

TO: Sydney Central City Planning Panel

SUBJECT: 2 and 2A Joyner Street, Westmead, NSW 2145

APPLICATION No: DA2022/0790 (PPSSCC-431)

Application lodged:	22 December 2022
Applicant:	Mr Tony Harb
Owner:	Mr Tony Harb, Mr John Harb and Mrs Sonia Harb
Application No.	DA2022/0790
Description of Land:	Lot 1 in DP 1038290 and Lot A in DP 341076, 2 and 2A Joyner Street, Westmead, NSW 2145
Proposed Development:	Demolition of existing structures, amalgamation of two (2) lots, construction of a six (6) storey mixed use development comprising of three (3) ground floor business/office tenancies, a multi-level centre-based child care facility for 152 children with associated business identification signage over 3 levels of basement car parking for 47 vehicles with vehicular access from Joyner Street and associated landscaping and site works
Site Area:	1,093.3 square metres (excluding road widening and splay corner)
Zoning:	E3 Productivity Support under the Cumberland Local Environmental Plan 2021
Disclosure of political donations and gifts	Nil disclosure
Heritage	The site is not listed as a heritage item
Principal Development Standards	<u>Height of Building</u> Permissible: 23 metres (southern portion of site) & 15 metres (northern portion of site). Proposed: 22.915m (southern portion of site) & 6.58m (northern portion of site). <u>Floor space ratio</u> Permissible: 2:1. Proposed: 1.97:1
Issues	Indoor space requirements - internal storage space

SUMMARY

- Development Application No. DA2022/0790 was lodged on the 22nd December 2022 for the demolition of existing structures, amalgamation of two (2) lots, construction of a six (6) storey mixed use development comprising of three (3) ground floor business/office tenancies, a multi-level centre-based child care facility for 152 children with associated business identification signage over 3 levels of basement car parking for 47 vehicles with vehicular access from Joyner Street and associated landscaping and site works.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 23 February 2023 and 9 March 2023. In response, no submissions were received.
3. The subject site is not listed as a heritage item or located within the heritage conservation area in the Cumberland Local Environmental Plan 2021.
4. The variations are follows:

Control	Required	Provided	% variation
Indoor Space requirements - Part 4.1 of the Child Care Planning Guideline 2021 Minimum internal storage space of 0.2 cubic metres per child	Minimum 30.4 cubic metres of internal storage space	28 cubic metres of internal storage space	7.9%

5. Pursuant to Clause 5, Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021, the application is referred to the Panel as the centre-based child care facility component of the proposed development has a capital investment value of more than \$5 million.
6. The application is recommended for approval subject to the conditions as recommended in the attached schedule.

REPORT

SUBJECT SITE AND SURROUNDING AREA

The subject site is legally described as Lot 1 in DP 1038290 and Lot A in DP 341076, and is commonly known as 2-2A Joyner Street, Westmead. The site is located on the north-western corner of Great Western Highway and Joyner Street.

The site has the following dimensions (excluding the splay corner and the road widening/footpath extension along the Great Western Highway):

- Southern (Great Western Highway) boundary	30.1 metres.
- Eastern (Joyner Street) boundary	36.7 metres.
- Northern boundary	30.1 metres.
- Western boundary	36 metres.

The site has an area of 1,093.3 square metres. The new site area is approximately 997 square metres where the splay corner and road widening/footpath extension are excluded. The site has a fall of approximately 2.8m or 7.7% from the southern boundary to the northern boundary.

The property is currently occupied by two single-storey buildings with detached car parking structures along the western boundary of 2A Joyner Street. The subject site is zoned E3 Productivity Support under the Cumberland Local Environmental Plan 2021.

The surrounding locality is in its early stages of transitioning from low to higher density development along Joyner Street, which currently comprises a mix of low density residential dwelling houses, mixed-use buildings, place of public worship, Mays Hill Cemetery and Reserve and high density residential apartment buildings along Great Western Highway. The land to the north and west is subject to DA 269/2016/1 which was approved for a part 6 part 7 storey shop top housing development with commercial tenancies on the ground floor which is currently under construction at 4 Joyner Street and 102-108 Great Western Highway, Westmead.

The boundary between City of Parramatta and Cumberland local government areas is across the road to the south. The Great Western Highway abuts the southern boundary and is a classified road managed by Transport for NSW.

The site is constrained by road widening along the length of the southern boundary as per the Cumberland Development Control Plan 2021 and is prone to flooding as per Council's mapping system.

The subject site is approximately 1.4 kilometres walking distance from the Parramatta Railway Station.

The location of the site is shown below.



Figure 1 - Aerial view of the new site area (highlighted in red), with the 5.5m road widening under the CDCP 2021 (highlighted in blue) excluded from the new site area. Source: Council's IntraMaps

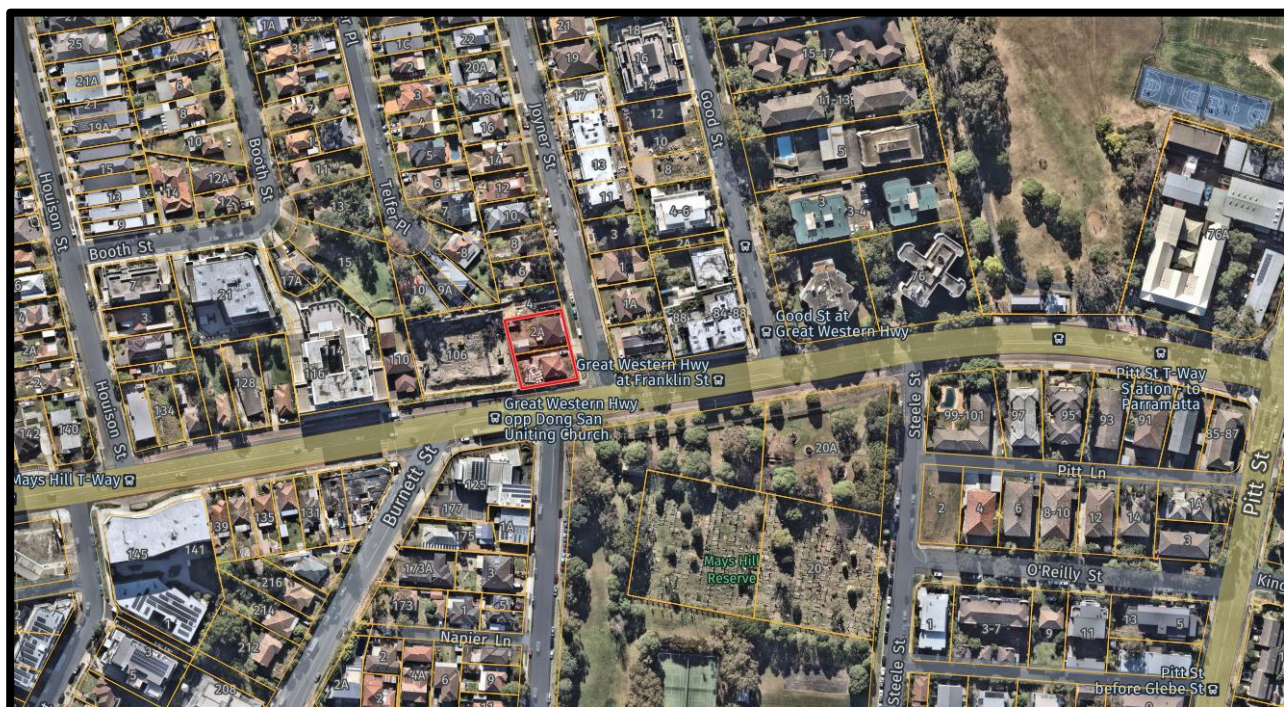


Figure 2 - Aerial view of the site (highlighted) and locale. Source: Nearmap, dated 15 June 2023



Figure 3 – View of the existing subject site's single-storey buildings from Joyner Street looking west. *Source: Photo taken 21 February 2023.*



Figure 4 – View of the existing subject site from the Greater Western Highway looking northwest. *Source: Photo taken 21 February 2023.*

DESCRIPTION OF THE DEVELOPMENT

Development Application 2022/0790 is proposing for demolition of existing structures, amalgamation of two (2) lots, construction of a six (6) storey mixed use development comprising of three (3) ground floor business/office tenancies, a multi-level centre-based child care facility for 152 children with associated business identification signage over 3 levels of basement car parking for 47 vehicles with vehicular access from Joyner Street and associated landscaping and site works.

A detailed summary of the proposal is provided below:

Earthworks

- Associated earthworks to allow construction of a three (3) levels of basement car parking for 47 vehicles.

Construction of the basement car parking levels

Basement 3 (RL 24.30 – RL 24.85)

- Twenty-one (21) parking spaces for the child care facility including two (2) bicycle spaces.
- Two (2) fire stairs, pump room, services room and lift core.

Basement 2 (RL 27.85)

- Seventeen (17) parking spaces for the child care facility including one (1) adaptable car space and three (3) bicycle spaces.
- Two (2) fire stairs and lift core.

Basement 1 (RL 30.85 – RL 31.45)

- Nine (9) parking spaces for the ground floor office premises including loading bay and three (3) bicycle spaces.
- Two (2) garbage storage rooms and bin collection point.
- 800mm x 800mm extraction/duct riser and four (4) communications/switchboards cupboards.
- Three (3) fire stairs and two (2) lift cores.

Construction of business/office tenancies

Ground level (RL 36.30)

- Three (3) business/office premises of approximately 351 square metres in floor area with associated internal kitchenette/bathrooms to each tenancy.
- Child care entry lobby with lift core and fire stairs and pedestrian access from Great Western Highway.
- Business/office premises entry lobby with lift core and fire stairs and pedestrian access from Great Western Highway.
- Vehicular access driveway from Joyner Street.
- Fire hydrant/sprinkler booster adjacent to the pedestrian entrance with platform lift to the 'L-shaped wrap-around' porch (RL 36.265) along Joyner Street.
- Substation padmount kiosk along Joyner Street.

Construction of a Child Care Facility

Level 1 (RL 40.10)

- Indoor playroom 1 for 16 children aged 0-2 years with separate cot/sleep room, indoor storage room, bottle preparation bench and bathroom.
- Indoor playroom 2 for 20 children aged 2-3 years with storage cupboard and bathroom.
- Simulated outdoor environment/play area with storage area.

Level 2 (RL 43.40)

- Indoor playroom 3 for 16 children aged 0-2 years with separate cot/sleep room, indoor storage room, bottle preparation bench and bathroom.
- Indoor playroom 4 for 20 children aged 2-3 years with storage cupboard and bathroom.
- Simulated outdoor environment/play area with storage area.

Level 3 (RL 46.70)

- Indoor playroom 5 for 16 children aged 3-4 years with storage cupboard and bathroom.
- Indoor playroom 6 for 20 children aged 3-4 years with storage cupboard and bathroom.
- Simulated outdoor environment/play area with storage area.

Level 4 (RL 50.00)

- Indoor playroom 7 for 20 children aged 4-6 years with storage cupboard and bathroom.
- Indoor playroom 8 for 20 children aged 4-6 years with storage cupboard and bathroom.
- Simulated outdoor environment/play area with storage area.

Level 5 (RL 53.30)

- Administration room, staff/meeting room, consultation room, kitchen, laundry, bathroom, waste room/chute, lift core and fire stairs.

Hours of Operation - Centre-based child care facility

- Mondays to Fridays 7:00am – 7:00pm. Closed on Saturdays, Sundays and Public Holidays.

Business Identification Signage - Centre-based child care facility

- Two (2) non-illuminated building identification signs 'Hilltop Childcare Centre' approximately 1.2m x 3.8m to the third and fourth storeys along both street elevations.

Staff/Educators - Centre-based child care facility

- There will be twenty-four (24) staff/educators employed.

HISTORY

On the 18th May 2022, the applicant withdrew Development Application No.2021/0522 for demolition of existing structures and construction of a six (6) storey mixed use development comprising 21 residential apartments and a ground floor childcare facility for 40 children over two levels of basement car parking.

On the 7th June 2022, Council finalised pre lodgement application No.2022/0034 for demolition of existing structures and construction of a part six (6) and part seven (7) storey

mixed use development comprising of a five (5) level child care centre accommodating 160 places and five (5) commercial tenancies over 3 levels of basement car parking for 66 vehicles.

On the 20th April 2023, a kick-off briefing meeting was held with the Sydney Central City Planning Panel.

APPLICANTS SUPPORTING STATEMENT

The applicant has provided a Statement of Environmental Effects prepared by Think Planners, dated 15th December 2022 and was received by Council on the 21st December 2022 in support of the application.

CONTACT WITH RELEVANT PARTIES

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

INTERNAL REFERRALS

Development Engineer

The development application was referred to Council's Senior Development Engineer for comment who has advised that the development proposal is satisfactory with regard to stormwater management and car parking and therefore can be supported subject to recommended conditions of consent.

Environment and Health

The development application was referred to Council's Environment and Health Officer for comment who has advised that the development proposal is satisfactory regarding to noise impact and contamination and therefore can be supported subject to recommended conditions of consent.

Children's Development Team

The development application was referred to Council's Children's Development Team for comment who has advised that the development proposal is generally satisfactory regarding the proposed child care facility design and layout and therefore can be supported subject to recommended conditions of consent.

Waste Services

The development application was referred to Council's Resource Recovery Officer for comment who has advised that the waste collection is to be provided by a private waste contractor and the proposed waste management plan is satisfactory. The development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

EXTERNAL REFERRALS

NSW Department of Education

The development application was referred to the NSW Department of Education for comment regarding the initial shortfall in outdoor play space and the simulated outdoor environment who has advised that the development proposal provides sufficient indoor and outdoor play spaces and therefore the concurrence request can be supported.

Transport for NSW

The development application was referred to the Transport for NSW for comment who has advised that the development proposal is satisfactory in terms of traffic access and stormwater drainage and therefore can be supported subject to recommended conditions of consent.

Endeavour Energy

The development application was referred to Endeavour Energy for comment who has advised that the development proposal is satisfactory in terms of electricity connection and therefore can be supported subject to recommended conditions of consent.

Transgrid

The development application was referred to Transgrid who has rejected assessment that given there is no impact to Transgrid's infrastructure/network.

PLANNING COMMENTS

The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

State Environmental Planning Policies

The proposed development is affected by the following consolidated State Environmental Planning Policies that came into effect on 1 March 2022.

(a) State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 -Vegetation in non-rural Areas

The proposed trees to be removed does not hold biodiversity values.

Chapter 6 - Bushland in Urban Areas

The proposal does not propose to disturb bushland zoned or reserved for public open space.

Chapter 10 - Sydney Harbour Catchment

The subject site is identified as being located within the area affected by the Sydney Harbour Catchment provision. The proposed development raises no issues as no impact on the catchment is envisaged.

(b) State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 – Advertising and signage

As per Section 3.6 of Part 3.2 of the State Environmental Planning Policy (Industry and Employment) 2021, a consent authority must not grant development consent to an application to display signage (including business/building identification signs) unless the consent authority is satisfied:

- that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and
- that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

The proposed signage is compatible with the desired amenity and visual character of an area without compromising vehicle safety along Great Western Highway and Joyner Street. The proposed signage provides effective communication in suitable locations and is of high quality design and finish.

A comprehensive assessment against the assessment criteria specified in Schedule 5 of the State Environmental Planning Policy (Industry and Employment) 2021 is contained in Appendix A.

(c) State Environmental Planning Policy (Planning Systems) 2021

Pursuant to Clause 5, Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021, the application is referred to the Panel as the centre-based child care facility component of the proposed development has a capital investment value of more than \$5 million. While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney Central City Planning Panel.

(d) State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

Not applicable. The subject site is not identified as a coastal wetland or 'land identified as "proximity area for coastal wetlands" or coastal management area.

Chapter 3 – Hazardous and offensive development

The site is located approximately 250 metres from a service station (trading as 'BP' Mays Hill), 149 Great Western Highway, Mays Hills, at the corner of Great Western Highway and Robilliard Street.

The proposal (including its previous uses) does not seek works for the purpose of a potentially hazardous or offensive industry.

Notwithstanding, a hazardous material survey report, dated 28 November 2022 and prepared by Geotechnical Consultants Australia Pty Ltd was provided. In review of the report, Council's Environmental Health Unit has recommended contamination-related conditions to be imposed within any development consent issued.

Chapter 4 – Remediation of Land

Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 4.6 have been considered in the assessment of the development application.

A Preliminary Site Investigation (PSI) prepared by Geotechnical Consultants Australia Pty Ltd, has been submitted with the development application. The PSI concludes that there is potential for contamination to exist on the site and due to the asbestos detection the site is presently not suitable for the proposed development. The site can be made suitable for the proposed development on completion of the recommendations made on page 18 of the PSI. The recommendations include the preparation and implementation of a Detailed Site Investigation (DSI).

A Detailed Site Investigation (DSI) prepared by Geotechnical Consultants Australia Pty Ltd, has been submitted with the development application. The DSI concludes that deep excavation and soil disturbance across the site is expected and based on the findings, the site can be made suitable for the proposed development on completion of the recommendations made on page 27 of the DSI. The recommendations include the preparation and implementation of a Remediation Action Plan.

Council's Environmental Health Officer has reviewed the PSI and DSI and advised that the development is suitable for the site and recommended standard conditions of consent relating to remediation and validation and protocols for the management any unexpected finds during the development of the site.

(e) State Environmental Planning Policy (Transport and Infrastructure) 2021

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

Chapter 2 – Infrastructure

Division 5 Electricity transmission or distribution

Pursuant to Clause 2.48 the associated works are proposed to be carried out within the vicinity of an easement for electricity that benefits Endeavour Energy. In accordance with Clause 2.48 the application was referred to Endeavour Energy who advised that the site is not burdened by an easement benefitting Endeavour Energy. Any required substation and associated underground cables are protected works under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW). Endeavour Energy has reviewed the proposed works and is raising no objection to the proposal subject to conditions.

There are no additional provisions relevant to the development application.

Division 17 Roads and traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

The subject site is a corner allotment that has a street frontage along Great Western Highway which is a classified road. In accordance with 2.119 and 2.120 the application was referred to Transport for NSW. Transport for NSW has reviewed the submitted application and notes the proposed driveway access and stormwater drains to a local road being Joyner Street. Transport for NSW raises no objection to the proposed development subject to conditions.

There are no additional provisions relevant to the development application.

Chapter 3 – Educational Establishments and Child Care facilities

Part 3.3 Early Education and Care Facilities – Specific development controls

A comprehensive assessment against the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the Child Care Planning Guideline 2021 is provided at Appendix B.

The proposal involves the following variation with the Child Care Planning Guideline 2021:

- *Part 4.1 Indoor and outdoor space requirements – Internal storage*

Under this part of the Child Care Planning Guideline 2021, a minimum internal storage space of 0.2 cubic metres is recommended per child. The proposal requires a minimum of **30.4 cubic metres** of internal storage space.

In this instance, the submitted architectural plans do not indicate the dimensions of the internal storage area or the openings to indoor storage for children. Based on Council's calculation, an internal storage space of **28 cubic metres** is provided across the 8 rooms and is deficient by 7.9% (2.4 cubic metres) as per the Child Care Planning Guideline 2021.

The variation to the internal storage spaces is considered acceptable as the floor-to-ceiling height across all levels is 3m and there is an adequate mixture of safe shelving to each of the 8 internal play rooms and storage of items such as prams, bikes and scooters adjacent to the lift lobby foyer/area on each level.

Local Environmental Plans

Cumberland Local Environment Plan 2021

The provisions of the Cumberland Local Environmental Plan 2021 (CLEP 2021) are applicable to the proposed development. The site is zoned E3 Productivity Support pursuant to the CLEP 2021.

(a) Permissibility:

The proposed development is defined as a 'centre-based child care facility' with associated 'business identification signage' and ground floor 'office premises' and/or 'business premises' which are permissible in the E3 Productivity Support zone with consent.

centre-based child care facility means—

(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.

Note—

Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.

business identification sign means a sign—

(a) that indicates—

- (i) the name of the person or business, and
- (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note—

Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

business premises means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note—

*Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.*

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note—

*Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.*

The proposed development is consistent with the E3 zone objectives as the land uses are compatible with, but do not compete with, land uses in surrounding local and commercial centres and the child care facility and the office/business premises provides facilities and services for the community.

The relevant matters to be considered under the CLEP 2021 and the applicable clauses for the proposed development are summarised below. A comprehensive CLEP 2021 assessment is contained in Appendix C.

Controls	Proposal	Compliance
Clause 4.3 Height of buildings 23m (southern portion) 15m (northern portion)	Southern portion of the site 22.915m Northern portion of the site 6.58m	Yes
Clause 4.4 Floor space ratio 2:1	Proposed floor space ratio is 1.97:1	Yes

The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))

State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 sets sustainability standards of buildings across NSW for residential and non-residential development. The Sustainable Buildings SEPP 2022 was notified on 29 August 2022 and will come into effect on Sunday 1 October 2023 to allow for the relevant industry to adjust to the new standards. Savings and transitional provisions in accordance with Clause 4.2 of the Sustainable Buildings SEPP2022 will apply to the subject development application or modification application that was made but not finally determined before 1 October 2023.

State Environmental Planning Policy (Sustainable Buildings) 2022 is not applicable to the development application.

The provisions of any Development Control Plans (EP&A Act s4.15 (1)(a)(iii))

The proposed development complies with the provisions of Council's Cumberland Development Control Plan (CDCP) 2021. A comprehensive CDCP 2021 assessment is contained in Appendix D.

The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP&A Act s4.15(1)(a)(iia))

There is no draft planning agreement associated with the subject Development Application.

The provisions of the Regulations (EP&A Act s4.15 (1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the Environmental Planning and Assessment Regulations 2021 (EP&A Reg).

The Likely Environmental, Social or Economic Impacts (EP&A Act s4.15 (1)(b))

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.

Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

Advertised (Website) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification requirements contained within the CDCP 2021, the proposal was publicly notified for a period of 14 days between 23 February 2023 and 9 March 2023. In response, no submissions were received.

The public interest (EP&A Act s4.15(1)(e))

In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

The development would require the payment of contributions in accordance with Cumberland Local Infrastructure Contributions Plan 2020.

In accordance with the Contribution Plan a contribution is payable, pursuant to Section 7.12 of the EP&A Act, calculated on the cost of works. A total contribution of \$125,152.00 would be payable prior to the issue of a Construction Certificate.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

CONCLUSION

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, the Child Care Planning Guideline 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Industry and Employment) 2021, Cumberland Local Environmental Plan 2021 and Cumberland Development Control Plan 2021 and is considered to be satisfactory for approval subject to conditions.

The proposed development is appropriately located within the E3 Productivity Support land use zone under the relevant provisions of the CLEP 2021. The proposal is generally consistent with all statutory and non-statutory controls applying to the development. Having regard to the assessment of the proposal from a merit perspective, Council may be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future users. Hence the development, irrespective of the departures noted above, is consistent with the objectives of the planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the development may be approved subject to conditions.

RECOMMENDATION

- 1. That Development Application No. DA2022/0790 for demolition of existing structures, amalgamation of two (2) lots, construction of a six (6) storey mixed use development comprising of three (3) ground floor business/office tenancies, a multi-level centre-based child care facility for 152 children with associated business identification signage over 3 levels of basement car parking for 47 vehicles with vehicular access from Joyner Street and associated landscaping and site works on land at 2 and 2A Joyner Street Westmead, NSW 2145 be approved subject to conditions listed in the attached schedule.**

ATTACHMENTS

1. Draft Notice of Determination
2. Appendix A - State Environmental Planning Policy (Industry and Employment) 2021 Assessment
3. Appendix B - State Environmental Planning Policy (Transport and Infrastructure) 2021 Assessment
4. Appendix C - Cumberland LEP 2021 Assessment
5. Appendix D - Cumberland DCP 2021 Assessment
6. Architectural, Stormwater and Landscape Plans
7. Plan of Management