

Appendix 4 - Statutory compliance tables

Environmental Planning and Assessment Act

Development under the Act must have regard to its objects as set out under Section 1.3. The proposed development is considered consistent with the objects of the Act, as outlined in the table below.

Consideration	Relevance	EIS ref
Section 1.3: Objects of the Act		
<i>a. to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal will promote the social and economic welfare of the community given it aligns with directions and objectives of relevant strategic policies. The proposed mixed-use building provides employment generating floor space to strengthen the role of St Leonards/Crow's Nest Precinct. The proposal also includes BTR housing that will contribute to housing supply and affordability, diversity in a well-located site close to transport, retail and other services.	Section 7 and Appendix 6
<i>b. to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</i>	This EIS provides information on the relevant economic, environmental and social impacts of the proposed development to enable the consent authority to undertake a thorough environmental assessment and assist in its decision-making on the application.	Section 6
<i>c. to promote the orderly and economic use and development of land</i>	The development promotes the orderly and economic use of the land by providing a mixed-use building comprising of employment generating uses in the St Leonards Crow's Nest precinct and supplying build to rent units in an accessible area.	Section 7.5 and Appendix 6
<i>d. to promote the delivery and maintenance of affordable housing</i>	The proposed development comprises of 168 build to rent apartments which will contribute to housing diversity and affordability.	Section 3

Consideration	Relevance	EIS ref
<i>e. to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	The subject site is currently developed and located in an urbanised locality. It does not contain or adjoin significant ecological features.	Section 1.1
<i>f. to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)</i>	The site does not contain any heritage items. However, it, is adjacent a heritage item and is located in proximity to other heritage items and conservation areas. No adverse heritage impacts are anticipated.	Section 6.4 and Appendix 25
<i>g. to promote good design and amenity of the built environment</i>	The proposed development demonstrates good design and amenity as it is consistent with the emerging character of the Crow's Nest precinct and proposes a highly articulated built form that incorporates high quality materials and finishes. The proposal will activate the frontage to Pacific Highway and will provide BTR apartments, with existing and proposed landscaping at street level, on the recessed podium, upper terraced levels and roof top sections of the building. The proposed height of the podium respects the existing street height of the heritage item on the Pacific Highway frontage. The built form has been stepped to the west and south to respond to low to medium residential development to the rear of the site.	Section 6.1 and Appendix 10
<i>h. to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants</i>	The development will be constructed in line with any conditions of approval issued by the consent authority and the relevant requirements that relate to health and safety, construction and maintenance.	Appendix 8
<i>i. to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State</i>	The proposed development is considered SSD and will be assessed and determined by DPHI.	N/A

Consideration	Relevance	EIS ref
<i>j. to provide increased opportunity for community participation in environmental planning and assessment.</i>	As part of DPHI's assessment of the application, this EIS will made publicly available to the community, Council and any NSW Government agencies invited to provide a submission on the proposal. Any submissions received will be addressed as part of a 'Response to submissions report'.	Section 5 and Appendix 18
Section 4.12(8)		
<i>A development application for State significant development or designated development is to be accompanied by an environmental impact statement prepared by or on behalf of the applicant in the form prescribed by the regulations.</i>	This EIS has been prepared to accompany an SSD application and is in the form prescribed by the regulations.	EIS
Section 4.15		
<i>a) the provisions of:</i>		
<i>i) any environmental planning instrument</i>	The environmental planning instruments relevant to the site are addressed at Section 4.	Section 4
<i>ii) any development control plan</i>	The NSDCP 2013 is addressed at Appendix 4 of this report.	Appendix 4
<i>a) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4</i>	No planning agreement applies to the site.	N/A
<i>iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	The Environmental Planning and Assessment Regulation is addressed at Section 4	Section 4
<i>v) Repealed</i>	N/A	N/A
<i>b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts I the locality</i>	The likely impacts of the development, including environmental impacts on the natural and built environments, social and economic impacts are addressed at Section 6.	Section 6

Consideration	Relevance	EIS ref
<i>c) the suitability of the site for the development</i>	The suitability of the site for the development is considered at Section 7.	Section 7
<i>d) any submissions made in accordance with this Act or the regulations</i>	Any submissions received on the application will be considered and addressed as part of a 'Response to submission report'.	N/A
<i>e) the public interest.</i>	The development is in the public interest as it will deliver 168 new BTR units, retail and a medical use. Further details are described in sections 2 and 7 of this report.	Section 2 Section 7

Table 1: Environmental Planning and Assessment Act 1979 requirements

Environmental Planning and Assessment Regulation 2021

This EIS has been prepared in line with form and content requirements of Section 192 of the Environmental Planning and Assessment Regulation. An overview of how the requirements of the Regulation have been satisfied is included in the table below.

Consideration	Relevance	EIS ref
Section 190		
Form of environmental impact statement	The EIS has been prepared in accordance with this section including consideration of the <i>State Significant Development Guidelines</i> .	All
Section 192		
Content of an environmental impact statement	The EIS includes all content required under this section.	All

Table 2: Environmental Planning and Assessment Regulation 2021 requirements

Biodiversity Conservation Act 2016

Consideration	Relevance	EIS ref
1. <i>This section applies to—</i> <i>a) an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development, and</i> <i>b) an application for approval under Division 5.2 of the Environmental Planning and Assessment Act 1979 to carry out State significant infrastructure.</i> 2. <i>Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.</i> 3. <i>The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.</i>	A BDAR waiver has been issued by DPHI (Appendix 12) which states: <i>'the proposed development is not likely to have any significant impact on biodiversity values. Therefore, a Biodiversity Development Assessment Report is not required.'</i>	Section Error! Reference source not found. and Appendix 12

Table 3: Biodiversity Conservation Act 2016 requirements

Contaminated Land Management Act 1997

Consideration	Relevance	EIS ref
<i>This Act establishes a process for investigating and (where appropriate) remediating land where contamination poses a significant risk of harm to human health or the environment.</i>	A DSI (Appendix 14) is included as part of this EIS.	Appendix 14 and 36

Consideration	Relevance	EIS ref
	The results of the DSI did not identify contaminant concentrations at levels which warrant remediation and/or preparation of a remediation action plan and that the site can be made suitable for the proposed residential and commercial development subject to implementation of the recommendations detailed in Appendix 14. However, it is noted that the existing buildings on the site limited the extent of investigation which could occur. As a result, further testing is required post demolition works finalise to contamination assessment and confirm if remediation is necessary. As a precautionary measure, a RAP has been prepared as part of this EIS (Appendix 36).	

Table 4: Contaminated Land Management Act 1997 requirements

Roads Act 1993

Consideration	Relevance	EIS ref
Section 138 Works and structures	Approval is required under Section 138 of the Roads Act 1993 in relation to the proposed access from Bruce Street as it will disturb the surface of this road. Under section 4.42 of the EP&A Act, any approval under the Roads Act must be applied consistently with the SSD consent for this development, if granted.	Appendix 11

Table 5: Roads Act 1993 requirements

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 seeks to value, protect, conserve and manage the innate value and external benefits of NSW's natural environment and heritage.

Chapter/ Section	Consideration	Discussion	EIS ref
2. Vegetation in non-rural areas			
Chapter 2	Tree location and numbers.	Chapter 2 applies to the North Sydney LGA. Chapter 2 aims to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of these areas through preservation of trees and other vegetation There is one native tree and two weed tree species on site. The DA proposes to remove these.	Appendix 26

Table 6: Biodiversity and Conservation SEPP 2021 requirements

State Environmental Planning Policy (Housing) 2021

The State Environmental Planning Policy (Housing) 2021 seeks to guide the delivery of the right number of homes in the right place and of the right type, to suit the changing needs of people living in NSW now and into the future.

The proposal will contribute to housing diversity and affordability within the North Sydney LGA through the provision of 168 BTR homes. An assessment of the relevant provisions is detailed below.

Chapter/ Section	Consideration	Discussion	EIS ref
Chapter 3 Diverse housing			
Part 4 Built-to-rent housing			
72 Development for the purposes of build-to-rent housing permitted with consent.			
	<i>(1) The objective of this section is to enable certain residential accommodation to be used as build-to-rent housing.</i>	Noted.	N/A
	<i>(2) This Part applies to development for the purposes of multi dwelling housing, residential flat buildings or shop top housing on land—</i> <i>(2) (a) in the following zones -</i>	Noted.	N/A
<i>(2) (a) (i)</i>	<i>a zone in which development for the purposes of residential flat buildings is permissible under another environmental planning instrument,</i>	This part applies as the development proposes shop-top housing on a site zoned for mixed use.	N/A
<i>(2) (a) (ib)</i>	<i>Zone MU1 Mixed Use,</i>		
	<i>(3) Development consent may be granted for development to which this Part applies if—</i>	Noted.	N/A
<i>(a)</i>	<i>the development will result in at least 50 dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements, and</i>	168 BTR unit is proposed.	Appendix 7
<i>(b)</i>	<i>all buildings containing the dwellings are located on the same lot of land.</i>	The units are proposed on one lot of land (lot 22 in DP706776)	N/A
<i>(4)</i>	<i>Part 7 does not apply to development permitted under this Part.</i>	Noted and not applicable.	N/A
73 Conditions of build-to-rent housing to apply for at least 15 years			
	<i>(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—</i>	Noted.	N/A

Chapter/ Section	Consideration	Discussion	EIS ref
(a)	<i>will not be subdivided into separate strata lots, and</i>	This DA does not propose subdivision.	N/A
(b)	<i>will be owned and controlled by 1 person, and</i>	The proposed development will be owned, controlled and operated in accordance with this clause for 15 years.	N/A
(c)	<i>will be operated by 1 managing agent, who provides on-site management.</i>		N/A
(2) (Repealed) (3) In this section— relevant period means—		Noted.	N/A
(a)	<i>for development on land in Zone E2 Commercial Centre, Zone B3 Commercial Core or Zone SP5 Metropolitan Centre—a period commencing on the day an occupation certificate is issued for all parts of the building or buildings to which the development relates and continuing in perpetuity, or</i>	N/A	
(b)	<i>otherwise—a period of 15 years commencing on the day an occupation certificate is issued for all parts of a building to which the development relates.</i>	A condition of consent will be imposed for 15 years as the relevant period.	N/A
74 Non-discretionary development standards—the Act, s 4.15			
(1) The object of this section is to identify development standards for particular matters relating to 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. Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.		Noted.	

Chapter/ Section	Consideration	Discussion	EIS ref
(2) The following are non-discretionary development standards in relation to the carrying out of the development to which this Part applies—		Noted.	
(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,	N/A - the proposal does not seek to use this non-discretionary development standard.	N/A
(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,	N/A - the proposal does not seek to use this non-discretionary development standard.	N/A
(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,	N/A - the proposal does not seek to use this non-discretionary development standard.	N/A
(d) for development carried out wholly or partly on land in the Eastern Harbour City, Central River City or Western Parkland City—		The proposed development will provide a total of 82 car parking spaces across the two basements.	Appendix 7 and Appendix 11
(i)	for land within an accessible area—0.2 parking spaces for each dwelling, or	The BTR component will utilise the car parking rate of 0.2 spaces per dwelling.	
(ii)	otherwise—0.5 parking spaces for each dwelling, or		
(iii)			

Chapter/ Section	Consideration	Discussion	EIS ref
(e)	<i>if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument, 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</i>		
75 Design requirements			
(1)	<i>This section applies to development to which this Part applies only if Chapter 4 applies to the building resulting from the development.</i>	The consent authority must be flexible in their consideration of the ADG design criteria.	Appendix 7
(2)	<i>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—</i>		
(a)	<i>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</i>		

Chapter/ Section	Consideration	Discussion	EIS ref
(b)	<i>in its consideration of the objectives set out in the Apartment Design Guide, Part 4, consider the following—</i>	As detailed below, a significant amount of communal open space has been designed into the building including: As detailed below, a significant amount of communal open space has been designed into the building including: ▪ Level 02: Fitness class, gym, steam room, sauna, ACC, communal open space and pool, multi- function room and cinema. ▪ Level 6, 8, and 10 terraces ▪ Tower 1: Roof terrace ▪ Tower 2: Roof terrace	
(i)	<i>the amenities proposed to be provided to tenants residing in the building through common spaces and shared facilities and services,</i>	The proposed communal spaces are consistent with part 4 Designing the Building from the ADG. Outdoor terraces are distributed eventually throughout the building to ensure they are easily accessed by the future residents. The communal spaces on level 2 are designed for a variety of recreational and entertainment options for the future residents, ranging from a gym and fitness room, an outdoor open space and pool, sauna, steam room and cinema. Leve 2 also contains a multi-function room to meet the different needs of the future residents.	

Chapter/ Section	Consideration	Discussion	EIS ref
		The proposed gym, pool, and fitness room will promote the health and well-being of the residents. The proposed shared facilities and communal spaces will allow the future residents to interact, socialise, and build a sense of community.	
(ii)	<i>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,</i>	The following unit mix is proposed for the mixed-use development: ▪ 20x studio apartments (12%) ▪ 54x 1 bedroom apartments (32%) ▪ 48x 2 bedroom apartments (29%) ▪ 44x 3-bedroom apartments (26%) ▪ 2x 4-bedroom apartments (1%) The proposed studio and 1-bedroom apartments cater to individuals or couples without children who prefer a more compact living space. They offer an entry point for young professionals, singles, or couples looking for an affordable option. The proposed 2-bedroom apartments are designed for people who desire additional storage. Tenants for 2-bedroom apartments typically consist of small families or roommates. The proposed 3 and 4-bedroom apartments are designed to accommodate individuals who require extra space such as work from home room, guest room, recreational facilities or for larger families.	

Chapter/ Section	Consideration	Discussion	EIS ref
		The apartment mix for the proposed development mostly consists of 1–3-bedroom apartments which is considered appropriate given the mix is for BTR. Given the site's ideal location in close proximity to public transport, employment and retail opportunities, it is anticipated the demographic groups will be couples and young professionals seeking smaller living spaces which are more affordable and easier to manage.	
(iii)	<i>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.</i>	Future residents of the building will have the opportunity to change or relocate to other apartments within the building if their housing requirements change. Based on the unit mix, this maybe common for tenants in studio and 1-bedroom units changing to larger units. BTR developments often offer flexible lease terms, allowing residents to adjust living arrangements as needed. The proposed BTR development offers a variety of unit types to cater for different user's needs. If a resident wishes to relocate to a larger or smaller unit, a property manager may facilitate this move based on the demand and availability within the building. Existing tenants may be given priority, fostering a sense of continuity within the building's community.	

Chapter/ Section	Consideration	Discussion	EIS ref
76 Active uses on ground floor of build-to-rent housing in business zones			
(1)	<i>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.</i>	This section applies as the site is zoned MU1 which is defined as a business zone under section 4 of the Housing SEPP. As shown in Error! Reference source not found. , the proposed development activates the two street frontages of Pacific Highway and Bruce Street through the inclusion of retail, medical and office uses along the ground floor	Section Error! Reference source not found.
(2)	<i>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.</i>		
(3)	<i>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.</i>		
(4)	<i>An active street frontage is not required for a part of a building used for 1 or more of the following— (a) entrances and lobbies, (b) access for fire services, (c) vehicular access.</i>		
77 Conditions requiring land or contributions for affordable housing			
77	<i>Nothing in this Part overrides a requirement to dedicate land or pay a monetary contribution under the Act, section 7.32.</i>	Noted, contributions will be paid as outlined in section Error! Reference source not found.	Section Error! Reference source not found.

Chapter/ Section	Consideration	Discussion	EIS ref
78 Consideration of Apartment Design Guide for further subdivision of dwellings			
78	<i>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.</i>	Subdivision is not proposed as part of the proposed development.	N/A
Chapter 4 Design of Residential Apartment Development			
142 Aims of chapter			
(1) <i>The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes—</i>			
(a) <i>to ensure residential apartment development contributes to the sustainable development of New South Wales by—</i>		The proposal has been designed with regard to this section of the SEPP. Specifically that the development: - is socially sustainable by diversifying housing options in an accessible location - is environmentally sustainable as outlined in Appendix 17 - is a long term asset (min. 15 years) - is in alignment with local and state planning policies - appropriate in scale - is designed to enhance safety and amenity - diversifies housing options in the LGA to meet various community needs	Appendix 7 Appendix 10 Appendix 17
(i)	<i>providing socially and environmentally sustainable housing, and</i>		
(ii)	<i>being a long-term asset to the neighbourhood, and</i>		
(iii)	<i>achieving the urban planning policies for local and regional areas,</i>		
(b)	<i>to achieve better built form and aesthetics of buildings, streetscapes and public spaces,</i>		
(c)	<i>to maximise the amenity, safety and security of the residents of residential apartment development and the community,</i>		
(d)	<i>to better satisfy the increasing demand for residential apartment development, considering—</i>		

Chapter/ Section	Consideration	Discussion	EIS ref
(i)	<i>the changing social and demographic profile of the community, and</i>	▪ makes a monetary contribution equivalent to 3% of the GFA ▪ is a net zero development	
(ii)	<i>the needs of a wide range of people, including persons with disability, children and seniors,</i>		
(e)	<i>to contribute to the provision of a variety of dwelling types to meet population growth,</i>		
(f)	<i>to support housing affordability,</i>		
(g)	<i>to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions,</i>		
(h)	<i>to facilitate the timely and efficient assessment of development applications to which this chapter applies.</i>		
(2)	<i>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.</i>		
143 Land to which chapter applies			
143	<i>This chapter applies to the whole of the State, other than land to which State Environmental Planning Policy (Precincts—Regional) 2021, Chapter 4 applies.</i>	Environmental Planning Policy (Precincts—Regional) 2021, Chapter 4 does not apply to the site.	N/A
144 Application of chapter			
<i>(1) In this policy, development to which this chapter applies is referred to as residential apartment development.</i>			
<i>(2) This chapter applies to the following—</i>			

Chapter/ Section	Consideration	Discussion	EIS ref
(a)	<i>development for the purposes of residential flat buildings,</i>	N/A - not proposed.	N/A
(b)	<i>development for the purposes of shop top housing,</i>	This chapter applies as development proposes shop top housing.	Section Error! Reference source not found.
(c)	<i>mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter.</i>	N/A - shop top housing is proposed.	N/A
(3) This chapter applies to development only if—			
(a) the development consists of—			
(i)	<i>the erection of a new building, or</i>	This chapter applies as the proposal involves the erection of a new building.	Appendix 7
(ii)	<i>the substantial redevelopment or substantial refurbishment of an existing building, or</i>	N/A - not proposed	N/A
(iii)	<i>the conversion of an existing building, and</i>	N/A - not proposed	N/A
(b)	<i>the building is at least 3 storeys, not including underground car parking storeys, and</i>	The proposed development is 16 storeys above ground.	Appendix 7
(c)	<i>the building contains at least 4 dwellings.</i>	The proposed development contains 168 dwellings.	Appendix 7

Chapter/ Section	Consideration	Discussion	EIS ref
(4)	<i>If particular development comprises development for the purposes specified in subsection (2) and development for other purposes, this chapter applies only to the part of the development for the purposes specified in subsection (2).</i>	N/A - shop top housing is the only proposed use.	Appendix 7
(5)	<i>This chapter does not apply to development that involves only a class 1a or 1b building within the meaning of the Building Code of Australia.</i>	N/A - the proposal is a class 2 building	Appendix 7
(6)	<i>To avoid doubt, development to which Chapter 2, Part 2, Division 1, 5 or 6 or Chapter 5 applies may also be residential apartment development under this chapter.</i>	N/A - the proposal does not use Chapter 2 of the Housing SEPP	N/A
(7) <i>In this section— underground car parking storey means a storey used for car parking that is—</i>		Noted.	N/A
(a)	<i>below ground level (existing), or</i>		
(b)	<i>less than 1.2m above ground level (existing).</i>		
145 Referral to design review panel for development applications			
(1)	<i>This section applies to a development application for residential apartment development, other than State significant development.</i>	N/A - the planning pathway is SSD.	N/A
146 Referral to design review panel for modification applications			
(1)	<i>This section applies to a modification application for residential apartment development, other than State significant development.</i>	N/A - the application is not a modification and it is SSD.	N/A
147 Determination of development applications and modification applications for residential apartment development			

Chapter/ Section	Consideration	Discussion		EIS ref
(1)	<i>Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</i>	A detailed response to the Design Principles of Schedule 9 are provided within the Design Report, Sustainability Report and Landscape Report. A summary is provided below.		Appendix 9 Appendix 10 Appendix 17
		SEPP Design Principle	Proposals consistency	
(a)	<i>the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i>	Context & Neighbourhood character	The design responds to the local context by proposing a high density development in alignment with the TOD which seeks to uplift the area whilst also respecting the character of the established area.	
(b)	<i>the Apartment Design Guide,</i>			
(c)	<i>any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</i>			
(2)	<i>The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority.</i>	Built Form & Scale	The building mass is broken down in various ways including stepping of built form elements, articulation and materials to achieve an optimal outcome for the site.	
(3)	<i>To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</i>			
(4)	<i>Subsection (1)(c) does not apply to State significant development.</i>			

Chapter/ Section	Consideration	Discussion		EIS ref
		Density	The proposal aligns with the vision of the TOD - to increase density in well located areas. Additionally, the proposal is compliant with the FSR control of 5.6:1 under the NSLEP 2013.	
		Sustainability	The proposal exceeds BASIX benchmarks and will have appropriate waste measures in place	
		Landscape	The proposal almost doubles the existing landscaping on site and integrates seamlessly to the existing landscape character of the streetscape	

Chapter/ Section	Consideration	Discussion		EIS ref
		Amenity	The development achieves a high amenity and positively contributes to living environments and resident well-being	
		Safety	The proposals optimises safety by locating the primary frontage along a highly trafficable road and has maximises passive surveillance of public and communal areas	

Chapter/ Section	Consideration	Discussion		EIS ref
		Housing Diversity & Social Interaction	The dwelling mix ranges from studio to 4 bedroom apartments to cater for differing housing needs. Additionally, the proposal delivers 2,016m ² of communal space which is equivalent to 50% of the site area and double the ADG requirement of 25%.	
		Aesthetics	The proposal is well proportioned and uses a variety of finishes to achieve a good visual appearance	
148 Non-discretionary development standards for residential apartment development—the Act, s 4.15				
(1)	<i>The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i> <i>Note—</i>	Noted.		N/A

Chapter/ Section	Consideration	Discussion	EIS ref				
	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.						
(2) The following are non-discretionary development standards—		Noted.	N/A				
(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,	Part 3J of the ADG states minimum car parking rate is those set out in the Guide to Traffic Generating Development or the Council DCP - which ever is the lowest. The rates are outlined in the table below. As shown, the NSDCP are the lower rates and therefore, applies to the development. <table><tr><th>GTTGD rates</th><th>NSDCP rates</th></tr><tr><td> - Studio: N/A 1 bed: 0.4 spaces per dwelling (pd) 2 bed: 0.7 spaces pd 3 bed: 1.2 spaces pd - Visitor: +1 space per 7 dwellings </td><td> - Studio: 0.3 spaces pd 1 bed: 0.4 space pd 2 bed: 0.7 space pd 3 bed: 1 space pd 4 bed: 1 space pd - Motorbike: 1 space per 10 car spaces </td></tr></table>	GTTGD rates	NSDCP rates	- Studio: N/A 1 bed: 0.4 spaces per dwelling (pd) 2 bed: 0.7 spaces pd 3 bed: 1.2 spaces pd - Visitor: +1 space per 7 dwellings	- Studio: 0.3 spaces pd 1 bed: 0.4 space pd 2 bed: 0.7 space pd 3 bed: 1 space pd 4 bed: 1 space pd - Motorbike: 1 space per 10 car spaces	Appendix 11
GTTGD rates	NSDCP rates						
- Studio: N/A 1 bed: 0.4 spaces per dwelling (pd) 2 bed: 0.7 spaces pd 3 bed: 1.2 spaces pd - Visitor: +1 space per 7 dwellings	- Studio: 0.3 spaces pd 1 bed: 0.4 space pd 2 bed: 0.7 space pd 3 bed: 1 space pd 4 bed: 1 space pd - Motorbike: 1 space per 10 car spaces						

Chapter/ Section	Consideration	Discussion	EIS ref
		The proposal provides a surplus of 28 car parks and therefore, it is not proposed to use this non-discretionary development standard. The exceedance is justified in Appendix 11 and Section 6.10.	
(b)	<i>the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,</i>	The ADG recommends the following internal areas for apartments: ▪ Studio: 35m² ▪ 1 bed: 50m² ▪ 2 bed: 70m² ▪ 3 bed: 90m² ▪ 4 bed: 102m² The proposed internal areas exceed these requirements generally providing: ▪ Studio: 38m² ▪ 1 bed: 65-76m² ▪ 2 bed: 87-103m² ▪ 3 bed: 107-154m² ▪ 4 bed: 133m² In accordance with this section, the consent authority cannot refuse the application on the basis of the proposed internal areas of each apartment.	Appendix 7
(c)	<i>the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</i>	<i>Part 4C of the ADG recommends the following minimum ceiling heights:</i> ▪ Ground and first floor of mixed use developments: 3.3m ▪ Habitable rooms: 2.7m ▪ Non-habitable rooms: 2.4m The development proposes:	Appendix 7

Chapter/ Section	Consideration	Discussion	EIS ref
		- Podium: 5m floor to floor on the Ground floor and 3.7m floor to floor on level 1 and level 2 - Tower: 2.7m ceiling in habitable space and 2.4m ceiling in non-habitable space In accordance with this section, the consent authority cannot refuse the application on the basis of the proposed ceiling heights	
149 Apartment Design Guide prevails over development control plans			
(1) (a) (b) (c) (d) (e) (f) (g) (h)	<i>A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter—</i> <i>visual privacy,</i> <i>solar and daylight access,</i> <i>common circulation and spaces,</i> <i>apartment size and layout,</i> <i>ceiling heights,</i> <i>private open space and balconies,</i> <i>natural ventilation,</i> <i>storage.</i>	Noted, refer to assessment below.	Appendix 7 and 10
(2)	<i>This section applies regardless of when the development control plan was made.</i>	Noted.	Appendix 7

Table 7: Housing SEPP 2021 requirements

Apartment Design Guide

The Design Report (Appendix 11) provides an assessment against the ADG controls and demonstrates how the proposal achieves an optimal urban design outcome. The assessment is reproduced below.

Importantly, to support and encourage BTR developments, DPHI released a 'build-to-rent housing and flexible design fact sheet', which provides guidance for the design and assessment of BTR development. The fact sheet states:

'Build-to-rent developers tend to focus on shared facilities and services and more communal space for each apartment. Tenants may enjoy the security of a longer-term lease and a more desirable lifestyle. The Housing SEPP recognises that design flexibility can be beneficial for tenants, while also allowing developers to build a more attractive product for the market.'

In developing the design, guidance has been taken from DPHI's flexible design fact sheet and Housing SEPP.

ADG	Design Criteria	Assessment
3D: Communal and public open space	<i>25% of site area (minimum). Minimum of 50% direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).</i>	- Site Area: 3,796m² - Communal Outdoor Space: 964m² (25.4%) - Communal Indoor Space: 1,052m² (27.7%) - Total: 2,016 m² (53.1% of site area dedicated to communal open space)
3F: Visual Privacy	<i>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</i>	<i>6m setback from the north and south boundaries, Minimum separation to adjoining development 12m bedroom to bedroom. All apartments in both proposed and adjoining developments have living areas facing away from side boundaries towards the east and west outlooks, A louvre blade design in front of bedrooms redirects view from the adjacent development. Above podium the residential is setback 3m-7m from the Pacific Highway, 12m setback from the western boundary, facing the low-density development</i>

ADG	Design Criteria			Assessment
	<i>Building height</i>	<i>Habitable rooms and balconies</i>	<i>Non-habitable rooms</i>	
	<i>Up to 12m (4 storeys)</i>	<i>6m</i>	<i>3m</i>	
	<i>Up to 25m (5-8 storeys)</i>	<i>9m</i>	<i>4.5m</i>	
	<i>Over 25 (9+ storeys)</i>	<i>12m</i>	<i>6m</i>	
4A: Solar and daylight access	<i>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.</i>			<i>Due to the 33 degree orientation to north west, the western façade only received solar access from 2:30pm onward during mid-winter 21/June, however as noted in the ADG this is also the face with the dominant views over Sydney harbour and the city skyline. The proposal addressed the street alignment and maximised the apartments facing east to maximise the number of apartment receiving more than 2 hours solar during meet winter, with extended solar hour, the proposed development can increase the number of apartment receiving 2 hours of solar from 63% to 73%, while the western facing apartments orientate to maximise the Sydney harbour views. However, with two recent approvals of residential development north and east of the site the percentage of apartments reduced from 73% to 19%, or 33% with extended solar hours. To compensate for the apartment's lack of solar access in mid winter the design proposes increasing the communal open space from 25% to 53%, on the western face which is quieter and facing the view, including a wide range of indoor and outdoor amenities, equivalent to 12m² of communal space per dwelling</i>
	<i>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter</i>			
	<i>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</i>			

ADG	Design Criteria	Assessment
4B: Natural Ventilation	60% of total apartments (minimum) (Up to Level 9).	While a conventional balcony approach could achieve up to 63% natural ventilation for the first nine storeys however, the project's orientation along the heavily trafficked Pacific Highway presents a significant acoustic and air quality challenge. In such conditions, balconies are likely to remain closed for much of the time, often becoming underutilised, collecting dust, and contributing to visual clutter when viewed from the street. In response, the design proposes to internalise the balcony spaces for apartments facing the Pacific Highway, enhancing usable interior area while maintaining visual coherence. These apartments—along with all others—will be serviced by a mechanically assisted, acoustically treated fresh air system. This approach ensures consistent indoor air quality, addresses both traffic noise and seasonal bushfire smoke, and aligns with evolving expectations for healthier, more resilient urban living environments.
4C: Ceiling heights	Provide appropriate ceiling heights for natural ventilation and daylight access Minimum ceiling heights: ▪ 2.7m for habitable rooms. ▪ 2.4m for non-habitable rooms. ▪ 2.7m for main living area floor, 2.4m for second floor, where its area does not exceed 50% of the apartment area for 2 storey apartments ▪ 3.3m for ground and first floor to promote future flexibility of use in mixed used areas	Podium: 5m floor to floor on the Ground floor and 3.7m floor to floor on level 1 and level 2 Tower: 2.7m ceiling in habitable space and 2.4m ceiling in non-habitable space

ADG	Design Criteria	Assessment															
4D: Apartment size and layout	<i>Apartments are required to have the following minimum internal areas:</i> ▪ Studio: 35m² ▪ 1 bed: 50m² ▪ 2 bed: 70m² ▪ 3 bed: 90m² ▪ 4 bed: 102m²	The proposed internal areas exceed these requirements providing: ▪ Studio: 38m² ▪ 1 bed: 65-76m² ▪ 2 bed: 87-103m² ▪ 3 bed: 107-154m² ▪ 4 bed: 133m²															
4E: Private Open Space and Balconies	<i>All apartments are required to have primary balconies as follows:</i> <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Min. area</th><th>Min. depth</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>4m²</td><td>-</td></tr> <tr> <td>1 bed</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bed</td><td>10m²</td><td>2m</td></tr> <tr> <td>3+ bed</td><td>12m²</td><td>2.4m</td></tr> </tbody> </table> <i>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</i>	Dwelling type	Min. area	Min. depth	Studio	4m ²	-	1 bed	8m ²	2m	2 bed	10m ²	2m	3+ bed	12m ²	2.4m	<i>Apartment facing Pacific Highway have internalised the balcony area adding to the internal apartment area,</i> <i>2 Bed apartment: Proposed: 86m² (larger than 70m²+5m²+10m² required area)</i> <i>1 Bed apartment: Proposed 65m²/70m² (larger than 50m² +8m² required area)</i> <i>The Housing SEPP also allows ADG flexibility for the balconies that may not be suitable for the BTR developments because of the harsh environment, and replace them with additional communal outdoor space or a series of smaller communal area in more private settings. The design has incorporate a series double storey terraces throughout the tower for easy access to all units and has significant communal open space offerings at level 2 and roof levels.</i>
Dwelling type	Min. area	Min. depth															
Studio	4m ²	-															
1 bed	8m ²	2m															
2 bed	10m ²	2m															
3+ bed	12m ²	2.4m															
4F: Common circulation spaces	<i>The maximum number of apartments off a circulation core on a single level is eight</i>	<i>Maximum number of apartment off a single core on a level is 7 units South Tower: 75 Apartments sharing 2 lifts North Tower: 86 Apartments sharing 2 lifts</i>															

ADG	Design Criteria	Assessment
	<i>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</i>	
4G: Storage	<i>Provide adequate storage for residents.</i> <i>Minimum storage sizes:</i> ▪ 1-bedroom: 6m³. ▪ 2-bedroom: 8m³. ▪ 3-bedroom: 10m³ <i>At least 50% of storage to be located within the apartment</i>	<i>Where in-unit storage is limited, supplementary storage is provided in the basement via secure storage cages. Over 50% of the ADG minimum storage requirement is met within the apartments themselves, ensuring day-to-day convenience and compliance</i>

Table 8: Apartment Design Guide requirements

State Environmental Planning Policy (Planning Systems) 2021

The State Environmental Planning Policy (Planning) 2021 seeks to identify development that is State significant development.

An assessment of the relevant provisions is detailed below.

Chapter/ Section	Consideration	Discussion	EIS ref
Section 2.6	Declaration of SSD development: section 4.36	The proposal is declared SSD under the following sections of the Planning Systems SEPP: ▪ Schedule 1, Section 27 as the development is for purposes of BTR housing which has a tenanted component of at least 60% of the Estimated Development cost (EDC) and is permissible with consent, located in the Eastern Harbour City, with a capital investment value more than \$50 million	Section Error! Reference source not found. Appendix 1 Appendix 7

Chapter/ Section	Consideration	Discussion	EIS ref
		- Schedule 2, clause 19 as the site is within the Crows Nest Accelerated Transport Orientated Development (TOD) Precinct and the proposed development is mixed use which includes residential accommodation which has an EDC greater than \$60 million - Section 2.6(2) declares the commercial component of the development SSD as it is part of a broader development which is declared SSD i.e. the BTR component	

Table 9: Planning Systems SEPP requirements

State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* seeks to reduce risk and build resilience in the face of natural hazards as well as development-related hazards. An assessment of the relevant provisions is detailed below.

Chapter/ Section	Consideration	Discussion	EIS ref
3. Hazardous and offensive development			
Section 3.11	Preparation of preliminary hazard analysis	The proposal does not seek approval for the storage of any Dangerous Goods at the site and is therefore not a potentially hazardous or offensive development.	N/A
4. Remediation of land			
Section 4.6	Contamination and remediation to be considered in determining development application	Site contamination has been considered through the preparation of a Detailed Site Investigation. The DSI confirmed no contaminants were identified that warranted the preparation of a Remediation Action Plan and that the site is suitable for the proposed use subject to the mitigation measures.	Appendix 14 and 36

Chapter/ Section	Consideration	Discussion	EIS ref
		It is noted the extent of the DSI investigation was limited by the existing buildings onsite. Further testing will be undertaken post demolition works to finalise the contamination assessment. As a precautionary measure, a RAP has been prepared to address remediation should it be identified during demolition works.	

Table 10: Resilience and Hazards SEPP requirements

State Environmental Planning Policy (Sustainable Building) 2022

The State Environmental Planning Policy (Sustainable Building) 2022 (Sustainable Buildings SEPP) encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.

Sustainability commitments and objectives have been incorporated into the design of the proposed development to achieve a high level of energy efficiency and sustainability. The project has adopted a 5 Star Green Star Building certification, a NABERS Energy Base Building 5.5 Star target and a Water Whole Building 4 Star target. The development is also committed to achieving compliance with all the requirements as set out in NSDCP 2013.

Specific design elements have been integrated in the development to ensure the building embodies best practice sustainable design.

Chapter/ Section	Consideration	Discussion	EIS ref
Chapter 2 Standards for residential development - BASIX			
Section 2.1	Standards for BASIX development and BASIX optional development	As outlined within the Sustainability Report (Appendix 17), the development achieves compliance with BASIX Energy, Water and Thermal Comfort Targets (60% Energy and 40% Water)	Section Error! Reference source not found. Appendix 17

Chapter/ Section	Consideration	Discussion	EIS ref
Section 3.2	Development consent for non-residential development	As outlined within the Sustainability Report (Appendix 17), the development minimises waste, reduces demand for electricity and water. A NABERS Embodied Emissions Materials Form has also been completed and is included at Appendix 23.	Section Error! Reference source not found. Appendix 17 Appendix 23

Table 11: Sustainable Buildings SEPP requirements

State Environmental Planning Policy (Transport and Infrastructure) 2021

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* seeks to guide the provision of well-designed and located infrastructure including transport. An assessment of the relevant provisions is detailed below.

Chapter/ Section	Consideration	Discussion	EIS ref
2. Infrastructure			
Section 2.119	Section 2.119 stipulates that the consent authority must not grant consent for residential development adjacent to a road corridor with an annual average daily traffic volume of more than 20,000 vehicles unless: - Where practical and safe, access is provided from a road other than the classified road - The ongoing operation of the classified road is not adversely impacted by the proposal - appropriate noise mitigation measures will be taken to provide for an acceptable acoustic environment.	The proposal has been accompanied by: - a Traffic Impact Assessment and confirms access is proposed from Bruce Street (not the classified road) - a Noise impact assessment which recommends appropriate noise mitigation treatments to ensure that future residential apartments achieve an acceptable noise environment and residential amenity.	Appendix 11 Appendix 15

Chapter/ Section	Consideration	Discussion	EIS ref
Section 2.210	Section 2.120 stipulates that the consent authority must not grant consent for residential development adjacent to a road corridor with an annual average daily traffic volume of more than 20,000 vehicles unless appropriate noise mitigation measures will be taken that provide for an acceptable acoustic environment.	The proposal is accompanied by an Acoustic Assessment Report prepared by Pulse White Noise Acoustics Pty Ltd at Appendix 15 which recommends appropriate noise mitigation treatments during the construction and operational phases of the development which ensure that the future residential apartments and non-residential uses achieve an acceptable noise environment and residential amenity.	Appendix 15
Section 2.121	Section 2.121 requires the consent authority to provide TfNSW with written notice of the development application for development adjacent to Pacific Highway which involves the penetration of ground to a depth of at least 3m below ground level (existing).	This section is applicable to project. The Geotechnical Desktop Assessment provided at Appendix 20 addresses excavation in proximity to the Pacific Highway, the report outlines that a Geotechnical monitoring plan may be required by TFSNW prior to construction.	Section 6.8.1 and Appendix 20
Section 2.122	Section 2.122 requires the consent authority to provide TfNSW with written notice of the development application for developments considered a 'traffic generating activity'.	It is noted, the proposed development is a 'traffic generating activity' pursuant to Scheule 3 as it is for the purposes of shop top housing (a form of residential accommodation) and proposes more than 74 dwellings.	N/A

Chapter/ Section	Consideration	Discussion	EIS ref
		Notwithstanding, Section 2.122 does not apply to development for the purposes of residential accommodation on land identified on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map (as per Section 2.122A). As shown on the figure below, this site is identified and therefore, does not apply.	

Table 12: Transport and Infrastructure SEPP requirements

North Sydney Local Environmental Plan 2013

North Sydney Local Environmental Plan 2013 (NSLEP2013) is the principal Environmental Planning Instrument applicable to the land. It aims to establish planning principles and development controls that will promote the orderly and economic use of land.

Clause	Consideration	Discussion	EIS ref
2.2 and 2.3 Zoning	MU1 Mixed Use 1 Zone	The site is zoned MU1 Mixed Use. The proposed uses are defined as follows: • shop top housing • retail premises • office premises; and • medical centre These uses are all permissible with consent and consistent with the zone objectives (noting the proposal is also permissible under the Housing SEPP).	Appendix 3
4.3 Height of buildings	Applicable Height of Building is 54m	The development proposes a minor variation of 5.52m to vary the 54m height control to accommodate a plant on the roof.	Appendix 7 Appendix 31

Clause	Consideration	Discussion	EIS ref
		Given the minor nature of the departures, they will be imperceptible from the public domain. A clause 4.6 has been prepared to provide detailed justification for the variation (Appendix 31)	
4.4 FSR	Applicable FSR is 5:6:1	The proposal is compliant and proposes an FSR of 5.6:1.	Appendix 7
4.4A non-residential FSR	Applicable non-residential FSR is 5.6:1	A Planning Report in support of a State led Planning Proposal has been prepared and submitted concurrently with this SSD (Appendix 34). The intent of the Report is to amend the non-residential FSR from 5.6:1 to 1:1.	Appendix 34
5.10 Heritage conservation	The site is not heritage listed, nor is it within a heritage conservation area.	The site is located within the vicinity of a number of heritage items as discussed at section 6.4. As confirmed within the Heritage Impact Assessment, the proposal will have no adverse heritage impacts.	Appendix 25
6.10 Earthworks	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. 2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or	Technical reports have been prepared to support the SSD and confirm the proposed earthworks will not adversely impact the site or surrounds. These reports include: ▪ geotechnical ▪ heritage ▪ Integrated Water Management Plan	Appendix 20 Appendix 25 Appendix 19

Clause	Consideration	Discussion	EIS ref
	(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given. (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on— (i) drainage patterns and soil stability in the locality of the development, and (ii) natural features of, and vegetation on, the site and adjoining land, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing Aboriginal objects or relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,		

Clause	Consideration	Discussion	EIS ref
	(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		
6.15 Airspace Operations	This clause establishes that Council may grant consent to development which exceeds the Obstacle Limitation Surfaces of 156m AHD provided no objection is raised by the relevant Commonwealth body (Sydney Airport).	The proposal will have a maximum height of 152.7 AHD and therefore does not exceed the OLS. The proposal is therefore considered to be compatible with the current and future operations of Sydney Airport.	N/A
6.19 Development at 270–272 Pacific Highway, Crows Nest	Development on the site may have a FSR of up to 6.02:1 provided the additional GFA is located below ground and not used for residential or retail purposes, other than neighbourhood shops.	- Clause 6.19 enables an FSR of 0.42:1 to be provided below ground level (finished). - The proposed medical centre car spaces exceed the DCP's required spaces by 38 spaces. This equates to a GFA of 562m² and an FSR of 0.15:1. - This additional GFA and FSR complies with the requirements of Clause 6.19D as it located within Basement Level 1.	Appendix 7
7.3 Design Guide	Development must be consistent with the Crows Nest Transport Oriented Development Precinct Design Guide.	A detailed review of the controls within the Design Guide was undertaken. In summary, the proposal is consistent with the key building controls detailed below: - setbacks of 0m to Pacific Highway and Bruce Street 3 storey wall height - car parking rates	Appendix 10

Clause	Consideration	Discussion	EIS ref
		It is noted, the proposal cannot achieve the solar requirements for the reasons stated above in the Housing SEPP assessment and in the Design Report (Appendix 10). Despite the non-compliance, the proposal achieves a good amenity outcome. In addition, the site proposes a 16 storey building height rather than a 14 storey height as per the Guide. Notwithstanding, the proposal sits comfortably within the 13 storey building envelope that was approved for the site under DA193/23 and is generally compliant with the 54m height limit when measured from natural ground level.	
7.4 Design Excellence	Design Excellence for sites located within the Crow's Nest Transport Oriented Development Precinct.	The site is identified within the Crow's nest accelerated TOD and therefore this clause applies. As shown within the Architectural Plans, the proposal has been designed to deliver the highest standard of architectural, urban and landscape design.	Appendix 7.
7.5 Affordable Housing	The consent authority may, when granting consent, impose a condition which requires a contribution equivalent to 3% of the proposed total GFA. Clause 7.5(7) states that the contribution can be made by either:	The Applicant proposes to make a full monetary contribution in accordance with 7.5(7)(b).	Section Error! Reference source not found.

Clause	Consideration	Discussion	EIS ref
	▪ Dedicating 1 or more dwellings which are at least 50m² (with the remainder of the of any area paid by a monetary contribution); or ▪ A monetary contribution equivalent to the nominated percentage (which 3% for the subject site) . ▪ The contribution rate must be calculated 'by reference to the market value of dwellings of a similar size to the dwellings in the proposed development'.		

Table 13: North Sydney Local Environmental Plan 2013

North Sydney Development Control Plan 2013

Clause	Consideration	Discussion	EIS ref
Part B Section 2 - Commercial and Mixed-Use Development			
2.2.3 Mixed Residential Population	- Mixed use developments incorporating residential accommodation containing 20 or more dwellings should provide a mix of dwelling sizes in accordance with below - Studio - 10-20% 1-bedroom - 25-35% 2-bedroom - 35-45% 3-bedroom+ - 10-20% - A minimum of 20% of dwellings in mixed use developments containing more than 5 dwellings must comprise adaptable housing , and be designed and constructed to a minimum Class C Certification under AS 4299 – Adaptable Housing.	- The proposal is compliant and provides: - Studio - 12% 1 bed - 32% 2 bed - 29% 3 bed - 26% 4 bed - 1% - A minor reduction in the required number of 2 bedroom apartments is proposed. Notwithstanding, an appropriate unit mix is still achieved noting there is a higher percentage of 3 bedroom+ apartments 42 dwellings (25%) are set to be adaptable dwellings	Section 3 and Appendix 7
2.3.2 Noise	- 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. - Despite P1 above, the noise emission associated with the operation of non-	- The Acoustic Impact Assessment Report has been prepared to support the SSD (Appendix 15). The assessment confirms: - The development is not expected to exceed 5db above the background noise level - The proposal can achieve compliance with the operational and construction	Section 6.11 and Appendix 15

Clause	Consideration	Discussion	EIS ref
	<i>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.</i> ▪ <i>Developments must comply with EPA Noise Policy for Industry 2017 in particular the modification required for acceptable noise level (ANL).</i>	acoustic criteria required by local authorities (including the EPA), provided the recommendations are implemented	
2.3.3 Wind Speed	▪ <i>Buildings should be designed to reduce wind velocity at footpaths and public outdoor spaces.</i> ▪ <i>Development should not result in the wind speed exceeding 13m/s at footpaths and accessible outdoor spaces.</i> ▪ <i>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.</i>	▪ A Wind Impact Report is not required by the SEARs. ▪ Notwithstanding, a Qualitative Wind Assessment has been prepared and confirms: <i>'Wind conditions around the development are expected to be classified as acceptable for pedestrian standing or walking from a Lawson comfort perspective and pass the distress/safety criterion. No adverse conditions requiring specific mitigation are foreseen.'</i>	Appendix 28
2.3.6 Awnings	▪ <i>Provide continuous, horizontal awnings on all street frontages which are activated by ground floor uses and those streets identified in the relevant area character statement (refer to Part C of the DCP),</i>	▪ There are a series of awnings covering the pathway along Pacific Highway	Appendix 7 & Appendix 10

Clause	Consideration	Discussion	EIS ref
	<i>using materials that are sun, rain and wind proof.</i> ▪ <i>Awnings must be provided as required in Table B-2.5.</i> ▪ <i>Controls for MU1 Mixed Use Zoning is:</i> ○ <i>Minimum width: 2m</i> ○ <i>Setback from kerb 1.1m</i> ○ <i>Setback from kerb to accommodate trees: 1.5m</i> ○ <i>Height above footpath level: 3.2-4.2m</i> ▪ <i>New awnings should match the height of existing awnings on adjacent sites.</i> ▪ <i>Weather seals are to be provided between new and existing awnings on adjacent sites and between the awning and the building.</i> ▪ <i>Where appropriate, temporary shade structures such as retractable blinds, umbrellas and pergolas may be provided (e.g. to outdoor café and gardens).</i> ▪ <i>Openings with a minimum dimension of 1.5m - 2m (measured from kerb) by 2.5m wide must be provided in awnings located over public footpaths to allow for the accommodation of street trees.</i>	▪ As demonstrated within the Architectural Plans, the awnings are compliant with the DCP requirements ▪ The awnings are designed to curve inwards throughout the middle section of each piece to allow room for the existing palm trees to stand.	
2.3.7 Solar Access	▪ <i>Developments located outside of the North Sydney Centre should be designed and</i>	▪ As discussed in the Design Report, due to site constraints, the proposal is not	Section 6.1.7

Clause	Consideration	Discussion	EIS ref
	<i>sited such that solar access at the winter solstice (21st June) provides a minimum of 3 hours between the hours of 9.00am and 3.00pm to:</i> ○ <i>any solar panels;</i> ○ <i>the windows of main internal living areas;</i> ○ <i>principal private open space areas; and</i> ○ <i>any communal open space areas.</i> <i>located on the subject property and any adjoining residential properties.</i> ▪ <i>Despite P2 above, living rooms and private open spaces for at least 70% of dwellings within a residential flat building or shop top housing should receive a minimum of 2 hours of solar access between the hours of 9.00am and 3.00pm at the winter solstice (21st June).</i> ▪ <i>New development should not overshadow existing or proposed public open spaces located outside of the North Sydney Centre between 11.30am and 2.30pm.</i> ▪ <i>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.</i>	compliant with the solar access requirements prescribed under the ADG (which are reflected within the DCP). However, a detailed assessment against WELL (which is a globally recognised architectural standard) confirms that the proposal meets and exceeds requirements or residential amenity ▪ The development will not overshadow any public open spaces ▪ Setbacks compliant with the Crows Nest Design Guide are proposed and include setbacks between the podium and tower ▪ Rooftop open spaces are partially covered by shading features to provide both sun-protected and non-protected spaces ▪ No apartments are to solely face south within the development, all will be accompanied with either an east or west facing orientation. ▪ Solar panels are located on the roof tops and are placed to still have direct access to the north even if adjoining developments develop.	Appendix 7 Appendix 10

Clause	Consideration	Discussion	EIS ref
	▪ <i>Setbacks must be provided between buildings above the podium level.</i> ▪ <i>Provide a mix of sun-protected and unprotected areas in public open space, roof top gardens and other outdoor spaces.</i> ▪ <i>No more than 15% of all dwellings in the development must not receive no direct sunlight between 9am and 3pm at mid-winter.</i> ▪ <i>The use, location and placement of photovoltaic solar panels take into account the potential permissible building form on adjoining properties.</i>		
2.3.8 Views	▪ <i>Provide public or semi-public access to top floors where possible (e.g. restaurants, roof top gardens and facilities).</i> ▪ <i>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).</i> ▪ <i>Maintain and protect views identified in the relevant area character statement (refer to Part C of the DCP) from future development.</i> ▪ <i>Where a proposal is likely to adversely affect views from either public or private</i>	▪ Access to the top floors is for residential purposes only. ▪ The building is designed with setbacks consistent with the Crows Nest Design Guide and to maintain street views and fit in with the character of the area. ▪ The development does not unreasonably block any other developments or open spaces from important views.	Section 6.2

Clause	Consideration	Discussion	EIS ref
	<i>land, Council will give consideration to the Land and Environment Court's Planning Principles for view sharing established in Rose Bay Marina Pty Ltd v Woollahra Municipal Council and anor [2013] NSWLEC 1046 and Tenacity Consulting v Warringah Council [2004] NSWLEC 140.</i>		
2.3.9 Acoustic Privacy	▪ <i>This subsection only applies to the residential component of any mixed use development.</i> ▪ <i>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:</i> ▪ <i>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.</i> ▪ <i>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</i>	▪ The proposed development complies with the noise standards of AS/NZS 2107:2016 as detailed in the Acoustic Report at Appendix 15	Appendix 15

Clause	Consideration	Discussion	EIS ref
	<i> dwellings and must address the requirements to P2.</i> ▪ <i> Buildings are to be designed and rooms positioned to reduce noise transmission within and between dwellings.'</i> ▪ <i> Buildings are to be designed and rooms positioned to reduce noise transmission within and between dwellings.</i> ▪ <i> Windows and doors should be located away from external noise sources, or buffers used where separation cannot be achieved.</i> ▪ <i> Materials with low noise penetration properties should be used where practical.</i> ▪ <i> Locate bedrooms and private open spaces away from noise sources such as garages, driveways, mechanical equipment and recreation areas.</i> ▪ <i> 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.</i> ▪ <i> Where dwellings are located on busy roads incorporate the following into the design of the development to reduce traffic noise within the dwelling:</i> ○ <i> cavity brick walls;</i>		

Clause	Consideration	Discussion	EIS ref
	○ <i>double glazing;</i> ○ <i>solid core doors;</i> ○ <i>concrete floors; and</i> ○ <i>recessed balconies.</i>		
2.3.10 Vibration	▪ <i>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.</i>	▪ The Acoustic Assessment confirms that the development is consistent with the noise levels set out in the Development Near Rail Corridors and Busy Roads - Interim Guideline	Section 6.11 and Appendix 15

Clause	Consideration	Discussion	EIS ref
2.3.11 Visual Privacy	▪ <i>Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.</i> ▪ <i>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.</i> ▪ <i>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.</i> ▪ <i>Provide visual separation between any non-residential use and residential uses within buildings and sites.</i> ▪ <i>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.</i> ▪ <i>Council may consider a variation to the building separation control within P5</i>	▪ The design of the building mitigates direct views onto neighbouring private open spaces. ▪ The location of the development and height difference compared to surrounding dwellings minimises overlooking onto neighbouring private open spaces and windows. ▪ There is visible separation between land uses in the proposed development, as all non-residential uses are located within the podium. ▪ As outlined in the Design Report, the building is sufficiently separated from habitable rooms, non habitable rooms and balconies of other buildings	Appendix 10

Clause	Consideration	Discussion	EIS ref
	<i>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.</i>		
2.4 Quality Built Form			
2.4.1 Context	- 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). - A Site Analysis is undertaken in accordance with Part A: Section 5 - Site Analysis of this DCP.	- The Architectural Plans and Design Report demonstrate how the proposal has responded to issues on the site and within the locality. - A Site Analysis is included within the Architectural Plans.	Section 6.1 and Appendix 10.
2.4.2 Site consolidation	- Amalgamate lots to achieve lot frontage identified in the relevant area character statement (refer to Part C of the DCP). - Break down the apparent length of buildings by incorporating articulation, design and detailing and or a change in materials, finishes and colours.	- Amalgamation is not proposed - The building has articulated the façade, reducing the perceived bulk. - Materials and colours are also used to improve the visuals of the building.	Section 6.1 and Appendix 10

Clause	Consideration	Discussion	EIS ref												
2.4.3 Setbacks	<i>New development must give consideration to the setbacks of adjacent buildings and heritage items.</i> <i>Front</i> <i>A zero metre setback must be provided, unless an alternative setback is identified within the relevant area character statement (refer to Part C of the DCP).</i> <i>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).</i> <i>Side & Rear</i> <i>A zero metre setback, unless an alternative setback is identified within the relevant area character statement (refer to Part C of the DCP).</i> <i>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.</i> <i>Despite P5 above, a development proposed on land adjoining or adjacent to</i>	- The proposed setbacks are outlined below and are compliant: <table><tr><th></th><th>Podium</th><th>Tower</th></tr><tr><td>Front</td><td>0m</td><td>3-7m</td></tr><tr><td>Sides</td><td>0m</td><td>6m</td></tr><tr><td>Rear</td><td>10-10.5m</td><td>12-23m</td></tr></table> - The tower setback to the northern boundary provides sufficient separation to the adjacent heritage item		Podium	Tower	Front	0m	3-7m	Sides	0m	6m	Rear	10-10.5m	12-23m	Section 6.1 and Appendix 10
	Podium	Tower													
Front	0m	3-7m													
Sides	0m	6m													
Rear	10-10.5m	12-23m													

Clause	Consideration	Discussion	EIS ref
	<i>a residential or recreation zone must not exceed a building height plane commencing:</i> ○ <i>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</i> ○ <i>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</i> ▪ <i>Where an applicant seeks a basement structure built to the property boundary fronting a laneway in the E1 Local Centre or MU1 Mixed Use zone for the purposes of underground car parking, Council may require a 1.5m setback at street level to be provided subject to an s.88B instrument application outlining public access rights, clear of any structure to 1.5m below</i>		

Clause	Consideration	Discussion	EIS ref
	<i>ground level (existing) and 3m above ground level (existing) and requiring all maintenance, cleaning and the like to be the responsibility of the property owner. Applicants are advised to contact Council prior to the lodgement of any development application seeking a basement car park built to the property boundary fronting any laneway to determine if the setbacks in this provision are required to be met.</i>		
2.4.4 Podiums	▪ <i>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).</i> ▪ <i>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.</i> ▪ <i>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.</i>	▪ A 3 storey podium is proposed along all frontages ▪ The tower above the podium is setback from the tower as outlined above ▪ The podium provides an appropriate street wall height providing consistency with the surrounding street frontages on Pacific Highway.	Section 6.1 and Appendix 10

Clause	Consideration	Discussion	EIS ref
2.4.5 Building design	▪ <i>Floor to ceiling heights should be provided in accordance with the minimum requirements set out in Table B-2.9.</i> ▪ <i>Council may consider a variation to the minimum requirements in P1, but only if the applicant can demonstrate that the dwelling or non-residential floor space is capable of receiving satisfactory natural daylight and ventilation (e.g. shallow apartments / commercial tenancies with large amounts of window area).</i> ▪ <i>The apparent length of buildings should be broken down through the use of articulation, design and detailing, changes in materials and colours.</i> ▪ <i>High quality materials should be used throughout the building design.</i> ▪ <i>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).</i> ▪ <i>Buildings should be built predominantly to setback alignment.</i> ▪ <i>Building should be articulated and have a positive relationship with the public domain in terms of scale and setbacks.</i>	▪ All floor to floor heights are consistent with the ADG requirements ▪ The architectural design seeks to deliver a calm and elegant series of buildings which breaks down the overall bulk and scale and mediates with the varied urban scales within the vicinity of the site. The building has been designed using materials and colours which improve the aesthetics of the building. ▪ The building is to be constructed using high quality materials that will provide both structural integrity and amenity to those using the building. ▪ The podium provides a rear set back for access to underground parking, all other frontages have a zero metre setback. ▪ The development is designed in a way that is both recognisable, but also fits in with the desired character of the area. ▪ The Heritage Impact Statement attached in Appendix 25 confirms that the development is unlikely to adversely impact on the significance of surrounding items. ▪ All walls are detailed with architectural finishes to add visual interest, no walls will be left blank	Section 6.1 Appendix 10 Appendix 25

Clause	Consideration	Discussion	EIS ref
	▪ <i>Building elements, such as materials, finishes, and window dimensions should relate to neighbouring buildings.</i> ▪ <i>Buildings are to respect the setting and curtilage of heritage items (refer to Part B: Section 13 - Heritage and Conservation of the DCP).</i> ▪ <i>Buildings should incorporate architectural detailing and ornamentation which provides a rich visual reference for pedestrians.</i> ▪ <i>Balconies are to be incorporated within the setback or building envelopes.</i>	▪ Balconies at the rear are included within the building envelope. No balconies are provided on Pacific Highway	
2.4.6 Skyline	▪ <i>The built form should step down from the centre of each commercial or mixed use centre to a comparable scale at the interface of any adjoining residential zone.</i> ▪ <i>Roofs should be designed such that they are integral with the overall design of the building.</i> ▪ <i>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.</i> ▪ <i>With respect to buildings greater than 30m in height, and all buildings within the North Sydney Centre, the roof is to be designed</i>	▪ The development is located along Pacific Highway nearby the centre of Crows Nest, which is an appropriate location for the proposed form. Importantly, the low density development along the western boundary has been rezoned to R4 High Density and will likely comprise high density development in the near future. ▪ The location of the proposed plant is setback from the towers edge and will not be visible from the street level.	Section 6.1 and Appendix 10 & 16

Clause	Consideration	Discussion	EIS ref
	<i>such that consideration is given to the building being seen in a regional view catchment.</i> ▪ <i>All plant room equipment must not be visible from any location viewed from ground level.</i>		
2.4.8 Balconies - Apartments	▪ <i>Balconies must be incorporated within building envelope (as specified by setbacks and or building height plane) and should not be located on roofs, podiums or be cantilevered.</i> ▪ <i>Balconies should be integrated into the overall architectural form and detail of the building.</i> ▪ <i>No balconies, verandahs or the like are to project over the public domain.</i> ▪ <i>Where a proposal involves the conversion of an existing commercial building, and that commercial building's envelope does not comply with the setback and/or building envelope controls for the site, any new balcony must not project beyond the existing building's envelope.</i> ▪ <i>Balconies should not be enclosed.</i> ▪ <i>Notwithstanding P5, Council may permit the enclosure of a balcony, but only if:</i>	Pacific Highway frontage ▪ Pacific Highway is heavily trafficable road and presents a significant acoustic and air quality challenge. ▪ Balconies along this frontage are likely to remain closed for much of the time, often becoming underutilised and or used for storage which consequently contributes to visual clutter when viewed from the street. ▪ In response, the design proposes to internalise the balcony spaces to enhance the usable interior area. These apartments, along with all others, will be serviced by a mechanically assisted, acoustically treated, fresh air system. ▪ This approach ensures consistent indoor air quality, addresses both traffic noise and seasonal bushfire smoke, and aligns with evolving expectations for healthier, more resilient urban living environments. ▪ This approach provides the best amenity outcome for residents and importantly,	Section 6.1 and Appendix 7 and 10.

Clause	Consideration	Discussion	EIS ref
	○ <i>the building is predominantly characterised by enclosed balconies; or</i> ○ <i>if the building is not predominately characterised by enclosed balconies, subject to the approval of a balcony strategy for the building.</i> ▪ <i>A balcony strategy should:</i> ○ <i>include details outlining the size, scale and choice of materials of the proposed enclosure(s); and</i> ○ <i>be adopted by the body corporate before being submitted to Council.</i>	aligns with the BTR guideline which promotes flexibility in the design of BTR apartments. Sinclair Street frontage ▪ The balconies proposed at the rear fronting Sinclair Street comply with both the ADG and DCP separation distance/setback requirements. Further, they seamlessly integrate into the overall architectural form and detail of the building.	
2.4.10 Streetscape	▪ <i>The ground level of buildings should align with the corresponding level of the adjacent footpath, laneway or outdoor space.</i> ▪ <i>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.</i> ▪ <i>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.</i> ▪ <i>All ground level windows fronting street, laneways and public spaces must be</i>	▪ The proposed design is consistent with this section as: ○ The ground level is aligned with the adjacent footpath levels ○ There are two ground level retail tenancies, a medical centre and office space which activate the street. ○ The proposal does not include any landscaping or ground level changes which reduce natural surveillance ○ All windows on ground level will be glazed to promote crime prevention through environmental design.	Section 6.1 and Appendix 10

Clause	Consideration	Discussion	EIS ref
	<i>glazed with clear glass, to promote active surveillance of the public domain.</i> ▪ <i>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).</i> ▪ <i>Introduce visually interesting elements to the building façade such as articulation, detailing and art works.</i> ▪ <i>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.</i> ▪ <i>Undergrounding of overhead infrastructure should be provided in association with significant new development, consistent with the North Sydney Council Undergrounding Master Plan.</i>	○ The podium has a 0m setback and therefore, shop fronts have a 0m setback. ○ There is articulation in the building façade, improving its visuals towards the public domain. ○ Power, water, gas and sewer services will be generally located underground.	
2.4.11 Entrances and exits	▪ <i>Main entrances and exits located at the front of the site must be directly visible from the street.</i> ▪ <i>At least one main entrance to the building provides a continuous path of travel.</i> ▪ <i>Entrances must not be obscured by landscaping or other obstacles and have clear sight lines.</i>	▪ Main entrances to the lobby, medical centre and retail tenancies will be visible and obvious from Pacific Highway. ▪ An accessible continuous path of travel will be provided through the lobby. ▪ The entrance will not be obscured by landscaping and will have clear sight lines inside.	Appendix 7

Clause	Consideration	Discussion	EIS ref
	▪ Entrances are clearly identifiable to reduce confusion and unintentional entry. ▪ If exits to the building are closed after hours, this must be indicated at the entrance of the building. ▪ Entrance lobbies are well illuminated, with seating provided and a firm and level nonslip floor surface. ▪ Separated pedestrian entrances and lobbies are to be provided where it is proposed to accommodate within the same building, the following mixture of land uses: ○ residential accommodation and non-residential development	▪ The ground level residential lobby will be equipped with sufficient lighting, seating, a coworking space and accessible pathways. ▪ Separated pedestrian entrances and lifts are proposed for the residential and non residential uses	
2.4.12 Nighttime appearance	▪ Encourage the use of large windows to enable internal illumination to spill onto public footpaths and public areas. ▪ Decorative elements or prominent architectural features of a building should be illuminated, but only where they do not result in adverse impacts upon nearby residents.	▪ As shown within the Architectural Plans, large windows are proposed.	Section 6.1 and Appendix 7
2.5 Quality Urban Environment			
2.5.1 Accessibility	▪ Buildings are to be designed in accordance with the provisions contained	▪ Part B Section 12 has been addressed in its relevant section below.	

Clause	Consideration	Discussion	EIS ref
	<i>within Part B:Section 12 - Access of the DCP.</i>		
2.5.4 High quality residential accommodation	▪ <i>Apartments within mixed use developments, must be designed to provide the following minimum internal areas:</i> ○ Studio 35m² ○ 1 bedroom 50m² ○ 2 bedrooms 70m² ○ 3+ bedrooms 90m² ▪ <i>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 .</i> ▪ <i>Communal corridors must have a minimum width of 2m to facilitate movement (i.e. no right angled corners).</i> ▪ <i>No more than 8 dwellings are to be accessible from a single common lobby space.</i> ▪ <i>Avoid the use of double loaded corridors.</i> ▪ <i>Maximum depth of a habitable room from a window, providing light and air to that room, is 10m.</i>	▪ The proposed internal areas exceed these requirements providing: ○ Studio: 38m² ○ 1 bed: 65-76m² ○ 2 bed: 87-103m² ○ 3 bed: 107-154m² ○ 4 bed: 133m² ▪ Hallway dimensions are compliant. ▪ The maximum amount of dwellings accessible from the common lobby is 7 which is below the maximum amount permitted. ▪ The building layout doesn't allow for the complete avoidance of double loaded corridors, the majority of floors have two front doors opposite each other. ▪ All habitable spaces have a window within 10m providing natural light to the space. ▪ The design is capable of providing 62.5% of the development with cross ventilation. However, due to noise and air pollution from Pacific Highway, residents are less likely to keep windows open for cross-ventilation. The proposal includes a	Section 6.1 and Appendix 10

Clause	Consideration	Discussion	EIS ref
	▪ <i>Apartments have a minimum width of 4m. An apartment's width should increase relative to an increase in its depth.</i> ▪ <i>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.</i> ▪ <i>Amenity and safety of residents is protected from intrusion by users of the non-residential parts of the development (e.g. through the use of security access to lifts and car parking).</i>	mechanically assisted fresh air system which is discussed in further detail below. ▪ Separated pedestrian entrances and lifts are proposed for the residential and non residential uses to ensure safety	
2.5.6 Private open space	▪ <i>If an alternative method of ventilation is proposed, submit a ventilation report by a certified ventilation consultant in accordance with the AS 1668, which recommends that the minimum natural cross ventilation rate of airflow should be 60L/s and the minimum removal of excess heat should be 10 air changes per hour, to provide reasonable comfort to occupants.</i> ○ <i>Studio 4m2</i> ○ <i>1 bedroom 8m2</i> ○ <i>2 bedrooms 10m2</i> ○ <i>3+ bedrooms 12m2</i>	▪ As noted above, 62.5% of apartments can achieve natural cross ventilation. However, due to noise from the Pacific Highway and air pollutants from vehicle emissions, residents are less likely to open their windows for cross-ventilation. Because of this an alternative ventilation method is proposed. With the proposed mechanically assisted fresh air system, 100% of the apartments can receive filtered fresh air, even with windows closed, ensuring a healthier and more comfortable living environment. ▪ Private open space areas are provided for all dwellings on the western side of the	Appendix 7

Clause	Consideration	Discussion	EIS ref
	▪ <i>Private open spaces must provide a minimum depth of 2m, or 2.4m where it relates to a 3+ bedroom apartment.</i> ▪ <i>Where apartments are proposed without private open space, the size of the apartment must be increased by the minimum private open space requirement.</i> ▪ <i>Private open spaces should be located such that they are directly accessible off a main living area of the dwelling.</i> ▪ <i>Communal residential spaces:</i> ○ <i>should comprise a mixture of indoor and outdoor spaces (such as gymnasium, pool and meeting rooms for residents);</i> ○ <i>must be provided in developments containing more than 15 bedrooms, with a minimum area of 20m² or 1m² per bedroom, whichever is the greater;</i> ○ <i>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</i>	building, with the exception of the mews dwellings on ground/ level 1. As detailed in the design report, there is an opportunity to provide POS to these dwellings in the future subject to changes to the laneway configuration. Notwithstanding, this is considered acceptable given the size of these units and the extensive areas of COS provided within the development. ▪ Apartments on the eastern side of the building facing Pacific Highway do not have private open spaces, nor do ground and level 1 apartments on the western boundary. The equivalent size of the open space has been included in the apartment size. ▪ Apartments not identified above include balconies and are compliant with the DCP requirements ▪ The proposal is compliant with the communal open space requirements, specifically to provide a range of communal spaces available including a gym, cinema, multi function room and pool all on level 2. There are also two outdoor roof terraces.	

Clause	Consideration	Discussion	EIS ref
	○ <i>must be provided with access to natural light and not be located in basements.</i>		
2.5.7 Vehicular access	▪ <i>Where available and practical, all vehicle access must be provided from laneways.</i> ▪ <i>Service vehicle access should be combined with parking access.</i> ▪ <i>Vehicular access points should be limited to a maximum of one access point per building.</i> ▪ <i>Parking areas must be designed to enable vehicles to enter and leave the site in a forward direction.</i>	▪ Vehicular access is provided from a laneway off Bruce Street to the south of the site, this access is also to be used by service vehicles. ▪ The laneway also provides vehicular access to the row of houses fronting Sinclair Street. ▪ The car park is designed in a way that allows cars to both enter and leave in a forward direction.	Section 6.10 and Appendix 11
2.5.8 Car parking	▪ <i>Provide on-site car parking in accordance with Part B: Section 10 – Car Parking and Transport of the DCP:</i> ▪ <i>All car parking must be provided underground.</i>	▪ The applicable residential car parking rate of 0.2 is discussed in the above Housing SEPP assessment. ▪ The applicable commercial rate is maximum 1 space per 400m² of GFA. ▪ The Transport Impact Assessment (Appendix 11) outlines that the required car parking spaces are: ○ Office: 0 space ○ Retail: 1 space ○ Medical Centre: 7 spaces ▪ The proposal commercial spaces are as follows:	Section 6.10 and Appendix 11

Clause	Consideration	Discussion	EIS ref
		○ Office: 0 space ○ Retail: 1 space ○ Medical Centre: 45 spaces ▪ This represents a surplus of 38 spaces against the applicable NSDCP maximum parking rates for the medical center use ▪ The Transport Impact Assessment (Appendix 11) provides the following justification for the surplus: <i>the proposed car parking provision for the medical centre is consistent with the medical centre car parking rate under the NSDCP 2013 for specific non-residential uses of 4 spaces per 100m².</i> <i>In addition, the previous site approval consisted of a medical centre with floor area of 806m² GFA and 20 medical centre car spaces, which is an approved car parking provision rate of 1 space per 40m².</i> <i>It is proposed to provide a medical centre with 3,132m² GFA and 45 medical centre car spaces, which is a car parking provision rate of 1 space per 70m².</i> <i>Therefore, the proposed car parking provision rate is lower than the approved car parking provision rate.</i>	

Clause	Consideration	Discussion	EIS ref
		<i>On this basis, the proposed car parking provision for the medical centre is considered acceptable.</i> All parking is provided in the two basement levels	
2.5.9 Garbage storage	<i>Communal on-site waste storage, recycling and collection points must be provided for each development site.</i> <i>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.</i> <i>A garbage storage area should be located within 2m of the street or laneway boundary.</i> <i>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.</i> <i>Garbage storage facilities should not be located in conjunction with the main pedestrian entrances to a building.</i>	- Separate bin rooms are provided for the different uses proposed. - Bin holding rooms are provided at ground level and have direct access to the loading dock. - The garbage storage facilities are located away from pedestrian entrances. - Within the bin holding rooms, it is noted that garbage bins will be within 3m from the doorway. - The loading dock provides sufficient space for garbage collection practices to be undertaken. - Garbage storage areas are not publicly visible. - No on-site treatment facilities are proposed.	Section 6.12 and Appendix 21

Clause	Consideration	Discussion	EIS ref
	▪ <i>Garbage bins stored in a collection facility should be located within 3m of the facility's entrance.</i> ▪ <i>Convenient access for on-site movement and collection should be provided</i> ▪ <i>More than one communal on-site waste storage and recycling area should be provided on large or steep sites, or where there is more than one Council collection point.</i> ▪ <i>Garbage storage areas must be screened from streets and laneways to discourage the illegal dumping of rubbish and unsightly mess visible to pedestrians.</i> ▪ <i>Garbage storage areas must be located and managed to avoid causing a nuisance from smells, insects or animals.</i> ▪ <i>Sufficient space must be provided to accommodate any on-site treatment facilities (e.g. compaction) proposed to be incorporated.</i> ▪ <i>Garbage storage areas should be adequately protected from inclement weather. Where appropriate, the area should be enclosed or undercover.</i> ▪ <i>Storage areas must be well ventilated and drained to a lawfully approved sewerage system.</i>		

Clause	Consideration	Discussion	EIS ref
	▪ <i>Where a garbage chute is provided or required:</i> ○ <i>a separate garbage chute must be provided for the residential and commercial components of the building;</i> ○ <i>the garbage chute room must be adequately ventilated and incorporate fire safety and other services in accordance with the BCA.</i> ▪ <i>Garbage facilities are to be designed and constructed in accordance with Council's Waste Management Guide (refer to Appendix 3 of DCP).</i> <i>Commercial components</i> ▪ <i>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.</i> ▪ <i>Notwithstanding the rates to P16, Council may permit a reduction in the number of bins required, but only if a garbage compactor is required or proposed to be incorporated within the development.</i>		

Clause	Consideration	Discussion	EIS ref
	▪ <i>All developments containing a lift must provide:</i> ○ <i>a garbage chute leading to a central garbage storage room that has a waste compaction unit attached with a minimum compaction ratio of at least 2:1; and</i> ○ <i>an interim recycling room with a minimum dimension of 1.5m square on each level of the building with at least one point of access to the garbage chute, with the space to accommodate at least 1 x 240 litre recycling bin for the separate collection of recyclable materials.</i> ▪ <i>The area allocated must accommodate any privately arranged collection (e.g. daily or weekly, etc. collections).</i> ▪ <i>Source separation must be provided within the garbage storage area to maximise recycling and reduction of waste sent to land fill.</i> ▪ <i>Food and drink premises and any other premises involved in the storing of perishable goods are required to:</i> ○ <i>provide specialised containment for food scraps;</i>		

Clause	Consideration	Discussion	EIS ref
	○ <i>Arrange regular/daily collection of food scraps; and</i> ○ <i>Provide refrigerated garbage rooms where large volumes of perishables (such as seafood) and infrequent collection is proposed.</i> ▪ <i>Grease traps may be required in certain circumstances (refer to Sydney Water may have specific trade waste requirements).</i> ▪ <i>Special arrangements are required for the storage and disposal of any special waste material, such as medical or hazardous wastes. Applicants should contact Council and Environment Protection Authority for further information.</i> <i>Residential component</i> ▪ <i>On-site garbage storage areas must be provided which are capable of accommodating at least the number of garbage and recycling bins as indicated in Table B-2.11.</i> ▪ <i>Notwithstanding the rates to P24, Council may permit a reduction in the number of bins required, but only if a garbage compactor is required or proposed to be incorporated within the development.</i> ▪ <i>All developments containing a lift must provide:</i>		

Clause	Consideration	Discussion	EIS ref
	○ <i>a garbage chute leading to a central garbage storage room that has a waste compaction unit attached with a minimum compaction ratio of at least 2:1; and</i> ○ <i>an interim recycling room with a minimum dimension of 1.5m square on each level of the building, with at least one point of access to the garbage chute, which is provided with space to accommodate 1 x 240 litre bin for the separate collection of recyclable materials.</i> ▪ <i>Developments which do not contain a lift, but propose to incorporate a garbage chute, must comply with the requirements of P26(a) and P26(b).</i> ▪ <i>Each dwelling must be provided with a waste storage cupboard within the kitchen, capable of accommodating at least 2 days waste and to enable source separation of garbage, recyclables and compost material in separate containers.</i>		
2.6 Efficient use of resources			
2.6.1 Energy efficiency	▪ <i>Consider the following issues when assessing the energy rating of buildings and whether any of these issues prevent the achievement of the energy ratings:</i>	▪ The Sustainability Report provides a detailed assessment against the developments energy efficiency. In summary:	Section 6.13 and Appendix 17 & 23

Clause	Consideration	Discussion	EIS ref
	○ <i>orientation or shape of the block;</i> ○ <i>existing overshadowing due to either the surrounding terrain or existing development;</i> ○ <i>topography, geology or geo-technical constraints preclude energy saving design such as slab-on-ground construction; and</i> ○ <i>conflict with requirements or guidelines in relation to privacy, area character, building design, bulk and scale or heritage considerations set out in the LEP or the DCP.</i> ▪ <i>Ensure that the development does not reduce the energy efficiency of buildings in the vicinity.</i> ▪ <i>Improve the control of mechanical space heating and cooling by designing heating/cooling systems to target only those spaces which require heating and cooling, not the whole building.</i> ▪ <i>Where the proposed development involves the installation of any of the following:</i> ○ <i>hot water systems;</i> ○ <i>clothes drier;</i> ○ <i>dishwasher;</i>	○ the development achieves compliance with BASIX Energy, Water and Thermal Comfort Targets (60% Energy and 40% Water) ○ the development minimises waste, reduces demand for electricity and water and achieves a 5.5 star NABERS rating. A NABERS Embodied Emissions Materials Form has also been completed and is included at Appendix 23.	

Clause	Consideration	Discussion	EIS ref
	○ <i>fixed air conditioning systems (including reverse cycle systems);</i> ○ <i>fixed heating systems; they must have a minimum energy star rating of 4.5 stars.</i> ▪ <i>Lighting for streets, parks and any other public domain spaces provided as part of a development should be energy efficient LED lighting.</i> ▪ <i>Lighting for streets, parks and any other public domain spaces provided as part of a development should be energy efficient LED lighting.</i> ▪ <i>Where appropriate and possible, the development of the public domain should include electric vehicle charging points or the capacity for electric vehicle charging points to be installed at a later time.</i> ▪ <i>Improve the efficiency of hot water systems by insulating hot water systems.</i> ▪ <i>Wherever possible solar hot water systems should be provided.</i> ▪ <i>Incorporate on-site renewable energy sources to supplement energy needs during daily peak energy use.</i> ▪ <i>In considering proposals for renewable energy, consideration should be given to the economic and environmental benefits</i>		

Clause	Consideration	Discussion	EIS ref
	<i>to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.</i> ▪ <i>Timers and movement sensors should be used to minimise energy consumption, particularly for lighting and mechanical ventilation in public areas.</i> ▪ <i>Energy efficient lighting and technology should be used to reduce energy consumption. Consider the use of solar powered illumination.</i> ▪ <i>Use solar powered lighting for external areas.</i> <i>Residential component</i> ▪ <i>A BASIX Certificate is required to be submitted with all developments incorporating residential development types nominated under SEPP (Sustainable Buildings) 2022.</i> <i>Commercial Components</i> ▪ <i>In multi-floor or multi-tenant or strata-subdivided developments, electricity submetering is to be provided for light, air-conditioning and power within each floor and/ or tenancy and/or strata unit. Locations are to be identified on the</i>		

Clause	Consideration	Discussion	EIS ref
	<i>development plans. Electricity sub-metering should be provided for significant end uses that will consume more than 10,000 kWh/a.</i> ▪ <i>Reduce reliance on artificial lighting by designing lighting systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building.</i> ▪ <i>Locate appliances and equipment that generate waste heat, (such as copiers) in areas separated from the spaces requiring cooling.</i> ▪ <i>Buildings, or the commercial components of mixed use buildings, that have a gross floor area greater than 2000m² must be capable of achieving a minimum 4.5 star rating under DECCW's NABERS Energy. In this regard, the following information is required to be lodged with the relevant certifying authority (Council or an accredited certifier) prior to the issue of a Construction Certificate:</i> ○ <i>Evidence that a Commitment Agreement has been entered into with DECCW, to deliver this Star rating for the base building (i.e. services traditionally supplied as 'common' to tenants, such as air conditioning, lifts</i>		

Clause	Consideration	Discussion	EIS ref
	<i>and common area lighting) or for the whole building where the applicant is to occupy the entire building.</i> ○ <i>An independent energy assessment report that follows the guidelines in DECCW's NABERS Energy and Water for Offices Rules for collecting and using data. This document can be obtained from www.nabers.gov.au/;</i> ○ <i>A computer building simulation in accordance with DECCW's NABERS Energy Guide to Building Energy Estimation. This document can be obtained from www.nabers.gov.au/. The computer building simulation is required to demonstrate to the satisfaction of Council, or the private certifier if Council is not the certifying authority, that the building can reasonably be expected to achieve the proposed rating under realistic operating conditions.</i> ▪ <i>Developments involving the provision of more than 5,000m² of office floor space must demonstrate that the development can achieve a minimum 5 star rating under the Green Building Council of Australia's Green Star – Office rating tool. The rating tool can be obtained from the Green</i>		

Clause	Consideration	Discussion	EIS ref
	<i>Building Council of Australia's website - www.gbca.org.au.</i>		
2.6.2 Passive solar design	<i>To achieve maximum solar access for the buildings residential components of a building orient the building within 20° west of north to 30° east of north.</i> <i>Adapt site layout and building orientation to local climatic conditions and prevailing site characteristics, such as existing overshadowing, planting and slope.</i> <i>Locate the main daytime living areas (e.g. family, dining and meal rooms) on the northern side of apartments.</i> <i>Orient the long axis or length of the building to the northerly aspect</i> <i>East and west facing glazing should be minimised and fully shaded at the summer solstice.</i> <i>Ensure windows of living areas to apartments that face north will receive at least three hours of sunlight between 9am and 3pm over a portion of their surface during the winter solstice.</i> <i>Provide shading devices on north facing walls to completely shade glazing from October to late February. To calculate the extent of shading device, draw a section and extend a line from the base of the</i>	- The site layout addresses the climatic conditions of the area and maximises solar access considering the orientation. - The main living areas have been placed on the northern end of the apartments as practical. - The long axis of the building generally faces a north eastern direction, following the direction of Pacific Highway. - North facing apartments all receive in excess of 3 hours sunlight on the solstice. - All homes on the north and eastern facades receive minimum 3 hours of sunlight on the solstice. - A landscape plan is provided at Appendix 9. - The facades contain screen elements to control sunlight into the apartments.	Section 6.1 and Appendix 9

Clause	Consideration	Discussion	EIS ref
	<i>window at 70°. The outer edge of the eaves or shading device should reach this line.</i> ▪ <i>Optimise natural light access to reduce the amount of energy used to run artificial lighting (limiting the internal depth of the building allows efficient use of natural light).</i> ▪ <i>If landscaping is proposed as part of the development, a documented landscape design concept shows how the landscaping contributes to energy efficiency by providing substantial shade in summer, especially to west-facing windows and open car park areas, and admitting winter sunlight to outdoor and indoor living and working areas.</i> ▪ <i>Consideration should be given to using north facing pergolas to shade walls and windows (deciduous vines can be trained over the pergola to provide effective cooling in warm weather).</i> ▪ <i>Where a north facing pergola contains fixed louvres, space and orient the louvres so that a line between the top of one blade and the bottom of the next makes an angle of 70°.</i>		

Clause	Consideration	Discussion	EIS ref
	▪ <i>Angle louvres to correspond to the lowest altitude angle the sun reaches at noon in winter (31° in Sydney).</i> ▪ <i>Where main living areas are oriented northwards, aim to achieve a glazed area of 30% of the dwelling's floor area in this direction.</i> ▪ <i>South facing glazing should be kept to a minimum to reduce winter heat losses.</i> ▪ <i>Buildings are designed, wherever possible, to include a north facing roof where a solar hot water system or collector can be installed.</i>		
2.6.4 Natural ventilation	▪ <i>Locate windows and openings in line with each other on opposing walls and with prevailing breezes.</i> ▪ <i>Provide ceiling fans for use in summer (fans produce a cooling air movement that is preferable to letting in the hot daytime air).</i>	▪ There are no continuous wall to wall sections of the development that can have windows aligned. As discussed above, mechanical ventilation is proposed to produce to the best amenity outcome.	Section 6.13 and Appendix 17
2.6.6 Waste management and minimisations	▪ <i>A Waste Management Plan for the demolition, construction and operation of the building must be provided in accordance with Part B: Section 19 - Waste Minimisation and Management of the DCP.</i>	▪ An Demolition, Construction and Operational Waste Management Plan has been provided in Appendices 8 and 21 respectively. ▪ The building will implement strategies to divert waste away from landfill, ensuring	Section 6.12 and Appendix 8 & 21

Clause	Consideration	Discussion	EIS ref
	<i>The building should be designed to encourage waste minimisation (e.g. source separation, reuse and recycling).</i> <i>Adequate recycling systems must be provided in the design of the garbage room.</i> <i>Materials with long lives and low maintenance needs are encouraged to be incorporated.</i> <i>Contractors and sub-contractors employed to undertake proposed construction works and waste removal should be educated about the waste objectives of the development.</i> <i>The storage of any hazardous waste materials must be adequately secured.</i>	higher rates of reuse and recycling and proposes appropriate mitigation measures. The materials used are all chosen to minimise environmental impact and maximise structural stability..	
2.6.7 Stormwater management	<i>An Erosion and Sediment Control Plan for the construction of the building is required in accordance with Part B: Section 17 - Erosion and Sedimentation Control of the DCP.</i> <i>A Stormwater Management Plan for the operation of the building is required demonstrating compliance with this subsection as well as Part B: Section 18 – Stormwater Management of the DCP.</i>	- An Integrated Water Management Plan (IWMP) has been provided by Enscape Studio and outlines the stormwater facilities and provisions as well as the erosion and sediment plan. - A 50m³ on-site detention is provided to collect stormwater and recycle it for non-potable uses throughout the development. - The IWMP outlines how the topography of the site will direct runoff to stormwater inlet structures.	Section 6.8.2 and Appendix 19

Clause	Consideration	Discussion	EIS ref
	▪ <i>Demonstrate how run-off from the site will be minimised and the quality of water leaving the site will be improved.</i> ▪ <i>Rainwater tanks should be installed for all developments, including major alterations and additions and mixed-use developments. Rainwater tanks should be plumbed to appropriate end uses, including toilet flushing, water features, car washing and garden irrigation, to ensure sufficient use of tank water so that capacity exists to accommodate rainwater from storm events.</i> ▪ <i>As a minimum, post-development stormwater discharge rates should be less than predevelopment stormwater discharge rates.</i> ▪ <i>As a minimum, post-development stormwater quality should be improved from predevelopment levels.</i> ▪ <i>On-site stormwater detention, including the use of grass swales and detention basins, should be pursued where practicable to minimise and filter stormwater runoff.</i> ▪ <i>Impervious surfaces should be minimised.</i> ▪ <i>Ensure paved areas are at least 50% pervious.</i>	▪ Stormwater structures are designed to improve stormwater quality. ▪ Impervious surfaces have been minimised throughout the site. ▪ Water sensitive urban design principles are discussed in the Sustainability Report ▪ Similarly to above, the Sustainability Report outlines high quality stormwater design and measures.	

Clause	Consideration	Discussion	EIS ref
	▪ <i>In addition to a Stormwater Drainage Plan, residential developments with a gross floor area greater than 2000m² must also submit a Water Sensitive Urban Design report from a suitably qualified consultant demonstrating that WSUD has been incorporated to the maximum extent practicable and that stormwater discharge will be reduced to the maximum extent practicable.</i> ▪ <i>All developments with a gross floor area greater than 2000m² are to undertake a stormwater quality assessment to demonstrate that the development will achieve the post-development pollutant load standards indicated below:</i> ○ <i>Litter and vegetation larger than 5mm: 90% reduction on the Baseline Annual Pollutant Load;</i> ○ <i>Total Suspended Solids: 85% reduction on the Baseline Annual Pollutant Load;</i> ○ <i>Total Phosphorous: 65% reduction on the Baseline Annual Pollutant Load;</i> ○ <i>Total Nitrogen: 45% reduction on the Baseline Annual Pollutant Load.</i>		
2.6.8 Building materials	▪ <i>Products with the least life cycle impact should be favoured.</i>	▪ The Materiality Pallet is provided in Appendix 10.	Section 6.1 and Appendix 10

Clause	Consideration	Discussion	EIS ref
	▪ <i>The use of the following types of building materials are to be maximised wherever possible:</i> ○ <i>materials which are sourced from renewable and abundant resources;</i> ○ <i>materials which are durable;</i> ○ <i>locally manufactured materials and produced;</i> ○ <i>materials with a low embodied energy content;</i> ○ <i>salvaged and/or recycled materials;</i> ○ <i>timber used be obtained from certified sustainable sources;</i> ○ <i>materials with a high recycled content (>50%);</i> ○ <i>low volatile organic compound (VOC) emitting materials;</i> ○ <i>mechanical fixings instead of adhesives and glues, wherever possible;</i> ○ <i>when using Medium Density Fibreboard, ensure that it has a low formaldehyde content;</i> ○ <i>use toxin-free floor finishes;</i> ▪ <i>Avoid the use of the following:</i> ○ <i>copper, chrome, cadmium, lead, mercury, cyanide, and formaldehyde;</i>		

Clause	Consideration	Discussion	EIS ref
	○ <i>materials, sealants and adhesives containing PVC;</i> ○ <i>wood treated with CCA;</i> ○ <i>solvents.</i> ○ <i>Use physical termite barriers (made of granite or stainless steel) instead of chemicals where possible.</i> ○ <i>Buildings should use lighter coloured materials and finishes on main external parts of the building.</i>		
2.6.9 Adaptive reuse of buildings	▪ <i>Where feasible, existing buildings are to be reused in preference to demolition.</i> ▪ <i>Buildings should be designed to encourage adaptable office floorspace to accommodate changing occupier requirements.</i>	▪ Adaptive reuse of the existing development on site is not feasible considering the change in built form and land use.	N/A
2.6.11 Green roofs	▪ <i>Development applications for all new buildings or alterations and additions to an existing building that involves the creation of new roof spaces must submit a roof plan demonstrating how the new available roof space⁵ contributes to the achievement of at least three of the above objectives.</i> ▪ <i>In satisfying provision P1 above, the roof plan must illustrate those parts of the available roof space to be used as a green</i>	▪ There are two rooftop terraces provided to increase the amenity of the residents, both having significant greenery. The roof of the podium is occupied by greenery as well as spaces to dwell for residents.	Section 6.6 and Appendix 9

Clause	Consideration	Discussion	EIS ref
	<i>roof immediately after construction of the proposed works and/or areas capable of being retrofitted for a green roof at a later date. Applicants are encouraged to accommodate green roofs immediately after construction.</i>		
Part B Section 10 - Car Parking & Transport			
10.2.1	▪ <i>Provide on-site car parking, not exceeding the maximum rates stated in Table B-10.1.</i> ▪ <i>For residential flat buildings, shop-top housing and attached dwellings, on-site car parking provision below maximum rates specified in Table B-10.1 is encouraged where the proposed development has good access to public transport.</i> ▪ <i>For residential developments containing 4 or more dwellings, a car wash bay is to be provided within the visitor parking area. The car wash bay may comprise a visitor car space. The wash bay is to be adequately drained and connected to the sewer line.</i> ▪ <i>The use of car spaces is restricted to the occupiers(s) of a development.</i> ▪ <i>Designate visitor car parking spaces as common property.</i>	▪ 82 car parking spaces are proposed including 2 courier spaces and 4 accessible spaces. ▪ As discussed above, the amount of proposed commercial car spaces exceed the DCP's required spaces by 38 spaces. The exceedance has been justified in the Traffic Impact Assessment. ▪ A car wash bay is proposed in on within the B2 residential carpark. ▪ The provided car spaces are to be restricted to the building's occupants, as set out in the DCP. ▪ Visitor car spaces will be common property. Non-residential development	Section 6.10 and Appendix 11

Clause	Consideration	Discussion	EIS ref
	▪ <i>Developments containing adaptable housing must allocate at least one accessible parking space to each adaptable dwelling.</i> <i>Non-residential development</i> ▪ <i>Provide on-site car parking not exceeding the maximum rates specified in Table B10.2.</i> ▪ <i>For specific non-residential uses, provide on-site car parking not exceeding the maximum rates specified in Table B-10.3. The parking requirements within Table B10.2 take precedence over the rates within Table B-10.3.</i> ▪ <i>On-site car parking provision below maximum rates specified in Tables B-10.2 and B10.3 is encouraged where the proposed development has good access to public transport.</i> ▪ <i>Council must not grant consent for car parking spaces for entertainment facilities unless the location and availability of existing public car parking in the vicinity of the proposed entertainment facility has been considered. Any car parking allowed specifically for the entertainment facility may, with consent, also be available only</i>	▪ As above, non residential parking exceeds the control, as there are 45 spaces proposed for the medical centre, which only has provision for one within the DCP. ▪ The development provides 8 motorbike spaces, which is in line with one space per 10 car parking spaces	

Clause	Consideration	Discussion	EIS ref
	<i>for short-stay parking during the hours of 9.30am to 6pm, but for no other purpose.</i> <i>In addition to P7 and P8 above, parking for motorcycles must be provided at the minimum rate of 1 space per 10 cars or part thereof.</i>		
10.2.2 Car share schemes	<i>Council supports the provision of car share parking in residential, mixed use and commercial developments. Where a car share scheme is to be provided:</i> <i>The number of car share parking spaces provided does not replace more than 25% of the maximum off-street parking requirement if those car share spaces had not been provided, excluding any residential visitor parking spaces; and</i> <i>Each car share space does not replace less than 3 or more than 4 of the maximum residential and/or non-residential parking space requirements.</i> <i>Where car share spaces are to be provided on private land, they must be:</i> <i>Publicly accessible 24 hours a day, 7 days a week;</i>	As the proposed development contains sufficient levels of car parking for the future residents, car share parking does not form part of this development. Further information on transport impact is found in appendix 11.	Appendix 11.

Clause	Consideration	Discussion	EIS ref
	○ <i>Located as close as practical to site's entry to the public road;</i> ○ <i>Where more than one space is to be provided, located adjacent to one another;</i> ○ <i>Clearly marked for use by car share scheme vehicles only; and</i> ○ <i>Identified as common property on any registered title of land and not sold or leased to an individual.</i>		
10.3 Design and Layout			
10.3.1 General	▪ <i>The size and design of all parking spaces, loading facilities and any associated manoeuvring areas must be in accordance with AS2890.</i> ▪ <i>1-2% of all non-residential parking spaces are to be designated for use by the disabled.</i> ▪ <i>Car parking spaces for people with disabilities or their associates are provided adjacent or close to the principal public entrance in accordance with AS 1428.2.</i> ▪ <i>Motorcycle parking must have a minimum dimension of 1.2m x 3m.</i> ▪ <i>Council does not support the use of use of turntables for vehicular manoeuvring unless there is no feasible alternative.</i>	▪ All parking and associated facilities have been designed to be in accordance with the relevant Australian Standards. ▪ 4 non-residential parking spaces have been designated as accessible spots, exceeding the 1-2% required. ▪ Accessible parking spaces are located nearby the entrance to the floor level. ▪ A turntable is provided within the loading dock on ground level to enable trucks to enter and exit in a forward direction. ▪ Non residential and residential parking is separated by different basement levels.	Section 6.10 Appendix 11 Appendix 7

Clause	Consideration	Discussion	EIS ref
	- Where security doors/gates are proposed, an intercom system is to be provided to facilitate visitor/service access to underground parking areas. - Where resident parking and non-resident parking is to be provided within the same development, vehicular access to the private residential areas of the parking area is to be restricted through appropriate security measures.		
10.4 Loading and servicing facilities	- Off-street loading and unloading facilities should be provided for all commercial and industrial premises as required by Council. The requirement for, number and size of loading bays will be determined by Council having regard to the: - Intended use of the premises; - Frequency of deliveries / collections; - Size and bulk of goods to be delivered / collected; - Size of vehicles to be used; - Practicality of accommodating delivery and service vehicles on site; and - Likely impacts on traffic safety and efficiency on adjoining roads - Developments containing more than 60 dwellings must provide at least 1 service	- A loading dock is provided and accessible from the laneway stemming off Bruce Street. The dock contains a turntable with a 9m diameter for trucks to be able to enter and exit in a forward direction. - As demonstrated in the architectural plans, the delivery space is capable of accommodating and MRV. - The loading dock has been designed to comply with Australian Standards.	Section 6.10 and Appendix 7 Appendix 11

Clause	Consideration	Discussion	EIS ref
	<i>delivery space, capable of accommodating at least:</i> ○ <i>1 Heavy Rigid Vehicle; or</i> ○ <i>2 Medium Rigid Vehicles.</i> ▪ <i>Provide loading spaces and courier parking spaces near vehicle entry points to a site and lifts.</i> ▪ <i>Height clearances, including access routes to the required loading spaces must comply with Australian Standard AS 2890.2.</i>		
10.5 Bicycle parking and associated facilities	▪ <i>All new development is to provide on-site, secure bicycle parking spaces and storage for residential accommodation in accordance with the minimum rates specified in TableB-10.4 with the following exceptions:</i> ○ <i>where an apartment in a residential building has a basement storage area on title that is large enough to accommodate a bike and being no smaller than a Security Level A bike locker, then additional bike parking for that apartment is not required; and</i> ○ <i>where a proposed use is not included below, bicycle parking and storage rates will be considered on merit taking into consideration rates for</i>	▪ The DCP sets out that the development requires 226 bicycle parking spots, which is what the development is proposing, as set out by The Transport Planning Partnership in their Traffic Impact Assessment attached at Appendix 11 ▪ All bicycle spaces are to be security level B. ▪ Bikes storage is provided in the form of a storage room located in the first basement level. Which will comply with the relevant Australian Standards.	Section 6.10 and Appendix 11

Clause	Consideration	Discussion	EIS ref
	<i>similar uses in Table B-10.4 as well as those contained in the NSW Planning Guidelines for Walking and Cycling (2004).</i> ▪ <i>Bicycle parking facilities are to be additional to other parking requirements</i> ▪ <i>The minimum number of bicycle parking spaces is to be rounded up to the nearest whole number if it is not a whole number.</i> ▪ <i>Type</i> ▪ <i>Secure bicycle parking facilities are to be provided in accordance with the following:</i> ○ <i>Security Level A or B facilities for occupants of residential dwellings (Security Level A is preferred);</i> ○ <i>Security Level B facilities for staff/employees of any land use; and</i> ○ <i>Security Level C facilities for visitors of any land use</i> ▪ <i>Design</i> ▪ <i>Design bicycle parking and storage facilities in accordance with the relevant Australian Standards that apply at the time.</i> ▪ <i>Location</i>		

Clause	Consideration	Discussion	EIS ref
	▪ <i>Locate private bicycle storage facilities within basement parking levels of the building where provided.</i> ▪ <i>If private storage facilities are located in a basement, they are to be located:</i> ○ <i>on the uppermost level of the basement; and</i> ○ <i>as close to the primary entry point as possible; and</i> ○ <i>subject to security camera surveillance where such security systems exist.</i> ▪ <i>Access</i> ▪ <i>A safe path of travel from Security Class A and B facilities to entry/exit points is to be clearly marked.</i> ▪ <i>Access to Security Class A and B facilities areas are to be:</i> ○ <i>a minimum of 1.8m wide to allow passage of a pedestrians and bikes to pass each other (access ways can be shared with vehicles within buildings and at entries to buildings);</i> ○ <i>accessible via a ramp;</i> ○ <i>clearly identified by signage; and</i> ○ <i>accessible via appropriate security/intercom systems.</i>		

Clause	Consideration	Discussion	EIS ref
	○ <i>Locate Security Level 3 facilities in an accessible at-grade location near a major public entrance to the development, preferably undercover, is able to be passively surveyed from the public domain and/or the proposed or adjoining developments, is well lit to enable adequate night time use and is to be signposted.</i> ▪ <i>Changing / shower facilities</i> ▪ <i>For non-residential uses, the following facilities for bike parking are to be provided at the following rates:</i> ○ <i>1 personal locker for each bike parking space;</i> ○ <i>1 shower and change cubicle for up to 10 bike parking spaces;</i> ○ <i>2 shower and change cubicles for 11 to 20 or more bike parking spaces are provided;</i> ○ <i>2 additional shower and change cubicles for each additional 20 bike parking spaces or part thereof;</i> ○ <i>Showers and change facilities may be provided in the form of shower and change cubicles in a unisex area or in both female and male change rooms; and</i>		

Clause	Consideration	Discussion	EIS ref
	○ Locker, change room and shower facilities are to be located close to the bicycle parking area, entry/exit points, and within an area of security camera surveillance where there are such building security systems.		
10.6 Travel Plans	▪ A Travel Plan must be submitted with all development applications that involve: ○ New, or redevelopment of, educational establishments which result in the total number of students exceeding 100 persons. ○ New, or redevelopment of, non-residential developments which result in the total floor space of the development exceeding 2,000m² (approximately 100 employees in an office development). ○ The provision of 50 or more dwellings. ▪ Components of a Travel Plan should include: ○ empirical analysis of typical travel demand and mode share outcomes for walking, cycling, public transport and private vehicular use for similar developments (base case scenario); ○ a vision and objectives for the Travel Plan that are consistent with the	▪ A TIA has been prepared by The Transport Planning Partnership and submitted as part of this EIS in accordance with the Planning Secretary's Environmental Assessment Requirements (SEARS) dated 31st January 2025. A travel plan is not included as part of the SEARs requirements.	N/A

Clause	Consideration	Discussion	EIS ref
	<i>community's vision for transport as detailed in the North Sydney Transport Strategy;</i> ○ <i>specific, measurable, ambitious and realistic targets, including time-frames for achieving them;</i> ○ <i>an action plan, with links to identified targets, that demonstrates how these actions will deliver the Travel Plan vision, reduce travel demand and/or increase walking, cycling, public transport and ride sharing for trips to and from the site. This could include:</i> ○ <i>Identification and promotion of public transport options to access the site (for example, on a website and /or business cards);</i> ○ <i>Preparation of a Transport Access Guide (TAG) for the site.</i> ○ <i>Implementation of a car pool system for employees;</i> ○ <i>Introduce staff car sharing scheme for fleet vehicles;</i> ○ <i>Use taxis or public transport for work related journeys;</i> ○ <i>Provide priority parking for staff who car pool with more than 2 passengers;</i>		

Clause	Consideration	Discussion	EIS ref
	○ <i>Encouragement of cycling and walking to the site through generous provision of bicycle parking, showers and lockers;</i> ○ <i>Incentive schemes to encourage employees to commute using sustainable transport modes (such as the provisions of public transport vouchers/subsidised public transport tickets);</i> ○ <i>Incentive schemes to encourage employees to commute using sustainable transport modes (such as the provisions of public transport vouchers/subsidised public transport tickets);</i> ○ <i>Prominent display of a large map of cycling routes (i.e. in the foyer of a residential, educational or business complex);</i> ○ <i>Provide staff with cycling allowances, loans and insurance together with bicycle storage and showering and changing facilities; and</i> ○ <i>Provision of a bus to pick up and drop off staff to the nearest railway station.</i> ○ <i>undertakings to regularly evaluate and review the Travel Plan, including a</i>		

Clause	Consideration	Discussion	EIS ref
	<i>submission to Council, to ensure that proposed travel demand management and walking, cycling, public transport, ride share and private vehicle mode share outcomes for the development are achieved.</i> ▪ <i>The maximum parking requirements for on-site car parking may be reduced on the basis of a written agreement between Council and the owner/occupiers for the implementation of a Travel Plan.</i> ▪ <i>The undertakings made in a Travel Plan submitted with a development application may be included as conditions to any development consent.</i>		
10.7 Traffic & Parking Impact Assessment	▪ <i>A Traffic & Parking Impact Assessment must be submitted with all development applications that are also required to be referred to Transport for NSW under cl.2.122 and Schedule 3 of the SEPP (Transport and Infrastructure) 2021, and for all applications which are classified as designated development pursuant to s.4.10 of the EP&A Act 1979.</i> ▪ <i>The following issues are to be considered when preparing a Traffic & Parking Impact Assessment for Council to adequately</i>	▪ The TIA submitted as part of this EIS (Appendix 11) includes a parking assessment form the proposed development. ▪ The parking assessment examines the following against the proposed developments car parking access and layout: ○ Car Parking Requirements ○ Accessible Parking Requirements ○ Bicycle Parking Requirements ○ Motorcycle Parking Requirements	Section 6.10 Appendix 11 Appendix 8

Clause	Consideration	Discussion	EIS ref
	<i>assess the traffic impacts of a proposed development:</i> ○ <i>Existing traffic generation</i> ○ <i>Proposed traffic generation</i> ○ <i>Capacity of road network</i> ○ <i>Environmental capacity of the road network</i> ○ <i>Traffic safety</i> ○ <i>Traffic amelioration</i> ○ <i>Off-street parking</i> ○ <i>On-street parking</i> ○ <i>On-street metered parking</i> ○ <i>Vehicle access</i> ○ <i>Public & active transport</i> ○ <i>Street lighting</i> ○ <i>Construction Management Plan</i> ○ <i>Work zones</i> ○ <i>Partial road closure (temporary)</i> ○ <i>Full road closure (temporary)</i> ○ <i>Cyclists and cycle paths</i>	○ Waste Collection and Loading, and ○ End-of-Trip Facilities. ▪ The TIA concludes that the proposed car park layout complies with the above minimum requirements and the proposed car parking layout is satisfactory. A Traffic assessment also identifies the following: ▪ The existing site is estimated to generate 89 trips in the AM peak and 93 trips in the PM peak. ▪ The proposed development will generate 77 trips in the AM peak and 76 trips in the PM peak. ▪ No on-street parking is proposed ▪ The trips generated from the proposed development are not expected to have an adverse impact on the local road network. ▪ The safety, efficiency and ongoing operation of Pacific Highway will not be compromised. ▪ Vehicular access to the proposed car park will be from the laneway from Bruce Street, and will not directly adjoin the Pacific Highway. ▪ The existing road network has capacity to facilitate the proposed development.	

Clause	Consideration	Discussion	EIS ref
		A Construction and Demolition Waste Management Plan is prepared by Elephants foot and submitted in Appendix 8 which further discusses the construction management from the proposed development.	
Part B Section 11 - Construction management			
11.2 Operating hours, noise and vibration	<i>Building works must not occur outside the time periods outlined in Table B-22.1</i> <i>Despite P1 above, construction activities that only involve the internal fit out of a fully enclosed space may be permitted up to 9pm on a Monday – Friday inclusive in the E2 Commercial Centre and MU1 Mixed Use zones only and subject to the further provisions of this policy.</i> <i>Extended primary construction hours may be considered beyond the hours outlined P1 either as part of the principal development application or by way of a modification application made under s.4.55 of the EP&A Act. Such requests must provide the following information:</i> <i>a detailed management plan including the nature of the proposed works and how impacts will be mitigated:</i>	- An Acoustic Assessment Report (AA) has been prepared by Pulse White Noise Acoustics Pty Ltd for the proposed development and submitted in Appendix 15. - The AA discusses Noise criteria for construction and demolition in relation to the proposed development which has been guided from the Interim Construction Noise Guideline (ICNG). - The AA states that construction works will be undertaken during standard construction hour to avoid sleep disturbance for nearby residents.	Section 6.11 and Appendix 15

Clause	Consideration	Discussion	EIS ref
	○ <i>supporting noise and traffic reports which demonstrate that impacts on the community can be minimised;</i> ○ <i>details of how the extended works will be of benefit to the community and the environment generally, and</i> ○ <i>the acceptance that approval will only be granted subject to conditions that will see the withdrawal or modification of the privilege so given upon justified and unresolved complaint.</i> ▪ <i>Works outside of Primary Construction Hours: Out-of-Hours Permits</i> ▪ <i>The time periods within Table B-22.1 may be extended for certain “one-off” events, but only after an Out-of-Hours Permit has first been approved and issued by Council.</i> ▪ <i>In determining whether Council will approve of an out of hours permit, Council will consider the following:</i> ○ <i>Nature, location and extent of work to be undertaken to limit potential nuisance;</i> ○ <i>Location of the site in relation to sensitive zones (e.g. residential zones);</i> ○ <i>The urgency or emergency nature of the works;</i>		

Clause	Consideration	Discussion	EIS ref
	○ <i>Safety requirements such as risk to public/workers;</i> ○ <i>Sequential / timing issues;</i> ○ <i>Traffic management considerations;</i> ○ <i>Noise reduction measures;</i> ○ <i>Measures to be taken to address any potential complaints;</i> ○ <i>Proven track record of the site;</i> ○ <i>Requirements of other authorities; and</i> ○ <i>Public interest</i> ▪ <i>An out of hours Permit will not be approved:</i> ○ <i>if the site is located either directly adjacent to or across the road from a site that have been issued an Out-of-Hours Permit within 3 days of the request for an Out-of-Hours Permit;</i> ○ <i>for more than 3 consecutive nights, unless it can be adequately demonstrated that it is required for the purposes of protecting public safety;</i> ○ <i>for concreting works, or other low impact construction works which can be carried out within the normal construction hours;</i>		

Clause	Consideration	Discussion	EIS ref
	○ <i>where there is no demonstrated justification with regard to traffic or public safety or amenity impacts;</i> ○ <i>where previous Permits have been issued and have resulted in justified complaint; and</i> ○ <i>if the request is received less than 72 hours before the proposed date of out of hours works are to commence.</i> ▪ <i>Noise and vibration</i> ▪ <i>Large scale demolition and construction projects/sites will be required to incorporate a Noise and Vibration Management Plan (N&VMP) within the CMP to address construction noise which may cause nuisance or disturbance as a result of the close proximity of any noise sensitive premises and/or the particular scope of the development or the equipment being employed. A N&VMP will need to be provided for demolition work and for potentially noisy building construction activities such as piling, compacting and concrete pouring processes.</i> ▪ <i>The N&VMP is to consider the time and duration of proposed activities, the nature of the activities intended at the site and the ambient background noise level in the</i>		

Clause	Consideration	Discussion	EIS ref
	<i>surrounding noise sensitive uses and the actual likely impact on those sensitive uses.</i> <i>To ensure that noise and nuisance complaints are managed on site in the first instance, signage specifying any security measures and key contact details must be erected on the perimeter of the site in accordance with the signage provisions under Section 11.3.2 to Part B of the DCP.</i>		
11.5 Erosion and sediment control	<i>An Erosion and Sediment Control Plan is incorporated into the CMP and address the requirements within Section 17 – Erosion and Sediment Control to Part B of this DCP.</i> <i>The provisions of the PoEO Act and associated regulations also apply.</i>	Erosion and Sediment Control Plan has been prepared and is contained within the Integrated Water Management Plan.	Appendix 19
11.6 Waste management	<i>A Waste Management Plan is incorporated into the CMP and address the relevant requirements within Section 19 – Waste Minimisation and Management to Part B of this DCP.</i>	A Construction & Demolition Waste Management Plan has been prepared by Elephants Foot which addresses waste minimisation and management from the proposed development.	Section 6.12 and Appendix 8
11.7 Traffic Management	<i>A Traffic Management Plan is incorporated into a CMP, where the proposed development will have an impact upon vehicle, waste collection, cyclist and/or pedestrian flows</i>	A CTMP has been prepared by The Transport Planning Partnership, is included at Appendix 32.	Appendix 32

Clause	Consideration	Discussion	EIS ref
	▪ <i>The following issues must be considered in a Traffic Management Plan:</i> ○ <i>The proposed method of access to and egress from the site for construction vehicles.</i> ○ <i>Disruption to vehicular, pedestrian and cyclist traffic flows</i> ○ <i>Preferred construction access.</i> ○ <i>Vehicles leaving the construction site in a forward direction.</i> ○ <i>Through traffic is to be maintained at all times.</i> ○ <i>Maintaining access to all neighbouring properties at all times.</i> ○ <i>Proposed method of traffic control; controllers must be qualified.</i> ○ <i>Proposed method of pedestrian management.</i> ○ <i>Access routes through the Council area.</i> ○ <i>Method of loading and unloading materials and equipment.</i> ○ <i>Location of any cranes.</i> ○ <i>Location of any Work Zones (approval of the construction management plan does not imply that the proposed Work Zone will be approved, that is</i>		

Clause	Consideration	Discussion	EIS ref
	<i>still subject to Traffic Committee approval).</i> ○ <i>Temporary, full or partial road closures.</i> ○ <i>Information to local residents and advertising as required.</i> ○ <i>Method of demolition and construction.</i> ○ <i>Areas used for storage of demolition materials, construction materials and waste containers</i> ○ <i>Method/device to remove loose material from all vehicles and/or machinery.</i> ○ <i>Method of support to any adjoining properties</i> ○ <i>Protection for Council and adjoining properties.</i> ○ <i>Other site-specific considerations (as applicable).</i> ○ <i>Safe Work Method Statement.</i> ▪ <i>Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the Roads Act 1993 and s.68 of the Local Government Act 1993. These are separate approvals to</i>		

Clause	Consideration	Discussion	EIS ref
	<i>development consent or a complying development certificate. Consult with Council to determine if a permit is required.</i> ▪ <i>Monitoring and maintenance</i> ▪ <i>All traffic control work identified in a Traffic Management Plan, must be carried out in strict accordance with that Plan. Council is authorised to undertake any work for the purpose of making the site safe in event of an emergency and all cost incurred will be borne by the developer.</i> ▪ <i>If a bond applies, Council must inspect the completed work for any damage to Council's infrastructure before returning the bond.</i> ▪ <i>Traffic works must be completed as soon as possible to minimise disruption to vehicular and pedestrian traffic.</i> ▪ <i>Erosion and sedimentation controls must be in place before starting any excavation works. These devices must be maintained regularly. Failure to install and maintain these devices may result in a fine and/or legal action.</i>		
11.8 Community information	▪ <i>A website is to be established which outlines the staging of the proposed construction activities, types of noises to</i>	▪ As outlined in the Engagement Report attached at Appendix 18, a website has	Section 5 and Appendix 18

Clause	Consideration	Discussion	EIS ref
	<i>be anticipated and the length of time that such activities are to be undertake during the day and during each stage.</i> ▪ <i>Details of the website is to be provided on any security notice attached to the boundary of the site.</i> ▪ <i>At a minimum, the website is to be updated on a weekly basis if required to take into account any potential variations to the initial timeframes for works being undertaken.</i>	been created for community feedback detailing the proposal and seeking	
Part B Section 12 - Access			
14.4.1 Continuous accessible path of travel	▪ <i>Continuous accessible paths of travel are to:</i> ○ <i>comply with the requirements under AS 1428.1 and 1428.2;</i> ○ <i>be well lit and sheltered from the weather where possible;</i> ○ <i>incorporate rest stations if the travel route is long;</i> ○ <i>provide for the physical separation of pedestrian traffic from vehicular traffic;</i> ○ <i>have the shallowest possible gradient for the distance available; and</i>	▪ The proposed development will not obstruct the existing paths of travel along Bruce Street and Pacific Highway. ▪ The proposed development will feature overhang canopies along Pacific Highway that will protect from adverse weather conditions. ▪ The path of travel is not considered to be of a sufficient length to incorporate a rest station. ▪ The existing footpath along Pacific Highway and Bruce Avenue provides sufficient separation for pedestrians from vehicular traffic.	Appendix 7

Clause	Consideration	Discussion	EIS ref
	○ <i>incorporate walkways, ramps, step ramps or lifts at changes of level along the path of travel.</i> ▪ <i>The access paths and travel paths should incorporate rest stations if the travel route is long and shelter from the weather where possible.</i> ▪ <i>Signage and tactile markers should be provided to direct people with disabilities to accessible locations.</i>	▪ Gradient levels and changes of levels are incorporated into the design as shown in the architectural drawings in Appendix 7. ▪ Elevators are incorporated into the design and located at accessible points to direct people with disabilities throughout the building.	
12.4.2 Parts of a building required to be accessible	▪ <i>Access to buildings and their facilities should be provided in accordance with TableD3.2 of the BCA unless it can be shown that access to an area would be inappropriate because of the particular purpose for which the area is to be used.</i> ▪ <i>In addition to P1 above, developments that are required to provide adaptable housing pursuant to Part B: Section 1 – Residential Development and Part B: Section 2 - Commercial and Mixed Use Development to this DCP shall provide access to and within all common areas of the residential component of the development.</i> ▪ <i>Premises providing fixed seats (e.g. entertainment facility, recreation facility), must provide a minimum of 1 wheelchair space per 100 seats or part thereof, with a</i>	▪ Elevators are incorporated into the design and located at accessible points to direct people with disabilities throughout the building. ▪ The proposed development has been designed so that access to all non-residential uses and amenities are accessible for people with disabilities.	Appendix 7

Clause	Consideration	Discussion	EIS ref
	<i>minimum of 2 spaces. The positioning of spaces provides equal amenity and choice for all users.</i>		
12.4.4 Walkways, ramps and landings	▪ <i>Walkways, paths, ramps and landings must be provided in accordance with AS1428.1.</i> ▪ <i>Handrails are to be provided to walkways, paths, ramps and landings in accordance with AS 1428.1.</i> ▪ <i>Walkways, paths and landings shall not protrude on the public way, unless prior agreement has been reached between the applicant and North Sydney Council.</i> ▪ <i>Where applicable, walkways, ramps and landings shall be 'filled in' underneath in order to avoid people with vision impairments walking into the underside.</i> ▪ <i>Gradients provided between lands should be constant and the angle of approach to changes in gradient should be at or near zero degrees.</i> ▪ <i>Consideration should be given to providing alternative means to providing access between levels (e.g. where appropriate, lifts should be incorporated).</i> ▪ <i>At the end of walkways, paths and ramps there should be contrasting surfaces.</i>	▪ The proposed development has been designed to accommodate the changes in gradient levels. (See architectural drawings in Appendix 7). ▪ Lifts are incorporated into the design and are located in the residential lobby. The lifts will provide access to all levels in the building.	Section 6.10.3 and Appendix 7

Clause	Consideration	Discussion	EIS ref
	▪ <i>Walkways, paths and ramps should have a slip resistance surface, be well lit, and display tactile markers (refer to AS1428.4) and warnings to assist people with a vision impairment.</i> ▪ <i>The ramp and any sloping sides should be slip resistant and of a colour that contrasts with the adjoining surfaces.</i> ▪ <i>The height of the kerb shall comply with the provisions of Disability Standards for Accessible Public Transport 2002.</i> ▪ <i>Kerb ramps are to be provided from the footpath to the road at all intersections and through traffic islands where practicable. The kerb ramps are flush with the footpaths and roadways and avoid ridges which create barriers for wheelchairs and child strollers. Tactile surfaces indicate a kerb ramp for people with impaired vision.</i> ▪ <i>Consideration should be given to providing alternative means to providing access between levels (i.e. where appropriate, lifts should be incorporated).</i> ▪ <i>Kerb ramps should be free of any threshold lip.</i>		
12.4.5 Doorways and doors	▪ <i>Entrance doors must be provided in accordance with AS 1428.1.</i>	▪ Entrance doors to the residential component of the building are located at	Section 6.10.3 and Appendix 7 and 10

Clause	Consideration	Discussion	EIS ref
	- Where double leaf doors are used, at least one leaf must be in accordance with the minimum clear opening requirements of AS1428.1. - Adequate circulation space should be provided on both sides of doorways as required by subsection 12.4.6 to this Section of the DCP.	the residential lobby fronting the Pacific Highway. The entrance lobby in the proposed development has been designed to provide adequate circulation space, as shown in the architectural drawings in Appendix 7.	
12.4.6 Circulation Spaces	- Circulation spaces must comply with AS 1428.2. - All circulation areas and thoroughfares should be clear of any obstruction that will impede access by people using mobility aids or which may cause a hazard for people with a vision impairment (refer to AS1428.4).	Circulation spaces are included in the building design of the proposed development. Circulation spaces include the residential lobby and co living space, pool areas and internal access corridors to the proposed homes.	Appendix 7
12.4.7 Lifts	- Accessible lifts shall be installed in new commercial and residential buildings in accordance with AS 1735.12. - In an existing development, where the installation of a lift complying with AS 1735.12 would cause unjustifiable hardship, a "stairway wheelchair platform lift" complying with AS 1735.7 may be considered. - Lift lobbies shall be designed to permit the turning of wheelchairs for the purpose of entering and exiting lifts and to permit the	The lift lobbies on each floor of the proposed development has been designed to permit the turning of wheelchairs for exiting and entering the lifts.	Appendix 7

Clause	Consideration	Discussion	EIS ref
	<i>easy passage of other persons and be provided with seating.</i> ▪ <i>Lifts should be equipped with audio announcements to indicate floor level and direction of travel.</i> ▪ <i>Lifts should be fire-rated to enable evacuation during emergencies.</i>		
12.4.9 Car parking facilities	▪ <i>Designated accessible car parking facilities must be:</i> ○ <i>be located at the closest point to each accessible public entrance;</i> ○ <i>be linked to an accessible entrance to the building or to a wheelchair accessible lift by a continuous accessible path of travel, and preferably under cover;</i> ○ <i>be provided at the rates specified in Table D3.5 to the BCA;</i> ○ <i>designed in accordance with AS 1428.1, 1428.2 and 2890.1 and 2890.6; and</i> ○ <i>clearly signposted in accordance with AS 1428.2 (including both the designated parking space and the continuous accessible path of travel to that space).</i>	▪ Accessible car parking has been designed to be in a close location beside lifts to the upper floors of the building. Accessible car parking is provided in the proposed car park on levels B1 and B2 in the development. 7 accessible car parking spaces are proposed. ▪ All disabled car parking spaces will be clearly signposted.	Section 6.10.4 and Appendix 7

Clause	Consideration	Discussion	EIS ref
	▪ <i>One accessible car parking space must be provided and allocated to each adaptable dwelling provided within a development.</i> ▪ <i>Set down areas</i> ▪ <i>Where set down areas (e.g. for taxis) are provided, they should be adjacent to a safe continuous path of travel to the facility to be accessed.</i> ▪ <i>Set down areas should be level with a gradient less than 1:40, have adequate circulation space and be located away from traffic flow.</i> ▪ <i>Kerb ramps should be provided to allow access to footpaths.</i> ▪ <i>Off street set down areas should have directional signage from street entry and appropriately signed with both pavement and pillar signage.</i>		
12.4.11 Fire safety	▪ <i>Prior to granting consent Council must give consideration to the following:</i> ○ <i>accessible fire rated egress routes or waiting spaces for people with mobility impairments;</i> ○ <i>warning systems have both audible and visual warnings; and</i> ○ <i>Preparation of an emergency management plan which identifies</i>	A BCA Regulatory Compliance Report has been prepared by McKenzie group in relation to the proposed development and included in appendix 24.	

Clause	Consideration	Discussion	EIS ref
	<i>strategies to facilitate emergency egress for people with a disability.</i>		
12.5 Adaptable housing	▪ <i>Adaptable housing must be provided in accordance with P1 to P5 to Part B: Section 1.2.2 – Residential Development. Adaptable housing in MU1 Mixed Use zones must be provided in accordance with P7 to P11 of Section 2.2.3 – Commercial and Mixed Use Development.</i> ▪ <i>All adaptable housing must be designed and constructed to a minimum Class C certification under AS 4299 – Adaptable Housing.</i> ▪ <i>Where adaptable housing is required, access to and within all of the public areas (i.e. common areas/facilities such as entry lobbies, laundry, bbq areas, gardens and the like) must be provided in accordance with AS 1428.</i> ▪ <i>Where a development requires the provision of adaptable housing, one accessible car parking space shall be provided and allocated to every adaptable unit.</i> ▪ <i>Issues to be considered in the assessment of adaptable housing include:</i> ○ <i>Compliance with AS1428.1 and AS1428.2: Access to and within the</i>	▪ The architectural drawings demonstrate how the adaptable housing proposed is provided in accordance within accordance with P7 to P11 of Section 2.2.3 – Commercial and Mixed Use Development. ▪ The development has 42 adaptable apartments, totalling 25% of the apartment mix. ▪ The proposed development is highly accessible, being located close to a number of bus routes. Serval bus stops serve the site along the Pacific Highway with routes to and from Sydney CBD and to the northern suburbs. Crow's Nest Metro Stop is located less than 250 meters away from the site while also provides fast access from the site to North Sydney CBD, Sydney CBD and Tallawong. ▪ Car parking is proposed in basement levels B1 and B2.	

Clause	Consideration	Discussion	EIS ref
	<i>adaptable housing dwellings complies with the requirements of the relevant provisions of the Australian Standards. This includes access to at least one type of each common facility or service provided in the development (e.g. BBQ areas, swimming pools, common laundry facilities etc).</i> ○ <i>Location: Adaptable housing units should be provided in convenient locations that are close to facilities such as public transport, community facilities and public services. Within the development they should be located along the accessible path of travel, preferably close to the main entrance of the building.</i> ○ <i>Bathroom Facilities: Bathrooms should be large allowing for wheelchair access and manoeuvring. A bath need not be provided, but the shower should allow for chair access. The hand wash basin and any shelving should be provided at a height that is accessible at both a standing or seated position.</i> ○ <i>Laundry Facilities: The laundry should also be large to allow for wheelchair access and circulation around the</i>		

Clause	Consideration	Discussion	EIS ref
	<i>appliances. Washing machines and dryers should be front loading, a wall mounted dryer is also preferable.</i> ○ <i>Circulation Spaces: Bedrooms and living areas should be an adequate size to allow for ease of movement around furniture. Doorways and entrances are wide enough to facilitate wheelchair access and circulation.</i> ○ <i>Kitchen Facilities: The kitchen should be of a flexible design so that modifications can be made if required in the future. Cupboard and pantry shelf heights should be adjustable to make them easy to reach.\ Flooring: Tiles or timber flooring is preferable to carpet. However, if carpet is to be provided it should be low pile with no underlay. Non-slip tiling should be provided in wet areas.</i> ○ <i>Walls: Walls located along main travel paths and in bedrooms and bathrooms should be reinforced to allow for installation of grab rails if necessary.</i> ○ <i>Windows: Windows should be operatable with one hand (preferably</i>		

Clause	Consideration	Discussion	EIS ref
	<i>sliding) and located no higher than 700mm from the floor.</i> ○ <i>Landscaping: Outdoor areas should be designed to be low maintenance, with no lawns and a drip irrigation system. All paving should be even and be wheelchair accessible.</i> ▪ <i>Car parking must be provided in accordance with Part B: Section 10 – Car Parking and Transport.</i>		
Part B Section 13 - Heritage and Conservation			
13.2 Aboriginal heritage	▪ <i>Obtain relevant approvals from the Aboriginal Heritage Office prior to commencing work where a site contains, or has potential for Aboriginal objects.</i> ▪ <i>Building and landscaping works, including paths and driveways are not to disturb any Aboriginal objects.</i> ▪ <i>Minimise disturbance and exposure of areas along the foreshore, including excavations for swimming pools, jetties and boat sheds.</i> ▪ <i>Site structures away from the foreshore where possible.</i> ▪ <i>Minimise disturbance to rock outcrops and overhangs.</i>	▪ <i>An assessment of aboriginal heritage is included within the EIS.</i>	

Clause	Consideration	Discussion	EIS ref
13.3 Archaeology	▪ <i>Minimise the depth and extent of any excavation and locate new work away from areas known to contain archaeological relics.</i> ▪ <i>Minimise disturbance along foreshore areas where there is a high likelihood of relics. This includes excavation and exposure of subsoil areas for swimming pools, jetties or boat sheds.</i> ▪ <i>Locate structures to minimise changes to the natural landform.</i> ▪ <i>Minimise disturbance to below ground and sub-floor areas by careful siting of new work to conserve potential archaeology.</i> ▪ <i>Ensure reversibility of changes (as relevant).</i>	▪ The proposed development is not located on a site known to contain archaeological relics.	
13.4 Development in the vicinity of heritage items	▪ <i>Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.</i> ▪ <i>Maintain significant public domain views to and from the heritage item.</i> ▪ <i>Ensure compatibility with the orientation and alignment of the heritage item.</i> ▪ <i>Provide an adequate area around the heritage item to allow for its interpretation.</i>	▪ The site adjoins a local heritage item to the north. This item is known as the 'Former North Shore Gas Co office' (item no. I0150) as listed in Schedule 5 of the NSLEP 2013. A Heritage Impact Statement (HIS) has been prepared by NBRS & Partners PTY LTD and included in Appendix 25. The HIA concluded that: ○ The impact of the proposed 16-storey mixed-use building is acceptable given that heritage items in the vicinity will remain visible from the public	

Clause	Consideration	Discussion	EIS ref
	- Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting. - Protect and allow interpretation of archaeological features (as appropriate and relevant).	domain and will continue to be understood as historic buildings contributing to the character of the area.	

Part B Section 14 Contamination and hazardous building materials

14.2.3 Control of remediation work	- Remediation work must be undertaken in accordance with the relevant provisions of Chapter 4 – Remediation of Land to SEPP (Resilience and Hazards) 2021 and the DoP's Managing Land Contamination: Planning Guidelines. - In addition to P1, Category 2 remediation must comply with the site management requirements set out in subsection 14.2.4 of this Part of the DCP. Category 2 remediation work that does not comply with Subsection 14.2.4 of this Part of the DCP will be classified as Category 1 remediation work and will require development consent. - Comprehensive records should be maintained during the undertaking of remediation and validation works for all sites to demonstrate that the site will be suitable for the proposed use.	- A Detailed Site Investigation (DSI) Report has been prepared by Douglas Partners and is attached at Appendix 14. The results of the DSI did not identify contaminant concentrations at levels that warrant remediation and / or preparation of a remediation action plan (RAP). The DSI considered that the site can be made suitable for the proposed residential / commercial development. - It is noted the extent of the DSI investigation was limited by the existing buildings onsite. Further testing will be undertaken post demolition works to finalise the contamination assessment. - As a precautionary measure, a RAP has been prepared to address remediation should it be identified during demolition works.	Appendix 14 and 36
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Clause	Consideration	Discussion	EIS ref
14.3.2 Hazardous building materials survey report	▪ <i>A Hazardous Building Material Survey Report is required to be submitted with the lodgement of all Development Applications involving demolition of the following:</i> ○ <i>Commercial, industrial and retail buildings with a gross floor area of greater than 500m²;</i> ▪ <i>Based on its initial assessment of a Development Application, Council may impose a condition on a development consent for other types of development requiring the submission of a Hazardous Building Material Survey Report to Council prior to the issue of a Construction Certificate.</i> ▪ <i>The associated investigations are required to be carried out in accordance with the requirements of the relevant NSW Environment Protection Authority guidelines.</i> ▪ <i>The associated investigations and report must be completed by a suitably qualified consultant to undertake the preliminary investigation and to pay all the costs involved (EPA accredited auditors will be accepted as being suitably qualified consultants).</i>	▪ This report was not a requirement of the SEARs and therefore was not required for submission of the SSD.	Section 6.12 Appendix 8

Clause	Consideration	Discussion	EIS ref
	▪ <i>The investigations should involve at least a visual inspection of accessible and representative construction materials and the collection and analysis of materials suspected of containing hazardous materials.</i> ▪ <i>The inspection should identify the presence of any of the following materials:</i> ○ <i>Asbestos: The assessment must be carried out in accordance with the guidelines documented in the Asbestos Code of Practice for the Management and control of Asbestos in Workplaces [NOHSC:2018 (2005)] and the Protection of the Environment Operations (Waste) Regulation 2014.</i> ○ <i>Synthetic Mineral Fibres (SMF): Investigations should be made of electrical insulation, plumbing materials, heat insulation, acoustic insulation and fire insulation. The materials should be broken down into their main groupings consisting of: continuous glass filaments; fibreglass, glass fibre or glasswool; rockwool; and ceramic fibres</i> ○ <i>Polychlorinated Biphenyls (PCBs): All light fittings should be inspected for the presence of PCB containing</i>		

Clause	Consideration	Discussion	EIS ref
	<i>capacitors. The capacitors are to be cross referenced with the ANZECC Identification of PCB Containing capacitors database -1997.</i> ○ <i>Lead-containing Paint: Representative painted surfaces are to be tested. Investigations should be focused on areas where lead based paint would have been traditionally used, such as exterior gloss paints, window and door architraves, skirting boards.</i> ○ <i>Ozone depleting substances: Inspection of refrigerant gas labels on representative refrigeration and or air conditioning plants are to be noted and documented. Where there are no labels, assessment is to be based on the age and condition of the plant.</i> ▪ <i>The Report is also to provide general recommendations for the removal, of the hazardous materials, including the preparation of detailed document such as a Management Plan, Technical Scope of Works, SafeWork, Method Statements and Risk Assessments to appropriately address health and safety issues associated with the specific work and site conditions. The recommended conditions contained in any of the above reports may</i>		

Clause	Consideration	Discussion	EIS ref
	<i>be included as conditions to a development consent.</i>		
Part B Section 16 - Tree and vegetation management	▪ <i>Pursuant to Part 2.2 Clearing vegetation in non-rural areas and Part 2.3 - Council permits for clearing of vegetation in non-rural areas under SEPP (Biodiversity and Conservation) 2021, Development Consent or a Tree Management Permit is not required for removal or pruning any of the following:</i> ○ <i>non-declared trees or vegetation (i.e. comprising all trees and vegetation that do not meet the criteria under provision P2 below);</i> ○ <i>trees or vegetation that are adequately justified to be dead as confirmed in writing by a qualified arborist (minimum AQF level 3) or qualified Horticulturalist (minimum AQF Certificate 3) and where the tree or vegetation is not required as the habitat for native animals¹;</i> ○ <i>pruning of deadwood from a tree or vegetation, including dead palm fronds;</i> ○ <i>maintenance pruning of trees whereby:</i> ○	▪ An Arboricultural Impact Assessment Report (AIAR) has been prepared by Ascent Property Group and included in Appendix 26. The proposed development involves the removal of all vegetation located on site in order to accommodate the 16-storey mixed-use building. ▪ The AIAR identifies that none of the five existing vegetation species on site to be removed are endemic species.	Appendix 26.

Clause	Consideration	Discussion	EIS ref
	○ <i>no more than 10% of the existing crown volume is removed; and</i> ○ <i>branches no more than 100mm in diameter are removed and those branches are not located more than 2.4m above ground level where they adjoin the trunk of the tree, or located within 1m of existing buildings (including eaves and gutters); and</i> ○ <i>all work is undertaken in accordance with the Australian Standard for Pruning of Amenity Trees (AS 4373-2007)</i> ○ <i>maintenance pruning of hedges: where the hedge is less than 5m in height; or where the hedge is 5m or greater in height, but only where all work is undertaken in accordance with the Australian Standard for Pruning of Amenity Trees (AS 4373-2007) and must be conducted by a qualified Arborist (minimum AQF Level 3);</i> ○ <i>trees or vegetation identified as a biosecurity risk (formerly known as noxious weeds) under the Biosecurity Act, 2015, except where that tree or vegetation is greater than 10m in height;</i>		

Clause	Consideration	Discussion	EIS ref
	○ <i>trees or vegetation that are being maintained or removed by North Sydney Council staff (or their sub-contractors) on land under Council's ownership or care and control;</i> ○ <i>trees or vegetation that have been authorised to be removed or pruned pursuant to a Development Consent issued under the EP&A Act, but not prior to the issue of a Construction Certificate relating to that Development Consent;</i> ○ <i>trees or vegetation that are growing inside a building, where there is a roof over the tree (e.g. within an atrium or internal garden bed);</i> ○ <i>the following tree and vegetation species:</i> ○ <i>African Olive Trees (Olea Africana);</i> ○ <i>Bamboo (Bambusa species);</i> ○ <i>Box Elder (Acer negundo);</i> ○ <i>China Doll (Radermachia sinica);</i> ○ <i>Cocos Palms (Syagrus romanzoffiana);</i> ○ <i>European Nettle or Hackberry (Celtis sp) – except on land identified as a</i>		

Clause	Consideration	Discussion	EIS ref
	<i>heritage item under cl.5.10 of NSLEP 2013;</i> ○ <i>Indian Coral Tree (Erythrina x sykesii) – except on land identified as a heritage item under cl.5.10 of NSLEP 2013;</i> ○ <i>Privet species (Ligustrum sp) – except on land identified as a heritage item under cl.5.10 of NSLEP 2013;</i> ○ <i>Rubber Trees (Ficus elastica);</i> ○ <i>Tree of Heaven (Ailanthus sp);</i> ○ <i>Umbrella Trees (Schefflera sp); or</i> ○ <i>Willow Trees (Salix spp) – except on land identified as a heritage item under cl.5.10 of NSLEP 2013.</i> ▪ <i>Development Consent or a Tree Management Permit is required in accordance with SEPP (Biodiversity and Conservation) 2021 for the removal or pruning of a declared tree or vegetation. The following trees and vegetation are declared for the purposes of this DCP:</i> ○ <i>any tree or vegetation on public land, regardless of size;</i> ○ <i>any tree or vegetation with a height of 5m or more, or a crown width of 5m or more, or a trunk circumference of</i>		

Clause	Consideration	Discussion	EIS ref
	<i>500mm or more measured at ground level (existing);</i> ○ <i>any tree identified as a biosecurity risk under the Biosecurity Act, 2015 and is greater than 10m in height;</i> ○ <i>any of the following species of trees or vegetation on land identified as a heritage item under cl.5.10 of NSLEP 2013 regardless of size:</i> ○ <i>Bangalow Palms (Archontophoenix cunninghamiana sp);</i> ○ <i>European Nettle or Hackberry (Celtis sp);</i> ○ <i>Indian Coral Tree (Erythrina x sykesii);</i> ○ <i>Kentia Palms (Howea forsteriana sp);</i> ○ <i>Privet species (Ligustrum sp);</i> ○ <i>Willow Trees (Salix spp)</i> ▪ <i>Council, in determining an application for Development Consent or a Tree Management Permit under SEPP (Biodiversity and Conservation) 2021, must have regard to:</i> ○ <i>the health or condition of the tree or trees, whether the tree is dead or dangerous, its proximity to existing or proposed structures, interference with</i>		

Clause	Consideration	Discussion	EIS ref
	<i>utility services, interference with the amenity of any person or property;</i> ○ <i>the necessity for action in order to construct improvements to the property the subject of the application to achieve reasonable development;</i> ○ <i>the effects in the nature of erosion, soil retention or diversion or increases to overland flow;</i> ○ <i>the number of trees in the surrounding area and the effect on the amenity of that area;</i> ○ <i>the number of healthy trees that a given parcel of land will support;</i> ○ <i>whether the trees or vegetation in question provide habitat for fauna and/or canopy connectivity; and</i> ○ <i>any potential impacts to heritage items and/or heritage conservation areas.</i> ▪ <i>In determining its approval under P2 and P3 Council may request the applicant to submit additional supporting documentation (e.g. an arborist report prepared by a qualified arborist with a minimum AQF Level 5 or engineering report) to justify the removal of the tree or vegetation.</i>		

Clause	Consideration	Discussion	EIS ref
	▪ <i>Council does not support the removal of trees or vegetation as a result of:</i> ○ <i>leaf, fruit, flower, bark, cone or twig drop; or</i> ○ <i>blocked or damaged water, sewer or stormwater drainage pipes; or</i> ○ <i>cracking of driveways, footpaths, paving or fences; or</i> ○ <i>issues arising from roosting, nesting or browsing fauna.</i> ▪ <i>Despite P5 above, Council may consider on merit the removal of trees or vegetation which result in the blocking of water, sewer or stormwater pipes or the cracking of driveways, footpaths and paving if there are no permanent repair solutions available (e.g. where tunnelling or re-sleeving of pipes, or removal of roots is not feasible). Council must not determine an application to which this clause applies, unless it has considered additional supporting documentation (e.g. an arborist report prepared by a qualified arborist with a minimum AQF Level 5 or engineering report) supplied by the applicant to justify the removal of the tree or vegetation.</i> ▪ <i>Branches of trees and vegetation located on private property that overhang public</i>		

Clause	Consideration	Discussion	EIS ref
	<i>footpaths and roadways should be pruned back to the property boundary to a height of 2.4m (8ft) above ground level (existing). Pruning of these trees is the responsibility of the property owner. Where the tree or vegetation to be pruned comprises a declared tree or vegetation, Council's consent must be obtained prior to pruning.</i> ▪ <i>Where Council approves the issuing of a Development Consent or Tree Management Permit in accordance with this Section and SEPP (Biodiversity and Conservation) 2021, Council may impose a condition wh</i> ○ <i>the replanting of replacement trees or vegetation on the land subject to the application; or</i> ○ <i>where there is insufficient space on the development site:</i> ○ ○ <i>the replanting of replacement trees or vegetation in a specified location on public land; or</i> ○ <i>payment of a fee from the applicant to fund Council's planting of such trees on public land.</i> ▪ <i>Replacement tree species will be specified by Council and will be of a type suitable for</i>		

Clause	Consideration	Discussion	EIS ref
	<i>the site. Fees associated with planting trees on public land shall be calculated based on the industry accepted average price to supply, install, and maintain for 13 weeks a containerised tree of the size specified by the assessing officer but that size shall be not less than 45 litres. Council's Infrastructure Specifications for Miscellaneous works contains Council contractor schedule of rates. The average price from the schedule will be used.</i> ▪ <i>All work must be carried out in accordance with Australian Standard AS4373-2007: Pruning of Amenity Trees and Council may condition that the work be carried out by a qualified arborist (minimum AQF Level 3) or a qualified horticulturalist (minimum AQF Certificate 3).</i> ▪ <i>Any Tree Management Permit issued by Council will be valid for the described work only, provided it is carried out within a 12 month period from the date of issue and may be subject to such conditions as required by Council. Tree or vegetation removal or pruning permitted under a Development Consent may have a longer timeframe imposed in accordance with the EP&A Act.</i>		

Clause	Consideration	Discussion	EIS ref
	▪ <i>Where a development application is lodged after a Tree Management Permit has been issued but prior to approved tree work taking place, that Permit becomes null and void and will be reassessed through the development assessment process.</i> ▪ <i>Approvals for non essential pruning</i> ▪ <i>Council may approve a request from the public to prune trees located on public land in the immediate surrounds of the property upon which the applicant resides for 'cosmetic' or non-essential pruning for such purposes as aesthetics, increased sunlight or views, but only where such pruning:</i> ○ <i>will not affect the health or integrity of the tree;</i> ○ <i>will not have an adverse impact on the streetscape;</i> ○ <i>will not have an adverse impact on the general safety of the public;</i> ○ <i>is carried out in accordance with Australian Standard AS 4373-2007 – Pruning of Amenity Trees by a qualified arborist (minimum AQF Level 3);</i>		

Clause	Consideration	Discussion	EIS ref
	○ <i>is done under the supervision of a council officer if deemed necessary by Council (minimum 5 days notice required).</i> ▪ <i>Non-essential pruning work will not be permitted on any vegetation growing on land zoned C2 Environmental Conservation or other public land managed by Council as bushland.</i> ▪ <i>Council will not support applications for tree or vegetation removal for the sole purpose of facilitating solar access to new solar photovoltaic or hot water systems. However, Council may consider applications for pruning trees or vegetation to enable solar access to existing solar photovoltaic or hot water systems to be maintained on a case by case basis, provided the proposed works are carried out in accordance with Australian Standard AS4373-2007 - Pruning of Amenity Trees.</i> ▪ <i>Penalties</i> ▪ <i>Pursuant to s.629 of the Local Government Act 1993, an on-the-spot fine may be imposed for the injury or unnecessary disturbance of trees and vegetation on public land including road reserves without a lawful Development Consent or Tree Management Permit. This</i>		

Clause	Consideration	Discussion	EIS ref
	<i>specifically relates to street trees, foreshore reserves, bushland and public open spaces.</i> ▪ <i>Pursuant to s.9.37 and Division 9.6 of the EP&A Act, an on-the-spot fine or court proceedings may be imposed for the injury, unnecessary disturbance or removal of trees and vegetation on private land without a lawful Development Consent or Tree Management Permit.</i> ▪ <i>Breaches of the requirements to P15 and P16 above, may result in prosecution with maximum penalties of \$1.1million. Fines may be imposed on the resident, property owner, anyone ordering the work and/or contractors employed to undertake the works if they do not have a lawful Development Consent or Tree Management Permit.</i> ▪ <i>The resident, applicant, property owner and any contractor involved in the cutting down or pruning of any tree protected by this DCP, must have a copy of the current and valid Tree Management Permit or Development Consent displayed in a publicly accessible location of the site during the undertaking of those works.</i> ▪ <i>Rehabilitation and maintenance of tree vandalism sites is to be carried out in</i>		

Clause	Consideration	Discussion	EIS ref
	<i>accordance with Council's Tree Vandalism Policy.</i>		
16.4 Protection of trees during construction	▪ <i>Existing trees should be retained and incorporated into proposed developments wherever the existing trees are of appropriate species and have an adequate life expectancy.</i> ▪ <i>Where trees are identified to be retained, they must be protected during construction in accordance with Australian Standard AS4970 - Protection of trees on development sites and best practice.</i> ▪ <i>An arborist report (prepared by a qualified arborist with minimum AQF Level 5) is required to be submitted with any development application where works are proposed within the Tree Protection Zone of a tree or where Council deems the vegetation on site is significant enough to warrant such a report.</i> ▪ <i>Where an existing tree(s) is approved for removal as part of a development, adequate space in the landscaped area is to be provided for an equivalent replacement canopy tree(s) appropriate to the site and scale of development.</i> ▪ <i>Aerial photos shall be used to calculate the existing canopy cover across a site prior to</i>	The proposed development involves retaining the 10 trees located outside of the site along the eastern boundary. All trees can be retained subject to mitigation measures which will be implemented. The supplied plans in the AIAR show that there is minor and moderate encroachment from the proposed development on the existing trees to be retained. The AIAR considers that these encroachments will cause no harm the existing trees to be retained.	

Clause	Consideration	Discussion	EIS ref
	<i>development. The number and mature size of replacement trees must equal the total pre-development canopy cover. Where this cannot be achieved on site, P5 to this Section shall be applied.</i> ▪ <i>Where insufficient space is available on the development site and significant canopy has been removed as part of the development, Council may require the planting of equivalent canopy replacement trees on public land or require payment of a fee to enable Council to undertake equivalent canopy replacement planting on public land. That fee will be calculated based on the industry average cost to supply and install equivalent size replacement tree(s) plus 13 weeks maintenance. Refer to P8 to s.16.2.2.</i> ▪ <i>Bonds</i> ▪ <i>A tree bond may be required if trees are located in close proximity to a proposed development.</i> ▪ <i>The bond shall be lodged with the Council for each tree likely to be affected by the development, the bond amount to be forfeited if the identified tree is removed, destroyed or damaged. A minimum bond of \$1,000.00 per tree will be applicable.</i>		

Clause	Consideration	Discussion	EIS ref
	▪ <i>Bonds must be lodged prior to any work commencing on site and will generally be held for a period of 12 months after completion of the development.</i> ▪ <i>Bonds will be refunded upon receipt of a tree condition report from a suitably qualified arborist (minimum AQF Level 5) confirming that the tree is in good health, prior to issuing an Occupation Certificate.</i> ▪ <i>The maximum bond amount will be the value of each tree calculated using an industry accepted Valuation Method.</i> ▪ <i>Construction Hoardings</i> ▪ <i>When giving consideration to the issue of a Permit for the erection of a hoarding on Council property, Council will consider the likelihood of damage to trees, both on public and private property.</i> ▪ <i>Hoarding applications are to be accompanied by a plan(s) accurately locating any adjacent trees within 10m of the proposed hoarding.</i> ▪ <i>A tree bond may be required, if a tree(s) is located in close proximity of a proposed hoarding, the bond amount to be forfeited if the tree is removed, destroyed or damaged.</i>		

Clause	Consideration	Discussion	EIS ref
	▪ <i>Hoardings should be designed and erected to protect existing trees to clearances approved by Council and/or any conditions imposed by Council.</i> ▪ <i>Works in Association</i> ▪ <i>Works in association are Council funded tree works on public property that may be combined with developer funded tree works for the purpose of integrating the streetscape. Council may contribute money to the developer to build works in association subject to it being in the public interest.</i> ▪ <i>Where two or more adjoining developments are under construction simultaneously, Council may offer to plant trees and/or install protection works for all developments in the interests of achieving an integrated and coordinated streetscape subject to the developer contributing money to Council to build these works. This is seen as adding value to the community dollars spent.</i>		
16.5 new tree planting	▪ <i>Species should be chosen after carefully evaluating the site constraints and the desired function of the tree (e.g. habitat, shade, safety, privacy and aesthetics).</i>	▪ The landscape report provided at Appendix 9 provides details of the plantings, including location within the property and species selected.	

Clause	Consideration	Discussion	EIS ref
	▪ <i>When planting is to take place on public land, Council's arborists will advise the appropriate species in accordance with the North Sydney Street Tree Strategy.</i> ▪ <i>When planting is to take place in bushland or bushland habitat areas, Council's Bushland Management Staff will determine appropriate species in accordance with the North Sydney Natural Area Survey 2010 and relevant Bushland Rehabilitation Plans.</i> ▪ <i>When planting on private property Council strongly recommends the use of a qualified arborist when selecting species.</i> ▪ <i>When selecting a species, the physical, ecological and horticultural characteristics should be considered.</i> ○ <i>Physical characteristics include: mature dimensions (incl. height, spread and trunk diameter) foliage density, evergreen or deciduous and tree shape or form.</i> ○ <i>Ecological characteristics include: climatic durability, water efficiency, fauna habitat and invasivity in bushland.</i> ○ <i>Horticultural considerations include: fruit/flower/seed drop, suitability to the</i>	▪ Plantings are being placed on rooftops and other spaces where the species will be able to grow to a mature size. ▪ No new street trees are proposed, however a row of existing palms are being retained along Pacific Highway ▪ All plantings will be undertaken in accordance with best practice technique. ▪ Sedimentation measures will be undertaken as necessary ▪ Effective maintenance practices will be undertaken on all plantings	

Clause	Consideration	Discussion	EIS ref
	<i>site growing conditions, poisonous or allergic qualities, weed potential, suckering, root vigour, structural soundness and longevity in the urban environment.</i> ○ <i>Planting Locations</i> ▪ <i>New trees should be located where there is adequate space for the chosen species to grow to its natural mature dimensions, survive in the long term and make a positive contribution to the amenity of an area.</i> ▪ <i>Any new street trees should be located in accordance with the North Sydney Council Street Tree Strategy.</i> ▪ <i>Any new trees on private property should be located in accordance with the objectives of the landscaping provisions throughout this DCP and the North Sydney Urban Forest Strategy.</i> ▪ <i>Planting techniques</i> ▪ <i>All planting must be carried out in accordance with the detailed specifications appropriate to the site as set out in Council's Infrastructure Specification Manual for Roadworks, Drainage & Miscellaneous Works.</i>		

Clause	Consideration	Discussion	EIS ref
	▪ <i>Planting trees in footpaths adjacent to heavily trafficked streets may need:</i> ○ <i>To be undertaken outside of peak hour traffic times.</i> ○ <i>The approval of the RMS if it involves a state or arterial road.</i> ○ <i>A Traffic Management Plan and/ traffic control depending on the road.</i> ○ <i>Plant establishment and maintenance</i> ▪ <i>Erosion and sedimentation controls may need to be provided subject to the scale of the planting work proposed and the potential of causing pollution. These devices must be maintained regularly. Failure to install and maintain these devices may result in a fine and/or legal action.</i> ▪ <i>It is the responsibility of the developer/applicant to comply with the terms of any Development Consent issued by the Council in respect of maintenance requirements of trees or vegetation within the time stated in the consent.</i>		
Part B Section 17 - Erosion and sediment control			
17.2 Requirements	▪ <i>Divert clean water around the construction site to prevent contamination.</i>	▪ An integrated Water Management Plan (IWMP) has been prepared by Enscape Studio and submitted in Appendix 19. The	Section 6.8.2

Clause	Consideration	Discussion	EIS ref
	▪ <i>Retain as much natural vegetation as possible and limit site disturbance to minimise the risk of pollution.</i> ▪ <i>Control stormwater that enters the construction site from upstream.</i> ▪ <i>Divert stormwater from undisturbed upper slopes onto stable areas.</i> ▪ <i>Retain and stockpile all excavated topsoil on site for future landscaping where feasible.</i> ▪ <i>Prevent sediment/silt from entering adjoining public or private property (especially drains) by installing sediment control devices at the low side of sites and wash down areas.</i> ▪ <i>Provide a single, stabilised entry/exit point to the site. Sediment or building materials should be prevented from reaching the road or Council's stormwater system. Sediment shall be removed by sweeping, shovelling or sponging. Under no circumstances shall sediment be hosed.</i> ▪ <i>Where a work zone permit over public property is applicable, ensure that appropriate debris control devices are implemented to prevent spillage of building materials into stormwater drains.</i>	IWMP addresses relevant water conditions and controls.	Appendix 19.

Clause	Consideration	Discussion	EIS ref
	▪ Compact all drainage lines when backfilling. ▪ Revegetate all disturbed areas, after on-site works are completed, in order to stabilise surface. ▪ Maintain all sediment control devices during construction and earthworks to standards acceptable to Council.		

Part B Section 18 - Stormwater Management

18.2 Requirements	▪ A Stormwater Management Plan is required for all developments and must demonstrate compliance with this section as well as the relevant stormwater management provisions contained in Part B: Section 1 – Residential Development, Part B: Section 2 – Commercial and Mixed Use Development or Part B: Section 3 – Nonresidential Development in Residential Zones to the DCP. ▪ New and reconstructed stormwater drainage systems should be designed and constructed to a minimum standard that complies with the technical requirements of the North Sydney Council Performance Guide and Infrastructure Specification Manual. ▪ Stormwater drainage disposal from private property should not cause nuisance	▪ The IWMP notes the proposed pipe sizes to be 150Ø UPVC which is in accordance with the minimum pipe size requirements. ▪ No stormwater drainage systems are proposed through adjoining private property. ▪ All pipes proposed in the design are designed to accommodate the stormwater for which they are designed. Refer to the IWMP in Appendix for further details. ▪ Surface runoff from the development sites will be directed to stormwater inlet structures using the design topography of these elements. The inlet structures have been designed to adequately convey the surface runoff into the in-ground drainage network.	
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Clause	Consideration	Discussion	EIS ref
	<i>drainage problems to any other property. Nuisance drainage is any damage to other property from stormwater caused by the development of property.</i> ▪ <i>Where stormwater drainage from private property cannot drain directly to a road without first draining through adjoining private property, an inter-allotment stormwater drainage easement is required. This easement should be sought by negotiation, mediation or by using mechanisms of s.88 of the Conveyancing Act, 1919.</i> ▪ <i>Easement widths are governed by requirements for access and maintenance of pipes by appropriate machinery.</i> ▪ <i>Zone of influence of stormwater pipes should not affect the structural stability of any structure, building or utility service.</i> ▪ <i>Stormwater should not be diverted into an adjoining catchment unless it can be demonstrated that the diversion will not cause detriment to any property or structures.</i> ▪ <i>Where an inter-allotment drainage easement cannot be obtained, Council may consider alternative proposals based on their merit.</i>	▪ The proposed development does not feature any sandstone kerbs or gutters of heritage significance. ▪ The IWMP in Appendix 19 outlines how the existing downstream systems will not be adversely effected by the proposed development ▪ On Site Detention has been provided for the proposed development and sized to allow for the post development discharge rates from the site. On site detention tanks are proposed below basement level B2 and below the laneway leading to Bruce Street.	

Clause	Consideration	Discussion	EIS ref
	▪ <i>Minimum permissible pipe size leading from down pipes to primary inter-allotment drainage pipes is 100mm internal diameter sewer grade pipe or greater as required to meet drainage design criteria. Minimum permissible pipe size for primary inter-allotment drainage systems is 150mm diameter sewer grade pipe.</i> ▪ <i>Stormwater drains may not be constructed on public property without holding a Street Opening Permit, a Construction Certificate and design approved by Council.</i> ▪ <i>Stormwater drainage systems through adjoining private property should be designed and constructed to allow for an emergency overflow path to be located within the inter-allotment drainage easement.</i> ▪ <i>Pipes within an easement are permitted to carry only the amount of stormwater for which they are designed. Damage caused to property by unapproved works may be subject to legal action and a claim for damages.</i> ▪ <i>Physical obstructions should not be placed within an easement or emergency overflow path that may block the flow of surface run-off.</i>		

Clause	Consideration	Discussion	EIS ref
	▪ <i>Sandstone kerb and gutter with heritage significance is to be retained and not replaced with concrete.</i> ▪ <i>The stormwater drainage is designed to ensure existing downstream systems are not adversely affected. It should:</i> ○ <i>'fit' as much as possible, within the hydrology of the natural system;</i> ○ <i>emphasise stormwater detention, vegetated overflow lines, sensitive location of discharge points and quality of receiving waters;</i> ○ <i>minimise non-porous surfaces to reduce stormwater run-off;</i> ○ <i>store water for re-use (such as in rainwater tanks);</i> ○ <i>retain existing trees and;</i> ○ <i>exclude land needed for natural or modified drainage, floodplains, remnant vegetation, environmental values;</i> ○ <i>ensure stormwater drains are designed to accept rainwater only excluding other pollutants from the City's waterways.</i> ▪ <i>On -site detention, preferably on unpaved or grass surfaces, is used to trap and remove contaminants from stormwater and</i>		

Clause	Consideration	Discussion	EIS ref
	<i>increase infiltration into the ground. Where technically possible, on-site gravel filled retention pits are incorporated.</i>		
18.3 Maintenance and monitoring	▪ <i>Provisions</i> ▪ <i>General maintenance</i> ▪ <i>The owners of the properties affected by stormwater drainage easements are required to:</i> ○ <i>Permit stormwater to be drained via the stormwater drainage system;</i> ○ <i>Keep the stormwater system clean and free from silt, rubbish and debris;</i> ○ <i>Maintain and repair the stormwater system so that it functions in a safe and efficient manner;</i> ○ <i>Replace, repair, alter and renew the whole or parts of the stormwater system within the time and in the manner specified in a written notice issued by the Council;</i> ○ <i>Not make any alterations to the stormwater system or elements thereof without prior consent in writing from the Council;</i> ○ <i>Permit the Council, or its authorised agent, from time to time upon giving reasonable notice to enter and inspect</i>	▪ The legal point of discharge for the entire development will be into the existing public stormwater drainage infrastructure on Bruce Street. No properties will be affected by a stormwater drainage easement from the proposed development.	

Clause	Consideration	Discussion	EIS ref
	<i>the land for compliance with the requirements of this clause;</i> ○ <i>Permit the Council, or its authorised agent, at any time and without notice in the case of an emergency to enter and inspect the land for compliance with the requirements of this clause; and</i> ○ <i>Comply with the terms of any written notice issued by the Council in respect to maintenance requirements within the time stated in the notice.</i> ▪ <i>Where non-compliance occurs legal action may be considered under legislation dealing with environmental protection.</i>		
Part B Section 19 Waste Minimisation and Management			
19.2 Demolition Waste	▪ <i>A Waste Management Plan must accompany all development applications involving demolition. The Waste Management Plan must provide details of all on-site sorting areas, storage areas and vehicular access.</i> ▪ <i>Section 2 of the Waste Management Plan must be completed providing the following details:</i> ○ <i>the volume and type of waste to be generated, including excavation</i>	▪ <i>A Construction and Demolition Waste Management Plan (WMP) for this SSD has been prepared by Elephants foot and included in Appendix 8 and Appendix 21 and responds to this requirement of the NSDCP.</i>	Appendix 8 and Appendix 21.

Clause	Consideration	Discussion	EIS ref
	<i>materials, green waste, brick, concrete, timber, plasterboard, and metals;</i> ○ <i>how waste is to be stored and treated on site;</i> ○ <i>how residual waste is to be disposed of.</i> ○ <i>Table B-19.1 gives examples of uses for recyclable demolition materials</i>		
19.3 Construction Waste	▪ <i>A Waste Management Plan must accompany all development applications involving construction. The Waste Management Plan must provide details of all on-site sorting areas, storage areas and vehicular access.</i> ▪ <i>Section 3 of the Waste Management Plan must be completed providing the following details:</i> ○ <i>the volume and type of waste to be generated, including excavation materials, green waste, brick, concrete, timber, plasterboard, and metals;</i> ○ <i>how waste is to be stored and treated on site; and</i> ○ <i>how residual waste is to be disposed of.</i>		

Clause	Consideration	Discussion	EIS ref
	▪ <i>To ensure that construction waste is minimised consideration should be given to the following matters:</i> ○ <i>Order the right quantities of materials;</i> ○ <i>Prefabricate materials where possible;</i> ○ <i>Reuse formwork;</i> ○ <i>Use modular construction and basic designs to reduce the need for off-cuts;</i> ○ <i>Use modular construction and basic designs to reduce the need for off-cuts;</i> ○ <i>Minimise site disturbance, limit unnecessary excavation;</i> ○ <i>Reuse or recycle materials from demolished buildings;</i> ○ <i>Choose landscaping which reduces green waste; and</i> ○ <i>Coordinate and sequence trades people to minimise waste.</i>		
19.4 Waste Facilities and Management	▪ <i>Building design</i> ▪ <i>Must comply with the relevant requirements for waste management under sections 1.5.13, 1.6.9, 2.5.9, 2.6.6, 3.4.9 and 3.5.6 to Part B of this DCP.</i> ▪ <i>Provide an appropriate level of space on each property that is capable of</i>	▪ The WWP outlines the site-specific waste management provisions in relation to the proposed development showing that these comply with the relevant section from Part B of the development control plan. ▪ Each unit in the proposed development is designed to accommodate space for bin	

Clause	Consideration	Discussion	EIS ref
	<i>accommodating the temporary storage of recyclables, garbage, general household clean up bulky waste and green waste likely to be generated by the proposed development.</i> ▪ <i>Ensure space is easily accessible from each part of the building and from the collection point.</i> ▪ <i>Include adequate access and manoeuvring space, at least an area equivalent to the combined footprint of the bins.</i> ▪ <i>Provide administrative arrangements for ongoing waste management, including signs.</i> ▪ <i>Locate and design waste storage and recycling areas to complement the streetscape.</i>	storage and recyclables. The Architectural Plans in Appendix 7 show that the proposed development contains two waste rooms on level B1 which are capable of accommodating waste capacity for the future build-to-rent units. ▪ The proposed waste rooms on level B1 are located beside the lift entrances lobby's providing easy access for future residents. Both rooms are designed to provide sufficient manoeuvring space for residents. ▪ The waste and recycling areas are located in basement levels and will not interfere with the streetscape.	

	Waste Management ▪ <i>All applications must be accompanied by a Waste Management Plan which illustrates the location and associated circulation to and from the following:</i> ○ <i>a waste and recycling cupboard space per dwelling / or non-residential tenancy;</i> ○ <i>any waste storage and recycling areas;</i> ○ <i>any collection areas;</i> ○ <i>access for collection vehicles;</i> ○ <i>location and design of all communal facilities where relevant;</i> ○ <i>management of e-waste where appropriate; and</i> ○ <i>management of hazardous waste where appropriate.</i> ▪ <i>Sections 4 and 5 of the Waste Management Plan, must be completed for all developments incorporating one or more of the following uses:</i> ○ <i>Attached dwellings;</i> ○ <i>Multi unit housing;</i> ○ <i>Residential flat buildings;</i> ○ <i>Shop top housing;</i> ○ <i>Commercial premises;</i>	▪ The Architectural Plans in Appendix 7 demonstrates spaces for waste and recycling for the development. The plans identify waste storage rooms located in basement levels and bin loading rooms and dock located on the ground floor	
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	○ <i>Industrial premises; and</i> ○ <i>Other non-residential premises</i> ○ <i>Section 4 of the Waste Management Plan must describe the type of waste to be generated at the premises, expected volume per week, proposed on-site storage and treatments facilities, and destination of waste materials.</i> ○ <i>Section 5 of the Waste Management Plan must describe the proposed on-going management of waste and recycling.</i>		
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Clause	Consideration	Discussion	EIS ref
Part C Section 3 - St Leonards Planning Area			
3.2 Crows Nest Town Centre			
3.2.1 Significant elements	- Views - The following views and vistas are to be preserved and where possible enhanced: - Vista north along Willoughby Road and Pacific Highway. - District views from the upper levels of taller buildings.	- The development does not block the vista along Pacific Highway or Willoughby Road - The proposed envelope will not have an unreasonable impact on the views of nearby taller buildings.	
	Subdivision - Regular grid pattern interrupted by diagonal streets. - Generally long narrow allotments with dual street frontages.	Subdivision does not make a part of this development.	
	Streetscape - In mixed use areas, buildings are generally built to the street and aligned with the street frontage. - Continuous awnings provided for shops, cafes and other commercial uses. - Wide footpaths with designated outdoor dining areas on Willoughby Road, Burlington, Ernest, Holtermann and Clarke Streets.	- The proposed development aligns to the frontage of neighbouring developments. - Awnings are provided over the whole Pacific Highway frontage. - Existing palm trees along Pacific Highway will be retained.	

Clause	Consideration	Discussion	EIS ref
	▪ <i>Landscaping provided along Willoughby Road to improve amenity for pedestrians and outdoor diners.</i> ▪ <i>Traffic calming and pedestrian crossings provided near shops and cafes on and around Willoughby Road.</i> ▪ <i>Irregular planting of street trees and shrubs.</i>		
	<i>Public transport</i> ○ <i>Development is to take advantage of the Area's high levels of accessibility to public metro, train and bus services.</i>	▪ The development's capitalizes on existing public transport by providing end of trip facilities and other features to encourage active transport.	
	<i>Diversity of activities, facilities, opportunities and services</i> ▪ <i>Intensify commercial and mixed use development in close proximity to the Metro station and along the Pacific Highway with active uses at the ground floor levels, commercial within the podium levels and residential above.</i> ▪ <i>Maintaining a low scale built form to Willoughby Road, between Falcon Street and Albany Street, with two storey parapet shopfronts with shops at ground level, nonresidential or residential above, with additional height set back above a 2 storey parapet.</i>	▪ The proposed development consists of retail uses fronting Pacific Highway, and provides a medical centre in the podium. ▪ This development is contributing to a transition towards high density along the Pacific Highway corridor within Crows Nest following the opening of the Metro Station.	

Clause	Consideration	Discussion	EIS ref
	▪ <i>Predominantly medium rise mixed use development, built boundary to boundary, with setbacks to laneways, and above the podium, with shops at ground level, nonresidential/residential on first floor and residential above.</i> ▪ <i>Medium density residential development along Falcon Street, consistent with its residential zoning.</i> ▪ <i>Expansion of Hume Street Park to provide a large connected piece of open space connecting Willoughby Road to Oxley Street.</i> ▪ <i>Provision of a new public open space off Holtermann Street and backing onto the Crows Nest Community Centre.</i>		
	<i>Accessibility and permeability</i> ▪ <i>Provide, retain and enhance through site links for pedestrians identified on the Through Site Link Map (refer to Figure 3.2-2).</i> ▪ <i>Provide, retain and enhance through site links for pedestrians identified on the Through Site Link Map (refer to Figure 3.2-2).</i> ▪ <i>Through site links that are proposed in addition to those identified under P1 must</i>	▪ The development is unable to provide a through site link due because of its location within the block	

Clause	Consideration	Discussion	EIS ref
	<i>demonstrate that it meets the objectives and provisions of this subsection.</i> ▪ <i>Through site links are to be provided in accordance with Section 2.4.9 to Part B of the DCP and the following criteria:</i> ○ <i>The design and finish must be in accordance with the relevant Public Domain Strategy.</i> ○ <i>Include landscaping where practical to assist guiding people along the link while maintaining long sightlines.</i> ○ <i>Be fully open to the sky. Internal through site links will only be considered where they are provided with double height spaces to convey a sense of publicness.</i> ○ <i>Provide public access 24 hours a day 7 days a week.</i> ○ <i>Be activated on both sides of the link.</i> ▪ <i>Be clearly distinguished from vehicular accessways.</i>		
	<i>Public spaces and facilities</i> ▪ <i>Maintain Willoughby Road as the civic main street of the Town Centre by:</i> ○ <i>ensuring that the design of building exteriors at the lower levels incorporate high levels of architectural</i>	▪ The proposed development does not affect any of the named public spaces.	

Clause	Consideration	Discussion	EIS ref
	<i>modulation (i.e. no blank walls) along with high quality materials and finishes;</i> ○ <i>maximising active uses such as retail, food and drink and outdoor dining at the ground level;</i> ○ <i>seamlessly integrating with adjoining and neighbouring public open spaces; and</i> ○ <i>improving the public domain in accordance with Council's Public Domain Style Manual and Design Codes.</i> ▪ <i>Hume Street Park is expanded to provide the principle public open space area within the St Leonards / Crows Nest locality, generally located on land bound by Pole Lane, Oxley Street, Clarke Street and Hume Streets, with an integrated connection through to Willoughby Road.</i> ▪ <i>Ernest Place provides a strong community focus for the Town Centre.</i> ▪ <i>A new park off Holtermann Street adjacent to the Crows Nest Community Centre will provide additional public open space with excellent year-round sunlight.</i>		

Clause	Consideration	Discussion	EIS ref
	Ensure that community facilities are integrated with public open spaces to maximise their use.		
	<i>Subdivision</i> - Maintain a frontage of 20m - 40m along the Pacific Highway, which generally equates approximately to the amalgamation of two or three original allotments. - Maintain a 10m - 15m frontage in the remainder of the Locality Area (except residentially zoned land) consistent with two storey parapet shopfront scale, especially along Willoughby Road and Alexander Street. - Development on consolidated allotments with a frontage wider than that identified in P1 or P2 is to be broken down by articulation, design and detailing, change in materials and colours.	Subdivision does not make a part of this proposal	
3.2.2 Desired future character	<i>Form, massing and scale</i> Buildings should generally transition in height from the Crows Nest Metro Station and Pacific Highway down to the surrounding areas and the lower scale development within the Crows Nest Town	- The building is located along Pacific Highway, which justifies the higher built form. - The varied roof heights and design choices make the building distinct and interesting from a regional context.	

Clause	Consideration	Discussion	EIS ref
	<i>Centre, the Upper Slopes Neighbourhood and Crows Nest Neighbourhood.</i> ▪ <i>Roof design presents a varied, composed and interesting skyline when viewed from a regional context.</i> ▪ <i>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.</i> ▪ <i>Consistent parapet facade heights are provided along Willoughby Road and the Pacific Highway.</i> ▪ <i>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.</i> ▪ <i>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.</i> ▪ <i>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 two distinct elements.</i>	▪ The podium height and setbacks align the building parapet to its neighbouring buildings. ▪ Solar access is maximised to all nearby sites, there are no nearby open spaces affected by the development. ▪ All floor heights exceed the minimums ○ Ground floor: 5m ○ First two floors: 3.7m ○ All residential floors above: 3.15m ▪ All mechanical rooftop features have been placed in a way that will minimise their impact on the built form from the street.	

Clause	Consideration	Discussion	EIS ref												
	▪ <i>Minimum floor to floor heights on land zoned E2 Commercial Centre or MU1 Mixed Use must be provided:</i> ○ <i>Ground floor level: 4.0-4.5m</i> ○ <i>First floor level: 3.6m</i> ○ <i>Levels above: 3.0m (residential uses) or 3.6 (non-residential uses)</i> ▪ <i>Residential floor to floor heights should generally not exceed 3.2m, except on the first floor level in accordance with P7 above.</i> ▪ <i>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.</i>														
	▪ <i>Setbacks</i> ▪ <i>Buildings are to be setback from all street frontages in accordance with the Building Setbacks Map (refer to Figure C-3.2-3) - which is 0m along Pacific Highway and Bruce Street.</i> ▪ <i>A nil setback is permitted to all side and rear boundaries without a street frontage on land zoned E2 Commercial Centre or MU1 Mixed Use.</i>	The following setbacks are proposed and are compliant. <table><tr><th></th><th>Podium</th><th>Tower</th></tr><tr><td>Front</td><td>0m</td><td>3-7m</td></tr><tr><td>Sides</td><td>0m</td><td>6m</td></tr><tr><td>Rear</td><td>10-10.5m</td><td>12-23m</td></tr></table>		Podium	Tower	Front	0m	3-7m	Sides	0m	6m	Rear	10-10.5m	12-23m	Appendix 7
	Podium	Tower													
Front	0m	3-7m													
Sides	0m	6m													
Rear	10-10.5m	12-23m													

Clause	Consideration	Discussion	EIS ref
	▪ <i>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.</i> ▪ <i>Despite P1-P4, increased setbacks may be required for the podium levels contain residential uses to achieve adequate building separation in accordance with SEPP (Housing) 2021.</i> ○ <i>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-3.2-3).</i>		
	<i>Podium Heights</i> ▪ <i>Podiums are to be provided to in accordance with the Podium Heights Map (refer to Figure C-3.2-4) - which is 3 storeys along Pacific Highway</i>	▪ The podium is three stories high, which is the height set out in the DCP.	
	<i>Above podium setbacks</i>	▪ The above podium setback is 3m as set out in Figure C-3.2-5.	
3.2.3 Desired Built Form			

Clause	Consideration	Discussion	EIS ref
	▪ <i>All buildings are to be designed to provide setbacks above the podium in accordance with the Above Podium Setbacks Map (refer to Figure C-3.2-5). Setbacks above the podium are to be measured from the outer wall of the podium.</i> ▪ <i>A minimum above podium setback to all side and rear boundaries is required as follows:</i> ○ <i>4.5m for buildings up to 8 storeys in height; or</i> ○ <i>6m for buildings from 9 storeys up to 18 storeys in height; or</i> ○ <i>12m for buildings over 18 storeys in height.</i> ▪ <i>Despite P1 and P2, above podium 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).</i> ▪ <i>Despite P2, the following minimum above podium setbacks, measured from the property boundary, is required where land zoned E2 Commercial Centre or MU1 Mixed Use directly adjoins land which is residentially zoned along the zone interface:</i>	▪ The above podium setback to sides are 6m, as set out in the DCP. ▪ The rear (western) setback complies with both the DCP and ADG. ▪ The proposed building steps once until the rooftops, where the varied roof levels step the building further, however because it is so high above the ground, it will have minimal impact on street level. ▪ The building is not compromising the ability of neighbouring sites to develop.	

Clause	Consideration	Discussion	EIS ref
	○ 12m for buildings up to 8 storeys in height; or ○ 15m for buildings over 8 storeys in height. ○ This requirement does not apply if the land is separated by a public road. ▪ Despite P1, P2 and P3, increased setbacks above the podium may be required to achieve adequate building separation in accordance with SEPP (Housing) 2021. ▪ Only one step in the built form between the podium walls and tower is permissible. ▪ An existing adjacent building, even if heritage listed, cannot be used to justify a reduced setback that would compromise the development potential of the adjacent site in the future.		
	▪ Active Frontages ▪ Buildings must contain active frontages to all street frontages, with the exceptions of public laneways. ▪ 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:	▪ The proposed building will activate the street frontage by providing two retail spaces, a medical centre and office space along the ground level frontage. ▪ The site is not adjacent to any open space. ▪ The site does not propose a through-site link. ▪ Vehicular site access is found on the laneway from Bruce Street.	

Clause	Consideration	Discussion	EIS ref
	○ <i>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:</i> ○ <i>Ernest Place, between Willoughby Road and Willoughby Lane; and</i> ○ <i>Holtermann Reserve (proposed).</i> ▪ <i>Active frontages are to be provided along both sides of through site links</i> ▪ <i>Active frontages to public laneways are encouraged where practical but not where they do not have an interface with residentially zoned land.</i> ▪ <i>Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.</i> ▪ <i>Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.</i> ▪ <i>Avoid the use of colonnades along all street frontages.</i>	▪ Fire escapes are located at the eastern and western boundaries ▪ Colonnades are not proposed.	
	Solar Access ▪ <i>Development is to be designed to maximise year round solar access to</i>	▪ The proposed development will not overshadow any public open spaces. ▪ The development does not overshadow any of the named locations.	

Clause	Consideration	Discussion	EIS ref
	<i>existing and proposed new public spaces to be created within the Planning Area.</i> ▪ <i>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):</i> ○ <i>Hume Street Park, comprising all land located between Pole Lane, Willoughby Road, Clarke Street and Oxley Street and zoned RE1 Public Recreation; and</i> ○ <i>Ernest Place, comprising all land within the Ernest Street road reserve located between Willoughby Road and Willoughby Lane and zoned RE1 Public Recreation; and</i> ○ <i>Holtermann Reserve (proposed), comprising that part of Lot 1, DP 785343 and zoned SP2 Infrastructure – Car Park.</i> ▪ <i>Development must not result in a net increase in overshadowing to the Willoughby Road road reserve, between Chandos Street and Falcon Street between 10am and 3pm from the March Equinox to the September Equinox (inclusive). Despite P2 and P3,</i>		

Clause	Consideration	Discussion	EIS ref
	<i>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 relevant built form envelope controls that apply to that land under both NSLEP 2013 and this DCP</i>		
	Awnings Awnings must be provided to all street frontages on land zoned E2 Commercial Centre and MU1 Mixed Use, except laneways.	Awnings are provided over the site's only non-laneway frontage over Pacific Highway	
	Car accommodation - Where a property has a frontage to a laneway, vehicular access must be made from the laneway. - No vehicular access is permitted to: - Willoughby Road, - Pacific Highway, or - Falcon Street. - Shared vehicular access to Shirley Road must be maintained to all properties between 286 and 306 Pacific Highway. All off-street car parking must be provided underground, except when owned and operated by Council as a public car park.	- Despite the site being located along Pacific Highway, all vehicular access is provided from a laneway stemming off of Bruce Street. - Parking has been provided in accordance with the DCP controls, with additional parking spaces dedicated to the medical centre as deemed necessary.	

Clause	Consideration	Discussion	EIS ref
	<i>The level of parking provided on sites in close proximity to the metro station should be minimised as far as practical.</i>		