

CDCP 2021 Compliance Table

Relevant Control	Discussion	Compliance
Part A – General Controls		
Part A2 – Subdivision		
2.4 Residential flat building, multi-dwelling development and mixed use development	C1. Development sites involving more than one lot shall be consolidated.	Noted.
	C2. Plans of Consolidation shall be submitted to, and registered with, the office of the NSW Land and Property Management Authority. Proof of registration shall be produced prior to release of the Occupation Certificate.	Noted.
	C3. Adjoining parcels of land not included in the development site shall be capable of being economically developed and not result in site isolation.	The adjoining sites to the south of the site will not be isolated and allows for 52 A Hampstead and 2-6 Highgate Street to amalgamate.
	C4. The community title or strata title subdivision of a residential flat building shall be in accordance with the approved development application plans, particularly in regard to the allocation of private open space, communal open space and car parking spaces. C6. Council will allow the strata subdivision of residential flat buildings subject to compliance with all other related controls contained in this DCP.	Yes
	C5. Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.	N/A
	C6. Council will allow the strata subdivision of residential flat buildings subject to compliance with all other related controls contained in this DCP.	Noted.
	C7. A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side.	Not applicable to the subject application.

Part A3 – Site Amalgamation & Isolated Sites

2. Principles	The key principle is to ensure the subject site and adjoining site(s) can achieve development that is consistent with the planning controls. Isolation of small sites should be avoided as it may result in poor built form outcomes. If variations to the planning controls are required, such as non-compliance with a minimum allotment size, both sites will be required to demonstrate how development of appropriate urban form with an acceptable level of amenity for all stakeholders will be achieved.	The proposed development will not result in any site isolation of adjoining sites.	Yes
3. Process	<p>Site amalgamation shall be considered and/or required if:</p> <ul style="list-style-type: none">• the adjoining site will become isolated by the proposed development;• the subject site cannot satisfy the minimum lot width and size requirements;• there is a likely environmental impact of a proposed development upon the amenity and enjoyment of land locked and/or isolated sites including shadow, privacy, noise, odour and visual impacts;• if there is a better streetscape amenity outcome to be achieved that would also reduce the number of access points along a street frontage; and• the subject site and adjoining site(s) cannot achieve a satisfactory form of development that is consistent with the planning controls. <p>If any of the above applies, then negotiations for amalgamation between the owners of the properties should commence at an early stage and prior to the lodgement of the development application. If site amalgamation is not feasible Development proposals that create isolated sites or “landlocking” shall</p>	Site amalgamation is not required for this application.	N/A

	<p>provide documentation with the development application that include details of the negotiations between the owners of the properties. The documentation should demonstrate that a reasonable attempt has been made by the applicant(s) to purchase the isolated site(s).</p> <p>Documentation shall, at least, include:</p> <ul style="list-style-type: none"> • two independent valuations that represents potential value of the affected site(s). This may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property; and • evidence that a genuine and reasonable offer(s) has been made by the applicant to the owner(s) of the affected adjoining site(s). <p>Note: A reasonable offer shall be of current fair market value and shall be the higher of the two independent valuations and include for all expenses that would be incurred by the owner in the sale of the affected site. The level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. Where a proposed development is likely to result in an isolated site and site amalgamation cannot be achieved, the subject application may need to be amended, such as by a further setback than the</p>		
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	<p>minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments. Applicants for the development site are to demonstrate how future development on the isolated site can be achieved. To assist in this assessment, an envelope for the isolated site should be prepared which indicates the following:</p> <ul style="list-style-type: none"> • height; • setbacks; • pedestrian and carparking access; • site coverage (both building and basement); • constructability; • envelope separation; and • open space and landscaping. <p>This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other. This includes solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road. Where it has been demonstrated that the isolated site can be appropriately developed at a later stage, Council may consider alternative design solutions for the subject site.</p>		
Part C – Development in Business Zones			
2 Relationship with SEPP 65 and Apartment Design Guide	<p>The residential apartment component of shop top housing developments in the Cumberland City LGA will be assessed in accordance with the ADG. The ADG takes precedence over a DCP. Therefore, the DCP provisions do not repeat or seek to vary any controls under the ADG. Where</p>	<p>Not applicable, the proposal is not for a shop-top housing development.</p>	<p>N/A</p>

	there are inconsistencies between the controls set out in this DCP and the ADG, the ADG shall prevail. Refer to SEPP 65 and the ADG compliance table below.		
3.1 Lot size and frontage	C1. 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. 	Not applicable.	N/A
	C2. 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. 	The lot size and frontage is satisfactory to accommodate redevelopment.	Yes
	C3. 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.	Noted.	Noted.
	C4. Commercial development is not permitted on battleaxe lots.	The development is not proposed on a battleaxe lot.	Yes
	C5. 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. The subject lots will be amalgamated to be consistent with the concept approval for the overall development of the site.	N/A
3.2 Setbacks and separation	C1. Front Setback: Nil (except for B1 Neighbourhood Centre zoned land). A greater setback may be required to align with the predominant street setback.	N/A. The front setback for the E3 (former B6 zone) zone are addressed under sub-part 3.23.	N/A
	C2. For B2 and B4 zones, or unless otherwise stated in site specific controls within this DCP, a street wall height (i.e. podium	Not applicable as the subject site is an E3 Productivity Support	N/A

	height) of 3 storeys with a zero setback to the street is required.	zone (former equivalent zone B5 or B6).	
	C3. A minimum 3m setback shall be provided for levels above the street wall height for the podium	Not applicable as a street wall height is not applicable.	N/A
	C4. 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.	The third level has been stepped back 3.6 m from the front boundary and provides for a landscaped edge and terrace. Levels 4-6 are proposed with a nil setback to the front boundary. The building provides variances in materials such as fibre cement cladding, aluminium blade facades, pre-cast concrete, louvres and glazing.	Yes
	C5. 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.	Not applicable.	N/A
	C6. Where a site adjoins any residential zone (and not separated by a road), the side setback shall be a minimum of 3m.	Not applicable.	N/A
	C7. Rear Setback: 15% of site length where boundary adjoins a residential development or a residential zone.	Not applicable.	N/A
3.3 Landscaping and open space	C1. Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent streetscape character.	Satisfactory.	Yes
	C2. Landscaping is to form an integral part of the overall design concept.	Satisfactory.	Yes
	C3. 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.	The loading area on the ground floor will not be visible from the street frontage, it is 'tucked' behind the ground floor neighbourhood shop and specialised retail tenancies.	Yes

	C4. In open parking areas, 1 shade tree per 10 spaces shall be planted within the parking area.	Not applicable as an open parking area is not proposed.	N/A
	C5. Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security.	The proposal has minimal fencing with the exception of the side boundary fencing.	Yes
	C6. Paving and other hard surfaces shall be consistent with architectural elements.	Satisfactory.	Yes
	C7. 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.	A maintenance schedule is provided with the landscape plans.	Yes
	C8. 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.	Street tree spacing has been indicated on the plans and the requirement for minimum container size of 200 litres and a minimum height of 3.5m. This can be confirmed with a conditioned of consent.	Yes, via a condition.
	C9. Street tree planning shall be consistent with the relevant Public Domain Plan, strategy, plan, guideline or policy.	The subject site is not subject to a Public Domain Plan, strategy, plan, guideline or policy.	N/A
	C10. 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.	Council's Senior Tree Management Officer has reviewed the proposal and has advised that the replacement of trees on site meet the requirements of the DCP. Trees located within the site will require adequate soil volume to ensure the vitality and long-term health.	Yes
	C11. 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.	Satisfactory.	Yes
	C12. Services shall be located to preserve significant trees.	Satisfactory.	Yes

	C13. 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.	This can be verified with a condition of consent.	Yes, via condition.
	C14. Where buildings are setback from the street, the resulting open space shall provide usable open space for pedestrians.	Satisfactory, an open space/park area is proposed to the north of the building for 'Stage 2'. The park area will service both stage 1 and 2. The proposal also includes a pedestrian path to the east of the building in the form of a colonnade.	Yes
	C15. Open space areas are to be paved in a manner to match existing paving or to suit the architectural treatment of the proposed development.	Satisfactory, an open space/park area is proposed to the north of the building for 'Stage 2'. The park area will service both stage 1 and 2.	Yes
3.4 Public art	C1. Public art is encouraged to be provided within the business centres, in accordance with Council's relevant adopted Policy.	Public Art is not proposed as part of this application, the remainder of these controls therefore do not apply to this application.	N/A
3.5 Streetscapes	C1. New shopfronts shall be constructed in materials which complement the existing or emerging character of the area.	Satisfactory.	Yes
	C2. Development shall provide direct access between the footpath and the shop.	The tenancies facing Hampstead Road have direct access between the shop and footpath.	Yes
	C3. Security bars, and roller shutters are not permitted; however, transparent security grilles of lightweight material may be used.	This can be confirmed as condition with any consent issued.	Yes
	C4. Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	Signage does not form part of this application.	N/A
	C5. Require buildings at visually significant locations to be well designed and respond to the different characteristics of the streets the address.	Not applicable.	N/A

	C6. Development on corner sites will be required to accommodate a splay corner to facilitate improved traffic conditions.	The subject site although a corner site, the works are to 'Stage 2' are not technically located on the corner being Parramatta Road and Hampstead Road and therefore a splay is not required in this instance.	N/A
	C7. Buildings on corners must address both frontages to the street and/or public realm to: <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. 	'Stage 1' address Parramatta Road, 'Stage 2' subject to this application, addresses Hampstead Road.	Yes
3.6 Building use	C1. Ground floor uses in business zones are to comprise non-residential uses.	No residential uses are proposed.	Yes
3.7 Façade design, shopfront and materials	C1. Façade 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.	The façade proportions are considered satisfactory.	Yes
	C2. 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.	The ground floor tenancies are provided with glazed areas and individual tenancy entries.	Yes
	C3. Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.	The proposal achieves this control.	Yes
	C4. Building services, such as drainage pipes, shall be coordinated and integrated with	Satisfactory.	Yes

	overall façade and balcony design.		
	C5. Ventilation louvres and carpark entry doors shall be integrated with the design of the overall façade.	Satisfactory.	Yes
	C6. Security devices fitted to building entrances and windows shall be transparent to allow for natural surveillance, and made of light weight material.	Noted.	Yes
	C7. The ground floor level must have active uses facing streets and public open spaces.	The proposal provides for specialised retail, neighbourhood shop, café and restaurants on the ground floor.	Yes
	C8. Retail outlets and restaurants are located at the street frontage on the ground level.	Satisfactory, refer to above.	Yes
	C9. Where possible, offices should be located at first floor level or above.	The office spaces are located on level 3 and above.	Yes
	C10. A separate and defined entry shall be provided for each use within a mixed use development.	Satisfactory.	Yes
	C11. Street and tenancy numbers shall be located on shopfronts and awnings and shall be clearly visible from the street.	Noted.	Yes
	C12. Solid roller shutters and security bars, either internal or external, that block out or obscure windows or entrances, are not permitted.	Solid roller shutters are not proposed as part of this application.	Yes
	C13. High quality design, construction and materials shall be implemented to ensure the building has a long life and requires low maintenance.	The materials and finishes consist of fibre cement cladding, aluminium window frames, aluminium blade façade, precast concrete and CFC vertical grooves. These materials are high quality, low maintenance and will ensure their longevity	Yes
	C14. Building materials and finishes complement the finishes predominating in the area. Different materials, colours or	Satisfactory.	Yes

	textures may be used to emphasise certain features of the building.		
	C15. 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.	The proposal incorporates a mix of fibre cement cladding, glazing and precast concrete finishes.	Yes
	C16. All street frontage windows located at ground floor level are to be clear glazing.	Achieved.	Yes
	C17. Building finishes should not result in causing glare that creates a nuisance and hazard for pedestrians and motorists in the centre.	The building materials do not result in any glare.	Yes
	C18. For advertising on shopfronts, refer to Part G1 of this DCP	Noted. However, no advertising signs are proposed.	N/A
3.8 Ceiling height	C1. 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: <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. 	Ground floor - 5.1 metres Above ground (level 1 and 2) – 3.5 metres Levels 3-6 – 3 metres	Yes Yes No. Acceptable on merit, refer to main body of the report for further details.
	C2. Refer to the ADG for minimum ceiling heights for all residential levels above ground floor in mixed use developments.	Not applicable.	N/A
3.9 Roof design	C1. Roof design shall be integrated into the overall building design.	The design of the roof allows for the concealment of the lift overruns and service plants.	Yes
	C2. Design of the roof shall achieve the following: <ul style="list-style-type: none"> • concealment of lift overruns and service plants; • presentation of an interesting skyline; 	The design of the roof allows for the concealment of the lift overruns and service plants.	Yes

	<ul style="list-style-type: none"> • enhancing views from adjoining developments and public places; and • complement the scale of the building and surrounding development. 		
	C3. Roof forms shall not be designed to add to the perceived height and bulk of the building.	The roof form is satisfactory.	Yes
	C4. Landscaped and communal open space areas on flat roofs shall incorporate shade structures and wind screens.	No landscaped or communal areas are located on the roof.	N/A
	C5. Communal open space, lift overruns and service plants shall be setback from the building edge so as to be concealed.	The lift overruns and service plant rooms are setback 17.9metres plus from the front boundary and will not be highly visible from the public domain.	Yes
	C6. Roof design is to respond to the orientation of the site, through using eaves and skillion roofs to respond to sun access.	Satisfactory.	Yes
	C7. Consideration should be given to facilitating the use of roofs for sustainable functions, such as: <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. 	The proposed development provides photovoltaic panels on the roof.	Yes
3.10 Awnings	C1. Continuous awnings are required to be provided to all active street frontages (except laneways).	A colonnade with a depth of 3.6 metres (variable) is provided facing Hampstead Road.	Yes
	C2. Awnings generally: <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 	Not applicable as a colonnade is provided within the site.	N/A

	<ul style="list-style-type: none"> • have slim vertical fascias and/or eaves not to exceed 300mm. 		
	C3. Awnings on street corner buildings shall wrap around corners.	Not applicable.	N/A
	C4. Awning design must match building facades and be complementary to those of adjoining buildings and maintain continuity.	Not applicable.	N/A
	C5. Canvas blinds along the street edge are not permitted.	Not applicable.	N/A
	C6. Awnings are to be located over all building entries to indicate entry points.	Achieved.	Yes
	C7. In the event of separated buildings, awnings should be complementary to each other in regards to size, design and location.	Not applicable.	N/A
	C8. 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.	Not applicable.	N/A
	C9. Lighting fixtures shall be recessed into the design, with all wiring and conduits to be concealed.	Not applicable.	N/A
	C10. The drainage from stormwater from awnings is not be visible from the footpath and it is to be concealed or recessed into the ground floor frontage of the building.	Not applicable.	N/A
	C11. Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.	Not applicable.	N/A
	C12. Awnings shall provide weather protection and must not be perforated.	Satisfactory.	Yes
3.11 Visual and acoustic privacy	C1. 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.	Adequate separation provided to support visual privacy between buildings on site and adjacent properties.	Yes

	C2. 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).	No residential components are proposed.	N/A
	C3. 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.	Satisfactory.	Yes
	C4. 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.	Not applicable.	N/A
	C5. 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.	A loading dock management plan for 'Stage 2' has been provided and is found to be satisfactory and will for part of the conditions of consent.	Yes
	C6. Mixed use developments shall be designed to locate driveways, carports or garages away from bedrooms.	Not applicable.	N/A
	C7. Mechanical plant must be visually and acoustically isolated from residential uses.	Not applicable.	N/A
	C8. 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: •Development Near Rail Corridors and Busy Roads, NSW	An acoustic report was submitted with the application and found to be satisfactory.	Yes

	<p>Department of Planning, December 2008 – Interim Guidelines;</p> <ul style="list-style-type: none"> • NSW Noise Policy for Industry; • Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and • NSW Road Noise Policy 		
	<p>C9. Where a site adjoins a school, place of public worship or public open space, the building design will:</p> <ul style="list-style-type: none"> • incorporate an appropriate transition in scale and character along the site boundary(s); and • present an appropriately detailed facade and landscaping in the context of the adjoining land use. This interface shall be identified in the site analysis plan and reflected in building design. 	<p>The site does not adjoining a school, place of public worship, however is in the vicinity of a public open space. The proposal is considered to be of an appropriate scale and 3 hours of solar access is maintained to Hampstead Road Reserve.</p>	Yes
	<p>C10. The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening.</p>	Not applicable.	N/A
	<p>C11. Fencing along boundaries shared with public open space shall have a minimum transparency of 50%.</p>	Not applicable.	N/A
	<p>C12. Sight lines from adjacent development to public open space shall be maintained and/or enhanced. Direct, secure private access to public open space is encouraged.</p>	<p>The concept Development application and recent modification MOD2024/0093 ensures that the built form development applications to 'Stage 1 and 'Stage 2' provide a line of sight from the adjoining property at 290 Parramatta Road through to the Public Park on the eastern side of Hampstead Road.</p>	Yes
3.12 Hours of Operation	<p>C1. 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 	<p>The proposal provides a variety of hours of operation. The general broad range of hours varies from 6:am to 1:00am.</p>	Refer to comments below.

	<ul style="list-style-type: none"> • 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>C2. 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>The proposed extended hours are supported with an Acoustic report and Plan of Management.</p> <p>A CPTED was provided with the Development Application.</p>	Yes
3.13 Solar access	C1. Developments shall be designed to maximise northern aspects for residential and commercial uses.	Satisfactory.	Yes
	C2. 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.	Satisfactory.	Yes
	C3. A minimum of 50% of public open spaces and a minimum of 40% of school playground areas are to receive 3 hours of daylight between 9am and 3pm in mid-winter.	Achieved, Hampstead Road Reserve achieves solar access to at least 50% of the public open space between 9am and 3pm which is more than 3 hours.	Yes
	C4. Developments shall be designed to control shading and glare.	Satisfactory.	Yes
	C5. Shadow diagrams (plan and elevation) shall accompany development applications for buildings, to demonstrate that	Shadow diagrams have been provided.	Yes

	the 3proposal will not reduce sunlight to less than 3 hours between 8am and 4pm on 21 June.		
3.14 Natural ventilation	C1. Natural ventilation is incorporated into the building design.	This is achieved as windows and doors are provided and the building is designed with open breeze ways allowing for natural ventilation.	Yes
	C2. Orient buildings to maximise prevailing breezes.	Satisfactory.	Yes
3.15 Building maintenance	C1. Windows shall be designed to enable cleaning from inside the building.	Satisfactory.	Yes
	C2. Durable materials, which are easily cleaned and graffiti resistant, are to be selected.	The materials and finishes consist of fibre cement cladding, aluminium window frames, aluminium blade façade, precast concrete and CFC vertical grooves. These materials are high quality, low maintenance and will ensure their longevity	Yes
	C3. Building maintenance systems are to be incorporated and integrated into the design of the building form, roof and façade.	Satisfactory.	Yes
3.16 Energy efficiency	C1. 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.	Achieved.	Yes
	C2. Improve the efficiency of hot water systems by: <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 	Satisfactory.	Yes

	Water Efficiency Labelling and Standards Scheme (WELS Scheme) rated shower heads, dual flush toilets and tap aerators.		
	C3. 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.	Satisfactory.	Yes
	C4. Incorporate a timing system to automatically control the use of lighting throughout the building.	Satisfactory.	Yes
	C5. All non-residential development Class 5-9 will need to comply with the Building Code of Australia energy efficiency provisions.	A Section J Compliance report has been submitted and is satisfactory.	Yes
	C6. 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.	As stated above, a Section J Compliance report has been submitted.	Yes
3.17 Water efficiency	C1. 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.	Satisfactory.	Yes
	C2. 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:	Satisfactory.	Yes

	<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; • 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	<p>C1. Site design for tall buildings (towers) shall:</p> <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. 	Not applicable.	N/A
	<p>C2. 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.</p>	Not applicable.	N/A
3.19 Food and drink premises	<p>C1. An acoustic report prepared by a suitably qualified acoustical consultant is to be undertaken if there is the potential for</p>	An acoustic report has been submitted with the application and has been reviewed by Council's	Yes

	significant impacts from noise emissions from the food and drink premises on nearby residential or sensitive receivers, including those that may be located within the same building/development.	Senior Environmental Health Officer and no objections were raised subject to conditions.	
	C2. An air quality assessment prepared by a suitably qualified consultant is to be undertaken if there is potential for significant impacts from air emissions, including odour and smoke, from the development. The air quality assessment should be prepared in accordance with NSW EPA's Assessment and Management of Odour from Stationary Sources in NSW – Technical Framework or equivalent.	Not applicable.	N/A
	C3. Any application involving charcoal/solid fuel cooking or coffee roasting must also be accompanied by detailed plans and performance specifications for all odour filtration processes and chemical/photochemical treatments that are required to effectively remove smoke and/or odour from exhaust air. The proposed treatment system must comply with Australian Standard 1668.2 – 2012. The use of ventilation and air conditioning in buildings – Part 2: Mechanical ventilation in buildings.	No charcoal/solid fuel cooking or coffee roasting is proposed. This will be verified with a condition of consent.	Yes, via a condition of consent.
	C4. Where a food and drink premises is located within a mixed use building containing residential units, impacts from internal transmission paths for noise and smoke/odour through the building must be assessed and adequately managed.	Satisfactory.	Yes
	C5. Provision of space within a new mixed use development for vertical exhaust risers to service future ground floor commercial uses must be included. Kitchen exhaust air intakes and discharge points must comply with the requirements of	Achieved and satisfactory.	Yes

	Australian Standard 1668.2 – 2012 The use of ventilation and air conditioning in buildings – Part 2: Mechanical ventilation in buildings.		
	C6. All waste and recyclable material generated by the food and drink premises must be stored in a clearly designated, enclosed waste storage area with complies with AS4674 – Construction and Fitout of food premises. Commercial waste collections are to generally occur between 6:00am and 10:00pm where residential premises may be impacted	Achieved.	Yes
3.20 Safety and security	C1. 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.	A CPTED report has been provided and is satisfactory.	Yes
	C2. 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).		
	C3. The main entry to a building should face the street.	Achieved.	Yes
	C4. All entrances and exits shall be made clearly visible from the public realm or communal open space to which they face.	Achieved.	Yes
	C5. Landscaping and plantings are to be designed to provide uninterrupted sight lines and avoid opportunities for concealment.	Satisfactory.	Yes
	C6. 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.	Achieved.	Yes

	C7. Hidden recesses along or off pedestrian access routes within car parks shall be avoided.	Satisfactory.	Yes
	C8. CCTV security monitoring of a high definition quality is to be provided.	This will be verified with a condition of consent.	Yes, via a condition.
	C9. Blind or dark alcoves near lifts and stairwells, at the entrance and within carparks along corridors and walkways are not permitted.	Satisfactory.	Yes
	C10. Secure entries shall be provided to all entrances to private areas, including car parks and internal courtyards.	Satisfactory.	Yes
	C11. Commercial uses must be separated from residential uses in mixed use developments where access (e.g. lifts) is shared.	Not applicable.	N/A
	C12. Commercial and retail servicing, loading and parking facilities shall be separated from residential, access, servicing and parking.	Not applicable.	N/A
	C13. Entrances to upper level residential apartments are to be separated from commercial / ground floor entrances to provide security and identifiable addresses.	Not applicable.	N/A
	C14. Shared pedestrian entries to buildings shall be lockable.	Achieved.	Yes
	C15. Clear sightlines are to be provided from building entrances, foyers and lobbies into the public realm.	Achieved.	Yes
	C16. Loading docks and service entry in the vicinity of main entry areas shall be secured outside business hours.	Noted.	Noted.
	C17. 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.	Achieved.	Yes
	C18. Access from car parks to dwellings should be direct and safe for residents day and night.	Not applicable.	N/A

	C19. Security grilles shall: <ul style="list-style-type: none"> • be at least 70% visually permeable; • not encroach or project over Council's footpaths; and • be made from durable, graffiti-resistant materials. 	No security grilles proposed.	Yes
	C20. Security bars are not permitted.	Security bars are not proposed.	Yes
	C21. For at risk premises, security measures such as alarms, appropriate lighting and security patrols shall be included.	Not applicable.	N/A
	C22. 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.	Achieved.	Yes
	C23. Pedestrian walkways and car parking shall be direct, clearly defined, visible and provided with adequate lighting, particularly those used at night.	Achieved,	Yes
	C24. 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.	Noted.	Noted.
	C25. Illumination in car parks and building entrances should draw attention to the spaces to increase perceived safety.	Noted.	Noted.
	C26. Lighting shall not interfere with the amenity of residents or affect the safety of motorists. Excessive lighting shall not be permitted.	This will be conditioned to ensure compliance.	Yes
	C27. Site planning shall provide clear definition of territory and ownership of all private, semipublic and public places.	Achieved.	Yes
	C28. Demarcate safe routes for pedestrians in car parking areas, using floor markings, ceiling	Achieved.	Yes

	lights and dedicated pedestrian paths.		
3.21 Pedestrian access and building entry	C1. The design of buildings shall comply with Australian Standards for Access and Mobility.	The application was accompanied with an Accessibility Assessment Report that concludes: <i>“that based on the documentation provided (as referenced in Annexure 1), the proposed scope of works is capable of complying with the relevant accessibility deemed to satisfy provisions and/or performance requirements of the Building Code of Australia (BCA) Volume 1 2022. Where compliance is to be obtained via a performance-based solution for any BCA provision, it is considered that any such solution/s will not necessitate significant changes to the proposed design”.</i>	Yes
	C2. 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.	Satisfactory and compliance with the Accessibility Assessment Report.	Yes
	C3. Developments must provide continuous paths of travel from all public roads and spaces, as well as unimpeded internal access.	A continuous path of travel is provided.	Yes
	C4. Separate entries from the street are to be provided for cars, pedestrians, multiple uses (commercial and residential) and ground floor apartments.	Separate entries are provided for the ground floor tenancies. There is a main pedestrian entry and vehicular access is separated with two driveways. One being for the service vehicles and a second entry for the general car parking.	Yes

	C5. Entries and associated circulation space is to be of an adequate size to allow movement of furniture.	Satisfactory.	Yes
	C6. 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.	Not applicable. Residential accommodation is not proposed.	N/A
3.22 Pedestrian links, arcades, laneways and new streets	<p>C1. Arcades shall:</p> <ul style="list-style-type: none"> • be a minimum width of 6m, with a minimum floor to ceiling height of 4m, and free of all obstructions (e.g. columns and stairs). Public seating, waste bins, planter boxes and other like furnishings may be included, provided they do not unreasonably impede pedestrian access; • accommodate active uses, such as shops, commercial uses, public uses, residential lobbies, cafes or restaurants; • be obvious and direct thoroughfares for pedestrians; • provide adequate clearance to ensure pedestrian movement is not obstructed; • have access to natural light for all or part of their length and at the openings at each end; • have signage at the entry indicating public accessibility and to where the arcade leads; and • have clear sight lines from end to end with no opportunities for concealment along its length. 	Not applicable. The remainder of the controls do not apply and therefore were not addressed.	N/A
3.23 B6 Enterprise Corridor Zone	C1. Commercial development shall be located at least at street level, fronting the primary street and where possible the secondary street.	The proposal seeks for a specialised retail and neighbour shop fronting Hampstead Road, this is satisfactory.	Yes
	C2. Minimum front setbacks for B6 Enterprise Corridor zones shall be 5m.	The front setback varies from 0.7m-4.4metres on the ground floor.	No. Acceptable on merit, refer to main body of the report for detailed discussion.

	C3. Where development in a B6 Enterprise Corridor zone has access to a rear laneway, development may have a rear setback of 4m at ground level.	Not applicable. No lane access.	N/A
3.24 Parking	C1. Refer to Part G3 of this DCP, or section 3J-1 of the ADG for car parking provision requirements.	Noted.	Noted
3.25 Vehicle access	C1. Vehicle access will comply with the provisions set out in Part G3 of this DCP.	Satisfactory.	Yes
Part E - Other Land Use Based Development Controls.			
Part E1 - Centre based childcare facilities.			
2.2 Bulk and Scale	C1. The minimum side setbacks for a new child care centre is 2m to allow for landscaping and separation of uses.	The child care centres is located on the third floor, setback 10.1 metres from the side boundary.	Yes
	C2. The front and rear setback shall comply with the relevant building envelope controls for the established built form of the locality and zone.	Satisfactory.	Yes
	C3. The front setback shall reflect the existing streetscape and desired future character of the locality.	Satisfactory.	Yes
	C4. The child care centre building is to be designed so as to reflect the scale, bulk, size of surrounding residential uses. However, this does not preclude the use of 'U' shaped or 'L' shaped buildings for the purpose of minimising acoustic impacts on neighbouring properties.	Satisfactory.	Yes
	C5. The front setback area: <ul style="list-style-type: none"> • may only be used for access, parking and landscaping purposes; • shall not be used as an outdoor play space; and shall not be included in calculations of unencumbered outdoor space. 	Not applicable. The child care centre is on the third floor and setback over 30metres from the front boundary and is consistent with the requirements of Part C of the CDCP 2021.	Yes
2.3 Traffic, parking and Transport	C6. Development for the purposes of centre based child care facilities will comply with the specific traffic, parking and transport requirements set out in Part G3 of this DCP.	The proposal requires 1 space per 4 children based on 106 children 26.5 ~ 27 car spaces is required. 26 designated child care car spaces are provided in the LC 2 car	Yes, Via a condition.

		park a condition will be imposed to provide more additional space.	
Part G – General Controls			
Part G3 - Traffic, Parking, Transport & Access (Vehicle)			
3. Parking rate	Development is to provide on-site parking in accordance with the following minimum rates in Table 1. 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. Additional parking objectives and controls are provided in Section 4 of this DCP.	Refer to detailed assessment in the main body of the report.	
4.3 Basement parking	C1. 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.	Satisfactory. The basement does not exceed this requirement.	Yes
	C2. Basement parking shall be located within the building footprint.	The basement is generally within the building footprint.	Yes
	C3. Basement parking shall not unreasonably increase the bulk and scale of development.	The basement parking does not unreasonably increase the scale and bulk of the development.	Yes
	C4. Basement parking shall provide, where required, a pump out drainage system according to Council's engineering requirements.	Satisfactory.	Yes
	C5. Basement parking shall not affect the privacy of adjacent residential development.	Not applicable.	N/A
	C6. Basement parking manoeuvring shall ensure that vehicles can enter and exit in a forward direction.	The basement arrangement will allow for vehicles to enter and exit in a forward direction.	Yes

	C7. Basement access/ramp design shall comply with ramp requirements specified in AS2890.	The application was referred to Council's Senior Development Engineer who did not raise any objections to the basement access and ramp.	Yes
4.4 Development in business zone	C1. Driveways shall be provided from laneways (existing or proposed), private accessways and secondary streets, where possible.	Not applicable. The subject site does not have access to a lane.	N/A
	C2. 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.	Not applicable, the site does not adjoin a lane.	N/A
	C3. The location of vehicular access shall consider existing services (eg. power, drainage) and street trees.	Satisfactory.	Yes
	C4. Car park entries and driveways shall be kept to a minimum and shall not be located on primary or core retail streets.	The car park entries are kept to a minimum. The proposal provides an entry for general car parking and the ground floor also allows for the service and waste vehicles.	Yes
	C5. Driveways shall be located at the required distance from the intersection of two roads.	Satisfactory, Council's Senior Development Engineer did not raise any objections to the location of the driveway.	Yes
	C6. Vehicular access shall be integrated with the overall design of the building and shall consider site layout, streetscape character and façade design.	Satisfactory.	Yes
	C7. All vehicles must be able to enter and leave the site in a forward direction.	All vehicles are able to enter and exit the site in a forward direction.	Yes
	C8. 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).	The driveway is 11.1 metres -14.241metres.	No. Acceptable on merit refer to the main body of the report for discussion.
	C9. Pedestrian safety is to be maintained through design, including ensuring clear sight	Satisfactory.	Yes

	lines at pedestrian and vehicular crossings and clearly differentiating vehicular and pedestrian access.		
	C10. Parking rates shall comply with the minimum parking rates in Section 3 of this Part of the DCP.	The car parking provided on site does not meet the requirement of Section 3 of this DCP. This is further discussed under the relevant section relating to car parking.	No. Acceptable on merit refer to the main body of the report for discussion.
	C11. On-site parking is to be accommodated within a basement wherever possible.	The onsite parking is provided within in basement.	Yes
	C12. Consolidate basement parking areas under building footprints to maximise the area available for landscaping.	Satisfactory. The basement carpark is located under the building footprint where possible	Yes
	C13. On-site parking is to be suitably screened from view of an active or main street frontage.	Satisfactory.	Yes
	C14. Parking areas shall be designed to ensure pedestrian amenity and safety.	Achieved.	Yes
	C15. Natural ventilation is to be facilitated to basement and sub-basement car parking areas, wherever possible, and with regard to any flooding issues.	Achieved.	Yes
	C16. 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.	Achieved.	Yes
	C17. Safe and secure access is to be provided from on-site parking for building users, including direct access from parking to lobbies.	Achieved.	Yes
	C18. Marked pedestrian pathways with clear lines of sight and safe lighting shall be provided.	Satisfactory.	Yes
	C19. Private car parking within mixed use developments must be clearly identified and separated from commercial car parking.	This will be verified with conditions of consent.	Yes

	C20. Visitor parking shall be clearly identified and shall not be provided in the form of stacked/tandem parking	Satisfactory.	Yes
4.6 Loading requirements for commercial and industrial development	C1. Loading bays for trucks and commercial vehicles shall be provided in accordance with Table 2.	Satisfactory.	Yes
	C2. Loading/unloading areas shall be provided in accordance with applicable provisions of Australian Standard (AS 2890).	The application was referred to Council's Senior Development Engineer who did not raise any objections to the loading areas.	Yes
	C3. Provide separation between parking and service areas (i.e. loading/unloading areas).	Achieved. Loading and unloading is located on the ground floor and separated from the general public car parking areas.	Yes
	C4. Locate and design service areas to facilitate convenient and safe usage.	Satisfactory.	Yes
	C5. 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. 	Satisfactory.	Yes
	C6. A minimum of one loading space shall be provided internally within each industrial unit.	Not applicable.	N/A
	C7. Loading areas shall be designed for the largest size vehicle accessing the site.	Satisfactory. Council's Senior Development Engineer did not raise any objections to the loading area and size of vehicles proposed.	Yes
Part G4 – Stormwater & Drainage			
2.2 Method of stormwater disposal from the site	C1. 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 (The application was referred to Council's Senior Development Engineer who did not raise any objections, subject to conditions.	Yes

	b) an inter-allotment drainage system, or (c) an on-site disposal system.		
2.6 Flood Risk Management	C1. 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.	The application was referred to Council's Senior Development Engineer who did not raise any objections from a flooding perspective.	Yes
	C7. 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.	Not applicable, fill is not proposed.	N/A
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	Satisfactory.	Yes
2.7 Water Sensitive Urban Design, water quality and water re-use	Water Sensitive Urban Design (WSUD) C1. All development applications for sites of 2,500m ² , or more in area must be supported by a Water Sensitive Urban Design Strategy, prepared by a qualified civil engineer with suitable experience.	The application was referred to Council's Senior Development Engineer who did not raise any objections, subject to conditions.	Yes
	C2. Development for the subdivision of sites of 2,500m ² or more in area must achieve the stormwater flow targets in the Water Sensitive Urban Design Strategy, unless public water quality and flow structures downstream of the site allow these targets to be met. Details of compliance must be included in the Water Sensitive Urban Design Strategy supporting the development application.	The application was referred to Council's Senior Development Engineer who did not raise any objections, subject to conditions.	Yes
	C3. All other developments shall provide appropriate water sensitive treatments.	Noted.	Noted
	Water quality C4. Water quality devices are required to prevent pollutants from commercial, industrial developments and car parking areas entering the waterways in order to improve waterway health and to develop and	Satisfactory.	Yes

	maintain ecologically sustainable waterways.		
	Water reuse C5. 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).	Achieved.	Yes
	C10. The ESCP shall be in accordance with the standards outlined in Managing Urban Stormwater: Soils and Construction by the NSW Department of Housing.	Satisfactory.	Yes
Part G5 – Sustainability, Biodiversity & Environmental Management			
2.1 Groundwater	C1. Operating practices and technology, including dewatering, shall not contaminate groundwater or adversely impact on adjoining properties and infrastructure. Any dewatering activities may require concurrence from the NSW Government. Any application to discharge ground and surface water to Council's stormwater system must be accompanied by a Dewatering Management Plan.	A Geotechnical report was submitted with the development application which provides recommendations to control groundwater seepage. The geotechnical report will form part of the endorsed documents.	Yes
	C2. Groundwater is to be recharged, where possible, while still protecting and/or enhancing groundwater quality, using water sensitive urban design.	Satisfactory.	Yes
	C3. Protection measures for groundwater are to be proportional to the risk the development poses. Where the potential risk to groundwater is high, a separate Groundwater Impact and Management Report will be required.	Noted. A Geotechnical report was submitted with the development application which provides recommendations. The geotechnical report will form part of the endorsed documents.	Yes
	C4. The applicant must demonstrate that there will be no adverse impacts on surrounding or adjacent properties,	Refer to comments above.	Yes

	<p>infrastructure or groundwater dependant ecosystems as a result of:</p> <ul style="list-style-type: none"> • changes in the behaviour of groundwater created by the method of construction chosen; and/or • changes to the behaviour of groundwater of the surrounding area, created by the nature of the constructed form and groundwater management system used. 		
2.3 Land contamination	<p>C1. 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.</p>	Noted.	Noted.
	<p>C2. 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.</p>	<p>Part 4.6 - Contamination and remediation to be considered in determining development application.</p> <p><u>Comments</u> Council's Senior Environmental Health Officer reviewed the proposal and has advised that the application can be supported to conditions in that:</p> <p><i>A detailed site investigation has been carried out and a report prepared by Sullivan Environmental Sciences with reference SES_617 Rev 01 dated 7 November 2024.</i></p> <p><i>A remedial action plan has been prepared by Sullivan Environmental Sciences with reference</i></p>	Yes

		<p>SES_617 dated 7 November 2024.</p> <p>The proposed remedial Action is the following.</p> <ul style="list-style-type: none"> - Decommission the redundant USTs and infrastructure; and - Delineate localised areas of contaminated soil, excavate and transport the contaminated soils offsite to a licenced landfill for disposal. - address asbestos and lead impacted surface and subsurface soils. <p>There will be proposed back filling, air monitoring, during the remediation process – this will need to be conditioned.</p> <p>As such, it is considered that the development application is satisfactory under Part 4.6 of Chapter 4 of the State Policy.</p>	
2.5 Biodiversity	C1. 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.	Not applicable to this application.	N/A
2.6 Energy efficiency and renewables	C1. 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.	Satisfactory, the proposal also includes photovoltaic panels on the roof.	Yes
Part G7 – Tree Management & Landscaping			
2.1 Preservation of trees	<p>C1. The following are not considered to be substantive criteria for tree removal:</p> <ul style="list-style-type: none"> • flower, leaf or fruit fall causing nuisance; • to increase general natural light; 	Noted.	Noted.

	<ul style="list-style-type: none"> • to enhance views; • to reduce shade created by a tree; • tree not suiting existing or proposed landscape; • unsubstantiated fear of tree failure; • a tree being too large or high; and • to increase direct sunlight onto solar panels or pool heating apparatus. 		
	C2. SEPP (Vegetation in Non-Rural Areas) 2017 applies to all trees and vegetation defined as any woody perennial plant that is 4m or greater in height, measured from the base of the tree at ground level to the highest point of live foliage.	Satisfactory.	Yes
2.2 Tree management and proposed development	C1. Development shall be designed to incorporate existing trees that are identified as being suitable for retention, with adequate setbacks to any works and protection measures stipulated in accordance with AS 4970-2009 to ensure their long-term survival.	Satisfactory.	Yes
	C2. Development proposals must consider existing trees situated on adjacent properties with adequate setbacks to any works and protection measures stipulated in accordance with AS4970-2009 to ensure their long-term survival.	Satisfactory.	Yes
	C7. Council may require an Arborist Report and/or Tree Protection Plan, to be prepared in accordance with Council's Submission Requirements for Consulting Arborists' Impact Assessment Report document, and submitted with development applications when any existing trees are to be retained.		
2.3 Landscaping	C1. Where a landscape plan is required, it shall be prepared by an appropriately qualified person such as an experienced Landscape Architect/Landscape	Satisfactory. Council's Senior Tree Management Officer reviewed the application and did not	Yes

	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.	raise any objections subject to conditions.	
Part G8 – Waste Management			
3.2 Commercial development	C1. 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.	Noted.	Noted.
3.5 Bin transfer requirements	C1. Waste and recycling bins shall be positioned in locations that permit easy, direct and convenient access for users of the facility and permit easy transfer of bins to the collection point.	The proposal accommodates for onsite collection of waste on the ground floor.	Yes
	C6. An electric portable bin tug device must be used for bin movement where the grade exceeds 1:14. Specifications for a typical portable bin tug device are provided as a guide in Table 3.	Not applicable.	N/A
3.6 Collection area requirements	C1. All developments must allocate a suitable collection point for collection of waste and recycling bins from either inside the development (on-site) or from kerbside (off-site).	The proposal accommodates for onsite collection of waste on the ground floor.	Yes
3.7 Collection vehicle requirements	C1. All proposed developments will need to accommodate a Heavy Rigid Vehicle (HRV) for all waste collection.	The proposal accommodates for a HRV to enter the site.	Yes
	C2. 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	Achieved.	Yes

	increase and greater height clearance will be required.		
	C9. Should there be a case for a smaller rigid garbage collection vehicle to be used consideration will be given to alternative building design requirements. In these circumstances, supporting documentation is to be provided with the development application.	Not applicable.	N/A.