

Appendix 2

Ku-ring-gai

Development Control

Plan

KU-RING-GAI DEVELOPMENT CONTROL PLAN 2014

Note: Only controls applicable to this proposal have been assessed.

CONTROL	ASSESSMENT	COMPLIANCE
SECTION A		
PART 2 – SITE ANALYSIS		
1. Development applications are to contain a site analysis that includes: i) a sketch/diagrammatic plan with a legend; and ii) a written component. The amount of information in a site analysis will depend on the size and scale of the proposal, the site locality, complexity, nature and context.	Refer to the site analysis plan (Drawing Ref. DA100F) within the set of architectural plans and details within the Statement of Environmental Effects (SEE) to which this appendix is attached.	Yes
2. The site plan and statement of environmental effects for the development application is to show how the proposed development responds to the site analysis.	Refer to the set of architectural plans, details within the SEE, the written variation request and this DCP for details regarding how the proposal responds to the site and surrounding development.	Yes
3. The site analysis is to contain information on the subject site and surrounding areas as follows: i) Site Description – Written description of streetscape and its predominant elements. ii) Standard of Documentation – All information required in Council's DA Guide, Appendix 1 – Standard of Documentation. Note: Photos may be required. iii) Additional information – Any other information that may affect the proposed development or that identifies effects that the development might have on the site and surrounds. iv) A plan of the site showing dimensions, streets and adjoining sites is required to an appropriate scale (usually either 1:100 or 1:200). A simple example is provided at Figure 2.1-1. For more complex developments, the site analysis will require a series of plans or sketches and photographic analysis. A sample of some elements is provided at Figure 2.1-2.	Reference is made to the architectural plans for details of the subject and its surrounds. Reference is also made to Section 2 of the submitted SEE for written details and photos of the subject site and its surroundings.	Yes



PART 3 – LAND CONSOLIDATION AND SUBDIVISION

3C Strata and Community Title Subdivision

1. Any subdivision must retain the relationship between the building and/or dwelling and its associated: i) communal open space(s); ii) parking spaces (visitor and allocated); iii) water management devices; and iv) waste and recycling facilities.	Reference is made to the submitted draft strata plan, which is closely associated with the proposed development.	Yes
2. Any buildings included in a subdivision must comply with the relevant fire safety provisions for that building in relation to each relevant lot proposed within the development.	To comply. In the event of approval, it is anticipated that Council will impose conditions that will require compliance with the National Construction Code (NCC) and Building Code of Australia (BCA) and relevant fire safety standards.	Yes

PART 7 – RESIDENTIAL FLAT BUILDINGS

NOTE 1: While this proposal is for a mixed use building, in accordance with Council's DCP Part 7 (rather than Part 8) has been used, as dwellings are proposed on the Merriwa Street frontage.

NOTE 2: Controls have not been assessed where the requirements of the Apartment Design Guide (ADG) prevail, pursuant to Section 149 of *State Environmental Planning Policy (Housing) 2021*.

7A – Site Design

7A.1 Local Character and Streetscape

1. All residential flat buildings are to be designed by an architect registered with the NSW Architects Registration Board.	The design of the revised development has been directed by Victor Schneider, a registered architect at Giles Tribe Architects (registration number 11157).	Yes
2. All residential flat buildings are to demonstrate how they provide a garden setting with buildings surrounded by landscaped gardens, including tall trees, on all sides.	Reference is made to both the architectural and landscape plans, which demonstrate that both street frontages and side setback areas will comprise predominately of landscape areas containing a range of vegetation types, including large trees.	Yes
3. Design components of new development are to be based on the existing predominant and high quality characteristics of the local neighbourhood.	The design components are generally based upon existing and predominant characteristics of the local neighbourhood, notably surrounding areas within the MU1 zone on the northern side of Merriwa Street.	Yes
4. The appearance of the development is to maintain the local visual character by considering the following elements:	The proposed development will maintain the existing and future local visual character of the area (in terms of building height, scale and	Yes



i) visibility of on-site development when viewed from the street, public reserves and adjacent properties; and ii) relationship to the scale, layout and character of the streetscape of Ku-ring-gai.	layout), in particular development both within the MU1 zone on the northern side of Merriwa Street and to the east closer to the Pacific Highway.	
5. The predominant and high quality characteristics of the local neighbourhood are to be identified and considered as part of the site analysis at Part 2 of the DCP.	The characteristics of the neighbourhood are referred to within the submitted Site Analysis Plan and Section 2 of the SEE to which this Appendix is attached.	Yes
6. Development is to integrate with surrounding sites by: i) being of an appropriate scale retaining consistency with the surrounds when viewed from the street, public domain or adjoining development; ii) minimising overshadowing; and iii) integrating built form and soft landscaping (gardens and trees) within the tree canopy that links the public and private domain throughout Ku-ring-gai.	The scale of the development is consistent with surrounding higher-density areas. As demonstrated by the plans, overshadowing of surrounding sites (particularly to the west) will be minimised, and the proposed landscape design will provide a tree canopy that link both surrounding public and private domains.	Yes
7A.2 Site Layout		
1. The site layout is to demonstrate a clear and appropriate design strategy and arrangement of building mass in response to the Site Analysis in Part 2 Site Analysis of this DCP. Demonstration of design strategies based on Site Analysis is to include: i) building location and orientation on the site optimising the northern aspect, and relating to neighbouring developments, geographical aspect, views, access etc; ii) response of building development in maintaining site characteristics within the subject site, such as topography, vegetation, significant trees, any special features, etc. iii) internal layouts of buildings that respond to (i) above and be consistent with the requirements of the DCP, iv) limited apartments with no direct sunlight	As demonstrated by the submitted plans, the building orientation relates to the shape and slope of the site in order to minimise impacts. Where possible. The internal design has also sought to orient habitable areas to northern aspects where possible, and as such will minimise the number of apartments that do not obtain direct solar access. While the site does not contain any particularly notable features, its landscape design has sought to retain significant trees where possible (particularly adjacent to road frontage); the existing topography of areas immediately adjacent to public areas will also be maintained.	Yes
2. A drawing and supporting written information is to demonstrate how the building and its layout has applied and responded to the site analysis conducted in Part 2 of this DCP.	Reference is made to this Appendix, the SEE and associated written variation request and the written statement prepared by the architect in response to matters contained within Schedule 8 of <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP).	Yes



3. For requirements on development near noise sources refer to Section B Part 21 Development Near Rail Corridors and Busy Roads in this DCP	Noted, however the site is not located in proximity to a major road or railway line.	N/A
4. Any building with a frontage to the street is to address that street.	The building is designed to address both road frontages.	Yes
5. Where a site has two or more frontages, the buildings are to address and provide entry points from all street frontages.	The building is designed to provide entry points from both road frontages.	Yes
6. Soft landscaping, including tall trees, is to be provided between onsite buildings, fences and courtyard walls	Landscaping is provided within all setback areas, and will include large trees; refer to the submitted landscape plans for further information.	Yes
7. Hard landscaping is to be minimised and to maximise opportunities for landscape planting.	Hard landscaping is minimised where possible (noting that communal hardstand areas are to be mostly located on the roof terrace) to maximise the size of landscaped areas.	Yes
8. Long straight driveways are not permitted. Driveways are to be designed to be of minimal visual impact and minimal heat emission.	Not proposed, noting that design will remove the two long/straight driveways extending from Merriwa Street.	Yes
9. Provide a single pedestrian entry point from the street. Other entries may be permitted where several buildings address the street along an extended street or dual frontage sites.	Single pedestrian access points are provided from each frontage, except where additional access is to be provided to the commercial tenancies on the Fitzsimons Lane frontage.	Yes
10. Three hours of direct sunlight between 9am and 3pm on 21st June is to be maintained to the living rooms, primary private open spaces and any communal open spaces within: i) existing residential flat buildings and multi-dwelling housing on adjoining lots; ii) residential development in adjoining lower density zones.	A minimum three hours of solar access will be provided. Noting that the adjacent site at 11-15 Merriwa Street is vacant, modelling has assumed setbacks and heights on that site that are consistent with relevant LEP, DCP and ADG requirements in order to ascertain likely impact.	Yes
11. Overshadowing should not compromise the development potential of the adjoining yet to be redeveloped sites.	As above.	Yes
12. Developments are to allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing solar collectors and solar hot water services on neighbouring buildings.	A minimum three hours of solar access will be provided, noting that shadows cast by the proposed development will not overshadow lower-density residential development on the southern side of Merriwa Street.	Yes



8A.3 Building Setbacks		
Street Setbacks		
1. Residential flat buildings are to meet the following street setback requirements (see Figure 7A.3-1): i) 10.0m from the street boundary; ii) on corner sites, or sites with multiple street frontages, the street boundary setback in 1(i) above applies on all street frontages.	Refer to the assessment of DCP Part 14D below, which take precedence over this control.	N/A
2. Residential flat buildings on the sites identified in Part 14 Urban Precincts and Sites of this DCP are to meet the following street setback requirements: i) street setbacks as specified in the Building Setback maps in Part 14 Urban Precincts and Sites of this DCP; ii) a minimum of 8.0m from the street boundary to the fourth storey and above; iii) on corner sites, or sites with multiple street frontages, the street boundary setback in 2(ii) above applies on all street frontages	Proposed setbacks: i) Compliance with DCP Part 14D attained; refer to the assessment below. ii) Proposed setbacks as follows: - Merriwa Street: Minimum 12.5 metres (to balconies), 16 metres (to building line) - Fitzsimons Lane: 8.1 metres (to building line) Note: Given the levels at this frontage, level eight has been adopted as the “fourth storey” for this assessment.	Yes
3. Residential flat buildings are to provide a 2.0m articulation zone behind the street setback, and no more than 40% of this zone (in plan) is to be occupied by the building.	All building elements on both road frontages are outside of the articulation zone as specified by the DCP.	Yes
4. The building line to any street is to be parallel to the prevailing building line in the streetscape. For angled sites, a stepped façade may be appropriate.	The Merriwa Street frontage is parallel to the building line. The building line addressing the Fitzsimons Lane frontage is stepped owing to that frontage being angled.	Yes
Side and rear setbacks		
5. Residential flat buildings are to meet the following side and rear setback requirements to ensure deep soil, landscaping and tall trees are accommodated to all sides of the building: i) a minimum of 6m from the side boundary for all levels up to the fourth storey; ii) a minimum of 9m to the fifth storey and above.	The side elevations are set back in accordance with Part 3F of the ADG. Regardless, minimum six metre setbacks are provided to both side elevations to provide sufficient space for the establishment and growth of large trees.	Yes
6. For buildings of 3 storeys or less on sites less than 1800m ² , a minimum of 3m from the side boundary may be provided, however Building Separation requirements are to be met as stated in Part 7A.4.	Does not apply to this proposal.	N/A



7. Side setback areas behind the building line are not to be used for driveways or for vehicular access into the building.	Not proposed, noting that design will remove the two long/straight driveways extending from Merriwa Street.	Yes
8. Driveways are to be set back a minimum of 6m from the side boundary within the street setback to allow for deep soil planting.	A portion of the western side of the driveway will be located 4.3 metres from the western side boundary at the Merriwa Street frontage; the driveway will step away from the boundary as it progresses into the site, providing a maximum six metre setback at the building line. While such a setback varies to the DCP requirements, it is a consequence of the following: • The proposal seeking to comply with the ADG, which requires placement of the garage/vehicular entrance point at the lowest part of the site, • The need to provide a widened driveway (i.e. with a maximum width of 8.2 metres adjacent to the Merriwa Street frontage) to: ○ Enable sufficient manoeuvring space for waste and service vehicles to swing into the site, and ○ Provide a traffic island to accommodate a card reader/intercom system for vehicles entering the basement carpark, and • To enable placement of the driveway and necessary services (i.e. the fire booster assembly and gas and water metres) as far to the west of the Merriwa Street frontage as possible to maximise retention of significant trees within that frontage. It is therefore submitted that the design of the driveway will provide for suitable vehicular access in a manner that will also provide an improved landscape layout and subsequent streetscape presentation. For these reasons, it is submitted that the minor variation is therefore acceptable on merit.	Variation sought
Encroachments		
11. Basements are not to encroach into the street, side and rear setbacks.	Proposed basements will not encroach outside of the building envelope.	Yes
12. Ground floor private terraces/courtyards may encroach into the setback areas (see Figure 7A.3-6) provided there is a minimum setback to the terrace edge/courtyard wall of: i) 8m from the street boundary;	Balcony encroachment outside of the building envelope will not encroach upon the setback areas specified by this control. While the balcony setbacks on the Fitzsimons Street frontage are less than eight	Yes



ii) 4m from the side and rear boundaries; iii) 7m from the side and rear boundaries where adjoining land is zoned differently for lower density residential development.	metres, Part 14 of the DCP permits setbacks of three metres for that part of the Gordon centre.	
13. On sites less than 1800m ² no encroachments into the setback areas is permitted.	The site area exceeds 1,800m ²	N/A
14. No encroachments are permitted where minimum setbacks have not been achieved.	Not applicable, as minimum setback requirements are met.	N/A
15. No more than 15% of the total area of the street setback area is to be occupied by private terraces/courtyards.	Merriwa Street frontage: • Proposed front setback area: 631.3m² • Proposed front balcony area: 48.6m² (7.7%) Fitzsimons Lane frontage: • No encroachment by balconies (balconies do not extend past the minimum building line setback on that elevation.	Yes
16. In addition to the above encroachments, the following elements may encroach into the setback areas where they do not increase the apparent bulk of the building or create visual clutter: i) eaves; ii) open pergolas; iii) blades, fins, columns.	Noted, however does not apply.	N/A
7A.4 Building Separation		
1. Residential buildings on the same development site are to include areas of deep soil in between the buildings that are capable of housing substantial vegetation and tall trees.	The proposal is to provide for a single building.	N/A
2. The minimum separation between residential buildings on the development site is to comply with the following controls: Up to 4th Storey i) 12.0m between habitable rooms/balconies; ii) 9.0m between habitable rooms/balconies and non-habitable rooms; iii) rooms; iv) 6.0m between non-habitable rooms.	As above.	N/A



v) 5th Storey and above vi) 18.0m between habitable rooms/balconies; vii) 13.5m between habitable rooms/balconies and non-habitable viii)rooms; ix) 9.0m between non-habitable rooms.		
3. Buildings are to be located so that apartments benefit from views into and through onsite landscaped gardens.	As above.	N/A
7A.5 Site Coverage		
1. The site coverage is to be up to a maximum of 30% of the site area, provided that the deep soil landscaping requirements in Section A Part 7.6 Deep Part Landscaping can be met.	Site area: 2,786m ² Required site coverage: 835.8m ² Proposed site coverage: 1,155.5m ² (41.48%) See discussion below.	Variation sought
Discussion of site coverage variation		
As indicated above, the proposed development will include a variation to the site coverage requirement. Despite such a variation, it is a considerable improvement on existing site conditions, noting that the existing site coverage of the site is currently at 53.6% (i.e. the development will reduce existing site coverage by 22.6%). The proposed development seeks to rationalise existing access arrangements and locate parking (including basement parking) within the footprint of the proposed building, and as such will significantly increase landscaped and deep soil area on the site, particularly within the side and Fitzsimons Lane setback areas. With regard to such points, responses to the objectives of the control are as follows:		
DCP objective	Mecone response	
1. To ensure development is consistent with the desired future landscape and built character of the area.	The proposed development will considerably reduce existing site coverage and increase landscaped/deep soil areas, in addition to retaining numerous large trees. The size and form of the building is consistent with surrounding development, and the development will subsequently be consistent with both the built and landscape character of the area.	
2 To protect and improve the tree canopy within Kuring- gai.	The proposal intends to retain 15 existing trees. Proposed tree removal (and subsequent canopy removal) is a result of relocating services and access arrangements within the Merriwa Road setback and rationalising ground levels within the Fitzsimons Lane setback. The removal of trees is therefore unrelated to the size of the proposed building and associated site coverage.	
3 To provide viable deep soil landscaping within developments and between residential developments on neighbouring sites.	The proposal will provide for suitably sized and therefore viable deep soil landscaped area with setback areas, which will provide suitable landscaping outcomes between the proposed development and likely future residential development on adjoining sites.	



4 To minimise impervious surfaces that generate stormwater runoff.	The proposal will significantly increase pervious surfaces, noting that deep soil area will be increase from 12% to 40.4%.
5. To provide adequate spaces between buildings for common areas that support quality gardens around the building.	The size of the proposed building will provide sufficient spaces for common areas and associated landscaping (which will include spaces for small, medium and large plants and trees) around the building.

In summary, despite the variation the proposed development will significantly reduce the site's existing site coverage; this will both significantly improve landscape outcomes and the site's compatibility with the landscape character of the surrounding area. The variation is therefore acceptable and supportable on merit. Further, the relevant objectives of the development control will be satisfied. Pursuant to section 4.15(3A)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Council is to therefore be flexible in applying the objectives of the requirements of the control.

2. Where a site incorporates an access handle/s, the site coverage is not to exceed 30% of the total site area less 30% of the access handle/s.	The site is not a battle-axe allotment.	N/A
---	---	-----

7A.6 Deep Soil Landscaping

Design

1. Residential flat development is to have a minimum deep soil landscaping area as follows:	Site area: 2,786m ² Required minimum deep soil area: 1,393m ² Proposed deep soil area: 1,125.6m ² (40.4%) See discussion below.	Variation sought
---	--	------------------

Site Area	Minimum Deep Soil Landscaping
Less than 1800 m ²	40% of the site
1800 m ² or more	50% of the site

Discussion of deep soil area variation

As indicated above, the proposed development will include a variation to the deep soil site coverage requirement. Despite such a variation, the proposed deep soil area:

- Significantly exceeds the minimum 7% deep soil area requirement that is specified by the ADG, and
- It is a considerable improvement on existing site conditions, noting that the existing deep soil area is currently at only 12%.

The proposed development seeks to rationalise existing access arrangements and locate parking (including basement parking) within the footprint of the proposed building, and as such will significantly increase landscaped and deep soil area on the site, particularly within the side and Fitzsimons Lane setback areas.



With regard to such points, responses to the objectives of the control are as follows:

DCP objective	Mecone response
1. To ensure landscape areas contribute to the garden character and canopy of the Ku-ring-gai locality.	The proposed development will considerably reduce the site coverage and increase landscaped/deep soil areas, in addition to retaining numerous large trees. The development will therefore contribute to garden character and tree canopy.
2 To provide consolidated deep soil zones of adequate area in all residential development sites through quality planning and building design.	The proposed site layout will consolidate deep soil areas within road frontage and side setback areas. As demonstrated by the submitted landscape plans, the placement, dimensions and areas of such deep soil areas will provide for high quality landscaped areas.
3 To provide landscaped areas that are appropriate to the scale and context of the development.	The size of the proposed building will provide for landscaped and deep soil areas that are appropriate for both the site and wider area, particularly within mixed-use zones on the northern side of Merriwa Road.
4 To retain areas that provide habitat for native indigenous plants and animals and contributes to biodiversity in the area.	As demonstrated by the landscape plans, the proposed landscape layout will both comprise predominately of locally endemic plant species and will retain a significant number of existing trees. Such landscaping will therefore provide habitats for native trees and wildlife.
5. To create high quality landscaped areas through retention and/or planting of tall and medium sized trees particularly at the street frontage.	As demonstrated by the landscape plans, in addition to retaining 15 existing trees (eight of which provide matures heights of at least 20 metres), the landscaped and deep soil areas will provide sufficient space for numerous medium and large-sized trees, including canopy trees.
6 To ensure that deep soil landscaping is within common areas.	All proposed deep soil landscaping will be in common areas.
7 To ensure spaces between buildings provide deep soil landscaping that can sustain large trees that contribute to Ku-ring-gai's garden character.	The proposed development and building footprint will provide for compliant setbacks that will provide adequate place for deep soil spaces that can facilitate the establishment and growth of large trees that contribute to the garden character of the Ku-ring-gai LGA.
8 To ensure that deep soil is provided to allow infiltration of rain water to the water table and to reduce stormwater runoff.	The proposal will significantly increase the size and dimensions of existing deep soil areas, which will assist water infiltration. Combined with suitable stormwater arrangements, the development will subsequently reduce stormwater runoff.

In summary, despite the variation the proposed development will significantly increase the site's existing deep soil area; this will both significantly improve landscape outcomes and the site's compatibility with the landscape character of the surrounding area. The variation is therefore acceptable and supportable on merit. Further, the relevant objectives of the development control will be satisfied. Pursuant to section 4.15(3A)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Council is to therefore be flexible in applying the objectives of the requirements of the control.



2. Deep soil zones are to be configured to retain healthy and significant trees on the site and adjoining sites, where possible.	The plans propose to retain significant trees on the site where possible; trees on adjoining sites will be unaffected by the proposal. Further reference is made to the submitted arboricultural report for further information.	Yes								
3. Deep soil zones are to be configured to allow for required tree planting including tall tree planting and garden and screen planting at front, side and rear boundaries.	The design, areas and dimensions of the deep soil areas will facilitate the establishment and growth of large trees. Reference is made to the landscape plans for further information.	Yes								
4. Deep soil landscaping is to be provided in the common areas as a buffer between buildings that softens the bulk and scale of the buildings.	Deep soil areas are proposed on all peripheries of the site, and will act as a landscape buffer between the proposed development and surrounding areas.	Yes								
5. Driveways are not to dominate the street setback area. Deep soil landscaping areas in the street setback are to be maximised.	The proposed driveway has been located to the western-most part of the Merriwa Street frontage to maximise available deep soil areas, noting that the proposal will reduce the number of driveway crossings from four to one.	Yes								
6. Where the site has an access handle, deep soil calculation is to exclude that access handle.	The site is not a battle-axe allotment.	N/A								
Tree replenishing and planting										
7. Lots with the following sizes are to support a minimum number of tall trees capable of attaining a mature height of at least 18m on shale, transitional soils and 15m on sandstone derived soils. <table border="1"><thead><tr><th>Lot Size</th><th>Number of Tall Trees</th></tr></thead><tbody><tr><td>1,200m² (or less)</td><td>1 per 400m² of site area or part thereof</td></tr><tr><td>1,201m² - 1,800m²</td><td>1 per 350m² of site area or part thereof</td></tr><tr><td>1,801m² +</td><td>1 per 300m² of site area or part thereof</td></tr></tbody></table>	Lot Size	Number of Tall Trees	1,200m ² (or less)	1 per 400m ² of site area or part thereof	1,201m ² - 1,800m ²	1 per 350m ² of site area or part thereof	1,801m ² +	1 per 300m ² of site area or part thereof	Site area: 2,786m ² Required number of large trees: 8 (rounded up from 7.96) Proposed number of large trees: 16, including the 8 existing trees (with heights of at least 18 metres) to be retained, 8 excluding the 8 existing trees (with heights of at least 18 metres) to be retained.	Yes
Lot Size	Number of Tall Trees									
1,200m ² (or less)	1 per 400m ² of site area or part thereof									
1,201m ² - 1,800m ²	1 per 350m ² of site area or part thereof									
1,801m ² +	1 per 300m ² of site area or part thereof									
8. In addition to the tall trees, a range of medium trees, small trees and shrubs are to be selected to ensure that vegetation softens the building form and creates a garden setting. At least 50% of all tree plantings are to be locally occurring trees and spread around the site.	A range of shrubs, plants and trees of varying heights and sizes are proposed. Tree species selection will comprise predominantly of locally endemic species. Refer to the landscape plan for further details.	Yes								
9. Trees are to be planted within all setback areas. At least 30% of the required number of tall trees are to be planted within the front setback.=	Tree plantings are proposed within all setback areas.	Yes								



7B – Access and Parking		
7B.1 Car Parking Provision		
Car parking design		
1. All residential flat developments are to provide on-site car parking within basements.	All onsite parking is to be provided within basement and semi-basement areas (noting that some car park levels would not be a full 'basement' as defined by the KLEP 2015 as a result of existing site and topographical conditions).	Yes
2. Basement car park areas are to be consolidated under building footprints.	All parking will be located within the building footprint.	Yes
3. The use of single lane tunnels and single spiral ramps are not permitted. Double lane spiral ramps may be allowed where there are no other options, but can only link a maximum of 2 floor levels	Tunnels and spiral ramps are not proposed.	N/A
4. The basement car park areas is not to project more than 1.0m above existing ground level.	The proposed basement level beneath the development will not project more than one metre above existing ground level.	Yes
5. Single lane aisles, straight ramps and tunnels are to be a maximum of 12.0m in length.	Single lane aisles, tunnels and straight ramps not proposed.	N/A
6. The use of single lane tunnels and single spiral ramps are not permitted in developments of more than 4 apartments, and can only link a maximum of 2 floor levels.	Tunnels and spiral ramps are not proposed.	N/A
7. Car park entry is to be integrated within the building and located behind the building line.	The car park entry will be integrated with the building within its southwest corner behind the front building line.	Yes
8. Every Platinum Level unit requires an accessible car space designed to Australian Standard 2890.6.	All Platinum Level units will provide an accessible car space designed to Australian Standard 2890.6.	Yes
Car parking rates		
9. The following car parking ranges apply to residential flat developments within 800m walking distance of a train station entry:	Proposed number of apartments: - Two bedrooms: 1 - Three bedrooms: 13 - Four bedrooms: 13	Yes



<table><tr><th>Apartment Size</th><th>Minimum number of parking spaces per dwelling</th><th>Maximum number of parking spaces per dwelling</th></tr><tr><td>Studio</td><td>0 spaces</td><td>0.5 spaces</td></tr><tr><td>One bedroom</td><td>0.6 spaces</td><td>1 space</td></tr><tr><td>Two bedrooms</td><td>1.0 space</td><td>1.25 spaces</td></tr><tr><td>Three or more bedrooms</td><td>1.4 spaces</td><td>2 spaces</td></tr></table>	Apartment Size	Minimum number of parking spaces per dwelling	Maximum number of parking spaces per dwelling	Studio	0 spaces	0.5 spaces	One bedroom	0.6 spaces	1 space	Two bedrooms	1.0 space	1.25 spaces	Three or more bedrooms	1.4 spaces	2 spaces	Required car parking spaces: - Two bedrooms: 1-1.25 - Three bedrooms: 18.2-26 - Four bedrooms: 18.2-26 Total: - Minimum: 38 (rounded up from 37.4) - Maximum: 54 (rounded up from 53.25) Proposed parking spaces: 54 residential spaces	
Apartment Size	Minimum number of parking spaces per dwelling	Maximum number of parking spaces per dwelling															
Studio	0 spaces	0.5 spaces															
One bedroom	0.6 spaces	1 space															
Two bedrooms	1.0 space	1.25 spaces															
Three or more bedrooms	1.4 spaces	2 spaces															
10. For all other locations or uses, car parking is to be provided in accordance with parking rates in Section C Part 22R.1.	Refer to assessment below.	Yes															
11. At least one visitor car space is to be accessible and be provided within the site for every 6 apartments or part thereof, and is to comply with the dimensional and locational requirements of AS2890.6.	Proposed number of apartments: 27 Required number of parking spaces: 5 (rounded up from 4.5) Proposed number of parking spaces: 7 (incl. shared carwash bay)	Yes															
12. One visitor parking bay is to be provided with a tap, to make provision for on-site car washing.	One visitor bay is to double as a carwash bay and will be fitted accordingly.	Yes															
13. A clearly signposted parking bay for temporary parking of service and removalist vehicles is to be provided. The space is to have the following standards: i) a minimum dimension of 3.5m x 6m; ii) a minimum manoeuvring area 7m wide.	A dedicated waste collection bay is provided. Given the relatively limited use of that space (i.e. one collection per week for residential and commercial spaces), this space is capable of acting as a space for service vehicles, which can be used when not needed by waste vehicles. Arrangements for use of the space by removalist/service vehicles will be arranged with the building manager.	Yes															
14. At least one car share space is to be provided in the basement per 90 dwellings, or part thereof.	One (1) car share space will be provided within the basement.	Yes															
15. All parking bays are to be EV ready with design and construction (provision for conduits, switchboards, electrical capacity etc) to enable installation of electric vehicle charging points that are linked to each individual dwelling electricity meter.	To comply.	Yes															



7B.2 – Bicycle Parking Provision							
1. Onsite secure bicycle parking spaces and storage within basements is to be provided at the following rates:	<table><tr><th>Residents</th><th>Visitors</th></tr><tr><td>1 bicycle parking space per dwelling within the residential car park area - in the form of an individual locker or secure room as per AS2890.3.</td><td>1 bicycle parking space per 10 units or part thereof within the visitor car park area - in the form of a bicycle parking device or rack as per AS2890.3.</td></tr></table>	Residents	Visitors	1 bicycle parking space per dwelling within the residential car park area - in the form of an individual locker or secure room as per AS2890.3.	1 bicycle parking space per 10 units or part thereof within the visitor car park area - in the form of a bicycle parking device or rack as per AS2890.3.	Proposed number of apartments: 27 Required bicycle parking spaces: - Resident spaces: 27 - Visitor spaces: 3 Total: 30 Proposed bicycle parking spaces: 30 residential spaces Such spaces will be provided within the basement and a shared lockable storage room on Level 4.	Yes
Residents	Visitors						
1 bicycle parking space per dwelling within the residential car park area - in the form of an individual locker or secure room as per AS2890.3.	1 bicycle parking space per 10 units or part thereof within the visitor car park area - in the form of a bicycle parking device or rack as per AS2890.3.						
7C – Building Design and Sustainability							
7C.1 – SEPP (Housing) 2021 and Apartment Design Guide Requirements							
1. All residential flat buildings are to comply with the objectives, Design Criteria and Design Guidance of the following Apartment Design Guide sections:	Complies; refer to the ADG assessment within the SEE to which this appendix is attached.						
– 3F Visual Privacy – 4A Solar and Daylight Access – 4B Natural Ventilation – 4C Ceiling Heights – 4D Apartment Size and Layout – 4E Private Open Space and Balconies – 4F Common Circulation and Spaces – 4G Storage							
7C.2 – Communal Open Space							
1. At least 10% of the site area is to be provided as communal open space. Each parcel of communal open space is to have a minimum dimension of 5m.	Site area: 2,786m² Required minimum communal open space area: 278.6m² Proposed communal open space: 444.2m² (15.45%)		Yes				
2. At least one single parcel of primary communal open space is to be provided with the following requirements:	The proposed communal open space area will include a 411.8m ² area inclusive of minimum 8 metre dimensions.		Yes				
i) a minimum area of 80m²; and ii) a minimum dimension of 8m.							



3. The Primary communal open space is to be directly accessible from the internal common circulation areas.	The communal area will be directly accessible from internal common circulation areas via both lift and stairway access.	Yes
4. The Primary communal open space is to be located at or above finished ground level behind the building line. Roof top Primary communal open space may be provided where the ground level cannot meet performance requirements or is undesirable.	The communal open space area will be located on the top level of the building. Due to: - Commercial development on the adjoining site at 1 Merriwa Street, - The site's dual frontages and the need for an active frontage on the Fitzsimon Street side of the site (thereby preventing the creation of a rear setback), - The orientation of the site, and - The site's north-to-south significant downhill slope, placement of communal areas at ground level is undesirable due to likely overlooking from surrounding sites and significant self-overshadowing by areas located at higher elevations. The roof top communal open space area has therefore been proposed at the top level to maximise both visual privacy and solar access/amenity.	Yes
5. Secondary communal open spaces are to have a minimum dimension of 5.0m and may be provided on roof tops.	See above regarding the rooftop placement of the communal open space area.	N/A
6. Access to and within the Primary communal open space is to be provided for people with a disability Part 2 Section 7 of AS1428.	Disability access is provided in accordance with Australian Standards.	Yes
7. The location and design of the Primary communal open space is to optimise opportunities for active and passive social and recreation activities, solar access and orientation, summer shade, outlook, and maintain the privacy of residents on adjoining sites zoned differently for lower density residential development sites.	The design of the rooftop area provides a variety of open and shaded environments to promote active and passive social and recreation activities. Landscape screening will optimise visual privacy.	Yes
8. At least 50% of the area of the Primary communal open space and any Secondary communal open space are to receive direct sunlight for at least two hours between 9am and 3pm on 21st June.	More than 50% of the communal open space area will receive direct solar access in mid-winter; refer to the submitted solar access plans for further detail.	Yes
9. Communal open space is to be integrated with any significant natural feature(s) of the site and soft landscaping areas.	See above regarding the rooftop placement of the communal open space area.	N/A



10. The communal open space is to have surveillance from at least two onsite apartments for safety reasons.	Being located on the roof, the building design will not permit internal surveillance from proposed apartments. Such rooftop placement will however prevent access to the communal area from surrounding public spaces, and its layout will permit active surveillance across that area.	Yes
11. Communal open space design is to avoid creation of concealment or entrapment areas.	The placement and design of the communal area will not create concealment opportunities.	Yes
12. Shared facilities such as barbecue facilities, shade structures, play equipment and seating, are to be provided within the Primary communal open space.	Outdoor cooking, shade structures, play equipment and seating are all proposed within the communal area.	Yes
13. Garden maintenance storage areas, drainage and connections to water taps are to be provided with the Primary communal open space. Secondary communal open spaces are to have adequate connections to water for maintenance purposes.	Connections will be provided within the communal area and in varying communal areas at ground level. Suitable onsite storage will be provided for necessary maintenance equipment storage.	Yes
7C.3 – Ground Floor Apartments		
Relationship to Ground Line		
1. Ground floor apartments are to be separated from noise sources such as common areas, communal open space and the public domain.	Ground level apartments (in particular noise sensitive areas such as bedrooms) will be separated from noise sources as required.	Yes
2. Ground and podium level apartments are to have private outdoor areas differentiated from communal areas by at least one of the following: i) a change in level; ii) walls to deflect noise; iii) planting, such as hedges and low shrubs; iv) a fence/wall to a maximum height of 1.8m. Any solid wall i) component is to be a maximum height of 1.2m with at least 30% transparent component above.	All ground floor apartments and associated private open space (POS) areas will be physically delineated from communal areas by internal fencing and landscape treatments.	Yes
3. A gate is to be provided from each ground floor apartment private open space into common areas where practical.	Not proposed (however unable to be incorporated due to proposed ground level differences).	N/A
4. Subterranean rooms are not permitted to any part of any apartment.	Subterranean rooms are not proposed. While some plans with extrapolated levels may suggest that some habitable rooms would form subterranean areas, prior excavation and site modifications are such that these apartments will not be located in subterranean areas.	Yes



5. No ground floor apartments are to be accommodated as a result of excessive excavation.	Additional excavation will be for the provision of a basement carpark level. Ground floor apartments will not be created as a result of additional excavation.	Yes
6. No part of any wall used to accommodate any residential apartment uses, including storage areas outside the apartment, is to be in direct contact with soil or rely on any form of tanking including spaces that act as tanking.	Walls associated with apartments will not be provided/act as tanking for apartments.	Yes
7. Tanking may only be provided to basement parking levels. Where basement storage is located adjacent to external walls, they are to be separated from the tanked wall by an accessible maintenance passage.	Any tanking that is required will be for the basement level only. Basement storage does not adjoin external walls.	Yes
8. The internal finished floor level of any part of a ground floor apartment and/or private open space is not to be more than 0.9m below existing ground level at the building line.	Apartments at the building line will not be greater than 900mm above ground level.	Yes
9. Where the internal finished floor level of a ground floor apartment and/or private open space is not more than 0.9m below the existing ground level at the building line, the ground level adjacent to the building is to be levelled to the finished floor level for a distance of 3.0m from the building line.	As above.	N/A
10. All obstructions, such as retaining walls or fences, are to be located below a 45° control plane, drawn from the finished ground level at the building line. Landscaping plants may project beyond the 45° control plane.	Any obstructions will be located within a 45° control plane away from the apartments.	Yes
7C.4 – Apartment Mix and Accessibility		
1. A range of apartment sizes (one, two and three bedroom) and a mix of types are to be included within the development.	Proposed number of apartments: - Two bedrooms: 1 - Three bedrooms: 13 - Four bedrooms: 13	Yes
2. A mix of one, two and three-bedroom apartments are to be located on the ground level.	Three- and four-bedroom apartments are provided at ground level.	Yes



Accessible housing		
3. All units in the mixed-use development are to be of Silver Level, and 15% of those are to be of Platinum Level as indicated in the Livable Housing Design Guideline.'	Five (i.e. 18.5%) of all proposed apartments will be of Platinum Level design; all remaining apartments will be of Silver Level design.	Yes
4. All developments are required to meet the KDCP Livable Housing Design Guideline provisions and National Construction Code accessibility requirements regardless of steepness of site.	The development will be in accordance with the BCA/NCC and all associated disability legislation.	Yes
5. All development is to provide an accessible path of travel: i) from the street entry to the front door of each dwelling; and ii) from the basement carparking to the dwelling entry; and iii) from the dwelling to the primary communal open space and each type of room or space for use in common by the residents.	Accessible paths of travel will be provided from both frontages to all parts of the development.	Yes
6. Where the internal finished floor level of a ground floor dwelling and/or private open space is not more than 0.9m below the existing ground level at the building line, the ground level adjacent to the building is to be levelled to the finished floor level for a distance of 3.0m from the building line.	To comply.	Yes
7. For Platinum level units with more than one level, an internal lift is to be provided to allow access to all levels.	Two lifts are proposed; one will access all basement/habitable levels and the other will access all levels, including the communal open space area.	Yes
8. Chair lifts, platform lifts and the like are not permitted on internal and external communal/shared paths and circulation areas. Where lifts are required they are to be constructed within lift shafts with full weather protection for users.	Not proposed.	N/A
7C.5 – Building Entries		
1. Access to and within both commercial and residential developments are to be in accordance with the Disability Discrimination Act 1992.	Access to all parts of the building will be in accordance with disability legislation.	Yes
2. Buildings are to address the street by providing: i) main building entrances that are level and directly accessible from the street; or ii) where site configuration is conducive to having a side entry, the path to the building entrance is readily visible from the street, and the building entrance is signalled with appropriate architectural elements.	Building access points will address and be directly accessible from both street frontages.	Yes



3. Entry foyers are to be no more than 1m above ground level. Any ramped access required is to be integrated into the design of the building or landscape. Mechanical chairlifts and the like will not be accepted.	Entry foyers will not be more than 1 metre above respective ground levels (noting level differences between the front and rear of the site).	Yes
4. Buildings are to have a clearly visible building entry for each vertical circulation core with clear way-finding signs integrated into the external circulation pathway system.	Building entries will be integrated with building access cores, with clear wayfinding to be provided.	Yes
5. The building entry is to be legible and integrated with horizontal and vertical building facade architectural elements. At street level, the entry is to be articulated with awnings, porticos, recesses or projecting bays for clear identification.	Both building entrances will be integrated with building facades and architectural features.	Yes
6. All entry areas are to be well lit and designed to avoid any concealment or entrapment areas and avoid dog leg entry foyers. All light spill is prohibited.	Both entry areas will be well lit and designed to avoid concealment.	Yes
7. Lifts are to be directly visible from the building entry doorway.	Lifts will be directly visible from the Merriwa Street entrance.	Yes
8. Lockable mail boxes are to be: i) provided close to the street; and ii) be at 90 degrees to the street and to Australia Post standards; and iii) integrated with front fences or building entries	Residential mail boxes will be located on the Merriwa Street frontage in accordance with the controls.	Yes
9. On large development sites comprising multiple separate buildings, each building is to have its own clear entry with good sightlines. Way-finding signs are to be provided.	The development contains a single building.	N/A
10. All entries are to be integrated into the external circulation pattern of the development.	Both entries will be integrated into proposed external circulation patterns.	Yes
11. Buildings on corner sites are to address both street frontages and provide entry points and direct level access from both street frontage	The site is not a corner site.	N/A
12. Building entry paths are to be minimum 1.2m wide and located within the common area with a minimum dimension of 1.2m on either side for landscape	Minimum 1.2-metre-wide access routes provided around the site.	Yes



planting. Paths are to provide extra width at building entries to allow easy passing between pedestrians and to allow effective turning.		
13. All common circulation corridors are to be at least 1.5m wide, and the area outside lifts is to be at least 1.8m wide.	1.85-two metre internal circulation corridors proposed.	Yes
7C.6 – Building Form and Facades		
1. All building facades at ground level are to be designed to avoid the creation of entrapment areas.	The building design will not create entrapment areas.	Yes
2. No single wall plane is to exceed 81m ² in area.	Refer to discussion below.	Variation sought
Discussion of wall plane area variation The proposed development mostly complies with the maximum 81m² wall plane control, however a portion of the building that does not comply is the northwest side of the proposed carpark area, which has an area of approximately 140m². Such a variation is caused by the steeply sloped topography of the site, which necessitates a step within residential portions of the building footprint so that carpark areas can be placed behind and below portions of the building addressing both road frontages. Given the need to locate the carpark entrance on the western side of the site (which has dictated the proposed placement of the vehicular access ramps within the carpark), it is not possible to step in parts of the noncompliant wall to provide articulation or additional visual relief. Despite being a variation to the control, the proposed design is a vast improvement on existing site conditions, noting that the current development locates a large multi-storey carpark hard against the side boundary (see figure 1 below). Such a design approach is also similar to that adopted by the development at 17-23 Merriwa Street, albeit to a slightly smaller degree owing to a less pronounced slope and elevational change on that site (see figure 2 below). To offset visual impacts created by the variation, the western side wall of the proposed carpark will be moved to a point six metres off the side boundary, and except for an elevated side pathway the western side setback will comprise of landscaped and deep soil areas; as shown by the landscape plans, proposed vegetation within the side setback will comprise of a vast range of plant species including large trees with heights of between six and 30 metres. Such landscaping will therefore assist in screening the noncompliant wall from the public domain. Any visual impact associated with this noncompliance will also be further mitigated by the natural colour tones and location of the affected wall, which will be situated at the lowest points of the building's western elevation and due to the sloped topography, will be located below the closest (i.e. Fitzsimon Lane) road frontage. Given that: • The building will otherwise present as a highly articulated structure (particularly to adjacent road frontages), • The proposal will not be inconsistent with the DCP objectives associated with this control, • The variation will not result in adverse streetscape outcomes,		



- The variation is created as a result of site-specific constraints, and
- The variation will not establish a local development precedent,

it is submitted that the proposed numerical noncompliance is satisfactory and supportable on merit in this specific instance.



Figure 1 (left): A photo of the western side of the subject site, as viewed from Merriwa Street. Reference is drawn to the large multi-storey carpark against the western side boundary.

Figure 2 (right): A photo of the eastern side of 17-23 Merriwa Street, as viewed from the western side of the subject site. Reference is drawn to the large wall plane on the lower centre-right of the image.

Image sources: Mecone, 6 April 2024

3. The following are to be avoided on all building elevations: i) large flat walls; ii) undifferentiated window openings; iii) applied treatments; iv) one single predominant finish or material.	The design has sought to avoid such features, noting that the façade will provide for high levels of articulation and design variation.	Yes
4. All facades are to place entries, habitable room windows, and balconies so that they maximise outlook and passive surveillance of the street and to common areas surrounding the building.	Building entries, active uses, habitable room windows and balconies will be provided on all building elevations.	Yes



5. All building elements including shading devices, signage, drainage pipes awnings/colonnades and communication devices are to be coordinated and integrated into the overall facade design.	All ancillary features and fixtures will be coordinated into the overall façade design.	Yes
6. Telecommunication structures are to be located within roof structures or basements and not be visible from any road or public domain area.	Telecommunication devices will be enclosed to avoid viewing from surrounding areas.	Yes
7. Screening between adjacent apartments is to be integrated into the overall building design.	Privacy screens as required are integrated into the overall building design.	Yes
8. Notches, slots or indentations in the perimeter of the building are to be at least as wide as they are deep.	Not proposed.	N/A
9. Facade elements that result in poor architectural design outcomes for internal spaces, such as snorkel windows, are not permitted.	Suboptimal design elements like snorkel windows are not proposed.	N/A
10. All facades are to be designed to minimise on-going maintenance and weathering through measures such as: i) selecting appropriate robust materials/finishes; and ii) including appropriate building edge, balcony edge, sill, head and iii) parapet detailing that demonstrates protection from prevailing weather and harsh solar aspects.	Durable and high-quality building materials and design features are proposed to reduce weathering and ongoing maintenance.	Yes
Façade articulation		
11. All building facades are to be articulated with wall planes varying in depth by not less than 0.6m, and supplemented with architectural elements.	High levels of building articulation are proposed on all building elevations.	Yes
12. Facade articulation is to be well composed with attractive proportions and coherent rhythms and integrated into the building form and structure. Methods of achieving articulated facades include: i) defining a base, middle and top relating to the overall proportion of the building; ii) expressing the internal building layout or structure, such as vertical bays or party walls; iii) using a variety of window types to create rhythm or express the building uses; iv) using recessed balconies and deep windows to add visual depth;	Façade articulation is addressed by the proposed design as follows: - The establishment of a base, middle and top (particularly on the southern half of the building, as lower levels within that part of the site result in a large number of habitable levels that, with regard to ADG and DCP compliance, necessitate greater setbacks on the front and sides of the building), - Utilising a variety of window types, particularly on side elevations, - Providing numerous methods including balcony placement to provide recessed elements,	Yes



v) use of eaves, louvres and sun shading devices to openings. vi) using elements that cast shadow and accentuate the appearance of depth; vii) using changes of material, texture and colour integrated with the building articulation to break down large or repetitive facades and reduce the bulk and scale of the building.	- A range of elements that cast shadows across different parts of the building, and - A variety of external materials and colours. Further reference is made to the architectural plans and materials schedule for further details regarding compliance.	
13. Blade walls are not to be the sole element used to provide articulation.	As indicated above, the design does not rely on blade walls to provide articulation.	Yes
14. All developments are to utilise shading/glare control devices to articulate the facade and contribute to the streetscape. Design solutions can include: i) providing external horizontal shading to north-facing windows, such as eaves, overhangs, pergolas, awnings, colonnades, upper floor balconies, and/or deciduous vegetation; ii) providing vertical shading to east and west windows, such as sliding screens, adjustable louvres, blinds and/or shutters; iii) providing shading to glazed and transparent roofs; iv) integration of shading devices with solar energy collection technology.	Glare and shade control devices are provided, and incorporate measures such as overhangs, screens (both fixed and adjustable) and recesses building elements.	Yes
Building length		
15. The continuous length of a single building on any elevation is not to exceed 36m.	Maximum building length: 28.9 metres (32.5 metres including balconies)	Yes
16. The length of a single building elevation facing the side or rear boundary may exceed 36m provided that: i) the façade is recessed in depth and width to appear as distinctive and separate building bays or wings; and ii) the recess is retained as common area with landscaping which includes at least one medium tree (at least 8m canopy diameter at maturity).	Noted, however it is acknowledged that this requirement cannot be used to vary the building length control as while the façade recessing would promote an appearance of separate buildings and the eastern recess would comprise of common facilities, such a recess is incapable of including a medium sized tree.	N/A
Balconies		
17. Balcony or terrace design may incorporate building elements such as pergolas, sun screens, shutters, operable walls and the like to respond to the street context, building orientation and residential amenity. The use of such building elements are not to enable the balcony or terrace to be used as a habitable room.	Proposed balconies include numerous elements including sun screens and shutters (both fixed and operable).	Yes



18. Balconies that run the full length of the building facade are not permitted	None of the proposed balconies will run the full length of the building, except at the northern end of level 8 (which is a consequence of the angled Fitzsimons Lane frontage and the subsequent need to provide for a stepped rear building line.	Yes
19. Continuous transparent or translucent balustrades are not permitted to balconies or terraces.	Continuous transparent or translucent balustrades are not proposed.	Yes
20. Balconies are not to project more than 1.5m from the outermost wall of the building facade.	None of the balconies on the Fitzsimons Lane frontage extend beyond the outermost wall of the building facade. Balconies on the Merriwa Street frontage however extend 3.5 metres forwards of the front building line; refer to the discussion below.	Variation sought

Discussion of balcony depth variation

As indicated above, balconies addressing Fitzsimons Lane do not project more than 1.5 metres from the outermost wall of that building facade. Such balconies therefore comply with the control and as such will not be discussed further.

The proposed variation to the 1.5 metre balcony depth control for balconies on the Merriwa Street frontage are a consequence of providing improved amenity outcomes for apartments addressing Merriwa Street. Such apartments are oriented towards the south, and as such obtain limited solar access. For the southern frontage of the building, the design subsequently proposes apartment layouts that provides deeper (i.e. 3.5 metre) balconies on the eastern and western sides of the building's southern frontage, rather than narrower (i.e. 1.5 metre) balconies that instead wrap around the southeast and southwest corners of the building. While not compliant with this control, such a design and layout:

- Enables the living areas of the affected apartments to be pushed to the outer eastern and western peripheries of the building, so that solar access can be obtained by such living areas around mid-morning and mid-afternoon respectively on June 21,
- Enables larger proportions of the balconies to obtain direct solar access around mid-morning and mid-afternoon respectively on June 21.

To enforce compliance with the control (thereby limiting balcony depths to 1.5 metres) would require the balconies to extend further along the southern building frontage to provide sufficient private open space; being on the southern side of the building, this would however reduce the proportions of those balconies that can obtain direct solar access.

It is therefore submitted that enabling a variation to the control will result in better design and amenity outcomes for future residents. Given such planning merits, we therefore submit that the variation is worthy of support by Council.



7C.7 Building Storeys

1. Sites with the following maximum building heights under the KLEP are to have a maximum number of storeys above the basement as in the table below and illustrated in Figure 7C.7-1.

Maximum building height (m)	Maximum number of storeys
11.5	3
14.5	4
17.5	5
20.5	6
23.5	7

While the northern part of the building complies with the building storey control, the southern section of the building provides for eight habitable levels, which is a variation of one storey to the DCP control.

Refer to the discussion below.

Variation sought

Discussion of storey variation

As indicated above, the proposed development will contain a maximum eight storeys at the southern end of the building; once proposed earthworks and associated level changes are undertaken, northern parts of the building will provide five-to-six storeys and as such will comply with this control.

While habitable levels have been stepped (with the majority of parking located behind the southern side of the building (as per DCP figure 7C.7-1), the building provides for eight levels through the site. Such a variation is a technical noncompliance, that is a consequence of the site's modified topography. While development would typically step down the slope (as suggested by DCO figure 7C.7-1), earlier development that created the existing structures has already significantly excavated into the site and created a generally level building footprint that is larger than the proposed development. While this enables the design to step residential elements to conceal parking and service areas, it prevents the building footprint from being stepped down the slope.

An alternative design was considered that would comply with the control by providing seven storeys within the southern part of the building, and providing additional floor area through the provision of additional storeys within the northern part of the building (noting that the building is five-to-six storeys within that area due to higher ground levels). Such a design however was disregarded for the following reasons:

- To provide two different roof levels would limit the amount of space available for communal open space areas, noting that placement of communal open space on the roof is proposed to optimise amenity and functionality of that space,
- Providing additional storeys at the northern end of the site (i.e. to offset floor space that would be lost by complying with the seven-storey control at the southern end of the building) would increase overshadowing on adjoining sites, in particular the site to the west at 11-15 Merriwa Street,
- Such a layout would have necessitated split internal circulation areas (i.e. separate lift and stair cores within the northern and southern parts of the building), to enable access to all areas (in particular the rooftop communal open space area). This would adversely affect building functionality and wayfinding, since it would require people within the southern part of the building to travel to a lower level, before walking to the northern lift core and taking the northern elevator to the roof.

The proposed height and scale of the development is consistent with other development within the surrounding MU1 zone, particularly to the east/northwest, with numerous (and recently completed) developments in such areas containing eight-to-ten storey buildings. As also demonstrated by the submitted architectural plans (which has modelled



future development at 11-15 Merriwa Street based on existing development standards and controls), the proposed development will not adversely affect surrounding sites in terms of visual privacy and solar access.

it is important to note that the proposed form of the building and the associated number of levels is a consequence of the significant prior changes to the site's topography by earlier development. As demonstrated by the extrapolated ground levels within the figures below, had the site not been so significantly excavated, the building footprint of a compliant (i.e. seven storey) scheme would be situated at considerably higher ground levels; in other words, a compliant scheme based on more naturally occurring ground levels would result in building levels on upper storeys that are similar to this proposal. As such, the proposed variation to the number of storeys will not result in a building height and scale that would, from the Merriwa Street frontage, be perceptibly different to a compliant (i.e. seven storey) development.

With regard to visual impact, any potential visual impact will also be mitigated by the following:

- The retention of six trees within the Merriwa Street setback (all of which feature existing heights and canopy spreads of at least 20 metres and 10 metres respectively), which in addition to new tree planting, will heavily screen and filter upper parts of the building from the road reserve, and
- The proposed building design has sought to further mitigate the built scale of the development by increasing the front and side setbacks of Level 8, and
- Future development on adjoining sites at 1 Merriwa Road and 11-15 Merriwa Road.
 - As demonstrated by the submitted survey plans, the ground levels of these adjoining sites are considerably higher, as they have not been excavated to the same degree as the subject site,
 - Such levels will likely result in such future development being located at higher points than on the subject site; even if such future development is constructed to a height of seven storeys, the perceived heights of those developments will still likely be similar to those proposed by this application. As such, once adjoining sites are developed to heights and scales that are anticipated by the KLEP 2015 and KDCP, such development will obscure the height and scale of the proposed development to the east and west of the site.

In summary, part of this development will constitute a one-storey variation to the seven-storey control. Such a variation is largely due to the existing conditions of the site, and while not compliant with the seven-storey control will provide for a better built form outcome, particularly from amenity and functionality perspectives. Further, such a variation will not adversely affect surrounding sites, will not present an adverse appearance when viewed from surrounding areas and will be consistent with the existing and future character of the area. Despite the variation the proposal will therefore be consistent with the objectives of the control, has planning merit and is therefore worthy of support by Council.

2. On steep sites, the size of the floor plate is to reflect the topographic constraints.	The size of the proposed building footprint has sought to reflect existing topographic constraints, including previous modifications to site levels by the existing development.	Yes
7C.8 Top Storey Design and Roof Forms		
1. The top storey of a building is to be designed so that: i) the GFA of the top storey of a residential flat building does not exceed 60% of the GFA of the storey immediately below it; and	Required GFA of proposed top floor: 553.26m ² Proposed GFA of proposed top floor: 633.3m ² (68.7% of the GFA of the level beneath)	Variation sought



ii) for the purposes of this section, the top storey applies to the building as a whole and does not apply to the top level of each part of a stepped building.	As indicated by the areas above, size of the variation is not significant and will not result in excessive building height, bulk or scale and associated adverse impacts (such as excessive overshadowing). As such, it is submitted that such variation is acceptable in this particular instance.	
2. The top storey of a building is to be set back a minimum of 2.4m from the outer face of the floors below on all sides (roof projection is allowed beyond the outer face of the top storey).	The outer sides of Level 8 are stepped in 2.4 metres from the level below.	Yes
3. The upper storeys of residential buildings are to be articulated with differentiated roof forms, maisonettes or mezzanine penthouses and the like.	The upper storeys of the building are proposed to be articulated differently than levels below through different recessing, materiality and finishes.	Yes
4. Service elements are to be integrated into the overall design of the roof and not be visible from the public domain or any surrounding development. These elements include lift overruns, plant equipment, air conditioning units, chimneys, vent stacks, water storage, communication devices and signage.	Service elements are to be integrated into the overall design of the building. The rooftop service area will be set back: • 4.5 metres from the front building line, • 9.9 metres and up to 3.7 metres from the respective eastern and western building lines of the building, and • 12.9 metres and 6.83 metres from the eastern and western sides of lower levels respectively. Such setbacks, in addition to other rooftop elements (such as communal open space features and the stairs/lift overrun), screening and visual filtering created by the retention of trees will effectively screen such elements from surrounding sites and the public domain.	Yes
5. Roof design is to respond to solar access and prevailing weather with the use of eaves, skillion roofs, awnings and the like with a minimum overhang of 0.6m.	The roof design has considered relevant environmental matters.	Yes
6. Where solar panels are provided they are to be integrated into the roof line or elevation.	PV cells are not proposed.	N/A
7. Lightweight pergolas, sun screens, privacy screens and planters are permitted on the roof or podium, provided they are integrated with the	The proposed pergola associated with the communal open space area is well integrated with the building. Being a centralised structure, it does not increase perceived building bulk and scale or visual clutter, and will	Yes



building and facade design and do not increase the bulk of the building, create visual clutter or impact on significant views from adjoining properties.	not create adverse environmental issues. Being recessed on the top level, the landscape planters will also not give rise to increased building height, bulk and scale.	
7C.7 – Laundry and Air Clothes Drying Facilities		
1. Each apartment is required to have access to an external air clothes drying area, e.g. a screened balcony, a terrace or common area.	All apartments will have screened outdoor areas to facilitate natural clothes drying.	Yes
2. All external air clothes drying areas are to be screened and not be visible from any public domain areas.	All external clothes drying areas will be screened by balustrades and/or screens.	Yes
3. Storage volume calculation within laundries is to exclude the space required to accommodate a washing tub, washing machine and dryer	Noted and applied to storage calculations.	Yes
4. Where clothes drying is provided within private open space within a communal open space, its area is to be additional to that required for the private open space or communal open space.	All apartments feature balconies larger than ADG requirements, and provide for excess space for clothes drying.	Yes
7C.10 – Fencing		
1. Front boundary fences and walls (to a public street) and side boundary fences within the street setback are not to be higher than: i) 0.9m if of closed construction (such as masonry, lapped and capped timber or brushwood fences); or ii) 1.2m if of open construction (such as open paling and picket fences).	A 1.6-metre-high fence of open construction is proposed on the Merriwa Street frontage (no fences are proposed on the Fitzsimon Lane frontage). While the height of the fence is a 400mm variation to the 1.2 metre requirement, it is proposed to provide a consistent height with other features within the Merriwa Street frontage, namely necessary fencing around the substation and meters around the driveway. The visual impact of the fence will also be reduced by its open design and finishes that will be earthy/neutral tones. It is therefore submitted that the proposed variation will result in a better streetscape outcome that will not will not adversely affect the surrounding area, and as such is supportable on merit.	Variation sought
2. Closed front fences with a maximum height of 1.8m may be considered where the site fronts a busy road or other sources of undesirable noise. These fences are to be set back at least 2m from the front boundary and screened by landscaping.	Closed front fences are not proposed.	N/A



3. Fences and walls are to step down and follow the natural contours of the site.	Proposed boundary fences will be stepped as required to account for slopes.	Yes
4. Hedges and shrub planting are preferred to the street frontage, but no higher than 1.2m along the entire front boundary, or 1.8m on a site fronting a busy road.	All hedges and shrub planting to the road frontages would be limited to 1.2 metres in height. This can be governed by a condition in the event of approval if deemed necessary by Council.	Yes
5. All fencing is to be designed to highlight entrances, and be compatible with buildings and letterbox areas.	All fencing will be compatible with entrances and other streetscape features.	Yes
6. External finishes for fencing are to be robust and graffiti resistant.	To comply.	Yes
7. Ground floor private open space, courtyard and terrace wall and fence heights are not to exceed i) 1.2m to any street frontage ii) 1.8m to any side or rear boundary with a maximum 1.2m high solid component and a minimum 30% transparent component above.	Ground floor balconies will contain one-metre-high balustrades.	Yes
7C.11 Acoustic Privacy		
1. For requirements on noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and other plant refer to Part 23.8 of this DCP.	Refer to separate assessments below.	Yes
7C.12 Services		
1. All developments are to make provision for waste and recycling storage and collection within the building basement.	All waste services are to be located within the basement.	Yes
2. Building services, including within basements and on rooftops, are not to be visible from the public.	All building services (both basement and roof) will be obscured from the public domain by screening or being situated within the basement.	Yes
PART 13 – TREE AND VEGETATION PRESERVATION		
13.1 Tree and Vegetation Works		
1. The prescribed tree and vegetation that are protected by Part 3 of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 2, Vegetation in Non-Rural Areas, Part 2.3 and this section of the DCP include – Tree – other vegetation	Part 3 requirements are not applicable to this site.	N/A



– native vegetation:		
Application for Tree and Other Vegetation Works		
1. An application is required to be completed and forwarded to Council for all works on trees or other vegetation where an exemption under Section 13.2 does not apply.	Consent for tree removal is sought as part of this application.	Yes
3. The applications are only to be made by the owner of the site on which the vegetation or the trunk of the tree is located or their authorised agent (Council will require proof of authority to be submitted).	The application is made on the behalf of the subject site's owner. Consent is not sought for tree removal or pruning on adjoining sites.	Yes
SECTION B		
PART 14D GORDON LOCAL CENTRE		
Precinct G4 – Mixed Use		
5. The following development is to be designed to support and compliment the provision of Key Community Infrastructure through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA): 17 Provision of a new bus stop on the highway servicing the strategic bus corridor link to Macquarie Centre. 18 Reconstruction of Fitzsimmons Lane to be a 15 metre wide right of-way with footpaths both sides and on-street parking. 19 Embellishment of the footpath areas throughout the area including underground power lines, new lighting, high quality paving and furniture and street tree planting.	Noted. It is expected that such infrastructure would be in part funded via development contributions to be paid in the event of approval.	Yes
6. Building setbacks are to be in accordance with Figure 14D.10-4 and all buildings in the B4 zone are to provide setbacks in accordance with Part 8 of this DCP in relation to commercial buildings and Part 7 in relation to residential buildings with the following exceptions: 3 metre setback to Fitzsimmons Lane applying to the properties nos. 1, 7-9, 11-15, 17-23 Merriwa Street and no.71 Vale Street for building forecourts and landscaped garden 12 metre setback to Merriwa Street applying to the properties nos. 7-9, 11-15 and 17-23 Merriwa Street for landscaped gardens	Proposed setbacks: - Merriwa Street: - To balconies: 12.5 metres - To building line: 16 metres - Fitzsimmons Lane: - Minimum 6 metres	Yes



7. Buildings are to be designed in accordance with this Development Control Plan, Figure 14D.10-5, and as follows: i) Provide active frontage to the Pacific Highway between McIntyre Street and Merriwa Street. ii) Provide active street frontages to Fitzsimons Lane where ever possible. iii) Create a consistent 3 storey (11.5m) street wall that is built parallel to the street alignment of the Pacific Highway between McIntyre Street and Merriwa Street. iv) All levels above street wall height are to have 2m setback.	The design of the building is consistent with this figure, in that: - The active frontage has been provided to the Fitzsimons Lane frontage, and - A supporting active frontage on the Merriwa Street frontage will be provided that will enable streetscape activation by active residential use areas and vehicle/service access.	Yes
8. All vehicle service and loading access is to be from Fitzsimons Lane, Merriwa Street or Vale Street.	All vehicular access will be from Merriwa Street in accordance with DCP figure 14D.10 and the ADG.	Yes
9. Vehicular access via the Pacific Highway is not permissible.	The site does not front the Pacific Highway.	N/A
10. Where sites have dual frontage to Merriwa Street and Fitzsimons Lane, vehicular access or service loading is to be via Merriwa Street only.	The site has dual frontages to Merriwa Street and Fitzsimons Lane. Figure 14D.6-1 of the DCP only specifies a single pedestrian access point does not specifically nominate a vehicular access point for the site. Site conditions (in particular its significant north-to-south downhill slope and prior excavation) are such that: - Forward access and egress by service vehicles would not be possible from the Fitzsimons Street frontage, - The outcomes of this control contradict Part 7 of the DCP, which requires that waste collection facilities be located in the basement level. The elevational changes across the site are that it would not be possible to provide service vehicular access from Fitzsimons Lane to reach the proposed basement level, - Given that residential vehicular access is required to be placed at the lowest part of the site (i.e. from Merriwa Street) as required by the ADG, it would be non-sensical to provide a second vehicular access point, particularly as vehicular access from Fitzsimons Lane would reduce space for the provision of commercial space to activate that frontage, and - The provision of the single vehicular access point increases landscaped and deep soil spaces on the site, reduces vehicular/pedestrian interference within the active frontage area and as such results in better public and built form outcomes.	Yes



	For the reasons provided above, the proposed placement of vehicular access is considered to be supportable on merit.	
11. Residential and commercial lobbies are to be located on Fitzsimons Lane, Merriwa Street, Vale Street and the Pacific Highway.	Residential lobbies are provided on both the Merriwa Street and Fitzsimons Lane frontages, noting that a commercial lobby is not required as all commercial tenancies will address Fitzsimons Lane.	Yes
PART 15 LAND CONTAMINATION		
1. Refer to Council's Contaminated Land Policy 2016 for a list of activities that may cause a site to be considered 'potentially contaminated land', and for requirements for development applications, rezoning and remediation works on contaminated land.	Noted. Refer to the SEE and the consideration of State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP) for further details.	Yes
SECTION C		
Part 21 – General Site Design		
21.1 Earthworks and Slope		
1. Development is to be accommodated within the natural slope of the land. Level changes across the site are to be primarily resolved within the building footprint. This may be achieved by: i) stepping buildings down a site; and ii) locating the finished ground floor level as close to existing ground level as practicable.	Residential components of the building will step down the slope of the land. Finished ground levels will be located as close to respective 'ground' levels as possible.	Yes
2. Development is to minimise earthworks on steeply sloping sites. Sites with a slope in excess of 15% may require certification from a geotechnical engineer as to the stability of the slope in regard to the proposed design.	Significant earthworks were undertaken as part of earlier development on the site. A geotechnical report has been submitted in support of this application; reference is made to that report for further details.	Yes
3. Landscape cut or fill should not be more than 600mm above or below natural ground line.	A technical variation is proposed, as additional cut and fill works will exceed 600mm to fill in areas that have been significantly excavated as part of prior works. Such works are supported by the submitted geotechnical report to demonstrate that they are satisfactory, and the variation is therefore considered acceptable in this instance.	Variation sought
4. A minimum 0.6m width is required between retaining walls to provide adequate soil area and depth to ensure that they do not read as a single level change, and for the viability of landscaping.	Noted and applied.	Yes



5. Existing ground level is to be maintained for a distance of 2m from any boundary.	A technical variation is proposed, as prior earthworks on the site have altered surface levels within two metres of side boundaries, and additional cut and fill works are required to make the site suitable for development. Such works are supported by civil engineering plans and the submitted geotechnical report to demonstrate that they are satisfactory, and the variation is therefore considered acceptable in this instance.	Variation sought
6. Grassed embankments are not to exceed a 1:6 slope. Vegetated embankments, planted with soil stabilising species, may be to a maximum of 1:3.	Grassed embankments exceeding a 1:6 slope are not proposed. Vegetated slopes will have a slope with less than a 1:3 gradient. Refer to the landscape plans for further information.	Yes
7. Fill and excavation is to be avoided within sensitive environments, such as riparian lands, bushland, vegetation or natural rock outcrops.	The site is not within a 'sensitive environment'.	Yes
8. Retaining walls, excavated and filled areas are to be located and constructed to have no adverse impact on: i) structures to be retained on the site; ii) structures on adjacent public or private land; iii) trees and vegetation to be retained on site or on adjoining sites.	Proposed cut and fill works and associated retaining structures will not adversely affect surrounding sites. Further reference is made to civil engineering plans and the submitted geotechnical report supporting this application.	Yes
9. Excavated and filled areas are to be constructed so as not to redirect or concentrate stormwater or surface water runoff onto adjoining properties.	Proposed cut and fill works and associated retaining structures will not adversely affect the performance of the proposed stormwater system. Further reference is made to the stormwater plans supporting this application.	Yes
10. The design of the proposal is to consider the impacts of altered subsurface/groundwater flows or direction on groundwater dependent ecosystems or species.	Reference is made to the geotechnical report to demonstrate how groundwater considerations have been addressed.	Yes
11. For any dwelling house development, excavation within the building footprint is not to exceed 1.0m depth relative to ground level (existing), fill is not to exceed 1m relative to ground level, with a maximum level difference across the building footprint of 2m.	The proposal is not for a dwelling house.	N/A



12. Retaining walls on low and medium residential density sites are not to exceed 1m in height above existing ground level. Where greater level change over the site is required, the site should be terraced.	The proposal is not for low or medium density residential development.	N/A
13. Excavation for basements and subterranean rooms are not permitted on low density single dwelling sites unless on sloping site where no more than 1m excavation is required.	The proposal is not for low density residential development.	N/A
21.2 Landscape Design		
Site planning and design		
1. The site planning and design of developments is to: i) retain and enhance indigenous vegetation, biodiversity corridors and existing natural features on the site including trees, shrubs and groundcovers, soils, rock outcrops and water features. These provide habitat, breeding sites, food and shelter for a wide variety of life forms and ecological processes that support life and define the character of the locality. ii) retain significant and visually prominent trees and vegetation that contributes to neighbourhood character; iii) Retain habitat within the site including:- drainage features and damp areas;- rock outcrops- hollow-bearing trees;- areas of leaf litter; - bushrock.	The proposal will retain 15 significant trees on/immediately around the site, including six large (i.e. 20+ metre high) trees within the front setback; remaining tree removal is necessary the proposed building and services. There are no other special environmental features on the site	Yes
2. Landscape design is to demonstrate consideration of: i) the proximity of trees to buildings, walls and other structures on site and on adjoining sites; ii) the proximity of trees to stormwater, electricity, gas, sewer and other services; and iii) the potential hazard of planting types and densities on sites prone to bushfire risk (refer to Planning for Bushfire Protection 2019).	The proposal has considered the sites proximity to nearby trees, noting that the arborist report makes recommendation as to their retention and protection during works. The landscape design makes adequate provision for services. The site is not bushfire prone.	Yes
3. The retention of existing appropriate screen planting is encouraged.	There is no screening vegetation onsite.	N/A
4. Disturbance of natural soil profiles is to be minimised.	The disturbance of natural soil profiles will be minimised where possible.	Yes



5. Structures (including services) are to be located outside the Tree Protection Zone of trees to be retained. This applies to street trees, trees on site and on adjoining sites.	Structures and services will be located outside TPZs; reference is made to the submitted arboricultural impact assessment for further information.	Yes
6. Existing ground level are to be maintained beneath the Tree Protection Zone of trees to be retained.	Ground levels inside TPZs; refer to the arboricultural impact assessment for further information.	Yes
7. Vegetation retention is to consider the following: i) healthy specimens that have a high Useful Life Expectancy are to be the first priority for retention; ii) trees and vegetation within heritage items or heritage conservation areas are to be assessed in terms of heritage significance.	Structures and services will be located outside TPZs; reference is made to the submitted arboricultural impact assessment for further information.	Yes
Planting		
8. Artificial grass surfaces are to be avoided except in exceptional circumstances.	Artificial grass surfaces are proposed only in rooftop communal open space areas where high levels of foot traffic is anticipated.	Yes
9. Continuous rows of monoculture planting (consisting of one species or variety) to boundaries are to be avoided. Planting is to include a diversity of species and heights including trees shrubs and ground covers.	Rows of monoculture planting is generally avoided except where screen planting and feature hedges are proposed. Planting will otherwise comprise of a diversity of species and heights including trees shrubs and ground covers. Refer to the submitted landscape plans for further information.	Yes
10. Planting beds for screen planting is to be of adequate width to allow the plants to flourish.	Adequate soil depths are to be provided for proposed plantings.	Yes
11. The use of vigorous growing and dense species such as Bamboo and Leighton Green are to be avoided.	Not proposed; refer to the landscape plans for further information.	Yes
12. The height of planting within the front setback is to allow partial views to and from the dwelling or main building and beyond.	Landscaping will provide for active and passive surveillance of street frontages.	Yes
13. Where a property boundary is within 300m from bushland at least 55% of the overall number of trees and shrubs are to be locally indigenous vegetation. Species are to reflect the relevant vegetation communities within the area.	The site is not in proximity to bushland areas. Predominantly native plant species are however proposed where appropriate; refer to the submitted landscape plans for further information.	Yes



14. For development on sites where single residential development is permitted, and all property boundaries are greater than 300m from bushland, at least 25% of the overall number of trees and shrubs are to be locally indigenous vegetation. Species are to reflect the relevant vegetation communities within the area.	The proposal is not for low or medium density residential development.	N/A
15. The planting of species listed in Council's Weed Management Policy and the Greater Sydney Regional Strategic Weed Management Plan is not permitted.	Proposed planting has considered and avoided species within this policy; refer to the submitted landscape plans for further information.	Yes
16. Species used for planting in or directly adjacent to areas with significant vegetation or habitat should be of local provenance.	Appropriate plantings will be located in proximity to significant trees to be retained; refer to the submitted landscape plans for further information.	Yes
17. Siting and choice of planting is to consider amenity outcomes on the site such as shading and cooling. Note: Seasonal temperature control and improved air quality can be achieved through effective landscape design: i) use of vegetation to protect the north, east and west facing windows against the hot summer sun; ii) use of deciduous vegetation to provide summer shade but allow winter sun to penetrate the building; iii) trees with dense foliage to create more shade; iv) vegetated courtyards to reduce temperatures in your courtyard and internal living spaces; v) vertical shading for east and west walls and windows to protect from hot summer sun at lower angles, for example trees, shrubs and vines supported on a frame; vi) horizontal shading for north facing windows, for example, deciduous vines grown over a pergola; vii) tall, evergreen trees should not be planted too close to north-facing windows to avoid overshadowing in winter; viii) use of ground cover planting, low growing shrubs, lawns and vegetated walls to reduce glare and surface temperature from paving, roofs and walls; ix) use of large dense shrubs as windbreaks to the south-west to counter cold winter winds and channel cooling summer breezes; and x) use of medium to large-sized shrubs or trees clipped to form a hedge to provide still air insulation and shading when grown close to a wall;	Proposed species selection and planting locations have considered residential amenity and shading, both on the subject site and on surrounding sites. Rooftop vegetation selection and placement has also sought to provide a range of microclimates within communal open space areas, and provide suitable year-round amenity for users of that area. Refer to the submitted landscape plans for further information.	Yes



xi) the positioning of low shrubs, lawn and ponds to the north to help cool hot summer winds.		
SECTION C		
PART 22 GENERAL ACCESS AND PARKING		
22.1 Equitable Access		
4. Applications for development, other than single dwellings, are to demonstrate how access to and within developments meets the requirements of the Disability Discrimination Act 1992 (DDA) and the Disability (Access to Premises – Buildings) Standards 2010.	Access to the site and all internal areas is in accordance with relevant disability legislation. Refer to the submitted Livable Housing Design Guidelines Assessment Report for further information.	Yes
5. Entry access ramps for people with a disability are to be located within the site and is not to dominate the front façade.	All entry ramps are located within site boundaries and are well integrated with proposed landscaping treatments.	Yes
6. Where such access is likely to have a major adverse impact on significant fabric, alternative solutions should be considered. However every effort is to be made to provide equitable access through the main entrance to the building.	As above; proposed access ramps will not significantly nor adversely affect the public domain.	N/A
8. Building entries are to be clearly visible from the street. Where site configuration is conducive to having a side entry, the path to the entry is to be obvious from the street.	All building entries will be clearly visible from both street frontages.	Yes
9. Ensure pedestrian areas have clear sightlines, are appropriately lit and overlooked by buildings that provide street level activity.	All pedestrian access areas are observable from within the building, have clear sightlines and will be well-lit.	Yes
10. Access ways for pedestrians and for vehicles are to be separated.	Segregated vehicular and pedestrian access arrangements are proposed.	Yes
11. Ensure landmarks, including landmark buildings, are distinctive in form and reinforce the street pattern and topography to enable people to find their way.	There are no landmarks on/around the site.	N/A
12. Buildings are to be sited and designed to avoid obscuring landmark features and views which enable ease of orientation from the street and public open space areas.	As above.	N/A



13. Ensure all users of the site can find their way within the development. This can be achieved by: i) Designing foyers and orienting reception and information desks so that arriving visitors can be seen; ii) Locating reception and information desks near lifts to enable staff to assist visitors with directions; iii) Dividing large-scale sites into distinctive smaller parts, or zones of functional use, while preserving a 'sense of place' and connectivity between spaces; iv) Organising the smaller parts of the development under a simple organisational principle, such as 'use' through a zonation plan with a logical and rational structure; v) Providing frequent directional cues throughout the space, particularly at decision points along routes in both directions; vi) Displaying/using appropriate international symbols for facilities as illustrated in Figure 22.1-1.	The site has been designed to enable simple wayfinding by residents, workers and visitors. Internal communal accessways will provide for a single major passageway through the building, and vertical circulation areas have been located within a single core.	Yes
Residential only		
14. All Multi Dwelling Housing, Residential Flat Buildings and Shop Top Housing within Mixed Use developments are to provide access to, and between, dwellings and parking in accordance with the Livable Housing Guidelines as stipulated in Part 6 Multi Dwelling Housing, Part 7 Residential Flat Buildings and Part 8 Mixed Use Development.	All access between relevant areas will be provided in accordance with the Liveable Housing Guidelines as required.	Yes
22.2 General Vehicle Access		
1. Except as provided in Part 14 of this DCP, car park entry and egress, for developments other than low density residential, are to be provided from secondary streets or lanes where these are available.	Vehicular access is to be provided from Merriwa Street, which will act as the supporting active frontage.	Yes
2. The width and number of vehicle access points are to be limited to minimise potential pedestrian/vehicle conflicts. Wherever practicable, commercial and mixed use buildings are to share, amalgamate or provide a rear lane for vehicle access.	The proposal will consolidate the four existing vehicle access points into a single driveway. The width of the driveway access point is limited where possible, noting that its dimensions are required to permit access by larger service vehicles.	Yes
3. Vehicle access driveways are to be set back a minimum of 10m from street intersections or as specified in Clause 3.2.3 of AS2890.1 (whichever is the greater).	There are no intersections in proximity to the site.	N/A



4.	Vehicle and pedestrian access to buildings are to be separated and clearly distinguished. Vehicle access is to be located a minimum of 3m from pedestrian entrances.	Four metre separation proposed to the main pedestrian access point.	Yes								
5.	Provide clear sight lines at pedestrian and vehicle crossings.	Sightlines are to be in accordance with relevant Australian Standards.	Yes								
6.	The width of any driveway for a low density residential development, as measured at the front site boundary, is not to exceed 3.5m.	The proposal is not for low-density residential development.	N/A								
7.	For all other development types, driveway width is to comply with the table below. Greater widths will only be considered where it is required by RMS or Australian Standards relating to off-street parking and pedestrian safety. <table><tr><th>Proposed Number of Car Parking Spaces in Development</th><th>Driveway Clear Width</th></tr><tr><td>Less than 25 spaces</td><td>6m max</td></tr><tr><td>25-100 spaces</td><td>6m max (on local roads) 6m min - 9m max (on main roads)*</td></tr><tr><td>100-300 spaces</td><td>6m min – 9m max (on local roads) 6m for entry, 4-6m for exit, 1.3m separation (on main roads)*</td></tr></table>	Proposed Number of Car Parking Spaces in Development	Driveway Clear Width	Less than 25 spaces	6m max	25-100 spaces	6m max (on local roads) 6m min - 9m max (on main roads)*	100-300 spaces	6m min – 9m max (on local roads) 6m for entry, 4-6m for exit, 1.3m separation (on main roads)*	While the maximum width of the entire driveway would be 8.2 metres, this is inclusive of the central island that would provide intercom/card reader devices; such width is required to enable sufficient manoeuvring space for large waste/service vehicles entering and leaving the site. The driveway width narrows to 6.1 metres at the building entrance point. Despite the numerical variation, the driveway access arrangements provide sufficient space for vehicle access and separation from pedestrian access points, and is therefore considered to be satisfactory.	Variation sought
Proposed Number of Car Parking Spaces in Development	Driveway Clear Width										
Less than 25 spaces	6m max										
25-100 spaces	6m max (on local roads) 6m min - 9m max (on main roads)*										
100-300 spaces	6m min – 9m max (on local roads) 6m for entry, 4-6m for exit, 1.3m separation (on main roads)*										
8.	Long driveways (greater than 30m) are to be avoided. Where they are unavoidable, driveways over 30m long are to be provided with a passing bay.	Proposed driveway length: 17.6 metres	Yes								
9.	Service ducts, pipes and storage facilities located in proximity to vehicular access points are to be concealed and not be visible form the street.	All service ducts are suitably integrated into the building façade design.	Yes								
10.	External security doors may be provided to access points where necessary. Security doors are to be of high quality material and detail and are to blend into the building facade.	The security door is to be finished of durable materials and finished in colours complementing the building; refer to the external material schedule for further information.	Yes								
11.	Vehicles are to be able to enter and leave the site in a forward direction.	The site layout provides for forward vehicle access and egress.	Yes								



12.	Vehicle entries and service areas are to be set back or recessed from the main facade line and integrated into the overall facade design, so as not to dominate the building elevation.	The vehicle access point is to be situated behind and below the Merriwa Street façade.	Yes
13.	Vehicle entries, walls and ceilings are to be finished with high quality materials, finishes and detailing, similar to the external facades of the building.	To comply.	Yes
14.	For driveways on sloping sites, where high retaining walls are required on both sides of the driveway, one wall is to be no higher than 1.2m. Where greater level change is required, the retaining wall should be stepped back and softened by landscaping. High solid walls should be relieved by i) change in colour or finish; ii) recessing; and/ or iii) exposed brick or block work.	The driveway slope and retaining walls are to be provided for the proposed basement as is required by Part 7 of the DCP), and are not related to the slope of the site. Any retaining walls will however be constructed and finished in materials and colours that complement the development.	Yes
15.	Any new development with 4 or more dwellings, or childcare development, which has its driveway on a road that carries over 2,000 vehicles per day is to make an application to the Ku-ring-gai Traffic committee to provide 'No Parking' restrictions for 6 metres on either side of the driveway. Costs of reporting, processing and installation are to be at the applicant's expense.	Both Merriwa Street and Fitzsimons Lane are local roads that carry only small volumes of traffic. No parking zones are therefore not required.	N/A
22.3 Basement Car Parking			
1.	A logical and efficient structural grid is to be provided to the basement car park areas.	A logical and grid-based basement carpark layout is proposed	Yes
2.	The minimum height between floor level and an overhead obstruction is to be 2.2m, except for the following: i) 2.5m for parking area for people with a disability; ii) 2.6m for residential waste collection and manoeuvring area; and iii) 4.5m for commercial waste collection and manoeuvring area.	Proposed ceiling heights for carpark areas: • Carpark areas: 2.88 metres • Waste collection area: 3.2 metres	Yes
3.	Where natural ventilation is not possible, a ventilation system for the basement car park is to be provided and designed in accordance with AS1668.2 The use of ventilation and air conditioning in buildings - Ventilation design for indoor air contaminant control. Monitoring of CO2 and	Natural ventilation will be provided where possible. Any necessary mechanical ventilation will be in accordance with relevant Australian Standards.	Yes



	variable speed fans are to be provided with any basement car park mechanical ventilation systems.		
4.	Basements are to be fully tanked to prevent unnecessary subsurface or groundwater extraction.	To comply; reference is to the submitted civil engineering plans for further information.	Yes
5.	Unimpeded access to visitor parking and waste and recycling rooms located within a secure basement parking is to be maintained.	Unimpeded access to visitor spaces and waste/recycling rooms will be provided.	Yes
6.	Where ventilation grilles or screening devices are provided they are to be recessed and integrated into the overall facade and landscape design of the development.	Ventilation grilles are to be recessed and integrated into side facades and are integrated with the proposed landscape design.	Yes
7.	Vehicle access ways to basement car parking is not to be located in direct proximity to doors or windows of habitable rooms.	The vehicle access point is recessed 3.5 metres behind a residential balcony and is not situated in proximity to noise sensitive areas.	Yes
8.	Where visitor parking is not separated from residential parking by a barrier, a light colour palette is to be used for the interior of the car park and lines of sight are to be open and avoid concealment and entrapment areas.	To comply with colouration requirements (this can be subject to a condition of consent if deemed necessary by Council). The carpark design provides for suitable sightlines.	Yes
9.	All off-street parking provision is to comply with the design requirements of the current AS 2890 applying to off -street car parking.	All parking facilities will comply with relevant Australian Standards.	Yes
22.4 Visitor Parking			
1.	Where visitor parking is required by this DCP, the spaces are to be provided on site and clearly marked.	Visitor parking is provided in accordance with DCP provisions. Such parking will be clearly marked as required.	Yes
2.	Visitor parking located behind a security grille require an intercom system to gain entry.	An intercom/card reader is proposed adjacent to the front boundary.	Yes
3.	At least one visitor parking space it to be accessible, designed in accordance with AS2890.6.	One (1) visitor space is to be accessible.	Yes
22.5 Parking for People with A Disability			
1.	Accessible car parking spaces are to be level and have a continuous path of travel to the building's principal entrance or lift.	Level paths of travel will be provided between accessible spaces and lifts.	Yes



2.	Accessible car parking spaces are to be identified by a sign incorporating the international symbol specified in AS1428 and be designed in accordance with the provisions of AS2890.6.	Accessible parking will be clearly marked as required.	Yes																		
3.	Appropriate international symbols for the disabled are to be displayed/used where appropriate to assist in direction to ramps, lifts etc.	To comply.	Yes																		
4.	Car parking spaces for residential development (excluding single dwellings) are to be designed in accordance with the requirements of the Liveable Housing Guidelines 2012 as stated within Part 6 Multi-Dwelling Housing, Part 7 Residential Flat Buildings and Part 8 Mixed Development.	All parking is to be provided in accordance with Liveable Housing Guidelines as required.	Yes																		
5.	Provision of accessible car parking for non-residential development is to comply with the following minimum rates, rounded up to the nearest whole number: <table><tr><th>Type of Facility</th><th>Minimum Rate of Provision</th></tr><tr><td>Retail/commercial</td><td>1-2%</td></tr><tr><td>Civic/community centres</td><td>2-3%</td></tr><tr><td>Recreational facilities</td><td>2-3%</td></tr><tr><td>Educational establishment: schools</td><td>2-3%</td></tr><tr><td>Educational establishment: tertiary institutions</td><td>2%</td></tr><tr><td>Entertainment facilities</td><td>3-4%</td></tr><tr><td>Hospitals</td><td>3-4%</td></tr><tr><td>Medical centres</td><td>3%</td></tr></table>	Type of Facility	Minimum Rate of Provision	Retail/commercial	1-2%	Civic/community centres	2-3%	Recreational facilities	2-3%	Educational establishment: schools	2-3%	Educational establishment: tertiary institutions	2%	Entertainment facilities	3-4%	Hospitals	3-4%	Medical centres	3%	Proposed accessible spaces: • Residential: 10 (18.5%) • Commercial: 1 (14.3%) Note 1: The above includes residential parking associated with platinum level apartments, which provide for people with higher mobility needs. Such parking contains larger dimensions for accessible needs. Note 2: One accessible visitor space is also proposed.	Yes
Type of Facility	Minimum Rate of Provision																				
Retail/commercial	1-2%																				
Civic/community centres	2-3%																				
Recreational facilities	2-3%																				
Educational establishment: schools	2-3%																				
Educational establishment: tertiary institutions	2%																				
Entertainment facilities	3-4%																				
Hospitals	3-4%																				
Medical centres	3%																				
22.6 Pedestrian Movement Within Car Parks																					
1.	Marked pedestrian pathways, with clear sight lines and appropriate energy efficient lighting are to be provided in all car parks. See Austroads Guide to Traffic Management Part 11 - Parking.	Marked pedestrian pathways will be provided in accordance with relevant Australian Standards, noting that the design of the carpark provides for adequate sightlines.	Yes																		
2.	Pedestrian pathways, entrances, stairway and lift areas are to be clearly visible, conveniently located, well lit and have minimal conflict with vehicular traffic.	Pathways, entrances and lift areas are designed to be highly visible, and will not be located in areas close to vehicular traffic passage.	Yes																		



3.	All pathways and ramps within car parks are to conform to the minimum dimensional requirements set out in AS1428.1.	All parking and associated facilities are to be provided in accordance with Liveable Housing Guidelines as required.	Yes
4.	All pedestrian path surfaces within car parks are to be stable, even and constructed of slip resistant material.	To comply.	Yes
22.7 Bicycle Parking and Facilities			
1.	Bicycle parking and storage facilities are to be designed in accordance with AS2890.3 to ensure: i) both wheels and frames can be locked to the device without damaging the bike; ii) easy access from a bicycle lane or roadway with appropriate signage; iii) access paths have a minimum width of 1.5m to accommodate a person pushing a bicycle, and adequate sight lines for safety.	To comply.	Yes
22R.1 Car parking rates			
Required parking rates: Commercial rates: • 1 space per 33m² of GFA • 1 courier space to be provided within a convenient location. Residential rates (Per Part 7 of the DCP): • Two bedrooms: ○ Minimum rates: 1 space per dwelling ○ Maximum rates: 1.25 spaces per dwelling • Three bedrooms: ○ Minimum rates: 1.4 spaces per dwelling ○ Maximum rates: 2 spaces per dwelling • Four bedrooms: ○ Minimum rates: 1.4 spaces per dwelling ○ Maximum rates: 2 spaces per dwelling		<u>Residential parking</u> Refer to the parking rates applied by Part 7B.1 of the DCP (above). <u>Commercial parking</u> Proposed commercial GFA: 252.7m² • Required commercial spaces: 7.68 • Proposed commercial spaces: 7 Also refer to the submitted Traffic Impact Assessment, which confirms that the number of car parking spaces for the development is satisfactory.	Yes
PART 23 – DESIGN AND SUSTAINABILITY			
22.3 – Sustainability of Building Materials			
To briefly summarise, building materials associated with existing development will be reused onsite where possible. All new materials will not comprise of toxic materials and those which would break down and cause adverse environmental impacts. Compliance with this section of the DCP will therefore be attained.			



23.4 – Materials, colours and finishes		
Multi-unit Dwellings, Residential Flat Buildings and Mixed-use Buildings		
16. External building walls are to be constructed of high quality and durable materials and finishes with low reflectivity	All external building materials will comprise of high quality and durable materials. Such materials will have low reflectivity properties.	Yes
17. The material and colour palette for all building façades are to be composed of three fields: i) Primary Field - the predominant façade material/colour that gives the building its primary character. ii) Secondary Field - a supporting colour/material that provides diversity and façade articulation by highlighting the Primary Field. iii) Accent Field – supplementary colours and materials that: • add emphasis to the façade; and • highlight facade elements; and • typically contrast in colour or material or texture with the Primary and Secondary fields	The proposed finishes and colours will be in accordance with the DCP structure. Reference is made to the external material schedule for further details.	Yes
18. The Primary Field and predominant façade material is to be face brick. Selected bricks are to be warm earthy colours and tones that complement the local setting or future character of areas in transition, and require minimal maintenance to retain their high quality finish.	The facades are to comprise predominately of face brick finishes, with a variety of secondary materials to provide contrast.	Yes
19. The Secondary Field is to comprise materials and textures consistent with the indicative colour and material palette at Figure 24.4-4.	Secondary materials will comprise of metal cladding, concrete planters and other such materials in accordance with the DCP.	Yes
20. The Accent Field materials and colours are to be consistent with the indicative colour and material palette at Figure 24.4-3, Figure 24.4-4, and Figure 23.4-5. The Accent Field is to highlight building elements including, but not limited to, windows, railings, parapets, doors, balustrades. The material and colour selection is to complement the overall Primary and Secondary Field façade treatment.	Accent fields and materials are consistent with the DCP.	Yes
23.5 – Roof Terraces and Podiums		
1. All roof terraces and podiums are to provide appropriate building systems to make them trafficable, and to support landscaping.	The rooftop communal open space area will be suitably designed, with loading and planter soil depths to be provided as appropriate.	Yes



2.	Roof and terrace common open areas are to incorporate sun shading devices, wind screens and facilities such as BBQ and kitchenette area with drinking water to encourage usage.	The communal open space area will be provided with a variety of features and elements that will create individual micro-climates (including a pergola area with outdoor cooking facilities), which will promote year-round use by residents.	Yes
3.	Where artificial lighting is required, energy efficient lights are to be used in conjunction with timers or daylight controls. All light spill is prohibited.	Energy efficient lighting will be installed, and will be fitted in accordance with AS1482.	Yes
4.	Roof terraces and podiums are to provide soft landscaping areas that complement the appearance of the building, soften the edges of the building, and reduce the scale of raised terraces and other built elements such as services.	The communal open space area will include soft landscaped areas to both provide amenity and privacy.	Yes
5.	Robust and drought tolerant plant material are to be used to minimise maintenance and ensure long term survival.	Plant and selections will comprise of drought tolerant species.	Yes
6.	Roof terraces and podiums are to be designed for optimum conditions for plant growth by appropriate solar access, soil mix, and the provision of water connections and drainage.	Planter sizes and depths will be designed for adequate drainage, soil depths and loading as required.	Yes
7.	Minimum soil provision for a range of plant sizes are to be in accordance with the following: i) large trees (canopy diameter of up to 16m at maturity) - minimum soil volume 150m³- minimum soil depth 1.3m- minimum soil area 10m x 10m area or equivalent ii) medium trees (8m canopy diameter at maturity)- minimum soil volume 36m³- minimum soil depth 1m- approximate soil area 6m x 6m or equivalent iii) small trees (4m canopy diameter at maturity)- minimum soil volume 11m³ - minimum soil depth 0.8m- approximate soil area 3.5m x 3.5m or equivalent iv) shrubs- minimum soil depth 0.5-0.6m v) ground cover- minimum soil depth 0.3-0.45m vi) turf- minimum soil depth 0.1-0.3m	Soil provisions and depths within terraces and rooftop planters will be in accordance with DCP requirements; refer to the submitted landscape plans for further information.	Yes



23.6 – Building Services			
1.	All applicants are to consult with service providers such as energy, electricity, gas, water, telephone and fire.	To comply as required.	Yes
2.	For high and medium density development, including Seniors Housing, Multi Dwelling Housing and Residential Flat Buildings, underground electricity services are to be provided from the proposed building on the site to the appropriate power pole(s) or other connection point.	Onsite underground electricity services are to be provided.	Yes
3.	Services and structures required by the providers are to be located within basements, or concealed within the facade, with appropriate access. Where this is not possible, the proposal is to demonstrate an alternative method of minimising street impact, such as screening with landscape or built elements. Particular care should be taken in mixed use precincts to ensure substations and fire hydrants are not visible from the primary street and principal active street frontages.	Services are to be located within the basement, except for gas and water meters which will be located adjacent to the Merriwa Street frontage for access. Fire hydrants will be provided within the supporting active frontage.	Yes
4.	Ventilation stacks are to be concealed within the building. Where they exhaust at street level (eg. from basements) they should be integrated within the design of the site.	Any internal ventilation risers will be located within the building envelope and will not discharge at street level.	Yes
5.	All new developments designed to allow for commercial uses are to include an internal ventilation shaft to ensure future alterations do not place the shaft in an unsuitable location.	Internal ventilation fixtures will be installed as required for the commercial tenancies.	Yes
6.	With the exception of dwelling houses, all buildings are to accommodate proposed or future air conditioning units within the basement or on rooftops, with provision of associated vertical/ horizontal stacks to all sections of the building.	Plant equipment will be located within the basement and on the rooftop plant area.	Yes
7.	Air conditioning condensers are to be located within the basement or within the roof structure of the upper most roof. Air conditioning condensers are not to be located on: i) the building façade; ii) the top of a flat roof; iii) terraces; iv) private or communal open spaces; or	The air conditioning condensers will be located within the basement and on the rooftop plant area.	Yes



v) balconies.		
8. Air conditioning units located on the roof will only be permitted where they are well screened, integrated into the building form and do not result in adverse noise impacts on neighbouring occupants.	Rooftop plant equipment will be adequately screened within an area that is enclosed on two sides by the vertical circulation core and outdoor facilities for the communal open space areas. The remaining elevations will be enclosed by screens constructed and finished with materials that will complement the remainder of the building. Such screens will also be stepped back from the front and western side elevations to reduce any visual prominence.	Yes
Electrical Kiosk Substations and Fire Hydrant Boosters		
9. All utility infrastructure is to be located to have minimal physical and visual impact and obstruction to the streetscape, natural environment and to the development.	All utility infrastructure connections will be located underground to avoid streetscape impacts and the natural environment.	Yes
10. Kiosk substations and hydrant and booster assemblies are to be designed and located to: i) not dominate the street frontage of the development; and ii) be integrated within the overall development; and iii) retain and protect existing trees.	The booster assemblies will be integrated with water metres adjacent to the driveway. This will separate it from landscaped areas and will prevent adverse impacts on trees proposed to be retained. While the CGI images show the boosters as being open to the street, they will be enclosed by gates to enable better integration into the front fence.	Yes
iv) Any proposed kiosk substation and hydrant and booster assembly that is part of a Residential Flat Building development or a Multi dwelling Housing development is to be screened from the street using a fence/ gate system that is integrated into the architecture of the development and its fencing. The fence/gate is to provide a screen so that the kiosk substation and hydrant/booster assembly is not visible from the adjoining public street.	The design of the booster assembly will be located behind a fence and gate that will extend from the site pathway entry feature (note: this is proposed despite not being shown on the photomontage). The booster assembly will therefore not be visible directly from the street. The substation at the front of the site forms part of a separate title and will not be modified by this application.	Yes
23.7 – General Acoustic Privacy		
1. Development is to be designed to minimise the impact of external noise sources (eg busy roads, railways, swimming pools, heavy vehicle entries) on the internal and external spaces used by occupants.	The site does not adjoin an external noise source.	N/A
2. Balconies and other external building elements are to be designed and located to minimise infiltration and reflection of noise onto the facade.	The locations and designs of balconies and associated elements would not reflect noise back onto the façade.	Yes



3.	Buildings are to be designed to minimise noise transmission by, but not limited to: i) careful siting and orientation of the building; ii) locating bedrooms away from both internal and external noise generators of a development, eg by using storage or circulation areas as a buffer or grouping room uses according to the noise level generated.	The building has been designed to place noise sensitive areas away from potential noise sources (e.g. plant equipment).	Yes
7.	Measures such as mounding or high solid fencing will only be permitted where they are compatible with the streetscape.	Not proposed.	N/A
8.	When designing and siting active open space areas (eg BBQ areas, swimming pools, communal areas etc) regard is to be paid to potential noise impacts on adjacent rooms and buildings, such as bedrooms.	Communal open space facilities have been situated on the roof at the building's northern end, adjacent to the site's active frontage.	Yes
9.	Noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and plant either as an individual piece of equipment or in combination is not to be audible within any habitable room in any residential premises before 7am and after 10pm. Outside of these restricted hours noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and plant either as an individual piece of equipment or in combination is not to emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the boundary of the nearest potentially affected neighbouring properties. The background (LA90, 15 min) level is to be determined without the source noise present.	To comply. If considered necessary by Council, a condition(s) of consent could be imposed in the event of approval that would require adherence with this requirement.	Yes
23.9 Construction, Demolition and Disposal			
Environmental Site Management Plan			
1.	Site disturbance during construction or demolition is to be minimised by: i) avoiding excavation beyond the building area; ii) restricting machinery and vehicle movement to the building footprint and access corridor; iii) locating service lines close to the building or within previously excavated areas where possible; and	Site disturbance will be limited where possible. The submitted arboricultural impact assessment details measures to be undertaken to protect trees during works, which includes the location of construction storage areas outside the TPZs of trees to be retained.	Yes



iv) locating storage areas to areas outside the tree protection zones of trees to be retained.		
2. An environmental site management plan showing tree protection areas, machinery usage zones, storage areas, site sheds and location of stormwater pollution barriers is to be submitted with the application as per Councils DA Guide.	Refer to the submitted concept stormwater plans for details. Recommendations regarding tree protection measures are also contained within the submitted arboricultural impact assessment.	Yes
Waste Management Control		
1. A Waste Management Plan (WMP) is to be submitted with the application, in accordance with 23R.8 of this Part. Evidence such as weighbridge dockets, copies of invoices or some other form of written evidence will be required to be submitted to Council on completion of the development to verify the quantities and destination of waste and recycling materials generated during works (either demolition and or construction).	A WMP has been submitted as part of this application. In the event of approval, conditions of consent are capable of governing requirements such as the evidence of offsite waste to Council's satisfaction.	Yes
2. Provide source separation facilities on building sites so that different waste streams may be easily separated during construction and demolition to encourage the reuse and recycling of materials.	Source separation can be provided onsite, and is capable of being governed by conditions of consent in the event of approval.	Yes
Stormwater Quality Control During Construction		
5. Manage soil, water and materials on construction sites to prevent erosion, sedimentation and pollution of waterbodies and the natural environment.	Measures to prevent erosion and stormwater contamination will be undertaken in accordance with Managing Urban Stormwater: Soils and construction. Reference is made to the submitted erosion and sediment control plan, which is expected to be subject to condition in the event of approval.	Yes
6. Manage the quality and quantity of post-construction stormwater runoff from the site to protect downstream ecological communities, to prevent altered nutrient regimes and to reduce litter entering the waterways.	As above.	Yes
7. Control erosion and sedimentation by: i) minimising the extent of disturbance; ii) rapidly stabilising the disturbed areas; iii) diverting clean runoff around work areas; and p 23-24 Ku-ring-gai Development Control Plan iv) trapping eroded sediment as close to the source as is practical.	As above.	Yes



8.	Provide for appropriate management of wastes, chemicals and fuel through: i) Appropriate storage and handling to prevent discharge of pollutants to waterways; ii) On-site containment of waste water from construction activities; iii) Appropriate storage and disposal of waste materials; and iv) Appropriate management and disposal of waste water.	Appropriate waste management and control measures are capable of being adopted during works. It is expected that this can be addressed by conditions of consent in the event of approval.	Yes
Erosion and sediment control			
1.	All activities that have the potential to pollute are to comply with the requirements of the Protection of the Environment Operations Act.	It is expected that such requirements this can be addressed by conditions of consent in the event of approval.	Yes
2.	All development applications are to be accompanied by an 'Erosion and Sediment Control Plan' (ESCP) that describes the measures undertaken at development sites to minimise land disturbance and to control sediment pollution. The ESCP is to be prepared in accordance with "Managing Urban Stormwater, Soil and Construction, 2006 (Landcom).	Reference is made to the submitted erosion and sediment control plan, which has been prepared in accordance with Managing Urban Stormwater: Soils and construction.	Yes
3.	Disturbance to existing vegetation should be minimised when installing controls, especially along watercourses, on highly erosive lands and in high-conservation-value areas.	While the site is not within areas subject to such conditions, measures required to minimise vegetation impacts will be undertaken in accordance with the submitted arboricultural impact assessment.	Yes
4.	Where land disturbance activities occur in riparian zones (Category 1 and 2) or watercourses, a separate Vegetation Management Plan may be required. This plan is to cover all disturbed lands within the riparian zone. It should address revegetation, bush regeneration and weed control. It should ensure that previously stored topsoil is respread over disturbed lands and the litter layer is restored. Any imported topsoil is to be weed free.	Not applicable to this site.	N/A
5.	All disturbed areas should be rehabilitated as soon as possible after excavation or completion of the construction period. This includes, but may not be limited to: i) restoration of all surfaces to their original condition (or as specified); ii) re-establishment of surface stability with suitable cover to achieve a permanent C-factor of less than 0.1 (equivalent to 60 per cent ground cover) within 20 working days from the start of works.	Rehabilitation of disturbed elements will be undertaken as soon as practicable. It is expected that such requirements this can be addressed by conditions of consent in the event of approval.	Yes



9.	Disturbance to existing vegetation should be minimised when installing controls, especially along watercourses, on highly erosive lands and in biodiversity significant areas.	While the site is not within areas subject to such conditions, measures required to minimise vegetation impacts will be undertaken in accordance with the submitted arboricultural impact assessment.	Yes
PART 24 WATER MANAGEMENT			
For responses to relevant sections within this part of the DCP, reference is made to civil engineering plans (prepared by Smart Structures Australia). To briefly summarise, the stormwater system has been designed for a 1:100 year ARI event, with stormwater flows to be collected from the building and directed to OSD tanks; any overflows from those tanks would subsequently be directed to the public drainage system within the Merriwa Street road reserve. The proposed stormwater system has been designed in accordance with Council's technical standards, and it is expected that the proposal will be directed to Council's development engineers for comment.			
PART 25 WASTE MANAGEMENT			
25A.1 – General Requirements			
1.	All waste and recycling facilities are to comply with the NCC and all relevant Australian Standards.	All proposed waste and recycling facilities will comply with the NCC and relevant Australian Standards.	Yes
2.	During the design of the development, construction waste is to be minimised by: i) using recycled materials, ii) selecting materials that reduce waste or do not require disposal, or iii) can be reused or recycled in the future; and designing with minimal site disturbance by avoiding unnecessary excavation or fill.	Waste materials generated by works on the site will be reused where possible. It is intended, where possible, to also reuse excavated material from proposed basement works in earthworks to be undertaken towards the northern end of the site.	Yes
3.	All waste and recycling storage containers are to be stored within the boundary of the subject site.	All waste and recycling storage containers will be stored within the basement.	Yes
4.	All putrescible and non-putrescible waste materials stored in any waste and recycling room or at centralised collection points are to be contained in approved rigid containers supplied by the Council.	All waste and recycling storage containers will be stored within the dedicated residential and commercial waste storage areas, which will be placed in the southern end of the basement.	Yes
5.	No compaction equipment is to be used for any sized bin.	Compaction equipment is not proposed.	Yes
25A.2 Waste Storage Rooms			
1.	Sufficient space is to be provided within the premises for the storage and manoeuvring of the number of bins required to store the volume of waste and recycling materials.	Adequate space will be provided for the storage and manoeuvring of bins	Yes



2.	Sufficient space is to be provided to adequately house any additional equipment to handle or manage the waste generated from the development.	Additional equipment to handle or manage future waste generation is not required or proposed.	N/A
3.	For buildings exceeding four (4) storeys which contain a residential component, where a chute system is proposed, a fully enclosed waste and recycling materials compartment is to be provided within each storey of the building. The facility is to be designed to contain the waste chute hopper and the number of recycling storage bins equivalent to 2 x 240 litre bins for every 4 units per storey.	Waste chutes are not proposed.	N/A
25A.3 – Access to Collection Point			
1.	The location of the waste and recycling room is to be conveniently accessible and have unimpeded access for both occupants and collection service operators. In the event that the proposed development is protected by a security system and/or locked gates, the waste and recycling room/s are to have unimpeded access for the collection service providers. Where security gates are provided to the development, gates are to be accessible by Council's master key.	The waste and recycling storage room will be located approximately five metres walking distance from the nearest internal elevator. There will be no impediment to access by residents. The site will also be made accessible by Council's master key as required.	Yes
2.	The waste and recycling collection point is to be located on a level surface away from gradients and vehicle ramps, with the path of travel being free from any floor obstructions, such as steps, to allow for the transfer of wheelie bins to and from the storage room to the collection vehicle.	The waste collection point will be provided within a level part of the basement and away from any obstructions.	Yes
3.	The vehicle access road leading to and from the collection point in a waste and recycling room is to have a minimum finished floor to ceiling height of 2.6m for residential waste rooms and 4.5m for commercial waste rooms for the entire length of travel within the building. This clearance is to be kept free of any overhead conduits, ducting, services or other obstructions.	A 3.2 metre ceiling clearance will be provided within the basement carpark. Given the relatively small scale of the commercial tenancies and that frequent waste collection is not envisioned for such businesses, a 4.5 metre commercial clearance height is not considered necessary for this development, noting that surrounding mixed use developments in this area have not been required to provide 4.5 metre clearances to basement areas.	Yes
4.	The Waste Management Plan (WMP) are to describe how the waste management system is to be managed and who is responsible for each stage of the process.	Reference is made to the submitted WMP for details on waste management processes and the associated responsibilities of individuals.	Yes



25A.4 – Construction of Waste and Recycling Rooms		
1. The floor of any waste and recycling room is to be: i) constructed of either concrete which is at least 75mm thick; ii) or other equivalent material; and graded and drained to a floor waste which is connected to the sewer.	To comply. It is expected that in the event of approval, that conditions of consent can be imposed to govern the construction of waste storage and management areas.	Yes
2. The walls of any waste room, recycling room and waste service compartment are to be constructed of solid impervious material and cement rendered internally to a smooth even surface coved at all intersections.	As above.	Yes
3. All waste and recycling rooms are to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock. This does not include waste and recycling service compartments located on residential floors of multioccupancy dwellings.	As above.	Yes
4. A close-fitting and self-closing door that can be opened from within the room is to be fitted to all waste and recycling rooms.	As above.	Yes
5. In the event that Council permits the installation of a roller shutter door (under special circumstance only), a sign is to be erected in a conspicuous position drawing attention to the fact the door is to be kept closed at all times when not in use.	A roller door is not required or proposed.	N/A
6. All waste and recycling rooms are to be constructed to prevent the entry of vermin (eg. no gaps under access doors etc).	To comply. It is expected that in the event of approval, that conditions of consent can be imposed to govern the construction of waste storage and management areas.	Yes
7. All waste and recycling rooms are to be ventilated by either i) mechanical ventilation system exhausting at a rate of 5L/s per m2 of floor area, with a minimum rate of 100L/s; or ii) permanent, unobstructed natural ventilation openings direct to the building exterior, not less than one-twentieth (1/20th) of the floor area.	As above.	Yes
8. Meters and piping are not to be located in the waste and recycling room.	Meters and piping are not proposed in waste management areas.	Yes



9.	All waste and recycling rooms are to be provided with artificial light controlled by switches located both outside and inside the rooms.	To comply. It is expected that in the event of approval, that conditions of consent can be imposed to govern the construction of waste storage and management areas.	Yes
10.	Clearly printed "NO STANDING" signs are to be affixed to the external face of each waste and recycling room.	As above.	Yes
11.	Clearly printed signage is to be affixed in all communal waste collection and storage areas, specifying which materials are acceptable in the recycling system and identifying the location of waste and recycling storage areas, as well as waste and recycling service compartments.	As above.	Yes
12.	Waste management systems are not to be visible from outside the building.	All waste management areas will be located within the basement, and as such will not be visible from the public domains.	Yes
25A.5 Residential Buildings			
1.	Centralised waste collection points are required in the following circumstances: i) Attached dwellings where the number exceeds two dwellings in total; and ii) Where site characteristics (eg. steep sites, narrow street frontage) make access to the street difficult for individual unit holders and where placement of bins on the street frontage is assessed as dangerous for either the public or service personnel, or would have a detrimental effect on the street amenity.	Centralised waste storage areas for both residential and commercial premises are to be located within the basement. Individual waste storage (except for necessary temporary storage within apartments) is not proposed.	Yes
Multi-Unit Dwellings and Residential Flat Buildings - With Basement			
13.	If there are four or more dwellings and basement parking is provided, Council's standard waste and recycling service is as follows:	Storage spaces have been designed to accommodate bins in accordance with the requirements of this control. Further reference is made to the WMP submitted as part of this DA.	Yes



Waste Type	Number of Units	Number of Bin/s		
Waste (garbage)	N/A	1 x 120L MGB per unit dwelling or 1 x 240L MB per 2 units		
Co-mingled recycling of glass, steel and aluminium cans and plastic etc	For every 4 units or part thereof.	1 x 240L MGB (communal)		
Recycling of paper and cardboard	For every 4 units or part thereof.	1 x 240L MGB (communal)		
Green waste	Optional	Please contact Council's Waste Service Team to discuss options. Green waste bins will be subject to Owners Corporation Agreement on a fee for service basis. Green waste bins will be serviced from the street frontage due to the small number of bins involved.		
14.	All new dwellings are to be designed to allow the internal accommodation of one receptacle to collect waste and another to collect recycling, each with the capacity to store one day's worth of materials.		Internal spaces of apartments are designed to accommodate at least one day's work of waste.	Yes
15.	Centralised waste and recycling rooms are to be provided in the basement that has sufficient capacity to store all waste and recycling likely to be generated in the entire building in a week.		The waste storage area has been designed to accommodate a week's worth of waste and recycling.	Yes
16.	The full path of travel to and from the waste and recycling room is to be designed to allow a 6.0m rigid vehicle, weighing GVM 7 tonnes, to enter and exit the development in a forward direction.		The basement is designed to enable forward access and egress by a waste management vehicle.	Yes
17.	The maximum grade of any access road leading to a waste and recycling room is not to be more than 1:5 (20%). The turning area at the base of any ramp is to be sufficient to allow for the manoeuvre of a 6.0m rigid vehicle to exit the building in a forward direction.		The waste collection area will be a level space within the basement, with sufficient space to enable both manoeuvring and forward access and egress by a waste management vehicle.	Yes



18. The minimum floor to ceiling height within the vehicle accessway leading to and from the waste and recycling room(s) is to be 2.6m for the entire length of travel required within the development.	A 3.2 metre ceiling clearance will be provided within the part of the basement to be allocated for waste collection.	Yes
19. Noise attenuation measures are required to ensure that the use of, and collection from, the waste and recycling room do not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act 1997.	As waste collection will occur in the basement, it will contain noise and as such will not give rise to adverse acoustic impacts.	Yes
20. An area is to be nominated for on-site communal composting.	To comply.	Yes
Mixed-use building/dwelling		
21. In a mixed use development, the waste handling, storage and collection system from residential waste and commercial waste is to be completely separate and self-contained.	Segregated residential and commercial waste storage areas are proposed. Reference is made to both the submitted architectural plans and WMP for reference.	Yes
22. There are to be at least two separate centralised waste and recycling storage areas, one for residential waste and one for commercial. The Waste Management Plan is to identify the collection points and management systems for both residential and commercial waste streams.	As above.	Yes
23. An area is to be nominated on relevant plans for on-site composting and/or worm farm for the residential component of the mixed-use building.	To comply.	Yes
24. Where there is a residential component, any new dwellings are to be designed to allow the internal accommodation of one receptacle to collect waste and another to collect recyclable materials, each with the capacity to store one day's worth of materials.	Internal spaces of apartments are designed to accommodate at least one day's work of waste.	Yes
25B Bulky Goods Waste		
1. All Residential Flat Buildings, Multi Dwelling Housing and Mixed-use developments are to provide an on-site Bulky Goods Storage Area that is. i) located within the basement of the building; and ii) located directly adjacent to the basement vehicular entry; and iii) be separate from the general Waste Storage Area; and iv) be screened and not be visible from the street or any public area outside the basement; and	A dedicated 10.1m ² bulky goods storage area is proposed within the basement adjacent to the residential waste storage area and the waste collection area. Being located in the basement, this area is not accessible from public areas.	Yes



v) not be accessible to the general public.																	
2. The following minimum on-site Bulky Goods Storage Area is to be provided within the basement: <table border="1" data-bbox="318 327 987 528"> <thead> <tr> <th></th><th>Number of Dwellings</th><th>Minimum Storage Area</th></tr> </thead> <tbody> <tr> <td>i.</td><td>Up to 50</td><td>6 sqm</td></tr> <tr> <td>ii.</td><td>50-100</td><td>12 sqm</td></tr> <tr> <td>iii.</td><td>100-110</td><td>15 sqm</td></tr> <tr> <td>iv.</td><td>Above 110</td><td>15 sqm + 1 sqm per 10 additional dwellings above 10</td></tr> </tbody> </table>		Number of Dwellings	Minimum Storage Area	i.	Up to 50	6 sqm	ii.	50-100	12 sqm	iii.	100-110	15 sqm	iv.	Above 110	15 sqm + 1 sqm per 10 additional dwellings above 10	Required bulky storage area: 6m² Proposed bulky storage area: 10.1m²	Yes
	Number of Dwellings	Minimum Storage Area															
i.	Up to 50	6 sqm															
ii.	50-100	12 sqm															
iii.	100-110	15 sqm															
iv.	Above 110	15 sqm + 1 sqm per 10 additional dwellings above 10															
3. The Bulky Goods Storage area is to be: i) a room or a caged area; and ii) have a minimum doorway width of 2 metres; and iii) have instructive signage regarding storage and collection of bulky items.	To comply. It is expected that in the event of approval, that conditions of consent can be imposed to govern the construction of the bulky storage areas.	Yes															
4. The instructive signage displayed at the Bulky Goods Storage area is to: i) provide contact details for the Building Manager; and ii) clearly label the room as 'Bulky Goods Storage'; and iii) provide instruction on the storage of bulky goods; and iv) indicate the route to the 'Bulky Goods Collection Point'; and v) provide instruction on the timing and responsibility of movement of bulky goods from the Bulky Goods Storage area to the on-site Bulky Goods Collection Point.	To comply. It is expected that in the event of approval, that conditions of consent can be imposed to govern the construction of the bulky storage areas.	Yes															

