

Appendix B – Statutory Compliance Table

SSD-97528708 – Mixed Use Development, 142-148, 160 Oxford Street, 13 Gipps Street and 6 Shadforth Street, Paddington

1.1 Permissibility

The permissibility of the proposed development considering the proposed land use/s and land zoning is outlined in **Table 1** below.

Table 1 Permissibility

Matter	Consideration
Land Use	The proposed development seeks consent for the purposes of residential flat building, with ground floor retail and residential uses above.
Land Zoning	R2 Low Density zone and R3 Medium Density zone under the WLEP 2014.
Permissibility	Use of site for <i>shops</i> and <i>residential flat buildings</i> are permitted with consent under the R2 Low Density zone and R3 Medium Density Zone.

1.2 Other Approvals

The other legislative approvals required for the Proposal in addition to a development consent under Division 4.7 of the EP&A Act are outlined in **Table 2** below.

Table 2 Other Approvals

Matter	Consideration
Approvals not required for SSD	Section 4.41 of the EP&A Act stipulates that certain authorisations are not required for State significant development. The following legislative approvals would otherwise be required if the Project was not State significant.
Consistent Approvals	Section 4.42 of the EP&A Act stipulates that certain authorisations cannot be refused if they are necessary for carrying out State significant development. The following table lists legislative approvals that are required for the Project and cannot be refused if the Project is approved.

Matter	Consideration
	Coal Mine Subsidence Compensation Act 2017 No
	Mining Act 1992 No
	Petroleum (Onshore) Act 1991 No
	Protection of the Environment Operations Act 1997 No
	Roads Act 1993 No
	Pipelines Act 1967 No
EPBC Approval	The <i>Environmental Protection and Biodiversity Act 1999 Act</i> (EPBC Act) provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities, and heritage places. These are known as matters of National Environmental Significance. If the proposed development will, or is likely, to impact a matter of National Environmental Significance, then it is required to be referred to the Federal Department of the Environment for assessment to determine if it constitutes a 'controlled action' requiring EPBC approval. Presently, a bilateral agreement allows the Commonwealth Minister for the Environment to rely on the NSW environmental assessment process when assessing a controlled action under the EPBC Act. Specifically, the Statement of Heritage Impact prepared by GBA Heritage (Appendix K) has concluded that the proposal will not have a significant impact on the Commonwealth heritage values of Building VB2 Guard House, Victoria Barracks Perimeter Wall and Gates, and the Victoria Barracks Precinct. There are currently no places within the study area included on the National, Commonwealth or World lists under the EPBC Act for Aboriginal Heritage and there are no known Declarations under the ATSIHPA in relation to the study area. The proposed development is not likely to impact a matter of National Environmental Significance. Therefore, the proposed development is not required to be referred to the Federal Department of the Environment to determine if it constitutes a controlled action and the bilateral agreement applies.

1.3 Pre-Conditions to Exercising the Power to Grant Consent

The pre-conditions to be fulfilled by the consent authority before exercising their power to grant development consent are identified and considered in **Table 3** below.

Table 3 Pre-Conditions to Exercising the Power to Grant Consent

Matter	Consideration
Biodiversity Conservation Act 2016	In accordance with this Act, an assessment of any State Significant proposal's biodiversity impacts must be undertaken as part of the provision of any SSDA, including the provision of a Biodiversity Development Assessment Report (BDAR) in instances where it is required. Section 7.14 requires the consent authority to take into consideration the likely impact of the proposed development on biodiversity values as assessed in the BDAR. Given the site's location within an urban context and the absence of vegetation on the site, the proposed development is not considered to result in any adverse impacts to biodiversity on the site or within the surrounding area. As such, a BDAR Waiver was prepared, and a BDAR Waiver was issued by DPHI on 20 November 2025, which is provided at Appendix O.
State Environmental Planning Policy (Resilience and Hazards) 2021	The <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (R&H SEPP) aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Section 4.6 stipulates that a consent authority must not consent to the carrying out of development unless: • It has considered whether the land is contaminated, and • If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and • If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is suitable that the land will be remediated before the land is used for that purpose. A Preliminary Site Investigation has been prepared by Land Risk Environmental (Appendix W) and concludes that site presents a low risk of contamination and is suitable for the proposed residential development, subject to implementation of standard contamination-related mitigation measures such as preparation of a Construction and Environmental Management Plan, waste classification and disposal in accordance with relevant NSW EPA guidelines, and completion of a pre-demolition hazardous materials survey, which are set out in Appendix C.

1.4 Mandatory Matters for Consideration

The matters that the consent authority is required to consider in deciding whether to grant consent to any development application are identified and considered in the following Sections.

1.4.1 Environmental Planning & Assessment Act 1979

Table 4 EP&A Act Compliance

Act / Regulation	Comments
Environmental Planning and Assessment Act 1979 (EP&A Act)	The proposed development is consistent with the objects of Section 1.3 of the EP&A Act for the following reasons: • It will enable the delivery of 30 market apartments plus 10 affordable housing dwellings to support the growing population of Woollahra LGA and more broadly Greater Sydney, and will positively contributing to housing amenity (through upgraded housing stock) and affordability; • It allows for additional employment opportunities throughout both the construction and operational phases and through the small scale retail uses proposed; and • It will facilitate the principles of ESD through a range of design and operation initiatives. The proposed development is consistent with Division 4.7 of the EP&A Act, particularly for the following reasons: • It has been declared to have State significance; • It is not prohibited by an environmental planning instrument; and • It has been evaluated and assessed against the relevant heads of consideration under Section 4.15(1).
Environmental Planning and Assessment Regulation 2021	Part 8, Divisions 2 and 5 of the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation) sets out procedures which relate to the preparation and submission of an EIS. This Report has been prepared in accordance with Sections 190 and 192 of Division 5, which relate to the form and content of the EIS. Similarly, this EIS addresses the principles of ecologically sustainable development through the precautionary principle (and other considerations), which assesses the threats of any serious and irreversible environmental damage (refer to Section 7.0). In addition, and of particular note to this SSDA, is Section 26 of the EP&A Regulations, which requires the following: 26 <i>Information about affordable housing development</i> (1) <i>A development application for development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1, 2 or 5 applies must specify the name of the registered community housing provider who will manage—</i> (a) <i>for development to which Division 1 applies—the affordable housing component</i> To this end, the application includes letter of support from a registered community housing provider (CHP), provided at Appendix GG.

1.4.2 State Environmental Planning Policies

The relevant state environmental planning policies are assessed in **Table 5** below.

Table 5 Summary of consistency with State Environmental Planning Policies

Policy	Assessment
State Environmental Planning Policy (Housing) 2021	The following parts of the <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP) applies to this development: • Chapter 2, in relation to infill affordable housing. • Chapter 4, for the purposes of residential apartment development. • Chapter 6, in relation to LMR housing. An assessment of the proposed developments consistency with the relevant provisions and controls of the Housing SEPP is provided in Section 4.5.3 below and supported by assessment of consistency with the ADG at Appendix G and at Section 6.2.2.
State Environmental Planning Policy (Sustainability) 2022	The Sustainable Buildings SEPP encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials. The following parts of the Sustainable Buildings SEPP apply to this development: • Chapter 2, Standards for residential development – BASIX; and • Chapter 3, Standards for non-residential development. The relevant standards for BASIX buildings relate to energy and water use and thermal performance. An assessment of the proposed development's consistency with the relevant provisions and controls of the Sustainable Buildings SEPP is provided in the ESD Report provided at Appendix Z. A BASIX Certificate and associated stamped plans are provided at Appendix BB.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 2 of the Biodiversity and Conservation State Environmental Planning Policy 2021 (Biodiversity and Conservation SEPP) aims to protect the biodiversity value of trees and other vegetation in non-rural areas. Given the site's location within an urban context and the absence of any significant vegetation on the site, the proposed development is not considered to result in any adverse impacts to biodiversity on the site or within the surrounding area. The proposal also includes replacement tree planting and achieves 24% canopy cover. As such, this SSDA is accompanied by a BDAR Waiver Request and a BDAR Waiver issued by DPHI, which is provided at Appendix O. The Biodiversity and Conservation SEPP implements a series of general controls on development situated within regulated water catchments. The site is located within the Sydney Harbour Catchment; therefore, the following parts of the Biodiversity Conservation SEPP will apply to subsequent detailed applications following approval of the concept masterplan: • Part 6.2, Development in regulated catchments - Division 2, Controls on development generally. No unacceptable adverse impact on the Sydney Harbour Catchment is anticipated. Further detail pertaining to stormwater run-off, sediment and erosion control, and water quality is discussed in greater detail at Section 6.8.

***State Environmental Planning Policy
(Hazards and Remediation) 2021***

Chapter 4 of the Resilience and Hazards SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Section 4.6 stipulates that a consent authority must not consent to the carrying out of development unless:

- It has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out
- If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is suitable that the land will be remediated before the land is used for that purpose.

A Preliminary Site Investigation (**Appendix W**) has been prepared by LRE, which confirms that the site is suitable for the Project, subject to implementation of its recommendations which are included as mitigation measures in this EIS.

1.4.3 State Environmental Planning Policy (Housing) 2021

1.4.3.1 Chapter 4: Design of residential apartment development

Chapter 4 of the Housing SEPP contains the standards for the design of residential apartment development in NSW. The proposed development seeks consent for mixed use residential development, to which Chapter 4 applies.

The key provisions of the Housing SEPP have been considered in the preparation of the SSD application and are addressed in **Table 6** below.

Table 6 *Summary of consistency with State Environmental Planning Policy (Housing) 2021*

Section	Controls	Comment
Chapter 2 Affordable Housing		
15C Development to which division applies		
	(1) This division applies to development that includes residential development if— (a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument	The site is zoned R2 Low Density Residential and R3 Medium Density Residential, whereby the proposed uses are permissible with consent under the WLEP 2014.
	(b) the affordable housing component is at least 10%	Complies. The proposal has a total GFA of 5785m ² . The affordable housing component must be at least 868m ² . 868m ² of GFA is proposed as affordable housing under the Housing SEPP, which equates to 15% of the total GFA of the proposed development.
	(c) all or part of the development is carried out— (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone	Complies. The site is located on land within the Six Cities region in an accessible area as it is adjoining a bus station that provides access to the Sydney CBD.
	(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	Complies The total percentage of affordable housing on the site (considering Housing SEPP) is 15% of the total proposed GFA and 25% of the total number of proposed apartments.

Section	Controls	Comment
16 Affordable housing requirements for additional floor space ratio		
(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 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. As the proposed development provides an affordable housing component of at least 15% of total GFA, it is eligible for an additional floor space ratio of up to 30%. The applicable FSR under the LMR provisions is 2:1. Applying the 30% additional FSR, the maximum FSR under section 16(1) is 2.86:1 (equivalent to 5785m² of GFA). The proposed development has a total GFA of 5785m² and therefore complies with the maximum FSR for the site under the Housing SEPP.
(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—		Complies. 30% (additional FSR) divided by 2 = 15% affordable housing. At least 15% of affordable housing is provided in the proposed development.
$\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$		
(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 land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).		Complies. The proposed development is for residential flat buildings. The proposed development is eligible for an additional 30% above the maximum building height of 22m under the LMR controls. Applying the 30% additional height results in a maximum height of 28.6m. The maximum building height proposed is 32.6m, though the variation is a result of the sloping topography of the site and primarily relates to trafficable rooftop elements and plant which are well-setback from the building parapet. A clause 4.6 variation is provided at Appendix X. Further assessment is also provided at Section 6.1.4.
(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.		Not applicable as an FSR control applies to the site.
19 Non-discretionary development standards – the Act, s 4.15		
(1) 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.		Noted.

Section	Controls	Comment
	(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—	Complies. The area of the subject site is 2,172.4m ² , well above the minimum 450m ² .
	(a) a minimum site area of 450m ² ,	
	(b) a minimum landscaped area that is the lesser of—	Complies 30% of the site area equates to 620m ² . 660m ² of landscaped area is proposed.
	(i) 35m ² per dwelling, or	
	(ii) 30% of the site area,	
	(c) a deep soil zone on at least 15% of the site area, where—	Not applicable. Refer to subsection 19(3). Notwithstanding, 19% of the site area is provided as a deep soil zone.
	(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,	
	(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,	Not applicable. Refer to subsection 19(3).
	(e) the following number of parking spaces for dwellings used for affordable housing—	Complies. The proposed development includes car parking for the affordable housing dwellings in accordance with the minimum rates set out in this section. Refer to Section 6.5 and the Transport and Accessibility Impact Assessment at Appendix R for a detailed assessment.
	(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,	
	(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,	
	(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	
	(f) the following number of parking spaces for dwellings not used for affordable housing—	Complies. The proposed development includes car parking for the non-affordable housing dwellings in accordance with the minimum rates set out in this section. Refer to Section 6.5 and the Transport and Accessibility Impact Assessment at Appendix R for a detailed assessment.
	(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,	
	(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,	
	(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	
	(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	Complies The proposed development meets the minimum internal areas stipulated in the Apartment Design Guide (ADG). An assessment against the ADG has been provided within the Design Report provided at Appendix G . This is further discussed and summarised in Section 6.2.2 .
	(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Chapter 4 applies to this development. Accordingly, subsection (2)(c) and (2)(d) do not apply.

Section	Controls	Comment
20 Design requirements		
	(1) 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.	Not applicable to the site. Refer to subsection 20(2) which identifies that subsection (1) does not apply to development to which Chapter 4 applies.
	(2) Subsection (1) does not apply to development to which Chapter 4 applies.	Not applicable to the site. Refer to subsection 20(2) which identifies that subsection (1) does not apply to development to which Chapter 4 applies.
	(3) 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— (a) the desirable elements of the character of the local area, (b) for precincts undergoing transition—the desired future character of the precinct.	Relevant matters for the consent authority are suitably addressed by the proposal. The proposed development is compatible with the following desirable elements of the character of the local area: • Use of sandstone materiality to respond to the area's heritage context. • It allows retention of large street trees along Oxford Street. • Provision of an active retail ground floor frontage to Oxford Street to complete a missing link in the retail strip along the northern side of Oxford Street. The Woollahra LGA, including the Paddington area is a precinct undergoing transition. This is primarily due to the application of the LMR housing provisions for both the inner and outer areas and for R3 Medium Density Residential and R2 Low Density Residential zones. By virtue of the application of the LMR controls to the area, new residential development with increased height and density is not only encouraged due to its high amenity, accessible and inner-urban location, but is also expected. In conjunction with the infill affordable housing provision. The suite of recently introduced planning policies represent significant planned uplift in the development capacity of Paddington. Therefore, this has set a new desired future character for the precinct. The proposed development is compatible with this new desired future character by utilising the LMR housing provisions and infill affordable housing provisions to increase housing supply in the area. Specifically, the LMR 22m controls also apply to the adjacent property to the west, which demonstrate that there are multiple sites along Oxford Street that have been identified for increased height and density.

Section	Controls	Comment
		Moreover, the broader Woollahra LGA precinct is also undergoing transition, as the NSW Government has announced a State-led rezoning for land within an approximate 400 metre radius from Edgecliff station and an 800 metre radius from the new Woollahra station, allowing the delivery of homes close to jobs, public transport, green space and essential services. This signals an intent for the Woollahra LGA to contribute to a rebalancing of new housing delivery to inner-eastern Sydney areas to support the NSW Government's housing targets. While the site is not within the immediate vicinity of either Edgecliff station or the future Woollahra station, the expected and actual urban context will evolve substantially in the next ten years, seeing increased medium to high density development in the area. The areas to be rezoned with the highest density are expected to include land in accessible areas and along main roads. The proposed development is consistent with this approach, as it will increase housing provision in a highly accessible area and along a main road.
21 Must be used for affordable housing for at least 15 years		
	(1) 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— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18	Complies. As above, 15% of the GFA of the proposed development will be provided as affordable housing.
	(b) the affordable housing component will be managed by a registered community housing provider.	The affordable housing component will be managed by a registered community housing provider (CHP) for at least 15 years commencing on the day an occupation certificate is issued for the development, as confirmed in the Letter of Support from Evolve Housing (Appendix GG)
	(2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.	Not applicable to the development.

Section	Controls	Comment
Chapter 4 Design of Residential Apartment Development		
Section 142 Aims of chapter	(1) <i>The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes—</i>	Aim satisfied. The proposed development contributes to the sustainable development of the State as it: • Demonstrates ESD principles identified in the ESD Report at Appendix Z. • Includes 15% affordable housing (10 units). • Appropriately responds to the urban planning policies for Woollahra and its wider strategic policies, as discussed in this Report.
	(a) <i>to ensure residential apartment development contributes to the sustainable development of New South Wales by—</i>	
	(i) <i>providing socially and environmentally sustainable housing, and</i>	
	(ii) <i>being a long-term asset to the neighbourhood, and</i>	
	(iii) <i>achieving the urban planning policies for local and regional areas,</i>	
	(b) <i>to achieve better built form and aesthetics of buildings, streetscapes and public spaces,</i>	Aim satisfied. The proposal achieves a high standard of built form and aesthetics through its articulated design, integration of quality materials, active street frontages, and provision of generously landscaped boundaries, contributing positively to the surrounding streetscape and public domain.
	(c) <i>to maximise the amenity, safety and security of the residents of residential apartment development and the community,</i>	Aim satisfied. The proposal maximises amenity, safety and security through well-designed communal spaces, clear sightlines, passive surveillance, multiple activated entry points, and secure residential access, ensuring a safe and comfortable environment for both residents and the broader community.
	(d) <i>to better satisfy the increasing demand for residential apartment development, considering—</i>	Aim satisfied. The proposal responds to growing housing demand by delivering a diverse mix of apartment types, including affordable housing, and has been designed to accommodate a broad demographic - supporting accessibility for people with disability, children, and seniors, and reflecting the evolving social and demographic profile of the community.
	(i) <i>the changing social and demographic profile of the community, and</i>	
	(ii) <i>the needs of a wide range of people, including persons with disability, children and seniors,</i>	
	(e) <i>to contribute to the provision of a variety of dwelling types to meet population growth,</i>	Aim satisfied. The proposal contributes to housing diversity by delivering a mix of dwelling types and sizes, including affordable housing, which supports broader population growth and caters to varied household needs.

Section	Controls	Comment
	(f) to support housing affordability,	Aim satisfied. The proposed development includes 15% of GFA as affordable housing (10 units) alongside 30 market dwellings, the supply of which will ease affordability pressures in Paddington.
	(g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions,	Aim satisfied. Refer to the ESD report at Appendix Z .
	(h) to facilitate the timely and efficient assessment of development applications to which this chapter applies.	Noted.
	(2) This chapter recognises that the design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high quality design.	Noted.
Section 143 Land to which chapter applies	<i>This chapter applies to the whole of the State, other than land to which State Environmental Planning Policy (Precincts—Regional) 2021, Chapter 4 applies.</i>	Applies.
Section 144 Application of chapter	(1) <i>In this policy, development to which this chapter applies is referred to as residential apartment development.</i>	Noted.
	(2) <i>This chapter applies to the following—</i> (a) <i>development for the purposes of residential flat buildings,</i> (b) <i>development for the purposes of shop top housing,</i> (c) <i>mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter.</i>	This chapter applies as the proposal is for development for the purposes of a residential flat building

Section	Controls	Comment
	(3) <i>This chapter applies to development only if—</i> (a) <i>the development consists of—</i> (i) <i>the erection of a new building, or</i> (ii) <i>the substantial redevelopment or substantial refurbishment of an existing building, or</i> (iii) <i>the conversion of an existing building, and</i> (b) <i>the building is at least 3 storeys, not including underground car parking storeys, and</i> (c) <i>the building contains at least 4 dwellings.</i>	The proposed development consists of the erection of new buildings greater than two storeys and comprising greater than three dwellings.
	(4) <i>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>	Applies.
	(5) <i>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.
	(6) <i>To avoid doubt, development to which Chapter 2, Part 2, Division 1, 5 or 6 or Chapter 5 applies may also be residential apartment development under this chapter.</i>	Chapter 2, Part 2, Division 1 (In-fill affordable housing) does apply to this development.
	(7) <i>In this section—</i> <i>underground car parking storey means a storey used for car parking that is—</i> (a) <i>below ground level (existing), or</i> (b) <i>less than 1.2m above ground level (existing).</i>	Noted.
Section 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>	This section does not apply as it is classified as SSD.

Section	Controls	Comment
Section 146 Referral to design review panel for modification applications	(1) <i>This section applies to a modification application for residential apartment development, other than State significant development.</i>	Not applicable.
Section 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> (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>	Smart Design Studio has addressed the design principles and consistency with the ADG in the Architectural Design Report included at Appendix G . It confirms that the proposal appropriately addresses each of the design principles for residential development set out in Schedule 9, as well as the ADG.
	(2) <i>The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority.</i>	Not applicable.
	(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.
	(4) <i>Subsection (1)(c) does not apply to State significant development.</i>	Noted.

Section	Controls	Comment
Section 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. Refer to the below.
	(2) <i>The following are non-discretionary development standards—</i> (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>	Satisfied.
	(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>	Satisfied. As confirmed in the Design Report at Appendix G , the internal apartment areas specified for residential apartment development in the ADG have been met.
	(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>	Satisfied. As confirmed in the Design Report at Appendix G the minimum ceiling heights specified for residential apartment development in the ADG have been met.
Section 149 Apartment Design Guide prevails over development control plans	(1) <i>A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter—</i> (a) <i>visual privacy,</i> (b) <i>solar and daylight access,</i>	This is noted. It is also noted that Development Control Plans are not a matter for consideration in the assessment of SSDAs by virtue of Section 2.10 of the Planning Systems SEPP, which states that ‘Development Control Plans... do not apply to... State significant development’.

Section	Controls	Comment
	(c) common circulation and spaces, (d) apartment size and layout, (e) ceiling heights, (f) private open space and balconies, (g) natural ventilation, (h) storage.	
	(2) This section applies regardless of when the development control plan was made.	Noted.
Chapter 6 – Low and mid rise housing		
Section 163 – Definitions	low and mid rise housing inner area means land within 400m walking distance of— (a) land identified as “Town Centre” on the <u>Town Centres Map</u>, or	This site is located within a LMR housing inner area in Zone R3 Medium Density Residential as it is a 281m walk from Darlinghurst Paddington Town Centre (Oxford Street).
Section 177 – Landscaping – residential flat buildings or shop top housing	(2) Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing unless the consent authority has considered the <i>Tree Canopy Guide for Low and Mid Rise Housing</i> , published by the Department in February 2025.	LMR Tree Canopy Targets are met – as the proposal provides at least 15% of the site as deep soil, and 530.3m ² (24% of site area) (which is above the 20% canopy cover percentage required for sites larger than 1,500m ²).
Section 178 – Minimum lot size for residential flat buildings or shop top housing	(2) 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)— (a) minimum lot size, (b) minimum lot width.	Noted.
Section 180 – Non-discretionary development standards – residential flat	(2) The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing inner area—	The Proposal has an FSR of 2.86:1 (maximum GFA with LMR and affordable housing bonus).

Section	Controls	Comment
<i>buildings and shop top housing in Zone R3 or R4</i>	(a) a maximum floor space ratio of 2.2:1, (b) for residential flat buildings—a maximum building height of 22m, (c) for a building containing shop top housing—a maximum building height of 24m.	The infill affordable housing bonus is proposed to be added to the 22m building non-discretionary development standard. A height variation is proposed, and addressed further at Section 6.1.4 and in the clause 4.6 variation at Appendix X.

1.4.4 Woollahra Local Environmental Plan 2014

The *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) is the local EPI relevant to the site. The proposal's consistency with the relevant clauses of the Woollahra LEP 2014 is assessed below in **Table 7**.

Table 7 Assessment against Woollahra Local Environmental Plan 2014

Clause	Proposal
Clause 2.3 Zone Objectives and Land Use Table	The site is zoned R2 Low Density Residential and R3 Medium Density Residential, whereby the proposed uses are permissible with consent under the WLEP 2014
Clause 2.7 Demolition requires development consent	Demolition of all existing structures on site will be undertaken as part of this proposal. This will be carried out in accordance with the demolition plan provided as part of the Architectural Plans (Appendix F).
Clause 4.3 Height of buildings	The base maximum height of building for the site is part 10.5m (R3 zoned land) and 9.5m (R2 zoned land – 13 Gipps Street). As noted above, the height of the Proposal has been informed by the LMR provisions of the Housing SEPP. Building height is discussed further in Section 6.1.4 and a Clause 4.6 Variation Request is submitted with the SSDA (Appendix X)
Clause 4.4 Floor Space Ratio	The base maximum floor space ratio (FSR) for the site is 0.75:1 for R3 zoned land. As noted above, the FSR of the Proposal has been informed by the affordable housing bonus and LMR provisions of the Housing SEPP. The Proposal is fully compliant with the 2.86:1 control.
Clause 4.6 Exceptions to development standards	As discussed further below in Appendix X (Clause 4.6 variation request), the Proposal seeks to vary the 28.6 maximum building height.
Clause 5.10	As aforementioned, the proposed development is not a heritage item of local significance. However, it is located within the Paddington HCA and in proximity to multiple heritage items of Commonwealth and local significance. A Statement of Heritage Impact has been prepared by GBA Heritage (Appendix K and

Clause	Proposal
Heritage Conservation	demonstrates that the proposed development have an acceptable impact to the HCA and surrounding heritage items, and that will contribute to the Oxford Street streetscape for the following reasons: • The seven buildings proposed for demolition are intrusive elements within the Paddington HCA. • The subject part of Oxford Street was built after the close of WWII and has low heritage sensitivity. • The proposal is for a high-quality architecturally designed structure with superior materials of sandstone cladding and ribbed concrete that will contribute positively to the architectural character of Oxford Street. • The proposal will have an acceptable impact on views and to the HCA, and upon its setting. Due to the built in character of Paddington, the development will have limited visibility from the suburb to the north of Oxford Street. • The proposed building will appear as a background element in views of contributory buildings along Gipps Street and Glenmore Road. • The trees in the Oxford Street footpath rise to around five stories in height and will largely obscure views of the proposed building from that street. Further discussion is provided in Section 6.4.
Clause 6.1 Acid Sulfate Soils	The site is identified as containing Class 5 Acid Sulfate Soils. The Geotechnical Report prepared by Morrow confirms that acid sulfate soils are not typically found in class 5 zones or in residual soil over sandstone bedrock, and therefore further assessment of Acid Sulfate Soils nor an Acid Sulfate Soils Management Plan are required.
Clause 6.10 Earthworks	Earthworks will be ancillary to the development in order to accommodate for the proposed basement excavation. Excavation is proposed to be undertaken to enable the construction of four (4) basement levels, approximately 15m in depth. A Geotechnical Investigation Report has been prepared by Morrow (Appendix V), which provides recommendations to ensure that the proposed excavation of approximately 15m below existing ground level is safely carried out.