

## Addendum Statement of Environmental Effects

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DEMOLITION OF ALL EXISTING STRUCTURES, UNDERTAKE A TORRENS TITLE SUBDIVISION AND CREATION OF NEW ROADS WITH THE CONSTRUCTION OF A MIXED USE DEVELOPMENT WITHIN LOT 1 COMPRISING OF A SERIES OF 6 BUILDINGS CONTAINING RETAIL FLOOR SPACE, A CHILD CARE FACILITY, A GYMNASIUM, WITH 236 RESIDENTIAL UNITS ABOVE AND A TOTAL OF 502 CAR PARKING SPACES AT 971 RICHMOND ROAD, MARSDEN PARK



*Prepared by:* Think Planners  
*Document Date:* 25 October 2021  
*LGA:* Blacktown City Council

## QUALITY ASSURANCE

**PROJECT:** Statement of Environmental Effects

**ARCHITECT:** Architex

**ADDRESS:** Lot 13, DP1190560: 971 Richmond Road, Marsden Park

**COUNCIL:** Blacktown City Council

**CONSENT AUTHORITY:** Planning Panel: CIV > \$20 million.

**AUTHOR:** Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
December 2019	Draft Issue for Comment	Draft	SK/JW	AB
April 2020	DA Lodgement Issue	Final	SK/JW	AB
October 2021	Addendum SEE	Final	JW	JW

<b><i>Integrated Development (under S4.46 of the EP&amp;A Act). Does the development require approvals under any of the following legislation?</i></b>	
<i>Fisheries Management Act 1994</i>	<i>No</i>
<i>Heritage Act 1977</i>	<i>No</i>
<i>Mine Subsidence Act 1992</i>	<i>No</i>
<i>Mining Act 1992</i>	<i>No</i>
<i>National Parks and Wildlife Act 1974</i>	<i>No</i>
<i>Petroleum (Onshore) Act 1991</i>	<i>No</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>No</i>
<i>Roads Act 1993</i>	<i>No</i>
<i>Rural Fires Act 1997</i>	<i>No</i>
<i>Water Management Act 2000</i>	<i>No</i>
<b><i>Does the Development Require Concurrence?</i></b>	
<i>SEPP 64- Advertising and Signage</i>	<i>No</i>
<i>SEPP Coastal Management 2018</i>	<i>No</i>
<i>SEPP (Infrastructure) 2007</i>	<i>No</i>
<i>SEPP (Major Development) 2005</i>	<i>PLANNING PANEL</i>
<i>SREP (Sydney Harbour Catchment) 2005</i>	<i>No</i>

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## Executive Summary & The Amended Proposal

This addendum Statement of Environmental Effects has been prepared in support of an amended development proposal that is subject to Class 1 proceedings in the Land and Environment Court.

The purpose of this report is to set out what is proposed by the amended development proposal that is subject to the Revision F plans. These plans are primarily prepared as a means of consolidating the various elements set out by the relevant experts in the Joint Reporting process. A detailed schedule of amendments prepared by Architex, dated 22 October 2021, provides a written description of the changes associated with the proposal relative to the plans currently before the Court.

The current proposal seeks consent for the demolition of all existing structures in-order to undertake a 1 into 22 lot torrens title subdivision of the parent site including the creation of new road and the development of a large shop top housing development within Lot 1 which involves the constructed of a series of 6 mix-use buildings at 971 Richmond Road, Marsden Park. The development is to be undertaken in 2 distinct stages, with the built form also to be carried out in 2 stages owing to the size of the development.

### **Stage 1: Subdivision, Civil Works and Creation of Roads**

- Undertake a 1 into 3 allotment torrens title subdivision including the creation of new roads and required civil works including lot grading, stormwater, road construction and relevant service provision. This includes half road construction of Road 4 and associated tail out to a dam on a property to the east.
- Lot 1 (9698.9m<sup>2</sup>) is the B4 development lot, Lot 2 (3553.3m<sup>2</sup>) is the R3 zoned land that will be subject to a future development application but contains the required temporary basin, and Lot 3 (8,106.1m<sup>2</sup>) is the land marked 'I' - Transport Corridor that will be acquired by Transport for NSW as part of a future public transport corridor.
- It is noted that the subdivision plan makes reference to Lot 4 however Lot 4 is associated with the adjoining property to the north.
- The proposal also seeks consent for works to establish the road connection to Grange Avenue approved under DA-15-02765- being the extension of Road 3 to Grange Avenue. Owners consent from the adjoining property owner has been prepared. That sets out that:
  - o In the event that the developer of 999 Richmond Road progresses prior to this development application then the required public road connection will occur.
  - o In the event that this development application is to proceed ahead of the adjoining development then the proponent would build the new road connection to Grange Avenue and this would be subject to a separate commercial agreement and then likely result in an easement for access over that road in the event it is not immediately dedicated to Council.

**Stage 2: Built Form on Lot 1**

- Construction of a mixed use development within Lot 1 in 2 stages.
- The development includes a series of 6 buildings with a total of 14 retail commercial tenancies (2,641m<sup>2</sup>), a child care facility (582.7m<sup>2</sup>) and a gymnasium (404m<sup>2</sup>) on the ground floor. Above the ground floor level there are a total of 236 residential units and there are 502 car parking spaces provided within the basement levels.
- Stage 2a: Relates to the northern part of the site and includes Building D, E, and F and the ground floor communal open space north of the retail spaces 102, 103 and 104 and the northern basement- including the vehicular access point to New Road 3 as well as the consolidated central waste storage area located in Basement 1.
- Stage 2b : Relates to the southern part of the site and includes Building A, B and C as well as the southern basements and vehicular access point to New Road 1.

A summary of the key aspects of the total mixed use component of the proposal is set out below.

**Commercial Tenancies:**

14 retail/commercial tenancies with a total of 2,641m<sup>2</sup> with the following breakdown:

- R101 – 142m<sup>2</sup>;
- R102 – 207m<sup>2</sup>;
- R103 – 98m<sup>2</sup>;
- R104 – 134m<sup>2</sup>;
- R105 – 208m<sup>2</sup>;
- R106 – 132m<sup>2</sup>;
- R108 – 197m<sup>2</sup>;
- R109 – 159m<sup>2</sup>;
- R110 – 229m<sup>2</sup>;
- R111 – 189m<sup>2</sup>;
- R112 – 286m<sup>2</sup>;
- R113 – 194m<sup>2</sup>;
- R114 – 185m<sup>2</sup>;
- R115 – 281m<sup>2</sup>;

**Child Care Facility:**

A child care facility within the ground floor associated with Building E with a total floor area of 582.7m<sup>2</sup> of floor area (excluding outdoor play area). The child care facility will accommodate a total of 100 children and will operate 7am to 7pm Monday to Friday and will accommodate the following age groups:

- 0-2 years: 20 children with 5 educators
- 2-3 years: 40 children with 8 educators
- 3-5 years: 40 children with 4 educators.

**Gymnasium:**

A gymnasium within the ground floor associated with Building B (R107) with a total floor area of 404m<sup>2</sup> of floor area.

**Residential:**

A total of 236 residential units over 6 buildings, with the following breakdown:

- 43 x 1 bedroom units (18.2%);
- 145 x 2 bedroom units (61.4%);
- 38 x 3 bedroom units (16.2%);
- 10 x 4 bedroom units (4.2%)

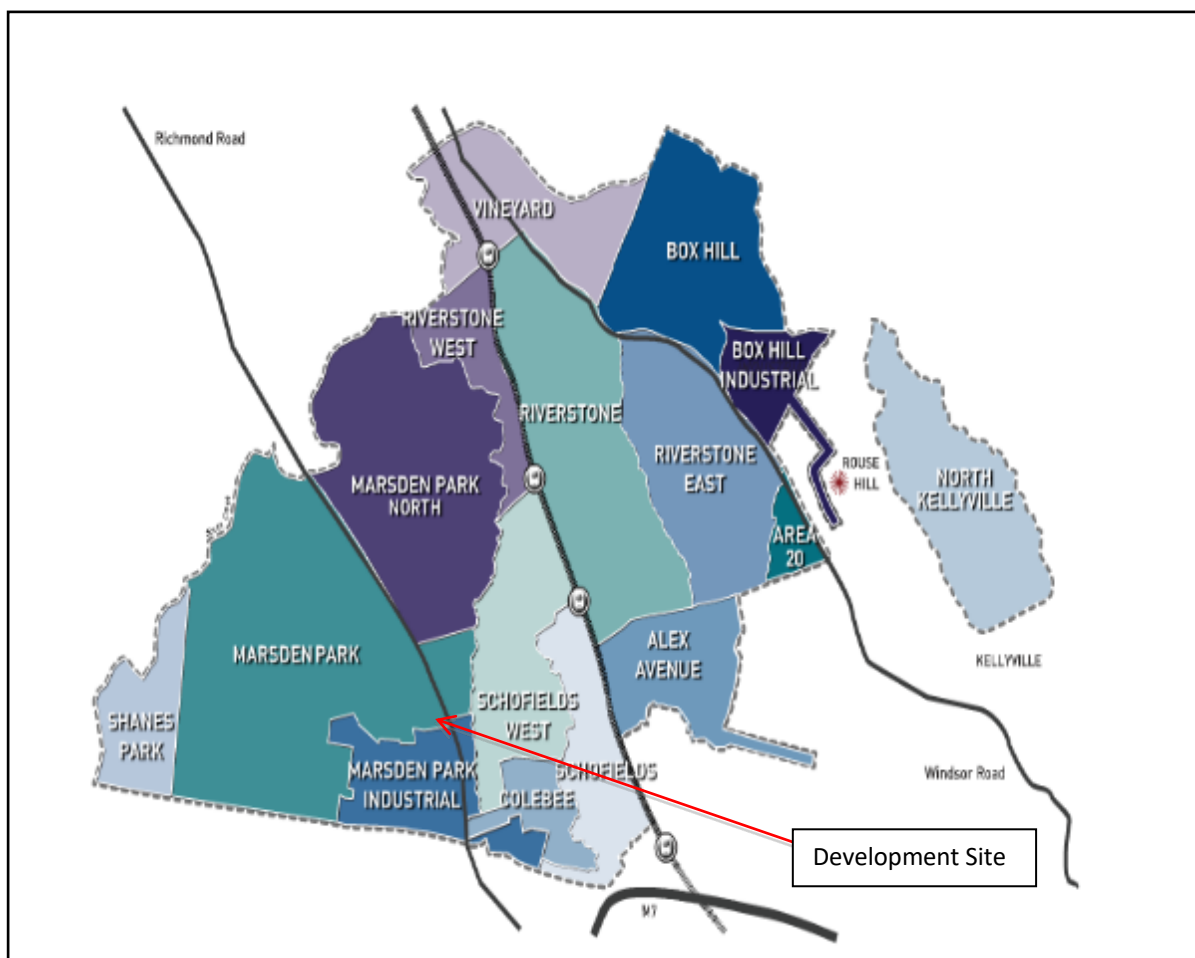
**Parking & Basement**

- Residential car parking spaces: 299 spaces over the three basement levels;
- Residential visitor car parking spaces: 48 spaces within basement levels 1 & 2;
- Retail Spaces and Gym Spaces: 121 spaces
- Child care facility: 34 spaces within basement level 1;
- 12 EV Charging Bays across Basement L1 and L2- with 6 EV bays in each 'Block'.
- The basement is split into two sections per level with the southern section which services Block A, B & C and the northern section that services Block D, E & F, noting that the two sections are separated other than for access to the centralised waste loading bay.

## 1. Site & Locality Description

### North West Growth Centre

The subject site is located within the North-West Growth Centre, which is a significant release area that straddles three (3) local government areas (The Hills, Blacktown and Hawkesbury). The North-West Growth Centre, along with the South West Growth Centre are earmarked as being key regions of Sydney to meet the future housing needs of Sydney's growing population for the next 20 years. The North-West Growth Centre, which is 10,000 Ha in size, comprises 16 Precincts and is targeted to deliver 70,000 new dwellings across the next two (2) decades. The precincts that comprise the Growth Centre are illustrated below by Figure 1, including the location of the subject site.



**Figure 1:** North West Growth Centre Map Extract

### Marsden Park Precinct

The Marsden Park North Precinct is one of the 16 Precincts that comprise the North-West Growth Centre. The Precinct is bounded by Richmond Road to the south-west, Excelsior Avenue to the south, Eastern Creek and Bells Creek to the east and South Creek to the north and west and can currently be described as a semi-rural residential area with agricultural activities being undertaken, amongst others.



Located within the Blacktown Local Government Area and has the capacity to accommodate 10,300 new dwellings.

The key features of the Marsden Park Precinct are:

- A new town centre and two village centres
- 108 hectares of open space and recreation areas
- Upgrades to major road including Richmond Road
- New primary and high school
- Protection of more than 450 hectares of significant vegetation and major creek corridors

Figure 2 is an extract of an indicative layout plan associated with the Marsden Park Precinct.

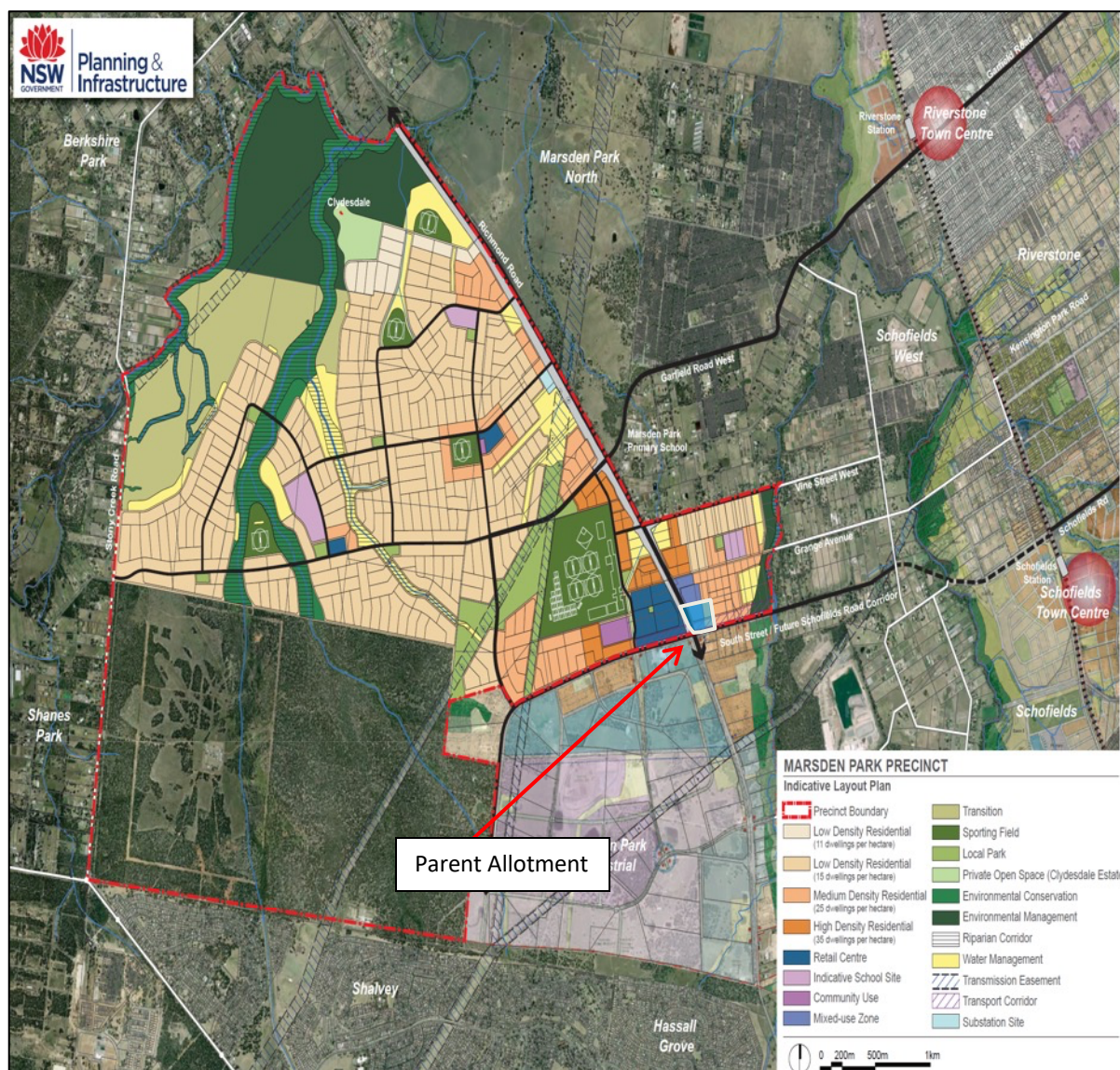


Figure 2: Marsden Park Indicative Layout Plan Extract

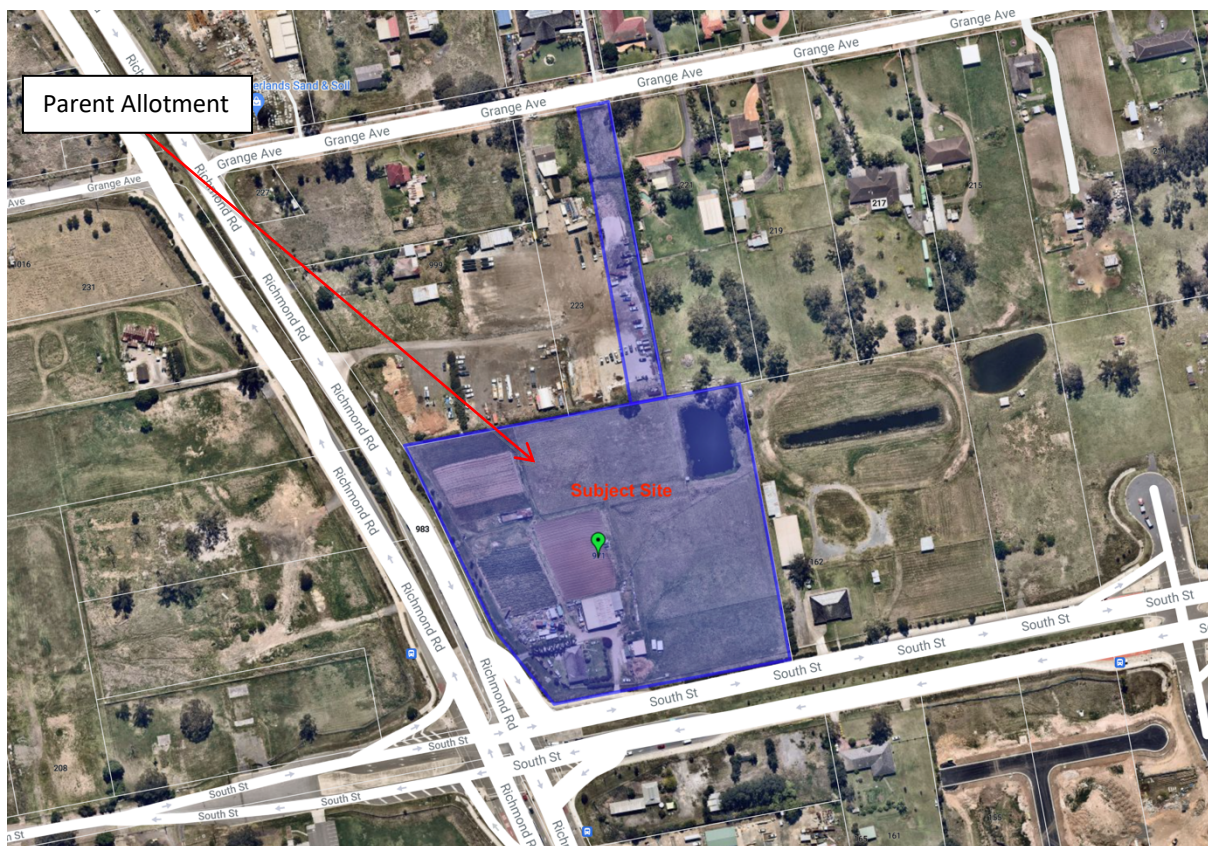


## **Subject site**

The parent site is legally identified as Lot 13 in DP1190560, but commonly known as 971 Richmond Road, Marsden Park. The site itself can be best described as a large irregular shaped corner land parcel with a frontage to Richmond Road to its western boundary and a frontage of South Street to its southern boundary and a site area of.

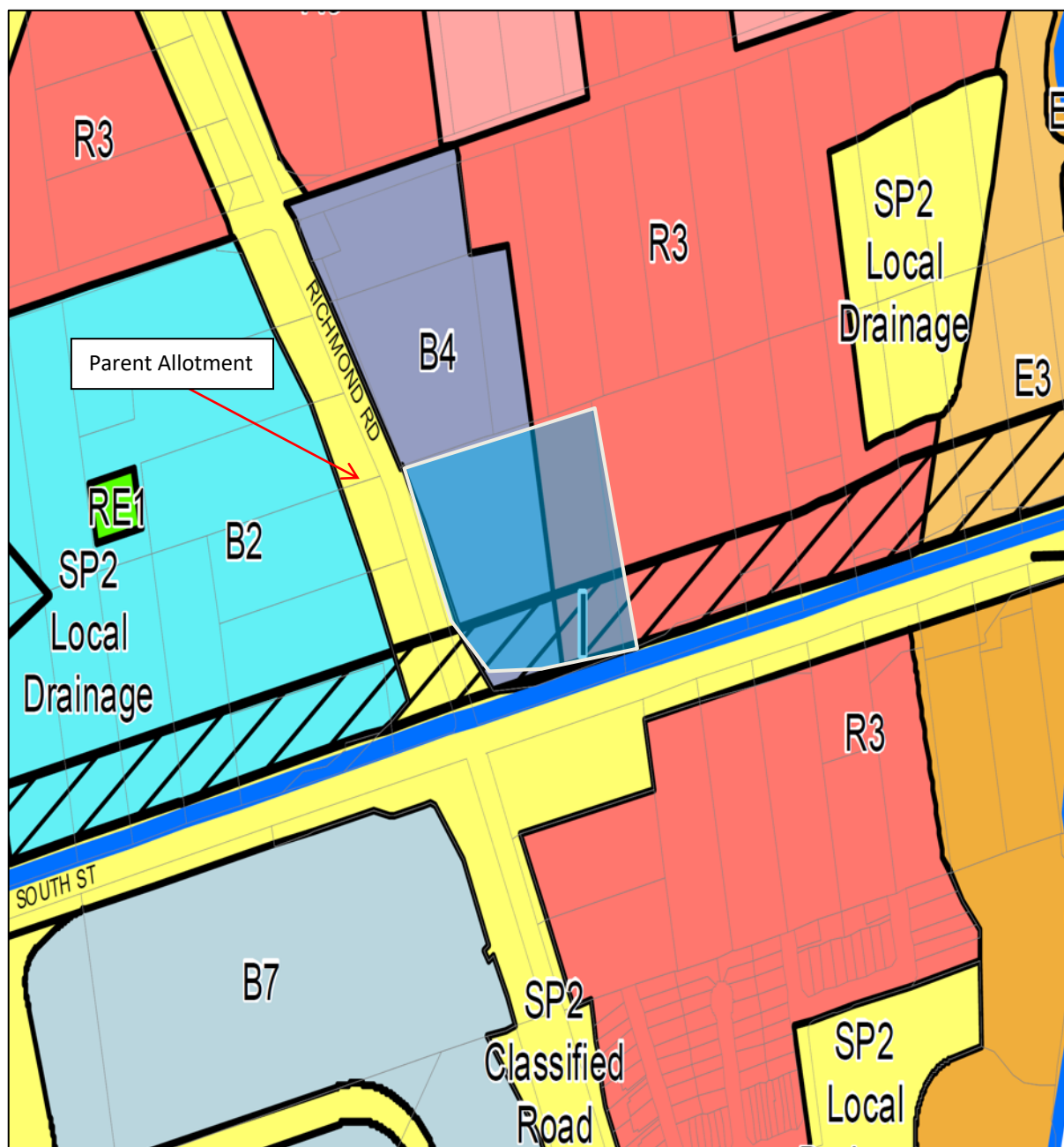
The construction of the planned new road networks will result in the parent site having multiple frontages at the completion of the road networks, noting connection to Grange Avenue will occur via the adjoining property at 999 Richmond Road.

Residing within the Marsden Park Precinct, the parent site bounds large comparable semi-rural lots to its northern and eastern boundaries with Richmond Road separating the site from semi-rural lots to the west and South Street separating the site from a mixture of semi-rural lots and semi-industrial lots to the south. Currently a residential dwelling, agriculture and associated structures are located on the site. This is illustrated by aerial map below noting that the future road connection point to Grange Avenue is also shown.



**Figure 3: Aerial Map Extract of the Subject Site (Source: Nearmap)**

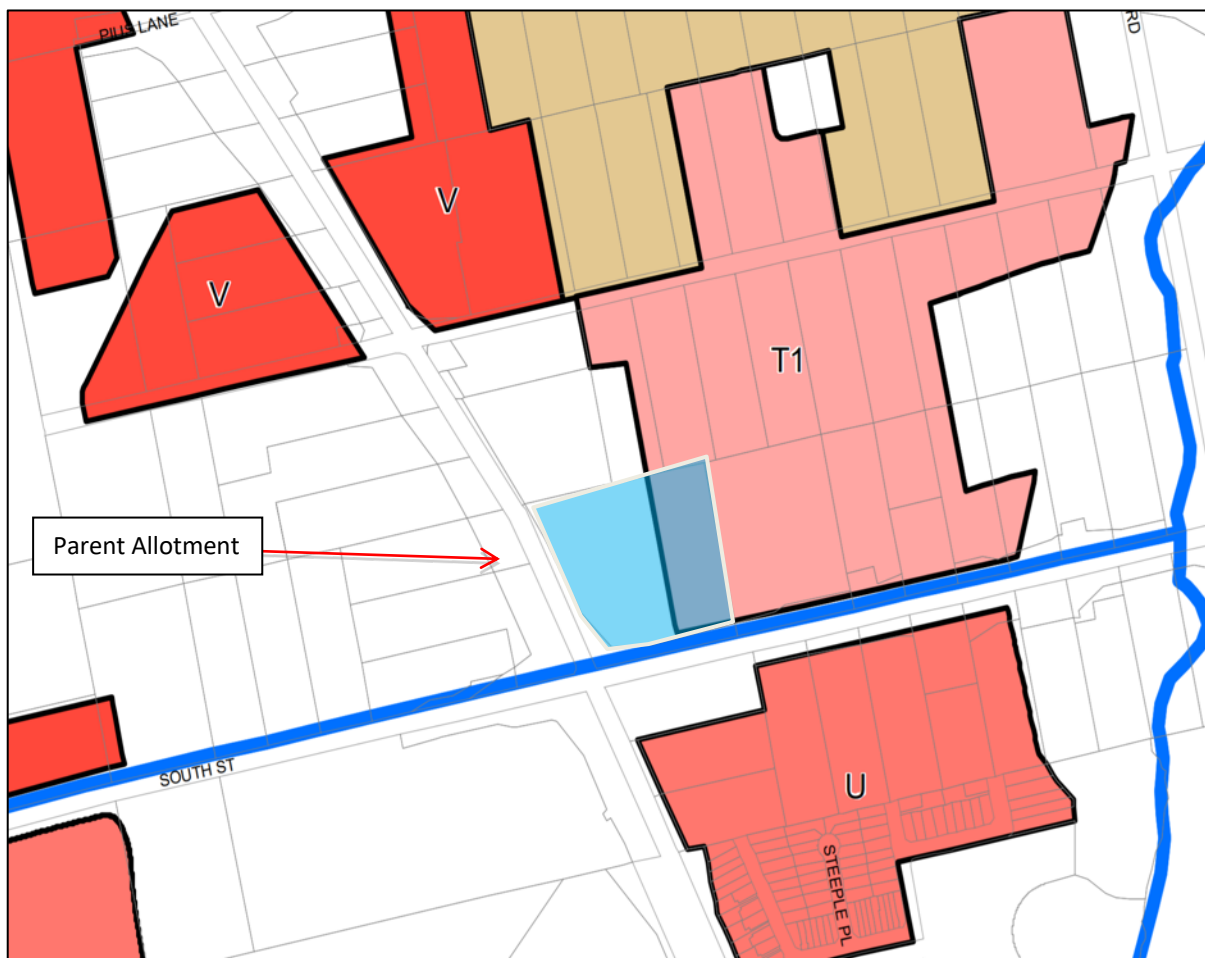
The development site is subject to a split zoning with the majority of the site, towards the western portion is zoned B4 Local Centre and the remaining portion of the site is zoned R3 Medium Density Housing Development. Furthermore, the southern portion of the site is identified as a future transport corridor as per Appendix 12, Clause 6.10 and this area has been proposed to be created as a residue lot with no development in order to facilitate future acquisition by Transport for NSW. The zoning map extract below shows the site- noting the site is opposite the future Marsden Park Town Centre- identified by the B2 zoning.



**Figure 4:** Zoning Map Sheet LZN\_005 Extract (Source: SEPP (Sydney Region Growth Centres 2006))

## Dwelling Density

The State Environmental Planning Policy (Sydney Region Growth Centre) 2006 has identified the portion of the site Zoned R3 – Medium Density Residential is subject to a dwelling density (per hectare) of 20 dwellings per HA (minimum) as illustrated by dwelling density map extract below.



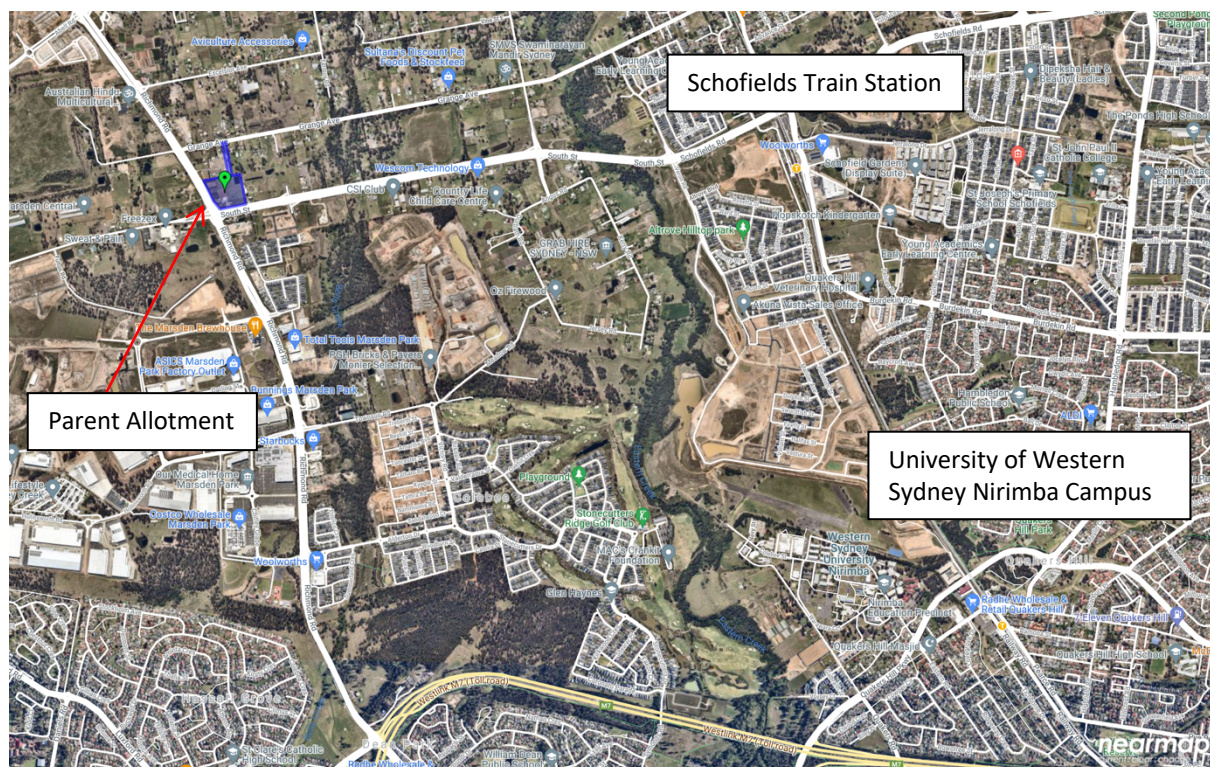
**Figure 5:** North West Growth Centre Residential Density Map Sheet RDN\_005 Extract (Source: Growth Centre SEPP)



The subject site is located within a semi-rural area, characterised by residential dwellings on large lots, as illustrated by an aerial map below. The locality has been earmarked to accommodate mixed land uses along Richmond Road by virtue of its B4 – Mixed Use zoning and also significant future population growth by virtue of its R3 zoning and therefore the character of the area is expected to undergo a shift in character from semi-rural to higher densities.

The development site is also within a short driving distance of Schofields Train Station, The University of Western Sydney Nirimba Campus and a large bulky goods precinct to the south.

A broader aerial map extract illustrates the site in its broader context.



**Figure 6:** Broader Aerial Map Extract of the Subject Site (Source: Google Maps)

The site, which is located within the North-West Growth Centre is to play a valuable role in achieving the vision envisioned for the subject area by the State Government in provide commercial opportunity for the emerging community whilst also providing future accommodation for Sydney’s growing population.

## Heritage

The site is not identified as a heritage item nor is it located within a heritage conservation area however there are a few local heritage items – general located within the vicinity of the development site as illustrated by the heritage extract map below.



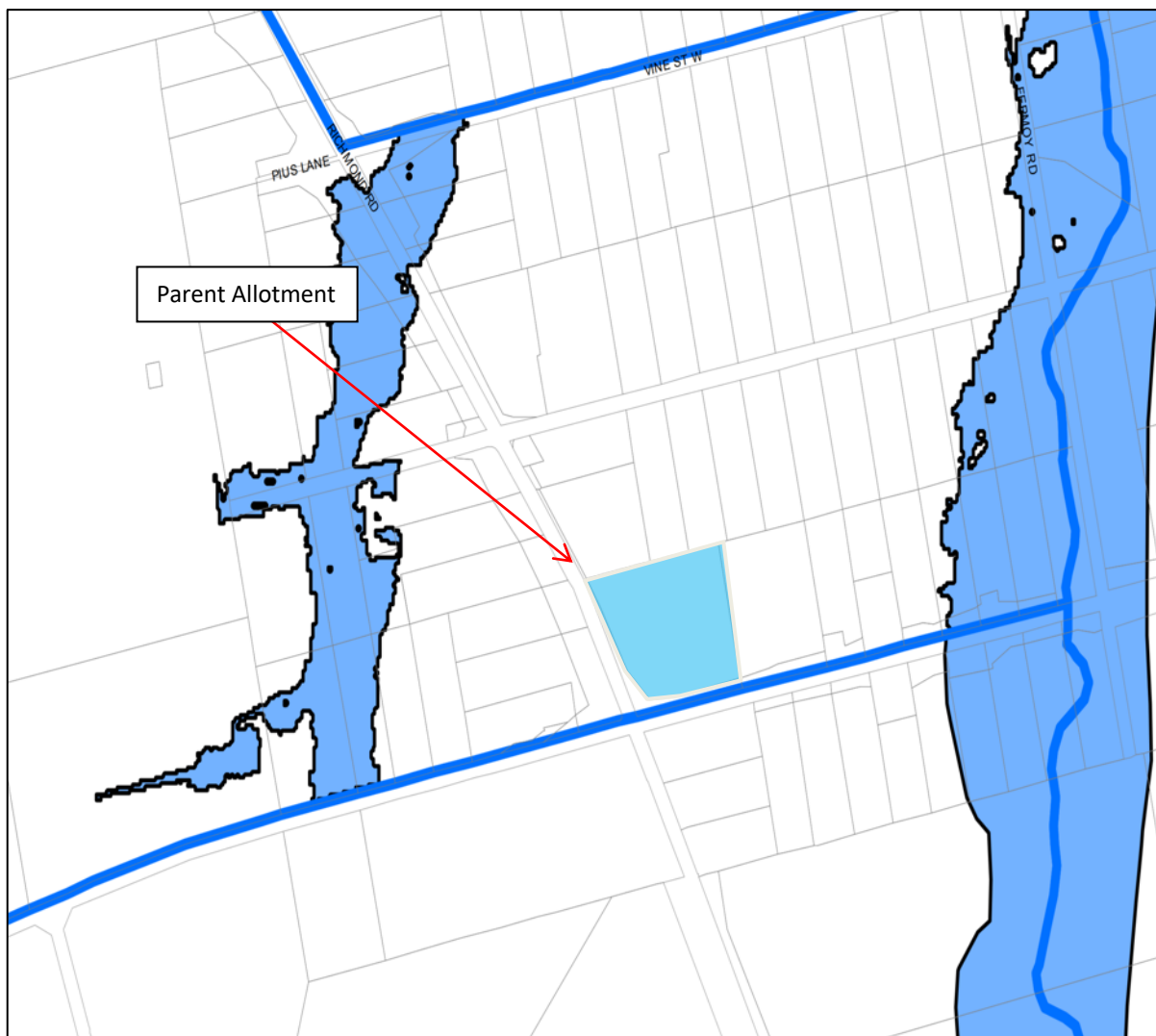
**Figure 7:** North West Growth Centre Heritage Map Sheet HER\_005 Extract (Source: Growth Centre SEPP)

The proposed mix use development will not impact upon the heritage significance of the heritage items given the separation between the development site and the local heritage items with existing and anticipated developments to provide sufficient buffer between the heritage items and the subject site. It is also noted that Council has earmarked the site for future higher density development by virtue of its zoning and height controls (between 14m-16m).

As such a 'Heritage Impact Statement' is not considered to be necessary nor is the site subject to any heritage restrictions. An Aboriginal Due Diligence Assessment has been undertaken which concludes that there are no identified Aboriginal heritage constraints.

## Flood Control Lot Map

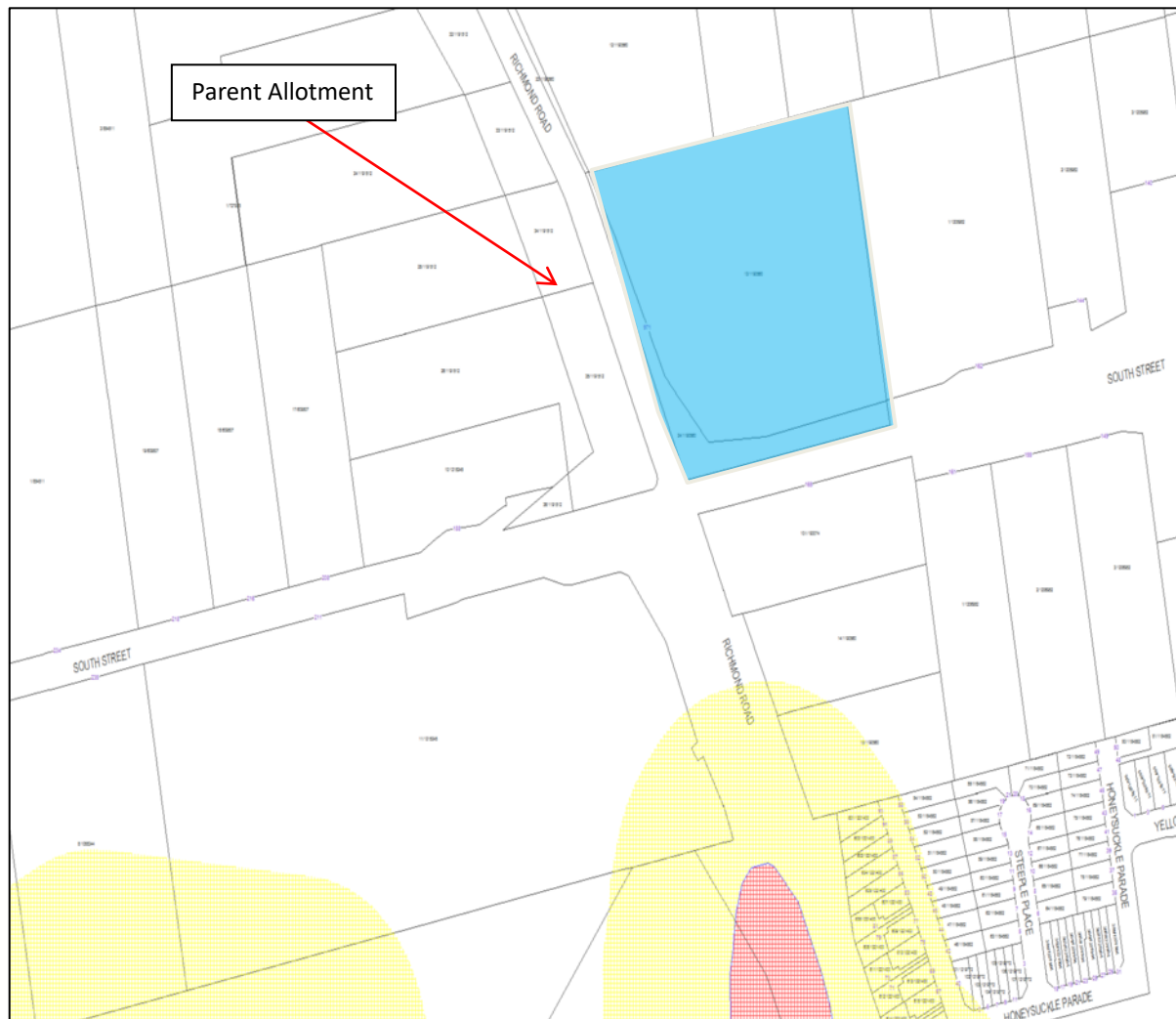
State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – North West Growth Development Control Map Sheet DVC\_005 Map extract below indicates that the subject site is not affected by flooding.



**Figure 8:** Development Control Map Sheet DVC\_005 Extract (Source: SEPP (Sydney Region Growth Centres 2006))

## Bushfire Map

Blacktown City Council Maps Online indicates that the site is not located within bushfire prone land demonstrated below.



**Figure 9: Bushfire Map Extract (Source: Blacktown Council Maps Online)**



## 2. Description of Proposal

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### Commercial Tenancies:

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- 0-2 years: 20 children with 5 educators
- 2-3 years: 40 children with 8 educators
- 3-5 years: 40 children with 4 educators.

A Plan of Management has been prepared by Architex for the operational elements.

### Gymnasium

A gymnasium within the ground floor associated with Building B (R107) with a total floor area of 404m<sup>2</sup> of floor area.

### Residential Unit Mix and Yield

A total of 236 residential units over 6 buildings, with the following breakdown:

- 43 x 1 bedroom units (18.2%);
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- 38 x 3 bedroom units (16.2%);
- 10 x 4 bedroom units (4.2%)

### Parking & Basement

- Residential car parking spaces: 299 spaces over the three basement levels;
- Residential visitor car parking spaces: 48 spaces within basement levels 1 & 2;
- Retail Spaces and Gym Spaces: 121 spaces
- Child care facility: 34 spaces within basement level 1;
- 12 EV Charging Bays across Basement L1 and L2- with 6 EV bays in each 'Block'.
- The basement is split into two sections per level with the southern section which services Block A, B & C and the northern section that services Block D, E & F, noting that the two sections are separated other than for access to the centralised waste loading bay.

### Road and Infrastructure

The proposal involves the construction of required road and stormwater infrastructure in locations that align with the Indicative Layout Plan for the Marsden Park North Precinct.

To assist Council and to provide the required certainty for Council, all roads and associated public domain works will be dedicated to Council at no cost following construction.

This includes dedication of the public roads, all road drainage works for the construction of the public footways, including pavement construction, landscaping, any relevant drainage works, lighting and any required street furniture.

Approval is also sought for bulk earthworks to create the required road levels, as well as the provision of essential services.

### Signage

No signage is proposed as part of this application. Business identification signage will be subject to future DAs.

### 3. Planning Controls

#### Statutory Controls

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy BASIX
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Contaminated Land
- State Environmental Planning Policy – (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy No.65 – Advertising and Signage
- State Environmental Planning Policy (Infrastructure)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy No. 65 – Apartment Design Guide Controls.
- State Environmental Planning Policy (Sydney Region Growth Centre) 2006.
- Sydney Regional Environmental Plan No.20 – Hawkesbury Nepean River.

#### Policy Controls

The applicable policy control documents are: -

- Blacktown City Council Growth Centre Precincts Development Control Plan 2010.
- Child Care Planning Guidelines
- Children's (Education and Care Services) Supplementary Provisions Regulations 2012.



## 4. Consideration of Planning Controls

### State Environmental Planning Policy BASIX

The application has been assessed and is accompanied by a complying BASIX certificate that demonstrates how the apartments will utilise 40% less energy and water than a typical dwelling pre BASIX. It is noted that an updated BASIX Certificate is being prepared to reflect the amendments to the scheme.

### State Environmental Planning Policy (State and Regional Development) 2011

As this residential flat building development has a capital investment value of greater than \$30 million and in accordance with part 4 of the SEPP, the determining authority for the residential flat building development application was the Sydney West Central Planning Panel.

### State Environmental Planning Policy No. 55 – Contaminated Land

Clause 7 of SEPP 55 provides:

- (1) A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Phase 1 and phase 2 Detailed Site Investigation was prepared by Geotest Services. This report provides the following commentary on contamination:



## 12 CONCLUSIONS

Geotest concludes that; based on the desktop investigation, site inspections, observations collected during site works and the interpretation of laboratory data that the site may be considered suitable for residential land use following the remediation of identified contamination as presented in this report, and the additional investigation for validation of areas not previously investigated. The primary remediation drivers as presented in this report are for asbestos, heavy metals, PAHs, TRHs and elevated foreign materials and heavy metals in soils; separately creating an unacceptable human and ecological health risks and impacting on the future land-use suitability.

The presence for further risk to from contamination in areas not accessible, including both chemical and asbestos should also be further managed following demolition and prior to civil re-development. We make the following recommendations for remediation, validation, data gap investigation and subsequent re-development. Through implementation of these strategies, mitigation of any contamination spread, or risk should be achieved:

- Preparation of a Remedial Action Plan (RAP) to facilitate and guide the remediation works;
  - We recommend the RAP specifies the method and justification for segregation and provides a framework for both quantitative and qualitative materials assessment;
  - The RAP should provide the appropriate guidance to ensure adequate data gap investigations;
  - The RAP should additionally consider future land-use zonings as part of the remediation management strategies, considering most sustainable remediation techniques where appropriate.
- Required remediation works should be undertaken by an appropriately experienced contractor, appropriately licensed when required;
- Remediation and validation for:
  - All asbestos in soils contamination as presented within Section 11.2;
  - Soils impacted by heavy metals as identified in section 11.3;
- Soils impacted by PAHs & TRHs as identified in section 11.3;
- Treatment and/or management of soils containing aesthetically un-suitable elevated foreign materials as shown in Section 11.2 (excluding asbestos);
- General clean-up and lawful disposal (to licensed facilities and provision of dockets) of all waste, scrap, and building debris. Careful attention should be paid by the contractor to ensure no asbestos materials which may be un-identified in scrap storage are included in general waste disposal;
- A hazardous materials survey should be undertaken prior to the demolition of site structures and clearance undertaken following removal of any identified hazardous materials and prior to demolition;
- Following the demolition and clean-up of the residential areas, storage/ work sheds and greenhouses, the building footprints and demolition work areas should be inspected and validated by an appropriately experienced consultant for both asbestos and chemical contamination;
- Appropriate pump-out of septic wastes and appropriate off-site disposal/management;
- A waste classification should be prepared for any soil materials being disposed off-site in accordance with NSW EPA 2014 Waste Classification Guidelines Part 1; and
- During re-development, care should be taken to segregate excavated materials. Each stream should be assessed for its suitability for re-use individually and subsequent validation samples, screening records, results or qualitative information reported for inclusion in the site validation report.

Further, in the event that any contaminating materials or other un-expected finds (ie. burial pits etc) are identified during re-development, an appropriately experienced consultant should be engaged to attend site. The works should cease immediately in the area of the discovery.

Given the above it is considered that the site is suitable for the development subject to the above being followed.

### State Environmental Planning Policy – (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) was introduced in August 2017. This SEPP 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.

The subject site, residing within a semi-rural residential area is predominantly cleared of vegetation. The development proposes to remove identified to accommodate the subdivision and development of Lot 1, noting no significant vegetation is to be affected by the proposal.

Development proposes appropriate landscape embellishment works within a commercial context undertaken in accordance with the attached Landscape Plan.

### State Environmental Planning Policy No.64 – Advertising and Signage

No signage is proposed at this stage noting signage will be addressed within future DAs.

### State Environmental Planning Policy (Infrastructure) 2007

The development site bounds a classified road (Richmond Road), however direct access to site be provided from planned future roads.

In addition a portion of the site is subject to a future public transport corridor to the southern portion of the site- i.e. the land shown 'I' on the zoning map. It is understood that this is the future extension of the Sydney Metro Northwest that will connect Tallawong Station and the proposed Marsden Park Station.

Accordingly it is necessary to consider Clause 101, 102 and 85-87 of the SEPP.

#### *Division 15- Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors—notification and other requirements*

The proposed development involves work adjacent to a future rail corridor and excavation below 2m within 25m of that land and as such it is necessary to obtain concurrence from Transport for NSW. TfNSW has issued their concurrence in relation to the development.

Clause 87 requires further consideration of the impact of rail noise or vibration on non-rail development as follows:

#### **87 Impact of rail noise or vibration on non-rail development**

*(1) This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration—*

- (a) residential accommodation,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or centre-based child care facility.*

*(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*

*(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*

*(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,*

*(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

It is necessary to consider the impact of rail noise or vibration on the residential units and the child care centre. It is noted at the outset that the design has sought to place the child care centre as far as possible from the rail corridor being in the northern portion of the site such that it is largely shielded by the southern block.

The acoustic report prepared by Acouras Consultancy has considered the impacts of the future rail operation and notes that provided the recommendations in Table 9 of that report are achieved that the residential units will achieve the required noise criteria as well as the child care centre. Therefore Clause 87 is satisfied.

#### *Division 17- Subdivision 2 Development in or adjacent to road corridors and road reservations*

Clause 101 and 102 of the SEPP provided:

##### **101 Development with frontage to classified road**

*(1) The objectives of this clause are—*

*(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*

*(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

*(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

*(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*

*(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*

*(i) the design of the vehicular access to the land, or*

*(ii) the emission of smoke or dust from the development, or*

*(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

*(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

**102 Impact of road noise or vibration on non-road development**

*(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—*

*(a) residential accommodation,*

*(b) a place of public worship,*

*(c) a hospital,*

*(d) an educational establishment or centre-based child care facility.*

*(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*

*(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*

*(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*

*(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

*(4) In this clause, **freeway**, **tollway** and **transitway** have the same meanings as they have in the [Roads Act 1993](#).*

The proposal is supported by a detailed traffic report and assessment that deals with the matters set out in Clause 101 noting that vehicular access is provided from new planned road connecting to Grange Avenue.

It is also necessary to consider the impact of road noise on the residential units and the child care centre. It is noted at the outset that the design has sought to place the child care centre as far as possible from the classified road being in the central part of the northern block.

The acoustic report prepared by Acouras Consultancy has considered the impacts of the road noise and notes that provided the recommendations in Table 9 & 10 of that report are achieved that the residential units will achieve the required noise criteria as well as the child care centre. Therefore Clause 102 is satisfied.

## State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 & Child Care Planning Guideline

The SEPP Educational Establishments and Child Care Facilities and Child Care Planning Guidelines were gazetted on the 1<sup>st</sup> of September 2017. The SEPP has been introduced to facilitate the effective delivery of educational establishments and early education and care facilities across the State of NSW. A discussion on relevant elements of the SEPP and the CCPG is provided below.

SEPP	Comment
<p><b>3 Aims of Policy</b></p> <p>The aims of this Policy are as follows:</p> <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 an addition of valuable child care places within the Marsden Park catchment.</p>

<p><b>5 Interpretation</b></p> <p><b><i>centre-based child care facility</i></b> means:</p> <ul style="list-style-type: none"> <li>(a) a building or place used for the education and care of children that provides any one or more of the following: <ul style="list-style-type: none"> <li>(i) long day care,</li> <li>(ii) occasional child care,</li> <li>(iii) out-of-school-hours care (including vacation care)</li> <li>(iv) preschool care, or</li> </ul> </li> <li>(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW),</li> </ul> <p>but does not include:</p> <ul style="list-style-type: none"> <li>(c) a building or place used for home-based child care or school-based child care, or</li> <li>(d) an office of a family day care services (within the meanings of the Children (Education and Care Services) National Law (NSW), or</li> <li>(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or</li> <li>(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</li> <li>(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</li> <li>(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.</li> </ul>	<p>The proposed child care facility is consistent with the definition contained within the SEPP.</p>
<p><b>Part 3 Early education and care facilities – specific development controls</b></p>	
<p><b>23 Centre-based child care facility – matters for consideration by consent authorities</b></p> <p>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 <i>Child Care Planning Guidelines</i>, in relation to the proposed development.</p>	<p>The current application is only seeking approval for a child care facility within the ground floor associated with Block E and the proposed child care facility has been designed in accordance with the Child Care Planning Guidelines.</p>



## 25 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:

- (a) **location** – the development may be located at any distance from an existing or proposed early education and care facility,

### (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
- (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,
  - Indoor play space required = 3.25m<sup>2</sup> for each child
  - Outdoor place space required = 7m<sup>2</sup> for each child

There are no restrictions relevant to the proposed development.

The proposal provides 3.25sqm internal and 7sqm external per child.



<p>(c) <b>site area and site dimensions</b> – the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>(d) <b>colour of building materials or shade structures</b> – 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.</p>	<p>There are no restrictions relevant to the proposed development.</p>
<p><b>26 Centre-based child care facility – development control plans</b></p> <p>(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:</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early childhood education and care facilities,</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in:</p> <p>(i) the design principles set out in Part 2 of the <i>Child Care Planning Guidelines</i>, or</p> <p>(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).</p>	<p>Council via its DCP prefers a maximum number of child care places at 40.</p> <p>Clause 26(b) of the Environmental Establishment and Child Care Facility SEPP 2017 stipulates that any provision of a development control plan that needs to demonstrate need or demand for child care services does not apply to the development for the purpose of a centre-based child care facility.</p>

## Child Care Planning Guideline

Under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, the *Child Care Planning Guideline* is to be taken into consideration when undertaking a development for a 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.

At present the development is only seeking consent for a child care facility within the ground floor associated with Block E, the facility has been designed to be consistent with the Child Care Planning Guidelines.

The table below demonstrates that the proposed child care facility can comply with standards relevant to the current proposal under the Child Care Planning Guidelines.

Child Care Planning Guideline	Comment
<b>Objectives</b> The planning objectives of this Guidelines are to: <ul style="list-style-type: none"> <li>promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations</li> <li>ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses</li> <li>minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment</li> </ul>	<p>The development will results in a high quality child care facility designed to comply with the requirements of the National Regulations.</p> <p>The child care facility is within a large shop top housing development, noting child care facilities are permissible with the B4 Zone.</p> <p>The child care facility is to be located within a large land parcel earmarked for mix use within an emerging residential area, with the facility designed to minimise adverse impacts to surrounding properties in terms of privacy, acoustic and overshadowing.</p>
<b>Part 3 Matters for consideration</b>	
<b>3.1 Site selection and location</b>	
<b>C1 – For proposed development in or adjacent to a residential zone, consider:</b> <ul style="list-style-type: none"> <li>the acoustic and privacy impacts of the proposed development on the residential properties</li> </ul>	<p>The design scheme associated with the child care facility has been designed to minimise potential acoustic and privacy impacts. An Acoustic Report has been provided with the development to demonstrate that impacts to adjoining properties and units within the development are acceptable.</p>

<ul style="list-style-type: none"> <li>the setback and siting of buildings within the residential context</li> <li>traffic and parking impacts of the proposal on residential amenity</li> </ul>	<p>N/A as the development is to be located within a proposed shop top housing development within a large B4 zoned land parcel, however it is noted that Block E has been designed to be compliant with setback requirements under the DCP.</p> <p>Parking allocated to the child care facility will be provided within a basement level and as such will have negligible impact on neighbouring properties, noting that the subject site bounds Richmond Road, which has been designed to accommodate high traffic volumes. Furthermore, it is also worth noting that vehicle access to the site is via future planned roads and not from Richmond Road. Refer to attached Traffic Report for detail.</p>
<p><b>C2</b> – When selecting a site, ensure that:</p> <ul style="list-style-type: none"> <li>the location and surrounding uses are compatible with the proposed development or use</li> <li>the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards</li> <li>there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed</li> <li>the characteristics of the site are suitable for the scale and type of development proposed having regards to <ul style="list-style-type: none"> <li>size of street frontage, lot configuration, dimensions and overall size</li> <li>number of shared boundaries with residential properties</li> <li>will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</li> </ul> </li> </ul>	<p>Child care facilities are a permissible and compatible land use within the B4- mixed use zone.</p> <p>Site is not identified as being affected by land slop, bushfire, coastal hazards and other environmental hazards.</p> <p>Potential contamination has been addressed in the Phase 2 report.</p> <p>The ground floor associated with Block E is of sufficient size to accommodate the child care facility.</p> <p>The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas.</p>

<ul style="list-style-type: none"> <li>• there are suitable drop off and pick up areas, and off and on street parking</li> <li>• the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</li> <li>• 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</li> </ul>	<p>Development provides car parking spaces in-accordance with the DCP, noting appropriate drop off and pick up areas are provided within a basement level. Refer to attached Traffic Report for detail.</p> <p>The subject site currently front a classified road, however the planned construction of future road and nature strip will provide a buffer between the proposed mix use building and to Richmond Road, and subsequently no direct vehicle access is to be from the classified road.</p> <p>Subject site not located closely to incompatible social activities and uses.</p>
<p><b>C3</b> – A child care facility should be located:</p> <ul style="list-style-type: none"> <li>• near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> <li>• near or within employment areas, town centres, business centres, shops</li> <li>• with access to public transport including rail, buses, ferries</li> </ul>	<p>Located within a proposed shop top housing development, Richmond Road separates the site from large land parcels earmarked for future commercial development, with the site also within close proximity to future school sites and large planned sportsfields.</p> <p>Proposed child care facility is to be located within a shop top housing providing commercial activities on the ground floor and residential land uses above.</p> <p>A bus stop on the other side of Richmond Road provides regular services to Riverstone with a second bus stop situated within a 120m walking radius provides regular services to Blacktown.</p>
<p><b>C4</b> – A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <li>• proximity to <ul style="list-style-type: none"> <li>- heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>- LPG tanks or service stations</li> </ul> </li> </ul>	<p>The subject site is not located within proximity to identified environmental hazard.</p>

<ul style="list-style-type: none"> <li>- water cooling and water warming systems</li> <li>- 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</li> <li>- extractive industries, intensive agriculture, agricultural spraying activities</li> </ul> <ul style="list-style-type: none"> <li>• any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site</li> </ul>	<p>Potential contamination has been addressed in the submitted Stage 2 report.</p>
<b>3.2 Local character, streetscape and the public domain interface</b>	
<p><b>C5 –</b> The proposed development should:</p> <ul style="list-style-type: none"> <li>• contribute to the local area by being designed in character with the locality and existing streetscape</li> <li>• reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>• recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>• include design and architectural treatments that responds to and integrate with the existing streetscape</li> <li>• use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>• integrate car parking into the building and site landscaping design in residential areas</li> </ul>	<p>Residing within a large mix use development, the child care facility is to be located within the ground floor associated with Block E.</p> <p>Appropriate landscaping within a mix use context is provided.</p> <p>Car parking is to be provided within a basement level to minimise impacts on the streetscape.</p>

<p><b>C6 – Create a threshold with a clear transition between public and private realms, including:</b></p> <ul style="list-style-type: none"> <li>• fencing to ensure safety for children entering and leaving the facility</li> <li>• 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</li> <li>• integrating existing and proposed landscaping with fencing</li> </ul>	<p>The development provides multiple entry points to the mix use development with access point to child care facility provided from New Road 02 that run along the site's northern boundary which is where the communal lobby is located.</p> <p>The proposal incorporates built elements that clearly distinguishes between the public and private domain.</p> <p>The overall development incorporates active façade that will permit casual surveillance to all of its frontages and also to the internal walkways, at-grade parking as well as the driveway areas and common areas on-site.</p> <p>Development proposes appropriate landscape embellishment work within mix use context. Refer to attached landscape plan for detail.</p>
<p><b>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</b></p>	<p>The development provides multiple entry points with the access points designed to be clearly visible and legible from the street level.</p>
<p><b>C9 – 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:</b></p> <ul style="list-style-type: none"> <li>• clearly defined street access, pedestrian paths and building entries</li> <li>• low fences and planting which delineate communal/private open space from adjoining public open space</li> <li>• minimal use of blank walls and high fences</li> </ul>	<p>The subject site does not adjoin a public park, open space or bushland, however the development continues to provide clearly defined access, pedestrian paths and building entries. Refer to attached plans for detail.</p> <p>Fencing and landscape works will contribute towards delineate communal/private open space from the public domain.</p> <p>The 6 x proposed buildings incorporates architectural features and articulation to provide an attractive 7-8 storey built form that adequately addressed its frontages.</p>

<p><b>C9</b> – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</p> <p>Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>Front fences are permeable.</p> <p>Subject site is not listed as a heritage item or is it within a conservation area, however there are a few local heritage items – general located within the vicinity of the development site.</p> <p>The proposed mix use development will not impact upon the heritage significance of the heritage items given the separation between the development site and the local heritage items with existing and anticipated developments to provide sufficient buffer between the heritage items and the subject site. It is also noted that Council has earmarked the site for future higher density development by virtue of its zoning and height controls (between 14m-16m).</p> <p>As such a ‘Heritage Impact Statement’ is not considered to be necessary nor is the site subject to any heritage restrictions.</p>
<p><b>C10</b> – 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.</p>	<p>Subject site does not front a classified road; noting future planned roads and also considering that the proposed child care facility is to be located within the ground floor building will provide adequate buffer from potential noise impact associated with Richmond Road.</p> <p>Furthermore, appropriate fencing will be provided, especially within the outdoor play areas. Acoustic barriers to the outdoor play areas will be provided as required by the Acoustic Report.</p>
<b>3.3 Building orientation, envelope and design</b>	
<p><b>C11</b> – Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by <ul style="list-style-type: none"> <li>- facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</li> <li>- placing play equipment away from common boundaries within residential properties</li> </ul> </li> </ul>	<p>The child care facility, is to be enclosed within the ground floor of series of mix use buildings that have been has been designed minimise privacy and noise impacts to neighbouring properties, noting its commercial context and separation from residential land uses.</p> <p>Where possible play equipment will be located away from common boundaries, noting Operational Management Plan which is to manage outdoor play times and the number of children accessing outdoor area at any one time will contribute towards minimise acoustic impacts.</p>

<ul style="list-style-type: none"> <li>- locating outdoor play areas away from residential dwellings and other sensitive uses</li> <li>• optimise solar access to internal and external play areas</li> <li>• avoid overshadowing of adjoining residential properties</li> <li>• ensure buildings along the street frontage define the street by facing it</li> <li>• ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions</li> </ul>	<p>Internal and external play areas designed to maximise solar access.</p> <p>The subject site resides within its own island, bounded by road network to all boundaries, noting the overall development will not overshadow surrounding residential properties.</p> <p>Development designed to adequately address its frontages.</p> <p>Outdoor play area designed to protect children from the sun via the incorporation of appropriate shading devices and other climate conditions.</p>
<p><b>C12</b> – The following matters may be considered to minimise the impacts of the proposal on local character</p> <ul style="list-style-type: none"> <li>• building height should be consistent with other buildings in the locality</li> <li>• building height should respond to the scale and character of the street</li> <li>• setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>• setbacks should provide adequate access for building maintenance</li> <li>• setbacks to the street should be consistent with the existing character</li> </ul>	<p>Development proposes a large mix use development comprising of commercial land use on the ground floor with 6 residential towers above, noting that the proposed child care facility is to be located within the ground floor associated with Block E.</p> <p>The overall development has been designed to comply with key height and setback provisions.</p>
<p><b>C13</b> – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</p>	<p>Overall development designed to comply with relevant setbacks under the Blacktown Growth Centres DCP.</p>



<p><b>C14</b> – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.</p>	<p>Site is not on residential zoned land. Not applicable.</p>
<p><b>C15</b> – The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> <li>• respect and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</li> <li>• contributes to the identity of the place</li> <li>• retains and reinforces existing built form and vegetation where significant</li> <li>• considers heritage within the local neighbourhood including identified heritage items and conservation areas</li> <li>• responds to its natural environment including local landscape setting and climate</li> <li>• contributes to the identify of place</li> </ul>	<p>Development proposes a large mix use development comprising of commercial land use on the ground floor with six residential towers above, noting that the proposed child care facility is to be located within the ground floor associated with Block E.</p> <p>Subject site is not listed as a heritage item or is it within a conservation area, however there are a few local heritage items – general located within the vicinity of the development site.</p> <p>The proposed mix use development will not impact upon the heritage significance of the heritage items given the separation between the development site and the local heritage items with existing and anticipated developments to provide sufficient buffer between the heritage items and the subject site. It is also noted that Council has earmarked the site for future higher density development by virtue of its zoning and height controls (between 14m-16m).</p> <p>As such a ‘Heritage Impact Statement’ is not considered to be necessary nor is the site subject to any heritage restrictions.</p>
<p><b>C16</b> – Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>• located to allow ease of access, particularly for pedestrians</li> <li>• directly accessible from the street where possible</li> <li>• directly visible from the street frontage</li> <li>• easily monitored through natural or camera surveillance</li> <li>• not accessible through an outdoor play area</li> </ul>	<p>Appropriate access to the child care facility via future planned road along the site’s northern boundary.</p>

<p><b>C17</b> – Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• providing accessibility to and within the building in accordance with all relevant legislating</li> <li>• 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</li> <li>• 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</li> <li>• minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul>	<p>Development has been designed to be accessible to and within the facility in accordance with all relevant legislation. Furthermore, commercial lift provides access to the facility from the basement levels.</p> <p>Development provides appropriate continuous path of travel to and within the building, including access between the internal promenade and main building entrance</p>
<b>3.4 Landscaping</b>	
<p><b>C18</b> – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> <li>• reflecting and reinforcing the local context</li> <li>• incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping</li> </ul>	<p>Development provides appropriate landscaping embellishment works within a commercial context. Refer to attached Landscaping Plan for detail.</p>
<p><b>C19</b> – Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> <li>• planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</li> </ul>	<p>Development proposes appropriate landscape embellishment works within a commercial context noting that the proposed landscape works will improve and enhance the subject site. Refer to attached Landscaping Plan for detail.</p>

<ul style="list-style-type: none"> <li>• taking into account streetscape, local character and context when siting car parking areas within the front setback</li> <li>• using low level landscaping to soften and screen parking areas</li> </ul>	
<b>3.5 Visual and acoustic privacy</b>	
<b>C20</b> – Open balconies in mixed use development should not overlook facilities nor overhand outdoor play spaces.	Balconies associated with the residential component of the development designed to minimise overlooking outdoor play spaces.
<b>C21</b> – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitable locating pathways, windows and doors</li> <li>• permanent screening and landscape design</li> </ul>	Development has been designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public area, noting the facility is to be enclosed and not visible from the street level.
<b>C22</b> – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitable locating pathways, windows and doors</li> <li>• permanent screening and landscape design</li> </ul>	Complies, the child care facility is designed to minimise direct overlooking of adjoining developments.
<b>C23</b> – 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: <ul style="list-style-type: none"> <li>• 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 fence)</li> <li>• ensure that mechanical plant or equipment is screened by</li> </ul>	Acoustic barriers are provided as suggested in the Acoustic Report.

solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure	
<p><b>3.6 Noise and air pollution</b></p> <p>Child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise impacts.</p> <p>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.</p>	
<p><b>C25 – Adopt design solution to minimise the impacts of noise, such as:</b></p> <ul style="list-style-type: none"> <li>• creating physical separation between buildings and the noise source</li> <li>• orienting the facility perpendicular to the noise source and where possible buffered by other uses</li> <li>• using landscaping to reduce the perception of noise</li> <li>• limiting the number and size of opening facing noise sources</li> <li>• using double or acoustic glazing, acoustic louvers or enclosed balconies (wintergardens)</li> <li>• using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</li> <li>• locating cot rooms, sleeping areas and play areas away from external noise sources</li> </ul>	<p>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 to minimise acoustic impacts to neighbouring properties.</p> <p>An Acoustic Report provides detail on this aspect of the proposal.</p>
<p><b>C26 – An acoustic report 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:</b></p> <ul style="list-style-type: none"> <li>• on industrial zoned land</li> </ul>	<p>The site is adjacent a busy road and a future railway corridor.</p> <p>An Acoustic Report has been prepared and accompanies the application and sets out how the proposal is required to address these impacts and meet relevant criteria.</p>

<ul style="list-style-type: none"> <li>• where an ANEF contours is between 20 and 25, consistent with AS 2021 - 2000</li> <li>• along a railway or mass transit corridor, as defined by <i>State Environmental Planning Policy (Infrastructure) 2007</i></li> <li>• on a major or busy road</li> <li>• other land that is impacted by substantial external noise</li> </ul>	
<b>C27</b> – 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.	Complies.
<b>C28</b> – 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 site is located on Richmond Road however the facility is design to face a new local road and is some 75m away from Richmond Road itself and no air quality assessment is considered necessary.
<b>3.7 Hours of operation</b>	
<b>C29</b> – 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 hours of operation are 7am to 7pm which is appropriate.
<b>C30</b> – 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.	Noted.
<b>3.8 Traffic, parking and pedestrian circulation</b>	
<b>C31</b> – 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.  Where a Development Control Plan does not specify car parking rates, off	Development comply with car parking requirements under the Blacktown Growth Centres Development Control Plan 2016.

<p>street car parking should be provided at the following rate: Within 400m of a metropolitan train station:</p> <ul style="list-style-type: none"> <li>• 1 space per 10 children</li> <li>• 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space.</li> </ul> <p>In other areas:</p> <ul style="list-style-type: none"> <li>• 1 space per 4 children</li> </ul>	
<p><b>C32</b> – 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.</p>	<p>Parking allocated to the child care facility is to be provided within a basement level.</p>
<p><b>C33</b> – 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:</p> <ul style="list-style-type: none"> <li>• the amenity of the surrounding area will not be affected</li> <li>• there will be no impacts on the safe operation of the surrounding road network</li> </ul>	<p>A Traffic Report has been prepared providing detail on this aspect of the proposal.</p>
<p><b>C34</b> – Alternate vehicular access should be provided where child care facilities are on site fronting:</p> <ul style="list-style-type: none"> <li>• a classified road</li> <li>• roads which carry freight traffic or transport dangerous goods or hazardous materials</li> </ul> <p>The alternate access must have regard to</p> <ul style="list-style-type: none"> <li>• the prevailing traffic conditions</li> </ul>	<p>The site does front Richmond Road, however, future planned roads and nature strip will provide a buffer between the classified road and to the proposed shop top housing development, noting vehicle access will be provided from internal driveway and new roads and not from Richmond Road.</p>



<ul style="list-style-type: none"> <li>• pedestrian and vehicle safety including bicycle movements</li> <li>• the likely impact of the development on traffic</li> </ul>	
<b>C35</b> – 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.
<b>C36</b> – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment: <ul style="list-style-type: none"> <li>• separate pedestrian access from the car park to the facility</li> <li>• defined pedestrian crossings including within large car parking areas</li> <li>• separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>• pedestrian paths that enable two prams to pass each other</li> <li>• delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> <li>• vehicles can enter and leave the site in a forward direction</li> </ul>	Development provide separate pedestrian and vehicular access, noting a commercial lobby provides direct access to the child care facility at the ground floor.  Vehicles can enter and exit the site in a forward direction.
<b>C38</b> – Car parking design should: <ul style="list-style-type: none"> <li>• include a child safe fence to separate car parking areas from the building entrance to play areas</li> <li>• provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> <li>• include wheelchair and pram accessible parking</li> </ul>	Car parking facilities are not located near building entrance or outdoor play area.  Accessible car parking space allocated to the child care facility is provided and has been designed in accordance with Australian Standard is clearly marked and situated near the lift core.

4. Applying the National Regulations to development proposals	
4.1 Indoor space requirements	
<p><b>Regulation 107</b> <b>Education and Care Services National Regulations</b></p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.</p>	<p>Designed to comply with each play room providing for the required 3.25sqm of indoor unencumbered outdoor play space. The proposal provides 358.5m<sup>2</sup> of unencumbered indoor play space which equates to 3.58m<sup>2</sup> per child.</p>
<p><b>Design Guidance</b> <b>Verandahs as indoor space</b></p> <p>For a verandah 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.</p>	<p>No verandah is to be included as unencumbered indoor space. Not applicable.</p>
<p><b>Design Guidance</b> <b>Storage</b></p> <p>It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> <li>• a minimum of 0.3m<sup>3</sup> per child of external storage space</li> <li>• a minimum of 0.2m<sup>3</sup> per child of internal storage space</li> </ul>	<p>Designed to comply as per PoM.</p>
4.2 Laundry and hygiene facilities	
<p><b>Regulation 106</b> <b>Education and Care Services National Regulations</b></p> <p>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.</p>	<p>On site laundry facilities will be provided.</p>
4.3 Toilet and hygiene facilities	
<p><b>Regulation 109</b> <b>Education and Care Services National Regulations</b></p> <p>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</p>	<p>Toilet facilities for both the children and staff are to be provided as per the submitted plans.</p>

design of the toilet, washing and drying facilities enable safe use and convenient access by the children.	
<b>4.4 Ventilation and natural light</b>	
<b>Regulation 110</b> <b>Education and Care Services National Regulations</b> 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.
<b>Design Guidance</b> <b>Natural light</b> When designing child care facilities consideration should be given to: <ul style="list-style-type: none"> <li>• providing windows facing different orientations</li> <li>• using skylights as appropriate</li> <li>• ceiling heights</li> </ul>	Development provides windows facing different orientation with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.
<b>4.5 Administrative space</b>	
<b>Regulation 111</b> <b>Education and Care Services National Regulations</b> 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 to be proposed within the office, staff and meeting rooms, with full detail to be provide as part of future DAs.
<b>4.6 Nappy change facilities</b>	
<b>Regulation 112</b> <b>Education and Care Services National Regulations</b> Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.	Nappy change facilities are to be provided for the facility for kids aged between 0-2.
<b>4.7 Premises designed to facilitate supervision</b>	
<b>Regulation 115</b> <b>Education and Care Services National Regulations</b> 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	The proposed layout ensure that hidden corners are avoided and that supervision.

designed to facilitate supervision of children at all times, having regards to the needs to maintain their right and dignity.	
<b>4.8 Emergency and evacuation procedures</b>	
<p><b>Regulations 97 and 168</b> <b>Education and Care Services National Regulations</b></p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> <li>• instructions for what must be done in the event of an emergency</li> <li>• an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit</li> <li>• a risk assessment to identify potential emergencies that are relevant to the service</li> <li>•</li> </ul>	<p>The proposed child care facility has been design 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.</p> <p>An Emergency and Evaluation Plan will be prepared and attached to the Pom.</p>
<b>4.9 Outdoor space requirements</b>	
<p><b>Regulations 108</b> <b>Education and Care Services National Regulations</b></p> <p>Every child being educated and cared for within a facility must have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space.</p>	<p>Designed to comply, noting there is 700m<sup>2</sup> of outdoor play space that aligns with the 1 per 7m<sup>2</sup> requirement.</p>
<b>4.10 Natural environment</b>	
<p><b>Regulations 113</b> <b>Education and Care Services National Regulations</b></p> <p>The approved provider of a centre-based service must ensure that the outdoor space allow children to explore and experience the natural environment</p>	<p>Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.</p>

<b>4.11 Shade</b>	
<b>Regulations 114</b> <b>Education and Care Services National Regulations</b> The approved provider of a centre-based service must ensure that the outdoor space includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	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.
<b>4.12 Fencing</b>	
<b>Regulations 104</b> <b>Education and Care Services National Regulations</b> 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.	Appropriate fencing are to be provided for the facility.
<b>4.13 Soil assessment</b>	
<b>Regulations 25</b> <b>Education and Care Services National Regulations</b> 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.	Detailed Site Investigation carried out that confirms suitability of the site subject to the necessary works identified- see discussion against SEPP 55.

## State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The development application is accompanied by a design verification statement prepared by Architex, verifying that Robert Del Pizzo has directed and designed the proposal, and that the design quality principles set out in Part 2 of the SEPP are achieved for the residential apartment development. A description of compliance with the applicable development controls such as setbacks, building depth, separation, height, etc is provided in the local planning controls discussion and tables below.

The table below provides a detailed discussion against the relevant provisions of the Apartment Design Guide, noting that a number of these provisions are embodied within SEPP (Sydney Region Growth Centre's) 2006 and supporting Blacktown City Council Growth Centre Development Control Plan.

An assessment against the relevant objectives and design guidelines contained in parts 3 and 4 of the Architectural Design Guide can be found below. Clause 6A of the amended SEPP states that development control plans cannot be inconsistent with the Apartment Design Guide for the following matters set out in parts 3 and 4 of the guide:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

The SEPP states that if a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which clause 6A applies, those provisions are of no effect.

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
<b>Part 3 – Siting the Development</b>			
3A Site Analysis	Appendix 1 of the ADG	Provided	Yes
3B Orientation	Building to define the street, by facing it and incorporating direct access from the street	The proposed mixed use development has been designed to address its multiple frontages, with direct access to the proposed buildings and to the basement level provided from future planned roads.	Yes



	Where an adjoining building does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by > 20%	Not applicable	N/A
3C Public Domain Interface	<p>Terraces, balconies should have direct street entry, where appropriate.</p> <p>Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided</p> <p>Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carpark or out of view</p>	<p>It is noted that the development proposes a new mixed use building with commercial related land uses on the ground floor with residential units above.</p> <p>The proposed retail/commercial tenancies are to directly address internal driveways/promenade and pedestrian pathways.</p> <p>Mail boxes are capable of being appropriately located.</p> <p>Garbage storage rooms are enclosed and not visible from the street level.</p> <p>Substation will not have a negative impact on the streetscape.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3D Communal and Public Open Space	<p><u>Design Criteria:</u></p> <p>Communal open space has a minimum area equal to 25% of the site</p> <p>50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm</p>	<p>36.9% of the site area is dedicated for communal open space area, which is considered appropriate given the size of the site, the ample private courtyards and balconies to all units on-site and is located within close proximity to a planned future public reserve meaning that future residents will have access to adequate recreation opportunities.</p>	<p>Yes</p>

		The proposal aligns with the ADG and with the Marsden Park Precinct DCP control of 15% and complies with the common area requirements under the Precinct DCP.	
	<u>Design Guidelines:</u>		
	Minimum dimension of 3m	Complies	Yes
	Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies	Proposal ensures that direct, equitable access in line with relevant Australian Standard is provided to communal open space areas with a lift cores providing direct access from common circulation areas, entries and lobbies on the ground floor and to the rooftop COS areas.	Yes
	Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	Communal open spaces are provided at ground level and within the roof level to some of the Buildings to provide a quality offering of COS.	Yes
	Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements:	Noted.	-
	<ul style="list-style-type: none"><li>• seating for individual or groups</li><li>• barbecue areas</li><li>• play equipment's or play area</li><li>• swimming pools, gyms, tennis courts or common rooms</li></ul>		
	Communal open space and the public domain should be readily visible from habitable room and private open space areas while maintaining privacy	The proposed residential component of the development has been designed with the orientation of balconies and windows to maximise passive surveillance to the communal open space areas on the ground floor and to the public domain.	Yes

	Public open space should be well connected with public street along at least one edge	Multiple access to the proposal is provided. See attached plans for detail.	Yes
3E Deep Soil Zones	<p><u>Design Criteria:</u></p> <p>A deep soil zone equivalent to 7% of the site area must be provided</p> <p>If the site is between 650m<sup>2</sup> to 1500m<sup>2</sup> then the DSZ must have minimum dimensions of 3m. If over 1500m<sup>2</sup> then min dimensions of 6m</p>	<p>The proposal does not provide deep soil plantings due to its B4 context. However, appropriate planting within a commercial context is provided noting that 6.82% is provided and additional deep soil plantings are facilitated in the new road networks with street tree plantings.</p> <p>Minimum dimensions of 6m</p>	<p>Yes</p> <p>Yes</p>
<p>3F Visual Privacy</p> <p>Building Separation</p> <p>Up to 4 storeys (up to 12m)</p> <p>Over 4 storeys (up to 18m)</p>	<p><u>Design Criteria:</u></p> <p>12m between habitable rooms (6m)</p> <p>6m between non-habitable rooms (3m)</p>	<p>Lot 1 sites within its own island, noting it is bounded by road networks to all of its frontages.</p> <p>The development provides building separation &gt;12m between habitable rooms and balconies between the six buildings.</p> <p>It is noted that were within each building, units are facing each other the proposal has provided blank walls to minimise potential privacy impacts for future residents, and as such achieve the underlying building separation principles under the ADG.</p>	Yes- On Merit

		<p>The development provides a building separation &gt;12m between habitable rooms and balconies between Block A &amp; Block B and a minimum building separation of 12m between Block B and C.</p> <p>It is noted that where within each Block, units are facing each other the proposal has provided blank wall to minimise potential privacy impact for future residents, and therefore the proposal achieves the underlying building separation principles under the ADG.</p> <p>The upper levels are also similarly designed to achieve 18m with those areas &lt; 18m designed with blank walls to mitigate cross viewing as shown on the submitted plans.</p> <p>On that basis the proposal satisfies the provisions of the ADG in terms of the intent to maintain visual privacy.</p>	
3G Pedestrian Access and Entries	Building entries should be clearly identifiable and communal entries should be clearly distinguished from private areas	<p>The proposal provides multiple entries to the subject site and are clearly identified and visible from the street level.</p> <p>The development itself provides access to the residential components via designated residential lobby areas on the ground floor.</p>	Yes
3H Vehicle Access	<p>Car park access should be integrated with the building's overall façade</p> <p>Car park entry and access should be located on secondary streets or lanes where available</p>	<p>The vehicle access points to are integrated with the proposed building's overall façade.</p> <p>Vehicle access to the buildings is proposed via future planned roads and not from Richmond Road.</p>	<p>Yes</p> <p>Yes</p>

	Garbage collection, loading and servicing areas are screened	The temporary garbage loading bay is to be located within the internal driveway and as such will be screened from new planned roads.	Yes
3J Carparking	<p><u>Design Criteria:</u> Carparking for sites within 800m of a railway station or light rail stop can provide parking at the rate of:</p> <p><b>&gt;20 units</b> <u>Metropolitan Sub-Regional Centres:</u> 0.6 spaces per 1 bedroom unit 0.9 spaces per 2 bedroom unit 1.40 spaces per 3 bedroom unit) 1 space per 5 units</p> <p><u>Design Guidelines:</u>  Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas</p>	<p>The site is not located within 800m of a railway station, and therefore will comply with the car parking rates under the Blacktown Growth Centres DCP.</p> <p>Bicycle parking spaces are provided within the basement level of each building.</p>	<p>Yes</p> <p>Yes</p>
<b>Part 4 – Designing the Building</b>			
4A Solar Access	<p><u>Design Criteria:</u>  Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter</p> <p>A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid-Winter</p>	<p>168 or 71.2% of units achieve the required 2 hours of solar access at mid-winter-</p> <p>Less than 15% of apartments receive no sunlight- being 17 units or 7.2%.</p>	<p>Yes</p> <p>Yes</p>

4B Natural Ventilation	<p><u>Design Criteria:</u></p> <p>60% of Units are cross ventilated in a building up to 9 storeys</p> <p>Overall width of a cross over or cross through apartment is &lt; 18m</p> <p><u>Design Guidelines:</u> The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths</p>	<p>167 of the units or 70.7% of units are cross ventilated.</p> <p>Complies</p> <p>Development has a mix of dual aspect apartments and corner apartments. See attached architectural plans for detail.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4C Ceiling Height	<p><u>Design Criteria:</u></p> <p><u>3.3 ground &amp; first floor; 2.7m for habitable and 2.4m for non-habitable.</u></p>	<p>Development provides a minimum floor to ceiling height of 3.3m on the ground floor and 2.7m for the remaining levels. Complies.</p>	<p>Yes</p>
<p>4D Unit Sizes</p> <p>1 bed 2 bed 3 bed</p> <p>+ 5m<sup>2</sup> for each unit with more than 1 bathroom.</p> <p>Habitable Room Depths</p> <p>Bedroom sizes</p>	<p><u>Design Criteria:</u></p> <p><u>50m<sup>2</sup></u> <u>70m<sup>2</sup></u> <u>90m<sup>2</sup></u></p> <p><u>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10%</u></p> <p><u>Design Guidelines:</u> <u>Limited to 2.5m x Ceiling Height</u></p>	<p>All units comply with many units exceeding. Where additional bathrooms have been provided, unit sizes have been increased by at least 5m<sup>2</sup>.</p> <p>Every habitable room is provided with a window.</p> <p>Despite the noncompliance with objective 4D-2, figure 4D.3 indicates that an 8.1m depth (3 x ceiling height) is okay for open plan apartments.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>



Master Other	<u>10m<sup>2</sup></u> <u>9m<sup>2</sup></u>	Comply. Comply.	Yes Yes
Living rooms/dining areas have a minimum width of: 3.6m 4m	<u>Studio/1 br</u> <u>2br/ 3br</u>	Comply Comply	Yes Yes
Open Plan Layouts that include a living, dining room and kitchen.	<u>8m to a window</u>	Complies given unit depths and design layouts.	Yes
4E Private Open Space	<u>Design Criteria:</u>		
Balcony Sizes			
1 bed	<u>8m<sup>2</sup> &amp; 2m depth</u>	Complies	Yes
2 bed	<u>10m<sup>2</sup> &amp; 2m depth</u>	Complies	Yes
3 bed	<u>12m<sup>2</sup> &amp; 2.4m depth</u>	Complies	Yes
Ground level/ podium apartments	<u>15m<sup>2</sup> &amp; 3m depth</u>	N/A	N/A
4F Common Circulation and Spaces	<u>Design Criteria:</u>		
Common Circulation Units per Plate	<u>8 - 12 Unit per Plate</u>	The development proposes a series of 6 buildings:  <ul style="list-style-type: none"> <li>- Block A provides 2 x lift core servicing a maximum of 6 units per plate per level.</li> <li>- Block B provides a lift core servicing a maximum of 5 units per plate per level.</li> <li>- Block C provides A lift core servicing a maximum of 6 units per plate per level.</li> </ul>	Yes

Corridors > 12m	<u>Are articulated</u>	<ul style="list-style-type: none"> <li>- Block D provides 2 x lift core servicing a maximum of 8 units per plate per level.</li> <li>- Block E provides a lift core servicing a maximum of 6 units per plate per level.</li> <li>- Block F provides 2 x lift core servicing a maximum of 5 units per plate per level.</li> </ul> <p>N/A</p>	N/A
4G Storage	<p><u>1 bed 6m<sup>3</sup></u>  <u>2 bed 8m<sup>3</sup></u>  <u>3 bed 10m<sup>3</sup></u></p> <p><u>Min 50% of required storage is within the apartment</u></p>	<p>The proposal provides:</p> <p>1 bed: &gt;6m<sup>3</sup>  2 bed: &gt;8m<sup>3</sup>  3 bed: &gt;10m<sup>3</sup></p> <p>The proposed development is considered to offer storage space that aligns with the provisions of the ADG.</p>	Yes
4H Acoustic Privacy	<p><u>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses</u></p> <p><u>Windows and door openings are generally orientated away from noise source</u></p> <p><u>Noisy areas within buildings including building enters and corridors should be located next to or above each other and quieter areas next to or above quieter areas.</u></p>	<p>Development has provided adequate separation from neighbour buildings/properties in-line with 3F Visual Privacy – design criteria above.</p> <p>Where appropriate windows and door openings are orientated away from noise sources.</p> <p>The application is designed to create different ‘zones’ with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy and also take advantage of the lot orientation.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

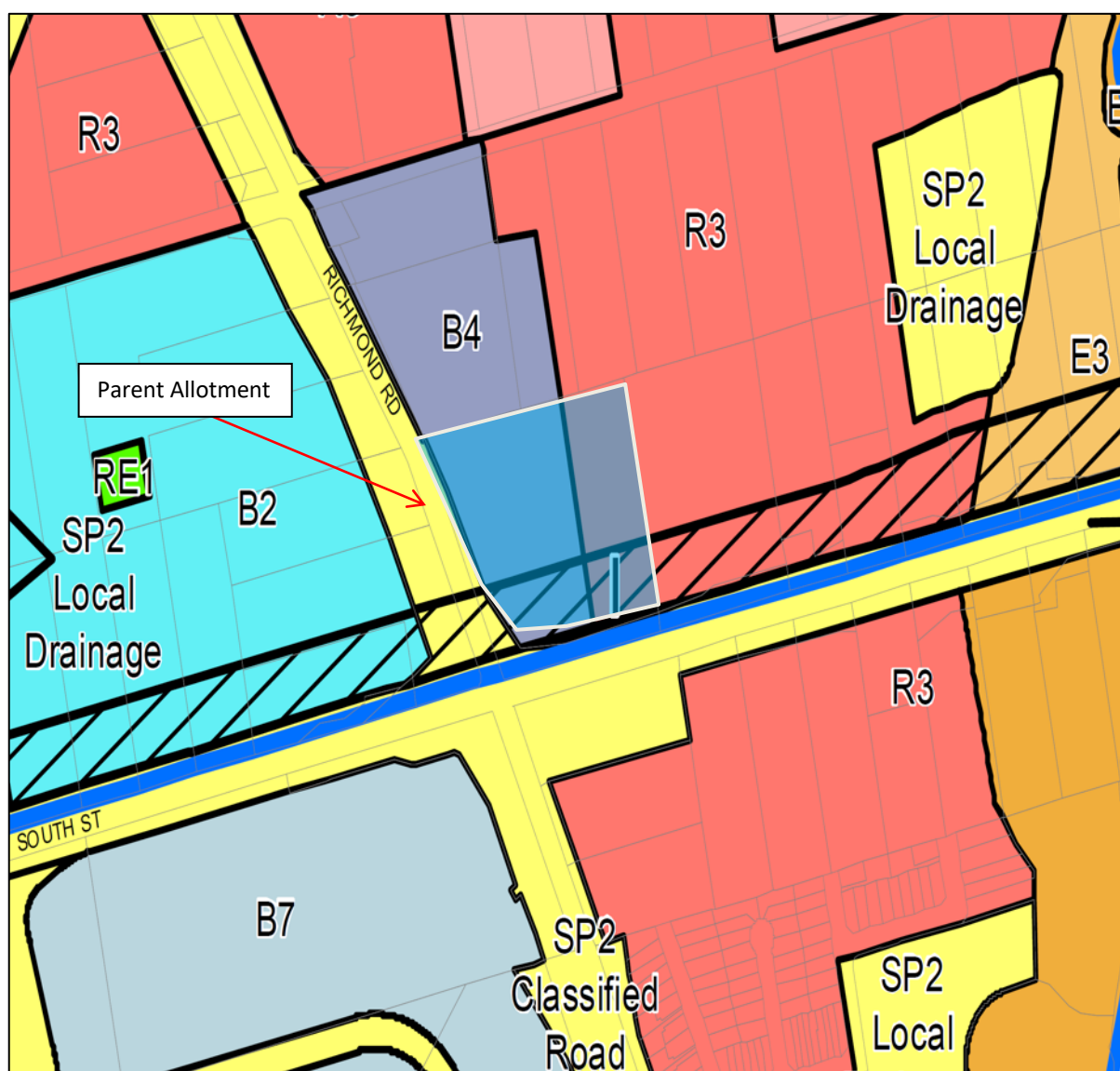
4K Apartment Mix	<u>A variety of apartment types is provided</u>	<p>A diversity of apartments is proposed as follows:</p> <p>43 x 1 bedroom units; 145 x 2 bedroom units; 38 x 3 bedroom units. 10 x 4 bedroom units.</p> <p>The proposed unit mix will offer a variety of housing choice.</p> <p>The proposal is designed with a mix of units to provide a variety of housing choices that responds to market demand, the bedroom numbers and size of units are varied that will provide for a range of sizes to meet the needs of occupants and also provide different pricing points for the alternative sizes which will contribute to affordability.</p>	Yes
4M Facades	<u>Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale</u>	<p>The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies and framed elements.</p> <p>Overall the proposed facade is considered a quality design outcome that will have a positive outcome within the emerging suburb.</p>	Yes
4O Landscape Design Site Area >1500m <sup>2</sup>	<u>1 large tree or 2 medium trees per 80m<sup>2</sup> of DSZ</u>	<p>Appropriate landscaping is provided within a B4 context. Refer to landscaping plan.</p>	Yes

4Q Universal Design			
20% of the total apartments	<u>Achieve Liveable House Guidelines silver level universal design features</u>	10.% or 25 of the 236 apartments are provided as accessible units which aligns with the 10% requirement contained in the DCP. A further 27 units achieve the silver level requirement for a total of 52 that equates to 22%.	Yes
4S Mixed Use	<p><u>Design Guidelines:</u> Mixed use development positively contribute to the public domain. Design solution may include:</p> <ul style="list-style-type: none"> <li>• development addresses the street</li> <li>• active frontage are provided</li> <li>• diverse activities and uses</li> <li>• avoiding blank walls at the ground level</li> </ul> <p>Residential circulation areas should be clearly defined.</p> <p>Landscaped communal open space should be provided at podium or roof level.</p>	<p>The development proposes to construct a new mix use development with commercial land uses on the ground floor and six towers above, noting the ground floor commercial uses will active the streetscape.</p> <p>The proposal is to be articulated with various opening to avoid blank wall at the ground floor.</p> <p>The residential entry points is clearly separated from commercial entries.</p> <p>Appropriate communal open space area is provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4T Awnings and Signage	<p><u>Design Guidelines:</u> Awnings should be located along street with high pedestrian activity and active frontages</p> <p>Signage should be integrated into the building design and response to the scale, proportion and detailing of the development</p>	<p>Appropriate awning is to be provided. See attached plans for detail.</p> <p>Signage is to be provided as part of a future DA.</p>	<p>Yes</p> <p>-</p>

4U Energy Efficiency		The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
4V Water Management and Conservation	<u>Reduce mains consumption, and reduce the quantity of storm water runoff.</u>	The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
4W Waste Management	<u>Supply WMP</u> - <u>Allocate storage area</u>	Provided  Appropriate waste storage areas are provided noting a private collection service is proposed.	Yes  Yes
4X Building Maintenance	<u>To ensure long life and ease of maintenance for the development.</u>	The proposed material is considered durable which may be easily cleaned.	Yes

## State Environmental Planning Policy – Sydney Region Growth Centres 2006

As shown on the zoning map extract below, the development site is subject to a split zoning with the majority of the site, towards the western portion is zoned B4 Local Centre and the remaining portion of the site is zoned R3 Medium Density Housing Development. Furthermore, the southern portion of the site is identified as a future transport corridor as per Appendix 12, Clause 6.10.



**Figure 10:** Zoning Map Sheet LZN\_005 Extract (Source: SEPP (Sydney Region Growth Centres 2006))

The development, which proposes to undertake a 1 into 3 lot torrens title subdivision that creates the B4 developable lot, the R3 developable lot, and then the future rail corridor lot. This is after taking into account the planned roads.

The current application is limited to the development of Lot 1 with development of the R3 zoned residential lots to be subject to future DAs.



*Centre-Based Child Care Facilities, Commercial Premises, Recreational Facilities (Indoor) and Shop Top Housing* are permissible with consent within the B4 Zone and the proposal is consistent with the definitions contained within the SEPP:

***Child Care Facilities*** means a building or place used for the supervision and care of children that:

- a) *provides long day care, pre-school care, occasional child care or out-of-school-hours care, and*
- b) *does not provide overnight accommodation for children other than those related to the owner or operator of the centre,*

*but does not include:*

- c) *a building or place used for home-based child care, or*
- d) *an out-of home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or*
- e) *a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- f) *a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or*
- g) *a regular child-minding service that is provided in connection with a recreational or commercial facility (such as gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or*
- h) *a service that is concerned primarily with the provision of:*
  - i. *lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or*
  - ii. *private tutoring, or*
- i) *a school, or*
- j) *a service provided at exempt premises (within the meaning of Chapter 12 of the Children and Young Persons (Care and Protection) Act 1988), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.*

***Commercial Premises*** means any of the following:

- a) *business premises*
- b) *office premise,*
- c) *retail premise.*

***Recreation Facility (Indoor)*** means a building or place used predominantly for indoor recreation, whether or not operated for the purpose of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but

*does not include an entertainment facility, a recreational facility (major) or a registered club.*

**Shop Top Housing** means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

The proposed mix use development is consistent with the prescribed zone objectives of the B4 Zone, including the following:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To provide for residential development that contributes to the vitality of the local centre.*
- *To ensure that residential development adjacent to the local centre does not detract from the primary function of the centre, being to provide for retail, business, entertainment and community uses.*
- *To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.*
- *To provide for residential development that contributes to the vitality of the local centre.*
- *To ensure that residential development within the local centre does not detract from the primary function of the centre, being to provide for retail, business, entertainment and community uses.*
- *To encourage development that will contribute to the economic growth of, and creation of employment opportunities within, the City of Blacktown.*

The proposal development proposes to construct a large mix use development within Lot 1 and to undertake subdivision of the remaining portion of the site to facilitate future residential development and the delivery of planned roads. The R3 lot is a residue lot subject to a future application for housing product.

It is noted that the southern portion of the site has been identified as a transport corridor subject to Appendix 12, Clause 6.10 (Development of land within or adjacent to public transport corridor) and therefore will remain undeveloped.

The proposal will provide a variety of housing types and also significantly contribute towards not only increasing the housing stock of Marsden Park but also provide valuable commercial and child care opportunities to the emerging residential estate.

The development will assist in the achievement of the overall strategic goal of the North-West Growth Centre by providing housing and commercial opportunities for Sydney's growing population over the medium term.

The site is well located and is situated within close proximity essential services and public transportation.

The series of 6 buildings incorporates contemporary design that will achieve good presentation to future planned road networks.

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

State Environmental Planning Policy – Sydney Region Growth Centre 2006			
Clause	Controls	Comment	Complies
<b>Appendix 12 Blacktown Growth Centres Precinct Plan (Marsden Park North)</b>			
Zoning	B4 – Mixed Use & R3 – Medium Density Residential	<p>A child care facility, retail premises, recreational facility (indoor) and shop top housing are permissible with Council consent in the B4 – Mixed Use zone with dwelling houses are permissible with Council consent in the R3 Zone.</p> <p>It is noted that the southern portion of the site is identified as a future transport corridor as per Appendix 12, Clause 6.10, and as such will be left undisturbed.</p>	Yes
<b>Part 2 Permitted or Prohibited Development</b>			
<b>2.3</b>	Zone objectives and land use table	<p>The proposal is consistent with the zone objectives of the B4 Zone in that it will provide for a range of retail and community use that serve the needs of people who live in, work in and visit the local area and will play a positive role in supporting the function to the Marsden Park Town Centre and Industrial Area.</p> <p>The completion of the development will also positively contribute towards increasing employment opportunities to the local community.</p> <p>The proposed subdivision is also consistent with the zoning objectives of the R3 zone in that it will facilitate future housing opportunities within the catchment of public transport and planned services whilst contributing to range of housing types to suit the needs of residents.</p>	Yes

		The proposal will permit the site to be developed to its full zoning potential and presents a high quality urban design outcome on the site.	
<b>2.6</b>	Subdivision – consent requirements	This application seeks approval for a 3 lot subdivision and also seeks subdivision in order to make way for new roads.	Yes
<b>2.6A</b>	Demolition requires consent	Council consent is sought for the demolition of all existing structures on the site.	Yes
<b>Part 4 Principal Development Standards</b>			
<b>4.1AA</b>	Subdivision resulting in lots between 225-300m <sup>2</sup>	N/A- will be subject to a future application.	N/A
<b>4.1AB</b>	Minimum allotment sizes for residential development	N/A- will be subject to a future application.	N/A
<b>4.1B</b>	Residential density  Minimum density of 20 and a maximum dwellings of 30 per hectare	The R3 zoned portion of the site has an area of 4,735.45m <sup>2</sup> noting that the proposal is able to achieve compliance with	Yes
<b>4.3</b>	Height of buildings: 14m - 26m	<p>The subject site is subject to a split maximum building height control with the western portion of the site subject to a maximum building height of 28m and the eastern portion of the site subject to a maximum building height of 14m.</p> <p>Future dwellings will comply with the 14m height limit.</p> <p>The proposed mix use development comprising of a series of 6 buildings, which is subject to a maximum building height of 28m predominantly complies with the prescribed height control with a minor portion of the building and roof structures as well as the lift overruns exceeding the 28m height control to Block D only with the remainder below the height limit.</p>	Clause 4.6 Variation

		<p>The design ensures that the proposed development is appropriate in terms of scale and bulk and due to the scale of the development over a large site and considering it is surrounded by road networks on three of its four boundaries, the development will minimise overshadowing of adjoining properties noting sufficient separation is provided between all 6 buildings on site to also ensure adequate amenity for future residents.</p> <p>The site is large and the impacts arising from overshadowing, visual impact and loss of privacy are manageable within the site, and have no significant impact on adjoining properties or open space areas given that the development is contained within its own street-block meaning shadows cast by the proposal fall on the street with the extent of overshadowing is not unreasonable for density envisaged of this scale within the Marsden Park Precinct.</p> <p>The mix use development has been designed after careful consideration of the unique site attributes with the minor encroachment to building height control having no impact on neighbouring properties.</p> <p>A variation pursuant to Clause 4.6 is provided at Appendix 1 that has specific detail on the relevant elements under this and Clause 4.6.</p>	
4.4	Floor Space Ratio:	The subject site is not subject to FSR controls. Not applicable.	N/A
<b>Part 5 Miscellaneous Provisions</b>			
5.9	Preservation of trees or vegetation	As per the Threatened Species Conservation Act 1995, the majority of land situated within the North West Growth Centre as per the Growth Centres SEPP 2006 is subject to a biodiversity certification.	Yes

		The development is to remove identified trees, noting appropriate landscaping is proposed within a commercial context associate with Lot 1 and appropriate landscaping will be provided within a low residential density context for the 20 new residential allotments.	
5.10	Heritage conservation	<p>Subject site is not listed as a heritage item or is it within a conservation area, however there are a few local heritage items – general located within the vicinity of the development site.</p> <p>The proposed mix use development will not impact upon the heritage significance of the heritage items given the separation between the development site and the local heritage items with existing and anticipated developments to provide sufficient buffer between the heritage items and the subject site. It is also noted that Council has earmarked the site for future higher density development by virtue of its zoning and height controls (between 14m-16m).</p> <p>As such a ‘Heritage Impact Statement’ is not considered to be necessary nor is the site subject to any heritage restrictions.</p> <p>The report by Neville Baker confirms that there are no Aboriginal Heritage constraints associated with the proposal.</p> <p>Therefore, the proposal is satisfactory in terms of heritage matters.</p>	Yes
<b>Part 6 Additional Local provisions</b>			
6.1	Public utility infrastructure	The required utility clearances such as water, sewer and electricity will be obtained prior to works commencing on site and it is anticipated that conditions of consent will reinforce this.	Yes

<b>6.3</b>	Development controls – Native Vegetation Retention Areas	The site is not identified as containing native vegetation.	Yes
<b>6.4</b>	Development controls – Existing Native Vegetation	<p>There are currently a number of trees located on or adjacent to the subject site. It is noted that the majority of trees are to be removed to accommodate the development.</p> <p>The site as per the Threatened Species Conservation Act 1995 is subject to a biodiversity certification.</p> <p>Appropriate landscaping is proposed within a commercial context associate with Lot 1 and appropriate landscaping will be provided within a low residential density context for the 20 new residential allotments.</p>	Yes
<b>6.9</b>	Active street frontages	The proposal will positively contribute towards activating its multiple frontages with retail premises along all four boundaries.	Yes
<b>6.10</b>	Development of land within or adjacent to public transport corridor	<p>The southern portion of the site has been marked “I” on the land zoning map.</p> <p>No development is to be undertaken to the southern portion of the site and concurrence has been issued by TfNSW.</p>	Yes



## Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River

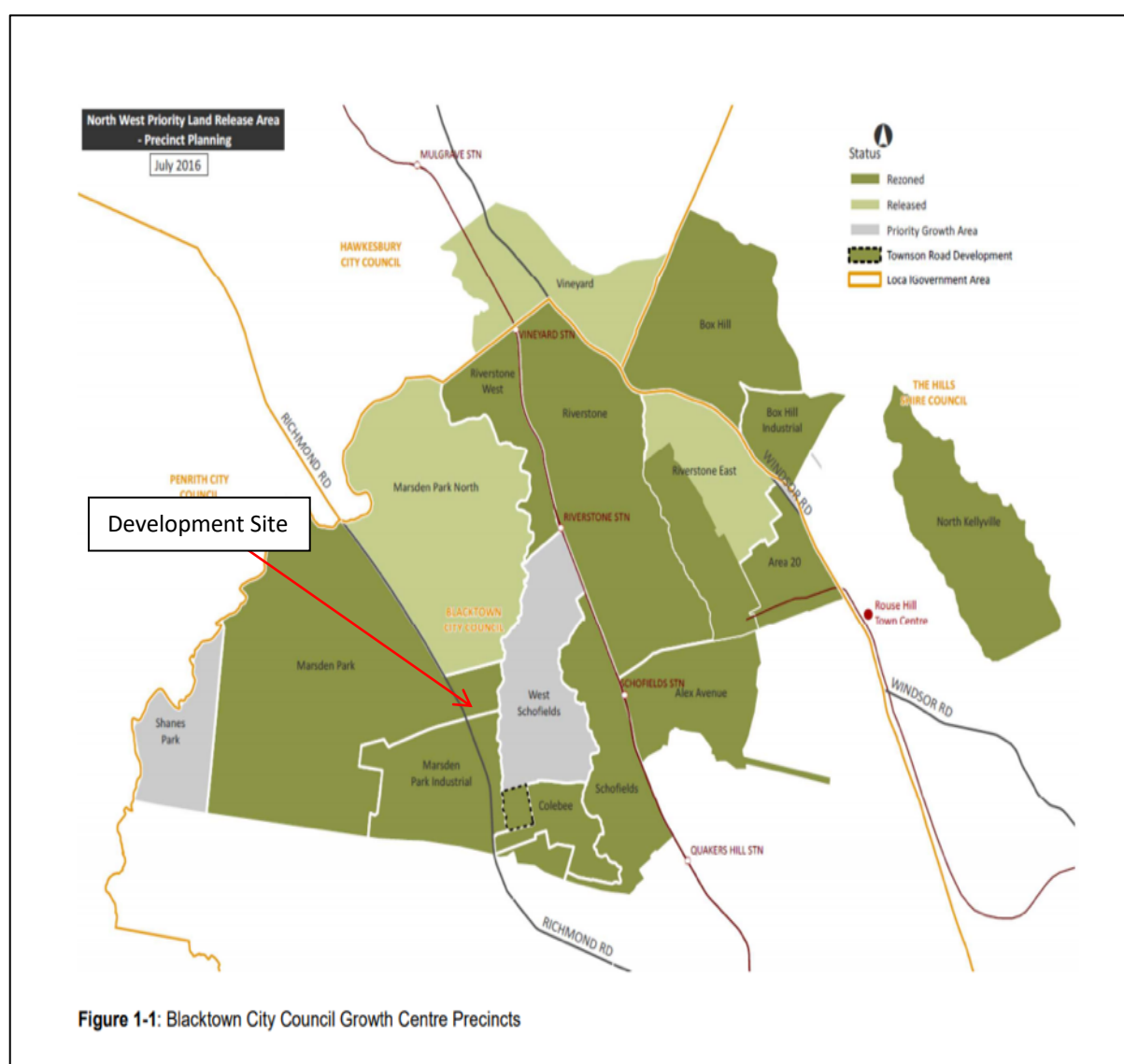
The development proposal will be connected to all appropriate services (sewer, water and stormwater) and will not result in adverse run off or environmental damage.

Erosion and sediment controls that align with the 'Blue Book' can be implemented throughout the construction phases and it is anticipated that conditions of consent will reinforce this.

All sediment and building waste will be appropriately managed during the construction phase as well as through the ongoing life of the building. See attached Erosion and Sediment Control Plan and Stormwater Management Plan for detail.

## Blacktown City Council Growth Centres Precinct Development Control Plan

Blacktown Growth Centre's DCP guides future development within the Marsden Precinct. The following extract is contained in the DCP:



**Figure 11:** Blacktown City Council Centres Precinct (Source: Blacktown Growth Centres Development Control Plan)

Blacktown City Council Growth Centre Precinct DCP is in force to guide future development within the Marsden Park Precinct. The proposal aligns with the Vision for the precinct that outlines:

*“Planning for the Marsden Park Precinct responds to the need for new and diverse housing in Sydney that is well connected to major centres and employment, protects natural assets and encourages sustainable living. Consideration of the surrounding context, history and natural environment has informed the precinct planning process.*

*The Precinct will consist of a mix of housing types that allows greater choice for different household types. It is predominantly accommodated with low density housing. Medium density housing is located around the village centre, schools and open spaces. Higher density housing is proposed around the town centre to optimise convenient living near retail, community facilities, schools, recreational facilities and public transport.*

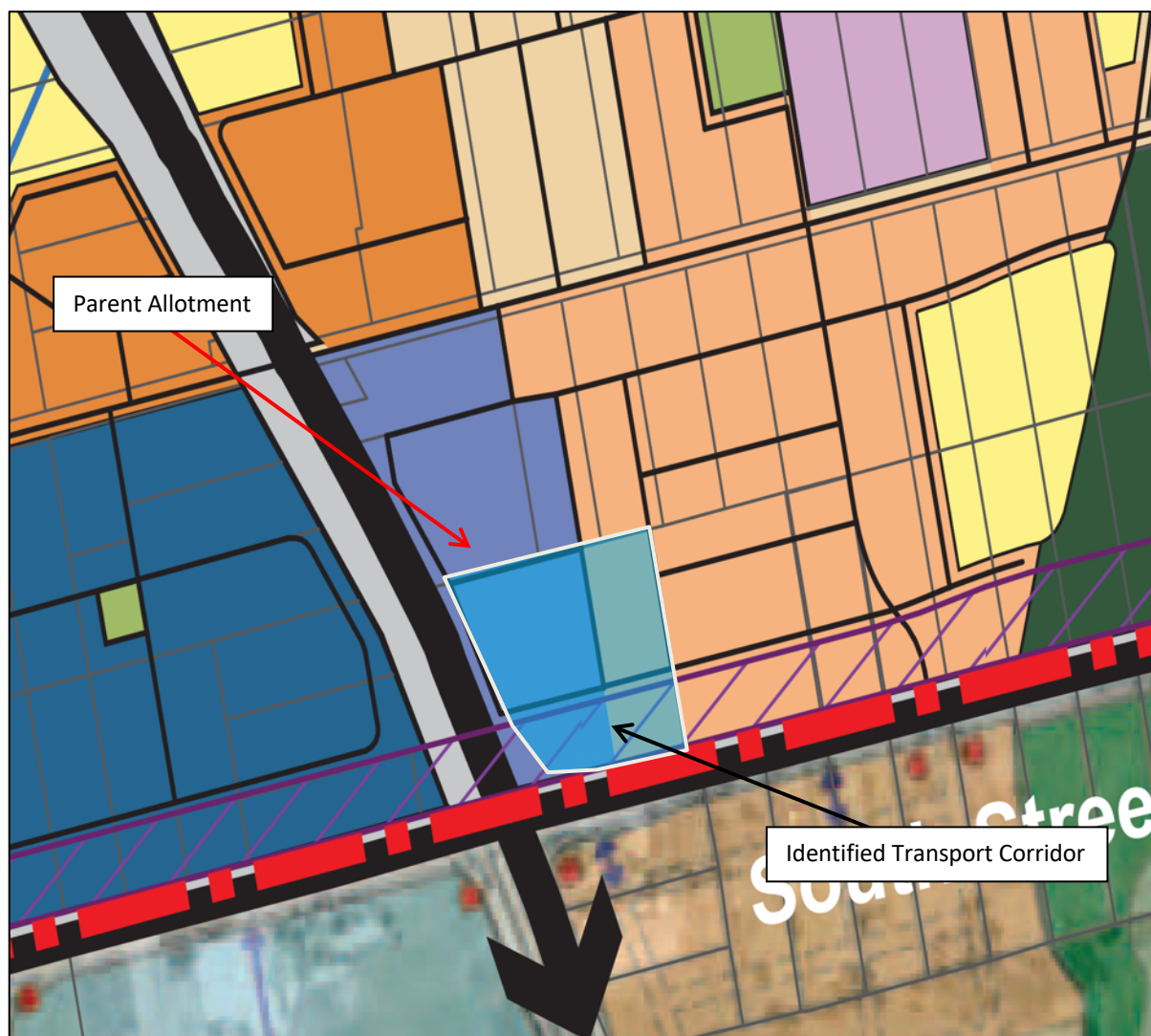
*Items and places of significant heritage value, particularly Aboriginal Heritage and Clydesdale Estate, have been integrated into the planning of the Precinct and protected through a sensitive design approach.*

*The town and village centre, each having a specific character and role, will support retail, commercial services to promote community interaction. A mixed-use development area along Richmond Road allows supporting function to the Marsden Park Town Centre and the adjacent Marsden Park Industrial Precinct. The conversion of the former Grange Avenue Landfill Site over time for sporting facilities will support active and passive recreational uses close to the Town Centre. The former Air Service Site in the south of the Precinct remains reserved as a future conservation area.*

*Direct road connections to the nearby Riverstone and Schofields Railway Stations ensure regional public transport accessibility. Consideration has also been made for a transport corridor to link the Precinct to the North West Rail Link. A safe and permeable street network will promote accessibility, connectivity and social interaction. The provision of cycle ways and pedestrian connections as well as public transport connections to surrounding centres will promote a community that is less dependent on private vehicle use.”*

The development will play a vital role in supporting the Marsden Park Town Centre and the Marsden Park Industrial Precinct via providing additional commercial, child care and recreational opportunities to the emerging community whilst also contribute towards increasing the housing mix and types within Marsden Park by providing 264 new residential units within the mix use development, providing a healthy mix of 1, 2, 3 and 4 bedroom units of varying sizes.

The proposal also aligns with the Precinct Plan extract for the Marsden Park Precinct by ensuring the design aligns with the Precinct layout in terms of split land use and identification of a transport corridor. This is illustrated by map extract of the Marsden Park Indicative Layout Plan provided in the following page.



**Figure 12:** Marsden Park Indicative Layout Plan Extract

The key relevant Council controls have been considered in the following compliance table.

Blacktown Growth Centres Development Control Plan – Compliance Table			
Clause	Controls	Comment	Complies
<b>2 Precinct Planning Outcomes</b>			
2.3.1	Flooding and Water Cycle Management	The site is not identified as being affected by flooding.	N/A
2.3.2	Salinity and Soil Management	See attached contamination and salinity report for detail.	Yes
2.3.3	Aboriginal and European Heritage	Subject site is not listed as a heritage item or is it within a conservation area, however there are a few local heritage items – general located within the vicinity of the development site.	Yes

		<p>The proposed mix use development will not impact upon the heritage significance of the heritage items given the separation between the development site and the local heritage items with existing and anticipated developments to provide sufficient buffer between the heritage items and the subject site. It is also noted that Council has earmarked the site for future higher density development by virtue of its zoning and height controls (between 14m-16m).</p> <p>As such a 'Heritage Impact Statement' is not considered to be necessary nor is the site subject to any heritage restrictions.</p> <p>An aboriginal heritage due diligence report has been attached for further detail as discussed against the SEPP provisions.</p>	
2.3.4	Native Vegetation and Ecology	<p>As per the Threatened Species Conservation Act 1995, the majority of land situated within the North West Growth Centre as per the Growth Centres SEPP 2006 is subject to a biodiversity certification.</p> <p>The site is predominantly cleared of vegetation given its history as semi-rural residential property, with the development proposing to remove identified trees.</p> <p>Appropriate landscaping is proposed within a commercial context associate with Lot 1 and appropriate landscaping will be provided within a low residential density context for the 20 new residential allotments.</p> <p>See attached Arborist Report for further detail.</p>	Yes
2.3.5	Bushfire Hazard Management	<p>The site is not identified as being bushfire prone.</p>	N/A

2.3.6	Site Contamination	See attached contamination and salinity report for detail.	Yes
2.3.7	Odour assessment and control	The site is adjoined by B4 – Mixed Use and R3 – Medium Density Residential zoned land parcels that are unlikely to cause odour issues.	N/A
<b>3 Neighbourhood and Subdivision Design</b>			
3.1.1	Residential Density,	<p>The proposed subdivision layout aligns with the indicative layout plan for Marsden Park in terms of the allotments identified for both commercial and residential development.</p> <p>The development exceeds the minimum density provision under the SEPP and will contribute towards meeting the overall dwelling target in the precinct.</p>	Yes
3.1.2	Block and Lot Layout	<p>The development site aligns with the indicative plan for the Marsden Park Precinct in terms of road layouts and the allotment identified for low density development.</p> <p>The street block within the R3 zoned portion of the site is less than 250m and 70m deep.</p> <p>As per Clause 4.1AA under the Regional Growth Centre SEPP 2006, lots with a size less than 300m<sup>2</sup> are of sufficient size to accommodate a residential dwelling. This will be subject to a future DA as only a residue lot is proposed.</p>	Yes
3.4	Movement Network	The development will permit the construction of future road as identified by the Marsden Park North Indicative Layout Plan and also link in to the approved development to the north to ensure orderly development.	Yes

		<p>Figure 3-14 indicates that widths associated with 'Medium-high density local street' is 18m comprising of 3.5m for verge and 18m for the carriage-way</p> <p>Roads adjoining reserves can be 15.5m wide.</p> <p>The development provides roads consistent with this layout, the ILP, and the adjoining land to the north in terms of connectivity.</p>	
<b>4.0 Development in Residential Zones</b>			
4.1.1	Site Analysis	<p>A detailed Site Analysis has been prepared and is attached as part of this application.</p> <p>The site analysis identifies the relevant considerations required by the State Government and Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal.</p>	Yes
4.1.2	Cut and Fill	<p>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 basement car parking area, will have minimal adverse environmental or amenity impact.</p> <p>It is considered that the proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. The proposed excavation is consistent with the proposed land use and it will facilitate development of the site in accordance with the State Government and Councils current and proposed planning strategies, noting compliance with the required levels of on-site parking is achieved by the extent of excavation.</p>	Yes

4.1.3	Sustainable Building Design	<p>In regards to the mix use development a complying BASIX certificate demonstrating a commitment to energy efficiency and water conservation has been prepared and forms part of the development application.</p> <p>The dwellings adopt passive solar design principles where appropriate a majority of living and private open space areas are oriented in a northerly direction as well as ensuring natural ventilation can also be provided. Noting compliance to solar access and deep soil provisions under the ADG.</p> <p>Where appropriate native indigenous species are proposed as part of the planting schedule detailed on the landscape plan. See attached landscaping plan for detail.</p>	Yes
4.1.3	Salinity, Sodicity and Aggressivity	A salinity assessment forms part of the development application package.	Yes
<b>4.2 Dwelling Design Controls</b>			
		The subdivision of the R3 zoned land is to facilitate future residential development, noting that the development of each new residential allotment will be subject to future DAs.	Subject to future DAs



4.3.5 Controls for Residential Flat Buildings, Manor Homes and Shop Top Housing			
		2. The proposed shop top housing development technically is not a residential flat building but does incorporate residential flat buildings, noting that it has street frontages >30m, have direct frontage to an area of the public domain and will not adversely impact upon the existing or future amenity of any adjoining land upon which residential development is permitted with respect to overshadowing impact, privacy impact or visual impact.	Yes
		3. Sepp 65 and the NSW ADG have been addressed.	Yes
		4. For developments containing 10 dwelling or more, the DCP prescribes 10% of all apartments designed to be capable for adaptation for access by people with all levels of mobility (Adaptable Units). Development provides 10.3% or 25 of the 236 apartments are provided as accessible units. Comply.	Yes
		5. Development proposes a shop top housing and as such no dwelling are proposed on the ground floor.	N/A
		6. Development provides appropriate landscaping and deep soil zones within a commercial context.	Yes
		7. Proposed vehicle access ramps are setback >3m from the site's boundaries.	Yes
		8. An Access Report has been prepared and accompanies this application.	Yes
		9. Accessible parking spaces have been designed to comply with the key requirements of the relevant Australian Standard for disable parking spaces.	Yes

		<p>10. A Landscape Plan has been prepared and accompanies this application.</p> <p>11. Where appropriate, deep soil planting is to be provided within the ground floor within a commercial context.</p> <p>12. Common open space is provided in accordance with the ADG.</p> <p>13. Communal open space above the ground floor have been designed to provide suitable shade, drainage and weather protection, provide appropriate planter boxes where warranted and designed to mitigate wind impacts and provide safety around edges for the safety of residents and visitors.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>Primary Control</p> <ul style="list-style-type: none"> <li>• Site coverage</li> <li>• Landscaped area</li> <li>• Communal open space: 15% of site area with minimum dimension of 3m</li> <li>• Private open space</li> <li>• Front setback &amp; corner lots secondary street setback: 0m for first floor and 4m for floors above first floor</li> </ul>	<ul style="list-style-type: none"> <li>• No controls for shop top housing within B4 zoned land parcels.</li> <li>• No controls for shop top housing within B4 zoned land parcels.</li> <li>• 36.9% provided.</li> <li>• Development provides private open space for the residential component of the mix use development in accordance with the ADG.</li> <li>• The proposal provides varied setbacks ranging from 3.76m to 5m to articulate the building noting on average that compliance is achieved. The articulation provided is suitable and the 'ins and outs' are a suitable design response to the street frontages and on merit grounds the varied setbacks should be supported.</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes - ADG</p> <p>On Merit</p>

	<ul style="list-style-type: none"> <li>Rear setback: 8m</li> <li>Side Setbacks: 2m up to 2 storeys and 6m for 3 storey and over</li> <li>Car parking spaces: <ul style="list-style-type: none"> <li>1 per unit plus 0.5 per 3 bed (i.e. 1.5 per 3 bed).</li> </ul> </li> </ul> <p> <math>= 208 - 1 \text{ \&amp; } 2 \text{ bed} * 1 = 188</math>  <math>= 48 - 3/4 \text{ bed} * 1.5 = 72</math>  <math>= 260 \text{ resident spaces}</math>  1 per 5 visitor = 47.2 (48)  Total = 308 </p>	<ul style="list-style-type: none"> <li>Not applicable, as the development fronts a street networks to all its frontages.</li> <li>Development site, fronting a street network to all of its frontages does not contain a side boundary. Not applicable.</li> <li>Development proposes a mix use development with the following unit breakdown: <ul style="list-style-type: none"> <li>43 x 1 bedroom units</li> <li>145 x 2 bedroom units; and</li> <li>38 x 3 bedroom units.</li> <li>10 x 4 bedroom units.</li> </ul> </li> </ul> <p>Equates to a total of 260 residential car parking spaces and 47.2 (48) visitor car parking spaces, or a total of 308 residential car parking spaces.</p> <p>The proposal provides</p> <ul style="list-style-type: none"> <li>Residential car parking spaces: 299 spaces over the three basement levels;</li> <li>Residential visitor car parking spaces: 48 spaces within basement levels 1 &amp; 2;</li> </ul> <p>Therefore the proposal complies.</p>	N/A  N/A  Yes
<b>6.11.2 Child Care Centres</b>			
		<p>The child care facility is to be undertaken in accordance with the Educational Establishment and Child Care Facility SEPP 2018, Childcare Planning Guidelines and the national regulations, noting that the facility is to be located within the ground floor associated with Block E.</p> <p>Refer to discussion against the SEPP, childcare planning guidelines and the national regulation within this statement for detail.</p>	Yes

		<p>The facility has been designed to minimise noise and privacy impacts to the other land uses within the larger mix use complex. Development incorporates landscaping and fencing to mitigate potential noise and privacy impacts. Refer to attached Landscape Plan and Acoustic Report for detail.</p> <p>The parking provided also complies with the DCP noting the findings of the traffic report confirm the 34 spaces for the centre are sufficient.</p>	
<b>Schedule 6 Marsden Park Precinct</b>			
		<p>The proposal is designed to align with the DCP provisions noting:</p> <ul style="list-style-type: none"> <li>- Consistency with the ILP;</li> <li>- Consistency with road widths;</li> <li>- Matching to existing approved development to the north.</li> </ul> <p>Further the site is not impacted by flooding, aboriginal sensitivity, aboriginal heritage, or bushfire identified on the relevant provisions of Schedule 6.</p> <p>The site is also located outside of the Future Marsden Park Town Centre.</p> <p>The road alignments follow the neighbour and the extent of road parallel to Richmond Road must follow this alignment however suitable landscaping is provided in the verge areas of New Road 1.</p>	Yes

## 5. 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 taking into account 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 too necessary, relevant and appropriate conditions of consent.



971 Richmond Road, Marsden Park

## **Annexure 1: Clause 4.6 Variation: Building Height**