



Ref: OA2025/0001

6 March 2025

Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Subject: Mixed-use precinct, including in-fill affordable housing, at Crescent Parklands, Holroyd
Property: 1 Crescent Street Holroyd NSW 2142
Proposal: SSD Application for Affordable Housing at 1 Crescent Street, Holroyd - Crescent Parklands (SSD-70283710)

Reference is made to the Department of Planning, Housing and Infrastructure 'Notice of Exhibition' letter dated 5 February 2025.

Council would like to bring to the attention of the Department its previous objections for a mixed use development of the site during the planning proposal phase and development application received by Council for the site (which was subsequently withdrawn), including built form bulk and scale, contamination, traffic and transport, and local infrastructure provision. Council also notes that a site-specific Development Control Plan (DCP) was prepared and adopted by Council to ensure that detailed guidance in line with Council's requirements could be considered on this site.

Council has reviewed the Environmental Impact Statement (EIS) and accompanying documents. The information provided does not adequately address the key matters of concern by Council, and therefore Council objects to the SSD application in its current form. These concerns include:

- Excessive bulk and scale, with breaches identified to the maximum permissible height and floor space ratio.
- Contamination, with significant issues identified by the applicant and insufficient information provided to confirm that these risks can be appropriately managed.
- Traffic and transport, with limited information on the suitability of the road network to cater for the development, as well as suitable public transport, walking and cycling access.
- Local infrastructure provision, with no commitments provided on key items identified by Council, including potential public spaces, local road based infrastructure and shuttle bus.
- Inconsistency with the site-specific Development Control Plan and the town planning and good design principles underlying that plan, including no use of basement parking, poor presentation to Crescent Street and impacts on a heritage item.

A detailed submission is also provided with a range of concerns and matters for the Department to consider in the assessment of the application. Based on the concerns raised, Council submits that the Department should refuse the application.

Yours faithfully,

Daniel Cavallo
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SSD Application for Affordable Housing at 1 Crescent Street, Holroyd, known as Crescent Parklands (SSD-70283710) – Detailed Comments from Cumberland City Council

Permissibility

The applicant relies on Building 4 being shop top housing for permissibility. Shop top housing is defined to mean *'one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities'*. When assessing whether the building properly falls within the definition of shop top housing, regard needs to be had as to where and what is the ground floor, including the building's siting relative to natural ground level. Drawing DA-2-22LG Rev C shows a basement car park under building 4 at RL 13.1 and a 75m² commercial tenancy at RL 11.0. Unhelpfully, the applicant does not overlay contours or spot levels from the survey plan over the architectural plans; however, when a comparison is made with the survey plan, the car park at RL13.1 approximates ground level for the footprint of building 4. That being the case, the ground floor is not used for commercial premises or health services facilities and the building therefore is not shop top housing. If not shop top housing, then the residential component of the building is defined as a 'residential flat building' which is prohibited in the MU1 zone.

Floor Space Ratio and height bonuses may not apply

The applicant claims 30% height and FSR bonuses under s.16 of State Environmental Planning Policy (Housing) 2021. Section 16 falls within part 2 division 1 of the SEPP. Pursuant to s.15C(1)(a), that division only applies to development that is permitted under Chapter 4 Part 4 (Build to Rent Housing), Chapter 5 (Transport Oriented Development) or another environmental planning instrument. The development does not involve build to rent housing and is not within a transport oriented development precinct. Therefore, for the division and hence bonus to apply, the development must be permissible under another environmental planning instrument. If the conclusion is that the residential component of building 4 is a residential flat building, the development is not permitted under another environmental planning instrument and the bonus provisions do not apply. Additionally, the Department would need to satisfy itself that the site is in an accessible area within the meaning of s.15C(1)(c).

Floor Space Ratio

Pursuant to clause 4.4 of the Cumberland Local Environmental Plan 2021, different parts of the site are mapped as having maximum floor space ratios of 3.4:1 and 3.75:1 respectively. A relatively small part of the site is not subject to a floor control.

The site area of the W1 3.4:1 FSR as measured on the digital maps with the LEP is 12,181.06m². The applicant incorrectly states the area to be 12,406m² (224.94m² in its favour).

The site area of the W5 3.75:1 FSR area as measured on the digital maps with the LEP is 15,442.33m². The applicant incorrectly states the area to be 16,267m² (824.67m² in its favour).

The application attributes 50,387m² of gross floor area to the W1 FSR area and 83,830m² to the W5 FSR area.

The applicant incorrectly excludes the following from its calculations of gross floor area:

Buildings 1, 2 and 3:

- Lower Ground Floor – 'Supermarket refrigeration plant room' if this a cool room to store goods associated with the supermarket then it needs to be included in the GFA.

- Ground Floor – ‘Supermarket waste room’, ‘WC Amenity/EOT’, ‘FOGO room’, corridor servicing the south-western side of the building.
- Levels 03-06 – ‘Storage’ marked as 17sqm.

Building 5:

- Ground floor and Level 05 – ‘Store’ (unclear if this area is enclosed or a storage cage).
- Levels 01 and 03 and 04 – ‘Store’ (unclear if this area is enclosed or a storage cage) and ‘Store’ marked as 29sqm.
- Level 02 – ‘Store’ (unclear if this area is enclosed or a storage cage) and 2 x ‘Store’ marked as 29sqm and 55sqm.

Building 6:

- Ground floor – ‘Store’ marked as 47sqm.
- Levels 01-05 – 3 x ‘Store’ marked as 8sqm, 47sqm and 8sqm.

Building 7:

- Lower Ground Floor – ‘Bulk Good Storage’ marked as 11sqm.

Car parking:

Pursuant to s.19(2)(e) and (f) of the Housing SEPP, the residential development requires a total of 1,230 car spaces while the proposal provides for 1,480 spaces, an excess of 250 spaces. Under the definition of gross floor area, a concession is granted for car parking to meet requirements of the consent authority, but that concession does not extend to parking provided in excess of the consent authority’s requirements. Those additional 250 spaces amount to 3,240m² of gross floor area (assumed 2.4m x 5.4m x 250). Of this, Council estimates and attributes 1,620m² to each of the W1 and W5 FSR areas.

When the abovementioned additional floor area is included, the gross floor area for the W1 FSR area is 52,761.2m² and the gross floor area for the W5 FSR area is 85,794.0m². When those areas are divided by the true, digitally referenced, site areas, the resultant FSRs are 4.33:1 for the W1 area and 5.56:1 for the W5 area.

If the FSR bonus does not apply, the FSR in the W1 area of 4.33:1 exceeds the 3.4:1 limit by 27.4%. If the bonus does apply, bringing the permissible FSR to 4.42:1, the FSR complies. What’s more, if the effective FSR was calculated by including the area attributed to above ground parking to meet the consent authority’s requirements (which is excluded by definition but contributes to building bulk) – and noting the design fails to adhere to Council town planning objectives to site parking within a basement, the FSR would measure 6.56:1, further exacerbating the development standard departure and demonstrating the overall unacceptable bulk of the proposal.

If the FSR bonus does not apply, the FSR in the W5 area of 5.56:1 exceeds the 3.75:1 limit by 48.1%. If the bonus does apply, bringing the permissible FSR to 4.875:1, it still exceeds the limit by 13.9%. What’s more, if the effective FSR was calculated by including the area attributed to above ground parking to meet the consent authority’s requirements (which is excluded by definition but contributes to building bulk) – and noting the design fails to adhere to Council town planning objectives to site parking within a basement, the FSR would measure 6.73:1, further exacerbating the development standard departure and demonstrating the overall unacceptable bulk of the proposal.

Tantamount LEP amendment

The W1 and W5 FSR controls are site specific controls that evolved from the process to amend the LEP. They should not be treated lightly. The proposed FSRs of 4.33:1 for the W1 area (and effective

FSR of 6.56:1) and 5.56:1 for the W5 area (and effective FSR of 6.73:1) represent significant departures from the site specific FSR controls.

The clause 4.6 submissions seeks to justify the variation by averaging FSR across the W1 and W5 FSR areas collectively. There is no basis to apply that averaging approach. Each FSR area must be looked at individually.

These are not minor variations. They are numerically significant variations to fresh, site specific, FSR controls. The variations are not justified. It is inappropriate to ignore a site specific FSR development standard and certainly to the magnitude proposed. If the proponent wishes to do so, then the appropriate planning course is to seek a further amendment to the LEP under part 3 of the Act that may justify increasing the FSR maximums. In the absence of doing so, the application as presently proposed cannot be justified and does not warrant approval.

Gross Floor Area for retail and commercial premises

Clause 6.21 of the CLEP 2021 sets site specific maximum gross floor as follows:

- Maximum retail premises GFA – 2,500m²
- Maximum commercial premises GFA, not being retail premises – 5,000m²

The lower ground floor and ground floor includes areas such as refrigeration plant rooms, waste rooms, WC amenity and bathroom facilities (end of trip), FOGO room and corridor servicing the south-western side of the building. It is uncertain whether these spaces are exclusively associated with retail/commercial premises. It seems likely that they are. To the extent that they contribute to the commercial and retail gross floor areas, they will result in a breaches of clauses 6.21(2) and 6.21(3) of the LEP. No clause 4.6 submissions have been lodged and hence the application is incapable of approval in the form proposed.

Height of building

Pursuant to clause 4.3 of the Cumberland Local Environmental Plan 2021 height of buildings the site has different height limits across the site of 32m, 51m, 57m, 88m and 91 and 96m.

As before, the applicant claims the 30% bonus under the Housing SEPP.

If the bonus applies, the permissible heights are increased to 41.6m, 66.3m, 74.1, 114.4m, 118.3m and 124.8m respectively.

The proposal seeks a variation to the maximum building height (even allowing for the bonus applying) as follows:

- Building 5 (66.3m maximum), proposed 70.89m – exceedance 4.29m.
- Building 6 (74.1m maximum), proposed 77.44m – exceedance 3.34m.
- Building 7 (74.1m maximum), proposed 79m – exceedance 4.9m.

Page 9 of the clause 4.6 submission states that the portion of the buildings 6 and 7 that exceed the height of building are 'Architectural roof features' pursuant to clause 5.6 of the CLEP 2021 and therefore are excluded from the clause 4.6 exception to development standards. The Council disputes that position. Properly considered, they are not architectural roof features. A clause 4.6 submission is required.

Eastern driveway – LEP clause 6.4

Development consent cannot be granted under clause 6.4(1) of the LEP because suitable vehicular access is not presently available and adequate arrangements have not been made to make it available when required. In this regard, the Council observes that:

- (a) Cumberland Council is the roads authority under the *Roads Act 1993* for Crescent Street. The consent of the Council is required under s.138 of the Roads Act to carry out a work in, on or over Crescent Street. The council's consent has not been sought or obtained for new vehicular access to Crescent Street. Based upon the present design, the Council will not provide its consent.
- (b) The eastern driveway is located too close to Woodville Road and will result in poor safety and efficiency outcomes.
- (c) The driveway's proposed location and the limited capacity of a proposed right turn treatment from Crescent Street into the driveway may create a queue spill back onto Woodville Road.
- (d) The queue on Crescent Street from the Woodville Road signalised intersection is likely to queue past the proposed driveway and therefore the opportunities to turn into the eastern driveway will be limited.
- (e) Driveway dimensions allow for one lane in and one lane out which will be insufficient to satisfy traffic generation.

The case of *Georges River Council v Eskander* [2024] NSWLEC 98 is of relevance in considering what is required for an adequate arrangement.

Loading bays

The 'general loading dock' appears to be deficient in area and detail to accommodate parking, loading and manoeuvring requirements for trucks required for the 2,500m² of retail space and 5,000m² of non-retail commercial space. If the general area is utilised by a number of trucks and a further truck then arrives in a forward direction, there appears to be deficient space for that truck to either turn and exit or enter a waiting phase while other truck/s manoeuvre out of the area (if at all possible). Creating a logjam of delivery vehicles and possibly forcing some trucks to reverse out of the loading area creates significant safety issues.

Ground floor development in MU1 zone – LEP clause 6.13

The Department of Planning, Housing and Infrastructure, as the consent authority, ought not to be satisfied that the ground floor of Eastern Podium and Building 4 will provide for uses and building design elements that encourage interaction between the inside of the building and the external public areas adjoining the building. On that basis, development consent cannot be granted pursuant to clause 6.13(3)(c) of the CLEP 2021.

Interactive façade treatment

The facades should positively contribute to the streetscape. Consider incorporating active and visually engaging façade treatments for the podiums of Towers 5 and 6 (shown in the blue boxes in the image below) to prevent blank walls and create a more inviting frontage. The Woolworths development in Crows Nest serves as a strong example, demonstrating how well-articulated façades can enhance the public domain and improve street-level activation.



Heritage

The shadow analysis indicates that the Railway Memorial, located at the corner of Crescent Street and Woodville Road, is overshadowed by the proposed development. This memorial is a heritage item listed in the Cumberland LEP 2021 (I121). Given its significance, and in accordance with the Cumberland DCP, the development and its setbacks should be adjusted to avoid overshadowing.

General planning comments

The following floor plans are missing or have not been clearly identified on the architectural plans as 'typical floor plans' over various levels:

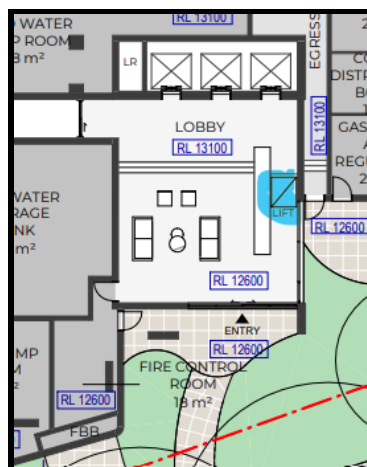
- Buildings 1, 2 and 3 – Levels 8, 9, 11, L12-23 and L25-32.
- Building 4 – Levels 4, 11-12 and 14-17.

- Building 5 – Levels 6-9 and 11-18.
- Building 6 – Levels 7-9, 11-12 and 14-19.
- Building 7 – Levels 7-9, 11-12 and 14-19.

This should be provided to enable proper assessment of the FSR and Apartment Design Guide (ADG).

The 'circular' retail space nominated as a 'kiosk' (82 square metres) requires further clarification to its use and function. If the use is for a 'kiosk', please refer to clause 5.4(6) of the Cumberland LEP 2021 which stipulates a gross floor area of 50 square metres, in which this space would not comply.

The lobby servicing building 7 provides a 'lift' refer to blue highlight below. It is unclear if this is a chair lift and if a ramp is also provided to access the 'lobby' area. The use of 'chair lifts' are generally not supported and the Department should consider alternatives such as an access ramp to allow access for people with a disability.



Further to the above, the Accessibility Review Report – SSDA dated 22 November 2024 states that buildings 4, 5 and 6 and 7 are identified as non-accessible entrances and will need to be addressed via a Performance Solution report. This should be addressed at the SSDA stage to avoid 'chair lifts'.

Contamination and landfill gas

The proposal identifies a long-term environmental management plan (LTEMP) that will be required for the recommended remediation strategy (asbestos encapsulation and for the management of LFG risks). Advice is recommended to be sought regarding the entities which are to be responsible for the implementation and enforcement of the LTEMP (NSW EPA, 2022c) prior to completion of the LTEMP, and the LTEMP will be reasonably, legally enforceable through a suitable mechanism. It is understood that the preferred enforcement mechanism will comprise a restriction / public positive covenant on the land title in accordance with the Conveyancing Act 1919 (s.88B), and noted that this mechanism will require further consultation given the potential subdivision of the land, and potential dedication of land to third parties (e.g. public park to Council). Further public notification is anticipated through inclusion in respective strata management plan(s). Management of an LTEMP is anticipated to be enacted through the respective strata bodies and Council (should land be dedicated). It is also noted at this stage the above mechanisms are not yet finalised and will require further consultation with respective stakeholders as part of a LTEMP.

The development proposes that during the delivery stages, the LTEMP will address potential contamination risks associated with the park by establishing monitoring requirements and ensuring the long-term safety of the public space. The Site Auditor will oversee the management plan to ensure all risks are appropriately mitigated before the park is handed over to the Council. The LTEMP will contemplate any requirements by Council, and may include items such as a Site Audit Report and Statement stating that the dedication land is suitable for intended use and any agreed operational fund designated for park maintenance, environmental monitoring, and other remediation improvements.

The cap and contain strategy, and the landfill gas (LFG) mitigation system will need to be further considered by detailed development plans and detailed remediation specifications that have not yet been completed by the proponent. Even though the risk posed by the development has been summarised by the proposal as compliant with the relevant guidelines and legislations, uncertainty on the impact of the risk because of the regenerating nature of the LFG remains.

As part of the passive management systems of the LFG, periodic inspections will be required by designated personnel. There will be an ongoing monitoring requirement for this site, including the proposed parkland, due to the cap and contain strategy for the life of the development. The LFG poses a risk where the methane (CH₄) might form an explosive atmosphere where it is kept in enclosed area. As such that, the buildings on the site are proposed to be constructed with protection membranes. The location of proposed service venting of the LFG is unknown at this point and there is no guarantee that the proposed parkland will not be affected by this risk.

Based on the above information, Council's officers are of the opinion that the risk associated with the dedication of the parkland is high and that Council should undertake the further review of the potential risk.

Proposed public spaces

Council would support an improved access between the site and the Holroyd Sportsground. Owners consent from Council and Sydney Water for the construction of the bridge across A'Beckett Creek and to the sportsground has not been obtained. The proposed crossing is envisaged to interlink the existing bicycle path tracing on the northern boundary of the Holroyd Sportsground and will improve access to the public park and retail offering around the forecourt. As the parkland is tucked away within the centre of the development site, without the connection to the Holroyd Sportsground, such location will not be directly accessible by the public given that the site is isolated from all boundaries, except from Crescent Street.

While the concept plans provided (Appendix P : Landscape Plan_1, Landscape Plan_2) provide a further level of detail from the initial application, further detail is required to assess the design offering for proposed public open space areas including parkland, plaza and streetscape areas. This includes a play equipment plan and schedule, furniture and fixtures palette and schedule, further cross sections, renders and construction details. This level of detail is needed to assess compliance and alignment with Council's public space standards, service offerings, strategies and maintenance requirements.

The design treatment of the central boulevard where it meets the public space offering doesn't provide a strong connection or entry threshold. There is no direct visual or pedestrian link from the boulevard to the open turf area. Currently the main pedestrian entrance into this space is obscured from the street behind Building 5. A stronger connection and arrival threshold to the public space offering would make it discoverable and accessible to both residents and the public.

Landscape details adjacent to the A'Becketts Creek channel must demonstrate compliance with current Sydney Water fencing policy and guidelines for new and replacement fencing in public areas around open stormwater channels and SQUIDS.

Note that the Connecting with Country Report (Appendix Q) has been provided and that a Connection to Country opportunities plan (Page 27 22-905 Crescent Parklands| SSDA | Issue D) has been provided showing opportunities for implementation. As these are developed, further detail will be needed for assessment, to see how they are integrated, managed and maintained in a public space environment.

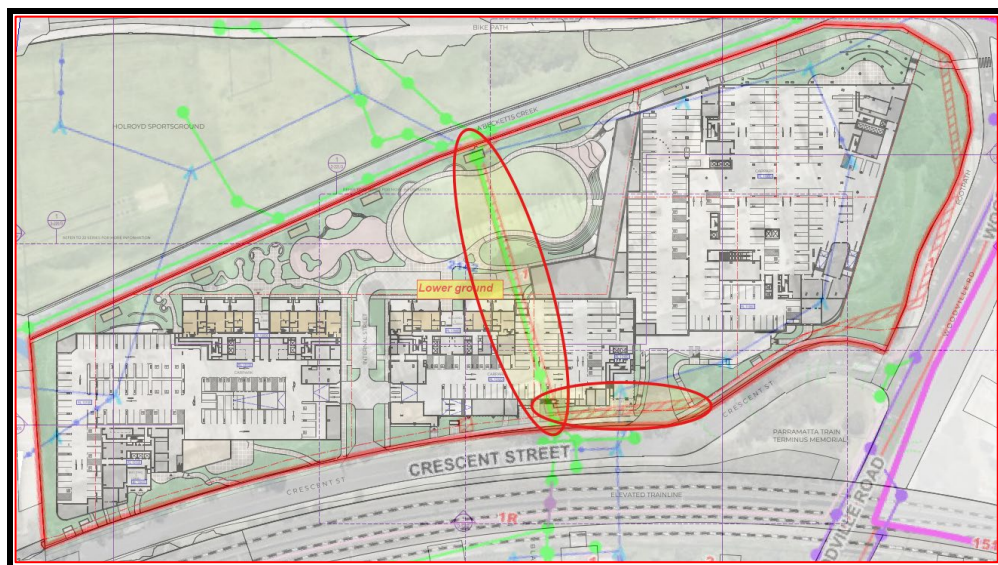
The vehicle circulation plan (Appendix P Page 28 22-905 Crescent Parklands| SSDA | Issue D) should show route of maintenance vehicle access to RE1 land, it is unclear how maintenance vehicles would access the turf area and play space area to perform routine maintenance tasks.

On site soft landscaping capping approach (as proposed in the RAP) within public open space has ongoing future implications for Council on the maintenance and upgrade of installed assets when they are due for renewal and is not supported.

Should the proposal progress, detailed design of proposed public open space areas should be further developed for approval in consultation with Council. It is recommended that this requirement is included in the conditions of consent should the development be recommended for approval.

Stormwater management

The buildings (building 4, 5, and the parking area under the central block (phase 2) are proposed over the existing drainage easement and stormwater pipe/conduit that runs across the subject site. The encroachments into the drainage easement and construction over the existing stormwater pipeline is not supported. The structure must be clear of the Council's drainage infrastructure.



The sub-catchment area for each OSD system associated to the OSD system should be delineated on the plan and the area shown in m².

The OSD design calculation summary sheet for each of the OSD systems should also be provided. The provision of OSD storage for each catchment must be based on the sub-catchment area. The information provided is incomplete.

The cross-sectional details of the OSD tanks including the levels and storage volume have not been provided.

Based on the available information, the available OSD storage volume appears to be insufficient. Particularly the available OSD storage volume from the OSD tank 2 appears to be 345m², noting that average depth of 0.7m only based on the slab inverts levels which varies from 12.3m to 12.55m. The average depth of 1m and storage volume of 410m³ could not be comprehend.

All stormwater runoff should be directed into the High Early Discharge (HED) control pit/chamber to maximise the efficiency and functioning of the OSD system.

Pedestrian access to retail and commercial premises

Pedestrian access to retail and commercial premises for pedestrians arriving to Woodville Road is unacceptably poor. Footpath levels proximate to the M4 on ramp intersection are around RL 10.3. By comparison, the retail level and commercial lobby are at RL 15.15. The 4.85m difference prevents convenient and diminishes connectivity with retail and commercial uses.

Podium design

The podium along Woodville Road fails to provide a human-scale urban environment. Sleeving the podium with active uses to enhance street-level interaction, reduce the perception of bulk and to improve the pedestrian experience should be considered. Doing so is justified on a first principle basis and additional would be consistent with DCP provisions.

Stormwater quality / Water Sensitive Urban Design (WSUD) measures

The provision of water sensitive urban design (WSUD) measures should be demonstrated by MUSIC model. No such model have been provided demonstrating compliance with the pollutant removal target in accordance with Table 5 (section 2.5) of Cumberland DCP 2021 Part G4.

The MUSIC model should be consistent with and reflect the treatment system components (water quality treatment devices) as proposed and shown on the plan.

The provision needs to be re-assessed, and further comment will be made upon receipt of the MUSIC model.

Traffic and movement

It is unclear in the documentation that road design mitigates traffic generation created by the development and will burden the capacity of Crescent Street. Further information is required for the Department to consider this, as it is a critical issue for the safe and effective operation of the site should the development application be recommended for approval.

Council believes that some form of public access is required through the internal road network for the park and non-residential uses, either through a right of way or dedication of the relevant road to Council. Discussions with Council and the applicant on this matter are ongoing.

Council requires a commitment for the provision of intersection upgrade works at the intersection of Pitt St and Walpole St, Merrylands, to provide additional road intersection capacity in response to additional traffic generated by the development. This could be in the form of a condition of consent or included in a Planning Agreement between Council and the applicant.

Council also required a commitment for the provision of walking and cycling infrastructure upgrade to support continuous connections between the site and Merrylands Station, to provide alternate transport options in response to additional demand generated by the site. This could be in the form of a condition of consent or included in a Planning Agreement between Council and the applicant.

Siting of car parking

Council has maintained at all times that parking on this site should be provided within a basement. The proponent proposes above ground parking which the Council presumes with a purpose of costly excavation and disposal of contaminated soil. That financial style objective should not outweigh the sound town planning objectives of providing basement parking. In particular:

- (a) The presentation of 5 above ground levels of parking under buildings 5 and 6 to Crescent Street creates an eyesore.
- (b) The 5 levels of parking presented to Crescent Street create a very poor interaction with the public domain – an extensive, unattractive and dead frontage to the Street.
- (c) Pushing parking above ground unnecessarily adds to building height and unnecessarily causes a breach of the development standard for height imposed by clause 4.3 of the LEP.
- (d) Pushing parking above ground unnecessarily adds to building bulk in circumstances where the area of parking and associated circulation space that is needed to meet the parking requirements of the consent authority are excluded from gross floor area. Despite that exclusion, the proposal involves a significant variation to the development standard for floor space ratio imposed by clause 4.4 of the LEP. As previously outlined, if the area of the required parking and circulation space was taken into consideration, the effective bulk represents an extreme departure from the bulk envisaged by FSR controls.

Lack of building identity

The above ground parking treatment along Crescent Street severely limits the potential of the towers to address the Street. Proposed parking and access arrangements internally within the site arrangements likewise fail to create a sense of an address and identity. It further creates logistical problems, for example in having emergency vehicles, taxis, uber drivers and delivery drivers know where they are to go.

Uninviting precinct

Aspects of the development including poor pedestrian and cycle access from both Woodville Road and Crescent Street due to changes in level from those roads to what purports to be the ground floor levels of buildings 1, 3, 5, 6, and 7 and the lack of permeability to the RE1 zoned land culminate in the site turning its back on public interaction and being an uninviting precinct for the public. The difference in levels between the lowest residential levels of buildings 4, 5, 6 and 7 compared to the footpath levels along results in a disassociation with the public domain and negates access to internal paths for people on bicycles or in wheelchairs.

Building separation and privacy

The separation between various residential towers remains deficient in some areas to achieve privacy as sought by the Apartment Design Guide, culminating in poor residential amenity.

Parking generally

There is an absence of any motor cycle parking which is unrealistic, especially so for considering socio demographics and the number of occupants associated with affordable housing.

Each of the parking spaces should be numbered according to the land-use user group for clarity. In addition, parking space provision for each parking level for each Block (phase) should be presented in a tabular form for clarity. The architectural plan of parking area does not provide clarity for review of provision.

The parking spaces and the aisle widths must be dimensioned appropriately for clarity. In addition, the finished floor level must also be shown on the floor plan and at each change of gradient. This includes the finished surface level at each change of gradient along the ramps.

It is also noted that the parking spaces at lower basement for central block (Phase 2) appear to be used as dual land-use type (residential/ commercial). This raises concern for the security for the residential user group. The residential parking area must be secured and controlled access. The commercial user access must not be allowed into the residential parking area.

It is recommended that the parking spaces allocation for commercial use be provided in the vicinity of the commercial area proportionately for ease of access in this respect the majority of the commercial parking space be located within the eastern side block (Phase 1).

For safety/security the vehicular access to the residential parking area should be secured and controlled. The parking area in particular the central block should have a restricted access to the residential parking area and not be accessible by commercial user type.

There are several disabled parking spaces at each parking level for eastern side block (Phase 1) which do not comply with AS2890.6-2009.

The location of security gate to the residential parking area at lower ground level for eastern side block results in obstruction free flow of internal traffic. The security gate should be relocated towards the parking area.

The car park compliance drawings (Transport Assessment Report 3) indicates that there are several non-compliance matters as indicated on those drawings including the aisle width and the manoeuvring clearance requirements (Figures 13, 14, 15, 26). The unobstructed manoeuvring of vehicle while another vehicle in opposite direction must be demonstrated.

Waste management

Building 1 does not appear to be provided with any waste or recycling chutes.

Waste storage areas at the car parking levels (or what are assumed to be waste storage areas, as the purpose of every room is not identified) are not sited for the convenient collection of waste, in most cases requiring paths of travel through parking spaces. It is unclear whether waste collection vehicles will be able to safely manoeuvre to collection points. Even if they can, they will disturb flows

of traffic and create inconvenience for other users by blocking aisles while collection takes place. The design appears to be poorly thought out.

The development should be planned with provision for the storage and collection of food and organic waste, noting the not to distant obligations for such waste.

Salinity

The site is marked as potential moderate salinity on the Salinity Map. A salinity investigation has not been provided to enable assessment against clause 6.9 of the LEP.

Updated Arboricultural Impact Assessment

The applicant should submit an updated Arboricultural Impact Assessment for consideration as the building layout and site plan has changed significantly from the plan first proposed when the site was under assessment for the previous development application.

Based upon, the proposed building layout, a number of trees could potentially be retained along the Crescent Street, frontage as well as other trees throughout the site. The report should reflect the update layout and make recommendation around which trees require removal and which could likely be retained.

This may require root mapping by the arborist to take place to determine the extent and location of trees that have the potential to be retained.

Due to the high number of trees requiring removal under this proposal and given the large nature of the combined sites, the applicant should ensure that sufficient replacement planting occurs to ensure where possible, the removal of the trees is offset with supplementary suitable advance plantings.

Environmental health

Mechanical ventilation systems are to be designed to be capable of accommodating exhaust requirements for all ground floor commercial units. Information should be provided for how this will be achieved without affecting the amenity of the public domain or residential units.

A Plan of Management should be prepared for the development that addresses operational requirements of the development, traffic and parking management plan, cleaning of communal areas, grease trap requirements, noise management and a complaints register (internal and external).

No details of potential regulated systems under the NSW Public Health Act and NSW Public Health Regulation have been provided. Clarification as to whether any water cooling or warm water systems (including thermostatic mixing vales) will be incorporated into the development should be provided.

The location of grease traps for food premises and their collection points have the potential to cause odour and amenity imapcts. Locations should be idenfifited and assessed.

The finalised version of the Long- term Environmental Management Plan must be provided to Council once completed so that it can be added to Council's mapping system and applied to all planning certificates in future.

Planning Agreement

The EIS indicates that a Planning Agreement is to be undertaken by Council and the applicant. It is noted that initial discussions have been undertaken and further discussions are required on the matter. The current proposal does not adequately address the matters that Council are seeking clarify on regarding the proposed public open space (whether part of the development with arrangements in place for public access or through dedication), public road access (either by right of way or through dedication), provision of local infrastructure as outlined in the DCP, and shuttle bus between the site and Merrylands. Should the development be recommended for approval, Council requests that a condition of consent be included that a Planning Agreement be prepared, negotiated and executed between Council and the applicant on these matters, and that the Planning Agreement be executed prior to the issue of the first Construction Certificate.