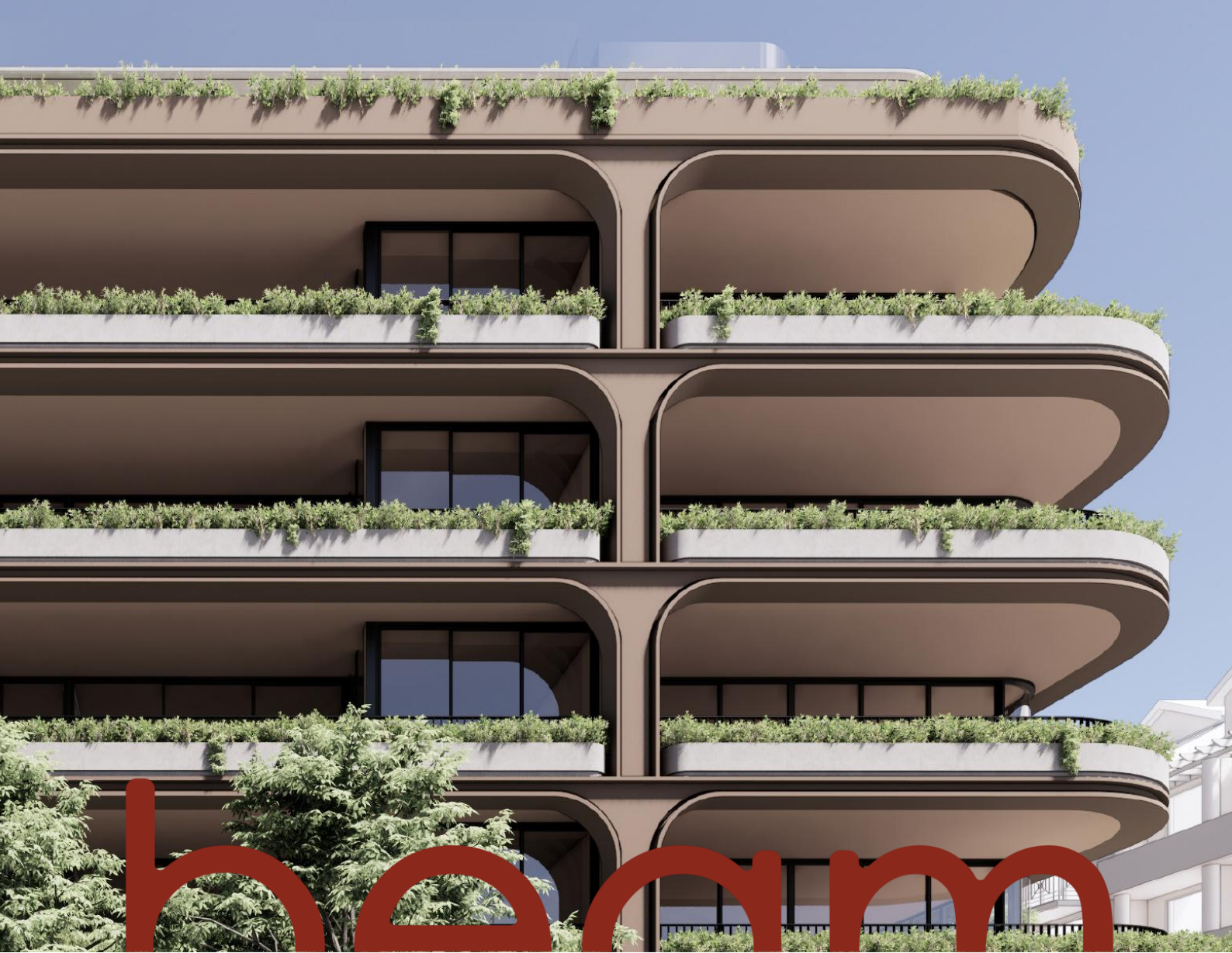




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Development Application Statement of Environmental Effects

Shop-Top Seniors Living
70-76 Alexander Street, Crows Nest

Prepared for 70-76 Alexander Street Pty Ltd (Watermark Living)

30.09.25
24051

Beam Planning acknowledge that Aboriginal and Torres Strait Islander peoples are the First Peoples and Traditional Custodians of Australia. We pay respect to Elders past and present and commit to respecting the lands we walk on, and the communities we work with.

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Appendices

Appendix	Prepared by
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B. Architectural Design Report	<i>Koichi Takada Architects</i>
C. Design Verification Statement	<i>Koichi Takada Architects</i>
D. Landscape Plans	<i>Somewhere</i>
E. NSDCP 2025 Compliance Table	<i>Beam Planning</i>
F. Seniors Housing Design Guide Compliance Table	<i>Beam Planning</i>
G. Clause 4.6 Variation Request Height of Building	<i>Beam Planning</i>
H. Survey Plan	<i>LTS</i>
I. Civil Engineering Drawings	<i>Stellen Civil Engineering</i>
J. Structural Scheme	<i>Koichi Takada Architects</i>
K. Arboricultural Impact Assessment	<i>Tree Management Services</i>
L. Traffic Impact Assessment	<i>Traffix</i>
M. Preliminary Construction Traffic and Pedestrian Management Plan	<i>Traffix</i>
N. Acoustic Report	<i>Building Services Engineers</i>
O. Natural Ventilation Design Review	<i>RWDI</i>
P. Operational Waste Management Report	<i>Elephants Foot Consulting</i>
Q. Construction and Demolition Waste Management Plan	<i>Elephants Foot Consulting</i>
R. Stormwater Management Plan	<i>Stellen Civil Engineering</i>
S. Stormwater Drawings	<i>Stellen Civil Engineering</i>
T. Access Review Report	<i>Funktion</i>
U. BASIX Certificate	
V. NCC NatHERS and DtS Report	<i>Building Services Engineers</i>
W. BCA Compliance Capability Report	<i>Built Smart Solutions</i>
X. Preliminary Site Investigation	<i>Foundation Earth Sciences</i>
Y. Hazardous Materials Assessment	<i>Foundation Earth Sciences</i>
Z. Detailed Site Investigation Scope of Works	<i>Smec</i>
AA. Voluntary Planning Agreement Letter of Offer	<i>Watermark Living</i>
BB. Estimated Development Cost (EDC) Report	<i>Rider Levett Bucknall</i>
CC. Ground Level Activation Presentation	<i>Koichi Takada Architects</i>
DD. Efficient Use of Resources Commitment Table	
EE. Land Owners Consent	

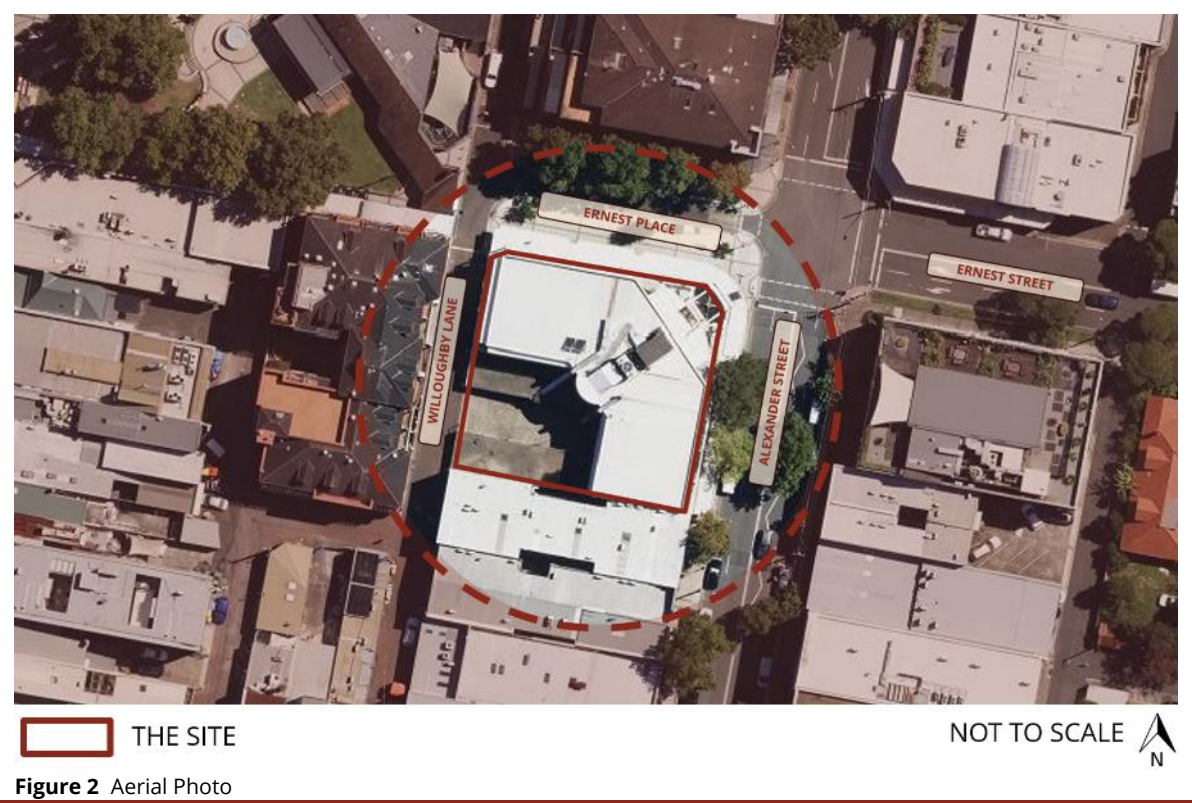
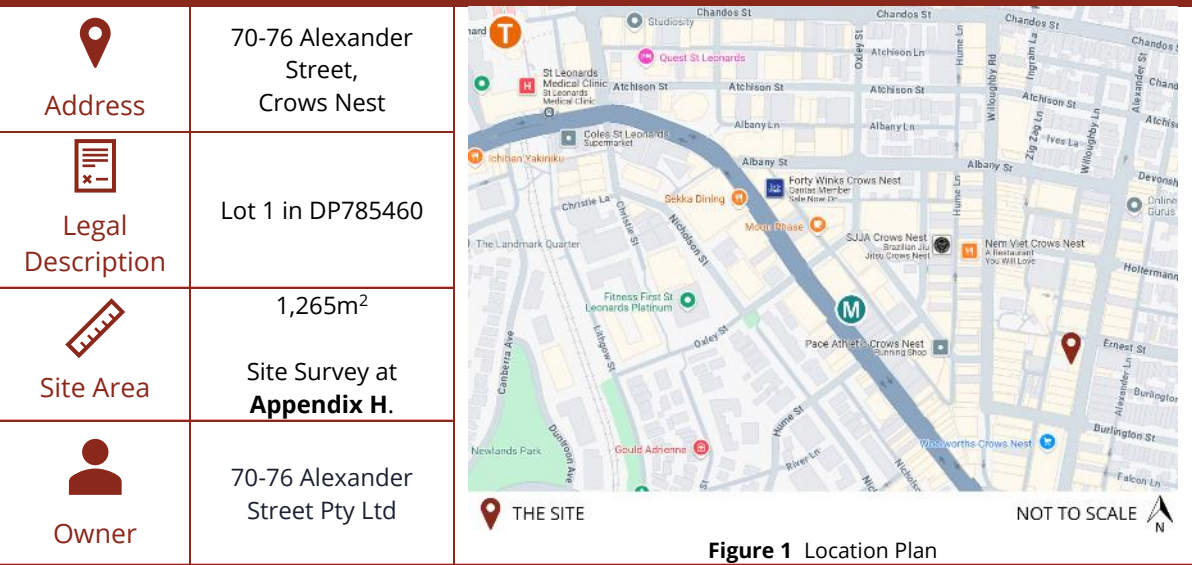


What You Need to Know

Where is the site?	70-76 Alexander Street, Crows Nest
What is this DA for?	This DA seeks approval for the demolition of the existing three-storey commercial building and the construction of a new mixed-use development comprising shop top housing for seniors, located above ground floor retail tenancies. Active street frontages will be provided to Alexander Street and Ernest Place as well as public domain upgrades to Willoughby Lane and Earnest Place as part of a public benefit offer. This DA has been prepared on behalf of 70-76 Alexander Street Pty Ltd, established by Watermark Living, an award-winning provider and long-term operator of seniors housing communities. The proposal will deliver high quality, independent living units specifically designed to meet the needs of older residents, in a highly accessible location with access to key services, transport, and community infrastructure.
Why is it being lodged?	This DA is being lodged in response to the growing demand for seniors housing and independent living units in Crows Nest, particularly for larger-format dwellings. As the local 70+ population increases, many older residents are seeking well-located, purpose-built homes that allow them to age in place without compromising on space, comfort or accessibility. The proposal delivers a mix of ILUs, with a strong focus on 3-bedroom units, which are increasingly sought after by seniors who wish to retain space for visiting family, carers, or flexible living arrangements.
What are the key impacts and how will they be managed?	The proposal has been designed to comply with all the relevant planning controls, where possible. The impacts of the proposal are generally limited to the scale and density of the development. These have been carefully managed through the design, including setbacks, privacy treatments, and upper-level modulation. Importantly, the development will have a positive social impact through the delivery of much-needed seniors housing in a highly accessible location.
Who is responsible for approving it?	The DA has an estimated construction investment value (CIV) of \$30 million and will be assessed by Council and determined by the Sydney North Planning Panel.
Why should it be approved?	The proposal represents a contextually appropriate redevelopment of a strategically located site within walking distance of the Crows Nest Metro Station and Town Centre. It delivers much-needed seniors housing in a well-serviced, accessible location, directly addressing the growing demand for independent living options for older residents. The design responds sensitively to the surrounding built form, provides excellent residential amenity, and activates the public domain through ground floor retail uses as well as delivering major public domain upgrades. While the proposal seeks a variation to the height control, this is well-justified and facilitates the delivery of rooftop communal open space and maximises the provision of much-needed housing. Importantly, the development aligns with the objectives of the Housing SEPP and the National Housing Accord, supports housing diversity, and makes efficient use of an underutilised site. As such, the proposal is in the public interest and warrants approval.

1.0 Site Analysis

1.1 About the Site



Key Information about the Site

The site (see **Figures 3-4**) comprises a three-storey office building with ground floor retail.



Figure 3 View of the site from corner of Alexander Street and Ernest Street



Figure 4 View of the site from corner of Willoughby Lane and Ernest Place



Existing
Development

 Site Access	Current vehicular access to the site is via Willoughby Lane, with a part undercroft, part open, ground floor car park/loading area (Figure 5 and Figure 6). Pedestrian access is via Ernest Place and Alexander Street frontages.   Figure 5 Existing loading area on Willoughby Lane Figure 6 Existing car park on Willoughby Lane The site is readily accessible via public transport services. The Crows Nest Metro Station is located a 300m (4 minute) walk from the site, servicing route M1 (Sydenham to Tallawong). St Leonards Train Station is located a 900m (12 minute) walk from the site, servicing routes CCN (Central Coast and Newcastle Line), T1 (North Shore and Western Line), and T9 (Northern Line). There are a number of bus stops within a 200m radius of the site, servicing routes 115 (Chatswood to North Sydney), 263 (Crows Nest to City Bridge Street via Cremorne), 267 (Chatswood to Greenwich), 114 (Balmoral to RNSH), and 144 (Manly to Chatswood).
 Heritage	The site does not contain, nor does it directly adjoin to any heritage items or conservation areas. The site's nearest heritage items are: • I-0182 - Northside Baptist Church at 63 Willoughby Road (located 100m northwest of the site); and • I-0139 – House at 103 Alexander Street (located 80m northeast of the site).
 Topography	The site slopes moderately from Willoughby Lane (southwest corner) (approx. RL97.85) to Ernest Street (northeast corner) (approx. 95.92), with a fall of approximately 1.9m across the site.

1.2 Surrounding Development

To the north of the site, along Alexander Street, the built form comprises predominantly mixed-use developments ranging from two to five storeys in height. 78-80 Alexander Street, directly north of the site across Ernest Place, is a 5-storey mixed-use brick building (**Figure 7**).



Figure 7 78-80 Alexander Street, adjacent to the site to the north



Figure 8 Development along Alexander Street

Immediately to the south along Alexander Street, development continues in a similar mixed-use form, generally up to three storeys in height (**Figure 9** & **Figure 10**). Approximately 100m south of the site is the Crows Nest Woolworths development (**Figure 11**). Approximately 200m southeast of the site is St Leonards Park, providing sports facilities, a playground and open space. Further south, approximately 590m from the site, is the Mater Hospital.



Figure 9 Development along Alexander Street to the south



Figure 10 Development along Alexander Street to the south



Figure 11 Crows Nest Woolworths development from Burlington Street

>
East

At the corner of Alexander Street and Ernest Street, development is 3-4 storeys in height (**Figure 13**). Further to the east, behind the Alexander Street frontage, the area transitions into a predominantly residential neighbourhood comprising attached and detached dwellings (**Figure 12**) however it is noted that this area is subject to the recently introduced Low-Mid Rise Housing reforms.



Figure 12 Residential development on Ernest Street



Figure 13 Corner of Alexander and Ernest Streets

The site is located at the eastern edge of the Crows Nest Town Centre, with Willoughby Road (the primary retail street) located approximately 90m to the west. Willoughby Road features a range of essential amenities including supermarkets (Woolworths and Coles), restaurants, pharmacies, and medical centres (**Figure 15**). Immediately west of the site is Ernest Place, an open space adjacent to the Crows Nest Community Centre (**Figure 14**). St Leonards train station, Royal North Shore Hospital, and Gore Hill Oval are located approx. 850m northwest of the site.

The Crows Nest Metro Station is located approx. 280m west of the site. The area surrounding the new Crows Nest Metro Station is undergoing significant transformation, with recent approved developments introducing high-rise residential and commercial towers. Planning controls around the Metro Station allow for building heights up to RL227m, reflecting the strategic intent for urban intensification and high-density, transit-oriented development within the precinct.

<
West



Figure 14 Ernest Place from Willoughby Lane



Figure 15 Willoughby Road facing south

2.0 Background to the Proposal

2.1 The Need for Seniors Housing

Crows Nest has experienced significant population growth, alongside a demographic shift towards an aging population. Between 2024 and 2036, the Crows Nest population is projected to grow by 20%, with the largest increase seen in the 70+ age group. This trend mirrors broader societal changes creating a growing demand for specialised housing that caters to seniors, particularly those seeking a balance of independence and community-based amenities.

The site, 70-76 Alexander Street, Crows Nest, is strategically positioned 300m from the Crows Nest Metro Station. This highly accessible location offers an ideal location for seniors living, with immediate access to high-frequency public transport, retail services, and health infrastructure, including the Royal North Shore Hospital and Mater Hospital. The site's proximity to these key services makes it particularly well suited to support ageing in place.

The proposal seeks to deliver a high-quality mixed-use development comprising independent living units (ILUs) for senior residents over a ground floor retail podium. The development directly responds to the identified need for increased seniors housing in Crows Nest and contributes to the diversity of housing typologies within the area, consistent with State Government policy objectives.

A key feature of the proposed development is the provision of generous common amenities and 3-bedroom ILUs, which offer a unique and under-supplied housing product within the seniors living sector. These amenities provide a sense of community whilst the larger units allow older residents to retain a greater sense of space and autonomy, accommodate visiting family members, or a live-in carer, and support flexible, multi-functional living arrangements. Many older people are increasingly seeking housing options that do not require them to significantly downsize or compromise on quality, accessibility or lifestyle. Providing a majority proportion of 3-bedroom ILUs directly responds to this market demand and ensures the proposal is inclusive of the varying needs of seniors, particularly those looking to age in place in comfort. The shortage in supply of appropriate housing stock for seniors on the Lower North Shore has an impact on the broader housing continuum and the proposal will facilitate existing aging residents to move out of larger dwellings making them available for younger families and shared households.

The proponent, 70-76 Alexander Street Pty Ltd, is a special purpose entity created by Watermark Living, an award-winning provider of seniors housing with over 22 years' experience in delivering and operating retirement communities across Australia. Watermark Living's vertically integrated model of development and management ensures long-term stewardship and quality control. As long-term asset owners, Watermark is invested in delivering enduring architectural, environmental and community outcomes that are consistent with the principles of good urban design.

3.0 The Proposed Development

3.1 Summary

What is the DA seeking consent for?

This DA seeks approval for a new shop top development comprising ILUs for senior residents, with rooftop amenities.

Specifically, the proposed development will comprise the following scope of works:

- Site preparation and excavation works, including demolition of the existing commercial building on the site;
- The construction of a new 5-storey shop top ILU building plus rooftop amenities comprising the following:
 - Ground floor retail tenancies fronting Alexander Street, Ernest Place, and Willoughby Lane;
 - Four levels of ILUs, comprising a total of 24 units, including: 1 x 2-bedroom units, and 23 x 3-bedroom units;
 - Rooftop communal facilities and landscaped open space, including indoor and outdoor recreation areas, wellness amenities and passive seating areas;
- Two and a half levels of basement, accommodating:
 - 36 resident parking spaces;
 - 2 retail parking spaces;
 - Storage, waste management and building services;
 - Bike storage areas;
- Vehicular access via Willoughby Lane and pedestrian access from all frontages;
- Public domain upgrades, including revitalisation of Willoughby Lane and provision of new outdoor furniture and dining areas within Ernest Place;
- Associated landscaping, , and site works; and
- Extension and augmentation of physical infrastructure and utilities as required.

Architectural drawings and a design report prepared by Koichi Takada Architects illustrating the proposed development are included at **Appendix A** and **Appendix B** respectively. An artist Impression of the proposed development is shown at **Figure 16**.



Figure 16 Artist Impression – Alexander Street

Source: Koichi Takada Architects

Key Numbers

Component		Proposal
GFA		Non-residential GFA: 899.8m ² Residential GFA: 4301.4m ² Total: 5201.2m ²
Non-Residential FSR		0.73:1
Maximum Height		RL121.20 (25m)
Ground Level Setbacks		Alexander Street = 0m Ernest Place = 0m Willoughby Lane = 1.5m Southern Boundary = 0m
Above Podium Setbacks		Alexander Street = 4m Ernest Place = 3m Willoughby Lane = 3m for Levels 01-03, 6m for Levels 04-06
Apartment Mix		24 ILUs including: • 23 x 3-bedroom units; and • 1 x 2-bedroom unit.
Parking	Car	Residential: 38 spaces Retail: 2 spaces Total: 36 spaces
	Bike	Residential: 27 (including 3 visit parks) Retail: 15 Total: 42
Landscaped Area		381m ² (30.8%)
Communal Open Space		215m ² (33.5%)
Deep Soil		0m ²
Solar Access		18/24 Units (75%) receive at least 2hrs of direct solar access between 9am-3pm in mid-winter
Cross ventilation		20/24 (83%) of apartments are provided with cross ventilation

3.2 Site Preparation

In order to prepare the site for the proposed development, the proposal will clear the site, demolishing the existing structure and 1 street tree (Tree No. 2) along Alexander Street, as shown in **Figure 17**. It is noted that the removal of 1 branch of Tree No. 3 is also proposed. Excavation is required to create 3 levels of basement car parking.

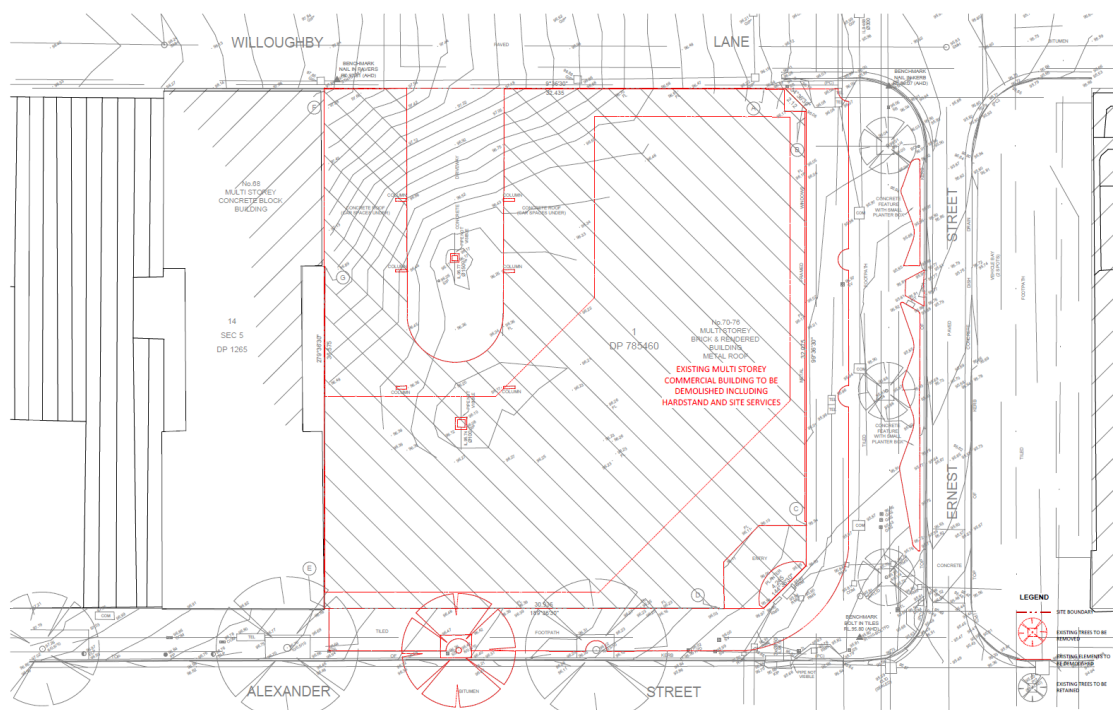


Figure 17 Demolition Plan

Source: Koichi Takada Architects

3.3 Retail Floorplate

The proposal includes a ground floor retail floorplate fronting Alexander Street and Ernest Place, designed to activate the public domain. The retail component provides a continuous interface that supports passive surveillance, walkability, and a vibrant streetscape character. The retail tenancies have been designed to allow flexibility in future use, with the internal fit outs subject to a separate future DA. In total, 815m² of residential GFA is provided across Basement 01 and Ground Floor levels.

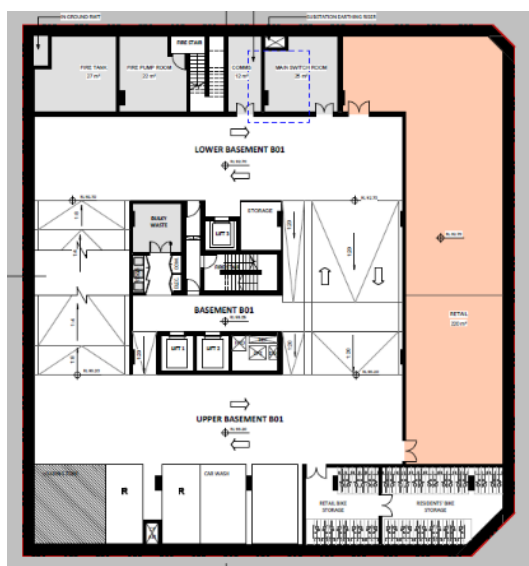


Figure 18 Basement 01 Floorplate

Source: Koichi Takada Architects

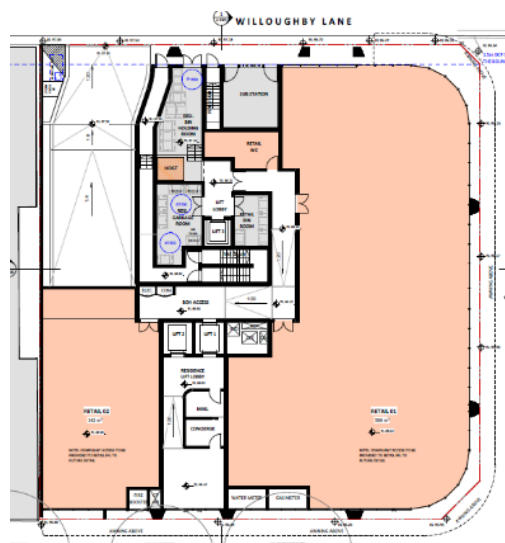


Figure 19 Ground Level Floorplate

Source: Koichi Takada Architects

The proposal incorporates a range of design measures to support streetscape activation and enhance the interface with the public domain. Active street frontages along Alexander Street and Ernest Place are achieved through permeable edges and openable stop fronts that facilitate visual and physical engagement with the street. Opportunities for outdoor dining, street planting and awnings contribute to a pedestrian-orientated environment that encourages social interaction and enhances safety through passive surveillance.



Figure 20 Streetscape Activation

Source: Koichi Takada Architects

3.4 Residential Floorplate

The residential floorplates have been designed to maximise amenity, functionality and accessibility for senior residents. Each level accommodates 5 units, arranged around dual lift cores. This layout prioritises cross-ventilation and solar access, with the majority of units benefitting from dual aspects, large balconies, and landscaping elements. A central lightwell to the western frontage introduces natural light to the building core. The floorplate supports the delivery of predominantly 3-bedroom ILUs, catering to a growing demand among older residents for larger, flexible layouts that support ageing in place.

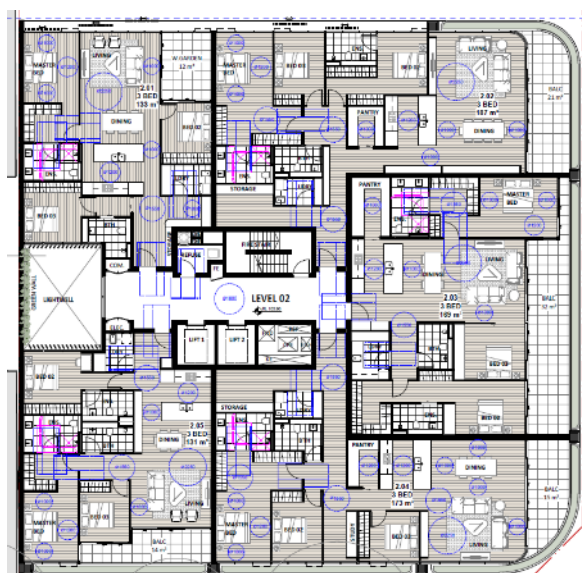


Figure 21 Level 02 & 03 Floorplate

Source: Koichi Takada Architects



Figure 22 Level 04 Floorplate

Source: Koichi Takada Architects

3.5 Basements

The proposal includes 3 levels of basement car parking, designed to meet the needs of both residents and retail occupants whilst minimising visual and amenity impacts at street level. Vehicular access is provided from Willoughby Lane avoiding disruption to the active frontages on Alexander Street and Ernest Place. The parking provision has been calculated in accordance with the requirements of the Housing SEPP, incorporating dedicated accessible spaces, resident and visitor bays, and retail tenant parking (38 spaces total). The basement layout also accommodates service areas, storage, plant, and waste management facilities. 42 bicycle parking spaces are also included in accordance with DCP controls. The proposal's parking provision and impact is further discussed in **Section 5.2.6**.



Figure 23 Basement 01 Floorplate

Source: Koichi Takada Architects



Figure 24 Basement 02 Floorplate

Source: Koichi Takada Architects

3.6 Communal Areas and Landscaping

The development includes a range of communal spaces designed to support the social, recreational and wellbeing needs of future residents. A rooftop communal area is proposed, incorporating both indoor and outdoor spaces to facilitate year-round use. These areas have been designed to provide opportunities for passive and active recreation, social interaction, and informal gathering. Specifically, the communal rooftop provides the following:

- Media room;
- Private dining room;
- Lounge;
- Gym & yoga room;
- Outdoor dining area;
- Pool and day beds;
- Outdoor exercise area; and
- Pickleball court.

The proposal incorporates a landscaping strategy that enhances visual amenity, supports residential liveability, and contributes to the quality of the public domain. Deep planter boxes, green facades, and rooftop landscaping have been integrated into the built form to soften the building's appearance and improve the microclimate. Landscape elements are located along street frontages and communal areas to provide shade, privacy screening, and opportunities for passive recreation.

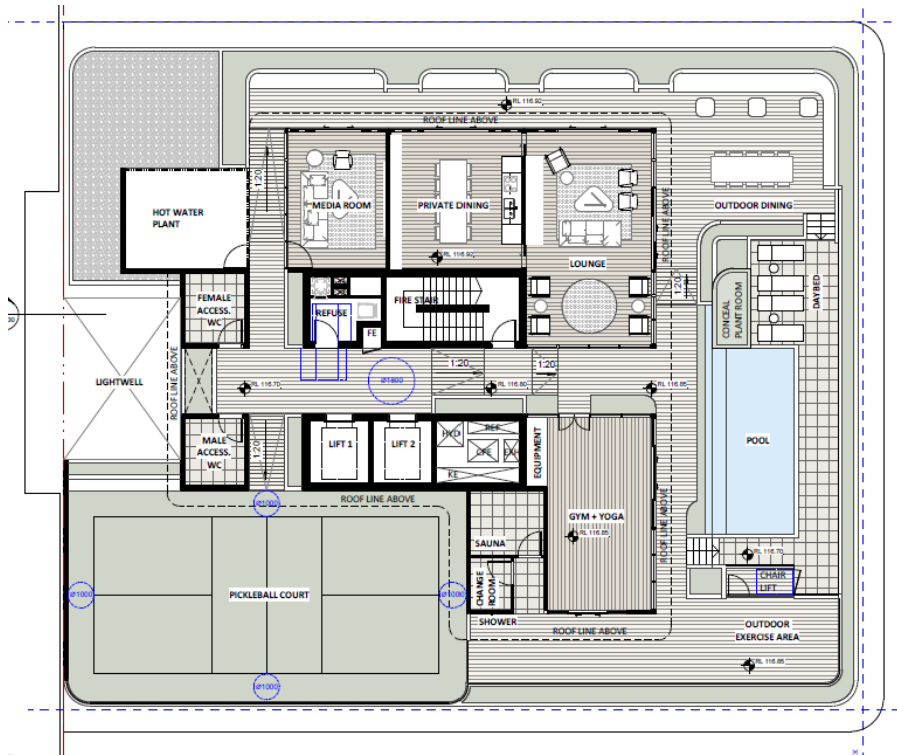


Figure 25 Level 06 Rooftop Floorplate

Source: Koichi Takada Architects

3.7 Public Domain Upgrades

In conjunction with this DA, Watermark Living has offered to enter into a Voluntary Planning Agreement (VPA) with North Sydney Council under Section 7.4 of the EP&A Act (see **Appendix Z**). The VPA will secure a package of monetary contributions, works-in-kind, and additional public benefits to be delivered in conjunction with the development.

The proposed public domain upgrades and benefits include:

- The revitalisation of Willoughby Lane: Upgrades will improve pedestrian amenity, safety, and activation. Works will include paving, lighting, and landscape integration.
- Outdoor dining facilities and furniture: Installation of public-domain furniture to support outdoor dining and street activation on Ernest Place.
- Monetary contributions: In accordance with the *North Sydney Local Infrastructure Contributions Plan 2020*, offsetting S7.11 and S7.12 obligations, with the development directly contributing to priority infrastructure projects.

4.0 Consultation

4.1 Public Domain Upgrades Meeting (12 October 2024)

A meeting was held with Marcello Occhiuzzi and Stephen Beatie from North Sydney Council on 12 October 2024 to discuss the laneway activation and outdoor dining aspirations. Council was supportive of the proposed works but made note that any works would need to be supplemented with a commitment for ongoing maintenance of these items.

The VPA has been designed in accordance with the discussions that took place, specifically addressing Council's requirement for ongoing maintenance.

The Gound Level Activation Presentation referred to in this meeting has been included at **Appendix CC** for reference.

4.2 Formal Pre-DA Meeting (23 January 2025)

The proponent attended a Pre-DA meeting with North Sydney Council's Officers of 23 January 2025. Importantly, Council indicated its support for:

- The proposed land use, comprising seniors housing with ground floor commercial premises, as being consistent with the MU1 Mixed Use zoning.
- The provision of active street frontages along Alexander Street and Ernest Place.
- Vehicular access from Willoughby Lane, noting it is preferable to Alexander Street due to lower pedestrian volumes and better alignment with service lane functions.
- The inclusion of rooftop communal open space, subject to design considerations to manage privacy, noise and amenity impacts.
- The site's strategic location near the Crows Nest Metro Station and its suitability for well-located infill development.

A summary of Council's comments and how the proposal responds to them is provided in **Table 1** below.

Table 1 Summary of Council's comments from Pre-DA meeting and the proposals response

Council's Comment	Proposal Comment
SEPP (Housing) 2021	
<i>The proposal should consider the relevant provisions/requirements in SEPP (Housing) 2021 particularly the relevant provisions in Part 5 Housing for Seniors and People with Disability</i>	Addressed in Section 5.1.1 .
<i>Whilst the proposal meets the minimum site area/frontage requirements under the SEPP, it is considered that the proposed development does not benefit from the additional floor space and height provisions in Clause 87(2) of the SEPP given that the area of the subject site is under 1500sqm as specified in Clause 7(2)(a) of the SEPP and the absence of a Floor Space Ratio control in the North Sydney LEP 2013.</i>	Noted.
<i>In addition, the application is required to demonstrate compliance with the requirements of the following Clauses:</i> • Clause 88 (Restriction on occupation of Senior housing) • Clause 89 (Use of Ground Floor) • Clause 91 (Fire Sprinklers System) • Clause 93 (Location and access to facilities – independent living units)	Addressed in Section 5.1.1 .
<i>Consideration has also been given to Clause 108 - Non-discretionary development standard for independent living units. The submitted information/drawings indicate that the proposal would have limited compliance with the non-discretionary standard such as solar access; balcony and parking only.</i>	Addressed in Section 5.1.1 .
<i>Therefore, the proposal is subject to merit assessment against the relevant provisions/controls as contained in the SEPP, North Sydney LEP and DCP.</i>	Noted.
Seniors Housing Design Guide	
Schedule 8 Design Principles for Seniors Housing	
<i>The proposal will be subject to the provisions/requirements of the Senior Housing Design Guide. Consideration must be given to the Site analysis/Urban Response in Chapter 4 and the Design Principles Independent Living for High Density in Chapter 16 of the guide respectively.</i>	Addressed at Appendix F .
<i>In particular the proposal must have regard to the context and built form character within the locality and to consider the appropriateness of the proposed development in terms of building height, scale, setbacks and to demonstrate how the design complement the character of Crows Nest Town Centre. It is also from</i>	Addressed in Section 0 and at Appendix B .

Section 4.4 that additional height of the building is intended for structure that houses plant and equipment only and not habitable floors.	
In addition, consideration must be given to the Design Principles Independent Living for High Density including, but not limited to, specific provisions relating to accessibility (proximity of the entrance/concierge desk from the street) and waste management for particular items such as medical waste.	Addressed at Appendix F .
It is considered that the proposal is required to address the following: - Neighbourhood amenity – to maintain reasonable neighbourhood amenity and appropriate residential character by – (i) Providing building setbacks to reduce bulk and overshadowing, and (ii) Using building form and siting that related to the site's land form, and (iii) Adopting building heights at the street frontage that are compatible scale with adjacent buildings	Addressed in Section 0 and Appendix G .
The proposed development is not compatible with the built form within the locality and DCP character statement with excessive building height (over 4 storeys) and bulk and scale (insufficient setbacks/ podium heights)	Addressed in Section 5.2.1 .
Privacy Impacts particularly overlooking of the apartment development to the west across Willoughby Lane.	Addressed in Section 5.2.4 .
To ensure adequate solar access to the apartments particularly the southern units on the lower levels.	Addressed in Section 5.2.3 .
Crime prevention/Security/Accessibility, particularly the appropriateness of the design of the building entrance, the location of the lobby/concierge desk	Addressed at Table 5 .
Waste management matters - waste collection (incl. medical waste), the absence of garbage bin holding bay and garbage truck access to the loading dock on Willoughby Lane.	Addressed at Appendix P .
North Sydney LEP 2013	
Clause 4.3 Building Height – maximum 16m: - Proposal does not comply – Clause 4.6 variation required. - The propose building height variation in excess of 7m is considered to be excessive in the context of the locality.	Addressed at Appendix G and Section 5.2.1 .
Clause 4.4A Non-residential FSR – minimum 0.5:1 The PreDA proposal appears to be compliant with the LEP requirement, the level of compliance may change should there be any revisions to the ground floor layout and the floor space to be allocated for non-residential use.	Noted. The proposal remains consistent.
North Sydney DCP 2013	
DCP Character Statement - The proposal does not comply with podium heights as specified in the DCP Character statement. - The non-complying podium heights and the lack of setbacks has resulted a built form with excessive bulk and scale. - The proposal must have regard to the podium height to ensure a compatible built form within the locality. - Whilst the proposed building provide setbacks from Willoughby Lane, it appears that the large balconies on the western elevation would increase the visual bulk and scale of the building.	Addressed at Appendix E and Section 5.2 .
Unit mix/internal layout: - The pre DA proposal is dominated by 3 bedroom units. Consideration must be given to a more diverse unit mix to cater for smaller household. - The applicant must submit a statement with documentary evidence, including an analysis on the size of senior households, supporting the proposed unit mix. - The internal layout can be revised to provide smaller apartments. It is noted that the proposal units are very generous in size and some contain large multipurpose rooms and large store rooms in many units. - Consideration should be given to the re-location of the lift/service core, this will improve access to the lift lobby on the ground floor and opportunities for a more diverse unit mix.	Addressed at Appendix E
Overshadowing/Solar Access: - Any shadowing onto adjoining residential development, particularly the apartment development to the west of the subject site must be minimised. - Overshadowing caused by non-complying building elements is unlikely to be supported. - Solar access to comply with the ADG minimum standard. Consideration should be given to further improvement to solar access particularly for the southern units on the lower levels.	Addressed at Appendix E
Visual Privacy	Addressed at Appendix E

Overlooking of the apartment development on the western side of Willoughby Lane must be addressed/minimised with appropriate visual privacy protection devices/measures.	
Rooftop Facilities - Consideration should be given to the visual privacy and noise impacts from the use of the roof top communal facilities. - The scale and scope of the rooftop communal facilities are extensive and concern is raised to the intensity of use of the rooftop areas. - The adequacy of only a single unisex toilet for the entire communal use, particularly for seniors living.	Addressed at Appendix E
Lightwell - Consideration should be given to provide access to the base of the lightwell (potential for communal/landscape area). - Maintenance access to the proposed green wall should be considered.	Addressed at Appendix E
Landscaping Consideration should be given to the ongoing maintenance of planters along the edge of balconies and green columns.	Addressed at Appendix E
Cross Ventilation Consideration should be given to provide more units with cross ventilation.	Addressed at Appendix E
Waste Management - Consideration should be given to handling of waste materials for seniors living, including medical waste. - A bin holding area must be provided along the laneway to facilitate collection on bin collection day. - Additional comments are provided under the Waste management comments.	Addressed at Appendix E
Loading Bay - Consideration should be given to manoeuvring of trucks/larger vehicles into the loading bay – see traffic comments. - Re-design of the loading bay may be necessary to ensure reasonable access.	Addressed at Appendix E
Commercial/Retail Uses DA for first use of the ground floor tenancies will be required.	Noted. Separate future DAs will be submitted for the ground floor tenancies.
Design Excellence Panel (DEP)	
The application will be referred to the DEP for review/comment.	Addressed in Section 4.3 .
Traffic	
Willoughby Lane is the preferred location for the access driveway as it is currently functioning as a service lane with lines of garages, vehicle accesses, etc. Installing a driveway on Alexander Street would not be desirable due to surrounding commercial land uses which would attract higher levels of pedestrian traffic.	The access driveway will be provided from Willoughby Lane. Addressed at Appendix L and Section 5.2.6 .
Alexander Lane also has a signalised pedestrian crossing, and zebra crossing nearby. By contrast, Willoughby Lane would have lower pedestrian traffic volumes. It is likely that Willoughby Lane is currently a shared zone so ensure a reduced speed limit noting there is not much space to provide a footpath.	Addressed at Appendix L .
The applicant should ensure that vehicle swept paths are provided in their traffic report. In addition, sight triangles must be provided at the driveway per AS2890.1 Figure 3.3 to ensure that exiting vehicles can see oncoming pedestrians.	Addressed at Appendix L .
Engineering	
This will be a significant development for this busy area and very complicated during demolition/construction.	Noted.
Traffic Committee consideration of the CTMP will be highly likely.	Noted.
The surrounding infrastructure is already up to N.P.D. standards and we will expect to be maintained as such.	Noted. Refer Appendix M .
For that purpose, we will introduce a significant amount for potential damage bonds.	Noted.
As for proposed vehicular and other building entrances, they must strictly make sure that all as existing building entrances will be maintained as existing and we must be pretty strict on this requirement.	Noted. Refer Appendix M .
There are several available underground stormwater connections around the property. However, these existing facilities are in very limited flow capacities and therefore, we will require introduction of On-site-Detention system to reduce the existing stormwater discharge from the property.	Noted. Refer Appendix R .
Landscaping	

Existing street trees shall be required to be retained (arborist report required).	1 street tree is proposed to be removed and replaced (Tree No. 2). It is noted this tree has a low retention value, identified at Appendix K .
Awning cut-outs to ensure unimpeded future canopy growth of street trees required.	Noted.
Consideration should be given to greater areas of soft scaping on roof level, including planters of sufficient size and depth to allow for inclusion of small trees.	Addressed at Section 3.6 and Appendix D .
Detailed landscape plans required.	Provided at Appendix D .
Waste Management	
The proposed development is required to meet the following waste management requirements: - The bin storage room must be large enough to fit 40L x units compacted waste bins + 80Lx units recycling bins. Note: the property must purchase 1100L/660L bins. - Servicing once per week. The bin room must be designed to access 1100L/660L bins. - Property is to be serviced by onsite council collection using Council's 12.5m HRV with a height clearance of 4.5m. Note: Applicant is to ensure sprinkler heights and service ducts are taken into consideration. Swept path for a 12.5m HRV with a 4.5m height clearance is to be provided for the loading dock. - Properties with a lift must have a garbage chute and 240L recycling bin on each level or dual waste/recycling chutes. - Space must be provided for a 120L food waste bin on each level. - There needs to be bulky waste storage area to hold household clean up material. This should be separate from the garbage room. - The door width for the bin room and bulky waste room must be 1.5m. - Commercial bins must be separate from residential bins.	Addressed at Appendix P .
All onsite servicing: - Onsite Council collection using 12.5m HRV with a height clearance of 4.5m. - The design for on-site servicing must ensure sprinkler heights and service ducts are taken into consideration. Gradient needs to be even to ensure truck is not affecting the service ducts or the roof of the internal driveway, cross over or entry/egress points.	Addressed at Appendix L and Appendix P .

4.3 Design Excellence Panel

On 29 October 2024, a Meeting was held with North Sydney Council's Design Excellence Panel. The Design Excellence Panel provided detailed comments on the proposal and how it relates to principles of design excellence. Overall, the Panel raised concerns regarding building height, massing, and contextual integration. The Panel's recommendations are detailed in **Table 2** below.

Table 2 Summary of Design Excellence Panel comments and the proposals response

Design Excellence Panel Comment	Proposal's Response
Principle 1 – Context and Neighbourhood Character	
The applicant provided a comprehensive set of architectural drawings and 3D views for the proposal, which enabled early discussions on key matters for the proposal through the pre-DA review, including – site planning strategy, height, massing, amenity, and architectural expression. The Panel discussed the prominent corner location of the site within the well-established, distinguished, and successful Crows Nest neighbourhood. In this regard, the overall height and built form of the proposal have not been adequately contextualised within the immediate surroundings or the local character. As a minimum, the Panel expects the scheme to be presented alongside potential future redevelopment scenarios for the remaining properties within the urban block, which are likely to be redeveloped.	The proposal acknowledges the site's prominent corner location and its transitional position between the established Crows Nest neighbourhood and the emerging TOD precinct. While the proposal exceeds the LEP height control this non-compliance is considered appropriate in the site specific and strategic context. The exceedance has been mitigated through upper-level modulation, facade articulation, and material variation to reduce the perceived bulk and scale when viewed from the public domain (further discussed in Section 0). The design has been informed by the anticipated future context of the area, with surrounding development likely to result in increased building heights and density due to the TOD and LMR Housing areas. Streetscape montages and contextual diagrams have been provided to demonstrate the proposal's

	integration within the evolving built form context (Appendix A and Appendix B).
<i>The Panel appreciates the applicant's investigation into the significant floor space ratio and height uplifts recently applied to the Crows Nest and St Leonards areas. However, the Panel notes that these uplifts have been strategically focused along the Pacific Highway spine and near the Metro Station. The site and its surrounding area have been intentionally excluded from significant uplifts to ensure an appropriate transition in built form and density towards the low- to medium-scaled Crows Nest neighbourhood to the east.</i>	It's important to clarify that the subject site is located outside the core Crows Nest Village and does not fall within the village character area. The site is zoned MU1 Mixed Use and is situated within a transitional corridor between the Metro precinct to the west and low-density residential areas further east. Its location, fronting Alexander Street places it outside the low-rise village context and within an area where redevelopment is anticipated. As such, the proposal does not undermine the intended transition in scale and instead responds appropriately to its mixed-use zoning, proximity to the Metro Station, and the evolving built form character along Alexander Street.
<i>The site has a height limit of 16 metres under the current LEP, which would typically accommodate a four-storey mixed-use building with ground-floor retail and residential apartments above, along with access and amenities as part of a rooftop communal open space. However, the applicant has proposed a seven-storey building (24.8m high) in this instance. Fundamentally, the Panel does not support the proposal due to the significant height exceedance of 8.8 metres and notes that the proposal appears out of character, primarily due to its height and the 'ziggurat'-type stepped massing.</i>	While the proposal exceeds the LEP height control, the variation is considered appropriate given the site's strategic location within a transition zone between the emerging Metro precinct and established residential areas. The upper levels are recessed to reduce perceived bulk and maintain a five-storey street wall along Alexander Street. The stepped massing allows for the integration of high-quality rooftop communal open space and larger ILUs tailored to the needs of seniors, without resulting in adverse amenity impacts. Precedents in the immediate locality demonstrate that similar height variations have been supported, particularly where public benefit and design quality are achieved. The design incorporates articulation, varied materials, and landscaping to respond sensitively to context and reduce visual impact from the public domain. This is further addressed in Section 5.2.1 .
<i>In summary, the applicant should reconsider their overall strategy and propose a scaled-down design that complies more closely with the LEP height limit.</i>	
<i>During the discussion, the applicant queried whether the setback and massing guidance within the DCP could be varied. The Panel recommends that if the applicant intends to depart from the DCP guidance, their proposal should be supported by a thorough urban design analysis, comparing the outcomes of both the DCP-compliant and proposed building massing.</i>	See Appendix B .
Principle 2 – Built Form and Scale	
<i>The Panel notes that the applicant has prioritised yield maximisation in the current design, as the building extends to the full perimeter of the site. The lack of articulation or indentations in the design makes this strategy problematic, according to the Panel.</i>	The building footprint responds to the site's corner location and context within the Mixed Use zone and in proximity to the emerging TOD precinct and LMR Housing area. While the development extends to the site boundaries at the ground level, this approach supports a defined street edge and enables activation to all three frontages. The upper levels incorporate appropriate setbacks to reduce bulk and scale and respond to the surrounding built form. Articulation is provided through recessed balconies and variation in materials and finishes. The design achieves compliance with key Housing SEPP standards, including solar access (75% of units) and cross ventilation (83% of units), demonstrating that the proposed yield does not compromise internal amenity or external urban design outcomes.
<i>The reliance on 'light wells' within the scheme is noted, and the diagram suggests there is development pressure on the site. The Panel does not support light wells as the</i>	While the proposal includes the use of light wells, these are only used for the third bedroom of two apartments. As a seniors product, the

primary source of outlook, daylight, or ventilation for habitable rooms, including living rooms, bedrooms, and home offices or study rooms.

third bedroom is typically used as a study or flexible space for grandchildren to sleep etc. and not regularly occupied or used as a bedroom. All primary living spaces have been designed to address a street, communal open space, or external boundary with compliant building separation, ensuring a satisfactory level of amenity.

It is noted that the proposal generally achieves a high level of residential amenity with:

- 83% of apartments achieve natural cross ventilation.
- 75% of apartments achieve the required solar access of 2 hours between 9am–3pm in mid-winter.

The Panel restates that the significant non-compliance with the height control is not supported in this instance.

The extent of height non-compliance has been addressed through a Clause 4.6 Variation Request (**Appendix G**), demonstrating that the proposal meets the objectives of the height control despite the numerical exceedance. The additional height facilitates the delivery of high-amenity 3-bedroom ILUs and rooftop communal open space, without resulting in adverse visual, overshadowing or privacy impacts. The built form has been carefully modulated with substantial upper-level setbacks, resulting in a five-storey presentation to the street. The site's location, at the edge of the Crows Nest Metro precinct and within a zone experiencing significant change, supports a context-driven planning response that departs from strict compliance where justified on merit. This is further addressed in **Section 5.2.1**.

Principle 3 – Density

In its current form and configuration, the proposal represents an overdevelopment of the site. The proposed density should only be supported if a revised proposal positively incorporates and/or addresses the recommendations outlined in this DEP Report.

Several design amendments have occurred to reduce the perceived bulk and scale of the development. Addressed in **Section 5.2.1** and **Section 5.2.2**.

Principle 4 - Sustainability

The Panel recommends that the revised proposal should meet the minimum targets for solar access and natural cross ventilation within Part 4A Solar and daylight access and Part 4B Natural ventilation of the ADG. Council should satisfy itself with review of the Sun Eye Views provided at hourly interval in mid-winter. Direct solar access to both balconies and living areas of 70% apartments should be confirmed in terms of consistency with the NSW ADG.

The proposal meets minimum targets for both solar access and cross ventilation.

Council should satisfy itself that the following sustainability recommendations for delivering beyond the minimum BASIX requirements are incorporated by the applicant:

- Ceiling fans to all living rooms and bedrooms as a low energy alternative.
- Provision of a rainwater tank to allow collection, storage and reuse within the site.
- Inclusion of an appropriate photovoltaic system to power common areas within the building.
- Full electrification of the development including all mechanical and hot water systems, domestic and commercial cooking, and the ability for all residents to charge electric vehicles in the car park.

Refer **Appendix U** and **Appendix V**.

Principle 5 – Landscape

The Panel did not discuss about landscape design since the overall height, massing, architectural form and expression are higher priority matters in this instance.

Principle 6 - Amenity

Recommendations already covered in **Principle 2 – Built Form & Scale**

Principle 9 - Aesthetics

<i>The site presents an opportunity to mark this prominent urban corner in Crows Nest. In developing the form and expression for the proposal, the applicant should conduct a detailed character analysis of the surrounding mid-century red brick buildings and draw on appropriate contextual cues.</i>	Refer to Design Report at Appendix B .
<i>The Panel notes that the architectural expression includes extensive glazing, which may lead to potential thermal loading issues that need to be carefully managed. Additionally, the applicant should establish a desirable balance between privacy within the apartments and outlook from them.</i>	The proposal incorporates passive design measures such as recessed balconies, vertical fins, and high-performance glazing to manage thermal performance and reduce solar heat gain. Privacy and outlook have been balanced through window placement, balcony screening, and upper-level setbacks. Refer Appendix B .
<i>Revised 2D and 3D architectural drawings should confirm location for A/C condensers and other mechanical equipment. The Panel prefers the condensers are not located within the balconies (unless thoughtfully screened) or anywhere visually apparent from the public domain.</i>	Provided at Appendix A . Mechanical equipment is provided at Level 6 and the roof and is screened in both locations.
<i>Developed architectural drawings should fully describe the design intent and include details of each primary façade type in the form of 1:20 sections and elevations (or using appropriate detailed 3D design material) indicating proposed materials, construction systems, balustrade types and fixings, balcony edges, window operation, integrated landscape planter beds, junctions, rainwater and balcony drainage, including any downpipes and similar details within the proposal. Typical wall details to be developed to meet NCC2022 requirements.</i>	Provided at Appendix A .

5.0 Planning Assessment

This section provides an assessment of the matters the consent authority must consider when determining a development application under Section 4.15(1) of the Environmental Planning & Assessment Act 1979 (EP&A Act).

5.1 Statutory Framework

5.1.1 State Environmental Planning Policies

The relevant state environmental planning policies are assessed in **Table 3**.

Table 3 Summary of consistency with State Environmental Planning Policies

Plan	Comments
SEPP (Resilience and Hazards) 2021	Chapter 4 of the Resilience and Hazards SEPP requires the consent authority to consider a range of matters regarding whether land is contaminated. A Preliminary Site Investigation (PSI) (Appendix X), Hazardous Materials Assessment (Appendix Y), and Detailed Site Investigation (DSI) Scope of Works (Appendix Z), identify the site's historical use as a petrol station. Ground Penetrating Radar (GPR) detected a potential underground storage tank (UST), and anecdotal evidence suggests the USTs were not removed. While previous soil testing reported no exceedances of guideline criteria, the assessment excluded areas where contamination is most likely and is now considered outdated under current NSW EPA guidelines. Slightly elevated levels of lead were detected in groundwater and asbestos-containing materials were confirmed in building elements. Although the site is not listed on any EPA registers, the findings indicate a moderate risk to human health and the environment. The site is considered capable of being made suitable for the proposed residential development, subject to the completion of a DSI, potential remediation works, and validation. The DSI is recommended to be undertaken following demolition of the existing structure and prior to bulk excavation, to ensure access to all areas of potential concern and to properly assess contamination risks and determine the remediation works required. It is anticipated that this will be included as a Condition of Consent.
SEPP (Housing) 2021	Chapter 3, Part 5 Housing for Seniors and People with a Disability applies to the site. These provisions are assessed below in Table 5 .
SEPP (Biodiversity and Conservation) 2021	The site lies within the Sydney Harbour Catchment and as such, Chapter 6 applies. These provisions are assessed below in Table 4
SEPP (Transport and Infrastructure) 2021	Section 2.122 (Schedule 3) states a development application for the site will require referral to TfNSW if it is to include 300 or more dwellings. The proposed development is therefore not traffic generating development.
SEPP (Sustainable Buildings) 2022	In accordance with the requirements of Chapter 2 of the SEPP, a BASIX Certificate is located at Appendix U which demonstrates how the development meets the relevant sustainability targets.
SEPP (Planning Systems) 2021	As the development has a capital investment value of more than \$30 million, the proposal is a class of development described in Schedule 6 of the SEPP as Regional Development. Accordingly, Section 2.15 of the EP&A Act applies and the functions of the consent authority under Part 4 of the Act will be exercised by the Sydney North Planning Panel.

Table 4 Assessment against Chapter 6 of State Environmental Planning Policy (Biodiversity and Conservation) 2021

Clause	Comment
Division 2 Controls on development generally	
6.6 Water quality and quantity	
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following— (a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway, (b) whether the development will have an adverse impact on water flow in a natural waterbody, (c) whether the development will increase the amount of stormwater run-off from a site,	The proposed development will have a neutral impact upon the catchment as it is anticipated that any runoff that enters a waterway will be adequately treated as per the civil plans at Appendix I. The proposed development does not involve any component that would stop the flow of a waterway.

(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse, (e) the impact of the development on the level and quality of the water table, (f) the cumulative environmental impact of the development on the regulated catchment, (g) whether the development makes adequate provision to protect the quality and quantity of ground water.	Whilst it is likely that stormwater runoff will increase because of the increased hardstand surfaces on the site, adequate stormwater drainage measures are also proposed to ensure that stormwater runoff entering the surrounding waterways is avoided. Cut and fill are proposed, however, a detailed site investigation has been carried out which notes the Site is capable of being remediated for the purposes of the proposed development and therefore the likelihood of impacting the water table's quality is low. Additionally, any fill introduced to the Site will be contaminant-free.
(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures— (a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and (b) the impact on water flow in a natural waterbody will be minimised.	No waterbody in the vicinity of the Site exists that is at risk of incurring a less than neutral impact in terms of water quality. Appropriate drainage solutions have been proposed which significantly minimises the opportunity for stormwater runoff to occur.
(3) Subsections (1)(a) and (2)(a) do not apply to development on land in the Sydney Drinking Water Catchment.	The site is not located within the Sydney Drinking Water Catchment.
6.7 Aquatic ecology	
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following— (a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation, (b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require— (i) a controlled activity approval under the Water Management Act 2000, or (ii) a permit under the Fisheries Management Act 1994, (c) whether the development will minimise or avoid— (i) the erosion of land abutting a natural waterbody, or (ii) the sedimentation of a natural waterbody, (d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area, (e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology, (f) if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.	No waterbodies are in the immediate vicinity of the site. Therefore, no impacts upon terrestrial, aquatic or migratory animals or vegetation are expected as a result of the development, specifically given the stormwater drainage system proposed which minimises runoff and anticipated conditions of consent. No controlled activity approval under the Water Management Act 2000 or Fisheries Management Act 1994 is required as no clearing of riparian vegetation is required. As noted above, the stormwater management plan (Appendix I) proposed will remove the likelihood of erosion and sedimentation occurring on land directly adjacent to a natural waterbody. No wetlands are located on or in the vicinity of the Site and therefore the proposed development will not incur any impact upon them. Whilst there are no forms of aquatic ecology on or in the vicinity of the Site, the proposed stormwater management plan will minimise the probability of stormwater runoff and thus ecosystem degradation. The site does not adjoin a natural waterbody.
(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following— (a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development, (b) the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves, (c) if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained, (d) the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised, (e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.	
6.8 Flooding	
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.	The site is not flood-prone land, nor does it contain wetlands or riverine ecosystems.
(2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not—	

(a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or (b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.	
6.9 Recreation and Public Space	
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider— (a) the likely impact of the development on recreational land uses in the regulated catchment, and (b) whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.	The recreational land uses within the catchment are not anticipated to be impacted as the land is privately owned and does not provide access to any waterbodies or infrastructure.
(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following— (a) the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation, (b) new or existing points of public access between natural waterbodies and the site of the development will be stable and safe, (c) if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.	Public access to a natural waterbody is not gained via the site and thus no impacts upon public access are anticipated. Additionally, future public access to a waterbody cannot be established on the site as it is not in the vicinity of a natural waterbody.
6.10 Total Catchment Management	
In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.	There is no waterbody in the vicinity of the site and thus no downstream local governments. This consultation is therefore not required.

Table 5 Assessment against Chapter 3, Part 5 of State Environmental Planning Policy (Housing) 2021

Clause	Comment
79 Land to which this Part applies	
This Part applies to land in the following zones— (e4) Zone MU1 Mixed Use,	The site is zoned MU1 and therefore, this Part applies.
79 Land to which this Part applies	
(1) This Part does not apply to the following land— (a) land to which Warringah Local Environmental Plan 2000 applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under the Plan, (b) land described in Schedule 3. (2) Nothing in Schedule 3 operates to preclude the application of this Part to land only because— (a) the land is identified under State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2, or (b) in relation to land used for the purposes of an existing registered club—the land is described in another environmental planning instrument as— (i) private open space, or (ii) open space where dwellings or dwelling houses are permitted.	Nothing in this Clause excludes this Part from applying.
81 Seniors housing permitted with consent	
Development for the purposes of seniors housing may be carried out with development consent— (a) on land to which this Part applies, or (b) on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.	As this Part applies to the Site, seniors housing may be carried out with consent.
83 Amendments to the bush fire evacuation risk map	
(1) The Planning Secretary may prepare maps for the purposes of amending or replacing the Bush Fire Evacuation Risk Map. (2) In preparing a map, the Planning Secretary must consider the following matters— (a) the size of the existing population within the locality,	Noted.

(b) age groups within the population and the number of persons within the age groups, (c) the number of hospitals and other facilities, including the number of beds, providing care to the residents of the facilities within the locality, (d) the number of schools within the locality and the number of students at the schools, (e) existing development within the locality that has been carried out under this Part, (f) recommendations, if any, made by the NSW Rural Fire Service.	
84 Development standards—general	
(1) This section applies to development for the purposes of seniors housing involving the erection of a building.	This Section applies to the proposed development.
(2) Development consent must not be granted for development to which this section applies unless— (a) the site area of the development is at least 1,000m², and	The site has an area of 1,236m ² and is therefore consistent with this Section.
(b) the frontage of the site area of the development is at least 20m measured at the building line, and	The site has a 68m frontage to Ernest Place, and a 34m frontage to Alexander Street and is therefore consistent with this Section.
(c) for development on land in a residential zone where residential flat buildings are not permitted— (i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and (iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.	N/A. The site is not in a residential zone.
(3) The servicing equipment must— (a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and	The servicing equipment is significantly set back and screened from public view.
(b) be limited to an area of no more than 20% of the surface area of the roof, and	The plant occupies approx. 6.4% of the roof and the solar panels occupy approx. 11.6%. Combined, rooftop servicing equipment occupies 18% of the roof footprint.
(c) not result in the building having a height of more than 11.5m.	The proposal reaches a height of 23.9m to the main roof, and 25m to the top of the lift overrun. A Clause 4.6 Variation Request has been lodged for the height variation and is included at Appendix G . The variation is further discussed in Section 5.2.1 below.
(4) Subsection (2)(a) and (b) do not apply to development if the development application is made by a social housing provider or Landcom.	N/A.
85 Development standards for hostels and independent living units	
(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.	The development complies with all relevant standards specified in Schedule 4. Refer to Access Review at Appendix T .
(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 5–13 and 15–21 if the development application is made by, or by a person jointly with, a social housing provider or Landcom.	N/A. The development application is not made by a social housing provider or Landcom.
84 Additional floor space ratios	
1) This section applies to development for the purposes of seniors housing on land to which this Part applies if— (a) development for the purposes of a residential flat building or shop top housing is permitted on the land under Chapter 5, Chapter 6 or another environmental planning instrument, or (b) the development is carried out on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.	This section applies to the site.

(2) Development consent may be granted for development to which this section applies if the site area of the development is at least 1,500m², and the development will result in a building with one or more of the following—	The site has an area of 1,265m² and as such, this section does not technically apply. However, the section provides for an additional 3.8m height bonus for seniors housing which forms part of the basis for the clause 4.6 variation.
(a) a maximum permissible floor space ratio plus— (i) for development involving independent living units—up to an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or (ii) for development involving a residential care facility—up to an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or (iii) for development involving independent living units and residential care facilities—up to an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, or	
(b) a height of not more than 3.8m above the maximum permissible building height.	
88 Restrictions on occupation of seniors housing	
(1) Development permitted under this Part may be carried out for the accommodation of only the following— (a) seniors or people who have a disability, (b) people who live in the same household with seniors or people who have a disability, (c) staff employed to assist in the administration and provision of services to housing provided under this Part. (2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.	The development will only be occupied by the designated people.
89 Use of ground floor of seniors housing in business zones	
(1) This section applies to a building used for the purposes of seniors housing on land in a business zone.	N/A. The site is not within a business zone.
90 Subdivision	
(1) Development consent may be granted for the subdivision of land on which development is carried out under this Part. (1A) Development consent for the subdivision of land may be granted at any time, including before the development under this part is carried out. (2) Development consent must not be granted for the subdivision of a building resulting from development carried out under this Part on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.	N/A. Consent is not sought for subdivision of the site.
91 Fire sprinkler systems in residential care facilities	
(1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system. (2) Development for the purposes of the installation of a fire sprinkler system in a residential care facility may be carried out with development consent. (3) In this section— fire sprinkler system means a system designed to automatically control the growth and spread of fire that may include components like sprinklers, valves, pipework, pumps, boosters and water supplies.	The proposed development includes a fire sprinkler system.
93 Location and access to facilities and services—-independent living units	
(1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services— (a) by a transport service that complies with subsection (2), or (b) on-site. (2) The transport service must— (a) take the residents to a place that has adequate access to facilities and services, and (b) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City— (i) not be an on-demand booking service for the transport of passengers for a fare, and	The site complies with this Clause on multiple levels. The site is located within the Crows Nest Town Centre, with adequate access to facilities and services within walking distance. This includes a 110m/2 minute walk to the closest Woolworths, 270m/4 minute walk to the closest medical centre, and a 150m/2 minute walk to Willoughby Road shops.

(ii) be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and (c) for development on other land—be available both to and from the site during daylight hours at least once each weekday. (3) For the purposes of subsections (1) and (2), access is adequate if— (a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and (b) the distance is accessible by means of a suitable access pathway, and (c) the gradient along the pathway complies with subsection (4)(c). (4) In subsection (3)— (a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and (b) the distance is to be measured by reference to the length of the pathway, and (c) the overall average gradient must be not more than 1:14 and the gradients along the pathway must be not more than— (i) 1:12 for a maximum length of 15m at a time, or (ii) 1:10 for a maximum length of 5m at a time, or (iii) 1:8 for a maximum length of 1.5m at a time. (5) In this section— facilities and services means— (a) shops and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner. provide a booking service has the same meaning as in the Point to Point Transport (Taxis and Hire Vehicles) Act 2016, section 7.	The site's closest bus stop is Willoughby Road after Holtermann Street, a 220m/3minute walk from the site, servicing routes 115 (Chatswood to North Sydney Station) and 263 (Crows Nest to City Bridge Street), with services available at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day. It is also noted that the site is located a 500m/7minute walk from Crows Nest Metro Station, servicing route M1 (Tallawong to Sydenham) departing every 10 minutes.
95 Water and sewer	
(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will— (a) be connected to a reticulated water system, and (b) have adequate facilities for the removal or disposal of sewage. (2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority— (a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or (b) if reticulated services are not available—must satisfy the responsible authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development. (3) In this section— responsible authority means the public authority responsible for water and sewerage services in the area in which the seniors housing is located.	A reticulated water system and adequate facilities for the removal of sewage are provided as part of this DA.
97 Design of seniors housing	
(1) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023.	An assessment against the relevant provisions of the Seniors Housing Design Guide is provided at Appendix F.
(2) Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.	Assessed below.
108 Non-discretionary development standards for independent living units—the Act, s 4.15	
(2) The following are non-discretionary development standards in relation to development for the purposes of independent living units—	
(a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,	The proposal reaches a height of 23.9m to the main roof, and 25m to the top of the lift overrun. A Clause 4.6 Variation Request has been lodged for the height variation to the LEP standard which is greater than the 9.5m,

	and is included at Appendix G . The variation is further discussed in Section 5.2.1 below.
<i>(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—</i>	The servicing equipment is significantly set back and screened from public view, ensuring it is not visible from the public domain.
<i>(i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and</i>	
<i>(ii) is limited to an area of no more than 20% of the surface area of the roof, and</i>	The plant occupies approx. 6.4% of the roof and the solar panels occupy approx. 11.6%. Combined, rooftop servicing equipment occupies 18% of the roof footprint.
<i>(iii) does not result in the building having a height of more than 11.5m,</i>	The proposal reaches a height of 23.9m to the main roof, and 25m to the top of the lift overrun. A Clause 4.6 Variation Request has been lodged for the height variation and is included at Appendix G . The variation is further discussed in Section 5.2.1 below.
<i>(c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</i>	No FSR control applies to the site.
<i>(d) a minimum landscaped area that is the lesser of—</i>	The development has a proposed landscaped area of 386.3m ² equating to 31.2% of the site area.
<i>(i) 35m² per dwelling, or</i>	
<i>(ii) 30% of the site area,</i>	
<i>(e) (Repealed)</i>	N/A
<i>(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,</i>	The proposal does not include a deep soil zone. This is considered appropriate given the site's highly urbanised context. The site currently has no deep soil area and is located within the Crows Nest Town Centre, where development is often built to the lot boundary making deep soil planting generally unachievable. The site adjoins Ernest Place, a public pedestrian plaza that provides established landscaping, tree canopy, and passive open space within immediate proximity.
<i>(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,</i>	75% of proposed dwellings achieve solar compliance.
<i>(h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building—</i>	N/A. No dwellings are proposed on the ground floor.
<i>(i) at least 15m² of private open space per dwelling, and</i>	
<i>(ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor,</i>	
<i>(i) for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and—</i>	Each dwelling is provided with a balcony/wintergarden accessible from a living area and complying with the minimum dimensions. The balconies/wintergardens range from 10-68m ² in area.
<i>(i) an area of at least 10m², or</i>	
<i>(ii) for each dwelling containing 1 bedroom—an area of at least 6m²,</i>	
<i>(j) for a development application made by, or made by a person jointly with, a social housing provider or Landcom—at least 1 parking space for every 5 dwellings,</i>	N/A.
<i>(k) if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom.</i>	The proposal provides 36 residential car spaces, exceeding the minimum required number of spaces by 11.
Schedule 8 Design principles for seniors housing	
1 Neighbourhood amenity and streetscape	
<i>Seniors housing should be designed as follows—</i>	
<i>(a) to recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation,</i>	The proposed development recognises and responds to the operational and functional needs of seniors living developments, including:

	• Functional Layout: ILUs are arranged around dual lift core to support accessibility and mobility. • Building Form: The building accommodates necessary services and infrastructure to support older residents (accessible entries, appropriate lift-to-dwelling ratios communal facilities).
(b) to recognise the desirable elements of— (i) the location's current character, or (ii) for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area,	The proposed development balances the existing neighbourhood character whilst supporting the gradual transition of Crows Nest into a denser, more transit-orientated environment. This is further discussed in Section 5.2.1 .
(c) to complement heritage conservation areas and heritage items in the area,	N/A. The site does not contain or directly adjoin to any heritage sites or conservation areas.
(d) to maintain reasonable neighbourhood amenity and appropriate residential character by— (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours,	While the proposal includes a variation to the height standard (discussed in Section 5.2.1), the design adopts sensitive massing, articulation, and setbacks to ensure it complements both the existing and emerging character of the precinct. The proposal achieves a high level of design quality that maintains neighbourhood amenity and supports an appropriate transition in scale.
(e) to set back the front building on the site generally in line with the existing building line,	Complies.
(f) to include plants reasonably similar to other plants in the street,	The proposed landscape plan includes <i>Platanus x acerifolia</i> (London Plane Trees), which are already established in the streetscape, along with complementary native and ornamental species consistent with local planting character. These selections ensure the vegetation is reasonably similar to other plants in the street.
(g) to retain, wherever reasonable, significant trees,	One tree is proposed for removal (and replacement) and has a low retention value. Protection measures, outlined in the AIA (Appendix K), will ensure the ongoing health of retained trees both during and after construction.
(h) to prevent the construction of a building in a riparian zone.	N/A. The site is not located within a riparian zone.
2 Visual and acoustic privacy	
Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and all residents of the seniors housing by— (a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	The proposal has been designed to ensure a high level of visual and acoustic privacy for both neighbouring properties and future residents. Windows and balconies have been located to minimise overlooking, supported by screening devices, planter boxes, and upper-level setbacks. Landscaping further enhances privacy along sensitive interfaces. In addition, bedrooms are generally located away from driveways, parking areas, and pedestrian paths, reducing potential noise impacts and ensuring acceptable internal noise levels throughout the development.
3 Solar access and design for climate	
The design of seniors housing should—	The proposed development provides adequate daylight to all units, with 75% of apartments receiving at least 2 hours of direct

<i>(a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and</i>	sunlight between 9am and 3pm in mid-winter. While some overshadowing occurs to neighbouring properties, it is minor in and considered acceptable within the urban context, ensuring a balance between on-site amenity and reasonable impact on adjoining buildings. Overshadowing is further discussed in Section 5.2.3.
<i>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</i>	The proposed development incorporates passive design principles including natural lighting and ventilation, with living and dining areas generally oriented towards the north where possible. A BASIX Certificate is provided at Appendix U demonstrating compliance with energy performance targets.
4 Stormwater	
<i>The design of seniors housing should aim to—</i> <i>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</i> <i>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</i>	The development includes a stormwater system that reduces runoff to below pre-development levels, helping to protect neighbouring properties. A 5,000L rainwater tank and filtration measures allow for stormwater re-use and meet Council targets for water quality. Refer to Stormwater Management Plan at Appendix R.
5 Crime prevention	
<i>Seniors housing should—</i> <i>(a) be designed in accordance with environmental design principles relating to crime prevention, and</i> <i>(b) provide personal property security for residents and visitors, and</i> <i>(c) encourage crime prevention by—</i> <i>(i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and</i> <i>(ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and</i> <i>(iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</i>	The proposal has been designed having regard to the environmental design principles relating to crime prevention. Entry to the building will be via a security system.
6 Accessibility	
<i>Seniors housing should—</i> <i>(a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and</i> <i>(b) provide safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.</i>	The development provides safe and direct pedestrian links to nearby transport and community facilities, and includes compliant accessible parking, clear circulation paths, and lift access to ensure a safe environment for both pedestrians and motorists.
7 Waste management	
<i>Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.</i>	The development includes dedicated recycling facilities on each residential level, bulk recycling storage, and signage to support source separation, thereby maximising recycling in accordance with the control.

5.1.2 North Sydney Local Environmental Plan 2013

An assessment against the relevant clauses of North Sydney Local Environmental Plan 2013 (North Sydney LEP 2013) are assessed in **Table 6**.

Table 6 Assessment against North Sydney Local Environmental Plan LEP

Clause	Standard	Proposal	Comment
Clause 2.3 Zone objectives and land use table	MU1 Mixed Use	Shop Top Housing (Seniors Housing - Independent Living Units)	Shoptop Housing / Seniors Housing is permissible on the site pursuant to Section 81 of the Housing SEPP. The proposed development is consistent with the objectives of the zone.
Clause 2.7 Demolition requires development consent	<i>The demolition of a building or work may be carried out only with development consent.</i>	Consent is sought for demolition as described in Section 3.2	
Clause 4.3 Height of buildings	16m	25m	The proposal reaches a height of 23.9m to the main roof, and 25m to the top of the lift overrun. A Clause 4.6 Variation Request has been lodged for the height variation and is included at Appendix G . The variation is further discussed in Section 5.2.1 below.
Clause 4.4 Floor space ratio	No FSR provision exists on the site.		
Clause 4.4A Non-residential floor space ratio	Minimum 0.5:1	The proposal has a non-residential FSR of 0.73:1, and as such, exceeds the minimum standard. Active street frontages are provided to Alexander Street and Ernest Place.	
Clause 4.6 Exceptions to development standards	<i>(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i>	The proposal breaches the 16m height limit for the site and therefore, a Clause 4.6 Variation Request for Height of Building has been prepared and is included at Appendix G .	
Clause 5.10 Heritage conservation	The site is not identified as an item of heritage significance, nor is it located within a conservation area.		
Clause 5.21 Flood planning	The site is not within a flood risk area.		
Clause 6.10 Earthworks	Development consent is required for earthworks.		Consent is sought for earthworks under this DA.

5.1.3 North Sydney Development Control Plan 2025

The proposal is generally consistent with the objectives of the North Sydney Development Control Plan (DCP) and the relevant development controls. A detailed assessment against the relevant provision of the DCP is provided at **Appendix E**. Where any non-compliances or variations are proposed, a detailed justification is provided within the environmental assessment section of this SEE and in accompanying technical reports.

5.2 Key Matters

This section assesses the key planning issues and likely environmental, social, and economic impacts of the development on the natural and built environment.

5.2.1 Building Height

The site is subject to a maximum building height of 16m under Clause 4.3 of the North Sydney LEP 2013. The proposed development exceeds this standard, with a height of approximately 23.9m to the roof and 25m to the top of the lift overrun, representing a 52.25% variation (**Figure 26**).

A Clause 4.6 Variation Request has been prepared to support the variation (see **Appendix G**).

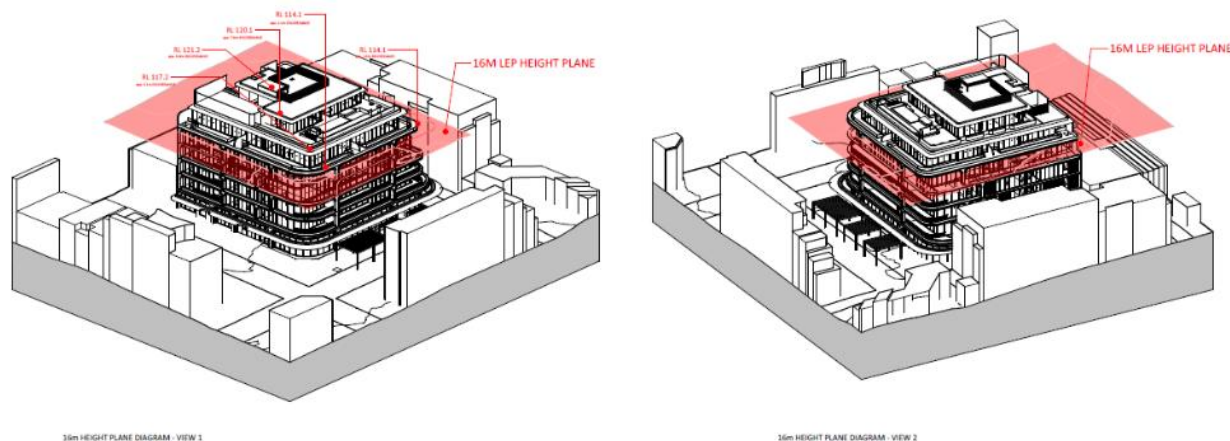


Figure 26 Proposed Variation

Source: Koichi Takada Architects

The proposed variation comprises one additional level of seniors housing, the resident rooftop amenities and the lift overrun to support them. The justification for these two components that make up the variation to the standard are:

- The NSW Government introduced height and FSR bonuses for seniors housing under the 2021 Housing SEPP amendments as a targeted policy intervention to address the structural barriers to delivering viable seniors housing in NSW. Clause 87 of the Housing SEPP provides for an additional 15% FSR where development is for the purposes of ILUs. Part 2(c) of the clause then allows for that development to be approved with an additional 3.8m above the height limit to accommodate the additional floor space. However, as the site area is marginally under 1,500m², the development cannot technically utilise the 3.8m height bonus. Notwithstanding this, the principle of the bonus to incentivise seniors housing in recognition of the need to provide appropriate housing for our aging population and the financial constraints on the sector to compete against market residential uses is very clear, and justifies the additional residential floor, noting that despite being slightly less than the minimum site area the site is capable of accommodating the additional height.
- There are a number of recently constructed buildings and approvals for rooftop communal spaces located above the prescribed height limit along Alexander Street. These approvals demonstrate Council's support for modest exceedances to the height limit where they deliver enhanced residential amenity without any adverse impacts. As a 'retirement living' product high quality rooftop amenities are of particular importance to the amenity of the development and its attraction to potential occupants. The development therefore seeks to apply the same concessions that were given to other developments along Alexander Street to also have its residential communal facilities above the height limit. As discussed in Section 6.2.2 this upper most level is setback from the street frontages and will not be visible from most locations.

In addition to the above, the Clause 4.6 variation is justified on the following strategic and site-specific planning grounds:

- The site is located within 300m of the Crows Nest Metro Station and forms part of a precinct identified for urban renewal under the St Leonards and Crows Nest 2036 Plan. While the site was excluded from recent rezoning under the TOD Program which focused on the Pacific Highway corridor, its location supports greater height and density.
- The site occupies a prominent corner location at the intersection of Alexander Street and Ernest Place, marking a key entry point into the Crows Nest village centre. The proposal responds to this strategic position by delivering a built form that reflects the non-compliant building on the opposite side of Earnest Street and reinforces the site's role as a local gateway.
- The variation is consistent with the objectives of the height control and zone, ensuring that the scale of the development is appropriate to the site's strategic context and does not result in adverse amenity impacts.

- The scale of the building does not impact the low-rise character that is considered important for the Willoughby Road village.
- There are no adverse environmental impacts (e.g. overshadowing, visual bulk, or privacy loss) as a result of the variation.
- The proposal is supported by an offer to enter into a VPA (see **Section 3.7**) and will deliver public benefits in the form of monetary contributions, works-in-kind, and additional public domain upgrades, including the revitalisation of Willoughby Lane, and the installation of outdoor dining furniture,.

The proposed height is therefore justified on both strategic and site-specific planning grounds and is considered to deliver a built form that is appropriate for its location. As such, the consent authority can be satisfied that there are sufficient grounds to support the proposed variation.

5.2.2 Bulk and Scale

The DCP controls for the site in conjunction with the 16m height limit seek to establish a 4 storey podium with a 3-4m setback upper level. These controls do not reflect the existing or emerging character along Alexander Street which as illustrated in **Figure 25** present 5 storeys to Alexander Street. As a result, the proposed podium has instead been designed to respond to its context including 10 Falcon Street, 78-80 Alexander Street, and 82-90 Alexander Street creating a consistent and comfortable human scale on the street. On the Willoughby Lane frontage the building setback from Level 4 in order to mirror the height datum with the adjacent 13 Earnest Place.

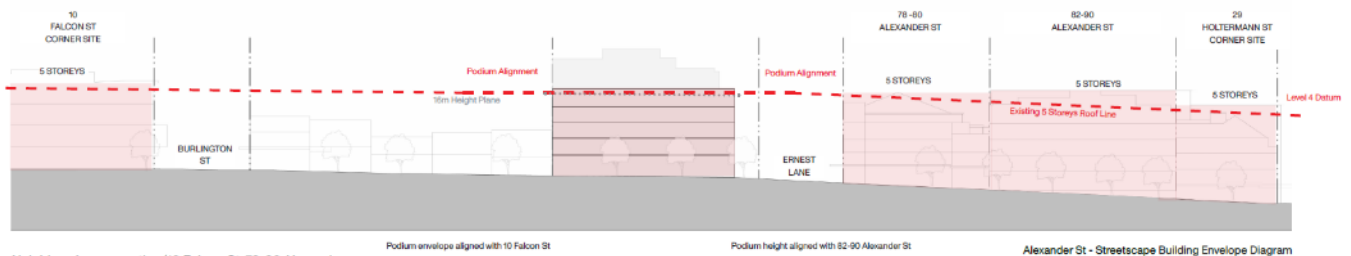


Figure 27 Podium alignment

Source: Koichi Takada Architects

The upper levels of the building are setback consistent with Council's upper level setback controls and create a clear distinction between the street wall and upper level massing that reduces the perceived visual bulk and massing. As shown in the analysis at **Figure 26**, the width of the respective streets in conjunction with the proposed street wall height and setbacks will mean that the upper levels of the building will be visually recessive and in most cases imperceptible.

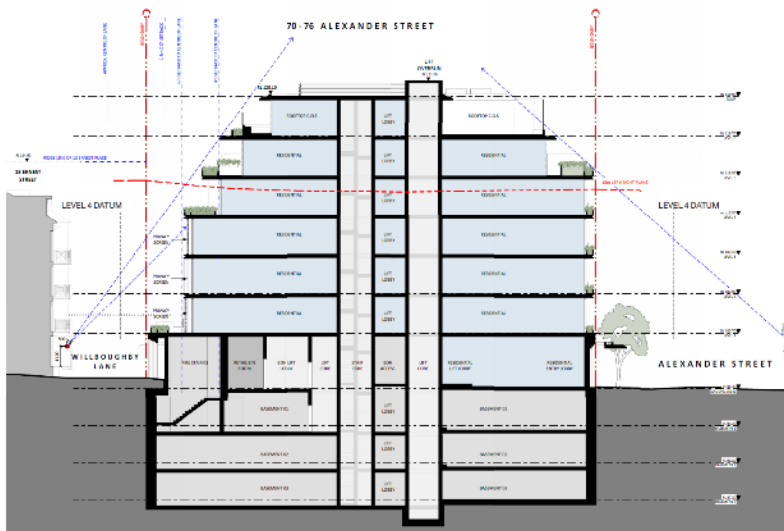


Figure 28 Section showing sight lines from the public domain

Source: Koichi Takada Architects

In addition to the above, the proposal implements a range of other measures to minimise the bulk and scale of the proposal, including:

- Articulation and façade modulation: The building incorporates varied materials, façade treatments, and vertical articulation to visually break up the massing and reduce the apparent height. The use of vertical green elements, planter boxes, and recessed balconies softens the visual impact.
- Substantial Landscaping: Landscaping, including deep planter boxes, and green facades, soften the visual impact of the upper levels and enhance the public domain and resident amenity.

5.2.3 Overshadowing

The proposed development has been designed to appropriately manage overshadowing impacts through upper-level setbacks, a modulated built form, and the placement of rooftop elements. The shadow impacts have been assessed against the relevant planning controls and are considered acceptable within the context of the site's location.

On the Summer Solstice (December 21) (**Figure 29**), overshadowing impacts are relatively minor, limited to Willoughby Lane in the morning and does not extend onto adjacent properties. In the afternoon, shadows extend predominately onto Alexander Street and again do not impact adjacent properties. The minimal difference between the shadow impacts of the compliant mass and the proposal are also noted.

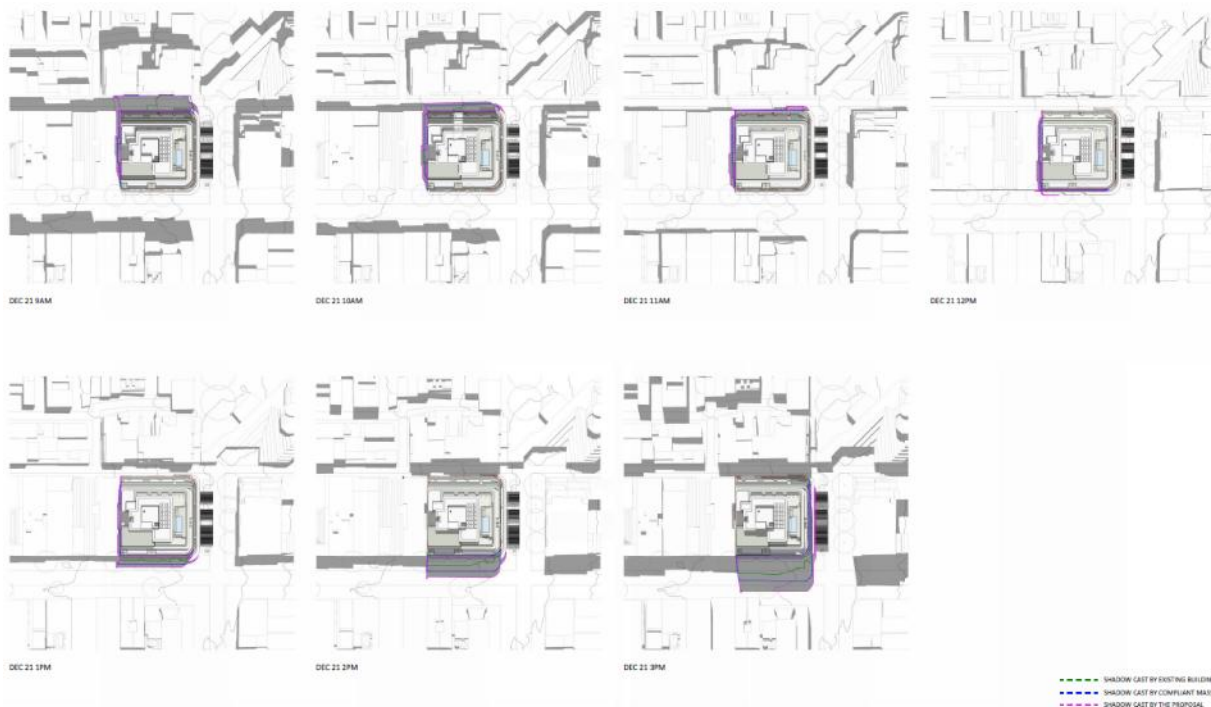


Figure 29 Shadow Diagrams – December 21

Source: Koichi Takada Architects

On the Winter Solstice (June 21) (**Figure 30**), the additional shadows created by the proposal falls predominantly on the rooves of the surrounding commercial buildings, Willoughby Lane and Alexander Street. No overshadowing occurs on any public open space or key public domain areas. Whilst the height variation does result in some additional shadows, these shadows do not have any adverse impacts.

13 Ernest Place is the only residential flat building in close proximity to the site that is impacted by overshadowing, this is the result of the building, which pre-dates the Apartment Design Guide, being built to the boundary with Willoughby Lane and thereby making it impossible for a compliant redevelopment of the site to avoid overshadowing. Accordingly, the shadow analysis demonstrates that a development consistent with the planning controls will overshadow the eastern elevation between 9:00am and 9:45am affecting 8 apartments (**Figure 31**).

The proposed height variation only impacts 3 additional apartments for a 30 minute period between 9 and 9:30am. These impacts are considered minor in nature, only occurring for a short period in midwinter. In the case of two of the apartments, the dwellings are mezzanine 1 bedroom apartments with dormer windows (see **Figure 32**) that continue to get solar access to the living room area below due to the mezzanine design. These minor impacts are consistent with those expected in a mid-rise urban setting and do not unreasonably affect the amenity of the dwellings which still continue to get a short period of sun after 9:30am.

Because of the era in which the building was designed, solar access has not been optimised, with only 23% of apartments receiving 2 hours during mid winter which is primarily a result of the building self shadowing itself with protruding walls and balconies. The proposal, including the variation to the height limit has no impact on 13 Ernest Place’s overall percentage of solar access calculated in accordance with the ADG.

The extent of overshadowing is therefore considered reasonable and generally consistent with those anticipated under the controls and for a development of this scale in a town centre location.

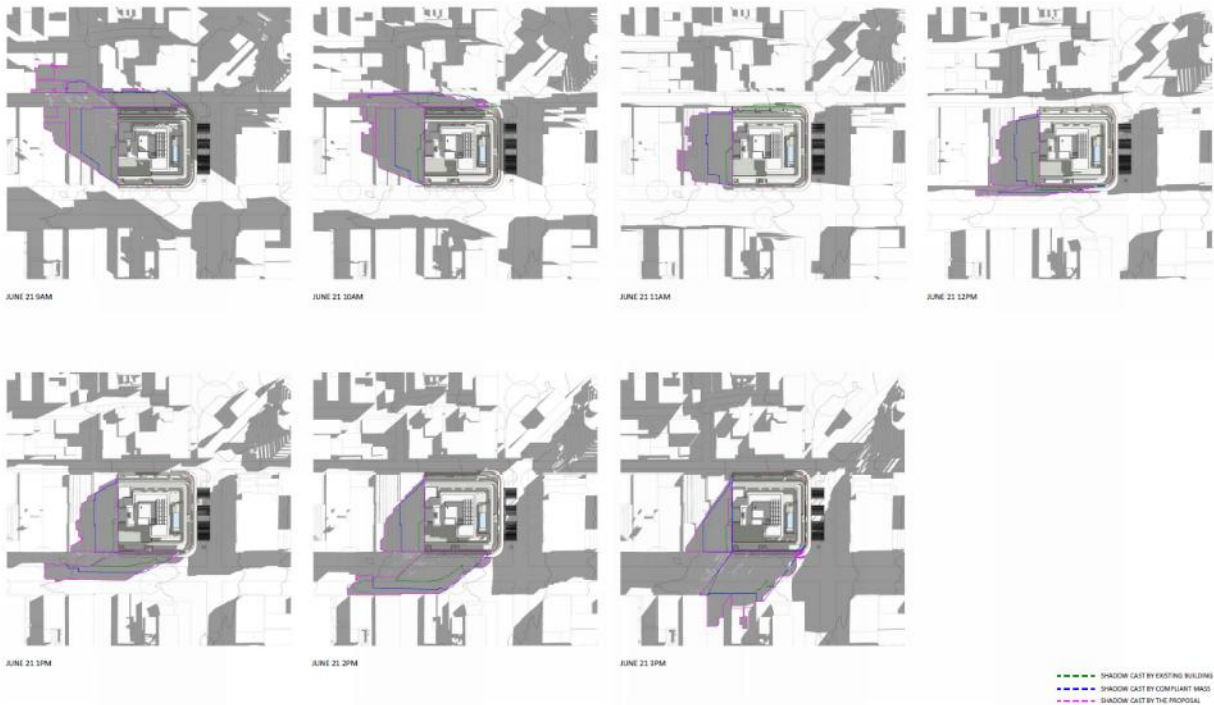


Figure 30 Shadow Diagrams – June 21

Source: Koichi Takada Architects



Figure 31 Elevational Shadow Diagrams – June 21

Source: Koichi Takada Architects



Figure 32 View inside Apartment 34/13 Earnest Place illustrating the dormer windows also provide solar access to the living room area below due to the mezzanine design

Source: Domain

5.2.4 Privacy

The proposed development complies with the building separation requirements in the Apartment Design Guide, notably setting back at Level 1 to Willoughby Lane in order to provide 6m from the centre of the lane before setting back a further 3m for Levels 4-5.

The apartment layouts and facades have also been designed to further assist with managing privacy to the west with 13 Ernest Place, which does not provide its portion of the separation required under the ADG. These measures include incorporating both landscaping and privacy screens in accordance with the North Sydney DCP visual privacy controls.

The western façade, which faces these existing apartments, includes fixed vertical screening, recessed balconies with integrated planter boxes, and upper-level setbacks, which together reduce direct sightlines into neighbouring windows and private open spaces. Window placement has also been arranged to avoid direct alignment with opposing habitable rooms, and the stepped building form at Levels 5 and 6 increases visual separation. These measures ensure compliance with the North Sydney DCP privacy controls and appropriately manage potential impacts on adjacent residential amenity.

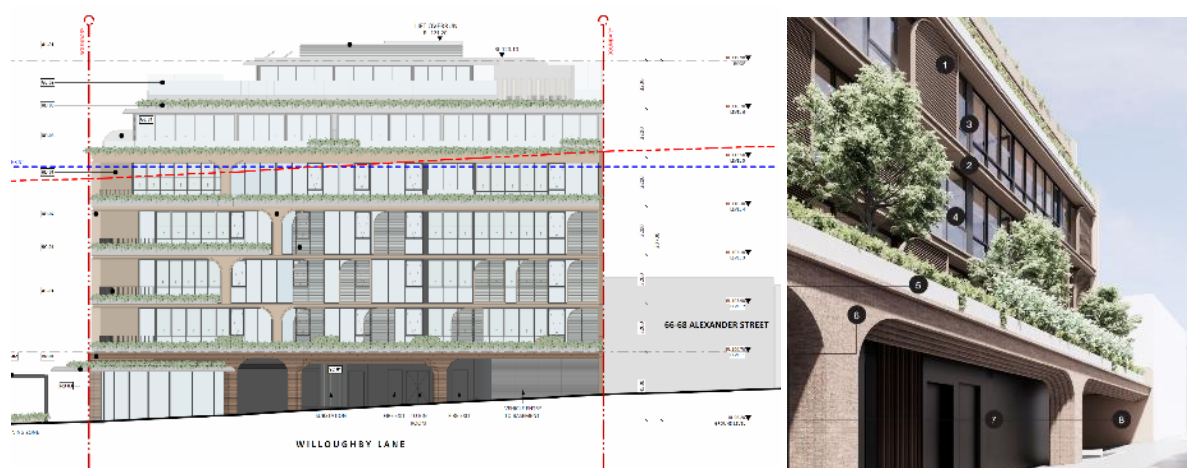


Figure 33 Privacy on the western elevation

Source: Koichi Takada Architects

5.2.5 Residential Amenity

The design of the floorplate maximises residential amenity, in particular, solar access (75%) and cross ventilation (83%) exceed minimum requirements under the Housing SEPP.

Central Lightwell

The proposal includes a central lightwell to support ventilation and daylight access to internal spaces. The site forms part of a continuous midrise street block where the desired future character in the DCP is to provide consistent street wall.

Both the existing and proposed building provide 0m setbacks to the western boundary consistent with the DCP, which restricts opportunities for windows to this interface. As a consequence of the street wall character of the Crows Nest centre and the depth of the site, a lightwell is necessary to enable natural light and ventilation.

A 6m deep lightwell is proposed for Levels 1 and above. At Levels 1-3 the third bedroom of the east and west facing apartments .01 and .05 face in to the lightwell behind angled louvre privacy screens, with the views directed at a greenwall within the space. On Level 4 the third bedroom of apartment .05 and a study faces the lightwell and on Level 5 the third bedroom of apartment .04 and the pantry / kitchen of Apartment .01 face the lightwell.

North Sydney DCP Part B, Section 2.5.5, Control P1, states:
Council does not support the use of lightwells for the provision of light and ventilation to dwellings. However, Council may consent to the use of lightwells, but only if the following criteria are satisfactorily met.

The control applies to residential flat buildings on the basis that the bedroom may be a permanently occupied space and therefore it would not be a desirable outcome to have it facing a lightwell. The controls do not however consider seniors housing uses, particularly 3 bedroom dwellings focused on down sizers in North Sydney, where the third 'bedroom' is not regularly used as a bedroom, but is instead typically reserved as a space for when grandchildren stay or as studies. In each case the bedrooms that face the lightwell are the third bedroom in apartments that have generous master bedrooms and secondary bedrooms that face the street. Therefore having a room of the proposed nature, which faces a lightwell is not unacceptable in the circumstances.

Table 7 below demonstrates that with the exception of (a) relating to the primary source of light, the proposal will otherwise meet the criteria set out Section 2.5.5.

Table 7 Assessment against the criteria in Section 2.5.5 of the DCP

Criteria	Comment
(a) the lightwell does not provide the primary source of natural daylight and ventilation to any habitable room of a dwelling within the development; and	See discussion above.
(b) the dimensions of the lightwell comply with the building separation requirements set out in P5 to s.2.3.11 to this Part of the DCP (e.g. if non-habitable rooms face into a lightwell under 12m in height, the lightwell should measure 6m x 6m in plan); and	The lightwell is 6m wide with privacy with angled louvered screens on either side complying with the separation requirement for non-habitable rooms.
(c) the lightwell is directly connected at ground level to streets or lanes in buildings greater than 30m in height to allow air movement in the lightwell; and	N/A building is under 30m.
(d) all building services (e.g. utility installations, pipes, cabling and the like) are concealed and not overlooked by principal living rooms or bedrooms; and	Achieved.
(e) the lightwell is fully open to the sky.	The lightwell is fully open to the sky.

Solar Access

The development achieves a high level of solar access for future residents. The building has been designed to ensure that apartments and private open spaces receive adequate daylight, with a focus on orientation, window placement, and appropriate modulation of balconies. The design achieves compliance with the ADG and exceeds the Housing SEPP requirement of 70%, with 75% of apartments receiving at least two hours of direct sunlight in mid-winter.

Cross Ventilation

The majority of apartments (83%) are cross-ventilated, either through dual-aspect layouts or internal air movement supported by the lightwell. A Natural Ventilation Design Review has been prepared by RWDI and included at **Appendix O** which confirms that the lightwell well achieve natural ventilation.

5.2.6 Traffic and Parking

A Traffic Impact Assessment (TIA) has been prepared by Traffix and included at **Appendix L**.

Access

Vehicular access to the site is proposed via a new driveway located on Willoughby Lane, servicing two and a half levels of basement parking. This location is considered appropriate as it directs vehicle movements away from the more prominent and pedestrian-oriented frontages of Alexander Street and Ernest Place, thereby reducing potential conflicts with pedestrians and enhancing the amenity of the public domain.

The driveway has been designed to comply with the relevant Australian Standards, with adequate sight distances, driveway width, and ramp gradients. A swept path assessment confirms that all expected vehicle types, including private vehicles, service vans, and waste collection vehicles, can safely access and manoeuvre within the site.

Pedestrian entries are located separately along Alexander Street and Ernest Place, ensuring a safe and legible access strategy with clear separation of pedestrian and vehicular movement.

Traffic

The traffic generation of the proposed development has been assessed as lower than that of the existing commercial use on the site. This existing building includes 16 off-street parking spaces, assumed to be used by staff, and is estimated to generate:

- 10 vehicle trips during the AM peak hour (8 in, 2 out), and
- 10 vehicle trips during the PM peak hour (2 in, 8 out)

In comparison, the proposed development is expected to generate the following:

- 2 vehicle trips during the AM peak hour (2 in, 0 out), and
- 6 vehicle trips during the OM peak hour (3 in, 3 out)

This results in a net reduction of 8 trips in the AM peak and 4 trips in the PM peak hour, compared to existing conditions. This reduction in traffic is largely attributable to the nature of the seniors housing use, which generates minimal trips and generally does not coincide with peak commuter periods.

Given the net decrease in traffic generation and the limited impact on the surrounding road network, no external upgrades or intersection treatments are required. The proposal is therefore considered acceptable and supportable from a traffic planning perspective.

Parking

The development proposes a total of 38 on-site car parking spaces, comprising 36 resident spaces, and 2 retail spaces.

Under Section 10.2 of the North Sydney DCP, a maximum of 7 car parking spaces are permitted for the development, including 5 for residents, and 2 for retail. However, Section 108(k) Housing SEPP provides a non-discretionary development standard of 0.5 spaces per bedroom for ILUs, which has been met. The proposed development includes 71 bedrooms, equating to a requirement of 36 residential space. ILU developments are not required to provide separate visitor parking.

The proposed parking provision is therefore compliant with the non discretionary standard in the Housing SEPP. The TIA outlines that the Housing SEPP rate is considered more reflective of the actual demand for this form of development, as the DCP's 1 space per 5 dwellings maximum is aligned more closely with social housing, which typically generates significantly lower car ownership rates. Furthermore, benchmarking against equivalent land uses, such as residential flat buildings, suggests that a comparable parking demand would result in the need for 24–36 spaces, reinforcing the adequacy of the proposed 36 spaces.

The provision of 38 car parking spaces is considered appropriate and sufficient to meet the operational needs of the development and is compliant with the Housing SEPP. No adverse parking impacts are expected as all regular parking demands will be accommodated on-site.

5.2.7 Acoustics

An Acoustic Report has been prepared by Building Services Engineers (**Appendix N**) for the carpark and residential components of the proposed development. Future acoustic assessment will be required for the retail tenancies once operation details are known. It is anticipated that this will be a condition of consent.

The primary sources of potential noise from the development include the Level 6 communal areas, car park operations, and the rooftop mechanical plant. The Acoustic Report concludes that predicted operational noise levels at nearby residential and commercial receivers will be within acceptable limits for all time periods, including evening and night-time hours.

The following design features and mitigation measures will be incorporated to ensure ongoing compliance:

- Acoustic barriers will be installed around key areas of the Level 6 communal spaces to reduce noise breakout to surrounding sensitive receivers.
- Façade construction has been specified to achieve targeted internal noise levels, including mechanical ventilation and upgraded glazing systems to allow windows to remain closed when necessary.
- Use of outdoor communal areas will be limited to between 7am and 10pm (8am on Sundays and public holidays).
- Limiting amplified music to internal areas only.

Construction noise and vibration have also been considered, with the assessment indicating that certain stages may exceed the “noise affected” thresholds. Accordingly, the implementation of a site-specific noise and vibration management plan will be required prior to CC stage.

5.3 Other Matters

An assessment of the other impacts of the development have been undertaken by the relevant specialist consultants and are appended to this SEE as set out in **Table 8**.

Table 8 Summary of the other technical assessments

Consideration	Assessment	Consultant	Appendix
Tree Removal	Tree No. 3 is to be retained with the removal of one branch required. Tree No. 2 will be removed and replaced due to its low retention value. Protection measures outlined in the AIA will ensure the ongoing health of retained trees both during and after construction.	Tree Management Services	Appendix K
Contamination	The site has been subject to a PSI and Hazardous Materials Assessment, which identified a moderate risk of contamination due to its historical use as a service station and the potential presence of underground storage tanks (USTs). While previous testing did not detect contamination in accessible areas, the PSI is considered outdated under current EPA guidelines and did not include sampling in areas of highest concern. Asbestos-containing materials were confirmed in building structures. A Detailed Site Investigation (DSI) is required following demolition to fully assess contamination risks. It is anticipated that this will be included as a condition of consent. The site is considered capable of being made suitable for the proposed use subject to further investigation, remediation if necessary, and validation in accordance with EPA guidelines.	Foundation Earth Science	Appendix X Appendix Y
		Smec	Appendix Z
Operational Waste Management	The OWMP outlines strategies for effective source separation, collection, and disposal of general waste, recycling, and FOGO across both residential and retail components. Dedicated waste rooms are provided for each waste stream, and clear responsibilities are assigned to building management, residents, and tenants to promote proper use. Facilities such as chutes, bin lifters, signage, and education materials are incorporated to support waste minimisation and resource recovery in line with regulatory requirements.	Elephants Foot Consulting	Appendix P
Construction and Demolition Waste Management	The CWMP outlines strategies for managing waste during demolition and construction, including stakeholder responsibilities, monitoring, reuse and recycling opportunities, hazardous and excavation waste management, and site-specific measures. It targets high diversion rates from landfill, details anticipated waste volumes, and provides a recycling directory and guidance on bin placement, signage, safety, and operational practices to ensure compliance with council, EPA, and industry standards	Elephants Foot consulting	Appendix Q
Construction Traffic and Pedestrian Management	The plan identifies appropriate traffic and pedestrian management measures during construction, including a temporary works zone on Alexander Street for controlled vehicle access and deliveries. A truck call-up system will be	Traffix	Appendix M

Consideration	Assessment	Consultant	Appendix
	implemented to prevent queuing and reduce disruption, with all construction vehicles to enter and exit in a forward direction for safety. Pedestrian safety will be managed through temporary hoarding and appropriate detours, with continuous access to adjacent properties maintained throughout the construction period. A detailed CTPMP will be submitted to Council prior to the issue of the CC.		
Sustainability	All apartments achieve a minimum NatHERS rating of 6.5 stars, with an average of 7.6 stars across the building, supported by thermally efficient building fabric, energy-efficient lighting and ventilation, provision for solar PV and EV infrastructure, and efficient hot water systems.	Building Services Engineers	Appendix V
BCA	The BCA Compliance Report confirms the design is capable of achieving compliance with the applicable provisions of NCC Volume One, including requirements for fire safety, egress, access for people with disability, structural adequacy, health and amenity, and energy efficiency. Any performance-based solutions required to address specific site or design conditions will be further developed and justified at the CC stage.	Built Smart Solutions	Appendix W
Access	The Access Review confirms that, subject to detailed design implementation, the development can fully comply with applicable access and mobility standards. All ILUs are designed for wheelchair accessibility, including compliant door widths, circulation spaces, and accessible bathrooms, kitchens, and laundries. The design also includes accessible entries, continuous paths of travel throughout the site, compliant lifts, and accessible parking provisions exceeding minimum requirements.	Funktion	Appendix T
Stormwater	The proposed development incorporates a stormwater management strategy that complies with the North Sydney DCP and relevant Australian Standards. The system includes a discharge control pit that limits post-development runoff to below pre-development levels for all design storm events, and integrates water-sensitive urban design (WSUD) measures such as a 5,000-litre rainwater tank and filtration cartridges to support water re-use and improve runoff quality. Modelling confirms the system achieves pollutant reduction targets exceeding Council's requirements.	Stellen Civil Engineering	Appendix R Appendix S
Flooding	A flood impact assessment (within the Stormwater Management Plan) confirms the site is not flood-prone and will not exacerbate flood risk on adjoining properties.	Stellen Civil Engineering	Appendix R
Social and Economic Impacts	The proposed development will have the following social and economic impacts: - Provision of seniors housing in a highly accessible location, supporting ageing in place and responding to demonstrated local demand for independent living options tailored to older residents. - Delivery of larger-format 3-bedroom ILUs, addressing a specific housing gap for seniors who require adaptable living arrangements, space for carers, or visiting family members. - Improved housing diversity within the Crows Nest Town Centre, in alignment with State policy objectives promoting varied housing types in well-served locations. - Activation of street frontages along Alexander Street, Ernest Place and Willoughby Lane through new ground-floor retail, contributing to local economic activity and enhancing the vibrancy of the precinct. - Creation of local employment opportunities during both construction and operational phases. - Support for the local economy, with increased residential population contributing to demand for local goods, services, and public transport infrastructure.	-	-

Consideration	Assessment	Consultant	Appendix
Suitability of the Site	The site is suitable for the proposed development for the following reasons: • It is located within 300m of the Crows Nest Metro Station, providing direct access to high-frequency public transport and aligning with TOD principles. • It is zoned MU1 Mixed Use, which permits both residential and retail development and supports mixed-use outcomes with active ground-floor uses. • The site has no heritage, environmental, or significant physical constraints, enabling efficient redevelopment. • It benefits from three street frontages, facilitating strong urban design, access, and integration with the surrounding public domain. • It is located within an established urban centre with immediate access to retail, community services, and healthcare infrastructure. • The scale and form of the proposed development are consistent with the existing and emerging built form character of Alexander Street.	-	-
Public Interest	The proposed development is considered to be in the public interest as it will: • Contribute to the delivery of much-needed seniors housing in a strategically located and highly accessible urban area. • Promote housing diversity, offering larger, high-quality ILUs not currently available in the local market. • Support key objectives of the NSW Housing SEPP and the Housing Accord by providing well-located, high-amenity housing in an accessible location. • Deliver high-quality urban design and public domain outcomes through active street frontages, landscaping, and improved pedestrian interface. • Provide broader community and economic benefits without introducing significant environmental or amenity impacts.	-	-

Appendix E

Assessment against the North Sydney Development Control Plan 2025

This table provides a detailed assessment of the proposed development against the provisions of the North Sydney Development Control Plan 2025 (North Sydney DCP 2025). This is to be read in conjunction with the Statement of Environmental Effects (SEE), prepared by Beam Planning.

Control		Assessment		Compliance
Part B – Section 4 - Water				
4.1 Stormwater Management	A Stormwater Management Plan has been prepared by Stellen Consulting (Appendix R) assessing the projects compliance with the relevant provisions.			
4.3 Water Conservation	P1 A BASIX Certificate is required to be submitted with all residential development types nominated under SEPP (Sustainable Buildings) 2022.	Provided at Appendix U .		✓
	The following provisions apply to residential developments that do not require a BASIX Certificate and where relevant to commercial and other non-residential development.			
	P2 Consideration is to be given to incorporation of grey-water and black-water reticulation systems.	Refer to NCC 2022 NatHERS and DtS Report at Appendix V .		
	P3 Where the proposed development involves the installation of new: (a) shower roses; (b) taps for use over a basin, ablution trough, kitchen sink or laundry tub; (c) flow restrictors; (d) toilets; (e) white goods, such as clothes washers or dishwashers; they must have the highest WELS star rating available at the time of development.			
	P4 Install a stormwater tank where this will not affect amenity, views and other requirements of this section of the DCP.			
	P5 Recycled water (serviced by dual reticulation) should be utilised for permitted nonpotable uses such as toilet flushing, laundry, irrigation, car washing, fire fighting, industrial processes and cooling towers.			
	P6 Harvest and use rainwater for garden irrigation and toilet flushing.			
	P7 Collect and reuse stormwater runoff for subsurface irrigation.			
	P8 Use endemic plants (as listed on Council's website) and xeriscape principles in landscaping.			
	P9 Install water efficient irrigation systems and controls.			
	P10 Separate meters are to be installed for the make-up lines to cooling towers, swimming pools, on the water supply to outdoor irrigation, and other significant end uses.			
	P11 Where cooling towers are used they are: (a) to employ alternative water sources where practical; or (b) to include a water meter connected to a building energy and water metering system to monitor water usage; and			

	(c) to be connected to a recirculating cooling water loop; and (d) discouraged where they are a single pass cooling systems; and (e) to be connected to a conductivity meter to ensure optimum circulation before discharge.		
	Commercial P13 Rainwater tanks or other alternative water sources including recycled water systems are to be installed to minimise the use of potable water and maximise the use of alternative water sources.		
	P14 Rainwater tanks should be plumbed to appropriate end uses, including toilet flushing, water features, car washing and garden irrigation.		
	P15 Separate meters are to be installed on separate units of occupancy in non-residential BCA class 5, 6 and 7 buildings.		
	P16 A reporting system should be developed to inform/educate occupants about the building's water consumption.		
	P17 Use waterless urinals.		
	P18 Install sensor operated taps, or automatic shutoff taps, especially in public areas.		
Part B - Section 5 – Solar Access			
5.2 Provisions	Building Separation P2 Setbacks must be provided between buildings above the podium level in the E2 Commercial Centre and MU1 Mixed Use zones.	Upper levels are recessed 3–6m from the podium, ensuring separation, reduced bulk, and a human-scaled street frontage consistent with the MU1 Mixed Use zone character.	✓
	P3 Provide a mix of sun-protected and unprotected areas in public open spaces, roof top gardens and other outdoor spaces.	Achieved.	✓
	Development outside the North Sydney Centre P5 Development should be designed and sited to provide a minimum of 3 hours of solar access between the hours of 9.00am and 3.00pm at the winter solstice (21st June) to: (a) any solar panels; (b) the windows of main internal living areas; (c) principal private open space areas; and (d) any communal open space areas, located in any residential accommodation on the land on which the development is located or on adjoining land.	The proposal has been designed to maximise solar access to residential apartments through orientation, apartment layout, and façade treatment. The building provides compliant solar access to 75% of apartments, exceeding the 70% minimum requirement under the Housing SEPP. The layout prioritises solar access to living areas and private open space, with the building form arranged to suit site conditions. Balconies are recessed and screening elements are used to manage heat gain and improve comfort. Refer to the Design Report (Appendix B) for more details.	✓
	P6 Despite P2, at least 70% of dwellings within a residential flat building or shoptop housing should receive a minimum of 2 hours of solar access to living rooms and private open spaces between the hours of 9.00am and 3.00pm at the winter solstice (21st June).		
	P8 New development should not overshadow existing or proposed public open spaces located outside of the North Sydney Centre between 11.30am and 2.30pm, or any alternative specified timeframes for particular spaces identified in Part F of the DCP.		
Part B – Section 6 – Visual Privacy			
6.2 Provisions	Building Separation P1 Provide visual separation between any non-residential use and dwellings.	The proposal provides clear visual and functional separation between the ground floor retail uses and residential components above. Separate entries are provided for each use, and the residential entry is clearly defined.	✓
	P2 Development for the purposes of residential flat building and shoptop housing are to provide adequate separation to adjacent properties and within the development between habitable rooms, balconies and non-habitable rooms, consistent with SEPP (Housing) 2021. The relevant building separation distances are reproduced	Alexander Street 19.6m separation at Levels 1-4	✓

	in Table B6.1. Increased setbacks may be required to ensure that adequate solar access is provided to neighbouring dwellings. <table><tr><th colspan="4">TABLE B-6.1: Building Separation Requirements</th></tr><tr><th>Building height (metres)</th><th>Between habitable rooms and balconies</th><th>Between habitable & non-habitable rooms</th><th>Between non-habitable rooms</th></tr><tr><td>Up to 4 storeys (approx. 12m)</td><td>12m</td><td>9m</td><td>6m</td></tr><tr><td>5 to 8 storeys (approx.-25m)</td><td>18m</td><td>12m</td><td>9m</td></tr><tr><td>9 storeys (approx. 25m +)</td><td>24m</td><td>18m</td><td>12m</td></tr></table>	TABLE B-6.1: Building Separation Requirements				Building height (metres)	Between habitable rooms and balconies	Between habitable & non-habitable rooms	Between non-habitable rooms	Up to 4 storeys (approx. 12m)	12m	9m	6m	5 to 8 storeys (approx.-25m)	18m	12m	9m	9 storeys (approx. 25m +)	24m	18m	12m	23.6m at Level 5 Ernest Street 20m separation at Levels 1-4 23m at Level 5 Willoughby Lane 6m to centre of laneway at Levels 1-3 9m to centre of Laneway at Levels 4+	
	TABLE B-6.1: Building Separation Requirements																						
	Building height (metres)	Between habitable rooms and balconies	Between habitable & non-habitable rooms	Between non-habitable rooms																			
	Up to 4 storeys (approx. 12m)	12m	9m	6m																			
	5 to 8 storeys (approx.-25m)	18m	12m	9m																			
9 storeys (approx. 25m +)	24m	18m	12m																				
P3 Council may consider a variation to the building separation control within P5 above, but only where the applicant can demonstrate that the variation has been made in response to site and context constraints and that the variation is not made at the expense of amenity (e.g. visual and acoustic privacy, outlook, solar access). However, Council will not consider a variation if an apartment's only outlook is onto an area that is under the minimum building separation distance.																							
Windows P4 Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.	Windows and balconies are primarily oriented toward public frontages (Alexander Street, Ernest Place, Willoughby Lane). Upper-level setbacks and separation distances reduce opportunities for direct overlooking of adjoining dwellings. No close or intrusive sightlines into neighbouring private open space are provided.	✓																					
P5 Where windows are located with a direct outlook to windows of an adjacent dwelling, the windows must be provided with a minimum sill height of 1.5m, or use fixed obscure glazing or other privacy devices.	Subject to detailed design.																						
P6 Provide suitable screening structures to minimise overlooking to the windows, balconies or private open space of dwellings within the same development or adjoining land.	The proposal incorporates a range of privacy measures, including fixed vertical screens, planter boxes, and recessed balconies, particularly along the western elevation which faces existing apartments across Willoughby Lane. These elements have been integrated into the façade to limit direct views into neighbouring windows and private open spaces. Internal layouts also minimise opportunities for overlooking between dwellings within the development.	✓																					
Part B – Section 7 - Operational Noise																							
7.1 Non-Residential Uses	P1 Noise emission associated with the operation of non-residential premises or nonresidential components of a building within all zones other than the R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential or C4 Environmental Living Zones must not exceed the maximum 1 hour noise levels (LAeq 1 Hour) specified in Table B-7.1.	An Acoustic Report has been prepared to assess the proposals compliance with the relevant DCP provisions and is provided at Appendix N.	✓																				

TABLE B-7.1 –Noise Emission Limits			
Time Period			Max 1 hour noise level (LAeq 1 Hour)
Day	Period	Time	
Weekday	Day	7am – 6pm	60 dBA
	Evening	6pm – 10pm	50 dBA
	Night	10pm – 7am	45 dBA
Weekend	Day	8am – 7pm	60 dBA
	Evening	7pm – 10pm	50 dBA
	Night	10pm – 8am	45 dBA

Notes: LAeq (1hour) readings are to be measured during the noisiest 1 hour period between Day – 7/8am to 6/7pm, Evening – 6/7pm – 10pm and Night – 10pm to 7/8am.

P2 Noise emission associated with the operation of non-residential premises on land within the R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential or C4 Environmental Living zones, or on land zoned SP2 Infrastructure which is also located adjacent to land zoned R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential or C4 Environmental Living, must not exceed the maximum 1 hour noise levels (LAeq 1 Hour) specified in Table B-7.2.

TABLE B-7.2: Noise Emission Limits				
Time Period			Max 1 hour noise levels (LAeq 1 Hour)	
Day	Period	Time	Urban Area*	Suburban Area [#]
Weekday	Day	7am – 6pm	60 dBA	55 dBA
	Evening	6pm – 10pm	50 dBA	45 dBA
	Night	10pm – 7am	45 dBA	40 dBA
Weekend	Day	8am – 7pm	60 dBA	55 dBA
	Evening	7pm – 10pm	50 dBA	45 dBA
	Night	10pm – 8am	45 dBA	40 dBA

Notes: LAeq (1hour) readings are to be measured during the noisiest 1 hour period between Day – 7/8am to 6/7pm, Evening – 6/7pm – 10pm and Night – 10pm to 7/8am.

* Urban Area – applies to any allotment of land zoned SP1 Special Activities or SP2 Infrastructure that is located adjacent to land zoned E1 Local Centre, E2 Commercial Centre or MU1 Mixed Use.

[#] Suburban Area – Applies to any allotment of land not classified as an urban area.

P3 In terms of determining the maximum noise levels as required by P1 and P2, the measurement is to be taken at the property boundary of the nearest residential premises. Within a mixed use development, the boundary is taken to be nearest floor ceiling or wall to a residential dwelling on the site.

P4 Despite P1 and P2 above, the noise emission associated with the operation of nonresidential premises or non-residential components of a building must not exceed 5 dBA above the background maximum 1 hour noise level (LAeq 1 Hour) during the day and evening and not exceeding the background level at night when measured at the boundary of the property.

P5 Council may require the submission of an Acoustic Report to ensure compliance with P1 above.

P6 Plant and machinery should incorporate noise reduction measures to minimise their impacts.

P7 Developments should be designed and / or incorporate features that reduce noise transmission.

P8 Where practical, development should incorporate adequate measures for tonal, low frequency, impulsive, or intermittent noise.

The report confirms that noise emissions from non-residential components will comply with the EPA Noise Policy for Industry (2017) and relevant Council noise criteria.

	P9 Materials with low noise penetration properties should be used where practical.		
	P10 Mechanical equipment, such as pumps, lifts or air conditioners should not be located adjacent to bedrooms or living rooms of any dwellings on adjoining properties.		
	P11 Developments must comply with EPA Noise Policy for Industry 2017 in particular the modification required for acceptable noise level (ANL).		
Part B - Section 8 – Light Spill and Reflectivity			
8.1 Reflectivity	P1 Buildings should provide a greater proportion of solid to void on all facades and use non-reflective materials.	The proposal provides a balanced solid-to-void ratio across all façades, with a mix of materials and articulated forms that avoid excessive glazing. Non-reflective materials are prioritised to minimise glare.	✓
	P2 Buildings should use non-reflective glass and / or recess glass behind balconies.	The design incorporates a combination of recessed glazing behind balconies and external screening elements, particularly along street frontages and the western façade. These treatments help reduce potential glare and visual reflectivity impacts.	✓
	P3 Sun shields, such as awnings, canopies and pergolas should be provided to glazed areas.	The architectural design incorporates awnings and landscaped elements at the ground level at the public domain.	✓
Part B – Section 9 – Wind and Air Quality			
9.1 Wind Speed	P1 Buildings should be designed to reduce wind velocity at footpaths and public outdoor spaces.	Wind impacts have been considered as part of the building design, particularly along street frontages and the rooftop communal open space. The proposal includes recessed entries, landscaping, and façade articulation that help to reduce wind intensity at pedestrian level. These treatments are intended to maintain a comfortable and safe environment for users of footpaths and adjoining public spaces.	✓
9.2 Clean Air	P1 Operating plant, building materials and finishes should be incorporated that are nontoxic and reduce toxic emissions.	Non-toxic operating plant, building materials and finishes have been incorporated.	✓
Part B – Section 10 – Environmental Sustainability			
10.2 Energy Efficiency	Refer to NCC 2022 NatHERS and DtS Report at Appendix V and BASIX Certificate provided at Appendix U .		
10.3 Passive Solar Design	P1 To achieve maximum solar access for the buildings residential components of a building orient the building within 20° west of north to 30° east of north.	The proposal has been designed to maximise solar access to residential apartments through orientation, apartment layout, and façade treatment. The building provides compliant solar access to 75% of apartments, exceeding the 70% minimum requirement under the Housing SEPP. The layout prioritises solar access to living areas and private open space, with the building form arranged to suit site conditions. Balconies are recessed and screening elements are used to manage heat gain and improve comfort. Refer to the Design Report (Appendix B) for more details.	✓
	P2 Adapt site layout and building orientation to local climatic conditions and prevailing site characteristics, such as existing overshadowing, planting and slope.		
	P3 Orient the long axis or length of the building to the northerly aspect.		
	P4 East and west facing glazing should be minimised and fully shaded at the summer solstice.		
	P5 Provide shading devices on north facing walls to completely shade glazing from October to late February. To calculate the extent of shading device, draw a section and extend a line from the base of the window at 70°. The outer edge of the eaves or shading device should reach this line.		
	P6 Optimise natural light access to reduce the amount of energy used to run artificial lighting (limiting the internal depth of the building allows efficient use of natural light).		
	P7 If landscaping is proposed as part of the development, a documented landscape design concept shows how the landscaping contributes to energy efficiency by providing substantial shade in summer, especially to west-facing windows and open car park areas, and admitting winter sunlight to outdoor and indoor living and working areas.		

	P8 Buildings are designed, wherever possible, to include a north facing roof where a solar hot water system or collector can be installed.		
	Residential		
	P9 Locate the main daytime living areas (e.g. family, dining and meal rooms) on the northern side of dwellings.		
	P10 Ensure windows of living areas that face north will receive at least three hours of sunlight between 9am and 3pm over a portion of their surface during the winter solstice.		
	P11 Where main living areas are oriented northwards, aim to achieve a glazed area of 30% of the dwelling's floor area in this direction.		
	P12 Provide adjustable awnings, shutters and external louvres on east and west facing windows.		
	P13 Consideration should be given to using north facing pergolas to shade walls and windows (deciduous vines can be trained over the pergola to provide effective cooling in warm weather).		
	P14 Where a north facing pergola contains fixed louvres, space and orient the louvres so that a line between the top of one blade and the bottom of the next makes an angle of 70°.		
	P15 Angle louvres to correspond to the lowest altitude angle the sun reaches at noon in winter (31° in Sydney).		
P16 South facing glazing should be kept to a minimum to reduce winter heat losses.			
10.4 Thermal Mass and Insulation	P1 To maximise natural heating, provide flooring that will absorb heat from the winter sun (i.e. a concrete slab floor on the ground offers the best thermal massing properties, whilst timber floors have minimal performance in terms of thermal mass. Dark coloured tiles laid over a concrete slab is the most desirable covering in terms of maximising the performance of thermal mass in a dwelling).	Refer to Design Report at Appendix B .	
	P2 To maximise natural cooling, protect thermal mass from summer sun with shading and insulation. Allow cool night breezes and air currents to pass over the thermal mass, drawing out all the stored energy.		
	P3 Incorporate masonry walls and insulated walls and ceilings to contribute to the effectiveness of thermal mass.		
	P4 Thermal insulation is used in the roof, walls and floor.		
	P5 Ceiling/roof insulation must have at least an R3.0 rating or equivalent and wall insulation must have at least an R1.5 or equivalent rating. Insulation of cavity brick walls is not required. These ratings are based on AS 2627: Part 1-1993.		
	P6 Use bulk or reflective insulation, or a combination of both, to achieve the required insulation value.		
	P7 Heat loss/gain is minimised though the use of awnings, shutters or high performance glazing (e.g. double glazing).	Awnings, shutters, and double glazing is proposed to be incorporated to minimise heat loss and gain.	✓
10.5 Natural Ventilation	P1 Locate windows and openings in line with each other on opposing walls and with prevailing breezes.	Windows and openings are provided in line with each other to allow prevailing breezes. Refer Natural Ventilation Design Report at Appendix O .	✓
10.6 Colours and Materials	P1 Buildings should use lighter coloured materials and finishes on main external parts of the building.	These types of building materials have been considered in the materials schedule for the site, which is detailed within the Architectural Drawings at Appendix A .	✓
	P2 Products with the least life cycle impact should be favoured.		
	P3 The use of the following types of building materials are to be maximised wherever possible: (a) materials which are sourced from renewable and abundant resources; (b) materials which are durable; (c) locally manufactured and produced materials; (d) materials with a low embodied energy content; (e) salvaged and/or recycled materials; (f) timber obtained from certified sustainable sources;		

	(g) materials with a high recycled content (>50%); (h) low volatile organic compound (VOC) emitting materials; (i) mechanical fixings instead of adhesives and glues, wherever possible; (j) when using Medium Density Fibreboard, ensure that it has a low formaldehyde content; (k) toxin-free floor finishes.					
	P4 Avoid the use of the following: (a) copper, chrome, cadmium, lead, mercury, cyanide, and formaldehyde; (b) materials, sealants and adhesives containing PVC; (c) wood treated with CCA; (d) solvents.	These materials are avoided in the design of the building.	✓			
10.9 Green Roofs	P1 Development applications for all new buildings or alterations and additions to an existing building that involves the creation of new roof spaces must submit a roof plan demonstrating how the new available roof space contributes to the achievement of at least three of the above objectives. P2 In satisfying provision P1 above, the roof plan must illustrate those parts of the available roof space to be used as a green roof immediately after construction of the proposed works and/or areas capable of being retrofitted for a green roof at a later date. Applicants are encouraged to accommodate green roofs immediately after construction.	A rooftop terraced area has been incorporated into the rooftop design. A Roof Plan is included within the Architectural Drawings at Appendix A .	✓			
10.11 Sustainability Reporting	Residential P1 A BASIX Certificate is required to be submitted with all developments incorporating residential development types nominated under SEPP (Sustainable Buildings) 2022.	Provided at Appendix U .	✓			
	Non-Residential P1 Applications are to demonstrate compliance with the requirements for non-residential development types nominated under SEPP (Sustainable Buildings) 2022. Where there is an inconsistency between the targets set under SEPP (Sustainable Buildings) 2022 and this DCP, those under the SEPP will prevail.	An assessment against the Sustainable Buildings SEPP is provided at Section 5.1.1 of the SEE.				
	P2 Development must comply with the submission requirements and performance targets set out in Table B-10.1 in order to demonstrate the proposed development will achieve an efficient use of resources. <table><tr><td>Less than 2000m² GFA</td><td>An Efficient Use of Resources Commitment Table (to be completed by the applicant).</td><td>Compliance with / consideration of (as relevant) DCP provisions within this section of the DCP.</td></tr></table>	Less than 2000m² GFA	An Efficient Use of Resources Commitment Table (to be completed by the applicant).	Compliance with / consideration of (as relevant) DCP provisions within this section of the DCP.	Provided at Appendix DD .	✓
Less than 2000m² GFA	An Efficient Use of Resources Commitment Table (to be completed by the applicant).	Compliance with / consideration of (as relevant) DCP provisions within this section of the DCP.				
Part B – Section 11 – Contamination and Hazardous Building Materials						
11.2.2 Contamination Investigation and Reporting	Preliminary Site Investigation (PSI) (Appendix X), Hazardous Materials Assessment (Appendix Y), and Detailed Site Investigation (DSI) Scope of Works (Appendix Z), identify the site's historical use as a petrol station. Ground Penetrating Radar (GPR) detected a potential underground storage tank (UST), and anecdotal evidence suggests the USTs were not removed. While previous soil testing reported no exceedances of guideline criteria, the assessment excluded areas where contamination is most likely and is now considered outdated under current NSW EPA guidelines. Slightly elevated levels of lead were detected in groundwater and asbestos-containing materials were confirmed in building elements. Although the site is not listed on any EPA registers, the findings indicate a moderate risk to human health and the environment. The site is considered capable of being made suitable for the proposed residential development, subject to the completion of a DSI, potential remediation works, and validation. The DSI is recommended to be undertaken following demolition of the existing structure and prior to bulk excavation, to ensure access to all areas of potential concern and to properly assess contamination risks and determine the remediation works required. It is anticipated that this will be included as a Condition of Consent.					
Part D - Section 2 - Landscaping						
2.1 General Provisions	P1 Development must provide the minimum landscaped area as specified within Part E – Development Types of this DCP (in particular Sections 1.4.7 and 3.3.5), or any alternative minimum landscaped area requirement specified within Part F – Area Character Outcomes of this DCP.	An assessment against Parts E and F is provided below.	✓			
	P2 Retain existing trees and mature vegetation wherever practical.	Tree No. 3 is to be retained with the removal of one branch required.				

	P6 Achievement of maximum density, pursuant to Council's controls, will be subject to retention of significant trees (as identified by Council) and other important topographic features.	Tree No. 2 will be removed and replaced due to its low retention value. Protection measures outlined in the AIA will ensure the ongoing health of retained trees both during and after construction.	
Part D – Section 3 - Accessibility			
An Access Review Report has been prepared to assess the proposals compliance with the relevant DCP provisions and Australian Standards and is provided at Appendix T .			
Part D – Section 4 – Car Parking and Transport			
A Traffic Impact Assessment has been prepared by Traffix (Appendix L) assessing the projects compliance with the relevant provisions.			
Part D – Section 5 – Waste Minimisation and Management			
An Operational Waste Management Plan has been prepared by Elephants Foot Consulting (Appendix P), A Construction Waste Management Plan has been prepared by Elephants Foot Consulting (Appendix Q). Please refer to these reports for further detail.			
Part D – Section 6 - Safety and Security			
6.1 Residential Development	P1 Maximise views of the street and dwelling entries and communal areas within the development (from dwelling entries, windows and balconies).	Active street frontages, balconies, and communal rooftop areas maximise surveillance over Alexander Street, Ernest Place, and Willoughby Lane. Dwelling entries and windows are oriented to promote visual connection with streets and communal areas.	✓
	P2 Limit the number of dwellings sharing one entry or lobby to 10 dwellings.	Achieved.	✓
	P3 Maintain sight lines along pathways (i.e. avoid blind corners or hiding places).	The building layout avoids blind corners, with open corridors and clear sightlines. Landscaping is carefully placed to ensure visibility and prevent concealment risks.	✓
	P4 Use design, materials and features (such as street furniture, pavers, fencing and landscaping) to clearly distinguish public, communal and private domains.	Materials and features distinguish public retail, communal rooftop, and private apartment domains.	✓
	P5 In public areas, use materials that discourage vandalism (i.e. non-porous surfaces such as glazed ceramics or treated masonry).	Public domain upgrades (paving, lighting, furniture) use durable, non-porous materials consistent with Council's guidelines.	✓
	P6 Install locks on doors and windows, viewers to doors.	Residential entries are secured. Roller shutters are not proposed.	✓
	P7 Roller shutters should not be installed on windows or doors.		✓
	P8 Provide lighting to communal areas (laundries, garbage storage, pathways, lobbies, car parking areas and stairwells).	High-quality lighting will be installed throughout communal areas, lobbies, pathways, car parks, and the rooftop communal space.	✓
6.2 Non-Residential Development	P9 Locate shared facilities in areas that will be well used.	Communal areas (rooftop lounge, gym, dining, pool, pickleball court) are centrally located, highly accessible, and designed to encourage frequent use	✓
	P1 Design routes between building entrances to maximise personal safety. Routes from parking areas to lift lobbies are particularly important in this regard. Clear lines of sight and well lit routes are required.	Routes between building entrances are designed with consideration for safety. Clear lines of sight between parking areas to lift lobbies are achieved.	✓
	P2 Where open space and pedestrian routes are provided, they must be clearly defined, and have clear and direct sightlines for the users.	Pedestrian routes and open space provided on all boundaries are clearly defined and have direct sightlines for users.	✓
	P3 Adequate lighting must be provided to open spaces, entrances and pedestrian areas to avoid the creation of shadowed areas.	Adequate lighting to all open spaces, entrances and pedestrian areas will be provided and confirmed within the detailed design development stage.	✓
	P4 Rear service areas and access lanes should either be well secured or easily visible.	The loading dock and service areas are internalised within the lower ground level of the building, which will be secured.	✓
	P5 Land use activities which operate after normal business hours should be located along well-used pedestrian routes.	The hours of operation of retail tenancies will be subject to a separate DA.	✓

	P7 Robust and durable design features should be used where relevant to discourage vandalism.	Robust and durable design features will be implemented into the design during detailed design development.	✓
	P9 The use of security grilles at the street frontage is discouraged. If security grilles are necessary then install on the inside of the shopfront and maintain clear visibility into the shop. Use toughened glass.	Security grilles are not provided at the street frontage.	✓
	P10 Solid security rollers to shopfronts are not permitted.	Solid roller doors are not provided.	✓
	P11 Fire escapes should not be recessed into the building form. If it is necessary locate them in recesses, then the recess must be shallow to provide for personal security of pedestrians.	Fire escapes are not recessed.	✓
	P12 Buildings should be designed to allow for the overlooking and natural surveillance of rear lanes (e.g. from retail and other uses at all levels of the building).	The proposal provides passive surveillance of Willoughby Lane through residential windows and balconies on the western elevation.	✓
	P13 Rear lanes should be provided with safe and secure lighting.	Achieved. Adequate lighting will be provided.	✓
	P14 Clear sight lines should be maintained around all vehicle access points.	Clear sightlines are maintained around all vehicle access points.	✓
	P15 Street numbering of buildings must be clearly visible from street at all times of the day such that they are easily identifiable.	Subject to detailed design.	✓
	P16 Maximise views of the street and building entries and communal areas within the development.	Active frontages are provided to Alexander Street and Ernest Place with transparent retail shopfronts and a residential entry lobby. Upper-level balconies and the communal rooftop provide natural surveillance over the public domain.	✓
	P17 Maintain sight lines along pathways (i.e. avoid blind corners or hiding places).	The internal circulation strategy avoids blind corners, with dual lift cores, clear sightlines along corridors, and open access points that prioritise visibility and legibility. Landscaping is layered but low in critical areas to avoid concealment risks.	✓
	P18 Use design, materials and features (such as street furniture, pavers, fencing and landscaping) to clearly distinguish public, communal and private domains.	A coordinated materials palette (stone paving, timber, glazing, and greenery) clearly differentiates public, communal, and private spaces. Public areas are defined by active retail and outdoor dining, communal areas by rooftop amenity spaces, and private areas by recessed balconies with screening. Street furniture, landscaping, and fencing treatments reinforce these distinctions	✓

Part D - Section 8 – Construction Management

A Construction Management Plan will be prepared prior to construction commencing.

A Preliminary Construction Traffic and Pedestrian Management Plan has been included at **Appendix M**.

A Construction and Demolition Waste Management Plan has been included at **Appendix Q**.

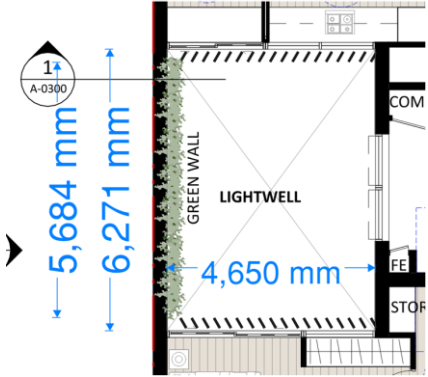
Part E - Section 1 – Residential

1.2.1 Population Mix	P1 Mixed use developments incorporating residential accommodation containing less than 20 dwellings must include, at least two of the following dwelling types: (a) studio; (b) 1-bedroom; (c) 2-bedroom; and (d) 3-bedroom.	N/A. The development includes 24 dwellings.	N/A
	P2 Despite P1 above, no more than 55% of all dwellings must comprise a combination of both studio and 1-bedroom dwellings	The proposal includes 24 independent living units, comprising 23 x 3-bedroom units and 1 x 2-bedroom unit. No studio or 1-bedroom dwellings are proposed, and therefore the development complies with the control.	✓

	P3 Mixed use developments incorporating residential accommodation containing 20 or more dwellings should provide a mix of dwelling sizes in accordance with Table B-2.1. <table><tr><th colspan="2">TABLE B-2.1: Dwelling Mix</th></tr><tr><th>Dwelling Size</th><th>% of Total Dwellings</th></tr><tr><td>studio</td><td>10-20%</td></tr><tr><td>1 bedroom</td><td>25-35%</td></tr><tr><td>2 bedroom</td><td>35-45%</td></tr><tr><td>3 bedroom+</td><td>10-20%</td></tr></table>	TABLE B-2.1: Dwelling Mix		Dwelling Size	% of Total Dwellings	studio	10-20%	1 bedroom	25-35%	2 bedroom	35-45%	3 bedroom+	10-20%	The proposal includes 24 dwellings, comprising: 2-bedroom: 4.2% (1/24 dwellings) 3-bedroom: 95.8% (23/24 dwellings). However, the variation is justified on the basis that the development is specifically designed as seniors housing, responding to demand for larger-format ILUs to support ageing in place and flexible living arrangements.	Justified.
TABLE B-2.1: Dwelling Mix															
Dwelling Size	% of Total Dwellings														
studio	10-20%														
1 bedroom	25-35%														
2 bedroom	35-45%														
3 bedroom+	10-20%														
	P4 Variations to the dwelling mix within P2 or P3 will not be considered, unless the applicant can adequately demonstrate by an authoritative analysis of current and future market demand that the suggested mix is not reasonable.	The proposal departs from the dwelling mix in P3, providing predominantly 3-bedroom ILUs. However, this variation is supported by a targeted market analysis presented in the SEE, which demonstrates a clear and growing demand for larger-format ILUs within the seniors housing sector. Demographic trends indicate a significant increase in the local 70+ population, with a preference for spacious, purpose-built units that allow older residents to age in place without downsizing. The majority provision of 3-bedroom units is a deliberate response to this demand, offering flexibility for visiting family, carers, or multi-purpose use. As such, the variation is appropriately justified.	✓												
1.2.2 universal Design and Adaptable Housing	P1 All new dwellings must satisfy the Silver level performance requirements of the Livable Housing Design Guidelines. The incorporation of Gold and Platinum level universal design features is strongly supported.	An Access Review Report prepared by Funktion (Appendix T) confirms that the proposal achieves all Accessibility provisions.	✓												
	P2 A minimum of 20% of dwellings in mixed use developments containing more than 5 dwellings must comprise adaptable housing and be designed and constructed to a minimum Class C Certification under AS 4299 – Adaptable Housing.														
	P3 Where universally designed and adaptable dwellings are proposed, those dwellings must be clearly identified as such on the submitted development application plans.														
	P4 Developments requiring adaptable housing must also satisfy the provisions of Part D: Section 3 – Accessibility of this DCP.														
1.2.3 Maintaining Residential Accommodation	P1 Development, whether it comprises new buildings or alterations/additions to existing buildings, should ensure that the existing residential density on site is not reduced (i.e. that the number of dwellings, or the number of rooms/bed spaces in a boarding house, that existed on the site is not reduced).	No residential accommodation exists on the site, and as such, the provision is increased.	✓												
1.3.2 Streetscape	P1 All works within the road reserve must be undertaken in accordance with the North Sydney Council Performance Guide (refer to Part D: Section 7 – Public Infrastructure of the DCP).	Achieved.	✓												
	P2 All existing sandstone kerb and guttering must be retained and maintained.	Achieved.	✓												
	P3 Existing street trees are to be retained and protected by avoiding excavation or building within the drip line of the tree (refer to Part B: Section 3.1 - Tree and Vegetation Management of the DCP).	Achieved.	✓												
	P4 Plant new trees of the same species that are present in the street, or in accordance with guidelines or strategies adopted by Council.	Achieved.	✓												
	P5 Maintain a nature strip on-street if one exists.	Achieved.	✓												
1.3.3 Laneways	P1 Where a laneway is the principal frontage to a property, dwellings are to address the lane (i.e. do not conceal the front façade of such buildings behind high walls, fences or garages).	Willoughby Lane is not the site's principal frontage, it functions as a service lane providing vehicular access to basement parking and waste collection.	✓												

	P2 The height of buildings facing laneways should respect the width of the lane (i.e. a 1storey building generally provides the most appropriate scale). A 2-storey building ancillary to the main dwelling may be permitted adjacent to the laneway, but only if: (a) the laneway does not comprise the site's primary frontage; and (b) the building does not result in any adverse impacts in terms of visual and acoustic privacy, overshadowing, heritage and an area's character.		The development establishes active frontages on Alexander Street and Ernest Place, while the Willoughby Lane elevation is designed with a 1.5m landscaped setback at ground level and 3–6m setbacks above the podium to reduce bulk and ensure a sensitive scale to the laneway.	✓
	P3 Where a site has a sole frontage to a laneway, any 2-storey component of a building must be set back at least 10m from the laneway boundary.			✓
	P4 Dwellings addressing laneways are to be provided with a reasonable level of privacy through design and landscaping (e.g. the use of obscure glazing and medium height shrubs that partially obscure windows).		Residential units do not directly front Willoughby Lane, avoiding privacy conflicts. Setbacks and landscaping ensure adequate visual screening.	✓
	P5 Where car parking is only capable of being located at the boundary to the laneway, only open car spaces or carports will be permitted (i.e. roller doors are not permitted).		Vehicular access is from Willoughby Lane, consistent with Council's preference to minimise conflicts on main streets. Basement parking eliminates the need for at-grade roller doors, and no more than 50% of the laneway frontage is allocated to vehicle access.	✓
	P6 No more than 50% of the width of a laneway frontage may be allocated for car accommodation of any kind, or car park entrances.			✓
	P7 Front fences are to be softened by planting trees and shrubs that hang over or through fences.		The design incorporates landscaped setbacks, planter boxes, and green facades along Willoughby Lane, softening the interface and contributing to laneway revitalisation works secured under the VPA. Existing trees are retained where practicable, and new landscaping improves the laneway's amenity.	✓
	P8 Existing trees on land that abut the laneway should be retained.			✓
	P9 All new and rebuilt fences and structures (including car parking spaces) must be setback at least 1.2m from the laneway frontage. This setback is to be landscaped with appropriate low maintenance plants.			✓
1.3.4 Siting	P1 Buildings are to be sited in accordance with that described in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP), or if not identified for the relevant Planning or Locality Area, is to be consistent with the siting of neighbouring buildings which share the same street frontage.		An assessment against the relevant Planning Area Character Statement is included at Part F below.	✓
	P2 Site buildings within a single building form, addressing the street.		Achieved.	✓
	P3 Orient each external wall parallel to the corresponding boundary of the site, unless another orientation is characteristic.		Achieved.	✓
1.3.5 Setbacks	Front P1 The front setback must match the alignment of the primary facades of buildings on adjoining properties. Where different setbacks occur, the average of the setbacks of those primary facades is to be used.		Setbacks have been designed to match the adjoining properties. A zero-metre setback is provided to Ernest Place, and Alexander Street. A 1.5m setback is provided to Willoughby Lane at ground level to improve pedestrian amenity, consistent with neighbouring development and DCP Control P7. An Assessment against Part F of the DCP is provided below.	✓
	Side P2 Building setbacks are to comply with the requirements set out in Table E-1.2.			✓
	MU1 Mixed Use	Residential flat buildings; Shop top housing		Refer to Part E: Section 2 - <i>Development in Employment and Mixed Use zones</i> and Part F – <i>Area Character Outcomes</i> to this DCP.
	P4 Where possible, side setbacks should match those on adjoining properties, or, if side setbacks on adjoining properties are not characteristic, with setbacks identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).			✓
	Rear P5 Provide rear building setbacks that match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).			✓
	Laneways P7 Despite P1, P5 and P6 above, all buildings and structures must be setback at least 1.2m from a laneway. This provision does not apply to side setbacks.			✓

1.3.6 Form, Massing and Scale	P1 In addition to compliance with the maximum heights stipulated under NSLEP 2013, the number of storeys within a building should be consistent with that identified in the relevant Planning Area Character Statement or Locality Area provision (refer to Part F of the DCP).	An assessment against Part F is provided below.	
1.3.12 Balconies	P1 Balconies must be incorporated within building envelope (as specified by setbacks and or building height plane) and should not be located on roofs, podiums or be cantilevered.	Achieved.	✓
	P2 Balconies should be integrated into the overall architectural form and detail of the building.		
	P3 No balconies, verandahs or the like are to project over the public domain.		
	P4 Where a proposal involves the conversion of an existing commercial building, and that commercial building's envelope does not comply with the setback and/or building envelope controls for the site, any new balcony must not project beyond the existing building's envelope.		
	P5 Balconies should not be enclosed.		
	P6 Notwithstanding P5, Council may permit the enclosure of a balcony, but only if: (a) the building is predominantly characterised by enclosed balconies; or (b) if the building is not predominately characterised by enclosed balconies, subject to the approval of a balcony strategy for the building.		
	P7 A balcony strategy should: (a) include details outlining the size, scale and choice of materials of the proposed enclosure/s); and (b) be adopted by the body corporate before being submitted to Council.		
1.4.1 High Quality Residential Accommodation	P2 Apartments within mixed use developments, must be designed to provide the following minimum internal areas: (a) Studio 35m2 (b) 1 bedroom 50m2 (c) 2 bedrooms 70m2 (d) 3+ bedrooms 90m2	Achieved. All units exceed minimum internal areas.	✓
	P3 Include courtyards, balconies and gardens as the principal open space area for residents. These should have solar access for a minimum of 2 hours a day measured at June 21st .	The proposal provides private balconies for all dwellings and a well-designed communal open space area on Level 6, which together form the principal areas of open space for residents. These spaces are oriented and designed to receive adequate solar access. The development achieves 75% compliance with Housing SEPP solar access requirements, confirming that a majority of apartments receive at least two hours of direct sunlight on June 21 st .	✓
	P3 Include courtyards, balconies and gardens as the principal open space area for residents.	Achieved.	✓
	P5 No more than 8 dwellings are to be accessible from a single common lobby space.	Achieved. A maximum of 5 dwellings are accessed from a single lobby space.	✓
	P6 Avoid the use of double loaded corridors.	The proposal provides double-loaded corridors in accordance with the Seniors Housing Design Guide, which stipulates provisions for seniors housing and supports efficient layouts that deliver good amenity, natural light, and ventilation.	Justified.
	P7 The depth of a habitable room from a window, providing light and air to that room, must not exceed 10m.	Achieved.	✓
	P8 Apartments must provide a minimum width of 4m. An apartment's width should increase relative to an increase in its depth.	Achieved.	✓
	P9 The depth of a single aspect apartment must not exceed 8m from a window.	Achieved.	✓

	P10 The habitable space serviced by a window is no more than 10 times the glazed area of the window.	Achieved.	✓
	P11 At least 60% of apartments are to be provided with cross ventilation (i.e. window openings that face different directions. Refer to Figures E-1.4 – E-1.7). For apartments with no cross ventilation, ceiling fans must be provided.	83.3% of apartments achieve natural cross ventilation.	✓
1.4.2 Solar Access	P1 Developments should be designed and sited such that solar access at the winter solstice (21st June) provides a minimum of 3 hours between the hours of 9.00am and 3.00pm to: (a) any solar panels; (b) the windows of main internal living areas; (c) principal private open space areas; and (d) any communal open space areas.	The development achieves a high level of solar access for future residents. The building has been designed to ensure that apartments and private open spaces receive adequate daylight, with a focus on orientation, window placement, and appropriate modulation of balconies. The design achieves compliance with the ADG and exceeds the Housing SEPP requirement of 70%, with 75% of apartments receiving at least two hours of direct sunlight in mid-winter.	✓
	P2 Despite P1 above, solar access to dwellings within residential flat buildings and shop top housing should meet the requirements of the Apartment Design Guide which includes: (a) at least 70% of dwellings should receive a minimum of 2 hours of solar access to living rooms and private open spaces between the hours of 9.00am and 3.00pm at the winter solstice (21st June). (b) Avoid providing apartments that have a sole orientation to the south. Where south facing apartments cannot be avoided, ensure that: (i) no more than 15% of all dwellings in the development receive no direct sunlight between 9am and 3pm at mid-winter; and (ii) those south facing dwellings are provided with adequate access to natural light (e.g. by providing enlarged windows, skylights and the like). .		✓
1.4.3 Acoustic Privacy	An Acoustic Report (Appendix N) has been prepared, confirming the proposal's ability to achieve compliance with the relevant DCP provisions.		
1.4.5 Lightwells and Ventilation	P1 Council does not support the use of lightwells for the provision of light and ventilation to dwellings. However, Council may consent to the use of lightwells, but only if the following criteria are satisfactorily met:	The lightwell meets the following criteria.	✓
	(a) the lightwell does not provide the primary source of natural daylight and ventilation to any habitable room of a dwelling within the development; and	The lightwell does not provide the primary source of daylight or ventilation to any habitable room.	✓
	(b) the dimensions of the lightwell comply with the building separation requirements set out in P5 to s.2.3.11 to this Part of the DCP (e.g. if non-habitable rooms face into a lightwell under 12m in height, the lightwell should measure 6m x 6m in plan); and	As below, the lightwell has the following measurements- 6.2m glazing line to glazing line, approx. 5.7m clear between screening and 4.6m wide. 	Justified. Refer to P2.
	(c) the lightwell is directly connected at ground level to streets or lanes in buildings greater than 30m in height to allow air movement in the lightwell; and	N/A building is under 30m	N/A

	(d) all building services (e.g. utility installations, pipes, cabling and the like) are concealed and not overlooked by principal living rooms or bedrooms; and	Achieved.	✓
	(e) the lightwell is fully open to the sky.	The lightwell is fully open to the sky.	✓
	P2 Despite P2(b) above, a lesser dimension may be considered, but only if it can be satisfactorily demonstrated that acoustic privacy, visual privacy and daylight access to all dwellings can be provided.	It is the intent that the screening will block cross viewing and views from the corridor. 75% of apartments receive at least 2hrs of solar access in mid-winter between 9am-3pm. 83% of apartments are provided with cross ventilation.	✓
	P3 Alternative methods of ventilation of dwellings may be considered, but only if it can be satisfactorily demonstrated that there is no impact on privacy, noise, and fire safety.		
	P4 If an alternative method of ventilation is proposed, submit a ventilation report by a certified ventilation consultant in accordance with the AS 1668, which recommends that the minimum natural cross ventilation rate of airflow should be 60L/s and the minimum removal of excess heat should be 10 air changes per hour, to provide reasonable comfort to occupants.	A Natural Ventilation Report has been prepared, included at Appendix O .	✓
1.4.11 Site Facilities	P1 Provide open air clothes drying facilities in a sunny location, which is adequately screened from streets and public places and receives no less than 2 hours of direct sun per day.	Open-air clothes drying facilities are not proposed as they are inconsistent with the operational model and amenity expectations for seniors housing. Older residents typically prefer the safety and convenience of internal laundries with washer/dryer appliances, which are included in each ILU. Providing communal drying areas in this highly visible location would create management and visual amenity issues, particularly to Alexander Street and Ernest Place. The intent of the control is nonetheless achieved through alternative sustainability measures, including BASIX-compliant energy and water efficiency, energy-efficient appliances, and ample private and communal open space with good solar access.	Justified.
	P2 Provide a lockable mailbox, for each dwelling, close to the main pedestrian entry to the dwelling or building.	To be provided.	✓
	P3 Provide no more than one telecommunications/TV antenna per residential building.	Noted.	
	P4 Provide ancillary storage facilities within residential flat buildings and shop top housing at the rates outlined in Table E-1.9 and linked to each dwelling through provisions of the relevant Strata Plan (at least 50% within the apartment).	To be provided.	✓
	P5 Basement storage facilities will not be permitted for conversion to car parking spaces, either informally or by means of lodging a development application or a s.4.55 application to modify a development consent.	Noted.	
Part E – Section 2 – Development in Employment and Mixed Use Zones			
2.2.1 Diversity of activities, facilities, opportunities and services	P1 Non-residential buildings or components of buildings should incorporate a variety of different sized spaces that reflect a site's location in the commercial centre hierarchy (i.e. large floor plates should be provided in higher order centres with small floor plates in lower order centres).	The proposal provides a mix of smaller ground floor retail tenancies fronting Alexander Street and Ernest Place, which is appropriate given the site's location in the Crows Nest centre.	✓
	P2 Consideration should be given to incorporating community and entertainment facilities within a development.	The proposal includes rooftop communal and wellness facilities that support resident interaction and community-building. While no public community or entertainment uses are proposed at this stage, the fit-out and use of the ground floor tenancies will be subject to a future separate DA, at which point community-oriented uses may be considered.	✓
	P3 A variety of uses should be provided at street level, which contributes positively to economic and social vitality.	The proposal provides multiple ground floor retail tenancies with frontages to Alexander Street, Ernest Place, and Willoughby Lane, supporting a mix of uses that will activate the public domain and enhance the precinct's economic and social vitality.	✓
	P4 Avoid blank walls that face streets and laneways at the ground level.	The proposal avoids blank walls by incorporating active retail frontages to Alexander Street and Ernest Place frontages, ensuring visual interest and pedestrian engagement at ground level. The Willoughby Lane frontage includes services and vehicular access, but these are treated with	✓

		appropriate screening and integrated into the façade design to minimise visual impact.																																		
	P5 Enhance the amenity of the public domain to meet the needs of the workforce, residents and visitors.	The proposal enhances public domain amenity through active frontages, and landscaping. In addition, a VPA is proposed to deliver public benefit works along Willoughby Lane, further improving access and amenity for residents, workers, and visitors.	✓																																	
	P6 Mixed use developments should have the non-residential uses located at least on the ground floor, and any residential uses located on floors above the non-residential uses.	All retail tenancies are located at ground level, with residential uses above. The principal residential entrance is designed to be fully accessible, ensuring inclusive access to all common areas in accordance with mobility standards.	✓																																	
2.3.1 Awnings	P1 Provide continuous, horizontal awnings on all street frontages which are activated by ground floor uses and those streets identified in the relevant area character statement (refer to Part C of the DCP), using materials that are sun, rain and wind proof.	The proposal includes continuous horizontal awnings along Alexander Street and Ernest Place, where ground floor retail tenancies are located.	✓																																	
	P2 Awnings must be provided as required in Table E-2.2 <table><tr><th colspan="4">TABLE B-2.5 – Awnings</th></tr><tr><th colspan="2" rowspan="2">Requirement</th><th colspan="2">Zone</th></tr><tr><th>E2 Commercial Centre MU1 Mixed Use</th><th>E1 Local Centre</th></tr><tr><td colspan="2">Minimum Width</td><td>2m (min)</td><td>2m (min)</td></tr><tr><td rowspan="2">Setback from kerb -</td><td>General</td><td>1.1m (or 600mm where walkway is not of sufficient width)</td><td>600mm</td></tr><tr><td>To accommodate street trees</td><td>1.5m</td><td>2.0m</td></tr><tr><td colspan="2">Height above footpath level</td><td>3.2m - 4.2m</td><td>3.0m - 3.6m</td></tr></table>	TABLE B-2.5 – Awnings				Requirement		Zone		E2 Commercial Centre MU1 Mixed Use	E1 Local Centre	Minimum Width		2m (min)	2m (min)	Setback from kerb -	General	1.1m (or 600mm where walkway is not of sufficient width)	600mm	To accommodate street trees	1.5m	2.0m	Height above footpath level		3.2m - 4.2m	3.0m - 3.6m	Awnings are provided along Alexander Street and Ernest Place as per the below. It is noted that a minor non-compliance in height is proposed to maintain a clean line across the elevation. <table><tr><th colspan="2">Measurement</th></tr><tr><td>Width</td><td>2.2m</td></tr><tr><td>Setback from kerb</td><td>1.5m</td></tr><tr><td>Height</td><td>2.8-3.5m</td></tr></table>	Measurement		Width	2.2m	Setback from kerb	1.5m	Height	2.8-3.5m	Justified.
	TABLE B-2.5 – Awnings																																			
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Height	2.8-3.5m																																			
	P3 New awnings should match the height of existing awnings on adjacent sites.	The proposed awnings align with the height of existing awnings on adjacent sites, ensuring a consistent streetscape and maintaining visual continuity along the Alexander Street and Ernest Place frontages.	✓																																	
2.3.2 Acoustic Privacy	An Acoustic Report (Appendix N) has been prepared, confirming the proposal's ability to achieve compliance with the relevant DCP provisions.																																			
2.4.2 Setbacks	General P1 Provide a setback for public space at ground level where indicated within the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).	Setbacks have been designed to match the adjoining properties and are provided in accordance with Part F of the DCP. A zero-metre setback is provided to Ernest Place, and Alexander Street. A 1.5m setback is provided to Willoughby Lane at ground level to improve pedestrian amenity, consistent with neighbouring development and DCP Control P7. An Assessment against Part F of the DCP is provided below.	✓																																	
	P2 New development must give consideration to the setbacks of adjacent buildings and heritage items.		✓																																	
	Front P3 The entire building is to have a zero metre setback to all street frontages, unless an alternative setback is identified within the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).		✓																																	
	P4 If a podium form is required, that part of the building located above the podium must be setback from the street frontage by a weighted average (refer to Figure E-2.1) in accordance with the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).	Upper-level setbacks are provided in accordance with Part F of the NSDCP.																																		

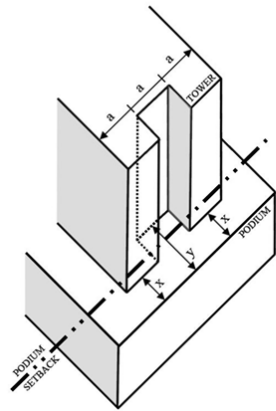


Figure E-2.1:

Weighted average is the average of projections and recesses from setback above podium (i.e. $x + x + y / 3 =$ podium setback)

Side & Rear

P5 The entire building is to have a zero metre setback to all side and rear boundaries, unless an alternative setback is identified within the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).

A zero-metre setback is provided to Ernest Place, and Alexander Street. A 1.5m setback is provided to Willoughby Lane at ground level to improve pedestrian amenity, consistent with neighbouring development. An Assessment against Part F of the DCP is provided below.

P6 Despite P5 above, buildings containing non-residential activities must be set back a minimum of 3m from the property boundary where the adjoining site has balconies or windows to main living areas of dwellings or serviced apartments located at the same level.

N/A – adjoin site does not have balconies or windows.

N/A

P7 Despite P5 above, a development proposed on land adjoining or adjacent to a residential or recreation zone must not exceed a building height plane commencing:

(a) at 3.5m above ground level (existing) and projected at an angle of 45 degrees internally to the site from all boundaries that directly adjoin land zoned R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, RE1 Public Recreation, or

(b) at 3.5m above ground level (existing) and projected at an angle of 45 degrees internally to the site from the centre line of any adjoining road or laneway separating the site from land zoned R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, RE1 Public Recreation.

N/A – development is not on land adjoining or adjacent to a residential or recreation zone.

N/A

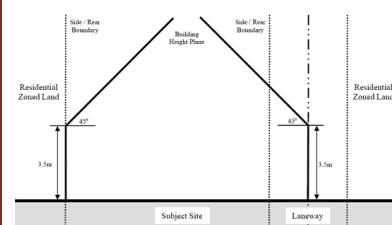


Figure E-2.2:

Building height plane requirements

P8 Where setbacks are required from existing property boundary this should be clear of all structures above and below ground level, excluding awnings and other elements allowed by Council.

Noted.

Noted.

P9 Where an applicant seeks a basement structure built to the property boundary fronting a laneway in the E1 Local Centre or MU1 Mixed Use zone for the purposes of underground car parking, Council may require a 1.5m setback at street level to be provided subject to an s.88B instrument application outlining public access rights, clear of any structure to 1.5m below ground level (existing) and 3m above ground level (existing) and requiring all maintenance, cleaning and the like to be the responsibility of the property owner. Applicants are advised to

Vehicular access is via Willoughby Lane, and the development provides a 1.5m ground-level setback.

✓

	contact Council prior to the lodgement of any development application seeking a basement car park built to the property boundary fronting any laneway to determine if the setbacks in this provision are required to be met.		
2.4.3 Podiums	P1 Where required, a podium must incorporate the required boundary setbacks, podium heights and above podium setbacks in accordance with the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).	An Assessment against Part F of the DCP (including podium heights) is provided below.	Justified below.
	P2 Where there are no podium and above podium related controls in Part F of the DCP, podiums should match the height and setbacks of adjacent buildings or the average of the heights of the adjacent podiums having regard to their existing nature and/or their redevelopment potential.		
	P3 Where the ground level changes across the width of a site, the podium should be stepped at an appropriate location to maintain a characteristic podium height.		
2.4.4 Building Design	P1 A minimum floor to ceiling height of 3.3m is required for each level of a building containing non-residential floor space, unless an alternative height is identified within the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP). Where a single storey of a building is proposed to contain both residential accommodation and non-residential development, the entire storey is to provide the greater of the two minimum requirements.	Ground level clear heights vary with the fall in the site but will allow for a minimum of 3300 within the retail tenancies and residential lobby.	✓
	P2 Council may consider a variation to the minimum requirements in P1, but only if the applicant can demonstrate that the dwelling or non-residential floor space is capable of receiving satisfactory natural daylight and ventilation (e.g. shallow apartments / commercial tenancies with large amounts of window area).		
	P3 The apparent length of buildings should be broken down through the use of articulation, design and detailing, changes in materials and colours.	The building incorporates a variety of architectural treatments including façade modulation, recessed balconies, and changes in materials and finishes to break up its visual length. These elements create a fine-grain rhythm along the street and reduce perceived bulk. This is further discussed in the SEE.	✓
	P4 High quality materials should be used throughout the building design.	High quality materials are proposed for the building design, as outlined in the Materials Schedule at Appendix A .	✓
	P5 Buildings should be built predominantly to setback alignment.	The building is positioned in line with adjoining developments to maintain a consistent street edge.	✓
	P6 Buildings should be articulated and have a positive relationship with the public domain in terms of scale and setbacks.	Façade articulation, upper-level setbacks, and active frontages create a built form that responds to the human scale and contributes positively to the public domain.	✓
	P7 Building elements, such as materials, finishes, and window dimensions should relate to neighbouring buildings.	Materials, finishes, and window proportions have been selected to reflect the character of neighbouring buildings, ensuring visual consistency along the street.	✓
	P10 Where party walls are exposed or new developments result in a blank wall, a visually interesting treatment is required for that wall. The architectural treatment used should be sympathetic to the character of the area and any nearby heritage items or conservation areas.	N/A. No blank walls are proposed.	✓
	P11 Balconies are to be incorporated within the setback or building envelopes.	Noted. Balconies are within the building envelope.	✓
2.4.5 Skyline	P1 Built form should step down to a comparable scale at the interface of any adjoining residential zone.	The proposal provides a built form that supports a transition in scale between the emerging high-density Metro precinct to the west and the lower-scale residential neighbourhood to the east. The development incorporates substantial upper-level setbacks from all frontages, resulting in a built form that presents as five storeys from the street.	✓

	P2 Roofs should be designed such that they are integral with the overall design of the building.	The roof design is integrated with the overall architecture of the building through a stepped massing strategy that reinforces the tiered form of the upper levels. Rooftop communal open space and ancillary structures are recessed and visually contained within the upper built form, minimising their visibility from the public domain. The roofscape includes landscaped elements and pergolas that are coordinated with the façade design, materials, and vertical elements of the building. These components form a cohesive design response rather than appearing as separate or add-on elements.	✓
	P3 All roof top located building plant and services are to be contained within a single structure. It should be centrally located to avoid overshadowing and other impacts.	Achieved.	✓
	P6 All plant room equipment must not be visible from any location viewed from ground level.	Plant room equipment is not visible from the ground level.	✓
2.4.6 Junction and termination of streets	P1 Buildings located on the corner of a street intersection or at the termination of a street should: (a) be designed with increased emphasis to anchor primary vistas and nodal points;	The building occupies a prominent corner site at the intersection of Alexander and Ernest Streets and is designed with increased architectural emphasis at the corner. The chamfered corner treatment, deep balcony recesses, and material variation highlight the intersection and contribute to visual interest, helping to anchor this point.	✓
	(b) be designed such that the corner of the building addressing an intersection is reinforced through utilisation of splays, curves, building entries and other architectural elements;	The corner is articulated through a defined splay, recessed balconies, and a continuation of horizontal slab edges and vertical screening, reinforcing the corner and providing a clear architectural response to the intersection.	✓
	(c) where located at a street intersection, incorporate a minimum 1.5m splay measured from the corner of the intersection along each property boundary; and	A splay of 1.5 metres is incorporated at the corner of Alexander and Ernest Streets.	✓
	(d) be designed such that the building's height is concentrated on that section of the building located at the corner of the street intersection or is centralised on the street façade where it is located at the termination of a street.	The massing concentrates the highest portion of the building near the corner, in line with the control. However, upper levels are recessed to reduce perceived bulk and allow for transition to adjoining sites. The corner element reads as the most prominent vertical component when viewed from both street frontages.	✓
2.4.8 Streetscape	P1 The ground level of buildings should align with the corresponding level of the adjacent footpath, laneway or outdoor space.	Achieved.	✓
	P2 Continuous active uses, such as shops and cafes, should be provided at the ground level of the building to all streets, laneways and public spaces.	The proposal delivers continuous active frontages at ground level along Alexander Street, Ernest Place, and Willoughby Lane. The development incorporates seven retail premises fronting the public domain, designed with permeable shopfronts and opportunities for outdoor dining. In addition, the proposed VPA includes public domain upgrades that will further support activation, including the revitalisation of Willoughby Lane and the installation of outdoor dining furniture.	✓
	P3 Where practical, the building's ground level façade to a laneway should be provided as an active frontage (e.g. has a retail or commercial premises fronting the laneway)	The proposal does not include an active frontage to Willoughby Lane, as this laneway functions primarily for service and vehicular access. Activation here would conflict with its service role and adjoining residential interfaces. Instead, the development provides active frontages to Alexander Street and Ernest Place, where retail tenancies and awnings will contribute positively to the public domain and pedestrian experience, consistent with the intent of the control.	Justified.
	P4 Landscaping and changes in level at building frontages is to be avoided where possible to facilitate natural surveillance of public areas and views into buildings.	Achieved. No changes in level at building frontages is provided.	✓

	P5 All ground level windows fronting street, laneways and public spaces must be glazed with clear glass, to promote active surveillance of the public domain.	Ground floor commercial tenancies are glazed with clear glass and provide unobstructed views onto both Alexander and Ernest Streets, promoting active surveillance of the public domain in accordance with the control.	✓
	P6 All ground level shopfronts are to have a zero metre setback unless specified in the relevant area character statement (refer to Part C of the DCP).	All ground floor shopfronts have a zero metre setback.	✓
	P7 Introduce visually interesting elements to the building façade such as articulation, detailing and art works.	The building façade incorporates a variety of visually interesting elements, including recessed balconies, vertical screening, contrasting materials, and a chamfered corner treatment. These features provide articulation and detail that enhance the architectural expression of the building and contribute positively to the streetscape.	✓
	P8 Streetscape elements, such as street furniture, lighting, paving, awnings, outdoor seating and umbrellas, are to be consistent with Council's Public Domain Style Manual and Design Codes.	Subject to Detailed Design.	✓
2.4.9 Entrances and Exits	P1 Main entrances and exits located at the front of the site must be directly visible from the street.	The main residential and retail entrances are located at the front of the site and are clearly visible from both Alexander and Ernest Streets.	✓
	P2 At least one main entrance to the building provides a continuous path of travel	A continuous accessible path of travel is provided from the footpath to the building entrances and throughout the communal areas.	✓
	P3 Entrances must not be obscured by landscaping or other obstacles and have clear sight lines.	Entrances are not obscured by landscaping or other barriers and maintain clear sightlines from the public domain.	✓
	P4 Entrances are clearly identifiable to reduce confusion and unintentional entry.	Entrances are clearly defined through recesses, material contrast, and signage, ensuring ease of recognition.	✓
	P7 Places of safe refuge are incorporated into the overall design of buildings. Lift lobbies or toilets may be used as all or part of a safe refuge.	Lift lobbies are included in the development.	✓
	P8 Access to the building must be designed in accordance with the provisions contained within Part B: Section 12 – Access of the DCP.	Assessed below.	✓
	P9 Separated pedestrian entrances and lobbies are to be provided where it is proposed to accommodate within the same building, the following mixture of land uses: (a) residential accommodation and non-residential development; or (b) hotel or motel accommodation or serviced apartments and any other form non-residential development.	Separate residential and commercial entrances are provided.	✓
2.5.1 Site Facilities	P1 Site facilities should be located in the most accessible and convenient location and, if possible, located near regularly staffed areas such as reception areas.	The proposal includes well-located and clearly accessible site facilities, including a residential entry lobby, lift access, and communal areas. The design supports safety and amenity through clear sightlines, passive surveillance, and logical wayfinding.	✓
	P2 Direct access should be provided to site facilities. The use of long corridors and blind corners should be avoided. The use of lighting and mirrors should be used in problem areas.		
	P3 Site facilities should be designed to encourage their use by keeping them clean and vandal resistant. Access routes should be clearly signed and information provided in facilities to report maintenance and vandalism.		
	P4 Seating is open to view and well lit after dark.	All public spaces will be well-lit.	✓
	P5 Provide no more than one telecommunications/TV antenna per building.	Noted.	
2.6.1 Public spaces, street furniture, landscaping	P1 Where relevant, all works should be designed in accordance with: (a) North Sydney Centre Public Domain Strategy; (b) St Leonards Public Domain Strategy; and (c) North Sydney Council Infrastructure Manual.	N/A	N/A

works and equipment	P2 Development should not detrimentally affect the amenity of the existing area, having regard to its redevelopment potential.	The proposal avoids adverse amenity impacts and supports the area's redevelopment potential, including through solar access compliance, view sharing, and setback controls.	✓
	P3 A range of outdoor spaces should be provided. Larger spaces and deeper footpaths provide opportunities for a wider range of activities to be accommodated.	Outdoor space is provided in the form of a rooftop communal open space and widened footpaths along both frontages, contributing positively to the public domain.	✓
	P6 Seating should be provided in public spaces that are not allocated to a specific use (e.g. a café) for people to 'hang out', take refuge and rest.	As part of the VPA (Appendix AA), the development will deliver high-quality outdoor furniture, including street seating, planter boxes, and awnings, to create comfortable and legible public spaces along Alexander Street and Ernest Place.	✓
	P7 Seating or seating areas should be positioned at the edge of footpaths where through movement is not obstructed.	Achieved.	✓
	P8 Pedestrian sight lines should not be obstructed by landscaping or other street improvements.	Achieved.	✓
	P9 Public areas should be free from clutter and unclear level changes, having particular regard for accessibility.	Achieved.	✓
	P10 Publicly accessible areas are to be provided with a high quality of lighting for security and amenity purposes.	Achieved.	✓
2.6.3 Public Art	No public art is proposed. This is justified on the basis that the development delivers substantial public benefits, including purpose-built seniors housing that addresses a critical local housing need, activation of the street through new ground floor retail tenancies, and a Voluntary Planning Agreement securing monetary contributions and significant public domain upgrades such as the revitalisation of Willoughby Lane and the installation of outdoor dining furniture. Collectively, these measures provide enduring social and urban design outcomes that outweigh the need for standalone public art.		Justified.
2.6.4 Paving	P1 Except where negotiated with the Council, all footpath paving along property frontages must be provided in accordance with Council's specifications (including requirements for disabled access).	All paving along property frontages will be provided in accordance with Council's specifications.	✓
	P2 The extent, nature and type of paving materials include tactile surfaces in appropriate locations to assist the visually impaired.		
	P3 Paving may be considered as part of public art, but only in consultation with Council.		
2.6.5 Native vegetation and water	P1 All works should be designed in accordance with North Sydney Centre Public Domain Strategy.	All landscaping works have been designed with consideration for the North Sydney Centre Public Domain Strategy.	✓
	P2 Roof top gardens should be considered for incorporation where practicable and where they do not result in unreasonable amenity impacts to adjoining and neighbouring properties.	A rooftop terraced area has been incorporated into the rooftop design.	✓
	P3 Trees should be planted where appropriate to provide shade, shelter and fauna.	Tree No. 3 is to be retained with the removal of one branch required. Tree No. 2 will be removed and replaced due to its low retention value. Protection measures outlined in the AIA will ensure the ongoing health of retained trees both during and after construction.	✓
Part F – Section 3 – Area Character Outcomes			
3.0 St Leonards/Crows Nest Planning Area Character Statement	The proposed development is consistent with the St Leonards / Crows Nest Planning Area Character Statement in the following ways: • It delivers high-density mixed-use development within walking distance of the new Crows Nest Metro Station, aligning with the 2036 Plan's vision for increased density near transport. • The proposal supports a diverse residential offering, catering to the growing senior population with well-designed ILUs, contributing to housing diversity and social inclusion. • Ground floor retail activation enhances the vibrancy of the Crows Nest Town Centre, supporting local economic activity and pedestrian movement. • The design respects the urban character through articulated façades and active frontages, reinforcing the human scale of the surrounding streets. • The development enhances public domain amenity and proposes public benefit works to Willoughby Lane, contributing positively to the pedestrian experience and overall accessibility.		✓
3.2.2 Desired Future	P1 Intensify commercial and mixed use development in close proximity to the Metro station and along the Pacific Highway with active uses at the ground floor levels, commercial within the podium levels and residential above.	The proposal intensifies mixed-use development within 300m of the Crows Nest Metro Station by delivering ground floor retail, five levels of seniors	✓

Character – Crows Nest Town Centre		housing, and rooftop communal spaces. It provides active uses at street level and residential above.	
	P3 Predominantly medium rise mixed use development, built boundary to boundary, with setbacks to laneways, and above the podium, with shops at ground level, non-residential/residential on first floor and residential above.	The proposal delivers a six-storey mixed-use building with ground floor retail fronting all three street frontages and residential uses above. A 1.5m setbacks is provided to Willoughby Lane and at setbacks are also provided to the upper levels.	✓
3.2.3.2 Form, Massing and Scale	P1 Buildings should generally transition in height from the Crows Nest Metro Station and Pacific Highway down to the surrounding areas and the lower scale development within the Crows Nest Town Centre, the Upper Slopes Neighbourhood and Crows Nest Neighbourhood.	The proposal provides a six-storey building with setbacks at upper levels, assisting in the transition from higher density development near the Metro Station and Pacific Highway (ranging from approx. 50m to 283m) to the lower scale character of the surrounding Crows Nest neighbourhood (8.5m).	✓
	P2 Roof design presents a varied, composed and interesting skyline when viewed from a regional context.	The roof design incorporates varied forms, articulated massing, and rooftop communal spaces to create a visually interesting skyline when viewed from the broader context.	✓
	P3 Architectural detailing and ornamentation provides a rich visual texture and a symbolic reference to the history of the place, the building's use or occupant.	Architectural detailing is inspired by the Banksia Serrata seed pod, symbolically referencing natural resilience and the site's transformation. The material palette and form are designed to integrate with the evolving streetscape and convey the building's use as high-quality seniors housing.	✓
	P5 Developments on land greater than 1,000sqm should consider the incorporation of internal courtyards adjacent to laneways and through site links to broaden the range and form of open space in the locality.	While the proposal does not incorporate internal courtyards or through-site links, this is due to the site's configuration and its three-street frontages, which already provide high permeability and access. Instead, open space is delivered through well-designed rooftop communal areas that offer amenity for residents without compromising ground-level activation.	Justified.
	P7 Tower elements located above the podium level should not exceed 45m in width, unless it can be adequately demonstrated that sufficient physical vertical articulation can be provided to break the tower elevation into two distinct elements.	Achieved.	✓
	P8 Minimum floor to floor heights on land zoned E2 Commercial Centre or MU1 Mixed Use must be provided: (a) Ground floor level: 4.0 – 4.5m (b) First floor level: 3.6m (c) Levels above: 3.0m (residential uses) or 3.6m (non-residential uses)	The ground floor floor-to-floor height is 4.5m to support active uses, while all other residential levels have floor-to-floor heights of 3.2m.	✓
	P9 Residential floor to floor heights should generally not exceed 3.2m, except on the first floor level in accordance with P7 above.		✓
	P10 Rooftop plant and structures should be designed and positioned to comprise a minor element of the roofscape and minimise any increases to the building's overall overshadowing impacts.	Rooftop structures, including communal facilities and plant, have been centrally located and set back from building edges to reduce visual prominence and overshadowing. These elements are designed as minor components of the roofscape, consistent with the control.	✓
3.2.3.3 Setbacks	P1 Buildings are to be setback from all street frontages in accordance with the Building Setbacks Map. 	Ground level setbacks are provided in accordance with this control.	✓
	P8 Building alignments and setbacks should also respond to important elements of the nearby context including public spaces and heritage buildings, monuments and landscape elements, in order to complement the streetscape. In some places, this may require greater building setbacks than those specified in Figure C-3.2-3)	The proposed building maintains a 0m setback to Alexander Street and Ernest Place in line with the prevailing street wall, reinforcing the active urban edge and aligning with adjacent mixed-use developments. The	✓

		development appropriately responds to Ernest Place, a key local open space and pedestrian thoroughfare, by maintaining ground-level activation and sightlines, enhancing the public realm interface. Vertical articulation and varied massing further reduce bulk, ensuring the development complements the evolving mid-rise context while respecting the fine-grain urban character of Crows Nest.	
3.2.3.4 Podium Heights	P1 Podiums are to be provided to in accordance with the Podium Heights Map (refer to Figure C-3.2-4). 	A 5-storey podium is proposed to respond to the evolving character of the precinct and to establish a landmark gateway at the prominent corner of Alexander Street and Ernest Place. The design adopts a consistent podium height to all street frontages, in line with P2, and incorporates setbacks and additional modulation at Level 5, particularly along Willoughby Lane, to reduce visual bulk. The podium height aligns with the emerging character of the precinct, where several adjoining developments (e.g. 10 Falcon St, 78-90 Alexander St) also feature five-storey heights, ensuring a consistent and appropriate urban form.	Justified.
	P2 Despite P1, corner sites are to maintain a consistent podium height to all street frontages to achieve consistent built form.		✓
3.2.3.5 Above Podium Setbacks	P1 All buildings are to be designed to provide setbacks above the podium in accordance with the Above Podium Setbacks Map (refer to Figure C-3.2-5). Setbacks above the podium are to be measured from the outer wall of the podium. 	Upper-level setbacks are provided in accordance with this control.	✓
	P2 A minimum above podium setback to all side and rear boundaries is required as follows: (a) 4.5m for buildings up to 8 storeys in height; or (b) 6m for buildings from 9 storeys up to 18 storeys in height; or (c) 12m for buildings over 18 storeys in height.	The proposal provides a 3m upper-level setback to Willoughby Lane at Levels 1-3, and a 6m setback at Levels 4-6. While the lower-level setback is less than the 4.5m required, the increased upper setbacks from Level 4 upwards assists in mitigating bulk and scale, providing an appropriate transition to the rear interface. This approach balances-built form outcomes with internal amenity and site constraints.	Justified.
	P6 Only one step in the built form between the podium walls and tower is permissible.	The Alexander Street and Ernest Place frontages incorporate a single step above the podium, consistent with the control. However, the Willoughby Lane frontage includes two steps: a 1.5m-3m setback at Level 1, and a 3m-6m setback at Level 4. While this exceeds the control, the additional articulation reduces perceived bulk and supports a more sensitive transition to the rear interface. This approach improves visual amenity for nearby properties and enhances the building's compatibility with the surrounding mid-rise character.	Justified.
	P7 An existing adjacent building, even if heritage listed, cannot be used to justify a reduced setback that would compromise the development potential of the adjacent site in the future.	Noted.	✓
3.2.3.6 Active Frontages	P1 Buildings must contain active frontages to all street frontages, with the exceptions of public laneways.	The proposal provides active frontages with retail tenancies along Alexander Street and Ernest Place.	✓
	P2 Where a site has a direct frontage to an existing or proposed open space, an active frontage is to be provided to that interface. In particular, active frontages are to be provided to: (b) Ernest Place, between Willoughby Road and Willoughby Lane;	An active frontage is provided to Ernest place.	✓
	P4 Active frontages to public laneways are encouraged where practical but not where they do not have an interface with residentially zoned land.	The proposal does not include active frontage to Willoughby Lane, which is appropriate given its service function and lack of residential interface.	✓

	P5 Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.	Vehicular access to the site is from Willoughby Lane.	✓
	P6 Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.	Fire escapes and service entries are integrated into the façade using consistent materials and screening treatments. No exposed or visually intrusive service doors are provided.	✓
3.2.3.7 Solar Access	P1 Development is to be designed to maximise year round solar access to existing and proposed new public spaces to be created within the Planning Area.	The development has been designed to maximise solar access to public spaces in accordance with P1, with particular regard to Ernest Place. The building form incorporates upper-level setbacks and a modulated massing strategy to minimise shadow impacts. Shadow diagrams confirm that no overshadowing occurs to Ernest Place between 10am and 3pm during the equinox period (March to September). A small area of overshadowing occurs after 2pm, resulting in limited late-afternoon impact. This meets the intent of P2, which seeks to preserve solar access to key public spaces during core daylight hours. The overshadowing impact is minor in extent and duration and does not significantly affect the function or amenity of the public space.	✓
	P2 Development must not result in a net increase in overshadowing to the following existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive): (b) Ernest Place, comprising all land within the Ernest Street road reserve located between Willoughby Road and Willoughby Lane and zoned RE1 Public Recreation; and		
	P4 Despite P2 and P3, development on land located directly adjacent to the identified public spaces may result in a net increase in overshadowing of that space, but only if that development strictly complies with relevant built form envelope controls that apply to that land under both NSLEP 2013 and this DCP.		
3.2.3.8 Awnings	P1 Awnings must be provided to all street frontages on land zoned E2 Commercial Centre and MU1 Mixed Use, except laneways.	Awnings are provided to Ernest Place and Alexander Street.	✓
3.2.3.9 Car Accommodation	P1 Where a property has a frontage to a laneway, vehicular access must be made from the laneway.	Vehicular access is provided from Willoughby Lane.	✓
	P4 All off-street car parking must be provided underground, except when owned and operated by Council as a public car park.	All off-street parking is provided underground.	✓
	P5 The level of parking provided on sites in close proximity to the metro station should be minimised as far as practical.	The site is located within close proximity to the Crows Nest Metro Station. The proposal provides a total of 38 on-site parking spaces, comprising 36 residential spaces and 2 retail spaces. While this exceeds Council's DCP maximum rate, the parking provision is consistent with the non-discretionary parking standard under the Housing SEPP, which requires 0.5 spaces per bedroom. This is considered to be more contextually appropriate for the development.	✓

Appendix F

Assessment against the Seniors Housing Design Guide

This table provides a detailed assessment of the proposed development against the provisions of the Department's Seniors Housing Design Guide. This is to be read in conjunction with the Statement of Environmental Effects (SEE), prepared by Beam Planning.

Design Guidance		Assessment	Compliance
4.0 Site Analysis – Urban Response			
4.1 Urban Identity	4.1.3 Provide design excellence that inspires and is proudly integrated with the local neighbourhood.	The proposal delivers a high-quality architectural outcome that reflects the evolving urban character of the Crows Nest Town Centre. The design acknowledges the site's prominent corner location at Alexander Street and Ernest Place, using a strong podium form, fine-grain articulation, and active frontages to contribute to the streetscape. While the proposal introduces a contemporary built form, it remains consistent with the podium scale and typology of nearby mid-rise developments, helping to define a cohesive future character. The building's massing, setbacks, and material treatments are responsive to the surrounding context, including the adjoining public domain and nearby residential uses, ensuring the development contributes positively to both the existing neighbourhood and its intended transformation.	✓
	4.1.4 Design to uplift existing and future qualities and character of the neighbourhood.		
	4.1.5 The design response should create a relationship between the existing context, heritage significant site or building and the proposed new work.		
4.2 Typology and Scale	4.2.4 Map the pattern of existing adjacent development and key features surrounding the site and determine their influence on the articulation of the built form.	The surrounding built form is mixed-use and transitioning in scale, with existing 5-storey development immediately north at 78–80 Alexander Street and lower-scale residential to the east. The proposal adopts a tiered built form that provides a mid-scale transition between the high-density Metro precinct to the west and the residential neighbourhood beyond. The stepped upper levels, recessed façades, and varied articulation reflect the changing character of the locality and respond directly to surrounding massing and view lines. Refer to the Design Report (Appendix B) for further details and mapping.	✓
	4.2.5 Reference front setbacks of neighbouring development and acknowledge the established street pattern.	The development adopts a zero setback to Ernest Place and Alexander Street frontages, consistent with the established pattern and the DCP.	✓
	4.2.6 Manage the scale of large building floorplates with pragmatic internal planning that sensibly informs the façade and external articulation.	The proposal manages its floorplate through efficient internal planning, including a centralised circulation core and double-loaded corridor layout, which reduces the need for excessive building width. This planning approach enables modulation of the building envelope, with upper-level setbacks and clearly defined breaks in the massing. These internal arrangements are reflected externally through recessed balconies, vertical screening, slab projections, and varied material finishes, which articulate the façade and reduce the perceived scale and visual bulk of the development.	✓
	4.2.7 With expert guidance, identify any heritage significant sites or buildings and consider how heritage significant view corridors or curtilages can be preserved.	N/A	N/A
	4.2.8 With expert guidance, identify any heritage significant sites or buildings and consider how heritage significant view corridors or curtilages can be preserved.	N/A	N/A
4.3 Setbacks	4.3.3 Determine setbacks from the location of neighbouring properties, their private outside open space and primary views to and from the development.	Provide in DCP table above.	✓
	4.3.4 Provide setbacks to respect neighbours privacy, overshadowing and existing amenity.	The eastern façade incorporates increased setbacks, screening, and limited openings to avoid overlooking of adjoining private open space. Solar access	✓

2.7.4 Paving	P1 Except where negotiated with the Council, all footpath paving along property frontages must be provided in accordance with Council's specifications (including requirements for disabled access).	All paving along property frontages will be provided in accordance with Council's specifications.	✓
	P2 The extent, nature and type of paving materials include tactile surfaces in appropriate locations to assist the visually impaired.		
	P3 Paving may be considered as part of public art, but only in consultation with Council.		
2.7.5 Native vegetation and water	P1 All works should be designed in accordance with North Sydney Centre Public Domain Strategy.	All landscaping works have been designed with consideration for the North Sydney Centre Public Domain Strategy.	✓
	P3 Roof top gardens should be considered for incorporation where practicable and where they do not result in unreasonable amenity impacts to adjoining and neighbouring properties.	A rooftop terraced area has been incorporated into the rooftop design.	✓
	P4 Trees should be planted where appropriate to provide shade, shelter and fauna.	Tree No. 3 is to be retained with the removal of one branch required. Tree No. 2 will be removed and replaced due to its low retention value. Protection measures outlined in the AIA will ensure the ongoing health of retained trees both during and after construction.	✓
Part B – Section 10 – Car Parking and Transport			
10.2 Parking Provision	A Traffic Impact Assessment has been prepared by Traffix (Appendix L) assessing the projects compliance with the relevant provisions.		
10.3 Design and Layout			
10.4 Loading and servicing facilities			
10.5 Bicycle parking and associated facilities			
10.6 Travel plans			
10.7 Traffic and Parking Impact Assessment			
Part B – Section 12 – Access			
12.4 Design Criteria	An Access Review Report has been prepared to assess the proposals compliance with the relevant DCP provisions and Australian Standards and is provided at Appendix T .		
12.5 Adaptable Housing			

	P5 Buildings should use lighter coloured materials and finishes on main external parts of the building.	The design adopts a muted, light-toned material palette intended to reflect daylight and integrate with the surrounding streetscape.	✓
2.6.11 Green roofs	P1 Development applications for all new buildings or alterations and additions to an existing building that involves the creation of new roof spaces must submit a roof plan demonstrating how the new available roof space contributes to the achievement of at least three of the above objectives.	A rooftop terraced area has been incorporated into the rooftop design. A Roof Plan is included within the Architectural Drawings at Appendix A .	✓
	P2 In satisfying provision P1 above, the roof plan must illustrate those parts of the available roof space to be used as a green roof immediately after construction of the proposed works and/or areas capable of being retrofitted for a green roof at a later date. Applicants are encouraged to accommodate green roofs immediately after construction.		
2.7 Public Domain			
2.7.1 Street furniture, landscaping works, utilities, and equipment	P1 Where relevant, all works should be designed in accordance with: (a) North Sydney Centre Public Domain Strategy; (b) St Leonards Public Domain Strategy; and (c) North Sydney Council Infrastructure Manual.	N/A	N/A
	P2 Where present, overhead wires are to be relocated underground along property boundaries, consistent with the North Sydney Council Undergrounding Master Plan.	There are no overhead wires currently on the site.	✓
	P3 Seating should be provided in public spaces that are not allocated to a specific use (e.g. a café) for people to 'hang out', take refuge and rest.	Achieved. Street furniture will be provided and maintained under the VPA.	✓
	P4 Seating or seating areas should be positioned at the edge of footpaths where through movement is not obstructed.	Achieved. Seating is provided on Ernest Place, at the edge of the footpath.	✓
	P5 Pedestrian sight lines should not be obstructed by landscaping or other street improvements.	Pedestrian sight lines are not obstructed. Landscaping is integrated via planter boxes and green facades but is set back and does not impede visibility along frontages or at corners.	✓
	P6 Public areas should be free from clutter and unclear level changes, having particular regard for accessibility.	Public areas across the site are free from clutter and unclear level changes.	✓
	P7 Publicly accessible areas are to be provided with a high quality of lighting for security and amenity purposes.	Achieved. Public areas will be provided with high quality lighting for security and amenity.	✓
2.7.3 Public art	P1 The design of public art should be in accordance with North Sydney Centre Public Domain Strategy.	No public art is proposed. This is justified on the basis that the development delivers substantial public benefits, including purpose-built seniors housing that addresses a critical local housing need, activation of the street through new ground floor retail tenancies, and a Voluntary Planning Agreement securing monetary contributions and significant public domain upgrades such as the revitalisation of Willoughby Lane and the installation and maintenance of outdoor dining furniture. Collectively, these measures provide enduring social and urban design outcomes that outweigh the need for standalone public art.	Justified.
	P2 Artworks should be integrated into the design of public spaces and the publically accessible locations of private developments (i.e. main entrances, lobbies, street frontages, gardens, walls and rooftops).		
	P3 Council's Arts and Culture Officer should be consulted in the design and execution stages for any public artwork, prior to development consent being issued.		
	P4 Community groups should be consulted in the design of artworks.		
	P5 Consideration should be given to artworks that serve a dual role (e.g. as play equipment for children, informal seating or a marker for a meeting place).		
	P6 Artwork should demonstrate its relevance to its location, reflecting the area's history, culture or local community.		
	P7 Artwork should enhance a sense of place or the distinctive identity of the area.		
	P8 Council's Arts Plan should be considered in the design of all public art. It documents the process for completing an Arts Plan submission where an Arts Plan is lodged with a development application.		

	(b) to include a water meter connected to a building energy and water metering system to monitor water usage; and (c) to be connected to a recirculating cooling water loop; and (d) discouraged where they are a single pass cooling systems; and (e) to be connected to a conductivity meter to ensure optimum circulation before discharge.		
	P9 Install a pool cover where the proposed development includes an external swimming pool.		
	Commercial P10 Rainwater tanks or other alternative water sources including recycled water systems are to be installed to minimise the use of potable water and maximise the use of alternative water sources.		
	P11 Rainwater tanks should be plumbed to appropriate end uses, including toilet flushing, water features, car washing and garden irrigation.		
	P12 Separate meters are to be installed on separate units of occupancy in non-residential BCA class 5, 6 and 7 buildings.		
	P13 A reporting system should be developed to inform/educate occupants about the building's water consumption.		
	P14 Use waterless urinals.		
	P15 Install sensor operated taps, or automatic shutoff taps, especially in public areas.		
	Residential P16 A BASIX Certificate is required to be submitted with all buildings incorporating residential development types nominated under SEPP (Sustainable Buildings) 2022.	BASIX Certificate is provided at Appendix U .	✓
2.6.6 Waste management and minimisation	An Operational Waste Management Plan has been prepared by Elephants Foot Consulting (Appendix P), A Construction Waste Management Plan has been prepared by Elephants Foot Consulting (Appendix Q). Please refer to these reports for further detail.		
2.6.7 Stormwater management	A Stormwater Management Plan has been prepared by Stellen Consulting (Appendix R) assessing the projects compliance with the relevant provisions.		
2.6.8 Building materials	P1 Products with the least life cycle impact should be favoured.	These types of building materials have been considered in the materials schedule for the site, which is detailed within the Architectural Drawings at Appendix A .	✓
	P2 The use of the following types of building materials are to be maximised wherever possible: (a) materials which are sourced from renewable and abundant resources; (b) materials which are durable; (c) locally manufactured materials and produced; (d) materials with a low embodied energy content; (e) salvaged and/or recycled materials; (f) timber used be obtained from certified sustainable sources; (g) materials with a high recycled content (>50%); (h) low volatile organic compound (VOC) emitting materials; (i) mechanical fixings instead of adhesives and glues, wherever possible; (j) when using Medium Density Fibreboard, ensure that it has a low formaldehyde content; (k) use toxin-free floor finishes;		
	P3 Avoid the use of the following: (a) copper, chrome, cadmium, lead, mercury, cyanide, and formaldehyde; (b) materials, sealants and adhesives containing PVC; (c) wood treated with CCA; (d) solvents.	These materials are avoided in the design of the building.	✓

	P13 Where main living areas are oriented northwards, aim to achieve a glazed area of 30% of the dwelling's floor area in this direction.		
	P14 South facing glazing should be kept to a minimum to reduce winter heat losses.		
	P15 Buildings are designed, wherever possible, to include a north facing roof where a solar hot water system or collector can be installed.		
2.6.3 Thermal mass and insulation	P1 To maximise natural heating, provide flooring that will absorb heat from the winter sun (i.e. a concrete slab floor on the ground offers the best thermal massing properties, whilst timber floors have minimal performance in terms of thermal mass. Dark coloured tiles laid over a concrete slab is the most desirable covering in terms of maximising the performance of thermal mass in a dwelling).	Refer to Design Report at Appendix B .	
	P2 To maximise natural cooling, protect thermal mass from summer sun with shading and insulation. Allow cool night breezes and air currents to pass over the thermal mass, drawing out all the stored energy.		
	P3 Incorporate masonry walls and insulated walls and ceilings to contribute to the effectiveness of thermal mass.		
	P4 Thermal insulation is used in the roof, walls and floor.		
	P5 Ceiling/roof insulation must have at least an R3.0 rating or equivalent and wall insulation must have at least an R1.5 or equivalent rating. Insulation of cavity brick walls is not required. These ratings are based on AS 2627: Part 1-1993.		
	P6 Use bulk or reflective insulation, or a combination of both, to achieve the required insulation value.	Awnings, shutters, and double glazing is proposed to be incorporated to minimise heat loss and gain.	✓
	P7 Heat loss/gain is minimised though the use of awnings, shutters or high performance glazing (e.g. double glazing).		
2.6.4 Natural ventilation	P1 Locate windows and openings in line with each other on opposing walls and with prevailing breezes.	Windows and openings are provided in line with each other to allow prevailing breezes. Refer Natural Ventilation Design Report at Appendix O .	✓
2.6.5 Water conservation	P1 Where the proposed development involves the installation of new: (a) shower roses; (b) taps for use over a basin, ablution trough, kitchen sink or laundry tub; (c) flow restrictors; (d) toilets; (e) white goods, such as clothes washers or dishwashers; they must have the highest WELS star rating available at the time of development.	Refer to NCC 2022 NatHERS and DtS Report at Appendix V .	
	P2 Recycled water (serviced by dual reticulation) should be utilised for permitted non-potable uses such as toilet flushing, laundry, irrigation, car washing, fire fighting, industrial processes and cooling towers.		
	P3 Harvest and use rainwater for garden irrigation and toilet flushing		
	P4 Collect and reuse stormwater runoff for subsurface irrigation.		
	P5 Use endemic plants (as listed on Council's website) and xeriscape principles in landscaping.		
	P6 Install water efficient irrigation systems and controls.		
	P7 Separate meters are to be installed for the make-up lines to cooling towers, swimming pools, on the water supply to outdoor irrigation, and other significant end uses.		
	P8 Where cooling towers are used they are: (a) to employ alternative water sources where practical; or		

	P3 Site facilities should be designed to encourage their use by keeping them clean and vandal resistant. Access routes should be clearly signed and information provided in facilities to report maintenance and vandalism.		
	P4 Seating is open to view and well lit after dark.	All public spaces will be well-lit.	✓
	Residential P12 Provide a lockable mailbox for each dwelling close to the main pedestrian entry to the dwelling or building.	To be provided.	✓
	P13 Provide ancillary storage facilities at the rate outlined in Table B-2.12 and linked to each dwelling through provisions of the relevant Strata Plan (at least 50% within the apartment).	To be provided.	✓
	P15 Incorporate car wash bays in mixed use developments where there are more than 4 dwellings within the development.	A dedicated car wash bay is not provided within the development. This is considered appropriate given the nature of the proposal as seniors housing. The proposal provides only 36 residential parking spaces, and the likely demand for on-site car washing facilities is minimal.	Justified.
2.6 Efficient Use of Resources			
2.6 Efficient use of resources	Refer to NCC 2022 NatHERS and DtS Report at Appendix V and BASIX Certificate provided at Appendix U .		
2.6.1 Energy efficiency			
2.6.2 Passive solar design	P1 To achieve maximum solar access for the buildings residential components of a building orient the building within 20° west of north to 30° east of north. P2 Adapt site layout and building orientation to local climatic conditions and prevailing site characteristics, such as existing overshadowing, planting and slope. P3 Locate the main daytime living areas (e.g. family, dining and meal rooms) on the northern side of apartments. P4 Orient the long axis or length of the building to the northerly aspect. P5 East and west facing glazing should be minimised and fully shaded at the summer solstice. P6 Ensure windows of living areas to apartments that face north will receive at least three hours of sunlight between 9am and 3pm over a portion of their surface during the winter solstice. P7 Provide shading devices on north facing walls to completely shade glazing from October to late February. To calculate the extent of shading device, draw a section and extend a line from the base of the window at 70°. The outer edge of the eaves or shading device should reach this line. P8 Optimise natural light access to reduce the amount of energy used to run artificial lighting (limiting the internal depth of the building allows efficient use of natural light). P9 If landscaping is proposed as part of the development, a documented landscape design concept shows how the landscaping contributes to energy efficiency by providing substantial shade in summer, especially to west-facing windows and open car park areas, and admitting winter sunlight to outdoor and indoor living and working areas. P10 Consideration should be given to using north facing pergolas to shade walls and windows (deciduous vines can be trained over the pergola to provide effective cooling in warm weather). P11 Where a north facing pergola contains fixed louvres, space and orient the louvres so that a line between the top of one blade and the bottom of the next makes an angle of 70°. P12 Angle louvres to correspond to the lowest altitude angle the sun reaches at noon in winter (31° in Sydney).	The proposal has been designed to maximise solar access to residential apartments through orientation, apartment layout, and façade treatment. The building provides compliant solar access to 75% of apartments, exceeding the 70% minimum requirement under the Housing SEPP. The layout prioritises solar access to living areas and private open space, with the building form arranged to suit site conditions. Balconies are recessed and screening elements are used to manage heat gain and improve comfort. Refer to the Design Report (Appendix B) for more details.	✓

	(c) the lightwell is directly connected at ground level to streets or lanes in buildings greater than 30m in height to allow air movement in the lightwell; and	N/A building is under 30m	N/A
	(d) all building services (e.g. utility installations, pipes, cabling and the like) are concealed and not overlooked by principal living rooms or bedrooms; and	Achieved.	✓
	(e) the lightwell is fully open to the sky.	The lightwell is fully open to the sky.	✓
	P2 Despite P2(b) above, a lesser dimension may be considered, but only if it can be satisfactorily demonstrated that acoustic privacy, visual privacy and daylight access to all dwellings can be provided.	It is the intent that the screening will block cross viewing and views from the corridor. 75% of apartments receive at least 2hrs of solar access in mid-winter between 9am-3pm. 83% of apartments are provided with cross ventilation.	✓
2.5.6 Private open space	P1 Apartments within mixed use developments must provide at least one private open space with the following minimum areas: (a) Studio 4m2 (b) 1 bedroom 8m2 (c) 2 bedrooms 10m2 (d) 3+ bedrooms 12m2	Achieved. All ILUs meet the minimum private open space requirements.	✓
	P2 Private open spaces must provide a minimum depth of 2m, or 2.4m where it relates to a 3+ bedroom apartment.		
	P3 Where apartments are proposed without private open space, the size of the apartment must be increased by the minimum private open space requirement.		
	P4 Private open spaces should be located such that they are directly accessible off a main living area of the dwelling.		
	P5 In addition to the requirements of P1, multi-dwelling developments are encouraged to provide communal residential areas to encourage social interaction.		
	P6 Communal residential spaces: (a) should comprise a mixture of indoor and outdoor spaces (such as gymnasium, pool and meeting rooms for residents);	A mix of indoor and outdoor communal spaces is provided, including a media room, lounge, gym/yoga room, outdoor dining, pool, and exercise areas.	✓
	(b) must be provided in developments containing more than 15 bedrooms, with a minimum area of 20m2 or 1m2 per bedroom, whichever is the greater;	With 24 ILUs and 71 bedrooms, the requirement is 71m². The proposal provides 215m² of communal open space, exceeding this minimum.	✓
	(c) may be provided in form of an internal room as long as it has a minimum area of 75% of the total residential communal area requirement (as required in P6(b) above), with the remainder appropriately located in the external recreation area; and	N/A. The proposal meets the minimum areas for communal residential spaces as above.	✓
	(d) must be provided with access to natural light and not be located in basements	All communal areas are located on the rooftop with full access to natural light; none are located in basements.	✓
2.5.7 Vehicular access	A Traffic Impact Assessment has been prepared by Traffix (Appendix L) to assess the proposals compliance against relevant DC controls.		
2.5.8 Car parking			
2.5.9 Garbage storage	An Operational Waste Plan has been prepared by Elephants Foot Consulting (Appendix P) to assess the proposals compliance against relevant waste controls.		
2.5.10 Site facilities	General P1 Site facilities should be located in the most accessible and convenient location and, if possible, located near regularly staffed areas such as reception areas.	The proposal includes well-located and clearly accessible site facilities, including a residential entry lobby, lift access, and communal areas. The design supports safety and amenity through clear sightlines, passive surveillance, and logical wayfinding.	✓
	P2 Direct access should be provided to site facilities. The use of long corridors and blind corners should be avoided. The use of lighting and mirrors should be used in problem areas.		