



Appendix B – Statutory Compliance Table



Statutory Reference	Consideration	Response	Section in EIS
Environmental Planning and Assessment Act 1979			
Part 1 Preliminary	Section 1.3 Objects of the Act <i>(a) To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i>	<p>Complies</p> <p>The proposal is consistent with this objective as it promotes the social and economic welfare of the community through the provision of affordable housing in proximity to services which will support economic and social growth within Merrylands.</p> <p>The Environmental Impact Statement (EIS) and supporting documents provide a detailed assessment to support the proposed development – which incorporates a number of Ecological Sustainable Development (ESD) strategies and site suitability.</p>	Section 4.6
	<i>(b) To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	<p>Complies</p> <p>The proposal is consistent with this objective through its integration of ESD strategies as detailed within the ESD Report (Appendix AK)</p>	Sections 3.9 & 6.19 Appendix AK
	<i>(c) To promote the orderly and economic use and development of land,</i>	<p>Complies</p> <p>The proposal promotes orderly and economic use of the site (as envisioned by the strategic plans for the locality) by providing development which provides additional housing and employment opportunities within the immediate vicinity of the Merrylands railway station and McFarlane Street Precinct. Further, the site is suitable for shop top housing, including affordable housing bonuses as in addition to providing commercial and retail uses within the, the delivery of a significant amount of affordable housing in a suitable location is responsive to the intent of the aims of <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP).</p>	Sections 2 & 4



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	<i>(d) to promote the delivery and maintenance of affordable housing,</i>	<p>Complies</p> <p>The proposal includes 238 affordable housing dwellings, all of which will be managed by a Community Housing Provider (CHP) for a 15-year period in accordance with Chapter 2 of the Housing SEPP.</p>	<p>Sections 3 and 6.4</p>
	<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	<p>Complies</p> <p>A Biodiversity Development Assessment Report (BDAR) Waiver Determination (Appendices AN and AO) letter has been issued for the proposal, confirming that the development is unlikely to have any significant impact on biodiversity values.</p>	<p>Section 6.9 Appendix AN Appendix AO</p>
	<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	<p>Complies</p> <p>The development has been designed with regard to consider Connecting with Country (CWC) and associated consultation with relevant indigenous stakeholders. A CwC Report (Appendix AF) has been prepared to demonstrate how the proposal sustainably manages built and cultural heritage. Further, the Archaeological Technical Report (ATR) (Appendix AG) found no further investigation is required and there will be no impacts to Aboriginal objects or heritage.</p>	<p>Section 6.13 Appendix AF Appendix AG</p>
	<i>(g) to promote good design and amenity of the built environment</i>	<p>Complies</p> <p>The proposal is considered to exhibit design excellence as described within the accompanying Architectural Design Report (Appendix G) and Design Verification Reports at (Appendix H).</p>	<p>Section 6.13 Appendix G Appendix H</p>
	<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	<p>Complies</p> <p>The proposed development will provide a high-quality built form that has been designed to promote the amenity, health, access and wellbeing of occupants and will be constructed in accordance with the relevant provisions of the Building Code of Australia (BCA).</p>	<p>Appendix G Appendix AH Appendix AI</p>



Statutory Reference	Consideration	Response	Section in EIS
	(i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	Not relevant to this application.	Not applicable
	(j) <i>to provide increased opportunity for community participation in environmental planning and assessment</i>	<p>Complies</p> <p>Community and stakeholder engagement has been undertaken during the preparation of the State Significant Development Application (SSDA), as detailed in Section 5 of the EIS and the Engagement Report at Appendix N.</p> <p>Through the assessment period, there will be another opportunity for community and stakeholders to respond to the proposed development. The Applicant will respond to any submissions provided in response to the SSDA's exhibition.</p>	Section 5 Appendix N
Section 4.15 Evaluation	<p>Section 4.15(1) Matters for consideration</p> <p>(a)(i) The provisions of any environmental planning instrument.</p>	<p>Complies</p> <p>Consideration of relevant instruments is discussed in this table below.</p>	Sections 4 & 7
	(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved),	Not relevant to this application.	Not applicable
	(a)(iii) Any development control plan	<p>Complies</p> <p>Consideration of the Cumberland Development Control Plan 2021 (CDCP 2021) is discussed in this table below.</p>	Appendix B
	(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	Not relevant to this application.	Not applicable



Statutory Reference	Consideration	Response	Section in EIS
	(a)(iv) The regulations	<p>Complies</p> <p>Consideration of the <i>Environmental Planning and Assessment Regulation 2021 (Regulations)</i> is provided in EIS Section 4.6.</p>	Section 4.6
	(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	<p>Complies</p> <p>The proposal will not result in any unreasonable impacts to the natural or built environment or social and economic impacts to the locality as discussed in Section 6 of the EIS.</p>	Section 6
	(c) The suitability of the site for the development	<p>Complies</p> <p>The site is considered to be highly suitable for the proposed development as discussed in Section 7.5 of the EIS.</p>	Section 7.5
	(d) Any submissions made in accordance with this Act or the regulations	<p>Complies</p> <p>The applicant will address any submissions received during the exhibition period.</p>	Noted
	(e) the public interest	<p>Complies</p> <p>The proposed development is in the public interest, as addressed in Section 7.6 of the EIS.</p>	Section 7.6



Statutory Reference	Consideration	Response	Section in EIS
Environmental Planning and Assessment Regulation 2021			
Division 5	Division 5 of the Environmental Planning and Assessment Regulation 2021 outlines additional requirements for State Significant development.	Complies Processes associated with the preparation and lodgement of Part 8, Division 5 of the Regulations are considered within Section 4.5 of the EIS. It is anticipated that post-lodgement procedures (both undertaken by the applicant and relevant assessment bodies) will be undertaken in accordance with the Regulations once lodged.	Section 4.5
Biodiversity Conservation Act 2016			
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister may (but is not required to) further consider under that Biodiversity Conservation Act 2016 the likely impact of the proposed development on biodiversity values.	Complies A BDAR Waiver Determination for the proposed development was issued on 26 February 2025 (Appendices AN and AO).	Section 6.9 Appendix AN Appendix AO
State Environmental Planning Policy (Biodiversity and Conservation) 2021			
Section 2.6 – Declaration of State significant development	Clause 2.6 provides that a person must not clear vegetation in a non-rural area without consent to do so,	Consent is sought for the removal of one tree within the McFarlane Street road reserve. The proposed tree removal is addressed a Arboricultural Impact Assessment (AIA) (Appendix AP), which confirms that the proposed removal of the tree is supportable.	Section 6.10.1 Appendix F Appendix I Appendix AP
State Environmental Planning Policy (Planning Systems) 2021			
Section 2.6 – Declaration of State significant development	Section 2.6 states that <i>development is declared to be state significant development for the purposes of the Act if -</i> (a) <i>The development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</i> (b) <i>The development is specified in Schedule 1 or 2</i>	The proposal is located in the Central River City, has a residential component with an estimated development cost of more than \$75 million, and does not involve development that is prohibited under an Environmental Planning Instrument (EPI). The proposal therefore constitutes State Significant Development (SSD).	Executive Summary & Section 4.2



Statutory Reference	Consideration	Response	Section in EIS
Schedule 1, Section 26A	<p>Section 26A of Schedule 1 states:</p> <p><i>26A In-fill affordable housing</i></p> <p><i>(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—</i></p> <p><i>(a) the part of the development that is residential development has an estimated development cost of—</i></p> <p><i>(i) for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$75 million, or Note— The Act, Schedule 9 sets out the local government areas in each city in the Six Cities Region.</i></p> <p><i>(ii) for development on other land—more than \$30 million, and</i></p> <p><i>(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.</i></p>		
State Environmental Planning Policy (Transport and Infrastructure) 2021			
Section 2.45 Notification of certain electricity substation development that may be carried out without consent	<p>This section applies to development (other than exempt development) that—</p> <p><i>(a) is carried out by or on behalf of an electricity supply authority or public authority, and</i></p> <p><i>(b) is for the purpose of a new or existing electricity substation of any voltage (including any associated yard, control building or building for housing plant), and</i></p> <p><i>(c) is not a project to which Part 3A of the Act applies or State significant infrastructure.</i></p> <p>Before development to which this section applies is carried out, the electricity supply authority or public authority must—</p> <p><i>(a) give written notice of the intention to carry out the development to the council for the area in which the land is located (unless the authority is that council) and to the occupiers of adjoining land, and</i></p> <p><i>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</i></p>	<p>Noted</p> <p>A substation is to be demolished and replaced as part of the proposed development. The relevant energy authority is to therefore be notified as part of the advertising process in accordance with <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP)</i>. Any response provided is to be considered.</p>	Section 4.5



Statutory Reference	Consideration	Response	Section in EIS
Section 2.100 Impact of rail noise or vibration on non-rail development	<p>Before determining a DA for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p> <p>If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p> <p><i>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,</i></p> <p><i>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i></p>	<p>Complies</p> <p>The site is not located in immediate proximity to a rail corridor, however the proposal has considered railway noise in the design process and as required by this section. The Acoustic Assessment (Appendix AE) has therefore considered the internal noise level criteria under the NSW Department of Planning document <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> and provides recommendations for the design of the development to ensure compliance with the specified LAeq levels.</p>	Section 4.5 Appendix AE
Section 2.120 Impact of road noise or vibration on non-road development	<p>Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p> <p>If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p> <p><i>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,</i></p> <p><i>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i></p>	<p>Complies</p> <p>The site is not located adjacent to a classified road, however the submitted Acoustic Assessment (Appendix AE) has considered the internal noise level criteria under the NSW Department of Planning document <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> and provides recommendations for the design of the development to ensure that suitable internal noise and amenity requirements are satisfied.</p>	Section 6.12 Appendix AE
Section 2.122 Traffic Generating Development	<p>Division 17, Section 2.122 requires the consent authority to provide Transport for NSW (TfNSW) with written notice of the development application for ‘traffic-generating development’ as set out in Schedule 3 of the SEPP and take into consideration:</p> <p><i>(a) Any submission that TfNSW provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed,</i></p>	<p>Complies</p> <p>The proposed development is not classified as ‘traffic-generation development’. A formal referral to Transport for NSW (TfNSW) is therefore not required. A Traffic and Parking Assessment (TPA) (Appendix P) has however been prepared, which demonstrates that the proposal will not significantly affect the surrounding road</p>	Appendix P



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	<p><i>TfNSW advise that it will not be making a submission), and</i></p> <p><i>(b) The accessibility of the site concerned, including –</i></p> <p><i>(i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i></p> <p><i>(ii) the potential to minimise the need for travel by car, and</i></p> <p><i>any potential traffic safety, road congestion or parking implications of the development.</i></p>	<p>network. Should it be provided, any feedback by TfNSW will also be considered during the assessment process.</p>	
State Environmental Planning Policy (Resilience and Hazards) 2021			
<p>Chapter 4 Remediation of Land</p>	<p>Clause 4.6(1) requires that contamination and remediation is to be considered in determining a development application</p> <p><i>(1) A consent authority must not consent to the carrying out of any development on land unless—</i></p> <p><i>(a) it has considered whether the land is contaminated, and</i></p> <p><i>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i></p> <p><i>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i></p>	<p>Complies</p> <p>A Preliminary Site Investigation Report (PSI) has been undertaken at the site and finds that the potential for contamination at the site is low (Appendix X), subject to the undertaking of a Detailed Site Investigation (DSI) and updates to other reporting such as a Framework Remediation Action Plan (FRAP) (Appendix Z) to investigate potential Underground Petroleum Storage Services (UPSS), the site is capable of being made suitable for the development.</p> <p>The PSI recommends a detailed assessment occur post demolition of the existing structures/dwellings to address additional AEC in the data-gap areas. This post-demolition assessment will identify any contamination hotspots within the footprint of current structures.</p>	<p>Section 6.18 Appendix X Appendix Z</p>



Statutory Reference	Consideration	Response	Section in EIS
State Environmental Planning Policy (Sustainable Buildings) 2021			
Chapter 2 Standards for residential development - BASIX	2.1 Standards for BASIX development and BASIX optional development <i>(5) Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</i>	Complies The Environmentally Sustainable Design Report (Appendix AK) and BASIX Certificate (Appendix AJ) confirm that the requirements under the Sustainable Buildings SEPP are met.	Section 6.19 Appendix AJ Appendix AK
State Environmental Planning Policy (Housing) 2021			
Chapter 2 Affordable Housing			
Division 1 In-fill affordable housing			
15C Development to which this division applies	<i>(1) This division applies to development that includes residential development if—</i> <i>(a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument</i> <i>(b) the affordable housing component is at least 10%</i> <i>(c) all or part of the development is carried out—</i> (i) <i>for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or</i> (ii) <i>for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone</i> <i>(2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental</i>	Complies The proposed development is subject to the provisions within chapter 2, Part 2, Division 1. The site is zoned E2 Commercial Centre under the <i>Cumberland Local Environmental Plan 2021 (CLEP 2021)</i> which permits development for the purpose of 'shop top housing' within the E2 zone. The proposal has a total GFA of 23,271m ² , with a residential gross floor area (GFA) of 19,800m ² . 100% of the residential GFA will be provided for the purposes of in-fill affordable housing under this part. The site is located on land within the Six Cities region in an accessible area, being located approximately 100m walking distance from Merrylands railway station.	Sections 4.3



Statutory Reference	Consideration	Response	Section in EIS
	<p><i>planning instrument or a planning agreement is not counted towards the affordable housing component under this division</i></p>		
<p>16 Affordable housing requirements for additional floor space ratio</p>	<p>(1) <i>The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).</i></p>	<p>Complies</p> <p>As the proposed development provides an affordable housing component 100% of total residential GFA, it is therefore eligible for an additional 30% floor space ratio of up to 30%.</p> <p>The applicable floor space ratio (FSR) under the CLEP 2021 is 8.5:1, based upon the 8:1 FSR prescribed by clause 4.4(2) of the CLEP 2021, plus a 0.5:1 design excellence bonus as prescribed by clause 6.16(6) of the CLEP 2021. The application of the 30% bonus FSR therefore provides maximum permitted FSR of 11.05:1.</p> <p>The proposed development has a total GFA and FSR of 23,271m² and 11.05:1 respectively.</p>	<p>Sections 1, 3.5.1 & 6.2.2</p>
	<p>(2) <i>The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i></p> $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{\text{(as a percentage)}} + 2$	<p>Complies</p> <p>Based on the formula, to reach the full 30% additional FSR requires 15% affordable housing. 100% of the residential GFA will be dedicated to affordable housing.</p>	<p>Sections 1, 3.5.1 & 6.2.2</p>
	<p>(3) <i>If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</i></p>	<p>Variation sought</p> <p>The maximum proposed height of the development will be 124.8 metres</p> <p>Such a height equates to a variation of 1.82 metres (i.e. a 1.48% variation), to the 122.98-metre building height development standard that applies to the site pursuant to Section 16(3) of the Housing SEPP. Such a height is based upon:</p>	<p>Sections 1, 3.1, 3.5.1 & 6.2.1 Appendix D Appendix E</p>



Statutory Reference	Consideration	Response	Section in EIS
		<ul style="list-style-type: none"> The 86-metre building height standard pursuant to clause 4.3(2) of the CLEP 2021, A 10% height bonus pursuant to clause 6.14(5) of the CLEP 2021, and A 30% height bonus (established upon the combined building height and 10% bonus under the CLEP 2021), pursuant to Section 16(3) of the Housing SEPP. <p>The proposed development includes variously sized breaches of the building height development standard, with variations proposed by the Level 35 roof parapets, a rooftop lift overrun and screens around the overrun.</p> <p>A written variation request has been prepared to address this non-compliance, and is contained within Appendix D.</p>	
18 Affordable housing requirements for additional building height	<p>(2) <i>The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).</i></p>	<p>Not applicable</p> <p>Refer to the assessment of section 16(3) above.</p>	<p>Sections 1, 3.1, 3.5.1 & 6.2.1</p>
	<p>(3) <i>The minimum affordable housing component, which must be at least 10%, is calculated as follows:</i></p> $\text{affordable housing component} = \frac{\text{additional building height}}{\text{(as a percentage)}} \div 2$	<p>Complies</p> <p>Based on the formula, to reach the full 30% additional height requires 15% affordable housing. 100% of the residential GFA will be dedicated to affordable housing.</p>	<p>Section 6.2.1 Appendix D</p>
19 Non-discretionary development standards – the	<p>(2) <i>The following are non-discretionary development standards in relation to the residential development to which this division applies—</i></p> <p>(a) <i>a minimum site area of 450m²,</i></p>	<p>Complies</p> <p>The area of the site is 2,106m².</p>	<p>Appendix L</p>



Statutory Reference	Consideration	Response	Section in EIS
Act, s4.15	<p>(b) a minimum landscaped area that is the lesser of—</p> <p>(i) 35m² per dwelling, or</p> <p>(ii) 30% of the site area,</p>	<p>Complies</p> <p>The proposal will provide 1,450m² of landscaping which is equivalent to 69% of the site area.</p>	<p>Sections 3.6 & 6.10.2 Appendix F Appendix I Appendix J</p>
	<p>(c) a deep soil zone on at least 15% of the site area, where—</p> <p>(i) each deep soil zone has minimum dimensions of 3m, and</p> <p>(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p>	<p>Not applicable</p> <p>See subsection 19(3) below.</p>	<p>Not applicable</p>
	<p>(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter</p>		
	<p>(e) the following number of parking spaces for dwellings used for affordable housing—</p> <p>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</p> <p>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</p>	<p>Complies</p> <p>Resident parking is provided at the rates provided by this section. Reference is made to the architectural plans, (Appendix F) and the TPA (Appendix P) for further details.</p>	<p>Sections 3.5.5 & 6.11 Appendix F Appendix P</p>
	<p>(f) the following number of parking spaces for dwellings not used for affordable housing—</p> <p>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</p>	<p>Complies</p> <p>Resident parking is provided at the rates provided by this section. Reference is made to the architectural plans, (Appendix E) and the TPA (Appendix O) for further details.</p>	<p>Sections 3.5.5 & 6.11 Appendix E Appendix O</p>
	<p>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</p>	<p>Complies</p> <p>The proposed development complies with minimum internal areas stipulated in the Apartment Design Guide (ADG). For a full assessment against ADG requirements, refer to the Architectural Plans (Appendix F) and Architectural Design Report (ADR) (Appendix G).</p>	<p>Section 6.5 and Section 3.5.4 Appendix F Appendix G</p>



Statutory Reference	Consideration	Response	Section in EIS
	<i>(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.</i>	Noted Chapter 4 applies to this development, therefore subsections (2)(c) and (d) does not apply.	Noted
20 Design Requirements	<i>(1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.</i>	Not applicable	Not applicable
	<i>(2) Subsection (1) does not apply to development to which Chapter 4 applies.</i>	Noted Chapter 4 applies to this development, therefore subsection (1) does not apply.	Noted
	<i>(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, (b) for precincts undergoing transition—the desired future character of the precinct.</i>	Complies The proposed development has been designed to provide a positive contribution to the streetscape. Development of the scale proposed is consistent with the intended outcome of the in-fill affordable housing under which the proposed development is sought and desired future character. Consideration of character is also further demonstrated within the written variation requests (Appendices D and E), the architectural plans (Appendix F) and the ADR (Appendix G).	Sections 1, 2.5.2 & 6.2 Appendix D Appendix E Appendix F Appendix G
21 Must be used for affordable housing for at least 15 years	<i>Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider.</i>	Complies The development proposes 100% of residential floor space as infill affordable housing for a period of 15 years. The residential component will be managed by Anglican Community Services (trading as Anglicare) which is a registered Tier 2 community housing provider (Registration no. 6400160414).	Sections 1, 3.4, 4.5 & 6.4 Appendix AR



Statutory Reference	Consideration	Response	Section in EIS
Chapter 4 Design of Residential Development			
147 Determination of development applications and modification applications for residential apartment development	<p>(1) <i>Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</i></p> <p>(a) <i>the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i></p> <p>(b) <i>the Apartment Design Guide,</i></p> <p>(c) <i>any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</i></p>	<p>Noted</p> <p>The proposal is subject to Chapter 4 of the Housing SEPP.</p> <p>The proposal is consistent with the ADG and design quality principles for residential apartment development as set out in Schedule 9 of the Housing SEPP. Reference is made to the Design Verification Report (DVR) (Appendix H) for further detail.</p>	Section 6.2 Appendix H
148 Non-discretionary development standards for residential apartment development – the Act, s 4.15	<p>(2) <i>The following are non-discretionary development standards—</i></p> <p>(a) <i>the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</i></p> <p>(b) <i>the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,</i></p> <p>(c) <i>the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</i></p>	<p>Complies</p> <p>Car parking has been provided in accordance with Chapter 2.</p> <p>The internal area and ceiling heights are consistent with the ADG. A full assessment against the ADG is contained within the architectural plans (Appendix F) ADR (Appendix G) and DVR (Appendix H).</p>	Section 3 Appendix F Appendix G Appendix H
149 Apartment Design Guide prevails over development control plans	<p>(1) <i>A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter</i></p> <p>(a) <i>visual privacy,</i></p>	<p>Complies</p> <p>The proposed development achieves a high level of compliance with the relevant provisions of the ADG. Demonstration of compliance are provided within A full assessment against the ADG is contained</p>	Sections 3 & 6.5 Appendix F Appendix G Appendix H



Statutory Reference	Consideration	Response	Section in EIS
	<p>(b) solar and daylight access, (c) common circulation and spaces, (d) apartment size and layout, (e) ceiling heights, (f) private open space and balconies, (g) natural ventilation, (h) storage. (2) This section applies regardless of when the development control plan was made.</p>	<p>within the architectural plans (Appendix F) ADR (Appendix G) and DVR (Appendix H).</p>	
Cumberland Local Environmental Plan 2021			
<p>Clause 2.1 Land use zones</p>	<p>The site is zoned E2 Commercial Centre</p>	<p>Not applicable</p> <p>The site is zoned E2 Commercial Centre under the CLEP 2021. The proposed development is defined as a mixed-use development comprising of commercial premises and shop top housing, which is permissible with consent with the E2 zone under CLEP 2021. Further, provisions of chapter 2, Part 2, Division 1 of the Housing SEPP apply to the development pursuant to 15C(1) of the Housing SEPP.</p>	<p>Section 4.3</p>
<p>Zone objectives – E2 Commercial Centre</p>	<ul style="list-style-type: none"> • To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity. • To encourage investment in commercial development that generates employment opportunities and economic growth. • To encourage development that has a high level of accessibility and amenity, particularly for pedestrians. • To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area. • To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. 	<p>Complies</p> <p>The proposed development is consistent with the objectives of the E2 zone as follows:</p> <ul style="list-style-type: none"> • It will provide for substantive amounts of retail and commercial floor area, thereby providing additional employment opportunities and strengthening the Merrylands town centre as a business and retail centre. • The development will encourage investments in commercial development comprising of retail and commercial floor space that will facilitate the generation of employment opportunities and associated economic growth within the Merrylands town centre. 	<p>Sections 2.2, 3 & 6</p>



Statutory Reference	Consideration	Response	Section in EIS
		<ul style="list-style-type: none"> Enhancements to public areas on the ground floor of the development will substantially improve accessibility and pedestrian amenity. the provision of affordable residential development this consistent with councils strategic planning directions for the area, as detailed within EIS. the design and layout of the ground level will significantly improve, enhance and activate all of the site's street frontages, with active uses that will attract pedestrian traffic, that will subsequently contribute to vibrancy and diversity of surrounding streetscapes and associated public spaces. 	
Clause 4.3 – Height of Buildings	The site is subject to a maximum building height of 86m	<p>Not applicable</p> <p>Building height is subject to Section 16(3) of the Housing SEPP. For reference, the maximum proposed height of the development will be 124.8 metres, which is a variation to the maximum permitted 122.98-metre building height development standard. Such a variation is subject to a written variation request prepared pursuant to clause 4.6 of the CLEP 2021, which is contained within Appendix D.</p>	<p>Sections 1, 3.1, 3.5.1 & 6.2.1</p> <p>Appendix D</p> <p>Appendix F</p>
Clause 4.4 – Floor Space Ratio	<p>4.4(2) The maximum floor FSR is not to exceed 8:1.</p> <hr/> <p>4.4(2F) If a building on a site on mapped as “Area B” on the FSR Map is used for the purposes of ‘residential accommodation’ or ‘tourist and visitor accommodation’, or both, the maximum FSR for the part of the building used for such purposes is— (FSR_{max} – 1.7):1</p> <p>FSR_{max} is the maximum FSR in accordance with this clause.</p>	<p>Does not comply</p> <p>The maximum FSR for the site pursuant to clause 4.4(2) is 8:1, excluding:</p> <ul style="list-style-type: none"> a 0.5:1 FSR bonus for development demonstrating design excellence pursuant to clause 6.14(6) of the CLEP 2021, and FSR bonuses afforded to in-fill development under Chapter 2, Part 2 of the Housing SEPP. <p>Utilising both bonuses, the maximum permitted FSR on the site is 11.05:1, which complies with the requirements of the Housing SEPP.</p> <p>Despite the above however, clause 4.4(2F) prescribes a maximum 6.3:1 residential FSR on the site. The development proposes 19,800m² of residential GFA (i.e. a residential FSR of 9.4:1), which</p>	<p>Section 3</p> <p>Appendix E</p>



Statutory Reference	Consideration	Response	Section in EIS
		<p>constitutes a 4.2% variation to clause 4.4(2F) once FSR bonuses are considered.</p> <p>Such a variation is addressed by a written variation request prepared pursuant to clause 4.6 of the CLEP 2021, which is contained within Appendix E.</p>	
<p>Clause 4.6 – Exceptions to Development Standards</p>	<p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances. <p>(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.</p> <p>(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—</p> <ul style="list-style-type: none"> (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and (b) there are sufficient environmental planning grounds to justify the contravention of the development standard. <p>Note—</p> <p>The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).</p> <p>(4) The consent authority must keep a record of its assessment carried out under subclause (3).</p>	<p>Complies</p> <p>Two written variation requests is provided within Appendices D and E, to address variations to the applicable building height development standard and residential FSR development standard.</p>	<p>Appendix D Appendix E</p>



Statutory Reference	Consideration	Response	Section in EIS
<p>Clause 5.10 – Heritage Conservation</p>	<p>Requirement for consent Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <ul style="list-style-type: none"> (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land—</p> <ul style="list-style-type: none"> (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, <p>(f) subdividing land—</p> <ul style="list-style-type: none"> (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance. 	<p>Complies</p> <p>The site does not contain a listed heritage item and is does located within an HCA. The site is also not in proximity to a listed heritage item or HCA</p> <p>Noting that:</p> <ul style="list-style-type: none"> • The proposed development is aligned with the objectives for affordable housing development, and • The subject site is located within the Merrylands town centre, and • The subject site and nearest heritage items are spatially separated by other sites that are both: <ul style="list-style-type: none"> ○ E2-zoned, and ○ Subject to 93 and 129 metre building height standards, <p>the proposal will not significantly affect items of heritage context, visual impact and overshadowing and a Heritage Impact Statement (HIS) is not required.</p> <p>Matters regarding aboriginal heritage and culture are addressed by the submitted Connecting with Country Report (Appendix AF) and Archaeological Technical Report (Appendix AG).</p>	<p>Section 6.14 Appendix E Appendix AF Appendix AG</p>
<p>Clause 5.21 – Flood Planning</p>	<p>Development consent must not be granted unless the consent authority is satisfied the development will satisfy the relevant flooding provisions.</p> <p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <ul style="list-style-type: none"> (a) is compatible with the flood function and behaviour on the land, and 	<p>Noted</p> <p>The site is situated partially on flood planning land. The Flood Impact Risk Assessment (FIRA) conducted by EI Consulting Engineers (Appendix T) finds that the development has been suitably designed to account for this hazard, and the development will not result in worsened flood affects elsewhere within the floor catchment.</p>	<p>Section 6.17 Appendix T</p>



Statutory Reference	Consideration	Response	Section in EIS
	<p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>		
<p>Clause 6.1 – Acid Sulphate Soils</p>	<p>Development consent must not be granted under this clause for the carrying out of works unless an acid sulphate soils management plan has been prepared for the proposed works in accordance with the Acid Sulphate Soils Manual and has been provided to the consent authority.</p>	<p>Not applicable</p> <p>The site is not classified as containing acid sulphate soils.</p>	<p>Not applicable</p>
<p>Clause 6.2 – Earthworks</p>	<p>Development consent is required for earthworks.</p> <p>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p>	<p>Complies</p> <p>Earthworks are required to accommodate the proposed basement levels.</p> <p>A Geotechnical Investigation Report (GIR) (Appendix V) has been undertaken which provides recommendations to be addressed during the design and construction phases of the project to mitigate</p>	<p>Section 6.15.1 Appendix V Appendix Y</p>



Statutory Reference	Consideration	Response	Section in EIS
	<p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>any detrimental impact on drainage patterns and soil stability. Further, the Waste Classification Report (Appendix Y) confirms that substantial portions of the excavated material can be reutilised elsewhere as suitable fill material.</p>	
<p>Clause 6.5 – Biodiversity</p>	<p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or</p> <p>(b) if a significant adverse environmental impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise the impact.</p>	<p>Not applicable</p> <p>The site is not identified as ‘biodiversity’ on the <i>Terrestrial Biodiversity Map</i> and therefore this clause does not apply.</p> <p>The proposal is supported by a BDAR waiver approval issued on 26 February 2025 (Appendices AN and AO).</p>	<p>Appendix AN Appendix AO</p>
<p>Clause 6.7 – Stormwater management</p>	<p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise the impacts of urban stormwater on properties, native vegetation and receiving waters,</p> <p>(b) to avoid adverse impacts on soils and land stability,</p> <p>(c) to protect the environmental values of water identified for urban waterways in the Sydney Harbour and Parramatta River and Georges River catchments.</p> <p>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p>	<p>Complies</p> <p>Onsite stormwater management has been appropriately designed to collect, reuse and discharge stormwater from the site, and are detailed within the Civil Engineering Plans (Appendix K).</p>	<p>Section 3.7 & 6.16 Appendix K</p>



Statutory Reference	Consideration	Response	Section in EIS
	<p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if the impact cannot be reasonably avoided, minimises and mitigates the impact.</p>		
<p>Clause 6.13 – Ground floor development in zones E1, E2 and MU1</p>	<p>(1) The objective of this clause is to ensure that active uses are provided at the street level in certain employment and mixed use zones to encourage the presence and movement of people.</p> <p>(2) This clause applies to land in the following zones—</p> <ul style="list-style-type: none"> (a) Zone E1 Local Centre, (b) Zone E2 Commercial Centre, (c) Zone MU1 Mixed Use. <p>(3) Development consent must not be granted to development for the purposes of commercial premises, mixed use development that includes commercial premises or a change of use of a building to commercial premises on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building—</p> <ul style="list-style-type: none"> (a) will not be used for the purposes of residential accommodation or serviced apartments, and (b) will not be used for a car park or to provide ancillary car parking spaces, and (c) 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. 	<p>Complies</p> <p>The ground floor of the building will not be used for residential accommodation or vehicular parking. It will comprise of retail activities and building interaction services such as lobbies, to encourage streetscape interaction and activation.</p>	<p>Section 3 and 6.2</p> <p>Appendix F</p> <p>Appendix G</p>
<p>Clause 6.14 – Design excellence</p>	<p>(1) The objective of this clause is to ensure that development to which this clause applies exhibits the highest standard of architectural and urban design as part of the built environment.</p> <p>(2) This clause applies to development involving the construction of a new building, or external alterations to an existing building, that will result in—</p>	<p>Complies</p> <p>Design excellence provisions apply to the site pursuant to clause 6.14(2)(b) of the CLEP 2021, as the development will be greater than 55 metres in height.</p>	<p>Sections 2.4, 3.5, 5.1.2 & 6.1</p> <p>Appendix G</p>



Statutory Reference	Consideration	Response	Section in EIS
	<p>(a) a building that is greater than 30 metres in height on land shown as “Area 1” on the Design Excellence Map, or</p> <p>(b) a building that is greater than 55 metres in height on land shown as “Area 2” on the Design Excellence Map, or</p> <p>(c) a building that is on land shown as “Area 3” on the Design Excellence Map.</p> <p>(3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.</p> <p>(5) The height of a building to which this clause applies may exceed the maximum height shown for the land on the Height of Buildings Map by an amount, to be determined by the consent authority, of up to 10% of the amount shown on that map.</p> <p>(6) The floor space ratio of a building to which this clause applies may exceed the floor space ratio shown for the land on the Floor Space Ratio Map by an amount, to be determined by the consent authority, of up to 0.5:1.</p>	<p>As detailed within the ADR (Appendix G), an informal mini design competition was undertaken in July 2024. The design prepared by Fuse Architects was subsequently selected as having considered design excellence.</p> <p>In considering design excellence, two reviews were undertaken with the State Design Review Panel (SDRP) in March and May 2025, with feedback considered and the design revised to respond to matters raised. The minutes of the second meeting are appended to the EIS (Appendix AW); these indicate that subject to refinements in accordance with advice provided by SDRP panel members, the proposed development is capable of demonstrating design excellence. In demonstrating design excellence, the ADR (Appendix F) provides responses to the SDRP to demonstrate how the proposed design has responded to matters raised by the SDRP.</p>	<p>Appendix AW</p>
<p>Cumberland Development Control Plan 2021</p>			
<p>Part B – Development in Residential Zones</p> <p>Note: The site is E2 zoned, however Part 3.3 applies per Section 1.1 of Part C of the DCP.</p>			
<p>Part B3 Residential Flat Buildings</p>			
<p>2.2 Development Control Standards to consider for Residential Flat Buildings</p>	<p>Refer to the Housing SEPP the following matters related to residential flat building:</p> <ul style="list-style-type: none"> • site analysis; • orientation; • public domain interface; • communal and public open space; • deep soil zones; • visual privacy; • pedestrian access and entries; • vehicle access; 	<p>Noted</p> <p>A compliance schedule in accordance with the ADG is provided in the DVR at Appendix H.</p>	<p>Sections 6.5 & 6.10 Appendix H</p>



Statutory Reference	Consideration	Response	Section in EIS
	<ul style="list-style-type: none"> • bicycle and car parking; • solar and daylight access; • natural ventilation; • ceiling heights; • apartment size and layout; • private open space and balconies; • common circulation and spaces; • storage; • acoustic privacy; • noise and pollution; • apartment mix; • ground floor apartments; • façades; • roof design; • landscape design; • planting on structures; • universal design; • adaptive reuse; • mixed use; • awnings and signage; • energy efficiency; • water management and conservation; • waste management; and • building maintenance. 		
3.1 Building envelope	Residential flat building development shall be provided in accordance with Table 7	<p>Not applicable</p> <p>While reference is made to the architectural plans for setbacks, for a compliance assessment reference is made to the precinct specific DCP controls within Part F2 of the DCP (see below).</p>	Appendix B



Statutory Reference	Consideration	Response	Section in EIS														
	<p><i>Table 7: Residential flat building setbacks</i></p> <table border="1" data-bbox="353 320 1149 746"> <thead> <tr> <th colspan="2" data-bbox="353 320 1149 363">Setbacks</th> </tr> </thead> <tbody> <tr> <td data-bbox="353 363 613 456">Front setback (minimum)</td> <td data-bbox="618 363 1149 456">No less than 6m or correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition</td> </tr> <tr> <td data-bbox="353 456 613 523">Secondary street setback (min)</td> <td data-bbox="618 456 1149 523">2m for laneways and 4m for other roads</td> </tr> <tr> <td data-bbox="353 523 613 563">Side Setback (min)</td> <td data-bbox="618 523 1149 563">3m</td> </tr> <tr> <td data-bbox="353 563 613 663">Rear setback (min)</td> <td data-bbox="618 563 1149 663">Up to four storeys: 20% the length of the site, or 6m, whichever is greater Five storeys or more: 30% the length of the site</td> </tr> <tr> <td data-bbox="353 663 613 703">Site area</td> <td data-bbox="618 663 1149 703">1000m²</td> </tr> <tr> <td data-bbox="353 703 613 746">Street frontage</td> <td data-bbox="618 703 1149 746">24m</td> </tr> </tbody> </table>	Setbacks		Front setback (minimum)	No less than 6m or correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition	Secondary street setback (min)	2m for laneways and 4m for other roads	Side Setback (min)	3m	Rear setback (min)	Up to four storeys: 20% the length of the site, or 6m, whichever is greater Five storeys or more: 30% the length of the site	Site area	1000m ²	Street frontage	24m		
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3.2 Basement Design	<p>Basement walls shall be located directly under building walls, wherever practicable.</p> <p>A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary.</p>	<p>Not applicable</p> <p>The development is subject to the provisions of Chapter 4 of the Housing SEPP (refer to the DVR (Appendix H) for further details).</p> <p>Complies</p> <p>All basement areas are contained within the building footprint; refer to the architectural plans (Appendix F) for details.</p> <p>Complies</p> <p>While all boundaries adjoin other road frontages, the acoustic report (Appendix AD) recommends that dilapidation reporting be undertaken at certain noise receivers. Wider-ranging dilapidation reporting can also be applied as a condition(s) of consent if also deemed necessary in the event of approval.</p>	<p>Appendix H</p> <p>Appendix F</p> <p>Not applicable</p>														



Statutory Reference	Consideration	Response	Section in EIS
	Where practicable, basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting.	<p>Not proposed</p> <p>Basements are proposed to all site boundaries, noting that this is consistent with the location of the building envelope and that landscaping on the ground floor (other than street landscaping) is not proposed.</p>	Appendix F
	Basement walls visible above ground level shall be appropriately finished (such as face brickwork and/or render) and appear as part of the building.	<p>Not applicable</p> <p>All basements and walls are below ground level.</p>	Appendix F
Part B5 – Adaptable Housing and Housing Mix			
2.2 Housing Mix	A minimum 10% mix of one bedroom/studio dwellings and a minimum 10% mix of three plus-bedroom dwelling types shall be provided, with the balance provided as two bedroom dwellings. An alternate mix of dwelling types may be considered by Council where the Applicant can demonstrate that the local demographic statistics indicates otherwise. Specific details would need to be provided with the development application to support this.	<p>Complies</p> <p>32% of dwellings will comprise of 1-bedroom apartments, and 15% of dwellings will comprise of 3-bedroom apartments.</p>	Appendix F
	If an equal mix cannot be provided, a minimum 10% of the dwellings shall be three plus-bedroom dwellings.	Not applicable	Not applicable
	A mix of unit sizes in multi-level developments should be located on the ground floor where accessibility is easily achieved for families and the elderly	<p>Not applicable</p> <p>As a mixed-use development with shop-top housing, the ground floor of the proposed development is to comprise of active uses, such as retail and commercial uses, lobbies and loading docks.</p>	Appendix F



Statutory Reference	Consideration	Response	Section in EIS
Part C – Development in Business Zones			
Part 3 – Objectives and Controls			
3.1 Lot size and frontage	Unless otherwise stated as site specific controls in this DCP, the minimum lot frontage for shop top housing development within Zone B2 Local Centre and Zone B4 Mixed Use shall be: <ul style="list-style-type: none"> • up to 3 storeys: 20m; and • 4 storeys or greater: 30m 	Complies All site frontages exceed 30 metres.	Appendix f Appendix I
	Lot size and frontage shall provide an appropriate site configuration that achieves: <ul style="list-style-type: none"> • adequate car parking area and manoeuvring for vehicles in accordance with AS2890; • ground level frontage that is activated and not dominated by access apertures to car parking areas; and • the required setbacks and building separation set out by this DCP or the Apartment Design Guide 	Complies All carparking areas are located within 4 basement levels. Access is limited to two driveway access points from laneways, which will service the carpark and loading zone and vehicular access/manoeuvring areas. Vehicular. All areas are designed in accordance with Australian Standards. Reference is made to the architectural plans (Appendix F) and TPA (Appendix P) for further details.	Appendix O Appendix P
	Council may require the consolidation of more than 1 existing land holding to be undertaken in order to meet all the requirements of this development control plan.	Complies The proposed development contains the consolidation of five allotments.	Appendix E Appendix K
	Commercial development is not permitted on battle-axe lots.	Not applicable	Not applicable
	In instances where lot amalgamation in order to meet the requirements of this DCP cannot be achieved, refer to Part A3 of this DCP.	Noted Not applicable; as the site has four road frontages, amalgamation beyond that proposed is not possible.	Not applicable
3.2 Setbacks and separation	Front Setback: Nil (except for B1 Neighbourhood Centre zoned land). A greater setback may be required to align with the predominant street setback.	Not applicable While reference is made to the architectural plans for setbacks, for a compliance assessment reference is made to the precinct specific DCP controls within Part F2 of the DCP (see below).	Not applicable



Statutory Reference	Consideration	Response	Section in EIS
	For B2 and B4 zones, or unless otherwise stated in site specific controls within this DCP, a street wall height (i.e. podium height) of 3 storeys with a zero setback to the street is required.	Not applicable As above.	Not applicable
	A minimum 3m setback shall be provided for levels above the street wall height for the podium	Not applicable As above.	Not applicable
	Levels above street wall height are to be setback to ensure visual separation. This may be achieved through upper-level setbacks, material variances and/or horizontal recesses.	Complies The building's design, which includes upper-level setbacks and material variances, will create visual separation from the podium and the residential components of the building.	Appendix F Appendix G Appendix H
	Council may require alternative street wall heights and setbacks where compatibility with the existing prevailing built form within the immediate context can be demonstrated or is necessary.	Noted	Not applicable
	Where a site adjoins any residential zone (and not separated by a road), the side setback shall be a minimum of 3m	Not applicable The site is adjoined by E2 Commercial Centre zoning on all sides, noting that the site is also separated from those sites by surrounding roads.	Not applicable
	Rear Setback: 15% of site length where boundary adjoins a residential development or a residential zone.	Not applicable As above.	Not applicable
3.3 Landscaping and open space	Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent streetscape character.	Complies Landscaping (both at street level and on varying levels of the building) will both reinforce the desired future character of the transitioning streetscape, and forms an integral part of the overall design. Reference is made to the architectural plans (Appendix F), landscape Plans (Appendix I) ADR (Appendix G) and the Landscape Architectural Design Report (Appendix J) for further details.	Sections 3.6 & 6.10.2 Appendix F Appendix I Appendix G Appendix J
Landscaping is to form an integral part of the overall design concept	Not applicable At grade parking is not proposed.		
	At grade car parking areas, particularly large areas, shall be landscaped so as to break up large expanses of paving. Landscaping shall be required around the perimeter and within large car parks.		



Statutory Reference	Consideration	Response	Section in EIS
	In open parking areas, 1 shade tree per 10 spaces shall be planted within the parking area.	Not applicable As above.	Not applicable
	Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security	Not applicable Ground level fencing is not proposed.	Not applicable
	Paving and other hard surfaces shall be consistent with architectural elements	Complies The paving proposed around the site is to be consistent with the architectural elements of the site. Reference is made to the architectural plans (Appendix F), landscape Plans (Appendix I) and the ADR (Appendix G) for further details.	Sections 2.4 & 6.10.2.1 Appendix F Appendix I Appendix G
	For developments with communal open space, a garden, maintenance and storage area are to be provided, which is efficient and convenient to use and is connected to water for irrigation and drainage	Complies Suitable onsite storage facilities are provided, and connections will be made as required for landscape irrigation.	Appendix F
	Street trees shall be planted at a rate of 1 tree per 10 lineal metres of street frontage, even in cases where a site has more than 1 street frontage, excluding frontage to laneways.	Complies Refer to the public space analysis on the Landscape Plan (Appendix I) and Landscape Architectural Design Report for further detail (Appendix I)	Appendix H Appendix I
	Street tree planning shall be consistent with the relevant Public Domain Plan, strategy, plan, guideline or policy.	Complies Proposed street tree planting is consistent with the Public Domain Plan. Refer to the public space analysis on the Landscape Plan (Appendix I) and Landscape Architectural Design Report for further detail (Appendix j).	Appendix I Appendix J
	Significant existing street trees shall be conserved. Where there is an absence of existing street trees, additional trees shall be planted to ensure that the existing streetscape is maintained and enhanced.	Not applicable The single street tree proposed to be removed is required due to its	Sections 1 & 6.6.2 Appendix F



Statutory Reference	Consideration	Response	Section in EIS
		location within the footprint of proposed works, and will be replaced with another street tree. As demonstrated by the AIA (Appendix AP), the tree to be removed is not of landscaped significance, and street trees in proximity to the site will be retained and protected during works. Further the landscape plans show that additional street tree planting is proposed within all other road frontages (noting that they do not currently contain trees) to further improve the public domain.	Appendix I Appendix AP
	Vehicular driveways shall be located a minimum of 3m from the outside edge of the trunk measured 1m above the existing ground level of any street tree to be retained.	Complies There are no existing street trees within Milne and Reyes Lanes.	Appendix F Appendix I
	Services shall be located to preserve significant trees.	Not applicable There are no significant trees located on the site, nor is it proposed to remove the street tree for service provisioning.	Not applicable
	At the time of planting, street trees shall have a minimum container size of 200 litres and a minimum height of 3.5m, subject to species availability.	Variation sought Street trees to be planted will have container sizes of 100L, however the landscape architect has advised that such sizes are sufficient for the appropriate establishment and growth of those street trees. and a minimum height of 3 metres	Appendix I Appendix J
	Where buildings are set back from the street, the resulting open space shall provide usable open space for pedestrians.	Complies Proposed ground level setbacks towards the northern side of the ground floor and public domain upgrades will provide usable open space for pedestrians.	Appendix F Appendix I
	Open space areas are to be paved in a manner to match existing paving or to suit the architectural treatment of the proposed development	Complies Open space areas will be paved in a manner to match existing paving or to suit the architectural treatment of the proposed development.	Appendix I Appendix J



Statutory Reference	Consideration	Response	Section in EIS
3.4 Public Art	Public art is encouraged to be provided within the business centres, in accordance with Council's relevant adopted Policy	Noted	Noted
	Public art provided shall develop the cultural identity of the community and reflect the culture of the community		
	Artworks shall be integrated into the design of buildings and the landscape.		
3.5 Streetscapes	New shopfronts shall be constructed in materials which complement the existing or emerging character of the area.	Complies The design of ground floor retail promises will be finished with external materials and colours that match the remainder of the building. Further reference is made to the architectural plans (Appendix F) and ARV (Appendix G) for details.	Appendix F Appendix G
	Development shall provide direct access between the footpath and the shop.	Complies	Appendix F Appendix I Appendix J
	Security bars, and roller shutters are not permitted; however, transparent security grilles of lightweight material may be used.	Complies Not proposed.	Appendix F Appendix G
	Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality	Not applicable The embellishment of shop fronts will form part of future development applications.	Not applicable
	Require buildings at visually significant locations to be well designed and respond to the different characteristics of the streets at the address.	Complies In addition to providing design excellence, the proposed development will address all street frontages (in particular the intersection with Pitt and McFarlane Streets). As demonstrated by the architectural plans, the design provides for a highly articulated and diversified building form that consists of 3 small floor plates organised around a central core, like the petals of a flower, with each floor plate responding to different frontages and associated site	Appendix F Appendix G Appendix I Appendix J



Statutory Reference	Consideration	Response	Section in EIS
		<p>opportunities.</p> <p>The podium is articulated to reference smaller shops on surrounding sites that characterise the town centre, while assimilating with existing street walls, to reinforce its position as the corner of the urban block.</p> <p>The tower utilises simple, effective, and smart design solutions to respond to the various considerations of being in an urban context. Further reference is made to the architectural plans (Appendix F) and ARV (Appendix G) for details about how the development responds to the site's conditions.</p>	
	<p>Development on corner sites will be required to accommodate a splay corner to facilitate improved traffic conditions.</p>	<p>Not applicable</p> <p>The existing corner splay at the intersection of Pitt and McFarlane Streets will remain unchanged.</p>	<p>Not applicable</p>
	<p>Buildings on corners must address both frontages to the street and/or public realm to:</p> <ul style="list-style-type: none"> • articulate street corners by massing and building articulation, to add variety and interest to the street; • present each frontage of a corner building as a main street frontage, reflect the architecture, hierarchy and characteristics of the streets they address, and align and reflect the corner conditions; and • development on corner sites will require land to be dedicated to accommodate a splay corner to facilitate improved traffic conditions 	<p>Complies</p> <p>The proposed design provides appropriate articulation to present streetscape variety and interest, in particular to the intersection at Pitt and McFarlane Streets in accordance with SDRP guidance. Further reference is made to the architectural plans (Appendix F) and ARV (Appendix G) for details about how the design responds to the site's frontages, in referencing such responses, reference is made to the design responses to the SDRP's feedback.</p>	<p>Appendix F Appendix G</p>
<p>3.6 Building use</p>	<p>Ground floor uses in business zones are to comprise non-residential uses.</p>	<p>Complies</p> <p>There are no residential uses to be located on the ground floor.</p>	<p>Appendix F Appendix G</p>
<p>3.7 Façade design, shopfront and materials</p>	<p>Facade proportions and vertical and horizontal emphasis shall be appropriate to the scale of development and its interaction with the streetscape. Vertical emphasis shall be incorporated above awnings</p>	<p>Complies</p> <p>Noting the 'three petal' approach adopted for the proposed tower, the design utilises simple, effective, and smart solutions to respond to the various considerations of being in an urban context. Vertical</p>	<p>Appendix F Appendix G</p>



Statutory Reference	Consideration	Response	Section in EIS
		articulation at higher levels will be provided by the smaller 'petal' floorplates, while at lower levels, solid full height balustrades provide horizontal features that will also prevent views from the public domain into apartments, protecting resident privacy amenity. Refer to the Architectural Design Report (Appendix G) for further detail.	
	Building facades at street level along primary streets and public places consist of a minimum of 80% for windows/glazed areas and building and tenancy entries.	Complies Refer to the architectural plans (Appendix F) and the Environmentally Sustainable Design Report (Appendix AK) for further detail.	Appendix F Appendix AK
	Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.	Complies Refer to the external material and colour schedule for further details.	Appendix F Appendix G
	Building services, such as drainage pipes, shall be coordinated and integrated with overall façade and balcony design.	Complies Building services and plant rooms are concealed within the building basements, mezzanine levels, rooftop areas and external envelope.	Appendix F
	Ventilation louvres and carpark entry doors shall be integrated with the design of the overall façade.	Complies The proposed loading dock and carpark entry door has been integrated into the design of the overall façade and uses a palette of materials that suits the overall building.	Appendix F Appendix G
	Security devices fitted to building entrances and windows shall be transparent to allow for natural surveillance, and made of light weight material	Noted.	-



Statutory Reference	Consideration	Response	Section in EIS
	The ground floor level must have active uses facing streets and public open spaces.	<p>Complies</p> <p>The ground floor level consists of retail uses that face three of the four street fronts of the site. The loading dock and car park entrance faces the rear of the site to maximise the active street front potential.</p>	<p>Appendix F Appendix G</p>
	Retail outlets and restaurants are located at the street frontage on the ground level	<p>Complies</p> <p>Retail uses will be sited on the development's ground floor.</p>	<p>Appendix F Appendix G Appendix I</p>
	Where possible, offices should be located at first floor level or above	<p>Complies</p> <p>Commercial (i.e. office-type) uses will be sited on Levels 1 and 2.</p>	<p>Appendix F Appendix G</p>
	A separate and defined entry shall be provided for each use within a mixed-use development.	<p>Complies</p> <p>Separate residential and commercial lobbies lobby are proposed, with entrances from both the Pitt Street and Reyes Lane frontages and the internal cross-through link.</p>	<p>Appendix F Appendix G</p>
	Street and tenancy numbers shall be located on shopfronts and awnings and shall be clearly visible from the street.	<p>To comply</p> <p>Refer to the architectural drawings (Appendix E) for further detail.</p>	<p>Appendix F</p>
	Solid roller shutters and security bars, either internal or external, that block out or obscure windows or entrances, are not permitted.	<p>Complies</p> <p>Solid roller shutters or security bars are not proposed.</p>	<p>Appendix F Appendix G</p>
	High quality design, construction and materials shall be implemented to ensure the building has a long life and requires low maintenance.	<p>Complies</p> <p>All external materials will comprise of durable and high-quality surfaces (e.g. precast panels, AAC panels, aluminium ancillaries, etc.), to provide long-life and low maintenance façades.</p>	<p>Appendix G Appendix AK</p>



Statutory Reference	Consideration	Response	Section in EIS
	<p>Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building</p> <p>New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the locality. Active street frontages are to maximise the use of glazing.</p>	<p>Complies</p> <p>The surrounding area of the site is currently undergoing transformation from low-medium rise buildings to high density residential and mixed-use buildings. A variety of external colours have been selected that:</p> <ul style="list-style-type: none"> • Contrasts the relationship of the podium to the tower above, • Does not contribute to urban heat, and • Has been informed by feedback from the Burramattagal Knowledge Holders and Elders who helped refine the inspiration to have a more direct connection to country through a deeper understanding of the cultural heritage of the area. 	<p>Appendix F Appendix G Appendix AF</p>
	<p>All street frontage windows located at ground floor level are to be clear glazing</p>	<p>Complies</p> <p>All street frontage windows will utilise clear glazing windows.</p>	<p>Appendix F Appendix G</p>
	<p>Building finishes should not result in causing glare that creates a nuisance and hazard for pedestrians and motorists in the centre.</p>	<p>Complies</p> <p>None of the materials proposed in the materials schedule as described in the ADR will be prone to glare.</p>	<p>Appendix F Appendix G</p>
	<p>For advertising on shopfronts, refer to Part G1 of this DCP.</p>	<p>Noted</p>	<p>-</p>
<p>3.8 Ceiling heights</p>	<p>The minimum finished floor level (FFL) to finished ceiling level (FCL) in a commercial building, or the commercial component of a building, shall be as follows:</p> <ul style="list-style-type: none"> • 3.5m for ground level (regardless of the type of development); and • 3.3m for all commercial/retail levels above ground level. 	<p>Complies</p> <p>All proposed retail and commercial tenancies on the Ground Level and Levels 1 and 2 exceed minimum ceiling height requirements.</p>	<p>Appendix F</p>



Statutory Reference	Consideration	Response	Section in EIS
	Refer to the ADG for minimum ceiling heights for all residential levels above ground floor in mixed use developments.	<p>Noted</p> <p>An ADG assessment is provided in the ADR (Appendix G)</p>	Appendix G
3.9 Roof design	<p>Design of the roof shall achieve the following:</p> <ul style="list-style-type: none"> • concealment of lift overruns and service plants; • presentation of an interesting skyline; • enhancing views from adjoining developments and public places; and • complement the scale of the building and surrounding development 	<p>Complies</p> <p>The roof has been designed to conceal lift overruns and service plants. An Acoustic screen is provided to mitigate the acoustic impacts of the mechanical plant. The roof form does not protrude, does not increase the perceived bulk and scale of the building and does not affect views to/from surrounding sites and public areas.</p>	<p>Appendix F Appendix G Appendix AE</p>
Roof forms shall not be designed to add to the perceived height and bulk of the building.	<p>Complies</p> <p>1.5-metre-tall impermeable balustrades are proposed around the open spaces on Levels 3, 29 and 31. 2-metre-tall end screens are proposed on the southern corners of the Level 3 open space area. Shading structures are also proposed in these communal open spaces. Reference is also made to the recommended design and mitigation measures within Pedestrian Wind Environment Assessment (Appendix AC).</p>		
Communal open space, lift overruns and service plants shall be set back from the building edge so as to be concealed.	<p>Complies</p> <p>The Level 3, 29 and 31 communal open space areas are sufficiently set back, in combination with balustrade and landscaping to enable concealment. The rooftop plant area has setbacks of more than two metres to the edges of the tower to enable concealment from communal open space areas, surrounding sites and the public domain.</p>	<p>Appendix F Appendix G</p>	



Statutory Reference	Consideration	Response	Section in EIS
	<p>Roof design is to respond to the orientation of the site, through using eaves and skillion roofs to respond to sun access.</p>	<p>Complies The roof designs appropriately respond to site orientation.</p>	<p>Appendix F Appendix G</p>
	<p>Consideration should be given to facilitating the use of roofs for sustainable functions, such as:</p> <ul style="list-style-type: none"> • installing rain water tanks for water conservation; • orient and angle roof surfaces suitable for photovoltaic applications; and • allow for future innovative design solutions such as water features or green roofs. 	<p>Complies Photovoltaic panels are proposed on the roof which contribute to the development’s environmental sustainability outcomes. Reference is made to the architectural plans (Appendix F) BASIX Certificate (Appendix AJ) and the ESD report (Appendix AK) for further details.</p>	<p>Appendix F Appendix AJ Appendix AK</p>
<p>3.10 Awnings</p>	<p>Continuous awnings are required to be provided to all active street frontages (except laneways).</p> <p>Awnings generally:</p> <ul style="list-style-type: none"> • should be flat; • must be a minimum 2.4m deep; • are to be setback up to 1.2m from kerb to allow for clearance of street furniture, trees, and other public amenity elements; • have a minimum soffit height of 3.2m; and • have slim vertical fascias and/or eaves not to exceed 300mm. <p>Awnings on street corner buildings shall wrap around corners.</p>	<p>Complies</p> <p>Refer to the architectural plans (Appendix F) and ADR (Appendix G) for details regarding compliance.</p>	<p>Appendix F Appendix G</p>
	<p>Awning design must match building facades and be complementary to those of adjoining buildings and maintain continuity.</p>	<p>Complies</p> <p>The continuous awning provided will be is consistent with likely future street character. The proposed depth and height provide protection from the elements and the proposed powder coat aluminium finish complements the surrounding commercial and mixed-use context. Refer to the architectural plans (Appendix F) and ADR (Appendix G) for further details.</p>	<p>Appendix F Appendix G</p>



Statutory Reference	Consideration	Response	Section in EIS
	Canvas blinds along the street edge are not permitted.	Noted	-
	Awnings are to be located over all building entries to indicate entry points	Complies Refer to the elevation plans within the architectural set (Appendix F) and ADR (Appendix G) for further details.	Appendix F Appendix G
	In the event of separated buildings, awnings should be complementary to each other in regard to size, design and location.	Not applicable	Not applicable
	Awning design shall have consideration of growth pattern of mature trees. Cut outs or offsets in awnings for trees and light poles are not acceptable.	Complies Awning design has made provision for the establishment and growth of proposed street trees.	Appendix F Appendix I
	Lighting fixtures shall be recessed into the design, with all wiring and conduits to be concealed.	To comply Subject to inclusion within detailed design plans, and can be the subject of a condition(s) of consent in the vent of approval if required.	-
	The drainage from stormwater from awnings is not to be visible from the footpath and it is to be concealed or recessed into the ground floor frontage of the building	Complies All stormwater management will be concealed from public view.	Appendix F Appendix S Appendix K
	Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development	Complies Refer to the Architectural Plans for further detail (Appendix F).	Appendix F
	Awnings shall provide weather protection and must not be perforated.		



Statutory Reference	Consideration	Response	Section in EIS
3.11 Visual and acoustic privacy	New development shall be located and oriented to maximise visual privacy between buildings on site and adjacent buildings, by providing adequate building setbacks and separation.	<p>Complies</p> <p>The proposal has been designed with regard to DCP and ADG building setback and separation requirements. The proposal has also appropriately placed and designed habitable areas and balconies to ensure visual privacy.</p>	<p>Appendix F Appendix G Appendix H</p>
	Residential components of mixed-use developments are to comply with the controls in Part B of this DCP and the Apartment Design Guide (as applicable).	<p>Complies</p> <p>Refer to the ADG compliance assessment as provided in the Architectural Design Report (Appendix F) and Design Verification Report (Appendix G).</p>	<p>Section 6.23 Appendix F Appendix G</p>
	Conflicts between noise, outlook and views are to be resolved by using design measures, such as double glazing, operable screened balconies and continuous walls to ground level courtyards, where they do not conflict with streetscape or other amenity requirements.	<p>Complies</p> <p>Mitigation measures are provided for the proposal to ensure that noise, outlook and view impacts are addressed adequately. Refer to Appendix C, and relevant consultant plans reports referenced within that Appendix, where they apply to relevant design matters.</p>	<p>Appendix C</p>
	Where commercial/office uses and residential uses are located adjacent to each other, air conditioning units, buildings entries and the design and layout of areas serving after hours uses shall be located and designed to minimise any acoustic conflicts.	<p>Complies</p> <p>Commercial/retail and residential uses are separated on different levels, and have separate building entrances and lobbies.</p>	<p>Appendix F</p>
	Developments shall be designed to minimise the impact of noise associated with uses whose hours may extend outside of normal business hours, including restaurants and cafes. Operation includes loading/unloading of goods/materials, and the use of plant and equipment at a proposed commercial premise.	<p>Complies</p> <p>The operating hours of certain non-residential activities are subject to mitigation measures detailed within the submitted Acoustic Report (Appendix AD), noting that future occupation and use applications may also be subject to separate operating recommendations, subject to future assessment.</p>	<p>Appendix AE</p>



Statutory Reference	Consideration	Response	Section in EIS
	Mixed use developments shall be designed to locate driveways, carports or garages away from bedrooms	<p>Complies</p> <p>Vehicular access facilitates are to be located away from residences, noting that no residences are proposed on the Ground Floor.</p>	Appendix F
	Mechanical plant must be visually and acoustically isolated from residential uses.	<p>Complies</p> <p>Building services and plant rooms are concealed within the basements, mezzanine levels and rooftop where possible. Most bedrooms are located away from noise sources. Where they are near noise sources, openings have been carefully considered and controlled to mitigate acoustic intrusion. Reference is made to the submitted acoustic Report (Appendix AE) for further details.</p>	Appendix F Appendix AE
	<p>New development shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines as applicable for noise, vibration and quality assurance. This includes:</p> <ul style="list-style-type: none"> • Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 – Interim Guidelines; • NSW Noise Policy for Industry; • Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and • NSW Road Noise Policy. 	<p>Complies</p> <p>An Acoustic Assessment (Appendix AE) has been prepared to demonstrate how the development and has considered relevant regulations and guidelines in designing the building to ensure appropriate acoustic amenity.</p>	Appendix AE
3.12 Hours of operation	<p>Where no existing hours of operation or conditions exist, the retail and/or commercial development are to operate within the following hours:</p> <ul style="list-style-type: none"> • 6.00 am to 10.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday; or • 7.00 am to 9.00 pm Monday to Saturday and no operation on a Sunday or a public holiday, for development adjoining or is opposite a residential lot within a residential zone. 	<p>Variation sought</p> <p>The operating hours of certain non-residential activities are subject to mitigation measures detailed within the submitted Acoustic Report (Appendix AE). Some recommendations regarding operational hours are beyond those specified by this control, however the Acoustic report advises that such hours will not give rise to adverse acoustic impacts, both on the site and surrounding sites. Future occupation and use applications may also be subject to separate operating recommendations, subject to future assessment.</p>	Appendix AE



Statutory Reference	Consideration	Response	Section in EIS
	<p>For hours extending outside the times identified in C1, applicants must demonstrate that noise, amenity and light impacts and crime prevention factors have been considered and addressed, through the submission of the following reports for assessment:</p> <ul style="list-style-type: none"> • acoustic report (Note: for developments in town centres where there is no residential development within close proximity of the development site, Council may consider waiving the need for an acoustic report for hours of operation up to midnight); • Crime Prevention Through Environmental Design (CPTED) report; and • Plan of Management. 	<p>Complies</p> <p>Reference is made to the submitted Acoustic Report (Appendix AE) for details regarding how amenity will be maintained. Future occupation and use applications may also be subject to separate operating recommendations (contained within separate acoustic reporting, CPTED reporting and/or plans of management), subject to future assessment.</p>	<p>Appendix AE</p>
<p>3.13 Solar access</p>	<p>Developments shall be designed to maximise northern aspects for residential and commercial uses.</p> <p>The living rooms and private open spaces for at least 70% of dwellings on neighbouring sites shall receive a minimum of 3 hours of direct sunlight between 8am and 4pm in midwinter.</p> <p>Developments shall be designed to control shading and glare.</p> <p>Shadow diagrams (plan and elevation) shall accompany development applications for buildings, to demonstrate that the proposal will not reduce sunlight to less than 3 hours between 8am and 4pm on 21 June.</p>	<p>Complies</p> <p>The proposed development satisfies relevant ADG criteria for solar access, with 71% of apartments receiving a minimum of 2 hours of solar access between 9am – 3pm mid-winter. 12% of apartments will not receiving adequate solar access (which complies with the maximum 15% requirement).</p> <p>Complies</p> <p>Sun shading is incorporated into the façade design to control solar access into units and minimise glare. Reference is made to the glare control measures contained within the ADR (Appendix G) for further details.</p> <p>Complies</p> <p>Detailed solar access and shadow analyses have been undertaken, with reference made to the architectural plans (Appendix F) for further detail. The overall building envelope, height and massing were established by a proponent-led design excellence competition process, with further refinements made following advice from the SDRP, noting that the SDRP minutes did not raise any concerns</p>	<p>Appendix F Appendix G Appendix H</p> <p>Appendix F Appendix G Appendix H</p> <p>Section 6.6.1 Appendix F</p>



Statutory Reference	Consideration	Response	Section in EIS
		<p>regarding solar access. To briefly summarise, the resultant shadows to be cast in mid-winter will swing quickly from the southwest to the southeast throughout the day in mid-winter. Whilst the development will resultantly cast shadows on likely future development 153-159 Merrylands Road, it is likely that majority of future development on that site will still obtain direct solar access prior to 10:00am and after 1:00pm on June 21. The solar analyses also demonstrates that other surrounding sites within the broader locality will be affected to a lesser degree on June 21.</p>	
3.14 Natural ventilation	Natural ventilation is incorporated into the building design.	<p>Complies</p> <p>The proposed apartments have mostly been designed with integrated operable windows and/or multiple aspects to facilitate natural ventilation where possible. The design resultantly enables:</p> <ul style="list-style-type: none"> • 27 (i.e. 61.4%) of the apartments within the first nine levels of the building to be naturally ventilated, and • 224 (i.e. 90.12%) of all apartments within the residential tower to be naturally ventilated. <p>The proposed development subsequently satisfies ADG requirements regarding and in the Natural Ventilation Statement (Appendix AC).</p>	Section 6.5.2 Appendix F Appendix AC
	Orient buildings to maximise prevailing breezes.	<p>Complies</p> <p>Apartments are predominantly oriented towards the North, East and West. This allows the apartments to shield from the south-western breezes during winter months, and capture north-eastern breezes during summer months.</p>	Appendix F Appendix G Appendix AD
3.15 Building Maintenance	Windows shall be designed to enable cleaning from inside the building.	<p>Complies</p> <p>All sliding doors to living areas can be safely accessed and cleaned from private open spaces. All elevated windows will be cleaned by way of professional abseiling, from the roof terrace. Material</p>	Appendix F Appendix G Appendix H



Statutory Reference	Consideration	Response	Section in EIS
		selection will also minimise maintenance and upkeep.	
	Durable materials, which are easily cleaned and graffiti resistant, are to be selected	<p>Complies</p> <p>Façade materials selected are robust and low maintenance. At street level, anti-graffiti coatings will be used on façade materials to prevent potential vandalism.</p>	<p>Appendix F Appendix G Appendix H</p>
3.16 Energy efficiency	Improve the control of mechanical space heating and cooling by designing heating/ cooling systems to target only those spaces which require heating or cooling, not the whole building.	<p>Complies</p> <p>Heating/cooling systems are designed and installed to target only spaces that require it. The proposed development has also been designed to ensure adequate winter sunlight to reduce energy use for heating.</p>	<p>Appendix AK Appendix A</p>
	<p>Improve the efficiency of hot water systems by:</p> <ul style="list-style-type: none"> • encouraging the use of solar powered hot water systems. Solar and heat pump systems must be eligible for at least 24 Renewable Energy Certificates (RECs) and domestic type gas systems must have a minimum 3.5-star energy efficiency rating; • insulating hot water systems; and • installing water saving devices, such as flow regulators, 3 stars Water Efficiency Labelling and Standards Scheme (WELS Scheme) rated shower heads, dual flush toilets and tap aerators. 	<p>Complies</p> <p>A central system electric heat pump hot water is proposed to reduce reliance on gas.</p> <p>Water efficient fittings and appliances will be installed to the following requirements:</p> <ul style="list-style-type: none"> • Showers: minimum 4 stars for dwellings • Toilets: minimum 5 stars • Kitchen taps: minimum 5 stars • Hand wash basin taps: minimum 5 stars 	<p>Appendix AJ Appendix AK</p>
	Reduce reliance on artificial lighting and design lighting systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building.	<p>Complies</p> <p>Overall building and apartment design has sought to minimise artificial lighting where possible. Additional energy saving measures such as LED lighting, artificial lighting/control and sensor lighting in common areas) are also proposed.</p>	<p>Appendix AJ Appendix AK</p>



Statutory Reference	Consideration	Response	Section in EIS
	<p>Incorporate a timing system to automatically control the use of lighting throughout the building</p>	<p>Complies</p> <p>Sensor lighting systems in common areas are proposed.</p>	<p>Appendix AJ Appendix AK</p>
	<p>All non-residential development Class 5-9 will need to comply with the Building Code of Australia energy efficiency provisions.</p>	<p>Complies</p> <p>Non-residential parts of the building will comply with Section J and other parts of the BCA as required; refer to the ESD and BCA reports (Appendices AH and AK) for further detail.</p>	<p>Appendix AH Appendix AK</p>
	<p>An Energy Efficiency Report from a suitably qualified consultant that demonstrates a commitment to achieve no less than 4 stars under the Australian Building Greenhouse Rating Scheme or equivalent must be provided for all commercial and industrial development with a construction cost of over \$5 million.</p>	<p>Complies</p> <p>Refer to the ESD report (Appendix AK) for further details.</p>	<p>Appendix AK</p>
<p>3.17 Water efficiency</p>	<p>New developments shall connect to recycled water if serviced by a dual reticulation system for permitted non potable uses, such as toilet flushing, irrigation, car washing, firefighting and other suitable purposes.</p>	<p>Complies</p> <p>The development includes on site central alternative water supply.</p>	<p>Appendix AK Appendix S</p>
	<p>Where a property is not serviced by a dual reticulation system, development shall include an onsite rainwater harvesting system or an onsite reusable water resource for permitted non potable uses, such as toilet flushing, irrigation, car washing, firefighting and other suitable purposes. Rainwater tanks shall be installed as part of all new development in accordance with the following:</p> <ul style="list-style-type: none"> • the rainwater tank shall comply with the relevant Australian Standards; • the rainwater tank shall be constructed, treated or finished in a non-reflective material that blends in with the overall tones and colours of the subject and surrounding development; • rainwater tanks shall be permitted in basements provided that the tank meets applicable Australian Standards; 	<p>Complies</p> <p>An onsite rainwater harvesting for non-potable uses (e.g. toilets, irrigation, washdown, firefighting) is proposed. Refer to the submitted BASIX certificate for further details.</p>	<p>Appendix K Appendix AK</p>



Statutory Reference	Consideration	Response	Section in EIS
	<ul style="list-style-type: none"> the suitability of any type of rainwater tanks erected within the setback area of development shall be assessed on an individual case by case basis. Rainwater tanks shall not be located within the front setback; and the overflow from rainwater tanks shall discharge to the site stormwater disposal system. For details, refer to the Stormwater Drainage Part G4 of this DCP. 		
3.18 Wind mitigation	Site design for tall buildings (towers) shall: <ul style="list-style-type: none"> set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower; ensure that tower buildings are well spaced from each other to allow breezes to penetrate local centres; consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level; and ensure usability of open terraces and balconies. 	Complies A Pedestrian Wind Environment Assessment (Appendix AC) has modelled wind impacts and provided mitigation measures to minimise wind impacts for residences, onsite common areas (such as communal open space areas) and pedestrian walkways around the site.	Section 6.6.2 Appendix AC
	A Wind Effects Report including results of a wind tunnel test is to be submitted with the DA for all buildings greater than 35m in height.	Variation sought While wind tunnel testing has not been undertaken, the submitted Pedestrian Wind Environment Assessment (Appendix AC) has included an analysis on wind effects, and provides area-specific mitigation measures around the building to address wind impacts.	Section 6.6.2 Appendix AC
3.20 Safety and Security	Development shall address and be consistent with Council's policy on Crime Prevention Through Environmental Design (CPTED principles). The CPTED analysis is to consider the key CPTED principles and address relevant controls set out in this section.	Complies The design of the building has incorporated CPTED principles. Refer to assessments below.	Appendix F Appendix G
	Buildings (including openings) adjacent to streets or public spaces shall be designed to overlook and allow passive surveillance over the public domain and common areas (i.e. lobbies and foyers, hallways, recreation areas and carparks).	Complies The design of the building addresses relevant CPTED considerations include (but are not limited to) the following:	Appendix F Appendix G



Statutory Reference	Consideration	Response	Section in EIS
	<p>The main entry to a building should face the street.</p> <p>All entrances and exits shall be made clearly visible from the public realm or communal open space to which they face.</p> <p>Landscaping and plantings are to be designed to provide uninterrupted sight lines and avoid opportunities for concealment.</p> <p>Building entrances, exits, urban public spaces and other main pedestrian routes of travel are required to be appropriately illuminated to minimise shadows and concealment of spaces.</p> <p>Hidden recesses along or off pedestrian access routes within car parks shall be avoided.</p> <p>CCTV security monitoring of a high-definition quality is to be provided.</p> <p>Blind or dark alcoves near lifts and stairwells, at the entrance and within carparks along corridors and walkways are not permitted.</p> <p>Secure entries shall be provided to all entrances to private areas, including car parks and internal courtyards.</p>	<ul style="list-style-type: none"> • Clear identification of building entrances, • Avoidance of alcoves and landscaping to prevent areas of concealment, • Secured building entrance points, • Opportunities for suitable internal and external lighting, • Avoidance of internal recesses where possible, and • The provision of secure communal areas and onsite parking. 	
	<p>Commercial uses must be separated from residential uses in mixed use developments where access (e.g. lifts) is shared.</p> <p>Entrances to upper-level residential apartments are to be separated from commercial / ground floor entrances to provide security and identifiable addresses.</p>	<p>Complies</p> <p>Separate lobbies and lifts are provided for residential and non-residential uses.</p>	<p>Appendix F</p>
	<p>Shared pedestrian entries to buildings shall be lockable.</p> <p>Clear sightlines are to be provided from building entrances, foyers and lobbies into the public realm.</p>	<p>Complies</p> <p>All common pedestrian entries via lobbies include secured access, with direct sightlines provided to/from the street and through site link. The through site link has also been designed to provide clear</p>	<p>Appendix F Appendix G</p>



Statutory Reference	Consideration	Response	Section in EIS
		sightlines from street to street and passive surveillance from the retail, commercial and residential uses.	
	<p>Loading docks and service entry in the vicinity of main entry areas shall be secured outside business hours</p> <p>Access to a loading dock, car parking or other restricted areas in a building shall only be available to occupants or users via a large security door with an intercom, code, or card lock system.</p>	<p>Complies</p> <p>The entries are well lit, naturally during the day, and will have security surveillance and intercom to identify visitors to the building complex. Access to the basement car parking and loading dock will be secured by means of a gate at all times.</p>	<p>Appendix F Appendix G</p>
	<p>Adequate lighting shall be provided within a development, such as pedestrian routes and accessways, common areas and communal open space, car parking areas, all entries and under awnings. Timers and motion sensors may be implemented where appropriate to reduce energy consumption.</p> <p>Pedestrian walkways and car parking shall be direct, clearly defined, visible and provided with adequate lighting, particularly those used at night.</p>	<p>To comply</p> <p>Subject to detailed design measures, noting that submitted BASIX Certificate (Appendix AJ) makes provision for sensor lighting within common areas and parking areas.</p>	<p>Appendix F Appendix AJ</p>
	<p>Lighting shall be provided to highlight the architectural features of a building and enhance the identity and safety of the public domain, but does not floodlight the façade and avoids shadows.</p> <p>Illumination in carparks and building entrances should draw attention to the spaces to increase perceived safety.</p> <p>Lighting shall not interfere with the amenity of residents or affect the safety of motorists. Excessive lighting shall not be permitted.</p>	<p>To comply</p> <p>As above, noting that external lighting will be installed in accordance with Australian Standards to avoid affecting surrounding road users.</p>	<p>-</p>
	<p>Site planning shall provide clear definition of territory and ownership of all private, semi-public and public places</p>	<p>Complies</p> <p>The design provides for clear delineation between the private and public domains.</p>	<p>Appendix F</p>



Statutory Reference	Consideration	Response	Section in EIS
	Demarcate safe routes for pedestrians in car parking areas, using floor markings, ceiling lights and dedicated pedestrian paths.		
3.21 Pedestrian access and building entry	The design of buildings shall comply with Australian Standards for Access and Mobility.	<p>Complies</p> <p>The design of the building is in accordance with relevant Australian Standards.</p> <p>Refer to the submitted architectural plans (Appendix F), BCA Report (Appendix AH) and Accessibility report (Appendix AI) for further information.</p>	<p>Appendix E Appendix AH Appendix AI</p>
	Access to public areas of buildings shall not have unnecessary barriers or obstructions including uneven and slippery surfaces, steep stairs and ramps, narrow doorways, paths and corridors.	<p>Complies</p> <p>The design of circulation areas within the building are in accordance with relevant Australian Standards.</p>	<p>Appendix E Appendix AH Appendix AI</p>
	Developments must provide continuous paths of travel from all public roads and spaces, as well as unimpeded internal access.	<p>Refer to the submitted architectural plans (Appendix F), BCA Report (Appendix AH) and Accessibility report (Appendix AI) for further information.</p>	
	Separate entries from the street are to be provided for cars, pedestrians, multiple uses (commercial and residential) and ground floor apartments.		
	Entries and associated circulation space is to be of an adequate size to allow movement of furniture.		
	Provision of mailboxes for residential units shall be incorporated within the foyer area of the entrance to the residential component of the mixed-use developments.	<p>To comply</p> <p>Mailbox placement and design will be located within foyers. Any technical design requirements can be addressed by conditions of consent in the event of approval.</p>	<p>Appendix F</p>

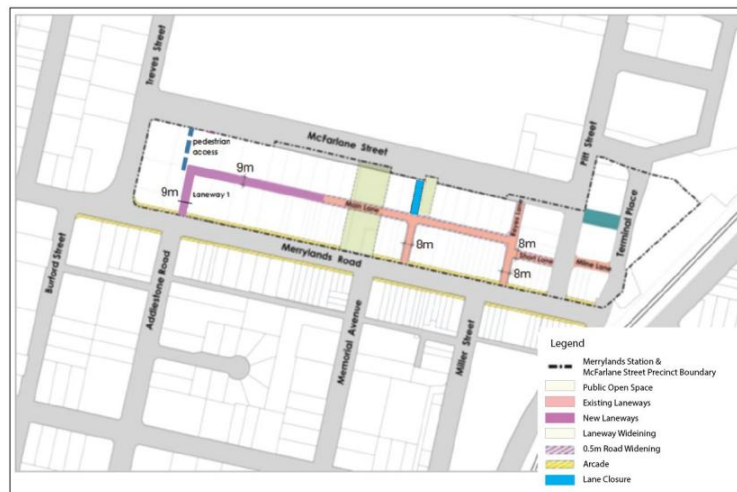
Statutory Reference	Consideration	Response	Section in EIS
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Part F2 – Business Site Specific

Part F2 – Merrylands Station and McFarlane Street Precinct

2.3 Access Network

Provide new laneways in accordance with Figure 6.



Existing laneways are to be widened in accordance with Figure 6.

Vehicular access to buildings fronting Merrylands Road and McFarlane Street must be provided via laneways (Refer Figure 7).

Lanes are not to be covered, but awnings may be permitted on buildings facing lanes up to a maximum of 30% of each frontage.

Widening of Merrylands Road – 0.5m on either side.

Complies


The proposal will not deviate from the laneway plan as described in the CDCP 2021, while proposed setbacks will provide the ability to widen both laneways and a 500mm widening on the southern side of McFarlane Street.

The proposal will also provide vehicular access from laneways as follows:

- Basement carpark access will be provided from Reyes Lane, and
- Loading dock access will be provided from Milne Lane.

Further, the proposed awnings will not cover either laneway.

**Appendix F
Appendix G**

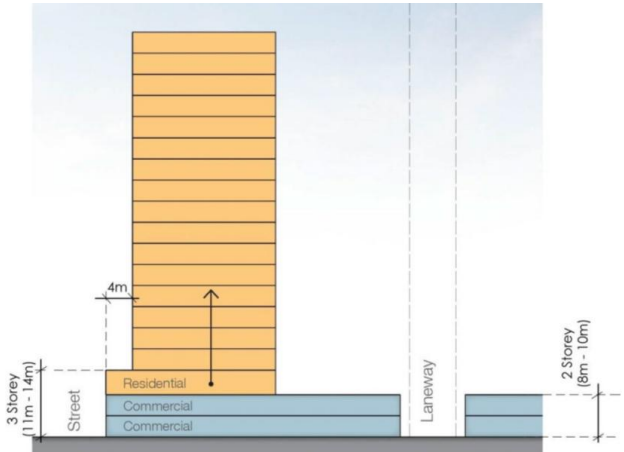
Statutory Reference	Consideration	Response	Section in EIS
<p>2.4 Site Amalgamation</p>	<p>Site amalgamation for the purposes of development shall be determined in accordance with Figure 9 and Table 1.</p> 	<p>Complies</p> <p>The proposed site amalgamation of the five lots is consistent with Figure 9.</p>	<p>Appendix F Appendix G</p>
	<p>Sites must not be created that are physically unable to reasonably develop a building that achieves the maximum building height controls contained in Cumberland LEP 2021.</p>	<p>Complies</p> <p>All boundaries adjoin road frontages but does not adjoin other sites. Proposed site amalgamation is consistent with the CDCP 2021, and will not affect the ability of surrounding sites to be amalgamated and developed as envisioned by the CLEP 2021 and CDCP 2021.</p>	<p>Appendix E Appendix F</p>
<p>2.6 Built form</p>	<p>Building height</p> <p>Sites with the following maximum building height under Clause 4.3 of Cumberland LEP 2021 should comply with the maximum number of stores in Figure 10 and Table 1 (excluding basement car parking) (77 metres or 23 storeys)</p>	<p>Variation sought</p> <p>The maximum height of the building is proposed in accordance with Section 16(3) of the Housing SEPP, which provides for a 30% building height uplift (based on the building height standard and a 10% design excellence bonus based pursuant to clauses 4.3(2) and 6.14(5) of the CLEP 2021), due to 100% of the dwellings comprising of infill affordable housing.</p>	<p>Sections 3.5.1, 6.1, 6.2.1 & 6.2.5 Appendix D Appendix E Appendix F</p>




Statutory Reference	Consideration	Response	Section in EIS
		<p>As the Housing SEPP provides for greater heights than the CLEP 2021, this results in the number of storeys being greater than that prescribed by the CDCP 2021.</p> <p>Further assessment regarding the appropriateness of the proposed building height is contained within the EIS, the written variation request for building height and the ADR.</p>	
	<p>Each storey shall comprise a minimum floor to ceiling height as defined in the NSW Apartment Design Guidelines (July 2015).</p>	<p>Complies</p> <p>All apartments comply with ADG prescribed ceiling heights; refer to the ADG assessment contained within the ADR (Appendix G).</p>	<p>Appendix G</p>
	<p>2.6.2 Design Excellence Provisions</p> <p>Design excellence applies to land bounded by a heavy black line on the Design Excellence Map. Refer Figure 11.</p>	<p>Complies</p> <p>As detailed within the ADR (Appendix G), an informal mini design competition was undertaken in July 2024, with the Fuse Architects design being selected as having considered design excellence.</p> <p>In considering design excellence, two reviews have been undertaken with the SDRP in March and May 2025, with feedback considered and the design revised to respond to matters raised. The minutes of the second meeting (dated 2 June 2025) (Appendix AW) indicate that subject to refinements in accordance with advice provided by SDRP panel members, the proposed development is capable of demonstrating design excellence. In demonstrating design excellence, the ADR (Appendix G) provides responses to the SDRP to demonstrate how the proposed design has responded to matters raised by the SDRP.</p>	<p>Sections 2.4 & 6.1 Appendix G Appendix AW</p>
	<p>The Cumberland City Design Excellence Guidelines provides criteria and procedures that must be followed for developments seeking an incentive bonus in building height of up to an additional 10% and additional floor space ratio of up to 0.5:1.</p>	<p>Complies</p> <p>As above; FSR and height bonuses have been applied as prescribed by clause 6.14.</p>	<p>Section 3.5.1 Appendix E Appendix F Appendix G Appendix W</p>



Statutory Reference	Consideration	Response	Section in EIS
	<p>2.6.3 Primary frontage requirements</p> <p>The minimum site frontage width for new developments is 20m for 3 storey buildings.</p>	<p>Complies</p> <p>All site frontages exceed 30 metres.</p>	<p>Appendix F Appendix L</p>
	<p>2.6.4 Building setbacks</p> <p>New developments are to maintain setbacks to the street in accordance with Figure 12.</p>	<p>Complies</p> <p>Required setbacks: 0m</p> <p>Proposed setbacks:</p> <ul style="list-style-type: none"> • Pitt Street: 0m • McFarlane Street: 0m • Reyes Lane: Min. 2.7m • Milne Lane: Min. 1.5m 	<p>Appendix F</p>
	<p>2.6.5 Street wall heights</p> <p>Street wall heights of buildings (podium) shall be 3 storeys.</p>	<p>Complies</p> <p>The podium contained three storeys (plus a mezzanine level for services, waste management and an OSD tank).</p>	<p>Appendix F</p>
	<p>The 3-storey street wall height applies to a site's primary frontage</p>	<p>Complies</p> <p>The podium contained provides three storey heights to all four road frontages.</p>	<p>Appendix F</p>
	<p>Where a site has frontage to a laneway, a maximum 2-storey street wall height is to be maintained. Refer Figure 13.</p>	<p>Variation sought</p> <p>As above, the podium design provides three storey frontages to all frontages including both laneways. Such a design approach and resultant built form is due to providing street and tower setbacks to the laneways to provide a clear definition of the new through site link, in addition to a podium form with street-walls that frames the overall design experience at eye level whilst providing height</p>	<p>Appendix F Appendix G</p>

Statutory Reference	Consideration	Response	Section in EIS
	 <p>The diagram illustrates building setbacks. On the left, a 'Street' is shown with a '3 Storey (11m - 14m)' podium. A 'Residential' tower is shown with a '4m' setback from the street wall. A 'Lane' is shown with a '2 Storey (8m - 10m)' podium on the opposite side. The 'Lane' is labeled 'Lane' and 'Lane'.</p>	<p>diversity to the residential tower.</p> <p>Given:</p> <ul style="list-style-type: none"> • The location and orientation of sites on the opposing sides of Reyes and Milne Lanes adjoining, and • That likely future development on those sites will comprise of three-storey podiums (in order to satisfy the DCP requirement for three storey podiums addressing main road frontages), <p>the proposed height of the street walls addressing the lanes will likely be consistent with future development on surrounding sites. As such, the development would be consistent with the objectives of the control, and the proposed variation is acceptable on merit.</p>	
	<p>2.6.6 Upper level street setbacks</p> <p>All buildings above 3 storeys in height are to display a uniform 4m setback above the street wall. Refer Figure 13</p>	<p>Complies</p> <p>Proposed tower setbacks:</p> <ul style="list-style-type: none"> • Pitt Street: 4m • McFarlane Street: 4m • Reyes Lane: Min. 2.7m 	<p>Appendix F</p>
	<p>2.6.7 Solar access to Civic Square</p> <p>Solar access must be maintained to a minimum of 50% of the Civic Square area between the hours of 11.00am and 1.00pm on the 21st June</p>	<p>Complies</p> <p>The proposed development does not impact on solar access to the Civic Square area.</p>	<p>Appendix F</p>
	<p>2.6.8 Floor plates above podium</p> <p>Where office premises are proposed, all points on an office floor above podium should be no more than 15m from a source of daylight.</p>	<p>Complies</p> <p>All commercial areas will be less than 15 metres from a window.</p>	<p>Appendix F</p>

Statutory Reference	Consideration	Response	Section in EIS
	<p>The maximum horizontal length of any building above the podium shall not exceed 50m</p>	<p>Complies</p> <p>Max horizontal length: 47.5 metres.</p>	<p>Appendix F</p>
	<p>2.6.9 Awnings and colonnades</p> <p>Awnings are to be provided to the full extent of the street frontage of buildings in the locations nominated in Figure 14.</p>  <p>Legend</p> <ul style="list-style-type: none"> ■ Merrylands Station & McFarlane Street Precinct Boundary ■ Public Open Space ■ 0.5m Road Widening ■ Awning Required ■ Colonnade Required ■ Awning encouraged 	<p>Complies</p> <p>Awnings are proposed along both road frontages, except where breaks are provided to accentuate specific podium built form elements.</p>	<p>Appendix F Appendix G</p>
	<p>Awnings along Merrylands and McFarlane Street shall be minimum 2.5m deep.</p>	<p>Variation sought</p> <p>Awning depths exceed 2.5 metres in depth except for the southern end of the McFarlane Street frontage. Noting that areas within this location do not provide access to lobbies or higher pedestrian traffic, the design allows for the establishment and growth of street trees in this location. Further, the awning design and depths provide for a uniform setback pattern to the edge of the road corridor. Noting that</p>	<p>Appendix F Appendix G</p>



Statutory Reference	Consideration	Response	Section in EIS
	Awnings if provided on laneways shall be retractable and only to be used in hours of operation	<p>the awnings have been designed in accordance with SDRP feedback, their depths are considered to be satisfactory and supportable in this instance.</p> <p>Variation sought</p> <p>The awning within Reyes Lane is not retractable, however this awning has been proposed to provide cover for lobby/through-site access and to cover visitor bicycle parking. The awning is not distinctly associated with proposed retail tenancies, therefore an awning that operates in accordance with the operating hours of retail tenancies is not feasible for this site. Noting that the awnings have been designed in accordance with SDRP feedback, such a variation is considered to be satisfactory and supportable in this instance.</p>	<p>Appendix F Appendix G</p>
Part G – Miscellaneous Development Controls			
Part G1 – Advertising and Signage			
2.3 Number of signs	Total signage per street frontage must not exceed one (1) top-hamper sign, one (1) under-awning sign and one (1) wall sign.	<p>Not applicable</p> <p>Signage is not proposed, with any signage associated with future non-residential uses to be subject to separate consent.</p>	Not applicable
Part G3 – Traffic, Parking, Transport and Access (Vehicle)			
3 Parking Rates	Development is to provide on-site parking in accordance with the following minimum rates. Refer to Table 1 below. Where a parking rate has not been specified in the table, the Guide to Traffic Generating Developments shall be used to calculate the parking requirements for the proposed development. Alternatively, a parking study may be used to determine the parking, subject to prior approval by Council.	<p>Variation sought</p> <p><u>Residential car parking</u></p> <p>Proposed resident parking rates are subject to comply with Section 19(2)(e) of the Housing SEPP, which for reference (and noting that 100% of the dwellings are to comprise of affordable housing) provides the following parking rates:</p>	<p>Sections 3.5.5 & 6.11 Appendix F Appendix P Appendix Q</p>

Statutory Reference	Consideration	Response	Section in EIS																																										
	<p><i>Table 1: Parking rates. Parking calculations that are not whole numbers are to be rounded up</i></p> <table border="1"> <thead> <tr> <th>Development Type</th> <th>Car Parking Rate</th> <th>Bicycle Parking Rate</th> </tr> </thead> <tbody> <tr> <td colspan="3">Residential – Dwelling House</td> </tr> <tr> <td>General rate</td> <td> <ul style="list-style-type: none"> Minimum 1 covered space / dwelling house Maximum of 2 covered spaces / dwelling house. Stacked parking may be provided only for use by the same dwelling. For Basement parking refer to 4.1.4 of this Part of the DCP. </td> <td>N/A</td> </tr> <tr> <td colspan="3">Residential - Flat Buildings and Shop Top Housing</td> </tr> <tr> <td>Studios, 1-2 bedrooms</td> <td>1 space / dwelling</td> <td>1 space / 3 units</td> </tr> <tr> <td>3 or more bedrooms</td> <td>1.5 space / dwelling</td> <td>1 space / 3 units</td> </tr> <tr> <td>Visitor parking</td> <td>0.25 space / dwelling</td> <td>1 space / 3 units</td> </tr> <tr> <td colspan="3">Other Residential</td> </tr> <tr> <td>Boarding House</td> <td>0.5 space / room</td> <td>As per <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i></td> </tr> <tr> <td colspan="3">Commercial - Business and Office</td> </tr> <tr> <td>General rate</td> <td>1 space / 40m² GFA</td> <td> Staff: 1 space / 10 employees Visitor: <ul style="list-style-type: none"> Sites under 1000 m²: Nil Sites over 1000 m²: 1 space / 750 m² over 1000 m² </td> </tr> <tr> <td colspan="3">Commercial - Retail</td> </tr> <tr> <td>General rate</td> <td> 1 space / 50m² in B4 zone 1 space / per 40m² GFA in all other zones <i>For applications involving existing buildings which do not involve additional floorspace, Council will give consideration to site characteristics when determining parking rates.</i> </td> <td> Staff: 1 space / 10 employees Visitor: 1 space / 750 m² over 1000 m² </td> </tr> <tr> <td>Food and Drink premises*</td> <td> Within Town Centre*: 1 space / 40m² GFA Outside Town Centre: 1 space / 7 m² GFA </td> <td>Staff: 1 space / 100 m² GFA</td> </tr> </tbody> </table>	Development Type	Car Parking Rate	Bicycle Parking Rate	Residential – Dwelling House			General rate	<ul style="list-style-type: none"> Minimum 1 covered space / dwelling house Maximum of 2 covered spaces / dwelling house. 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N/A	Residential - Flat Buildings and Shop Top Housing			Studios, 1-2 bedrooms	1 space / dwelling	1 space / 3 units	3 or more bedrooms	1.5 space / dwelling	1 space / 3 units	Visitor parking	0.25 space / dwelling	1 space / 3 units	Other Residential			Boarding House	0.5 space / room	As per <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>	Commercial - Business and Office			General rate	1 space / 40m ² GFA	Staff: 1 space / 10 employees Visitor: <ul style="list-style-type: none"> Sites under 1000 m²: Nil Sites over 1000 m²: 1 space / 750 m² over 1000 m² 	Commercial - Retail			General rate	1 space / 50m ² in B4 zone 1 space / per 40m ² GFA in all other zones <i>For applications involving existing buildings which do not involve additional floorspace, Council will give consideration to site characteristics when determining parking rates.</i>	Staff: 1 space / 10 employees Visitor: 1 space / 750 m ² over 1000 m ²	Food and Drink premises*	Within Town Centre*: 1 space / 40m ² GFA Outside Town Centre: 1 space / 7 m ² GFA	Staff: 1 space / 100 m ² GFA	<p>(e) For dwellings used for affordable housing</p> <ul style="list-style-type: none"> For each dwelling containing 1 bedroom – at least 0.4 parking spaces For each dwelling containing 2 bedrooms – at least 0.5 parking spaces For each dwelling containing at least 3 bedrooms – at least 1 parking space <p>No resident visitor car parking spaces are provided, noting that the Housing SEPP does not prescribe visitor parking rates. The TPA provides that not providing visitor car parking spaces in the circumstances of this particular proposal is satisfactory for the following reasons:</p> <ul style="list-style-type: none"> The site is very well serviced by public transport services (providing direct and high frequency services to centres across Sydney), being located: <ul style="list-style-type: none"> within 100 metres walking distance from Merrylands railway station, and both the Merrylands station bus interchange and other local bus stops throughout the Merrylands town centre that, The site and its surroundings are well serviced by active (i.e. pedestrian and cycling based) transport infrastructure (noting that the site will provide onsite bicycle parking rates that are in excess of CDGP 2021 requirements, The site is in proximity to Stockland Merrylands shopping centre, which provides > 2,000 car parking spaces in addition to numerous onsite services and amenities. It is therefore expected that visitors could efficiently combine a trip to visit a resident within the development with a shopping/errand trip, which would likely utilise parking facilities at Stockland rather than at the site, and A GTP has been prepared (Appendix Q), which provides strategies to encourage travel to/from the site via means other than private vehicle. <p>For such reasons, the proposed car parking rates are acceptable.</p>	
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Statutory Reference	Consideration	Response	Section in EIS
		<p><u>Non-residential car parking</u></p> <p>The proposed development will provide 10 car parking spaces to the retail land uses and 46 car parking spaces for commercial land use activities. These will be provided on Basement Levels 1 and 2.</p> <p>The TPA provides that the CDCP 2021 prescribed rates for non-residential car parking are excessive and are inconsistent with the NSW Government’s broader transport policy objectives of encouraging more sustainable travel methods and reducing reliance on private vehicles. Proposed non-residential car-parking rates are therefore based upon the TfNSW GTIA, which applies to development applications prepare after November 2024.</p> <p>Noting the site’s proximity to public transport facilities and active transport infrastructure, the site’s proximity to Stockland Merrylands, the provision of onsite bicycle parking and the implementation of a GTP, the TPA therefore provides that the proposed non-residential parking rates will be sufficient.</p> <p><u>Bicycle parking</u></p> <ul style="list-style-type: none"> • Bicycle Parking: <ul style="list-style-type: none"> ○ Resident spaces: 159 spaces ○ Visitor spaces: 79 spaces ○ Non-residential tenant parking: 36 spaces ○ Non-residential visitor parking: 5 spaces <p>Such bicycle parking rates are consistent with CDCP 2021 residential parking rates and exceeds minimum commercial rates by a considerable margin.</p> <p>For the commercial/retail component of the proposed development, the CDCP 2021 parking rate is applicable. 73 parking spaces for commercial uses and 13 parking spaces for retail uses are required and provided as part of this proposed development.</p>	



Statutory Reference	Consideration	Response	Section in EIS
4.1 Development in residential zones	A maximum of 2 driveway crossovers shall be permitted for residential properties with a residential frontage of 15m or more.	Complies There are two driveway crossovers proposed, one for vehicular access to the basement carpark on Reyes Lane and one for loading facility access on Milne Lane.	Section 6.11.2 Appendix F Appendix P
	All new driveways shall be located a minimum of 1 metre from the side property boundaries.	Not applicable All boundaries adjoin road frontages. The placement of crossovers are however sufficient distances from the nearest road intersections.	Appendix F
	Driveways servicing car parking including manoeuvring areas to the parking bays shall comply with AS 2890 – Parking Facilities unless otherwise specified by Council.	Complies All driveways and vehicular access and manoeuvring areas are designed in accordance with Australian Standards, with sufficient clearances to services provided where necessary. Reference is made to the architectural plans (Appendix F) and TPA (Appendix O) for further details.	Appendix F Appendix P
	The maximum gradient for a driveway shall be 20% or 1:5 (with appropriate transitions). However, in extreme circumstances, gradients up to 25% or 1:4 (with appropriate transitions) may be considered by Council, subject to individual merit.		
	Minimum clearance of 1.2 metres shall be provided to structures, such as power poles, service pits and drainage pits.		
	The area between the driveway and the property boundary shall be suitably landscaped to minimise the visual impacts of vehicular access points and to maximise the visual quality of the streetscape.	Not applicable Ground level landscaping (other than street trees and planters around outdoor dining areas) is not proposed	Not applicable
	Driveways shall be designed and constructed in materials to avoid glare and large expanses of plain concrete, whilst ensuring the driveway colour does not detract from the development and character of the street.	Complies Driveway crossover surfacing will match adjoining pathways.	



Statutory Reference	Consideration	Response	Section in EIS
4.3 Basement parking	Basement garages and driveways shall be permitted in accordance with the relevant Australian Standards. Where slope conditions require a basement, the area of the basement shall not significantly exceed the area required to meet the car parking and access requirements for the development.	Complies All basement areas are contained within the building footprint; refer to the architectural plans (Appendix F) for details.	Appendix F
	Basement parking shall be located within the building footprint.	Complies As above.	Appendix F
	Basement parking shall not unreasonably increase the bulk and scale of development	Complies All basement parking is provided below ground.	Appendix F Appendix P
	Basement parking shall provide, where required, a pump out drainage system according to Council's engineering requirements.	Complies A basement pump out drainage is proposed. Refer to the Civil Engineering Plans (Appendix K) for further detail.	Appendix F Appendix K
	Basement parking shall not affect the privacy of adjacent residential development.	Complies All basement parking is provided below ground.	Appendix F
	Basement parking manoeuvring shall ensure that vehicles can enter and exit in a forward direction.	Complies All driveways and vehicular access facilities in accordance with Australian Standards, and both the basement and loading dock designs both enable forward vehicular access and egress.	Appendix F Appendix P
	Basement access/ramp design shall comply with ramp requirements specified in AS2890.		
4.4 Development in business	Driveways shall be provided from laneways (existing or proposed), private accessways and secondary streets, where possible.	Complies There are two driveway crossovers proposed, one for vehicular	Appendix F



Statutory Reference	Consideration	Response	Section in EIS
zones		access to the basement carpark on Reyes Lane and one for loading facility access on Milne Lane.	
	If a building has access to a rear lane or side street, the loading and unloading facilities and service access shall be provided from that lane.	Complies The loading dock entrance is provided on Milne Lane.	Appendix F
	Car park entries and driveways shall be kept to a minimum and shall not be located on primary or core retail streets.	Complies Driveway entries are limited to the two driveway crossovers on Reyes Lane and one for loading facility access on Milne Lane.	Appendix F
	Driveways shall be located at the required distance from the intersection of two roads.	Complies Sufficient clearance distances are provided to relevant intersections.	Appendix F Appendix P
	Vehicular access shall be integrated with the overall design of the building and shall consider site layout, streetscape character and façade design.	Complies Driveway entries have been integrated into the building design, and account for site considerations such as manoeuvring and flooding.	Appendix F Appendix P Appendix T
	The width of driveways is limited to a maximum of 8 metres at the boundary, including development with commercial loading docks and servicing (including waste servicing)	Complies Driveway widths are limited to a maximum of 8 metres (basement entry).	Appendix F
	Pedestrian safety is to be maintained through design, including ensuring clear sight lines at pedestrian and vehicular crossings and clearly differentiating vehicular and pedestrian access.	Complies Pedestrian entries to the building are segregated from the driveways, with the design making provision for suitable sightlines.	Appendix F Appendix P



Statutory Reference	Consideration	Response	Section in EIS
	On-site parking is to be accommodated within a basement wherever possible.	<p>Complies</p> <p>All on-site carparking is located within the basement levels.</p>	Appendix F
	Natural ventilation is to be facilitated to basement and sub-basement car parking areas, wherever possible, and with regard to any flooding issues.	<p>Complies</p> <p>Noting the basement design, mechanical ventilation is provided.</p>	Appendix F
	Ventilation grilles and structures shall be integrated into the façade and landscape design, should not be provided at active frontage and should not be near windows of habitable rooms and open space areas.	<p>Complies</p> <p>Grills/louvres where required for mechanical ventilation of basement levels are integrated within the building façades.</p>	Appendix F
	Safe and secure access is to be provided from on-site parking for building users, including direct access from parking to lobbies.	<p>Complies</p> <p>Suitable pedestrian access from basement levels are to be provided via suitable walking paths and basement lobbies.</p>	Appendix F Appendix AI
	Marked pedestrian pathways with clear lines of sight and safe lighting shall be provided.	<p>Complies</p> <p>All pedestrian pathways in the basement will be clearly defined, line marked and suitably illuminated to create a safe pedestrian environment.</p>	Appendix F
	Private car parking within mixed use developments must be clearly identified and separated from commercial car parking.	<p>Complies</p> <p>Retail, commercial and residential parking will be sufficiently delineated.</p>	Appendix F
	Visitor parking shall be clearly identified and shall not be provided in the form of stacked/ tandem parking	<p>Complies</p> <p>Commercial visitor parking will be identified as such and will not be</p>	Appendix F Appendix P



Statutory Reference	Consideration	Response	Section in EIS														
		provided in the form of stacked parking.															
<p>4.6 Loading requirements for commercial and industrial development</p>	<p>Loading bays for trucks and commercial vehicles shall be provided in accordance with Table 2 below:</p> <p><i>Table 2: Loading requirements for commercial and industrial development</i></p> <table border="1" data-bbox="360 472 1182 1054"> <thead> <tr> <th data-bbox="360 472 607 520">Land use</th> <th data-bbox="607 472 1182 520">Loading requirements</th> </tr> </thead> <tbody> <tr> <td data-bbox="360 520 607 600">Business and office premises</td> <td data-bbox="607 520 1182 600">1 space / 4,000m² GFA up to 20,000m² GFA, plus 1 space / 8,000m² thereafter</td> </tr> <tr> <td data-bbox="360 600 607 679">Retail premises - department stores</td> <td data-bbox="607 600 1182 679">1 space / 1,500m² GFA up to 6,000m² GFA, plus 1 space / 3,000m² thereafter</td> </tr> <tr> <td data-bbox="360 679 607 775">Retail premises – shops and food and drink premises</td> <td data-bbox="607 679 1182 775">1 space / 400m² GFA up to 2,000m² GFA, plus 1 space / 1,000m² GFA thereafter</td> </tr> <tr> <td data-bbox="360 775 607 911">Hotel and motel accommodation</td> <td data-bbox="607 775 1182 911">1 space / 50 bedrooms or bedroom suites up to 200, plus 1 space / 100 thereafter, plus 1 space / 1,000m² of public area set aside for bar, tavern, lounge and restaurant</td> </tr> <tr> <td data-bbox="360 911 607 959">Other</td> <td data-bbox="607 911 1182 959">1 space / 2,000m²</td> </tr> <tr> <td data-bbox="360 959 607 1054">Industrial/warehouse, bulky goods retail and wholesale supplies</td> <td data-bbox="607 959 1182 1054">1 space / 800m² GFA up to 8,000m² GFA, plus 1 space / 1,000m² thereafter</td> </tr> </tbody> </table> <p><i>The loading requirements for existing commercial and industrial developments where there is no addition to the gross floor area will be assessed on merit and existing site constraints.</i></p>	Land use	Loading requirements	Business and office premises	1 space / 4,000m ² GFA up to 20,000m ² GFA, plus 1 space / 8,000m ² thereafter	Retail premises - department stores	1 space / 1,500m ² GFA up to 6,000m ² GFA, plus 1 space / 3,000m ² thereafter	Retail premises – shops and food and drink premises	1 space / 400m ² GFA up to 2,000m ² GFA, plus 1 space / 1,000m ² GFA thereafter	Hotel and motel accommodation	1 space / 50 bedrooms or bedroom suites up to 200, plus 1 space / 100 thereafter, plus 1 space / 1,000m ² of public area set aside for bar, tavern, lounge and restaurant	Other	1 space / 2,000m ²	Industrial/warehouse, bulky goods retail and wholesale supplies	1 space / 800m ² GFA up to 8,000m ² GFA, plus 1 space / 1,000m ² thereafter	<p>Complies</p> <p>The proposed development is required, and provides a total of two medium rigid vehicle (MRV) service bays.</p>	<p>Appendix F Appendix P</p>
Land use	Loading requirements																
Business and office premises	1 space / 4,000m ² GFA up to 20,000m ² GFA, plus 1 space / 8,000m ² thereafter																
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Other	1 space / 2,000m ²																
Industrial/warehouse, bulky goods retail and wholesale supplies	1 space / 800m ² GFA up to 8,000m ² GFA, plus 1 space / 1,000m ² thereafter																
	Loading/unloading areas shall be provided in accordance with applicable provisions of Australian Standard (AS 2890).	<p>Complies</p> <p>All driveways and vehicular access facilities in accordance with Australian Standards, and both the basement and loading dock designs both enable forward vehicular access and egress.</p>	<p>Appendix F Appendix P</p>														
	Provide separation between parking and service areas (i.e. loading/unloading areas).	<p>Complies</p> <p>The loading area is located in a separate entrance and enclosure to</p>	<p>Appendix F</p>														



Statutory Reference	Consideration	Response	Section in EIS
		the basement carpark.	
	Locate and design service areas to facilitate convenient and safe usage.	Complies A temporary bin holding area is provided in the loading dock, and a waste room with a lift is provided in the mezzanine level in proximity to the loading dock.	Appendix F Appendix AB
	Loading docks shall be located so as to not: <ul style="list-style-type: none"> • interfere with visitor and employee parking spaces; • interfere with pedestrians or vehicle circulation and access; and • result in delivery vehicles queuing on any public road, footway, laneway or service road. 	Complies The loading area is segregated from car parking areas to enable loading activities without disruption to the carpark.	Appendix P
	Loading areas shall be designed for the largest size vehicle accessing the site	Complies The loading dock can safely allow for medium rigid vehicles.	Appendix F Appendix AH
Part G4 Stormwater and drainage			
2.2 Method of stormwater disposal from the site	All stormwater collecting as a result of the carrying out of development under this DCP must be directed by a gravity fed or charged system to: <ul style="list-style-type: none"> (a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system. 	Complies As shown on the Stormwater Management Plans (Appendix K), stormwater will be managed through a new pit and pipe network designed to convey runoff by gravity to Council's existing inlet pit located on McFarlane Street to the north of the site. The system will be gravity fed (except for water pumped out of the basement), and the proposed building, which occupies the majority of the site footprint, will drain via a system of downpipes connected to an on-site detention (OSD) tank and a rainwater reuse tank.	Sections 3.7 & 6.16 Appendix K Appendix S
2.3 Application requirements for stormwater and drainage	All major development will require detailed stormwater plans designed by a qualified stormwater engineer or equivalent for lodgement.	Complies Stormwater plans and reporting have been prepared by suitably qualified civil engineers.	Appendix K Appendix S



Statutory Reference	Consideration	Response	Section in EIS
	Lodgement requirements for stormwater and drainage shall be in accordance with Council's Development Application checklists and Development Application Guide for Lodgement.		
2.4 Types of stormwater systems	Discharge into the kerb and gutter shall be permitted if the discharge from the site does not exceed 30L/s. Only one discharge line shall be permitted within the footpaths per development. Unless specifically approved otherwise by Council, multiple pipelines within the footpaths shall not be permitted.	Complies Discharge rates from the site: <ul style="list-style-type: none"> • Peak discharge: 44.75 L/h/m² • Discharge rate: 4.475 L/s (4.475m³/h) 	Appendix K Appendix S
	Where the outlet pipe from the property exceeds 100mm in diameter, a converter pit is to be constructed inside the front boundary of the property. Flows between the converter pit and the kerb and gutter shall be discharged using a galvanised steel rectangular hollow section.	Complies 225mm outlet pipe proposed; a control pit is provided inside the property boundaries.	Appendix K Appendix S
	Roof and surface stormwater shall be collected within the property to be discharged into Council's stormwater system or water course without impacting the nature of receiving body.	Complies Stormwater is to be collected within, and will undergo treatment prior to, discharge from the site. Refer to the civil plans and Water Management Plan for further details.	Appendix K Appendix S
	Stormwater runoff from major and minor storm events is to be controlled within the property prior to it being discharged into Council's stormwater system.	Complies As above.	Appendix K Appendix S
	Overland flow through the property shall be maintained without impacting adjacent and downstream properties.	Complies The site is not affected by easements resulting in overland flow through the site.	Appendix K Appendix S
	Stormwater runoff shall be controlled and water quality improved where required.	Complies Stormwater runoff is to be controlled via collection within on OSD system on the Level 1 Mezzanine level, stormwater quality to be controlled via filters within the OSD tank and Oceanguard gross pollutant traps within onsite pits. The pollutant load models have also been guided using MUSIC modelling.	Appendix K Appendix S



Statutory Reference	Consideration	Response	Section in EIS
	<p>Where an adequate Council drainage line is available, connection into the system shall be permissible by means of an existing pit or constructing a new pit to Council's specifications.</p>	<p>Not applicable Connection to Council's drainage system will be via a new/consolidated discharge line to the north of the site.</p>	<p>Appendix K Appendix S</p>
	<p>The use of pumps shall only be permitted to drain underground parking area of a proposed development and the only inflow is seepage and runoff from an access driveway</p>	<p>Complies Pumps are to be limited to the basement pump out system.</p>	<p>Appendix K Appendix S</p>
	<p>Dual pumps shall be used in case of pump failure with each pump designed for the maximum discharge. Combined aboveground and underground storages shall be provided:</p> <ul style="list-style-type: none"> • Underground – 100-year ARI 90 minute storm; and • Aboveground – up to 100-year ARI 12 hour storm 	<p>Complies Backup systems are proposed in the event of power failure.</p>	<p>Appendix K Appendix S</p>
	<p>A positive covenant shall be executed and registered against the title of the lot requiring ongoing maintenance and repair of the pump. The covenant shall:</p> <ul style="list-style-type: none"> • commit the owner to checking the condition of the pump by pumping water for at least five minutes every six months and a log book maintained of these periodic checks; and • provide Council with the authority to enter the land and view the logbook and the condition of the pump twice a year following the giving of two days' notice. 	<p>To comply Conditions of consent can be added in the event of approval to address this requirement.</p>	<p>-</p>
<p>2.5 Technical details of stormwater and drainage systems</p>	<p>The minimum pipe size shall be 100mm diameter and shall increase to 150mm diameter where the catchment draining to the pit is likely to contain significant leaf litter or other debris.</p> <p>Minimum pipe grade permitted shall be 1%, unless otherwise approved by Council's engineers. Pipes shall be designed to be self-cleansing without causing scour. The minimum pipe velocity shall be 0.6m/s during the design storm and a maximum velocity of 6m/s.</p>	<p>Complies Refer to the Civil Engineering Plans and Water Management Report for further detail.</p>	<p>Appendix K Appendix S</p>
	<p>Property drainage system shall be designed to 20-year average recurrence interval (ARI) and designated overland flow paths up to 100 year ARI.</p>	<p>Complies The onsite water management system is designed for rainfall up and</p>	<p>Appendix K Appendix S</p>



Statutory Reference	Consideration	Response	Section in EIS
	<p>Property drainage system shall be designed to 20-year average recurrence interval (ARI) and designated pipe network or overland flow paths up to 100 year ARI where an On-Site Detention Facility is required.</p> <p>Overland flow through the property shall be provided without a pipe network.</p>	<p>including to a 100-year ARI event.</p>	
	<p>Designated overland flow paths are to be provided within the development in case of pipe blockage or major storm events to direct runoff to receiving body without impacting the development or other properties</p>	<p>Complies</p> <p>Overland flow paths and overflow systems are provided in the event of an emergency,</p>	<p>Appendix K Appendix S</p>
	<p>Provision shall be made to ensure runoff up to the 100-year ARI (minor system including overflows from roof gutters), is safely conveyed within formal or informal overland flow paths to the receiving body.</p>	<p>Does not comply</p> <p>The onsite water management system is designed for rainfall up and including to a 100-year ARI event.</p>	<p>Appendix K Appendix S</p>
	<p>Where it is not practicable to provide paths for overland flows, the piped drainage system shall be sized to accept runoff up to the 100-year ARI with the blockage factor.</p>	<p>Not applicable</p> <p>As above, noting provision for an emergency overflow system.</p>	<p>Appendix K Appendix S</p>
	<p>Development shall not cause flooding of adjoining properties.</p>	<p>Complies</p> <p>The conclusions from the Flood Impact and Risk Assessment conclude that the development will not cause any adverse environmental impacts off-site.</p>	<p>Appendix K Appendix S</p>
<p>2.6 Flood risk management</p>	<p>The proposed development does not result in any increased risk to human life and does not increase the potential flood affectation on other development or properties.</p>	<p>Complies</p> <p>The conclusions from the Flood Impact and Risk Assessment conclude that the development will not significantly alter flood behaviour or cause any adverse impacts elsewhere within the</p>	<p>Section 6.17 Appendix T</p>



Statutory Reference	Consideration	Response	Section in EIS
		catchment. Further, the design of the development will ensure habitable areas are placed above the Flood Planning Level (FPL), with provision for sufficient onsite evacuation for events exceeding an FPL flood event. Refer to the FIRA (Appendix T) for further details.	
	The proposal should only be permitted where effective warning time and reliable access is available for the evacuation of an area potentially affected by floods. Evacuation should be consistent with any relevant disaster plans (DISPLAN) or flood plan where in existence.	<p>Complies</p> <p>The FIRA advises that there would be sufficient notice ahead of an FPL event (or greater), however in the event that it was not possible to evacuate ahead of a major flood event:</p> <ul style="list-style-type: none"> • A flood evacuation route is possible through Main Lane and Finns Lane, or • Onsite shelter in place could be provided within upper parts of the building should an event greater than an FPL event occur. <p>A Flood Emergency Response Plan has been prepared as part of the FIRA (Appendix T).</p>	Section 6.17 Appendix T
	The filling of flood prone land, where acceptable and permitted by this Part, must involve the extraction of the practical maximum quantity of fill material from that part of the site adjoining the waterway.	<p>Not applicable</p> <p>Filling is not proposed.</p>	Not applicable
	Site specific flood studies shall comply with Council's standard requirements.	<p>Complies</p> <p>Refer to the submitted FIRA (Appendix T) for details of compliance.</p>	Appendix T
2.7 Water sensitive urban design, water quality and water re-use	All other developments shall provide appropriate water sensitive treatments.	<p>Complies</p> <p>The proposed development has been designed in accordance with WSUD objectives.</p>	Appendix S



Statutory Reference	Consideration	Response	Section in EIS
	For all developments (excluding single dwellings and dual occupancies), rainwater tanks or a water reuse device shall be incorporated into the stormwater drainage system with a minimum storage size of 5,000 litres (for site area less than 1500m ²) and 10,000 litres (for site area greater than 1500m ²).	Complies A 10,000L rainwater tank proposed.	Appendix S Appendix K Appendix AJ
	All runoff from surrounding land is diverted away from the area disturbed and polluted runoff is retained on-site.	Complies Refer to the Civil Engineering Plans and Water Management Report for further detail.	Appendix S Appendix K
	Soil and water management plans are prepared for larger development sites including residential flat buildings.	Complies Sediment and erosion control measures are included in the Water Management Report.	Appendix S Appendix K
Part G5 – Sustainability, Biodiversity and Environmental Management			
2.3 Land contamination	Prior to the submission of a development application, an assessment is to be made by the applicant under Clause 7 of SEPP No. 55 as to whether the subject land is contaminated prepared in accordance with the relevant Department of Planning, Industry and Environment Guidelines and the Guideline to Asbestos Management in Cumberland Council 2018.	Complies The proposal has considered provisions SEPP (Resilience and Hazards) 2021 and associated matters related to contamination. Refer to the PSI, FRAP and WCR (Appendices X, Y and Z) and relevant statutory considerations within the EIS for further detail.	Sections 2.5, 4.5 & 6.18 Appendix X Appendix Y Appendix Z
	In accordance with Clause 7 (1) of SEPP No. 55 Council will not consent to development unless it has considered whether land is contaminated, and if the land is contaminated is suitable for the proposed purpose or is satisfied that the land will be appropriately remediated. Where land is proposed to be subject to remediation, adequate documentation is to be submitted to Council supporting the categorisation.	Complies Subject to further investigations, the PSI, FRAP and WCR (Appendices X, Y and Z) and the EIS confirm that subject to current and future investigation, the site is capable of being made suitable for the proposed development.	Sections 2.5, 4.5 & 6.18 Appendix X Appendix Y Appendix Z



Statutory Reference	Consideration	Response	Section in EIS
2.5 Biodiversity	Development is to be sited and designed to minimise the impact on indigenous flora and fauna, including canopy trees and understorey vegetation, and on remnant native ground cover species.	<p>Not applicable</p> <p>The site does not contain areas of indigenous flora and fauna and is not subject to biodiversity considerations, as confirmed by the BDAR Waiver.</p>	<p>Sections 6.9 & 6.10 Appendix AM Appendix AN Appendix AO</p>
2.6 Energy efficiency and renewables	New development shall implement energy efficient design and promote renewable energy sources through the inclusion of solar panels, skylights, cross ventilation and other such measures.	<p>Complies</p> <p>A range of measures are proposed to improve building energy efficiency and water usage. Refer to the architectural plans, ADR, BASIX certificate and ESD report (Appendices F, G, AJ and AK) for further detail.</p>	<p>Sections 6.2, 6.5 & 6.19 Appendix F Appendix G Appendix AJ Appendix AK</p>
	Where applicable, development is to demonstrate compliance with the design principles embodied in the Building Sustainability Index (BASIX).	<p>Complies</p> <p>Refer to the BASIX Certificate for further detail.</p>	<p>Appendix AJ</p>
Part G7 – Tree Management and Landscaping			
2.3 Landscaping	Where a landscape plan is required, it shall be prepared by an appropriately qualified person such as an experienced Landscape Architect/Landscape Designer. The landscape plan shall be prepared at a minimum scale of 1:100, be fully documented with the inclusion of a plant schedule and show sufficient detail to enable construction.	<p>Complies</p> <p>Refer to the landscape plan and landscape design report (Appendices H and K) for details.</p>	<p>Appendix H Appendix I</p>
	<p>For existing trees that are approved to be removed by Council as part of a proposed development, the following tree replacement offset planting is required:</p> <ul style="list-style-type: none"> • for existing trees removed that are a height of between 4m-9m, a 1:1 replacement offset applies; and • for existing trees removed that are a height greater than 10m, a 2:1 replacement offset applies. 	<p>Complies</p> <p>There are no trees on site that are proposed to be removed. However, one tree is to be removed within the McFarlane Street; that tree will be replaced, noting that additional trees are proposed to be planted within the road reserves to the east and west of the site.</p>	<p>Appendix F Appendix H Appendix I</p>



Statutory Reference	Consideration	Response	Section in EIS
	<p>Tree species to be used for offset planting must be installed as minimum 45L container stock size and be of a species that is capable of reaching a height greater than 10m, given the proposed location and soil volume.</p>	<p>Complies</p> <p>Refer to the plant schedule in the Landscape Plans (Appendix I) for further detail.</p>	<p>Appendix I</p>
	<p>Landscaping shall be provided to enhance the streetscape and setting of development, incorporating a mix of trees, shrubs and ground covers planted appropriately and where necessary, providing essential screening or solar access roles.</p>	<p>Complies</p> <p>A range of on-street and on-building landscaping measures including the provision of street trees and verges are provided. Refer to the Landscape Plans for further detail.</p>	<p>Appendix F Appendix H Appendix i</p>
<p>Part G8 – Waste Management</p>			
<p>3.1 Demolition and construction</p>	<p>All materials that arise from demolition and construction shall comply with a Waste Management Plan (WMP) before recycling or disposal.</p>	<p>Complies</p> <p>Refer to the Construction and Demolition Waste Management for (Appendix AA) and Waste Classification Report (Appendix y) for further detail.</p>	<p>Section 6.21.1 Appendix Y Appendix AA</p>
<p>3.2 Commercial development</p>	<p>The number of bins required and size of storage area will be calculated against the current standard NSW commercial waste generation rates are those established by the Combined Sydney Region of Councils set out in Table 1 below.</p>	<p>Complies</p> <p>Refer to the Operational Waste Management Plan (Appendix AB) for further details regarding required and proposed bin storage arrangements (noting that commercial waste generation rates may be subject to separate assessment and consent).</p> <p>The proposed waste management facilities are proposed to accommodate the following commercial bin rates:</p> <ul style="list-style-type: none"> • General waste: 7 x 1100L bins • Recycling: 3 x 1100L bins 	<p>Section 6.21.2 Appendix AB</p>



Statutory Reference	Consideration	Response	Section in EIS																																																																		
	<p>Table 2: Indicative waste and recycling generation rates for various premises.</p> <table border="1"> <thead> <tr> <th>Type of Premises</th> <th>Waste Generation</th> <th>Recycling Generation</th> </tr> </thead> <tbody> <tr> <td colspan="3">Accommodation facilities</td> </tr> <tr> <td>Backpacker hostel</td> <td>40L/occupant/week</td> <td>20L/occupant/week</td> </tr> <tr> <td>Boarding house/guesthouse</td> <td>60L/occupant/week</td> <td>20L/occupant/week</td> </tr> <tr> <td>Guest house</td> <td>9L/100m² floor area/day</td> <td>3L/100m² floor area/day</td> </tr> <tr> <td colspan="3">Education facilities</td> </tr> <tr> <td>Childcare</td> <td>20L/child/week</td> <td>10L/child/week</td> </tr> <tr> <td>Primary/High School</td> <td>1.5L/day/student</td> <td>0.5L/day/student</td> </tr> <tr> <td colspan="3">Food premises</td> </tr> <tr> <td>Butcher</td> <td>80L/100m² floor area/day</td> <td>Variable</td> </tr> <tr> <td>Delicatessen</td> <td>80L/100m² floor area/day</td> <td>Variable</td> </tr> <tr> <td>Fish shop</td> <td>80L/100m² floor area/day</td> <td>Variable</td> </tr> <tr> <td>Greengrocer</td> <td>240L/100m² floor area/day</td> <td>120L/100m² floor area/day</td> </tr> <tr> <td>Restaurants, Cafe</td> <td>660L/100m² floor area/day</td> <td>130L/100m² floor area/day</td> </tr> <tr> <td>Supermarket</td> <td>660L/100m² floor area/day</td> <td>240L/100m² floor area/day</td> </tr> <tr> <td>Takeaway</td> <td>80L/100m² floor area/day</td> <td>Variable</td> </tr> <tr> <td colspan="3">Retail (non-food sales)</td> </tr> <tr> <td>Shops with less than 100m² floor area</td> <td>50L/100m² floor area/day</td> <td>25L/100m² floor area/day</td> </tr> <tr> <td>Shops with over 100m² floor area</td> <td>50L/100m² floor area/day</td> <td>50L/100m² floor area/day</td> </tr> <tr> <td>Showrooms</td> <td>40L/100m² floor area/day</td> <td>10L/100m² floor area/day</td> </tr> <tr> <td>Offices</td> <td>10L/100m²/day</td> <td>10L/100m²/day</td> </tr> <tr> <td>Hairdresser</td> <td>60L/100m² floor area/day</td> <td>Variable</td> </tr> </tbody> </table>	Type of Premises	Waste Generation	Recycling Generation	Accommodation facilities			Backpacker hostel	40L/occupant/week	20L/occupant/week	Boarding house/guesthouse	60L/occupant/week	20L/occupant/week	Guest house	9L/100m ² floor area/day	3L/100m ² floor area/day	Education facilities			Childcare	20L/child/week	10L/child/week	Primary/High School	1.5L/day/student	0.5L/day/student	Food premises			Butcher	80L/100m ² floor area/day	Variable	Delicatessen	80L/100m ² floor area/day	Variable	Fish shop	80L/100m ² floor area/day	Variable	Greengrocer	240L/100m ² floor area/day	120L/100m ² floor area/day	Restaurants, Cafe	660L/100m ² floor area/day	130L/100m ² floor area/day	Supermarket	660L/100m ² floor area/day	240L/100m ² floor area/day	Takeaway	80L/100m ² floor area/day	Variable	Retail (non-food sales)			Shops with less than 100m ² floor area	50L/100m ² floor area/day	25L/100m ² floor area/day	Shops with over 100m ² floor area	50L/100m ² floor area/day	50L/100m ² floor area/day	Showrooms	40L/100m ² floor area/day	10L/100m ² floor area/day	Offices	10L/100m ² /day	10L/100m ² /day	Hairdresser	60L/100m ² floor area/day	Variable		
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<p>3.3 Residential</p>	<p>The waste service requirements for residential developments are outlined in Table 2:</p>	<p>Complies</p> <p>Refer to the Operational Waste Management Plan (OWMP) (Appendix AB) for further details regarding required and proposed bin storage arrangements.</p> <p>The proposed waste management facilities are proposed to accommodate the following residential bin rates:</p> <ul style="list-style-type: none"> • General Waste: 15 x 1100L bins • Recycling: 18 x 1100L bins • FOGO: 25 x 240L bins 	<p>Section 6.21.2 Appendix AB</p>																																																																		



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	<p><i>Table 3: Waste service requirements for residential developments</i></p> <table border="1" data-bbox="353 316 1070 646"> <thead> <tr> <th>Dwelling Type</th> <th>Number of Garbage Bins</th> <th>Number of Recycling Bins</th> </tr> </thead> <tbody> <tr> <td>Dwelling (single)</td> <td>1 x 240L (or alternate smaller size as available from Council)</td> <td>1 x 240L</td> </tr> <tr> <td>Low rise medium density housing</td> <td>1 x 240L (or alternate smaller size as available from Council)</td> <td>1 x 240L</td> </tr> <tr> <td>RFB 1-20 units</td> <td>1 x 240L bin per 2 units plus (or alternative as provided by Council)</td> <td>1 x 240L bin per 3 units</td> </tr> <tr> <td>RFB 20+ units</td> <td>1 x 1100L bin per 8 units Or 1 x 660L bin per 5 units</td> <td>1 x 240L bin per 3 units Or 1 x 1100L bin per 14 units</td> </tr> </tbody> </table>	Dwelling Type	Number of Garbage Bins	Number of Recycling Bins	Dwelling (single)	1 x 240L (or alternate smaller size as available from Council)	1 x 240L	Low rise medium density housing	1 x 240L (or alternate smaller size as available from Council)	1 x 240L	RFB 1-20 units	1 x 240L bin per 2 units plus (or alternative as provided by Council)	1 x 240L bin per 3 units	RFB 20+ units	1 x 1100L bin per 8 units Or 1 x 660L bin per 5 units	1 x 240L bin per 3 units Or 1 x 1100L bin per 14 units		
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	<p>Council will consider alternative options to the requirements outlined in Table 2 for developments exceeding 100 units. When determining the number of bins required, bin numbers are to be rounded up.</p>	<p>Noted</p>	<p>-</p>															
	<p>All developments must ensure separate residential and commercial bin storage areas, which shall be located behind the primary building line and adequately screened.</p>	<p>Complies</p> <p>Bin storage areas are provided internally on the Level 1 mezzanine level, and will separate residential and commercial/retail uses.</p>	<p>Appendix F Appendix AB</p>															
	<p>Waste and recycling bin storage area must be of adequate size to comfortably accommodate all waste and recycling bins associated with the proposed development. There must be no stacking of bins in the bin room and all bins must be placed side-by-side with equal access to all bins. There shall be an additional 75mm gap between each bin to facilitate movability.</p>	<p>Complies</p> <p>The estimated area required for the bin storage area has been calculated based on equipment requirements and/or bin dimensions with sufficient space provided for manoeuvrability. Refer to the architectural plans (Appendix F) and OWMP (Appendix AB) for further details.</p>	<p>Appendix F Appendix AB</p>															
	<p>The minimum door width needs to be greater than 1.4 metres to allow movability of bins and disabled access.</p>	<p>Complies</p> <p>All door widths for bin rooms exceed 1.5m in width.</p>	<p>Appendix F Appendix AB</p>															



Statutory Reference	Consideration	Response	Section in EIS
	<p>Waste and recycling bins must be kept separated in the bin storage room so that potential for contamination of recyclable materials is minimised. An aisle space needs to be provided that is a minimum of 1.5 metres wide.</p>	<p>Complies</p> <p>All waste storage rooms have sufficient space to maintain the separation of different waste types with aisle width exceeding 1.5m. Colour coding and appropriate signage in accordance with Australian Standards will clearly differentiate the different types of bins.</p>	<p>Appendix F Appendix AB</p>
	<p>Consideration needs to be given to access for maintenance and servicing arrangements.</p>	<p>Complies</p> <p>All waste storage rooms have sufficient space for maintenance and servicing arrangements.</p>	<p>Appendix F Appendix AB</p>
	<p>The bin storage area must be integrated into the overall design of the proposed development.</p> <p>Bin storage areas must be located behind the front building line. Wherever possible, the storage area should be in the basement location within the main building.</p> <p>The bin storage area must be located and designed to reduce adverse impacts upon the residents of any dwelling on the site and upon neighbouring properties.</p> <p>The bin storage area should be in a high pedestrian traffic area, storage area is well screened and do not reduce amenity.</p>	<p>Complies</p> <p>Bin storage areas are provided internally on the Level 1 mezzanine level, and as such will be screened and are placed to avoid adverse residential amenity impacts.</p>	<p>Appendix F Appendix AB</p>
	<p>Low rise medium density housing and residential flat building developments must provide a bulky household waste storage area and needs to be that is located adjacent to the communal bin storage area. The area must be designed to accommodate storage of unwanted bulky household waste such as mattresses, furniture, cardboards, appliances and other goods to be collected by Council's waste collection service.</p>	<p>Complies</p> <p>A bulky waste storage area is provided on Basement Level 3.</p>	<p>Appendix F Appendix AB</p>



Statutory Reference	Consideration	Response	Section in EIS
	<p>Bulky waste storage area needs to be designed based on the following calculation:</p> <ul style="list-style-type: none"> • 10m² of space for up to 40 units and then 2m² for every additional 10 units <p>All calculations need to be rounded to the next whole number.</p>	<p>Variation sought</p> <p>Based on 238 apartments, the DCP rates would require a bulk storage area of 109m², which is excessive for this development.</p> <p>The proposed 28m² bulk storage room is sufficient, noting that residents seeking to place items in the bulk storage room will be required to notify the building manager; this will enable building management to proactively arrange removal of bulk waste to ensure that optimal space is maintained. For such reasons, the proposed bulk storage area is sufficient. Refer to the architectural plans (Appendix E) and OWMP (Appendix AA) for further details.</p>	<p>Appendix E Appendix AA</p>
<p>3.4 Waste chute and service room requirements</p>	<p>Chute must be constructed in accordance with the requirements of the Building Code of Australia (BCA).</p> <p>Chute must be cylindrical and have a diameter of at least 500mm.</p> <p>Chute must be located and insulated in a manner that reduces noise impacts</p>	<p>Complies</p> <p>All works are to be constructed to BCA standards.</p>	<p>Appendix F Appendix AB Appendix AH</p>
	<p>The chute must deposit waste directly into the bins or compactor located within the waste and recycling collection room(s). This must happen in a manner that reduces spillages.</p>	<p>Complies</p> <p>The chute will deposit waste directly into the waste storage area.</p>	<p>Appendix F Appendix AB</p>
	<p>A cut off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or the compacting device at the bottom of the chute is withdrawn or being replaced.</p>	<p>To comply</p> <p>The chute deposit system will include a cut off device.</p>	<p>-</p>
	<p>There must be sufficient bin volume under the chute for a minimum of three days of waste generation. Where this cannot be provided, volume handling equipment is required to automatically change the bin under the chute when full.</p>	<p>Complies</p> <p>Refer to the OWMP for further details regarding required and proposed bin storage arrangements.</p>	<p>Appendix AB</p>



Statutory Reference	Consideration	Response	Section in EIS
	The upper end of the chute must extend above the roof line of the building and shall be weather protected in a manner that does not impede the upward movement of air out of the chute.	Complies Refer to the Architectural Plans for further detail.	Appendix F
	Branches connecting service opening to the main chute must not be more than 1m long.	Complies Refer to the Architectural Plans for further detail.	Appendix F
	A waste chute termination area is to be provided for the development directly under the chute within the basement footprint of the development, and within/immediately adjacent to the waste storage area.	Complies The chute termination area is located within the bin storage room.	Appendix F Appendix AB
	The waste chute service opening (hopper) must be provided on each habitable floor of the building and must be located in a designated enclosed service room. Waste chutes must not be accessible to commercial or public spaces	Complies Waste chute hoppers are provided only to each habitable floor.	Appendix F Appendix AB
	All waste chute service rooms must be located for convenient access by residents with no more than 20m travelling distance from any dwelling and must be ventilated and well lit.	Complies Waste chute hopper rooms are located no greater than 22 metres from the furthest apartments on each level.	Appendix F Appendix AB
	If a waste chute system is to be used, then recycling bin(s) must be provided on each habitable floor of the building and must be located in an enclosed waste chute service room.	Not applicable Not required, as chutes are to be provided for both waste and recycling on each level.	Appendix B Appendix AB
	A site caretaker will be required to rotate recycling bins from the waste chute service room to the bin storage area on a regular basis. A goods lift will need to be provided for this.	Complies The building manager will oversee rotation of bins within the residential waste storage room, with a dedicated lift to be provided.	Appendix F Appendix AB



Statutory Reference	Consideration	Response	Section in EIS
3.5 Bin transfer requirements	The route between bin storage areas and the collection point is to be: <ul style="list-style-type: none"> • a minimum of 2 metres wide; • free from steps or any obstruction, which may inhibit bins from being manoeuvred; • constructed from concrete or other similar hard, smooth, non-slip surfaces; • as short and direct as possible; and • wholly within the property boundary. 	Complies The bin storage areas and collection points are free from steps, located internally, are wide enough for bin path movement, with bin paths being as short and direct as possible. A dedicated lift for bin movement is provided to ensure step free paths between waste storage and collection areas.	Appendix F Appendix AB
	Where bins of up to 360 litres in capacity need to be wheeled to the collection point: <ul style="list-style-type: none"> • the distance should not exceed 75m in all circumstances; • the distance should not exceed 50m to for aged persons or persons with disability; • the path of transferring bins from the bin storage area to the collection point shall be of adequate width of at least 2m, level, and free of obstacles and be direct, smooth and without steps; and • the bin transfer grade should not exceed 1:14. 	Complies Refer to the Architectural Plans and Operational Waste Management Plans for further detail.	Appendix F Appendix AB
	For bins greater than 360 litres in capacity, if relocation of bins is required: <ul style="list-style-type: none"> • bins should not be wheeled over steps (neither up nor down); • the bin transfer grade should not exceed 1:30; and • the path of transferring bins from the bin storage area to the collection point is to be a minimum of 2m wide 	Complies Refer to the architectural plans (Appendix F) and OWMP (Appendix AB) for further details.	Appendix F Appendix AB
3.6 Collection area requirements	The temporary bin holding area will be required to be of sufficient size to allow the temporary storage of all bins for the development. The holding area will only store the bins, so they can be serviced and must be returned to the development bin storage area once the service is complete	Complies A temporary bin holding area is provided in the loading dock, that will be appropriately sized for temporary bin storage.	Appendix F Appendix AB



Statutory Reference	Consideration	Response	Section in EIS
	<p>Developments proposing a temporary bin holding area will require a caretaker to transfer all allocated bins from the bin storage area to the temporary bin holding area for servicing.</p>	<p>Complies</p> <p>The building manager will oversee the transfer of bins between storage and collection areas.</p>	<p>Appendix AB</p>
<p>3.7 Collection vehicle requirements</p>	<p>All proposed developments will need to accommodate a Heavy Rigid Vehicle (HRV) for all waste collection. Proposed developments that require a waste collection vehicle to enter the site for the collection of waste, a swept path analysis for a 10.5m HRV with a height clearance of 4.5m must be clearly demonstrated in the Architectural Plans, Waste Management Plan, and Traffic and Transport Management Plan. If a hook lift bin is to be used, the height clearance will increase and greater height clearance will be required.</p>	<p>Variation sought</p> <p>The loading dock is designed to provide two MRV loading bays. The submitted OWMP provides that MRV (rather than HRV access is sufficient for the proposed development. The OWMP and TPA both demonstrate that the design of the loading facilities is sufficient for MRVs, in terms of access/egress, onsite manoeuvring and loading. Further reference is made to the OWMP regarding MRV access.</p>	<p>Appendix F Appendix P Appendix AB</p>
	<p>The bin lift arc will also need to be taken into consideration when designing the height for the area for bin collection.</p> <p>The proposed development must have sufficient manoeuvring area on site to allow for a HRV to enter and leave the site in a forward direction and service the development with minimal or no need to reverse.</p>	<p>Complies</p> <p>The architectural plans (Appendix F) and TPA (Appendix P) demonstrate the loading facilities provide headroom in excess of 4.5m to enable sufficient clearances for the loading dock area.</p>	<p>Appendix F Appendix P Appendix AB</p>
	<p>The grades of entry and exit routes must not exceed the capabilities of the waste collection vehicle and must comply with AS 2890.2.</p> <p>Ensure the waste collection vehicle can park safely within a designated parking/ loading area on-site whilst servicing the bins. The truck loading area must be separated from car parking bays, footpaths and not block any driveways.</p>	<p>All driveways, parking and loading areas and vehicular access and manoeuvring areas are designed in accordance with Australian Standards, with sufficient clearances to services provided where necessary. Reference is made to the architectural plans (Appendix F) and TPA (Appendix P) for further details.</p>	<p>Appendix F Appendix P</p>
	<p>The truck loading area is to include an extra 2m length at the rear of the vehicle for bins to be loaded and emptied into the truck.</p>	<p>Complies</p> <p>The loading areas provide sufficient dimensions for the rear-loading of waste management vehicles.</p>	<p>Appendix F Appendix P Appendix AB</p>