

Statement of Environmental Effects

3-5 GILBA ROAD, PENDLE HILL

MIXED-USE DEVELOPMENT

7 FEBRUARY 2024



QUALITY ASSURANCE

PROJECT:	Statement of Environmental Effects: Mixed Use Development
ADDRESS:	3-5 Gilba Road, Pendle Hill
LOT/DP:	Lot 49 and 50 in DP 13009
COUNCIL:	Cumberland Council
AUTHOR:	Think Planners Pty Ltd

<i>Date</i>	<i>Purpose of Issue</i>	<i>Rev</i>	<i>Reviewed</i>	<i>Authorised</i>
December 2024	Co-Ordination	Draft	EJ	JW
February 2024	DA Submission	Final	EJ/JW	JW

Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No

Concurrence

SEPP (Industry and Employment) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	No
SEPP (Planning Systems) 2021	No
SEPP (Precincts—Central River City) 2021	No
SEPP (Precincts—Eastern Harbour City) 2021	No
SEPP (Precincts—Regional) 2021	No
SEPP (Precincts—Western Parkland City) 2021	No
SEPP (Biodiversity and Conservation) 2021	No

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application that proposed to construct a mixed use building comprising of two commercial units, 34 place child care facility, and 74 Co-living units at 3-5 Gilba Road, Pendle Hill.

Proposed Development

The proposed mixed use building has a height of 5 storey and will comprise of 74 co-living units across the 4 storeys, with amenities on the on the fifth floor, commercial tenancy and 34 place child care facility within the ground floor. The development proposes a total of 26 car spaces on a single level basement.

The key aspects of the proposal are as follows:

Commercial Tenancy

Small ground floor tenancy of a total 189.5m², with the fit out and occupation the subject of a future Development Application.

Child Care Facility:

The purpose built '*Child Care Facility*' is located on the ground floor, with all indoor play spaces and outdoor play areas all located on ground floor. It will operate with a maximum capacity of 34 places with the following age groups:

- 0 – 2 Years: 4 places;
- 2 – 3 Year: 10 places:
- 3 – 5 Year: 20 places.

The development provides a total unencumbered indoor play area of 111m² or 3.26m² per child and a total unencumbered outdoor play area of 239m² or 7.02m² per child.

The facility will be run by 5 educators, with an additional staff for administration.

The operating hours are proposed to be 7:00am to 6:00pm Monday – Friday (excluding public holidays).

Access to the child care centre will be from Billabong Street, via a dedicated entry into the administrative area.

Co-living Housing

The development proposes a total of 74 co-living units with an additional managers unit located on Level 1 – 4.

Communal Open space is provided on level 1-4 of the building with Communal Room level 3 and 4.

Parking:

The development proposes a total of 26 car parking spaces within a single basement level with a loading dock. Parking is distributed as follows amongst the building uses:

- Centre Based Child Care Centre: 6 spaces
- Commercial Premises: 5 spaces
- Co- Living Housing: 15 spaces.

Motor cycle and Bicycle parking:

The development provides a total of 15 motorcycle and 11 bicycle spaces.

The site is situated on the southern side of Gilba Road, approximately on the corner of Gilba Road and Billabong Street. The site is located within walking distance Pendle Hill Train Station.

The subject site can be best described as regular shaped allotment, with a frontage of 27.43m to Gilba Road and 40.235m to Billabong Street resulting in an overall site area of 1065.9m².

The site is zoned E1 Local Centre with a maximum FSR of 2:1 and a height limit of 17m, under the Cumberland Local Environmental Plan 2021, 'Co Living' Developments are permissible with Council Consent 'permissible with consent in the E1 Local centre zone. This development does not seek to increase the overall height of the approved development but does seek to utilise the bonus FSR provisions within the Housing SEPP and seeks approval for an FSR of 2.1:1.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts. Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

SITE AND CONTEXT

LEGAL DESCRIPTION

The subject site is legally known as Lot 49 and 50 in DP 13009, though commonly known as 3-5 Gilba Road, Pendle Hill.

SUBJECT SITE

The site is situated on the southern side of Gilba Road, approximately on the corner of Gilba Road and Billabong Street. The site is located within walking distance Pendle Hill Train Station.

The subject land parcel is also within close proximity to the Pendle Hill Commercial and retail precinct, local primary schools and places of public worship.

The subject site can be best described as regular shaped allotment, with a frontage of 27.43m to Gilba Road and 40.235m to Billabong Street resulting in an overall site area of 1065.9m².

This is illustrated by Photograph 1 below.

Photo 1: Illustrates the two existing residential dwelling seen from Gilba Road



The precinct is currently undergoing a transformation from older style residential developments to more modern larger residential flat buildings. The precinct contains a mixture of land uses including places of worship, residential flat buildings of between 2 and 5 stories in height, schools, childcare centre, places of worship, and single and double storey dwellings.

The site adjoins a single storey older style dwelling to the eastern boundary and western boundary adjoins Billabong Road and a two storey residential dwelling.

The site and its immediate context is illustrated by the aerial photograph below.

Figure 1: Aerial Photograph (source Six Maps 2024)



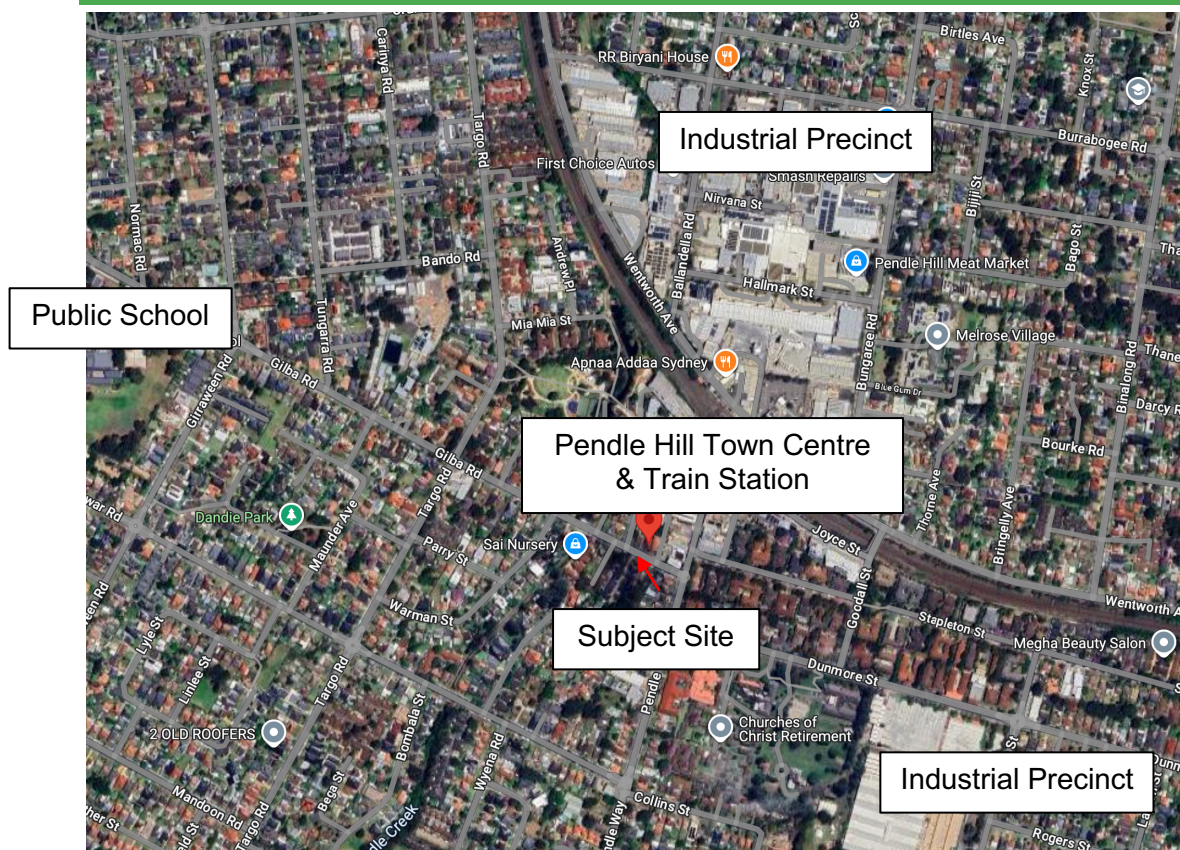
 Subject Site

LOCALITY ANALYSIS

The subject land parcel is also within close proximity to the Pendle Hill Town Centre and Train Station, local primary schools, places of public worship, assortment of business along Pendle Road. The locality is also serviced by key road networks including The Great Western Highway and Cumberland Highway.

An aerial map extract of the site within its broader context is provided below.

Figure 2: Aerial Map of the Precinct (Source: Google Maps)



The development site seeks to utilise the land in accordance with the zoning whilst taking advantage of its proximity to public transport and services.

The Metropolis of Three Cities -The Greater Sydney Region Plan, supports higher residential development in strategic locations to accommodate future population growth, and Cumberland Council has zoned the subject site as E1 – Local Centre, which encourages commercial floor spaces and higher density residential development within the subject site. With the current demand for housing in Sydney and its proximity to essential services, public transportation and established industrial estate combined with an absence of heritage items, it is expected that the remaining residential low density residential developments within the residential precinct will be redeveloped for higher densities over the next 5-10 years.

This is evident with recent construction, of residential flat buildings within the subject area. In saying that, the proposed co-living housing aims to present a strong and attractive interface that addresses the site's frontage whilst setting the tone and scale for comparable development within the subject area.

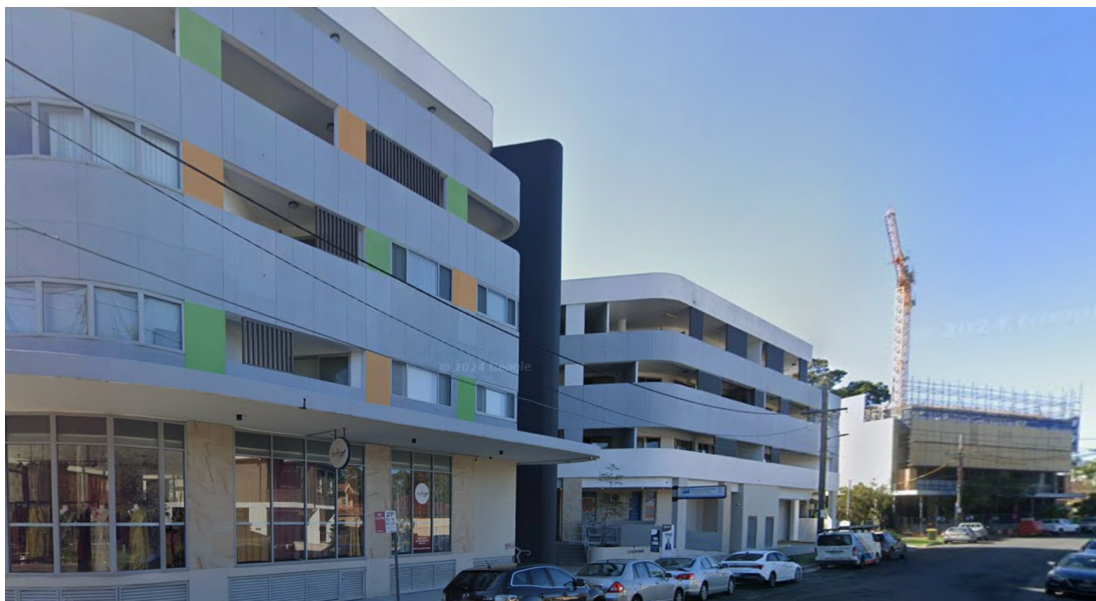
The subject area is ideal for future urban intensification as it is located within close proximity to the Pendle Hill Town Centre, and Pendle Hill Train Station with services to Parramatta, Strathfield, Leppington, Blacktown and the Sydney CBD, as well as local bus stops with buses to Granville, Auburn, Blacktown and Parramatta located within a 150m walking radius of the subject site. Furthermore, it is also within close proximity to a large employment precinct, public reserve, local shops, school and other local services.

Photographs are provided below and within the following pages that gives context to the locality and also the relationship of the development site with adjoining developments.

Photograph 2: Illustrates the existing residential dwelling across the road, opposite the site in Gilba Road, Pendle Hill



Photograph 3: Shows transforming streetscape along Billabong Street.



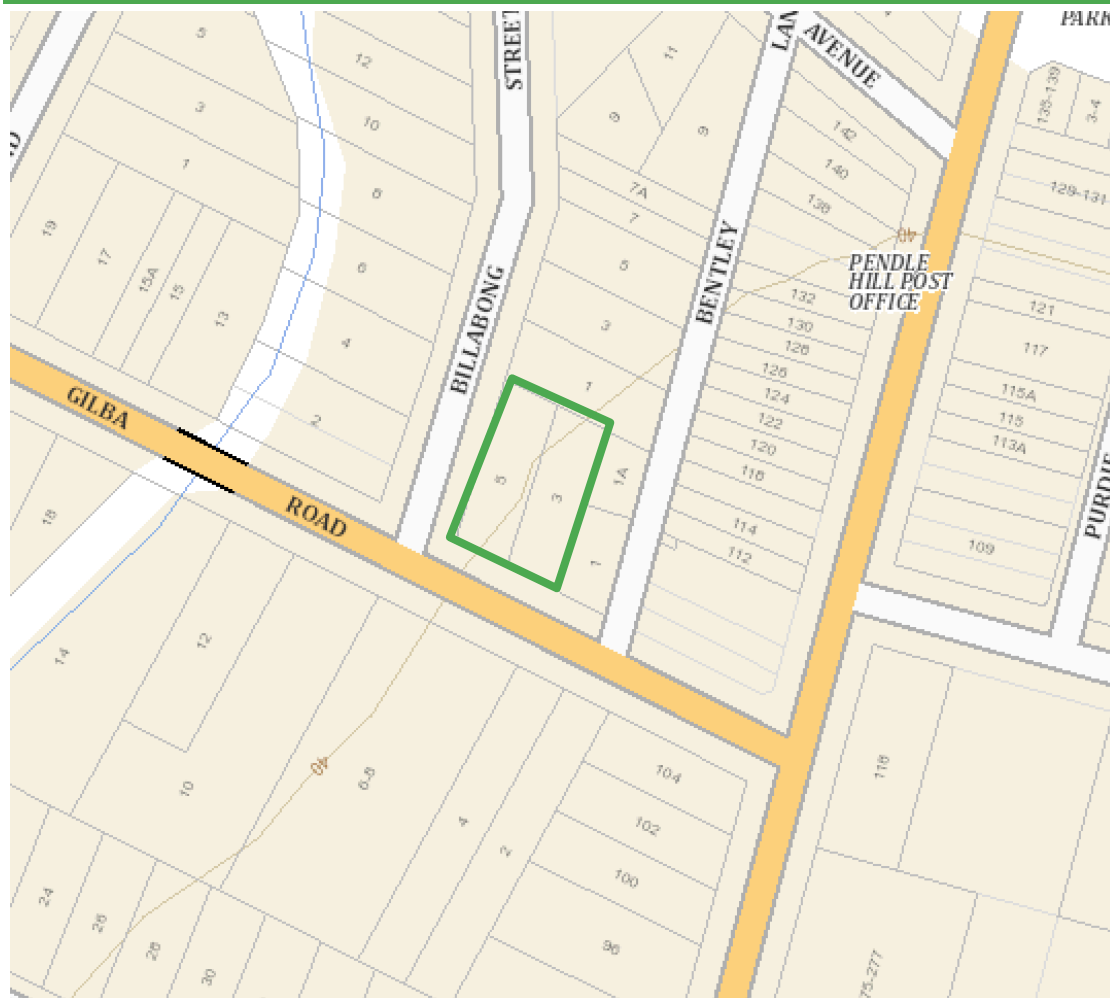
Photograph 4: shows the existing commercial precinct on the corner of Gilba Road and Pendle Way



HERITAGE

The subject site is not identified as containing a heritage item and is not located within a heritage conservation area. With no heritage items located within the wider vicinity of the development site as illustrated by the heritage map extract below. Therefore, there are no heritage restrictions, and no further consideration is necessary.

Figure 3: Heritage Map Extract (Source: Cumberland LEP 2021)

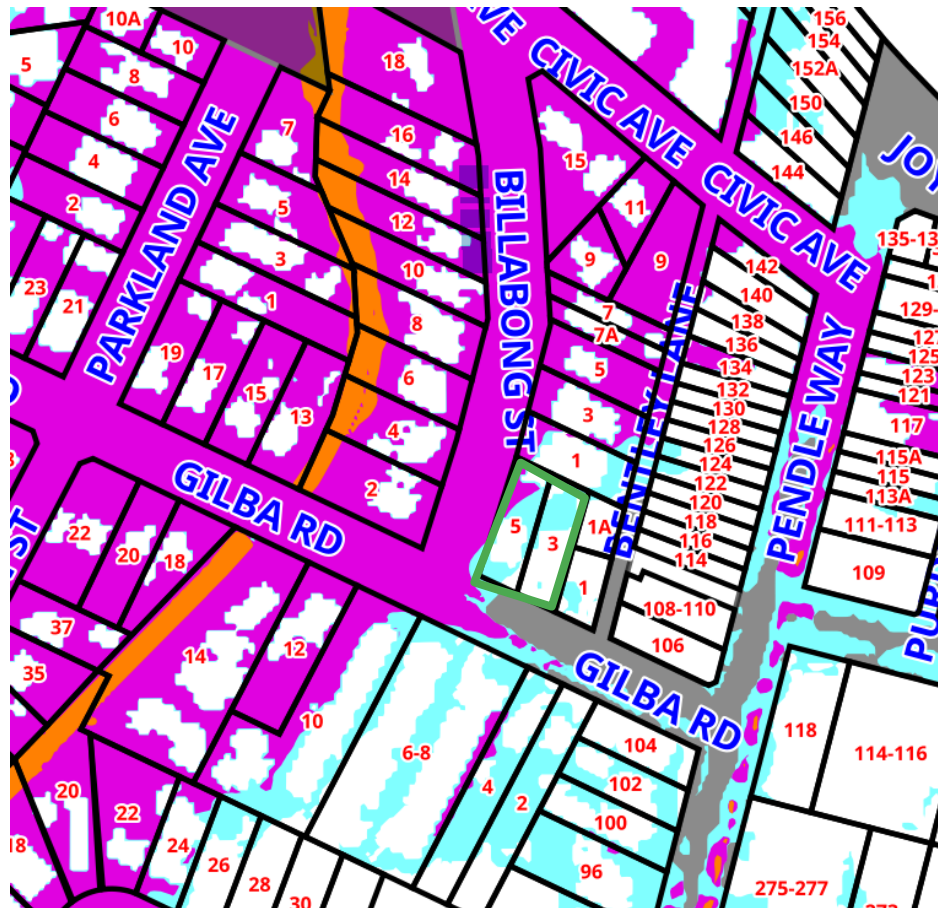


 Subject Site

FLOOD PRONE LAND

Cumberland Council's Flood Planning Map indicates that the site is identified as containing flood prone land, as illustrated by Council's Flood Map extract below.

Figure 4: Flood Planning Map Extract (Source: Cumberland LEP 2021)



 Subject Site

The proposed mixed-use development has been designed appropriately to respond to the flood constraints of the subject site. Please see the attached Stormwater plan for further details.

DESCRIPTION OF PROPOSAL

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Proposed Development

The proposed mixed use building has a height of 5 storey and will comprise of 73 co-living units across the 4 storey, with amenities on the on the fifth floor, commercial tenancy and 34 place child care facility within the ground floor. The development proposes a total of 26 car spaces on a single level basement.

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Motor cycle and Bicycle parking:

The development provides a total of 15 motorcycle and 11 bicycle spaces.

A brief description of the various aspects of the proposal is provided below.

Level	Inclusion
Basement Level 1	- Ramp to ground floor - 6 child care parking spaces, inclusive of 1 accessible space - 10 commercial parking spaces, inclusive of 1 accessible space - 15 Co-Living parking spaces, inclusive of 2 accessible space - 11 bicycle parking spaces - 15 motorcycle spaces - 3 Lifts - Two fire stairs - 1 plant room
Ground Floor	<u>Access</u> <i>Vehicular Access/ egress</i> Access/ egress to and from parking areas is via a new vehicular cross-over driveway and ramp located off Billabong Street <i>Service Vehicles</i> <i>Pedestrian Access</i> An individual dedicated pedestrian access from Billabong street and Giba road is provided to the tenancy, being the serviced apartment, commercial premises and child care premises.

Commercial Suites

The mixed use development provides a commercial suite with a total GFA of 189.5m², with direct access from Billabong Street, Gilba Road via the lobby.

Serviced apartment

Includes:

- 3 Studio serviced apartments
- Conference Room
- Gym
- Office
- Luggage storage room
- 2 Storage rooms
- Lobby
- Laundry room
- Amenities room\

Child care centre

Includes:

- Direct entry from Billabong Street
- Dedicated lift from basement to child care centre lobby
- Reception area
- Water closet
- Office/Laundry
- Kitchen
- 1 indoor play area for 34 children, with craft station and storage
- Shared cot room/ bottle preparation for 0-5 years children
- Shared toilet / nappy room for 0-5 years children
- Shared outdoor play area for 34 children, with
- Indoor and external storage
- One accessible water closets

Services

- Dedicated Co-living Bin Room
- Dedicated Commercial Bin Room
- Substation
- OSD
- Three fire stairs
- Three lift cores, with 1 dedicated to commercial premises, 1 dedicated to Co-living, and 1 dedicated to the child care centre.
- Service room

Level 1

Co Living Units

- A total of 23 Co-Living rooms all with kitchen bathroom
- One lift
- 1 Fire stairs
- Communal Open Space 28.3m²

Level 2	<u>Co Living Units</u> – A total of 23 Co-Living rooms all with kitchen bathroom – One lift – 1 Fire stairs – Communal Open Space 27.3m²
Level 3	<u>Co Living Units</u> – A total of 18 Co-Living rooms all with kitchen bathroom – One lift – 1 Fire stairs – Communal Room 24.7m² – Communal Open Space 44.8m²
Level 4	<u>Co Living Units</u> – A total of 10 Co-Living rooms all with kitchen bathroom – One lift – 1 Fire stairs – Communal Room 141.3m² – Communal Open Space 128.7m²
Rooftop	– Non trafficable roof with lift overrun

The relevant architectural plans for the proposal have been prepared by WEN Architects whilst supporting reports and documents have been prepared by relevant sub consultants dealing with matters such as traffic and parking, noise, drainage and landscaping.

Each Co-living room is to be provided with a full bathroom, kitchenette, sleeping and living area. A common room is provided on each co-living level. All Co-living suites will be double occupancy suites. Given this the maximum population of the co-living component will be 74 persons.

The development will play a positive role in increasing affordable short-term rental housing stock within Pendle Hill by 74 additional co-living rooms.

PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include:

- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Housing) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- Cumberland Local Environmental Plan 2021.

POLICY CONTROLS

The applicable policy control document is:

- Cumberland Development Control Plan 2021.

CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

The Sustainable Building SEPP encourages the design and construction of more sustainable buildings across NSW. It applies to a range of development types, including residential and commercial developments.

The following table identifies the relevant chapters that apply to this proposal.

Chapter	Applicable
2 Standards for residential development – BASIX	Yes
3 Standards for non-residential development	No

A sustainability consultant has assessed the proposed development and confirmed that it is a compliant BASIX development. Accordingly, a BASIX Certificate and stamped plans are included within this Development Application.

Chapter 2 of the SEPP contains controls for the standards for residential development.

As the application is for a building with co-living housing that accommodates more than 12 residents, a BASIX certificate is not required in accordance with the EP&A Regulations. A section J report accompanies this development application.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

This SEPP contains provisions for the coastal area and also those that relate to the assessment of potentially hazardous and offensive development, along with addressing and remediating contaminated land. The following table identifies the relevant chapters that apply to this proposal.

Chapter	Applicable
2 Coastal Management	No
3 Hazardous and offensive development	No
4 Remediation of land	Yes

Chapter 4 of the SEPP contains a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm. A consideration of contamination is provided below.

Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	X	
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	X	
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?		X
acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defense works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation		
Is the site listed on Council's Contaminated land database?		X
Is the site subject to EPA clean-up order or other EPA restrictions?		X
Has the site been the subject of known pollution incidents or illegal dumping?		X
Does the site adjoin any contaminated land/previously contaminated land?		X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	X	

Raw Earth Environmental have undertaken a Preliminary Site Investigation over the subject site to determine the potential risk of contamination. The report concludes as follows;

Discussion and Conclusions

The preliminary site investigation has identified four Areas of Environmental Concern (AECs) that may present a potential contamination source. These areas may pose risks to human health and the environment and require further investigation before approval for development.

Additionally, the proposed mixed-use development, especially the inclusion of a childcare centre, is considered a sensitive land use. This necessitates a thorough assessment of the site's soil suitability, as outlined in subclause (i) of Regulation 25 of the Education and Care Services National Regulations.

Recommendations

It is the opinion of Raw Earth and in accordance with relevant Australian standards and guidelines that the site can be made suitable for its proposed development subject to the following recommendations:

- A sampling and analysis program be implemented as part of a Detailed Site Investigation (DSI), focusing on the identified CoPCs outlined in section 6.3 of this report using the most conservative NEPM HIL-A criteria. The sampling program must consider the NSW EPA's Consultants reporting on contaminated land and AS 4482.1 to target the identified AECs and meet the minimal sampling location criteria;
- Given the proposed basement construction and proximity to Pendle Creek, a groundwater investigation is necessary to assess potential hydraulic contaminant migration pathways;
- Given the age of the site buildings, a pre-demolition hazardous material survey needs to be undertaken to prevent any potential exposure to hazardous building material during the demolition works;
- Any identified material needs to be removed in accordance with the guidelines, and a clearance inspection be issued by a qualified environmental consultant prior to any demolition work being undertaken;
- If any proposed soil is excavated as part of the development and requires offsite disposal as waste, it will require classification in accordance with NSW EPA's Waste Classification Guidelines Part 1- 4: Classifying Waste 2014; and
- In the event of unexpected finds, such as discovering buried asbestos-containing materials, underground storage tanks, or odorous and/or stained soil uncovered during works, all site works must cease, and Raw Earth must be notified immediately for investigation.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 (BIODIVERSITY AND CONSERVATION SEPP)

This SEPP came into effect on 1 March 2022 and incorporated the provisions of eleven now repealed SEPP's being:

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)
- Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)
- SEPP No 19—Bushland in Urban Areas (SEPP 19)
- SEPP No 50—Canal Estate Development (SEPP 50)

- SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)
- Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)
- Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP).

Chapter 2 of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application. This chapter seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation. It is noted that this development application does not seek approval to remove two identified trees. Notwithstanding this landscape embellishment works has been proposed which is consistent with the streetscape and will complement the development.

Chapter 3 – Koala habitat protection contains provisions from the Koala SEPP 2020 and, as an interim measure, applies in the NSW core rural zones of RU1, RU2 and RU3, except within the Greater Sydney and Central Coast areas. Given the sites location and zoning this chapter is not applicable to the development.

Chapter 4 – contains the land-use planning and assessment framework from the former Koala SEPP 2021 for koala habitat within Metropolitan Sydney and the Central Coast and applies to all zones except RU1, RU2 and RU3 in the short term. The site is not identified as containing koala habitat and accordingly this chapter is not applicable to this development.

Chapter 5 – contains the provisions from the former Murray REP, which establishes a consistent and co-ordinated approach to environmental planning and assessment along the River Murray. Given the sites location, this chapter is not applicable to this development.

Chapter 6 – contains the provisions for water catchments including:

- (a) The Sydney Drinking Water Catchment,
- (b) The Sydney Harbour Catchment,
- (c) The Georges River Catchment,
- (d) The Hawkesbury-Nepean Catchment.

The subject site is subject to the broad planning principles contained within this chapter. The Sydney Harbour Catchment Planning Principles must be considered and achieved, where possible, in the carrying out of development within the catchment.

The relevant principles include:

- Protect and improve hydrological, ecological and geomorphologic processes;
- Consider cumulative impacts of development within the catchment;
- Improve water quality of urban runoff and reduce quantity and frequency of
- urban run-off; and
- Protect and rehabilitate riparian corridors and remnant vegetation.

The proposed Development does not detract from the above listed principles given that the development does not alter the approved drainage scheme for the site.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The Transport and Infrastructure SEPP 2021 (TI SEPP) provides the framework for the planning and efficient delivery of infrastructure in NSW. It applies to a broad range of infrastructure with the table below identifying relevant chapters to this Development Application:

Chapter		Applicable
2	Infrastructure	Yes
3	Educational establishments and child care facilities	Yes
4	Major infrastructure corridors	No
5	Three Ports – Port Botany, Port Kembla and Port of Newcastle	No
6	Moorebank Freight Intermodal Precinct	No
Sched. 2	Railways, roads and associated projects – Chapter 2	No
Sched. 3	Traffic generating development to be referred to TfNSW – Chapter 2	No
Sched. 8	Design quality principles in schools – Chapter 3	No

Chapter 2 – contains planning rules and controls for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery. The following considers relevant sections of Chapter 2.

Division 5 Electricity transmission or distribution			
Subdivision 2 Development likely to affect an electricity transmission or distribution network			
Clause			Complies
2.47	Excavation—corridors and transmission circuits	Not relevant to this application	N/A
2.48	Determination of development applications—other development	It is not anticipated that the DA will be referred to the relevant energy provider for comment.	N/A
Division 12 A Pipeline and pipe line corridors			
Subdivision 2 Development adjacent to pipe line corridors			
Clause			Complies
2.77	Determination of Development Applications	Not applicable to this application	N/A
Division 15 Railways			
Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors – notification and other requirements			
Clause			Complies
2.97	Development involving access via level crossings	Not applicable to this application	N/A

2.98	Development adjacent to rail corridors	Not applicable to this application	N/A
2.99	Excavation in, above, below or adjacent to rail corridors	Not applicable to this application	N/A
2.100	Impact of rail noise or vibration on non-rail development	Not applicable to this application	N/A
2.101	Development within or adjacent to interim rail corridor	Not applicable to this application	N/A
2.102	Major development within Interim Metro Corridor	Not applicable to this application	N/A
2.103	Development near proposed metro stations	Not applicable to this application	N/A
Division 17 Roads and Traffic			
Subdivision 2 Development in or adjacent to road corridors and road reservations			
Clause			Complies
2.116	Development other than road facilities on public roads	Not applicable to this application	N/A
2.117	Highway service centres in road corridors	Not applicable to this Development application.	N/A
2.118	Development on proposed classified road	Not applicable to this Development application.	N/A
2.119	Development with frontage to classified road	Not applicable to this Development application.	N/A
2.120	Impact of road noise or vibration on non-road development	Not applicable to this Development application.	N/A
2.121	Excavation in or immediately adjacent to corridors	Not applicable to this Development application.	N/A
2.122	Traffic Generating Development	Not applicable to this Development application.	N/A

The development site does not bound a classified road, noting that Gilba Road and Billabong Street is a suitable road network to service the proposed mixed use development as set out in the traffic report by ttpa. .

Chapter 3 of the SEPP contains planning provisions from the former Education and Childcare SEPP for child-care centres, schools, TAFEs and Universities.

The table overleaf provides discussions against the relevant provisions of Chapter 3 of the SEPP.

SEPP	Comment
3.1 Aims of Policy The aims of this Policy are as follows:	

- | | |
|--|--|
| <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p> <p>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impacts as exempt development), and,</p> <p>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivery and to minimise impacts on surrounding areas, and</p> <p>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p> <p>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services,</p> <p>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</p> <p>(h) encouraging proponent of new development or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</p> | <p>The proposal will result in the addition of valuable child care places within the wider Pendle Hills catchment.</p> |
|--|--|

3.3 Interpretation

centre-based child care facility means:

- | | |
|---|---|
| <p>(a) building or place used for the education and care of children that provides any one or more of the following:</p> <ul style="list-style-type: none"> (i) long day care, (ii) occasional child care, (iii) out-of-school-hours care (including vacation care) (iv) preschool care, or | <p>The proposed centre-based child care facility is consistent with the definition contained within the SEPP.</p> |
|---|---|

- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW),

but does not include:

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care services (within the meanings of the Children (Education and Care Services) National Law (NSW), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with - a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Part 3.3 Early education and care facilities – specific development controls

3.23 Centre-based child care facility – matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the *Child Care Planning Guidelines*, in relation to the proposed development.

Applicable provisions under the Child Care Planning Guidelines have been addressed further within this statement.

3.25 Centre-based child care facility – floor space ratio

(1) Development consent must not be granted for the purpose of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.

The development site is not located in land zoned R2. Not applicable.

3.26 Centre-based child care facility – non-discretionary development standards

(1) The objective of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevents the consent authority from requiring more onerous standards for those matters.	
(2) The following are non-discretionary development standards for the purpose of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purpose of a centre-based child care facility:	There are no restrictions relevant to the proposed development.
(a) location - the development may be located at any distance from an existing or proposed early education and care facility,	Noted
(b) indoor or outdoor space	
(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies – the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or	The centre-based child care facility provides 111m ² or 3.26m ² of unencumbered play space and 239m ² or 7.03m ² of unencumbered outdoor play space which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.
(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies – the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,	Noted.
Indoor play space required = 3.25m ² for each child Outdoor place space required = 7m ² for each child	
(c) site area and site dimensions – the development may be located on a site of any size and have any length of street frontage or any allotment depth,	
(d) colour of building materials or shade structures – the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.	
3.27 Centre-based child care facility – development control plans	There are no restrictions relevant to the proposed development.

(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, numbers of the like, of children) does not apply to development for the purpose of a centre-based child care facility:

- (a) operational or management plans or arrangements (including hours of operation),
- (b) demonstrated need or demand for child care services,
- (c) proximity of facility to other early childhood education and care facilities,
- (d) any matter relating to development for the purpose of a centre-based child care facility contained in:
 - (i) the design principles set out in Part 2 of the *Child Care Planning Guidelines*, or
 - (ii) the matters for consideration set out in Part 2 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

CHILD CARE PLANNING GUIDELINE 2021

Under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, the *Child Care Planning Guideline* is to be taken into consideration when undertaking a development for a centre-based child care facility.

The planning guideline also takes precedence over a *Development Control Plan*, with some exceptions, where the two overlap in relation to a child care facility.

The table below provides detail on the relevant development standards relevant to the current proposal.

The table below provides detail on the relevant development standards relevant to the current proposal.

SEPP	Comment
Objectives The planning objectives of this Guidelines are to: promote high quality planning and design of child care facilities in accordance with the physical	The development results in a high quality centre-based child care facility designed to comply with the requirements of the National Regulations.

requirements of the National Regulations

- **ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses**
- **minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment**

The centre-based child care facility has been designed to appear as part of a 5 storey residential flat building that is consistent with the existing and likely future character of the precinct.

The development has been designed to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing, as discussed in detail further within this statement.

Part 2 Design Quality Principles

Principle 1 – Context

Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.

Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.

The child care facility is compatible in scale and design with the existing mixed streetscape along Gilba Road and Billabong Street and the context of the wider locality noting that the five storey building has been designed to have similar massing to a residential flat building.

The design scheme has undertaken a conscious effort to minimise adverse impacts on social, economic, health and environmental conditions.

Combined with compliance with height and setback provisions will ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.

The site is within proximity to:

- Educational facilities including:
 - Pendle Hill Public School
 - Darcey Road Public School
 - Girraween High School
- Pendle Hill Commercial Centre
- Pendle Hill Station
- Bus stops with services to Parramatta Station, Blacktown Station and Seven Hills Station is within a 350m walking radius of the development site.
- Key roads including:
 - Great-Western Highway
 - Wentworth Avenue

Principle 2 – Built form

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.

The childcare centre is located within a proposed 5 storey building that is consistent and compatible with the existing and likely future built form character within the subject area.

Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.

The development proposes a highly articulated built form with a variety of materials, colours and textures.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.

Principle 3 - Adaptive learning spaces

Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out.

The play spaces have been designed to provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.

Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.

Principle 4- Sustainability

Sustainable design combines positive environmental, social and economic outcomes.

The proposed facility has been designed to achieve cross ventilation and adequate natural light access.

This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

The development provides windows facing different orientations with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.

Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water

consumption, less generation of waste and air emissions and reduced operational costs.

Principle 5 - Landscape

Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

The development proposes to remove 2 identified trees as per the Arboricultural Impact Assessment.

The development proposes appropriate landscape embellishment works that will contribute to the local context.

The landscaping plan incorporates planting that comprises a mix of trees, shrubs and grasses. Refer to the attached Landscaping Plan for details.

The development provides appropriate deep soil and drainage to permit planting of deep rooted planting whilst also ensuring permeability of the soil.

Principle 6 - Amenity

Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.

Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.

Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.

As previously discussed, the development provides well designed indoor and outdoor play areas, access to sunlight and natural ventilation and visual and acoustic privacy.

The development also proposes adequate storage, service areas and accessibility for all.

Principle 7 - Safety

Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.

Good child care facility design balances safety and security with the need to create a

The development proposes a design that will optimise safety for children.

Fencing and gates are designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (C).

Well-designed vehicular parking and access minimise traffic safety risks on children and staff.

The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain.

The proposed development incorporates an active façade that will permit casual surveillance of the common areas within the development site.

The proposed facility has been designed with temperature control to avoid extremes in temperature.

Part 3 Early education and care facilities – specific development controls

3.1 Site selection and location

C1 – For proposed development in or adjacent to a residential zone, consider:

- the acoustic and privacy impacts of the proposed development on the residential properties

A Noise Impact Assessment has been prepared by Broadcrest Environmental Pty Ltd which found that, provided the recommendations in Section 7.0 of this report are implemented, the level of noise emission by the proposed child care facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultant's Guideline for Child Care Centres Acoustic Assessment, the NSW Environmental Protection Authority's Noise Policy for Industry and the NSW Road Noise Policy, and is considered acceptable.

The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This includes the siting and orientation of the building combined with complying with the prescribed height and setback provisions to ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter. Parking is to also be located within the basement level to minimise the impact of vehicle traffic to and from the site.

Furthermore, the development delivers a mix of complying + generous setbacks combined with a mix of blank walls and glazing windows along the western elevation at the first floor that will positively contribute towards minimising privacy impacts to neighbouring properties.

Finally, the combination of acoustic barriers combined with the management of outdoor play

	areas via an operation management plan will not only mitigate potential privacy impacts to adjoining properties but also protect the noise intrusion into the child care facility.
the setback and siting of buildings within the residential context	Complies with setback requirements under the DCP.
traffic and parking impacts of the proposal on residential amenity	The parking scheme has been designed in accordance with Council preference with all parking provided within a basement level. The Parking & Traffic Impact Assessment prepared by ttpa has found that there are no parking or traffic related issues that should prevent approval of the current proposal. The surrounding network is considered to be capable of accommodating the additional traffic projected to be generated by the subject development. Furthermore, the proposed off-street parking provision accords with the requirements of Cumberland DCP 2021, thereby indicating that there should not be any increased on-street parking demand as a result of the development.
C2 – When selecting a site, ensure that:	
the location and surrounding uses are compatible with the proposed development or use	Centre-based child care facilities are a permissible and compatible land use within the E1 – Local Centre, noting the site’s proximity to an established commercial precinct and within an emerging local centre, places of public worship, local schools and parks.
the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards	The site is not identified as being affected by flooding, land slop, bushfires, coastal hazards and other environmental hazards.
there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed	The site was previously used for residential purposes. The land is not known to have been used for any purposes that may give rise to the likelihood of contamination. A Preliminary Site Investigation including soil sampling which accompanies this application has identified that a further sampling and analysis is required as part of detailed Site Investigation.
the characteristics of the site are suitable for the scale and type of development proposed having regards to:	The development site once consolidated will have a total site area of 1,065.9m² and can be described as a large regular shaped corner-block land parcel that is of sufficient size and width to accommodate the proposed centre-based child care facility within a Mixed Use Building.

- size of street frontage, lot configuration, dimensions and overall size - Number of shared boundaries with residential properties - will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas	The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas. The development provides car parking spaces in-accordance with the DCP, noting appropriate car parking spaces are provided within the basement level to permit the drop off and pick up of children.
• there are suitable drop off and pick up areas, and off and on street parking	N/A. Development proposes to undertake the development of a new centre-based child care facility.
• the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use	The development provides car parking spaces in-accordance with the DCP, noting appropriate car parking spaces are provided to permit the drop off and pick up of children within the basement level. The Traffic report confirms that the site is suitable for a childcare centre.
• not located closely to incompatible social activities and uses such as restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises	The subject site is not located closely to incompatible social activities and uses.
C3 – A child care facility should be located; • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like	The site is within proximity to: • Educational facilities including, ○ Pendle Hill Public School ○ Darcey Road Public School ○ Girraween High School • Pendle Hill Commercial Centre • Pendle Hill Station • Bus stops with services to Parramatta Station, Blacktown Station and Seven Hills Station is within a 350m walking radius of the development site. • Key roads including: ○ Great-Western Highway ○ Wentworth Avenue

C4 – A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:

- **proximity to**
 - **heavy or hazardous industry, waste transfer depots or landfill sites**
 - **LPG tanks or service stations**
 - **water cooling and water warming systems**
 - **odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses**
 - **extractive industries, intensive agriculture, agricultural spraying activities**

The subject site is not located within proximity to any identified environmental hazard.

The site was previously used for residential purposes. The land is not known to have been used for any purposes that may give rise to the likelihood of contamination.

- **any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site**

The development provides car parking spaces in-accordance with the DCP, noting appropriate car parking spaces are provided to permit the drop off and pick up of children within the basement level. The Traffic report confirms that the site is suitable for a childcare centre.

3.2 Local character, streetscape and the public domain interface

C5 – The proposed development should:

- **contribute to the local area by being designed in character with the locality and existing streetscape**
- **reflect the predominant form of surrounding land uses, particularly in low density residential areas**
- **recognise predominant streetscape qualities, such as building form, scale, materials and colours**
- **include design and architectural treatments that responds to and integrate with the existing streetscape**
- **use landscaping to positively contribute to the streetscape and neighbouring amenity**
- **integrate car parking into the building and site landscaping design in residential areas**

The centre-based child care facility is located within a proposed Mixed Use Building that will be consistent and compatible with the characteristics of the subject area, noting the development complies with prescribed FSR and height control under the LEP.

Appropriate landscaping is to be provided, consistent with the transforming mixed use/ local centre. Refer to attached Landscape Plan for detail.

C6 – Create a threshold with a clear transition between public and private realms, including • fencing to ensure safety for children entering and leaving the facility • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community • integrating existing and proposed landscaping with fencing	The proposal incorporates built elements and landscaping that clearly distinguish between the public and private domain. The proposed development incorporates and active façade that will permit casual surveillance to Gilba Road and Billabong Street and to common areas within the development site. Proposed landscaping works seek to soften the built form whilst also seeking to integrate the development with the site's context.
C7 – On sites with multiple buildings and /or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitor and children by changes in materials, plant species and colours	The development clearly identifies the entry to the childcare centre and provides a separate entry for the child care centre. The primary entry point to the childcare centre is designed to be clearly visible and legible from the street level.
C8 – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions: • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/private open space from adjoining public open space • minimal use of blank walls and high fences	The subject site does not adjoin a public park, open space or bushland. Not applicable.
C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.	Development proposes appropriate front fencing that is comparable with other child care facility within the wider Cumberland Local Government Area.
Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be	Subject site is not listed as a heritage item and is not within a conservation area.

designed in accordance with local heritage provisions.

C10 – High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.

Subject site does not front a classified road; however, the development proposes appropriate fencing to mitigate acoustic impacts to side and rear boundaries.

3.3 Building orientation, envelope and design

C11 – Orient a development on a site and design the building layout to

- **ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by;**
 - **facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties**
 - **placing play equipment away from common boundaries within residential properties**
 - **locating outdoor play areas away from residential dwellings and other sensitive uses**

The proposed childcare centre on the ground floor of a 5 storey building has been designed and sited to address both Gilba Road and Billabong Street whilst also designed to generally comply with prescribed setback controls under Cumberland DCP 2021 and the Child Care Planning Guidelines.

The design scheme has undertaken a conscious effort to minimise adverse impact on neighbouring properties in terms of privacy, acoustic and overshadowing. This includes the siting and orientation of the building combined with the built form complying with the prescribed height, FSR to ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter. Parking is also to be located within the basement level to minimise the impact of vehicle traffic to and from the site.

The development provides high sill windows to side elevations and combined with landscaping, fencing, especially to the side boundaries and a Plan of Management that is to manage outdoor play times and the number of children accessing outdoor area at any one time will contribute towards minimising potential privacy impacts to neighbouring properties whilst also protecting the noise intrusion into the facility itself.

A Noise Impact Assessment has been prepared by Broadcrest Environmental Pty Ltd which found that, provided the recommendations in Section 7.0 of this report are implemented, the level of noise emission by the proposed child care facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultant's Guideline for Child Care

	Centres Acoustic Assessment, the NSW Environmental Protection Authority's Noise Policy for Industry and the NSW Road Noise Policy, and is considered acceptable.
	Furthermore, the combination of acoustic barriers combined with the management of outdoor play areas via an operation management plan which will manage outdoor play times and the number of children accessing outdoor areas at any one time.
• optimise solar access to internal and external play areas	The centre-based child care facility is oriented to the north of the external play area to maximise solar access.
• avoid overshadowing of adjoining residential properties	The proposed centre-based child care facility has been designed to minimise overshadowing of neighbouring properties, including compliance with height and FSR provisions. It is considered that appropriate solar access is to be provided on site and for neighbouring properties and this is supported by attached shadow diagrams.
• ensure buildings along the street frontage define the street by facing it	Development proposes an attractive contemporary building designed to adequately address both Billabong Street and Gilba Road.
• ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions	Outdoor play areas are designed with suitable shading elements and appropriate landscape treatment to provide appropriate protection from wind and variable climatic conditions.
C12 – The following matters may be considered to minimise the impacts of the proposal on local character:	
• building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character	The childcare centre is located within a 5 storey Mixed Use Building that is consistent and compatible with the existing built form character and evolving character. Development is consistent with setback requirements under the Cumberland DCP 2021 and the Child Care Planning Guidelines.
C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.	The development site is not located on a classified road. Not applicable.

C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.	The development has been designed to comply with setback requirements under the Cumberland DCP. Refer to discussion against the Cumberland DCP 2021 further within this statement for details.
C15 – Entry to the facility should be limited to one secure point which is: • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessible through an outdoor play area	The proposed centre-based child care facility provides a primary entry point from Billabong Street. The pedestrian entry point is visible from the street frontage, permits ease of access and is directly accessible from the street level.
C16 – Accessible design can be achieved by: • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.	The development has been designed to be accessible to and within the building in accordance with all relevant legislation, with direct equitable pedestrian access provided via Billabong Street Designed to comply. Development provides appropriate continuous path of travel to and within the building, including access between the street entry and the main building entrance

3.4 Landscaping

C17 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.

Use the existing landscape where feasible to provide a high quality landscaped area by:

- reflecting and reinforcing the local context
- incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping

The development proposed to remove trees on-site as per the Arboricultural Impact Assessment Report that accompanies this application, whilst also implementing tree protection measures recommended by the report. Refer to the attached Arboricultural Impact Assessment Report for detail.

The proposal is to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds.

The landscaping plan incorporates planting that comprise a mix of trees, shrubs and grasses. Refer to attached Landscaping Plan for detail.

Refer to the attached Landscaping Plan for detail.

C18 – Incorporate car parking into the landscape design of the site by:

- planting shade tree in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings
- taking into account streetscape, local character and context when siting car parking areas within the front setback
- using low level landscaping to soften and screen parking areas

Development proposes all car parking within a basement, nevertheless the development proposes appropriate landscape embellishment works that will improve and enhance the subject site whilst helping to integrate the proposal within the context of the site and its existing residential surroundings.

Refer to attached Landscaping Plan for detail.

3.5 Visual and acoustic privacy

C19 – Open balconies in mixed use development should not overlook facilities nor overhang outdoor play spaces.

The balconies of the communal open space provide limited overlooking opportunities with their primary views focussed to the street.

C20 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:

- appropriate site and building layout
- suitable locating pathways, windows and doors
- permanent screening and landscape design

Development has been designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public area via appropriate site and building layouts.

	The development is to incorporate acoustic fencing along the site boundaries in accordance with the Environmental Noise Impact Assessment that will contribute towards minimising direct overlooking of the indoor rooms and outdoor play spaces from public areas.
C21 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: • appropriate site and building layout • suitable locating pathways, windows and doors • permanent screening and landscape design	Complies, the centre-based child care facility is designed to minimise direct overlooking of main internal living areas and private open space in adjoining developments noting the siting and orientation of the facility combined with the incorporation of appropriate fencing and landscaping along the site boundaries. .
C22 – A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should: • provide an acoustic fence along any boundary where the adjoining property contains a residential use (An acoustic fence is one that is a solid, gap free fencing) • ensure that mechanical plant or equipment is screened by soil, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure	Development proposes appropriate fencing along the site's side and rear boundaries at the ground floor, as per the attached Environmental Noise Impact Assessment.
C23 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters: • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • determine the appropriate height of any acoustic fence to enable the noise criteria to be met	Environmental Noise Impact Assessment accompanies the development application demonstrating compliance with the requirements.

3.6 Noise and air pollution

Child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise impacts. Other noisy environments such as industrial areas and substations may impact on the amenity and well-being of the children and staff. The location of child care facilities should be selected to avoid or minimise the potential impact of external sources of significant noise.

C24 – Adopt design solution to minimise the impacts of noise, such as:

- creating physical separation between buildings and the noise source
- orienting the facility perpendicular to the noise source and where possible buffered by other uses
- using landscaping to reduce the perception of noise
- limiting the number and size of opening facing noise sources
- using double or acoustic glazing, acoustic louvers or enclosed balconies (wintergardens)
- using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits
- locating cot rooms, sleeping areas and play areas away from external noise sources

The subject site is not located near major roads, rail lines, beneath flight paths or other noisy environments. It is noted that appropriate design/measures have been undertaken including appropriate setbacks and building separation, use of landscaping and fencing to minimise acoustic impacts to neighbouring properties.

A Noise Impact Assessment has been prepared by Broadcrest Environmental Pty Ltd which found that, provided the recommendations in Section 7.0 of this report are implemented, the level of noise emission by the proposed child care facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultant's Guideline for Child Care Centres Acoustic Assessment, the NSW Environmental Protection Authority's Noise Policy for Industry and the NSW Road Noise Policy, and is considered acceptable.

C25 – An acoustic repost should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:

- on industrial zoned land where an ANEF contours is between 20 and 25, consistent with AS 2021 – 2000
- along a railway or mass transit corridor, as defined by *State Environmental Planning Policy (Infrastructure) 2007*
- on a major or busy road
- other land that is impacted by substantial external noise

The subject site is not located on industrial land, where an ANEF contours is between 20 and 25, along a railway or mass transit corridor, on a major or busy road or other land that is impacted by substantial external noise.

It is noted that appropriate design/measures have been undertaken including appropriate setbacks and building separation, use of landscaping and fencing to minimise acoustic impacts to neighbouring properties.

	A Noise Impact Assessment has been prepared by Broadcrest Environmental Pty Ltd which found that, provided the recommendations in Section 7.0 of this report are implemented, the level of noise emission by the proposed child care facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultant's Guideline for Child Care Centres Acoustic Assessment, the NSW Environmental Protection Authority's Noise Policy for Industry and the NSW Road Noise Policy, and is considered acceptable.
C26 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development	The precinct contains a mix of residential and compatible non-residential uses such as places of worship and schools and the site is considered suitable for a childcare centre.
C27 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.	The subject site is not located near a major road or industrial development.
3.7 Hours of operation	
C89 – Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays	The child care facility is to operate between 7am to 6pm Monday to Friday with a 30 minute shoulder period for staff arrivals and departures.
C29 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses	The proposed hours of the centre are compatible with other non-residential land uses within the immediate vicinity of the site.
3.8 Traffic, parking and pedestrian circulation	
C30 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.	The Development has regard with the car parking requirements under the Cumberland Development Control Plan.
Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rate:	

Within 400m of a metropolitan train station:

- 1 space per 10 children
- 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space.

In other areas:

- 1 space per 4 children

C31 – In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicular movement or potential conflicts with truck and large vehicles.

The proposed centre is within a mixed use development but provides all required parking within the site.

C32 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised and demonstrate that

- the amenity of the surrounding area will not be affected
- there will be no impacts on the safe operation of the surrounding road network

The Parking & Traffic Impact Assessment prepared by ttpa has found that there are no parking or traffic related issues that should prevent approval of the current proposal.

The surrounding network is considered to be capable of accommodating the additional traffic projected to be generated by the subject development.

Furthermore, the proposed off-street parking provision accords with the requirements of Cumberland DCP 2021, thereby indicating that there should not be any increased on-street parking demand as a result of the development.

Refer to Parking & Traffic Impact Assessment for more detail.

C33 – Alternate vehicular access should be provided where child care facilities are on site fronting;

- a classified road
- roads which carry freight traffic or transport dangerous goods or hazardous materials

Not applicable as the site does not front a classified road or a road which carries freight traffic or transport dangerous goods or hazardous materials.

The alternate access must have regard to the prevailing traffic conditions • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic	Refer to attached Parking & Traffic Impact Assessment for detail.
C34 – Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the sider locality in times of emergency.	Development site is not within a cul-de-sac or narrow lanes or road. Not applicable.
C35 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment; • separate pedestrian access from the car park to the facility • defined pedestrian crossings including within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities • vehicles can enter and leave the site in a forward direction	Development provides separate pedestrian and vehicular access. Vehicles can enter and exit the site in a forward direction.
C37 – Car parking design should: • include a child safe fence to separate car parking areas from the building entrance to play areas • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards • include wheelchair and pram accessible parking	Car parking area is sufficiently separated from the building entrance and outdoor play area. Noting car parking is provided at the basement of the facility. Accessible car parking space, designed in accordance with Australian Standards is clearly marked and situated near the entry point.

Part 4 Applying the National Regulations to development proposals

4.1 Indoor space requirements

Regulation 107

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.

The centre-based child care facility provides 111m² or 3.26m² of unencumbered indoor play space per child which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.

Design Guidance

Verandas as indoor space

For a veranda to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space.

No veranda is to be included as unencumbered indoor space. Not applicable.

Design Guidance

Storage

It is recommended that a child care facility provide;

- a minimum of 0.3m³ per child of external storage space
- a minimum of 0.2m³ per child of internal storage space

The proposal provides appropriate internal and external storage areas.

4.2 Laundry and hygiene facilities

Regulation 106

Education and Care Services National Regulations

There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering.

On site laundry facilities are provided.

Laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.

Designed to comply.

Child care facilities must also comply with the requirements for laundry facilities that are contained in the *National Construction Code*.

Laundry designed to comply with relevant requirements under the National Construction Code.

Design Guidance

On site laundry

On site laundry facilities should contain:

- a washer or washers capable of dealing with heavy requirements of the facility
- a dryer
- laundry sinks
- adequate storage for soiled items prior to cleaning
- an on-site laundry cannot be calculated as usable unencumbered play space for children

Designed to comply.

4.3 Toilet and hygiene facilities

Regulation 109

Education and Care Services National Regulations

Adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Toilet facilities for both the children and staff are provided.

Child care facilities must comply with the requirements for sanitary facilities that are contained in the *National Construction Code*.

Sanitary facilities are designed to comply with relevant requirements under the National Construction Code.

4.4 Ventilation and natural light

Regulation 110

Education and Care Services National Regulations

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

The proposed facility has been designed to achieve cross ventilation, receive and have adequate natural light and be temperature controlled to avoid extremes in temperature.

Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the *National Construction Code*. Ceiling height requirements may be affected by the capacity of the facility.

Light and ventilation and minimum ceiling heights are designed to comply with relevant requirements under the National Construction Code.

Design Guidance

Natural light

When designing child care facilities consideration should be given to:

- providing windows facing different orientations
- using skylights as appropriate
- ceiling heights

Development provides windows facing different orientations with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.

4.5 Administrative space

Regulation 111

Education and Care Services National Regulations

Services must provide adequate area or areas for the purpose of conducting the administrative functions of the services, consulting with parents of children and conducting private consultations.

Adequate space for administrative tasks being conducted on site are proposed within the office, staff and meeting rooms.

4.6 Nappy change facilities

Regulation 112

Education and Care Services National Regulations

Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.

Nappy change facilities are provided for the facility for kids aged between 0-2.

All nappy changing facilities should be designed and located in an area that prevents unsupervised access to children.

Complies.

Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the *National Construction Code*.

Nappy changing, and bathing facilities designed to comply with relevant requirements under the National Construction Code.

Design Guidance

In circumstances where nappy change facilities must be provided, design considerations could include;

Designed to comply.

- Properly constructed nappy changing bench or benches

- A bench type baby bath within one metre from the nappy change bench

- The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area

- A space to store steps
positioning to enable supervision of the
activity and play areas

4.7 Premises designed to facilitate supervision

Regulation 115

Education and Care Services National Regulations

Centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regards to the needs to maintain their right and dignity.

The proposed layout ensures that hidden corners are avoided and that supervision views are maximised throughout the development.

Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the *National Construction Code*. Comply.

4.8 Emergency and evacuation procedures

Regulations 97 and 168

Education and Care Services National Regulations

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

The proposed child care facility has been designed and incorporate features that provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.

Regulation 97 sets out the detail for what those procedures must cover including;

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing.

Design Guidance

An emergency and evacuation plan should be submitted with a DA and should consider:

- the mobility of children and how this is to be accommodated during an evacuation
- the location of a safe congregation / assembly point, away from the evacuated building, busy road and other hazards, and away from evacuation points used by other

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing.

- occupants or tenants of the same building or of surrounding buildings
- how children will be supervised during the evacuation and at the
- congregation/assembly, relative to the capacity of the facility and governing child-to-staff ratios

4.9 Outdoor space requirements

Regulations 108

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 7.0m² of unencumbered outdoor space.

The centre-based child care facility provides 239m² or 7.03m² of unencumbered outdoor play space per child which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.

A veranda that is included within indoor space cannot be included when calculating outdoor space and vice versa.

Noted this is only counted towards outdoor space.

Design Guidance

Calculating unencumbered space for outdoor areas should not include areas of dense hedges or planting along boundaries which are designed for landscaping purpose and not for children's play.

Complies, no areas of dense hedges or planting along boundaries are used to calculate unencumbered space for outdoor areas.

4.10 Natural environment

Regulations 113

Education and Care Services National Regulations

The approved provider of a centre-based service must ensure that the outdoor space allow children to explore and experience the natural environment

Exploration and learning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

Design Guidance

Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:

- are known to be poisonous, produce toxins or have toxic leave or berries
- have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches

Noted, refer to attached landscape plan for detail.

The outdoor space should be designed to:

- provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment
- Assist supervision and minimise opportunities for bullying and antisocial behaviour
- enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitates interaction
- sand pits and water play areas
- furniture made of logs and stepped logs
- dense indoor planting and green vegetated walls
- climbing frames, walking and/or bike tracks

The outdoor space has been designed to provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.

4.11 Shade

*Regulations 114
Education and Care Services National
Regulations*

Outdoor play areas should:

- have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required.
- adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area
- have evenly distributed shade structures over different activity spaces.

Complies.

Appropriate natural and built shade structures are incorporated into the design of the child care facility that will contribute towards protecting children from overexposure to ultraviolet radiation from the sun.

4.12 Fencing

Regulations 104

Education and Care Services National Regulations

Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.

Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Cumberland Local Government Area.

This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.

Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the *National Construction Code*.

Designed to comply.

Design Guidance

Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding areas. In general, fencing around outdoor play areas should:

- prevent children climbing over, under or through fencing
- prevent people outside the facility from gaining access by climbing over, under or through the fencing

Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Cumberland Local Government Area.

Design consideration for side and rear boundary fences could include:

- being made from solid prefinished metal, timber or masonry
- Having a minimum height of 1.8m
- having no rails or elements for climbing higher than 150mm from the ground

Designed to comply.

Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.

Designed to comply.

4.13 Soil assessment

Regulations 25

Education and Care Services National Regulations

Subclause(d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purpose as part of an application for serviced approval.

The site was previously used for residential purposes. The land is not known to have been used for any purposes that may give rise to the likelihood of contamination.

A Preliminary Site Investigation including soil sampling which accompanies this application has identified that a further sampling and analysis is required as part of detailed Site Investigation.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)

In preparing this development application and in the design development of the proposal, regard has been had to not only the relevant Liverpool City Council controls and guidelines, but also to the Education and Care Services National Regulations 2012 (National Regulations).

It is noted that the National Regulations provide exhaustive controls and requirements in addition to that of local government and includes: -

- licensing and approvals processes, including documentation requirements;
- facilities and equipment requirements;
- staffing requirements;
- child number requirements;
- operational requirements;
- administrative requirements;
- probity check requirements; and
- various miscellaneous requirements.

It is noted that a large portion of the controls have been addressed in Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the Child Care Guidelines, and therefore, only the relevant controls will be addressed in the table below:

Clause	Controls	Comment	Complies
Part 4.3 Physical Environment			
Division 1 Centre-Based Services and Family Day Care Services			
104	Fencing	Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.	Yes

106	Laundry and hygiene facilities	A laundry facility is available on the premises of the proposed centre-based child care facility.	Yes
107	Space requirements – indoor space	The proposed centre-based child care facility provides 3.26m ² of unencumbered indoor play space per child as shown on the submitted architectural plans.	Yes
108	Space requirements – outdoor space	The proposed centre-based child care facility provides 7.03m ² of unencumbered outdoor play space per child as shown on the submitted architectural plans.	Yes
109	Toilet and hygiene facilities	Age-appropriate toilet and washing facilities are provided.	Yes
110	Ventilation and natural light	The facility will receive adequate ventilation and natural light, as addressed in the SEPP and Child Care Guidelines previously within this statement.	Yes
Division 2 Additional Requirements for Centre-Based Services			
111	Administrative space	An administration room is located within the proposed Child Care Facility.	Yes
112	Nappy change facilities	A nappy change facility is provided by the proposed centre-based child care facility.	Yes
113	Outdoor space – natural environment	As addressed earlier in this statement, the development provides outdoor spaces that permit children to explore and experience the natural environment.	Yes
114	Outdoor space – shade	The proposed centre-based child care facility has provided adequate shading. Refer to attached architectural plans for detail.	Yes
Part 4.4 Staffing Requirements			
123	Staff to child ratio	Clause 123 provides minimum staff requirements for child care facilities in <u>Australia:</u> 0-2 Years – 1 employee per 4 children 2-3 Years – 1 employee per 5 children 3-5 Years – 1 employee per 11 children	Yes

It is noted that Clause 271 overrides the ratio for the 3-5 age group for facilities in New South Wales. Therefore the ratios for the proposed facility are as follows:

0-2 Years – 1 employee per 4 children
 2-3 Years – 1 employee per 5 children
 3-5 Years – 1 employee per 10 children

The breakdown of children ratio within the proposed centre-based child care facility is as follows:

0-2 Years – 4 children (1 staff)
 2-3 Years – 10 children (2 staff)
 3-5 Years – 20 children (2 staff)

Total: 5 staff educators. The development provides a total of 5 educators. Complies.

Part 7.3 New South Wales – Special Provisions

271	Educators to child ratios – (1) children aged 36 months or more but less than 6 years	(1) Regulation 123 (1)(c) applies as modified by this section. (2) The educator to child ratio for children aged 36 months or more but less than 6 years of age is 1 educator to 10 children.	Yes
		This is addressed in the section above.	

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

State Environmental Planning Policy (Housing) 2021 was gazetted on 26 November 2021 to assist with managing diverse housing types in NSW including affordable, seniors, co-living, boarding house and group homes.,

This section of the Statement addresses the relevant provisions of State Environmental Planning Policy (Housing) 2021.

The principles of Statement Environmental Planning Policy (Housing) 2021 are:

The principles of this Policy are as follows—

- (a) enabling the development of diverse housing types, including purpose-built rental housing,*
- (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,*

- (c) ensuring new housing development provides residents with a reasonable level of amenity,*
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*
- (e) minimising adverse climate and environmental impacts of new housing development,*
- (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,*
- (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,*
- (h) mitigating the loss of existing affordable rental housing*

This proposal complies with these principles as it:

- Provides an opportunity for the creation of 74 additional co-living rooms within the Pendle Hill Town Centre with associated communal facilities that will create a vibrant community for residents in an accessible location;
- Creates co-living rooms that are well designed and will provide future residents with an appropriate level of amenity;
- Utilises existing water, sewage and electrical infrastructure within an already serviced area; and
- Provides co-living rooms that are energy and water efficient and will minimise adverse climate and environmental impacts.

Chapter 3 Diverse Housing Development Part 3 Co-Living Housing

Chapter 3 contains the planning controls for Co-living developments and the table below provides discussion against the provisions of the SEPP that relate to “co-living”.

SEPP Housing Requirement- Co- Living Housing	Comments
CI 67 Co-Living permitted with consent	
<i>Development for the purposes of co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument.</i>	Shop top housing are permitted under the E1 Local Centre zoning that applies to the site and hence this clause is satisfied.
CI 68 Non-discretionary development standards—the Act, s 4.15	
<i>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of co-living housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i>	Noted- therefore flexibility exists in the application of these controls to the development.
<i>(2) The following are non-discretionary development standards in relation to development for the purposes of co-living housing—</i>	
<i>(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than—</i>	In relation to the FSR the mapped FSR is 2:1 for the site and therefore the maximum FSR is 2.2:1
<i>(i) the maximum permissible floor space ratio for residential accommodation on the land, and</i>	The proposal has an FSR of 2.19:1 and complies.
<i>(ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,</i>	
<i>(b) for co-living housing containing 6 private rooms—</i>	N/A
<i>(i) a total of at least 30m² of communal living area, and</i>	
<i>(ii) minimum dimensions of 3m for each communal living area,</i>	
<i>(c) for co-living housing containing more than 6 private rooms—</i>	

<i>(i) a total of at least 30m² of communal living area plus at least a further 2m² for each private room in excess of 6 private rooms, and</i>	The proposal contains 74 Co-living rooms and as such requires 166m ² of communal living areas, and the proposal provides 166m ² of indoor communal area, with one communal living area on each of the three levels. Complies.
<i>(ii) minimum dimensions of 3m for each communal living area,</i>	All Communal areas have dimensions greater than 3m.
<i>(d) communal open spaces— (i) with a total area of at least 20% of the site area, and</i>	The site has an area of 1065.9m ² and there requires 213m ² of outdoor communal spaces. The development provides 229.1m ² of external communal open space over four levels and complies with this control.
<i>(ii) each with minimum dimensions of 3m,</i>	The primary Communal Open Space Area has a dimension of greater than 3m.
<i>(e) unless a relevant planning instrument specifies a lower number— (i) for development on land in an accessible area—0.2 parking spaces for each private room, or (ii) otherwise—0.5 parking spaces for each private room,</i>	The development is located within an accessible area as it within 800m walk of Pendle Hill Station. Accordingly, 15 (14.8) car parking spaces are required. The co-living development is provided with 15 carparking spaces and complies with this control.
<i>(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,</i>	The site is zoned E1 Local Centre. Not applicable.
<i>(g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.</i>	The site is zoned E1 Local Centre. Not applicable.

CI 69 Standards for Co-Living Housing

<i>(1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that— (a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m² and not less than— (i) for a private room intended to be used by a single occupant—12m², or (ii) otherwise—16m², and</i>	The rooms measure no more than 25m ² in area in total when excluding kitchens and bathrooms, and complies. No more than 1-2 adult lodgers are intended noting that no-single single rooms are proposed and double rooms are at least 16m ² .
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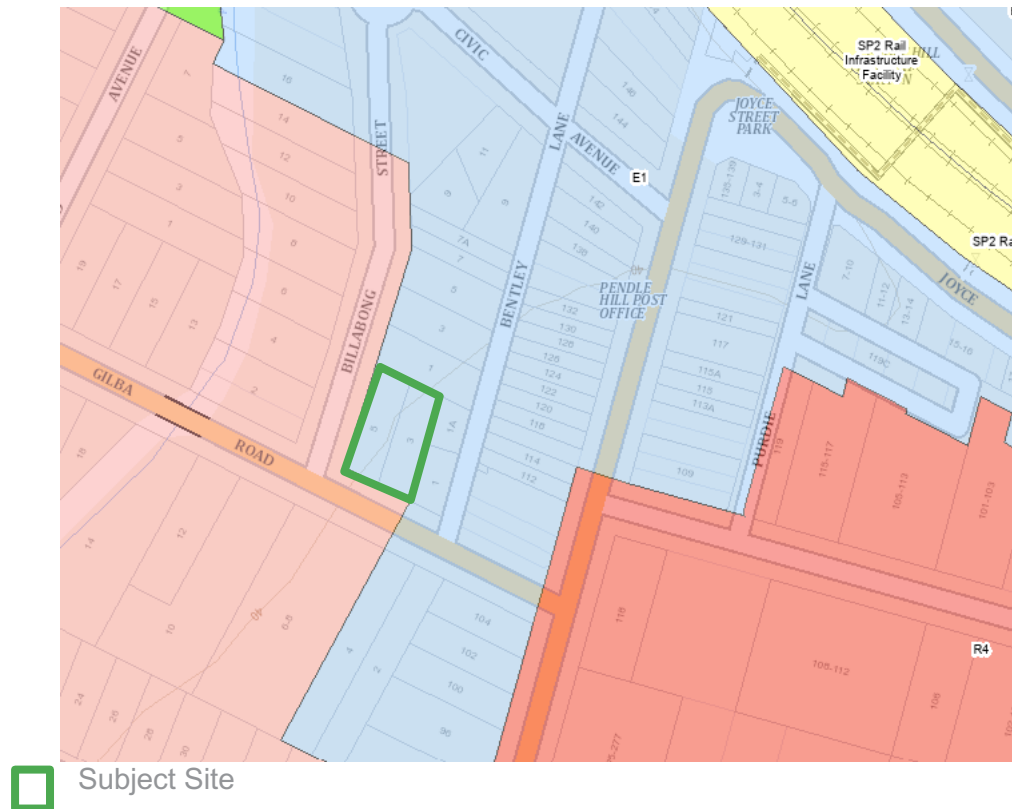
(b) the minimum lot size for the co-living housing is not less than— (i) for development on land in Zone R2 Low Density Residential—600m², or (ii) for development on other land—800m², and (iii) (Repealed)	N/A The development site area of 1065.9m² and complies.
(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing— (i) will not contain more than 12 private rooms, and (ii) will be in an accessible area, and	N/A
(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and	A workspace for the manager will be provided in common room one on level four.
(e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and	The ground floor is dedicated to being used for commercial and child care purpose with no residential component.
(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and	Each room is provided with a kitchen, bathroom and a washing machine
(g) each private room will be used by no more than 2 occupants, and	Maximum 2 occupants in double rooms and 1 occupant in the single rooms. Noting no single rooms are proposed as part of this development.
(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.	The proposal provides 11 bicycle spaces and 13 motor bike spaces which is considered adequate to cater for the demand that will likely be generated by the 74 rooms, given the quantum of spaces provided
(2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether— (a) the front, side and rear setbacks for the co-living housing are not less than— (i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or	The site is zoned E1. Not applicable. The site is zoned E1. Not applicable.

(ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, and (b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and <i>The separation distances from the ADG are outlined below.</i> Minimum separation distances for buildings are: Five to eight storeys (approximately 25m): • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms (c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and (d), (e) (Repealed) (f) the design of the building will be compatible with— (i) the desirable elements of the character of the local area, or (ii) for precincts undergoing transition—the desired future character of the precinct.	The site is located in a E1 zone and varies the ADG suggested setbacks. Given the setbacks provided, the adjoining drainage reserve and the land uses on immediately adjoining properties, an appropriate setback is considered to be provided to all adjoining boundaries that will not unacceptably impact on the privacy of land uses in these properties. It is also noted that the co-living rooms are not provided with balconies that would increase opportunities for overlooking; Three hours of solar access will be received in all communal living areas. The proposed development currently allocates the communal living to its northern boundary and will satisfy this control. The site is zoned E1 and the precinct contains a mixture of buildings from 2 storey dwellings to 4 plus storey Mixed Use and Residential Flat buildings. The precinct is currently experiencing a rapid transformation from older style low residential development to mixed use and residential flat building developments. The proposed building is 4 storeys and contains a mixture of land uses including a childcare centre, commercial development and Co-living Suites. The building is considered compatible with the existing and emerging built form. The building will sit comfortably in the streetscape. The spatial sequencing of the proposed built form is consistent with the setbacks found within a high-density zone. The proposal will be consistent with the existing built form character within the subject residential block. Furthermore, the setbacks and separation distance proposed will ensure that the development will not create any adverse amenity, visual or privacy impacts on adjoining properties
70 No subdivision Development consent must not be granted for the subdivision of a co-living housing into separate lots	No subdivision of the Co-living housing is proposed as part of this application.

CUMBERLAND LOCAL ENVIRONMENTAL PLAN 2021

As evident via the zoning map extract below, the development site is zoned E1 Local Centre under Cumberland Local Environmental Plan 2021.

Figure 5: Zoning Map Extract Sheet (Source: Cumberland LEP 2021)



'Co-Living Developments', are permitted with consent via the Housing SEPP as Shop top Housing are permissible with consent on the subject site.

The proposal remains consistent with all the prescribed zone objectives that are outlined as:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

- To promote active street frontages on the ground floor of buildings that attract pedestrian traffic and that facilitate active and vibrant centres with inviting public domain areas.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Cumberland Local Environmental Plan 2021 - Compliance Table			
Clause	Control	Comment	Complies
Zoning	E1 – Local Centre – Permitted with Consent	'Co-Living Developments', are permitted with consent via the Housing SEPP as Shop top Housing are permissible with consent on the subject site.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal remains consistent with the zone objectives of the E1 – Local Centre Zone.	Yes
2.7	Demolition Requires Consent	Demolition consent is sought as part of this application.	Yes
Part 4 Principal Development Standards			
4.3	Height of Buildings 17m	The site has a mapped height limit of 17m. This application does not seek to breach the maximum permissible height.	Yes
4.4	Floor Space Ratio- 2:1	The site has a mapped FSR of 2:1. The development has a proposed FSR of 2.19:1, that is consistent with the requirements of the Housing SEPP.	Yes Housing SEPP
4.6	Exception to Development Standards	N/A	
Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	The site is not heritage listed or located within a heritage conservation area. Therefore further consideration of clause 5.10 is considered unnecessary.	Yes
5.21	Flood planning	The site is not identified as being flood prone but is identified as an area which requires a flood study.	Yes

Part 6 Additional Local Provisions

6.1	Acid Sulfate Soils	The subject site is not identified as being potentially affected by Acid Sulfate Soils. Not applicable.	N/A
6.2	Earthworks	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, particularly for the car parking area will have minimal adverse environmental or amenity impact. The proposal results in appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area. The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies. It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.	Yes
6.12	Urban Heat	The development incorporates measures that will assist with reducing the urban heat island effect in the precinct.	Yes
6.13	Ground Floor Development in Zones E1, E2 and MU1 (3) Development consent must not be granted to development for the purposes of commercial premises, mixed use development that includes commercial premises or a change of use of a building to commercial premises on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building— (a) will not be used for the purposes of residential	The proposal is consistent with these provisions as follows: a) The ground floor is not used for residential accommodation. b) The ground floor is not used for parking. c) The proposal provides for commercial uses and building design elements that encourage interaction between the building and public domain. Therefore the provisions of the Clause are satisfied.	Yes

accommodation or serviced apartments, and

(b) will not be used for a car park or to provide ancillary car parking spaces, and

(c) will provide for uses and building design elements that encourage interaction between the inside of the building and the external public areas adjoining the building.

(4) Subclause (3)(b) does not apply to a site that—

(a) is greater than 60 metres in depth from all street frontages, or

(b) has a gradient steeper than 15%, measured from boundary to boundary, or

(c) is owned by a public authority and is to be used as a public or commuter car park.

(5) Subclause (3)(c) does not apply to a part of a building that—

(a) faces a service lane that does not require active street frontages, or

(b) is used for one or more of the following purposes—

(i) a lobby for a commercial, residential, serviced apartment or hotel part of the building,

(ii) access for fire services,

(iii) vehicular access.

6.14	Design Excellence	The site is not located in a precinct that is a designated for design excellence.	N/A
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CUMBERLAND DEVELOPMENT CONTROL PLAN 2021

CUMBERLAND DEVELOPMENT CONTROL PLAN 2021 – PART B3 RESIDENTIAL FLAT BUILDINGS

This Mixed Use Development contains 74 Co-Living Suites on levels one - four of the building as part of this application. Although the proposal is for Co-Living Suites, the table below provides detail on the development standards relevant to Boarding Houses.

Cumberland Development Control Plan 2021 – Part B4 – Boarding House			
Clause	Controls	Comment	Complies
1.1	Land to which this part applies.	It is noted that the development is a co-living housing development and not a boarding house. However, this DCP was created before co-living housing was introduced under the SEPP (Housing) 2021, and the boarding house controls are the most relevant to the proposal.	
2. Objectives and Controls			
2.1	General Objectives Encourage the provision of high-quality boarding houses within the Cumberland City. Ensure the size and design of boarding house developments are suitable for the zone in which they are proposed to be located. Ensure the safety, security, health and wellbeing of boarding house residents and the local community through appropriate location, design and management of boarding houses. Ensure that boarding houses are appropriately located within the Cumberland City to ensure the safety, security, health and amenity for both boarding house residents and adjoining neighbours.	It is noted that development for the purposes of a co-living housing development pursuant to the Housing SEPP 2021. The current application is seeking to permit a constrained and isolated site to be developed to its full developmental potential whilst providing low rent short term accommodation in the form of co-living housing rooms/suites within the catchment of public transport and services. The co-living housing development has also been designed as a five storey building consistent with the existing high density character within the locality. The proposal will have minimal adverse environmental or amenity impacts and provides an appropriate outcome on site in an appropriate location.	

		The proposal will contribute towards providing affordable short-term accommodation within the Cumberland LGA.	
2.2	Character and Amenity		Yes
	The design of a boarding house is to be compatible with the character of the local area.	The proposed building is considered to be compatible with character of the locality.	
	New boarding houses (including alterations and additions) shall comply with the building setback controls comparable to the predominant building type in the relevant zones as set out below in Table 8.	The co-living housing development has also been designed as a four storey building consistent with the existing high density character within the locality. The proposal will have minimal adverse environmental or amenity impacts and provides and appropriate outcome on site in an appropriate location.	
2.3	Operational Management		
	All boarding houses are to have a managing agent, contactable 24 hours per day, 7 days per week. If a boarding house has capacity to accommodate 20 or more lodgers, it is required that there be an on-site resident manager. The on-site resident manager must be 18 years of age or over.	The boarding house has a capacity of 148 residents. The accompanying Plan of Management outlines that a manager will be contactable 24/7.	Yes
	The name and contact details of the on-site manager or managing agent is to be provided externally at the front entrance of the boarding house and internally within the communal living area.	Capable of being conditioned.	Yes
	A Plan of Management must accompany a development application for any new boarding house or alterations/and or additions to an existing boarding house. 'House Rules' must be prepared as part of the Plan of Management. The approved House Rules must be clearly displayed within each bedroom and within the communal living area of the boarding house.	A Plan of Management accompanies this development application. The approved House rules will be provided to each tenant.	Yes

An Emergency Evacuation Plan must be prepared as part of the Plan of Management detailing the evacuation procedures in the event of the emergency, provision of resident log book, identifying the assembly point and detailing how residents will be made aware of the procedures contained within the Plan.	Capable of being conditioned.	Yes
A list of contact details must be clearly displayed within the common area including the contact details for: the managing agent; emergency services including fire, ambulance and police; utilities such as gas, electricity and water, and any approved emergency repair persons, such as a plumber and electrician.	Capable of being conditioned.	Yes
Developments of 3 storeys or more must incorporate a lift capable of accommodating a stretcher and must be accessible at each floor.	The approved development contains a lift that is capable of accommodating a stretcher and provides access to this level.	Yes
The Manager/Caretaker bedroom plus ensuite must be a minimum of 16m ² .	N/A, the development proposes a manager's workspace within the communal living area in accordance with the Housing SEPP.	N/A Yes
Secure storage facilities must be provided with a minimum capacity of 1m ² per person. This space must be lockable.	The self-contained suites contain more than 1m ³ of storage. The door to the suite is lockable.	No
<u>Internal communal living area</u>		
Living areas are to have a minimum dimension of 4m.	Living areas are provided within the suites. The communal rooms have minimum dimensions of 6.2m x 3.1m and increase to a width of 3.8m and will accommodate a table etc for communal eating.	
Communal living area/s must be located on the ground floor and are to be located near commonly used spaces or adjacent to the communal outdoor open space.	Communal Living areas are provided on levels 3 and 4 of the co-living housing complex, and are adjacent to the communal outdoor open space. This arrangement is appropriate as it has been approved under previous applications.	Minor Variation

	As noted in the plans the proposal is for a mixed use development with commercial tenancies and child care facility.	Yes
Communal living area/s should have a northerly aspect, where possible, and should be located where they will have a minimal impact on adjoining properties in terms of noise generation and visual privacy.	The Communal Living and open space located on Level 4 are oriented to the north and will have minimal impacts on the neighbouring dwelling.	Yes
Consideration should be given to ensure that bedrooms adjoining the living area/s are protected from excessive noise.		
<u>Laundry facility requirements</u>		
1 automatic washing machine for the first 12 residents plus 1 automatic washing machine for every additional 12 residents thereafter or part thereof.	Appropriate acoustic design measures will be incorporated into the design to minimise the transmission of noise.	Yes
1 domestic dryer for first 12 residents plus 1 domestic dryer for every additional 12 residents thereafter or part thereof.		
1 large laundry tub with running hot and cold water for up to 12 residents and 1 additional tub for premises that contain more than 12 residents	A washing machine is provided within each suite for residents.	Yes
<u>Location of clothes drying facilities</u>		
Drying areas must not be visible from the street, or any public place.	A dryer is not considered necessary for the complex given there are opportunities for temporary clothes drying racks to be placed in communal spaces but could be conditioned if deemed required.	Yes
Drying areas shall be located to maximise solar access.		
Clothes drying and laundry facilities shall be wheelchair accessible.	Communal balconies are capable of accommodating temporary clothes drying infrastructure.	

2.4	Visual Privacy		
	Placement of windows and other openings should not result in direct overlooking of adjoining residential uses. Where overlooking may occur, use of highlight windows, window screening or other privacy measures should be provided. Landscape screening should be provided within outdoor communal areas to minimise overlooking of adjoining properties. The main entrance of the boarding house should be provided within the front (street) elevation to address the street and to minimise potential privacy impacts upon neighbouring properties.	The proposal contains design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity. This includes the siting/internal layouts of dwellings, location/size of windows, proposed building materials as well as the incorporation of other elements including the use of blank walls, high sill windows and screening to windows facing the side elevations. Landscape embellishments works are provided to mitigate privacy impacts to adjoining properties as far as practicable. The main entrance to the building faces Billabong Street.	Yes Yes Yes
2.5	General Design		
	Boarding houses must provide the following facilities within each building: • bedrooms; • laundry facilities; • adequate communal kitchen facilities and dining area (one per floor for multi storey boarding houses) where individual kitchenettes are not provided within the boarding rooms; • individual ensuite and/or adequate communal bathroom facilities; • communal living area (one per floor for boarding houses more than three storeys in height); • communal garbage storage and recycling facilities; • communal outdoor open space area; and • on-site boarding house manager (where 20 or more lodgers).	The co-living rooms are self-contained suites that contain sleeping areas as well as kitchen space, living areas and a bathroom. A communal room is provided on each level and residents will have exclusive access to the roof top communal area. A communal garbage room is provided for future residents.	N/A

	Flyscreens are to be provided to all openable windows and doors.	Fly screens are capable of being provided to all openable windows.	Yes
	At least one phone must be provided within each communal area to allow residents to contact emergency services.	A designated phone is not warranted given the prevalence of mobile phones in society.	Variation
	A safety switch must be fitted to all electrical meter box/es.	Capable of being conditioned	Yes
	A maximum of one television antenna is to be provided per boarding house.	Capable of being conditioned.	Yes
2.6	Acoustics		
	Boarding house design should attempt to locate bedrooms away from significant internal and external noise sources. During the design of a boarding house consideration must be given to the potential acoustic impact upon adjoining neighbours. The following noise minimisation measures should be considered at the design stage: • offsetting the location of windows in respect to the location of windows on neighbouring properties; • appropriate building separation and setbacks to neighbouring properties; • sensitive location of communal outdoor areas away from main living areas or bedroom windows of any adjoining dwelling; • the use of screen fencing or acoustic barriers as a noise buffer to external noise sources; • incorporation of double glazing for windows; and • locate similar building uses (such as bedrooms or bathrooms) back to back internally within the building, to minimise internal noise transmission.	An acoustic report prepared by Broadcrest Environmental Pty Ltd accompanies this development application and considers internal and external noise and concludes that the development will provide an acceptable level of amenity to future residents and not unacceptably impact on adjoining properties.	Yes
2.7	Car Parking		
	Refer to Part G3 of this DCP for car parking provision requirements.	Parking complies with the Housing SEPP requirements.	N/A

CUMBERLAND DEVELOPMENT CONTROL PLAN 2021 – PART C DEVELOPMENT IN BUSINESS ZONES

This Mixed Use Development contains co-living apartments on levels one- four of the building. The table below provides detail on the development standards relevant to these apartments.

Cumberland Development Control Plan 2021 – Part C – Development in Business Zones			
Clause	Controls	Comment	Complies
2. Relationship with SEPP 65 and Apartment Design Guide			
2.1	State Environmental Planning Policy 65 Design Quality of Residential Apartment Development (SEPP 65) provides a state-wide framework for detailed planning guidance of residential apartments in NSW. SEPP 65 is supported by the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide (ADG), which guide the siting, design and amenity of residential apartment development. 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 there are inconsistencies between the controls set out in this DCP and the ADG, the ADG shall prevail.	The development application partially seeks approval for a residential flat building and an assessment against the requirements of SEPP 65 and the ADG is provided within this statement. Noting that the proposed development is for a co-living development and the ADG does not strictly apply.	Yes
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: • up to 3 storeys: 20m; and • 4 storeys or greater: 30m.	The development site has a minimum frontage of >40m on Billabong Street.	Yes

C2. Lot size and frontage shall provide an appropriate site configuration that achieves: • 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.	Noted and please see further discussions below.	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 the proposal consolidates two lots in order to meet the requirement of this control.	Yes
C4. Commercial development is not permitted on battleaxe lots. In instances where lot amalgamation in order to meet the requirements of this DCP cannot be achieved, refer to Part A3 of this DCP.	The site is not a battleaxe lot.	N/A

3.2 Setbacks and separation

Front setback

C1. Front Setback: Nil (except for B1 Neighbourhood Centre zoned land). A greater setback may be required to align with the predominant street setback.

Noted. The proposed development complies with the site-specific DCP provisions.

C2. For B2 and B4 zones, or unless otherwise stated in site specific controls within this DCP, a street wall height (i.e. podium height) of 3 storeys with a zero setback to the street is required.

Noted. The proposed development complies with the site-specific DCP provisions.

C3. A minimum 3m setback shall be provided for levels above the street wall height for the podium

Noted. The proposed development complies with the site-specific DCP provisions.

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.

Noted. The proposed development complies with the site-specific DCP provisions.

C5. Council may require alternative street wall heights and setbacks where compatibility with the existing prevailing

Noted

	built form within the immediate context can be demonstrated or is necessary.	The development provides a minimum western side setback of 6.1m. Complies.	
	<u>Street and rear setback</u> C6. Where a site adjoins any residential zone (and not separated by a road), the side setback shall be a minimum of 3m. C7. Rear Setback: 15% of site length where boundary adjoins a residential development or a residential zone.	Noted. The proposed development complies with the site-specific DCP provisions. Noted. The proposed development complies with the site-specific DCP provisions.	
3.3	Landscaping and open space <u>Landscaping</u>		
	C1. Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent streetscape character.	Noted and continues to comply.	Yes
	C2. Landscaping is to form an integral part of the overall design concept.	Noted.	
	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.	No at-grade car parking proposed.	N/A
	C4. In open parking areas, 1 shade tree per 10 spaces shall be planted within the parking area.	No at-grade car parking 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 fencing is integrated within the architectural design.	Yes
	C6. Paving and other hard surfaces shall be consistent with architectural elements.	Noted.	
	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.	Noted and complies.	
	<u>Street trees</u>		

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.	All existing street trees will be maintained on the street frontage. Noting the proposed development provides a street activation through provision of ground floor commercial premises which is consistent with the site -specific DCP provisions.	Variation on Merit
C9. Street tree planning shall be consistent with the relevant Public Domain Plan, strategy, plan, guideline or policy.	Noted.	
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.	Significant existing trees will be maintained.	
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.	Vehicle driveways are located a minimum of 3m from the outside edge of the trunk.	
C12. Services shall be located to preserve significant trees.	Noted and complies.	
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.	Noted. Please see attached landscaping plan for details.	
<u>Open space</u> C14. Where buildings are setback from the street, the resulting open space shall provide usable open space for pedestrians.	The proposed development is built to the street boundary. Not applicable.	
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.	Noted.	
3.4 Public art	The development does not propose public art. Council can impose a condition of consent for the provision of public art if deemed necessary.	

3.5

Streetscapes

C1. New shopfronts shall be constructed in materials which complement the existing or emerging character of the area.	The new shopfront will be constructed in materials which complement the existing and emerging character of the Pendle Hill Local Centre.
C2. Development shall provide direct access between the footpath and the shop.	Direct access between the footpath and the shop will be provided.
C3. Security bars, and roller shutters are not permitted; however, transparent security grilles of lightweight material may be used.	Noted.
C4. Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	Noted, the proposal does not include any signage noting it will be part of a separate DA.
C5. Require buildings at visually significant locations to be well designed and respond to the different characteristics of the streets the address.	Noted. The building has been well designed and responds to the various characteristics of the streets.
C6. Development on corner sites will be required to accommodate a splay corner to facilitate improved traffic conditions.	Splay corner has been proposed to facilitate improved traffic conditions.
C7. Buildings on corners must address both frontages to the street and/or public realm to: • 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 accommodating a splay corner to facilitate improved traffic conditions.	The proposal will address both street frontage of Gilba Road and Billabong Street. Please see attached architectural plans for detailed sections.

3.6	Building use
	C1. Ground floor uses in business zones are to comprise non-residential uses. The proposed dwelling does not contain any residential uses within the ground floor.
3.7	Façade design, shopfront and materials
	<u>Façade design</u>
	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. Noted and complies.
	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. Noted and complies.
	C3. Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%. Noted and complies.
	C4. Building services, such as drainage pipes, shall be coordinated and integrated with overall façade and balcony design. All services has been coordinated and integrated within overall façade of the building.
	C5. Ventilation louvres and carpark entry doors shall be integrated with the design of the overall façade. Ventilation louvres and carpark entrance has been integrated within the design of the overall facade.
	C6. Security devices fitted to building entrances and windows shall be transparent to allow for natural surveillance, and made of light weight material. Noted and complies.
	C7 The ground floor level must have active uses facing streets and public open spaces. The ground level is proposed to be a commercial premises and childcare facility which will provide and active façade on the public domain.
	<u>Shopfronts</u>
	C8. Retail outlets and restaurants are located at the street frontage on the ground level. Noted all commercial premises are located within the ground floor of the development.
	C9. Where possible, offices should be located at first floor level or above. No offices are proposed.

C10. A separate and defined entry shall be provided for each use within a mixed use development.

Noted and complies.

C11. Street and tenancy numbers shall be located on shopfronts and awnings and shall be clearly visible from the street.

Noted and complies.

C12. Solid roller shutters and security bars, either internal or external, that block out or obscure windows or entrances, are not permitted.

Noted.

Materials

C13. High quality design, construction and materials shall be implemented to ensure the building has a long life and requires low maintenance.

High quality design has been proposed to ensure the building has a long life and requires low maintenance.

C14. Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building.

Noted and complies.

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.

Mixes of solid and glazing materials has been proposed. Please see attached architectural plans for further details.

C16. All street frontage windows located at ground floor level are to be clear glazing.

Noted and complies.

C17. Building finishes should not result in causing glare that creates a nuisance and hazard for pedestrians and motorists in the centre.

Noted and complies.

Advertising in shopfronts

C18. For advertising on shopfronts, refer to Part G1 of this DCP.

Advertising is not proposed as part of this application. Not applicable.

3.8	Ceiling height	The proposed mixed use building will have a minimum 3.5m for all ground level commercial tenancies. The co-living component will comply with the ADG requirements.
3.9	Roof design	The design of the roofs are consistent with the existing locality. The development proposes a floor to ceiling height consistent with the ADG requirements, and is therefore, deemed appropriate. See the ADG discussion for detail.
3.10	Awnings C2. Awnings generally: • should be flat; • must be a minimum 2.4m deep; • are to be setback up to 1.2m from kerb to allow for clearance of street furniture, trees, and other public amenity elements; • have a minimum soffit height of 3.2m; and • have slim vertical fascias and/or eaves not to exceed 300mm.	Awnings are provided on both street frontages and complies with the general standards.
3.11	Visual and acoustic privacy <u>Visual privacy</u> <u>Acoustic privacy</u>	The proposal contains design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity. This includes the siting/internal layouts of dwellings, location/size of windows, proposed building materials as well as the incorporation of other elements including the use of blank walls, high sill windows and screening to windows facing the side elevations. Acoustic report has been prepared which provides the following conclusion; <i>“Based on the predicted noise levels, the proposed mixed-use development is predicted to satisfy the relevant acoustic requirements of</i>

the EPA Noise Policy for Industry 2017 and Protection of the Environment Operations Act 1997 on the strict condition the recommendations in Section 7 are implemented.”

3.12	Hours of operation	
	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.	The proposed development will comply with the hours of operation.
3.13	Solar access	
	C1. Developments shall be designed to maximise northern aspects for residential and commercial uses.	The proposal has been designed to maximise the northern aspects for residential and commercial use.
	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.	Noted and complies.
	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.	Noted and complies please see attached solar access map on the architectural plans for further details.
	C4. Developments shall be designed to control shading and glare.	Noted.
	C5.Shadow diagrams (plan and elevation) shall accompany development applications for buildings, to demonstrate that the proposal will not reduce sunlight to less than 3 hours between 8am and 4pm on 21 June.	Noted. The application is supported by a shadow analysis. Please see attached architectural plans for further details.
3.14	Natural ventilation	
		The building has been designed to provide adequate natural ventilation.
3.15	Building maintenance	
		The building has been designed to enable easy cleaning.
3.16	Energy efficiency	
		Attached Section J report confirms that the proposed development complies with relevant Australian Standards.

3.17	Water efficiency	The development is compliant with BASIX requirements and is therefore deemed to achieve appropriate levels of water efficiency.
3.18	Wind mitigation	The proposed development does not exceed 35m in height. Not applicable.
3.19	Food and drink premises	No food and drink premises proposed as part of this application.
3.20	Safety and security	The development incorporates an active façade that will permit casual surveillance to the site's frontage. Access control is provided between the commercial and residential land uses. Adequate lighting is proposed that will reduce the risk of crime and improve safety. The proposal incorporates built elements, fencing and landscaping that clearly distinguished between the public and private domain. Overall, the development is consistent with principles of CPTED.
3.21	Pedestrian access and building entry	Adequate pedestrian access has been provided for building access.
3.22	Pedestrian links, arcades, laneways and new streets	The proposal does not introduce new pedestrian links or laneways. Not applicable.
3.23	B6 Enterprise Corridor Zone	Not within Enterprise Corridor Zone.
3.24	Parking	Please see below discussion for further details regarding compliance with the car parking provision.
3.25	Vehicle access	Noted and will comply with the provisions set out in Part G3 of the DCP.

CUMBERLAND DEVELOPMENT CONTROL PLAN 2021 – PART E1 CENTRE BASED CHILD CARE FACILITIES

The table below provides detail on the development standards relevant to the child care component of the development that occupies the lower three levels of the building.

Cumberland Development Control Plan 2021 – Part E1 – Centre Based Childcare Centre			
Clause	Controls	Comment	Complies
1.1	This Part of the DCP should be read in conjunction with the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and the Child Care Planning Guideline.	The development incorporates a centre based child care facility and therefore, will be assessed against the relevant sections of the SEPP and the Childcare Planning Guidelines.	Yes
2.1	General Encourage the provision of high-quality child care which meets the needs of the community, including users of the facility and owners and users of surrounding land uses. Ensure that child care centres are compatible with neighbouring land uses and integrate into existing residential environments that are unobtrusive in terms of size, bulk, height and the amount of landscaped area provided. Ensure the amenity of adjoining neighbours is retained and is not detrimentally affected by noise emissions from the site.	The centre will provide additional childcare places on the fringe of the Pendle Hill Local Centre within a E1 Local Centre precinct and within walking distance of the Pendle Hill Train Station. The bulk and scale of the building is consistent with that of existing approved buildings in the immediate locality. An acoustic report accompanies this development application that demonstrates that the proposal will not have an unacceptable impact on adjoining residential properties.	Yes Yes Yes
	The minimum side setbacks for a new child care centre is 2m to allow for landscaping and separation of uses.	A setback of minimum of 6.1m has been provided for the child care facility building on the northern boundary to facilitate the driveway. Adequate landscaping separation has been provided for the north eastern part of the side setbacks. between 2m and 3m is provided to the western boundary. Complies	Yes

The front and rear setback shall comply with the relevant building envelope controls for the established built form of the locality and zone.	The proposed setback is consistent with the site-specific DCP provisions.	Yes
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The front setback shall reflect the existing streetscape and desired future character of the locality.	Noted, the proposed setbacks are consistent with the existing and perceived character of the development.	Yes
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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	The bulk and scale of the proposal is consistent with that of the existing, approved and likely future built form in the precinct.	Yes
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The front setback area: • 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.	The front setback area is used for access and landscaping and accordingly is consistent with this clause.	Yes
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2.3 Traffic, parking and Transport

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	Refer to discussion later in this SEE, noting that the development complies with the parking requirements.	Yes
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CUMBERLAND DEVELOPMENT CONTROL PLAN 2021 – PART G MISCELLANEOUS DEVELOPMENT CONTROLS

The table below provides details on the development standards relevant to the current proposal.

Cumberland DCP 2021 – Part G Miscellaneous Development Control Compliance Table			
Clause	Controls	Comment	Complies
Part G1 – Advertising and Signage			
		No signage is proposed as part of this development application.	N/A
Part G2 – Heritage			
		The subject site is not identified as containing a heritage item and is not located within a heritage conservation area. Given the separation from the subject site to nearby heritage items, the development will not result in any heritage related impacts, and no further studies are considered necessary.	Yes
Part G3 – Traffic, Parking, Transport and Access (Vehicle)			
3	Parking Rates <u>Child Care</u> 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 Part G3 of the DCP defers to the childcare planning guidelines for childcare centres. The childcare guidelines indicate that; Within 400m of a railway or Metro station within Greater Sydney - 1 space per 10 children - 1 space per 2 staff.	The development provides parking spaces in accordance with the Housing SEPP and is provided with 15 car parking spaces. Access ways and car parking spaces are to be appropriately dimensioned in accordance with Council controls and will permit the safe movement and parking of vehicles from the site. The site is within 400m walking distance form Pendle Hill Station. Accordingly requires (3.4) for guardians and (2.5) spaces for staff- for a total of 5.9. Accordingly, the development requires a minimum of 6 spaces and provides 6 spaces. Complies.	Yes

Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.

Commercial – Business and Office
General rate

1 space/ 40m2 189.5/40=4.737spaces

5 car parking spaces provided.

Bicycle
Staff 1 spaces / 10 employees

Commercial – Retail

General rate

1 space / per 40m2
GFA

Bicycle:

Staff 1 space/ 10 employees

4.3	Basement Parking	C1. The basement garage and driveways have been designed in accordance with the relevant Australian Standards. C2. Where appropriate, the basement is to be located within the building footprint. C3. The basement parking does not protrude from the natural ground level. C4. Where requires, the basement level is to provide a pump out drainage system in accordance with Council's engineering requirements. C5. The basement level will not affect the privacy of adjacent residential development. C6. It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering the exiting the site. The proposed parking area and ancillary driveway will not contribute to the creation of traffic hazards	Yes
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The basement parking manoeuvring has been designed to permit all vehicles to enter and exit the site in forward direction.

C7. Basement access/ramp has been designed to comply with ramps requirements specified in AS2890.

4.4 Development in business zones

Vehicle access

C1. The proposed driveway is provided from a secondary Street which is Billabong Street,

C2. Loading and unloading facilities are all conducted in the basement level. Noting the site does not adjoin a rear lane or side street.

C3. Noted and complies.

C4. Car park entries and driveways have been kept to a minimum and is not located on primary or core retail streets.

C5. Driveways are located away from the intersection and complies. please see attached traffic report for details.

C6. Vehicular access has been integrated with the overall design of the building and considered site layout, streetscape character and façade design.

C7. All vehicles will be able to enter and leave the site in a forward direction.

C8. The width of the driveway has been limited to a maximum of 8m at the boundary and complies.

C9. Pedestrian safety has been maintained through design, including clear sight lines at pedestrian and vehicular cross. Clearly differentiating vehicular and pedestrian access.

Parking

C10. Parking rates comply with the minimum parking rates as discussed above.

C11. Parking is provided within the basement.

C12. Basement parking areas have been minimised to enable increased landscaping.

C13. The carparking is provided within the basement and will not be viewed from the street frontage.

C14. The parking areas are designed to ensure pedestrian amenity is maintained and for safety.

C15. Natural ventilation is facilitated within basement car parking areas.

C16. Ventilation grilles and structures have been integrated into the façade and landscape design.

C17. Safe and secure access will be provided from on-site parking for building users including direct access from parking to lobby areas

C18. Marked pedestrian pathways have been provided.

C19. Commercial car parking and private car parking will be clearly identified.

C20. No visitor parking proposed.

Part G4 – Stormwater and Drainage

	The proposal is designed to align with the stormwater and flooding requirements of Cumberland Council as set out in this section of the DCP. See stormwater plans and flood report for further detail.	Yes
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Part G5 – Sustainability, Biodiversity and Environmental Management

2.1	Groundwater	The proposed development is for a Mixed Use Development It is therefore considered that the risk of site contamination occurring during construction and future use of the site is low. Refer to the discussion under the SEPP (Resilience and Hazards) 2021 for additional information regarding site contamination and investigation.	Yes
2.2	Surface Water	A Stormwater Management Plan has been prepared and is attached as part of this application. The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimize and manage the impact of stormwater on site and within the area. The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.	N/A

		The proposal incorporates appropriate setbacks and landscaping that will permit stormwater penetration and will reduce runoff and the impact of stormwater on site and in the area. See attached Stormwater Management Plan for detail.	
2.3	Land Contamination	The potential for land contamination has been Refer to the discussion under the SEPP (Resilience and Hazards) 2021 for additional information regarding site contamination and investigation.	Yes
2.4	Air Quality	It is considered that the proposal will not significantly contribute to air pollution, odours or the release of atmospheric pollutants. Appropriate management of the site during the demolition and construction phases will limit the potential for air pollution.	Yes
2.5	Biodiversity	The proposed development will not impact on any significant flora and fauna. The development proposes appropriate open space and landscaped areas undertaken in accordance with Council controls.	N/A
2.6	Energy Efficiency and Renewables	Design to comply with Section J requirements.	Yes
2.7	Protection of Waterways	The development site is not within close proximity to riparian land and watercourses.	N/A
Part G7 – Tree Management and Landscaping			
		The development application does seek to remove two identified trees. Noting additional landscaping works has been proposed which is consistent with the streetscape and will complement the proposed development.	Yes
Part G8 – Waste Management			
		A Waste Management Plan accompanies this development Application and outlines how construction waste will be appropriately managed and how waste generated by future occupants will be managed and recycled where possible.	Yes

CUMBERLAND DEVELOPMENT CONTROL PLAN 2021 – PART F2 BUSINESS SITE SPECIFIC

The table below provides detail on the development standards relevant to the child care component of the development that occupies the lower three levels of the building.

Cumberland Development Control Plan 2021 – Part F2-11 – Pendle Hill Town Centre			
Clause	Controls	Comment	Complies
1.1		This part of the DCP applies to the site located at 3-5 Gilba Road.	Yes
2.1	C1. The minimum lot frontage requirements for all development within a Business zone is located in Part C. C2. The minimum lot frontage requirements for all development within a Residential zone is located in Part B. C3. Notwithstanding the above, development within Business zones located on Pendle Way, between Stapleton and Joyce Street, and on Joyce Street are to provide a fine grain retail shopfront character.	The minimum lot frontage requirements complies with the Business Zone controls. Not within a residential zone. Not applicable. Not located within the identified areas. Not applicable.	Yes Yes Yes
2.2	Rear laneways, land dedication, access, vehicular entries and pedestrian access	No rear laneways are proposed within the subject site and continues to comply.	N/A
2.3	Building Height		
	C1. The maximum height for development within the Pendle Hill Town Centre is detailed within Cumberland Local Environmental Plan 2021. C2. The maximum building storey limits within the Pendle Hill Town Centre is detailed in Figure 3.	Noted. The proposed development does not exceed the maximum height prescribed under the CLEP 2021. The subject site has a restriction of 4 storeys and varies this control by proposing another storey. Noting the proposal is consistent with the prescribed maximum building height of 17m. The proposed mixed use development is consistent with the perceived future built form of the locality where it complies with setback	Yes Variation- But Complies with LEP Height

controls and building height, additionally the development does propose any adverse overshadowing or privacy impacts and therefore is consistent with the objectives of the controls. This variation is supportable on merits given the proposal meets the LEP and the LEP prevails over the DCP.

C3. The minimum floor to ceiling height requirements are located in Part B and C. Noted and complies. Please see compliance above.

C4. The prominence of street corners shall be reinforced by concentrating the tallest portion of the building on the corner in relation to the overall building height and predominant street wall height. The tallest part of the building is reinforced to the street corner and complies with this provision.

2.4 Building setbacks, separation and street presentation

C1. All front setbacks shall be in accordance with Figure 4. Noted and complies. Yes

C2. Where a 0 metre setback is permitted, buildings shall form a continuous street edge. The proposed development will form a continuous street edge. Yes

C3. Rear and side setbacks (unless indicated otherwise in Figure 4) are to be in accordance with setbacks indicated in Part B or Part C of this DCP. 0m side setback is permitted as prescribed in Figure 4. Yes

C4. Notwithstanding the above, a 6 metre setback is required to R2 low density residential lots between Gilba Road and Macklin Street. Not applicable.

C5. Residential development shall correspond to building depth and separation requirements in Part B. Noted and complies. Yes

C6. Developments shall present and address the street. The proposed development addresses both frontages, Gilba Road and Billabong Street. Yes

C7. Sites with corner lots shall present and articulate to both street frontages. Complies.

C8. Where sites are adjacent to Civic Park, development shall be orientated to address the park. The site does not adjoin Civic park.

CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.