

Appendix 3. Statutory Compliance Tables

Application number	SSD-75662958
Project name	Crows Nest OSD Site A – Amending Concept SSDA
Location	32 Hume Street, Crows Nest
Applicant	Thirdi Crows Nest Commercial Developments Pty Ltd

1. State Environmental Planning Policy (Housing) 2021

Provision	Details	Comment
Chapter 2 - Affordable Housing		
Part 1 Preliminary		
13A Application of Chapter 4 to affordable housing	Development to which this chapter, Part 2, Division 1, 5 or 6 applies may also be residential apartment development under Chapter 4.	Complies
13 Affordable housing—the Act, s 1.4(1)	(1) In this Policy, a household is taken to be a very low income household, low income household or moderate income household if— (a) the household— (i) has a gross income within the following ranges of percentages of the median household income for Greater Sydney or the Rest of NSW— (A) very low income household—less than 50%,	Noted 15% affordable housing is proposed under the Detailed SSDA.

Provision	Details	Comment
	<ul style="list-style-type: none"> (B) low income household—50–less than 80%, (C) moderate income household—80–120%, and (ii) pays no more than 30% of the gross income in rent, or (b) the household— <ul style="list-style-type: none"> (i) is eligible to occupy rental accommodation under the National Rental Affordability Scheme, and (ii) pays no more rent than the rent that would be charged if the household were to occupy rental accommodation under the Scheme. 	
<p>14 Need for affordable housing and imposition of conditions—the Act, s 7.32(1)</p>	<p>This Policy identifies that there is a need for affordable housing within each area of the State.</p>	<p>Noted 15% affordable housing is proposed under the Detailed SSDA.</p>
<p>Part 2 - Development for affordable housing</p>		
<p>Division 1 - In-fill affordable housing</p>		
<p>15A Objective of division</p>	<p>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.</p>	<p>Not applicable Notwithstanding that Division 1 does not apply to Site A per Clause 15C(2A), the proposal seeks to provide 15% of the BTR as affordable housing. This will assist in providing housing for very low, low and moderate income households.</p>
<p>15B Definitions</p>	<p><i>(Section outlines definitions that apply in this Division)</i></p>	<p>Noted</p>
<p>15C Development to which division applies</p>	<p>(1) This division applies to development that includes residential development if—</p> <ul style="list-style-type: none"> (a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument, and (b) the affordable housing component is at least 10%, and (c) all or part of the development is carried out— <ul style="list-style-type: none"> (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone. 	<p>Not applicable Notwithstanding that Division 1 does not apply to Site A per Clause 15C(2A), the site is zoned MU1 Mixed Use which permits ‘residential flat buildings’ and ‘commercial premises’ with consent. The proposal seeks to provide 15% of the BTR as affordable housing. 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 located above the Sydney Metro Crows Nest Station, which will offer direct access to Central Station in just 11 minutes upon completion.</p>


Provision	Details	Comment
	<p>(2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.</p> <p>(2A) This division does not apply to development on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map.</p>	<p>Not applicable</p> <p>Notwithstanding that Division 1 does not apply to Site A per Clause 15C(2A), in this circumstance, no other environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1, requires affordable housing.</p> <p>Not applicable</p> <p>Crows Nest (including Site A) was identified as an accelerated precinct due to its close proximity to a metro station and key public transport interchanges, promoting walking and cycling opportunities. Therefore, the provisions under Division 1 Infill Affordable Housing Does not apply to Site A.</p>
<p>16 Affordable housing requirements for additional floor space ratio</p>	<p>Section outlines the calculation for the maximum FSR 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.</p>	<p>Not applicable</p> <p>Notwithstanding that Division 1 does not apply to Site A per Clause 15C(2A), no additional height or FSR is sought for the Detailed SSDA. Proposal remains consistent with the Concept SSDA, as modified.</p>
<p>17 Additional floor space ratio for relevant authorities and registered community housing providers</p>	<p>Section applies to residential development to which this division applies that is carried out by or on behalf of a relevant authority or registered community housing provider, and on land with a maximum permissible floor space ratio of 2:1 or less.</p>	<p>Not applicable</p> <p>Notwithstanding that Division 1 does not apply to Site A per Clause 15C(2A), no additional height or FSR is sought for the Detailed SSDA. Proposal remains consistent with the Concept SSDA, as modified.</p>
<p>18 Affordable housing requirements for additional building height</p>	<p>Section outlines the calculation for the maximum height that includes residential development to which this division applies is the maximum permissible height for the land plus an additional height of up to 30%, based on the minimum affordable housing component.</p>	<p>Not applicable</p> <p>Notwithstanding that Division 1 does not apply to Site A per Clause 15C(2A), no additional height or FSR is sought for the Detailed SSDA. Proposal remains consistent with the Concept SSDA, as modified.</p>
<p>19 Non-discretionary development standards – the Act, s4.15</p>	<p>(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.</p>	<p>Not applicable</p>

	<p>(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—</p> <ul style="list-style-type: none"> (a) a minimum site area of 450m², (b) a minimum landscaped area that is the lesser of— <ul style="list-style-type: none"> (i) 35m² per dwelling, or (ii) 30% of the site area, (c) a deep soil zone on at least 15% of the site area, where— <ul style="list-style-type: none"> (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site, (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, (e) the following number of parking spaces for dwellings used for affordable housing— <ul style="list-style-type: none"> (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space, (f) the following number of parking spaces for dwellings not used for affordable housing— <ul style="list-style-type: none"> (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces, (g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development, 	<p>Not applicable</p> <p>Pursuant to Clause 15C(2A), Division 1 does not apply to development on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map. Crows Nest is identified as an “Accelerated TOD Precinct”.</p>
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Provision	Details	Comment
	(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	<p>Not applicable</p> <p>Notwithstanding that Division 1 does not apply to Site A per Clause 15C(2A), Chapter 4 applies to this development. Accordingly, subsection (2)(c) and (d) do not apply.</p>
<p>20 Design requirements</p>	(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.	<p>Not applicable</p> <p>Refer to 20(2) which identifies that subsection (1) does not apply to development to which Chapter 4 applies.</p>
	(2) Subsection (1) does not apply to development to which Chapter 4 applies.	<p>Not applicable</p> <p>Chapter 4 applies to the development. Accordingly, subsection (20)(1) does not apply.</p>
	(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	<p>Not applicable</p> <p>Notwithstanding that Division 1 does not apply to Site A per Clause 15C(2A), the proposed development is compatible with the desired future character of the St Leonards and Crows Nest Precinct. Located above the new Crows Nest Metro site, the proposal provides a high quality mixed use development in a highly accessible area. The built form has been designed to be sympathetic and complement to locality and encourage diverse housing options. Refer to the Design Report in Appendix 18 and Chapter 7.3.4 of the EIS for detailed discussion.</p>
<p>21 Must be used for affordable housing for at least 15 years</p>	(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider.	<p>Complies</p> <p>Notwithstanding that Division 1 does not apply to Site A per Clause 15C(2A),</p> <ul style="list-style-type: none"> • The affordable housing component of the development will be provided and managed in perpetuity. • The affordable housing component of the development will be owned by Evolve Housing Ltd and managed by its profit for purpose real estate agency entity Echo Realty NSW & ACT Pty Ltd.

Provision	Details	Comment
	(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.	Not applicable Notwithstanding that Division 1 does not apply to Site A per Clause 15C(2A), subdivision is not proposed as part of the proposed development.
Chapter 3 – Diverse housing		
Part 4 – Build-to-rent housing		
72 Development for the purposes of build-to-rent housing permitted with consent	<p>(1) The objective of this section is to enable certain residential accommodation to be used as build-to-rent housing.</p> <p>(2) This Part applies to development for the purposes of multi dwelling housing, residential flat buildings or shop top housing on land—</p> <p>(a) in the following zones—</p> <p>(i) a zone in which development for the purposes of residential flat buildings is permissible under another environmental planning instrument,</p> <p>(ib) Zone MU1 Mixed Use,</p> <p>(a1) in a Transport Oriented Development Area under Chapter 5 in which development for the purposes of residential flat buildings is permissible, or</p> <p>(b) for which a site compatibility certificate has been issued under section 39.</p> <p>(3) Development consent may be granted for development to which this Part applies if—</p> <p>(a) the development will result in at least 50 dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements, and</p> <p>(b) all buildings containing the dwellings are located on the same lot of land.</p> <p>(4) Part 7 does not apply to development permitted under this Part.</p>	<p>Complies</p> <p>The subject application is for a Concept application only. Notwithstanding this, the proposed development (and detailed elements outlined in the concurrently lodged Detailed SSDA) complies with Section 72 on the following grounds:</p> <ul style="list-style-type: none"> • The proposal comprises BTR housing, • The development comprises multi-dwelling housing and residential flat buildings which are permissible within the MU1 Mixed Use zone • BTR is permissible for development for the purposes for multi-dwelling housing on land in an MU1 zone. • The proposal will result in 474 dwellings. • All buildings containing the dwellings are located on the same lot of land. <p>The key provisions of the Housing SEPP have been considered in the preparation of the SSD application and are addressed in the subsections below.</p>
73 Conditions of build-to-rent housing to apply for at least 15 years	<p>(1) Development consent must not be granted to the erection or use of a building for development to which this part applies unless the consent authority is satisfied that, during the relevant period, the tenanted component of the building—</p> <p>(a) will not be subdivided into separate strata lots, and</p> <p>(b) will be owned and controlled by 1 person, and</p>	<p>Complies</p> <p>The proposed build to rent component of the development will be managed in accordance with Section 73 requirements tenure requirements.</p> <p>Refer to Chapter 2.3.3 of the EIS for details of the affordable housing provider.</p>

Provision	Details	Comment
	(c) will be operated by 1 managing agent, who provides on-site management.	
<p>74 Non-discretionary development standards—the Act, s 4.15</p>	<p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of build-to-rent housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>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.</p> <p>(2) The following are non-discretionary development standards in relation to the carrying out of the development to which this Part applies—</p> <p>(a) the building height of all proposed buildings is not more than the maximum building height permitted under Chapter 5 or another environmental planning instrument for a building on the land,</p> <p>(b) for development on land in a zone in which no residential accommodation is permitted under another environmental planning instrument—a floor space ratio that is not more than the maximum permissible floor space ratio for other development on the land under another environmental planning instrument,</p> <p>(c) if paragraph (b) does not apply—a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land under Chapter 5 or another environmental planning instrument,</p> <p>(d) for development carried out wholly or partly on land in the Eastern Harbour City, Central River City or Western Parkland City—</p> <p>(i) for land within an accessible area—0.2 parking spaces for each dwelling, or</p> <p>(ii) otherwise—0.5 parking spaces for each dwelling, or</p> <p>(iii) if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument,</p> <p>(e) if paragraph (d) does not apply—at least the number of parking spaces required under the relevant development control plan or local environmental plan for a residential flat building.</p>	<p>Noted</p> <p>Complies</p> <p>a) The height of buildings does not exceed the maximum building height permitted at the site. Refer to Chapter 4 of the EIS for discussion.</p> <p>b) Not applicable. Residential flat buildings are permissible in the MU1 zone. Refer to Chapter 4 of the EIS for detailed discussion. The proposed development is compliant with the maximum FSR permitted on site.</p> <p>c) The residential FSR does not exceed the maximum residential FSR permitted at the site. Refer to Chapter 4 of the EIS for detailed discussion.</p> <p>diii) The site is located in the Eastern Harbour City. The NSDCP, Section 10.2.1, Provision P1 details a maximum carparking rate for the proposed uses. Therefore, this maximum parking rate enables nil parking which is a lesser rate than that outlined in the Housing SEPP. The proposal does not provide any car parking spaces and therefore will comply with the NSDCP controls.</p> <p>e) See comment under (diii) above.</p>
<p>75 Design requirements</p>	<p>(1) This section applies to development to which this Part applies only if Chapter 4 applies to the building resulting from the development.</p> <p>(2) In determining an application for the modification of a development consent or a development application for the carrying out of development to which this section applies, the consent authority must—</p> <p>(a) be flexible in applying the design criteria set out in the Apartment Design Guide, including, in particular, the design criteria set out in Part 4, items 4E, 4G and 4K, and</p>	<p>Noted</p> <p>Chapter 4 applies to the subject development.</p> <p>Noted</p> <p>Section 75 applies flexibility to the application of the ADG, in particular the design criteria under Part 4 of the ADG.</p>

Provision	Details	Comment
	<p>(b) in its consideration of the objectives set out in the Apartment Design Guide, Part 4, consider the following—</p> <ul style="list-style-type: none"> (i) the amenities proposed to be provided to tenants residing in the building through common spaces and shared facilities and services, (ii) whether the configuration and variety of dwellings in the building will provide adequate options to prospective tenants in relation to the size and layout of the dwellings, (iii) whether tenants residing in the building will be able to relocate to other dwellings in the building that will better accommodate their housing requirements if their requirements change. 	
<p>Section 76 - Active uses on ground floor of build-to-rent housing in business zones</p>	<p>(1) The objective of this section is to ensure that, in relation to development for the purposes of build-to-rent housing, active uses are provided at the street level in business zones to encourage the presence and movement of people.</p>	<p>Complies</p> <p>Active frontages are provided primarily to Pacific Highway and Willoughby Road. Hume Street acts as a connector between the two with Sites A, B and C all contributing active frontages to this street.</p> <p>Connecting to these existing lines of activity, Site A wraps retail and activation to Pacific Highway, Oxley St, Hume St and to the corner of Clarke Lane. These Retail tenancies are supported by the pedestrian foot traffic predicted in the following diagram.</p>  <p>The scope within the podium is limited due to the CSSI Approval, however a holistic approach to the integration of quality public domain experiences has been considered. The ground café activates the corner of Pacific Highway and Oxley Street with further retailers to Hume Street, enhancing</p>

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		<p>the level of activation and urban amenity to the surrounding area. The residential lobby for tower three is located centrally off Hume Street to provide strong connections to station entries, parks, and the local village at Willoughby Road. Additionally, the lobbies for the build to rent towers are located off Pacific Highway further activating this frontage and adjacent corners.</p> <p>Refer to the Design Report in Appendix 18 and Design Integrity Report in Appendix 20 for detailed discussion.</p>
	<p>(2) This section applies to development to which this Part applies if the development is on land in a business zone, including as part of a mixed use development.</p>	<p>Complies</p> <p>The site is zoned MU1. And therefore Section 76 applies.</p>
	<p>(3) Development consent must not be granted for development to which this section applies unless the consent authority is satisfied that a building resulting from the development will have an active street frontage.</p>	<p>Complies</p> <p>Refer to the Design Report in Appendix 18 and Design Integrity Report in Appendix 20 for detailed discussion.</p>
	<p>(4) An active street frontage is not required for a part of a building used for 1 or more of the following—</p> <ul style="list-style-type: none"> (a) entrances and lobbies, (b) access for fire services, (c) vehicular access. 	<p>Noted</p> <p>The Crows Nest Metro box lower ground level and ground level constrains the location of active uses on these levels.</p> <p>Notably:</p> <ul style="list-style-type: none"> • No underground access due to Metro box below • All OSD Services required on ground must be located left of grid 11. Impacting usable retail space (Substation, Fire Control Room, Waste, Grease Arrestor) • Substation access and frontage requirements create constraints. • OSD Access to loading dock and waste strategy also provide constraints. <p>The proposed active frontage has been designed to be maximised whilst working around the above noted constraints.</p>

Provision	Details	Comment
<p>Section 77 - Conditions requiring land or contributions for affordable housing</p>	<p>Nothing in this Part overrides a requirement to dedicate land or pay a monetary contribution under the Act, section 7.32.</p>	<p>Complies 15% affordable housing (physical asset) is provided in the proposed development.</p>
<p>Section 78 - Consideration of Apartment Design Guide for further subdivision of dwellings</p>	<p>Development consent must not be granted for development involving the subdivision of a residential flat building for which consent has been granted under this Part unless the consent authority has considered the relevant provisions of the Apartment Design Guide in relation to the part of the building affected by the subdivision.</p>	<p>Complies Subdivision is not proposed as part of the proposed development.</p>
<p>Chapter 4 - Design of residential apartment development</p>		
<p>142 Aims of chapter</p>	<p>(1) The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes—</p> <ul style="list-style-type: none"> (a) to ensure residential apartment development contributes to the sustainable development of New South Wales by— <ul style="list-style-type: none"> (i) providing socially and environmentally sustainable housing, and (ii) being a long-term asset to the neighbourhood, and (iii) achieving the urban planning policies for local and regional areas, (b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces, (c) to maximise the amenity, safety and security of the residents of residential apartment development and the community, (d) to better satisfy the increasing demand for residential apartment development, considering— <ul style="list-style-type: none"> (i) the changing social and demographic profile of the community, and (ii) the needs of a wide range of people, including persons with disability, children and seniors, (e) to contribute to the provision of a variety of dwelling types to meet population growth, (f) to support housing affordability, (g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, (h) to facilitate the timely and efficient assessment of development applications to which this chapter applies. 	<p>Complies</p> <p>The proposed development satisfies the aims of Chapter 4 of the Housing SEPP as detailed throughout the EIS and the tables in this document.</p> <p>It is noted that the subject application is for an Amending Concept SSDA and therefore primarily focuses on the concept envelope massing and use. The proposed development will therefore be prepared in accordance with the relevant provisions of Chapter 4, Schedule 9 and the ADG, subject to the flexibility afforded to the application of the ADG under Chapter 3, Diverse Housing, Part 4, Build to Rent housing, Section 75 at the conceptual level. The Detailed SSDA (concurrently lodged) will address the detailed internal and external amenity under Chapter 4, Schedule 9 and the ADG</p> <p>The EIS is accompanied by a Housing SEPP Design Statement in Appendix 22, a Design Report in Appendix 18 and a Design Integrity Report in Appendix 20.</p>

Provision	Details	Comment
	(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.	
<p>147 Determination of development applications and modification applications for residential apartment development</p>	<p>(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—</p> <ul style="list-style-type: none"> (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide, (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel. <p>(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.</p> <p>(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</p> <p>(4) Subsection (1)(c) does not apply to State significant development.</p>	<p>Complies</p> <ul style="list-style-type: none"> (a) Acknowledging that this application relates to a Concept SSDA, An assessment of the concept design against Schedule 9 is provided below. Further, the EIS is accompanied by a Housing SEPP Design Statement in Appendix 22 which provides an assessment against the 9 principles. (b) The EIS is accompanied by a Housing SEPP Design Statement in Appendix 22 which provides an assessment of the concept massing against the ADG. (c) Not applicable – See Subclause (4) below. <p>Noted</p> <p>Noted</p> <p>Noted</p>
<p>148 Non-discretionary development standards for residential apartment development—the Act, s 4.15</p>	<p>(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.</p> <p>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.</p> <p>(2) The following are non-discretionary development standards—</p> <ul style="list-style-type: none"> (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, (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, (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. 	<p>Noted</p> <p>Complies on merit</p> <p>This subject application relates to an Amending Concept SSDA. Therefore, detailed internal configurations have been assessed in the Detailed SSDA (lodged concurrently to this application). As detailed in the Detailed SSDA -</p> <ul style="list-style-type: none"> (a) The ADG provisions under 3J-1 require that the minimum parking requirement for residents and visitors is set out in the Guide to

Provision	Details	Comment
		<p>Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The amendments to the Concept SSDA involve the removal of the car park on level 2. In accordance with Condition B18 of SSD-9579, Site A is required to provide a maximum of 46 car parking spaces and 24 motorcycle spaces. The removal of the car park means the site does not propose any off-street car parking or motorcycle spaces. As the condition relates to a maximum car parking and motorcycle parking requirement, the development will still remain in accordance with the maximum requirement outlined in the Conditions of Consent.</p> <p>(b) Details of future development at the site are discussed in the Detailed SSDA.</p> <p>(c) Details of future development at the site are discussed in the Detailed SSDA.</p>
<p>Section 149 - Apartment Design Guide prevails over development control plans</p>	<p>A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter—</p> <ul style="list-style-type: none"> (a) visual privacy, (b) solar and daylight access, (c) common circulation and spaces, (d) apartment size and layout, (e) ceiling heights, (f) private open space and balconies, (g) natural ventilation, (h) storage. 	<p>Noted</p>
<p>Chapter 5 – Transit Orientated Development</p>		
<p>150 Aims of chapter</p>	<p>The aims of this chapter are as follows—</p> <ul style="list-style-type: none"> (a) to increase housing density within 400m of existing and planned public transport, (b) to deliver mid-rise residential flat buildings and shop top housing around rail and metro stations that— 	<p>Not applicable</p> <p>Per Clause 152, Chapter 5 does not apply to the site.</p>

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	<ul style="list-style-type: none"> (i) are well designed, and (ii) are of appropriate bulk and scale, and (iii) provide amenity and liveability, (c) to encourage the development of affordable housing to meet the needs of essential workers and vulnerable members of the community. 	
151 Definitions	<i>(Section outlines definitions that apply in this Chapter)</i>	<p>Not applicable Per Clause 152, Chapter 5 does not apply to the site.</p>
152 Land to which chapter applies	<p>This chapter applies to land in the following local government areas that is in a Transport Oriented Development Area—</p> <ul style="list-style-type: none"> (a) Bayside, (b) Burwood, (c) Canada Bay, (d) Canterbury-Bankstown, (e) Central Coast, (f) Cumberland, (g) Georges River, (h) Inner West, (i) Ku-ring-gai, (j) City of Lake Macquarie, (k) City of Newcastle, (l) City of Penrith, (m) City of Wollongong. 	<p>Not applicable Crows Nest or the North Sydney LGA is not identified in Clause 152 for land to which this chapter applies. Further the site is not mapped on the <i>Transport Oriented Development Sites Map</i> under the Housing SEPP. It is noted that the site is identified as an ‘Accelerated TOD Precinct’ on the <i>Accelerated Transport Oriented Development Precincts Rezoning Areas Map</i> to which there are provisions under the NSLEP.</p>
153 Relationship to other environmental planning instruments	If there is an inconsistency between this chapter and another provision of this or another environmental planning instrument, whether made before or after the commencement of this chapter, this chapter prevails to the extent of the inconsistency.	<p>Not applicable Per Clause 152, Chapter 5 does not apply to the site.</p>
154 Development permitted with development consent in Transport Oriented Development Areas	<ul style="list-style-type: none"> (1) Development for the purposes of residential flat buildings is permitted with development consent on land in the following zones in a Transport Oriented Development Area— <ul style="list-style-type: none"> (a) a relevant residential zone, (b) Zone E1 Local Centre or an equivalent land use zone, (c) for land in the Canterbury-Bankstown local government area—Zone B2 Local Centre. (2) Development for the purposes of shop top housing is permitted with development consent on land in a relevant employment zone in a Transport Oriented Development Area. 	<p>Not applicable Per Clause 152, Chapter 5 does not apply to the site.</p>

Provision	Details	Comment
<p>155 Maximum building height and maximum floor space ratio</p>	<p>(1) This section identifies development standards for development under this chapter that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>(2) The maximum building height for a residential flat building in a Transport Oriented Development Area is 22m.</p> <p>(3) The maximum building height for a building containing shop top housing in a Transport Oriented Development Area is 24m.</p> <p>(4) The maximum floor space ratio for a residential flat building or a building containing shop top housing in a relevant residential zone or relevant employment zone in a Transport Oriented Development Area is 2.5:1.</p> <p>(5) This section does not apply to the extent a provision of another chapter of this policy or another environmental planning instrument permits a greater maximum building height or floor space ratio for a residential flat building or building containing shop top housing on the land.</p>	<p>Not applicable</p> <p>Per Clause 152, Chapter 5 does not apply to the site.</p>
<p>156 Affordable housing</p>	<p>(1) This section applies to development for the purposes of residential flat buildings or shop top housing in a Transport Oriented Development Area if the building has a gross floor area of at least 2000m².</p> <p>(2) Development consent must not be granted unless the consent authority is satisfied that—</p> <p style="padding-left: 20px;">(a) at least 2% of the gross floor area of the building will be used for affordable housing, and</p> <p style="padding-left: 20px;">(b) the affordable housing will be managed by a registered community housing provider in perpetuity.</p> <p>(3) A requirement under a provision of another chapter of this policy, another environmental planning instrument or a planning agreement that requires the development to provide more affordable housing prevails over this section.</p> <p>(4) Affordable housing provided as part of the development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing required under this section.</p>	<p>Not applicable</p> <p>Per Clause 152, Chapter 5 does not apply to the site.</p>
<p>157 Affordable housing parking spaces</p>	<p>(1) This section identifies a development standard for development under this chapter that, if complied with, prevents the consent authority from requiring more onerous standards for the matters.</p> <p>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.</p> <p>(2) Development to which section 156 applies must provide the following number of parking spaces for each affordable housing dwelling required under that section—</p>	<p>Not applicable</p> <p>Per Clause 152, Chapter 5 does not apply to the site.</p>

Provision	Details	Comment
	<ul style="list-style-type: none"> (a) for each dwelling containing 1 bedroom—0.4 parking space, (b) for each dwelling containing 2 bedrooms—0.5 parking space, (c) for each dwelling containing 3 or more bedrooms—1 parking space. <p>(3) This section prevails over a provision in another chapter of this policy or another environmental planning instrument to the extent that other provision permits a lower number of parking spaces for dwellings used for affordable housing on the land.</p>	
158 Exception to minimum lot size	<p>(1) This section applies if another environmental planning instrument applying to the land specifies a minimum lot size for development for the purposes of residential flat buildings or shop top housing (a minimum lot size restriction).</p> <p>(2) Development consent may be granted to development for the purposes of residential flat buildings or shop top housing on land in a Transport Oriented Development Area, despite a minimum lot size restriction.</p>	<p>Not applicable Per Clause 152, Chapter 5 does not apply to the site.</p>
159 Minimum lot width	<p>Development consent must not be granted to development for the purposes of residential flat buildings or shop top housing on a lot in a Transport Oriented Development Area, unless the lot is at least 21m wide at the front building line.</p>	<p>Not applicable Per Clause 152, Chapter 5 does not apply to the site</p>
160 Active street frontages	<p>(1) The objective of this section is to ensure active street frontages for residential flat buildings in Zone E1 Local Centre in Transport Oriented Development Areas to encourage the presence and movement of people.</p> <p>(2) This section applies to development for the purposes of residential flat buildings on land in the following zones in a Transport Oriented Development Area—</p> <ul style="list-style-type: none"> (a) Zone E1 Local Centre or an equivalent land use zone, (b) for land in the Canterbury-Bankstown local government area—Zone B2 Local Centre <p>(3) Development consent must not be granted unless the consent authority is satisfied the building will have an active street frontage.</p> <p>(4) A residential flat building has an active street frontage if the ground floor has building design elements that encourage interaction between the inside of the building and the external public areas adjoining the building.</p> <p>(5) This section prevails over a provision of another environmental planning instrument that requires an active street frontage for development on land to which this section applies.</p>	<p>Not applicable Per Clause 152, Chapter 5 does not apply to the site</p>
161 Consideration of Apartment Design Guide	<p>Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing on land in a Transport Oriented Development Area unless the consent authority has considered the Apartment Design Guide.</p>	<p>Not applicable Per Clause 152, Chapter 5 does not apply to the site</p>
Schedule 7A Savings and transitional provisions		

Provision	Details	Comment
9 State Environmental Planning Policy (Housing) Amendment (Transport Oriented Development) 2024	An amendment made to this policy by <i>State Environmental Planning Policy (Housing) Amendment (Transport Oriented Development) 2024</i> does not apply to— (a) a development application made, but not determined, on or before 13 May 2024, or (b) a modification application made after 13 May 2024, if it relates to a development consent granted on or before 13 May 2024.	Not applicable - Noted
10 Exemptions for Accelerated TOD Precincts	(1) Sections 30, 38(2)(a), 43A, 96(2) and 108C do not apply in relation to development on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map. (2) Subsection (1) does not apply in relation to— (a) a development application made, but not finally determined, before the commencement of this section, or (b) a development application made on or after 30 November 2027. (3) An amendment made to this policy, section 15C by <i>State Environmental Planning Policy Amendment (Exemptions) 2024</i> does not apply in relation to a development application made, but not finally determined, before the commencement of the amendment.	Not applicable Sections 30, 38(2)(a), 43A, 96(2) and 108C are not relative to the project.
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. (2) Responding to context involves identifying the desirable elements of an area’s existing or future character. (3) Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. (4) Consideration of local context is important for all sites, including sites in the following areas— (a) established areas, (b) areas undergoing change, (c) areas identified for change.	Complies Please refer to the Housing SEPP Design Statement (Appendix 22) for the detailed assessment.
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. (2) Good design also achieves an appropriate built form for a site and the building’s purpose in terms of the following— (a) building alignments and proportions,	Complies Please refer to the Housing SEPP Design Statement (Appendix 22) for the detailed assessment.

Provision	Details	Comment
	<ul style="list-style-type: none"> (b) building type, (c) building articulation, (d) the manipulation of building elements. (3) Appropriate built form— <ul style="list-style-type: none"> (a) defines the public domain, and (b) contributes to the character of streetscapes and parks, including their views and vistas, and (c) provides internal amenity and outlook. 	
<p>3 Density</p>	<ul style="list-style-type: none"> (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. (2) Appropriate densities are consistent with the area’s existing or projected population. (3) Appropriate densities are sustained by the following— <ul style="list-style-type: none"> (a) existing or proposed infrastructure, (b) public transport, (c) access to jobs, (d) community facilities, (e) the environment. 	<p>Complies</p> <p>Please refer to the Housing SEPP Design Statement (Appendix 22) for the detailed assessment.</p>
<p>4 Sustainability</p>	<ul style="list-style-type: none"> (1) Good design combines positive environmental, social and economic outcomes. (2) Good sustainable design includes— <ul style="list-style-type: none"> (a) use of natural cross ventilation and sunlight for the amenity and liveability of residents, and (b) passive thermal design for ventilation, heating and cooling, which reduces reliance on technology and operation costs. (3) Good sustainable design also includes the following— <ul style="list-style-type: none"> (a) recycling and reuse of materials and waste, (b) use of sustainable materials, (c) deep soil zones for groundwater recharge and vegetation. 	<p>Complies</p> <p>Please refer to the Housing SEPP Design Statement (Appendix 22) for the detailed assessment.</p>
<p>5 Landscape</p>	<ul style="list-style-type: none"> (1) Good design recognises that landscape and buildings operate together as an integrated and sustainable system, resulting in development with good amenity. (2) A positive image and contextual fit of well designed development is achieved by contributing to the landscape character of the streetscape and neighbourhood. (3) Good landscape design enhances the development’s environmental performance by retaining positive natural features that contribute to the following— 	<p>Complies</p> <p>Please refer to the Housing SEPP Design Statement (Appendix 22) for the detailed assessment.</p>


Provision	Details	Comment
	<ul style="list-style-type: none"> (a) the local context, (b) co-ordinating water and soil management, (c) solar access, (d) micro-climate, (e) tree canopy, (f) habitat values, (g) preserving green networks. <p>(4) Good landscape design optimises the following—</p> <ul style="list-style-type: none"> (a) usability, (b) privacy and opportunities for social interaction, (c) equitable access, (d) respect for neighbours' amenity. <p>(5) Good landscape design provides for practical establishment and long term management.</p>	
<p>6 Amenity</p>	<ul style="list-style-type: none"> (1) Good design positively influences internal and external amenity for residents and neighbours. (2) Good amenity contributes to positive living environments and resident well-being. (3) Good amenity combines the following— <ul style="list-style-type: none"> (a) appropriate room dimensions and shapes, (b) access to sunlight, (c) natural ventilation, (d) outlook, (e) visual and acoustic privacy, (f) storage, (g) indoor and outdoor space, (h) efficient layouts and service areas, (i) ease of access for all age groups and degrees of mobility. 	<p>Complies</p> <p>Please refer to the Housing SEPP Design Statement (Appendix 22) for the detailed assessment.</p>
<p>7 Safety</p>	<ul style="list-style-type: none"> (1) Good design optimises safety and security within the development and the public domain. (2) Good design provides for quality public and private spaces that are clearly defined and fit for the intended purpose. (3) Opportunities to maximise passive surveillance of public and communal areas promote safety. 	<p>Complies</p> <p>Please refer to the Housing SEPP Design Statement (Appendix 22) for the detailed assessment.</p>

Provision	Details	Comment
	(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.	
8 Housing diversity and social interaction	<p>(1) Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>(2) Well designed residential apartment development responds to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>(3) Good design involves practical and flexible features, including—</p> <ul style="list-style-type: none"> (a) different types of communal spaces for a broad range of people, and (b) opportunities for social interaction among residents. 	<p>Complies</p> <p>Please refer to the Housing SEPP Design Statement (Appendix 22) for the detailed assessment.</p>
9 Aesthetics	<p>(1) Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure.</p> <p>(2) Good design uses a variety of materials, colours and textures.</p> <p>(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.</p>	<p>Complies</p> <p>Please refer to the Housing SEPP Design Statement (Appendix 22) for the detailed assessment.</p>

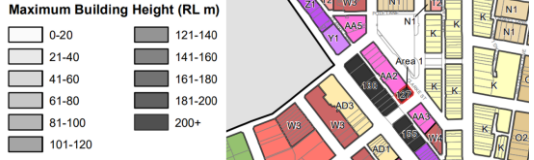
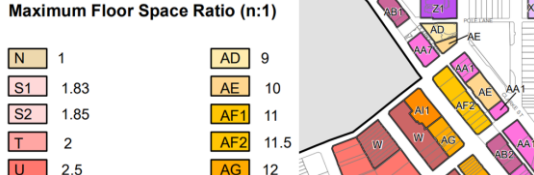
2. North Sydney Local Environmental Plan (NSLEP) 2013

The applicable *North Sydney Local Environmental Plan (NSLEP) 2013* provisions relevant to the proposal are considered in Table 2 below. In summary, the proposal is generally compliant with the applicable provisions.

Provision	Details	Comment
Part 2 - Permitted or prohibited development		
2.1 Land use zones	The land use zones under this Plan are as follows— MU1 Mixed Use	<p>Noted</p> <p>The site is located within a MU1 Mixed Use zone. Refer to below for assessment of compliance with zone.</p>
2.2 Zoning of land to which Plan applies	For the purposes of this Plan, land is within the zones shown on the <i>Land Zoning Map</i> .	Noted

Provision	Details	Comment
		 <p data-bbox="1447 432 1962 459">The site is located within a MU1 Mixed Use zone.</p>
<p data-bbox="165 480 367 560">Land Use Table – MU1 Mixed Use Zone</p>	<p data-bbox="405 480 651 507">1 Objectives of zone</p> <ul data-bbox="439 517 1420 954" style="list-style-type: none"> <li data-bbox="439 517 1420 571">• To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities. <li data-bbox="439 580 1420 667">• 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. <li data-bbox="439 676 1420 730">• To minimise conflict between land uses within this zone and land uses within adjoining zones. <li data-bbox="439 740 1420 794">• To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. <li data-bbox="439 804 1420 858">• To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity. <li data-bbox="439 868 1420 954">• 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. 	<p data-bbox="1447 480 1559 507">Complies</p> <ul data-bbox="1458 517 1980 1037" style="list-style-type: none"> <li data-bbox="1458 517 1980 772">• The proposed development offers a blend of residential, commercial, and communal areas. The majority of the building fronting Hume Street and Pacific Highway is designed to feature vibrant retail offerings, along with a generous lobby shared between the build-to-rent towers and the commercial gym located on levels 1 and 2. The planned commercial spaces, such as a gym and wellness centre will provide shared amenities that encourage social interaction and support residents' well-being, creating a vibrant, welcoming environment with a variety of uses and services. <li data-bbox="1458 959 1980 1037">• Active frontages are primarily to Pacific Highway and Hume Streets. Hume Street acts as a connector between the two with

Provision	Details	Comment
		<p>Sites A, B and C all contributing active frontages to this street.</p> <ul style="list-style-type: none"> The proposed land uses, as outlined above) are permitted with consent in the MU1 zone. Retail/commercial floorspace is provided on the Pacific Highway, Hume Street frontages. A high-quality design outcome is achieved. The proposed OSD at Site A will make a positive contribution to the centre. Retail/commercial floorspace is provided on the Hume Street and Pacific Highway frontages. <p>Residential use and additional commercial are provided above the Metro Station infrastructure.</p>
	<p>2 Permitted without consent Nil</p> <p>3 Permitted with consent Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Hostels; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Sex services premises; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals</p> <p>4 Prohibited Any other development not specified in item 2 or 3</p>	<p>Complies</p> <p>The development is for the purpose of a residential mixed-use development (including commercial/retail components). 'Residential flat buildings', 'commercial premises' (of which retail premises are a sub-category) are permissible with consent in the MU1 zone.</p>
<p>Part 4 - Principal development standards</p>		

Provision	Details	Comment
<p>4.3 Height of buildings</p>	<p>(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.</p>	<p>Complies</p> <p>The height of buildings map identifies a maximum height of 180m RL.</p>  <p>The proposed development has a maximum height of 180m RL to the Tower 1 and 2 parapet (BTR towers) and 134.75m RL to the Tower 3 parapet (ARH tower).</p> <p>No changes are made to the maximum building height (180m RL). The built form has however been modified to provide a height transition from the build to rent towers in the north west to the affordable housing tower in the south east.</p>
	<p>(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.</p>	<p>Complies</p> <p>The overall site has a maximum GFA of 44,608.50m² (11.5:1).</p> <p>The overall envelope massing has a maximum GFA of 44,608.50m² (11.5:1).</p> 
<p>4.4A Non-residential floor space ratios</p>	<p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to provide for development with continuous and active street frontages on certain land in Zone E1 Local Centre, Zone MU1 Mixed Use and Zone SP2 Infrastructure, (b) to encourage an appropriate mix of residential and non-residential uses, (c) to provide a level of flexibility in the mix of land uses to cater for market demands, (d) to ensure that a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of commercial centres. 	<p>Complies</p> <p>This subject application relates only to the Amending Concept SSDA, in particular to the envelope massing and use.</p> <p>Details of future development at the site are discussed in the detailed SSDA.</p> <p>Notwithstanding this, the site under the Detailed SSDA (lodged concurrently) is subject to a</p>

Provision	Details	Comment
	<p>(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.</p> <p>(3), (4) (Repealed)</p> <p>(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.</p> <p>(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.</p> <p>(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—</p> <ul style="list-style-type: none"> (a) entrances and lobbies (including as part of a mixed use development), (b) access for fire services, (c) vehicular access. <p>(7) In this clause, a building has an active street frontage if no part of the ground floor of the building facing a street is used for residential accommodation.</p> <p>(8) In this clause, non-residential floor space ratio means the ratio of the gross floor area of that part of a building used or proposed to be used for any purpose in all buildings within a site to the site area, other than for any of the following purposes—</p> <ul style="list-style-type: none"> (a) residential accommodation, (b) serviced apartments, if less than 50 serviced apartments are or will be contained within the site, (c) a car park, (d) a telecommunications facility. 	<p>minimum non-residential FSR of 1:1. The proposed development provides 4,296m² of non-residential GFA (FSR of 1:1).</p> <p>The total 4,296m² non-residential GFA comprises:</p> <p>Tower 1 + 2:</p> <ul style="list-style-type: none"> • Level 00: 372m² (Retail 01, Retail 02 & Retail 03; & Tower 1 BTR lobby). • Level 02: 1540m² (Commercial gyms, gym store; golf Simulator, lobby, private dining & coworking space) • Level 03: 1016m² (Sky lobby, holding room, T2 waste room, fire tank, fire pump room, bulky waste, T1 waste room & bar lobby). <p>Tower 3:</p> <ul style="list-style-type: none"> • Level 00: 385m² (436m² minus AFH Lobby(51m²)) (Shared lobby, male WC, Female WC, DDA WC & Airlock; Retail 04 & Retail 05) • Mezzanine: 206m² (MSR, cold water pump room, pool plant, OSD tank, T3 bulky waste room & store) • Level 1: 777m² (Pool area; change rooms & associated room (pool plant, clearers room, gym)) <p>Development consent must not be granted to the erection of a building on land in MU1 mixed use zone unless the consent authority is satisfied that the building will have an active street frontage after its erection. Thought the proposed concurrent Amending Concept SSSA proposal seeks to change the use on site from commercial to mixed use residential development. Retail activation will continue to be achieved through the provision of retail tenancies and commercial gym in the lower podium levels, consistent with the original Concept Approval.</p> <p>The ground plane for the site is constrained by the existing Crows Nest Metro box works. Despite this, active frontages have been maximised where possible.</p>

Provision	Details	Comment
Part 5 - Miscellaneous provisions		
5.6 Architectural roof features	<p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to permit variations to maximum building height standards for roof features of visual interest, (b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard, (c) to maintain solar access to new and existing buildings, public reserves and streets, (d) to promote the retention and, if appropriate, sharing of existing views. <p>(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.</p> <p>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—</p> <ul style="list-style-type: none"> (a) the architectural roof feature— <ul style="list-style-type: none"> (i) comprises a decorative element on the uppermost portion of a building, and (ii) is not an advertising structure, and (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing, and (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature. 	<p>Not applicable</p> <p>The proposed development is all located under the 180m RL height control. Architectural roof features will be addressed under the Detailed SSDA (lodged concurrently).</p>
5.10 Heritage Conservation	<p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to conserve the environmental heritage of the Queanbeyan-Palerang Regional local government area, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance. 	<p>Complies</p> <p>Site A is not identified as a local or state heritage item, nor is it located within a heritage conservation area.</p> <p>The proposed Amending Concept SSDA massing, with its 3-tower massing will have no adverse impact and will actually be sympathetic and more beneficial to the heritage significance of the nearby heritage items. The EIS is accompanied by a Statement of Heritage Impact in Appendix 28.</p> <p>Refer to Chapter 7.4.12 of the EIS for further details.</p>
5.21 Flood planning	<p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to minimise the flood risk to life and property associated with the use of land, 	<p>Complies</p> <p>Site A is not mapped as in a flood planning area.</p>

Provision	Details	Comment
	<ul style="list-style-type: none"> (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, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood. 	<p>The EIS is accompanied by a Stormwater Management Plan and Reports and Flood Impact Risk Assessment in Appendix 55 and Appendix 41, which considers the stormwater and flood risks for Site A.</p> <p>Detailed flood risk assessment and mitigation measures are discussed in Chapters 2.6.3 and 7.4.8.</p>
Part 6 - Additional local provisions		
6.10 Earthworks	<p>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>Not applicable</p> <p>This Amending Concept SSDA does not seek consent for demolition, excavation or bulk earthworks. All buildings and structures that were on the site were demolished under the terms of the CSSI Approval to accommodate the Crows Nest Metro Station.</p> <p>The demolition works approved under the CSSI Approval are now complete. The construction of the Crows Nest Metro Station is also now complete and as of 19 August 2024 is operational.</p>
6.12A Residential flat buildings in Zone MU1 Mixed Use	<ul style="list-style-type: none"> (1) 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. (2) This clause applies to land in Zone MU1 Mixed Use. (3) Development consent must not be granted for development for the purpose of a residential flat building on land to which this clause applies unless the consent authority is satisfied that— <ul style="list-style-type: none"> (a) the residential flat building is part of a mixed use development, and (b) no part of the ground floor of the building that is facing a street is used for residential accommodation. 	<p>Complies</p> <p>The proposal under this Amending Concept SSDA includes a mixed-use development comprising residential, commercial (including) retail uses.</p> <p>No residential accommodation is located on the ground floor. The only residential related components on the ground level relate to the lobbies for the BTR and affordable housing.</p>
6.13 Vehicular Access	<p>Despite any other provision of this Plan, development for the purposes of a driveway and vehicular crossing within a road reserve associated with a permissible use in an adjoining zone may be carried out with development consent.</p>	<p>Noted</p> <p>Vehicular access to the loading zones off Clarke Lane is already constructed under the CSSI Approval relating to the Metro Box.</p>
6.15 Airspace operations	<ul style="list-style-type: none"> (1) The objectives of this clause are as follows— <ul style="list-style-type: none"> (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, 	<p>Complies</p>

Provision	Details	Comment
	<p>(b) to protect the community from undue risk from that operation.</p> <p>(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.</p> <p>(3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that—</p> <p>(a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or</p> <p>(b) the development will not penetrate the Limitation or Operations Surface.</p> <p>(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.</p>	<p>The proposed height will be consistent with the maximum height (180m RL) granted under the original Concept Approval.</p> <p>The proposed development site is constrained by the outer horizontal surface at a height of 156m AHD OLS. The proposed building height is 180m AHD, which will infringe on the outer horizontal surface by 24m. The temporary overall height will be 240m AHD (including the 60m temporary crane above the building height), which will infringe on the outer horizontal surface by 84m.</p> <p>Crane information received on 10 September 2024 indicated that the Crane model will be Jaso 280, which will be 60m above the building height. The temporary overall height (including the crane) will be 240m AHD. Third.i Group has engaged Aviation Projects to provide evidence and analysis to support an application via Sydney Airport Corporation Limited for Commonwealth approval for any intrusions into Prescribed Airspace related to Sydney International Airport, including crane operations, which is approximately 60m above the proposed building height.</p> <p>The EIS is accompanied by an Aviation Impact Assessment, in Appendix 56. Airspace compliance is further discussed in Chapter 7.4.16.</p>
<p>6.19B Design excellence in the area adjacent to Crows Nest Metro Station</p>	<p>(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.</p> <p>(2) This clause applies to land identified as “Design Excellence” on the Design Excellence Map.</p> <p>(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority considers that the development exhibits design excellence.</p> <p>(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors from public spaces,</p>	<p>Compiles</p> <p>Site A is identified as ‘Design Excellence’ on the Design Excellence Map. Consideration under the matters under Subclause (4) are addressed in the Design Integrity Report (Appendix 20).</p> <p>Consistent with Condition A21 of the Concept SSDA, a separate Design Excellence Strategy has been prepared for Sites A and B in consultation with GA NSW. This Design Excellence Strategy for Sites A and B were supported by GA NSW in October 2021.</p>

Provision	Details	Comment
	<p>(d) the consistency of the development with any guidelines issued by the Planning Secretary relating to the design and amenity of the area adjacent to the Crows Nest Metro Station,</p> <p>(e) how the development ensures appropriate solar access to—</p> <ul style="list-style-type: none"> (i) Willoughby Road between 11.30 am and 2.30 pm in midwinter, and (ii) Ernest Place between 10 am and 3 pm in midwinter, <p>(f) how the development addresses the following matters—</p> <ul style="list-style-type: none"> (i) the suitability of the land for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (vii) the achievement of the principles of ecologically sustainable development, (viii) pedestrian, cycle, vehicular and service access, circulation and requirements, (ix) the impact on, and any proposed improvements to, the public domain, (x) achieving appropriate interfaces at ground level between the development and the public domain, (xi) active street frontages, (xii) integration of landscape design. 	
Part 7 - Crows Nest Transport Oriented Development Precinct		
<p>7.1 Objectives</p>	<p>The objectives of this part are to—</p> <ul style="list-style-type: none"> (a) increase housing supply in the Crows Nest Transport Oriented Development Precinct, and (b) enable a variety of land uses within walking distance of the St Leonards train and Crows Nest metro stations, and (c) deliver housing supported by public spaces, vibrancy and community amenity, and (d) increase the amount of affordable housing in the Precinct. 	<p>Complies</p> <p>Consistent with the objectives, the proposed development:</p> <ul style="list-style-type: none"> • Provides 474 BTR apartments. 15% of the BTR (56 apartments) are provided as affordable housing which will increase housing supply and affordable housing supply in the Crows Nest Transport Oriented Development Precinct. • The development also includes retail and commercial uses alongside the residential

Provision	Details	Comment
		<p>uses all located above and integrated with the existing Crows Nest metro station.</p> <p>This proposal delivers housing supported by communal spaces, increased vibrancy and community amenity.</p>
<p>7.2 Application of part</p>	<p>This part applies to land identified as “Crows Nest Transport Oriented Development Precinct” on the Key Sites Map.</p>	<p>Complies</p> <p>The site is identified on the Key Sites Map as within the ‘Crows Nest Transport Orientated Development Precinct’.</p>
<p>7.3 Design guide</p>	<p>Development consent must not be granted for development on land to which this part applies unless the consent authority is satisfied the development will be consistent with the <i>Crows Nest Transport Oriented Development Precinct Design Guide</i>.</p>	<p>Complies</p> <p>The EIS is accompanied by a Design Integrity Report in Appendix 20 which demonstrates the development is consistent with the ‘<i>Crows Nest TOD Precinct Design Guide</i>’.</p> <p>The Design Integrity Report outlines how the proposed development aligns with the Crows Nest TOD Precinct Design Guide. The precinct is envisioned as a dynamic mixed-use centre, integrating residential and commercial uses with improved accessibility through the new metro station.</p>
<p>7.4 Design excellence</p>	<p>(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.</p> <p>(2) Development consent must not be granted for development on land to which this part applies unless the consent authority considers that the development exhibits design excellence.</p> <p>(3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors from public spaces,</p> <p>(d) how the development addresses the following matters—</p> <p>(i) the suitability of the land for development,</p> <p>(ii) existing and proposed uses and use mix,</p> <p>(iii) heritage issues and streetscape constraints,</p>	<p>Complies</p> <p>The EIS is accompanied by a Design Integrity Report in Appendix 20 which demonstrates the amended development demonstrates design excellence and achieves the controls under Clause 7.4.</p>

Provision	Details	Comment
	<ul style="list-style-type: none"> (iv) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (vii) the achievement of the principles of ecologically sustainable development, (viii) pedestrian, cycle, vehicular and service access, circulation and requirements, (ix) the impact on, and proposed improvements to, the public domain, (x) achieving appropriate interfaces at ground level between the development and the public domain, (xi) active street frontages, (xii) integration of landscape design. 	
<p>7.5 Affordable housing</p>	<p>(1) In this clause, the <i>Crows Nest Transport Oriented Development Precinct Affordable Housing Principles</i> are as follows—</p> <ul style="list-style-type: none"> (a) affordable housing must be provided and managed to accommodate a diverse residential population within areas representative of all income groups in North Sydney, (b) affordable housing must be rented to tenants at rents that do not exceed a benchmark of 30% of actual household income, (c) dwellings provided for affordable housing must be managed to maintain their continued use as affordable housing, (d) the Council must use the following received by or on behalf of the Council to improve or replace, or provide additional, affordable housing in North Sydney— <ul style="list-style-type: none"> (i) rent from affordable housing, excluding landlords' expenses, such as management and maintenance costs and rates and taxes payable in connection with the dwellings, (ii) money from the disposal of affordable housing, (e) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings forming part of the proposed development that are not intended to be used as affordable housing, particularly in relation to internal fittings and finishes, solar access and privacy. <p>(2) This clause applies to development on land identified as “Affordable Housing Contribution Area” on the <i>Affordable Housing Map</i> resulting in—</p> <ul style="list-style-type: none"> (a) the erection of a new building with more than 200m² of gross floor area used for the purposes of residential accommodation, or (b) alterations to an existing building that result in at least 200m² of additional gross floor area used for the purposes of residential accommodation. 	<p>Complies</p> <p>The site is identified within the “Affordable Housing Contribution Area” on the Affordable Housing Map and includes the erection of a new building with more than 200m² of GFA used for the purposes of residential accommodation.</p> <p>The proposed development is consistent with the Affordable Housing Principles as follows:</p> <ul style="list-style-type: none"> • The affordable housing component of the development will be owned by <i>Evolve Housing Ltd</i> and managed by its profit for purpose real estate agency entity <i>Echo Realty NSW & ACT Pty Ltd</i>. It will be managed to accommodate a diverse residential population within areas representative of all income groups in North Sydney. • The affordable housing can and will be managed and rented to tenants that do not exceed a benchmark of 30% of actual household income. • The proposed affordable dwellings (physical assets) will be provided as affordable housing in perpetuity.

Provision	Details	Comment
	<p>(3) This clause does not apply to development for the purposes of boarding houses, community housing, group homes, hostels or public housing.</p> <p>(4) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following—</p> <p>(a) the Crows Nest Transport Oriented Development Precinct Affordable Housing Principles,</p> <p>(b) the impact of the development on the existing mix and likely future mix of residential accommodation in North Sydney.</p> <p>(5) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing contribution equivalent to the contribution specified in subclause (6).</p> <p>(6) The contribution for development is the amount of gross floor area equivalent to the percentage, shown for the land on the Affordable Housing Map, of the gross floor area of the residential component of the development.</p> <p>(7) A condition imposed under this clause must permit a person to satisfy the contribution by—</p> <p>(a) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 50m², and a monetary contribution, paid to the Council, for any remainder, or</p> <p>(b) a monetary contribution paid to the Council, of equivalent value to the gross floor area specified in subclause (6).</p> <p>(8) The rate at which a monetary contribution is taken to be equivalent to floor area for the purposes of this clause must be calculated by reference to the market value of dwellings of a similar size to the dwellings in the proposed development.</p> <p>(9) In this clause—</p> <p>community housing has the same meaning as in the Community Housing Providers National Law (NSW).</p> <p>public housing has the same meaning as in the Housing Act 2001.</p>	<ul style="list-style-type: none"> The proposed affordable housing comprises a mix of dwellings that are constructed to the same standard that as the dwellings forming part of the proposed development that are not intended to be used as affordable housing. <p>Compliant with subclause (4), the proposed development has considered the considered the Crows Nest Transport Oriented Development Precinct Affordable Housing Principles (see above). Further, the impact of the development on the existing mix and likely future mix of residential accommodation in North Sydney has been addressed throughout this EIS.</p> <p>Consistent with subclause (5), the proposed development (as detailed in the Detailed SSDA – lodged concurrently) provides 5,263m² GFA (15% of residential BTR) of affordable housing contribution. This affordable housing with be provided in perpetuity.</p>

3. North Sydney Development Control Plan 2013

The applicable *North Sydney Development Control Plan 2013* (NSDCP) provisions relevant to the proposal are considered in Table 3 below. In summary, the proposal is generally compliant with the applicable provisions.

Clause	Provision	Comment
2.1.1 Diversity of activities, facilities, opportunities and services		
	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).	<p>Complies</p> <p>The proposed amendments still provide retail tenancies on the street level to promote a diversity of facilities and services. Residential uses are now located above the podium levels.</p> <p>Details of future development at the site are discussed in the Detailed SSDA, lodged concurrently.</p>
	P2 Consideration should be given to incorporating community and entertainment facilities within a development.	
	P3 A variety of uses should be provided at street level, which contributes positively to economic and social vitality.	
	P4 Avoid blank walls that face streets and laneways at the ground level.	
	P5 Enhance the amenity of the public domain to meet the needs of the workforce, residents and visitors.	
	P6 Mixed use developments within the B1 Neighbourhood Centre, B4 Mixed Use or IN2 Light Industrial zones should: <ul style="list-style-type: none"> (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 (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. 	
2.2.2 Maximise use of public transport		
	P1 Locate pick up and drop off points for public transport and taxi ranks as close as possible to public spaces and activities.	<p>Complies</p> <p>The ground level interface is constrained by the constructed and now operational Crows Nest Metro Station. The Crows Nest Station includes 2 taxi spaces and 7 spaces for Kiss-and-Ride facilities along Clarke Lane and Oxley Street. There are no non-residential vehicular parking spaces within the site.</p> <p>The proposed concept Envelope is capable of accommodating compliant quantities of bicycle parking. Details of future development at the site are discussed in the Detailed SSDA, lodged concurrently.</p>
	P2 Locate short stay (ten minute) parking spaces within or as close as possible to meeting places.	
	P3 Limit the amount of long stay off street commuter parking to that which existed at the time of gazettal of NSLEP 2001 (Amendment No.9 – North Sydney Centre) on the 28 February 2003.	
	P4 Minimise any non-residential parking on site.	
	P5 Bicycle storage facilities are provided in accordance with Part B: Section 10 - Car Parking and Transport of the DCP.	
	P6 Provide showers for use by cyclists and people that walk to work.	

Clause	Provision	Comment												
2.2.3 Mixed Residential Population														
	<p>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.</p> <table border="1"> <thead> <tr> <th colspan="2">TABLE B-2.1: Dwelling Mix</th> </tr> <tr> <th>Dwelling Size</th> <th>% of Total Dwellings</th> </tr> </thead> <tbody> <tr> <td>studio</td> <td>10-20%</td> </tr> <tr> <td>1 bedroom</td> <td>25-35%</td> </tr> <tr> <td>2 bedroom</td> <td>35-45%</td> </tr> <tr> <td>3 bedroom+</td> <td>10-20%</td> </tr> </tbody> </table>	TABLE B-2.1: Dwelling Mix		Dwelling Size	% of Total Dwellings	studio	10-20%	1 bedroom	25-35%	2 bedroom	35-45%	3 bedroom+	10-20%	<p>Complies on merit</p> <p>The proposed concept envelope will accommodate a range of dwelling typologies, in the form of BTR and affordable housing. Details of future development at the site are discussed in the Detailed SSDA, lodged concurrently.</p>
TABLE B-2.1: Dwelling Mix														
Dwelling Size	% of Total Dwellings													
studio	10-20%													
1 bedroom	25-35%													
2 bedroom	35-45%													
3 bedroom+	10-20%													
	<p>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.</p>													
	<p>P5 In mixed use developments containing residential accommodation, all new dwellings must satisfy the Silver level performance requirements of the Liveable Housing Design Guidelines. The incorporation of Gold and Platinum level universal design features is strongly supported.</p>													
	<p>P7 Where adaptable housing is to be provided, the adaptable housing components must:</p> <ul style="list-style-type: none"> (a) be integrated into the overall design of the development, and must not be isolated; and (b) not use a different standard of materials and finishes to the remainder of the building. 													
	<p>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.</p>													
2.3 Environmental Criteria														
2.3.2 Noise														
	<p>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.</p>	<p>Complies</p>												

Clause	Provision	Comment																											
	<p style="text-align: center;">TABLE B-2.3 –Noise Emission Limits</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align: center;">Time Period</th> <th rowspan="2" style="text-align: center;">Max 1 hour noise level (LAeq 1 Hour)</th> </tr> <tr> <th style="text-align: center;">Day</th> <th style="text-align: center;">Week</th> <th style="text-align: center;">Time</th> </tr> </thead> <tbody> <tr> <td rowspan="3" style="text-align: center;">Weekday</td> <td style="text-align: center;">Day</td> <td style="text-align: center;">7am – 6pm</td> <td style="text-align: center;">60 dBA</td> </tr> <tr> <td style="text-align: center;">Evening</td> <td style="text-align: center;">6pm – 10pm</td> <td style="text-align: center;">50 dBA</td> </tr> <tr> <td style="text-align: center;">Night</td> <td style="text-align: center;">10pm – 7am</td> <td style="text-align: center;">45 dBA</td> </tr> <tr> <td rowspan="3" style="text-align: center;">Weekend</td> <td style="text-align: center;">Day</td> <td style="text-align: center;">8am – 7pm</td> <td style="text-align: center;">60 dBA</td> </tr> <tr> <td style="text-align: center;">Evening</td> <td style="text-align: center;">7pm – 10pm</td> <td style="text-align: center;">50 dBA</td> </tr> <tr> <td style="text-align: center;">Night</td> <td style="text-align: center;">10pm – 8am</td> <td style="text-align: center;">45 dBA</td> </tr> </tbody> </table> <p><i>Notes: LAeq (1hour) readings are to be measured during the noisiest 1 hour period between Day - 7/8am to 6/7pm, Evening - 6/7pm – 10pm and Night - 10pm to 7/8am.</i></p> <p>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.</p> <p>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.</p> <p>P4 Council may require the submission of an Acoustic Report to ensure compliance with P1 above.</p> <p>P6 Developments should be designed and / or incorporate features that reduce noise transmission.</p> <p>P7 Where practical, development should incorporate adequate measures for tonal, low frequency, impulsive, or intermittent noise.</p> <p>P8 Developments must comply with EPA Noise Policy for Industry 2017 in particular the modification required for acceptable noise level (ANL).</p>	Time Period			Max 1 hour noise level (LAeq 1 Hour)	Day	Week	Time	Weekday	Day	7am – 6pm	60 dBA	Evening	6pm – 10pm	50 dBA	Night	10pm – 7am	45 dBA	Weekend	Day	8am – 7pm	60 dBA	Evening	7pm – 10pm	50 dBA	Night	10pm – 8am	45 dBA	<p>A Noise and Vibration Impact Assessment has been prepared to support this application as required by SEARs (Item 12).</p> <p>In summary, the changes as a result of the modification area considered to be acoustically acceptable based on the existing acoustic reports and conditions within the original Concept Approval (SSD9579). The existing acoustic report that accompanied the original application, remains accurate without change as part of this proposed amendment.</p> <p>Please refer to Chapter 7.3.8 of the EIS and the Noise and Vibration Impact Assessment in Appendix 53 for the detailed assessment.</p>
Time Period			Max 1 hour noise level (LAeq 1 Hour)																										
Day	Week	Time																											
Weekday	Day	7am – 6pm	60 dBA																										
	Evening	6pm – 10pm	50 dBA																										
	Night	10pm – 7am	45 dBA																										
Weekend	Day	8am – 7pm	60 dBA																										
	Evening	7pm – 10pm	50 dBA																										
	Night	10pm – 8am	45 dBA																										
2.3.3 Wind Speed																													
	<p>P1 Buildings should be designed to reduce wind velocity at footpaths and public outdoor spaces.</p> <p>P2 Development should not result in the wind speed exceeding 13m/s at footpaths and accessible outdoor spaces.</p> <p>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.</p>	<p>Complies</p> <p>A Pedestrian Wind Environment Assessment has been prepared to support this application as required by SEARs (Item 5).</p> <p>In summary, the decision to divide the tower massing into 3 towers as part of this modification is deemed to be the most optimal strategy for mitigating wind impacts. The 3 tower design will facilitate the channelling of winds through the</p>																											

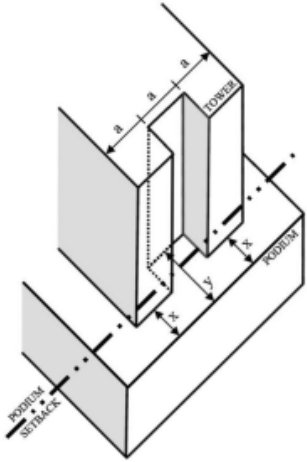
Clause	Provision	Comment
		<p>buildings, thereby reducing the wind impact on the ground level and public domain.</p> <p>Please refer to Chapter 7.3.5 of the EIS and the Pedestrian Wind Environment Study in Appendix 40 for the detailed assessment.</p>
2.3.4 Reflectivity		
	<p>P1 Buildings should provide a greater proportion of solid to void on all facades and use non-reflective materials.</p> <p>P2 Buildings should use non-reflective glass and / or recess glass behind balconies.</p> <p>P3 Sun shields, such as awnings, canopies and pergolas should be provided to glazed areas.</p> <p>P4 Council may require the submission of a Reflectivity Study prepared by a suitably qualified consultant.</p>	<p>Complies</p> <p>The EIS is accompanied by a Reflected Glare Report in Appendix 39 for detailed discussion.</p>
2.3.7 Solar access		
	<p>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.</p> <p>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.</p> <p>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.</p> <p>P6 Setbacks must be provided between buildings above the podium level.</p> <p>P7 Provide a mix of sun-protected and unprotected areas in public open space, roof top gardens and other outdoor spaces.</p> <p>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.</p> <p>P9 The use, location and placement of photovoltaic solar panels take into account the potential permissible building form on adjoining properties.</p>	<p>Complies</p> <p>Shadow Diagrams have been prepared to support this application as required by SEARs. The proposed amended development ensures adequate solar access to key public spaces as required.</p> <p>The separation of towers introduces gaps through which sunlight can penetrate during winter months, particularly to Hume Street Park and Willoughby Road, maintaining compliance with solar access requirements. This design strategy directly improves on the original Concept Approval, where a consolidated built form generated broader and more persistent shadow impacts across the public domain.</p> <p>Refer to Section 7.3.5 of the EIS for discussion and the View Loss and View Sharing Assessment Report (including Overshadowing Impact Assessment) in Appendix 29 and the Shadow Diagrams in Appendix 33.</p> <p>Internal floorplan detailed are addressed under the Detailed SSDA, lodged concurrently.</p>
2.3.8 Views		
	<p>P1 Where appropriate, the opening up of views should be sought to improve the legibility of the area.</p>	<p>Complies</p>

Clause	Provision	Comment												
	<p>P2 Provide public or semi-public access to top floors where possible (e.g. restaurants, roof top gardens and facilities).</p> <p>P3 Use setbacks, design and articulation of buildings to maintain street views, views from public areas and those identified in the relevant area character statement (refer to Part C of the DCP).</p> <p>P4 Maintain and protect views identified in the relevant area character statement (refer to Part C of the DCP) from future development.</p>	<p>The proposed concept envelope proposes a 3 tower massing in comparison to the singular tower massing approved under the original Concept Approval. The proposed amendments provide the opening up of views to improve the legibility of the area. The envelope setbacks to neighbouring properties are consistent with that approved under the original Concept Approval.</p> <p>Noting that this application is for a an Amending Concept SSDA only, the proposed Detailed SSDA (lodged concurrently), proposes a small bar is proposed on the rooftop of Tower 1 to allow for public access to views from the development.</p> <p>A View Loss / View Sharing Assessment Report has been prepared to support this application as required by SEARs.</p> <p>Please refer to Chapter 7.3.5 of the EIS and Appendix 29 for the detailed assessment.</p> <p>Further details of future development at the site are discussed in the detailed SSDA.</p>												
2.3.9 Acoustic privacy														
	<p>P1 This subsection only applies to the residential component of any mixed use development.</p> <p>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.</p> <table border="1"> <thead> <tr> <th colspan="3">TABLE B-2.6: Acoustic Amenity</th> </tr> <tr> <th>Internal Space</th> <th>Time Period</th> <th>Max 1 hr noise level (LAeq 1 Hour)</th> </tr> </thead> <tbody> <tr> <td>Living areas</td> <td>Day or Night</td> <td>≤ 40 dBA</td> </tr> <tr> <td>Sleeping Areas</td> <td>Day or Night</td> <td>≤ 35 dBA</td> </tr> </tbody> </table> <p>Notes: Readings are to be LAeq (1hour), when measured during the noisiest 1 hour period between Day 7am to 10pm; and Night - 10pm to 7am.</p> <p>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.</p>	TABLE B-2.6: Acoustic Amenity			Internal Space	Time Period	Max 1 hr noise level (LAeq 1 Hour)	Living areas	Day or Night	≤ 40 dBA	Sleeping Areas	Day or Night	≤ 35 dBA	<p>Complies</p> <p>A Noise and Vibration Impact Assessment has been prepared to support this application as required by SEARs.</p> <p>In summary, the changes as a result of the modification area considered to be acoustically acceptable based on the existing acoustic reports and conditions within the original Concept Approval (SSD9579). The existing acoustic report remains accurate without change as part of this proposed amendment.</p> <p>Please refer to Chapter 7.3.8 of the EIS and Appendix 53 for the detailed assessment.</p>
TABLE B-2.6: Acoustic Amenity														
Internal Space	Time Period	Max 1 hr noise level (LAeq 1 Hour)												
Living areas	Day or Night	≤ 40 dBA												
Sleeping Areas	Day or Night	≤ 35 dBA												

Clause	Provision	Comment										
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	<p>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.</p>											
	<p>P5 Buildings are to be designed and rooms positioned to reduce noise transmission within and between dwellings.</p>											
	<p>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.</p>											
	<p>P7 Windows and doors should be located away from external noise sources, or buffers used where separation cannot be achieved.</p>											
	<p>P8 Materials with low noise penetration properties should be used where practical.</p>											
	<p>P9 Locate bedrooms and private open spaces away from noise sources such as garages, driveways, mechanical equipment and recreation areas.</p>											
	<p>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.</p>											
	<p>P11 Where dwellings are located on busy roads incorporate the following into the design of the development to reduce traffic noise within the dwelling:</p> <ul style="list-style-type: none"> (a) cavity brick walls (b) double glazing; (c) solid core doors; (d) concrete floors; and 											

Clause	Provision	Comment
	<p>(e) recessed balconies.</p> <p>P12 Development 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 Transport for NSW) must consider the requirements of the DoP’s Development Near Rail Corridors and Busy Roads – Interim Guideline (19 December 2008) in accordance with cl.s 2.100(2) and 2.120(2) of SEPP (Transport and Infrastructure) 2021. An acoustic report may be required to be prepared to demonstrate compliance with this Guideline and the acoustic requirements within cl.s 2.100(3) and 2.120(3) of the SEPP (Transport and Infrastructure) 2021.</p>	
2.3.10 Vibration		
	<p>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 Transport for NSW) must consider the requirements of the DoP’s Development Near Rail Corridors and Busy Roads – Interim Guideline (19 December 2008) in accordance with cl.s 2.100(2) and 2.120(2) of SEPP (Transport and Infrastructure) 2021. 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.</p>	<p>Complies</p> <p>A Noise and Vibration Impact Assessment has been prepared to support this application as required by SEARs.</p> <p>In summary, the changes as a result of the modification area considered to be acoustically acceptable based on the existing acoustic reports and conditions within the original Concept Approval (SSD9579). The existing acoustic report remains accurate without change as part of this proposed amendment.</p> <p>Please refer to Chapter 7.3.8 of the EIS and Appendix 53 for the detailed assessment.</p>
2.3.11 Visual privacy		
	<p>P1 Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.</p> <p>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.</p> <p>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.</p> <p>P4 Provide visual separation between any non-residential use and residential uses within buildings and sites.</p> <p>P5 The residential components of mixed-use developments are to provide adequate separation between habitable rooms, balconies and non-habitable rooms, consistent with SEPP (Housing) 2021. The relevant separation distances are reproduced in Table B-2.8.</p>	<p>Complies on merit</p> <p>The proposal provides a 12m building separation between each tower from the ground floor to level 10. Whilst levels 5-25 require a greater separation, the proposal has ensured that all primary frontages (habitable rooms) predominantly face east and west with secondary frontages located where building separation is challenged on these levels to ensure privacy is still maintained.</p> <p>Further details of future development at the site are discussed in the detailed SSDA.</p> <p>Please refer to Chapter 7.3.4 the Design Report in Appendix 18 for detailed discussion.</p>

Clause	Provision	Comment																				
	<table border="1"> <thead> <tr> <th colspan="4">TABLE B-2.8: Building Separation Requirements</th> </tr> <tr> <th>Building height (metres)</th> <th>Between habitable rooms and balconies</th> <th>Between habitable & non-habitable rooms</th> <th>Between non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 4 storeys (approx. 12m)</td> <td>12m</td> <td>9m</td> <td>6m</td> </tr> <tr> <td>5 to 8 storeys (approx. 12-25m)</td> <td>18m</td> <td>12m</td> <td>9m</td> </tr> <tr> <td>9 storeys + (approx. 25m +)</td> <td>24m</td> <td>18m</td> <td>12m</td> </tr> </tbody> </table> <p>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. 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.</p>	TABLE B-2.8: Building Separation Requirements				Building height (metres)	Between habitable rooms and balconies	Between habitable & non-habitable rooms	Between non-habitable rooms	Up to 4 storeys (approx. 12m)	12m	9m	6m	5 to 8 storeys (approx. 12-25m)	18m	12m	9m	9 storeys + (approx. 25m +)	24m	18m	12m	
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2.4 QUALITY BUILT FORM																						
2.4.1 Context																						
	<p>P1 Proposed developments must be designed to respond to the issues identified in the site analysis and in the relevant area character statement (refer to Part C of the DCP)</p> <p>P2 A Site Analysis is undertaken in accordance with Part A: Section 5 - Site Analysis of this DCP.</p>	<p>Complies</p> <p>Refer to the Architectural Design Report in Appendix 18 for detailed discussion. Also refer to the response within the area character statement DCP compliance table in Section 3 of this DCP table.</p>																				
2.4.3 Setback																						
Front	<p>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).</p> <p>P2 New development must give consideration to the setbacks of adjacent buildings and heritage items.</p> <p>P3 A zero metre setback must be provided unless an alternative setback is identified within the in the relevant area character statement (refer to Part C of the DCP).</p> <p>P4 That part of the building located above the podium must be setback a weighted average (refer to Figure B-2.1) in accordance with the relevant area character statement (refer to Part C of the DCP).</p>	<p>Complies with original Concept Approval</p> <p>No changes have been made to the approved setbacks as part of this modification.</p>																				

Clause	Provision	Comment
	 <p>Figure B-2.1: Weighted average is the average of projections and recesses from setback above podium (i.e. $x + x + y / 3 =$ podium setback)</p>	
Side & Rear	<p>P5 A zero metre setback, unless an alternative setback is identified within the relevant area character statement (refer to Part C of the DCP).</p> <p>P6 Despite P5 above, buildings containing non-residential activities must be set back a minimum of 3m from the property boundary where the adjoining site has balconies or windows to main living areas of dwellings or serviced apartments located at the same level.</p> <p>P7 Despite P5 above, a development proposed on land adjoining or adjacent to a residential or recreation zone must not exceed a building height plane commencing:</p> <ul style="list-style-type: none"> (a) at 3.5m above ground level (existing) and projected at an angle of 45 degrees internally to the site from all boundaries that directly adjoin land zoned R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, RE1 Public Recreation, or (b) at 3.5m above ground level (existing) and projected at an angle of 45 degrees internally to the site from the centre line of any adjoining road or laneway separating the site from land zoned R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, RE1 Public Recreation <p>P8 Where setbacks are required from existing property boundary this should be clear of all structures above and below ground level, excluding awnings and other elements allowed by Council.</p>	
2.4.4 Podiums		
	<p>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).</p>	<p>Complies The proposal provides a multi-level podium, integrated with the Crows Nest Metro. The layout</p>

Clause	Provision	Comment																								
	<p>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.</p> <p>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.</p>	<p>comprises 3 (Towers 1, 2 and 3) residential towers constructed over a mixed-use podium structure and Crows Nest metro box that ensures a compatible relationship with adjoining developments and street wall heights. The podium is the ground and lower levels of the building that include the metro box and provide a clearly differentiated 'base' or platform for the tower.</p>																								
<p>2.4.5 Building design</p>																										
	<p>P1 Floor to ceiling heights should be provided in accordance with the minimum requirements set out in Table B-2.9</p> <table border="1" data-bbox="360 571 1211 791"> <thead> <tr> <th colspan="4">TABLE B-2.9: Minimum floor to ceiling height requirements</th> </tr> <tr> <th>Zone</th> <th>Ground Floor</th> <th>First Floor</th> <th>Upper Floors</th> </tr> </thead> <tbody> <tr> <td>E1 Local Centre</td> <td>3.3m</td> <td>2.7m</td> <td>2.7m</td> </tr> <tr> <td>E2 Commercial Centre</td> <td>3.3m</td> <td>3.3m</td> <td>3.3m</td> </tr> <tr> <td>MU1 Mixed Use</td> <td>3.3m</td> <td>3.3m</td> <td>2.7m</td> </tr> <tr> <td>E3 Productivity Support</td> <td>3.3m</td> <td>2.7m</td> <td>2.7m</td> </tr> </tbody> </table>	TABLE B-2.9: Minimum floor to ceiling height requirements				Zone	Ground Floor	First Floor	Upper Floors	E1 Local Centre	3.3m	2.7m	2.7m	E2 Commercial Centre	3.3m	3.3m	3.3m	MU1 Mixed Use	3.3m	3.3m	2.7m	E3 Productivity Support	3.3m	2.7m	2.7m	<p>Compiles – to be addressed under Detailed SSDA (lodged concurrently).</p> <p>This subject application only relates to an Amending Concept SSDA, focused on envelope massing and use. Therefore, details of future development at the site are discussed in the Detailed SSDA, lodged concurrently.</p> <p>Notwithstanding this, the proposed development envelope massing is capable of achieving the DCP building design provisions as follows:</p> <ul style="list-style-type: none"> • The development is constrained at the lower levels by the already constructed Crows Nest Metro Box. The built form above this element has broken the envelope massing from a singular built for (per the original Concept Approval) to a 3 tower massing. • The development will comprise high quality materials, ornamentation and detailing – this will be detailed in the Detailed SSDA, lodged concurrently. • Podiums have been integrated into the design consistent with the original Concept Approval. • Buildings have been setback to street alignment, setbacks are consistent with those approved under the original Concept Approval. • It is noted that the ceiling heights at ground to Level 3 are determined by the
TABLE B-2.9: Minimum floor to ceiling height requirements																										
Zone	Ground Floor	First Floor	Upper Floors																							
E1 Local Centre	3.3m	2.7m	2.7m																							
E2 Commercial Centre	3.3m	3.3m	3.3m																							
MU1 Mixed Use	3.3m	3.3m	2.7m																							
E3 Productivity Support	3.3m	2.7m	2.7m																							
Design and Materials	<p>P3 The apparent length of buildings should be broken down through the use of articulation, design and detailing, changes in materials and colours.</p> <p>P4 High quality materials should be used throughout the building design.</p> <p>P8 Building elements, such as materials, finishes, and window dimensions should relate to neighbouring buildings.</p> <p>P10 Buildings should incorporate architectural detailing and ornamentation which provides a rich visual reference for pedestrians</p>																									
Setback and Podiums	<p>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).</p> <p>P6 Buildings should be built predominantly to setback alignment.</p> <p>P7 Building should be articulated and have a positive relationship with the public domain in terms of scale and setbacks</p> <p>P9 Buildings are to respect the setting and curtilage of heritage items (refer to Part B: Section 13 - Heritage and Conservation of the DCP).</p>																									

Clause	Provision	Comment
		already constructed and operational CSSI Approval (Crows Nest Metro box).
2.4.6 Skyline		
	P1 Buildings located on land within the North Sydney Centre must comply with the building height requirements outlined in cl.4.3 and cl.6.3 of NSLEP 2013.	Complies The proposal complies with the maximum building height of 180m RL. All building plants and services are designed and integrated within the building envelope on the roof to maintain an appropriate built form.
	P3 Roofs should be designed such that they are integral with the overall design of the building.	
	P4 All roof top located building plant and services are to be contained within a single structure. It should be centrally located to avoid overshadowing and other impacts.	
	P6 With respect to buildings greater than 30m in height, and all buildings within the North Sydney Centre, the roof is to be designed such that consideration is given to the building being seen in a regional view catchment.	
	P7 All plant room equipment must not be visible from any location viewed from ground level.	
2.4.10 Streetscape		
Active Frontage	P1 The ground level of buildings should align with the corresponding level of the adjacent footpath, laneway or outdoor space.	Complies The ground floor of Tower 1 and 2 comprises the façade approved as part of the Metro Station. Continuous active uses (retail tenancies) are strategically incorporated at ground level adjacent to the Metro Station entrance, enhancing street-level vitality and pedestrian engagement. These active uses continue along the Tower 3 frontage. Further details of future development at the site are discussed in the Detailed SSDA, lodged concurrently.
	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.	
	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).	
Natural and Active Surveillance	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.	
	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.	
Setback	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).	
Streetscape elements	P7 Introduce visually interesting elements to the building façade such as articulation, detailing and art works.	
	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.	
2.5 QUALITY URBAN ENVIRONMENT		
2.5.1 Accessibility		
	P1 Buildings are to be designed in accordance with the provisions contained within Part B: Section 12 - Access of the DCP.	Complies

Clause	Provision	Comment
		<p>An Accessibility Assessment Report has been prepared in support of this application as required by the SEARs. The Report concludes that the design either complies or is capable of complying with the requirements, subject to the resolution of the identified areas of non-compliances and/or Performance Solutions provided within the report.</p> <p>Please refer to Chapter 7.3.4 of the EIS and Appendix 37 for the detailed assessment.</p>
2.5.2 Safety and security		
	<p>P2 Where open space and pedestrian routes are provided, they must be clearly defined, and have clear and direct sightlines for the users.</p> <p>P3 Adequate lighting must be provided to open spaces, entrances and pedestrian areas to avoid the creation of shadowed areas.</p> <p>P6 Public toilets, telephones and other public facilities must be provided with direct access and good visibility from well-used public spaces.</p> <p>P7 Robust and durable design features should be used where relevant to discourage vandalism.</p> <p>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.</p> <p>P15 Street numbering of buildings must be clearly visible from street at all times of the day such that they are easily identifiable.</p>	<p>Complies</p> <p>The assessment found that the proposal aligns with the NSDCP which aims to provide greater connectivity in North Sydney and provide greater amenity to incoming residents. The proposal further incorporates the CPTED principles: surveillance, access control, territorial reinforcement, and space and activity management.</p> <p>The CPTED assessment confirms that the proposed development has a low crime risk rating and that the design is considered to be generally consistent with the principles of CPTED.</p> <p>The EIS is accompanied by a CPTED Report in Appendix 7.</p>
2.5.4 High quality residential accommodation		
Apartment Design	<p>P1 Apartments within mixed use developments, must be designed to provide the following minimum internal areas:</p> <ul style="list-style-type: none"> (a) Studio 35m² (b) 1 bedroom 50m² (c) 2 bedrooms 70m² (d) 3+ bedrooms 90m² <p>P2 Include courtyards, balconies and gardens as the principal open space area for residents. These should have solar access for a minimum of 2 hours a day measured at June 21st .</p> <p>P6 Maximum depth of a habitable room from a window, providing light and air to that room, is 10m.</p>	<p>Complies – to be addressed under Detailed SSDA (lodged concurrently).</p> <p>Details of future development at the site are discussed in the Detailed SSDA, lodged concurrently.</p> <p>Notwithstanding this, the proposed concept envelope are capable of achieving a mix of apartments that can achieve good internal amenity.</p>

Clause	Provision	Comment
	P7 Apartments have a minimum width of 4m. An apartment's width should increase relative to an increase in its depth.	A Design Verification Statement has been prepared in support of this application as required by the SEARs.
	P8 Single aspect apartments have a maximum depth of 8m from a window.	
	P9 The habitable space serviced by a window is no more than 10 times the glazed area of the window.	
Communal Corridors	P3 Communal corridors must have a minimum width of 2m to facilitate movement (i.e. no right angled corners).	
	P4 No more than 8 dwellings are to be accessible from a single common lobby space.	
	P5 Avoid the use of double loaded corridors.	
	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.	
Glazing and shading	P11 Utilise double glazing, awnings or window solar screens to reduce reliance on artificial cooling of buildings.	
	P12 The amount of glazing on eastern and western elevations is to be minimised and incorporate external shading devices	
2.5.6 Private Open Space		
	P1 Apartments within mixed use developments must provide at least one private open space with the following minimum areas: (a) Studio 4m2 (b) 1 bedroom 8m2 (c) 2 bedrooms 10m2 (d) 3+ bedrooms 12m2	Complies – to be addressed under Detailed SSDA (lodged concurrently). This application relates to an Amending Concept SSDA. Details of future development and internal configurations at the site are discussed in the Detailed SSDA, lodged concurrently.
	P2 Private open spaces must provide a minimum depth of 2m, or 2.4m where it relates to a 3+ bedroom apartment.	
	P3 Where apartments are proposed without private open space, the size of the apartment must be increased by the minimum private open space requirement.	
	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 open spaces in excess of the minimum requirements are provided.	
	P6 Communal residential spaces:	

Clause	Provision	Comment
	<p>(a) should comprise a mixture of indoor and outdoor spaces (such as gymnasium, pool and meeting rooms for residents);</p> <p>(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;</p> <p>(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</p> <p>(d) must be provided with access to natural light and not be located in basement</p>	
2.5.7 Vehicular access		
	<p>P1 Where available and practical, all vehicle access must be provided from laneways.</p> <p>P2 Service vehicle access should be combined with parking access.</p> <p>P3 Vehicular access points should be limited to a maximum of one access point per building</p>	<p>Complies</p> <p>The proposed vehicular access to the loading zone is provided off Clarke Lane. This is deemed appropriate as Pacific Highway is a State Classified Road and is unsuitable for providing vehicular access to the site.</p> <p>Please refer to Chapter 3.3.9 of the EIS and the Transport and Accessibility Impact Assessment in Appendix 45.</p>
2.5.8 Car Parking		
	<p>P1 Provide on-site car parking in accordance with Part B: Section 10 – Car Parking and Transport of the DCP.</p> <p>P2 All car parking must be provided underground.</p> <p>P3 Where security doors/gates are proposed provide an intercom system to facilitate visitor/service access to underground parking areas.</p> <p>P4 Disabled and visitor parking spaces must be designated common property once the development is subdivided.</p>	<p>Complies - No change</p> <p>The proposal does not provide any car parking spaces or motorcycle parking spaces, primarily due to the constraints of the site and ensuring accordance with the maximum requirements under the original Concept Approval.</p>
2.5.9 Garbage Storage		
Residential Component	<p>P1 Communal on-site waste storage, recycling and collection points must be provided for each development site.</p> <p>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</p> <p>P3 A garbage storage area should be located within 2m of the street or laneway boundary.</p>	<p>Complies</p> <p>The amendments to the original Concept SSDA have resulted in minor changes to the anticipated waste generation and waste management of the site than what was approved under the original Concept SSDA. The proposal provides separate waste storage facilities for both the residential</p>

Clause	Provision	Comment
	<p>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.</p>	<p>and commercial components. The proposed envelope massing is capable of achieving the required garbage storage areas, consistent with the NSDCP.</p> <p>These will be discussed in detail in the Detailed SSDA, lodged concurrently.</p> <p>Please refer to Chapter 7.3.9 of the EIS and the Operational and Construction Waste</p>
	<p>P5 Garbage storage facilities should not be located in conjunction with the main pedestrian entrances to a building.</p>	
	<p>P6 Garbage bins stored in a collection facility should be located within 3m of the facility's entrance.</p>	
	<p>P13 Storage areas must be well ventilated and drained to a lawfully approved sewerage system</p>	

Clause	Provision	Comment																																																																												
Commercial Component	<p>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.</p>	<p>Management Plans in Appendix 43 and 44 for the detailed assessment.</p>																																																																												
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Section 3 St Leonards / Crows Nest Planning Area		
3.1.1 Significant elements	Land Use	Complies The development continues to provide a mixed use development in a highly accessible area of Crows Nest. The location of the development above the Crows Nest Metro Station provides easy access to public transport for future residents, employees and customers. This modification proposes a reduction in commercial GFA to cater for increased residential GFA for the purposes of build to rent and affordable housing. This will assist in providing much needed additional housing supply in the North Sydney LGA.
	P1 Predominantly retail and mixed commercial and residential development.	
	P2 Commercial development.	
	P3 High density residential development.	
	P4 Community facilities.	
	P5 Passive and active recreational spaces.	
	Topography	
	P6 Slight falls to the east and north east from the Pacific Highway which generally follows the ridgeline.	
	P7 Slight fall to the west along the Pacific Highway from Albany Street.	
	Identity / Icons	
	P8 The Forum development and plaza.	
	P9 St Leonards Railway Station and Crows Nest Metro Station, major transport interchange hubs.	
	P10 Pacific Highway, a major sub-arterial thoroughfare.	
	P11 Christie Street Reserve.	
	P12 Hume Street Park.	
	Subdivision	
	P13 Generally rectilinear grid pattern with dual frontages.	
	Streetscape	
P14 Wide fully paved footpaths along Pacific Highway and adjacent to other commercial and mixed use buildings.		
P15 Atchison Street between Christie Street and Mitchell Street is one way only, with wide paved footpaths, landscaping and other urban furniture.		
P16 Awnings provided along the Pacific Highway and for other commercial and mixed use buildings.		
P17 Irregular planting of street trees.		
Public transport		
P18 Development is to take advantage of high levels of access to high frequency public train, Metro and bus services.		

Clause	Provision	Comment
	P19 Public transport, cycling and walking are the main forms of transport to the Centre.	
3.1.2 Desired Future Character	Diversity of activities, facilities, opportunities and services	Complies The proposed modification to the building envelope has been designed to complement the desired future character and increasing density that the Crows Nest Metro Station will be able to support. The mixed use buildings provide retail premises on the lower levels in order to maximise ground level street activation, whilst also providing a significant amount of build to rent and affordable housing on the upper levels.
	P1 Predominantly high to medium-high rise, commercial and mixed commercial and residential development.	
	P2 Provision of a variety of different sized commercial office, business, retail, recreation, (indoor and outdoor) community, entertainment, food and drink and other active non-residential uses at the street level in the E2 Commercial Centre and MU1 Mixed Use zones.	
	P3 Intensify the provision of commercial office and business premises in close proximity to the railway and metro stations with active uses such as food and drink premises and retail located at the ground level addressing the public domain.	
	P4 Maximise ground level activation along Christie, Mitchell, Oxley, Atchison, Chandos and Clarke Streets by focusing food and drink premises and retail within a fine grain built form. This can be achieved through the emphasis of small to medium sized tenancies which directly address the public domain.	
	P5 High density residential accommodation within mixed use buildings is concentrated closes to the railway and metro stations and along the Pacific Highway.	
	P6 Retention of the medium density residential precinct in the north-eastern corner of the Locality Area.	
	Public spaces and facilities	
	P7 Establish Atchison Street as the civic main street by: (a) ensuring that the design of building exteriors at the lower levels incorporates high levels of architectural modulation (i.e. no blank walls) along with high quality materials and finishes; (b) maximising active uses such as retail, food and drink and outdoor dining at the ground level; and (c) improving the public domain in accordance with Council’s Public Domain Style Manual and Design Codes.	
	P8 Outdoor dining to be concentrated along widened footpaths to Atchison, Chandos, Mitchell, Oxley and Clarke Streets.	
	P9 Maintain and enhance Christie Street Reserve as a sunny and inclusive landscaped space which is activated along its southern edge with ground floor retail premises to 100 Christie Street.	
	P10 Maintain and enhance Mitchell Street Plaza at the intersection of Mitchell Street and Pacific Highway.	
P11 A linear landscaped park is provided along the western side of Mitchell and Oxley Streets, between Chandos and Pacific Highway.		
P12 A shared way is provided along Mitchell Street between Atchison Street and Albany Lane.		

Clause	Provision	Comment
	P13 Consideration be given to integrating artworks, water features and wind breaks into the design of Mitchell Street Plaza.	
	P14 Plazas incorporate space for public entertainment and expression of community identity, large enough to hold an open air performance or market.	
	P15 Roof top gardens and public facilities that allow public access to district views from higher floors	
3.1.3 Desired Built Form		
3.1.3.2 Form, massing and scale	P1 Buildings should generally transition in height from St Leonards Railway Station, Crows Nest Metro Station and Pacific Highway down to the surrounding areas and the lower scale development on Chandos Street, Willoughby Road, Crows Nest Town Centre, the Upper Slopes Neighbourhood and Crows Nest Neighbourhood.	<p>Complies</p> <p>The proposed amending concept application for Site A demonstrates a considered and high-quality response to the surrounding context and urban planning guidelines, aligning with the vision for the area’s future development. The contextual design and site planning address both the evolving character of the precinct and the need for high-density, mixed-use spaces, contributing to the broader urban framework.</p> <p>The built form has been modified to provide a height transition from the build to rent towers in the north west to the affordable housing tower in the south east. The design has been articulated by breaking down the OSD mass into three towers in order to reduce the overall bulk and scale of the development. The built form steps down towards Hume Street, creating a relationship between the smallest tower (tower 3) and the adjacent Site C building which is of a similar scale.</p> <p>Please refer to Chapter 7.3.4 of the EIS and the Design Report in Appendix 18 for the detailed assessment.</p>
	P2 Roof design presents a varied, composed and interesting skyline when viewed from a regional context.	
	P3 Architectural detailing and ornamentation provides a rich visual texture and a symbolic reference to the history of the place, the building’s use or occupant.	
	P4 Developments on land greater than 1,000sqm should consider the incorporation of internal courtyards adjacent to laneways and through site links to broaden the range and form of open space in the locality.	
	P5 Development is to be designed to maximise year round solar access to existing and the new public spaces to be created within the Planning Area.	
	P6 Tower elements located above the podium level should not exceed 45m in width, unless it can be adequately demonstrated that sufficient physical vertical articulation can be provided to break the tower elevation into distinct elements.	
	P7 Minimum floor to floor heights on land zoned E2 Commercial Centre or MU1 Mixed Use must be provided: (a) Ground floor level: 4.0 – 4.5m (b) First floor level: 3.6m (c) Levels above: 3.0m (residential uses) or 3.6m (non-residential uses)	
	P8 Residential floor to floor heights should generally not exceed 3.2m, except on the first floor level in accordance with P7 above.	
	P9 Rooftop plant and structures should be designed and positioned to comprise a minor element of the roofscape and minimise any increases to the building’s overall overshadowing impacts.	
3.1.3.3 Setbacks	<i>Note. Additional setbacks may be required for any part of the building located above the podium level. Refer to Section 3.1.3.5.</i>	Complies – No change

Clause	Provision	Comment
	<p>P1 Buildings are to be setback from all street frontages in accordance with the Building Setbacks Map (refer to Figure C-3.1-3).</p>	<p>No changes have been made to the setbacks.</p>
	<p>P2 A nil setback is permitted to all side and rear boundaries without a street frontage on land zoned E2 Commercial Core or MU1 Mixed Use</p>	
	<p>P3 Despite P2, a minimum 6m setback is required where land zoned E2 Commercial Centre or MU1 Mixed Use directly adjoins land which is residentially zoned along the zone interface. This requirement does not apply if the land is separated by a public road.</p>	
	<p>P4 A minimum 4.5m setback is required to all side and rear boundaries without a street frontage on land zoned R4 High Density Residential.</p>	
	<p>P5 Despite P1 and P2, setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).</p>	
	<p>P6 Despite P1-P4, where a site contains a heritage item and that item is to be retained, the heritage item may maintain its existing setback.</p>	
	<p>P7 Despite P1-P4, increased setbacks may be required for podium levels that contain residential uses to achieve adequate building separation in accordance with SEPP (Housing) 2021.</p>	
	<p>P8 Building alignments and setbacks should also respond to important elements of the nearby context including public spaces and heritage buildings, monuments and landscape elements, in order to complement the streetscape. In some places, this may require greater building setbacks than those specified in Figure C-3.1-3).</p>	
	<p>P9 Where a whole of building setback is required to the Pacific Highway, Chandos Street, Oxley Street or Mitchell Street, any basement is also required to be setback the same distance, unless it can be adequately demonstrated that sufficient soil depth can be provided to enable the planting of canopy trees capable of growing to at least the height of any adjacent podium.</p>	
<p>3.1.3.6 Active Frontages</p>	<p>P1 Buildings must contain active frontages to all street frontages with the exceptions of public laneways.</p> <p>P2 Despite P1, an active frontage is to be provided to Sergeants Lane along the southern boundary to 100 Christie Street.</p> <p>P3 Active frontages to public laneways are encouraged where practical.</p> <p>P4 Where a site has a direct frontage to an existing or proposed open space, an active frontage is to be provided to that interface. In particular, active frontages are to be provided to:</p> <ul style="list-style-type: none"> (a) Christie Street Reserve; (b) Mitchell Street, between Chandos Street and Pacific Highway; (c) Oxley Street, between Chandos Street and Pacific Highway; and (d) Clarke Street, between Oxley Street and Hume Street. <p>P5 Active frontages are to be provided along both sides of the through site links.</p>	<p>Complies – No change</p> <p>The proposal continues to provide active street frontages along Pacific Highway, Hume Street and Oxley Street through the incorporation of retail premises.</p> <p>Details of future development at the site are discussed in the detailed SSDA.</p>

Clause	Provision	Comment
	<p>P6 Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.</p>	
	<p>P7 Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.</p>	
	<p>P8 Avoid the use of colonnades along all street frontages.</p>	
<p>3.1.3.8 Solar access</p>	<p>P1 Development is to be designed to maximise year round solar access to existing and proposed new public spaces to be created within the Planning Area.</p>	<p>Complies on merit</p> <p>The Amending Concept SSDA places a strong emphasis on achieving acceptable solar access outcomes. Unlike the approved Concept SSD, which proposed predominantly commercial land uses and therefore did not require detailed testing of solar access against ADG criteria, the amended scheme introduces a primarily residential built form. This shift has necessitated a more rigorous consideration of solar access and residential amenity.</p> <p>This revised massing also reduces overall building bulk, allowing for improved solar access to both the proposed development and its surroundings. Compared to the previously approved singular building envelope, the introduction of tower separations improves daylight penetration and view sharing opportunities.</p> <p>Please refer to Chapter 7.3.4 of the EIS and the Design Report in Appendix 18 for further assessment.</p>
<p>P2 Development must not result in a net increase in overshadowing to the following existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive):</p> <ul style="list-style-type: none"> (a) Christie Street Reserve, comprising all land within Lots 2 and 3, DP 733528 and zoned RE1 Public Recreation; and (b) Hume Street Park, comprising all land located between Pole Lane, Willoughby Road, Clarke Street and Oxley Street and zoned RE1 Public Recreation; and (c) Ernest Place, comprising all land within the Ernest Street road reserve located between Willoughby Road and Willoughby Lane and zoned RE1 Public Recreation; and (d) Holtermann Reserve (proposed), comprising that part of Lot 1, DP 785343 and zoned SP2 Infrastructure – Car Park. 		
<p>P3 Development must not result in a net increase in overshadowing to the following existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive):</p> <ul style="list-style-type: none"> (a) Willoughby Road road reserve, between Chandos Street and Falcon Street; and (b) Mitchell Street road reserve and the whole of building setback requirement to the western side of Mitchel Street as required under s.3.1.3.3, between Chandos Street and the Pacific Highway; and (c) Oxley Street road reserve, and the whole of building setback requirement to the western side of Oxley Street as required under s.3.1.3.3, between Chandos Street and Clarke Street 		
<p>P4 Despite P2 and P3, development on land located directly adjacent to the identified public spaces may result in a net increase in overshadowing of that space, but only if that development strictly complies with key built form envelope controls that apply to that land under both NSLEP 2013 and this DCP.</p>		
<p>3.1.3.9 Noise</p>	<p>P1 Elevations of buildings fronting the Pacific Highway and Chandos Street are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).</p>	<p>Complies</p> <p>A Noise and Vibration Impact Assessment has been prepared to support this application as required by SEARs.</p> <p>Please refer to Chapter 7.3.8 of the EIS and Appendix 53 for the detailed assessment.</p>

