



CITY OF PARRAMATTA

SYDNEY CENTRAL CITY PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-559
DA Number	DA/222/2024
LGA	City of Parramatta
Proposed Development	Staged Development comprising Stage 1 - Demolition of existing buildings, tree removal and construction of a part 4/part 7 storey residential flat building comprising 46 units and a shared basement carpark; Stage 2 - construction of a 6 storey mixed use development comprising an 80 place centre based child care centre and 45 residential units. A total of 22 residential units will be allocated for affordable housing in accordance with the requirements of the State Environmental Planning Policy (Housing) 2021.
Street Address	15A & 15B Moseley Street and 25, 27, 29 & 31 Donald Street, Carlingford, NSW, 2118
Applicant	The Trustee for Captag Investments Trust
Owner	Captag Investments Pty Ltd
Date of DA lodgement	22 April 2024
Number of Submissions	Four (4)
Recommendation	Refusal
Regional Development Criteria	Development with a capital investment value of more than \$30 million. (\$44,252,450)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979• Environmental Planning and Assessment Regulation 2021• State Environmental Planning Policy (Housing) 2021.• State Environmental Planning Policy (Transport and Infrastructure) 2021• State Environmental Planning Policy (Biodiversity and Conservation) 2021• State Environmental Planning Policy (Resilience and Hazards) 2021• State Environmental Planning Policy (Sustainable Building) 2022• State Environmental Planning Policy (Planning Systems) 2021• Child Care Planning Guideline 2021 and Education and Care Services National Regulations• Parramatta Local Environmental Plan 2023 (PLEP 2023)• Parramatta Development Control Plan 2023 (PDCP 2023)• Apartment Design Guide
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none">• Attachment 1 – Architectural Plans• Attachment 2 – DEAP Comments
Clause 4.6 requests	None requested.
Summary of key submissions	<ul style="list-style-type: none">• Traffic impacts• Insufficient parking• Acoustic impacts• Character• Overdevelopment of area
Report prepared by	Eamon Murphy - Senior Development Assessment Officer
Report date	8 August 2024

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?	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?	N/A
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>	N/A

1. Executive Summary

The proposal seeks consent for a staged development comprising Stage 1 - Demolition of existing buildings, tree removal and construction of a part 4/part 7 storey residential flat building comprising 46 units and a shared basement carpark; Stage 2 - construction of a 6 storey mixed use development comprising an 80 place centre based child care centre and 45 residential units. A total of 22 residential units will be allocated for affordable housing in accordance with the requirements of the State Environmental Planning Policy (Housing) 2021.

The proposal relies on the provisions in Chapter 2 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) for the provision of affordable housing which allows for additional height and floor space. Of the 91 apartments proposed, a total of 22 apartments (equal to 15% of the total gross floor area of the development) will be allocated for affordable housing complying with the requirements of the Housing SEPP.

Council has received notice that the applicant has lodged a Deemed Refusal Appeal on 28 June 2024. As such, an assessment of the application in its current form is required.

The issues with the proposal arise from the design of the development, primarily that the proposal comprises several variations and issues with respect to setbacks, landscaping, deep soil, communal open space, play areas of child care centre, stormwater drainage arrangements, tree removal/impacts. The proposal is considered an overdevelopment of the site, resulting in an excessive bulk and scale, along with concerns over inconsistency with the future character envisioned for the Carlingford Precinct. The development is out of character with the locality and results in the isolation of a property to the west of the site.

Council's engineers are unable to complete their review of the proposal (particularly with respect to stormwater and earthworks) due to lack of appropriate information submitted with the application.

It is noted the application was reviewed by the Design Excellence Advisory Panel (DEAP) at a meeting held on 23 May 2024. The panel raised significant concerns over the design of the development and advised that they do not support the proposal in its current built form. Further details of the panel's comments are summarised in this report (with the full panel report also included as an attachment.)

The application was notified/advertised and received four (4) submissions within the notification period. The submissions raised concerns with parking, traffic, noise, character and overdevelopment of the area.

For the above reasons and others raised throughout this report, Council cannot support the application and is recommending refusal.

2. Key Issues

The key issues that need to be considered by the Panel in respect of the development application are:

SEPP (Housing) 2021

- The proposal does not provide the required 30% landscaping as per Clause 19(2).
- The proposal does not pass the test with regards to the *Local Character Compatibility* as per Clause 19(3) of SEPP (Housing 2021).
- The proposal does not comply with all the Design Principles for residential apartment development in Schedule 9 or the Apartment Design Guide controls as required by Chapter 4 Design of Residential Apartment Development (including public domain interface, communal and open space, deep soil, pedestrian access and entries).

SEPP (Transport and Infrastructure) 2021

- The proposal does not comply with the following controls in Part 3 (Specific Development Controls) of Chapter 3 - Educational Establishments and Child Care Facilities:
 - Unencumbered outdoor play areas,
 - Indoor play areas.
- The proposal does not comply with the following controls in Part 2 of Chapter 3 - Educational Establishments and Child Care Facilities:
 - Built form,
 - Adaptive learning spaces,
 - Landscape,
 - Amenity.
- The proposal does not comply with the following controls in Part 3 (Matters for Consideration) of Chapter 3 - Educational Establishments and Child Care Facilities:
 - Site selection and location,
 - Local Character, streetscape and the public domain interface,
 - Building orientation, envelope and design,
 - Landscaping,
 - Visual and acoustic privacy,
 - Noise and air pollution,
 - Traffic, parking and pedestrian access.
- The proposal does not comply with the following controls in Part 4 (Applying the National Regulations to development proposals) of Chapter 3 - Educational Establishments and Child Care Facilities:
 - Emergency and evacuation procedures
 - Outdoor space requirements
 - Natural environment,
 - Shade,
 - Fencing.

Parramatta Development Control Plan 2023 (PDCP 2023)

- The proposal does not comply with the following controls in Part 2 (Design in Context) of PDCP 2023:
 - Preliminary building envelope,
 - Building form and massing,
 - Streetscape and building address,
 - Accessibility and connectivity,
 - Access for people with disabilities.

- The proposal does not comply with the following controls in Part 3 (Residential Development of PDCP 2023:
 - Open space and landscape,
 - Site Consolidation and Development on Isolated Sites.
- The proposal does not comply with the following controls in Part 4 (Non-residential Development) of PDCP 2023:
 - Play spaces,
 - Acoustics,
 - Landscaping.
- The proposal does not comply with the following controls in Part 5 (Environmental Management) of PDCP 2023:
 - Water management,
 - Earthworks and development of sloping land,
 - Protection of the natural environment.
- The proposal does not comply with the following controls in Part 8 (Centres, Special Character Areas and Specific Sites – Carlingford Local Centre Precinct) of PDCP 2023:
 - Desired future character,
 - Opportunities and constraints,
 - Site coverage,
 - Building form,
 - Setbacks,
 - Landscaping and private domain,
 - Stormwater management,
 - Public domain,
 - Access, safety and security.

3. Site Description Location and Context

The subject site is zoned as R4 High Density under The Parramatta Local Environmental Plan 2023.

The subject site comprises the following lots:

- 15A Moseley Street, Carlingford - Lot 35 DP536982
- 15B Moseley Street, Carlingford - Lot 34 DP536982
- 25 Donald Street, Carlingford - Lot 5 DP35555
- 29 Donald Street, Carlingford - Lot 32 DP536982
- 27 Donald Street, Carlingford - Lot 33 DP536982
- 31 Donald Street, Carlingford - Lot 2 DP35555

The subject site is zoned as R4 High Density under The Parramatta Local Environmental Plan 2023.

The total allotment is 5,948m² in area. The site is bounded by Donald Street to the south, and Moseley Street to the North. The site falls steeply from northeast to southwest, with a crossfall of approximately 12 metres.

Existing development at the site currently comprises a number of residential dwellings and detached outbuildings and is considered low in density. The site is also vegetated with several plants and trees.

The site is burdened by a 6 feet wide Easement to Drain Water as identified on Deposited Plan 536982. The easement is located through the centre of the site, traversing three of the subject lots. It is proposed to relocate this easement/pipe to facilitate the development.

Development surrounding the site comprises a mixture of land uses, varying between low and medium density to high density. It is noted that the immediate area surrounding the site to the east, west and south is zoned R4 High Density Residential resulting in the locality undergoing significant change, particularly to the south of the subject site, with several residential flat buildings, either existing or currently under construction on Donald Street, and on nearby streets including Paul Place, Tanderra Avenue, Post Office

Street, and Thallon Street. Sites to the east, west and south not undergoing new high-density development are characterised by single and two storey dwellings but it is expected that these sites will be developed in the future to reflect the R4 High Density zoning.

The area to the north of the site is zoned R2 Low Density Residential and includes The Harold West Reserve and St Paul's Anglican Parish Centre surrounded by single residential dwellings.

The site is 150m west of the Carlingford CBD and 5.3km northeast of the Parramatta CBD. The site is well serviced by public transport with regular bus services at shopping centre 'Carlingford Court', approximately 150m east of the site, and Jenkins Road, approximately 350m west of the site. Stage 1 of the Parramatta Light Rail will provide connection from Carlingford to Parramatta CBD via Camellia once it is operational.



Figure 1: Aerial View of subject site and surrounds (Mecone - Statement of Environmental Effects)

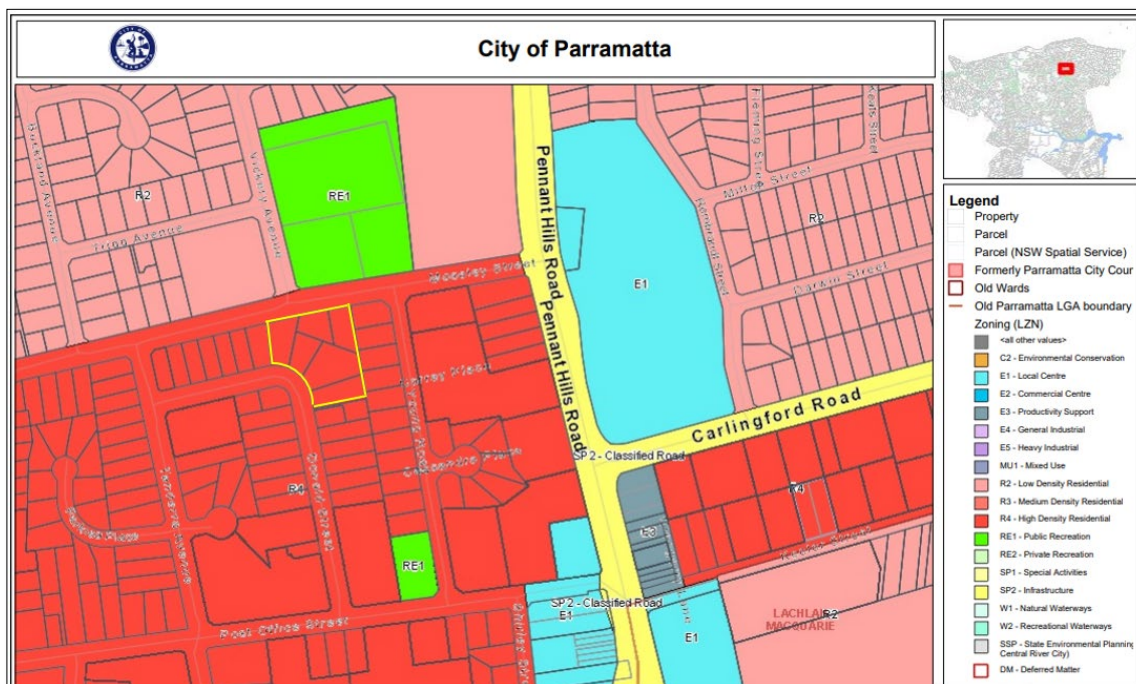


Figure 2: Zoning map

4. The Proposal

The proposed development comprises the following:

- Staged construction of two (2) residential flat buildings and child care centre over two (2) stages comprising:
 - Stage 1: Building A including of a total of 46 apartments over 4 and 7 storeys, and
 - Stage 2: Building B including an 80-place childcare centre and 45 apartments over 6 storeys,
- The proposed childcare centre will provide services for 80 children aged 0-5 within the following groups:
 - 0-2 years old – 16 children
 - 2-3 years old – 16 children
 - 3-5 years old – 48 children
- A shared basement containing 131 car parking spaces, 3 motorcycle parking spaces and 92 bicycle parking spaces with vehicular access from Donald Street. Car parking spaces are allocated as follows:
 - For the residential units, 85 spaces for residents, 19 spaces for visitors including 1 car wash bay and 9 accessible spots,
 - For the childcare centre, 14 spaces for visitors including 3 accessible spots and 12 spaces for staff.
- Civil works including earthworks, construction of an on-site detention system for stormwater and associated stormwater management works,
- Landscaping and retaining walls, and
- Extension and augmentation of physical infrastructure and utilities as required.

The proposal relies on the provisions in Chapter 2 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) for the provision of affordable housing which allows for additional height and floor space. Of the 91 apartments proposed, a total of 22 apartments (equal to 15% of the total gross floor area of the development) will be allocated for affordable housing complying with the requirements of the Housing SEPP.

Demolition and tree removal is proposed to be undertaken under a separate application DA/219/2024.

The site is burdened by a 6 foot wide Easement to Drain Water as identified on Deposited Plan 536982. The easement is located through the centre of the site, traversing three of the subject lots. It is proposed to relocate the easement to facilitate the development.

The fit out of the childcare centre will be subject to a separate DA by a future operator.

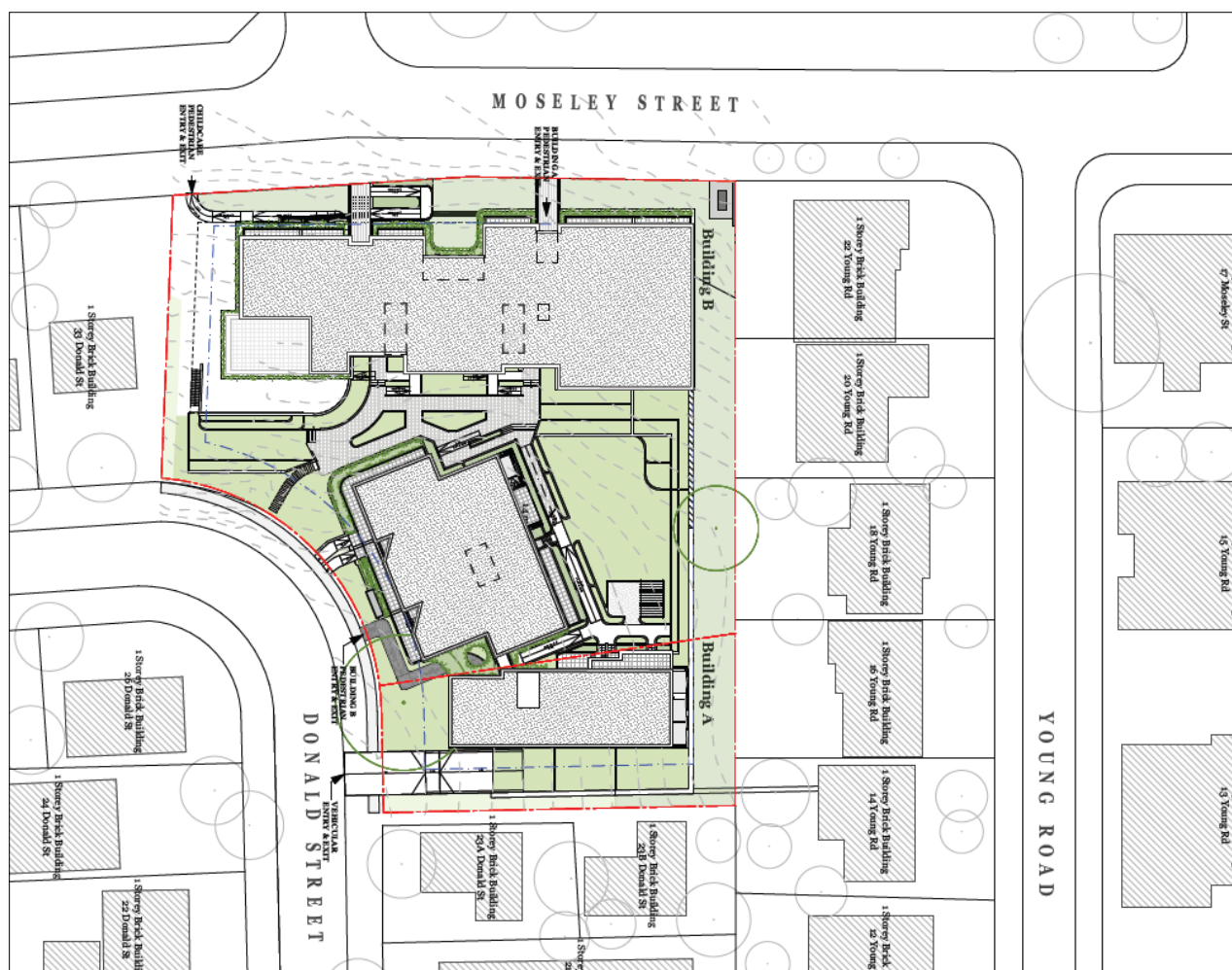


Figure 3: Site Plan

5. Site and Application History

On 15 September 2023 a Development Application (DA/558/2023) was lodged for a proposal, similar to the subject Development Application, on 15A & 15B Moseley Street and 25, 27 & 29 Donald Street, Carlingford. The works comprised the demolition of existing buildings, construction of two separate residential flat buildings comprising 60 apartments, one being four storey and one being part four and six storey, and an 80-place centre based childcare centre with basement car parking, civil works and related landscaping. The Development Application was subsequently withdrawn on 9 October 2023. The reason provided by the applicant was that they had purchased No. 31 Donald Street and wanted to incorporate it into a re-designed proposal.

On 13 December 2023 DA/747/2023 was lodged for a display suite in an existing dwelling (to promote and show the future development for potential buyers) at 31 Donald Street. The application comprises alterations and additions to the existing dwelling, a carparking area, minor demolition works, tree removal, associated landscaping works and earthworks. The development application was approved on 28 June 2024.

On 20 December 2023 a Development Application (DA/759/2023) was lodged for a similar proposal on 15A & 15B Moseley Street and 25, 27, 29 & 31 Donald Street, Carlingford. The works comprised a staged development comprising (stage 1) - demolition of existing buildings, tree removal and construction of part 4 part 6 storey residential flat building comprising 37 units and a shared basement carpark and (stage 2) - construction of a 4 storey mixed use development comprising an 80 place centre based child care centre and 33 residential units. The Development Application was subsequently withdrawn on 12 February 2024. The reason provided by the applicant was that they wanted to re-design the proposal (to incorporate and affordable housing component).

On 19 April 2024 a Development Application (DA/219/2024) was lodged for 'Early Works' to facilitate the future development. The works comprised the demolition of existing buildings and tree removal. This application is still under review by an assessment officer. The extent of earthworks and tree removal is dependent on the footprint of the future development. This application has not yet been determined and is still under review.

The subject Development Application (DA/222/2024) was lodged on 22 April 2024.

On 23 May 2024, the subject Development Application was presented to Council's Design Excellence Advisory Panel (DEAP).

On 28 June 2024, the applicant commenced proceedings in Class 1 of the Land and Environment Court's jurisdiction appealing against the Respondent's deemed refusal of the Development Application.

6. Referrals

The following section outlines the responses and any recommendations from each of the internal and external referrals in relation to the subject application.

6.1 Design Excellence Advisory Panel

Parramatta's Design Excellence Advisory Panel reviewed the application on 23 May 2024. The Panel are not supportive of the current proposal. Comments considered of relevance are provided below (and also provided in full in Attachment 2):

Comments:

The Panel notes that the subject site is dominated by a number of challenging constraints, such as a complex topography, sloping street frontages, a substantial number of large trees, an irregular shape (with large radial interface to its western frontage), etc.

The site also has a long eastern boundary (which must transition to adjacent properties), a DCP required 10m Mosley Street front setback, a 6m Donald Street setback, solar access and overshadowing challenges and desired future character requirements as defined in PDGP 2023. However, apart from a very general analysis, the physical and planning constraints on the site appear not to have been examined or described sufficiently to support a series of legible design strategies – which again, appear too general to address the site's complexities.

Valuable trees (including many trees well established healthy recommended by the Arborist for retention) are not shown, nor are required setbacks, key desire lines, potential links and likely future built form; existing site sections are not provided, adjacent built form not referred to and likely future character all but ignored.

There is no demonstration that this inflated density can be accommodated on the site without compromising the quality of streetscape, access, communal open space, landscape, building layout and other key indicator of developmental quality.

Apart from being difficult to understand (especially how it relates to the site's complex topography), the currently proposed built form includes a number of significant design flaws:

- An excessive sized basement footprint almost fills the site, with excessive carriageway, ramping and odd geometries contributing to highly inefficient car parking layouts.*
- A vast number of valuable trees recommended by the Applicant's own Arborist for retention are therefore removed; this results in the scale and character of the existing Donald Street streetscape, particularly its large trees (as referred to in the PDGP 2023) - is therefore lost.*
- The Donald St built form is inconsistent with the orthogonal pattern of adjacent blocks and preferred layouts described in the PDGP 2023.*
- A 10m front setback to the Mosley St frontage has not been provided; therefore, the landscape quality intended by the PDGP 2023 is compromised.*

- *At 65m in length, Building B is excessively long.*
- *To optimise height potential, the southernmost block is confined to an existing narrow lot, thereby compromising the efficiency, amenity and even yield of its internal layout.*
- *Building A's layout appears highly compromised and inefficient, with an extensive and costly perimeter façade.*
- *the childcare facility is proposed at a subterranean level, thereby adversely impacting on its solar access, outlook and streetscape quality.*
- *apart from some portions of the scheme being buried, the length of built form and set out levels result in ground levels being raised out of the ground.*
- *The central communal open space is located on basement and is highly compromised by ramps, planters, walls and embankments; therefore its landscape quality, communal capacity, open space amenity and formal aesthetics are all highly compromised.*
- *The western entry from Mosely St and main entry from Donald St include large ramps which compromise the privacy of adjacent dwellings.*
- *Streets, kerbs and adjacent built form are not shown on elevation and/or sections; therefore it is not clear how the proposal relates to adjacent public domain and existing and likely future built form around the evolving precinct.*

6.2 External

Authority	Comment
Endeavour Energy	Acceptable subject to conditions, in the event of an approval.
Quantity Surveyor	The QS Report submitted estimated the cost of works at \$44,252,450.00 (inc. GST). The independent review estimated the cost of works to be \$70,972,183.00 (inc. GST), a significant difference.

6.3 Internal

Referral	Comment
Landscaping	Not supported in its current form, and further information would have been requested had an opportunity arose.
Traffic	Supported subject to conditions of consent in the event approval was recommended.
Development Engineering	Not supported in its current form due to lack of appropriate engineering information submitted with the application, further information would have been requested had an opportunity arose.
Assets Engineering – Public Stormwater Infrastructure	Not supported in its current form due to lack of appropriate engineering information submitted with the application, further information would have been requested had an opportunity arose.
City Projects (Urban Design)	Not supported in its current form, and further information would have been requested had an opportunity arose.
Social Outcomes	Not supported in its current form, and further information would have been requested had an opportunity arose.
Universal Access	Not supported in its current form, and further information would have been requested had an opportunity arose.
Public Domain	Not supported in its current form, and further information would have been requested had an opportunity arose.
Environmental Health (Contamination)	Supported subject to the imposition of conditions in the event approval was recommended.

Acoustic	Council's Environmental Health team reviewed the proposal and the submitted acoustic report, and provided conditions to be imposed, subject to Council's Development Assessment team accepting the proposed acoustic barriers, however there are significant concerns over the height and locations of the acoustic barriers which would result in amenity impacts.
Waste Management	Supported subject to the imposition of conditions in the event approval was recommended.
Property – Strategic Assets	Under review.

7. Environmental Planning and Assessment Act 1979

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

7.1 Section 2.15: Function of Sydney District and Regional Planning Panels

The Sydney Central City Planning Panel is the consent authority for this application as the proposed development has a capital investment value of more than \$30 million.

7.3 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 8
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

8. Environmental Planning Instruments

8.1 Overview

The instruments applicable to this application comprise of the following:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Building) 2022
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Housing) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Child Care Planning Guideline 2021 and Education and Care Services National Regulations
- Parramatta Local Environmental Plan 2023 (PLEP 2023)
- Parramatta Development Control Plan 2023 (PDCP 2023)
- Apartment Design Guide

Compliance with these instruments are addressed below:

8.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 2 Vegetation in Non-Rural areas.

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the site. The aims of the plan are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation.

Council's Landscape assessment officer carried out an inspection of the site and review of the proposal and has raised significant concerns over the extent of tree and vegetation removal, and of concerns over the protection of trees to be retained. Further information would have been requested in this regard, had an opportunity arose. In this regard, the proposal is not considered to comply with State Environmental Planning Policy (Biodiversity and Conservation) 2021.

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

The requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 apply to the subject site. In accordance with Chapter 4 of the SEPP, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

- A Site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination;
- Historic aerial photographs were used to investigate the history of uses on the site;
- A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination;
- A search of public authority databases did not include the property as contaminated;

In addition, the Statement of Environmental Effects states that the property is not contaminated. A preliminary site investigation report was submitted with the application and contended that the site is suitable for the proposed development.

The report was also reviewed by Council's Environmental Health section and no concerns raised, subject to the imposition of relevant conditions in the event that approval was recommended.

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

8.4 State Environmental Planning Policy (Sustainability Building) 2022

The application is accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. A BASIX certificate was submitted with this application. If the application had been recommended for approval, conditions would have been imposed to ensure BASIX commitments were fulfilled during the construction of the development.

8.5 State Environmental Planning Policy (Planning Systems) 2021

The proposed development has a Capital Investment Value (CIV) of more than \$30 million. As such, Schedule 6 of this Policy states that the application is 'regionally significant development' and thus the Sydney Central City Planning Panel (SCCPP) is the consent authority for the application.

8.6 State Environmental Planning Policy (Housing) 2021)

Chapter 2

The proposed development relies on the provisions of Chapter 2 Affordable Housing under *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

Clause 16 of SEPP (Housing) 2021 provides the following:

1. *The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).*
2. *The minimum affordable housing component, which must be at least 10%, is calculated as follows –*

Affordable Housing Component = Additional Floor Space Ratio (as a percentage) ÷ 2
3. *If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).*

Example - Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.

4. *This section does not apply to development on land for which there is no maximum permissible floor space ratio.*

In order to determine whether this clause applies, Clause 15C of the Housing SEPP outlines the following:

15C Development to which division applies.

1. *This division applies to development that includes residential development if –*
 - (a) *the development is permitted with consent under Chapter 3, Part 4, or another environmental planning instrument, and*
 - (b) *the affordable housing component is at least 10%, and*
 - (c) *all or part of the development is carried out—*
 - i. *for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or*
 - ii. *for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.*
2. *Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.*
3. *In this section –*

relevant zone means the following:

- (a) *Zone E1 Local Centre,*
- (b) *Zone MU1 Mixed Use,*
- (c) *Zone B1 Neighbourhood Centre,*
- (d) *Zone B2 Local Centre,*
- (e) *Zone B4 Mixed Use.*

In response to the above requirements, the applicant has provided the following commentary:

(1)(a) the development is for a residential flat building which is permitted with consent under Parramatta LEP.

(1)(b) the proposed development can provide a minimum of 10% of the development as affordable housing.

(1)(c)(i) the subject site is in an accessible area as it is located approximately 750 metres from Carlingford Light Rail Station.

An Accessible area means land within-

(a) 800m walking distance of—

(i) a public entrance to a railway, metro or light rail station, or

(ii) for a light rail station with no entrance—a platform of the light rail station, or

(iii) a public entrance to a wharf from which a Sydney Ferries ferry service operates, or

(b) (Repealed)

(c) 400m walking distance of a bus stop used by a regular bus service, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between—

(i) 6am and 9pm each day from Monday to Friday, both days inclusive, and

(ii) 8am and 6pm on each Saturday and Sunday.

Based on the above, the proposal is able to rely on the floor space ratio and height incentives under the Housing SEPP as the proposal provides at least 10% affordable housing and is carried out in an accessible area.

Floor Space Ratio (FSR)

Block	FSR permitted under LEP 2023	FSR permitted with additional 30% bonus.	Proposed FSR
Building B & A1	1:1	1.30:1	6,412m ² or 1.30:1
Building A2	1.49:1	1.94:1	1,968m ² or 1.94:1

Height of Building

Block	Height permitted under LEP 2023	Height permitted with additional 30% bonus.	Proposed height
Building B & A1	16m	20.8m	16.6m
Building A2	21m	27.3m	26.95m

In addition, the provisions of the following clauses in Chapter 2 Division 1 of SEPP (Housing) 2021 are relevant:

- Clause 19 - *Non-discretionary development standards—the Act, s 4.15,*
- Clause 20 - *Design Requirements,*
- Clause 21 - *Must be used for affordable housing for at least 15 years.*

SEPP (Housing) 2021			
Standard	Control	Proposal	Compliance

19 (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of in-fill affordable housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	Noted	-	-
19 (2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—	<p>(a) a minimum site area of 450m²</p> <p>(b) a minimum landscaped area that is the lesser of—</p> <p>(i) 35m² per dwelling, or</p> <p>(ii) 30% of the site area,</p> <p>(c) a deep soil zone on at least 15% of the site area, where—</p> <p>(i) each deep soil zone has minimum dimensions of 3m, and</p> <p>(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p> <p>(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</p> <p>(e) the following number of parking spaces for dwellings used for affordable housing –</p> <p>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</p> <p>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</p>	<p>The site has an area of 5,948m².</p> <p>The proposal does not provide the required landscaped areas.</p> <p>N/A – See ADG assessment.</p> <p>N/A – See ADG assessment.</p> <p>Yes</p> <p>Yes</p>	<p>Complies</p> <p>No</p>

	<p>(f) the following number of parking spaces for dwellings not used for affordable housing –</p> <p>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</p> <p>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</p> <p>(h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low-Rise Housing Diversity Design Guide,</p> <p>(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas –</p> <p>(i) for each dwelling containing 1 bedroom—65m²,</p> <p>(ii) for each dwelling containing 2 bedrooms—90m²,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms.</p> <p>(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Noted</p>	
20 (3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with –	<p>(a) the desirable elements of the character of the local area, or</p> <p>(b) for precincts undergoing transition - the desired future character of the precinct.</p>	See below for discussion on character.	No
21 (1) Development consent must not be granted to development under this division unless the consent authority is	(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and	Affordable housing proposed.	Had the application be recommended for approval, a condition would have been imposed requiring the registration of a

satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development –	(b) the affordable housing component will be managed by a registered community housing provider.		restriction against the title of the property in accordance with section 88E of the Conveyancing Act 1919 to ensure the stated number of units are used for affordable housing for 15 years.
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Determining the character (present and future) of the local area

As per the In-fill affordable housing, Housing SEPP 2021, a development should be compatible with:

- i. *the desirable elements of the character of the local area, or*
- ii. *for precincts undergoing transition—the desired future character of the precinct.*

This assessment identifies the local area as primarily the visual catchment of the site (as viewed from within the site and directly adjacent to the site on the street) which is shown in the figure below:



Figure 4: Local Area

The subject site is within the Carlingford Central Precinct (Northern Precinct) pursuant to **PDGP 2023. Section 8.2.8.1.1 of the PDGP** articulates the precinct's desired future character as below (**emphasis added**):

*“The northern end of the Precinct will **comprise lower scale residential flat buildings interspersed with existing multi-unit developments.** The built form of development will reflect a transition of scale between the larger residential flat buildings concentrated around the train station in the south of the Precinct and the smaller scale residential flat buildings proposed in the land north of Post Office Street. **Street setbacks are to complement the proposed garden setting in contrast to the strong street edge, activated urban village character of development closer to the train station.** Additional streets are proposed to complement this relationship of buildings to the public domain and establish a finer grained street hierarchy and built forms. **Private and communal open space within developments is encouraged to visually compliment the public realm and where feasible, allow some public access.**”*

*“site planning for buildings could aim to **amalgamate private green spaces to optimise deep soil planting areas, communal open space, shared views and landscape and contribute to the garden suburb theme...** This open space should enhance the quality of the built environment by providing opportunities for landscaping in a parkland setting as well as providing a visual and activity focus for the new residential community created through this development.”*

The proposal does not adequately respond to this desired future character, especially relating to scale of development, street setbacks, site planning principles and façade design. The following commentary is provided relating to **scale of development, street setbacks, site planning principles and façade design**.

Scale of development

Section 8.2.8.1.5 of the Parramatta DCP considers building lengths of up to 50m as appropriate. Building B of the proposal exceeds this by 15m, resulting in a long, monotonous façade fronting Mosley St that adds to the perceived bulk of the development and does not respond to the ‘low scale residential flat building’ character of the area. Creating a substantial break in Building B will reduce the scale of the building and may create more opportunities to reinforce the garden character of the precinct with planting between the buildings.

Setbacks & Streetscape Character

The proposed Moseley Street setback of 6m (and 4m to the outdoor play area) is incompatible with the intended garden setting. The harmonisation of the PDCP in 2023 has reaffirmed the prescribed Moseley Street setback controls (10m) and desired future character for the precinct. As per PDCP, no structure is permitted in the setbacks, above ground or under. The applicant is advised to revise the plans to comply with the DCP, as the basement (4.1m) and buildings (6m & 4m) encroach the setbacks. A 10m Moseley Street setback **must be provided per Figure 8.2.8.1.7.1 of the PDCP (see below)**.



Figure 5: Carlingford Precinct – Setback Plan

Site planning

The PDCP envisions an open space at the depression of the topography along Donald Street (at the rough location where the western wing of Building A stands - refer to **Figure 8.2.8.1.3.2, Figure 8.2.8.1.3.3 and Figure 8.2.8.1.3.4 of the PDCP shown below**).



Figure 6: Open Space Strategy Plan



Figure 7: Public Domain Plan



Figure 8.2.8.1.3.4 – Illustrative Masterplan

Figure 8: Carlingford Precinct Masterplan

The current location of the western wing of Building A fronting Donald Street is incompatible with the intended garden setting as the POS dominates the setback, and it also fragments the communal open space (see the proposed communal space plan below).



Figure 9: Communal Open Space Plan

The building fronting Donald Street should be realigned to allow for the communal open space to be located on Donald Street as per the PDCP, while still allowing the building to provide direct street address to Donald Street. Part of this space should be provided as deep soil zone. This will achieve the following:

- It responds to the envisioned precinct character of buildings among a “*garden setting*” with “*communal open space ... visually complimenting the public realm*”, particularly when viewed from Donald Street.
- It provides the opportunity to retain more existing trees on the site, and provide larger canopy coverage;
- It allows for consolidation of the communal open space into a more cohesive, usable space for residents, with co-location to deep soil zones along the Donald Street and Eastern boundary setbacks.
- There is an opportunity to redesign the Northern COS off Donald St into a COS that is usable for the residents and compliments the public domain from a pure landscaped area.

Façade

According to Parramatta DCP Section 8.2.8.1.8, facades should be designed to reflect the street alignment, and express itself as a corner site where relevant.

The proposed Moseley Street façade is repetitive in expression, with little variation/articulation, resulting in a monotonous appearance of the building. The renders also illustrate a high use of neutral, colder materials which do not respond to the predominant warmer brick character within Mosley Street. A greater range of façade materials including brick should be considered. Further façade articulation, including secondary human-scaled façade elements, to break down the scale of the building and avoid the monotony in the facades, should be employed.

Future Character of the area

The future character of an area is best determined by consideration of the planning framework applying to the site under the relevant Environmental Planning Instruments and Development Control Plans that are presently in force. In this area, the relevant controls are PLEP 2023 and PDCP 2023. In terms of building envelope, PLEP 2023 defines the permitted building types, permitted uses, gross floor area and building heights, while PDCP 2023 defines building setbacks, landscaping and desired site design. In this instance the ADG and SEPP (Housing) 2021 also provide design guidance. In terms of assessing the desired future character of an area, zoning, gross floor area, maximum height, setbacks and landscaping are the most deterministic controls with respect to likely planning outcomes. Zoning defines the likely building typology, whereas height, density, and setbacks define the size and setting of buildings.

The proposal in its current form, which is utilising the 30% floor space ratio and height bonuses under SEPP (Housing) 2021, results in a bulk and scale in this location which was not envisaged by the controls. Further, it does not contribute positively to the streetscape presentation nor to the character of the area.

Given the significant concerns raised above in relation to the proposal, it is considered that the proposal does not pass the test with regards to the *Local Character Compatibility* as per Clause 19(3) of SEPP (Housing 2021).

Chapter 4

The provisions of Chapter 4 Design of Residential Apartment Development under *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) are also relevant to the proposed development.

Clause 147 *Determination of development applications and modification applications for residential apartment development* in Chapter 4 of SEPP (Housing) 2021 is also relevant and stipulates that:

(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following –

(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,

(b) the Apartment Design Guide,

(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

(2) The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority.

(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.

(4) Subsection (1)(c) does not apply to State significant development.

As the proposal involves the construction of a new residential flat building, Council is to consider the proposal against the design principles for residential apartment development set out in Schedule 9 of SEPP (Housing) 2021 and the Apartment Design Guide. An assessment of both is provided as follows:

Schedule 9 - Design principles for residential apartment development

Requirement	Comment
Principle 1: Context and Neighbourhood Character	The application did not include a contextual analysis of the site, which presented the proposal in isolation to the surrounding context. A detailed review of the proposal in terms of its context could not be conducted however it is noted that the built form has excessive bulk and scale that is not in keeping with the context and character of the local area. Further, the building footprint is of a scale that is contributing to the building mass and is visually dominant from Moseley and Donald Street.
Principle 2: Built Form and Scale	The proposal has been designed in accordance with the available floor space ratio and height bonuses as per Clause 16 of SEPP (Housing) 2021 which results in an inappropriate scale for its location. As such, the proposal cannot be supported.
Principle 3: Density	The proposal would result in a density that is not appropriate for the site, in terms of floor space yield and number of rooms. The design of the development presents as a bulky built form when viewed from the street frontages. The proposed building is considered to have an inappropriate density for the site and the locality.
Principle 4: Sustainability	A BASIX Certificate has been submitted with the application and it appears that the required design measures are incorporated into the design of the building.
Principle 5: Landscape	Due to the design and scale of the basement and building footprint, it has limited the opportunities for landscaping and deep soil areas to allow for meaningful landscaping and to balance the hard and soft surfaces.
Principle 6: Amenity	A comprehensive internal and external amenity assessment of the development has not yet been undertaken however there are concerns with the location of a children play area in an undercroft area which results in lack of adequate sunlight. For such reasons, the proposal cannot be supported.
Principle 7: Safety	The proposal appears to provide appropriate safety for occupants and the

Requirement	Comment
	public.
Principle 8: Housing Diversity and Social Interaction	The proposal comprises a mix of apartments ranging in type, size and affordability in order to provide housing choice for different demographics, living needs and budgets in close proximity to public transport.
Principle 9: Aesthetics	The proposal does not comply with the height for the site and as a result the bulk and scale are inconsistent with the existing surrounding development. As such, the proposal does not appropriately contribute to the desired future character of the area.

Apartment Design Guide Assessment

Clause	Design Criteria	Comments	Comply
Part 3 – Siting the Development			
3A Site Analysis	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	A site analysis has been submitted.	Yes
3B Orientation	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street.	Pedestrian entry is provided off the street.	Yes
	Where the street frontage is to the east or west, the rear buildings should be orientated to the north.	The building has several frontages on a corner allotment.	Yes
	Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west.	The site has street frontage to the north and south. There will be overshadowing to some extent on the properties to the south.	Yes
3C Public Domain interface	Transition between private and public domain is achieved without compromising safety and security.	The proposal does not allow for an appropriate transition between private and public space.	No
	Amenity of the public domain is retained and enhanced.	Details of public domain works have not been submitted. Therefore, the amenity of the public domain cannot be ascertained.	No
3D Communal and public open space	Communal open space (COS) has a minimum area equal to 25% of the site, with minimum 3m dimensions.	According to the Architectural Plans, communal open space is proposed to be 29% of the site area however it is considered that the communal open space, nominated for congregation and recreation, is limited and does not meet the	No

	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm mid-winter.	<p>area requirement, as a significant portion of the areas used in the calculation is convoluted and contains several stepped areas, retaining walls, pathways, etc that is not usable and/or accessible for activities.</p> <p>Solar access diagrams demonstrate at least 2 hours of sunlight is provided to the principal communal open space area on 21 June between 9am and 11am.</p>	Yes												
3E Deep soil zones	15% deep soil encouraged given the size of the site and context with 6m dimensions.	A deep soil area plan is submitted with the application which states that 1,381m ² or 23% of the site is provided as deep soil area however further details are required to demonstrate that it meets the required dimensions and depths. It appears that this 1,381m ² area does not meet min 6m dimensions area and that only 580m ² compliant deep soil is provided. Further details would have been requested had the opportunity arose.	No												
3F Visual Privacy	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table> <tr> <th>Building Height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> <tr> <td>up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </table>	Building Height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>Buildings on the subject site are separated by 12m.</p> <p>Up to 4 storeys in height (12m), Buildings A and B are separated from the side boundaries of 6m.</p> <p>The fifth and sixth storey of Building A is setback a minimum 8.5 metres at one point from the southern boundary with the remainder of the building setback 9 metres from other boundaries. The component of the building that is below 9 metres has no openings and is therefore non-habitable. All other components comply with the minimum required by the ADG.</p> <p>In this regard it appears that the design complies with the</p>	Yes
Building Height	Habitable rooms and balconies	Non-habitable rooms													
up to 12m (4 storeys)	6m	3m													
up to 25m (5-8 storeys)	9m	4.5m													
over 25m (9+ storeys)	12m	6m													

		requirements for building separation for habitable to habitable, habitable to non-habitable and non-habitable to habitable façade conditions.	
3G Pedestrian access and entries	<p>Building entries and pedestrian access connects to and addressed the public domain.</p> <p>Access, entries and pathways are accessible and easy to identify.</p>	<p>Details of public domain works have not been submitted. Therefore, the amenity of the public domain (including entry and access) cannot be ascertained.</p> <p>Accordingly, the proposal cannot be considered acceptable in this regard.</p>	No
3H Vehicle Access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Separate vehicular and pedestrian access is provided.	Yes
3J Bicycle and car parking	<p>Minimum car parking spaces:</p> <p><u>SEPP (Housing) 2021/Parramatta Development Control Plan 2023/ Guide to Traffic Generation Developments</u></p> <p><u>SEPP (Housing) 2021 – Infill AH</u></p> <p>For developments with an affordable housing component of at least 10% and is within an accessible location:</p> <p>Affordable Component</p> <p>0.4 spaces per 1 bedroom = $0.4 \times 17 = 6.8$</p> <p>0.5 spaces per 2 bedroom = $0.5 \times 5 = 2.5$</p> <p>1 space per 3 bedrooms or more (none provided)</p> <p>Total = 9.3 (10) spaces</p> <p>Not used as affordable housing:</p> <p>0.5 spaces per 1 bedroom = $1 \times 0.5 = 0.5$</p> <p>1 space per 2 bedroom = $55 \times 1 = 55$</p> <p>1.5 spaces per 3 bedrooms or more = $13 \times 1.5 = 19.5$</p> <p>= Total 75 spaces</p> <p>= Grand Total = 85 spaces</p> <p>*Note that there is no requirement within the SEPP for visitor parking.</p> <p><u>Parramatta DCP 2023 for Accessible Area</u></p> <p>High density residential flat buildings within 800m walking distance of a light rail stop:</p> <p>0.6×18 (one-bedroom units) = 10.8</p> <p>0.9×60 (two-bedroom units) = 54</p> <p>1.4×13 (three-bedroom units) = 12.6</p>	<p>The development proposes a total of 131 car parking spaces which are divided as follows:</p> <ul style="list-style-type: none"> - 75 market resident parking spaces including 10 accessible parking spaces - 10 affordable housing parking spaces - 19 residential visitor spaces including 1 car wash bay <p>14 visitor (including 2 accessible) and 13 staff childcare centre parking spaces.</p> <p>Accordingly, the development meets the parking requirements.</p> <p>It is to be noted that the proposed development is also compliant with the Parramatta DCP 2023 parking rates.</p>	Yes

	<p>Total Residential Spaces = 83</p> <p>Visitor: $1 \times (91 \text{ units} \div 5) = 18.2$ (19)</p> <p>Total = 102 spaces (minimum)</p> <p>Childcare Parking Requirements:</p> <p>1 space per 4 children = $80 \times 0.25 = 20$ spaces</p> <p><i>*Disabled parking to be provided at a rate of 1 space per 10 car parking spaces = 2 spaces.</i></p> <p>Grand Total = 122 spaces (minimum)</p> <p>Minimum bicycle spaces</p> <p>Bicycle parking Residential – Parramatta DCP 2023</p> <ul style="list-style-type: none"> - 1 space per residential dwelling for residents = 91 spaces - 1 space per 10 dwellings for visitors = 10 spaces. <p>Bicycle parking Other Uses – Parramatta DCP 2023</p> <p>In accordance with Table C2.6 of Austroads GTM Part 11 or at a rate of 0.2 spaces per car parking spaces, whichever is greater = $27 \times 0.2 = 6$ spaces</p> <p>Motorcycle parking – Parramatta DCP 2023</p> <p>1 space per 50 car parking spaces or part thereof = $127 / 50 = 3$ spaces</p>	<p>In accordance with the Traffic Report, the development proposes a total of 102 bicycle parking spaces.</p> <p>It is noted that the Parramatta DCP nor Austroads suggests a bicycle parking rate for childcare centre. In accordance with section 6.3, control C.03 of the DCP, where a land use is not mentioned, a rate of 0.2 spaces per parking space would be required. Accordingly, the childcare component should provide at least 6 bicycle parking spaces. However, it is considered that the should workers at the childcare centre require parking, they could use the visitor bicycle parking considering the residential visitor peak is normally outside of normal business hours of the childcare.</p> <p>Three motorcycle parking spaces are proposed.</p>	
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Subjects & Controls		Proposal	Complies
4A Solar and daylight access			
Living rooms and private open space of at least 70% of apartments in a building receive a min. 2 hours of direct sunlight between 9am and 3pm on 21 June	75% of apartments in the proposed development receive more than 2 hours direct sunlight between 9am – 3pm midwinter.	Yes	
A max. of 15% of apartments in the building receive no sunlight between 9am and 3pm at mid-winter.	15% of apartments do not receive direct sunlight due to their orientation		
4B Natural Ventilation			

Min 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	66% of all apartments are naturally cross-ventilated. The proposed development is less than 9 storeys in height.	Yes
4C Ceiling Heights		
<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <p>For habitable rooms – 2.7m. For non-habitable rooms – 2.4m.</p> <p>These minimums do not preclude higher ceilings if desired.</p>	All units appear to be compliant with floor to ceiling heights of 2.85m.	Yes
4D Apartment size and layout		
<p>Minimum unit sizes:</p> <p>Studio – 35m² 1 bed – 50m² 2 bed – 70m² 3 bed – 90m²</p> <p>Additional bathrooms increase the minimum internal area by 5m² each.</p>	The plans prepared by DKO indicate all apartments comply with the minimum sizes required by the ADG.	Yes
<p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.</p> <p>In open plan layouts the maximum habitable room depth is 8m from a window.</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments. 	All units comply.	Yes
4E Private open space and balconies		
<p>All apartments are to have primary balconies as follows:</p> <p>Studio – 4m² with no minimum depth 1 bedroom – 8m² with a minimum depth of 2m 2 bedroom – 10m² with a minimum depth of 2m 3 bedroom – 12m² with a minimum depth of 2.4m</p> <p>For units at ground or podium levels, a private open space area of 15m² with a minimum depth of 3m is required.</p> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>	All units comply with the minimum balcony or POS areas.	Yes
Ground floor units are to have private open space as follows: 15m ² , min 3m depth.	All apartments located at ground floor level comply.	Yes

4F Common circulation and spaces																			
Max. number of apartments off a circulation core on a single level is 8.		Maximum 8 units.		Yes															
4G Storage																			
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is required: <table><tr><td>Apartment type</td><td>Storage volume</td><td>size</td></tr><tr><td>Studio</td><td>4 m³</td><td></td></tr><tr><td>1 bedroom</td><td>6 m³</td><td></td></tr><tr><td>2 bedroom</td><td>8 m³</td><td></td></tr><tr><td>3 bedroom</td><td>10 m³</td><td></td></tr></table>		Apartment type	Storage volume	size	Studio	4 m ³		1 bedroom	6 m ³		2 bedroom	8 m ³		3 bedroom	10 m ³		Where storage is not wholly provided within the unit itself, the remainder is provided in the carpark via storage cages. It appears that the total combined storage areas provided for each dwelling meets the minimum areas required.		Yes
Apartment type	Storage volume	size																	
Studio	4 m ³																		
1 bedroom	6 m ³																		
2 bedroom	8 m ³																		
3 bedroom	10 m ³																		
At least 50% of the required storage is to be located within the apartment.		In the instance where storage cages are required, at least 50% of the apartment's storage is provided within the apartment itself.		Yes															

8.7 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

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

Clause	Comment
Clause 2.48 – electricity infrastructure	The subject site is not in the vicinity of electricity infrastructure that would trigger the concurrence of the electricity supply authority.
Clause 2.97 – Development adjacent to rail corridors	The subject site is not directly adjacent to a rail corridor.
Clause 2.118 – frontage to a classified road	The subject site does not have frontage to a classified road.
Clause 2.122 - average daily traffic volume of more than 20,000 vehicles.	<p>Moseley Street and Donald Street have an average daily traffic volume of less than 20,000 vehicles per day.</p> <p>In addition, the size of the development is not listed in Column 2 of Schedule 3 of the SEPP to be considered traffic generating development requiring concurrence.</p> <p>As such, clause 2.122 is not applicable to the development application.</p> <p>Therefore, the application is not required to be referred to Transport for NSW for concurrence.</p>

In addition, the applicant has submitted a Traffic Impact Assessment Report for the development proposal. Council's Traffic and Transport Engineer reviewed the subject application and considers the proposal to be acceptable, subject to the imposition of conditions in the event approval was recommended.

Chapter 3 – Educational Establishments and Child Care Facilities

On 1 March 2022, the NSW Government published the SEPP Environmental Planning Policy (Transport and Infrastructure) 2021 which included the former SEPP (Educational Establishments and Childcare facilities) 2017 under Chapter 3. The policy aims to facilitate the effective delivery of educational establishments and early education and childcare facilities across the State. The SEPP sets out that a consent authority must take into consideration the Child Care Planning Guidelines and National Quality Framework when assessing a development application for a centre-based childcare facility.

The following relevant provisions of Chapter 3 – Educational Establishments and Child Care Facilities of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Part 3 – Early Education and Care facilities – Specific Development Controls

DEVELOPMENT STANDARD	PROPOSED	COMPLIANCE
<p>3.22 – Concurrence of the Regulatory Authority</p> <p>This clause applies to development for the purpose of a centre-based childcare facility if:</p> <p>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or</p> <p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</p>	<p>Total no. of children = 80</p> <p>Minimum required unencumbered space:</p> <p>Indoor – 260m²</p> <p>Outdoor – 560m²</p> <p>Proposed</p> <p>*Indoor – 260m² as stated by the applicant and as shown on the concept floor plan.</p> <p>It is noted that the proposal seeks consent for the use of the childcare centre only. The fit-out of the centre will be subject to a separate development application by a future operator so any subsequent application would have to determine if the fit-out complied with the indoor play area requirements. Notwithstanding this a potential floor layout should be provided to demonstrate its suitability.</p> <p>*Outdoor – 560m² as stated by the applicant and as notated on the plan.</p> <p>The actual outdoor area as calculated as part of the preliminary assessment is approximately 470m² which would permit only 67 children.</p>	<p>No</p> <p>The outdoor play area within the front setback on the Moseley Street frontage (of approx. 90m² in size) is not supported and therefore excluded from the calculations.</p> <p>An alternative area should be provided, or the number of children should be reduced.</p> <p>It is also difficult to ascertain that the rest of the outdoor area is unencumbered due to the plans not being clear.</p> <p>It should be noted that areas above stormwater pits and the like should be excluded.</p>
<p>3.23 – Matters for Consideration by Consent Authorities</p> <p>Before determining a development application for development for the purpose of a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.</p>	<p>The proposal has been assessed against the relevant provisions of the Child Care Planning Guidelines.</p>	<p>Yes – refer to table below.</p>

3.24 – CCC in zone IN1 or IN2 – additional matters for consideration by consent authorities	The application is not located within land zoned IN1 or IN2	N/A
3.25 Centre-based childcare facilities - FSR Child-care centres located in land zoned R2 Low Density Residential must not exceed 0.5:1	The application is not located within land zoned R2	N/A
3.26 – Non-Discretionary Development Standards (a) Location (b) Indoor and Outdoor Space (c) Site Area and Site Dimensions (d) Colour of Building Materials or Shade Structures	The non-discretionary development standards subject of this clause (a) – (d) have been considered within this assessment. The proposed development complies with the requirements of Regulation 107 by providing a minimum of 3.25m ² of unencumbered indoor space per child, and Regulation 108 by providing a minimum of 7m ² of unencumbered outdoor space per child.	Yes as per provided “indicative” plan, however fit-out details have not been provided which would likely impact on this area.
3.27 – Development Control Plans A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) <u>does not apply</u> to development for the purpose of a centre-based childcare facility: <ul style="list-style-type: none"> operational or management plans or arrangements (including hours of operation), demonstrated need or demand for childcare services, proximity of facility to other early childhood education and care facilities; and any matter relating to development for the purpose of a centre-based childcare facility contained in: <ul style="list-style-type: none"> the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i>, or the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates). 	The proposal has been assessed against the provisions of the childcare planning guidelines.	Refer to assessment below.

Compliance with Child Care Planning Guideline

The Child Care Planning Guideline establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based childcare facilities in the State. Consideration of the applicable provisions of the guideline is addressed below:

Part 2 – Design Quality Principles

PRINCIPLE	PROPOSED	COMPLIANCE
1. Context	<p>The subject site has been assessed relative to its context. It is noted that:</p> <ul style="list-style-type: none">- The site is not a battle-axe allotment or cul-de sac and not located off an arterial road. The childcare centre component of the development will be accessed off Moseley Street for pedestrians and Donald Street for vehicles.- The proposal is not within proximity to any intensive, offensive and hazardous land uses. The predominant land uses within the immediate surrounding locality comprise residential uses.	Yes
2. Built Form	<p>The subject site has been assessed on its built form. It is noted that the proposed scale of the development is exaggerated through the inclusion of residential units above the childcare centre. A better outcome would be for a stand-alone childcare centre separated from the residential component.</p> <p>The proposed outdoor play area within the front setback on the Moseley Street frontage is not supported and the centre should be redesigned to provide appropriate and accessible play areas behind the building line.</p>	No
3. Adaptive Learning Spaces	<p>The proposal cannot be adequately assessed on its adaptive learning spaces as the application is for the use of a childcare centre only with no internal layout or fit-out details provided. Ideally a concept layout would have assisted in assessing the buildings feasibility and suitability for its use.</p> <p>The plans depicting the outdoor area are very cluttered and unclear. It cannot be determined if accessible access to the rear play area is provided for children, staff and persons reliant on a mobility device.</p> <p>Further details would have been requested on indoor and outdoor areas.</p>	No
4. Sustainability	<p>It is noted that the sustainable measures are under review with Council's sustainability section.</p>	Appears to comply.
5. Landscape	<p>The proposed landscaping works are currently being assessed.</p>	Does not comply. See landscaping comments.
6. Amenity	<p>The proposed works have been partially assessed on its amenity. Further details will be requested on indoor and outdoor areas to assess amenity for children and staff.</p>	No

	<p>With respect to amenity impacts to neighbouring properties, concern is raised with the proposed raised fencing/acoustic barriers (up to 2.3m high), particularly on the western boundary which may result in visual impacts to adjoining residents and could potentially result in overshadowing impacts.</p> <p>It is encouraged to address and mitigate acoustic impacts without the need for excessively dominating barriers.</p>	
7. Safety	The proposed works have been partially assessed on its safety. Further review with respect to safety is being undertaken.	Appears to comply.

Part 3 – Matters for Consideration

CONTROL	PROPOSED	COMPLIANCE
3.1 – Site Selection and Location		
C1 For proposed developments in or adjacent to a residential zone , consider: <ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties the setbacks and siting of buildings within the residential context traffic and parking impacts of the proposal on residential amenity 	<p>It is noted that measures have been incorporated into the design with respect to the acoustics and privacy of adjoining properties. However with respect to amenity impacts to neighbouring properties, concern is raised with the proposed raised fencing/acoustic barriers (up to 2.3m high), particularly on the western boundary which may result in visual impacts to adjoining residents and could potentially result in overshadowing impacts.</p>	No
C2 When selecting a site, ensure that: <ul style="list-style-type: none"> the location and surrounding uses are compatible with the proposed development or use the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed the characteristics of the site are suitable for the scale and type of development proposed having regard to: 	<p>It is acknowledged that the site and proposed works is in a location that could achieve compatibility with the surrounding uses.</p> <p>The site is relatively environmentally safe from natural hazards and would not be located closely to incompatible social activities.</p> <p>Notwithstanding the above, it is noted that:</p> <ul style="list-style-type: none"> It is noted that the proposed scale of the development is exaggerated through the inclusion of residential units above the childcare centre. 	No

<ul style="list-style-type: none"> ○ size of street frontage, lot configuration, dimensions and overall size ○ number of shared boundaries with residential properties ○ the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use • there are suitable drop off and pick up areas, and off and on street parking • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 		
<p>C3</p> <p>A childcare facility should be located:</p> <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries <p>in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.</p>	<p>The proposal is located near compatible social uses.</p>	<p>Yes</p>
<p>C4</p>		

<p>A childcare facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> proximity to: <ul style="list-style-type: none"> heavy or hazardous industry, waste transfer depots or landfill sites LPG tanks or service stations - water cooling and water warming systems odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses. 	<p>The site and proposed use are not located near any hazardous land uses.</p>	<p>Yes</p>
<p>3.2 – Local Character, Streetscape, and the Public Domain Interface</p>		
<p>C5</p> <p>The proposed development should:</p> <ul style="list-style-type: none"> contribute to the local area by being designed in character with the locality and existing streetscape reflect the predominant form of surrounding land uses, particularly in low density residential areas recognise predominant streetscape qualities, such as building form, scale, materials and colours include design and architectural treatments that respond to and integrate with the existing streetscape use landscaping to positively contribute to the streetscape and neighbouring amenity integrate car parking into the building and site landscaping design in residential areas. 	<p>The proposal is located within a predominantly residential area and opposite a church, a parish centre and a reserve. It is noted that the proposed scale of the development is exaggerated through the inclusion of residential units above the childcare centre and is not considered reflective of the existing streetscape.</p>	<p>No</p>
<p>C6</p> <p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> fencing to ensure safety for children entering and leaving the facility 	<p>The proposal incorporates a 2.3 metre high acoustic barrier/fence along the western boundary and southern side to meet the acoustic recommendations and requirements of the submitted acoustic report.</p>	<p>No</p>

<ul style="list-style-type: none"> windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community integrating existing and proposed landscaping with fencing. 	<p>However it is considered that the fence will result in incompatibility with the surrounding residential streetscape. The proposed fencing may also result in overshadowing and visual impacts to neighbouring properties.</p>	
<p>C7</p> <p>On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the childcare facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>Residential and childcare pedestrians are considered to have separately defined entryways.</p> <p>While the parking for the residential component is on a separate basement level to the childcare parking, both uses share the vehicle access point from Donald Street which may result in congestion/conflict.</p>	Complies.
<p>C8</p> <p>Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> clearly defined street access, pedestrian paths and building entries low fences and planting which delineate communal/ private open space from adjoining public open space minimal use of blank walls and high fences. 	<p>The childcare centre is situated on the Moseley Street frontage, and while it does not directly adjoin a reserve, it is opposite the Harold West Reserve. The design does not incorporate low fences, suitable planting etc. The inclusion of residential units above the childcare centre, results in an imposing and bulky built form and is not considered reflective of the existing streetscape.</p>	No
<p>C9</p> <p>Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>The proposed front fence at the outdoor play area on the northern frontage is within the front setback area and is not supported.</p> <p>The proposed design exaggerates the bulk of the building and detracts from the existing built form within the locality.</p> <p>Note: The site is not listed as a heritage item or located within an HCA.</p>	No
<p>C10</p> <p>High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping</p>	<p>The subject site does not front a classified road.</p>	N/A

of a similar height between the wall and the boundary.		
3.3 – Building Orientation, Envelope and Design		
C11 Orient a development on a site and design the building layout to ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> • facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties • placing play equipment away from common boundaries with residential properties • locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill • ensure buildings along the street frontage define the street by facing it • ensure that where a childcare facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>The proposal has been assessed and the plans appear to indicate that:</p> <ul style="list-style-type: none"> - the doors and windows are sufficiently setback from adjoining properties to mitigate the potential for overlooking impacts. - it demonstrates acceptable solar access to internal and external play areas however further review is required on this matter. <p>The childcare centre is located above ground level however given the topography of the site, the childcare centre appears to be below ground when viewed from the Moseley Street frontage.</p> <p>Notwithstanding the above, the proposal does not satisfy the following:</p> <ul style="list-style-type: none"> - Play area and equipment is located near the adjacent western boundary with residential properties. - Excessively high fences located at the western and southern side are likely to cause overshadowing and visual impacts to neighbouring properties. 	No
C12 The following matters may be considered to minimise the impacts of the proposal on local character: <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility 	<p>It is noted that:</p> <ul style="list-style-type: none"> - the proposed building height is not consistent with other existing buildings in the immediate vicinity. - Setbacks are considered acceptable (with the exception of the Moseley Street northern side) and would provide adequate access for building maintenance. - The front setback Moseley Street for the development is not considered acceptable. <p>Notwithstanding the above, the proposal does not satisfactorily achieve the following:</p>	No

<ul style="list-style-type: none"> • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character 	<ul style="list-style-type: none"> - The proposed acoustic fencing can create large shadows and visual impacts onto the adjoining properties. - Whilst the proposal complies with a numerical building height, the proposed flat roof form exaggerates the building form and presents an incompatible and atypical street appearance. 	
<p>C13</p> <p>Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>	<p>It is noted that the site is not located on a classified road.</p> <p>It is considered that the Moseley Street setback is not consistent with adjoining properties.</p>	No
<p>C14</p> <p>On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>The proposed side and rear boundary setbacks are not considered consistent with the prevailing (side and rear) setbacks required for a dwelling house.</p>	No
<p>C15</p> <p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas • responds to its natural environment including local landscape setting and climate 	<p>The proposed current built form would:</p> <ul style="list-style-type: none"> - not adequately respond to the physical context of the area given that the bulk and scale is inconsistent with the prevailing streetscape pattern. - not be adequately designed to effectively accommodate unencumbered outdoor open space given the location of play area forward of the building line on the Moseley Street frontage. It also appears that areas above pits and the like have been included in the calculations. 	No

<ul style="list-style-type: none"> • contributes to the identity of place. 		
<p>C16</p> <p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>It is noted that an external pedestrian entry to the facility is limited to one point however internal access is also available via the basement parking area.</p>	<p>Yes</p>
<p>C17</p> <p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. <p>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>	<p>Further information on accessibility would have been requested.</p>	<p>No</p>

3.4 – Landscaping		
C18 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by: <ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	The proposed landscaping is inadequate for a development of this scale.	No
C19 Incorporate car parking into the landscape design of the site by: <ul style="list-style-type: none"> • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas. 	The proposal does not seek at-grade parking.	N/A
3.5 – Visual and Acoustic Privacy		
C21 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 	The proposal has been designed in the attempt to minimise direct overlooking of indoor rooms and outdoor play spaces from public areas however the acoustic measures proposed result in other amenity impacts which include visual impacts and overshadowing impacts for adjacent neighbouring private open space.	No
C22 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:	It appears that staff are unlikely to have a direct outlook to main internal living areas and private open space in adjoining developments.	Yes

<ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 		
<p>C23</p> <p>A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>The proposal provides acoustic fences along the boundaries adjacent neighbouring residential properties.</p> <p>Notwithstanding this, the proposed fences are of a height that are inconsistent to the surrounding locality and is likely to contribute in overshadowing and visual impacts to neighbouring properties.</p>	No
<p>C24</p> <p>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • identify an appropriate noise level for a childcare facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	<p>An acoustic report was provided and reviewed by Environmental Health who have provided conditions of consent in the event that the proposal is supported however given there are concerns with the location and height of the acoustic barriers (as noted elsewhere in this report) Council cannot support the proposal on acoustic grounds.</p>	No
3.6 – Noise and Air Pollution		
<p>C25</p> <p>Adopt design solutions to minimise the impacts of noise, such as:</p>	<p>As noted above, an acoustic report was provided and reviewed by Environmental Health who have provided conditions of consent in the event that the proposal is supported however given there are</p>	No

<ul style="list-style-type: none"> • creating physical separation between buildings and the noise source • orienting the facility perpendicular to the noise source and where possible buffered by other uses • using landscaping to reduce the perception of noise • limiting the number and size of openings facing noise sources • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits • locating cot rooms, sleeping areas and play areas away from external noise sources. 	<p>concerns with the location and height of the acoustic barriers (as noted elsewhere in this report) Council cannot support the proposal on acoustic grounds.</p>	
<p>C26</p> <p>An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> • on industrial zoned land • where the ANEF contour is between 20 and 25, consistent with AS 2021 - 2000 • along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise. 	<p>An acoustic report was provided and reviewed by Environmental Health.</p> <p>It is noted that the site is not located on industrial zoned land or nearby a rail corridor or classified road.</p>	<p>Yes</p>
<p>C27</p> <p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	<p>The subject site is not located near major external sources of air pollution such as major roads or industrial development.</p>	<p>N/A</p>
<p>C28</p>		

<p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility 	<p>The subject site is not located near major external sources of air pollution such as major roads or industrial development.</p>	<p>N/A</p>
<p>3.7 – Hours of Operation</p>		
<p>C29</p> <p>Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed childcare facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>	<p>The applicant's statement of environmental effects denotes the operating hours to be 7:00am to 7:00pm</p> <p>It is noted that a plan of management was not submitted, likely due to the applicant not yet having an operator for the proposed centre however as approval is sought for the use of the building as a childcare centre a plan of management should be submitted. This would have been requested.</p>	<p>Yes</p>
<p>3.8 – Traffic, Parking and Pedestrian Access</p>		
<p>C31</p> <p>Off streetcar parking should be provided at the rates for childcare facilities specified in a Development Control Plan that applies to the land.</p>	<p>The proposal complies with the numerical controls and Council's traffic and parking team has provided relevant conditions in the event that approval was recommended.</p>	<p>Yes</p>
<p>C33</p> <p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the</p>	<p>Council's traffic engineers have reviewed the submitted traffic report and have</p>	<p>Yes</p>

<p>surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> the amenity of the surrounding area will not be affected there will be no impacts on the safe operation of the surrounding road network. 	<p>provided relevant conditions in the event that approval was recommended.</p>	
<p>C34</p> <p>Alternate vehicular access should be provided where childcare facilities are on sites fronting:</p> <ul style="list-style-type: none"> a classified road roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> the prevailing traffic conditions pedestrian and vehicle safety including bicycle movements the likely impact of the development on traffic. 	<p>The subject site does not front a classified road or is a road which would carry freight traffic or transport dangerous goods or hazardous materials.</p>	<p>N/A</p>
<p>C36</p> <p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> separate pedestrian access from the car park to the facility defined pedestrian crossings included within large car parking areas separate pedestrian and vehicle entries from the street for parents, children and visitors pedestrian paths that enable two prams to pass each other delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities in commercial or industrial zones and mixed use developments, the path of travel 	<p>Details of public domain works have not been submitted. Therefore, the amenity of the public domain (including entry and access) cannot be ascertained.</p> <p>Accordingly, the proposal cannot be considered acceptable in this regard.</p>	<p>No</p>

<p>from the car parking to the centre entrance physically separated from any truck circulation or parking areas</p> <ul style="list-style-type: none"> vehicles can enter and leave the site in a forward direction 		
<p>C38</p> <p>Car parking design should:</p> <ul style="list-style-type: none"> include a child safe fence to separate car parking areas from the building entrance and play areas. provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards include wheelchair and pram accessible parking. 	<p>Council's traffic engineers have reviewed the submitted traffic report and have provided relevant car park conditions in the event that approval was recommended.</p>	<p>Yes</p>

Part 4 – Applying the National Regulations to Development Proposals

Controls	Proposed	Compliance
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>Total no. of children = 80</p> <p>Minimum required unencumbered space:</p> <p>Indoor – 260m²</p> <p>Proposed *Indoor – 260m² as stated by the applicant.</p> <p>It is noted that the proposal seeks consent for the use of the childcare centre only.</p> <p>The fit-out of the centre will be subject to a separate development application by a future operator so while they would have to comply with the indoor play area requirements, a more detailed floor plan would have been requested had the opportunity arose.</p>	<p>Yes as per provided "indicative" plan, however fit-out details have not been provided which would likely impact on this area.</p>

Verandahs as indoor space For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather.	No verandahs proposed for use as indoor play space.	N/A
4.2 Laundry and hygiene facilities		
Regulation 106 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.	The proposal provides laundry facilities (as shown on the indicative floor plan).	Yes
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.	Toilet facilities are provided on the indicative plan for each age bracket and provide for the safe and convenient use by the children.	Yes
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.	Light and ventilation available. Conditions to ensure compliance with the NCC and BCA would have been imposed if the application was recommended for approval. Each room to be utilised by the children has access to an external opening to provide the required ventilation and natural light.	Yes
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 proposal appears to provide the required facilities (as shown on the indicative floor plan).	Yes

4.6 Nappy change facilities		
Regulation 112 Childcare facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.	The proposal appears to provide the required facilities (as shown on the indicative floor plan).	Yes
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.	View lines across childcare centre appear to be achieved to allow for adequate supervision. The open floor plan of the centre facilitates supervision by staff at all times. However, it is noted that internal fit-out details have not been provided. From a preliminary assessment the design of the external play areas and the proposed doorways, seems to confirm that supervision is ensured from within the facility and from the external play areas. However, an amended external play area would have been requested due to the unsupported section within the front setback.	Yes
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 	Details of a suitable emergency and evacuation plan has not been provided.	No

<ul style="list-style-type: none"> a risk assessment to identify potential emergencies that are relevant to the service. 		
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 regulatory authority is required under the SEPP.	Total no. of children = 80 Minimum required unencumbered space: Outdoor – 560m ² Proposed *Outdoor – 560m ² as stated by the applicant. The actual outdoor area as calculated as part of the preliminary assessment is approximately 470m ² which would permit only 67 children.	No The outdoor play area within the front setback on the Moseley Street frontage (approx. 90m ²) is not supported. An alternative area should be provided, or the number of children should be reduced. It is also difficult to ascertain that the rest of the outdoor area is unencumbered due to the plans not being clear. It should be noted that areas above stormwater pits and the like should be excluded.
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.	Pending resolution of the above.	No
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. <ul style="list-style-type: none"> have year-round solar access to at least 30 per cent of the ground area, 	It appears that the proposal provides some shade with the residential building overhang above however no shade sails are provided that would protect children from overexposure to ultraviolet radiation from the sun. As mentioned elsewhere in this report, consideration	No

<p>with no more than 60 per cent of the outdoor space covered.</p> <ul style="list-style-type: none"> provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area 	<p>should be given to deleting the upper-level residential component.</p> <p>From a preliminary assessment the proposal does not achieve adequate outdoor open space.</p>	
4.12 Fencing		
<p>Regulation 104</p> <p>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.</p> <p>Childcare facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p>	<p>It is noted that the outdoor play areas are fenced however further details would be required on the proposed landscaping adjacent to the fences which may provide potential opportunity for children to scale fences.</p>	No
4.13 Soil Assessment		
<p>Regulation 25 Education and Care Services National Regulations</p> <p>Subclause (d) of regulation 2 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval. With every service application one of the following is required:</p> <ul style="list-style-type: none"> A soil assessment for the site of the proposed education and care services premises; If a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken; and A statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	<p>A review of Council's records indicates that the site does not contain potential for contamination and was deemed to be satisfactory. Relevant conditions would have been imposed in the event of approval.</p>	Yes

8.8 Parramatta Local Environmental Plan 2023

The Parramatta Local Environmental Plan 2023 (PLEP 2023) is the principal environmental planning instrument that applies to the site.

The Parramatta Local Environmental Plan 2023 commenced on 2 March 2023. The LEP replaces the five previous LEPs that applied within the Local Government Area and is now the primary legal planning document for guiding development and land use decisions made by Council.

An assessment of the proposal against the relevant principal planning controls of the PLEP 2023 is provided below:

a) Land Zoning and Permissibility

The subject site is zoned as R4 High Density Residential under the Parramatta Local Environmental Plan 2023.

The proposed land uses comprise a *residential flat building* and a *centre-based childcare facility*.

The two proposed uses are defined as follows:

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

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*

Both proposed uses are permissible with consent within the R4 High Density Residential zone.

b) Zone Objectives

Clause 2.3 (2) requires the consent authority to take into consideration the zone objectives when determining a development application. The objectives for R4 High Density Medium Density Residential are:



- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.*
- *To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.*

While there are significant departures and deficiencies with the overall design of the proposal, the development is considered to be consistent with the objectives of the zone given that it will:

- Provide for the housing needs of the community by delivering a variety of apartments at varying price points,
- Deliver housing in proximity to transport, services and jobs,
- Deliver a child care centre to provide for the needs of the local community, and
- Diversify the housing stock in the locality to provide a variety of apartments sizes and types.

c) Development Standards and Provisions

The following table is an assessment of the relevant and applicable development standards and provisions of the development under the Parramatta Local Environmental Plan 2023.

Standards and Provisions	Compliance
<p>Cl. 4.3 Height of buildings</p>	<p>A maximum height of 16 and 21 metres applies to the site. A maximum of 16m applies to the northern portion and a maximum of 21m applies to the southern portion.</p>  <ul style="list-style-type: none"> • The proposal does not comply with the maximum building heights of 16m and 21m under Parramatta LEP, however the proposal relies on the additional 30% bonus building height provided under Clause 16 in Chapter 2 of the Housing SEPP. It is noted that the SEPP would override the LEP requirements. • Height permitted with additional 30% bonus: 20.8m (Building B & A1) • Height permitted with additional 30% bonus: 27.3m (Building A2) <p>Proposal:</p> <p>Building B & A1: 16.6m Building A2: 26.95m</p>
<p>Cl. 4.4 Floor space ratio</p>	<p>A maximum Floor Space Ratio (FSR) of 1:1 and 1.49:1 applies to the site. A maximum of 1:1 applies to the northern portion of the site and a maximum of 1.49:1 applies to the southern portion of the site.</p> 

	<ul style="list-style-type: none"> The proposal does not comply with the maximum FSR under Parramatta LEP, however the proposal relies on the additional 30% bonus FSR provided under Clause 16 in Chapter 2 of the Housing SEPP. It is noted that the SEPP would override the LEP requirements. FSR permitted with additional 30% bonus: 1:30:1 (Building B & A1) FSR permitted with additional 30% bonus: 1:30:1 (Building A2) <p>Proposal:</p> <p>Building B & A1: 6,412m² or 1:30:1 Building A2: 1,968m² or 1:94:1</p>
Cl. 4.6 Exceptions to development standards	N/A
Cl. 5.6 Architectural roof features	An architectural roof feature is not proposed.
Cl. 5.7 Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.
Cl. 5.10 Heritage conservation	The subject site is not located within vicinity of a heritage item or heritage conservation area.
Cl. 5.21 Flood Planning	The site is not identified on this map.
Cl. 6.2 Earthworks	<p>The proposed earthworks are ancillary to the residential flat building and childcare centre development proposed. The proposed earthworks are primarily as a result of the steep topography of the site and proposed basement parking.</p> <p>A review of the proposed earthworks is currently being undertaken to ascertain if it will have any adverse impacts on the amenity of adjoining properties.</p>
Cl. 6.3 Biodiversity	The subject site is not on land identified as 'biodiversity' on the natural resources map.
Cl. 6.5 Stormwater Management	<p>The proposed stormwater management works include construction of an onsite detention system with a storage capacity of 126m³, and a pit and pipe network directing all stormwater to Donald Street.</p> <p>It is also proposed to divert two drainage easements traversing the centre of the site to the boundaries of the site to facilitate the proposed development. Stormwater will then be directed to the existing pit in the sag at Donald Street which will be converted from a kerb inlet pit grate.</p> <p>This has been reviewed by Council's Development Engineer and by Council's Infrastructure Planning and Design (Assets) Section and further information would have been requested had an opportunity arose.</p>

8.9 Parramatta Development Control Plan 2023

The proposal is subject to the provisions of Parramatta Development Control Plan (PDCP) 2023 of the following sections:

- Part 2 – Design in Context
- Part 3 – Residential Development
- Part 4 – Non-Residential Development
- Part 5 – Environmental Management
- Part 6 – Traffic and Parking
- Part 8 – Centres, Precincts, Special Character Areas and Specific Sites of this DCP *(Carlingford Precinct)

The proposed development has therefore been assessed having regard to the relevant desired outcomes and prescriptive requirements within PDCP 2023. Where there is conflict between DCP 2023 and the SEPPs listed above, the SEPP controls prevail to the extent of the inconsistency.

The following table sets out the proposal's compliance with the relevant requirements of the Plan:

Development Control	Comment	Compliance
Part 2 – Design in Context		
2.3 Preliminary Building Envelope	The proposed building envelope is considered to be excessive and unacceptable in this instance given the bulk and scale.	No
2.4 Building Form and Massing	The bulk and scale is unsuitable for the site and does not respond to the surrounding context.	No
2.5 Streetscape and Building Address	The overall form of the development and design is considered to be incompatible with the existing and future envisioned streetscape.	No
2.8 Views and Vistas	There are no significant views and vistas from the subject site identified in Appendix 1 of PDCP 2023.	N/A
2.9 Public Domain	Council's Public Domain team have reviewed the application and would have requested additional information regarding the proposed front setbacks & deep soil areas, the communal open space, street tree planting and landscaping if the opportunity arose.	No
2.10 Accessibility and Connectivity	This proposed design limits the opportunities of creating direct entries for ground floor apartments and legible street addresses for the development. The childcare street access, designed as a meandering path that overlooks POS in the development, does not stand out as a distinct public entry and raises privacy concerns.	No
2.11 Access for People with Disabilities	Council's Universal Design (Accessibility) Officer reviewed the application and would have requested further information, in relation to access, lift size, handrails etc., if the opportunity arose.	No
2.14 Safety and Security	It appears that opportunities for casual surveillance of public domain are possible from the proposed balconies and terraces that face the street.	Yes

Part 3 – Residential Development		
3.1 Housing Diversity and Choice		
3.1.2 Dwelling Mix The following dwelling mix is required for RFBs, containing 10 or more dwellings: (a) 10-20% of dwellings to have 3 or more bedrooms. (b) 60-75% of dwellings to have 2 bedrooms. (c) 10-20% of dwellings to have 1 bedroom /studio.	The development has incorporated the following apartment mix: 14% are 3 bedroom 66% are 2 bedroom 20% are 1 bedroom	Yes
3.1.3 Accessible and Adaptable Housing Residential flat buildings are to provide adaptable housing in accordance with the below: • 10 or more apartments = 15% total dwellings	The proposal appears to comply with Section 8.2.8.1.15 (Adaptable Housing) of PDCP 2023 (Carlingford Precinct) which requires that 5 percent of the units in any development of 20 or more units, must be adaptable. A total of 91 units are proposed therefore 4.5 units (rounded up to 5 units) are required. However it is unclear how many are proposed as the unit mix Development Summary proposes only 9 and the Adaptable Unit Plans indicate only 7.	Appears to comply however clarification would have been sought.
3.2 General Residential Controls		
3.2.1 Solar Access and Ventilation	The development achieves the solar access requirements specified in the ADG which requires that proposed dwellings and living areas of adjoining dwellings receive a minimum of 2 hours of solar access between 9am and 3pm on 21 June SEPP (Housing) 2021, providing at least 3 hours of direct solar access between 9am and 3pm at mid-winter to living rooms and private open spaces in at least 70% of the dwellings. Further the development also complies with the applicable solar access (Section 4A) and natural ventilation (Section 4B) provisions of the ADG. Therefore, the proposed solar access and natural ventilation is supportable.	Yes it appears to comply based on what has been provided.
3.2.2 Visual and Acoustic Privacy	The proposed development appears to comply with the minimum building separation distances between habitable rooms as specified in Section 3F of the ADG to provide adequate visual and acoustic privacy in a high-density residential environment.	Yes
3.5 Apartment Buildings		
3.5.1 Key Development Standards for Apartment Buildings		
3.5.1.1 Minimum Site Frontage		
Min. 24m site frontage at building line	Proposed: Min 30m (Moseley Street) Min. 50m (Donald Street)	Yes
3.5.1.2 Preliminary Building Envelope		
Building Height		

<p>The maximum building height must be consistent with the Parramatta LEP 2023 Height of Buildings Map and correspond in storeys as follows:</p> <p>16m – 5 storeys</p> <p>21m – 7 storeys</p>	<p>A maximum height of 16 and 21 metres applies to the site.</p> <p>A maximum of 16m applies to the northern portion and a maximum of 21m applies to the southern portion.</p> <p>The number of storeys are as follows:</p> <p>The 16m portion includes 5 storeys however the 21m portion of the lot includes 8 storeys.</p> <p>It is noted that the proposed building height is in accordance with the provisions of the Housing SEPP, as the development relies on incentives available for the provision of affordable housing. The provisions of the Housing SEPP prevail to the extent of an inconsistency with the DCP.</p>	Yes
Any part of a basement or subfloor area that projects greater than 1m above NGL comprises a storey.	It appears that no part of the proposed basement protrudes more than 1m above NGL however further details and levels would have been requested to confirm this.	Yes
Street Setback		
6m front setback (including 3m setback for landscape)	Not applicable as the required setbacks in Part 8 (Carlingford Precinct) of PDCP 2023 prevail. Setbacks discussed elsewhere in this report.	N/A
Buildings must be set back a minimum of 3 metres from the secondary street.	Not applicable as the required setbacks in Part 8 (Carlingford Precinct) of PDCP 2023 prevail. Setbacks discussed elsewhere in this report.	N/A
Side and Rear Setbacks		
Side and rear setback are to be provided to ensure compliance with the residential privacy and separation requirements of the ADG.	Not applicable as the required setbacks in Part 8 (Carlingford Precinct) of PDCP 2023 prevail. Setbacks discussed elsewhere in this report.	N/A
3.5.1.4 Open Space and Landscape		
<p><u>Deep Soil Zone</u></p> <p>Required: Min. 30% of the site (50% to be located at the rear)</p> <p>On sites over 1,500m², a min. dimension of 6m will be required for at least 7% of the total site area in accordance with the ADG.</p> <p>The remaining 23% of the deep soil zone may be provided with a minimum dimension of 4m x 4m.</p>	<p>Required: 1,784.4m² or 30%</p> <p>Proposed: 580m² or 9.7%. (with 6m dimensions)</p> <p>Clause 19 of the SEPP (Housing) 2021, prevents the consent authority from requiring more onerous standards for the matters listed under the clause. Therefore, as the SEPP (Housing) 2021 has precedence over the PDCP 2023, the deep soil requirements of the SEPP have been used for the deep soil calculations.</p> <p>It is noted that the subject site has an area of 5,948m² and would therefore require 6m dimensions for deep soil zone under the ADG.</p> <p>A deep soil area plan is submitted with the application which states that 1,381m² or 23% of the site is provided as</p>	No - See ADG discussion.

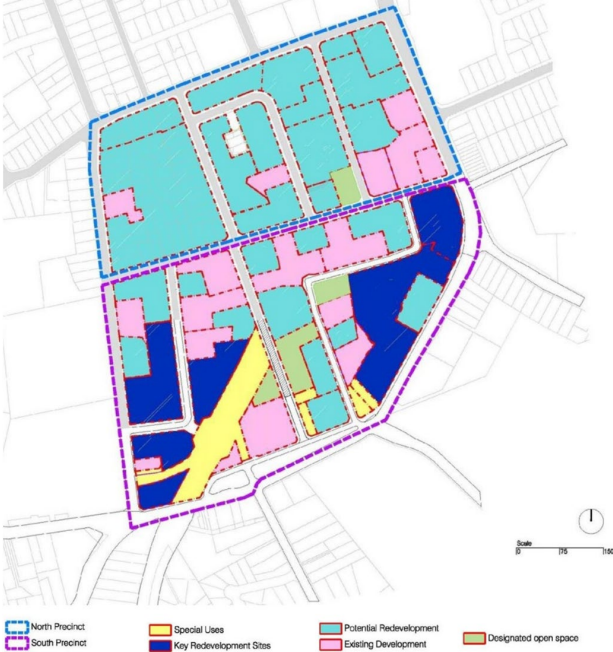
	deep soil area however further details are required to demonstrate that it meets the required dimensions and depths. It appears that this 1,381m ² area does not meet min 6m dimensions area and that only 580m ² is provided. Further details would have been requested had the opportunity arose.	
<u>Basements</u> Where basements are provided and extend beyond the building envelope, a min. soil depth of 1.2m is to be provided, measured from the top of the slab, and will not be calculated as part of the deep soil zone.	Council's Landscape and Tree Management Officer has reviewed the application and notes that the soil depth and soil volume over structures (basement/OSD) appear to be inadequate and do not meet the requirements of the ADG. Council's Landscape and Tree Management Officer would have requested further information in this regard, had the opportunity arose.	No
<u>Communal Open Space</u> Residential flat buildings must provide communal open space to meet the requirements of Section 3D of the Apartment Design Guide.	The applicant has stated, and shown on a COS plan, that 1,612m ² of communal open space has been provided however it is considered that the communal open space, nominated for congregation and recreation, is limited and does not meet the area requirement, as a significant portion of the areas used in the calculation is convoluted and contains several stepped areas, retaining walls, pathways, etc that is not usable and/or accessible for activities.	No
<u>Private Open Space</u> Private open space with a min. dimension of 2 metres must be provided for each dwelling as follows: a) 1-bedroom/studio units must provide a minimum of 8m ² per dwelling. b) 2-bedroom units must provide a minimum of 12m ² per dwellings.	The proposal provides sufficient private open space as per Section 3D of the ADG.	Appears to comply.
3.5.1.5 Parking Design and Vehicular Access	Basement carparking is proposed. Council's Traffic and Transport have reviewed the proposed parking design and vehicular access and raise no objections subject to the imposition of conditions of consent in the event of a recommendation of approval.	Yes
3.5.1.6 Internal Amenity	The proposal appears to comply with the ADG requirements.	Yes
3.6 Residential Subdivision		
3.6.1 Site Consolidation and Development on Isolated Sites	The proposed development is not conducive to orderly development and will result in an isolated lot, No. 22 Young Street, which therefore could not be developed to its full potential within a R4 High Density zone. The statement of Environmental effects claims that an offer to purchase No. 22 Young Street was made, however no evidence was provided.	No

Part 4 Non-residential Development		
4.6 Centre-Based Child Care Facilities		
*Relevant controls listed below.		
Play spaces are to be provided at ground level to the rear of the building, with direct access from within the facility, and should not be located between the side boundary and the building.	The proposed building has a deep undercroft area on its lower level to accommodate a childcare external play space. This results in the building appearing unbalanced and not grounded and forces the childcare centre significantly below the level of the street. Due to the sloping nature of the site, the indoor play spaces are located below the Mosley St level resulting in poor solar access, for both indoor and outdoor areas. This also raises safety and privacy concerns as people on Mosley St can easily view and access the childcare centre.	No
Acoustic reports are to be prepared by a suitably qualified acoustic professional and must be prepared in accordance with the Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment. The guidelines provide noise criteria and sound power levels which should be used as part of the preparation of applications.	<p>Council's Environmental Health officer reviewed the submitted acoustic report and provided conditions of consent in the event of a recommendation of approval however the report stated that a 2.3m high acoustic barrier would be required on the western elevation to reduce noise impacts.</p> <p>Significant concern is raised with the proposed raised fencing/acoustic barriers (up to 2.3m high), particularly on the western boundary which may result in visual impacts to adjoining residents and could potentially result in overshadowing impacts. The barrier is also of a height that could be observed from the street.</p> <p>It is considered that acoustic impacts should be managed and mitigated without the need for excessively dominating barriers. The provision of such would detrimentally impact on the amenity of adjoining properties.</p> <p>Given there are concerns with the location and height of the acoustic barriers (as noted elsewhere in this report) Council cannot support the proposal on acoustic grounds.</p>	No
A 1 metre wide densely landscaped setback along the side and rear boundaries, which cannot be included in the total outdoor play space area required for unencumbered outdoor play space.	The proposed outdoor play area does not include a 1-metre-wide landscaped screening around its perimeter.	No
Onsite car parking is to be provided at the rate of a minimum of 1 parking space per 4 child care places. Parking for people with a disability is to be provided at the rate of 1 space in every 10	Council's Traffic and Transport Engineer has reviewed the application and raises no objections subject to the imposition of conditions of consent in the event of an approval.	Yes


spaces. If the car parking required is less than 10 spaces then at least 1 accessible parking space must be provided.		
Part 5 – Environmental Management		
5.1 Water Management	Council's Development Engineer has reviewed the application and requires further information to enable a thorough assessment of the proposal, which would have been requested if the opportunity arose.	No
5.2 Hazard and Pollution Management		
5.2.1 Control of Soil Erosion and Sedimentation	Council's Environmental Health Officers provided conditions of consent, with regards to the control of sediment and soil erosion, in the event of an approval.	Yes
5.2.2 Acid Sulfate Soils	An Acid Sulphate Soils Management Plan is not required to be prepared.	N/A
5.2.3 Salinity	The proposal is not identified on the map.	N/A
5.2.4 Earthworks and Development of Sloping Land	The subject site has a significant slope with a cross fall of approx. 12 metres from the north-eastern corner to the south-western corner. The proposal should be further stepped down to respond to the slope and minimise the need for cut and fill on the site.	No
5.2.5 Land Contamination	A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination.	Yes
5.3 Protection of the Natural Environment	Council's Landscape and Tree Management Officer has reviewed the application and has significant concerns over the extent of tree removal and impacts to trees nominated for retention. Further information, including an amended arborist report, a tree impact schedule and a tree protection management plan, would have been requested had an opportunity arose.	No
5.4.8 Waste Management	Council's Environmental Health (Waste Management) Officer has reviewed the application and raises no objections subject to the imposition of conditions of consent in the event approval was recommended.	Yes
Part 6 – Traffic and Transport		
6.1 Sustainable Transport		
6.1.3 Electric Vehicle Charging Infrastructure	The development is proposed to provide the ability to equip all resident parking spaces with electric vehicle charging capabilities. PDCP 2023 requires that all residential parking spaces be 'EV Ready' which requires the provision of a backbone cable tray and a dedicated spare circuit within an EV Distribution Board enabling future installation of a smart EV charger and cabling to the EV Distribution Board. The proposed electric vehicle charging facilities are therefore considered to be satisfactory.	Yes

6.2 Parking and Vehicular Access	Council's Traffic and Transport Engineer has reviewed the application and raises no objections subject to the imposition of conditions of consent in the event of an approval.	Yes
6.3 Bicycle Parking	Council's Traffic and Transport Engineer has reviewed the application and raises no objections subject to the imposition of conditions of consent in the event of an approval.	Yes
6.4 Loading and Servicing	No applicable to the proposed development.	N/A
Part 8 – Centres, Precincts, Special Character Areas and Specific Sites of this DCP		
8.2.8 – Carlingford Local Centre *Relevant controls listed below.	This plan applies to land bounded by Jenkins Road to the west, Pennant Hills Road to the south and east and Moseley Street to the north and is referred to as the Carlingford Precinct.	Noted
8.2.8.1.1 Desired Future Character The precinct's desired future character is articulated below: The northern end of the Precinct will comprise lower scale residential flat buildings interspersed with existing multi-unit developments. The built form of development will reflect a transition of scale between the larger residential flat buildings concentrated around the train station in the south of the Precinct and the smaller scale residential flat buildings proposed in the land north of Post Office Street. Street setbacks are to complement the proposed garden setting in contrast to the strong street edge, activated urban village character of development closer to the train station. Additional streets are proposed to complement this relationship of buildings to the public domain and establish a finer grained street hierarchy and built forms.	It is considered that the proposal does not adequately respond to this desired future character, especially relating to scale of development, street setbacks, site planning principles and façade design as noted in the detailed discussion on the existing and future character of the precinct, under the SEPP (Housing) 2021 section, elsewhere in this report.	No

Private and communal open space within developments is encouraged to visually compliment the public realm and where feasible, allow some public access.		
<p>8.2.8.1.2 Opportunities and Constraints</p> <p>There are a series of constraints that apply across the Precinct. These include the essentially immovable elements that tend to delineate, separate and punctuate the Precinct as a whole. These elements include the rail line with its station and heritage building, major roads and pedestrian routes, topography, drainage lines, existing overhead power lines and pylons.</p> <p>Such land is both an opportunity and a constraint to development and has been influential in the structure planning for the Precinct.</p>	<p>It is proposed to relocate the existing (Council) drainage easement traversing the site.</p> <p>The proposal is to move the easement from its current position directly through the middle of the site, to wrap around the perimeter of the site. Council's Asset's section has reviewed the proposed easement relocation and require further information, which would have been requested had an opportunity arose.</p> <p>The easement relocation is also a matter for Council's property section and at the time of writing this report, was still under review.</p>	No
8.2.8.1.4 Site Coverage		
C.01 – The minimum site area of development sites shall be consistent with the site areas specified in the potential site amalgamation plan (Figure 8.2.8.1.5.1).		No

	 <p>Figure 8.2.8.1.5.1. Potential Site Amalgamation Guide Plans</p> <p>The proposed development is not consistent with the site amalgamation plan and is not conducive to orderly development. The proposal will result in an isolated lot, No. 22 Young Street, that could not be developed to its full potential within a R4 High Density zone.</p>	
<p>C.02 - Building site coverage shall not exceed of 35% of site area.</p> <p>“<i>Building</i>” for the purpose of this control is defined as the building footprint to the outside of the external walls excluding underground parking structures no more than 1.2 metres above ground and where roof of the parking structure is a private or communal open space.</p>	<p>The development ‘building’ site coverage, as per the definition, does not exceed 35%.</p>	Yes
8.2.8.1.6 Building Form		
<p>C.01 - Floor space ratio of a proposed development within the Precinct must not exceed the maximum ratio specified for that development site in the Floor Space Ratio Map of Parramatta LEP 2023.</p>	<p>The proposal relies on the provisions in Chapter 2 of <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP) for the provision of affordable housing which allows for additional height and floor space.</p> <p>Of the 91 apartments proposed, a total of 22 apartments (equal to 15% of the total gross floor area of the development) will be allocated for affordable housing complying with the requirements of the Housing SEPP.</p>	Yes

	<p>A maximum Floor Space Ratio (FSR) of 1:1 and 1.49:1 applies to the site. A maximum of 1:1 applies to the northern portion of the site and a maximum of 1.49:1 applies to the southern portion of the site.</p> <p>The proposal does not comply with the maximum FSR under Parramatta LEP 2023, however the proposal relies on the additional 30% bonus FSR provided under Clause 16 in Chapter 2 of the Housing SEPP.</p> <p>The proposal complies with the SEPP (Housing) 2021 permitted FSR, as noted elsewhere in this report, which overrides the PDCP 2023.</p>	
<p>C.02 - The height of proposed development within the Precinct must not exceed the maximum height specified for that development site in the Building Height Map in Parramatta LEP 2023.</p>	<p>The proposal relies on the provisions in Chapter 2 of <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP) for the provision of affordable housing which allows for additional height and floor space.</p> <p>Of the 91 apartments proposed, a total of 22 apartments (equal to 15% of the total gross floor area of the development) will be allocated for affordable housing complying with the requirements of the Housing SEPP.</p> <p>A maximum height of 16 and 21 metres applies to the site. A maximum of 16m applies to the northern portion and a maximum of 21m applies to the southern portion.</p> <p>The proposal does not comply with the maximum height under Parramatta LEP 2023, however the proposal relies on the additional 30% bonus FSR provided under Clause 16 in Chapter 2 of the Housing SEPP.</p> <p>The proposal complies with the SEPP (Housing) 2021 permitted height, as noted elsewhere in this report, which overrides the PDCP 2023.</p>	Yes
<p>C.04 - Development on sloping sites is to be stepped so that the ground floor does not exceed one metre above natural ground level immediately below any point on the ground floor.</p>	<p>The proposed development is a flat slab structure that does not consider the site's steeply sloping topography. The site has a significant cross fall of approx. 12 metres from the north-eastern corner to the south-western corner.</p> <p>The proposal should be further stepped down to respond to the slope and minimise the need for cut and fill on the site.</p>	No
<p>C.09 - In general, a residential flat building length of approximately 50 metres is appropriate. Developments more than 50 metres in length must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.</p>	<p>Building B of the proposal exceeds this requirement by 15m, resulting in a long, monotonous façade fronting Mosley St that adds to the perceived bulk of the development and does not respond to the 'low scale residential flat building' character of the area. A substantial break in Building B will reduce the scale of the building and may create more opportunities to reinforce the garden character of the precinct with planting between the buildings.</p>	No
8.2.8.1.7 – Setbacks		

Building setbacks are to be as per Figure 8.2.8.1.7.1	 <p>Figure 8.2.8.1.7.1. Setback Controls</p>	Noted
C.01 – 6 metres (Donald Street)	The proposal provides a 6m setback to the building at Donald Street however a number of courtyards, entrances, steps etc encroach into the setback area.	No
C.03 – 10 metres setback (Moseley Street)	The proposal provides a 4m (childcare centre outdoor play area) and 6m (building) setback to Moseley Street.	No
C.05 Rear setbacks are to be 8 metres	The rear setback (eastern side) provides a 6m setback.	No
C.06 Side setbacks are to be a minimum of 4.5 metres to walls and 6 metres to windows from ground floor to fourth storey, and 6 metres for walls and windows above the fourth storey	The overall site is an irregular configuration with 2 x frontages however the southern and western sides of the lot could be considered the “side”. In this instance, it can be considered that the sides meet the minimum side setbacks of 4.5m and 6m.	Yes
C.09 - In general, no part of a building or above ground structure may encroach into a setback zone. Exceptions are access to underground parking structures.	There are several encroachments on Moseley and Donald Street frontages.	No
8.2.8.1.9 Landscaping and Private Domain		
C.02 - Landscaping of the public domain is to be undertaken in accordance with the provisions of the Carlingford Precinct Public Domain Plan. This includes, but is not	Details of landscaping of the public domain areas have not been provided to enable an assessment. Public Domain details would have been requested if an opportunity arose.	No

limited to, kerb and gutter construction, paving, landscaping, street furniture, lighting and street tree planting.		
C.03 - A minimum of 25 percent of the unbuilt upon area of a site is to be a deep soil zone. alternatively, 15% of the total site area, whichever is greater.	<p>To be included in DCP deep soil calculations, an area must be a minimum of 4x4m in size, be located at ground and not be located on any structures. It should not include patios, decks, and other impervious surfaces.</p> <p>The drawing showing deep soil calculations does not accurately denote areas of deep soil with the above requirements.</p> <p>Clause 19 of the SEPP (Housing) 2021, prevents the consent authority from requiring more onerous standards for the matters listed under the clause. Therefore, as the SEPP (Housing) 2021 has precedence over the PDCP 2023, the deep soil requirements of the SEPP have been used for the deep soil calculations.</p> <p>It is noted that the subject site has an area of 5,948m² and would therefore require 6m dimensions for deep soil zone under the ADG.</p> <p>A deep soil area plan is submitted with the application which states that 1,381m² or 23% of the site is provided as deep soil area however further details are required to demonstrate that it meets the required dimensions and depths. It appears that this 1,381m² area does not meet min 6m dimensions area and that only 580m² is provided.</p> <p>Where basements are provided and extend beyond the building envelope, a minimum soil depth of 1.2 meters is to be provided, measured from the top of the slab, and will not be calculated as part of the deep soil zone.</p> <p>Further details would have been requested had the opportunity arose.</p>	No
C.11 - The area of communal open space required should be at least 30 percent of the site area. *(Larger sites may have potential for more than 30 percent.)	The proposed communal open space does not meet the area requirement as a significant portion of the areas used in the calculation is not usable for activities.	No
C.14 - The minimum area of private open space for each apartment at ground level must be 25m ² . The minimum dimension is 4 metres.	It appears to comply with this requirement.	Yes
8.2.8.1.10 Solar Access, Natural Ventilation and Building Orientation		

C.01 - Buildings must be designed to ensure that adjoining residential buildings, and a major part of their landscape receive at least four hours of sunlight between 9am and 3pm on 21 June.	The proposal complies with the ADG requirements.	Yes
C.05 - Sixty percent (60%) of residential units should be naturally cross ventilated.	A total of 66% of dwellings achieve natural cross ventilation.	Yes
8.2.8.1.11 Access and Parking		
C.01 - Access to the site is to be in accordance with the requirements within Part 6 – Traffic and Transport of this DCP	The subject proposal complies with all the access matters that have been highlighted in the controls.	Yes
C.08 - All car parking areas and spaces shall be designed in accordance with Part 6 – Traffic and Transport of this DCP.	The subject proposal complies with all the parking matters that have been highlighted in the controls.	Yes
8.2.8.1.12 Stormwater Management		
C.01 - Drainage easements will be required where the development property does not drain directly into the existing stormwater drainage system or a public road. Development Consent will not be issued until the submission of documents demonstrating the creation of any necessary easements over downstream properties.	<p>It is proposed to relocate the existing (Council) drainage easement traversing the site.</p> <p>The proposal is to move the easement from its current position directly through the middle of the site, to wrap around the perimeter of the site. Council's Infrastructure Planning and Design (Assets) Section has reviewed the proposed easement relocation and require further information, which would have been requested had an opportunity arose.</p> <p>The easement relocation is also a matter for Council's property section and at the time of writing this report, was still under review.</p> <p>Development consent cannot be granted until the submission of documents demonstrating the alteration of the existing Council drainage easements.</p>	No
C.03 - On-site detention, water recycling, or water quality management systems may be required to Council's and/or the Sydney Catchment Management Authority requirements, to counteract an increase in stormwater runoff.	<p>The proposed stormwater management works include construction of an onsite detention system with a storage capacity of 126m³, and a pit and pipe network directing all stormwater to Donald Street.</p> <p>It is also proposed to divert two drainage easements traversing the centre of the site to the boundaries of the site to facilitate the proposed development. Stormwater</p>	No

	<p>will then be directed to the existing pit in the sag at Donald Street which will be converted from a kerb inlet pit grate.</p> <p>This has been reviewed by Council's Development Engineer and by Council's Infrastructure Planning and Design (Assets) Section and further information is required, which would have been requested, if the opportunity arose.</p>	
<p>C.04 - Drainage systems are to be designed and constructed in accordance with the design guidelines set out in Section 5.1 of this DCP. C.05 Discharge points are to be controlled and treated to prevent soil erosion, and may require energy dissipating devices on steeper topography, to Council's requirements.</p>	See above.	No
<p>C.06 - Where necessary, downstream amplification of existing drainage facilities will be required including Council infrastructure if required.</p>	See above.	No
<p>C.07 - Water Sensitive Urban Design (WSUD) principles shall be employed in the management of the site's stormwater in terms of water retention, reuse and cleansing in accordance with the Water Sensitive Urban Design Technical Guidelines for Western Sydney published by the Upper Parramatta River Catchment Trust (May 2004).</p>	See above.	No
<p>C.08 - On-site detention tanks are only permitted in common areas within a proposed development (for example driveways, common open space and not within private courtyards).</p>	See above.	No

8.2.8.1.14 Public Domain		
C.02 - Where residential buildings are required to be set back 10 metres from the front boundary, fencing/walls fronting a street shall be setback a minimum of 2 metres. This is to allow for consistent street edge landscaping and shall include recesses and other architectural features.	The current setback of 4m & 6m on the Moseley Street frontage is not compliant, and the development is to ensure a compliant 10m setback. A 1.5m footpath is to be constructed to the property boundary along Moseley Street and Donald Street as per the City of Parramatta Public Domain Guidelines.	No
C.07 - In mixed use developments containing non-residential uses on the ground floor, front boundaries should be defined by accessible paved and landscaped areas to demarcate public from private realm.	Details of landscaping of the public domain areas and interface have not been provided to enable an assessment.	No
C.10 - Contribute to the legibility of the residential flat development and amenity of the public domain by locating local awnings over building entries.	Details of landscaping of the public domain areas and interface have not been provided to enable an assessment.	No
8.2.8.1.15 Adaptable Housing		
C.02 - All Development Applications for residential flat buildings should be accompanied by a report prepared by a suitably qualified Access Consultant addressing access and mobility provisions within the development.	An Access Report by Vista Access Architects Pty Ltd. (D09415858) has been provided identifying several issues that will be required to be addressed at the construction certificate (CC) stage of the project.	Yes
C.05 - At least 1 unit in each residential flat building with less than 20 units, or 5 percent of the units in any development of 20 or more units, must be either: • An accessible unit to AS 1428 Part 2, suitable for occupation by a wheelchair user. or	A total of 91 units are proposed therefore 4.5 units (rounded up to 5 units) are required. It is unclear how many are proposed as the unit mix Development Summary proposes 9 units and the Adaptable Unit Plans indicate 7 units.	Clarification would have been requested.

• Meet Class B adaptability provisions under AS 4299.		
8.2.8.1.17 Access, Safety and Security		
C.01 - Consideration should be given to the needs of residents in regard to prams, wheelchair access and people with disabilities.	The minimal lift size may not be sufficient as all patrons of the centre must use either the stairs or lift. Further details on dimensions and capacity would have been requested.	No

9. The Regulations

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions

10. The Likely Impacts of the Development

The likely impacts of the development have been considered in this report and it is considered that the impacts are inconsistent with those that are to be expected given the applicable planning framework. The impacts that may arise are unacceptable.

11. Site Suitability

Suitable contamination investigations has been provided to demonstrate that the site can be made suitable for the proposed uses.

However the proposal is considered to have an unacceptable impact on biodiversity given the extent of tree removal and impacts to trees nominated for retention.

Accordingly, the site is considered to be unsuitable for the proposed development subject to the conditions provided within the recommendation to this report.

12. Submissions

The application was advertised and notified twenty-one (21) days in accordance with Council's *Consolidated Notification Requirements*.

In response, four (4) submissions were received. The issues raised within the submissions received are summarised and addressed below.

Issues Raised	Comment
Insufficient parking provided. Will result in increased on-street parking.	Council's Traffic Engineer has reviewed the application and the submitted traffic and parking assessment and determined that the proposal is compliant with Parramatta DCP 2023 parking rates. No concerns were raised subject to the imposition of conditions in the event that an approval was recommended.
Proposal will result in traffic congestion in an area with limited road infrastructure.	Council's Traffic Engineer has reviewed the application and the submitted traffic and parking assessment, and analysed expected traffic generation, and determined that the development would not be expected to cause significant impact on the surrounding road network. It is also noted that the proposed development is located approximately 700m walking distance from a light rail stop.

Noise levels from childcare centre.	Council's environmental health officer reviewed the proposal (in its current form) and the submitted acoustic report and determined that the noise mitigation measures proposed would be appropriate and the development could be supported, subject to the imposition of conditions in the event of an approval. However, it is noted that the current design of the childcare centre, including the outdoor play area and the excessively high acoustic barriers are not supported and a re-design would have been requested if an opportunity arose.
Out of character with the area.	As noted elsewhere in this report, due to the significant concerns raised in relation to the proposal, it is considered that the proposal is not considered compatible with the surrounding locality and character. The proposal does not pass the test with regards to the <i>Local Character Compatibility</i> as per Clause 19(3) of SEPP (Housing 2021) and is a reason for refusal.
Overshadowing concerns.	The site has street frontage to the north and south. There will be overshadowing to some extent on the properties to the south. With respect to amenity impacts to neighbouring properties, concern is raised in this report with the proposed raised fencing/acoustic barriers (up to 2.3m high), particularly on the western boundary which may result in visual impacts to adjoining residents and could potentially result in overshadowing impacts.
Too much development in Carlingford.	The proposed development is permissible with consent in the R4 High Density Residential zone. It is noted that the surrounding area is currently undergoing development, with a number of high-density developments already approved and built, particularly to the south of the subject site. The remainder of the R4 zoned area is envisioned to be redeveloped in some form in the future. Notwithstanding that, the subject proposal is considered to be an overdevelopment of the site and not reflective of what was anticipated within the Carlingford Precinct masterplan.

13. Public Interest

Due to the matters outlined in the report, a number of circumstances have been identified to indicate this proposal would be contrary to the public interest.

14. Disclosure of Political Donations and Gifts

No disclosures of political donations or gifts have been declared by the applicant or any organisation/persons that have made submissions in respect to the proposed development.

15. Development Contributions

A monetary contribution comprising \$641,763.42 would have been levied payable to City of Parramatta Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and the City of Parramatta (Outside CBD) Development Contributions Plan 2021 had an approval been recommended.

16. Summary and Conclusion

The Development Application has been assessed under the relevant head of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Housing) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Sustainable Building) 2022, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, Child Care Planning Guideline 2021 and Education and Care Services National Regulations, Parramatta Local Environmental Plan 2023 (PLEP

2023) and Parramatta Development Control Plan 2023 (PDCP 2023) and is considered to be unsatisfactory.

Given the significant issues, as outlined in this report, it is considered necessary to recommend the application for refusal.

Therefore, the Development Application is recommended for refusal.

17. Recommendation

The Development Application be refused for the following reasons:

- The proposed development proposes unacceptable variations and departures to the landscaping requirements, fails the test with regards to Local Character Compatibility and has not satisfied the relevant design principles (for residential apartment development in Schedule 9) under the provisions of State Environmental Planning Policy (Housing) 2021.
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).
- The proposed development does not satisfy the requirements of Part 3 (Specific Development Controls) of Chapter 3 - Educational Establishments and Child Care Facilities under the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 in relation to unencumbered outdoor play areas and indoor play areas.
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).
- The proposed development does not satisfy the requirements of Part 2 of Chapter 3 - Educational Establishments and Child Care Facilities under the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 in relation to built form, adaptive learning spaces, landscaping and amenity.
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).
- The proposed development does not satisfy the requirements of Part 3 (Matters for Consideration) of Chapter 3 - Educational Establishments and Child Care Facilities under the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 in relation to site selection, local character, streetscape, public domain interface, building orientation, envelope and design, visual and acoustic privacy, noise and traffic, parking and pedestrian access.
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).
- The proposed development does not satisfy the requirements of Part 4 (Applying the national Regulations to Development Proposals) of Chapter 3 - Educational Establishments and Child Care Facilities under the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 in relation to emergency and evacuation procedures, outdoor space requirements, natural environment, shade and fencing.
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).
- The proposed development does not satisfy the requirements of Parramatta Development Control Plan (PDCP) 2023 in relation to Preliminary building envelope, Building form and massing, Streetscape and building address, Accessibility and connectivity, Access for people with disabilities, Open space and landscape, Site Consolidation and Development on Isolated Sites, Play spaces, Acoustics, Landscaping, Water management, Earthworks and development of sloping land, Protection of the natural environment, Desired future character, Opportunities and constraints, Site coverage, Building form, Setbacks, Landscaping and private domain, Stormwater management, Public domain and Access, safety and security.
(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979).
- The submitted plans are inadequate and lack detail which has prevented a complete assessment of the application.
(Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act, 1979).
- The proposal is not in the public interest given the submissions received, and since it has not adequately addressed the issue of the future orderly development of the adjoining R4 zoned land

and since it is not demonstrated that the development is compatible with the surrounding context and approved development.
(Section 4.15(1)(d) and (e) of the Environmental Planning and Assessment Act 1979).