

Appendix B

Statutory Compliance Table

No. 142-150 Narrow Neck Road, Katoomba

Statutory Requirement	Relevant Considerations	Comments	Document Reference
Consideration under the Act and Regulation			
Environmental Planning and Assessment Act 1979	Section 1.3 – Objects of the Act		
	(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,	The SSDA will promote the social and economic welfare of the community through the delivery of 218 dwellings and 52 serviced apartments, including 46 affordable housing dwellings. This will support the growing demand for a diversity in housing typology in Katoomba and the Blue Mountains region generally. The proposal also includes public/community uses in the form of a main restaurant building that includes an art gallery and information centre, providing employment opportunities on the site.	EIS Section 7.5, 7.15 and 7.17 Appendix AK Appendix F Appendix AH Appendix Y
	(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,		
	(c) to promote the orderly and economic use and development of land,	Sustainability has been a key consideration of the proposal’s design. An Ecologically Sustainable Design Assessment has been prepared by SLR Consulting and outlines the initiatives considered for the proposed development including passive design features, energy efficiency and water efficiency.	EIS Section 5.0 and 8.0
	(d) to promote the delivery and maintenance of affordable housing,		EIS Section 4 and 7.1
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	EIS Section 7.13 Appendix T		

	(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The proposed development will minimise impacts on threatened species or ecological communities, and will implement the mitigation measures outlined within the Biodiversity Development Assessment Report (BDAR) prepared by Fides.</p> <p>The proposal is not located within the vicinity of a local or state heritage item and is not located within a heritage conservation zone or in the vicinity of Aboriginal cultural significance. The proposal has also been designed to provide various opportunities to connect with Country, including the Incorporation of Aboriginal artwork and design elements in external landscaped areas of the site, taking cues from the 'precinct' and 'building' scale examples within the <i>Framework</i> amongst other initiatives with further collaboration with an Aboriginal design consultant post-consent.</p> <p>An Urban Design Report prepared by Atlas Urban and Design Report prepared by Antoniades Architecture outlines how the proposal promotes good design and amenity of the built environment. The proposal has also been designed in accordance with the principles outlined Schedule 9 of the Housing SEPP and the Apartment Design Guide, exhibiting high quality design and best practice.</p> <p>The proposal will be constructed and maintained in accordance with the relevant Australian Building Standards and Building Code of Australia (BCA) provisions. A Construction Management Plan will also be prepared at the Construction Certificate Stage.</p>	EIS Section 2.2 and 7.4 Appendix G
	(g) to promote good design and amenity of the built environment,		EIS Section 3.1 and 7.5 Appendix I Appendix F Appendix AK
	(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,		EIS Section 7.15
	(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,		N/A
	(f) to provide increased opportunity for community participation in environmental planning and assessment.		EIS Section 6.0 and 7.17 Appendix AG and AH

		<p>The applicant has undertaken stakeholder and community engagement and has provided a Community Engagement Report prepared by Meliora Projects. Additionally, the applicant will respond to any submissions within the formal public exhibition phase.</p>	
	<p>Section 4.15 – Evaluation (1) Matters for consideration—general in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application— (a) the provisions of— (i) any environmental planning instrument, and (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), and (iii) any development control plan, and (iiiia) 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, and</p>	<p>The proposal satisfies the relevant provisions set out in Section 4.15, discussed below: (a) the provisions of: (i) The environmental planning instruments relevant to the proposal are addressed in Section 4 of the EIS. (ii) No proposed instrument has been subject of public consultation under this act. (iii) DCPs do not apply to SSD as per Section 2.10 of SEPP (Planning Systems) 2021. a. There are no current Voluntary Planning Agreements (VPA) applicable to the development, and none are proposed under this SSDA. (iv) The Environmental Planning and Assessment Regulation is addressed at Section 4 of the EIS. (v) N/A (b) The likely impacts from the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality have been discussed in Section 7 of the EIS. (c) The suitability of the site for the proposed development has been considered in Section 7 of the EIS.</p>	<p>EIS Section 4.0 and 7.0</p>

	<ul style="list-style-type: none"> (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), (v) (Repealed) that apply to the land to which the development application relates, (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, (c) the suitability of the site for the development, (d) any submissions made in accordance with this Act or the regulations, (e) the public interest. 	<ul style="list-style-type: none"> (d) Any submissions received on the application will be addressed as part of a 'Response to Submissions Report'. (e) The development is in the public interest and will provide much needed housing supply and diversity in housing typology and generate employment to the area. 	
Environmental Planning and Assessment Regulation 2021	<p>Part 8 – Infrastructure and Environment Impact Assessment</p> <p>Part 8 of the Environmental Planning and Assessment Regulation 2021 include relevant statutory requirements under:</p> <ul style="list-style-type: none"> • Division 2 Environmental assessment requirements for State significant development, designated development and activities • Division 5 Environmental impact statements 	The EIS and SSDA has been prepared to address the relevant provisions under Part 8 of the Environmental Planning and Assessment Regulation 2021.	N/A
Environment Protection and Biodiversity Conservation Act 1999	<p>Division 1 – Requirements relating to matters of national environmental significance</p> <ul style="list-style-type: none"> • Subdivision A – World Heritage 	It has been identified in the BDAR that none of the matters of national environmental significance is considered relevant to the proposed development, stating:	Appendix T

	<ul style="list-style-type: none"> • Subdivision B – Wetlands of international importance • Subdivision C – Listed threatened species and communities • Subdivision D – Listed migratory species • Subdivision E – Protection of the environment from nuclear actions • Subdivision F – Marine environment • Subdivision G – Additional matters of national environmental significance. 	<p><i>The EPBC Act requires that developments or undertakings that are likely to have a significant impact on Matters of National Environmental Significance (MNES) be referred for a determination as to whether they are a controlled action that requires approval under the EPBC Act. Of the nine MNES listed under the Act, none are considered relevant to the proposed development.</i></p> <p><i>No EPBC listed species or ecological communities are likely to be impacted by the proposed development. A referral to the Australia Government Minister for the Environment is not deemed necessary.</i></p>	
<p>Biodiversity and Conservation Act 2016</p>	<p>Section 7.9 (1) This section applies to— (a) an application for development consent under Part 4 of the <u>Environmental Planning and Assessment Act 1979</u> for State significant development, and (b) an application for approval under Division 5.2 of the <u>Environmental Planning and Assessment Act 1979</u> to carry out State significant infrastructure. (2) Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. (3) The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment</p>	<p>The EIS is accompanied by a Biodiversity Development Assessment Report (BDAR) prepared by Fides.</p>	<p>EIS Section 7.13 Appendix T</p>

	<p>requirements of the Planning Agency Head under the <u>Environmental Planning and Assessment Act 1979</u>.</p> <p>Section 7.14 (1) This section applies to an application for development consent for State significant development under Part 4 of the <u>Environmental Planning and Assessment Act 1979</u>, or an application for approval for State significant infrastructure under the <u>Environmental Planning and Assessment Act 1979</u>, Division 5.2, that is required under Division 2 to be accompanied by a biodiversity development assessment report.</p>		
Relevant Environmental Planning Instruments			
<p>State Environmental Planning Policy (Resilience and Hazards) 2021</p>	<p>Section 4.6 (1) A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, and (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 (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</p>	<p>A preliminary site investigation (PSI) has been conducted by Douglas Partners and concluded, based on its current investigation that the site is considered suitable from a contamination perspective for the proposed mixed use development.</p>	<p>EIS Section 7.12 Appendix AE</p>

	remediated before the land is used for that purpose.		
State Environmental Planning Policy (Planning Systems) 2021	<p>Section 2.6 Declaration of State significant development: section 4.36</p> <p>(1) Development is declared to be State significant development for the purposes of the Act if—</p> <p>(a) 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</p> <p>(b) the development is specified in Schedule 1 or 2.</p> <p>Schedule 1 – Section 26A</p> <p>(1) Development to which <i>State Environmental Planning Policy (Housing) 2021</i>, Chapter 2, Part 2, Division 1 applies if—</p> <p>(a) the part of the development that is residential development has an estimated development cost of—</p> <p>(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</p> <p>(ii) for development on other land—more than \$30 million, and</p> <p>(b) the development does not involve development prohibited under an</p>	<p>The proposal was declared a State Significant Development (SSD) pursuant to Section 4.36 of the Environmental Planning & Assessment Act 1979. The Minister declared the project as SSD on 13 May 2025 under <i>State Significant Declaration Order (No 7) 2025</i>.</p>	EIS Section 5.0

	environmental planning instrument applying to the land.			
State Environmental Planning Policy (Housing) 2021	Chapter 2 Affordable Housing Division 1 Infill Affordable Housing Clause 15C Development to which division applies (1) This division applies to development that includes residential development if— (a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and (b) the affordable housing component is at least 10%, and (c) all or part of the development is carried out— (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.		This division has been considered when forming the site specific affordable housing provision. The proposed development is: <ul style="list-style-type: none"> Permitted with consent under the Blue Mountains LEP 2015. 15% of the residential GFA is proposed as the affordable housing component. <i>NOTE: This differs to the SEPP Housing 2021 requirement of 15% of total GFA, however is sought on a site specific basis as specified in the Concurrent Rezoning Report, and is on the basis of DPPI feedback.</i> The site is located in Katoomba, within the Western Parkland City, as identified under the Six Cities Region, and is in an accessible area. 	EIS Section 5.5
	Clause 19 Non-Discretionary Development Standards			
	Provision	Requirement		
	Site Area	450m ²	16,840m ²	EIS Section 2.0 Appendix E

	Landscaped Area	Min 30% of site area = 5,052m ²	6,720m ²	EIS Section 7.7 Appendix E	
	Parking (Affordable Housing)	1-bed: Min 0.4 2-bed: Min 0.5 3-bed or more: Min 1	Building A:	EIS Section 7.6 Appendix A1	
	Parking (Not Affordable Housing)	1-bed: Min 0.5 2-bed: Min 1 3-bed or more: Min 1.5	Min Affordable: 5 spaces Min Non-Affordable: 12 spaces		Proposed: 33 spaces
			Building B & C:		
			Min Affordable: 8 spaces Min Non-Affordable: 28 spaces		Proposed: 54 spaces
			Building D & E:		
			Min Affordable: 4 spaces Min Non-Affordable: 33 spaces		Proposed: 62 spaces
			Building F:		
			Min Affordable: 0 spaces Min Non-Affordable: 18 spaces		Proposed: 30 spaces
			Building G:		
			Min Affordable: 4 spaces Min Non-Affordable: 13 spaces		Proposed: 43 spaces
	Dwelling Size	Part 4 Objective 4D-1 ADG Studio – Min 35m ² 1-bed: Min 50m ² 2-bed: Min 70m ²	The ADG Compliance Table prepared by Antoniades Architects confirm that all proposed units achieve the minimum required apartment size.	Appendix I Appendix D	

		<p>3-bed or more: Min 90m² Additional bathrooms increase Min internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the Min. internal area by 12m² each.</p>		
	<p>Clause 20 Design Requirements (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, or (b) for precincts undergoing transition—the desired future character of the precinct.</p>		<p>The proposal has been thoughtfully designed to ensure that its architectural quality is of a high standard and contextually fits within the surrounding locality. It is also consistent with the desired future character established by the LEP through consistency with the zoning and zone objectives.</p> <p>Please refer to the Urban Design Report prepared by Atlas Urban for a comprehensive analysis of compatibility with the desired future character of the precinct and locality.</p>	<p>EIS Section 3.1 and 7.5 Appendix AK</p>
	<p>Clause 21 Must be used for affordable housing for at least 15 years (1) 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</p>		<p>The affordable housing component of the development will be managed by a registered community housing provider for at least 15 years.</p> <p>This requirement can be included as a condition of consent.</p>	<p>EIS Section 5.5</p>

	(b) the affordable housing component will be managed by a registered community housing provider.		
	<p>Clause 22 Subdivision permitted with consent Land on which development has been carried out under this division may be subdivided with development consent.</p>	The site is to be subdivided into 6 lots with construction on each lot to be staged to minimise impacts on surrounding development. Each lot will be further subdivided under a strata arrangement prior to occupation.	EIS Section 5.5
	<p>Chapter 4 – Design of residential apartment development</p> <p>Section 147</p> <p>(1) 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—</p> <p>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</p> <p>(b) the Apartment Design Guide,</p> <p>(c) 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.</p> <p>(2) The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application</p>	The proposal has been designed in accordance with Schedule 9 of the Housing SEPP and the Apartment Design Guide. Compliance with these requirements have been detailed in the ADG Compliance Table and Design Report prepared by Antoniades Architects.	EIS Section 5.5 Appendix I Appendix J

	<p>or modification application must be determined by the consent authority.</p> <p>(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</p> <p>Subsection (1)(c) does not apply to State significant development.</p>		
<p>State Environmental Planning Policy (Sustainable Buildings) 2022</p>	<p>Section 2.1</p> <p>(1) Schedule 1 sets out the standards that apply to BASIX development referred to in paragraphs (a) and (b) of the definition of <i>BASIX development</i> in the <u>Environmental Planning and Assessment Regulation 2021</u>.</p>	<p>This EIS includes an Ecologically Sustainable Design (ESD) Assessment which demonstrates that the proposal is committed to the implementation of ESD principles throughout the lifetime of the developments. Additionally, BASIX Certificates have been provided which further reinforces the proposal's commitment to sustainable development.</p>	<p>EIS Section 7.15 Appendix AN Appendix Y Appendix M and N</p>
	<p>Section 3.2</p> <p>(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—</p> <p>(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,</p> <p>(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,</p> <p>(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,</p> <p>(d) the generation and storage of renewable energy,</p>	<p>The proposed mixed-use development (Building H) comprises serviced and residential apartments, a wellness centre, and a restaurant, along with a main restaurant building that also accommodates an information centre and art gallery.</p> <p>Section 3.2 of the Sustainable Buildings SEPP applies, as the proposal involves new non-residential development with an estimated cost exceeding \$5 million. Section 3.2 of the SEPP likely applies to the site, and the proposal provides ESD reporting to address sustainability measures.</p> <p>The proposal has been designed to address the considerations under Section 3.2, discussed below:</p> <ul style="list-style-type: none"> • A Construction Waste Management Plan (CWMP) prepared by Elephants Foot Consulting details the 	

	<p>(e) the metering and monitoring of energy consumption, (f) the minimisation of the consumption of potable water.</p>	<p>waste management provisions during the construction of the development to minimise the waste generated outlines opportunities for reuse and recycling of materials.</p> <ul style="list-style-type: none"> • The proposed non-residential components will be designed in accordance with ESD initiatives to ensure energy-efficient buildings that incorporate passive design measures, reducing reliance on artificial lighting and mechanical heating and cooling. • The proposed non-residential developments will not generate and store renewable energy, however, as stated these proposed developments have been designed to align with the ESD initiatives ensuring efficient energy use. Additionally, the rest of the residential developments on site all incorporate solar panels to reduce energy the demand on the existing network. • Metering and monitoring of energy consumption can be addressed in a future Building Management System and can be included in the conditions of consent. • Implementation of water efficient fixtures and fittings and the installation of an above ground rainwater tank to each of the buildings on site will minimise the consumption of potable water. 	
<p>State Environmental Planning Policy (Transport and Infrastructure) 2021</p>	<p>Section 2.122 (1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</p>	<p>It is noted that the proposed development falls within the limits set out in Schedule 3 of the Transport and Infrastructure SEPP, and the proposal provides 218 residential dwellings on site. Therefore, in our opinion, Section 2.122 is not applicable.</p>	<p>Appendix A1</p>

	<p>(a) new premises of the relevant size or capacity, or</p> <p>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</p> <p>(3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—</p> <p>(a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and</p> <p>(b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</p>		
<p>Blue Mountains Local Environmental Plan 2015</p>	<p>Clause 2.1 – Land Use Zones and Tables</p> <p>R3 Medium Density Residential</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a medium density residential environment. • To provide a variety of housing types within a medium density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	<p>The subject site is zoned R3 Medium Density Residential, in which the proposed development of seven residential flat buildings, mixed use development (residential and serviced apartments , restaurant and wellness centre) and detached restaurant including an information centre and art gallery are permissible with consent. With the wellness centre provided in the mixed use development being only for resident and serviced apartment guests, and therefore can be considered an ancillary use to the permitted uses, consistent with the zoning.</p> <p>The proposal is consistent with the objectives of the R3 zone, discussed below:</p>	<p>EIS Section 5.0</p>

	<ul style="list-style-type: none"> To consolidate residential opportunities in accessible localities within close proximity to commercial centres and railway stations. To ensure that residential development contributes to the streetscape and has a scale and character that is consistent with adjoining residential land uses and minimises any adverse impact on the amenity of residents. 	<ul style="list-style-type: none"> The proposal will assist in the delivery of housing supplying to meet the demands of community within a medium density residential environment. The proposed development provides a variety of housing types and sizes, through a mix of dwelling sizes and the provision of affordable housing. The proposal enables other land uses in the form of a restaurant, information centre and art gallery on site. The proposal is in close proximity to public transport and is in the vicinity of Katoomba Town Centre and Train Station. The proposal has been designed to contribute to the streetscape and provides a scale and character with the desired future character of the area and does not comprise on the amenity of the surrounding residents. 	
	<p>Clause 4.3 Height of Buildings 8m maximum building height for a development on the subject site.</p>	<p>A Concurrent Rezoning Report has been prepared by GSA Planning to amend the following development standards to the subject site:</p>	
	<p>Clause 4.4 Floor Space Ratio 0.6:1 applicable to the subject site.</p>	<ul style="list-style-type: none"> Height of Building – 15.6m; and FSR – 1.17:1. <p>The proposed development includes buildings with heights ranging from 13.28 metres to 15.42 metres and a total gross floor area (GFA) of 19,621m², resulting in an FSR of 1.17:1. The proposal is consistent with the development standards outlined in the Concurrent Rezoning Report.</p>	<p>EIS Section 7.2 Concurrent Rezoning Report</p>
	<p>Clause 5.10 Heritage Conservation Area N/A</p>	<p>The subject site is not identified as a local or state heritage item, and is not located in a heritage</p>	<p>EIS Section 7.8 Appendix AC</p>

		<p>conservation area. Furthermore, the site is not in proximity to any heritage items, with a review of publicly available statutory and non-statutory heritage registers within a 150m buffer of the study area verifying this as demonstrated in the Heritage Advice Memorandum.</p>	
	<p>Clause 6.4 Protected Area – Slope Constraint Area The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to restrict the development of land that has contiguous areas of slope greater than 20% or physical characteristics that render the land inappropriate for development, (b) to ensure that development on land that has contiguous areas of slope greater than 20% is designed and sited to minimise vegetation clearing and soil disturbance, (c) to encourage the retention, restoration and maintenance of disturbed native vegetation on steep land. <p>(4) This clause applies to land that has a contiguous area of slope exceeding 20% and that is identified as “Protected area—Slope constraint area” on the <u>Natural Resources—Land Map</u>.</p> <p>(5) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that—</p> <ul style="list-style-type: none"> (a) all existing native vegetation situated outside any part of the land required for the development will be retained and appropriate measures will be incorporated 	<p>Parts of the subject site has been identified to fall within the Slope Constraint Area on the Natural Resources Land Map. Based on information provided by the Architect, the site has an overall slope of less than 20% (being 12.4% - 15.8%), which is contrary to the full 20% slope constraint mapping for the site under the slope constraint provision of the LEP.</p> <p>The proposal has been designed to satisfy the relevant consent authority considerations.</p> <ul style="list-style-type: none"> • The BDAR provided includes outlines mitigation measures to ensure vegetation situated outside of the subject site will not be impacted among other impacts. • A Services and Infrastructure Report prepared by Deboke Engineering Consultants discusses stormwater management and demonstrates that the proposal will not have an adverse impact on the rate, volume or quality of water running off the land. <p>A Geotechnical Report has been prepared by Australian GeoEnviro that provides recommendations for excavation, support and footings to ensure the land is suitable for the proposed development.</p>	<p>EIS Section 7.9 Appendix T Appendix X Appendix L</p>

	<p>to facilitate the maintenance of such vegetation, and</p> <p>(b) the development will incorporate measures to regenerate any native vegetation that has been cleared from land to which this clause applies that does not form part of the site of any existing or proposed development, and</p> <p>(c) the development will not have any adverse impact on the rate, volume or quality of water running off the land, and</p> <p>(d) a geotechnical report prepared by a suitably qualified person demonstrates that the soil characteristics and structural elements of the land are suitable for the proposed development, and</p> <p>the development cannot practicably be located on land other than the land to which this clause applies.</p>		
	<p>Clause 6.9 Stormwater Management</p> <p>(1) The objective of this clause is to avoid the adverse impacts of urban stormwater on land on which development is located and on adjoining properties, native bushland and receiving waters.</p> <p>(2) Development consent must not be granted for development unless the consent authority is satisfied that the development—</p> <p>(a) incorporates best practice water sensitive urban design principles, and</p> <p>(b) is designed to maximise the use of water permeable surfaces on the land having regard to groundwater levels and the soil</p>	<p>A Stormwater Management Plan and Report has been prepared by Deboke. It demonstrates that adequate stormwater infrastructure is proposed to ensure appropriate drainage from the site with mitigation measures in place for treatment</p>	<p>EIS Section 7.11 Appendix V and X</p>

	<p>characteristics affecting on-site infiltration of water, and</p> <p>(c) includes, if practicable, on-site stormwater retention for reuse as an alternative supply to mains water, groundwater or river water, and</p> <p>(d) avoids any adverse impacts caused by stormwater runoff on adjoining properties, native bushland and the receiving natural environment by ensuring that—</p> <p>(i) the quality of surface water or groundwater leaving the site is not reduced in the short or long term, and</p> <p>(ii) the quantity and flow characteristics of stormwater leaving the site is not adversely altered, and</p> <p>(iii) stormwater treatment and disposal methods achieve adequate filtration, absorption, dissipation and scour protection, and</p> <p>integrates stormwater management measures into the landscape so as to provide a neutral or beneficial effect on environmental and water quality protection, stormwater retention and detention, flood mitigation, landscaping, public open spaces and recreational and visual amenity.</p>		
	<p>Clause 6.12 Protected Area – Escarpment</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to preserve and enhance the visual, cultural and ecological values of the escarpment systems in the Blue Mountains,</p>	<p>The subject site has been identified on the Scenic and Landscape Values Map to have land identified as Escarpment.</p> <p>The proposal will satisfy the relevant considerations under this clause:</p>	<p>Appendix T Appendix AA Appendix AK</p>

	<p>(b) to restrict development, including buildings, alterations and vegetation clearing, so as to minimise any adverse impact on the perception of escarpments as significant natural features,</p> <p>(c) to limit the proportion of hard surfaces in close proximity to escarpment systems,</p> <p>(d) to ensure that the design and siting of development minimises any adverse environmental impact,</p> <p>(e) to encourage the retention, restoration and maintenance of areas of disturbed native vegetation.</p> <p>(2) This clause applies to land identified as “Protected Area—Escarpment” on the <u>Scenic and Landscape Values Map</u>.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies that requires the clearing of native vegetation unless the consent authority is satisfied that—</p> <p>(a) the development will not have any adverse impact on the ecological or scenic values of the escarpment system, and</p> <p>(b) all existing native vegetation situated outside the land required for the development will be retained and appropriate measures will be incorporated to facilitate the maintenance of such vegetation, and</p>	<ul style="list-style-type: none"> • The proposal is not considered to have any adverse impact on the ecological and scenic values of the escarpment. • The proposal will not impact native vegetation on adjoining properties, and the BDAR includes mitigation measures to ensure vegetation outside the subject site is not affected. • A Landscape Plan has been prepared by Xeriscape which includes the planting to regenerate any native vegetation that has been cleared and does not form part of the proposed development. • The Urban Design Report provided demonstrates the proposed developments respond sympathetically to the landform. Though the proposed development will protrude above adjacent buildings and existing vegetation it minimises its visual impact through extensive landscaping across the site, built form stepping in response to the site’s topography, generally a 12-metre setback to Narrow Neck and Glencoe Roads, and a 5-metre landscaped buffer along the golf course frontage. • The proposal has been designed to use unobtrusive and non-reflective materials in addition to the use of cascading and climbing plants to soften building edges and the use of natural materials to better blend with the surrounding development. 	
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	<p>(c) the development will incorporate measures to regenerate any native vegetation that has been cleared from land to which this clause applies that does not form part of the site of any existing or proposed development, and</p> <p>(d) the development will be designed and sited to respond sympathetically to the land form of which it will form a part, and</p> <p>(e) no part of the development will protrude above any adjacent buildings or the existing vegetation canopy surrounding the site area, and</p> <p>(f) the development will not visually disrupt the skyline by protruding above the ridgeline within or behind the site, and</p> <p>(g) the development will use unobtrusive and non-reflective materials to blend structures into the natural environment, and</p> <p>(h) the development will incorporate appropriate measures to minimise the reflection of sunlight from glazed surfaces.</p>		
	<p>Clause 6.14 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>A Geotechnical Assessment is provided. The proposed development will implement the recommendations outlined within the report to ensure the proposal mitigates any potential geotechnical impacts associated with the excavation required for the development.</p>	<p>EIS Section 7.9 Appendix L</p>

	<ul style="list-style-type: none"> (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) whether the development minimises cut and fill and the use and location of cut and fill on the site, (e) the effect of the development on the existing and likely amenity of adjoining properties, (f) the source of any fill material and the destination of any excavated material, (g) the likelihood of disturbing relics, (h) whether the location of the earthworks is appropriate, taking into account land that has previously been cleared in response to site characteristics, (i) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive land and measures to prevent sediment, building materials, waste or other pollutants from leaving the site and entering adjoining land, street gutters, drains or watercourses, (j) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 		
	<p>Clause 6.19 Design Excellence (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</p>	<p>The proposal satisfies the design excellence provisions under Clause 6.19 of the Blue Mountains LEP 2015. The provisions to be considered by the consent authority for whether a development exhibits designed excellence is discussed below:</p>	<p>EIS Section 7.1.1 Appendix AL Appendix E Appendix R Appendix W</p>

	<ul style="list-style-type: none"> (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d) whether the development detrimentally impacts on any land protected by solar access controls established in the Blue Mountains DCP, (e) the requirements of the Blue Mountains DCP, (f) how the development addresses the following matters— <ul style="list-style-type: none"> (i) the suitability of the land for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, 	<ul style="list-style-type: none"> (a) <i>whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i> <p>A high standard of architectural design has been achieved as the proposal has been designed in accordance with Schedule 9 of the Housing SEPP and the Apartment Design Guide. The materiality has taken inspiration from the colours and textures of the unique flora and fauna in the Katoomba landscape ensuring it provides a development that harmonises with the locality.</p> <ul style="list-style-type: none"> (b) <i>whether the form and external appearance of the development will improve the quality and amenity of the public domain,</i> <p>As discussed, the proposal has provided materiality that is consistent with the locality and has also incorporated extensive landscaping throughout the site and in the residential flat buildings in the form of soft landscaping. Cascading planting along the balconies of the apartments softens the built form contributes to a cohesive visual amenity when viewed from the public domain. Views are likely to be maintained with view impacts generally being nil to moderate from public viewing locations as identified in the Visual Impact Assessment at Appendix AL. Overshadowing is largely confined to the subject site, with any overshadowing of the public domain predominantly limited to adjacent public roads. Neighbouring development have limited additional impacts from 9am-1pm, with no impact from 2pm-3pm.</p>	<p>Appendix AC Appendix G Appendix T Appendix AK Appendix I Appendix F Appendix Y</p>
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	<ul style="list-style-type: none"> (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access, circulation and requirements, (x) the impact on, and any proposed improvements to, the public domain. 	<p>Accordingly, the proposal presents an external appearance that is cohesive with the locality, provides a positive visual outcome for the public domain, and has been designed to ensure that views and solar access are appropriately maintained.</p> <p><i>(c) whether the development detrimentally impacts on view corridors,</i></p> <p>A Visual Impact Assessment has been conducted at Appendix AL which concluded that the highest value components of the views are retained above and behind existing trees and low-level landscape and that the proposal satisfies the Council guidelines for view-sharing and visual impact from relevant public viewing locations. This demonstrates that the proposal does not have a detrimental impact on view corridors.</p> <p><i>(d) whether the development detrimentally impacts on any land protected by solar access controls established in the Blue Mountains DCP,</i></p> <p>As the development application is an SSD, development control plans do not apply pursuant to Part 2.2, Clause 2.10 of SEPP Planning Systems 2021. Nonetheless, based on the shadow diagrams at Appendix E the proposal will not have a detrimental impact on land protected by solar access controls. Nonetheless, based on the shadow diagrams at Appendix E, the proposal will not have a detrimental impact on land protected by solar access controls. As discussed, overshadowing is generally confined to the subject site, with any additional shadows predominantly falling on the public domain, including roads, footpaths and the nature strip. The only identified impact to a neighbouring property relates to</p>	
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		<p>the townhouse immediately south of Building G at No. 23 The Escarpments. While overshadowing of this property is more pronounced, the dwelling will continue to receive a minimum of two hours of sunlight to at least 50% of its primary private open space and three hours of sunlight to living room windows. Accordingly, the proposal does not result in a detrimental impact on neighbouring solar access.</p> <p>(e) <i>the requirements of the Blue Mountains DCP,</i> As discussed, the development application is an SSD and therefore development control plans do not apply. Nonetheless, the proposal has taken directions from the Blue Mountains DCP 2015 in the design of the proposal, as noted in Table 13 of the EIS (reproduced below):</p> <table border="1" data-bbox="1144 837 1774 1404"> <thead> <tr> <th colspan="3" data-bbox="1144 837 1774 890">TABLE 1: Blue Mountains DCP 2015</th> </tr> <tr> <th data-bbox="1144 890 1303 943">Provision</th> <th data-bbox="1303 890 1494 943">Requirement</th> <th data-bbox="1494 890 1774 943">Response/Comment</th> </tr> </thead> <tbody> <tr> <td data-bbox="1144 943 1303 1316">Katoomba Precinct R3-KA17 – Katoomba Golf Course Housing Precinct</td> <td data-bbox="1303 943 1494 1316">The minimum setback from The Escarpments street frontage and the internal road street frontage (that intersects with Narrow Neck Road) is 5m for townhouses</td> <td data-bbox="1494 943 1774 1316">5m from The Escarpments street frontage.</td> </tr> <tr> <td data-bbox="1144 1316 1303 1404"></td> <td data-bbox="1303 1316 1494 1404">The minimum side boundary setback is 1m</td> <td data-bbox="1494 1316 1774 1404">8-13m</td> </tr> </tbody> </table>	TABLE 1: Blue Mountains DCP 2015			Provision	Requirement	Response/Comment	Katoomba Precinct R3-KA17 – Katoomba Golf Course Housing Precinct	The minimum setback from The Escarpments street frontage and the internal road street frontage (that intersects with Narrow Neck Road) is 5m for townhouses	5m from The Escarpments street frontage.		The minimum side boundary setback is 1m	8-13m	
TABLE 1: Blue Mountains DCP 2015															
Provision	Requirement	Response/Comment													
Katoomba Precinct R3-KA17 – Katoomba Golf Course Housing Precinct	The minimum setback from The Escarpments street frontage and the internal road street frontage (that intersects with Narrow Neck Road) is 5m for townhouses	5m from The Escarpments street frontage.													
	The minimum side boundary setback is 1m	8-13m													

			for townhouses and 1.5m for dwelling houses.		
			The minimum building setback from the Narrow Neck Road boundary and the Glencoe Road boundary is 12m.	Generally compliant with minor variations from Building C, D and corner restaurant building.	
		Medium Density Development – Communal Open Space	Where a residential flat building is proposed, provide an area of communal open space that is at least 25% of the site area and has a minimum dimension of 6m.	5,043m ² (29.95%) > 6m in dimensions	
		Adaptability	4 adaptable dwellings + 20% of additional dwellings beyond 10 (rounded up to the nearest whole number). Min = 45.6 dwellings	46 adaptable dwellings	
Accordingly, the proposal generally satisfies the relevant key controls of the Blue Mountains DCP 2015.					

		<p>(f) <i>how the development addresses the following matters—</i></p> <p>(i) <i>the suitability of the land for development,</i></p> <p>The site is suitable for the proposed development as it is a greenfield site zoned R3 Medium Density Residential, within which the proposed mixed-use development is permissible. The site is not identified as bushfire-prone or flood-prone land, as confirmed by the Bushfire Statement and Flood Risk Management Report at Appendices R & W. The site is not a listed heritage item, is not located within a heritage conservation area, and does not contain Aboriginal heritage significance, as identified in the Non-Aboriginal Heritage Advice Memo and Aboriginal Heritage Impact Assessment at Appendices AC & G. In addition, the site is not an area of outstanding biodiversity value, as demonstrated in the BDAR at Appendix T. The site is well connected to public transport, with a bus stop located within a 400m walking distance along Narrow Neck Road, and is in close proximity to the Katoomba Town Centre.</p> <p>(ii) <i>existing and proposed uses and use mix,</i></p> <p>Currently, the site is a vacant lot with vegetation including trees and shrubbery towards the north and south of the site. The proposal is for a mixed used development including residential flat buildings, serviced apartments, and a building for a restaurant, art gallery and information centre. These proposed uses are permissible within the R3 Medium Density Residential Zone of the subject site.</p> <p>(iii) <i>heritage issues and streetscape constraints,</i></p> <p>No heritage impacts have been envisaged from the</p>	
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		<p>proposal as identified in the Aboriginal Heritage Impact Assessment Report and Non-Aboriginal Heritage Advice Memo at Appendices G & AC respectively. With the Aboriginal Impact Assessment Report concluding:</p> <p><i>It was found that:</i></p> <ul style="list-style-type: none"> • <i>There are no AHIMS registered sites within the study area</i> • <i>The visual inspection and desktop research identified that there are no landforms present within the study area that are likely to be associated with Aboriginal objects.</i> • <i>There is historical evidence of extensive surface modification within the study area, associated with the construction of the former Katoomba golf course.</i> <p>The Non-Aboriginal Heritage Advice Memo concluding:</p> <p><i>This report has concluded that:</i></p> <ul style="list-style-type: none"> • <i>Consultation of the appropriate statutory bodies identified that there are no heritage items listed within the 150m buffer around the study area.</i> • <i>The desktop study, considering historical aerial photographs, historic records, and maps, found no evidence of any potential archaeological remains within the study area</i> • <i>In accordance with Condition 22 of SSD-86456706, further heritage assessments and archaeological investigations are not required, as the study area has been assessed as</i> 	
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		<p><i>having no potential to contain significant archaeological works or 'relics'</i></p> <p>(iv) <i>the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</i></p> <p>The separation, setbacks, amenity and urban form of the proposed development, this has been discussed in detail in the Urban Design Report, ADG Compliance Table and Better Placed Response Document, included at Appendices AK, I & F</p> <p><u>Separation</u> Building separations between the main façades of the proposed development generally comply with the guiding controls. While not all proposed setbacks and building separations meet the numerical criteria, windows and balconies have been strategically positioned and designed to mitigate direct overlooking between dwellings on the site, and to neighbours.</p> <p><u>Setbacks</u> Proposed setbacks are aligned with the Katoomba Golf Course Precinct. A 5m setback is provided from The Escarpments frontage, with a generally 12m setback from Narrow Neck Road and Glencoe Road. Minor variations occur at Buildings C and D and the corner restaurant building; however, these will not be noticeably discernible, as the built form will be largely screened by landscaping along the Narrow Neck Road and Glencoe Road frontages. Furthermore, other</p>	
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		<p>proposed buildings along Narrow Neck Road are setback well beyond the 12m setback line as to offset the areas of built form within that setback. In addition, a 5m landscaped buffer is provided between Building H and the former golf course, and a setback of approximately 13m is maintained from the southern side boundary.</p> <p><u>Amenity</u> The proposal ensures a high level of solar access to neighbouring developments and to internal living areas, private open space and communal open space across the subject site, with consideration of the site constraints including slope. A total of 62.84% of units receive a minimum of three hours of solar access, and the proposal achieves the natural ventilation objectives of the Apartment Design Guide, with 61% of units providing cross-ventilation. As noted, the proposal generally complies with separation distance requirements, with windows and balconies strategically positioned to minimise direct overlooking. In addition, the use of screens and soft landscaping ensures that visual privacy is maintained for both residents and neighbouring properties.</p> <p>A total of 4,845 m² of communal open space is proposed across the site. This includes ground-level communal areas, notably the central open space, which incorporates a high-quality layout and landscape design to enhance comfort and usability for residents. Collectively, these elements ensure a high level of amenity for future residents and neighbouring properties. Further detail is provided in Section 7.5 of</p>	
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		<p>the EIS.</p> <p><u>Urban Form</u></p> <p>The proposal has been informed by the local context and site topography, with materiality drawing inspiration from the surrounding flora and fauna to ensure a cohesive integration with the locality. The proposed massing has been carefully designed to maximise daylight, cross-ventilation and views across the site and surrounding bushland. Extensive planting is incorporated along the building edges to soften the built form and reinforce the green, leafy character of the area. The urban form is discussed in further detail in Appendices AK & F.</p> <p style="padding-left: 40px;"><i>(v) bulk, massing and modulation of buildings,</i></p> <p>The proposed bulk, massing and modulation of buildings are discussed in detail in the Urban Design Report and the Better Placed Response Document at Appendices AK & F. The proposed built forms adopt a stepped form that generally follows the natural contours of the land reducing the visual bulk of the developments. The proposed massing of the development is to respond to the solar orientation and views, with the east and west facing frontages maximising daylight, cross-ventilation and the panoramic vistas of the surrounding bushland.</p> <p style="padding-left: 40px;"><i>(vi) street frontage heights,</i></p> <p>Along Narrow Neck Road, the built forms are set back significantly from the street boundary, and the existing green belt of established tree canopy between the subject site and Narrow Neck Road is retained. This vegetation largely screens the development when</p>	
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		<p>viewed from Narrow Neck Road and from neighbouring properties. Along The Escarpments, the proposed residential flat buildings are similarly set back from the street frontage and step down in response to the site's topography. A setback of 13.6 m from the side boundary is also provided, ensuring an appropriate transition between the proposed development and the adjoining townhouse developments along The Escarpments.</p> <p style="text-align: center;"><i>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</i></p> <p>The proposal incorporates sustainable design principles, achieving compliance with BASIX requirements and a 7-star NatHERS rating. Additional sustainability measures are detailed in the Ecologically Sustainable Design Assessment Report at Appendix Y. As discussed, overshadowing is largely confined to the subject site, with any shadows affecting the public domain generally limited to adjacent road areas. Overshadowing of neighbouring properties along The Escarpments is limited and will continue to allow more than three hours of solar access to private open space and living room windows. The proposed materiality, colours and textures draw inspiration from the surrounding flora and fauna of the Katoomba landscape and have been selected to avoid reflective finishes.</p>	
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		<p>(viii) <i>the achievement of the principles of ecologically sustainable development,</i></p> <p>The proposal satisfies the four principles of ecologically sustainable development as laid out in Section 193 of the EP&A Regulation. This is discussed in detail in Section 8.3.3 of this EIS report.</p> <p>(ix) <i>pedestrian, cycle, vehicular and service access, circulation and requirements,</i></p> <p>Vehicle and pedestrian access throughout the site are outlined in the Traffic Impact Assessment at Appendix AI. The site is well connected by a comprehensive pedestrian network, that provides convenient access between buildings, central communal garden and restaurant within the site. Pedestrian pathways are oriented to respond to the site's topography and built form, supporting permeability, ease of movement and strong connections to surrounding areas, including existing pedestrian routes and future integration with the planned Planetary Health Precinct.</p> <p>Vehicle access to the site is proposed by way of connecting to an existing carriageway to The Escarpments development to the west; and from the corner of Glencoe Road and Narrow Neck to the north of the site. A secondary access is provided at the bend in Glencoe Road for emergency vehicles and pedestrian only. It will be generally closed and opened only for fire engine or emergency service vehicle access, if required. The proposed design enables all entering and exiting movements to be made in a forward direction.</p> <p>(x) <i>the impact on, and any proposed</i></p>	
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		<p><i>improvements to, the public domain.</i></p> <p>The proposal will enhance the public domain by improving connectivity, with a public pedestrian pathway provided along the western Narrow Neck Road frontage to facilitate safe access to the nearby bus stop. Additional pathway connections through the eastern portion of the site will link to surrounding parkland, supporting movement through the site and contributing to the activation of the Planetary Health Precinct by encouraging residents and visitors to pass through the area. The proposal will also maintain the green, leafy character of the locality through the provision of landscaped setbacks and deep-soil zones, ensuring that visual amenity within the public domain is preserved.</p>	
	<p>Clause 7.6 Katoomba Precinct – R3-KA-17 (17) The objectives for development on land identified as “Katoomba Precinct R3-KA17” on the <u>Built Character Map</u> are as follows—</p> <ul style="list-style-type: none"> (a) to provide opportunities for a range of housing options and a variety of dwelling sizes, (b) to promote high levels of residential amenity for both future residents and existing neighbouring properties, (c) to create a residential character in the precinct that is consistent or compatible with the general scale, bulk and architectural character of existing residential development in the area, (d) to control building heights, setbacks and forms to minimise the visual impact of 	<p>The subject site is located within Katoomba Precinct R3-KA17 on the Built Character Map and satisfies the objectives, as follows:</p> <ul style="list-style-type: none"> • The proposal provides a range of housing options from studios to four bedroom apartments and also includes affordable housing. • The proposal promotes a high level of residential amenity, with most dwellings on the site achieving three hours of direct sunlight and effective cross-ventilation. It also features extensive landscaped areas and well-designed communal spaces that support resident wellbeing. The built form has been designed to ensure neighbouring properties are not significantly impacted. • An Urban Design Report is provided that demonstrates the proposed developments is of a bulk and scale that is compatible with the 	<p>EIS Section 7.1 and 7.3 Appendix AK Appendix AL Appendix AA</p>

	<p>development when viewed from a public place and to maximise residential amenity and take advantage of scenic views,</p> <p>(e) to retain bushland frontages to the street and to provide landscaping that filters views of the buildings from the golf course and from distant view points,</p> <p>(f) to promote future development of residential buildings within garden settings that retain the existing pattern of tall canopy trees as a scenically distinctive backdrop along the ridgeline of Narrow Neck Road to create a buffer to Glencoe Road,</p> <p>(g) to provide on-site parking that does not dominate the street frontage and is integrated with the design of surrounding garden areas, to provide vehicular and pedestrian access to the existing street network.</p>	<p>neighbourhood character and has been designed to minimise its visual impact when viewed from public open space. This is achieved through extensive landscaping across the site, built form stepping in response to the site's topography, generally a 12-metre setback to Narrow Neck and Glencoe Roads, and a 5-metre landscaped buffer along the golf course frontage.</p> <ul style="list-style-type: none"> • The proposal retains the tree planting along Narrow Neck Road and provides landscaping that filters views of the buildings from the golf course and distant viewpoints as demonstrated in the Visual Impact Assessment prepared by Urbaine Design Group. • The Landscape Plan provided outlines the proposed landscape design, which features residential buildings set within a garden setting and retains the existing pattern of tall canopy trees along the ridgeline of Narrow Neck Road. • The proposal provides on-site parking primarily within the basement to ensure it is not readily discernible from the street frontage. Outdoor parking proposed along Glencoe Road, adjacent to the Main Restaurant Building, includes a landscaped buffer with tree planting to ensure it integrates with the overall landscape design and does not dominate the street frontage. 	
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