# Statutory Compliance Table

## FIVE WAYS, CROWS NEST – STATUTORY COMPLIANCE TABLE

**Table 1: Compliance Table**

<table>
<tr><th>Mandatory Matters For Consideration</th><th>Response</th><th>Document Reference</th></tr>
<tr><td colspan="3">Consideration under the Act and Regulation</td></tr>
<tr><td>Environmental Planning and Assessment Act, 1979</td><td>The proposal is consistent with the objects of the EP&A Act. In particular, the proposal:<ul><li>Promotes the social welfare of community, by providing quality housing opportunities, including affordable housing, in a well-serviced area.</li><li>Allows for orderly and economic development of the land as envisioned in within the strategic plans applicable to the locality.</li><li>Promotes sustainable management of built and cultural heritage within the vicinity of the site.</li><li>Promotes quality design and amenity of the built environment, architecturally designed.</li></ul>Is developed to provide housing for the community and provides public domain benefits for the community.<table><tr><th>Section</th><th>Comment</th></tr><tr><td>Section 4.15(1)(a)(i)<br>Any environmental planning instrument</td><td>Consideration of relevant instruments is discussed in Table 1 below.</td></tr><tr><td>Section 4.15(1)(a)(ii)<br>Any draft environmental planning instrument</td><td>Not relevant to this application.</td></tr><tr><td>Section 4.15(1)(a)(iii)<br>Any development control plan</td><td>Consideration of relevant the development control plan is discussed in Table 4.</td></tr><tr><td>Section 4.15(1)(a)(iiia)<br>Any planning agreement</td><td>Not relevant to this application.</td></tr><tr><td>Section 4.15(1)(a)(iv)<br>Matters prescribed by the regulations</td><td>(a) Refer to Table 1 below.</td></tr></table></td><td>Section 4.3 of EIS</td></tr>
</table>

| | | | |
|---|---|---|---|
| | Section 4.15(1)(b) - (e) | (b) The proposal will not result in any unreasonable environmental impacts on both the natural and built environments and social and economic impacts on the locality. Refer to section 6 of EIS for further details.<br>(c) The site is suitable for the proposed development, as:<br>• Comprehensive Planning Proposal: The site was part of a Planning Proposal process, confirming its strategic and statutory alignment for increased density to support housing and employment growth.<br>• Zoning and Compatibility: Zoned MU1 Mixed Use, the site supports a mix of residential, commercial, and retail uses, including 48 affordable housing units, aligning with the objectives of the land use zone.<br>• Physical Suitability: There are no physical constrains which make the land unsuitable for development. In fact, as the site has already been developed, the site is serviced with existing infrastructure supporting future high-density development and integration into the surrounding environment.<br>• Environmental Suitability: No significant ecological communities or habitats are affected, and the environmental assessment confirmed the site's suitability for the proposed development.<br>• Access to Infrastructure: The site is well-serviced by public transport, roads, and utilities, and is close to amenities like schools and parks, making it ideal for increased density. | |

| Mandatory Matters For Consideration | Response | | Document Reference |
|---|---|---|---|
| | | • Community Benefits: The development provides affordable housing and commercial spaces, contributing to local employment and the economy, supporting the site's suitability.<br>(d) Matter (d) relates to submissions and is a matter for the consent authority following public exhibition of the SSDA.<br>(e) Within the Social Impact Assessment (**Appendix 51 – original submission**) prepared by Sarah George Consulting, no cumulative impacts from other construction projects has been identified, and the proposed development is found to offer public interest benefits, including construction in a designated zone, provision of affordable housing, and employment generation.<br>Overall, the proposal is considered to be suitable for the site, and in the public interest because the proposal is without any unreasonable environmental impacts, in particular, it has been demonstrated that it is without unreasonable traffic, overshadowing, lighting, wind, noise and construction related impacts. In fact, the proposal results in a number of positive impacts such as a high standard of architecture, additional housing including affordable housing, and additional ongoing employment opportunities. It is also noted that the proposal is permissible with consent, compliant with all relevant development standards, consistent with relevant zone objectives, and the site is without any prohibitive constraints. | |
| *Environmental Planning and Assessment Regulation 2021* | Section 61(1) prescribes that the consent authority in in determining a DA must consider Australian Standard AS 2601 – 2001. Any demolition works will be undertaken in accordance with AS 2601-1991. The Demolition of Structures published by Standards Australia. | | Section 6.2.5 of EIS and **Appendix 12 (original submission)** |

| Mandatory Matters For Consideration | Response | Document Reference |
|---|---|---|
| | Section 69 prescribes that any building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA) pursuant to Clause 69 of the EP&A Reg and will be conditioned as part any development consent.<br>Section 193 prescribes that the principles of Ecologically Sustainable Development (ESD) are required to be considered in the assessment of the proposal. An ESD Report has been prepared by E-LAB Consulting. | |
| Relevant Environmental Planning Instruments | | |
| *State Environmental Planning Policy (Housing) 2021* | Chapter 2, Part 2, Division 1 of the Housing SEPP applies to the proposed development. An assessment against section 15C of Division 1 is provided below. | Table 3 below. |
| *State Environmental Planning Policy (Transport and Infrastructure) 2021* | Chapter 2, Division 17 of the T&I SEPP relates to roads and traffic. Section 2.121 of the provision outlines regulations concerning excavation within or near corridors, particularly applicable to development projects involving ground penetration to a depth of at least 3 meters below existing ground level within the road corridors of specified roads, including the Pacific Highway. Before determining a development application pertaining to such projects, the consent authority is required to notify TfNSW within seven (7) days of the application and consider various factors.<br><br>Division 17, Section 2.122 requires the consent authority to provide TfNSW with written notice of the development application for 'traffic-generating development' within the meaning of the SEPP, as set out in Schedule 3 of the SEPP. The Pacific Highway frontage is a "classified road". As the proposal is located along a "classified road" and will provide for residential floorspace equivalent to more than 75 dwellings, it is traffic-generating development. | Section 6.1.3 of the EIS and **Appendix 27 (original submission)** |
| *State Environmental Planning Policy (Resilience and Hazards) 2021* | Chapter 3 of this SEPP states that land must not be developed if it is unsuitable for a proposed use due to contamination. If the land is deemed unsuitable, remediation must take place before development begins. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standard, ensures land is investigated if contamination is suspected, and requires Councils to be notified of all remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist Councils and developers to determine when land has been at risk.<br><br>Clause 4.6 of the SEPP requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and it is satisfied | Section 6.2.10 of the EIS and **Appendix 19 (original submission)** |

<table>
<tr><th>Mandatory Matters For Consideration</th><th>Response</th><th>Document Reference</th></tr>
<tr><td></td><td>that the land is suitable (or will be after undergoing remediation) for the proposed use.<br>The Pre-Demolition Detailed Site Investigation (Appendix 19) determined that subject to the recommendations within the report, the site is suitable for the proposed use.</td><td></td></tr>
<tr><td>State Environmental Planning Policy (Planning Systems) 2021</td><td>Schedule 1, Clause 26A of the State Environmental Planning Policy (Planning Systems) 2021 states that the following development is considered to be SSD –<br>(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—<br>(a) the part of the development that is residential development has a capital investment value of—<br>(i) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City in the Six Cities Region—more than $75 million, or<br>(ii) for development on other land—more than $30 million, and<br>(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.<br>The proposal:<br>1. Is located in the Eastern Harbour City ‘region’ of the Six Cities Region<br>2. Has a capital investment value (CIV) greater than $75 million, and<br>3. Does not involve development prohibited under an EPI applying to the land.<br>Therefore, the development is SSD is accordance with section 26A of the Planning Systems SEPP.</td><td>Estimated Development Cost Report (Appendix 56 – original submission)</td></tr>
<tr><td>North Sydney Local Environmental Plan 2013</td><td>Zoning and Permissibility<br>The site is zoned MU1 Mixed Use under the North Sydney LEP 2013 (NSLEP). Shop-top housing is permitted with consent in the MU1 Mixed Use zone.<br>Objectives of the Zone<br>The proposal is consistent with the objectives of the Zone in the LEP as follows.
<table>
<tr><th>Objective</th><th>Response</th></tr>
<tr><td>To encourage a diversity of business, retail, office and light industrial land uses that</td><td>The proposed development incorporates a mix of retail, and commercial opportunities in the podium to activate the street frontage and foster</td></tr>
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| Mandatory Matters For Consideration | Response | | Document Reference |
|---|---|---|---|
| | *generate employment opportunities.* | employment opportunities within the community. | |
| | *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.* | The ground level design prioritises creating diverse and active street frontages, enhancing pedestrian accessibility, and fostering vibrant public spaces. This approach aims to attract pedestrian traffic, create a sense of community, and contribute to the vitality of the neighbourhood. | |
| | *To minimise conflict between land uses within this zone and land uses within adjoining zones.* | The site directly adjoins three street frontages, with an E2 zone to the north of the site and residential zones further east and southwest of the site. The proposal is consistent with the intended future development on the site, and will not cause conflict with adjoining zones. | |
| | *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.* | The proposal development provides retail activities on the ground floor of building while encouraging pedestrian activity via the through-site link proposed. This approach fosters active street life, enhances accessibility, and contributes to the overall vibrancy of the area. | |
| | *To create interesting and vibrant mixed-use centres with safe, high-quality urban environments with residential amenity.* | The proposal demonstrates commitment to creating mixed-use centres that are not only interesting and vibrant but also safe and of high quality. The focus on urban design, amenities, and ground level activation aims to foster a sense of place, promote social interaction, and enhance the overall liveability of the area. | |
| | *To maintain existing commercial space and allow for residential development in mixed-use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.* | The design approach involves retail and commercial spaces while incorporating residential development above. Non-residential uses are concentrated on lower levels to promote accessibility and pedestrian activity, while residential spaces | |

<table>
<tr><th>Mandatory Matters For Consideration</th><th>Response</th><th>Document Reference</th></tr>
<tr><td></td><td>
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<tr><td></td><td>predominantly occupy higher levels to maximise views, privacy, and residential amenity.</td></tr>
</table>
Other NSLEP provisions
Consideration of the other relevant provisions in the LEP 2013 are assessed in Table 2 below.
The provisions of the Housing SEPP provide a 30% incentive for providing 15% affordable housing, which enables an FSR of 7.54:1 and a height of 78.05m and the building complies with these controls.
A comparison between the NSLEP and Housing SEPP standards is provided in the table below.
<table>
<tr><th>Provision</th><th>North Sydney LEP 2013</th><th>Housing SEPP</th><th>Proposal</th></tr>
<tr><td>Cl 4.3 Height of buildings</td><td>The applicable HOB standard under Clause 4.3 of the North Sydney LEP 2013 is 58.5m.</td><td>With the 30% incentive provided under Section 16(3) of the Housing SEPP, the applicable building height is 76.08m. Under Clause 4.3A of the LEP the maximum permissible building height is 78.05m.</td><td>The maximum HOB proposed 80.305m measured at the top of the rooftop plant room. A Cl4.6 Variation Request has been prepared.</td></tr>
<tr><td>Cl 4.4 Floor Space Ratio</td><td>5.8:1</td><td>7.54:1.</td><td>7.539:1 (GFA of 24,135sqm)</td></tr>
<tr><td>Cl4.6 Exceptions to development standards</td><td>-</td><td>-</td><td>As stated above, a Cl4.6 Variation Request has been prepared for the Height of buildings development standard. Available as Appendix 1 – RtS Submission.</td></tr>
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</td><td></td></tr>
<tr><td colspan="2">Consideration under other legislation</td><td></td></tr>
</table>

| Mandatory Matters For Consideration | Response | Document Reference |
|---|---|---|
| *Environment Protection and Biodiversity Conservation Act 1999* | The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is federal legislation which provides a legal framework to protect and manage nationally important flora, fauna, ecological communities and heritage places defined as 'matters of national environmental significance' (MNES).<br>The BDAR Wavier Request has assessed the relevant provisions of the EPBC Act and is available as **Appendix 41 - original submission**. | BDAR Waiver Request (**Appendix 41 – original submission**) |
| *Biodiversity Conservation Act 2016* | The *Biodiversity Conservation Act 2016* (BC Act) identifies and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Impacts to threatened species and endangered ecological communities listed under the BC Act are required to be assessed in accordance with Section 7.3 of the BC Act. In accordance with the requirements of s.7.9 of the BC Act a biodiversity assessment has been prepared.<br>The BDAR Wavier Request has assessed the relevant provisions of the BC Act and is available as **Appendix 41 - original submission**. | BDAR Waiver Request (**Appendix 41 – original submission**) |
| **North Development Control Plan 2013** | | |
| North Development Control Plan 2013 | Under Section 3.36(9) of the Transport and Infrastructure SEPP, (9) 'a provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subsection (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made' which includes development for the purpose of a school. Notwithstanding, refer to table below for consideration of the relevant DCP provisions. | Table 4 of this Statement. |

**Table 2: NSLEP provisions**

| Clause | Provision | Proposed | Complies |
|---|---|---|---|
| 2.6 Subdivision—consent requirements | (1) Land to which this Plan applies may be subdivided, but only with development consent. | The proposal involves the stratum subdivision of the development.<br>The stratum subdivision includes 3 stratum lots:<br>1. Retail<br>2. Commercial<br>3. Residential | Yes |
| 4.1 Minimum subdivision lot size | N/A | | N/A |

| Clause | Provision | Proposed | Complies |
|---|---|---|---|
| 4.3 Height of buildings | (1) The objectives of this clause are as follows—<br>(a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,<br>(b) to promote the retention and, if appropriate, sharing of existing views,<br>(c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,<br>(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,<br>(e) to ensure compatibility between development, particularly at zone boundaries,<br>(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,<br>(g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone C4 Environmental Living.<br>(2) 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.<br><br>Permissible maximum building height - 58.5m | The applicable HOB standard under Clause 4.3 of the North Sydney LEP 2013 is 58.5m. With the 30% incentive provided under Section 16(3) of the Housing SEPP, the applicable building height is 76.08m. Under Clause 4.3A of the LEP, the development may exceed the maximum building height by a further 2m if the protruding structures are for the purposes of lift overruns, plant rooms, and other associated structures. Therefore, the maximum permissible building height is 78.05m.<br>The maximum HOB proposed 80.305m measured at the top of the rooftop plant room. A Clause 4.6 Variation Request has been prepared. | Clause 4.6 Variation Request (**Appendix 1 – RtS Submission)** |
| 4.3A Exceptions to height of buildings | (2A) Despite clause 4.3, the height of a building on land identified as “Area 2” or “Area 4” on the Height of Buildings Map may exceed the maximum height shown for the land on that Map if— | | |

| Clause | Provision | Proposed | Complies |
|---|---|---|---|
| | (a) the height of the building does not exceed the maximum height by more than—<br>(i) for a building on land identified as "Area 2"—3m, or<br>**(ii) for a building on land identified as "Area 4"—2m, and**<br>(b) the part of the building that exceeds the maximum height comprises the following—<br>(i) lift overruns and associated structures necessary to provide lift access to communal rooftop space,<br>(ii) balustrades or other safety barriers necessary to ensure the safe use of the space,<br>(iii) roof-top plant or equipment.<br><br>Additional height permissible = +2m plant and lift (cl4.3A(2A)(a)(ii))).<br>Total = 60.5m | | |
| 4.4 Floor Space Ratio | (1) The objectives of this clause are as follows—<br>(a) to ensure the intensity of development is compatible with the desired future character and zone objectives for the land,<br>(b) to limit the bulk and scale of development.<br>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.<br><br>An FSR of 5.8:1 is applicable to the site. | Under clause 16 of the Housing SEPP, an additional 30% of FSR is allowed if the development provides at least 15% of affordable housing.<br>The proposal provides affordable housing, therefore with the 30% incentive increase, an FSR of 7.54:1 is applied. | Yes<br><br>Complies with the Housing SEPP |
| 4.4A Non-residential floor space ratios | (1) The objectives of this clause are as follows—<br>(a) to provide for development with continuous and active street frontages on certain land in | The proposal provides a non-residential FSR of 2.5:1. | Yes |

| Clause | Provision | Proposed | Complies |
|---|---|---|---|
| | Zone E1 Local Centre, Zone MU1 Mixed Use and Zone SP2 Infrastructure,<br>(b) to encourage an appropriate mix of residential and non-residential uses,<br>(c) to provide a level of flexibility in the mix of land uses to cater for market demands,<br>(d) to ensure that a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of commercial centres.<br>(2) The non-residential floor space ratio for all buildings within a site on any land must not be less than the ratio shown for the land on the Non-Residential Floor Space Ratio Map.<br>(3), (4) (Repealed)<br>(5) Development consent must not be granted to the erection of a building on land in Zone E1 Local Centre or Zone MU1 Mixed Use unless the consent authority is satisfied that the building will have an active street frontage after its erection.<br>(5A) Despite subclause (5), an active street frontage is not required for the part of the ground floor of a building at 45 McLaren Street, North Sydney that faces Walker Street, North Sydney.<br>(6) Despite subclause (5), an active street frontage is not required for any part of a building that is used for any of the following—<br>(a) entrances and lobbies (including as part of a mixed use development),<br>(b) access for fire services,<br>(c) vehicular access. | | |

| Clause | Provision | Proposed | Complies |
|---|---|---|---|
| | A 2.5:1 non-residential FSR is applicable. | | |
| 4.6 Exceptions to development standards | (1) The objectives of this clause are as follows—<br>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,<br>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances. | The amended proposal seeks to vary the Clause 4.3 Height of buildings development standard. A Clause 4.6 Variation Request has been prepared. | Clause 4.6 Variation Request (**Appendix 1 – RtS submission)** |
| 5.1 Relevant acquisition authority | N/A | | N/A |
| 5.1A Development on land intended to be acquired for public purposes | N/A | | N/A |
| 5.2 Classification and reclassification of public land | N/A | | N/A |
| 5.3 Development near zone boundaries | N/A | | N/A |
| 5.4 Controls relating to miscellaneous permissible uses | N/A | | N/A |
| 5.5 Controls relating to secondary dwellings on land in a rural zone | N/A | | N/A |
| 5.6 Architectural roof features | N/A | | N/A |

| Clause | Provision | Proposed | Complies |
|---|---|---|---|
| 5.7 Development below mean high water mark | N/A | | N/A |
| 5.8 Conversion of fire alarms | N/A | | N/A |
| 5.9 Dwelling house or secondary dwelling affected by natural disaster | N/A | | N/A |
| 5.10 Heritage conservation | (1) Objectives The objectives of this clause are as follows—<br>(a) to conserve the environmental heritage of North Sydney,<br>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,<br>(c) to conserve archaeological sites,<br>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance. | The site is not identified as a heritage item nor is it located within a heritage conservation area. The proposal has however considered the heritage significance of surrounding heritage items in its design.<br>The development is sympathetic to the character of the heritage items in close proximity due to the established street separation. The proposed works are within the established curtilage of the triangular corner block and the building is proportionally articulated by the installation of a podium to break up the bulk and scale. The podium acts as a transition between the lower scale of the heritage listed buildings at the intersection. In addition, the tower over the podium has a generous setback to allow for a roof top community space that overlooks the intersection. | Yes |
| 5.11 Bush fire hazard reduction | N/A | | N/A |
| 5.12 Infrastructure development and use of existing | N/A | | N/A |

| Clause | Provision | Proposed | Complies |
|---|---|---|---|
| buildings of the Crown | | | |
| 5.13 Eco-tourist facilities | N/A | | N/A |
| 5.14 Siding Spring Observatory—maintaining dark sky | N/A | | N/A |
| 5.15 Defence communications facility | N/A | | N/A |
| 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones | N/A | | N/A |
| 5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations | N/A | | N/A |
| 5.18 Intensive livestock agriculture | N/A | | N/A |
| 5.19 Pond-based, tank-based and oyster aquaculture | N/A | | N/A |
| 5.20 Standards that cannot be used to refuse consent—playing and performing music | N/A | | N/A |
| 5.21 Flood planning | (1) The objectives of this clause are as follows— | The site is not located in a flood prone area. | Yes |

| Clause | Provision | Proposed | Complies |
|---|---|---|---|
| | (a) to minimise the flood risk to life and property associated with the use of land,<br>(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,<br>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,<br>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.<br>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—<br>(a) is compatible with the flood function and behaviour on the land, and<br>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and<br>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and<br>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and<br>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. | | |

| Clause | Provision | Proposed | Complies |
|---|---|---|---|
| | (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—<br>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,<br>(b) the intended design and scale of buildings resulting from the development,<br>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,<br>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion. | | |
| 5.22 Special flood considerations | N/A | | N/A |
| 5.23 Public bushland | N/A | | N/A |
| 5.24 Farm stay accommodation | N/A | | N/A |
| 5.25 Farm gate premises | N/A | | N/A |
| 6.10 Earthworks | | The proposal involved excavation works to facilitate the basement. A Geotechnical Report (Appendix 18 of the original submission) has been prepared which has tested and assessed the sub-surface conditions of the site. | Yes |
| 6.12A Residential flat buildings in Zone | The objective of this clause is to ensure that development for residential flat buildings on land in Zone MU1 Mixed Use forms part of mixed use developments and does not impact on the activation of street frontages. Development consent must not be granted for development for the | The proposal involves the construction of a shop-top housing development. The residential component of the development is located above the podium level and will not impact on the activation of the street frontages. | Yes |

| Clause | Provision | Proposed | Complies |
|---|---|---|---|
| | purpose of a residential flat building on land to which this clause applies unless the consent authority is satisfied that—<br>(a) the residential flat building is part of a mixed use development, and<br>(b) no part of the ground floor of the building that is facing a street is used for residential accommodation. | | |
| 6.15 Airspace operations | (1) The objectives of this clause are as follows—<br>(a) to provide for the effective and ongoing operation of the Sydney (Kingsford Smith) Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,<br>(b) to protect the community from undue risk from that operation.<br>(2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.<br>(3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that—<br>(a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or<br>(b) the development will not penetrate the Limitation or Operations Surface. | The Aviation Assessment prepared by Thompson GCS Pty Ltd (**Appendix 22A – original submission**) analyses the impact of a proposed development.<br><br>The key findings of the assessment indicate that the proposed development, including the building and cranes, will not significantly impact aircraft operations, due to their positioning relative to prescribed flight paths. The report highlights compliance with NASF Guideline H in ensuring adequate clearance from the primary helicopter flight path to RNSH helipad and protection of helicopter manoeuvring areas.<br><br>The study identifies that the development will not impede helicopter flight paths to nearby helipads used by Channel Nine and ABC. It also emphasises that similar or taller developments in the Crows Nest area have been previously approved without additional restrictions on aircraft or helicopter operations. The report assures that the proposed development's distance from Sydney Airport (11.7km) will not affect navigation aids or radar systems. | Yes |

| Clause | Provision | Proposed | Complies |
|---|---|---|---|
| | (4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed. | | |

## State Environmental Planning Policy (Housing) 2021

**Table 3: Housing SEPP Compliance Table**

| Provision | Comment |
|---|---|
| ***15A Objective of division*** | |
| *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.* | The proposal seeks to provide 15% affordable housing. This will assist in providing housing for very low, low and moderate income households. |
| ***15C Development to which division applies*** | |
| *(1) This division applies to development that includes residential development if—*<br><br>*(a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and* | The site is zoned MU1 Mixed Use which permits shop-top housing with consent. |
| *(b) the affordable housing component is at least 10%, and* | The proposal seeks to provide 15% affordable housing. |
| *(c) all or part of the development is carried out—*<br>*(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area,* | The site is located on land in the Six Cities Region and is in an 'accessible area' as defined in Schedule 10 of the Housing SEPP. The site is within 250m walking distance of the upcoming Sydney Metro Crows Nest Station, which will offer direct access to Central Station in just 11 minutes upon completion. Additionally, a regularly serviced bus stop is located on the Pacific Highway (southwestern) frontage of the site, which will be less than 20m walking distance from the residential and commercial lobbies of the building. This stop is serviced by 15 regular bus routes, with services operating every 10-30 minutes daily (Mon – Sun) depending on the bus route. |
| *(2) Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning* | In this circumstance, no other environmental planning instrument or a planning agreement |

| Provision | Comment |
|---|---|
| *agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.* | within the meaning of the Act, Division 7.1, requires affordable housing. |
| ***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).* | The applicable FSR under the NSLEP is 5.8:1, with a 30% increase this would equal 7.54:1. |
| *(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—*<br>affordable housing component = additional floor space ratio (as a percentage) ÷ 2 | 30% (additional FSR) divided by 2 = 15% affordable housing. |
| *(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).*<br>***Example****— Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.* | The applicable HOB standard under Clause 4.3 of the North Sydney LEP 2013 is 58.5m. With the 30% incentive provided under Section 16(3) of the Housing SEPP, the applicable building height is 76.08m. Under Clause 4.3A of the LEP, the development may exceed the maximum building height by a further 2m if the protruding structures are for the purposes of lift overruns, plant rooms, and other associated structures. Therefore, the maximum permissible building height is 78.08m.<br>The maximum HOB proposed 80.305m measured at the top of the rooftop plant room. A Clause 4.6 Variation Request has been prepared (**Appendix 1 – RtS Submission**). |
| *(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.* | Not applicable.<br>An FSR control applies to the site. |
| ***19 Non-discretionary development standards – the Act, s4.15*** | |
| *(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. Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.* | Noted. |
| *(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—*<br>*(a) a minimum site area of 450m2* | The are of the subject site is 3,200.60sqm, well above the minimum 450sqm. |

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| *(b) a minimum landscaped area that is the lesser of—*<br>*(i) 35m2 per dwelling, or*<br>*(ii) 30% of the site area* | The landscape area has reached 31.6%. Please refer to compliance diagram drawing LD-DA-002 of **Appendix 13 – RtS Submission**. |
| *(c) a deep soil zone on at least 15% of the site area, where—*<br>*(i) each deep soil zone has minimum dimensions of 3m, and*<br>*(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,* | Not applicable.<br>Refer to 19(3) below. |
| *(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.<br>Refer to 19(3) below. |
| *(e) the following number of parking spaces for dwellings used for affordable housing—*<br>*(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,*<br>*(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,*<br>*(iii) for each dwelling containing at least 3 bedrooms—at least 1 parking space,* | The car parking rates for the development have been based on section 19(2)(f) below, and provide above the minimum requirements for affordable housing as stated in 19(2)(e).<br><br>The proposed car parking totals 190 residential car parking spaces. |
| *(f) the following number of parking spaces for dwellings not used for affordable housing—*<br>*(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,*<br>*(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,*<br>*(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,* | The adopted parking rates for the residential component of the development are consistent with those noted in the Housing SEPP (2021) which are as follows:<br>• 1 bed: 0.5 spaces / dwelling<br>• 2 bed: 1.0 spaces / dwelling<br>• 3 bed: 1.5 spaces / dwelling<br>The proposed car parking totals 190 residential car parking spaces comprising:<br>• 0.5 x 40 one bed = 20<br>• 1 x 114 two bed = 114<br>• 1.5 x 37 three bed = 55.5<br>The above parking rates are consistent with the minimum parking rates provided in 19(f). Given the project includes a significant portion of affordable housing units it is considered appropriate to adopt a consistent parking rate for residential uses across the entire site. |
| *(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development* | As assessment against the ADG have been provided within the Design Report (**Appendix 5 – RtS Submission**). |
| *(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 (d) do not apply. |

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| ***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.<br>Refer to 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.* | Chapter 4 applies to the development. Accordingly, subsection (20)(1) does not apply. |
| *(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—*<br>*(a) the desirable elements of the character of the local area, or*<br>*(b) for precincts undergoing transition—the desired future character of the precinct.* | The proposed development has undergone rigorous design development by Turner and has been reviewed by the State Design Review Plan (SDRP). Please refer to section 6.1.1 of the EIS and the Design Report (**Appendix 5 – RtS Submission**) for a comprehensive analysis of compatibility with the desired future character of the precinct. |
| ***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—*<br>*(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and* | The affordable housing component of the development will be managed as such for at least 15 years. |
| *(b) the affordable housing component will be managed by a registered community housing provider.* | The applicant has obtained in-principal agreement with St George Community Housing to manage the affordable housing component of the development. Please refer to the statement prepared by St George Community Housing (Appendix 83 of the original submission). |
| *(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. |
| ***22 Subdivision permitted with consent*** | |
| *Land on which development has been carried out under this division may be subdivided with development consent.* | A stratum subdivision is proposed. A Draft Stratum Subdivision Plan is available as **Appendix 24 – RtS Submission.** |
| ***Chapter 4 Design of residential apartment development*** | |
| ***142 Aims of chapter*** | |
| *(1) The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes—* | The proposed development satisfies the aims of Chapter 4 of the Housing SEPP as detailed |

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| *(a) to ensure residential apartment development contributes to the sustainable development of New South Wales by—*<br>*(i) providing socially and environmentally sustainable housing, and*<br>*(ii) being a long-term asset to the neighbourhood, and*<br>*(iii) achieving the urban planning policies for local and regional areas,*<br>*(b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces,*<br>*(c) to maximise the amenity, safety and security of the residents of residential apartment development and the community,*<br>*(d) to better satisfy the increasing demand for residential apartment development, considering—*<br>*(i) the changing social and demographic profile of the community, and*<br>*(ii) the needs of a wide range of people, including persons with disability, children and seniors,*<br>*(e) to contribute to the provision of a variety of dwelling types to meet population growth,*<br>*(f) to support housing affordability,*<br>*(g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions,*<br>*(h) to facilitate the timely and efficient assessment of development applications to which this chapter applies.*<br>*(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.* | throughout the EIS and the tables in this document. |
| ***147 Determination of development applications and modification applications for residential apartment development*** | |
| *(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—*<br>*(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,*<br>*(b) the Apartment Design Guide,*<br>*(c) any advice received from a design review panel within 14 days after the consent authority referred the* | (a) Refer to the assessment of Schedule 9 below.<br>(b) Refer to table 6 below. |

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| *development application or modification application to the panel.*<br>*(2) 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.*<br>*(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.*<br>*(4) Subsection (1)(c) does not apply to State significant development.* | |
| ***148 Non-discretionary development standards for residential apartment development—the Act, s 4.15*** | |
| *(1) 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.*<br>*Note—*<br>*See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.*<br>*(2) The following are non-discretionary development standards—*<br>*(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,*<br>*(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,*<br>*(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.* | (a) The proposal provides car parking as required in Part 3J.<br>(b) As detailed in the Design Report (**Appendix 5 – RtS submission)** apartment sizes comply with the ADG.<br>(c) Floor to floor clearances in the proposal's dwellings have been increased from 3100mm to a minimum of 3200mm as suggested by DPHI. This is demonstrated in the amended architectural plans provided at **Appendix 4 (RtS submission)**. |
| ***Schedule 9 Design principles for residential apartment development*** | |
| ***1 Context and neighbourhood character*** | |
| *(1) Good design responds and contributes to its context, which is the key natural and built features of an area, their relationship and the character they create when combined and also includes social, economic, health and environmental conditions.* | The proposal is designed to respond positively to the urban context of Crows Nest and is consistent with the Planning Proposal and site specific DCP developed for the site. The redevelopment of the established Five Ways site will provide new retail and commercial spaces to |

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| *(2) Responding to context involves identifying the desirable elements of an area's existing or future character.*<br>*(3) Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.*<br>*(4) Consideration of local context is important for all sites, including sites in the following areas—*<br>*(a) established areas,*<br>*(b) areas undergoing change,*<br>*(c) areas identified for change.* | activate the site and the overall Crows Nest precinct.<br>The proposal is consistent with the planning envelope developed as part of the Planning Proposal for the site including the programme of retail and commercial spaces in the podium and apartments in the tower above. The proposal is consistent with the tower setbacks above the podium so that there is a distinct tower and podium character. |
| ***2 Built form and scale*** | |
| *(1) Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.*<br>*(2) Good design also achieves an appropriate built form for a site and the building's purpose in terms of the following—*<br>*(a) building alignments and proportions,*<br>*(b) building type,*<br>*(c) building articulation,*<br>*(d) the manipulation of building elements.*<br>*(3) Appropriate built form—*<br>*(a) defines the public domain, and*<br>*(b) contributes to the character of streetscapes and parks, including their views and vistas, and*<br>*(c) provides internal amenity and outlook.* | The proposal has been tailored to resonate with the surrounding character of Crows Nest Village and the Pacific Highway, ensuring a seamless integration into the local streetscapes. Drawing inspiration from the distinctive pattern of retail shopfronts in the area, the design incorporates nuanced articulation and character elements, reflecting a deep understanding of the urban context.<br>Refer to section 6.1.1 of the EIS for further details. |
| ***3 Density*** | |
| *(1) Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.*<br>*(2) Appropriate densities are consistent with the area's existing or projected population.*<br>*(3) Appropriate densities are sustained by the following—*<br>*(a) existing or proposed infrastructure,*<br>*(b) public transport,*<br>*(c) access to jobs,*<br>*(d) community facilities,*<br>*(e) the environment.* | The St Leonards and Crows Nest 2036 Plan and subsequent Planning Proposal for the site, set the baseline controls for density on the site.<br>The 2036 Plan responded to the construction of a new Metro station in Crows Nest (150m from the site) allowing an increase in commercial, retail and residential densities in the area.<br>The proposal achieves further density through the provision of affordable housing allowing a bonus in density and height.<br>Due to the close proximity to Crows Nest Metro, the site is a good location for affordable housing. Existing bus connections surround the site and there are significant workplace, retail and recreational opportunities within the Crows Nest, St Leonards and North Sydney area. |

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| ***4 Sustainability*** | |
| *(1) Good design combines positive environmental, social and economic outcomes.*<br>*(2) Good sustainable design includes—*<br>*(a) use of natural cross ventilation and sunlight for the amenity and liveability of residents, and*<br>*(b) passive thermal design for ventilation, heating and cooling, which reduces reliance on technology and operation costs.*<br>*(3) Good sustainable design also includes the following—*<br>*(a) recycling and reuse of materials and waste,*<br>*(b) use of sustainable materials,*<br>*(c) deep soil zones for groundwater recharge and vegetation.* | The proposal is designed to provide sustainable outcomes including for environmental, social, and economic considerations.<br>Environmental sustainability includes a very high level of natural cross-ventilation to the apartments, consideration of solar ingress and control of glare and heat during the warmer months, the provision of photovoltaic arrays and the collection and re-use of rainwater on site. Further sustainability initiatives include: natural light and ventilation to corridors and lift lobbies, energy efficient lighting, communal recycling facilities, efficient building services, bicycle parking, and end-of-trip facilities for retail staff and the commercial tenancies. |
| ***5 Landscape*** | |
| *(1) Good design recognises that landscape and buildings operate together as an integrated and sustainable system, resulting in development with good amenity.*<br>*(2) A positive image and contextual fit of well designed development is achieved by contributing to the landscape character of the streetscape and neighbourhood.*<br>*(3) Good landscape design enhances the development's environmental performance by retaining positive natural features that contribute to the following—*<br>*(a) the local context,*<br>*(b) co-ordinating water and soil management,*<br>*(c) solar access,*<br>*(d) micro-climate,*<br>*(e) tree canopy,*<br>*(f) habitat values,*<br>*(g) preserving green networks.*<br>*(4) Good landscape design optimises the following—*<br>*(a) usability,*<br>*(b) privacy and opportunities for social interaction,*<br>*(c) equitable access,*<br>*(d) respect for neighbours' amenity.*<br>*(5) Good landscape design provides for practical establishment and long term management.* | An extensive landscaping plan has been prepared to soften the built form and provide amenity benefits for residents and visitors.<br>The ground floor includes new street trees, improvements to the public domain and the incorporation of two new public walks which connect the three streets bounding the site. The design creates new spaces designed for activation including outdoor areas which are more protected from traffic noise.<br>The proposal is designed to maximise the size and usability of the communal open space on Level 3 (top of podium). The podium landscape provides garden spaces for the commercial areas as well as common and private residential gardens. The communal open space provides a desirable environment to encourage activation and interaction between residents.<br>Refer to section 6.2.4 of EIS for further details. |

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| ***6 Amenity*** | |
| *(1) Good design positively influences internal and external amenity for residents and neighbours.*<br>*(2) Good amenity contributes to positive living environments and resident well-being.*<br>*(3) Good amenity combines the following—*<br>*(a) appropriate room dimensions and shapes,*<br>*(b) access to sunlight,*<br>*(c) natural ventilation,*<br>*(d) outlook,*<br>*(e) visual and acoustic privacy,*<br>*(f) storage,*<br>*(g) indoor and outdoor space,*<br>*(h) efficient layouts and service areas,*<br>*(i) ease of access for all age groups and degrees of mobility.* | The proposal has been designed to respond to the street alignments to maximise solar ingress. The arrangement of access corridors and building form provides a highly permeable tower and achieves an excellent natural cross-ventilation result. Solar shading is included to facades that receive morning/ afternoon sun during the warmer months.<br>Apartment plans are designed for ease of furnishing and with areas for storage. Apartment sizes meet or exceed ADG minimum sizes. Apartments are orientated to take advantage of the views around the site. |
| ***7 Safety*** | |
| *(1) Good design optimises safety and security within the development and the public domain.*<br>*(2) Good design provides for quality public and private spaces that are clearly defined and fit for the intended purpose.*<br>*(3) Opportunities to maximise passive surveillance of public and communal areas promote safety.*<br>*(4) A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.* | The development has been designed to create a transition between private and public domains, achieved through the positioning of retail and commercial podiums to naturally separate private residential spaces from the public realm. The separation of commercial and residential lobbies, located on different street frontages, provides additional safety benefits. Retail tenancies at ground level benefit from high-level integration of glazing, promoting natural surveillance of the streetscape and building entry points.<br>Refer to section 6.2.3 of the EIS for further details. |
| ***8 Housing diversity and social interaction*** | |
| *(1) Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.*<br>*(2) Well designed residential apartment development responds to social context by providing housing and facilities to suit the existing and future social mix.*<br>*(3) Good design involves practical and flexible features, including—*<br>*(a) different types of communal spaces for a broad range of people, and*<br>*(b) opportunities for social interaction among residents.* | The proposal includes a wide range of apartment types suitable for different demographics. The proposal also includes affordable housing, allowing a wider-range of people to access housing in the Crows Nest area.<br>The proposal utilises gallery access apartments which are designed to encourage breezes to flow across the apartments from the central common area. Apartment entries include carefully placed windows to allow the ingress of light and cross-ventilation breezes and social interaction with other residents. |

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| ***9 Aesthetics*** | |
| *(1) Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure.*<br>*(2) Good design uses a variety of materials, colours and textures.*<br>*(3) The visual appearance of well designed residential apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.* | The proposal is designed with a podium base addressing the streetscape and public domain context with a tower setback from the podium above. Material selection prioritises longevity and painted surfaces are avoided where feasible.<br>Refer to section 3.5.2 of the EIS for further details. |

## North Sydney Development Control Plan 2013

**Table 4: North Sydney Development Control Plan 2013**

| DCP Provision | Comment |
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| **Part B** | |
| **Section 2 Commercial and Mixed-use Development** | |
| ***2.2.1 Diversity of activities, facilities, opportunities and services***<br>*P1 Non-residential buildings or components of buildings should incorporate a variety of different sized spaces that reflect a site's location in the commercial centre hierarchy (i.e. large floor plates should be provided in higher order centres with small floor plates in lower order centres).*<br>*P2 Consideration should be given to incorporating community and entertainment facilities within a development.*<br>*P3 A variety of uses should be provided at street level, which contributes positively to economic and social vitality.*<br>*P4 Avoid blank walls that face streets and laneways at the ground level.*<br>*P5 Enhance the amenity of the public domain to meet the needs of the workforce, residents and visitors.*<br>*P6 Mixed use developments within the B1 Neighbourhood Centre, B4 Mixed Use or IN2 Light Industrial zones should:*<br>*(a) ensure all residential common areas of the building (including the principal entrance to the building) are accessible to all persons regardless of mobility; and*<br>*(b) have the retail/commercial uses located on the ground floor, retail/commercial or residential uses on the first floor, and residential uses on upper floors.* | The proposal complies with the controls of section 2.2.1 by incorporating a number of different sized commercial and retail tenancies the proposal ensures flexibility to accommodate a diverse range of commercial and retail uses, reflecting the site's location within the commercial centre hierarchy. Furthermore, the inclusion of numerous retail uses on the ground floor directly contributes to the economic and social vitality of the area, as recommended by the DCP.<br>By locating all retail/commercial uses within the podium levels and residential units on upper floors, the proposal complies with the control (P6)(b) for mixed-use developments. This arrangement optimises accessibility and enhances the overall functionality of the development, ensuring that residential common areas remain accessible to all individuals, irrespective of mobility. The proposal demonstrates a comprehensive understanding and integration of the principles outlined in section 2.2.1, promoting a vibrant and inclusive environment. |
| ***2.2.3 Mixed Residential Population***<br>*P1 Mixed use developments incorporating residential accommodation containing less than 20 dwellings must include, at least two of the following dwelling types:*<br>*(a) studio* | The proposed development seeks to provide 188 residential apartments, comprising a range of dwelling typologies. While the distribution slightly deviates from the specified ratios within Table B-2.1, with a higher proportion of 2-bedroom dwellings, |

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| *(b) 1-bedroom*<br>*(c) 2-bedroom*<br>*(d) 3-bedroom*<br>*P2 Despite P1 above, no more than 55% of all dwellings must comprise a combination of both studio and 1-bedroom dwellings.*<br>*P3 Mixed use developments incorporating residential accommodation containing 20 or more dwellings should provide a mix of dwelling sizes in accordance with Table B-2.1.*<br>*P4 Variations to the dwelling mix within P2 or P3 will not be considered, unless the applicant can adequately demonstrate by an authoritative analysis of current and future market demand that the suggested mix is not reasonable.*<br>*P5 In mixed use developments containing residential accommodation, all new dwellings must satisfy the Silver level performance requirements of the Livable Housing Design Guidelines. The incorporation of Gold and Platinum level universal design features is strongly supported.*<br>*P6 A minimum of 20% of dwellings in mixed use developments containing more than 5 dwellings must comprise adaptable housing2 , and be designed and constructed to a minimum Class C Certification under AS 4299 – Adaptable Housing.*<br>*P7 Where adaptable housing is to be provided, the adaptable housing components must:*<br>*(a) be integrated into the overall design of the development, and must not be isolated; and*<br>*(b) not use a different standard of materials and finishes to the remainder of the building.*<br>*P8 Where universally designed and adaptable dwellings are proposed, those dwellings must be clearly identified as such on the submitted development application plans.*<br>*P9 Developments requiring adaptable housing must also satisfy the provisions of Part B: Section 12 - Access of this DCP.*<br>*P10 Provide services and facilities within the development that meet the needs of different population groups and build flexibility into communal spaces to meet changing needs.* | this adjustment is justified by the proposal's alignment with market demands in the Crows Nest area. Importantly, the inclusion of a wide array of apartment types caters to diverse demographics and promotes inclusivity, further enhanced by the incorporation of affordable housing units, thereby facilitating broader access to housing within the community.<br>The design of gallery access apartments serves to allow for natural ventilation and social interaction among residents, contributing to a comfortable and engaging living environment. The strategic placement of windows not only maximises natural light and airflow but also ensures residents' security and privacy. The commitment to providing 20% of apartments as adaptable units highlights the proposal's dedication to promoting accessibility and inclusivity, aligning with the DCP's objectives.<br>The proposal demonstrates a comprehensive adherence to the Liveable Housing Guideline's silver level universal design features across all apartments, with a strong inclination towards incorporating Gold and Platinum level features where feasible. This commitment to universal design principles enhances the overall liveability and accessibility of the development for residents of varying abilities. |
| ***2.3.2 Noise***<br>*P1 Noise emission associated with the operation of non-residential premises or non-residential components of a building must not exceed the maximum 1-hour noise levels (LAeq 1 Hour) specified in Table B-2.3.*<br>*P2 In terms of determining the maximum noise levels as required by P1 above, the measurement is to be taken at the property boundary of the nearest residential premises. Within a mixed use development, the boundary is taken to be nearest floor ceiling or wall to a residential dwelling on the site.* | An Acoustic Memorandum Report has been prepared to support this application as required by the SEARs (Item 12) (**Appendix 16 – RtS Submission)**<br>Please refer to section 6.2.7 of the EIS and for the detailed assessment. |

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| *P3 Despite P1 above, the noise emission associated with the operation of non-residential premises or non-residential components of a building must not exceed 5 dBA above the background maximum 1 hour noise level (LAeq 1 Hour) during the day and evening and not exceeding the background level at night when measured at the boundary of the property.*<br>*P4 Council may require the submission of an Acoustic Report to ensure compliance with P1 above.*<br>*P5 Plant and machinery should incorporate noise reduction measures to minimise their impacts.*<br>*P6 Developments should be designed and / or incorporate features that reduce noise transmission.*<br>*P7 Where practical, development should incorporate adequate measures for tonal, low frequency, impulsive, or intermittent noise.*<br>*P8 Developments must comply with EPA Noise Policy for Industry 2017 in particular the modification required for acceptable noise level (ANL).* | |
| ***2.3.3 Wind Speed***<br>*P1 Buildings should be designed to reduce wind velocity at footpaths and public outdoor spaces.*<br>*P2 Development should not result in the wind speed exceeding 13m/s at footpaths and accessible outdoor spaces.*<br>*P3 A Wind Impact Report, prepared by an appropriately qualified person, must be submitted with any application where the proposal results in the building exceeding 33m in height.* | A Wind Report has been prepared and is available as **Appendix 33 – original submission**. In summary, it is expected that wind conditions for all outdoor trafficable areas within and around the development will be suitable for their intended uses with the inclusion of porous vertical screens.<br>Please refer to section 6.1.2 of the EIS and **Appendix 33 – original submission** for the detailed assessment. |
| ***2.3.4 Reflectivity***<br>*P1 Buildings should provide a greater proportion of solid to void on all facades and use non-reflective materials.*<br>*P2 Buildings should use non-reflective glass and / or recess glass behind balconies.*<br>*P3 Sun shields, such as awnings, canopies and pergolas should be provided to glazed areas.*<br>*P4 Council may require the submission of a Reflectivity Study prepared by a suitably qualified consultant.* | Solar Reflectivity Report has been prepared. In summary, with the incorporation of the recommendations of the Solar Reflectivity Report, the results of this study indicate that the subject development will not cause adverse solar glare to motorists or pedestrians in the surrounding area, or to occupants of neighbouring buildings.<br>Please refer to section 6.1.2 of the EIS and **Appendix 35** for the detailed assessment. |
| ***2.3.5 Artificial Illumination***<br>*P1 External facades of buildings should not be floodlit.*<br>*P2 Where external artificial illumination is proposed:*<br>*(a) it should be designed and sited to minimise glare.*<br>*(b) It must comply with the standards set out in Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting.*<br>*P3 Illumination of roof top and/or podium level facilities is not to exceed the curfew outlined in Table B-2.4.*<br>*P4 Entrances must be well lit and do not produce shadows or adverse glare.* | The signage has been removed from this application. |

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| *P5 Staff entrances which are separated from the main building entrance must be well lit and opportunities for casual surveillance is maximised.*<br>*P6 Timers and sensors should be used to minimise sky glow.*<br>*P7 Council may require the submission of a Lighting Report for a development prepared by an appropriately qualified person.* | |
| ***2.3.7 Solar Access***<br>*P1 Developments within the North Sydney Centre must comply with the height and overshadowing requirements contained within cl.4.3, and cl.6.4 of NSLEP 2013.*<br>*P2 Developments located outside of the North Sydney Centre should be designed and sited such that solar access at the winter solstice (21st June) provides a minimum of 3 hours between the hours of 9.00am and 3.00pm to:*<br>*(a) any solar panels;*<br>*(b) the windows of main internal living areas;*<br>*(c) principal private open space areas; and*<br>*(d) any communal open space areas. located on the subject property and any adjoining residential properties. Note: Main internal living areas excludes bedrooms, studies, laundries, storage areas.*<br>*P3 Despite P2 above, living rooms and private open spaces for at least 70% of dwellings within a residential flat building or shoptop housing should receive a minimum of 2 hours of solar access between the hours of 9.00am and 3.00pm at the winter solstice (21st June).*<br>*P4 New development should not overshadow existing or proposed public open spaces located outside of the North Sydney Centre between 11.30am and 2.30pm.*<br>*P5 Spaces are to be created between taller buildings to avoid a solid mass of development and to allow daylight and/or sunlight to penetrate through to pedestrian level.*<br>*P6 Setbacks must be provided between buildings above the podium level.*<br>*P7 Provide a mix of sun-protected and unprotected areas in public open space, roof top gardens and other outdoor spaces.*<br>*P8 Avoid providing apartments within mixed use developments that have a sole orientation to the south. Where south facing apartments cannot be avoided, ensure that they are provided with adequate access to natural light (e.g. by providing enlarged windows, skylights and the like). No more than 15% of all dwellings in the development must not receive no direct sunlight between 9am and 3pm at mid-winter.*<br>*P9 The use, location and placement of photovoltaic solar panels take into account the potential permissible building form on adjoining properties.* | As required by the SEARs, shadow diagrams and solar access diagrams have been prepared and are available within **Appendix 4 – RtS Submission**. In summary, the shadow diagrams demonstrate that the proposed development will cause any unreasonable overshadowing, and the design allows for 73% solar access to apartments for a minimum of 2hrs on June 21.<br>Please refer to section 6.1.2 of the EIS and **Appendix 4 – RtS Submission** for further the detailed assessment. |

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| ***2.3.9 Acoustic Privacy***<br>*P1 This subsection only applies to the residential component of any mixed use development. P2 New dwellings shall be designed and constructed to comply with the criteria specified in Table B-2.6 for all noise intrusion from external noise sources (including mechanical services noise from within the development itself), with windows and doors closed.*<br>*P3 Where multiple dwellings are provided within the same building, the residential components of the building shall be designed and constructed to comply with the requirements in Table B-2.7 regarding acoustic insulation of walls and floors.*<br>*P4 An acoustic report prepared by a certified acoustic consultant must be submitted with all development applications which involves the construction of 4 or more new dwellings and must address the requirements to P2.*<br>*P5 Buildings are to be designed and rooms positioned to reduce noise transmission within and between dwellings.*<br>*P6 Bedrooms should be designed so that wardrobes provide additional sound buffering between rooms within the dwelling or between adjoining dwellings over and above the requirements in P3 above.*<br>*P7 Windows and doors should be located away from external noise sources, or buffers used where separation cannot be achieved.*<br>*P8 Materials with low noise penetration properties should be used where practical.*<br>*P9 Locate bedrooms and private open spaces away from noise sources such as garages, driveways, mechanical equipment and recreation areas.*<br>*P10 Mechanical equipment, such as pumps, lifts or air conditioners should not be located adjacent to bedrooms or living rooms of dwellings within the development or on adjoining properties.*<br>*P11 Where dwellings are located on busy roads incorporate the following into the design of the development to reduce traffic noise within the dwelling:*<br>*(a) cavity brick walls;*<br>*(b) double glazing;*<br>*(c) solid core doors;*<br>*(d) concrete floors; and*<br>*(e) recessed balconies.*<br>*P12 Development comprising places of public worship, hospitals, educational facilities or child care centres or containing residential uses on land which is on or is within 100m of a railway corridor, a road corridor for a freeway, a tollway, a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS) must consider the requirements of the DoP's Development Near Rail Corridors and Busy Roads –* | An Acoustic Memorandum Report has been prepared to support this application as required by the SEARs (Item 12) (**Appendix 15 – RtS Submission)**<br>Please refer to section 6.2.7 of the EIS and for the detailed assessment. |

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| *Interim Guideline (19 December 2008) in accordance with cl.87(2) and cl.102(2) of SEPP (Infrastructure) 2007. An acoustic report may be required to be prepared to demonstrate compliance with this Guideline and the acoustic requirements within cl.87(3) and cl.102(3) of the SEPP (Infrastructure) 2007.*<br>*P13 Where possible, avoid the use high brick fences on busy roads. High fences present a harsh and bland appearance to the street, obstruct views from the footpath to gardens and dwelling entries, reduce amenity for pedestrians and reduce casual surveillance of the street. Try to reduce acoustic impacts through other acoustic reduction measures.* | |
| ***2.3.10 Vibration***<br>*P1 Development on land which is on or is within 60m of a railway corridor, or is adjacent to a road corridor for a freeway, a tollway, a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS) must consider the requirements of the DoP's Development Near Rail Corridors and Busy Roads – Interim Guideline (19 December 2008) in accordance with cl.87(2) and cl.102(2) of SEPP (Infrastructure) 2007. In particular, consideration should be given to the vibration criteria contained within the Department of Environment Climate Change and Water's Assessing Vibration: a technical guideline. A vibration assessment report may be required to be prepared to demonstrate compliance with these Guidelines.* | A Construction Noise and Vibration Monitoring Report has been prepared to support this application as required by the SEARs (Item 12) the report is available as **Appendix 82 (original submission)**.<br>Please refer to section 6.2.7 of the EIS and **Appendix 82 (original submission)** for the detailed assessment. |
| ***2.3.11 Visual Privacy***<br>*P1 Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.*<br>*P2 Where windows are located with a direct outlook to windows of an adjacent dwelling, the windows must be provided with a minimum sill height of 1.5m, or use fixed obscure glazing or other privacy devices.*<br>*P3 Provide suitable screening structures or planting to minimise overlooking from proposed dwellings to the windows, balconies or private open space of adjacent dwellings, to windows, balconies or private open space of dwellings within the same development.*<br>*P4 Provide visual separation between any non-residential use and residential uses within buildings and sites.*<br>*P5 The residential components of mixed use developments are to provide adequate separation between habitable rooms, balconies and non-habitable rooms, consistent with SEPP 65. The relevant separation distances are reproduced in Table B-2.8.*<br>*P6 Council may consider a variation to the building separation control within P5 above, but only where the applicant can demonstrate that the variation has been made in response to site and context constraints and that the variation is not made at the expense of amenity (e.g.* | A response to the provisions of the ADG is provided in the Design Report (**Appendix 5 – RtS Submission**). The proposal achieves adequate building separation to adjoining properties as they are located on the opposite side of the streets.<br>The proposal is carefully designed to manage privacy between private and communal spaces by way of screens, and landscaping. Care has been taken to ensure that the private spaces and windows between apartments are set such that there are no direct sight lines that might compromise privacy. The communal open space is designed so that the Level 3 apartments are less affected by other residents using the space. |

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| *visual and acoustic privacy, outlook, solar access). However, Council will not consider a variation if an apartment's only outlook is onto an area that is under the minimum building separation distance.* | |
| ***2.4.3 Setbacks***<br>*P1 Provide a setback for public space at ground level where indicated in the relevant area character statement (refer to Part C of the DCP).* | Please refer to section 3.2.3.3 of this DCP table. |
| ***2.4.4 Podiums***<br>*P1 Where required, a podium must be provided along all street frontages including laneways, with a height and setback above the podium, in accordance with the relevant area character statement (refer to Part C of the DCP).*<br>*P2 Podiums should match the height and setbacks of adjacent buildings or the average of the heights of the adjacent podiums having regard to their existing nature and/or their redevelopment potential.*<br>*P3 Where the ground level changes across the width of a site, the podium should be stepped at an appropriate location to maintain a characteristic podium height.* | Please refer to section 3.2.3.5 of this DCP table. |
| ***2.4.5 Building Design***<br>P1 Floor to ceiling heights should be provided in accordance with the minimum requirements set out in Table B-2.9.<br>P2 Council may consider a variation to the minimum requirements in P1, but only if the applicant can demonstrate that the dwelling or non-residential floor space is capable of receiving satisfactory natural daylight and ventilation (e.g. shallow apartments / commercial tenancies with large amounts of window area).<br>P3 The apparent length of buildings should be broken down through the use of articulation, design and detailing, changes in materials and colours.<br>P4 High quality materials should be used throughout the building design.<br>P5 Podiums are to be built to the boundary of the site unless providing a setback for public space at ground level as required by the relevant area character statement (refer to Part C of the DCP).<br>P6 Buildings should be built predominantly to setback alignment.<br>P7 Building should be articulated and have a positive relationship with the public domain in terms of scale and setbacks. | A response to the provisions of the ADG is provided in the Design Report (**Appendix 5 – RtS Submission**). A minimum floor-to-floor height of 3.2m has been used to allow the ADG and DCP recommendation of 2.7m ceiling height to be achieved in living, dining and bedroom areas. The proposed ceiling height to the kitchen has been reduced to 2.4m to allow for bulkheads to accommodate services including air handling units and hydraulic services. While this approach still achieves the intent of the objective by providing light to a greater depth of the habitable areas, it does not strictly comply with the objective.<br>In some cases a reduced ceiling height or bulkhead is used in other habitable rooms for mechanical services. In these cases the minimum ceiling level will be 2.4m.<br>Bulkheads will be minimised in these rooms and placed at the perimeter of the space so that natural ventilation and daylight are maximised. All apartments achieve sufficient daylight access and natural ventilation. As the kitchen is typically located at the rear of the living areas, the reduced ceiling height above the kitchen has a minimal effect on the access of daylight from the facade and natural ventilation. |
| ***2.4.7 Junction and Termination of Street***<br>*P1 Buildings located on the corner of a street intersection or at the termination of a street should:* | As detailed in the Design Report (**Appendix 5 – RtS Submission**) the design addresses each intersection due to |

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| (a) *be designed with increased emphasis to anchor primary vistas and nodal points;*<br>(b) *be designed such that the corner of the building addressing an intersection is reinforced through utilisation of splays, curves, building entries and other architectural elements;*<br>(c) *where located at a street intersection, incorporate a minimum 1.5m splay measured from the corner of the intersection along each property boundary; and*<br>(d) *be designed such that the building's height is concentrated on that section of the building located at the corner of the street intersection or is centralised on the street façade where it is located at the termination of a street.* | the triangular shape of the site and proposed built form.<br>The design considers the local context, with facades tailored to nearby retail structures and a tower layout optimised for solar control. The podium design echoes neighbouring High-Street retail buildings while prioritising natural ventilation and solar shading for energy efficiency. |
| ***2.4.8 Balconies – Apartments***<br>*P1 Balconies must be incorporated within building envelope (as specified by setbacks and or building height plane) and should not be located on roofs, podiums or be cantilevered.*<br>*P2 Balconies should be integrated into the overall architectural form and detail of the building.*<br>*P3 No balconies, verandahs or the like are to project over the public domain.*<br>*P4 Where a proposal involves the conversion of an existing commercial building, and that commercial building's envelope does not comply with the setback and/or building envelope controls for the site, any new balcony must not project beyond the existing building's envelope.*<br>*P5 Balconies should not be enclosed. P6 Notwithstanding P5, Council may permit the enclosure of a balcony, but only if:*<br>*(a) the building is predominantly characterised by enclosed balconies; or*<br>*(b) if the building is not predominately characterised by enclosed balconies, subject to the approval of a balcony strategy for the building.*<br>*P7 A balcony strategy should:*<br>*(a) include details outlining the size, scale and choice of materials of the proposed enclosure/s); and*<br>(b) *be adopted by the body corporate before being submitted to Council.* | As detailed in the Design Report (**Appendix 5 – RtS Submissions**) all balconies and areas of private open spaces meet or exceed the minimum requirements of the ADG. Podium level apartments have minimum private open space areas of at least 15sqm. Terraces areas are proportioned to allow sufficient room for outdoor furniture to support social gatherings. Landscape areas adjacent to the terrace areas contribute to the outlook and amenity of the space but are part of the communal open space so that the landscape can be appropriately managed by the body corporate.<br>The terrace areas therefore meet the objectives of the ADG in terms of usability and amenity. |
| ***2.4.9 Through Site Pedestrian Links***<br>*P1 Provide linkages through sites to other streets and laneways as identified in the relevant area character statement (refer to Part C of the DCP) applying to the site or where enhancing pedestrian movement to public transport infrastructure.*<br>*P2 Provide linkages to facilities, outdoor spaces and public transport.* | As detailed on the Architectural Plans (**Appendix 4**) and within the Design Report (**Appendix 5**), two (2) through-site links are provided, connecting the site across Falcon Street to the northeast and Alexander Street to the southeast, as envisioned in the Crows Nest character statement.<br>These through-site pedestrian links aim to enhance pedestrian permeability within commercial and mixed-use centres, |

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| *P3 Provide public access through pedestrian links from 6am to 10pm daily.*<br>*P4 Pedestrian links must be lined with active uses along at least one side of the link to engage pedestrians.*<br>*P5 Pedestrian links must be a minimum of 6m in width that is free from obstructions.*<br>*P6 Escalators must be provided within the link where there is a substantial change in level.*<br>*P7 The number of pedestrian entries to the link is maximised.*<br>*P8 The extent of natural light to the link should be maximised where possible.*<br>*P9 Where a through-site link is to be provided along the side boundary of a property, it should be open to the sky.*<br>*P10 Signage must be provided at the entry to the linkage, indicating public accessibility and the street to which the connection links.*<br>*P11 Opportunities for integration of public art installations within the link are to be maximised.*<br>*P12 The linkage is to be designed to positively respond to the "safer by design" principles.* | facilitating easier access to facilities, outdoor spaces, and public transport. |
| ***2.4.10 Streetscape***<br>*P1 The ground level of buildings should align with the corresponding level of the adjacent footpath, laneway or outdoor space.*<br>*P2 Continuous active uses, such as shops and cafes, should be provided at the ground level of the building to all streets, laneways and public spaces.*<br>*P3 Where practical, the building's ground level façade to a laneway should be provided as an active frontage (e.g. has a retail or commercial premises fronting the laneway).*<br>*P4 Landscaping and changes in level at building frontages is to be avoided where possible to facilitate natural surveillance of public areas and views into buildings.*<br>*P5 All ground level windows fronting street, laneways and public spaces must be glazed with clear glass, to promote active surveillance of the public domain.*<br>*P6 All ground level shopfronts are to have a zero metre setback unless specified in the relevant area character statement (refer to Part C of the DCP).*<br>*P7 Introduce visually interesting elements to the building façade such as articulation, detailing and art works.*<br>*P8 Streetscape elements, such as street furniture, lighting, paving, awnings, outdoor seating and umbrellas, are to be consistent with Council's Public Domain Style Manual and Design Codes.*<br>*P9 Undergrounding of overhead infrastructure should be provided in association with significant new development, consistent with the North Sydney Council Undergrounding Master Plan.* | As detailed in the Design Report (**Appendix 5 – RtS Submission**) ground levels is aligned with adjacent footpaths, laneways, and outdoor spaces, supporting integration with the surrounding environment. Continuous active uses (retail tenancies) are strategically incorporated at ground level, enhancing street-level vitality and pedestrian engagement. Efforts are made to provide active frontages to laneways, where practical, further enriching the urban fabric.<br><br>Landscaping and changes in level at building frontages are minimized to ensure natural surveillance and promote views into buildings. Ground level windows are glazed with clear glass to facilitate active surveillance of public areas. |

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| ***2.4.11 Entrances and Exits***<br>P1 Main entrances and exits located at the front of the site must be directly visible from the street.<br>P2 At least one main entrance to the building provides a continuous path of travel.<br>P3 Entrances must not be obscured by landscaping or other obstacles and have clear sight lines.<br>P4 Entrances are clearly identifiable to reduce confusion and unintentional entry.<br>P5 If exits to the building are closed after hours, this must be indicated at the entrance of the building.<br>P6 Entrance lobbies are well illuminated, with seating provided and a firm and level nonslip floor surface.<br>P7 Places of safe refuge are incorporated into the overall design of buildings. Lift lobbies or toilets may be used as all or part of a safe refuge.<br>P8 Access to the building must be designed in accordance with the provisions contained within Part B: Section 12 – Access of the DCP.<br>P9 Separated pedestrian entrances and lobbies are to be provided where it is proposed to accommodate within the same building, the following mixture of land uses:<br>(a) residential accommodation and non-residential development; or<br>(b) hotel or motel accommodation or serviced apartments and any other form non-residential development. | As detailed in the Design Report (**Appendix 5 – RtS Submission**) the residential and commercial lobbies are located centrally and have access to all surrounding streets and transport via the two public walks. The commercial lobby directly addresses the Pacific Highway frontage and the residential lobby the Alexander Street frontage. |
| ***2.4.1 Public Spaces and Facilities***<br>*P1 In terms of built form and intensity, new development should respect the scale, character and density of existing development located adjacent to business zoned land.*<br>*P2 Development should not detrimentally affect the amenity of the existing area, having regard to its redevelopment potential.*<br>*P3 A range of outdoor spaces should be provided. Larger spaces and deeper footpaths provide opportunities for a wider range of activities to be accommodated.*<br>*P4 Avoid cluttering spaces and changes of level.*<br>*P5 Locate facilities that attract people, such as public phones, seating and information kiosks, in public spaces to reinforce activity at ground level.*<br>*P6 Avoid over-management of public spaces by security patrols or through the use of closed circuit television (CCTV).* | As detailed in section 6.2.3 of the EIS, within the Design Report (**Appendix 5 – RtS Submission**), and CPTED Assessment (**Appendix 38 – original submission**), the proposal respects the existing and future character of the area.<br>In relation to outdoor spaces, the design incorporates two (2) pedestrian walks that elegantly divide the podium into three distinct forms, fostering activation and creating opportunities for retail tenancies.<br>Please refer to section 6.2.3 of the EIS, Design Report (**Appendix 5 – RtS Submission**), and CPTED Assessment (**Appendix 38 – original submission**) for the detailed assessment. |
| ***2.5.1 Accessibility***<br>*P1 Buildings are to be designed in accordance with the provisions contained within Part B: Section 12 - Access of the DCP.* | The development has been designed in accordance with accessibility requirements.<br>Please refer to section 6.1.1 of the EIS and Access Report (**Appendix 16 – RtS Submission**) for the detailed assessment. |
| ***2.5.2 Safety and Security*** | The development has been designed to minimise any potential safety and crime |

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| *P1 Design routes between building entrances to maximise personal safety. Routes from parking areas to lift lobbies are particularly important in this regard. Clear lines of sight and well lit routes are required.*<br>*P2 Where open space and pedestrian routes are provided, they must be clearly defined, and have clear and direct sightlines for the users.*<br>*P3 Adequate lighting must be provided to open spaces, entrances and pedestrian areas to avoid the creation of shadowed areas.*<br>*P4 Rear service areas and access lanes should either be well secured or easily visible.*<br>*P5 Land use activities which operate after normal business hours should be located along well-used pedestrian routes.*<br>*P6 Public toilets, telephones and other public facilities must be provided with direct access and good visibility from well-used public spaces.*<br>*P7 Robust and durable design features should be used where relevant to discourage vandalism.*<br>*P8 Consider the use of bollards or low walls and the careful design of shopfronts to decrease the likelihood of ram raids and provide higher levels of security for shop owners or tenants.*<br>*P9 The use of security grilles at the street frontage is discouraged. If security grilles are necessary then install on the inside of the shopfront and maintain clear visibility into the shop. Use toughened glass.*<br>*P10 Solid security rollers to shopfronts are not permitted.*<br>*P11 Fire escapes should not be recessed into the building form. If it is necessary locate them in recesses, then the recess must be shallow to provide for personal security of pedestrians.*<br>*P12 Buildings should be designed to allow for the overlooking and natural surveillance of rear lanes (e.g. from retail and other uses at all levels of the building).*<br>*P13 Rear lanes should be provided with safe and secure lighting.*<br>*P14 Clear sight lines should be maintained around all vehicle access points.*<br>*P15 Street numbering of buildings must be clearly visible from street at all times of the day such that they are easily identifiable.* | risks. The principles of Crime Prevention through Environmental Design (CPTED) have been incorporated into the design to ensure a high level of personal safety and security is provided within the development.<br>Please refer to section 6.2.3 of the EIS and the CPTED Assessment available as **Appendix 38 – original submission** for the detailed assessment. |
| ***2.5.4 High Quality Residential Accommodation***<br>*P1 Apartments within mixed use developments, must be designed to provide the following minimum internal areas3:*<br>*(a) Studio 35m2*<br>*(b) 1 bedroom 50m2*<br>*(c) 2 bedrooms 70m2*<br>*(d) 3+ bedrooms 90m2*<br>*P2 Include courtyards, balconies and gardens as the principal open space area for residents. These should have* | As detailed in the Design Report (**Appendix 5 – RtS Submission**) Apartment sizes comply with the ADG.<br>A range of apartment typologies are provided, adding to the flexibility and affordability of the development.<br>All habitable rooms will include windows so that there is no point where a window is not visible. |

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| *solar access for a minimum of 2 hours a day measured at June 21st .*<br>*P3 Communal corridors must have a minimum width of 2m to facilitate movement (i.e. no right angled corners).*<br>*P4 No more than 8 dwellings are to be accessible from a single common lobby space.*<br>*P5 Avoid the use of double loaded corridors.*<br>*P6 Maximum depth of a habitable room from a window, providing light and air to that room, is 10m.*<br>*P7 Apartments have a minimum width of 4m. An apartment's width should increase relative to an increase in its depth.*<br>*P8 Single aspect apartments have a maximum depth of 8m from a window.*<br>*P9 The habitable space serviced by a window is no more than 10 times the glazed area of the window.*<br>*P10 At least 60% of apartments are to be provided with cross ventilation (i.e. window openings that face different directions). For apartments with no cross ventilation, ceiling fans must be provided.*<br>*P11 Utilise double glazing, awnings or window solar screens to reduce reliance on artificial cooling of buildings.*<br>*P12 The amount of glazing on eastern and western elevations is to be minimised and incorporate external shading devices.*<br>*P13 Amenity and safety of residents is protected from intrusion by users of the non-residential parts of the development (e.g. through the use of security access to lifts and car parking.* | Please refer to **Appendix 5 – RtS Submission** for further details. |
| ***2.5.6 Private Open Space***<br>*P1 Apartments within mixed use developments must provide at least one private open space with the following minimum areas:*<br>*(a) Studio 4m2*<br>*(b) 1 bedroom 8m2*<br>*(c) 2 bedrooms 10m2*<br>*(d) 3+ bedrooms 12m2*<br>*P2 Private open spaces must provide a minimum depth of 2m, or 2.4m where it relates to a 3+ bedroom apartment.*<br>*P3 Where apartments are proposed without private open space, the size of the apartment must be increased by the minimum private open space requirement.*<br>*P4 Private open spaces should be located such that they are directly accessible off a main living area of the dwelling.*<br>*P5 In addition to the requirements of P1, multi-dwelling developments are encouraged to provide communal residential areas to encourage social interaction. Notes: It is considered best practice to provide communal areas in the order of 25% to 30% of the site area. A reduction in this requirement could be considered acceptable where private* | As detailed in the Design Report (**Appendix 5 – RtS Submission**) all balconies and areas of private open spaces meet or exceed the minimum requirements of the ADG. Podium level apartments have minimum private open space areas of at least 15sqm.<br>The communal open space occupies most of the Level 3 (podium top) floor. The landscape space includes open-to-sky, undercroft, shaded areas. The design intent is to create a dynamic and attractive series of spaces with protection from the elements and a haven from the busy surrounding streets. Over 50% of site area is classified as communal open space on the podium level.<br>Please refer to **Appendix 5 – RtS Submission** for further details. |

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| *open spaces in excess of the minimum requirements are provided.*<br>*P6 Communal residential spaces:*<br>*(a) should comprise a mixture of indoor and outdoor spaces (such as gymnasium, pool and meeting rooms for residents);*<br>*(b) must be provided in developments containing more than 15 bedrooms, with a minimum area of 20m2 or 1m2 per bedroom, whichever is the greater;*<br>*(c) may be provided in form of an internal room as long as it has a minimum area of 75% of the total residential communal area requirement (as required in P6(b) above), with the remainder appropriately located in the external recreation area; and*<br>(d) *must be provided with access to natural light and not be located in basements.* | |
| ***2.5.7 Vehicular Access***<br>*P1 Where available and practical, all vehicle access must be provided from laneways.*<br>*P2 Service vehicle access should be combined with parking access.*<br>*P3 Vehicular access points should be limited to a maximum of one access point per building.*<br>*P4 Where possible, shared or amalgamated vehicle access points with an adjoining building should be provided.*<br>*P5 Vehicle entries, walls and ceilings should be finished with high quality materials, finishes and detailing, similar to the overall external facades of the building.*<br>*P6 Service ducts and pipes should be concealed when viewed from the public domain.*<br>*P7 Parking areas must be designed to enable vehicles to enter and leave the site in a forward direction.* | As detailed in the TIA (**Appendix 14 – RtS Submission**), the proposed site access strategy includes a single 9-meter-wide driveway off Alexander Street, catering to residents, visitors, and service vehicles. This choice is deemed appropriate as both Falcon Street and the Pacific Highway are State Classified roads. Compliance with Clause 2.118 of SEPP (Transport and Infrastructure) 2021 is ensured, as Alexander Street, a local road, provides suitable vehicular access to the site.<br>Please refer to section 6.1.3 of the EIS and **Appendix 14 – RtS Submission** for the detailed assessment. |
| ***2.5.8 Car Parking***<br>*P1 Provide on-site car parking in accordance with Part B: Section 10 – Car Parking and Transport of the DCP.*<br>*P2 All car parking must be provided underground.*<br>*P3 Where security doors/gates are proposed provide an intercom system to facilitate visitor/service access to underground parking areas.*<br>*P4 Disabled and visitor parking spaces must be designated common property once the development is subdivided.* | As detailed in the TIA (**Appendix 14 – RtS Submission**), all parking is provided in the basement levels. Please refer to section 6.1.3 of the EIS and **Appendix 14 – RtS Submission** for the detailed assessment. |
| ***2.5.9 Garbage Storage***<br>*P1 Communal on-site waste storage, recycling and collection points must be provided for each development site.*<br>*P2 Separate waste storage facilities must be provided where a development contains a mixture of both residential and commercial uses. Access to these separate storage areas is to be restricted to their respective users.* | A comprehensive Operational Waste Management Plan (**Appendix 26 – RtS Submission**) has been prepared in accordance with Council's requirements for operational waste management. Please refer to section 6.2.11 of the EIS and **Appendix 26 – RtS Submission** for the detailed assessment. |

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| *P3 A garbage storage area should be located within 2m of the street or laneway boundary.*<br>*P4 Notwithstanding P3 above, a garbage storage area may be located anywhere on a site, but only if a garbage collection area, capable of accommodating all of the required bins for the entire development is located within 2m of the street or laneway boundary.*<br>*P5 Garbage storage facilities should not be located in conjunction with the main pedestrian entrances to a building.*<br>*P6 Garbage bins stored in a collection facility should be located within 3m of the facility's entrance.*<br>*P7 Convenient access for on-site movement and collection should be provided.*<br>*P8 More than one communal on-site waste storage and recycling area should be provided on large or steep sites, or where there is more than one Council collection point.*<br>*P9 Garbage storage areas must be screened from streets and laneways to discourage the illegal dumping of rubbish and unsightly mess visible to pedestrians.*<br>*P10 Garbage storage areas must be located and managed to avoid causing a nuisance from smells, insects or animals.*<br>*P11 Sufficient space must be provided to accommodate any on-site treatment facilities (e.g. compaction) proposed to be incorporated.*<br>*P12 Garbage storage areas should be adequately protected from inclement weather. Where appropriate, the area should be enclosed or undercover.*<br>*P13 Storage areas must be well ventilated and drained to a lawfully approved sewerage system.*<br>*P14 Where a garbage chute is provided or required:*<br>*(a) a separate garbage chute must be provided for the residential and commercial components of the building;*<br>*(b) the garbage chute room must be adequately ventilated and incorporate fire safety and other services in accordance with the BCA.*<br>*P15 Garbage facilities are to be designed and constructed in accordance with Council's Waste Management Guide (refer to Appendix 3).*<br>*P16 On-site garbage storage areas must be provided which are capable of accommodating the number of garbage and recycling bins as indicated in Table B-2.10. However, industry standards for waste generation rates may be used where these differ from the Council rates or if no Council rate is given.*<br>*Etc…* | |
| **Part C** | |
| **Section 3 – St Leonards/Crows Nest Planning Area** | |
| ***3.2.2.1 Diversity of activities, facilities, opportunities and services*** | The proposal provides a large scale commercial and mixed-use development in |

| DCP Provision | Comment |
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| *P1 Intensify commercial and mixed-use development in close proximity to the Metro station and along the Pacific Highway with active uses at the ground floor levels, commercial within the podium levels and residential above.*<br>*P2 Maintaining a low scale-built form to Willoughby Road, between Falcon Street and Albany Street, with two storey parapet shopfronts with shops at ground level, non-residential or residential above, with additional height set back above a 2-storey parapet.*<br>*P3 Predominantly medium rise mixed use development built boundary to boundary, with setbacks to laneways, and above the podium, with shops at ground level, non-residential/residential on first floor and residential above.*<br>*P4 Medium density residential development along Falcon Street, consistent with its residential zoning.*<br>*P5 Expansion of Hume Street Park to provide a large, connected piece of open space connecting Willoughby Road to Oxley Street.*<br>*P6 Provision of a new public open space off Holtermann Street and backing onto the Crows Nest Community Centre.* | close proximity to the new Sydney Metro station and high service bus stops.<br>The development includes a variety of retail opportunities on the ground floor level to activate the public domain as well as providing commercial uses within the podium levels with residential accommodation commencing above the podium.<br>Please refer to section 6.1.1 of the EIS and the Design Report (**Appendix 5 – RtS submission**) for the detailed assessment. |
| ***3.2.2.2 Accessibility and Permeability***<br>*P1 Provide, retain and enhance through site links for pedestrians identified on the Through Site Link Map (refer to Figure 3.2-2).*<br>*P2 New through site links are to align as best as possible with existing through site links to maximise permeability.*<br>*P3 Through site links that are proposed in addition to those identified under P1 must demonstrate that it meets the objectives and provisions of this subsection.*<br>*P4 Through site links are to be provided in accordance with Section 2.4.9 to Part B of the DCP and the following criteria:*<br>*(a) The design and finish must be in accordance with the relevant Public Domain Strategy.*<br>*(b) Include landscaping where practical to assist guiding people along the link while maintaining long sightlines.*<br>*(c) Be fully open to the sky. Internal through site links will only be considered where they are provided with double height spaces to convey a sense of publicness.*<br>*(d) Provide public access 24 hours a day 7 days a week.*<br>*(e) Be activated on both sides of the link.*<br>*(f) Be clearly distinguished from vehicular accessways.* | The proposed design revisions align with the provisions outlined for accessibility and permeability, ensuring enhanced pedestrian connectivity within the site. While the Through Site Link Map initially indicated a single link from the corner of Alexander Street and Falcon Street to the Pacific Highway, practical considerations during design development led to the rationalisation of this approach. As a result, two (2) new through site links are now proposed instead of one (1) to achieve greater connectivity and efficiency in pedestrian movement. Although this adjustment deviates from the initial plan, it is in line with the overarching objectives of providing, retaining, and enhancing through site links for pedestrians as identified in the DCP. |
| ***3.2.3.6 Active frontages***<br>*P1 Buildings must contain active frontages to all street frontages, with the exceptions of public laneways. P2 Where a site has a direct frontage to an existing or proposed open space, an active frontage is to be provided to that interface.* | Active frontages are provided along all frontages and both sides of the through site links.<br>The development aims to promote lively and active street and laneway frontages, creating a vibrant and engaging environment for pedestrians. |

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| *P3 Active frontages are to be provided along both sides of through site links.*<br>*P4 Active frontages to public laneways are encouraged where practical but not where they do not have an interface with residentially zoned land.*<br>*P5 Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.*<br>*P6 Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.*<br>*P7 Avoid the use of colonnades along all street frontages.* | Please refer to the Design Report at **Appendix 5 – RtS submission** for further details. |
| ***3.2.3.9 Car Accommodation***<br>*P1 Where a property has a frontage to a laneway, vehicular access must be made from the laneway.*<br>*P2 No vehicular access is permitted to:*<br>*(a) Willoughby Road,*<br>*(b) Pacific Highway, or*<br>*(c) Falcon Street*<br>*P3 Shared vehicular access to Shirley Road must be maintained to all properties between 286 and 306 Pacific Highway.*<br>*P4 All off-street car parking must be provided underground, except when owned and operated by Council as a public car park.*<br>*P5 The level of parking provided on sites in close proximity to the metro station should be minimised as far as practical.* | As detailed in the TIA (**Appendix 14 – RtS Submission**), the proposed site access strategy includes a single 9-meter-wide driveway off Alexander Street, catering to residents, visitors, and service vehicles. This choice is deemed appropriate as both Falcon Street and the Pacific Highway are State Classified roads. Compliance with Clause 2.118 of SEPP (Transport and Infrastructure) 2021 is ensured, as Alexander Street, a local road, provides suitable vehicular access to the site.<br>Please refer to section 6.1.3 of the EIS and **Appendix 14 – RtS Submission** for the detailed assessment. |

## Apartment Design Guide

**Table 5: ADG compliance table**

| Provision | Comment |
|---|---|
| **Part 3 Siting the Development** | |
| **3A Site Analysis**<br>*Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context* | Complies<br>A site analysis plan is included in the architectural drawings which demonstrates how the design has considered the locality and particular conditions of the site. |
| **3B-1 Orientation**<br>*Building types and layouts respond to the streetscape and site while optimising solar access within the development.* | Complies<br>The street frontages are articulated to respond to the fine grain retail street fronts of the area. The tower plan generally follows the street alignments with a slight rotation on the east side to capture morning light. The design allows for greater than the minimum 70% |

| Provision | Comment |
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| | solar access to apartments and a very high level of cross-ventilation amenity. |
| **Objective 3B-2**<br>*Overshadowing of neighbouring properties is minimised during mid-winter:*<br>• *Living areas, private open space and communal open space should receive solar access in accordance with sections 3D and 4A*<br>• *Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%*<br>• *If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy*<br>• *Overshadowing should be minimised to the south or down hill by increased upper level setbacks*<br>• *It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development*<br>• *A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings* | Complies<br>The form and scale of the proposal align with the strategy outlined in the 2036 Plan, which prioritises the protection of open spaces, heritage precincts, and out-of-plan-area residences from overshadowing. Shadow diagrams included as part of the proposal demonstrate the extent of overshadowing during midwinter and indicate consistency with planning controls, ensuring adequate solar access for neighbouring properties.<br>Refer to section 6.1.2.1 of the EIS for more details. |
| **3C Public Domain Interface**<br>**Objective 3C-1**<br>*Transition between private and public domain is achieved without compromising safety and security.*<br>• *Maximum 1m level change between private terraces, front gardens and dwelling entries above the street level*<br>• *The height of solid fences or walls should be limited to 1m.* | Complies<br>The retail and commercial podium naturally separate the private residential spaces from the public domain through elevation. Residential access points are carefully and appropriately located for legibility for residents and visitors. The Residential lobby will be designed to be secured to control access and to appropriately separate circulation routes. The main communal open space is located on the top of the podium and is separated from Level 3 residential apartments. |
| **Objective 3C-2**<br>*Amenity of the public domain is retained and enhanced.* | Complies<br>The streetscapes of the current site are underutilised and in need of rejuvenation.<br>The design intent of the proposal is to create an activated and attractive streetscape with two new pedestrian walkways crossing the site which elegantly divide the podium into three distinct forms. |

| Provision | Comment |
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| | The pedestrian walkways provide additional public domain facing spaces, additional opportunities of retail and activation, and areas for outdoor dining/trading which are more protected than the current street facing areas. Universal accessibility is ensured throughout the ground plane, with reduced gradients and clutter to facilitate easy access to all areas.<br>The central section facing Pacific Highway is setback to allow additional space for the bus interchange, street trees, retail activation and outdoor dining.<br>Refer to section 6.2.3 of the EIS for further details. |
| **3D Communal and Public Open Space**<br>**Objective 3D-1**<br>*An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.*<br>**Design Criteria**<br>1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)<br>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter) | Complies<br>Significant communal open space is provided on the level 3 podium. This area encompasses a large, elevated landscaped space separated from the public domain and streets below.<br>50% of the site area is classified as communal open space and the principal usable area of the communal open spaces receives more than 2 hours of mid-winter sun. |
| **Objective 3D-2**<br>*Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.* | Complies<br>The podium-top communal open space is designed to allow a variety of activities including: seating for individuals or groups, gathering areas, open to sky and covered spaces, and barbecue areas. |
| **Objective 3D-3**<br>*Communal open space is designed to maximise safety.* | Complies<br>The communal open space is located on level 3 and is separated from the public domain through secured lobbies. The communal open space is accessed directly from the lift lobby on level 3 and is designed to avoid privacy issues with apartments and private open space. The communal open space/facilities are safe and contained. |
| | |
| **Objective 3D-4**<br>*Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.* | Complies<br>The development updates the key public domain spaces of the three streetscapes of |

<table>
<tr><th>Provision</th><th>Comment</th></tr>
<tr><td></td><td>the site. The design incorporates two pedestrian walks that elegantly divide the podium into three distinct forms, fostering activation and creating opportunities for retail tenancies. These pedestrian walks, aligned with the surrounding urban street grid, extend visual connections to neighbouring contexts, enhancing permeability within the site and facilitating potential future linkages to adjacent areas.<br>The streetscapes are articulated in response to the fine-grain retail shopfronts of the locality.<br>Refer to section 6.2.3 of the EIS for further details.</td></tr>
<tr><td>3E Deep Soil Zones<br>Objective 3E-1<br>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.<br>Design Criteria<br>Deep soil zones are to meet the following minimum requirements:<table><tr><th>Site Area</th><th>Min. Dimension</th><th>Deep Soil Zone (% Site Area)</th></tr><tr><td>< 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650-1,500 m²</td><td>3m</td></tr><tr><td>> 1,500m²</td><td>6m</td></tr><tr><td>> 1,500m² with significant existing tree cover</td><td>6m</td></tr></table>Design Guidance On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:<ul><li>10% of the site as deep soil on sites with an area of 650 - 1,500m2</li><li>15% of the site as deep soil on sites greater than 1,500m2</li></ul></td><td>N/A<br>The proposal is located in an urban locality and has retail and commercial uses located on the ground floor with street alignment. Deep soil zones are not provided as it is not appropriate to the location.</td></tr>
<tr><td>3F Visual Privacy<br>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy<br>• Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in Design Criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping</td><td>Complies<br>The proposal achieves adequate building separation to adjoining properties as they are located on the opposite side of the streets. Adequate building separation to adjoining properties, located on the opposite side of the streets, ensures visual privacy and minimises any potential impacts on neighbouring properties.</td></tr>
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<tr><th>Provision</th><th>Comment</th></tr>
<tr><td>• Direct lines of sight should be avoided for windows and balconies across corners<br>• No separation is required between blank walls<br>Design Criteria<br>Deep soil zones are to meet the following minimum requirements:<br><table><tr><th>Building Height</th><th>Habitable Rooms + Balconies</th><th>Non-Habitable Rooms</th></tr><tr><td>Up to 12m (4 Storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 Storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ Storeys)</td><td>12m</td><td>6m</td></tr></table>Note:<br>• Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)<br>• Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties</td><td>The arrangement of apartments also considers views between apartments and to common spaces ensuring that direct sight lines between different spaces are controlled to protect privacy of the residents.</td></tr>
<tr><td>Objective 3F-2<br>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space</td><td>Complies<br>The proposal is carefully designed to manage privacy between private and communal spaces by way of screens, and landscaping. The development prioritises user comfort and quality of living spaces through various initiatives. Visual comfort is maximised with high-quality natural light and views to the sky and nature.<br>The communal open space is designed so that the Level 3 apartments are less affected by other residents using the space</td></tr>
<tr><td>3G Pedestrian Access and Entries<br>Objective 3G-1<br>Building entries and pedestrian access connects to and addresses the public domain</td><td>Complies<br>The residential lobby is located on Alexander Street and is clearly legible from the street. The lobby is generously sized to allow for mail rooms, waiting areas and to encourage interaction of the residential community.</td></tr>
<tr><td>Objective 3G-2<br>Access, entries and pathways are accessible and easy to identify</td><td>Complies<br>Residential lobbies and amenity building entries are provided with a distinct architectural character for increased legibility. Lobbies and retail tenancies are accessible for all users. As the site includes a significant change in elevation, universal accessibility is ensured throughout the ground plane, with reduced gradients and clutter to facilitate easy access to all areas.</td></tr>
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| Provision | Comment |
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| **Objective 3G-3**<br>*Large sites provide pedestrian links for access to streets and connection to destinations* | Complies<br>The public domain has two new public walkways through the site to connect the three streets surrounding the site. This ensures that all streets, bus stop and residential and commercial lobbies can be easily reached and provides additional frontage for activation and retail uses. |
| **3H Vehicle Access**<br>**Objective 3H-1**<br>*Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streets-capes* | Complies<br>The car park/loading entry point is located on Alexander Street. This location follows the logic of the Planning Proposal and allows vehicle ingress and egress to have a minimal effect on the public domain.<br>Clear sight lines are provided at the car park entry/exit point and vehicle crossings. Pedestrian and vehicle access points to and from the buildings are kept separate.<br>Refer to section 6.1.3.2 in the EIS for further details. |
| **3J Bicycle and Car Parking**<br>**Objective 3J-1**<br>• *Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas*<br>• *Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site*<br>**Design Criteria**<br>For development in the following locations:<br>• On sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or<br>• On land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre<br>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less<br>The car parking needs for a development must be provided off street | Complies<br><u>*Residential*</u><br>The TIA (**Appendix 14 – RtS Submission**) establishes parking rates for the residential component of the development based on unit sizes: 0.5 spaces per 1-bed unit, 1.0 space per 2-bed unit, and 1.5 spaces per 3-bed unit. The proposed rates align with the minimum parking rates recommended in the Housing SEPP (2021) for in-fill affordable housing projects. Applying these parking rates to the proposed development's unit mix results in a requirement for 190 parking spaces, the proposal provides 190 parking spaces.<br><u>*Commercial*</u><br>Commercial and retail parking rates are based on a ratio of 1 space per 60m² GFA, consistent with former North Sydney DCP guidelines and Planning Proposal specifications. The traffic analysis confirms that using the 1/60sqm parking rate is considered appropriate given this is consistent with the rate adopted as part of the Planning Proposal which was assessed to be a viable option based on traffic analysis findings. This analysis has been further supported by the Parking Market Analysis prepared in response to submissions |

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| | received. The analysis is available in **Appendix 19 – RtS submission.** |
| **Objective 3J-2**<br>*Parking and facilities are provided for other modes of transport* | Complies<br>Bicycle parking has been provided in accordance with Council's DCP for the proposed residential, commercial, and retail uses. Approximately 135 spaces are required when adopting the DCP rates, the proposal seeks to provide 295 spaces. An end-of-trip facility is provided for the commercial tenancies and for retail staff. |
| **Objective 3J-3**<br>*Car park design and access is safe and secure* | Complies<br>Car parking for commercial, retail, residential and visitor parking is separated with security points at the entry and before the residential areas. Visitor parking will be provided in a designated area of the car park, increasing legibility and safety.<br>The proposed driveway meets gradient and sight distance requirements for pedestrian safety. |
| **Objective 3J-4**<br>• *Visual and environmental impacts of underground car parking are minimised*<br>• *Protrusion of car parks should not exceed 1m above ground level* | Complies<br>Car parking is in the basement and not visible from the street. The basement does not exceed 1m above ground level. |
| **Objective 3J-5**<br>*Visual and environmental impacts of on-grade car parking are minimised* | N/A |
| **Objective 3J-6**<br>*Visual and environmental impacts of above ground enclosed car parking are minimised*<br>*Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design solutions may include:*<br>• *Car parking that is concealed behind the facade, with windows integrated into the overall facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels)*<br>• *Car parking that is 'wrapped' with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage* | N/A |
| **Part 4 Designing the Building** | |

| Provision | Comment |
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| **4A Solar and Daylight Access**<br>**Objective 4A-1**<br>*To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.*<br>**Design Criteria**<br>For development in the following locations:<br>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas<br>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter<br>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter | Complies<br>With consideration of solar ingress, and efficient glare and heat control during warmer months, the design allows for 71.7% solar access to apartments, consistent with the ADG provision of achieving a 70% minimum. |
| **Objective 4A-2**<br>*Daylight access is maximised where sunlight is limited*<br>• *Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms* | Complies<br>The proposal is designed to both respond to the street alignments but also optimise solar ingress and daylight. All apartments have good access to daylight. Solar shading is provided to facades where morning and afternoon sun is consideration in warmer months. Layouts have been developed to minimise the quantity of apartments with no direct sunlight midwinter. |
| **Objective 4A-3**<br>*Design incorporates shading and glare control, particularly for warmer months* | Complies<br>The form of the building is designed to respond to the streetscape while also optimising solar access to apartments.<br>Each façade is designed to respond to the different solar conditions. The northern and southwestern façades include two (2) horizontal sunshades to reduce heat gain. The eastern façade has a single horizontal sunshade. The solar shades are orientated in a horizontal form to allow winter sunlight to reach the façade at more oblique angles. |
| **4B Natural Ventilation**<br>**Objective 4B-1**<br>*All habitable rooms are naturally ventilated* | Complies<br>The proposal is designed to offer excellent levels of natural cross-ventilation and ventilation to habitable rooms. The proposed |

| Provision | Comment |
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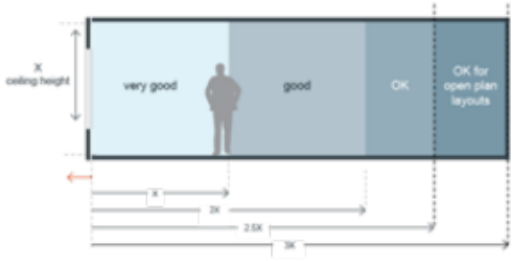
| • *The area of unobstructed window openings should be equal to at least 5% of the floor area served*<br>• *Light wells are not the primary air source for habitable rooms* | overall building depth and arrangement facilitates ventilation to habitable rooms. |
| **Objective 4B-2**<br>*The layout and design of single aspect apartments maximises natural ventilation. Apartment depths are limited to maximise ventilation and airflow. Natural ventilation to single aspect apartments is achieved with the following design solutions:*<br>• *Primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation)*<br>• *Stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries*<br>• *Courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells* | Complies<br>Apartments include specially designed entry areas to allow light, ventilation, and connection to the internal corridors without affecting apartment privacy. |
| **Objective 4B-3**<br>*The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.*<br>• *The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths*<br>• *In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side) (see figure 4B.4)*<br>**Design Criteria**<br>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed<br>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line | Complies<br>The proposal is compliant with the ADG – Natural Ventilation objective. The tower form exceeds the ADG design criteria for natural cross ventilation (min 60%). As illustrated in the Design Excellence Strategy report, 90% of apartments are naturally cross ventilated. Natural cross-ventilation is proposed by corner or cross through strategy to the living area and n-1 bedrooms. Refer to the amenity diagrams for further information. |
| **4C Ceiling Heights**<br>**Objective 4C-1** | Complies<br>Floor to floor clearances in the proposal's dwellings have been increased from 3100mm to a minimum of 3200mm as suggested by |

<table>
<tr><th>Provision</th><th>Comment</th></tr>
<tr><td>Ceiling height achieves sufficient natural ventilation and daylight access.
<table>
<tr><td colspan="2">Design Criteria<br>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are</td></tr>
<tr><td>Habitable rooms</td><td>2.7m</td></tr>
<tr><td>Non-habitable</td><td>2.4m</td></tr>
<tr><td>For 2 storey apartments</td><td>2.7m for main living area<br>2.4m for second floor, where area does not exceed 50% of the apartment area</td></tr>
<tr><td>Attic spaces</td><td>1.8m at edge of room with a 30° minimum ceiling slope</td></tr>
<tr><td>If located in mixed-use areas</td><td>3.3m for ground floor and first floor to promote future flexibility of use</td></tr>
<tr><td colspan="2">2. These minimums do not preclude higher ceilings if desired</td></tr>
</table></td><td>DPHI. This is demonstrated in the amended architectural plans provided at Appendix 4 – RtS submission.</td></tr>
<tr><td>Objective 4C-2<br>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</td><td>Complies<br>Ceiling heights area provided to achieve well-proportioned rooms. See discussion above relating to the use of bulkheads in kitchens and other areas.</td></tr>
<tr><td>Objective 4C-3<br>Ceiling heights contribute to the flexibility of building use over the life of the building</td><td>Complies<br>The proposal locates apartments from level 3 to the top of the building. Lower floors contain commercial and retail tenancies and include higher floor-to-floor heights.</td></tr>
<tr><td>4D Apartment Size and Layout<br>Objective 4D-1<br>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</td><td>Complies<br>Apartment sizes comply with the ADG requirements. A range of apartment typologies are provided, adding to the flexibility and affordability of the development. All habitable rooms will include windows so that there is no point where a window is not visible.</td></tr>
</table>

| Provision | Comment |
|---|---|
|  <br>**Design Criteria**<br>1. Apartments are required to have the following minimum internal areas:<br>Apartment Type / Minimum Internal Area<br>Studio / 35m²<br>1 Bedroom / 50m²<br>2 Bedroom / 70m²<br>3 Bedroom / 90m²<br>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each<br>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each<br>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms<br>*The depth of a single aspect apartment relative to the ceiling height directly influences the quality of natural ventilation and daylight access. The maximum depth of open plan layouts that combine living, dining and kitchen spaces is 8 metres* | |
| **Objective 4D-2**<br>*Environmental performance of the apartment is maximised.*<br>**Design Criteria**<br>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height<br>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window | Complies<br>Apartments are planned to avoid overly deep plans including open-plan living, dining and kitchen areas. The design approach to the entry door allows light and ventilation directly into the kitchen without compromising privacy or security. |
| **Objective 4D-3**<br>Apartment layouts are designed to accommodate a variety of household activities and needs. | Complies<br>Access to bedrooms, bathrooms and laundries are separated from living areas minimising direct openings between living and service areas. All bedrooms allow a minimum length of 1.5m for robes while the main bedrooms allow a minimum length of 1.8. Apartment layouts allow flexibility over time. |

| Provision | Comment |
|---|---|
| **Design Criteria**<br>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)<br>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)<br>3. Living rooms or combined living/dining rooms have a minimum width of:<br>- 3.6m for studio and 1 bedroom apartments<br>- 4m for 2 and 3 bedroom apartments<br>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts<br><br>Apartment layouts allow flexibility over time, design solutions may include:<br>• All bedrooms allow a minimum length of 1.5m for robes<br>• The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high<br>• Dimensions that facilitate a range of activities and privacy levels • Room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1))<br>• Efficient planning of circulation to maximise the amount of usable floor space in rooms<br>• Dual master apartments<br>• Dual key apartments | |
| **4E Private Open Spaces and Balconies**<br>**Objective 4E-1**<br>*Apartments provide appropriately sized private open space and balconies to enhance residential amenity*<br>*Note: dual key apartments which are separate but on the same title are regarded as two sole occupancy units for the purposes of the BCA and for calculating the mix of apartments* | Complies<br>As detailed in the Design Report (**Appendix 5 – RtS submission**) all balconies and areas of private open spaces meet or exceed the minimum requirements of the ADG. Podium level apartments have minimum private open space areas of at least 15sqm. |

<table>
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**Design Criteria**

1. All apartments are required to have primary balconies as follows

| Dwelling Type | Minimum Area | Minimum Depth |
|---|---|---|
| Studio | 4m² | - |
| 1 Bedroom | 8m² | 2m |
| 2 Bedroom | 10m² | 2m |
| 3+ Bedroom | 12m² | 4m |

The minimum balcony depth to be counted as contributing to the balcony area is 1m

2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m

</td><td></td></tr>
<tr><td>

**Objective 4E-2**

*Primary private open space and balconies are appropriately located to enhance liveability for residents*

</td><td>Complies<br>Private open spaces and balconies predominantly face north, east or west.</td></tr>
<tr><td>

**Objective 4E-3**

*Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building*

</td><td>Complies<br>Metal palisade fences and balustrades are selected to provide openness and light while respecting privacy.</td></tr>
<tr><td>

**Objective 4E-4**

*Private open space and balcony design maximises safety*

</td><td>Complies<br>Design and detailing of balconies avoids opportunities for climbing and falls. There is also appropriate separation by way of landscaping between private and communal spaces.</td></tr>
<tr><td>

**4F Common Circulation and Spaces**

**Objective 4F-1**

*Common circulation spaces achieve good amenity and properly service the number of apartments.*

**Design Criteria**

1. The maximum number of apartments off a circulation core on a single level is eight

2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40

*Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include:*

*• A series of foyer areas with windows and spaces for seating*

*• Wider areas at apartment entry doors and varied ceiling heights*

</td><td>Complies<br>3 lifts are provided to an open centre between the 3 sides of the building. The 3 lifts service a maximum of 12 apartments on each level. The centralised void has access to natural light and ventilation.</td></tr>
</table>

<table>
<tr><th>Provision</th><th>Comment</th></tr>
<tr><td>Where Design Criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.</td><td></td></tr>
<tr><td>Objective 4F-2<br>Common circulation spaces promote safety and provide for social interaction between residents</td><td>Complies<br>Common circulation spaces are designed to provide safe spaces which foster interaction and harmony between residents.</td></tr>
<tr><td>4G Storage<br>Objective 4G-1<br>Adequate, well designed storage is provided in each apartment<ul><li>Storage is accessible from either circulation or living areas</li><li>Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street</li><li>Left over space such as under stairs is used for storage</li></ul>
<table>
<tr><td colspan="2">Design Criteria<br>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</td></tr>
<tr><td>Dwelling Type</td><td>Storage Size (Volume)</td></tr>
<tr><td>Studio</td><td>4m³</td></tr>
<tr><td>1 Bedroom</td><td>6m³</td></tr>
<tr><td>2 Bedroom</td><td>8m³</td></tr>
<tr><td>3+ Bedroom</td><td>10m³</td></tr>
<tr><td colspan="2">At least 50% of the required storage is to be located within the apartment.</td></tr>
</table></td><td>Complies<br>All apartments accommodate a minimum of 50% of the required storage within the apartment with all apartments having storage in the car park making up the difference as a minimum. Refer to schedule.</td></tr>
<tr><td>Objective 4G-2<br>Additional storage is conveniently located, accessible and nominated for individual apartments</td><td>Complies<br>Storage locations are allocated within residential basement levels as part of the proposal.</td></tr>
<tr><td>4H Acoustic Privacy<br>Objective 4H-1<br>Noise transfer is minimised through the siting of buildings and building layout.</td><td>Complies<br>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses. The apartments are separated from the commercial and retail areas, and are located above the street to reduce street noise.<br>Acoustic excellence is achieved through careful building layout and material selection, ensuring protection from external noise sources.</td></tr>
</table>

| Provision | Comment |
|---|---|
| | Refer to section 6.2.7 of the EIS for further details. |
| **Objective 4H-2**<br>*Noise impacts are mitigated within apartments through layout and acoustic treatments.* | Complies<br>Noisy areas within the proposed development including building entries and corridors are generally located above each other and quieter areas above quieter areas. Storage, circulation areas and non-habitable rooms are located to buffer noise from external sources. Party walls will be appropriately insulated in accordance with the NCC and the recommendations of the acoustic consultant. |
| **4J Noise and Pollution**<br>**Objective 4J-1**<br>*In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:*<br>• *Solar and daylight access*<br>• *Private open space and balconies*<br>• *Natural cross ventilation* | Complies<br>Apartments are elevated and set back from the streets.<br>Refer to section 6.2.7 of the EIS for further details. |
| **Objective 4J-2**<br>*Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.* | Complies<br>The building will incorporate seals to prevent noise transfer through gaps, acoustic glazing, and other measures where necessary to attenuate noise impacts to apartments.<br>Refer to section 6.2.7 of the EIS for further details. |
| **4K Apartment Mix**<br>**Objective 4K-1**<br>*A range of apartment types and sizes is provided to cater for different household types now and into the future Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households* | Complies<br>A variety of apartment types are provided, including 1-bed, 2-bed, 3-bed, and larger premium 3- bedroom apartments. |
| **Objective 4K-2**<br>*The apartment mix is distributed to suitable locations within the building* | Complies<br>Different apartment types have been located to achieve a successful facade composition and to optimise solar access. The apartments of differing sizes are distributed throughout the development to cater to future market demands. |

| Provision | Comment |
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| **4L Ground Floor Apartments**<br>**Objective 4L-1**<br>*Street frontage activity is maximised where ground floor apartments are located Direct street access should be provided to ground floor apartments Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include:*<br>• *Both street, foyer and other common internal circulation*<br>• *Entrances to ground floor apartments*<br>• *Private open space is next to the street*<br>• *Doors and windows face the street*<br>*Retail or home office spaces should be located along street frontages Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion* | N/A |
| **Objective 4L-2**<br>*Design of ground floor apartments delivers amenity and safety for residents Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:*<br>• *Elevation of private gardens and terraces above the street level by 1-1.5m*<br>• *Landscaping and private courtyards*<br>• *Window sill heights that minimise sight lines into apartments*<br>• *Integrating balustrades, safety bars or screens with the exterior design* | N/A |
| **4M Façades**<br>**Objective 4M-1**<br>*Building facades provide visual interest along the street while respecting the character of the local area*<br>*Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.* | Complies<br>The proposal includes different responses to streetscape and the public domain, the podium and the apartment tower. The streetscape facades are articulated to respond to the fine-grain retail shopfronts along Pacific Highway and Willoughby Road which are distinctive to the area. The apartment levels in the tower area composed in a grid architecture providing structural resolution, articulation and solar control. The façade design incorporates articulation and detailing to echo the local architectural character. |
| **Objective 4M-2**<br>*Building functions are expressed by the facade* | Complies |

| Provision | Comment |
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| | The building facade is informed by its typology of the spaces within. There is a podium base and a residential top which are distinct and have an architecture appropriate to their urban design response. |
| **4N Roof Design**<br>**Objective 4N-1**<br>*Roof treatments are integrated into the building design and positively respond to the street* | Complies<br>Roof treatments are integrated with the building design and materials to compliment the architectural aesthetic. Service elements are integrated within the roof design. |
| **Objective 4N-2**<br>*Opportunities to use roof space for residential accommodation and open space are maximised* | Complies<br>The podium level has a few apartments and accommodates a large covered and non covered communal area with different amenities for the residential use. |
| **Objective 4N-3**<br>*Roof design incorporates sustainability features* | Complies<br>A substantial solar photovoltaic (PV) system will be installed on the roof area to generate renewable electricity, aiming to offset grid use and minimise stress on the grid during peak times. |
| **4O Landscape Design**<br>**Objective 4O-1**<br>*Landscape design is viable and sustainable.* | Complies<br>The landscape plan provides significant landscaped areas at ground level, and level 3 (podium). The design is viable, sustainable and designed to allow simple maintenance. The proposed landscaping strategy acknowledges and integrates 'Connecting with Country' principles, preserving visual connections, incorporating Indigenous plants, and respecting cultural stories.<br>Refer to section 6.2.4 of the EIS for further details. |
| **Objective 4O-2**<br>*Landscape design contributes to the streetscape and amenity.* | Complies<br>The proposed landscaping strategy aims to enhance the public domain and streetscapes to create a high-quality public domain with active frontages along Alexander St, Falcon St, and the Pacific Highway. Pedestrian connectivity and safety are prioritised maintaining clear sight-lines, using trees to frame spaces, and promoting passive surveillance are implemented to ensure visibility and deter undesired behaviour. |
| **4P Planting on Structures**<br>**Objective 4P-1** | Complies |

<table>
<tr><th>Provision</th><th>Comment</th></tr>
<tr><td>Appropriate soil profiles are provided.
<table>
<tr><td>Plant type</td><td>Soil Depth</td><td>Soil Area</td></tr>
<tr><td>Large Trees</td><td>1,200 mm</td><td>10 x 10m or equivalent</td></tr>
<tr><td>Medium Trees</td><td>1,000 mm</td><td>6 x 6m or equivalent</td></tr>
<tr><td>Small Trees</td><td>800 mm</td><td>3.5 x 3.5m or equivalent</td></tr>
<tr><td>Shrubs</td><td>500 - 600 mm</td><td>-</td></tr>
<tr><td>Ground Cover</td><td>300 - 450 mm</td><td>-</td></tr>
<tr><td>Turf</td><td>200 mm</td><td>-</td></tr>
</table></td><td>Podium planters are designed to accommodate planting with a minimum 1m depth of soil, sufficient for a medium size tree.<br>Refer to the landscape design package for further information.</td></tr>
<tr><td>Objective 4P-2<br>Plant growth is optimised with appropriate selection and maintenance.</td><td>Complies<br>A diverse planting strategy is provided. Refer to the landscape design package for further information.</td></tr>
<tr><td>Objective 4P-3<br>Planting on structures contributes to the quality and amenity of communal and public open spaces.</td><td>Complies<br>Building design incorporates opportunities for communal and public spaces and planting.</td></tr>
<tr><td>4Q Universal Design<br>Objective 4Q-1<br>Universal design features are included in apartment design to promote flexible housing for all community members Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline’s silver level universal design features</td><td>Complies<br>100% of apartments incorporate the Liveable Housing Guideline's silver level universal design features.</td></tr>
<tr><td>Objective 4Q-2<br>A variety of apartments with adaptable designs are provided Adaptable housing should be provided in accordance with the relevant council policy</td><td>Complies<br>Adaptable housing is provided in accordance with the relevant Council policy (20% of apartments).</td></tr>
<tr><td>Objective 4Q-3<br>Apartment layouts are flexible and accommodate a range of lifestyle needs Apartment design incorporates flexible design solutions which may include:<br>• Rooms with multiple functions<br>• Dual master bedroom apartments with separate bathrooms<br>• Larger apartments with various living space options<br>• Open plan ‘loft’ style apartments with only a fixed kitchen, laundry and bathroom</td><td>Complies<br>Apartment layouts are designed with to allow rooms to be furnished and used for multiple functions.</td></tr>
<tr><td>4R Adaptive Re-Use<br>Objective 4R-1</td><td>N/A</td></tr>
</table>

| Provision | Comment |
|---|---|
| *New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place* | |
| **Objective 4R-2**<br>*Adapted buildings provide residential amenity while not precluding future adaptive reuse* | N/A |
| **4S Mixed Use**<br>**Objective 4S-1**<br>*Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement* | Complies<br>There are active street frontages to all sides of the building, Falcon Street, Pacific Highway, and Alexander Street. Two new public walks to connect the 3 streets and provide additional permeability, activation and retail frontage. The use of retail and commercial uses on the site is appropriate and required by Council. |
| **Objective 4S-2**<br>*Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents* | Complies<br>All residential uses are elevated above street level. The ground floor pedestrian access point and lobby is clearly legible within the Alexander Street streetscape. There are clearly defined and separated public retail access points from residential entry points to minimise conflict. |
| **4T Awnings and Signage**<br>**Objective 4T-1**<br>*Awnings are well located and complement and integrate with the building design* | Complies<br>Awnings are provided over building entries for building address and public domain amenity. |
| **Objective 4T-2**<br>*Signage responds to the context and desired streetscape character* | Complies<br>Building identification signage is designed to fit harmoniously in the architecture and to contribute positively to the precinct. |
| **4U Energy Efficiency**<br>**Objective 4U-1**<br>*Development incorporates passive environmental design* | Complies<br>Natural light will be provided to all habitable rooms. Outdoor communal open space areas are designed to provide residents with a range of spaces offering flexibility and choice demonstrating a high level of passive environmental design.<br>Refer to section 6.2.5 of the EIS for further details. |
| **Objective 4U-2**<br>*Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer* | Complies<br>The design includes passive solar design measures including overhangs and projecting sun shading, insulated walls, roofs and floors, and seals on window and external door openings. |

| Provision | Comment |
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| | Refer to section 6.2.5 of the EIS for further details. |
| **Objective 4U-3**<br>*Adequate natural ventilation minimises the need for mechanical ventilation* | Complies<br>Natural ventilation is provided to all habitable rooms and typically, to all common areas and circulation spaces.<br>Refer to section 6.2.5 of the EIS for further details. |
| **4V Water Management**<br>**Objective 4V-1**<br>*Potable water use is minimised* | Complies<br>Potable water is proposed to be provided via a new connection point from Pacific Highway. Based on the size of the supply watermain it is anticipated that flows can be achieved. Consultation with Sydney Water has been undertaken which identified that potable water mains are available fronting the site and it is anticipated that the existing water frontage is adequate. |
| **Objective 4V-2**<br>*Urban stormwater is treated on site before being discharged to receiving waters* | Complies<br>To ensure responsible water consumption and incorporate water-sensitive urban design principles, the project integrates best practice water-saving initiatives. Low-flow water fixtures will significantly reduce water consumption in sanitary fixtures, meeting minimum WELS ratings for taps, toilets, urinals, and showers. Efficient irrigation systems, including underground surface drip systems and moisture sensors, will be utilised, along with native plant landscaping to minimise water usage and enhance resilience to climate change. |
| **Objective 4V-3**<br>*Flood management systems are integrated into site design* | Complies<br>The development incorporates retention and detention tanks |
| **Objective 4W-1**<br>*Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents* | Complies<br>A bulky-waste area for residents is included in the loading area. There is a separate garbage collection room in the basement for the commercial garbage. Residential waste is collected in the basement (waste chutes) and transferred to a dedicated waste room on the ground floor as per council requirements.<br>Refer to section 6.2.11 of the EIS for further details. |
| **Objective 4W-2** | Complies |

| Provision | Comment |
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| *Domestic waste is minimised by providing safe and convenient source separation and recycling* | A communal waste chute is provided for residents in a convenient and accessible location. Waste and recycling storage areas will be well ventilated and have durable and washable finishes All dwellings will be designed to have sufficient internal space for the holding of waste and recycling as required under DCP. For further information review the waste management report included as part of this proposal.<br>Refer to section 6.2.11 of the EIS for further details. |
| **4X Building Maintenance**<br>**Objective 4X-1**<br>*Building design detail provides protection from weathering* | Complies<br>Building materials will be selected to withstand the demands of the environment. Painted and applied finishes are minimised. The podium is designed as a brick clad building responding to the use of brickwork in the locality. Brickwork provides a highly durable material and the opportunity for articulation through coursing, corbelling and articulation. |
| **Objective 4X-2**<br>*Systems and access enable ease of maintenance* | Complies<br>Suitable access for cleaning will be provided from the roof and public domain or appropriately controlled access to facades and roofs. |
| **Objective 4X-3**<br>*Material selection reduces ongoing maintenance costs* | Complies<br>The use of applied finishes will be minimised in the development. The proposed development will incorporate the following measures: sensors to control artificial lighting in common circulation spaces; materials that weather with time. |