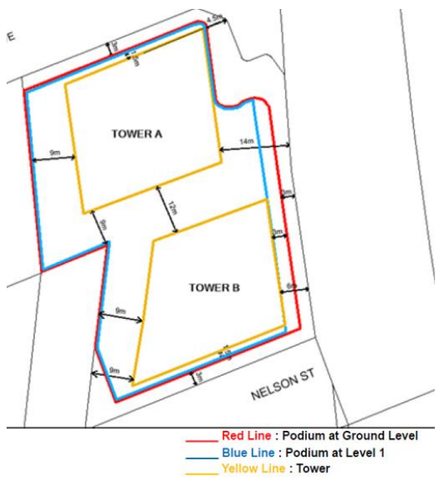
DEVELOPMENT CONROL PLAN COMPLIANCE SCHEDULE – 9-11 NELSON STREET, CHATSWOOD

Willoughby Development Control Plan 2023

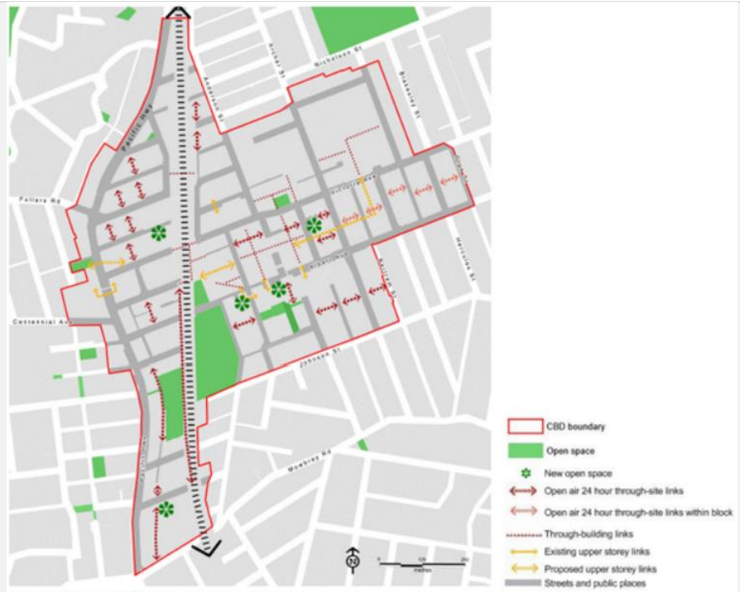
Site Specific Development Control Plan – 9-11 Nelson Street, Chatswood

Site-Specific DCP	Controls/objectives	Compliance/Comment
2. Built Form		
Controls	*The maximum tower floor plate that applies to the site for residential towers above a podium is 700m².*	Complies. The proposed tower floor plates are well below the maximum 700sqm. The largest floor plate proposed is in the southern tower, being 454sqm.
	The width of each side of any tower should be minimised and design elements that contribute to building bulk should be minimised.	Complies. The proposed towers have been designed to minimise bulk, and scale, through splitting the massing within both towers to create an offset form. The proposal results in two elegant towers.
	The building layout is to be in accordance with the site specific DCP: 	Majority complies. Refer to the sections below for a detailed assessment.
3. Building Height		
Controls	*The maximum building height is to include all structures located at roof level, including lift over runs and any other architectural features.*	Non-compliant. A well-founded clause 4.6 variation supports this development application. The findings of the assessment conclude that the inconsequential impacts resulting from the variation to the HOB control warrant a variation to be supported. Please refer to the clause 4.6 variation contained at Appendix K.
	All roof top lift over runs or exposed structures are to be integrated with the building.	Partial compliance.

Site-Specific DCP	Controls/objectives	Compliance/Comment
		From a design perspective, this is not achievable unless a rooftop void or space is created enabling the overrun to be included within the structure. The proposal includes a glass balustrade around the top of each building, which acts to screen the lift overruns from view.
	Flat roof areas shall incorporate useable outdoor recreation space where suitable, within the maximum building height.	Partially compliant. The proposal delivers rooftop communal open space on the southern tower.
4. Setbacks and Street Frontage Heights		
Controls	*The building setbacks are to be in accordance with Figure 3 (below) – except where additional setback is provided. Setbacks are as follows:* *Nelson Street frontage:* ▪ Minimum 3m setback at Ground Level ▪ Minimum 1.5m setback above street wall ▪ Maximum street wall height of 8m (two storeys).	The following setbacks are provided to Nelson Street: ▪ 3m setback provided at ground level (complies). ▪ Minimum 1.5m setback above street wall (complies). ▪ The proposal provides a 2-storey street wall, however a street wall height of 8.5m is proposed. This minor non-compliance is considered acceptable, as higher floor to ceiling heights are proposed to ensure commercial feasibility and flexible tenancies, while delivering the required floor to ceiling heights contained in the ADG (Section 4C). A key aspect of the design refinement has been to design floor to ceiling heights to ensure natural light and natural ventilation can penetrate into the podium.
	Gordon Avenue frontage: ▪ Minimum 3m setback at Ground Level ▪ Minimum 1.5m setback above street wall ▪ Maximum street wall height of 10m (two storeys).	The following setbacks are provided to Gordon Avenue: ▪ A 3m setback at ground level is proposed (complies). ▪ For the most part, a 1.5m setback is proposed above the street wall (complies). Portions of the northeast corner of the northern tower do however protrude into the additional 1.5m setback. This minor non-compliance, which formed part of the scheme for which design excellence was awarded, is considered suitable given the benefits for future residents this will provide. Importantly, this corner of the development will have an outlook onto greenspace, with exceptional solar access throughout the day in both summer and winter. The proposal does not result in overlooking onto adjacent properties, and will not reduce the building separation to current or future development. ▪ A 2-storey street wall is proposed with a height of 11.99m. As noted above, the project team have sought to provide higher floor to ceiling heights in the commercial podium to ensure commercial feasibility and flexible tenancies, while accounting for the sloping nature of the site. The design team have sought to keep a consistent ceiling height within the ground plane, resulting in the need to deliver a taller floor to ceiling height on Gordon Avenue only. This minor variation is considered suitable in the context of the site and remains consistent with the scheme for which design excellence was awarded.
	Frank Channon Walk (eastern) boundary (from Nelson Street to Gordon Avenue) ▪ Minimum 3m setback at Ground Level, with additional stepped 3m setback at Podium Level 1 ▪ Nil setback above eastern podium wall ▪ Maximum street wall height of 10m (two storeys).	The following setbacks are provided to Frank Channon Walk: ▪ 3m setback at ground level (complies). ▪ A majority 3.8m setback is proposed to the podium (complies). A minor non-compliance on the northeastern corner of the level 2 podium is proposed. ▪ A 2-storey street wall height is proposed, with a height of 9.82m (complies).

Site-Specific DCP	Controls/objectives	Compliance/Comment
		The proposed minor non-compliance on the level 2 podium is considered minor and acceptable for the following reasons: ▪ There is no interface with any neighbouring development at this location of the site. The minor noncompliant area will face Frank Channon Walk and the train line beyond. ▪ Therefore, this minor non-compliant setback will not create any additional loss of privacy or overshadowing impacts. There will be no material impacts due to this portion of the proposal. ▪ During the design competition, the Jury supported DKO's scheme which included minor non-compliances with the site specific DCP.
	Western boundary with adjoining property ▪ Nil setback at Ground Level ▪ Minimum 9m setback to tower	The following setbacks are proposed to the western neighbour: ▪ Nil setback at ground level (complies) ▪ 9m setback to tower (complies).
	Balconies are not to encroach into setbacks.	Some of the proposed balconies encroach on the podium level setbacks. As outlined above, during the design competition, the Jury supported DKO's scheme which included minor non-compliances with the site specific DCP. The proposed articulated balconies across the podium level create visual interest and there is no interface with any neighbouring development currently or proposed.
	In addition to Control 1: *Setbacks may be greater and street wall heights may be lower.* *Additional ground level setbacks are sought that contribute to public realm.*	N/A
5. Building Exterior		
Controls	Facades are to be articulated and should incorporate recesses and projecting elements that do not encroach into required setbacks.	Complies. The facades of the proposed towers are articulated and incorporate recessed and projecting elements that do not encroach setbacks.
	Extensive blank walls shall be avoided at street level.	
6. Amenity		
Controls	Residential units shall be designed to maximise solar access, cross ventilation, visual and acoustic privacy.	Complies. Residential units have been designed to maximise solar access, cross ventilation, visual and acoustic privacy. The proposal results in metrics which exceed the ADG requirements for solar access and cross ventilation. Additionally, all apartments are provided with appropriate visual and acoustic privacy.
7. Open Space and Landscaping		
Controls	*Open space at ground level shall be utilised as publicly accessible open space.*	Complies. Open space at the ground level has been identified as publicly accessible open space.

Site-Specific DCP	Controls/objectives	Compliance/Comment
	Large canopy tree planting must be provided along the Gordon Avenue and Nelson Street frontages within the 3m setback area.	Complies. Large canopy trees are provided along both the Gordon Avenue and Nelson Street frontage within the setback area.
	All roofs up to 30 metres from ground are to be green roofs. These are to provide a balance of passive and active green spaces that maximise solar access.	Complies. The proposal delivers a significant podium level communal open space which contains a pool, BBQs, pool cabanas, landscaping and deep soil planting .
	A minimum of 2 hours of sun access is to be provided to the public open space on the site.	Complies. The public/communal open space on site exceeds the minimum 2 hours of sun access required.
	Public domain improvements shall be provided to all street frontages, and the Frank Channon Walk and the pocket park at the end of Gordon Avenue frontages, to Council requirements.	Complies. Public domain improvements have been provided to all required areas in the form of upgraded walkways and landscaping.
	A minimum of 20% of the site is to be provided as soft landscaping, which may be located on Ground, Podium and roof top levels or green walls of buildings.	Complies. The proposal delivers 27% landscape coverage, covering both ground level, podium and rooftop areas.
	Deep soil planting is to be provided within the 3m setbacks to Gordon Avenue, Nelson Street and the Frank Channon Walk. Deep soil plantings include trees and shrubs, and are to be unimpeded by buildings or structures below ground.	Complies. Deep soil is provided throughout the development, including alone the setbacks of Gordon Avenue, Nelson St and Frank Channon Walk. In some cases, this is via planters which have a minimum soil depth of 1,000mm with a minimum.
	A Landscape Plan is to be provided at Development Application stage detailing all public domain at ground level, street tree planting, planting and space allocation at podium and roof top levels. This is to include species, container size at planting, spacing and approximate size at maturity.	Complies. A Landscaping Plan has been prepared to support this development application.
	Street tree planting is at the cost of the proponent, with location and species to be determined in consultation with Council at Development Application stage.	Noted. 80% of the proposed planting are native species.
	All existing aerial cables which may include for electricity, communications, and other cables connecting to street poles and buildings around the site shall be removed and installed underground in accordance with the requirements of the relevant service authorities. Ausgrid lighting poles are to be provided to the requirements of Ausgrid for street lighting and shall be positioned compatible to the landscaping design around the site.	Due to timing of surrounding development, it is unfeasible to place above ground cables below ground for each stage of development. This should be managed by the provider as part of future upgrade works.
8. Links		
Controls	*The development is to incorporate publicly accessible through site links and open space in accordance with Figure 4 below.*	Complies. While the map includes reference to a ‘through site link’, it is shown on the map adjacent to the development along Frank Channon Walk. The proposal has however sought to deliver a through site link which will be accessible during normal nosiness hours.

Site-Specific DCP	Controls/objectives	Compliance/Comment
	 **Figure 4: Through Site Links and Open Space**	
	Through site links and open space in addition to Figure 4 is required on a site-by-site basis.	Noted.
	Public rights of way are to be provided on: *The 3m setback to Gordon Avenue.* *The 3m setback to Nelson Street.* *The 3m setback along the eastern boundary (from Gordon Avenue to Nelson Street) – adjacent to the Frank Channon Walk and the pocket park at the end of Gordon Avenue.*	Complies. The proposal is consistent with the public rights of way for the relevant boundaries.
	All publicly accessible open space and links are to be the responsibility of the relevant ownership entity, with formal public access to be created over these areas.	Complies. The proposed design provides formal public access to both the open space and links throughout the site.
9. Active Site Frontages		
Controls	*At ground level buildings are to maximise active frontages to Gordon Avenue and Nelson Street.*	Complies. Activation is maximised along all three frontages of the development. Minor portions of frontage which do not provide activation do so due to legislative requirements for services and emergency access.
	A building has an active street frontage if all premises on the ground floor or the building facing the street(s) are used for the purposes of commercial premises or non-residential purposes and provide elements of visual interest when viewed from the street.	Complies. See above.
10. Traffic and Transport		

Site-Specific DCP	Controls/objectives	Compliance/Comment
Controls	*Vehicle and loading access is to be reviewed and master planned in conjunction with the adjoining land at 10 Gordon Avenue and 15-19 Nelson Street. One vehicle and loading point in Gordon Avenue is preferred for the block bounded by Nelson Street, Gordon Avenue, Hammond Lane and the Frank Channon Walk, via a consolidated basement.*	Rather than a variation to this DCP control, it is acknowledged that the intent to 'review' a masterplanned outcome has in essence been achieved. That review has in fact concluded that masterplanning a shared access is not suitable, and therefore is not being delivered. The provision of a shared vehicle access arrangement has been reviewed by the project team as required by the control. In summary, this review has concluded that a shared vehicular access point is not suitable for the following reasons: ▪ Consolidated vehicle access points serving multiple sites (under different ownership) are complex to deliver for a range of reasons, including constructability, staging and operational safety. Where practical and where it does not result in site isolation, providing independent access points to sites is preferred. ▪ Consolidated driveways are typically only appropriate where access to an adjoining site may not be possible to avoid providing access directly onto a classified road. A nearby example of this is the site at 871 Pacific Highway, where a shared driveway access will be provided in order to allow the adjoining site (879 Pacific Highway) to avoid direct access to a classified road, being the Pacific Highway. ▪ The site adjoining 9-11 Nelson Street are afforded with a range of options in terms of vehicle access that are not along classified roads, including: – Gordon Avenue. – Hammond Lane (similar to future access for the sites at 613-627 Pacific Highway and 629-639 Pacific Highway). – Nelson Street. ▪ Additionally, whereas the site the subject of this DA has only 41m of site frontage, the adjoining site has over 150m of site frontage. Placing the burden of site access on this site is illogical in this sense. ▪ In this context independent vehicle access to the adjoining sites is readily achievable with no requirement for a consolidated point of access. ▪ A consolidated vehicle access at 9-11 Nelson Street, serving the adjoining sites, would also have the following issues: – Safety conflict on the main entry ramp at the intersection of the access points to the respective sites. Movements on the main entry ramp may be upwards of 200 vehicles per hour. This constant stream of vehicles from one point will deter pedestrians from waking west along Gordon Avenue, thus negating the pedestrian activation Council are seeking to achieve for this precinct. A more preferable outcome is to disperse traffic movements over driveways providing independent vehicle access to the respective buildings. – Vehicle access to 9-11 Nelson Street (when operational) would be significantly impacted or potentially unachievable when the basement connection to the adjoining building is under construction. It is highly unlikely the adjoining basements would be constructed concurrently and therefore future residents/visitors of 9-11 Nelson Street would be impacted during the construction period of the adjoining building.
	Vehicle access and egress is to be designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscape.	Complies. A Transport Impact Assessment has been prepared to support this development application which confirms the proposed design satisfies this control.

Site-Specific DCP	Controls/objectives	Compliance/Comment
	All car parking and loading facilities are to be located below ground level, utilizing physical solutions to ensure all vehicles (including loading vehicles) enter and leave the site in a forward direction.	Complies. The proposed car parking and loading facilities are located below ground and are designed so all vehicles enter and exit in a forward direction.
	Other strategies for car parking reduction, such as reciprocal arrangements for sharing parking and car share, is to be included in any future Development Application.	Noted.
	The following is to be provide in any future development application: *Car parking provision based on reduced car parking rates, consistent with the requirements for new developments in the Chatswood CBD as supported by Transport for NSW* *A minimum of 1 secure bicycle parking space per apartment.* *A minimum of 1 secure bicycle parking space per 100m^2 of commercial/retail floor.* *Adequate end of trip facilities including lockers, showers, etc. for use by commercial and retail tenants.* *A bicycle rack within the site boundary for use by retail customers.* *A minimum of tree (3) freight and service vehicle spaces within the basement, in addition to the one (1) Medium Rigid Vehicle (MRV) space proposed within the loading dock.* *A Green Travel Plan.* *Updated traffic analysis and modelling.*	Complies. The Transport Impact Assessment supporting this development application confirms the proposed development is consistent with the traffic controls set out within the site specific DCP. Specific details regarding the number of car and bicycle spaces proposed can be found within the Transport Impact Assessment. A Green Travel Plan has been prepared to support this application and can be found within the Transport Impact Assessment.
11. Waste Management, Loading and Servicing		
Controls	*All loading and unloading services are required to occur at basement level on-site.*	Complies. The Transport Impact Assessment submitted as part of this application details the operations of loading and unloading services.
	Other supporting functions such as garbage rooms, plant and other services are to be located in Basement levels.	Complaint.
	A Waste Management Plan shall be submitted at the Development Application Stage.	Complies. A Waste Management Plan has been prepared to accompany this development application.
	Substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages. Substations are to be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.	Not compliant. The site requires both a high voltage and a low voltage authority transformer which is required to be installed in accordance with the Ausgrid Network Standard NS113. The Network Standard dictates that transformers must be located with direct access to the street frontage as well as direct louvre access to outside. As such, the proposed substations are unable to be provided within building and are instead proposed at an appropriate location along the Nelson Street frontage.
13. Public Art		

Site-Specific DCP	Controls/objectives	Compliance/Comment
Controls	Public Art is to be provided in accordance with Council's Public Art Policy.	Complies. Public art has been incorporated into this development application in accordance with Council's Public Art Policy.
14. Building Sustainability		
Controls	*A minimum of 5 stars GBCA buildings rating is expected. A higher rating is encouraged. An assessment report is to be submitted at Development Application Stage.*	Partially complies. As outlined within the Greet Star Strategy Report produced at Appendix S, the General Development Guidelines of the Willoughby DCP encourage the application of 'best practice' principles in the design and construction of developments to achieve energy-efficient and environmentally sustainable buildings. As a result, the proposed design not only complies with the DCP, but surpasses the minimum compliance requirements. The Green Star Strategy Report outlines strategies and initiatives to guide the design and will be further developed in the detailed design stages of the project. The targets are for a highly rated environmental performance based on NABERS and BASIX frameworks which include: Whole Building: ▪ NCC 2022 - Section J, Energy Efficiency Compliance ▪ 4 Star Green Star Buildings Rating Retail and Commercial: ▪ 5.0 Star NABERS Energy ▪ 5 Star NABERS Water Residential Component: ▪ BASIX Water Target: at least 40% improvement above a reference benchmark. ▪ BASIX Energy Target: at least 25% improvement above a reference benchmark. These targets are directed at reducing the environmental impacts for the lifecycle of the building and providing a high level of indoor comfort for users. The building design embraces a sustainable strategy that focuses on sustainable lifestyle, water, waste, energy and materials.

Part B: Residential Development

Section	Controls	Compliance/Comment
2 Performance Criteria		
2.1.4 Design	*The design of buildings should:* *Provide durability, resilience and environmental sustainability over the long term*	Complies. The proposed development has been designed as a resilient, durable, and environmentally sustainable building that minimises impacts on adjoining and adjacent properties. The orientation of the building ensures temperate comfort for residents, whilst also providing

Section	Controls	Compliance/Comment
	Minimise overshadowing, overlooking and visual impacts on the streetscape and adjoining and adjacent properties *Minimise carbon emissions with the sustainable choice of materials* *Use materials with a low Solar Reflectance Index (SRI) and incorporate shade structures to reduce urban heat island effects.* *Ensure that residential buildings address the street and incorporate a visible and readily identifiable entry point* *Avoid open under-croft spaces, particularly when viewed from the street and other public places* *Ensure the orientation, as far as possible, passive heating and cooling for thermal comfort and reduced carbon emissions due to mechanical heating and cooling* *Ensure the orientation, sitting and height provides for reasonable sharing of views from surrounding properties and the public domain* *Provide articulation to break up the length of walls to reduce the bulk and visual impacts* *Respect the visual and aural privacy of adjoining properties by careful siting, height, and orientation of buildings* *Maintain a reasonable level of solar access to adjoining properties by careful siting, height, and orientation of buildings.* *Locate noise sensitive rooms and private open spaces away from noise sources such as busy roads and railway lines.*	view sharing to both surrounding documents and the public domain. Additional information regarding the specifics of the proposed development can be found within both the Statement of Environmental Effects and the Design Report.
2.1.5 Landscaping	*Landscaped areas should:* *Retain significant trees and be sensitive to site attributes such as land capability (soil type and slope), microclimate (especially access to sunlight), views and natural features* *Include deep soil zones located primarily along the street frontage, and side and read boundaries of individual lots – these are areas of soil unimpeded by buildings or structures above or below ground* *Retain and plant trees with wide canopies within the deep soil zones to reduce the impacts of urban heat island effects and support local ecology* *Provide greening and enhancement to the street frontage to encourage the benefits of local walkability* *Consider the location and scale of buildings in the selection of species* *Be designed to minimise the impact of overlooking, maintain privacy between dwellings and minimise the dominance of buildings from adjoining properties* *Predominantly use species which are native/endemic to the locality, and ensure the vegetation types decrease surface runoff, reduce maintenance, and minimise water use* *Provide irrigation using a non-potable water supply and maximise absorption for onsite infiltration of stormwater* *Relate well to the indoor living areas and contribute to useable outdoor recreation space*	Complies. Landscaped areas have been designed to be complaint with the controls set out within this section. Additional details surrounding the landscaping of the site can be found within the Landscape Design Report submitted as part of this application.

Section	Controls	Compliance/Comment
	Contribute to the solar efficiency of buildings by selecting and positioning trees for shade in summer and solar access in winter *Consider maintaining significant views from adjoining properties to the public domain* *Consider potential bushfire hazard in the selection of species and reduce any potential for soil erosion or weed establishment* *Be located to protect solar access to roof mounted solar energy systems on adjoining buildings* *Be provided on walls and roofs of larger developments at various levels of the building*	
2.1.6 Private open space	*Private open space for dwellings, including secondary dwellings, should:* *Be relatively flat and have sufficient area to provide for the reasonable recreational needs of residents* *Be located to integrate with living areas, achieve privacy from the public domain and receive adequate sunlight* *Be located or screened to ensure visual and aural privacy*	Complies. The private open space provided within this development application satisfies the controls set out within this clause, providing privacy from the public domain whilst receiving adequate sunlight.
2.1.7 Private recreation facilities	*Be constructed to limit the amount of cut and fill* *Be located to maintain the amenity of neighbouring properties in perms or privacy, glare or light spill from external lighting, noise and visual impacts* *Ensure adjoining properties, including reserves, are not impacted by stormwater drainage.*	Complies. As outlined within the Design Report, all apartments from both towers have access to the pool and communal open space on level 2 which includes a curated landscaping design.
2.1.8 Privacy	*Providing effective sitting, layout and location of windows, balconies, and private open space* *Avoiding elevated terraces or decks that result in direct overlooking* *Constructing privacy screens, high windowsills or translucent glazing* *Increasing building setbacks*	Complies. The proposed development has been designed in accordance with the following controls, ensuring privacy for residents and surrounding neighbours.
2.1.9 Solar access	*Avoiding overshadowing to living areas and private open spaces* *Planting deciduous trees in appropriate locations to maximise winter sun* *Exploring alternative design options*	Complies. As outlined within the Design Report, 81% of the proposed apartments receive more than 2 hours of direct sunlight between 9am and 3pm during the winter solstice.
2.1.10 Service facilities and structures	*Service facilities should be located and designed to:* *Ensure safe and convenient access to garbage and clothes drying areas by residents* *Ensure garbage areas do not have an adverse effect on the amenity of adjoining neighbours* *Contain garbage bins in an enclosed area in the basement area for larger developments where possible* *Ensure clothes drying areas do not have an adverse visual impact on the amenity of adjoining properties* *Visually integrate within the development and not impact on the streetscape* *Ensure satellite dishes and similar structures are out of sight from the public domain and not visually intrusive on adjoining neighbours*	Complies. The proposed development has been designed in accordance with the following controls. The garbage areas which service the site are located within an enclosed area within the basement. Additionally, the service facilities proposed have been designed to limit impacts on the surrounding streetscape.

Section	Controls	Compliance/Comment
	Ensure air conditioning units and any other noise generating plant and equipment are designed to minimise noise impacts and meet relevant environmental standards	
2.1.11 Urban heat	*To reduce the impacts of urban heat island effects the development should:* *Use external materials, façade elements and glazing to limit solar reflectivity (this may include retractable shade structures, 'green' walls, and roofs, and/or rooftop solar panels)* *Apply best practice water sensitive urban design (WSUD) principles* *Reduce the extent of hard surfaces* *Irrigate landscaped areas using non-portable water* *Ensure landscaped areas include large trees with wide canopies*	Compliant. The proposed development has been designed in accordance with the following controls in an attempt to reduce the impacts of urban heat island effects on the development.
2.1.12 View sharing	*Developments should, as far as reasonably possible:* *Maintain existing views from adjoining and neighbouring properties* *Have particular regard to water views which are more highly regarded than land views* *Prioritise consideration of potential view loss from living areas* *Consider alternative design options to maintain significant and iconic views*	Complies. The proposed development will result in less impact to view sharing from other properties than that which would considered suitable under the site specific planning proposal.
2.1.14 Storage areas and plant rooms	The objective is to reduce excessive areas nominated as storage area and/or plant rooms, which could be subsequently used for habitable purposes.	Complies. The proposed development has been designed to reduce excessive areas of storage and/or plant rooms.
4 Major Developments		
4.3.2 Street frontage	*The minimum street frontage is 27m. This is to ensure vehicles can enter and leave a site in a forward direction, and adequate landscaped areas are provided along the streetscape.*	
4.3.3 Adaptable housing, access, and mobility	*A minimum number of adaptable dwellings must be provided for mixed use developments. The number of dwellings must be rounded up if there is 0.5 or more of a dwellings. The minimum numbers are:* *50% for mixed use and shop top housing developments if lift access is provided*	Non-complaint. The proposal has been designed to achieve 34% of apartments are Adaptable, while 75% are proposed to meet Silver Livable provisions. In summary: The Willoughby DCP requirement for 50% Adaptable Housing is very high and is clearly out of step with all other Sydney Councils (Sydney Council Median = 10%). The proposed Adaptable provision of 34% remains a higher rate than that required by any other Sydney Council. The Willoughby DCP requirement for 20% Silver Livable is aligned with the majority of Councils in Sydney (Sydney Council Median = 20%). The proposed Silver Livable provision of 75% (or greater) is well in excess of the median, and considerably exceeds the median in the NSW context. Accordingly, a variation is sought to the Willoughby DCP requirement for 50% Adaptable Housing.

Section	Controls	Compliance/Comment
4.3.4 Energy efficiency	*All major developments are required to comply with the relevant provisions of Part J (Building Sustainability)*	Complies. A Green Star Strategy Report has been prepared to support this application outlining the predicted energy efficiency of the building.
4.3.5 Bicycle and car parking	*All developments with 20 dwellings/apartments or more must submit a travel demand management plan.* *See Part F.*	Complies. The proposed development is consistent with the bicycle and car parking guidelines set out within the site-specific DCP. Additionally, a Transport Impact Assessment has been prepared to support this development application outlining and providing suggestions as a result of the anticipated travel behaviours resulting from this development
4.3.6 Water management and conservation	*The development application must include details of stormwater management.* *See Part I.*	Complies.
4.3.7 Urban heat	*Roofs should achieve these Solar Reflectance Index (SRI) values:* *For roof pitch <150, 3-year SRI minimum of 64* *For roof pitch >150, 3-year SRI minimum of 34* *For terrace areas, 3-year SRI minimum of 38* *Note: Plans must illustrate the SRI values of all roof surfaces except where photovoltaic (PV) panels are mounted flat on the roof.*	Capable of compliance
4.3.8 Waste management	*All major residential development must comply with the Waste Management Technical Guide and Development Controls by North Sydney Regional Organisation of Councils.*	Complies. A Waste Management Plan has been prepared to support this application, detailing the compliance with the relevant guidelines and controls.
4.3.9 Safety by design	*The development application must include details of the design and safety measures incorporated into the design.*	Complies. The proposed design incorporates a variety of design and safety measures including passive surveillance throughout both towers.
4.3.10 Utility structures	*The application must include written advice from the energy provider and Sydney Water if these utility services are required to be provided for the development* *All structures that are visible from the street or public domain must be suitable screened by landscaping* *Substations should preferable be located below ground level or at the rear of the property if rear lane access is available*	Partial compliance. All structures relating to services are appropriately screened. Substations are required to be accessible by Ausgrid. It is impractical to locate these in basements. A well-founded clause 4.6 variation request supports this application relating to the location of the sub-station on the Nelson Street frontage.
4.3.11 Undergrounding of services	*All services, including overhead electricity wires, are to be located underground for major development. This includes publicly owned land immediately outside the development site.*	Capable of complying. A Services Infrastructure Report has been prepared to support this application and addresses the provision of services to the site.
4.4.1 Site coverage	*To ensure adequate open space and reasonable privacy levels, the site coverage for residential flat buildings should progressively decrease as the height of the building increases. The site coverage for residential flat buildings should not exceed:*	The FSR and building envelopes of the proposal have been informed by the site specific DCP. Accordingly, this control do not apply.

Section	Controls	Compliance/Comment
	30% of the site area for a three storey building *28% of the site area for four storey building* *26% of the site area for five storey building* *24% of the site area for a six storey building* *22% of the site area for a seven storey building* *20% of the site area for a building with eight or more storeys.*	

Part D – Commercial Development

Section	Controls	Compliance/Comment
4.1 Building Design **4.1.2 Controls**	*Use of roller shutters in lieu of glazed facades is not permissible unless a minimum of 70% of the roller shutter is transparent.* *Any kind of internal security shutter, mesh gate or similar must be located a minimum of 1m behind the façade of the premises facing a public space or at the rear of any display window.* *Any plant, equipment or machinery should be suitably screened from the general public* *The above awning facades of 2-storey shop frontages should have a solid to void ratio of around 50:40* *Developments should use materials with a low solar reflectance index (SRI) and incorporate shade structures to reduce urban heat island effects* *The entire ground floor level of a shop top housing development must be used for retail/commercial purposes; this may including loading/unloading facilities but does not include car parking.*	Complies. No roller shutters or security screens are proposed. All plant and equipment is suitable screened by the balustrade on the rooftop of each tower. The final design of the podium and towers are subject to site specific controls in the site-specific DCP, included above.
4.3 Awnings	*New awnings should:* *Be of opaque materials with glass inserts to allow light penetration to the footpath* *Be continuous for the entire site frontage, including any vehicle entrance* *Be set back 600mm from the footpath edge* *Have a recess or opening to accommodate the growth of street trees* *Have a height clearance above the footpath between 3m and 4.2m* *Maintain the horizontal alignment, stepping down at regular intervals to follow the topography of the site where the footpath is sloping.*	Not proposed as part of this DA.

Section	Controls	Compliance/Comment
4.5 Streetscape	*New developments or significant alterations and additions may be required to provide improvements to the quality of the public pedestrian domain, such as adding suitable paving, street trees and landscaping.* *If shop frontages are predominately built along the street alignment, new developments or significant alterations and additions may be required to improve the pedestrian amenity at street level with transparent interactive frontages, including outdoor seating and/or dining areas*	Complies. The proposed development involves improvements to the public pedestrian domain through footpaths, street trees, paving, and landscaping. Further details regarding these upgrades can be found within the Landscape Design Report.
4.9 Pollution Control	*Depending on the type, scale, and location of development, the development application may need to include an acoustic report and/or other reports to address pollution control measures* *Depending on the type, scale, and location of construction works, the application may need to include a site management plan to address sediment and erosion control measures* *The discharge of any solid, liquid, or gaseous materials must comply with the Protection of the Environment Operations Act 1997* *If there is likely to be a need for the disposal of liquid waste to the sewer, Sydney Water should be contacted for its requirements on installing grease arrestors* *New commercial buildings which include retail premises that allow cafés, restaurants or similar, must make adequate provision for the vertical discharge of exhaust from the lower floor levels* *The hours of operation may be restricted if a particular use is likely to interfere with the residential amenity of adjoining and nearby dwellings*	Complies. An acoustic assessment has been undertaken to support this development application. A construction and demolition waste management plan has been prepared to support this development application.
4.11 Sustainable Development	*Depending on the type, scale and cost of development, the development application must include a Sustainable Performance Statement, a Green Star rating report, and/or a National Australian Built Environment Rating Scheme (NABERS)* *The application must show the proposal satisfies the objectives and controls under Part J (Building Sustainability) in this plan* *Applications for large developments exceeding 2,000m2 must include a travel demand management plan (green travel plan); this should detail how the operation intends to modify travel decisions to and from the building so that more desirable modes of transport are used, such as bicycles, car-pooling, mini-bus pick-up/drop off, and provision of car share spaces (see Part F in this plan for details)*	Complies. A Green Star Strategy Report has been prepared to support this development application. An assessment of the proposal against Part J of the DCP can be found below. A Green Travel Plan is included in the TIA which supports this DA.
4.12 Signage	*The content must relate to the building and/or business on the site* *The size of signs must be in proportion with the building* *There must be an integrated and coordinated scheme for business identification signs for multi-tenanted buildings* *There must be no glare or light spill from any signs onto adjoining properties*	Signage is not proposed as part of this development application.
4.13 Safety by design	*The design should include high visibility to front entries, lighting of pathways or hidden spaces and where applicable, careful siting of shrubs and landscape elements*	Complies.

Section	Controls	Compliance/Comment
		The proposed design includes a front entry that is well visible and well lit. The landscaping has been designed as to not impact the safety of residents or passersby.
4.14 Utility facilities	*Ensure adequate provision is made and integrated into the design of the development for utility facilities such as substations and water main boosters.*	Complies. The proposed substations and water main boosters are located in an accessible and appropriate space along the Nelson Street frontage.
4.15 Undergrounding of services	*All services, including overhead electricity wires, for major developments exceeding 2,000m^2 are to be located underground (this includes publicly owned land immediately outside the development site)*	Discussed above, this should be managed collectively in the future, as undertaking the works as each site is developed is illogical and unnecessarily expensive.
4.16 Access and mobility	*Details are to be submitted with the development application to demonstrate the development will comply with the Disability (Access to Premises – Building) Standards 2010 under Disability Discrimination Act 1992.*	Complies. A statement of support has been prepared by Inclusive Places and accompanies this development application. Access is able to be provided to all commercial and retail areas and an accessible path of travel is provided. Accessible amenities have been included, and design features (such as ramps, luminance contrast and tactile indicators) as required by the BCA can be accommodated.
Section 6 – Shop top housing and mixed-use developments		
6.2 Landscaping	*A 3m wide deep soil zone must be provided along the rear boundary adjoining residential zoned land* *The deep soil zones must be landscaped with trees that when mature, reach a minimum height of 15m and a minimum 3m wide tree canopy* *A planter box with a minimum internal width of 1m must be provided along the edge of a balcony or terrace on the first floor level that faces low or medium density zoned land* *A planter box with a minimum internal width of 400mm must be provided along the edge of a balcony or terrace on all other floors facing low or medium density zoned land (other than the street frontage)* *All planter boxes must not exceed 1m in height, have a minimum soil depth of 600mm, and be landscaped with dense screen planting* *A minimum of 20% of any podium and a minimum 20% of any rooftop open space must be landscaped* *Details of the type and height of shrubs and trees within the deep soil zones, planter boxes, podium and/or rooftop open space must be shown on the landscaped plans*	Site specific controls apply to landscaping which have been assessed as compliant above.
6.3 Car parking and access	*access to the residential car parking area must be separated from the commercial car parking and loading areas* *Shared car spaces may be provided for residential visitors and customers if unimpeded access is available at all times* *Vehicle movements for loading and unloading must be separated from all car parking areas*	Non-compliant. The proposal is consistent with the traffic provisions outlined within the site specific DCP which is detailed in **Table 1** above regarding the provision of a shared access driveway.

Section	Controls	Compliance/Comment
6.4 Building mass and bulk	*Buildings over 11m should have a defined podium level*	Complies.
6.5 Signage	*Signs are restricted to shop fronts, awnings and under awning signs* *Any signs must consider the visual impact on residential occupants, particularly in terms of illumination and light spill.*	Not applicable.

Part F: Transport and Parking Management 2023

Section	Controls	Compliance/Comment
5 Major Developments **5.2 Off-street loading/unloading facilities**	*A loading/unloading bay/dock for these types of developments must comply with these controls:* *loading bay dimensions must conform with AS 2890.2* *onsite turning areas must be provided to ensure service and delivery vehicles can enter and leave the site in a forward direction (the swept path design templates shown in AS 2890.2 must be used to determine the layout of service areas)* *the minimum headroom must be in line with AS 2890.2* *adequate provision must be made for garbage compactor units* *internal waste collection areas must have a headroom clearance of at least 6.6m* *splays must be provided to the loading bay areas and at the driveway to ensure adequate sight distances for pedestrians*	Complies. The proposed loading bay has been designed to conform with the required provisions under AS 2890.2.
5.3 Visitor parking	*All visitor car parking spaces must be grouped together, sign posted and provided in a convenient and readily accessible location.*	Complies. Visitor parking within the site is group together and located within a convenient and accessible location.
5.4 Accessible car parking for people with a disability	Accessible spaces must be clearly marked and provided in a communal car parking area. These spaces are not to be allocated to any individual unit or tenant.	Complies. Accessible parking spaces (including adjacent shared areas) are provided in the basement which has been designed in accordance with AS2890.6.
5.8 Autonomous vehicles	All car parking areas must provide clear line marking around the base of columns, kerbs and driveway paths. There must be clearly defined (white or yellow) definition to columns and poles to improve visibility to autonomous vehicles.	Capably of complying.
5.9 Further controls for medium and high-density residential accommodation	*visitor parking must be suitably grouped, clearly marked and conveniently located* *visitor parking is to be designed to comply with Class 2 Medium Term parking in line with AS/NZS2890.1* *any security for residents' vehicles must be installed to ensure that it does not impede access to visitor spaces* *visitor car parking may be located forward of the building line providing it does not detrimentally impact the streetscape*	Complies. The proposed development satisfies the additional controls listed under Section 5.9.

Section	Controls	Compliance/Comment
	all above ground car parking areas must be well landscaped and include the use of absorptive surfaces such as pavers or 'grasscrete' to soften the appearance of these areas *resident visitor car parking spaces must be available at all times for shop top housing and mixed use developments* *the provision of car wash bays is not encouraged; if a car wash bay is proposed, the space must be connected to the sewer and serviced by recycled or tank stored water, and the development application must include the hydraulic details* *provision must be made for removalist vans to park, load and unload onsite for all developments of more than 12 units or where no kerbside parking is available in front of the site on a classified road* *pedestrian access to dwellings should be separate from vehicular access to the site* *for residential accommodation of between 6 and 18 units, bulk waste storage bins must be provided on the site and adequate provision must be made for garbage vehicles to enter and leave the site in a forward direction* *for residential accommodation of 4 or more storeys or 18 or more units with basement car parking, bulk waste storage bins must be provided in the basement with adequate height and provision for garbage vehicles to enter and leave the site in a forward direction*	

Part J: Building Sustainability 2023

Section	Control	Compliance/Comment
3 Major Developments **3.2 General Requirements**	*At a minimum, all major development must consider the best practice design principles and initiatives outlined in Attachment 2.* *Depending on the scale of development, the following requirements apply:* *for developments with an estimated cost over $30 million, projects should seek to achieve a minimum 4-star rating and aspire to achieve a 5-star rating using the most recent and relevant Green Star rating tool (or equivalent)*	Complies. This development application is supported by a Green Star Strategy Report which confirms that the development has been designed to achieve an overall 4-star building rating, with a 5 star rating for the retail and commercial components of the buildings The proposed design has taken into account the design principles and initiatives outlined within Attachment 2.