

GYDE

Statutory Compliance Table

SSD-94893958

5-9 Nulla Nulla Street and 4-6 Ku-ring-gai Avenue

18 November 2025



Statutory Compliance Table

Objective / Clause	Assessment	Document Reference
Environmental Planning and Assessment Act 1979 (EP&A Act)		
1.3 – Objectives of Act		
<i>The objects of this Act are as follows—</i>		
<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,</i>	<p>The proposal is consistent with the objects of the EP&A Act. In particular, the proposal will:</p> <ul style="list-style-type: none"> • Deliver 105 residential apartments in a diverse mix of typologies, including 21 affordable dwellings that will assist towards alleviating housing unaffordability in the local area. • Provide high-quality housing stock within walking distance of rapid transit services and a variety of amenities within the Turrumurra Local Centre. • Facilitate the orderly and economic use of land that has been identified as a suitable location for residential uplift through recent State-led policy reforms that prioritise the delivery of diverse, affordable housing options near local centres and rapid transit. • Deliver a high-quality urban design that will contribute towards a safe, secure and active environment. • Deliver an Affordable Housing Component with a mix of apartment typologies that is appropriate to local demographic trends, including in relation to household composition. • Ensure a high level of residential amenity with optimised access to sunlight, natural ventilation, private open space, and substantial communal open space in excess of minimum provision rates under the <i>NSW Apartment Design Guide (ADG)</i>. • Afford a reasonable level of amenity to adjoining properties and the broader locality, ensuring that any environmental impacts are minor and can be appropriately mitigated if necessary. 	Section 4 and Section 6 of the EIS.
<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>		
<i>(c) to promote the orderly and economic use and development of land,</i>		
<i>(d) to promote the delivery and maintenance of affordable housing,</i>		
<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>		
<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>		
<i>(g) to promote good design and amenity of the built environment,</i>		
<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>		

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(i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	<ul style="list-style-type: none"> • Generate a combined total of 253 jobs throughout the construction and operational phases of development. • Promote equal access opportunities in accordance with the <i>Liveable Housing Guidelines</i>, noting that of the 105 apartments proposed: <ul style="list-style-type: none"> - 85% (89 residential apartments) will be constructed to achieve silver level certification. - 15% (16 residential apartments) will be constructed to achieve platinum level certification. • Reinforce the character of the local area with a landscape design outcome that surpasses 'enhanced' tree canopy and deep soil provision rates under the <i>Low and Mid Rise Housing Tree Canopy Guide</i>. • Not result in any burdensome strain on local infrastructure, subject to the stormwater design scheme, Ausgrid substation and other servicing provisions that are proposed. <p>It is further noted that:</p> <ul style="list-style-type: none"> • Section 7.5 of the EIS has demonstrated that the proposed development is suitable for the site. • Section 7.6 of the EIS has demonstrated that the proposed development is in the public interest. • The scale of the proposed development is reasonable to anticipate under the applicable built form (height; FSR) controls. • The proposal achieves a high-quality design outcome that is consistent with the principles of Schedule 9 within the Housing SEPP and <i>Better Placed</i>. <p>The proposal advances the objectives of the EP&A Act, as demonstrated by the points above.</p>	
(j) <i>to provide increased opportunity for community participation in environmental planning and assessment.</i>		
4.15 – Evaluation		
(1) <i>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—</i>		
(a) <i>the provisions of—</i>		

Objective / Clause	Assessment	Document Reference
<p>(i) <i>any environmental planning instrument, and</i></p>	<p>The proposed development satisfies the relevant provisions of each applicable EPI.</p> <p>This statutory compliance table includes an assessment against the applicable Environmental Planning Instruments (EPIs).</p>	<p>Section 4 and Section 6 of the EIS.</p>
<p>(ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i></p>	<p>Not applicable.</p> <p>No instrument that is or has been the subject of public consultation under the EP&A Act and notified to the consent authority (Minister of delegate in the context of this SSDA) applies.</p>	<p>–</p>
<p>(iii) <i>any development control plan, and</i></p>	<p>Not applicable.</p> <p>Section 2.10 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> (Planning Systems SEPP) stipulates that:</p> <p>(1) <i>Development control plans (whether made before or after the commencement of this Chapter) do not apply to—</i></p> <p>(a) <i>State significant development, or</i></p> <p>(b) <i>development for which a relevant council is the consent authority under section 4.37 of the Act.</i></p> <p>The proposed development qualifies as State Significant Development (SSD), pursuant to Schedule 1, Section 26A of the Planning Systems SEPP (assessed below).</p> <p>Accordingly, the <i>Ku-ring-gai Development Control Plan 2024</i> (KDCP 2024) does not apply to the proposed development and does not need to be considered under Section 4.15 of the EP&A Act.</p> <p>It would be prudent for Ku-ring-gai Council (Council) to acknowledge this firm statutory precedent, should it choose to submit in relation to this SSDA while it is on Public Exhibition.</p> <p>Notwithstanding, this SSDA has referred to the KDCP 2024 where appropriate to establish a baseline for assessment. For instance, floor levels have been determined with reference to the flood planning provisions of the KDCP 2024, which are appropriate to conditions at the site.</p>	<p>–</p>

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<i>(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	Not applicable. No planning agreement is applicable.	–
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	The proposed development complies with the relevant provisions of the EP&A Regulation. This statutory compliance table includes an assessment against the relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation).	–
<i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	Complies Section 6 of the EIS provides an assessment of potential environmental impacts that considers natural, built form and socio-economic considerations.	Section 6 of EIS.
<i>(c) the suitability of the site for the development,</i>	Complies Section 7.5 of the EIS has demonstrated that the proposed development is suitable for the site.	Section 7.5 of EIS.
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	Noted. The proposed development will be placed on Public Exhibition. Submissions that are received during this period will be addressed by the Response to Submissions (RTS) Report in due course.	–
<i>(e) the public interest.</i>	Complies Section 7.6 of the EIS has demonstrated that the proposed development is in the public interest.	Section 7.6 of EIS.
<i>(2) If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority—</i>		
<i>(a) is not entitled to take those standards into further consideration in determining the development application, and</i>	Noted. Non-discretionary development standards apply to this SSDA under the Housing SEPP, including in relation to the provision of car parking spaces (refer below).	–
<i>(b) must not refuse the application on the ground that the development does not comply with those standards, and</i>		

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<i>(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,</i>		
<i>(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards</i>		
<i>(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and</i>	<p>Noted. The relevant non-discretionary standards have been satisfied by the proposed development (refer below), and the consent authority should restrict the exercise of its discretion accordingly.</p>	–
<i>(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.</i>		
Biodiversity Conservation Act 2017 (BC Act)		
Section 7.9 (SSDAs must be accompanied by a Biodiversity Development Application Assessment Report (BDAR) or request for waiver granted)		
Pursuant to Section 7.9 of the BC Act, SSDAs must be accompanied by a Biodiversity Development Application Assessment Report (BDAR) unless the Planning Agency Head, and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.	<p>Complies. A BDAR has been prepared by Keystone Ecology to support this SSDA. The findings of the BDAR have been summarised within this EIS. The proposed development will not result in any unacceptable impacts to biodiversity that cannot be appropriately mitigated in accordance with legislative requirements.</p>	Section 6.16 of EIS.
Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)		
61 – Additional Matters that Consent Authority must Consider		
<i>(1) In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.</i>	<p>Complies. Any demolition works will be undertaken in accordance with AS 2601-1991. The Demolition of Structures published by Standards Australia. A condition of consent is expected to this effect.</p>	Section 4 & 6 of EIS.
<i>(2) In determining a development application for the carrying out of development on land that</i>	Not applicable.	–

Objective / Clause	Assessment	Document Reference
<i>is subject to a subdivision order under the Act, Schedule 7, the consent authority must consider— [not applicable]</i>	The site does not relate to land that is subject to a subdivision order under Schedule 7 of the EP&A Act.	
(3) <i>In determining a development application for development on the following land, the consent authority must consider the Dark Sky Planning Guideline—[not applicable]</i>	<p>Not applicable.</p> <p>The site is not:</p> <ul style="list-style-type: none"> • Located in the Local Government Areas (LGAs) of: <ul style="list-style-type: none"> - Coonamble. - Gilgandra. - Warrumbungle Shire. - Dubbo Regional. • Located on land that is less than 200km from the Siding Spring Observatory. 	–
(4) <i>In determining a development application for development for the purposes of a manor house or multi dwelling housing (terraces), the consent authority must consider the Low Rise Housing Diversity Design Guide for Development Applications published by the Department in July 2020.</i>	<p>Not applicable.</p> <p>The proposed development does not include ‘Multi Dwelling Housing’ or a ‘Manor House’.</p> <p>Accordingly, the <i>Low Rise Housing Diversity Design Guide for Development Applications</i> does not need to be considered.</p>	–
(5) <i>Subsection (4) applies only if the consent authority is satisfied there is not a development control plan that adequately addresses the development.</i>	<p>Not applicable.</p> <p>As above.</p>	–
(6) <i>In determining a development application for development for the erection of a building for residential purposes on land in Penrith City Centre, within the meaning of Penrith Local Environmental Plan 2010, the consent authority must consider the Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre published by the Department on 28 June 2019.</i>	<p>Not applicable.</p> <p>The proposed development is not sited within the Penrith LGA.</p>	–
190 – Form of Environmental Impact Statement		

Objective / Clause	Assessment	Document Reference
<i>(1) An environmental impact statement must contain the following information—</i>		
<i>(a) the name, address and professional qualifications of the person who prepared the statement,</i>	Complies. See Section 1.1 of the EIS for proponent details.	Section 1.1 of EIS.
<i>(b) the name and address of the responsible person,</i>		
<i>(c) the address of the land—</i>		
<i>(i) to which the development application relates, or</i>	Complies. See Section 1.2 of the EIS for the site details.	Section 1.2 of EIS.
<i>(ii) on which the activity or infrastructure to which the statement relates will be carried out,</i>		
<i>(d) a description of the development, activity or infrastructure,</i>	Complies. See Section 3 of the EIS for a description of the project.	Section 3 of EIS.
<i>(e) an assessment by the person who prepared the statement of the environmental impact of the development, activity or infrastructure, dealing with the matters referred to in this Division.</i>	Complies. See Section 6 of the EIS for Assessment and Mitigation of Impacts.	Section 6 of EIS
<i>(2) The person preparing the statement must have regard to—</i>		
<i>(a) for State significant development—the State Significant Development Guidelines, or</i>	The EIS has been prepared with regard for Clause (2)(a). The EIS has been prepared with appropriate regard for the <i>State Significant Development Guidelines</i> (March 2024), which are intended to be applied flexibly. The EIS accords with the relevant directions within these guidelines.	EIS
<i>(b) for State significant infrastructure—the State Significant Infrastructure Guidelines.</i>	Not applicable. The proposed development does not seek approval for State Significant Infrastructure.	–
<i>(3) An environmental impact statement must also contain a declaration by a relevant person that—</i>		
<i>(a) the statement has been prepared in accordance with this Regulation, and</i>	The EIS includes a declaration that is signed by a ‘relevant person’ in accordance with Clause (3).	Declaration (Page viii) of EIS.

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(b) <i>the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and</i>	Under Clause 190(4), ‘relevant person’ means a Registered Environmental Planning Practitioner (REAP). In accordance with Clause 190(3), the EIS includes a declaration that is signed by a REAP.	
(c) <i>the information contained in the statement is not false or misleading, and</i>	The submitted declaration has addressed the relevant matters under Section 5.4 of the <i>State Significant Development Guidelines</i> (March 2024), noting:	
(d) <i>for State significant development or State significant infrastructure—the statement contains the information required under the Registered Environmental Assessment Practitioner Guidelines.</i>	<ul style="list-style-type: none"> • The EIS has been prepared in accordance with the EP&A Regulation. • The EIS and supporting documents provide a sufficient level of information to enable the assessment of the proposed development. • The information in the EIS and supporting documents is accurate. • The EIS and supporting documents have sufficiently addressed the SEARs that were issued in relation to the proposed development. 	
193 – Principles of Ecologically Sustainable Development		
(1) <i>The principles of ecologically sustainable development are the following—</i>		
(a) <i>the precautionary principle,</i>	The proposed development is consistent with these principles, insofar as they relate to the scope of this SSDA.	Section 6.15 of the EIS and the ESD Report (Appendix K).
(b) <i>inter-generational equity,</i>		
(c) <i>conservation of biological diversity and ecological integrity,</i>	The precautionary principle is utilised when uncertainty exists about potential environmental impacts. It provides that if there are threats of serious or irreversible environmental damage, lack or full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The precautionary principle requires careful evaluation of potential impacts to avoid, wherever practicable, serious, or irreversible damage to the environment.	
(d) <i>improved valuation, pricing and incentive mechanisms.</i>	<p>The EIS and supporting documentation (including the ESD Report) have not identified any threat of irreversible damage to the environment and therefore, the precautionary principle is not relevant to the proposal.</p> <p>The ESD Report (Appendix K) that has been prepared by Efficient Living to support this SSDA provides an outline of sustainable design interventions that will be implemented (partly reflected in the current design, but also, measures to be adopted in detailed design) The</p>	<p><i>Note: The ESD Report provides a detailed assessment against each principle of Ecologically Sustainable Development under Section 193 of the EP&A Regulation.</i></p>

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	principles identified in 193(1) (a)-(d) are reflected in these sustainable design measures.	
<i>(2) The precautionary principle is that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.</i>	As above. Refer to ESD Report (Appendix K) & BDAR (Appendix G).	Section 6.15 & 6.16 of the EIS and Appendix K & G
<i>(3) In applying the precautionary principle, public and private decisions should be guided by—</i>		
<i>(a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and</i>	As above. Refer to ESD Report (Appendix K) & BDAR (Appendix G).	Section 6.14 & 6.15 of the EIS and Appendix K & G
<i>(b) an assessment of the risk-weighted consequences of various options.</i>		
<i>(4) The principle of inter-generational equity is that the present generation should ensure the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.</i>		
<i>(5) The principle of the conservation of biological diversity and ecological integrity is that the conservation of biological diversity and ecological integrity should be a fundamental consideration.</i>		
<i>(6) The principle of improved valuation, pricing and incentive mechanisms is that environmental factors should be included in the valuation of assets and services, such as—</i>		
<i>(a) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and</i>	Consistent. The principles of improved valuation and pricing of environmental resources requires consideration of all environmental resources which may be affected by the proposal, including air, water, land and living things. Mitigation measures for avoiding, reusing, recycling, and managing waste during construction and operation would be implemented to ensure resources are used responsibly in the first instance. Additional measures will be implemented to ensure no	—
<i>(b) the users of goods and services should pay prices based on the full life cycle of the costs of providing the goods and services, including the use of natural resources and assets and the ultimate disposal of waste, and</i>		

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<p>(c) <i>established environmental goals should be pursued in the most cost effective way by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.</i></p>	<p>environmental resources in the locality are adversely impacted during the construction or operational phases.</p>	
<p>State Environmental Planning Policy (Housing) 2021</p>		
<p>Chapter 1 – Preliminary</p>		
<p>3 – Principles of Policy</p>		
<p><i>The principles of this Policy are as follows—</i></p>		
<p>(a) <i>enabling the development of diverse housing types, including purpose-built rental housing,</i></p>	<p>Consistent. <u>Diverse Housing Types:</u> The proposed development will deliver a diverse mix of apartment typologies, including:</p> <ul style="list-style-type: none"> • The following apartment typologies within Building A: <ul style="list-style-type: none"> - 3x studio apartments. - 2x 1-bedroom apartments. - 34x 2-bedroom apartments. - 19x 3-bedroom apartments. • The following apartment typologies within Building B: <ul style="list-style-type: none"> - 2x 1-bedroom apartments. - 8x 2-bedroom apartments. - 36x 3-bedroom apartments. - 1x 4-bedroom apartment. <p><u>Affordable Rental Housing:</u> An Affordable Housing Component that equates to 15% of the total GFA (1,995.1m²) has been nominated. The proposed Affordable Housing Component will offer 21 purpose-built residential apartments as affordable rental housing for a minimum of 15 years. The site does not currently accommodate any affordable housing.</p>	<p>Architectural Plans (Appendix B) Architectural Design Report (Appendix C)</p>

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<p>(b) <i>encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i></p>	<p>Consistent. <u>Affordable Housing for Very Low, Low and Moderate Income Households:</u> Existing development at the site does not contribute towards the provision of diverse, affordable housing options in the local area. The proposed Affordable Housing Component is proportionate to the site's development capacity in accordance with the required provision rate under the Housing SEPP. <u>Diverse, Affordable Housing:</u> The proposed Affordable Housing Component will consist of the following apartment typologies:</p> <table border="1" data-bbox="831 592 1196 997"> <thead> <tr> <th colspan="3">Affordable Housing</th> </tr> <tr> <th>Number</th> <th>Type</th> <th>Area (m2)</th> </tr> </thead> <tbody> <tr><td>A.L0.U2</td><td>3B + 2BTH</td><td>138.5 m²</td></tr> <tr><td>A.L0.U3</td><td>1B + 1BTH</td><td>74.9 m²</td></tr> <tr><td>A.L0.U4</td><td>1B + 1BTH</td><td>59.0 m²</td></tr> <tr><td>A.L0.U5</td><td>2B + 2BTH</td><td>109.8 m²</td></tr> <tr><td>A.L0.U6</td><td>2B + 2BTH</td><td>108.8 m²</td></tr> <tr><td>A.L1.U4</td><td>Studio</td><td>54.2 m²</td></tr> <tr><td>A.L1.U5</td><td>2B + 2BTH</td><td>94.2 m²</td></tr> <tr><td>A.L1.U6</td><td>2B + 2BTH</td><td>94.1 m²</td></tr> <tr><td>A.L1.U8</td><td>3B + 2.5BTH</td><td>142.6 m²</td></tr> <tr><td>A.L2.U4</td><td>Studio</td><td>54.2 m²</td></tr> <tr><td>A.L2.U5</td><td>2B + 2BTH</td><td>94.1 m²</td></tr> <tr><td>A.L2.U6</td><td>2B + 2BTH</td><td>94.1 m²</td></tr> <tr><td>A.L3.U4</td><td>Studio</td><td>54.2 m²</td></tr> <tr><td>A.L3.U5</td><td>2B + 2BTH</td><td>94.2 m²</td></tr> </tbody> </table> <table border="1" data-bbox="1279 592 1644 863"> <thead> <tr> <th colspan="3">Affordable Housing</th> </tr> <tr> <th>Number</th> <th>Type</th> <th>Area (m2)</th> </tr> </thead> <tbody> <tr><td>B.L0.U1</td><td>3B + 2BTH</td><td>131.3 m²</td></tr> <tr><td>B.L0.U2</td><td>2B + 2BTH</td><td>111.4 m²</td></tr> <tr><td>B.L0.U4</td><td>1B + 1BTH</td><td>84.1 m²</td></tr> <tr><td>B.L1.U6</td><td>1B + 1.5BTH</td><td>88.2 m²</td></tr> <tr><td>B.L1.U8</td><td>2B + 2BTH</td><td>111.4 m²</td></tr> <tr><td>B.L2.U4</td><td>2B + 2.5BTH</td><td>100.3 m²</td></tr> <tr><td>B.L2.U6</td><td>2B + 2.5BTH</td><td>101.2 m²</td></tr> <tr><td colspan="2">Grand total: 21</td><td>1995.1 m²</td></tr> </tbody> </table> <p>The proposed Affordable Housing Component is capable of accommodating a diverse range of residents, including singles, couples, small to medium families and downsizers. In this regard, the proposal meets the needs of vulnerable community members.</p>	Affordable Housing			Number	Type	Area (m2)	A.L0.U2	3B + 2BTH	138.5 m ²	A.L0.U3	1B + 1BTH	74.9 m ²	A.L0.U4	1B + 1BTH	59.0 m ²	A.L0.U5	2B + 2BTH	109.8 m ²	A.L0.U6	2B + 2BTH	108.8 m ²	A.L1.U4	Studio	54.2 m ²	A.L1.U5	2B + 2BTH	94.2 m ²	A.L1.U6	2B + 2BTH	94.1 m ²	A.L1.U8	3B + 2.5BTH	142.6 m ²	A.L2.U4	Studio	54.2 m ²	A.L2.U5	2B + 2BTH	94.1 m ²	A.L2.U6	2B + 2BTH	94.1 m ²	A.L3.U4	Studio	54.2 m ²	A.L3.U5	2B + 2BTH	94.2 m ²	Affordable Housing			Number	Type	Area (m2)	B.L0.U1	3B + 2BTH	131.3 m ²	B.L0.U2	2B + 2BTH	111.4 m ²	B.L0.U4	1B + 1BTH	84.1 m ²	B.L1.U6	1B + 1.5BTH	88.2 m ²	B.L1.U8	2B + 2BTH	111.4 m ²	B.L2.U4	2B + 2.5BTH	100.3 m ²	B.L2.U6	2B + 2.5BTH	101.2 m ²	Grand total: 21		1995.1 m ²	<p>Architectural Plans (Appendix B) Architectural Design Report (Appendix C)</p>
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<p>(c) <i>ensuring new housing development provides residents with a reasonable level of amenity,</i></p>	<p>Consistent. <u>Optimised Internal Amenity (ADG Compliance):</u> Principle (c) provides a direction to ensure 'reasonable' residential amenity. In the context of this project, this direction has been implemented over and above what would simply be 'reasonable' in amenity terms, noting:</p>	<p>Architectural Plans (Appendix B) Architectural Design Report (Appendix C)</p>																																																																														

Objective / Clause	Assessment	Document Reference
	<ul style="list-style-type: none"> • The combined area of communal open spaces equates to 31% of the total site area. This exceeds the minimum requirement of 25% under Objective 3D-1 of the ADG. • 96% of the proposed apartments will receive at least 2 hours of direct sunlight to living rooms/private open spaces between 9:00 AM and 3:00 PM during Winter Solstice (21 June). This exceeds the minimum requirement of 70% under Objective 4A-1 of the ADG. Relevantly, 18 of the 21 designated infill affordable units obtain complaint solar access • 64% of the proposed apartments are naturally cross ventilated. This exceeds the minimum requirement of 60% under Objective 4B-3 of the ADG. • All of the proposed apartments exceed the minimum area (m²) requirement under Objective 4D-1 of the ADG. • All private balconies, terraces and courtyard spaces either meet or exceed the minimum area (m²) and depth (m) requirements under Objective 4E-1 of the ADG. <p>The above-listed outcomes provide a quantifiable demonstration that residential amenity has been optimised beyond what would simply be 'reasonable'. The intended effect of Principle (c) has been achieved and surpassed.</p>	
<p><i>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i></p>	<p>Consistent.</p> <p>The Low and Mid Rise Housing Policy, which is embedded under Chapter 6 of the Housing SEPP, identifies the site as a suitable location for increased residential density.</p> <p>The site is located within the Low and Mid-Rise Housing Inner Area and is within 85m-175m walking distance of Turrumurra Town Centre and public transport (as defined in Clause 163 of the Housing SEPP).</p> <p>The site benefits from ready access to retail, employment, education, recreation and established infrastructure networks, consistent with the intent of the Housing SEPP and the National Housing Accord.</p> <p>The proposed development complies with the maximum permitted FSR control that applies to this SSDA under the Housing SEPP (2.86:1). The FSR of the proposal (2.3:1) will provide for a density of development that is reasonable to anticipate at the site.</p>	<p>–</p>

Objective / Clause	Assessment	Document Reference
<p>(e) <i>minimising adverse climate and environmental impacts of new housing development,</i></p>	<p>Consistent.</p> <p><u>Environmental Impact Statement:</u></p> <p>The accompanying EIS has demonstrated that the proposed development will not result in any unacceptable environmental impacts that cannot be appropriately mitigated.</p> <p><u>Sustainable Design Interventions:</u></p> <p>As outlined within the ESD Report that accompanies the EIS:</p> <ul style="list-style-type: none"> • The proposed development will comply with the Sustainable Buildings SEPP (supported by BASIX certification). • Passive design features, water-efficient fixtures, sustainable materials and other sustainable design interventions will be incorporated. • Design provision has been made for the placement of photo voltaic (PV) solar panels on the rooftop of Building A and Building B. <p><u>Deep Soil Planting and Tree Canopy Coverage:</u></p> <p>Deep soil zones and tree canopy coverage have been maximised beyond what would typically be required in accordance with 'enhanced' provision rates under the Tree Canopy Guide for Low and Mid Rise Housing.</p>	<p>EIS</p> <p>Architectural Design Report (Appendix C)</p> <p>Landscape Plans (Appendix D)</p> <p>ESD Report (Appendix K)</p>
<p>(f) <i>reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i></p>	<p>Consistent.</p> <p>The proposed development reflects and enhances the locality and the future context of area. This has been demonstrated throughout the Architectural Design Report and within the EIS.</p>	<p>EIS</p> <p>Architectural Design Report (Appendix C)</p>
<p>(g) <i>supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</i></p>	<p>Consistent.</p> <p>The proposal delivers private dwellings that may be utilised for various tenure arrangements, including long-term rental and home-sharing. Any short-term rental accommodation (STRA) use will be regulated through existing planning, strata and building management frameworks.</p> <p>It is expected that a body corporate structure will be established after the completion of works. Negative social impacts like noise, anti-social behaviour, and loss of community feelings are generally managed by a body corporate structure.</p>	<p>–</p>

Objective / Clause	Assessment	Document Reference
<i>(h) mitigating the loss of existing affordable rental housing.</i>	<p>Consistent.</p> <p>As noted in relation to Principle (a) above, the proposed development will replace 5 existing single-detached dwellings, which are not consistent with the definition of ‘Affordable Housing’ under the EP&A Act, with two Residential Flat Buildings that include a compliant Affordable Housing Component.</p> <p>The Affordable Housing Component will offer 21 apartments as affordable rental housing for a minimum period of 15 years, as required under the Housing SEPP.</p>	–
Chapter 2 – Affordable Housing		
13A – Application of Chapter 4 to Affordable Housing		
<i>Development to which this chapter, Part 2, Division 1, 5 or 6 applies may also be residential apartment development under Chapter 4.</i>	<p>Noted.</p> <p>An assessment against the provisions of Chapter 4 is provided below.</p>	
13 – Affordable Housing—the Act s1.4(1)		
<i>(1) In this Policy, a household is taken to be a very low income household, low income household or moderate income household if—</i>		
<i>(a) has a gross income within the following ranges of percentages of the median household income for Greater Sydney or the Rest of NSW—</i>		
<i>(i) has a gross income within the following ranges of percentages of the median household income for Greater Sydney or the Rest of NSW—</i>		
<i>(A) very low income household—less than 50%,</i>	<p>Noted.</p> <p>The proposed Affordable Housing Component will accommodate households that fall within the requisite income categories.</p>	
<i>(B) low income household—50–less than 80%,</i>		
<i>(C) moderate income household—80–120%, and</i>		
<i>(ii) pays no more than 30% of the gross income in rent, or</i>		
<i>(b) the household—</i>		
<i>(i) is eligible to occupy rental accommodation under the National Rental Affordability Scheme, and</i>	<p>Noted.</p>	

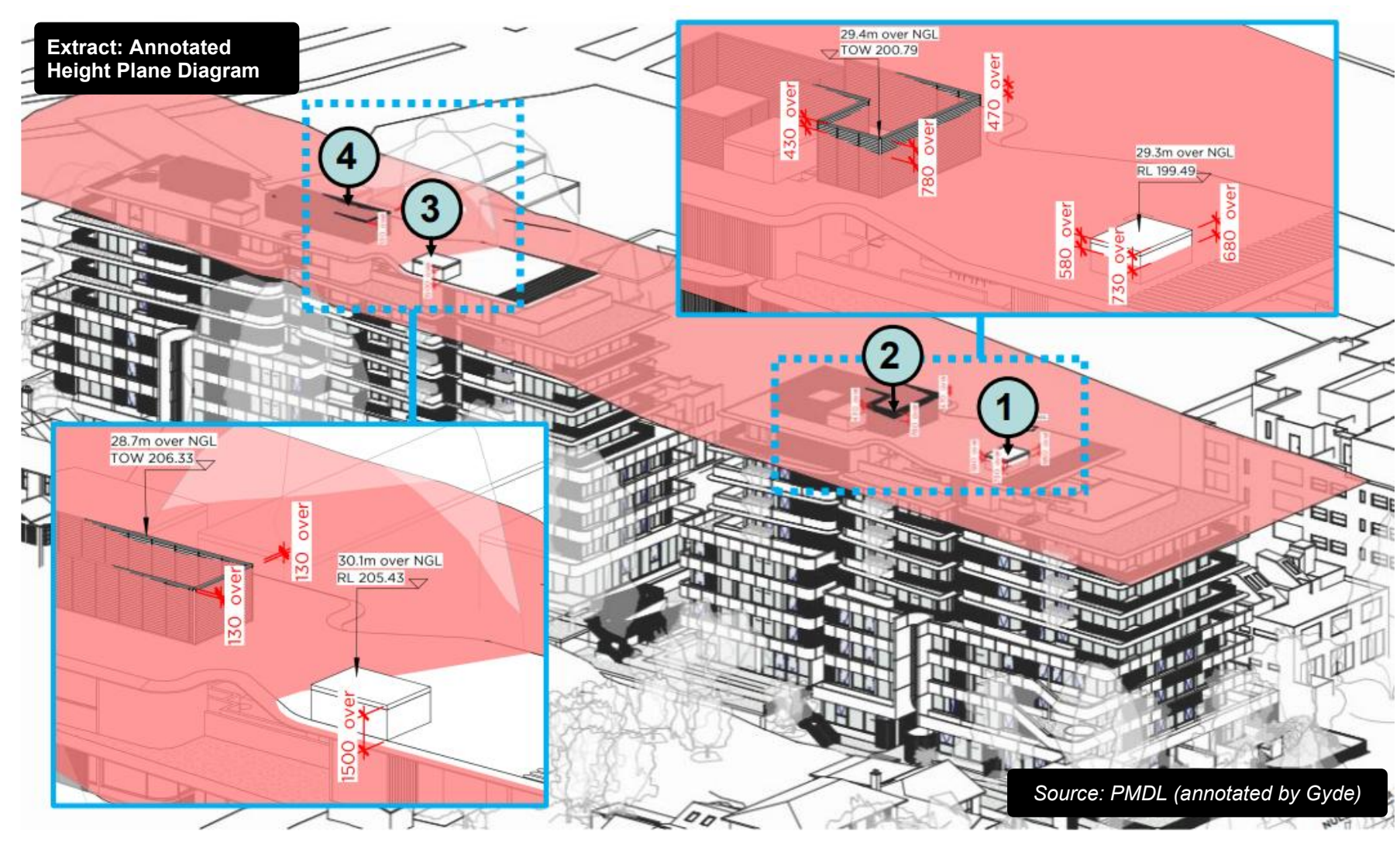
Objective / Clause	Assessment	Document Reference
(ii) <i>pays no more rent than the rent that would be charged if the household were to occupy rental accommodation under the Scheme.</i>	The proposed Affordable Housing Component will accommodate households that satisfy these requirements.	
<i>(2) In this section—</i>		
Greater Sydney means the area that the Australian Bureau of Statistics determines from time to time to be the Greater Sydney—Greater Capital City Statistical Area.	Noted. The site is located within ‘Greater Sydney’, as determined by the Australian Bureau of Statistics.	–
14 – Need for affordable housing and imposition of conditions—the Act, s 7.32(1)		
<i>This Policy identifies that there is a need for affordable housing within each area of the State.</i>	Noted. The statutory planning framework that applies to the proposed development identifies a need for affordable housing in each area of NSW, inclusive of the site location.	–
Division 1 – Infill Affordable Housing 15A – Objective of Division		
<i>The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.</i>	The proposed development includes affordable housing to meet the needs of very low, low and moderate income households.	–
Division 1 – Infill Affordable Housing 15B – Definitions		
<i>(1) In this division—</i>		
affordable housing component, of development, means the percentage of the gross floor area used for affordable housing.	Noted. The Affordable Housing Component of the proposed development has been derived as a percentage of the total Gross Floor Area (GFA) in accordance with the required provision rate under the Housing SEPP (assessed below).	–
residential development means development for the following purposes— <i>(g) Residential flat buildings,</i>	Noted. The proposed development is consistent with the defined term for ‘Residential Flat Building’ and is therefore considered to be ‘Residential Development’ for the purposes of assessing the provisions of Division 1.	–

Objective / Clause	Assessment	Document Reference
<p>(2) <i>In this division, residential development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation is taken to be used for the purposes of affordable housing.</i></p>	<p>Not applicable.</p> <p>The proposed development is not being carried out on behalf of <i>the Aboriginal Housing Office or the Land and Housing Corporation</i>.</p> <p>Notwithstanding, the provisions of Division 1 remain applicable because the proposed Affordable Housing Component is consistent with the defined term for 'Affordable Housing' under Section 1.4 of the EP&A Act:</p> <p><i>'affordable housing' means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.</i></p>	<p>–</p>
<p>Division 1 – Infill Affordable Housing 15C – Development to which division applies</p>		
<p>(1) <i>This division applies to development that includes residential development if—</i></p>		
<p>(a) <i>the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and</i></p>	<p>Complies.</p> <p>The site is subject to Zone R3 Medium Density Residential (R3 Zone) under the <i>Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015)</i>.</p> <p>While Residential Flat Buildings are not expressly permitted within the R3 Zone under the KLEP 2015, they are a permitted land use at the site under Chapter 6 of the Housing SEPP (assessed below).</p> <p>Division 1 therefore applies to the proposed development.</p>	<p>–</p>
<p>(b) <i>the affordable housing component is at least 10%, and</i></p>	<p>Complies.</p> <p>The proposed Affordable Housing Component is greater than 10% of the total GFA.</p>	<p>–</p>
<p>(c) <i>all or part of the development is carried out—</i></p>		
<p>(i) <i>for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or</i></p>	<p>Complies.</p> <p>The site is located within the Six Cities Region and is not located within the Port Stephens LGA or the City of Shoalhaven LGA.</p> <p>The site is located within:</p> <ul style="list-style-type: none"> • ~400m of Turrumurra Train Station. • ~85m from Turrumurra Town Centre. • No more than 400m from a bus stop that is frequented by a regular bus service. 	<p>–</p>

Objective / Clause	Assessment	Document Reference
	<p>The site is therefore located within an ‘accessible area’, as defined by Schedule 10 of the Housing SEPP:</p> <p>‘accessible area’ means land within—</p> <p>(a) 800m walking distance of—</p> <ul style="list-style-type: none"> (i) a public entrance to a railway, metro or light rail station, or (ii) for a light rail station with no entrance—a platform of the light rail station, or (iii) a public entrance to a wharf from which a Sydney Ferries ferry service operates, or <p>(b) (repealed)</p> <p>(c) 400m walking distance of a bus stop used by a regular bus service, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between—</p> <ul style="list-style-type: none"> (i) 6am and 9pm each day from Monday to Friday, both days inclusive, and (ii) 8am and 6pm on each Saturday and Sunday. 	
<p>(2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.</p>	<p>Noted.</p> <p>The proposed Affordable Housing Component is greater than 10% of the total GFA, as noted in relation to Clause 15C(a) above. The applicable affordable housing provision requirements under the Housing SEPP have been satisfied.</p>	<p>—</p>
<p>(2A) This division does not apply to development—</p>		
<p>(a) on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map, or</p>	<p>Not applicable.</p> <p>The site is not located within an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map.</p>	<p>—</p>
<p>(b) on land identified as the “Warrawong Site” on the State Significant Development Sites Map, within the meaning of State Environmental Planning Policy (Planning Systems) 2021, Chapter 2, or</p>	<p>Not applicable.</p> <p>The proposed development is not sited on land that is identified as the ‘Warrawong Site’ on the State Significant Development Sites Map.</p>	<p>—</p>

Objective / Clause	Assessment	Document Reference
(c) on land identified as the “Kanwal Site” on the State Significant Development Sites Map, within the meaning of State Environmental Planning Policy (Planning Systems) 2021, Chapter 2, or	Not applicable. The proposed development is not sited on land that is identified as the ‘Kanwal Site’ on the <i>State Significant Development Sites Map</i> .	–
(d) carried out under the Codes SEPP, Parts 3B and 3BA, unless it is being carried out by or on behalf of the New South Wales Land and Housing Corporation constituted by the Housing Act 2001.	Not applicable. It is not proposed to undertake any works under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> (Codes SEPP).	–
(3) In this section – relevant zone means the following— [not applicable]	Not applicable. The term ‘relevant zone’ relates to development that is subject to Clause 15C(1)(ii), which does not apply to the proposed development.	–
Division 1 – Infill Affordable Housing 16 – Development to which division applies		
(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the development on the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).	Complies. The applicable maximum FSR under Chapter 6 (Low and Mid Rise) of the Housing SEPP is 2.2:1. A total of 30% additional floor space is permissible under Chapter 2 of the Housing SEPP which equates to a maximum FSR of 2.86:1 for the site. The proposed total FSR is 2.3:1. This complies with the maximum permissible 2.86:1 FSR which utilises the infill affordable housing provisions.	–
(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows— <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px 0;">$\text{affordable housing component} = \frac{\text{additional floor space ratio}}{\text{(as a percentage)}} \div 2$</div>	Complies. The proposed affordable housing component is 15% of the permissible gross floor area equating to 1,995.1qm, which equates to 15% of the proposed gross floor area. This will be retained as affordable housing for 15 years.	–
(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height that is the same	Variation sought. The applicable building height under Chapter 6 (low and mid rise) of the Housing SEPP is 22 metres. In accordance with s16(3) the maximum permissible height is to be equivalent to that of the permissible FSR bonus being a 30% increase. The maximum permissible height is therefore 28.6 metres.	Clause 4.6 Variation Request (Appendix GG).

Objective / Clause	Assessment	Document Reference
percentage as the additional floor space ratio permitted under subsection (1).	The proposed development reaches a maximum building height of up to 30.1m, exceeding the maximum permissible height by up to 1.5m or 5.3%.	



Objective / Clause	Assessment	Document Reference
(4) <i>This section does not apply to development on land for which there is no maximum permissible floor space ratio.</i>	Noted. The site is subject to a <u>baseline</u> maximum permitted Floor Space Ratio (FSR) control of 8:1 under Clause 4.4 of the KLEP 2015, however this does not apply in relation to this SSDA. Notwithstanding, this section of the Housing SEPP applies because there is a maximum permitted FSR control mapped for the site.	–
Division 1 – Infill Affordable Housing 17 – Additional floor space ratio for relevant authorities and community housing providers		
(1) <i>This section applies to residential development to which this division applies that is carried out—</i>		
(a) <i>by or on behalf of a relevant authority or registered community housing provider, and</i>	Not applicable. The proposed development is not being progressed by (or on behalf of) a relevant authority or registered Community Housing Provider.	–
(b) <i>on land with a maximum permissible floor space ratio of 2:1 or less.</i>	Not applicable. As above.	–
Division 1 – Infill Affordable Housing 18 – Affordable housing requirements for additional building height		
(1) <i>This section applies to development that includes residential development to which this division applies if the development—</i>		
(a) <i>includes residential flat buildings or shop top housing, and</i>	Would apply, however the application of Section 18 is disqualified. The proposed development includes residential flat buildings.	
(b) <i>does not use the additional floor space ratio permitted under section 16.</i>	The proposal utilises the FSR/Height bonus under Section 16. This section therefore does not apply in relation to this SSDA.	
Division 1 – Infill Affordable Housing 19 – Non-discretionary development standards—the Act, s 4.15		
(1) <i>The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i>	Noted. Non-discretionary Development Standards do not reflect compulsory or ‘baseline’ requirements. However, if satisfied, the following provisions limit the consent authority in its exercise of discretion in relation to the matter(s) that the provisions are intended to regulate.	–
(2) <i>The following are non-discretionary development standards in relation to the residential development to which this division applies—</i>		
(a) <i>a minimum site area of 450m²,</i>	Complies. The site area exceeds 450m ² .	–

Objective / Clause	Assessment	Document Reference
<p>(b) a minimum landscaped area that is the lesser of—</p> <ul style="list-style-type: none"> (i) 35m² per dwelling, or (ii) 30% of the site area, 	<p>Complies.</p> <p>The non-discretionary provision rate for landscaped area coverage has been achieved.</p>	<p>Landscape Plans (Appendix D)</p>
<p>(c) a deep soil zone on at least 15% of the site area, where—</p> <ul style="list-style-type: none"> (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site, 	<p>Not applicable.</p> <p>The deep soil provisions of the <i>Low and Mid Rise Housing Tree Canopy Guide</i> apply to the proposed development. Irrespective of this, Subclause (3) below exempts the proposal from this provision.</p>	<p>Section 6.14 of EIS.</p>
<p>(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</p>	<p>Not applicable.</p> <p>As above.</p>	<p>Section 6.14 of EIS.</p>
<p>(e) the following number of parking spaces for dwellings used for affordable housing—</p>		
<p>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</p>	<p>Complies</p> <p>The car parking rates for the housing uplift proposed under this SSDA are compliant with these standards as detailed in the Transport Impact Assessment prepared by Traffix (Appendix BB).</p> <p>The development proposes a compliant number of car parking spaces for the affordable dwellings parking spaces. This is calculated in accordance with s19(e) within the Transport Impact Assessment.</p>	<p>Transport Impact Assessment (Appendix BB)</p>
<p>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</p>		
<p>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</p>		
<p>(f) the following number of parking spaces for dwellings not used for affordable housing—</p>		
<p>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</p>	<p>Complies</p> <p>The non-affordable car parking rates are compliant with these standards as detailed in the Traffic Impact Assessment prepared by Traffix (Appendix BB).</p> <p>The development proposes a compliant number of non-affordable car parking spaces. This is calculated in accordance with s19(f).</p>	<p>Transport Impact Assessment (Appendix BB)</p>
<p>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</p>		
<p>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</p>		<p>Transport Impact Assessment (Appendix BB)</p>

Objective / Clause	Assessment	Document Reference
(g) <i>the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</i>	Complies The minimum internal apartment areas are either met or surpassed by all of the proposed apartments, including apartments that will be nominated as affordable rental housing.	Architectural Plans (Appendix B)
(h) <i>for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,</i>	Not applicable. The proposed development does not include Dual Occupancies, Manor Houses or Multi Dwelling Housing. Approval is sought for two Residential Flat Buildings that are not subject to the <i>Low Rise Housing Diversity Design Guide</i> .	–
(3) <i>Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.</i>	Clause (2)(c) and Clause (2)(d) do not apply. The proposed development will deliver 2 Residential Flat Buildings that are subject to Chapter 4.	–
Division 1 – Infill Affordable Housing 20 – Design Requirements		
(1) <i>Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.</i>	Not applicable. Refer below.	–
(2) <i>Subsection (1) does not apply to development to which Chapter 4 applies.</i>	Clause (1) does not apply. The proposed development will deliver 2 Residential Flat Buildings that are subject to Chapter 4.	–
(3) <i>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—</i>		
(a) <i>the desirable elements of the character of the local area, or</i>	Complies <i>Project Venture Development Pty Ltd v Pittwater Council</i> provides guidance when considering the compatibility of a proposal within its local area. Of relevance from the case: <ul style="list-style-type: none">• <u>Compatibility is different from sameness</u> – buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.	EIS Architectural Design Report (Appendix C) Landscape Plans (Appendix D)
(b) <i>for precincts undergoing transition—the desired future character of the precinct.</i>		

Objective / Clause	Assessment	Document Reference
	<ul style="list-style-type: none"> • <u>Compatibility is not always desirable</u> – there are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. • <u>Where compatibility is desirable, physical and visual impacts need to be considered</u> – for new development to be visually compatible with its context, it should contain or at least respond to, the essential elements that make up the character of the surrounding urban environment... The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In special areas, such as conservation areas, architectural style and materials are also contributors to character. • <u>There are other contributing factors, including height, setbacks and landscaping</u> – buildings do not have to be the same height to be compatible. Where there are significant different in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape...Landscaping is also an important contributor to urban character. • <u>To assess the matters above, two questions should be considered: Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.</u> <u>Is the proposal's appearance in harmony with the buildings around it and the character of the street?</u> <p>The site is located within a precinct that is undergoing transformation as a result of the LMR planning controls and NSW Government’s priority to increase housing stock in well located areas.</p> <p>The desired future character is informed by these provisions which aim to increase housing diversity, affordable housing, within 400 metres of Turrumurra Railway Station (in the case of the site).</p> <p>The desirable elements of the character of the local area are:</p> <ul style="list-style-type: none"> • Leafy street character and wide street verge on either side of Nulla Nulla Street and Kuringgai Avenue containing substantial street tree planting. 	

Objective / Clause	Assessment	Document Reference
	<ul style="list-style-type: none"> • Accessibility of the site to Turrumurra Railway Station. • The identification of the locality within 400 metres of north shore railway stations (including Turrumurra) as being capable of accommodating additional density and increasing housing supply including affordable housing. • The TOD planning controls anticipate an inevitable change in the character of the area. <p>The desired future character of the precinct is considered to be a higher density environment which provides additional housing opportunities, namely, diversity of housing choice, affordability and accessibility to the nearby local centre and public transport.</p> <p>The proposal is considered compatible with its local area in that the LMR regime envisages a change in character and is this indicative of the future character of the area comprising greater intensity of development. The physical impacts of the proposal are acceptable as set out in this EIS. The proposed building height on the site responds to the site's significant level change, compliant building separation is provided, and the proposed architectural character seeks to deliver a contemporary RFB while respecting the site's heritage context. Importantly the landscape street character is maintained and enhanced with Studio IZ's landscape proposal (Appendix D).</p>	
<p>Division 1 – Infill Affordable Housing 21 – Must be used for affordable housing for at least 15 years</p>		
<p>(1) <i>Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</i></p>		
<p>(a) <i>the development will include the affordable housing component required for the development under section 16, 17 or 18, and</i></p>	<p>Noted. The Proponent commits to this outcome, and it's their expectation this will be conditioned by the DPHI when Development Consent is granted.</p>	<p>–</p>
<p>(b) <i>the affordable housing component will be managed by a registered community housing provider.</i></p>	<p>Noted. As above.</p>	<p>–</p>
<p>(2) <i>This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</i></p>	<p>Not applicable. The proposed development is not being carried out on behalf of the <i>Aboriginal Housing Office or the Land and Housing Corporation.</i></p>	<p>–</p>

Objective / Clause	Assessment	Document Reference
Division 1 – Infill Affordable Housing 22 – Subdivision Permitted with Consent		
<i>Land on which development has been carried out under this division may be subdivided with development consent.</i>	Not applicable	–
Chapter 4 – Design of Residential Apartment Development		
144 – Application of Chapter		
<i>(1) In this policy, development to which this chapter applies is referred to as residential apartment development.</i>	Applies. The proposed development is consistent with the meaning of ‘residential apartment development’.	–
<i>(2) This chapter applies to the following—</i>		
<i>(a) development for the purposes of residential flat buildings,</i>	Applies. Approval is sought for 2 Residential Flat Buildings.	–
<i>(3) This chapter applies to development only if—</i>		
<i>(a) the development consists of—</i>		
<i>(i) the erection of a new building, or</i>	Applies. The erection of 2 new buildings is proposed.	–
<i>(b) the building is at least 3 storeys, not including underground car parking storeys, and</i>	Applies. The proposed development exceeds 3 storeys in height.	–
<i>(c) the building contains at least 4 dwellings.</i>	Applies. The proposed development contains more than 4 dwellings.	–
<i>(4) If particular development comprises development for the purposes specified in subsection (2) and development for other purposes, this chapter applies only to the part of the development for the purposes specified in subsection (2).</i>	Noted. Approval is sought for 2 Residential Flat Buildings. No other land uses are proposed.	–
<i>(5) This chapter does not apply to development that involves only a class 1a or 1b building within the meaning of the Building Code of Australia.</i>	Not applicable. The proposed development does not involve only a Class 1a or 1b building within the meaning of the Building Code of Australia (BCA).	–

Objective / Clause	Assessment	Document Reference
145 – Referral to design review panel for development applications		
(1) <i>This section applies to a development application for residential apartment development, other than State significant development.</i>	Not applicable. The proposed development is State Significant Development. Section 145 does not apply.	–
147 – Determination of development applications and modification applications for residential apartment development		
(1) <i>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>		
(a) <i>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>	Complies. See Architectural Design Report (Appendix C), which includes a Design Verification Statement and a detailed assessment against: <ul style="list-style-type: none"> • Schedule 9 of the Housing SEPP. • The ADG. 	Architectural Design Report (Appendix C)
(b) <i>the Apartment Design Guide,</i>		
(c) <i>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.</i>	Not applicable Was not referred to the design review panel, as there is no applicable requirement for this to occur.	–
(3) <i>To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</i>	Noted. The ADG is to be applied flexibly, as intended in line with NSW planning jurisprudence. As outlined within the EIS, the deep soil planting provisions within the Low and Mid Rise Housing Tree Canopy Guide prevail over the ADG.	EIS Architectural Design Report (Appendix C)
148 – Non-discretionary development standards for residential apartment development—the Act, s 4.15		
(1) <i>The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i>	Noted. Non-discretionary Development Standards do not reflect compulsory or ‘baseline’ requirements. However, if satisfied, the following provisions limit the consent authority in its exercise of discretion in relation to the matter(s) that the provisions are intended to regulate.	–
(2) <i>The following are non-discretionary development standards—</i>		

Objective / Clause	Assessment	Document Reference
(a) <i>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,</i>	Complies The proposed development provides a surplus of car parking spaces to the minimum Housing SEPP requirement.	Transport Impact Assessment (Appendix BB)
(b) <i>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,</i>	Complies See ADG compliance table provided by PMDL at Appendix C.	EIS Architectural Design Report (Appendix C)
(c) <i>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.</i>		
149 - Apartment Design Guide prevails over development control plans		
<p>Noted. The ADG is the primary mechanism for maintaining a suitable level of residential amenity in relation to this SSDA. It is noted that the KDCP 2024 does not apply to SSD, as mentioned above.</p>		
Chapter 6 – Low and Mid Rise Housing		
162 – Aim of Chapter		
<i>The aim of this chapter is to encourage the development of low and mid rise housing in areas that are well located with regard to goods, services and public transport.</i>	Consistent. The proposed development is within walking distance to Turrumurra Railway Station and Turrumurra Town Centre. For aforementioned reasons, the proposed development is consistent with the aim of Chapter 6.	Refer above.
163 – Definitions		
low and mid rise housing inner area means land within 400m walking distance of—		
(a) <i>land identified as “Town Centre” on the Town Centres Map, or</i>	Complies The site is within 400m of the Turrumurra Train Station and town centre. Refer to Section 2 of the EIS.	Section 2 of EIS
(b) <i>a public entrance to a railway, metro or light rail station listed in Schedule 11, or</i>		

Objective / Clause	Assessment	Document Reference
(c) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station.		
164 – Land to which Chapter Applies		
(3) This chapter applies to the whole of the State, other than the following—		
(a) bush fire prone land,	Not applicable The site is not identified on bush fire prone land.	Section 6.20 of EIS
(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,	Not applicable The site is not identified as a coastal vulnerability area or a coastal wetlands and littoral rainforests area.	–
(c) land to which Chapter 5 applies,	Not applicable. Pursuant to Clause 152(1), Chapter 5 does not apply to the site because it is not located within a Transport Oriented Development Area.	–
(d) land that is a heritage item or on which a heritage item is located,	Not applicable. The site is not identified as a heritage item or containing a heritage item.	–
(e) the following local government areas—		
(i) Bathurst Regional,	Not applicable. The site is located in the Ku-ring-gai LGA.	–
(ii) City of Blue Mountains,		
(iii) City of Hawkesbury,		
(iv) Wollondilly		
(f) flood prone land in the Georges River Catchment and Hawkesbury-Nepean Catchment under State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6,	Not applicable The site is not identified as flood prone land.	–
(g) land in a flood planning area in the following local government areas—[not applicable]	Not applicable.	–

Objective / Clause	Assessment	Document Reference
	The site is located in the Ku-ring-gai LGA.	
(h) <i>land in an ANEF contour of 25 or greater or ANEC contour of 20 or greater,</i>	Not applicable. The site is not located in an ANEF contour of 25 or greater or ANEC contour of 20 or greater.	–
(i) <i>land within 200m of a relevant pipeline within the meaning of State Environmental Planning Policy (Transport and Infrastructure) 2021, section 2.77,</i>	Not applicable. The site is not located within a ‘relevant pipeline’, as referenced by Clause (1)(i).	–
(j) <i>land identified as “Deferred Transport Oriented Development Areas” on the Deferred Transport Oriented Development Areas Map,</i>	Not applicable. The site is not located on land that is identified as a ‘Deferred Transport Oriented Development Area’.	–
(k) <i>land within 800m of a public entrance to a railway, metro or light rail station listed in Schedule 12.</i>	Not applicable. Ku-ring-gai Train Station is not a ‘Deferred Transport Oriented Development Station’. The site is not located within 800m of any station that is listed in Schedule 12.	–
(4) <i>This chapter does not apply to land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map.</i>	Not applicable. The site is not located within an Accelerated TOD Precinct.	–
175 – Development Standards—Low and Mid Rise Housing Inner Area		
(1) <i>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.</i>	Applies. The site is located within 400m of the Turramurra Town Centre and is subject to the R3 Zone. It therefore forms part of the ‘Inner Area’.	–
(2) <i>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.</i>	Noted. The building height is greater than 22 metres as it utilises the uplift provided by the in-fill affordable housing provisions of the Housing SEPP (Section 15C, Clause 16(3) of Chapter 2).	–
(3) <i>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</i>	Not applicable. ‘Shop Top Housing’ is not proposed because no commercial uses will be delivered at ground level.	–

Objective / Clause	Assessment	Document Reference
<i>authority is satisfied the building will have 6 storeys or fewer.</i>		
177 – Landscaping: Residential Flat Buildings or Shop Top Housing		
(1) <i>This section applies to land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.</i>	The site is zoned R3 Medium Density Residential.	–
(2) <i>Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing unless the consent authority has considered the Tree Canopy Guide for Low and Mid Rise Housing, published by the Department in February 2025.</i>	The proposed development addresses the Tree Canopy Guide for Low and Mid-Rise Housing as described in Section 6.13.3.2 of the EIS.	–
178 – Minimum Lot Size for Residential Flat Buildings or Shop Top Housing		
(1) <i>This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.</i>	The site is zoned R3 Medium Density Residential.	–
(2) <i>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)—</i>		
(a) <i>minimum lot size,</i>	Noted.	Refer below.
(b) <i>minimum lot width.</i>	The site satisfies the relevant Development Standards of the KLEP 2015 that regulate lot size and frontage widths. Further reference should be made to the assessment against the relevant provisions of the KLEP 2015 that has been provided within this statutory compliance table.	
180 – Minimum Lot Size for Residential Flat Buildings or Shop Top Housing in Zone R3 or R4		
(1) <i>This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.</i>	Applies. The proposed development is sited within the R3 Zone. The provisions of Section 180 apply.	–

Objective / Clause	Assessment	Document Reference
<i>(2) The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing inner area—</i>		
<i>(a) a maximum floor space ratio of 2.2:1,</i>	Noted.	–
<i>(b) for residential flat buildings—a maximum building height of 22m,</i>	See Section 15C, Clause 16(3) of Chapter 2 of the Housing SEPP. The proposal exceeds these requirements as a result of the additional floor space and building height provided under the in-fill affordable housing provisions.	
<i>(c) for a building containing shop top housing—a maximum building height of 24m.</i>	Not applicable. The proposed development does not include ‘Shop Top Housing’.	–
Ku-ring-gai Local Environmental Plan 2015		
Part 2 – Permitted or Prohibited Development		
2.2 – Zoning of Land <i>For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.</i>	Zone R3 – Medium Density Residential The site is subject to Zone R3 – Medium Density Residential (R3 Zone), as identified on the Land Zoning Map. The objectives for the R3 Zone are assessed below.	–
2.5 – Additional Permitted Land Uses <i>(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—</i> <i>(a) with development consent, or</i> <i>(b) if the Schedule so provides—without development consent,</i> <i>in accordance with the conditions (if any) specified in that Schedule in relation to that development.</i> <i>(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.</i>	Not applicable. The proposed development seeks approval for two Residential Flat Buildings, which are not identified as an additional permitted land use at the site under the KLEP 2015.	–
2.6 – Subdivision Consent Requirements <i>(1) Land to which this Plan applies may be subdivided, but only with development consent.</i>	Not applicable. The proposal will deliver an amalgamated development outcome for the site, however the legal subdivision of land is not proposed.	–


Objective / Clause	Assessment	Document Reference
<p>2.7 – Demolition requires Development Consent</p> <p><i>The demolition of a building or work may be carried out only with development consent.</i></p>	<p>Applicable.</p> <p>The demolition of existing buildings and structures at the site is proposed under this SSDA. Refer to the Demolition Plans that accompany the EIS.</p>	<p>–</p>
<p>Land Use Table</p>		
<p>Zone R3 – Medium Density Residential</p>		
<p>1. Permitted without Consent</p> <p><i>Home occupations</i></p>	<p>Not applicable.</p> <p>Approval is not sought under this SSDA for any Home Occupation(s).</p>	<p>–</p>
<p>2. Permitted with Consent</p> <p><i>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Seniors housing; Shop top housing; Tank-based aquaculture</i></p>	<p>The proposed development is permissible with Development Consent under the Housing SEPP.</p> <p>The site is subject to Zone R3 Medium Density Residential (R3 Zone) under the <i>Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015)</i>. While Residential Flat Buildings are not expressly permitted within the R3 Zone under the KLEP 2015, they are a permitted land use at the site under Chapter 6 of the Housing SEPP (assessed above).</p>	<p>–</p>
<p>3. Prohibited</p> <p><i>Any other development not specified in item 2 or 3</i></p>		
<p>Part 4 – Principal Development Standards</p>		
<p>4.1 – Minimum Subdivision Lot Size</p>		
<p>(3) <i>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.</i></p>	<p>Not applicable.</p>	<p>–</p>

Objective / Clause	Assessment	Document Reference
<i>(3A) Development consent must not be granted for the subdivision of land in any of the following zones unless the subdivision would result in each lot, other than a battle-axe lot, having a width of a least 18 metres along a line that is 12 metres from the street frontage of the lot—</i>		
<i>(a) Zone R2 Low Density Residential,</i>	Not applicable. The site is subject to the R3 Zone. The legal subdivision of land is not proposed.	—
<i>(b) Zone C3 Environmental Management,</i>	Not applicable. As above.	—
<i>(c) Zone C4 Environmental Living.</i>	Not applicable. As above.	—
<i>(3B) Development consent must not be granted for the subdivision of land in any of the following zones unless the subdivision would result in each lot created having a width and depth of at least 24 metres—</i>		
<i>(a) Zone R3 Medium Density Residential,</i>	Not applicable. The legal subdivision of land is not proposed.	—
<i>(b) Zone R4 High Density Residential.</i>	Not applicable. The site is subject to the R3 Zone. The legal subdivision of land is not proposed.	—
4.3 – Height of Buildings		
<i>(1) The objectives of this clause are as follows—</i>		
<i>(a) to ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres,</i>	Not applicable. The applicable building height under Chapter 6 (low and mid rise) of the Housing SEPP is 22 metres. In accordance with s16(3) the maximum permissible height is to be equivalent to that of the permissible FSR bonus being a 30% increase. The maximum permissible height is therefore 28.6 metres. The proposed development reaches a maximum building height of 30.1m, exceeding the maximum permissible height by 1.5m or 5.3%. A Clause 4.6 variation has been prepared to accompany this application (Appendix GG).	Clause 4.6 Variation Request (Appendix GG)
<i>(b) to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,</i>		
<i>(c) to enable development with a built form that is compatible with the size of the land to be developed.</i>		

Objective / Clause	Assessment	Document Reference
(2) <i>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</i>	Although Clause 4.3 is overridden by the Housing SEPP in the context of this SSDA, the objectives for Clause 4.3 have been assessed for completeness within the Clause 4.6 Variation Request. It has been demonstrated that the proposal is consistent with these objectives.	
4.6 – Exemptions to Development Standards		
(1) <i>The objectives of this clause are as follows—</i>		
(a) <i>to provide an appropriate degree of flexibility in applying certain development standards to particular development,</i>	<p>Refer to the accompanying Clause 4.6 Variation Request.</p> <p>It is noted that the maximum permitted building height control that applies to this SSDA under the Housing SEPP is not excluded from the operation of Clause 4.6.</p>	<p>Clause 4.6 Variation Request (Appendix GG)</p>
(b) <i>to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i>		
(2) <i>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.</i>		
(3) <i>Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—</i>		
(a) <i>compliance with the development standard is unreasonable or unnecessary in the circumstances, and</i>	<p>Refer to the accompanying Clause 4.6 Variation Request.</p> <p>The Clause 4.6 Variation Request has established grounds for the proposed height variation that are consistent with Subclause (a) and Subclause (b).</p>	<p>Clause 4.6 Variation Request (Appendix GG)</p>
(b) <i>there are sufficient environmental planning grounds to justify the contravention of the development standard.</i>		
(8) <i>This clause does not allow development consent to be granted for development that would contravene any of the following—[not applicable]</i>	<p>Not applicable.</p> <p>It is not proposed to vary a Development Standard that is excluded from the operation of Clause 4.6.</p>	–
Part 5 – Miscellaneous Provisions		

Objective / Clause	Assessment	Document Reference	
5.10 Heritage Conservation			
(1) Objectives The objectives of this clause are as follows—			
(a) to conserve the environmental heritage of Kuring-gai,	<p>Complies</p> <p>The site is not identified as being of heritage significance and is located outside of a heritage conservation area. Refer to the Heritage Impact Statement prepared by Urbis at Appendix R, which includes an exhaustive assessment against the provisions of Clause 5.10.</p>	<p>Heritage Impact Statement (Appendix R)</p>	
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,			
(c) to conserve archaeological sites,			
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.			
(5) Heritage assessment The consent authority may, before granting consent to any development—			
(a) on land on which a heritage item is located, or			
(b) on land that is within a heritage conservation area, or			
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),			
require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.			
5.21 Flood planning			
(1) The objectives of this clause are as follows—			
(a) to minimise the flood risk to life and property associated with the use of land,	<p>Complies.</p> <p>The Flood Impact and Risk Assessment (Appendix P) that accompanies this SSDA has demonstrated that the relevant provisions under Clause 5.21 have been satisfied.</p>	<p>Flood Impact and Risk Assessment (Appendix P) Section 6.19 of EIS</p>	
(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account			

Objective / Clause	Assessment	Document Reference
projected changes as a result of climate change,		
(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,		
(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.		
Part 6 – Additional Local Provisions		
6.1 – Acid Sulfate Soils		
(1) <i>The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</i>	<p>Complies.</p> <p>The site is subject to a Class 5 Acid Sulfate Soils classification. In accordance with Clause 6.1(3), an Acid Sulfate Soils Management Plan (ASSMP) is required to support this SSDA if the following is proposed:</p> <p><i>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i></p> <p>The site is not located within 500 metres of adjacent Class 1, 2, 3 or 4 land. The submission of an ASSMP is not required. Accordingly, Objective (1) will not be compromised at any point throughout the duration of works. The provisions of Section 6.1 have been satisfied, insofar as they relate to the site.</p>	–
(2) <i>Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</i>		
6.2 – Earthworks		
(1) <i>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</i>	<p>Complies</p> <p>A Geotechnical Investigation Report has been prepared by Morrow Geotechnics in Appendix Q which provides a series of recommendations to ensure the development has minimal environmental impacts.</p>	Geotechnical Investigation Report (Appendix Q)
6.3 – Biodiversity Protection		
(1) <i>The objective of this clause is to protect, maintain and improve the diversity and condition of native vegetation and habitat, including—</i>		
(a) <i>protecting biological diversity of native fauna and flora, and</i>	Complies	BDAR (Appendix G)

Objective / Clause	Assessment	Document Reference
<p>(b) <i>protecting the ecological processes necessary for their continued existence, and</i></p> <p>(c) <i>encouraging the recovery of threatened species, communities, populations and their habitats, and</i></p>	<p>The development site is affected by several Greenweb categories including Riparian Land, Biodiversity Corridor and Terrestrial Biodiversity. The BDAR considers all relevant local requirements under Section 9 and concludes that the proposal responds sufficiently to meet the relevant objectives and controls of the KLEP 2015 and KDCP 2024.</p>	
<p>(d) <i>protecting, restoring and enhancing biodiversity corridors.</i></p>		
<p>6.5 – Stormwater and water sensitive urban design</p>		
<p>(1) <i>The objective of this clause is to avoid or minimise the adverse impacts of urban stormwater on the land on which development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems.</i></p>	<p>Complies Refer to Stormwater Management Plan by Hydracor provided at Appendix Z.</p>	<p>Stormwater Management Plan (Appendix Z)</p>
<p>6.6 – Requirements for multi dwelling housing and residential flat buildings</p>		
<p>(1) <i>The objectives of this clause are—</i> (a) <i>to provide site requirements for development for the purposes of multi</i></p>	<p>Complies While the site does not strictly fall within the ambit of this clause due to the operation of the LMR provisions, it is noted that the site has a total</p>	<p>–</p>

Objective / Clause	Assessment	Document Reference
<p><i>dwelling housing and residential flat buildings so as to provide for the orderly and economic development of residential land while maintaining the local character, and</i></p>	<p>area of 5,766m², significantly exceeding the minimum required 1,200m². Furthermore, the site has generous dimensions of approximately 59 metres in width and 107 metres in depth, comfortably satisfying the dimensional criteria specified for sites over 1,800m².</p>	
<p><i>(b) to ensure that lot sizes and dimensions of medium and high density residential sites allow for generous landscaped areas and setbacks to ensure the amenity of adjoining properties and to support the desired future character of these areas.</i></p>	<p>Given the application of the LMR provisions to this site under clause 178, the development standards under Clause 6.6 are not considered to apply in this instance.</p>	

GYDE

Wind Tunnel Modelling - Benchmarking Exercise

SSD-94893958

5-9 Nulla Nulla Street and 4-6 Ku-ring-gai Avenue



Introduction and Summary

Purpose of this Review

This review has been completed to inform the following approach towards wind-related reporting in relation to this SSDA:

1. Appropriate design provision for features that maintain an appropriate level of wind comfort.
2. The provision of qualitative commentary to support the above at a high-level within the accompanying Architectural Design Report.

Wind tunnel modelling has not been generated in relation to the proposed development, as this is not considered to be required based on the findings of our review, as summarised below.

Review Summary

The completion of detailed wind modelling is not mandated by the industry-specific SEARs that were issued in relation to this project.

In the absence of a statutory framework applicable to State Significant Development (**SSD**), reference has been made to the current Development Control Plans (**DCPs**) for Ku-ring-gai and other local government areas to establish a reasonable contextual benchmark. Across the Ku-ring-gai, Hornsby, Willoughby, City of Sydney and Waverley DCPs, prescriptive requirements for formal wind tunnel testing typically arise only for developments exceeding ten storeys (generally above 32 m). The proposed development would not trigger the need for detailed wind tunnel modelling under these DCPs if they were to be applied in relation to this SSDA.

In contrast, mid-rise buildings are ordinarily not expected to be supported by wind tunnel modelling prior to determination. In the context of this project, the integration of architectural mitigation measures has been clarified within the Architectural Design Report and Environmental Impact Statement.

With respect to the points above and the potential for detailed design development (post-approval), further wind-related assessment (including detailed wind tunnel modelling) is not considered to be required to support the timely determination of this SSDA.

Review of Wind Reporting Frameworks

DCP	Section / Provision	Application	Trigger for Wind Tunnel Testing	Nature of Provision	Baseline Relevance
<i>Ku-ring-gai Development Control Plan 2024 (KDCP 2024)</i>	Part 7 – Residential Flat Buildings There are no wind-related provisions within Part 7.	Residential Flat Buildings Most relevant in the context of this SSDA.	No quantitative trigger. There is no height-related (quantitative) trigger under the KDCP 2024 that mandates the completion of wind tunnel testing. Other DCPs (below) have been reviewed in light of this.	Qualitative. No wind-related provisions within Part 7. No mandatory wind tunnel testing in Section 8A.5.	Supports approach. In the context of this project, the integration of architectural mitigation measures has been clarified within the Architectural Design Report and Environmental Impact Statement.
	Part 8 – Mixed Use Development Section 8A.5 (Wind Impact) lists high-level (qualitative) controls for mixed use development.	Mixed Use Development Referenced to supplement the above.			
<i>Hornsby Development Control Plan 2024 (HDCP 2024)</i>	Part 3 – Residential There are no wind-related provisions within Part 3.	Residential Development Most relevant in the context of this SSDA.	Quantitative trigger. The only quantitative trigger for wind tunnel testing that can be referenced relates to development in Hornsby Town Centre that exceeds 32m.	Prescriptive. Based on building height above natural ground level.	Supports approach. The proposed development does not exceed 32m in height above natural ground level. The completion of wind tunnel testing would not be a reasonable mandate in this context.
	Part 4 – Business Section 4.5.7.8 required wind tunnel testing for buildings that exceed 32m in	Development in Hornsby Town Centre Referenced to supplement the above.			

DCP	Section / Provision	Application	Trigger for Wind Tunnel Testing	Nature of Provision	Baseline Relevance
	Hornsby Town Centre.				
<i>Willoughby Development Control Plan 2016 (WDCP 2016)</i>	Part B – Residential Development Does not contain any wind-related controls that apply generally (not site-specific),	Residential Development Most relevant in the context of this SSDA.	No quantitative trigger. There is no height-related (quantitative) trigger under the WDCP 2016 that mandates the completion of wind tunnel testing.	Discretionary. No established baseline / trigger.	Supports approach. Reinforces that wind tunnel testing is exceptional, not standard, for development of the scale that is proposed under this SSDA.
<i>Waverly Development Control Plan 2016 (Waverly DCP 2016)</i>	E1 – Bondi Junction Section 1.2 (page 294) includes controls that identify when wind tunnel modelling is required.	Bondi Junction Applies to development at Bondi Junction.	Quantitative trigger. Wind tunnel modelling is required for buildings that exceed 9 storeys in height (≥ 10 storeys).	Prescriptive. Based on number of building levels (≥ 10).	Supports approach. The proposed development does not exceed 10 storeys in height. The completion of wind tunnel testing would not be a reasonable mandate in this context.
<i>Sydney Development Control Plan 2012 (SDCP 2012)</i>	3.2.6 – Wind Effects Includes controls that identify when wind tunnel modelling is required.	General Provisions Applies generally to all development in the City of Sydney unless otherwise specified elsewhere.	Quantitative trigger. Wind tunnel modelling is required for buildings that exceed 45m in height.	Prescriptive. Based on building height above natural ground level.	Supports approach. The proposed development does not exceed 45m in height. The completion of wind tunnel testing would not be a reasonable mandate in this context.

Qualitative Assessment

Several provisions that are referred to on the previous page recommend the completion of a qualitative wind amenity assessment in lieu of wind tunnel modelling for development of the scale and nature that is proposed under this SSDA. This recommended approach has been addressed within:

- The Architectural Design Report (Appendix C).
- The Environmental Impact Statement with respect to the SEARs item for 'Environmental Amenity'.

The level of assessment that has been provided is supportable in relation to this stage of the project lifecycle. The following design interventions are noted with appropriate regard to the qualitative provisions within Section 8A.5 (Wind Impact) of the KDCP 2024:

- **Stepped and articulated facades to deflect and disrupt down-draft.**

Stepped and recessed façade planes introduce vertical and horizontal discontinuities that disrupt coherent down-draft structures from the upper levels of Building A and Building B. This will reduce diminishing momentum transfer to podium and entry interfaces. Differential and graduated setbacks further modulate approaching boundary-layer flows, promoting flow detachment and reattachment patterns are intended to create lower-velocity zones across terraces and balcony perimeters. The façade design approach is shown overleaf.

- **Multi-layered vegetation.**

At grade, a multi-layered vegetation system—comprising shrubs, mid-storey species, and dense edge planting—functions as a porous aerodynamic barrier, which will reduce near-surface wind penetration into pedestrian domains. The inter-building separation distance is maintained in accordance with the *NSW Apartment Design Guide* (ADG) to avoid adverse channelisation effects and minimise the risk of wind acceleration.

- **Extended roof projections.**

Extended roof projections, including deep overhangs and continuous eaves, act as aerodynamic deflectors that redirect prevailing winds away from façade openings and outdoor amenity areas, reducing exposure to high-momentum flow. Permeable screening elements (louvres, fins, perforated balustrades) positioned at podium edges, balcony frontages, and intermediate façade sections provide drag-inducing surfaces that will lower wind velocities while preserving cross-ventilation, light ingress, and overall façade porosity.

- **Level 8 communal terrace planting.**

Landscape treatments surrounding the Level 8 communal open spaces establish a vegetated aerodynamic buffer that moderates turbulence intensity, enhances microclimatic stability, and maintains occupant comfort under a range of prevailing wind conditions. It is further noted that alfresco dining spaces will be covered by the roof form, further limiting exposure to users who are stationary (sitting down; eating; using the barbeque facilities). Refer to the annotated extracts towards the end of this document.

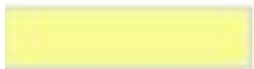
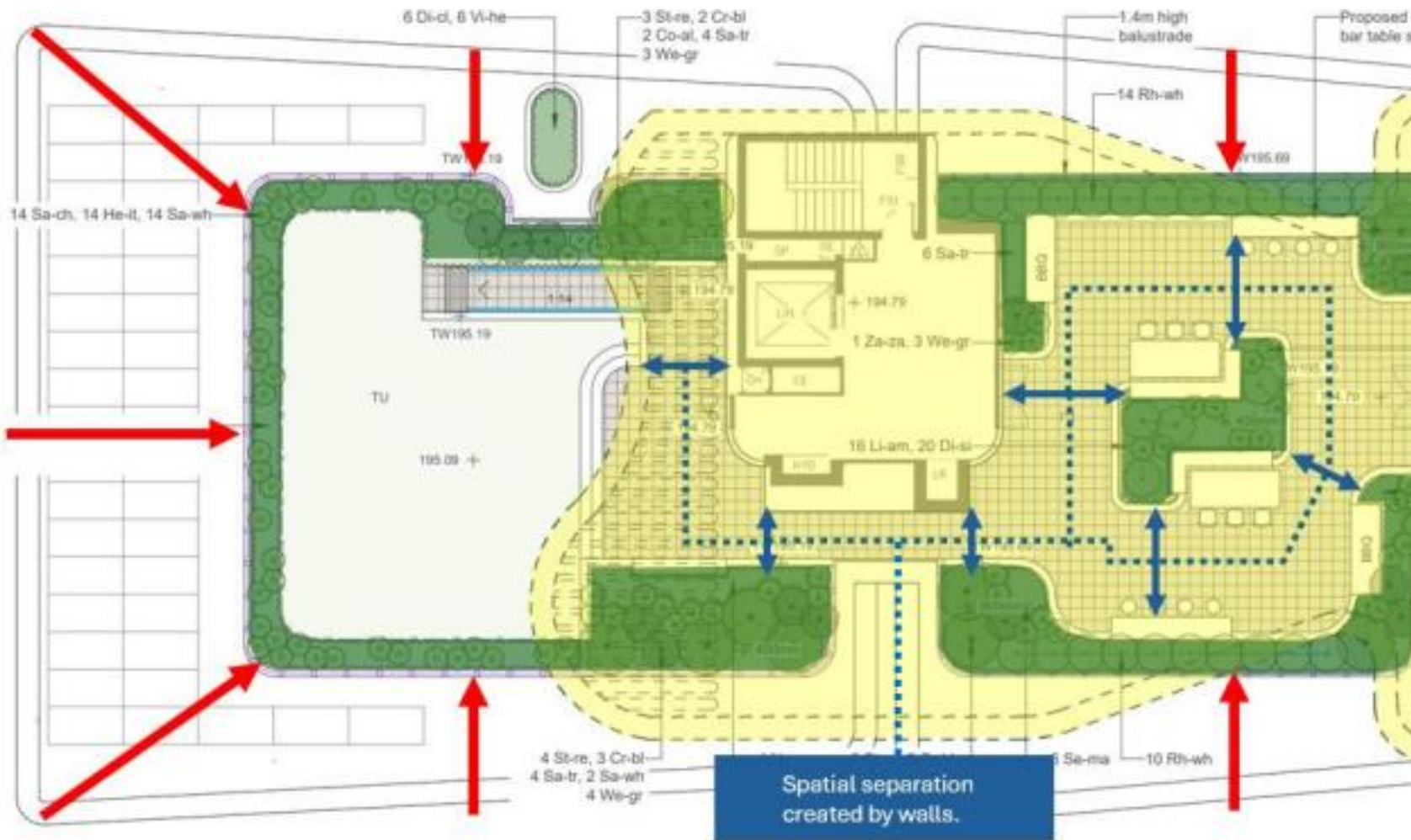
Façade Design Interventions



Source: PMDL

Building A – Eastern Elevation:

This photomontage of Building A (eastern elevation) exemplifies wind mitigating features that have been implemented across the proposed façade design, including stepped and articulated facades, extended roof projections, screening, and layered vegetation.



Roof form above communal terrace.



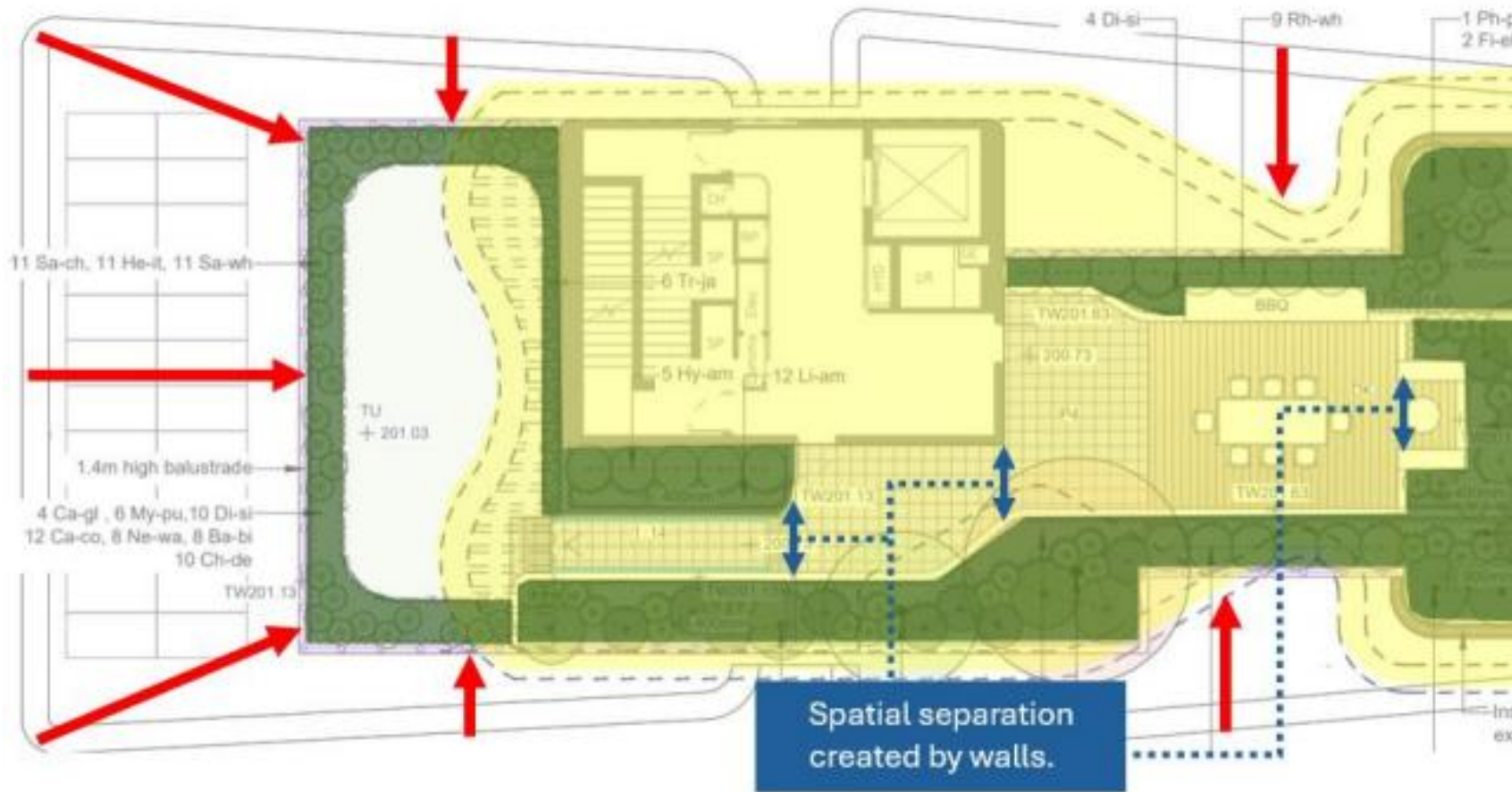
Planting that encloses communal terrace and lawn space.



Upper level built form setback.

Level 8 Communal Terrace – Building A:

Recessed back from primary façade alignment, surrounded by peripheral planting. Areas where residents are likely to be stationary (alfresco dining, barbeque etc.) are enclosed by the roof form.



Roof form above communal terrace.

Planting that encloses communal terrace and lawn space.



Upper level built form setback.

Level 8 Communal Terrace – Building B:

Recessed back from primary façade alignment, surrounded by peripheral planting. Areas where residents are likely to be stationary (alfresco dining, barbeque etc.) are enclosed by the roof form.



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