill affordable bonus provisions under Chapter 2 of the Housing SEPP. The 30% height and FSR bonus has been calculated on the 'base' height control of 22m and FSR control of 2.2:1. Refer to assessment under Chapter 2 of the Housing SEPP contained within this table.</p>	N/A

State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)

Section 4.6	Land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	A Preliminary Site Investigation (PSI) report has been prepared by EI Australia. Subject to implementation of these mitigation measures, the site can be made suitable for the residential development.	Preliminary Site Investigation at Appendix R
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State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)

Section 2.122	Traffic generating development specified at Clause 104 requiring referral to Transport for NSW (TfNSW) includes: Car parks (whether or not ancillary to other development) including 200 or more parking spaces if the proposal does not have access, or does not connect to a road that has access, to a classified road.	The proposed development does not connect to a classified road and does not adjoin rail corridors therefore the proposed development does not require referral to TfNSW.	N/A
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State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)

2.1 Standards for BASIX development and BASIX optional development	Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.	Schedule 1 of the Sustainable Buildings SEPP applies to the erection of BASIX buildings and therefore applies to the development. The ESD Report quantifies the embodied emissions of the development.	ESD Report at Appendix AA
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Mosman Local Environmental Plan 2012

Zoning and Land Use	The proposed development seeks consent for a residential flat building which is a permissible use with consent in the R3 Medium Density Residential Zone.	The proposed residential flat development is permissible with consent in the R3 Medium Density Residential zone. The proposal is consistent with the objectives of the R3 zone by providing for the housing needs of the community within a medium density residential environment. The proposal provides a variety of housing types within a medium density residential environment, including 2, 3 and 4-bed and affordable housing apartments. The built form is a variety of housing types within a medium density residential environment of a height and scale that achieves the desired future character of the neighbourhood, as envisioned by the LMR and infill affordable housing provisions of the Housing SEPP. The proposal provides for and enhances tree canopy cover.	N/A
4.1A Minimum subdivision lot size	This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan. The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	The site has an area of 3,223 sqm.	N/A

4.3 Height of Buildings	The site is subject to a height building control of 8.5m on the Height of Buildings Map.	The LMR and infill affordable housing provisions of the Housing SEPP override this control. An assessment against these provisions is provided in this assessment table under the Housing SEPP.	N/A
4.3A Height of Buildings (additional provisions)	(4) A building on land to which this clause applies must not have a wall height, at any point of the building (other than at a chimney, gable end or dormer window), that exceeds 7.2 metres.	The maximum wall height proposed is 15.6m at the southern portion of the building, which represents a variation of 8.4m and 31.6m at the northern portion of the building, which represents at 24.4m variation. Note that this clause applies to low density 2-storey dwellings and not apartment buildings specified in the Low and Mid Rise Housing Policy. Notwithstanding, the provision applies and a Clause 4.6 Request is prepared by Urbis to vary the provision.	Section 6 and Clause 4.6 Variation Request at Appendix F
4.4 Floor Space Ratio	The site is subject to a FSR control of 0.75:1 on the Floor Space Ratio Map.	The LMR and infill affordable housing provisions of the Housing SEPP override this control. An assessment against these provisions is provided in this assessment table under the Housing SEPP.	N/A
Clause 4.6	Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause. Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that— (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.	Two Section 4.6 Variation Request has been prepared for the Height of Building variation and Wall Height variation, as mentioned above.	Clause 4.6 Variation Request at Appendix F
5.10 Heritage Conservation	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	The site is not listed as a local item and is not located in a heritage conservation area. The subject site is located within the vicinity of two heritage items listed under Schedule 5 Part 1 of the MLEP 2012 <ul style="list-style-type: none"> ‘Divided Road’ Redan Street (LEP I440) ‘Pair of semi-detached houses’ 38 and 36 Redan Street (LEP I262) ‘House’, 29 Redan Street (LEP I261) A Heritage Impact Statement has been prepared by Urbis and accompanies this application and concludes the proposal does not adversely impact the significance of surrounding heritage items or heritage conservation areas. A Historical Archaeological Assessment has been prepared by Urbis and accompanies this application. It concludes that the potential archaeological resource of the site has been assessed for significance and found that no assessment criteria or threshold have been met for either local or state significance. The potential archaeological resource of the site does not contain anything that would be defined as ‘relics’ under the NSW Heritage Act and therefore no further historical archaeological impact assessment, or	Section 6.7 Aboriginal Cultural Heritage Assessment Report (ACHA) at Appendix O Historic Archaeological Assessment (HAA) at Appendix P Heritage Impact Statement at Appendix Q

		<p>approvals are required. The proposal will therefore not have an adverse impact on historic archaeology.</p> <p>The ACHA prepared by Urbis concluded there are no registered Aboriginal objects or declared Aboriginal places within the curtilage of the subject area and that the Aboriginal archaeological potential of the subject area is assessed to be very low to low. The ACHA identifies that rock outcrops may once have existed within the subject area and served as a focus of activity in the past, however the scale and extent of modern excavation and levelling are considered to have very likely removed any such features.</p> <p>The impact assessment finds that as the proposed ground disturbing works encompass an area of low potential, the proposed development is unlikely to cause direct harm to Aboriginal objects.</p>	
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 includes an analysis of data from Mosman Council which confirms the site is not considering to be part of, or affected by, an overland flow path.</p> <p>To mitigate any risk of flood impact on the proposed development, a tailwater level of RL 54.83 has been adopted at the downstream discharge point.</p>	Stormwater Management Report at Appendix DD
6.2 Earthworks	<p>In deciding whether to grant development consent for earthworks and associated construction dewatering (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity and structural integrity of surrounding properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>Earthworks involving excavation is proposed under this SSDA. De-watering of the site is required prior to the construction of the basement.</p> <p>In response to the matters for consideration under subclause (3), the development:</p> <ul style="list-style-type: none"> ▪ A Geotechnical Report has been prepared, which confirms the development will not adversely impact land stability, groundwater flow or present structural risk to adjoining structures. ▪ The works will not adversely affect the future use of the site for a residential flat building. ▪ An Archaeology Report has been prepared, confirming that the potential archaeological resource of the project area does not contain anything that would be defined as ‘relics’ under the NSW Heritage Act and has such there is a low likelihood of disturbing relics. ▪ Stormwater measures are proposed in the Civil Plans to ensure there is no adverse impact on surrounding waterways. 	<p>Geotechnical Investigation Report at Appendix U</p> <p>Hydrogeology Report, Dewatering Management Plan & Groundwater Seepage Analysis at Appendix V</p> <p>Historic Archaeological Assessment (HAA) at Appendix P</p> <p>Civil Plans at Appendix FF</p>

6.4 Scenic Protection

- (1) The objectives of this clause are as follows—
- (a) to recognise and protect the natural and visual environment of Mosman and Sydney Harbour,
 - (b) to reinforce the dominance of landscape over built form,
 - (c) to ensure development on land to which this clause applies is located and designed to minimise its visual impact on those environments.

The site is located on land mapped as Scenic Protection.

The development is located above a rock wall and is suitably integrating into the landform, maintaining the existing character. The proposed site landscaping strategy seeks to introduce significant landscaping, resulting in 28.82% tree canopy cover.

As outlined in the Visual Impact Statement, there is intermittent visibility to parts of the proposal from low-lying foreshore areas within the SPA. Notwithstanding this, key scenic compositions which underpin the significance and value of the SPA are to the east and do not include the proposed development, and do not impact the scenic quality of Balmoral or the SPA.

Three views were modelled from low-lying locations within the SPA where, notwithstanding the high level of visual effects, overall visual impacts are considered supportable in the context of current planning regimes and desired future character.

Aims of the LMR policy prevail under the Housing SEPP.

The VIA also notes it is unlikely the proposal will be visible from Sydney Harbour to an extent that would result in any significant or unreasonable visual impacts on the built, natural and visual environment.

Section 6.4 and the Visual Impact Assessment at **Appendix K**

ADG Design Criteria	Assessment (refer to AGD Compliance Table at Appendix H for full assessment)
Solar Access (min 70%)	<p>Complies</p> <p>70% 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>3.7% of apartments receive no direct sunlight between 9 am – 3 pm at mid winter.</p>
Natural Cross Ventilation (min 60%)	<p>Complies</p> <p>67% of apartments are naturally cross ventilated in the first eight storeys of the building.</p>
Universal Design (min 20%)	<p>Complies</p> <p>20% of dwellings meet the Liveable Housing Guideline’s silver level universal design.</p> <p>The ADG refers to the local Council DCP for adaptable housing. As per the Mosman Development Control Plan 2012, the development provides 20% of apartments as adaptable.</p>
Deep Soil (min 7%)	<p>Complies</p> <p>495.3 sqm of deep soil zones, representing 15.3% of the site area when measured at a width of 3m as per the Tree Canopy Guide for LMR Housing.</p> <p>6.97% deep soil planting zone across the site (225.6sqm) with measurements greater than 6m as per NSW ADG.</p>
Communal Open Space (min 25%)	<p>Complies</p> <p>The development provides 813.5 sqm of communal open space, greater than 25% of the site area.</p> <p>More than 50% of the communal open space receives is in direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.</p>
Building Separation	<p>Non-compliant</p> <p>The proposed development is generally compliant with the building separation distances specified in the ADG, with the exception of Level 8 and Level 9. At these levels, the proposed rear and side setbacks to the adjoining properties to the north are non-compliant, between the north building and central building at Level 8, as they do not provide the required 12 m separation. Notwithstanding this, the proposed windows have been angled or screened to ensure visual privacy is achieved. Refer to Section 6.2 of the EIS.</p>

Ceiling Heights

Complies

The proposed ceiling heights are:

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

Apartment Size and Mix

Complies

53 apartments are provided with a mix of 2, 3 and 4 bedrooms, including 11 affordable housing apartments comprising 2 bedrooms.
