

Appendix BB- Leichhardt Development Control Plan Table of Compliance

The following includes a summary of the relevant provisions under the Leichhardt Development Control Plan 2013 (LDCP 2013) and a response as to how the proposal satisfies them.

Note: An assessment against specific objectives within the LDCP 2013 is only provided in this Table where compliance with a specific control has not been achieved by the proposal. If compliance with a control is achieved, it is assumed that the relevant objective/s have been satisfied.

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Part B – Connections	
B1.1 Connections	
<i>C1 Council encourages urban design that accommodates active travel options such as walking, cycling and public transport between homes, workplaces, centres and attractions.</i>	Complies. Several new, publicly accessible through site links and spaces are provided. Upgrade and embellishment is also proposed to existing and surrounding public domain adjacent to the Site's boundaries. As such, the development provides for urban design that accommodates, facilitates and encourages active travel including by walking and cycling. The Site is well serviced by frequent and nearby public transport connections to workplaces and major centres, including the Sydney CBD. Refer to the Urban Design Report at Appendix D for further details.
B2.1 Planning for active living	
<i>C2 Council supports urban design that accommodates active travel options such as walking, cycling and public transport between homes, workplaces, centres and attractions</i>	Complies. Refer to comment above.
<i>C5 Council supports private development that addresses the street and is well connected to movement systems (i.e. streets, laneways, paths, open space etc.).</i>	Complies. The development provides for activated Site edges facilitated through well designed, employment tenancies that are serviced by large expanses of glazing, which provide activation and address the surrounding public domain. The development provides for new public links and spaces, that stitch the development in with the surrounding urban fabric. Refer to the Urban Design Report at Appendix D for further details.
<i>C7 Council encourages development that prioritises active travel over personal car use.</i>	Complies. The development complies with the maximum parking rates requirements under the LDCP 2013. In addition, it provides bicycle parking and end of trip (EOT) facilities in accordance with

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	the LDCP 2013 to encourage active transport. Refer to the TIA at Appendix F for further details.
B3.1 Social Impact Assessment	
<p><i>C2 A Social Impact Statement prepared by a suitably qualified person is to be submitted for those development types identified in Table B1: Requirement for Social Impact Assessment and any other development if Council informs the applicant in writing that a Social Impact Statement is required.</i></p>	Complies. Refer to Appendix M .
<p><i>C3 A Social Impact Assessment must include the required content specified for that type of Social Impact Assessment.</i></p>	
Part C- Place - Section I: General Provisions	
C1.1 Site and Context Analysis	
<p><i>C1 Site and context analysis is to be documented and submitted with all development applications for building works, unless determined otherwise by Council's Development Assessment officers. Site analysis is to be provided in accordance with Council's DA Lodgement Checklist.</i></p>	Complies. A detailed site analysis has been prepared, which satisfies Council requirements, and is included within the Detailed Architectural Plans at Appendix B .
C1.2 Demolition	
<p><i>C1 Council will not approve a development application for the demolition of:</i></p> <ul style="list-style-type: none"> <i>a. a Heritage Item; or</i> <i>b. a building in a Heritage Conservation Area that contributes positively to the conservation area; or</i> <i>c. a building that makes a positive contribution to the desired future character of the area</i> 	Complies. The Site is not listed as a heritage item, nor is it within an heritage conservation area (HCA) under any relevant EPI. The proposal seeks to retain the existing 'character buildings' on the Site, associated within its history and former use. Refer to the Heritage Impact Statement (HIS) at Appendix G for further details.
<p><i>C4 A development application for the demolition of a building not within a Heritage Conservation Area or listed as a Heritage Item or subject to the Exempt and Complying development provisions for demolition, must be lodged with Council and be accompanied by the following information:</i></p> <ul style="list-style-type: none"> <i>a. a report or statement which identifies and explains the current structural condition of the item. The report is to be prepared by a qualified structural engineer or building surveyor and is to address:</i> <ul style="list-style-type: none"> <i>i. structural adequacy of the building;</i> <i>ii. options for the building to be made structurally safe through rectification/remediation works;</i> <i>iii. options for the conservation of the building.</i> <i>b. details of the proposed replacement building including the proposed elevations, materials, detail, design style and compliance with the development controls contained in the Inner West LEP 2022 and this Development Control Plan.</i> 	Complies. The proposed elements of the existing buildings on the Site that are proposed to be demolished do not hold any heritage significance and do not add to the desired future character of the proposal and surrounds. Refer to accompany Structural Engineering Report at Appendix N and HIS at Appendix G for further information.
<p><i>C5 In determining development applications for the demolition of a building which is not within a Heritage Conservation Area or listed as a Heritage Item or subject to the Exempt and Complying development provisions relating to demolition, Council will consider the following:</i></p>	Complies. The SEE and relevant supporting appendices include the necessary information to allow Council to permit the demolition proposed as illustrated within the Demolition Plans

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<p>a. the contribution that the building makes to the streetscape by virtue of its age, scale, materials, details, design style or intactness;</p> <p>b. the structural adequacy of the existing building;</p> <p>c. options for the conservation of the existing building under current controls;</p> <p>d. consistency of the proposed replacement building with the development controls contained in Inner West LEP 2022 and this Development Control Plan, including those relating to amenity impacts on surrounding properties;</p> <p>e. the quality of the proposed replacement building and its fit with the streetscape in terms of scale, materials, details and design style; and</p> <p>f. the impacts on any attached development.</p>	<p>that form part of the Detailed Architectural Plans at Appendix B.</p>
<p>C1.5 Corner Sites</p>	
<p>C1 Development shall:</p> <p>a. address each street frontage; and</p> <p>b. not include large expanses of featureless walls.</p> <p>Note: Blocking existing corner doors and windows detracts from engagement with the street and is not supported.</p>	<p>Complies. Expansive glazing is proposed along most street frontages, which services the future employment uses/tenancies. This ensures a high level of activation to the public domain. The proposal more broadly has been designed to engage with the streetscape and surrounding context, in addition to remaining sympathetic to and consistent with nearby, existing development. Refer to the Urban Design Report at Appendix D for further details.</p>
<p>C2 Development extending to two distinct streetscapes shall vary the scale and form between each frontage to complement the predominant character and scale of that streetscape.</p>	<p>Complies. The development provides for appropriate forms, massing and scale that complement and reinforce the character of the respective streetscapes. This includes an appropriate height/massing of the podium elements and setting back of upper floors to reduce potential bulk and scale impacts on the streetscape. Refer to the Urban Design Report at Appendix D for further details.</p>
<p>C3 Where a variation in scale from surrounding buildings is proposed, a transitional element is to be provided, in order to blend the two scales.</p>	<p>Complies. A variation of scale is provided throughout the Site to ensure appropriate and harmonious transitions between new and old buildings. Refer to the Urban Design Report at Appendix D for further details.</p>
<p>C4 Building elements including wall height, roof form and front setback and architectural features including balconies, awnings, verandahs, parapets and dormers are to be compatible in scale with the streetscape.</p>	<p>Complies. The proposal provides complementary design elements that reinforce the character and desirable attributes of the respective streetscapes, including along Balmain Road. Refer to the Urban Design Report at Appendix D for further information.</p>
<p>C5 The development does not have an adverse impact on surrounding properties, the streetscape or public domain by way of:</p> <p>a. amenity;</p> <p>b. solar access;</p> <p>c. views;</p> <p>d. privacy;</p> <p>e. urban design;</p>	<p>Complies. Refer to Section 5.5 of the Statement of Environmental Effects (SEE) and the Urban Design Report at Appendix D.</p>

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f. being inconsistent with desired future character; and
g. shall be constructed of high quality materials and finishes

C1.7 Site Facilities

<i>C1 Rubbish storage and collection areas are to be shaded and be designed and located to have minimal impacts and visibility from the street. They shall not be located next to openings such as doors and windows to habitable rooms. They should be located to minimise the transfer of waste through residential dwellings.</i>	Complies. Waste storage and collection is proposed within the Basement Level 1. Refer to the Detailed Architectural Plans at Appendix B and the Operational Waste Management Waste Management Plan (OWMP) at Appendix R .
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<i>C2 Development shall be consistent with Part D Section 2 – Resource Recovery and Waste Management within this Development Control Plan.</i>	Complies. Refer to the Architectural Plans at Appendix B , OWMP at Appendix R and Construction and Demolition Waste Management Plan (CDWMP) at Appendix S .
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<i>C3 Mailboxes of sufficient size and dimensions to accommodate large envelopes and newspapers are provided in a location that is readily visible from the street and allow for convenient and safe access.</i>	Capable of compliance. Letterboxes can be provided within the respective lobbies of the development This matter can be addressed via appropriate conditions of consent.
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<i>C4 Air-conditioning units are not visible from the street.</i>	Capable of compliance. This matter can be addressed via appropriate conditions of consent.
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C1.8 Contamination

<p><i>C5 If contamination is identified during the development assessment process as being an issue, the following investigations and reports will apply:</i></p> <p>a. Stage 1 - Preliminary Site Investigation Report where a site:</p> <ul style="list-style-type: none"> <i>i. has had an Initial Evaluation carried out by a Council Officer, and it is determined that contamination may be an issue;</i> <i>ii. is known to be contaminated;</i> <i>iii. is currently used or has been used in the past for a purpose identified in Table C2: Some activities that may cause contamination; or</i> <i>iv. the site concerned is located within an investigation area under the Contaminated Land Management Act (1997).</i> <p>b. Stage 2: Detailed Site Investigation Report where:</p> <ul style="list-style-type: none"> <i>i. a Preliminary Site Investigation identifies the need for detailed site investigation.</i> <p>c. Stage 3: Remediation Action Plan where:</p> <ul style="list-style-type: none"> <i>i. a Preliminary Site Investigation or Detailed Site Investigation identifies a site as being contaminated and requiring remediation.</i> <p>d. Stage 4: Validation Report and/or Monitoring Report where:</p>	<p>Complies. Douglas Partners have prepared a Detailed Site Investigation (DSI), which is provided Appendix L. In addition, they have also prepared an associated Remedial Action Plan (RAP), which is provided at Appendix CC. These documents satisfy the relevant legislative requirements, in addition to the relevant requirements under the LDCP 2013.</p>
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	<p>Given the Site's industrial history, an assessment was undertaken to determine the suitability of the site for the proposed development in accordance with the requirements the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazard SEPP).</p>
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	<p>Subject to the implementation of the RAP, it was found the Site can be made suitable in accordance with Clause 4.6(1)(c) of the Resilience and Hazard SEPP, for the purpose of which is to be carried out, including for residential and light industrial uses.</p>
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	<p>Validation and Monitoring Reports can be prepared during the post development consent stage and be enforced by appropriate conditions of consent.</p>
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C1.9 Safety by design

Provision

C1 All development applications must demonstrate an understanding of the potential crime risk of the proposed development and apply CPTED treatments (i.e. Territorial re-enforcement, surveillance, access control and space/activity management) that correspond with the proposed levels of risk associated with the development.

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Complies. The proposal has been designed to respond to key Crime Prevention through Environmental Design (CPTED) matters. Refer to the Detailed Architectural Plans at **Appendix B** and the Urban Design Report at **Appendix D** for further details.

In summary, the development satisfies the relevant CPTED related requirements under this part of the LDCP 2013 as follows:

- **Surveillance:** All buildings and tenancies are orientated toward the street frontages. Large expanses of glazing are proposed to service all tenancies, which will allow for suitable levels of passive surveillance of the street or proposed internal through site links and spaces. Balconies and private open spaces of apartments also address the street or the internal through site links and spaces.
- **Legibility:** The development is highly legible, with areas such as lobbies, tenancy entrances and through site links being clearly visible from the public domain.
- **Territoriality:** The boundaries of public and private open space are clearly delineated through soft and hard measures, including landscaping, walls, doors and secure entry points.
- **Vandalism management:** Suitable materials are proposed, including predominately masonry, which will enable for ease of graffiti removal (as required). The landscaping areas/zones proposed will restrict access to built elements that sit behind them, thereby reducing the potential for vandalism to occur.
- **Reducing vulnerability:** The proposed public through site links and spaces are suitably designed to enable sightlines through and within them. They are also surrounding by tenancies or apartments to ensure they receive good levels of passive surveillance.

*C2 A Plan of Management (POM) detailing security arrangements must be submitted for the following development types:
g. new or proposed upgrading of an industrial or warehouse development;*

Capable of compliance. The provision of a POM for each employment use can be undertaken during the assessment of future applications that seek their consent (as per the SEE, cold shell approval only is being sought by the proposal).

C1.10 Equity of Access and Mobility

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<p><i>C1 Development is to be fully compliant with the provisions of the Disability Discrimination Act 1992 (Cwth) (DDA), the Building Code of Australia (BCA) and associated Australian Standards.</i></p>	<p>Complies. Refer to further details within the Access Report at Appendix T, which demonstrates satisfaction of the relevant access requirements under this part of the LDCP 2013, including with respect to paths of travel, adaptable and liveable housing, general design matters and car parking.</p>
<p>C1.11 Car Parking</p>	
<p><i>C1 Approval for any new off-street parking space will be subject to meeting the requirements of Australian Standard AS 2890.1 Parking facilities and any relevant clauses outlined within this Development Control Plan.</i></p>	<p>Complies. Refer to further details within the Transport Impact Assessment (TIA) at Appendix F, which confirms compliance with the relevant Australian Standards and provisions outlined within this part of the LDCP 2013; including parking rates for the proposed employment and residential uses.</p>
<p><i>C2 The layout and design of parking areas shall:</i></p> <ul style="list-style-type: none"> <i>a. be sensitively located so that it does not dominate the street scene;</i> <i>b. minimise visual impacts to the building and street;</i> <i>c. maximise accessibility;</i> <i>d. provide clear, safe, direct, legible and well-lit pedestrian and cycling routes through the parking area to adjacent access points and main building entry points; and</i> <i>e. be situated away from the front of buildings and positioned at the rear, side or beneath the building.</i> 	<p>Complies. The proposal provides for all car parking to be discreetly contained within proposed basement levels. Further, access within and to the basement parking areas is safe, legible and efficient. Refer to the Detailed Architectural Plans at Appendix B and the TIA at Appendix F.</p>
<p><i>C4 On-site parking areas must be designed and constructed to ensure that the movements of pedestrians and cyclists are properly accommodated, and that the safety and accessibility of disabled people is not compromised.</i></p>	
<p><i>C7 The vehicular access and structures above must be compliant with Australian Standard AS 2890.1 Parking Facilities and be designed to achieve safe and practical clearance over the vehicles using the parking facilities.</i></p>	<p>Complies. Refer to the Detailed Architectural Plans at Appendix B and the TIA at Appendix F.</p>
<p><i>C9 All new vehicle crossings should be clear of any tree trunk to ensure safe sightlines and reduction of potential root damage to the existing tree.</i></p>	
<p><i>C10 At a minimum, turning areas to enable forward entering and exiting, must be provided, offstreet</i></p>	<p>Complies. Provision has been made within the basement levels to enable vehicles to enter an exit the Site in a forward direction. Refer to the Detailed Architectural Plans at Appendix B for further details.</p>
<p><i>C11 Developments with access to a classified road shall refer the requirements of Clause 101 of State Environmental Planning Policy (Infrastructure) 2007.</i></p>	<p>Complies. State Environmental Planning Policy (Infrastructure) 2007 has been repealed and replaced by the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>. Refer to the body of the SEE and the TIA at Appendix F for further details.</p>
<p><i>C13 Off-street parking spaces are to be provided in accordance with Table C4: General Vehicle Parking Rates.</i></p>	<p>Complies. Specific tenants and uses have yet to be confirmed. However, the proposed future employment uses on the Site will be required to be permissible within Zone E4 as prescribed by the <i>Inner West Local Environmental Plan 2022 (IWLEP 2022)</i>. Notwithstanding, the TIA (at Appendix F) has made conservative assumptions about the type of uses that will likely occupy the proposed tenancies, including a variety of light</p>

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	<p>industrial uses, for the purpose of assessing parking and traffic requirements. Given the nature of certain light industrial uses, including creative uses, such as media, advertising or design, which are more akin to 'office' development in terms of their function and operation, a sensible approach was taken to estimating their likely demand.</p> <p>Rates under this part of the LDCP 2013 were used to determine the required amount of parking spaces for the future employment uses and residential apartments proposed. A total parking requirement of between 106 (min.) to 151 (max.) (including 9 visitor spaces) is required to be provided by the development. The development complies within the maximum rate.</p>
<p><i>C16 Accessible car parking spaces for people with mobility impairment are to be provided in accordance with Table C5: Accessible car parking space rates.</i></p>	<p>Complies. Refer to Detailed Architectural Plans at Appendix B, the Access Report at Appendix T and the TIA at Appendix F. All spaces provided comply with the relevant design provisions under this Part of the LDCP 2013.</p>
<p><i>C18 Bicycle parking spaces are to be provided in accordance with Table C6: Bicycle parking provision rates</i></p>	
<p><i>C23 Motor bike parking is to be provided at a rate of one (1) space for developments that require between 1 to 10 vehicle spaces and 5% of the required vehicle parking thereafter. The rate of total parking provision required is established by Table C4: (General Vehicle Parking Rates) for the land use.</i></p>	
<p><i>C25 Car share parking spaces are to be provided for new multi-dwelling residential buildings and other commercial development as follows:</i></p> <p><i>a. residential development – a minimum of one (1) car share space is to be provided for any residential development containing more than 50 residential units;</i></p>	
<p><i>C27 A travel plan must be submitted for: a. any residential developments containing more than 50 residential units;</i></p>	<p>Capable of compliance. A travel plan in accordance with this Part of the LDCP 2013 can be prepared and implemented at post consent stage. This can be enforced by a suitable condition/s of consent.</p>
<p><i>C29 Service and delivery areas and loading facilities in new developments are to be provided in accordance with the current RMS "Guide to Traffic Generating Developments", Australian Standard AS 2890.2 Parking Facilities and Table C4 – General Vehicle Parking Rates.</i></p>	<p>Complies. Refer to Detailed Architectural Plans at Appendix B and the TIA at Appendix F. All spaces and facilities provided comply with the relevant design provisions under this Part of the LDCP 2013.</p>
<p><i>C34 The design (including materials, locations, scale and relationship to built and landscape elements) of car park access and egress is to:</i></p> <p><i>a. be integrated into the overall design of the site and building; and</i></p> <p><i>b. minimise the visual impact of the driveway, car park access/egress doors and any associated structures.</i></p> <p><i>c. Address all relevant requirements of Australian Standard AS 2890.1 Parking facilities – off-street car parking relating to location, width, gradient, headroom and sight distance to vehicular traffic and pedestrians.</i></p>	
<p><i>C55 Vehicle parking for residential flat buildings and mixed use developments shall be provided underground,</i></p>	<p>Complies. Car parking is contained underground within two basement levels proposed. Refer to the Detailed Architectural Plans at Appendix B.</p>

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C1.12 Landscaping

*C1 A landscape plan prepared by a suitably qualified and experienced professional is submitted for:
c. all mixed use development;*

Complies. Refer to the detailed Landscape Plan at **Appendix E**.

C2 The landscape plan must include information as required by Council's specifications for development application documentation and demonstrate the achievement of appropriate objectives and controls. Landscape plans must take into consideration sight lines for vehicle egress and access.

Complies. Refer to the detailed Landscape Plan at **Appendix E** and Arboriculture Impact Assessment (AIA) at **Appendix H** for further details.

C1.14 Tree Management

C1 Council consent is required before any clearing of vegetation (removal or pruning of prescribed tree/s) is carried out unless the work complies with C6 of this DCP.

Complies. Consent is sought under this DA for the removal of existing on Site trees, in addition to trees within the nature strip/road reserves. Refer to the detailed Landscape Plan at **Appendix E** and AIA at **Appendix H** for further details.

It is noted that the development results in a significant increase in total canopy cover from 2% to over 24.6% on the Site.

Whilst the proposal does not quite achieve the minimum 25% target for industrial zones under this part of the LDCP 2013, the minor variation proposed is offset by extensive on-structure planting including green roofs and walls, as well as dense landscaped areas within communal open spaces (COS). As result, the development still satisfies the relevant objectives of this Part of the LDCP 2013, including:

- *O4 To manage the urban landscape so trees continue to make a significant contribution to its quality, character, and amenity.*
- *O5 To maintain and enhance the amenity of the Inner West Local Government Area through the preservation of appropriate trees and vegetation.*

C1.15 Signs and Outdoor Advertising

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Consent under this application is sought for approval of signage zones only.

Appropriate conditions of consent can be imposed requiring for future applications to be submitted (as required) for the details, size, layouts, illumination, design, wording etc. of any future signage on the Site. These applications will be required to address the relevant provisions under *State Environmental Planning Policy (Industry and Employment) 2021* (formerly SEPP 64) and the LDCP 2013, respectively.

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C1.21 Green roofs and green living walls	
-	Complies or capable of compliance. Extensive green roofs and walls are proposed, refer to the detailed Landscape Plan at Appendix E for further details. Satisfactory conditions of consent can be imposed to ensure adherence to the various design controls for these elements within this part of the LDCP 2013.
Part C- Place - Section 2: Urban Character	
C2.2.4.2 Nanny Goat Hill Distinctive Neighbourhood	
<i>O1 To facilitate development that is consistent with the Desired Future Character and Controls for the Distinctive Neighbourhood.</i>	Satisfied. See discussion below addressing each relevant control.
<i>C1 Preserve the character of the area by keeping development consistent in architectural style, form and material.</i>	Complies. The proposed development maintains the character buildings and the remainder of the proposed development has been designed to enhance the unique architectural design of the character buildings. The proposed development has been designed to be consistent with architectural style, form and materials of the existing site and in keeping with the Nany Goat Hill Distinctive Neighbourhood. Refer to the Urban Design Report at Appendix D for further details.
<i>C2 Preserve and enhance the predominant low scale 'cottage' character of the residential streets.</i>	Complies. The development has been designed sympathetically to surrounding residential development. The proposal has been gradually stepped down to the rear to provide a transitional development that does not detrimentally impact the amenity of the surrounding 'cottage' character of the area.
<i>C3 Ensure the availability of views and glimpses of local and distant landmarks as well as scenic vistas from public places.</i>	Complies. The proposed development will not detrimentally impact any existing key, views of local and distant landmarks, including toward Callan Park. The proposed through site link from Balmain Road to Fred Street creates a new line of sight from Fred Street through to Callan Park.
<i>C4 Ensure the optimal sharing of views from privately owned land.</i>	Complies. The development is not considered to detrimentally impact any existing views from surrounding, existing properties. The proposed development has been designed to provide views for future residents. Buildings B and C have been positioned diagonally to provide optimal view sharing or the Sydney City skyline.
<i>C5 Preserve and enhance the consistent rhythm in the residential streetscapes created by the regular allotment sizes, predominance of detached dwellings, hipped and gabled roof forms and the gradual stepping of dwellings down steeper streets.</i>	Complies. The proposed development has been designed to include multiple buildings to create reduced built form impacts. The development respectfully steps down to the rear of the Site to allow for an appropriate relationship between old and new built form.

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<i>C6 Preserve and enhance the diverse socio-economic mix through a variety of dwelling types</i>	Complies. The proposal provides an apartment mix that is aligned with the demands of the locality. A mix of apartments are proposed as part of the development. 5% of the total residential accommodation GFA will be provided as affordable housing.
<i>C7 Preserve and enhance the value of Heritage Items and Heritage Conservation Areas identified in Inner West LEP 2022.</i>	<p>Complies. The Site is not identified under any relevant EPI as a heritage item, nor is it identified as being located within a HCA. However, it is located nearby to Callan Park and a cottage at 8 Fred Street, both of which being of heritage significance, respectively.</p> <p>The overall bulk and scale of the proposal and its impact on Callan Park and 8 Fred Street is mitigated through suitable massing and design measures. This includes a staggering of building heights both in metres and storeys throughout the Site and setting back of the upper levels of the buildings from the Site's boundaries, including to the Balmain Road and Fred Street frontages, respectively. This considered approach ensures impacts to the surrounding heritage significant items are negligible and reinforces their pre-eminence within their respective settings and streetscapes.</p> <p>Refer to the HIS at Appendix G for further information.</p>
<i>C8 Preserve and enhance the prevalence of mature street trees, as well as mature and/or visually significant trees on private land</i>	Complies. The proposed development includes significant plantings including mostly native trees, shrubbery and ground coverings that adequately compensate for the vegetation loss, with a net increase of trees on Site. It is noted that none of the trees proposed for removal have special significance nor are listed as a threatened species under applicable State or Federal legislation. The proposed removal of trees is considered appropriate in the context of the broader public benefits provided by the Site's redevelopment. The site canopy coverage is currently 2% and will be 24.6% post development. Refer to the Landscape Plan at Appendix E for further details.
<i>C10 Encourage the continuing development of a neighbourhood centre and identity.</i>	Complies. The development will retain the use of the Site for mainly light industrial and creative purposes, as part of a high-quality mixed-use development. The development has been sympathetically designed to complement and enhance the Nanny Goat Hill Distinctive Neighbourhood through its permeable built form, mix of facades, and generous public domain areas. Refer to the Urban Design Report at Appendix D for further details.
<i>C14 Development is to be consistent with any relevant Sub Area objective(s) and condition(s).</i>	Complies. Refer to the discussion provided above against each relevant provision.

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Part C – Place – Section 4: Non-residential provisions	
<p>Note: The development is subject to specific requirements under the Design Guidelines submitted for approval under this DA, which the proposal generally complies with; in addition to the Apartment Design Guide (ADG), Refer to the Design Verification Statement at Appendix C, the Design Guidelines at Appendix DD and discussion within the body of the SEE for further information.</p> <p>Notwithstanding, an assessment under certain solar access provisions under this Part of the LDCP 2013, has been undertaken in conjunction with the Design Guidelines.</p>	
C3.9 Solar Access	
<p><i>C14 Where the surrounding allotments side boundary is 45 degrees from true north and therefore the allotment is not orientated north/south or east/west, glazing serving main living room shall retain a minimum of two hours of solar access between 9am and 3pm at the winter solstice.</i></p>	<p>Complies. Based on the shadow analysis submitted contained within the Detailed Architectural Plans at Appendix B, the overshadowing proposed does not reduce the solar access glazing serving main living rooms to below two hours of solar access between 9am and 3pm at the winter solstice (21 June).</p>
<p><i>C16 Where surrounding dwellings have south facing private open space ensure solar access is retained for two hours between 9am and 3pm to 50% of the total area during the winter solstice.</i></p>	<p>Partial compliance. Several properties to the rear of the Site have their private open spaces facing toward the south and will maintain at least two hours of solar access retained to 50% of their total areas during the winter solstice (21 June). However, at least one of the surrounding properties will have their solar access reduced below this minimum requirement as a result of the development. See discussion further below.</p>
<p><i>C17 Where surrounding dwellings have north facing private open space, ensure solar access is retained for three hours between 9am and 3pm to 50% of the total area during the winter solstice.</i></p>	<p>Mostly complies. Several properties to the rear of the Site have their private open spaces facing toward the north-east and will maintain at least three hours of solar access retained to 50% of their total areas during the winter solstice (21 June). However, at least two of the surrounding properties will have their solar access reduced below this minimum requirement as a result of the development. See discussion below.</p>
<p><i>In assessing the reasonableness of solar access impact to adjoining properties, and in particular, in any situation where controls are sought to be varied, Council will also have regard to the ease or difficulty in achieving the nominated controls having regard to:</i></p>	
<p><i>a. the reasonableness of the development overall, in terms of compliance with other standards and controls concerned with the control of building bulk and having regard to the general form of surrounding development;</i></p>	
<p>Comment: As detailed within the body of the SEE, the proposed development complies with the relevant standards and controls prescribed for it under the IWLEP 2022, including relating to building height and floor space ratio (FSR). The development also provides for considered bulk and scale outcomes that respectfully proposes the building mass toward the centre of the Site and away from lower scaled, residential development nearby. The development provides generous setbacks to all boundaries, including at upper levels, as well as between proposed new building forms to allow for satisfactory amenity outcomes. It is anticipated that given the scale and density of development permitted on the Site under the IWLEP 2022, that some solar access impacts are inevitable. Notwithstanding, the development has been designed to maximise solar access to surrounding properties as much as possible, refer to the Urban Design Report at Appendix D for further details.</p>	
<p><i>b. site orientation;</i></p>	

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Comment: Noting the orientation of the Site, and the orientations nearby properties, many of which have their private open spaces orientated to the south, makes compliance difficult in certain instances.

c. the relative levels at which the dwellings are constructed;

Comment: The topography of the Site is generally elevated above surrounding residential properties, which also increases the difficulty of the proposal to achieve compliance.

d. the degree of skill employed in the design to minimise impact; and

Comment: The development has been skilfully designed to appropriately respond to competing aims that need to be satisfied. As detailed within the body of the SEE and the Urban Design Report at **Appendix D**, the upper levels of the buildings have been suitably massed and are generously setback from the respective Site boundaries as much as practical to ensure solar access to neighbouring properties is maximised.

e. whether reasonably available alternative design solutions would produce a superior result.

Comment: It is considered that alternative design solutions would not produce a superior result.

Part C – Place – Section 4: Non-residential provisions

Note: The development is subject to specific requirements under the Design Guidelines submitted for approval under this DA, which the proposal generally complies with. Refer to **Appendix DD** and discussion within the body of the SEE for further information.

Part D – Energy

Section 1 – Energy Management

<i>C1 Energy consumption minimisation measures are to be implemented in: a. new residential and non-residential buildings; and b. alterations and additions to residential and non-residential buildings. Council will apply the relevant solar access, landscaping, building siting and layout provisions of this Development Control Plan to minimise energy consumption.</i>	Complies. Refer to Urban Design Report at Appendix D for further details, which includes measures to ensure energy consumption for residential and employment development as part of the development is minimised.
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<i>C3 Energy production technologies should, wherever possible, use renewable energy sources. Council may approve the implementation of new or emerging renewable energy technologies where the necessary infrastructure</i>	Complies. Provision has been made on the rooftop of selected buildings of the development to support solar energy generation.
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Section 2 – Resource Recovery and Waste Management

D.2.1 General Requirements

<i>C1 A Site Waste Minimisation and Management Plan (SWMMP) will be required to be submitted for all forms of development that involve any construction, demolition or change to the use of the premises and for the ongoing use of a building or place.</i>	Complies. Refer to the OWMP at Appendix R and CDWMP at Appendix S that both address the relevant requirements under this part of the LDCP 2013.
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<i>C2 The SWMMP should outline, as appropriate to the proposed development</i>	Complies. Refer to the OWMP at Appendix R , which addresses the relevant matters under this part of the LDCP 2013.
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<i>C3 For applications that require a SWMMP, plans and drawings (to scale) must be submitted with the application.</i>	Complies. Refer to the Architectural Plans at Appendix B .
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Provision	Compliance/Response
<p>C4 For applications that include demolition and construction, the plans and drawings must show the material storage areas for reusable and recyclable materials during the demolition and construction phases, indicating the areas to be excavated, the types and numbers of storage bins required, appropriate signage and the vehicular access to material storage areas.</p>	<p>Complies. Refer to the CDWMP at Appendix S.</p>
<p>C5 For the ongoing operation of the use, the plans and drawings must indicate the location and provision for the storage and collection point of waste and recyclables, the access routes and path of travel for moving bins (if collection is to occur away from the storage area/room), design of internal areas, traffic flow, path of travel for collection vehicles and amenity details.</p>	<p>Complies. Refer to the Architectural Plans at Appendix B and OWMP at Appendix R.</p>
<p>C6 A checklist at Appendix D (Part 2 – Plans and Drawings) must be completed in regards to the requirements for the plans and drawings for all development other than single dwellings, dual occupancies and secondary dwellings.</p>	<p>Complies. Refer to the Architectural Plans at Appendix B and OWMP at Appendix R.</p>
<h3>D.2.3 Residential Development</h3>	
<p>C6 Communal on-site waste storage and recycling areas or rooms should be provided</p>	<p>Complies. Refer to the Architectural Plans at Appendix B and OWMP at Appendix R.</p>
<p>C7 Communal waste storage and recycling areas (or rooms) should be provided which are:</p> <ol style="list-style-type: none"> located behind the main building alignment; appropriately screened to minimise visual impacts on the development and streetscape; designed in an appropriate manner and size to allow suitable manoeuvrability of bins; designed to accommodate a servicing garbage truck; designed with clearly defined loading areas for collection adjacent to waste and recycling storage rooms; and within easy access for all dwellings and to the collection point. 	<p>Complies. Communal waste rooms serviced by a loading dock to be used by waste removal vehicles has been provided within basement level 1 and accommodate the requirements as per C7, as well catering for the requisite bin type/sizing and design requirements outlined within this part of the LDGP 2013. Refer to the Architectural Plans at Appendix B and OWMP at Appendix R for further details.</p>
<h3>D.2.4 Non-Residential Development</h3>	
<p>C1 Typical waste generation rates for various non-residential uses are provided in Appendix D (Section 2) “Waste Generation Rates”. These rates should be considered in the design of all developments</p>	<p>Complies. Refer to the Architectural Plans at Appendix B and OWMP at Appendix R.</p>
<p>C2 Waste and recycling storage and collection areas and/or rooms are to be provided that:</p> <ol style="list-style-type: none"> ensure that the system for waste management is compatible with the collection service; provide for the onsite separation of reusable and recyclable materials; provide for appropriate signage; are suitably enclosed, covered and maintained; ensure an acceptable method for the transportation of waste from each level or tenancy to the waste and recycling storage and collection areas; provide for an appropriately designed and well located waste storage and recycling area and/or room with suitable manoeuvrability; and provide for clear access for staff and collection services. Further details can be found in Appendix D (Section 6) “Non Residential Development Waste and Recycling Storage Areas”. 	<p>Complies. Employment-use waste rooms serviced by a loading dock to be used by waste removal vehicles has been provided within basement level 1 and accommodate the requirements as per C2, as well catering for the requisite bin type/sizing and design requirements outlined within this Part of the LDGP 2013. Refer to the Architectural Plans at Appendix B and OWMP at Appendix R for further details.</p>
<p>C13 For all developments, details must be provided in the Site Waste Minimisation and Management Plan which indicate the ongoing management of waste on site, such as lease conditions, caretaker on site and the like.</p>	<p>Complies. Refer to the OWMP at Appendix R for further details.</p>

Provision	Compliance/Response
D.2.5 Non-Residential Development	
<i>C1 Mixed use development must incorporate separate and self-contained waste management systems for the residential and non-residential components.</i>	Complies. Complies. Refer to the Architectural Plans at Appendix B and OWMP at Appendix R .
<i>2 The residential waste management system must be designed in accordance with the controls related to residential development and the non-residential waste management system must be designed in accordance with the controls for non-residential development.</i>	Complies. Complies. Refer to the Architectural Plans at Appendix B and OWMP at Appendix R .
Part E – Water	
E1.2.2 Managing Stormwater within the Site	
<i>C1 Site layout must be designed to minimise disruption or disturbance of land surfaces or natural drainage patterns. Where natural surface flows from uphill lands, have the potential to flow through the property, notwithstanding the presence of fences, walls and minor structures, they must not be blocked or redirected as a consequence of the proposal.</i>	Complies. The development has been designed to ensure adequate site layout arrangements to facilitate the effective management of stormwater. Refer to the Architectural Plans at Appendix B and Civil Design Engineering Report at Appendix Y .
<i>C4 The site drainage system must be designed to collect and convey flows by gravity and include a pipe system for frequent rainfall events combined with an overland flow path to convey larger flows that are generated during storms.</i>	Complies. Refer to the Civil Design Engineering Report at Appendix Y for further details.
<i>C7 Adequate provision must be provided to minimise the potential for surface waters entering buildings which may cause damage to property. This should include a minimum of 150mm step between the external finished surface level and the finished floor level. A larger step may be required where the surface waters from multiple uphill properties have the potential to enter the site</i>	Capable of compliance. This requirement can be addressed via suitable condition of consent.
E1.2.3 On-Site Detention of Stormwater	
<i>C1 On-site detention facilities are required</i>	Complies. An on-site detention (OSD) system is proposed. Refer to the Civil Design Engineering Report at Appendix Y for further details.
<i>C2 The on-site detention facilities design should be designed by an appropriately qualified civil engineer and be supported by calculations demonstrating that the post development flows for the 100 year Average Recurrence Interval (ARI) storm event are restricted to the pre development flows for the 5 year ARI storm event. Additional on-site detention storage may be required where the site does not drain naturally to any street frontage in accordance with controls in Section E1.2.5 C3.</i>	Complies. Refer to the Civil Design Engineering Report at Appendix Y for further details.
E1.2.4 Stormwater Treatment	
<i>C1 For all development applications for building works, other than single dwellings, a water quality filtration basket or similar primary treatment device must be installed on the site stormwater drainage system.</i>	Complies. Refer to the Civil Design Engineering Report at Appendix Y for further details.
<i>C2 For major or significant development, water quality treatment techniques such as gross pollutant traps, sediment traps, filter strips, grass swales, porous pavers, infiltration trenches, rain garden and sand filters should be provided where appropriate.</i>	Complies. Refer to the Civil Design Engineering Report at Appendix Y for further details.
<i>C5 For applications that require an Integrated Water Cycle Plan, water quality treatment measures must be installed that meet the following environmental targets for stormwater runoff leaving the site:</i>	Complies. Refer to the Civil Design Engineering Report at Appendix Y for further details.

Provision	Compliance/Response
E1.2.5 Water Disposal	
<p><i>C1 Where the site drains naturally towards any street frontage, stormwater runoff from all roof and impermeable areas must be drained by gravity to the public drainage system of that street frontage.</i></p>	<p>Partial compliance (complies with objectives). The development is generally designed to be drained via gravity, except for basement drainage which will be discharged to the OSD system and the pedestrian paving along the south-eastern frontage of the Site. Refer to the Design and Engineering Report at Appendix Y for further details.</p>
<p><i>C4 Connection to the public stormwater drainage system should be undertaken</i></p>	<p>Complies. Connection to a public drainage system in accordance with the relevant requirements within this part of the LDCP 2013 is achieved. Refer to the Civil Design Engineering Report at Appendix Y for further details.</p>
E1.2.7 Wastewater management	
<p><i>C1 All developments must be connected to the centralised sewerage waste disposal system operated by Sydney Water.</i></p>	<p>Capable of compliance. This matter can be addressed via suitable of conditions of consent.</p>
<p><i>C2 On site wastewater treatment must be designed and installed to meet all relevant statutory requirements and any relevant Australian Standards.</i></p>	<p>Capable of compliance. This matter can be addressed via suitable of conditions of consent.</p>
E1.3.1 Flood Risk Management	
<p><i>C1 Applications submitted for a flood control lot must be accompanied by a Flood Risk Management Report supported by a flood study prepared by a relevantly qualified civil engineer. The report must establish the Hazard Category of the site.</i></p>	<p>Complies. Refer to the Flood Risk Management Report (FRMR) at Appendix Q.</p>
Multi Unit Residential Development for 3 or more Dwellings	
<p><i>C3 All floor levels are to be at or above the Flood Planning Level.</i></p>	<p>Complies. Refer to the FRMR at Appendix Q and the Detailed Architectural Plans at Appendix B for further details.</p>
Commercial, Industrial and Mixed Use Development	
<p><i>C4 All floor levels, including any existing components to be retained, are to be at or above the Flood Planning Level or raised to the Flood Planning Level.</i></p>	<p>Complies. Refer to the FRMR at Appendix Q and the Detailed Architectural Plans at Appendix B for further details.</p>