

## Assessment against planning controls

### 1 Environmental Planning and Assessment Act 1979

#### a. Section 79C 'Heads of Consideration'

The development satisfies the matters for consideration under Section 79C of the Act as detailed below.

Heads of Consideration 79C	Comment	Complies
<p>a. The provisions of :</p> <ul style="list-style-type: none"> <li>(i) Any environmental planning instrument (EPI)</li> <li>(ii) Any development control plan (DCP)</li> <li>(i) The regulations</li> </ul>	<p>The proposal is considered to be consistent with the relevant EPIs, including the Infrastructure SEPP, Growth Centres SEPP 2006 and SEPP No. 55 Remediation of Land.</p> <p>The proposed development is a permissible land use within the B7 Business Park zone and satisfies the zone objectives outlined under the Growth Centres SEPP. A small area of the site is zoned SP2 Infrastructure (Drainage), however the use of Clause 5.3 is acceptable in this circumstance. The proposal is consistent with the Marsden Park Industrial Precinct Plan.</p> <p>The Growth Centre DCP applies to the site. Whilst there are no specific development controls in relation to the development within the DCP, the development is consistent with the general controls for development within the business park zone.</p>	Yes
<p>b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality</p>	<p>It is considered that the likely impacts of the development, including traffic, noise, parking and access, design, bulk and scale, overshadowing, privacy, amenity and stormwater management have been satisfactorily addressed.</p> <p>A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties.</p> <p>In view of the above it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.</p>	Yes
<p>c. The suitability of the site for the development</p>	<p>The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis and responds positively to the different types of land uses adjoining the site. The development is located within the business estate and so will minimise impacts on the amenity of residents. Its location on Richmond Road allows for public transport links to the site.</p>	Yes
<p>d. Any submissions made in accordance with this Act, or the regulations</p>	<p>Two submissions were received as a result of notification, one supporting the application and the other objecting. Objector concerns are in relation to the development being close to a residential area and that the area is designated for white collar jobs. These have been addressed through the use being permissible in the zone and meeting the objectives of the zone. The objection does not warrant refusal of the</p>	Yes

Heads of Consideration 79C	Comment	Complies
	application.	
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal will provide high quality social and economic development within the Marsden Park Industrial Precinct.	Yes

The development does not involve subdivision and is not development for a special fire protection purpose. It is therefore not considered to be 'integrated development' under Section 91 of the Act. However, Section 79BA does apply.

**b. Section 79BA Consultation and development consent – certain bush fire prone land**

The site is identified as bush fire prone land. Therefore, development consent cannot be granted for the development unless the consent authority is satisfied that:

- The development conforms to the specifications and requirements of 'Planning for Bush Fire Protection 2006' prepared by the NSW Rural Fire Service, or
- It has been certified by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment, stating that the development conforms to the relevant specifications and requirements.

The application has been supported with a Bushfire Protection Assessment prepared by EcoLogical Australia. The report has been prepared by an accredited practitioner in bush fire planning and design. The report provides recommendations regarding landscaping location, works to be constructed to BAL-12.5, installation of reticulated or bottled gas and maintenance in accordance with Australian Standards and that an Evacuation and Emergency Response Plan is required prior to occupation. Based on compliance with the above recommendations, the proposed development is considered to provide an adequate standard of bush fire protection that is consistent with *Planning for Bush Fire Protection 2006*.

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

The Sydney Planning Panel (SPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million. As the DA has a CIV of \$23.6 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the SPP.

## 3 State Environmental Planning Policy (Infrastructure) 2007

**a. Transgrid**

The site is partially affected by a 60.96 m wide transmission line along the south-east corner of the site. As development is being carried out within and immediately adjacent to the easement, the concurrence of Transgrid is required in accordance with Clause 45 of the SEPP. Transgrid provided its concurrence on 10 March 2017, with conditions of approval.

**b. Roads and Maritime Services (RMS)**

The SEPP ensures that the Roads and Maritime Services (RMS) is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP.

The RMS raised no objection to the application subject to conditions.

#### 4 State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

**a. Clause 7 Contamination and remediation to be considered in determining development application**

SEPP 55 aims to 'provide a State wide planning approach to the remediation of contaminated land'. Clause 7 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of development consent.

A Site Audit Statement (SAS GN319B) was issued on Lot 11 and is considered validated for the ongoing use. However, bulk earthworks undertaken as part of DA-14-02160 will be required to be validated as suitable for the development, prior to the creation of Lot 310 (the subject site). Prior to the issue of any Construction Certificate for this proposal, the lot will be required to be registered. Therefore the site will be validated to the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, as amended 2013.

#### 5 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Appendix 12 of the SEPP, Blacktown Growth Centres Precinct Plan, applies to the site as it is located within the Marsden Park Precinct. The table below provides a summary assessment of the development standards established within the Growth Centres SEPP and the proposal's compliance with these standards. The development complies with the development standards contained within the SEPP.

Compliance with SEPP (Sydney Region Growth Centres) 2006 General controls within main body of the SEPP		
Clause	Proposal	Complies
<b>Part 5 Development controls – flood prone and major creek land</b>		
Cl.19 Development on flood prone and major creeks land—additional heads of consideration	N/A	N/A
Cl. 20 Development on and near certain land at Riverstone West	N/A	N/A
Compliance with SEPP (Sydney Region Growth Centres) 2006 Appendix 4 - Alex Avenue and Riverstone Precinct Plan 2010		
Clause	Proposal	Complies
<b>Part 2 Permitted or prohibited development</b>		
<b>2.1 Zoning and Land Use Tables</b>	B7 Business Park and SP2 Infrastructure (Drainage).	Use permissible on B7 zone and Clause 5.3 sought on SP2 zone.

Part 4 Principal development standards			
<b>4.1 Minimum subdivision lot size</b> Min. 2000 sqm	No subdivision is proposed. The site has an area of 1.5 ha, and is a proposed lot in a recent subdivision application.	Yes	
<b>4.1AB– 4.1AG Minimum lot sizes</b>	N/A as minimum lot size for land use not identified.	N/A	
<b>4.1B Residential Density</b>	N/A – approval for residential development not sought.	N/A	
<b>4.3 Height of Buildings</b> ➤ Max. 16 m	Maximum 13 m	Yes	
<b>4.4 Floor space ratio (NB. calculations to be in accordance with 4.5)</b> ➤ Max. 1:1	0.25:1	Yes	
<b>4.6 Exceptions to development standard</b> ➤ Request must be in writing	Clause 4.6 not sought.	N/A	
Part 5 Miscellaneous provisions			
<b>5.3 Development near zone boundaries</b>	Application seeks to use Clause 5.3 for a minor area of the site, which increases the developable area by 1.7%. The use of this clause is discussed in the main report.	Yes – acceptable on its merits.	
<b>5.6 Architectural roof features</b>	N/A	N/A	
<b>5.9 Preservation of trees or vegetation</b>	Site is vacant of trees.	N/A	
<b>5.10 Heritage conservation</b>	AHIP issued on site as part of subdivision works and no European heritage identified on site.	Yes	
Part 6 Additional local provisions			
<b>6.1 Public utility infrastructure</b>	Suitable arrangements have been made on the site.	Yes	
<b>6.2 Attached dwellings, manor homes and multi-dwelling housing in R2 zone</b>	N/A	Yes	
<b>6.4 &amp; 6.5 Native vegetation</b>	The site is currently vacant of trees.	N/A	
<b>6.6 Zone B4 Mixed Use</b>	N/A - the site is zoned B7.	N/A	
<b>6.7 B1 Neighbourhood Centre</b>	N/A - the site is zoned B7.	N/A	

Some specific clauses are detailed below.

**a. Clause 2.3 Zone objectives and land use table**

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The site is zoned B7 Business Development and SP2 Infrastructure (Drainage) under the Growth Centres SEPP. The proposal is defined as a pub and light industry, which are permissible in the B7 zone with development consent. A small portion of the site is zoned SP2 Infrastructure (Drainage). Whilst the relocation of the drainage zone was endorsed through previous subdivisions on the site, an amendment to the zoning has not been undertaken to date. Therefore, the use of Clause 5.3 to permit the use in the SP2 zone is applied (see b. below). The development is considered to meet the objectives of the zones, by providing other land uses that support the well-being of the community compatible with the amenity of a low and medium density residential environment.

**b. Clause 5.3 Development near zone boundaries**

256 sqm of the site is zoned SP2 Infrastructure (Drainage). The SP2 zone was reconfigured as part of a previous subdivision approval on the site, as the drainage basin design was agreed by Council's Drainage Engineers in an alternative location. However, an amendment to the zoning under the Growth Centres SEPP has not been undertaken. Therefore, to permit the use of the site as a pub and light industry, Clause 5.3 of the Growth Centres SEPP is used.

The maximum distance of the zone to be adjusted is 14.6 m, below the maximum distance of 100 m permitted by Clause 5.3. The use of Clause 5.3 would result in a 1.7 % increase in developable area.

In using Clause 5.3 the consent authority must be satisfied by the following matters:

- (a) *The development is not inconsistent with the objectives for development in both zones, and*
- (b) *The carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

The development is considered to be consistent with the objectives of both the B7 Business Park zone and the SP2 Infrastructure zone. The development will provide employment opportunities and provide facilities and services to meet the day-to-day needs of workers in the area. In addition, the development is compatible with the provision of infrastructure to the area.

**c. Clause 6.1 Public utility infrastructure**

The consent authority must not grant development consent to development on land to which the Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available, or that adequate arrangements have been made to make that infrastructure available when required.

Council has received confirmation from Sydney Water and Endeavour Energy that drinking water, sewer and electricity are available in the Marsden Park Industrial Precinct. In addition, suitable conditions will be imposed requiring a Section 73 Certificate and a Notification of Arrangements prior to the release of an Occupation Certificate.

## 6 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20)

### a. *Clause 4 – Application of general planning considerations, specific planning policies and recommended strategies*

A consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6 of SREP 20. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of the Growth Centres SEPP. The development complies with the development standards and controls established within the Growth Centres SEPP, to enable the orderly development of the site. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

## 7 Draft West Central District Plan

Whilst the Environmental Planning and Assessment Act 1979 does not require consideration of District Plans in the assessment of development applications, an assessment of the Draft West Central District Plan has been undertaken. Outlined below is where the development application is consistent with the overarching priorities outlined in the Draft West Central District Plan:

### **Productivity**

- Planning for job targets in strategic and district centres
- Attracting employment and urban services activity
- Improving access to a greater number of jobs and centres within 30 minutes.

## 8 Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (Growth Centre DCP)

The Growth Centre DCP applies to the site. Whilst there are no specific controls relating to the pub and brewery, the table below outlines the proposal's compliance with the general controls established in the DCP.

### a. *Compliance with the Employment Area controls within the Blacktown City Council Growth Centre Precincts Development Control Plan*

Control	Proposal	Compliant
<b>6.1 Land to which this Park applies</b>		
<p>This Part applies all land to which a Precinct Plan with Employment Land zones applies. The Employment Land zones are:</p> <ul style="list-style-type: none"> <li>• IN1 – General Industrial</li> <li>• IN2 – Light Industrial</li> <li>• B5 – Business Development</li> <li>• B7 – Business Park</li> </ul> <p>This part does not apply to land zoned IN2 – Light Industrial under the Riverstone Precinct Plan. Controls for that land are located in Schedule Two – Riverstone Precinct of this DCP.</p>	<p>Site is zoned B7 Business Park and is in the Marsden Park Industrial Precinct. Therefore, these controls apply.</p>	<p>Yes</p>

Control	Proposal	Compliant
<b>6.2 Subdivision</b>		
6.2.1 Lot Subdivision	N/A – No subdivision proposed	N/A
6.2.2 Strata or Community title	N/A – No subdivision proposed	N/A
6.2.3 Battle Axe Lots	N/A – No subdivision proposed	N/A
<b>6.3 Landscape Design</b>		
<b>6.3.1 Streetscape and Allotment Frontages</b>		
<ol style="list-style-type: none"> <li>The streetscape design is to integrate vertical elements (trees, light poles and allotment signage) to provide consistency of elements and materials across the zone.</li> <li>Service lids and above ground structures are to be minimised in street frontages. Service lids are to be located adjoining pavement or kerbs to avoid small areas of turf or planting beds.</li> <li>Street tree planting is to be implemented at the subdivision stage to ensure plantings are visually consistent in height, spread and form across the zone.</li> <li>In the Business Development zone, a minimum 7m wide landscape area must be provided along the street front, except where zero setback controls apply.</li> <li>The selection of plant species for street tree planting must be in accordance with <b>Appendix D Prescribed Trees, Preferred Species and Street Trees</b>.</li> </ol>	<p>Street design and planting has been addressed on the subdivision DA for the site. The site is zoned B7 Business Park, therefore a minimum landscape area is not required, however a minimum 3 m landscape area provided to Richmond Road and a 7.5 m landscaped area has been provided to proposed Road No. 4.</p>	Yes
<b>6.3.2 Allotment Landscape</b>		
<ol style="list-style-type: none"> <li>A Landscape Plan must be prepared in accordance with <b>Appendix F</b> of this DCP for all new industrial subdivisions and new buildings.</li> <li>Landscaped areas are required between buildings (i.e. within the building separation zone).</li> <li>Allotment landscape design is to be integrated with site planning and building design to: <ul style="list-style-type: none"> <li>Reduce the perceived scale of built form from the street</li> <li>Reduce visual impact and the extent of continuous building facades.</li> <li>Highlight architectural features and complement façade articulation;</li> <li>Identify site and building entries, car park entries and parking areas, in coordination with signage;</li> <li>Mitigate adverse site conditions through buffering of western sun, provision of shade, wind</li> <li>Protection, and screening of poor views;</li> <li>Maximise northern sun exposure; and</li> </ul> </li> </ol>	<p>A landscape plan prepared by Site Image Landscape Architects has been prepared for the development and meets the controls of 6.3.2.</p>	Yes



Control	Proposal	Compliant						
<ul style="list-style-type: none"><li>Integrate usable and attractive external seating and amenity areas for staff incorporating paved</li><li>Areas, soft landscape, and shade planting (and canopies where necessary).</li></ul> <p>4. Allotment landscape should incorporate hard and soft landscape elements in pavements, retaining walls, low walls and terracing, trees, garden bed planting, turfed areas and irrigation.</p> <p>5. Indigenous species from the area are encouraged for all landscape plantings however, non native species may be considered in limited use to external courtyard areas to achieve seasonal climate management. Trees should be a minimum height of one metre at the time of planting. Mass plantings may use a variety of sizes including viro tubes.</p> <p>6. The allotment landscape is to be provided with an automatic trickle irrigation system installed below mulch level. The system is to be supplied by rainwater collected from the site.</p> <p>7. Landscaped areas are to be separated from vehicular access areas by an appropriate edge, preferably a raised kerb.</p> <p>8. Landscaped areas are to be separated from storage areas by an appropriate edge, preferably low walls. Signage and management strategies are to be put in place to ensure that storage activities do not impact on, or extend into, landscaped areas. No storage is allowed in landscaped areas.</p>								
6.3.3 Landscaping of car parking areas								
<p>1. Landscaping of car parking areas is to comply with <b>Table 6-1</b> below:</p> <p><b>Table 6-1:</b> Landscape car parking</p> <table><tr><td><b>Large canopy tree plantings</b></td><td><b>Maximum Intervals of 26 m (9 parking bays)</b></td></tr><tr><td><b>Tree plantings</b></td><td>Minimum 2 m bay of deep soil condition</td></tr><tr><td><b>Car parking bays</b></td><td>Raised kerb barrier (rounded adjoining accessways) and native groundcover planting.</td></tr></table>	<b>Large canopy tree plantings</b>	<b>Maximum Intervals of 26 m (9 parking bays)</b>	<b>Tree plantings</b>	Minimum 2 m bay of deep soil condition	<b>Car parking bays</b>	Raised kerb barrier (rounded adjoining accessways) and native groundcover planting.	<p>Car park landscaping provided in 26 m intervals. Car park design integrated with landscaping, incorporating permeable stone paving, feature areas, tree planting and shrubbery.</p>	<p>Yes</p>
<b>Large canopy tree plantings</b>	<b>Maximum Intervals of 26 m (9 parking bays)</b>							
<b>Tree plantings</b>	Minimum 2 m bay of deep soil condition							
<b>Car parking bays</b>	Raised kerb barrier (rounded adjoining accessways) and native groundcover planting.							
<p>2. Allotment car parking areas are to be effectively landscaped to:</p> <ul style="list-style-type: none"><li>Reduce their visual impact</li><li>Reduce heat generation and glare from hard paved surfaces</li><li>Provide shade for parked vehicles</li></ul>								



Control	Proposal	Compliant										
<ul style="list-style-type: none"><li>Maximise potential for soft drainage (non-piped) to soft landscaped areas or collection zones.</li></ul> <p>3. Car park lighting design is to be coordinated with the preferred tree layout.</p> <p>4. Dividing zones between parking bays should be landscaped as applicable to specific site conditions:</p> <ul style="list-style-type: none"><li>Where pedestrian access will generate desire lines across the dividing zone, pedestrian trafficable wearing surface is required (eg. stabilised gravel)</li><li>Where pedestrian access is not required and some infiltration drainage may be provided, mass planted landscape areas (requiring flush kerb edge and wheel stops to car parking bays) must be provided</li><li>Where a major drainage role is envisaged and pedestrian access is not required, a gravel surfaced trench with collection pipework draining to onsite storage or stormwater must be provided.</li></ul> <p>5. Clearly defined and appropriately surfaced pedestrian access links from parking areas to building entry points must be provided, incorporating kerb crossing ramps as required.</p> <p>6. Car park landscaping is to be provided with an automatic trickle irrigation system installed below mulch level. Irrigation services provision must be implemented before car park surfacing. The system is to be supplied by the rainwater tanks on site.</p> <p>7. Retaining wall elements must be no greater than 3 m in height. All retaining walls must be screened by vegetation.</p>												
6.3.4 Communal areas												
<p>1. Provision of communal areas must comply with <b>Table 6-2</b> below. Communal areas must include soft landscaping.</p> <p><b>Table 6-2: Communal Area provision</b></p> <table><tr><th>Zone</th><th>Communal area as % of total site area</th></tr><tr><td>B7 Business Park</td><td>5%</td></tr><tr><td>IN1 General Industrial</td><td>1%</td></tr><tr><td>B5 Business Development</td><td>3%</td></tr><tr><td>IN2 Light Industrial</td><td></td></tr></table>	Zone	Communal area as % of total site area	B7 Business Park	5%	IN1 General Industrial	1%	B5 Business Development	3%	IN2 Light Industrial		N/A - Communal areas controls do not apply as development is for a pub.	Yes
Zone	Communal area as % of total site area											
B7 Business Park	5%											
IN1 General Industrial	1%											
B5 Business Development	3%											
IN2 Light Industrial												
<p>2. Each development shall be provided with at least 1 communal area for the use and enjoyment of employees and visitors to that development. The area shall be suitably landscaped and accessible from the main office component of the</p>												

Control	Proposal	Compliant
<p>development.</p> <ol style="list-style-type: none"> <li>Small pockets of open space designed to enhance the appearance of the development will not be counted in the communal area allocation, neither will car parking areas, manoeuvring areas, or landscaped setback areas.</li> <li>In locating communal areas, consideration should be given to the outlook, natural features of the site, and neighbouring buildings.</li> <li>Communal areas shall be embellished with appropriate landscaping, shade, paving, tables, chairs and the like.</li> <li>Communal areas shall be relatively flat and not contain impediments which divide the area or create physical barriers which may impede use.</li> <li>Solar access to communal open spaces is to be provided. Communal areas must receive a minimum of 2 hours direct sunlight between 11am and 3pm on the 21st of June.</li> <li>Appropriate shading is to be provided, preferably using trees, so that communal spaces are useable during summer.</li> </ol>		
<b>6.4 Built Form and Streetscape</b>		
<b>6.4.1 Setbacks</b>		
<ol style="list-style-type: none"> <li>All buildings erected in industrial areas are to be set back a minimum of 7.5m from the front property boundary unless otherwise specified in a Precinct's Schedule.</li> <li>No building or hardstand area (concrete or bitumen pavement) other than a public utility undertaking shall be erected within any setback.</li> <li>All setback areas should be landscaped and maintained in accordance with the landscape provisions in <b>clause 6.3</b>.</li> <li>Pedestrian access should be provided to all landscaped setback areas for maintenance and security purposes.</li> </ol>	<p>The building is setback 20 m from Richmond Road and proposed Road No 4. Car parking is located within the setback but is suitably landscaped.</p>	Yes
<b>6.4.2 Building Design and siting</b>		
<ol style="list-style-type: none"> <li>Blank building facades facing the primary street frontage are not permitted.</li> <li>The built form and architecture of buildings located at street corners should enhance its location and positively respond to and emphasise the street corner.</li> <li>Building orientation and siting should respond to natural elements such as topography, wind and sunlight.</li> <li>The layout and orientation of buildings should be in a manner that minimises lengthy or deep areas</li> </ol>	<p>The building has been architecturally designed. Being a corner site, the building is suitably oriented to both Richmond Road and proposed Road No. 4. The development complies with the building height limit for the site, is well below the maximum FSR permissible on the site. The building incorporates a variety of outdoor areas, feature areas and is of high quality design. The loading bay area is located at the rear of the site, and not visible from the public street. The</p>	Yes

Control	Proposal	Compliant
<p>of car parking along the street front.</p> <p>5. Buildings should provide variety to facades by the use of projecting upper storeys over building entries, upper storey display windows, emphasising street corners and varying roof forms.</p> <p>6. Buildings should provide effective sunshading for windows, wall surfaces and building entries, (other than loading docks) by the use of design elements such as overhanging eaves and awnings, undercrofts, colonnades and external sunshading devices including screens.</p> <p>7. Building design should be integrated with landscape elements.</p> <p>8. The bulk and scale of the building should minimise impact on district views.</p> <p>9. Building facades should be articulated by elements such as:</p> <ul style="list-style-type: none"> <li>• External structures, finishes, etchings and recessed patterns</li> <li>• Decorative features, textures and colours</li> <li>• Locating offices and highlighting entries within front facades</li> <li>• Emphasised customer entries and service access doors</li> <li>• Protrusions and penetrations in building elements.</li> </ul> <p>10. Buildings with dual street frontage should be designed to ensure:</p> <ul style="list-style-type: none"> <li>• The building addresses the primary street frontage</li> <li>• Distinctive identifying architectural elements are incorporated to provide sufficiently interesting and varied facades.</li> </ul> <p>11. The building design should consider the amenity of any landscaped or communal areas in adjoining properties.</p> <p>12. The location of roller shutters, loading docks and other building openings should be so that they do not detract from the overall appearance of the building. Where possible, roller shutters and the like should not be located on the primary street frontage.</p> <p>13. Roof design should be visually interesting and provide for natural lighting, and compatibility with the overall building design. Where visible from a public area, all rooftop or exposed structures (lift motor rooms, plant rooms etc), must be suitably screened and integrated with the building.</p>	<p>building is suitable articulated and incorporates terraces, deck areas, a pavilion, pergola and cabana structures that flow onto the landscaped areas.</p>	

Control	Proposal	Compliant
<b>6.4.3 External Building Materials and Colours</b>		
<ol style="list-style-type: none"> <li>External finishes should be constructed of durable, high-quality and low maintenance materials.</li> <li>External finishes should contain a combination of materials and/or colours.</li> <li>Any wall visible from the public domain must be finished with a suitable material to enhance the appearance of that façade.</li> <li>Building materials should be selected to minimise reflection.</li> <li>The following should be considered in the choice of building materials in all developments: <ul style="list-style-type: none"> <li>Energy efficiency</li> <li>Use of renewable resources</li> <li>Maintenance cost and durability</li> <li>Recycled or recyclable materials</li> <li>Non-polluting</li> <li>Minimal PVC content.</li> </ul> </li> <li>Where concrete roofs are proposed for the purpose of additional parking, parapeted edges are preferred with appropriate screening to conceal roof top car parking.</li> <li>Materials that are likely to contribute to poor internal air quality and those containing Volatile Organic Compounds (VoCs) should be avoided.</li> <li>Applicants are required to submit with all Development Applications a materials sample board detailing external colours and finishes.</li> </ol>	<p>The building incorporates glazing, stone and timber finishes. It is predominately finished in prefinished concrete wall cladding, but incorporated glazing, split face blockwork, sandstone finishes and timber look aluminium finishes. A materials and finishes board has been submitted.</p>	Yes
<b>6.4.4 Entrance Treatment</b>		
<ol style="list-style-type: none"> <li>Entries to buildings should be clearly visible, well sign posted and lit to pedestrians and motorists.</li> <li>Architectural features are to be provided at ground level giving an entrance element to the building and addressing the primary street frontage.</li> <li>All entrance treatments, such as directory boards, must be located on private property, with appropriate positive covenants and restrictions on title to ensure the ongoing management of such treatments.</li> <li>No third party advertising will be permitted on any entrance treatment facility.</li> </ol>	<p>Clear pathways have been provided into the site to points where the entries to the building are evident.</p>	Yes
<b>6.4.5 Ancillary Buildings, Storage and Service Areas</b>		
<ol style="list-style-type: none"> <li>Ancillary buildings and storage sheds are to be located behind the setback lines and be consistent with the design of the main building.</li> <li>Details of any proposed ancillary buildings, open storage and services areas must be submitted</li> </ol>	<p>N/A – There are no ancillary buildings. Services have been designed to not be viewable from the public area.</p>	Yes

Control	Proposal	Compliant
<p>with all Development Applications.</p> <ol style="list-style-type: none"> <li>Storage areas should be located within the confines of the primary building. Appropriate screening must be provided where this cannot be achieved.</li> <li>Above ground open storage areas visible from the public domain are not permissible.</li> <li>Above ground open storage areas should not compromise truck or vehicle manoeuvring and car parking areas.</li> <li>Vehicular access to loading facilities is to be provided from secondary and tertiary streets.</li> <li>Rubbish and recycling areas must be provided in accordance with Part O Site Waste Management and Minimisation of Blacktown DCP 2006. These areas must: <ul style="list-style-type: none"> <li>Be integrated with the development</li> <li>Minimise the visibility of these facilities from the street</li> <li>Be located away from openable windows to habitable rooms.</li> </ul> </li> <li>Barrier free access is to be provided to all shared facilities.</li> <li>Provide at least one shower and changing facility that is accessible to the building users.</li> <li>The following information must be provided at Development Application stage for outdoor storage areas: <ul style="list-style-type: none"> <li>Size of outdoor storage area</li> <li>Maximum storage height</li> <li>Types of goods, materials and equipment being stored outdoors; and</li> <li>Details on landscaping and screening structures.</li> </ul> </li> <li>Sunken loading docks should be avoided.</li> <li>A minimum 225mm clearance is required between finished floor level and finished ground level.</li> <li>Above ground water tanks must not be located forward of the front facade of the primary buildings.</li> <li>They should not be visible from the public domain and must be suitably screened. Details (including elevations) of all water tanks must be submitted with the DA.</li> </ol>		
<b>6.5 Ecologically Sustainable Development</b>		
<ol style="list-style-type: none"> <li>A <b>Site Water Management Plan</b> must be prepared in accordance with <b>Appendix F</b>.</li> </ol>	<p>The Proposed development has been designed to achieve the objectives relating to ecological sustainable development in that:</p> <ol style="list-style-type: none"> <li>The building has been sited and</li> </ol>	Yes

Control	Proposal	Compliant
<p>2. Development Applications are required to demonstrate consideration of:</p> <ul style="list-style-type: none"> <li>Measures that will reduce waste and conserve water through water recycling</li> <li>Measures to minimise run-off and stormwater generation</li> <li>Implementing total water cycle management by including measures that reduce consumption of potable water for non-potable uses, minimise site run-off and promote stormwater re-use</li> <li>Utilising recycled materials and renewable building resources</li> <li>Promoting biological diversity through appropriate retention, planting and maintenance of indigenous flora of the area</li> <li>Implementing a waste management strategy that promotes the overall reduction of waste levels and promoting the achievement of the 60% waste reduction target for New South Wales</li> <li>Implementing energy conservation measures that include reducing energy consumption and increasing inherent energy efficiency through design and materials selection, and adopting energy management plans.</li> </ul> <p>3. Development Applications are required to demonstrate that consideration has been given to promoting ecologically sustainable transport by complementing and reinforcing the development and use of the existing and planned integrated public transport, pedestrian and cycling networks servicing the site.</p> <p>4. Roof stormwater should be collected in tanks or street level reticulation which would serve as a retention system. The water in the retention system would be available for use for non-potable uses such as the watering of landscaped areas and use in toilet and hot water systems.</p> <p>5. Consideration should be given to the feasibility of any measures to substitute grid-source power with environmentally sustainable alternatives such as tri-generation (green transformers), co-generation (i.e. recovery of waste energy) or photovoltaics.</p> <p>6. New commercial buildings must achieve a minimum 4 star Green Star rating from the Green Building</p> <p>7. Council of Australia. Refer to the 'Green Star – Office As Built v3 Technical Manual'.</p> <p>8. New industrial and light industrial buildings must achieve a minimum 4 star Green Star rating from</p>	<p>designed to be energy efficient</p> <p>b. It will be fitted out with energy and water efficient fittings including air conditioning</p> <p>c. The selection of materials and form of construction of the development has taken into account the need for energy efficiency.</p> <p>In terms of the controls set out in 6.5, a site water management plan accompanies the DA which entails the re-use of rain water as far as is reasonably possible. The building will be designed to achieve at least a 4 star Green Star rating.</p>	

Control	Proposal	Compliant
<p>9. The Green Building Council of Australia from such time that an Industrial Tool has been adopted.</p> <p>10. Development shall incorporate water efficient fixtures such as taps, showerheads, and toilets. The fixtures must be rated to at least AAA under the National Water Conservation Rating and Labelling Scheme. Where the building or development is water intensive (ie. high water user), specific water conservation objectives must be resolved with Council.</p> <p>11. Appropriate use of energy efficient materials during construction is to be demonstrated.</p> <p>12. Development should incorporate energy efficient hot water systems, air-conditioning, lighting and lighting control systems.</p>		
<b>6.6 Fencing, Signage and Lighting</b>		
<b>6.6.1 Fencing</b>		
<p>1. Low feature walls are encouraged at entry driveways. These walls should be used for retaining purposes, as garden beds or as landscaped features and should be integrated into the overall design of the development.</p> <p>2. Front and side boundary fences forward of the building line shall consist of an open wrought iron palisade style fence, finished in either dark green or black.</p> <p>3. Side fencing behind the building line may comprise chain wire mesh or similar open style fence, plastic coated in dark green or black.</p> <p>4. Pre-painted solid metal fencing and other solid fencing is not permissible.</p> <p>5. Fencing must be set back 1m from the front property boundary.</p> <p>6. Fencing should be sited so it does not impede sightlines for drivers.</p> <p>7. Fencing along boundaries should not exceed a height greater than 3m, measured from finished ground level.</p> <p>8. Pedestrian fencing within the road reserve is to be RTA Type 1, without embellishment and black in colour.</p> <p>9. The use of timber fencing or bollards within public reserves or roads is not permitted.</p>	<p>No fencing is proposed along the street frontages or along most of the other boundaries due to the policy of SBP.</p> <p>Within the development, fencing will enclose the children's play area as it is required for safety reasons. It will probably be swimming pool type fencing largely hidden in landscaping. A small area between the building and the western boundary where back-of-house facilities are accessible will be enclosed for security and safety reasons using Sydney Business Park's standard metal picket fencing.</p>	Yes



Control	Proposal	Compliant
<b>6.6.2 Signage and Lighting</b>		
<ol style="list-style-type: none"> <li>1. Signage is to relate to the use occurring on the respective property, and should identify the relevant business name.</li> <li>2. Business identification signage should be attached to the wall of the main building and be designed to complement the architectural style of the building. Free standing signs will only be permitted where signs are integrated with the landscaping and visual character of the site and surrounding area.</li> <li>3. Directional signs for car parking areas, loading docks, delivery areas and the like should be located close to the main access of a development site. The design, colouring, type and scale of signage within individual properties should be consistent with signage across the zone as a whole.</li> <li>4. Signage is only to display corporate logos and company names and is not to occupy more than 10% of any façade or wall of a building, unless it can be demonstrated that characteristics of the site or the building require a larger area of signage.</li> <li>5. Details of all signage, including free standing, fascia, and wall signs must accompany Development Applications.</li> <li>6. The design and lux of any internal or spot lighting shall be designed to avoid off-site or traffic safety impacts.</li> <li>7. No form of moving or flashing signage or lighting is permitted.</li> <li>8. Signage is not to have a detrimental impact on the visual character of the site or surrounding area.</li> </ol>	<p>Signage will be attached to the building and placed on the existing pylon sign at the corner of the two roads. Another pylon sign may be erected at the entry/exit on Road No 5a. Minor directional signage will also be required. However, signage will be the subject of a later development application.</p> <p>The proposed development will be illuminated at night because it will be a landmark building. The parking areas will be lit to a level sufficient to ensure safety and to enable effective surveillance by security officers and CCTV while the pub is trading and until all patrons have left the site.</p> <p>The level of illumination of the parking areas will be reduced after the last patrons have left the site but will remain sufficient for security purposes.</p>	Yes
<b>6.7 Access and Parking</b>		
<b>6.7.1 Vehicular Access</b>		
<ol style="list-style-type: none"> <li>1. A site specific <b>Traffic Impact Report</b> must be prepared in accordance with <b>Appendix F</b> of this DCP.</li> </ol> <p><b>Industrial Areas</b></p> <ol style="list-style-type: none"> <li>2. Applicants are required to submit plans and details of proposed vehicular access and circulation for Council's approval with the Development Application. Details must specifically relate to vehicular movement, layout and turning circles.</li> </ol>	<p>A Traffic Report prepared by Parking and Traffic Consultants has been prepared for the DA.</p>	Yes

Control	Proposal	Compliant
<p>3. Adequate vehicular entrance to and exit from the development is to be provided and designed in order to provide safety for pedestrians and vehicles using the site and adjacent roadways. In some cases combined ingress and egress will be permitted.</p> <p>4. Vehicular ingress and egress to the site must be in a forward direction at all times.</p> <p>5. Driveway crossovers accesses by heavy vehicles should be a minimum of 9m wide, when measured at the kerb alignment.</p> <p>6. Turning circles will not be permitted to encroach upon any building.</p> <p>7. Adequate space is to be provided within the site for the loading, unloading and fuelling (if applicable) of vehicles. These areas are to be screened from the road.</p> <p>All parking areas and access roadways must be provided with a drainage system comprising surface inlet pits. Details of pipe sizes (with calculations) and drainage layouts (including discharge points) must be submitted with the Development Application.</p>	N/A	N/A
<p><b>B5 Business Development and B7 Business Park Areas</b></p> <p>1. Vehicular access should be designed to avoid conflicts with pedestrians.</p> <p>2. Adequate space shall be provided within any development site for the loading and unloading of service vehicles. The standard of loading facilities required will depend upon the nature of the development and the uses to be carried out.</p> <p>3. Council may require the provision of parking for courier vehicles. Loading facilities should be located at the rear of developments.</p> <p>4. Vehicular movements associated with loading facilities and customer/employee parking should be separated and all pedestrian movements should be segregated from vehicular movements to avoid possible conflict and congestion.</p> <p>5. Ingress to and egress from a site should be located where they will cause least interference with vehicular and pedestrian movement on public roads. Direct access will not be permitted off arterial and sub-arterial roads. Access to parking areas will not be permitted in close proximity to traffic signals, intersections or where sight distance is inadequate.</p> <p>6. The potential for on-street queuing should be eliminated by the provision of sufficient standing areas on-site for vehicles entering the car parking and loading areas.</p>	<p>Vehicle access is proposed from Road No. 4 and Road No. 5.</p> <p>A loading bay has been provided on the western side of the development.</p> <p>Assessment of car parking provision is undertaken below.</p> <p>Vehicles are capable of entering and exiting the site in a forward direction.</p>	Yes

Control		Proposal	Compliant												
7. Provision is to be made for all vehicles to enter and leave a site in a forward direction.															
6.8 Car parking															
<div>1. The provision of car parking must comply with the <b>Table 6-3</b> unless otherwise specified in the relevant Precinct Schedule.</div> <div>2. Refer to Sections 5.4 to 5.7 of Part A (Introduction and General Guidelines) of Blacktown DCP for general guidelines and principles for car parking, including design, materials, signs and monetary contributions.</div> <div>3. Safe and secure 24 hour access to car parking areas is to be provided for building users.</div> <div>Table 6-3 Specific land use requirements for car parking</div> <table><tr><th>Zone</th><th>Car parking requirements</th><th>Bicycle parking requirements</th></tr><tr><td>IN2 IN1</td><td>Buildings 7,500 sqm or less – 1 space per 75 sqm GFA  Buildings greater than 7500 sqm 0 1 spacer per 200 sqm GFA only for the area in excess of 7,500 sqm where there is a specific end user which would not demand a higher rate and where employee parking is adequately catered for a spacer per 40 sqm GFA of Office Component</td><td>Employees: 1 bicycle locker or other suitable form of secure bicycle accommodation is to be provided per 200 sqm GFA</td></tr><tr><td>B7</td><td>1 space per 40 sqm GFA</td><td></td></tr><tr><td>B5</td><td>1 space per 45 sqm GFA</td><td></td></tr></table> <div>At-grade parking</div> <div>4. At-grade parking areas are to be located so as to minimise visual impacts from the street, public domain and communal open space areas, using site planning and appropriate screen planting or structures.</div> <div>5. Parking areas are to be located generally behind front building lines.</div> <div>6. In the Business Park and Business Development zones, parking areas must not be located within the front setback area.</div>		Zone	Car parking requirements	Bicycle parking requirements	IN2 IN1	Buildings 7,500 sqm or less – 1 space per 75 sqm GFA  Buildings greater than 7500 sqm 0 1 spacer per 200 sqm GFA only for the area in excess of 7,500 sqm where there is a specific end user which would not demand a higher rate and where employee parking is adequately catered for a spacer per 40 sqm GFA of Office Component	Employees: 1 bicycle locker or other suitable form of secure bicycle accommodation is to be provided per 200 sqm GFA	B7	1 space per 40 sqm GFA		B5	1 space per 45 sqm GFA		<div>At grade car parking has been provided on site for 266 parking spaces.</div> <div>Car parking has been assessed under Part A of the BDCP requiring:  Pub – 1 space per 18.5 GFA Function centre – 1 space per 10 sqm of dining area OR 1 per 3 seats, plus 1 space per 2 employees</div> <div>Function centre</div> <div>10 employees – 5 spaces required 328 sqm of conference space – 33 spaces required OR 400 seats – 133 spaces</div> <div>Pub</div> <div>2,293 sqm – 124 spaces</div> <div>Brewery</div> <div>Merit based, maximum 2 staff at one time – 2 spaces</div> <div>Total required – 264 spaces Total provided – 266 spaces</div> <div>At grade parking provided, however, dense landscaping proposed to public streets.</div> <div>Car parking is not located within the 7.5 m front setback to proposed Road No. 4.</div>	Yes
Zone	Car parking requirements	Bicycle parking requirements													
IN2 IN1	Buildings 7,500 sqm or less – 1 space per 75 sqm GFA  Buildings greater than 7500 sqm 0 1 spacer per 200 sqm GFA only for the area in excess of 7,500 sqm where there is a specific end user which would not demand a higher rate and where employee parking is adequately catered for a spacer per 40 sqm GFA of Office Component	Employees: 1 bicycle locker or other suitable form of secure bicycle accommodation is to be provided per 200 sqm GFA													
B7	1 space per 40 sqm GFA														
B5	1 space per 45 sqm GFA														

Control	Proposal	Compliant
<b>Industrial Areas</b>		
<ol style="list-style-type: none"> <li>7. The car parking area should be located immediately behind the minimum setback area and in front of any activity on the site.</li> <li>8. The car parking area should be accessible to all parts of the industrial development which it serves.</li> <li>9. The use of stack parking is not favoured and may only be permitted in special circumstances.</li> <li>10. Parking facilities for commercial vehicles should be designed in accordance with Australian Standard 2890.2 to accommodate the largest type of truck which could reasonably be expected to park on the site.</li> <li>11. Sufficient spaces should be provided for disabled parking. All developments providing 50 parking spaces or more must provide at least 2% or part thereof of those spaces for disabled drivers, clearly marked and signposted for this purpose and located as close as possible to the building's entrance.</li> <li>12. All parking areas shall be constructed of hard-standing, all-weather material, with parking bays and circulation aisles clearly delineated.</li> </ol>		
<b>6.9 Waste Management</b>		
<b>General</b> <ol style="list-style-type: none"> <li>1. A <b>Waste Management Plan</b> must be prepared in accordance with <b>Appendix F</b> of this DCP.</li> <li>2. Facilities to allow on-site source separation and re-use of materials on-site should be provided.</li> <li>3. Waste collection should be provided on-site at the street frontage with clear access to facilitate pick up.</li> <li>4. The siting of any stockpile must take into account environmental factors such as slope, drainage, location of watercourses and native vegetation.</li> <li>5. Sufficient space must be provided for the storage of garden waste and other waste materials on site.</li> <li>6. Re-use of stockpile materials on-site should be facilitated.</li> <li>7. Sufficient space for storage of recyclables and garbage should be provided on-site.</li> <li>8. Adequate space should be provided for the temporary storage of recyclables, garbage and compostable materials in each unit.</li> <li>9. Waste cupboards should be designed and located so as to be accessible, useable and cater for change of use.</li> <li>10. The area or room allocated for garbage and</li> </ol>	<p>A Waste Management Plan has been submitted and waste management is considered satisfactory as the site is to be serviced by a private contractor.</p>	Yes

Control	Proposal	Compliant
<p>recycling is to be of a sufficient size to store Council's standard bins in an efficient manner.</p> <p>11. Garbage and recycling areas/rooms must be accessible to all users and have unobstructed access to Council's standard bins in an efficient manner.</p> <p>12. Areas for the storage of bulky waste (eg. clean up materials) should be provided.</p> <p>13. Volume reduction equipment should be specified in the Development application.</p> <p>14. Where the development is large or where the site characteristics warrant, multiple garbage and recycling areas should be provided.</p> <p>15. External space for compostable materials should be provided and located separate to the garbage and recycling room.</p> <p>16. Composting facilities should be purpose built and be incorporated into the landscape plan for development.</p> <p>17. The siting of composting facilities should take into account the potential impact on neighbouring properties.</p> <p>18. Composting facilities should be adequately signposted to indicate availability of composting facilities on-site.</p>		
<b>6.10 Safety and Surveillance</b>		
<p>1. A <b>Crime Risk Assessment Report</b> must be prepared in accordance with <b>Appendix G</b> of this DCP, for each development that involves the erection of new buildings, or new or modified landscaping works.</p> <p>2. Buildings should be designed to overlook public domain areas and provide casual surveillance.</p> <p>3. Building entrances should be orientated towards the street to ensure visibility between entrances, foyers, car parking areas and the street.</p> <p>4. Appropriate lighting should be provided to all cycle and pedestrian paths, bus stops, car parks and buildings.</p> <p>5. Development should provide clear sight lines and well-lit routes between buildings and the street, and along pedestrian and cycle networks within the public domain.</p> <p>6. Consideration should be given to the use of landscape elements so as to not compromise the perceived level of safety.</p>	<p>NSW Police have provided conditions of consent. The design of the development is open, relevant security measures including CCTV and bollard lighting throughout the car parking is proposed. Areas are to be designed to provide overlooking and casual surveillance of the car park areas. In addition, there will be employment of security guards.</p>	<p>Yes</p>

Control	Proposal	Compliant
<b>Additional provisions specific to the site – Schedule 3 Marsden Park Industrial Precinct</b>		
<b>5.1.2 Development Adjoining Richmond Road and South Street</b>		
<u>Development to the west of Richmond Road</u> Development adjoining Richmond Road should: <ul style="list-style-type: none"> <li>• Provide a high quality co-ordinated landscaping theme in the 20m setback between the development and Richmond Road</li> <li>• Be designed so that the rear of the building provides visual interest through articulated building facades when viewed from Richmond Road</li> <li>• Avoid long expanses of blank walls</li> <li>• Provide a co-ordinated signage theme, which minimises the number, size and extent of signage</li> <li>• Address both the slip road and Richmond Road.</li> </ul>	<ul style="list-style-type: none"> <li>• The building is setback 20 m or more from the Richmond Road reserve.</li> <li>• The building design addressed the street frontages to Richmond Road and proposed Road No. 4.</li> <li>• Signage is not proposed as part of this development.</li> <li>• High quality landscaping, including a landscape buffer in addition to Sydney Business Park's own landscape buffer has been provided.</li> </ul>	Yes