



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-351	
DA Number	DA/240/2021	
LGA	City of Parramatta Council	
Proposed Development	Construction of a seven storey centre-based child care facility to accommodate 184 children over two levels of basement car parking. The application is Nominated Integrated Development pursuant to the Water Management Act 2000.	
Street Address	2 Palmer Street, Parramatta NSW 2150	
Applicant/Owner	Parramatta P Holdings Pty Ltd (owner and applicant)	
Date of DA lodgement	29 March 2021	
Number of Submissions	0 submissions	
Recommendation	Approval, subject to conditions.	
Regional Development Criteria (Schedule 4A of the EP&A Act)	General Development Over \$5 Million Cost of Construction proposed = \$5,927,283.00	
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021; • State Environmental Planning Policy (Resilience and Hazards) 2021; • State Environmental Planning Policy (Transport and Infrastructure) 2021; • State Environmental Planning Policy (Industry and Employment) 2021; • Parramatta Local Environmental Plan 2011 (PLEP 2011) 	
Report prepared by	Apoorva Chikkerur, Development Assessment Officer	
Report date	11 July 2022	
Summary of S4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?		Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g., Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>		Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?		Yes

Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	N/A
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

1. Executive Summary

This report considers a proposal for the construction of a seven storey centre-based child care facility to accommodate 184 children over two levels of basement car parking. The application is Nominated Integrated Development pursuant to the Water Management Act 2000.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concerns. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Grant development consent for development proposal subject of this application, subject to the recommended conditions.

2. The Site and Surrounds

The subject site is known as 2 Palmer Street, Parramatta NSW 2150, LOT 1 DP 609963.

The site is located on the north-eastern corner of Palmer Street, between Palmer Lane and Sorrell Street, Parramatta. The site is generally rectangular in shape and contains a two (2) storey commercial building with associated at-grade parking along the western side boundary.

The subject site is within 90m of the Parramatta Light Rail project. Church Street is currently under construction to provide for the new Parramatta Light Rail that will run, in part, through the Parramatta CBD.

The total site area is 599.1m². The site has a frontage of 24.51m to the western boundary of Palmer Lane, 16.925m to the northern boundary of Palmer Lane, 16.979m to Palmer Street. The rear boundary is 30.535m in length.

The site is surrounded by a mixture of retail, commercial and high rise mixed residential and commercial development. The site is not considered to be a heritage item; however, it is in the vicinity of three heritage items. To the west of the site, fronting Church Street is the former St Peters Uniting Church and Studio. To the north of the Church is a site called Anthony Malouf & Co. Further to the west of the site, is Prince Alfred Square. The new Parramatta light rail provides for the Prince Alfred Square station in front of this public open space. There are a number of primary and high schools within walking distance of the site. The area is currently in transition with older style buildings replaced by larger developments constructed in more recent years.

The nearest bus stop to site is located 135m away on Market Street and 175m on Victoria Road, Parramatta.

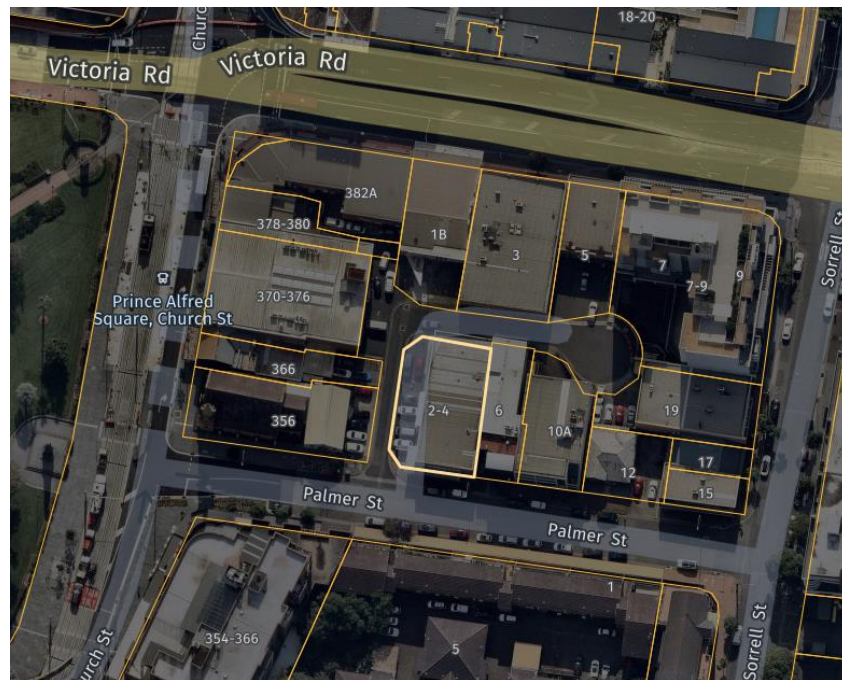


Figure 1: Aerial image of the subject site (highlighted in yellow) and the surrounding properties.

Dated May 2022.

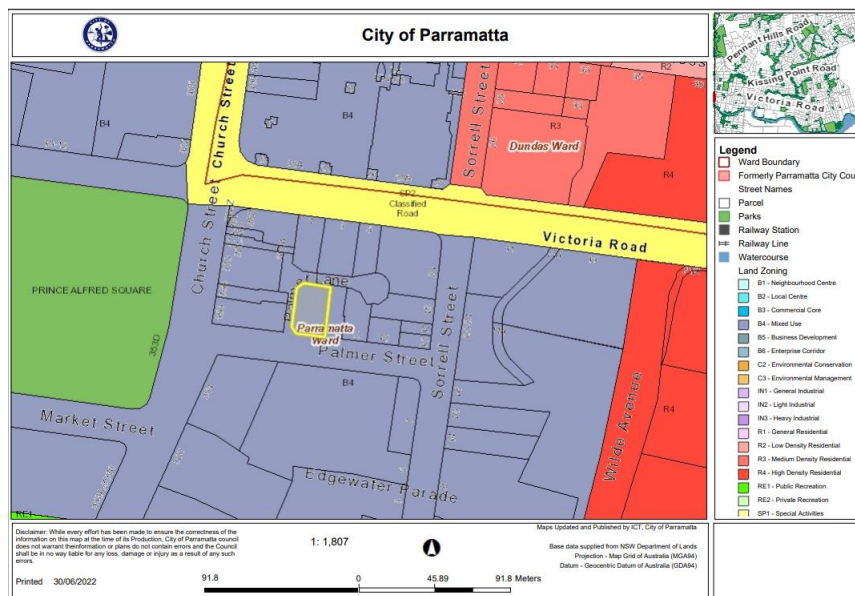


Figure 2: Zoning map of the subject site (outlined in yellow)

3. The Proposal

This development application seeks consent for the following:

Construction of a seven (7) storey, 184 place childcare centre with basement car parking for 15 vehicles.

The details of the proposal are provided below:

Basement Level

- 15 carparking spaces within two (2) levels of basement car parking provided including 10 staff and 5 visitor spaces.
- 8 bicycle spaces are provided within Basement Level 1. 1 motorbike space is provided for staff within Basement Level 2.

Level 1 – 6

A childcare centre with a capacity for 184 children in the following categories:

- Level 1: 0-2 years – 32 children (8 educators);
 - Level 2: 0-2 years – 32 children (8 educators);
 - Level 3: 2-3 years – 20 children (4 educators)
 - Level 4: 2-3 years – 20 children (4 educators)
 - Level 5: 3-5 years – 40 children (4 educators)
 - Level 6: 3-5 years – 40 children (4 educators)
- Total = 184 children and 32 educators.**

Outdoor play area

- Irregular shaped common outdoor area provided on Levels 1-6.

Use of the site

The proposed operating hours are 7.00am – 7.00pm on Monday to Friday.



Figure 3: Artist impression of proposed development viewed from Palmer Street. (Source: Arquero)



Figure 4: Artist impression of the proposed development viewed from Prince Alfred Park.



Figure 5: North and South elevation of the proposed child care centre.



Figure 6: Section plan of the proposed child care centre.

4. Referrals	
Specialist	Comment
Transport for New South Wales (Parramatta Light Rail)	<p>Supported, subject to conditions.</p> <p>The application was referred to Transport for New South Wales (TfNSW) during the assessment of the application and the following comments were provided.</p> <p>Comments received on 21 April 2021:</p> <ul style="list-style-type: none"> TfNSW has reviewed the development application and is concerned regarding the proposed development's traffic generation and impact to the surrounding classified network which includes the operation of the future Parramatta Light Rail (PLR). As such, TfNSW requires the proponent to provide the following to TfNSW: <ul style="list-style-type: none"> TfNSW requires the proponent to provide the electronic copies of all SIDRA model files for review and verification. The following should be provided along with the SIDRA files: <ul style="list-style-type: none"> Any adjustments to the base values of the model shall be identified and supporting justification for each change provided. Traffic changes to Church Street due to light rail operations should also be incorporated into the model. It is requested that the proponent undertake a queuing assessment. Such queuing assessment should include all drop-off, pick-up, freight, and servicing vehicle movements to and from the

	<p>development. Specific detail shall be provided to potential queuing on Palmer Street that may affect the light rail operations on Church Street.</p> <ul style="list-style-type: none"> • <i>It is noted, frequent liaising between the applicant and TfNSW was undertaken to obtain the confidential SIDRA modelling assessment to address the concerns raised.</i> <p>A Supplementary Traffic and Parking Advice report was submitted by the applicant on 9 February 2022.</p> <p>Comments received on 28 April 2022:</p> <ul style="list-style-type: none"> • <i>While it is not unreasonable to use trip generation rates surveyed from other childcare centres, the two sites surveyed are much closer to the train station than the proposed childcare centre (400m and 500m vs ~1000m). The trip generation rate of the surveyed site that is 500m away from the station is higher than the rate of the site that is only 400m away indicating the correlation between these two variables. Additionally, the rates surveyed for both sites are significantly lower than the trip generation rates obtained from a 2015 survey for child care centres which were 0.8 trips/child for both AM and PM. As such, it is recommended to take higher trip generation rates for the proposed site of 0.5 trips/child and 0.7 trips/child for the AM and PM respectively.</i> • <i>According to street view, it seems most (if not all) of the 'vacant parking spaces' along Sorrell St and Palmer St are paid parking. It does not seem realistic to assume every visitor will pay to drop off and pick up their children.</i> • <i>HV and Bus PCU values for all models have been left at the default of 1.65 whereas the RMS modelling guidelines recommend increasing this value to 2.</i> • <i>The signalised option scenarios that include pedestrians uses a default walking speed of 1.3m/s whereas the RMS modelling guidelines recommend 1.2m/s.</i> • <i>Why were the intersections not added into a network model given the close proximity of the intersections as well as the light rail running through two intersections?</i> • <i>It is unclear why the Church St / Palmer St intersection was not modelled given that it lies between Victoria Rd / Church St and Church St / Market St.</i> • <i>The modelled intergreen time of 4s yellow + 4s red for the light rail phase seems rather short considering other phases are already 4s yellow + 3s red.</i> <p>The above additional information was requested and amended Supplementary Traffic and Parking Advice was provided on the 16 May 2022 and was re-referred to TfNSW for comment. Comments were provided from TfNSW on 28</p>
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June 2022 and further additional information was requested as the initial concerns had not been satisfactorily addressed. These matters are outlined below:

Reference is made to your email below containing requested SIDRA modelling and updated traffic report for the proposed child care facility at 2 Palmer St, Parramatta. TfNSW has reviewed the submitted information and provides the following comments, numbered as responses to correlated items in the traffic report:

1. Traffic generation rates

Whilst it is acknowledged that the proposed child care centre is less than 200m from the future Prince Alfred Square light rail station, the proposal's accessibility to this facility is not as significant a factor from a predictive point of view as the proximity to Parramatta Station, with its multiple rail lines and bus services and huge passenger throughput. The proposed development is located at a walking distance from Parramatta Station that is more than twice that of the two comparable nearby sites used to estimate future car trips:

100 George St; 109 registered places; 500m walk from Parramatta Station

AM – 0.40 trips/child

PM - 0.62 trips/child

30 Cowper St; 208 registered places; 400m walk from Parramatta Station

AM – 0.30 trips/child

PM - 0.53 trips/child

AVERAGE:

AM – 0.35 trips/child

PM - 0.58 trips/child

Previous RMS surveys of Long Day Care Centres show the following average results:

AM – 0.80 trips/child

PM - 0.80 trips/child

None of these sites were located close to a major transport hub like Parramatta Station, so some discounting is warranted for this application. However, it should be noted that all were close to bus services.

Having regard to the proposal's greater walking distance to Parramatta Station (which would act to increase car trips relative to the other two Parramatta sites) and the proximity to the light rail stop (which will act to decrease car trips), a rate based on the higher of the two comparable Parramatta sites (i.e., 100 George St; 0.40 trips/child [AM] and 0.62 trips/child [PM]) would seem a reasonable and prudent compromise in the circumstances.

2. Base performance measurements

The original comment was regarding the labelling of 'existing performance' when the models actually represented 'future base performance'. Similarly, the labelling of 'future performance' as both scenarios modelled are 2026 models.

However, this seems to have been addressed in Table 1 of the updated document so this can be closed off.

3. Street parking

While it is agreed that paid parking will discourage private vehicle use, the original comment has not been addressed. How will visitors be able to drop off / pick up their children when almost all of the parking spaces along those two streets are paid parking?

4. Peak vehicle accumulation

Was P0 the value that was calculated?

What were the values used for each variable?

For clarity, please provide step by step calculations (e.g., in an excel spreadsheet).

5. 5.3, 5.4, 5.5.

From the correspondence we have read from TfNSW in relation to the provided SIDRA models, it has not been mentioned anywhere that the provided SIDRA models have been appropriately configured for the assessment of the subject development site though it does state that the provided SIDRA models do not account for any traffic generation associated with the proposed development.

Additionally, it is typical for the consultant to review any provided models/data and assess whether they are fit for purpose before undertaking any modelling. In the event their gaps in the data, it is also the responsibility of the consultant to flag this with the client and/or procure this data rather than develop a model that may not be suitable for the needs of the project. 5.5 It is suggested to contact the SCATS/PLR team to confirm the accuracy of intergreen times.

A remote meeting was held on the 26 July 2022 to address the above issues raised by TfNSW with the applicant group, members from TfNSW and Council in attendance. A supplementary traffic and parking advice was provided by the applicant to TfNSW on the 26 July 2022. TfNSW provided the following comments (summarised) supporting the proposal, subject to conditions, on 28 July 2022:

Comments received on 28 July 2022

	<ul style="list-style-type: none"> <i>In accordance with Clause 2.122 and Part 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, please note the following for inclusion in consent issues, relevant to the subject proposal:</i> <ul style="list-style-type: none"> <i>A detailed Operational Transport Management Plan (OTMP) prior to occupancy, is to be provided.</i> <i>Noting Parramatta Light Rail and other construction projects within the vicinity of the proposal are likely to occur simultaneously, they need to be considered in the Traffic Report. The traffic report must acknowledge any possible impacts to any major events being held at CommBank Arena.</i> <i>Prior to the issue of any construction certificate, the applicant must prepare a construction Pedestrian and Traffic Management Plan (CPTMP).</i> <i>Noting the proposal includes a child care centre, a Green Travel Plan and Travel Access Guide will be required.</i> <i>Due to the construction of the Parramatta Light Rail within proximity to the site and the connection between Palmer Street and Church Street, the increased demand on kerbside space along Palmer Street is expected to be greater. Accordingly, all pick-up and drop off should occur off-street as kerbside restrictions cannot be relied upon.</i> <i>Prior to the issue of any construction certificate, the applicant must prepare a detailed Precinct wide Car Park and Loading Dock Management Plan in consultation with TfNSW.</i> <p>Planning Comment: The above comments have been taken into consideration and forms part of this assessment.</p>
Senior Engineer	Catchment Supported, subject to conditions.
Tree and Landscape	Supported, subject to conditions.
Traffic	<p>Supported, subject to conditions. The application was referred to Council's Traffic and Transport Engineer and the following comments were provided:</p> <ul style="list-style-type: none"> <i>The site is located within the Parramatta City Centre where maximum parking rates are applied to the developments. 15 parking spaces are provided, as shown on the submitted plans, including 10 staff parking spaces and five (5) parent/visitor parking spaces.</i> <i>Eight (8) bicycle spaces are provided, as shown on the Basement 1 Plan (Drawing No. A201 – Rev A).</i>

	<ul style="list-style-type: none"> • One (1) motorcycle space is provided, as shown on the Basement 2 Plan (Drawing No. A200 – Rev A). • The dimensions of the parking spaces and aisle width, as shown on the submitted DA plans = 2.6m wide x 5.4m long for visitor parking and 2.4m wide x 5.4m staff long for spaces and 7.1m aisle width. At blind aisle, the aisle is extended 1m beyond the last parking space on each row of the parking spaces and minimum 300mm space is provided where the side boundary of a space is a wall or a column, as shown on the submitted plans. • The dimensions and configuration of the disabled parking spaces = dedicated space plus shared space (2.6m wide x 5.4m long with a bollard installed on the shared space). • Swept path plan have been provided with the Traffic and Parking Impact Assessment report. On-site manoeuvring appears satisfactory. • A 5.5m entry and exit driveway to the basement level carpark from Palmer Street, as shown on the Ground Floor Plan (Drawing No. A202 – Rev A). Note that roller shutter door has not been shown on the submitted plans. • Driveway gradients, as shown on the Ground Floor Plan (Drawing No. A202 – Rev A), do not meet the requirements of AS2890. The first 6m of the ramp from the property boundary into the car park has gradient greater than 5%. As a result, the applicant is to be required to re-design the access ramp in compliance with the requirements of Clause 3.3 of AS 2890.1-2004. This requirement can be conditioned. • 2m x 2.5 sight triangle splay has not been shown on the submitted plans. This requirement can be conditioned. • The submitted Traffic and Parking Impact Assessment report estimated that the expected net increase in traffic generation associated with the proposed development is in the order of 47 vehicle trips in the AM peak period (20 IN, 27 OUT) and 16 vehicle trips in the PM peak period (12 IN, 4 OUT). • The report, then, concludes that in any case, the proposed use will be complimentary to other uses in the CBD, and it is likely that a proportion of trips will be associated with residents of or workers in the CBD centre dropping-off or picking-up their children as part of their commute (i.e., not new trips). • It is expected that a high portion of the demand for the proposed childcare centre use public transport to access the site as the site has good access to public transport facilities. In addition, the proposed parking provision is lower than normal parking provision for other similar childcare centres which is expected to result in lower traffic generation. For this reason, it is
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		<p><i>not expected that the proposed development cause significant impact on the operation of the surrounding road network.</i></p> <ul style="list-style-type: none"> <i>Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. The proposal can be supported on traffic and parking grounds subject to the following traffic related conditions.</i> <p>Planning Comment: The above comments have been taken into consideration and forms part of this assessment.</p>
Urban Design (Public Domain)		<p>Supported, subject to conditions.</p> <p>Planning Comment: The above comments have been taken into consideration and forms part of this assessment.</p>
Urban Design (Building)		<p>Supported, subject to conditions.</p> <p>Planning Comment: The above comments have been taken into consideration and forms part of this assessment.</p>
Environmental (Acoustic)	Heath	<p>Supported, subject to conditions. The application was referred to Council's Environmental Health Officer for assessment and the following comments were provided:</p> <ul style="list-style-type: none"> <i>The Acoustic Group were engaged to prepare an Acoustical Assessment for the proposed Construction of a seven storey centre-based child care facility to accommodate 184 children over two levels of basement car parking at 2 Palmer Street, Parramatta NSW.</i> <i>The report concludes that with the noise control measures described in the report, the proposed Childcare Centre can be built and operated to satisfy the various acoustic criteria applicable to the project.</i> <p>Planning Comment: The above comments have been taken into consideration and forms part of this assessment.</p>
Environmental (Contamination)	Heath	<p>Supported, subject to conditions. The application was referred to Council's Environmental Health Officer for assessment and the following comments were provided:</p> <ul style="list-style-type: none"> <i>Geotechnique Pty Ltd were engaged to prepare a Preliminary Site Investigation for the proposed Construction of a seven storey centre-based child care facility to accommodate 184 children over two levels of basement car parking at 2 Palmer Street, Parramatta NSW.</i> <i>The PSI concludes that: based on the results, a Stage 2 Detailed Site Investigation (by sampling and testing) after the demolition/removal of the existing site</i>

		<p><i>features is required to determine the contamination status of the soil within site. If any contaminants are identified, the site can be made suitable for the proposed development following successful remediation and validation.</i></p> <p>Planning Comment: The above comments have been taken into consideration and forms part of this assessment.</p>
Environmental (Waste)	Heath	<p>Supported, subject to conditions. The application was referred to Council's Environmental Health Officer for assessment and the following comments were provided:</p> <ul style="list-style-type: none"> <i>Dickens Solutions were engaged to prepare a Waste Management Plan for the construction and on-going use for the proposed construction of a seven storey centre-based child care facility to accommodate 184 children over two levels of basement car parking at 2 Palmer Street, Parramatta NSW.</i> <i>A separate Development Application was submitted to Council for the demolition of the existing building and a separate Waste Management Plan was prepared for the submission (also by Dickens Solutions).</i> <i>The proposal satisfies the requirements of Council's controls and can be supported, subject to standard conditions of consent.</i> <p>Planning Comment: The above comments have been taken into consideration and forms part of this assessment.</p>
Environmental (Food)	Heath	Supported, subject to conditions.
Open Spaces and Natural Areas		Supported, subject to conditions.
Heritage		Supported, subject to conditions.
Property		Supported, subject to conditions.
Design Advisory Panel (DEAP)	Excellence	<p>Comments Provided. The application was referred to DEAP on the 13 May 2021 and additional information was requested. Amended plans were submitted and re-referred to DEAP on the 12 August 2021 for further comments. These comments are outlined below:</p> <p>The Design Excellence Advisory Panel makes the following comments in relation to the scheme, and with reference to the issues raised in the previous DEAP review on 13 May 2021.</p> <ol style="list-style-type: none"> <i>The Panel appreciated the detailed presentation and overview of the Reggio Emilia approach to early learning</i>

	<p><i>education, and how that was intended to inform the design brief for spatial and play area layouts. The Panel understands that this approach to aesthetics and function would allow 'fluidity' in learning to express the form of the building in a literal manner, through a crafted exterior with an organically shaped and screened façade.</i></p> <ul style="list-style-type: none"> • While the Panel understood the efforts made to integrate key Reggio Emilia principles and address context issues, it was considered that more work is still needed to resolve the scheme in a number of key areas noted below. <p><i>2. This approach to the exterior was not regarded by the Panel to be the most appropriate response to the evolving urban form of this precinct, especially given the heritage significance of nearby items (such as St Peters Church) and the equally important heritage of Palmer Street itself. An alternative model and expression aligned to the street edge was recommended, at least for the lower four or five levels of the building, with setback upper levels perhaps aligning to the organic shaped forms currently proposed. It is the Panel's opinion that a better aligned street edge would create a more appropriate association with St Peter's Church, which also has an important presence in the public realm.</i></p> <ul style="list-style-type: none"> • There is an intended precinct character for this area that requires more detailed resolution of the built form in relation to streetscape edges, corner treatments and heritage relationships, and the current design still does not adequately deal with these interfaces. <p><i>3. The Urban Design context study should be reviewed to include a deeper analysis of the built form dialogue between the church and adjacent streets, so as to understand its traditional and historical role as a stand-out building at this location. The expression of the proposed building, while responding to Reggio principles, appears not to relate to its street context, thereby weakening the dialogue that the Church has maintained to the adjacent street network and broader urban context.</i></p> <ul style="list-style-type: none"> • The fluidity of internal planning should not need to be interpreted so literally on the façade perimeter and should be seen more as contained within a robust envelope that gives more subtle hints of a
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	<p>playful interior with spatial flow, colour and texture aligned with the childcare use.</p> <ul style="list-style-type: none"> • It would be useful to also have some street cross sections provided that relate to both existing and potential future building envelopes around the site. <p>4. <i>Concern was raised that the shrouded articulation of the exterior and curvilinear facade would diminish the street's rectilinear definition. The Panel also questioned the relationship between the base and top in the proposed massing, that has a 4:3 proportion, when 5:2 could be more aligned with urban design principles for the area. The colour also appeared too literal a reference to the Church; it may be that a neutral backdrop with darker colour palette would be more recessive against St Peter's sandstone materiality.</i></p> <ul style="list-style-type: none"> • The revised 5:2 façade stepping was seen as an improved outcome provided this differentiation is clearly achieved around all sides. • More street views past the St Peters Church and from various other street approaches would help to better locate the building in a public domain context, with recessive tones and materiality from a solid masonry base and colour palette less like sandstone (refer to building left of St Peters on Church St). <p>5. <i>While the proposed batten screen finish to the exterior might be seen as intriguing visualisation device from the outside, the Panel is concerned that it would not necessarily offer the variety of anticipated experiences to kids playing inside and could lead to maintenance issues. It is recommended therefore that form and materiality is reviewed, with greater exploration of vertical internal volumes within the envelope, internal variations of soffit treatment, lighting, expression of structure and services, which could all enhance the learning experiences of the children.</i></p> <p>6. <i>As an object in space, the building as proposed could be placed anywhere, including places with less intrinsic character such as Darling Harbour. However, the aesthetics of the proposal, its design approach and materiality, should have more reference to Parramatta. It was recommended that a masonry base with higher solid to void ratio, could better relate with the urban context, while keeping the Reggio principles intact on the interior. A masonry building could also incorporate a structural order, horizontal vs vertical expression / modulation and overall relationship to the immediate property subdivision</i></p>
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	<p><i>and urban grain of the context, This could even be expressed as a 'brise-soleil' brickwork pattern to provide a robust exterior, with scope to address security, privacy, and activation with playful interventions.</i></p> <ul style="list-style-type: none"> • With a stronger solid: void relationship this podium expression should then make the transition to a more open and permeable treatment at upper levels that can better relate to immediate surroundings while introducing the lighter batten detailing and organic floor edges contained within. • There needs to be more attention to the façade detailing and how the degrees of transparency vs. visual privacy and security can be reconciled at street level. It would be useful for a study to be undertaken of how other similar buildings in such locations deal with these issues, and detail sections at 1:20 providing more clarity on the structure and services. <p><i>7. The driveway ramp is currently located on the site's most valuable street interface with the public domain; while this may make sense from a traffic perspective, it significantly constrains active uses and passive surveillance on its most significant facade. The ramp location will also require a tricky (and costly) resolution of suspended elevator shafts, that may even lead to clearance issues. Therefore, it is strongly recommended that the ramp be relocated to Palmer Lane.</i></p> <ul style="list-style-type: none"> • Relocation of the driveway ramp and entry has improved the public domain interface and also helps resolve some potentially difficult structural issues. • Nevertheless, there is still concern that the splayed column strategy may prove challenging along with a successful transition through ground level uses to the basement, and further investigation of options is recommended. <p><i>8. The recessed main entrance was also of concern to the Panel. Not only is this space liable to create CPTED issues (although the Applicant advised that operable screens would allow this area to be secured after hours), but it will also erode the integrity of the building's address to the public domain by offering a void at its most intense interface. It was therefore recommended that entry doors be brought forward to the street, with a spacious airlock arrangement provided to allow for a social interaction, pick up, carer gathering and other uses that can benefit from congestion and social interaction.</i></p>
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	<ul style="list-style-type: none"> • Alterations to the entry and airlock were queried as this corner still did not show clearly how a workable, accessible, and well resolved address would be realised while ensuring ease of access and security. There is insufficient detail on how the sliding door mechanism would work, how it would be supported and what this would appear like during both day and night conditions. • Entry sequence is not entirely successful in terms of functionality, pinch points, and spatial allowance, and more thought is needed for how users would move through the space without conflicts, where pram or bicycle parking would be located and where any services might be to avoid potential issues. • The internal void space and batten screening need further resolution in conjunction with façade detail and materiality concerns noted above. <p>9. <i>More graphic operational diagrams may help to explain the planning requirements for circulation around reception, ground level areas and above, and where other social / learning space opportunities may exist. It might also be useful to know the projected proportion of kids who will be dropped off or collected from cars, public transport, bicycle or by foot and how this could affect basement and ground level access.</i></p> <ul style="list-style-type: none"> • The operational graphics were not sufficiently detailed to understand how management and servicing will be handled during the different phases, and these should accompany analysis of the anticipated centre patronage, modes of transport expected and vehicular movements. <p>10. <i>The proposal has excellent potential to demonstrate sustainable design features, such as the inclusion of p/v solar panels, ceiling fans to augment natural cross ventilation in lieu of or as an alternative to mechanical a/c system. Again, the demonstration of sustainability measures could enhance the children's' experience of learning and interacting with the natural environment. Landscape was noted as a high priority in the design approach, and scope for green and 'biophilic' treatments would be encouraged where possible.</i></p> <ul style="list-style-type: none"> • It was apparent that the Applicant is keen to see a building that demonstrates sustainable and 'biophilic' design strategies, both in operation and a
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	<p>means of educating the children as users. This approach is strongly supported but there needs to be a substantial input by services and landscape consultants to ensure that the strategies are creative and pragmatic, and this requires strong analysis and detailed graphics to show the intent is workable.</p> <ul style="list-style-type: none"> Internal dynamics and aspirations are all commendable but should be supported by thorough design development and internal renderings with the updated DA package. <p>Planning Comment: Amended architectural plans were submitted addressing the above matters raised. The above comments have been taken into consideration and forms part of this assessment.</p>
Water NSW	General Terms of Approval received
Endeavour Energy	Supported, subject to conditions.

5. Assessment under Environmental Planning and Assessment Act 1979

The sections of this Act which require consideration are addressed below:

Section 4.15: Evaluation

This section specifies the matters which a consent authority must consider when determining a development application, and these are addressed in the Table below:

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 6.
Section 4.15 (1)(a)(ii) - Draft environmental planning instruments	Refer to section 7.
Section 4.15 (1)(a)(iii) – Development control plans	Refer to section 8.
Section 4.15 (1)(a)(iv) - The Regulations	Refer to section 9.
Section 4.15 (1)(b) – The likely impacts of the development	Refer to section 10.
Section 4.15 (1)(c) – The suitability of the site for development	Refer to section 11.
Section 4.15 (1)(d) – Any submissions	Refer to section 12.
Section 4.15 (1)(e) – The public interest	Refer to section 13.

6. Environmental Planning Instruments

Overview

The instruments applicable to this application comprise:

- Environmental Planning and Assessment Act 1979.
- Water Management Act 2000
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021;

- Parramatta Local Environmental Plan 2011 (PLEP 2011).
- Childcare Planning Guideline 2017.

Compliance with these instruments is addressed below.

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

The provisions of SEPP (Resilience and Hazards) 2021 have been considered in the assessment of the development application.

<input checked="" type="checkbox"/>	A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination.
<input checked="" type="checkbox"/>	Historic aerial photographs were used to investigate the history of uses on the site.
<input checked="" type="checkbox"/>	A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination.
<input checked="" type="checkbox"/>	A search of public authority databases did not include the property as contaminated.
<input checked="" type="checkbox"/>	The statement of Environmental Effects states that the property is not contaminated.
<input checked="" type="checkbox"/>	There is no specific evidence that indicates the site is contaminated.

Therefore, in accordance with Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, the land is suitable for the proposed use.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The application has been assessed against the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021. This Policy 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 preservation of trees and other vegetation.

Clause	Comment
Chapter 2 – Vegetation in non-rural areas - Part 2.3 Council permits for clearing of vegetation in non-rural areas	
Clause 2.6 – Clearing that requires permit or approval	No trees are proposed for removal within this development application.
Chapter 10 – Sydney Harbour Catchment – Part 10.2 Planning Principles	
Clause 10.10 – Sydney Harbour Catchment	The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Clause	Comment
Division 5 (Subdivision 2) - Development likely to affect an electricity transmission or distribution network	The subject site is not in the vicinity of electricity infrastructure that would trigger the concurrence of the electricity supply authority.
Division 15 (Subdivision 2) s2.97 – Development adjacent to rail corridors	The subject site is not adjacent to a rail corridor.
Division 15 (Subdivision 2) s2.98 – Excavation in, above, below, or adjacent to rail corridors	N/A.
Division 15 (Subdivision 2) s2.99 – Impact of rail noise or vibration on non-rail development	An acoustic report was submitted with the application. Council's Environmental Health Officer has assessed the proposal and found it to be satisfactory. Appropriate conditions have been included in the consent to mitigate adverse acoustic impact to the future occupants of the site.
Division 17 (Subdivision 2) – Development in or adjacent to road corridors and road reservations.	The subject site does not have frontage to a classified road. Palmer Street has an average daily traffic volume of less than 20,000 vehicles per day. As such, this clause is not applicable to the development application.
Division 17 (Subdivision 2) Traffic Generating Development 1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves— a) new premises of the relevant size or capacity, or b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity. 4) Before determining a development application for development to which this section applies, the consent authority must— a) give written notice of the application to TfNSW within 7 days after the application is made, and b) take into consideration— i. any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission).	<p>The scale of the proposal would make it a traffic generating development under Schedule 3 Traffic-generating development to be referred to TfNSW – Chapter 2, Column 3, for a site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road). The site is within 90m proximity to Victoria Road and Church Street (PLR corridor), which are a classified roads.</p> <p>A referral was sent to Parramatta Light Rail (PLR) under Transport for New South Wales (TfNSW) who provided comments supporting the proposal subject to conditions of consent. This is discussed further in the Referrals section of the report.</p>

Chapter 3 Educational establishments and Child Care Facilities – Part 3.3 Early education and care facilities – specific development controls.

<p>3.22 Centre-based child care facility – concurrence of Regulatory Authority required for certain development</p> <p>(1) This section applies to development for the purpose of a centre-based child care facility if—</p> <ul style="list-style-type: none"> a. the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i>, or b. the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations. 	<p>Concurrence not required.</p> <p>The proposal complies with the required indoor and outdoor unencumbered play area.</p> <p>(a) The <i>Education and Care Services National Regulations</i> requires 3.25m² of unencumbered indoor space per child. Accordingly, for 184 children, an unencumbered indoor space of 598m² is required.</p> <p>Proposed = 769.5m²</p> <p>(b) The <i>Education and Care Services National Regulations</i> requires 7m² of unencumbered outdoor space per child. Accordingly, unencumbered outdoor space of 1288m² is required for 184 children.</p> <p>The proposal provides for 1650.2m² of unencumbered outdoor space.</p>
<p>3.24 Centre-based child care facility—matters for consideration by consent authorities</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 Guideline</i>, in relation to the proposed development.</p>	<p>Noted</p> <p>The applicable provisions of the Guideline have been considered and an assessment against the matters for consideration is provided in the table below.</p>
<p>3.26 – non-discretionary development standards</p> <ul style="list-style-type: none"> (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. (c) Site area and site dimensions. <p>Colour of building materials or shade structures.</p>	<p>Noted</p> <p>The non-discretionary development standards subject of this clause has been considered.</p>
<p>Clause 3.27 – development control plans</p> <p>(1) A provision of a development control plan that specifies a requirement,</p>	<p>Noted</p> <p>The provisions of the Parramatta Development Control Plan (PDCP) 2011 pertaining to this</p>

<p>standard or control in relation to any of the following matters does not apply:</p> <ul style="list-style-type: none"> (a) operational or management plans, (b) demonstrated need or demand for child care services, (c) proximity of facility to other early education and care facilities, (d) any matter relating to a centre-based child care facility contained in: <p>) the design principles set out in Part 2 of the Child Care Planning Guideline, or</p> <ul style="list-style-type: none"> (e) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline. 	<p>clause have not been applied during the assessment of this development application.</p>
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CHILDCARE PLANNING GUIDELINE 2017

The Guideline identifies issues that must be taken into consideration when assessing the proposal for a Childcare Centre. It also refers to the application of the *National Regulations for Childcare Centres*. The table below responds to each consideration raised in the Guideline. The assessment against the National Regulations is addressed in a separate table.

Provisions	Comment
Part 2 – Design Quality Principles	
Principle 1 – Context	<p>The subject site is considered an appropriate location for the proposed childcare centre for the following reasons:</p> <ul style="list-style-type: none"> • The site provides a safe and convenient vehicular and pedestrian access via Palmer Street and Palmer Lane. • The site is of a size and shape that provides for efficient access and circulation spaces with extensive play areas. • The site is within close proximity to public transport and employment and business nodes. Nearby bus services (Bus 546, 549, 550, 552, 600, 601, 603, 604, 606, 609, 625, 706) on Victoria Road, which provides connections between Parramatta, Carlingford, West Ryde, Macquarie Centre, Auburn, Epping, and Liverpool. • The site is not a battle-axe allotment or a cul-de-sac. • The proposal is also not within proximity to any intensive, offensive, and hazardous land uses.

Principle 2 – Built Form	The proposed childcare care centre comprises of a seven storey structure with a multi-level basement car parking to allow for increased internal play areas.
Principle 3 – Adaptive Learning Spaces	The proposed childcare centre offers both indoor and outdoor play areas that are well designed and achieves a high level of amenity for children and staff.
Principles 4 – Sustainability	The proposal has sufficient door and window openings to promote cross ventilation
Principle 5 – Landscape	The proposed outdoor play space is well integrated with the building and will provide diversity in function and use, age appropriateness and amenity.
Principle 6 – Amenity	The proposal would provide appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, storage, service areas, and accessible areas. Appropriate measures have also been undertaken to ensure minimisation of acoustic and visual privacy impacts to adjoining properties.
Principle 7 – Safety	The building maintains its orientation and views towards the street frontage and does not encourage views onto residential areas. The site is a corner allotment which would only allow access to designated visitors.

Part 3 – Matters for Consideration

The prescribed Matters of Consideration include the following:

1. Site Selection and Locations
2. Local Character, Streetscape, and the Public Domain Interface
3. Building Orientation, Envelope, Building Design and Accessibility
4. Landscaping
5. Visual and Acoustic Privacy
6. Noise and Air Pollution
7. Hours of Operation
8. Traffic, Parking and Pedestrian Circulation

All of these matters have been considered and addressed under the Guideline Compliance Table below.

Provision	Comment / Compliance
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Part 3 – Matters for Consideration

3.1 Site selection and location

C1 Zone considerations

Objective: To ensure that appropriate zone considerations are assessed when selecting a site.

The proposal includes satisfactory compliance with the setback controls and window placement to ensure sufficient visual and acoustic privacy will be provided to the adjoining properties. Appropriate conditions

	<p>would have been included in the consent if the proposal was recommended for approval.</p> <p>Councils Traffic Engineer has reviewed the submitted Traffic and Parking assessment and is satisfied with the conclusions of the report with respect to the provision of parking and the capacity of the surrounding road network. The proposed traffic and parking arrangements are acceptable subject to recommended conditions of consent.</p>
<p><i>C2 Site selection</i></p> <p><i>Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.</i></p>	<p>Environmental constraints</p> <p>The site is not flood prone land and is not affected by landslip, bushfires, or coastal hazards.</p> <p>Site Characteristics</p> <p>The site being corner allotment, when viewed in isolation, is considered suitable for the proposed development.</p> <p>Contamination</p> <p>See SEPP (Biodiversity and Hazards) 2021 for further discussion.</p> <p>Restricted Premises</p> <p>The site does not adjoin any restricted premises or places of incompatible social behaviour.</p>
<p><i>C3 Site location</i></p> <p><i>Objective: To ensure that sites for child care facilities are appropriately located.</i></p>	<p>The child care centre is within a 500m radius to public open space areas and public transport.</p>
<p><i>C4 Avoidance of hazards</i></p> <p><i>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</i></p>	<p>The site is not located nearby to any uses that would result in adverse environmental conditions to children, staff, or visitors.</p>
<p>3.2 Local character, streetscape, and the public domain interface</p>	
<p><i>C5 Compatible character and streetscape</i></p> <p><i>Objective: To ensure that a child care facility is compatible with the local character and surrounding streetscape.</i></p>	<p>The proposed child care centre has been designed to present as a multi storey building when viewed from the street elevation.</p> <p>This is consistent with the building typology on Palmer Street and Palmer Lane.</p>
<p><i>C6 Public and Private Spaces</i></p> <p><i>C7 Multiple Entries</i></p>	<p>Play Space</p>

<p><i>C8 Parks and open spaces</i></p> <p><i>Objective: To ensure clear delineation between the child care facility and public spaces.</i></p>	<p>The child care centre has clear delineations between the public and private domain.</p> <p>Fencing</p> <p>The Noise Assessment Report shows new acoustic fencing of 1.6m on all levels of the outdoor play areas.</p> <p>Pedestrian Entries</p> <p>Pedestrian entry is provided to the childcare facility from the south-western side of Palmer Street.</p> <p>Parks and open spaces</p> <p>The development does not adjoin public parks, open space, or bushland. However, it is within 500m of Prince Alfred Square located south and of the site.</p>
<p><i>C9 Front Fencing &</i></p> <p><i>C10 Fencing on Classified Roads</i></p> <p><i>Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</i></p>	<p>No front fencing is proposed.</p> <p>Fencing on Classified Roads</p> <p>The site does not front a classified road.</p>
<p>3.3 Building orientation, envelope, and design</p>	
<p><i>C11 Building Layout</i></p> <p><i>Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.</i></p>	<p>Visual privacy and acoustic privacy</p> <p>Visual and acoustic privacy has been discussed under Section 3.1 above and found to be satisfactory.</p> <p>Solar Access</p> <p>The proposal complies. Accompanying shadow diagrams indicate that a minimum of 30% of the indoor and outdoor play areas on each level will be provided during the winter solstice.</p>
<p><i>C12 Scale</i></p> <p><i>Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</i></p>	<p>The proposed building height is consistent with surrounding buildings. Refer to the PLEP 2011 section for further discussion.</p> <p>Setbacks along the primary and secondary frontages as well as the rear of the property are appropriate for the site and comply with the requirements in the PDCA 2011.</p> <p>The overall scale of the building is considered appropriate for the site.</p>
<p><i>C13 Front Setback</i></p> <p><i>C14 Rear Setback</i></p>	<p>Refer to assessment above and the PDCA 2011 Compliance Table.</p>

<p><i>Objective: To respond that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</i></p>	
<p>C15 Built Form</p> <p><i>Objective: To ensure the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.</i></p>	<p>The proposed built form is consistent with the existing buildings surrounding the site.</p>
<p>C16 Entry</p> <p><i>Objective: To ensure that the buildings are designed to create safe environments for all users.</i></p>	<p>The proposal incorporates a clear and separate pedestrian pathway from the street to the building via corner of Palmer Street and Palmer Lane.</p> <p>The entry and pathway are visible from the street frontage and can easily be monitored through both natural and camera surveillance.</p> <p>A lift has been incorporated in the design of the building that allows ingress into the child care centre from the basement to the ground floor level. Provision for external stairs from the basement to the ground floor pathway has also been provided. It is considered the entry and pathway into the child care centre has been adequately addressed in the design of the building.</p>
<p>C17 Accessibility</p> <p><i>Objective: To ensure that child care facilities are designed to be accessible by all potential users.</i></p>	<p>The development provides an accessible visitor car space within the basement and accessibility ramps from the street and internally.</p> <p>The application was accompanied by an Access Report. The proposal includes accessible facilities for all potential users with the basement car park incorporating stairs and a lift.</p>
3.4 Landscaping	
<p>C18 Landscaping</p> <p>C19 Car park landscaping</p> <p><i>Objective: To provide landscape design that contributes to the streetscape and amenity.</i></p>	<p>The landscape planter/garden beds around the perimeter of the outdoor play space have not been included in the calculation of unencumbered space.</p> <p>The car park is located wholly within the basement.</p>
3.5 Visual and acoustic privacy	
C21 Overlooking from public space	<p>The play areas would be screened by acoustic fencing and would not be visible from the public domain.</p>

Objective: To protect the privacy and security of children attending the facility.	
C22 Overlooking into adjoining properties Objective: To minimise impacts on privacy of adjoining properties.	The proposal has been designed to minimise direct overlooking of adjoining properties through the orientation of indoor and outdoor spaces within the development and the use of screen planting and solid balustrade fencing.
C23 Acoustic privacy C24 Acoustic consultant Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments	The proposed design includes 1.6m high solid balustrade along Levels 1-6 outdoor play areas. Council's Environmental Health Officer assessed the Acoustic Report prepared by The Acoustic Group and were satisfied with the proposed acoustic measures for the proposed child care centre.
3.6 Noise and air pollution	
C25 Design solutions to minimise noise impacts C26 Noise attenuation from external sources Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.	The proposed design has incorporated efficient acoustic fencing and landscape buffer to minimise the noise pollution to the occupants of the centre. Notwithstanding this, indoor play rooms, cot rooms and outdoor play areas have been strategically located away from external noise sources.
C27 Air pollution C28 Air quality report Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.	The site is not located with a frontage to a classified road. However, due to its proximity to a classified road (Victoria Road & Church Street located 90m from the site) An Air Quality Report was submitted with the development application. Air dispersion modelling was used in the report to predict for cumulative air quality impacts at the Project site due to the effects of traffic emissions from all nearby roads. The results showed that all pollutant levels at the Project would be within the relevant impact assessment criteria at the proposed outdoor play areas. Overall, it concluded the proposed development is adequate to ensure no adverse impacts would arise post development.
3.7 Hours of operation	
C29 Hours of operation C30 Mixed use or predominantly commercial areas	The proposed hours of operation are Monday to Friday, 7am to 7pm.

<p><i>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</i></p>	<p>The site is located within mixed use development areas.</p>
<p>3.8 Traffic, parking, and pedestrian circulation</p>	
<p><i>C31 Off street parking</i></p> <p><i>C32 Commercial or industrial zones and mixed used developments</i></p> <p><i>In commercial or mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</i></p> <p><i>C33 Traffic and Parking Study</i></p> <p><i>Objective: To provide parking that satisfies the needs of users and demand generated by the centre.</i></p>	<p>Councils Traffic Engineer has reviewed the submitted Traffic and Parking assessment and is satisfied with the conclusions of the report with respect to the provision of parking and the capacity of the surrounding road network. The proposed traffic and parking arrangements are acceptable subject to recommended conditions of consent.</p> <p>The site is located in a mixed use development area. The subject site is within 90m of the Parramatta Light Rail corridor (which is a classified road) and, as such, a referral was sent to Transport for New South Wales (TfNSW) for comment.</p> <p>The proposal has adequately provided information on safe car parking for the users of the site.</p>
<p><i>C34 Alternate vehicular access</i></p> <p><i>C35 Development within cul-de-sacs or narrow lanes and roads</i></p> <p><i>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</i></p>	<p>The site has a frontage to Palmer Street. A vehicular access to the two levels of basement car parking is provided from the secondary frontage on Palmer Lane.</p>
<p><i>C36 Design solutions to help provide a safe pedestrian environment</i></p> <p><i>C37 Mixed use developments</i></p> <ul style="list-style-type: none"> <i>Driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks.</i> <i>Drop off and pick up zones that are exclusively available for use</i> 	<p>The pedestrian and vehicle entries are separate and considered satisfactory.</p> <p>Driveway access to the basement car parking is provided at the rear of the subject site through Palmer Lane.</p> <p>No off-site designated areas are proposed for exclusive drop off and pick up zones to access the</p>

<p>during the facility's operating hours with spaces marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site</p> <p><i>C38 Safe car parking design</i></p> <p><i>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</i></p>	<p>child care centre. TfNSW have raised a concern with this proposal.</p>
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Controls	Proposed	Compliance
Part 4 – Applying the National Regulations to Development Proposals (Checklist)		
4.1 Indoor space requirements		
<p>Regulation 107</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p>	<p>Required – 598m² for 184 children</p> <p>Provided – 769.5m²</p>	Complies
<p>Verandas as indoor space</p> <p>For a veranda to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather.</p>	<p>The application does not rely on verandas as indoor space.</p>	N/A
<p>Storage</p> <p>Storage areas including joinery units are not to be included in the calculation of indoor space.</p> <p>It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> • a minimum of 0.3m³ per child of external storage space • a minimum of 0.2m³ per child of internal storage space. 	<p>External Storage</p> <p>Required– 55.2m³</p> <p>Proposed – 56m³</p> <p>Internal Storage</p> <p>Required– 36.8m³</p> <p>Proposed – 42m³</p>	Complies
4.2 Laundry and hygiene facilities		
<p>Regulation 106</p>	<p>A separate laundry is provided on the ground floor including washing</p>	Complies

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.	machines, dryers, and storage cupboards.	
4.3 Toilet and hygiene facilities		
Regulation 109 A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.	Satisfactory toilet and hygiene facilities have been provided on all levels in accordance with Regulation 109.	Complies
4.4 Ventilation and natural light		
Regulation 110 Education and Care Services National Regulations Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.	The site is north-south facing with a secondary frontage to the western side of Palmer Lane. Every level, excluding the ground floor is open on 3 sides with void areas providing natural light and ventilation throughout the building.	Complies
4.5 Administrative space		
Regulation 111 A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.	The child care centre is provided with a reception area, staff room and office on the ground floor.	Complies
4.6 Nappy change facilities		
Regulation 112 Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing	Nappy changing facilities are provided within the indoor play areas 1-4 which are located on Levels 1 and 2 for the children aged 0-2.	Complies

facilities should be designed and located in an area that prevents unsupervised access by children.		
4.7 Premises designed to facilitate supervision		
Regulation 115 A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.	The floor plan of the centre facilitates supervision by staff at all times. Similarly, due to the design of the external play areas and the openings of the centre, supervision is ensured from within the facility and from external play areas.	Complies
4.8 Emergency and evacuation procedures		
Regulations 97 and 168 Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including: <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service. 	A plan of management, fire emergency evacuation plan and flood emergency evacuation plan have been submitted and found to be satisfactory.	Complies.
4.9 Outdoor space requirements		
Regulation 108 An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7m ² of unencumbered outdoor space. If this requirement is not met, the concurrence of the	Required – 1288m ² for 184 children Provided – 1650.2m ²	Complies

regulatory authority is required under the SEPP.		
4.10 Natural environment		
Regulation 113 The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment. Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand, and natural vegetation within the outdoor space.	The outdoor play areas are comprised of suitable areas for children to play that include sand pits, activity areas, water play elements, artificial turf areas and a vegetable garden.	Complies
4.11 Shade		
Regulation 114 The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	The proposal provides for satisfactory shaded areas around the perimeter of the centre, including the outdoor play area. This allows for monitoring of the children from within the centre as well as providing all-weather protection to the play area.	Complies
4.12 Fencing		
Regulation 104 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. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.	The ground floor outdoor play area will be enclosed by 1.6m high acoustic fencing for outdoor play areas on all levels.	Complies

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

PERMISSIBILITY

The site is zoned B4 Mixed Use under Parramatta Local Environmental Plan (PLEP) 2011. The proposed uses are defined as “*centre-based child care facility*”.

PLEP 2011 defines a centre-based child care facility as:

- a) *a building or place used for the education and care of children that provides any one or more of the following—*
 - i. *long day care,*
 - ii. *occasional child care,*
 - iii. *out-of-school-hours care (including vacation care),*
 - iv. *preschool care, or*
- b) *an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),*

Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include—

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

The above use is permissible with consent within B4 Mixed Use zone under the PLEP 2011.

The proposal meets the objectives of the B4 Mixed Use zones in that the development:

- Provides a mixture of compatible land uses;
- Integrates suitable business, office, residential, retail, and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling; and
- Encourages development that contributes to an active, vibrant, and sustainable neighbourhood;

Clause	Compliance
Clause 4.3 Height of Buildings	<p><u>Proposed</u> = 24.971m</p> <p><u>Variation</u> = 0.971m or approximately 4%</p>
<u>Allowable</u> = 24m	No, however acceptable. Refer to Clause 4.6 discussion at the end of this table.
Clause 4.4 Floor Space Ratio	<p><u>Proposed:</u></p> <ul style="list-style-type: none"> • 2.62:1 (1569.64m²) excluding outdoor play areas/

<p><u>Allowable:</u> 4:1 (2396.4m²)</p>	<ul style="list-style-type: none"> • 4:1 (2419.7m²) including the outdoor play areas <p>Yes. Refer to discussion below.</p>
<p>Discussion: Calculation of the floor space ratio</p> <p><i>In Haralambis Management Pty Ltd v Council of the City of Sydney [2013] NSWLEC 1009</i> the Court held that the floor area inside:</p> <ul style="list-style-type: none"> • closable bi-fold windows over solid balustrades; and • closable aluminium framed glass louvres, <p>was to be included in the calculation of gross floor area.</p> <p>In contrast, the Court agreed and accepted that the floor area inside permanently open louvres above a solid balustrade were to be excluded from the calculation of GFA. The Court noted that <i>“For a balcony to be open space there should be a degree of openness and exposure to the elements. An area that can by choice be permanently enclosed and used as a habitable room would not be open space.”</i></p> <p>The proposed outdoor play areas include a 1.6m acoustic fencing on Levels 1-6. The fencing includes 1.2m of solid balustrade and a 400mm of glass acoustic balustrade to provide a safe acoustic fencing for the children utilising the outdoor play areas. As the floor to ceiling height is approximately 3m on each level, there is sufficient <i>permanent</i> open space and exposure to the elements. Therefore, the outdoor play areas have not been included in the calculation of the gross floor area which makes the proposal compliant with the standard prescribed under the Parramatta Local Environmental Plan 2011.</p>	
<p>Clause 4.5 Calculation of floor space ratio and site area</p>	<p>The Floor Space Ratio and Site Area has been calculated in accordance with this clause.</p>
<p>Clause 4.6 Exceptions to development standards</p>	<p>As referenced above, the height limit has been proposed to be varied by 4%. An assessment of the breach against the requirements of Clause 4.6 and relevant CaseLaw is below.</p> <p>In accordance with Clause 4.6(8), the variation is not more than 5%.</p>
<p>Clause 5.1A Development on land intended to be acquired for public purposes</p>	<p>The site is not identified to be acquired for public purposes.</p>
<p>Clause 5.6 Architectural roof features</p>	<p>An architectural roof feature is not proposed.</p>
<p>Clause 5.7 Development below mean high water mark</p>	<p>The proposal is not for the development of land that is covered by tidal waters.</p>
<p>Clause 5.10 Heritage Conservation</p>	<p>The site is not listed as an item of heritage significant on any statutory instrument, nor is it located in a Heritage Conservation Area (HCA). It is however, in the vicinity of two heritage items of significance, being:</p> <ul style="list-style-type: none"> • St Peter’s Church at 356 Church Street (local); • Shops at 366 Church Street (local); • Prince Alfred Square at 353 Church Street (state significant)

	The proposal was assessed by Council's Heritage Advisor, using information provided by GBA Heritage; considering the site context and the future desired character of the area. The proposal was considered to have an acceptable heritage impact.
Aboriginal Places of Heritage significance	The site is identified as Low Aboriginal Heritage Sensitivity.
Clause 5.11 Bush fire hazard reduction	The site is not identified as bushfire prone land.
Clause 5.21 Flood Planning	<p>The proposed development was assessed by Council's Senior Catchment Engineer who provided the following comments:</p> <ul style="list-style-type: none"> • <i>The subject site is within a floodplain;</i> • <i>The subject site and street fronting the site is not affected by 1% AEP flood, however, it is affected by the Probable Maximum Flood (PMF).</i> • <i>The PMF level has been estimated at 12m AHD and flood affectation has been categorised as low provisional hazard area.</i> <p>A Flood Risk Management Plan was requested and submitted by the applicant and was found to be satisfactory and suitable conditions are included in the consent.</p>
Clause 6.1 Acid Sulphate Soils	The site is classified as containing Class 5 Acid Sulphate Soils. The proposed works are not within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and is unlikely to lower the water table below 1m AHD on adjacent Class 1, 2, 3 or 4 land.
Clause 6.2 Earthworks	<p>The proposal involves excavation works to accommodate basement car parking.</p> <p>The excavation and provision of retaining walls will ameliorate acoustic impacts associated with noise from vehicular movement within the site and will not significantly alter the finished floor level above natural ground level when compared to the existing residential dwelling on the site.</p> <p>Having regard to the above, the proposed development is in accordance with the objectives of Clause 6.2 Earthworks and Council considers that the extent of earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, or features of the surrounding land. Suitable conditions are included in the consent.</p>
Clause 6.4 Biodiversity protection	The site is not identified on this map.
Clause 6.5 Water protection	The site is not identified on this map.
Clause 6.6 Development on landslide risk land	The site is not identified on this map.
Clause 6.7 Affected by a Foreshore Building Line	The site is not located in the foreshore area.

Part 7 Additional local provisions – Parramatta City Centre								
Clause 7.2 Floor Space Ratio	Under this clause, the site benefits from a Floor Space Ratio of 4:1. Refer to Clause 4.4 in this table for the calculation of the floor space ratio which is under 4:1.							
Clause 7.3 Car Parking	<p>The LEP maximum car parking rates are applicable to the site being within the Parramatta City Centre. Based on the car parking rates identified within this clause, the following parking rates apply:</p> <table border="1"> <thead> <tr> <th>Use</th><th>Parking Rate</th><th>Parking required</th></tr> </thead> <tbody> <tr> <td>Centre-based child care facilities</td><td>A maximum of 1 parking space to be provided for every 4 children</td><td>46 spaces</td></tr> </tbody> </table> <p>The proposed development provides 15 car parking spaces which is below the maximum permissible parking allowable for the site. The proposal complies with the required parking rates.</p>		Use	Parking Rate	Parking required	Centre-based child care facilities	A maximum of 1 parking space to be provided for every 4 children	46 spaces
Use	Parking Rate	Parking required						
Centre-based child care facilities	A maximum of 1 parking space to be provided for every 4 children	46 spaces						
Clause 7.4 Sun Access	The site is not identified on the LEP sun access protection map. The proposed development meets the objectives of this clause and does not result in overshadowing to public open space in Parramatta Square, the Lancer Barracks site, and Jubilee Park.							
Clause 7.6 Airspace Operations	The site is not identified within the LEP Special Provisions Map and this clause is not applicable to the site.							
Clause 7.10 Design Excellence Parramatta City Centre	Clause 7.10 is applicable to this development as it involves the erection of a new building on land to which this Part applies. The proposed development was referred to the Design Excellence Advisory Panel for comment, which was supported. Refer to the DEAP section under the Referrals table for further discussion.							

CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

Objectives of Clause 4.6 of Parramatta LEP 2011

The objectives of this clause are as follows:

- *to provide an appropriate degree of flexibility in applying certain development standards to particular development; and*
- *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(3) states that:

“(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard”.*

A written request under the provisions of Clause 4.6 of Parramatta LEP 2011 was lodged as the proposed development seeks a variation to the following development standards:

Clause 4.3 – Height of Buildings

The proposal does not comply with the maximum permissible building height of 24m stipulated within Clause 4.3 – Height of Buildings. The proposed maximum height of the structures is 24.917m and comprises the proposed lift overruns.

The development proposal exceeds the maximum permissible building height by 0.917m which is a 4% variation to the development standard.

The applicant has submitted the following justification for the variation to the maximum building height permitted:

- The written request seeks to vary the sites 24m building height control by a maximum of 0.971m or approximately 4%. The portion of the proposed building that extends above the 24m building height control is part of the buildings lift overruns;
- The roof area is irregular in shape, comprising an area of 349.3m², of which the lift overrun comprises 15m² or 4.39% of the total roof area;
- The lift overrun is located adjacent towards the eastern side boundary of the building and setback approximately 13m from Palmer Street. In its immediate context, it will not be visible from Palmer Street or Palmer Lane;
- While the additional height of the lift overrun does cast some additional overshadowing, such shadow is contained on the roof;
- Changes to the location and design of the lift overrun to fully comply with the 24m building height standard would be both unreasonable and unnecessary, in these circumstances of this case as it adds no additional bulk and scale to the buildings overall form; and
- Full compliance with the height standard would reduce the number of children able to attend the centre.

Assessment of the exception under Clause 4.6:

In assessing the applicant's request to vary a development standard, the provisions of Clause 4.6 state that:

“(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) the concurrence of the Secretary has been obtained”.

In assessing an exception to vary a development standard, the following also needs to be considered:

Is the planning control a development standard?

The planning control, Clause 4.3 Height of Buildings is a development standard pursuant to Parramatta Local Environmental Plan 2011.

What is the underlying object or purpose of the standard?

The underlying purpose of Clause 4.3 is to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan; to minimize visual impact, disruption of views, loss of privacy and loss of solar access to existing development; to require the height of future buildings to have regard to heritage sites and their settings; to ensure the preservation of historic views; to reinforce and respect the existing character and scale of low density residential areas; and to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Strict compliance with the development standard requires a reduction in the overall height of the building on the site which would decrease the number of children allowed for the child care centre. The development would be less efficient as a result. As such, reduction in the overall building height would be inconsistent with the relevant provisions of the Parramatta LEP 2011 which includes to retain the predominant role of Parramatta's mixed use areas.

Compliance with the development standard in this case would hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act which include the promotion and co-ordination of the orderly and economic use and development of land.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Compliance with the development standard is unreasonable in the circumstances of the case for the following reasons:

- The proposed development does not result in an adverse overshadowing impact or adverse amenity impacts to adjoining public spaces or residential areas.
- The proposed structure is required for the function of the development and is consistent in scale with similar structures in the locality.
- The proposed structure has a small footprint and is sufficiently separated from adjoining Heritage Items and therefore does not detract from the heritage characteristics of these items or impact upon heritage views.

Is the exception well founded?

Chief Justice Preston of the NSW Land and Environment Court provided further guidance to consent authorities as to how variations to the standards should be approached. Justice Preston expressed the view that there are 5 different circumstances in which an objection may be well founded:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

The findings in case *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* indicate that the consent authority must be satisfied that the applicant's written request adequately demonstrates that the compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravention; and that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

The applicant's written request demonstrates that compliance with the development standard is unreasonable or unnecessary and provides sufficient environmental planning grounds to vary the development standard. In this respect the Clause 4.6 variation is well drafted.

The intent of the development standard is to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan; to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development; to require the height of future buildings to have regard to heritage sites and their settings; to ensure the preservation of historic views; to reinforce and respect the existing character and scale of low density residential areas; and to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

The proposed non-compliant building height does not defeat the underlying purpose of this clause as the visual impacts arising from the non-compliance are minimal given the siting of the structure and separation from site boundaries; lack of adverse privacy and solar access impacts to existing development; and preservation of historic views and heritage items. As such, the proposed development is consistent with the objectives of this development standard and the objectives of the B4 Mixed Use zone.

In this case, the applicant's written request is well drafted and adequate in addressing the matters required to be demonstrated by Clause 4.6(3) and the proposed development is in the public interest as it is consistent with the objectives of the Height of Buildings Development Standard and the objectives for development within the B4 Mixed Use zone.

7. Draft Environmental planning instruments

Parramatta CBD Planning Proposal

On 6 May 2022, the Department of Planning finalised the Parramatta CBD Planning Proposal (CBD PP) process by publishing the final instrument, referred to as Parramatta Local Environmental Plan 2011 (Amendment No 56) – now referred to as the City Centre LEP.

The Parramatta CBD Planning Proposal seeks to amend the planning controls for the Parramatta CBD as they currently apply in the Parramatta LEP 2011. The Parramatta CBD Planning Proposal seeks to:

- Expand the Commercial Core to provide for long-term employment opportunities and enable corporate organisations to locate in Parramatta;
- Increase floor space ratios and height controls to provide for high quality office and mixed-use tower development across the CBD, subject to the development providing community infrastructure (in the case of mixed-use tower development) and meeting other design criteria;
- Protect sunlight access to important open spaces and public domain areas in and surrounding the CBD by limiting building heights around these spaces to minimise overshadowing during the colder parts of the year;
- Promote best practice environmental sustainability in new development, including dual piping, water and energy use standards, reducing on-site car parking, and also requiring bicycle parking and end-of-journey facilities (such as showers and change rooms);
- Recognise the importance of Parramatta's heritage and ensure new development demonstrates an appropriate relationship to heritage items and conservation areas in and surrounding the CBD while preserving existing controls to the land within the Park Edge Highly Sensitive Area and Parramatta Park;
- Promote design excellence in new development by offering incentives where an applicant undertakes a competitive design process for the development;
- Manage the risk to property and life through building design to enable people to shelter-in-place and/or safely evacuate from the building in the event of a flood.

The proposed development is consistent with the objectives of the Draft City Centre LEP where it promotes best practice environmental sustainability in new development. The proposal protects solar access to existing open spaces and public domain areas in and surrounding the CBD and recognises the importance of Parramatta's heritage by ensuring the proposed development is sympathetically designed in relation to the heritage items within the immediate vicinity.

Whilst the draft City Centre LEP must be considered when assessing this application, under cl4.15(1)(a)(ii) of the *Environmental Planning & Assessment Act 1979*, the LEP is neither imminent or certain and therefore limited weight has been placed on it.

Draft Parramatta Local Environmental Plan 2020

Draft Parramatta LEP 2020 was placed on public exhibition on the 31 August 2020, with exhibition closing on the 12 October 2020. The draft LEP will replace the five existing LEPs that apply within the Local Government Area and will be the primary legal planning document for guiding development and land use decisions made by Council.

Whilst the draft LEP must be considered when assessing this application, under cl4.15(1)(a)(ii) of the *Environmental Planning & Assessment Act*, the LEP is neither imminent or certain and therefore limited weight has been placed on it.

LEP	Height	FSR	Zoning
PLEP 2011	24m	4:1	B4
DLEP 2020	24m	4:1	B4

Notwithstanding, the proposed development is consistent with the objectives of the Draft LEP.

8. Development Control Plans

Parramatta Development Control Plan 2011 (PDCP 2011)

The proposal has been assessed against the relevant provisions of PDCP 2011. Particular reference is made to Part – Other Provisions, 5.2 Child Care Centres

The DCP adopts a performance-based approach where control provisions typically consist of two components, being objectives and controls (such as a numerical standard). However, if a proposal does not meet the numerical controls in the DCP, it may still be supported in so far as it successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The application has been assessed against, and is consistent with, the objectives of the DCP. The development will not result in undue adverse impacts upon either the amenity of the adjoining premises or the character of the locality. The issues elaborated upon below have been raised as concerns during the assessment of the application or where the 'deemed to satisfy' provisions have not been met.

The relevant matters to be considered under DCP 2011 for the proposed development are outlined below:

Development Control		Compliance
Part 2 – Site Planning		
2.4.1 Views and Vistas		There are no significant views to or from the site identified within the DCP and the site is not in proximity to a Heritage Conservation Area.
2.4.2 Water Management		
2.4.2.1 Flooding		Refer to PLEP 2011 table for further discussion.
2.4.2.2 Protection of Waterways		The proposal complies.
2.4.2.3 Protection of Groundwater		The proposal complies.
2.3.3 Soil Management		
2.4.3.1 Sedimentation		An Erosion and Sediment Control Plan was submitted with the Development Application and conditions of consent ensuring minimisation of soil erosion are included in the consent.
2.4.3.2 Acid Sulphate Soils.		Refer to LEP table.
2.4.3.3 Salinity		The proposal complies.
2.4.4 Land Contamination		Refer to body of report.
2.4.5 Air Quality		Standard conditions are recommended minimising the potential for air pollution.
2.4.6 Development on Sloping Land		The proposal complies.
2.4.7 Biodiversity		The proposal complies.
2.4.8 Public Domain		The proposal complies.
Part 4 – Strategic Precincts		
<p>Note: The site is located within the B4 Mixed Use zone pursuant to the PLEP 2011.</p> <p>The provisions of this section of the DCP apply to development in the Parramatta City Centre, as shown in Figure 4.3.3.1 and will prevail where there is any inconsistency with other sections of this DCP. The broad objectives for the Parramatta City Centre are:</p> <ul style="list-style-type: none"> To support the primacy of the centre as an employment node with a strong commercial core occupied by high order quality commercial buildings. 		

- To support the commercial core with surrounding mixed use development that reinforces and complements the centre's core employment role.
- To ensure high quality design of buildings and public areas.
- To activate the Parramatta River edge and the relationship of the river to the city.
- To provide for the conservation and interpretation of Parramatta's heritage.
- To improve the natural environment.

For centre-based child care facilities, the matters for consideration in the Child Care SEPP and the Guideline take precedence over controls in this DCP, with the exception of controls relating to building height, side and rear setbacks and car parking rates.

4.3.3.1 Building Form

Minimum Street Frontage

C.1 at least one street frontage of 20m or more on land zoned B3 Commercial Core, B4 Mixed Use or B5 Business Development.

N/A. This control is not relevant in accordance with the requirements of Clause 25 of SEPP (Education and Child Care Facilities) 2017.

Building to street alignment and street setbacks

C.1 Must comply with Figures 4.3.3.1.1 and 4.3.3.1.2

The proposal complies with a 0m front setback.

Upper Level Setbacks

C.1 Must comply with Figures 4.3.3.1.3 and 4.3.3.1.5

- The proposal complies

Building Separation

C.1 Comply with Figure 4.3.3.1.12.

C.2 Where permissible, side, and rear boundaries are to be built to zero metres at lower levels of buildings.

- The proposal complies at 0 lot side setback up to street frontage.
- The proposal complies.

Building Form and Wind Mitigation

C.1 maximum wind criteria as per DCP 2011

C.2 Site design for tall buildings should:

- Set tower buildings back from lower structures built at the street frontage

• A pedestrian wind environment statement prepared by Windtech was submitted with the application. The results of the assessment indicated that the development has incorporated several design features such as impermeable balustrades, rounded and chamfered building corners, landscaping and façade fin features which were recommended to be retained.

- There are six (6) outdoor play areas located on Levels 1-6, which are open to the norther, western and southern aspects. Play areas on level 1 is shielded from all prevailing winds by the surrounding buildings, whilst play area 2 and above are primarily exposed to the prevailing

<ul style="list-style-type: none"> • Protect pedestrians from strong wind downdrafts. • Ensure that tower buildings are well spaced from each other. • Consider the shape, location, and height of buildings. • Ensure useability of open terraces and balconies. 	<p>south to south-easterly winds, and the westerly prevailing winds.</p>
<p>Building Exteriors</p> <p>C.1 Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings</p> <p>C.2 Balconies and terraces should be provided.</p> <p>C.3 Articulate façades so that they address the street and add visual interest.</p> <p>C.4 External walls should be clad with high quality and durable materials and finishes.</p> <p>C.5 Finishes with high maintenance costs, those susceptible to degradation or corrosion that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.</p> <p>C.6 To assist articulation and visual interest, avoid large expanses of any single material.</p> <p>C.7 Limit opaque or blank walls for ground floor uses to 30% of the building street frontage.</p> <p>C.9 A materials sample board and schedule is required to be submitted with applications for development over \$1 million or for that part of any development built to the street edge.</p> <p>C.11 The design of roof plant rooms and lift overruns is to be</p>	<ul style="list-style-type: none"> • The proposal complies. • The proposal complies. • The proposal has a unique design which addresses the street and adds visual interest. • The proposal complies. • The proposal is able to comply. • Adequate building articulation is proposed. • The proposal is able to comply. • Submitted with the application and found to be satisfactory. • The proposal complies.

<p>integrated into the overall architecture of the building.</p> <p>C.12 New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.</p>	<ul style="list-style-type: none"> • The proposal complies.
<p>Vehicular Driveways and Manoeuvring Areas</p> <p>C.1 Driveways should be:</p> <ul style="list-style-type: none"> • Provided from lanes and secondary streets rather than the primary street, wherever practical. <p>C.2 Vehicle access is to be designed to;</p> <ul style="list-style-type: none"> • Minimise the visual impact on the street, site layout and the building façade design, and • If located off a primary street frontage, integrated into the building design. <p>C.3 All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.</p> <p>C.4 Separate and clearly differentiate pedestrian and vehicle access.</p> <p>C.5 Locate vehicle access a minimum of 3 metres from pedestrian entrances.</p> <p>C.7 Vehicular access may not ramp along boundary alignments edging the public domain, streets, lanes parks, water frontages and the like.</p> <p>C.8 Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval.</p>	<ul style="list-style-type: none"> • The proposed driveway to the basement car parking is provided through Palmer Lane. • The proposal complies. • The proposal complies. • The proposal complies. • The proposal complies. • Suitable conditions are included in the consent. • The proposal complies.

<p>C.9 Driveway widths must comply with the relevant Australian Standards.</p> <p>C.10 Car space dimensions must comply with the relevant Australian Standards.</p> <p>C.11 Driveway grades, vehicular ramp width/ grades and passing bays and sight distance for driveways must be in accordance with the relevant Australian Standard, (AS 2890.1).</p> <p>C.13 Access ways to underground parking should not be located adjacent to doors of the habitable rooms of any residential development.</p>	<ul style="list-style-type: none"> • The proposal complies. • The proposal complies. • The proposal complies.
<p>On – Site Parking</p> <p>C.1 Where car parking is provided in basements, incorporate the recommended site management procedures set out in the Parramatta Historical Archaeological Landscape Management Study.</p> <p>C.2 Consolidate basement car parking areas to maximise for deep soil planting.</p> <p>C.3 Maximise the efficiency of car park design - orthogonal geometry & related to circulation and car space sizes.</p> <p>C.4 Design parking structures which minimise reliance on artificial lighting and car exhaust ventilation.</p> <p>C.5 Provide 1-2% readily accessible parking spaces, designed and appropriately signed for use by people with disabilities.</p> <p>C.7 On-site parking must meet the relevant Australian Standard</p>	<ul style="list-style-type: none"> • The proposal is able to comply. • The proposal complies. • The proposal complies. • The proposal complies. • The proposal complies.

<p>(AS 2890.1 2004 – Parking facilities, or as amended).</p> <p>C.8 Provide marked pedestrian pathways to car parking areas with clear lines of sight and safe lighting especially at night.</p>	<ul style="list-style-type: none"> The proposal complies.
<ul style="list-style-type: none"> 4.3.3.6 Environmental Management 	
<p>C.2 A landscape concept plan must be provided for all landscaped areas. The plan must outline how landscaped areas are to be maintained for the life of the development.</p> <p>C.5 Basement car parks - predominantly within building footprints - allow for deep soil & courtyards for canopy tree planting.</p>	<ul style="list-style-type: none"> A landscape plan has been submitted with the application. The proposal complies.
Other Provisions – Child Care Centres	
5.2.1 Development to which this section of the DCP applies	The proposed development is for a new childcare centre.
5.2.3 Planning Controls for Child Care Centres	
5.2.3.1 Site Selection	N/A. This control is not relevant in accordance with the requirements of Clause 25 of SEPP (Education and Child Care Facilities) 2017.
5.2.3.3 Child Care Centres in Other Zones	
Building siting and design <p>The child care centre shall comply with the relevant controls for the respective zone applying to the land and any other section applying to this land.</p>	<p>The proposal complies with the relevant setback controls stipulated within this DCP.</p> <p>Site requirements such as area or minimum frontage under the DCP have not been taken into consideration as these are non-discretionary development standards outlined within Clause 25 of SEPP (Education and Child Care Facilities) 2017.</p>
Minimum indoor and outdoor space and maximum number of child care places	See discussion on Clause 107 and 108 - Education and Care Services National Regulations above
Level within building <p>Child care centres is business zones may be located above ground level, but only where it can demonstrate that there are no viable alternatives for the location of a child care centre at ground level in the building due to:</p> <ul style="list-style-type: none"> The built form of the building and density of the surrounding area; and 	<p>The proposal complies. The proposed built form of the building is consistent with the existing and future character of the area. The size of the site is relatively small, therefore, requiring a child care centre at the ground level in the building would require the number of children to be significantly reduced. In addition, access to above ground open space is available through the proposed outdoor play areas.</p>

<ul style="list-style-type: none"> • Access to above ground space open space is available. 	
<p>Other requirements in respect to above-ground centres are as follows:</p> <ul style="list-style-type: none"> • A reduction in the minimum amount of indoor unencumbered space per child is not permitted. • Playrooms are to be designed so as to be enclosed by floor to ceiling height glass. Glass used in the building is to be in accordance with AS 1288-2006 - Glass in buildings - Selection and installation. • Indoor areas adjacent to public areas shall be screened to prevent direct sight into child care centres. • A safe refuge area shall be provided within the child care centre and opening directly to a dedicated fire-isolated stair. The minimum total area of the refuge shall be calculated at the rate of 0.25 square metres per person for the capacity of the centre, including staff. The doors, walls, floors, and ceiling of the refuge shall have a minimum Fire Resistance Level (FRL) equal to that required for the fire stairs. 	<ul style="list-style-type: none"> • A reduction in the indoor unencumbered space was not sought and the proposal complies with the minimum required. • The proposal complies • The proposal complies. • The proposal complies.
<p>5.2.3.4 Access and Parking</p>	<ul style="list-style-type: none"> • Adequate car parking is proposed in accordance with the car parking rates outlined in Part 4 of this table. Council's Traffic Engineer has reviewed the proposal and raises no objection.
<p>5.2.3.5 Acoustic and Visual Privacy</p> <ul style="list-style-type: none"> • The design of the child care centre should aim to locate sleep rooms and play areas away from external noise sources. 	<ul style="list-style-type: none"> • The internal play areas and cot rooms are located within the rear section of the proposed building.
<ul style="list-style-type: none"> • Locate pedestrian access ways and ramps away from neighbouring sensitive premises where practicable. 	<ul style="list-style-type: none"> • The proposal complies.

<ul style="list-style-type: none"> • Adopt low noise features such as self-closing gates with soft closure (i.e., low noise) hinges, selection of low noise air conditioning equipment, minimising the use of speed humps, and ensuring car park surfaces and access ways are smooth. 	<ul style="list-style-type: none"> • The proposal is able to comply.
Acceptable Acoustic Management Measures	<ul style="list-style-type: none"> • Complies – the proposed acoustic fence along the outdoor play areas on Levels 1- 6 is 1.6m high. <p>Council’s Environmental Health Officer raises no objection to the height of the acoustic barrier as this will effectively mitigate potential noise emissions.</p>
5.2.3.6 Indoor Areas	The proposal complies.
5.2.3.7 Outdoor Areas	The proposal complies.
Heritage & Special Precincts	Refer to the LEP table for further discussion.

9. The Regulations

Conditions have been recommended to ensure the following provisions of the Regulation will be satisfied:

- Clause 69 - Building works are to satisfy the Building Code of Australia.

10. The likely impacts of the development

Context and setting

The Land and Environment Court planning principle on “compatibility with context” as established in *Project Venture Developments v Pittwater Council* provides the following test to determine whether a proposal is compatible with its context:

Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

Response

This proposal will not result in unacceptable adverse physical impacts as:

- The location of the building will not preclude surrounding land from being developed in accordance with planning controls; and
- The proposal will not generate noise or diminish views that would be detrimental to adjacent and surrounding sites.

Is the proposal’s appearance in harmony with the buildings around it and the character of the street?

Response

- Yes, the proposal's appearance is in harmony with the surrounding buildings and is consistent with the character of the street.

11. Site suitability

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the in this report. The site is suitable for this development given:

- It is an appropriate “fit” for the locality given the preceding analysis which demonstrates a lack of adverse built form and operational impacts; and
- The site attributes are conducive noting natural constraints/hazards; ecological and heritage impacts are able to be properly managed.

12. Submissions

The application was notified and advertised in accordance with Council's notification procedures for a 21-day period between 6 April 2021 until 5 May 2021. During this time, no submissions were received.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

“If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices.”

Conciliation Conference – Not Required

The application received no submissions during the formal notification period and as a result a Conciliation Conference was not required to be held.

13. Public interest

Subject to resolution of the issues of concern as addressed by the recommendation of this report, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

14. Contributions

The Parramatta CBD Contributions Plan (Amendment No 5) applies for land in the Parramatta Central Business District. This Plan applies to development that needs consent and that has a cost of works of \$250,000 or more. The contribution fee is levied at three percent 3% of the cost of the development.

The development cost must be calculated by a suitably qualified person as part of a DA or CDC application. A Cost Summary Report is required for application with a cost up to \$3 million. Where the cost of the development exceeds \$3 million, a Quantity Surveyors Report is required to be prepared in accordance with Section 208 of the *Environmental Planning & Assessment Regulation 2021*.

The approximate cost of works for the development is \$5,927,283. A registered quantity surveyors Cost Report prepared by QPC & C Pty Ltd on the 18 February 2021 was included in the application package.

A condition has been included in the consent for the payment of the contributions prior to the issue of the construction certificate.

Summary and conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. The proposal is recommended for approval subject to conditions for the following reasons:

1. The development is permissible in the B4 zone and satisfies the requirements of all the applicable planning controls with one minor exception being the maximum building height control proposed.
2. A written request to vary the building height development standard has been received. The variation sought is minor and will not have any adverse impacts. As such, compliance with the standard is unnecessary. Accordingly, Council believes that there are sufficient environmental planning grounds to justify the variation and finds that the application is satisfactory. Council is therefore satisfied that the Applicants Clause 4.6 variation request has adequately addressed the matters required to be demonstrated in Clause 4.6(3) of Parramatta Local Environmental Plan 2011 and that that the proposed development will be in the public interest because it is consistent with the objectives for development within the B4 zone in which the development is proposed to be carried out.
3. The development will be compatible with the emerging and planned future character of the area.
4. For the reasons above, approval of the application is in the public interest.

Recommendation

- a) **That** the Sydney Central City Planning Panel as the consent authority support the variation to Clause 4.3 – Building Height of Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6.
- b) **That** the Sydney Central City Planning Panel as the consent authority grant consent to Development Application No. DA/240/2021 for construction of a seven storey centre-based child care facility to accommodate 184 children over two levels of basement car parking at 2 Palmer Street, Parramatta, NSW 2150 for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions in Attachment 1. The reasons for the conditions imposed on this application are as follows:
 - i. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning Instruments.
 - ii. To ensure that local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
 - iii. To ensure that the development does not hinder the proper and orderly development of the subject land and its surrounds.
 - iv. To ensure that the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 are maintained.

