

Department of Planning, Housing & Infrastructure
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2124

Your Ref	SSD-84699461
Our Ref	NCA/16/2025
Contact	Douglas Bennett
Telephone	02 9806 5405
Email	dbennett@cityofparramatta.nsw.gov.au

03/02/2026

ATTN: Adele Murimba,

COUNCIL SUBMISSION TO REQUEST FOR ADVICE ON ENVIRONMENTAL IMPACT STATEMENT – MIXED-USE DEVELOPMENT WITH IN-FILL AFFORDABLE HOUSING (SSD-84699461) AT 241-245 PENNANT HILLS ROAD, CARLINGFORD

I refer to the above request to provide advice on the Environmental Impact Statement (and accompanying information) in relation to state significant development application SSD-84699461 at 241-245 Pennant Hills Road, Carlingford. Council has reviewed the application and accompanying documentation. Whilst the provision of affordable housing is welcomed and the efforts to provide an appropriate mix of accommodation are acknowledged, Council has fundamental concerns and wishes to register its formal **OBJECTION** to the proposal on the following key matters:

- **VPA** - The absence of a Voluntary Planning Agreement given the scale of unplanned residential uplift and the resulting unfunded demand for additional local infrastructure.
- **Built Form** - Poor built form, massing and setback outcomes, including non-compliance with required setbacks, insufficient deep soil provision, bulk and scale concerns, and an unresolved tower form.
- **Traffic/Parking** – Traffic and transport impacts, including unresolved traffic modelling issues, and unacceptable impacts on an already constrained local road network.
- **FSR** - Non-compliance with statutory gross floor area and floor space ratio standards, including significant undercounting of GFA and the absence of a Clause 4.6 variation request.
- **SSD Eligibility** - The proposal's classification as State Significant Development, including concerns regarding the accuracy and transparency of the residential cost calculations used to justify SSD eligibility.
- **Waste Collection** – The proposed ground floor loading dock cannot accommodate Council's waste collection vehicles and Council will therefore be unable to service the residential component of the development. Council can provide further information on our requirements.

More detail on the key matters, and other comments, are included in Appendix 1 and 2 respectively. Council will maintain its objection until such time as the key matters are addressed to Council's satisfaction.

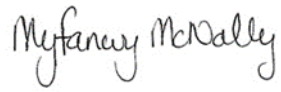
Council appreciates the opportunity to comment on the above application, are supportive of the continued investment in housing within the City of Parramatta and look forward to continued collaboration. It is noted that this is the recommendation of Council officers, and this submission has not been endorsed at a Council meeting.

Contact us:

council@cityofparramatta.nsw.gov.au | 02 9806 5050
cityofparramatta | PO Box 32, Parramatta, NSW 2124
ABN 49 907 174 773 | cityofparramatta.nsw.gov.au

Should you wish to discuss the above matters, please contact Douglas Bennett, Senior Development Assessment Officer on the details listed above.

Yours sincerely

A handwritten signature in cursive script that reads "Myfanwy McNally".

Myfanwy McNally
Manager, City Significant Development Team
Development and Traffic Services Unit

Appendix 1 – Key Matters

Voluntary Planning Agreement

In addition to the contribution required under the City of Parramatta (Outside CBD) Development Contributions Plan 2021, the scale of growth generated by the proposed development creates a need for additional infrastructure improvements that are above and beyond the level of growth anticipated in the Plan. These additional requirements should be addressed through a Voluntary Planning Agreement (VPA).

Any development above what is anticipated by the plan is considered unplanned uplift and is therefore not catered for under the Contributions Plan. As a result, the funds collected under the Plan would be insufficient to deliver the infrastructure upgrades necessary to support a development of this scale. The Plan is based on servicing a forecast population of 166,839 residents to 2041, with its works program and contribution rates established on this basis. Unplanned uplift requires new residents to rely on infrastructure that has not been designed or funded to support them, resulting in capacity shortfalls and service pressures. This is further compounded by the additional population who will reside in affordable housing unit who are not catered for in any way.

Whilst the provision of temporary affordable housing within the development is acknowledged, Council does not acknowledge this as providing a local infrastructure benefit. Only affordable housing offered in perpetuity can be considered a public benefit in accordance with Council's Planning Agreements Policy and Affordable Housing Policy.

Given this, the application should be supported by an infrastructure needs analysis that identifies the additional demand generated by the proposed development and outlines required upgrades. The analysis should be accompanied by a letter of offer, detailing proposed VPA contributions towards the necessary infrastructure.

Urban Design & Public Domain

Basement Footprint

The basement extends beyond the building footprint on all sides (Pennant Hills Road, Felton Road) with a 0m lot setback on the western boundary. This removes all opportunity for structural soil volumes, infiltration, and continuous planting beds. Council requires the footprint be reduced to align with building setbacks as described below along the key edges of Pennant Hills Road and the western boundary to enable deep soil and properly anchored trees.

Pennant Hills Road Setback

A 10-metre front setback is required along Pennant Hills Road, which is being applied consistently to recent development proposals on this corridor including large mixed-use schemes such as the site further to the north (263-281 Pennant Hills Road, Carlingford). This setback must be measured from the future property boundary, accounting for the land that will be acquired as part of the TfNSW road widening program. When the ultimate boundary is considered, the current scheme positions the building too close to the street, and the footprint will need to be adjusted to achieve the required setback.

Retaining only 6 m at the primary frontage limits the ability to establish a robust landscape buffer, constrains opportunities for large canopy trees, and results in an excessive built interface with the major arterial road. In addition, the reduced setback reduces the amenity and usability of balconies facing Pennant Hills Road due to excessive noise emissions and pollutants.

A setback of 10 m would provide space for taller tree species, improve pedestrian amenity, and help moderate the scale and visual impact of the podium and tower when viewed from Pennant Hills Road. Large street trees, able to grow to a height of more than 15m, should be

planted at 10-12m centres within the front setback to provide a green edge. Council's public domain guidelines recommend *Eucalyptus Scoparia*, *Brachychiton acerifolius*, *Jacaranda mimosifolia* and *Angophora floribunda* as the large tree species for tree planting within setbacks along this road.

A new 1.8 m wide concrete footpath should be provided at the new property boundary along the Pennant Hills Road frontage considering the final arrangement of the street. A turfed verge should be installed to cover the balance area to the existing (and eventually proposed) road kerb. In addition, equitable access should be provided to all the commercial spaces within the site, from this footpath.

Felton Road Setback

The proposed building line to Felton Road varies across the frontage, but key portions reduce to approximately 4 m, which is insufficient to support deep soil planting, limit visual bulk, or provide appropriate separation to the adjoining Ausgrid Transmission Substation site. A minimum 6 metre setback is recommended along Felton Road to accommodate large canopy trees and meaningful buffer planting, improve the spatial transition to the school frontage opposite, and strengthen the relationship between the built form and the adjacent infrastructure corridor. Street trees should be planted at 8-10m along this street frontage. Species should match the existing *Ficus* species down the street in front of the school. A new 1.5m wide concrete footpath at the property boundary with a turfed verge should also be provided.

Increasing the setback to 6 m reflects long established Council position and Urban Design principles, where landscape width, canopy potential and clarity of edge conditions are key determinants of amenity and character, particularly in high density environments.

Western Boundary Setback

A 6 m western setback is shown in the design, which in principle provides a reasonable transition to the neighbouring residential properties. However, this setback is undermined by the basement extending to the boundary, preventing deep soil and limiting the ability to plant larger species. To achieve a functional buffer zone and a more appropriate interface, the setback should remain clear of basement and driveway structures, allowing for a continuous deep soil zone, native tree planting to provide privacy screening, and a softer, compatible edge condition.

Establishing this landscape buffer emphasises the importance of vegetated perimeter setbacks as a means of mediating transitions between higher density forms and existing suburban housing.

Built Form and Massing (Building A)

The overall composition of the building is highly complex, with multiple projecting elements, deep recesses, undercroft spaces and competing geometries that result in a visually busy and convoluted built form. The lack of a clear massing hierarchy makes the building appear heavier and more fragmented than necessary.

The tower does not exhibit the qualities associated with good high-rise proportioning, where the built form is typically arranged as a tall, slender element with a compact floorplate and a coherent vertical expression. Instead, the proposed tower reads as a wide, solid volume with an expansive floorplate that gives it a broad and heavy profile, intensifying its perceived bulk from both Pennant Hills Road and Felton Road.

A more refined architectural approach would consolidate the tower into a leaner, more vertically oriented form with reduced horizontal spread, allowing for improved skyline proportion and reduced perception from distant views. Greater setbacks and landscape integration for the podium would also provide a more human scale pedestrian interface and an improved microclimate.

The tower width dimension is significantly greater than what would be expected for a well-proportioned tower in this location (60m width along Pennant Hills Road is proposed). A more appropriate length, based on established urban design principles for tall building proportion and the earlier iterations and plans for this precinct, would be in the order of 45 metres.

Reducing the tower's horizontal extent, or introducing substantial recesses and vertical breaks, would help achieve a more balanced massing outcome and soften its presence in the broader landscape.

Tower Setbacks and Undercroft Conditions (Building A)

Upper-level setbacks are limited and, in several locations, insufficient to meaningfully reduce bulk or improve the tower's silhouette. At podium levels, large undercroft areas—including those associated with the proposed childcare centre—are poorly resolved and do not meet the expectations for functional, well lit, or landscape integrated ground plane design. The reliance on overhangs and recessed spaces contributes to the perceived heaviness of the podium and reduces the clarity of the building's base, middle and top.

To reduce apparent bulk and achieve finer skyline modulation, a 3-5m upper-level recess from Level 10 and above on the Pennant Hills Road frontage should be incorporated. In addition, a 3m upper-level setback on the western façade should also be investigated to improve the transition to existing dwellings, along with vertical articulation breaks or a two-part tower expression consistent with best practice urban design principles for long tower facades.

Deep Soil Zones

The ADG requires at least 15% of the site area to be deep soil with 6m as a minimum dimension for a site this size. The deep soil zone should ideally be a consolidated space to allow meaningful growth of vegetation and located within setbacks and communal areas to allow movement of fauna and groundwater.

Through-Site Link

Council does not support the design and configuration of the through-site link. The principal pathway from Felton Road to Pennant Hills Road is convoluted and should be simplified. The pedestrian link should be easily identifiable by pedestrians and perceived as an extension of the public domain. In addition, the pathway narrows to 2.6m at certain points and should be widened to ensure it is at least 3m wide throughout its entire extent. Graded equitable access should also be provided with ramps set at <1:20 (1:14 ramps are not supported). Council recommends the siting of the principal pedestrian footpath through the centre of the through-site link, which would also ensure the pedestrian footpath is entirely open to sky (currently it is partially located underneath an undercroft).

Pedestrian lighting (designed to relevant Australian Standards) should be provided within the link to ensure safe access at all times. In addition, public seating and rest areas should be incorporated at regular intervals adjacent to the main pedestrian link.

Planting of trees within the through-site link is supported. However, Council requests that sufficient soil volume is provided to support trees, in accordance with planting on structure guidelines in the Apartment Design Guide. In addition, clarification is required over how the internal landscape areas (and other publicly accessible elements) will be serviced and maintained.

The through site link connection to the 1.8m wide footpath along Pennant Hills Road, should provide a more clear and direct connection between this footpath & the link while maintaining consistent visual connection / view corridor to Felton Street

Other Pedestrian Areas

Council requests clarification on the purpose and intent of the wide concrete expanse at the eastern corner of the site. If this area is meant to be a pedestrian connection, it should match the other footpath widths within the public domain, namely either the 1.8m wide footpath along Pennant Hills Road or the 1.5m wide footpath along Felton Road.

Traffic Impacts

City of Parramatta has previously not supported Planning Proposals for this site noting they would put unacceptable levels of traffic on local roads which are already over capacity during peak periods and would delay and conflict with movements on Pennant Hills Road. Council's view on this matter is unchanged. Further, the following concerns are raised with the TIA and the traffic impacts of the proposed development:

- The intersection of Baker Street and Felton Road are at times gridlocked due to queuing from the schools. This has resulted in emergency services previously raising concerns highlighting that it significantly impacts their ability to access the school in the event of an emergency. Accordingly, the conclusion within the TIA that this intersection has an acceptable Level of Service (LoS) is not at all reflective of the actual traffic conditions. It is important for the modelling to be calibrated with on-site conditions and any queuing that reduces the capacity of the intersection needs to be factored into the model. Further, the TIA should provide commentary on how the model was calibrated.
- The traffic surveys and modelling should be updated to ensure relevance. It is noted that the Traffic Counts were conducted on the first week back from school and also during the COVID-19 pandemic and therefore, would not be an accurate representation of normal traffic conditions.
- The SIDRA model layout for the intersection of Felton Road and Baker Street needs to be updated to consider the existing pedestrian crossings and the volume of pedestrians crossing the road. Note that a further pedestrian crossing will be constructed at the southern leg of the intersection as part of the school redevelopment.
- It is noted that the TIA does not specify what peak hour was used for the modelling purpose. This needs to be clarified. Further, the modelling should be undertaken for both school peak hour and also the wider network peak hour to better understand the impact of the development. The claim within the TIA stating that residents will learn not to leave during the school peak hours has no basis.
- The modelling has been done on SIDRA Intersection 6 which is significantly out of date. It is recommended a later version of the software be used to ensure better output.
- Traffic modelling needs to be conducted at the intersection of Pennant Hills Road and Baker Street as this intersection will be the main outlet for the development site. While it is noted that Traffic Signals have been constructed at the intersection recently, the modelling needs to confirm that the additional traffic generated by the development will not have an adverse impact on the performance of the intersection. It is to be noted that these signals were generally installed to address existing congestion issues in the area and this does not necessarily mean that there will now be spare capacity to support further development.
- The TIA performs a limited assessment of the Traffic Generation figures used and how these are relevant to the site. Greater consideration should be given to this including consideration of the existing mode share of the various uses within the proposed development site. In this regard, it is noted the 2021 Census data reveals a car mode share of 63% for Carlingford and a public transport mode share of only 3%. While it is noted that the Parramatta Light Rail was not operating at that time, a dedicated bus service was operating along the light rail route that had similar travel times to Parramatta.

While it is noted that the Planning Proposal for the site has been approved, this should not exempt the applicant in ensuring that an adequate traffic assessment takes place. Likewise, even if the development was consistent with the controls that existed prior to the PP, a traffic assessment would still be required to confirm that the development would not result in adverse impacts. Should any adverse impacts be identified, the TIA should investigate and propose mitigation measures that should be delivered with the proposed development.

Gross Floor Area Calculations

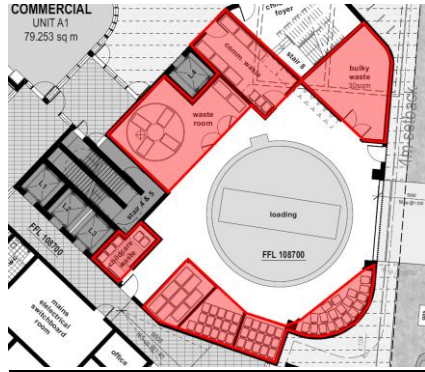
Upon review of the gross floor area calculations provided by the proponent, it is evident that the total gross floor area of the proposed development has been incorrectly calculated. In summary, the applicant has calculated a total floorspace of 15,738sqm (16,203sqm including 465sqm winter garden allowance) whilst Council calculates a total of floorspace of 16,722.7sqm (17,187.7sqm including 465sqm winter garden allowance).

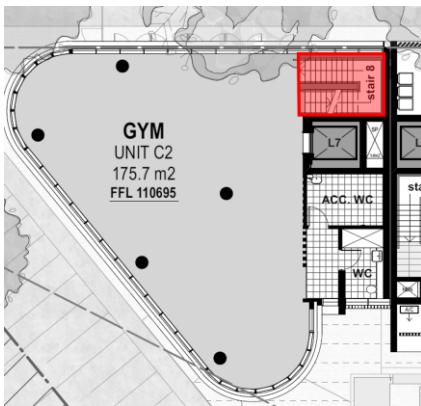
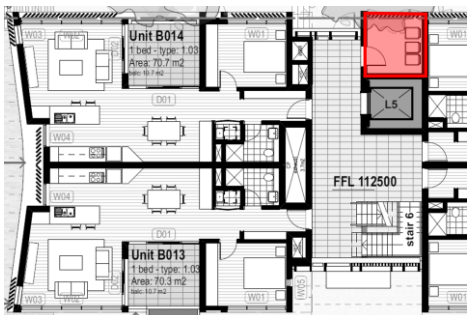
The *Parramatta Local Environmental Plan 2023* defines **gross floor area** as follows.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
 - (b) habitable rooms in a basement or an attic, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement—
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

There are numerous areas within the gross floor area calculations provided by the proponent that have been incorrectly excluded. A summary of these areas is provided in the following table.

Building & Level	Component	Area (estimate)	Comment
Ground, Building A	Waste storage areas. 	152.5sqm	As per the definition of gross floor area, only basement garbage/waste areas are excluded from counting towards gross floor area. The several waste storage areas located at the ground floor of Building A must therefore be counted as gross floor area.
Ground – Level 1, Building A	Childcare foyer & stairs	35.6sqm	The childcare foyer area has been erroneously excluded from GFA

			calculations, despite no clear exclusion criteria applying to such an area. In addition, it is noted that the stairs serve a sole (non-residential) occupancy in the building and do not provide 'common' vertical circulation (see <i>Chami v Lane Cove Council [2015] NSWLEC 1003</i> paragraphs 273-275). As such, the stairs must be included as gross floor area.
Ground – Level 2, Building C	Stair 8 	22.8sqm	Stairwell 8 serves a sole commercial (gym) tenancy within Building C and therefore should be included in GFA calculations.
Level 1 – Level 3, Building C	Waste storage rooms 	22.5sqm	As the definition of GFA does not exclude waste storage areas above basement level, the waste storage rooms on levels 1-3 in Building C must be included.
Level 1 – Level 3, Building B	Waste storage rooms 	21.3sqm	As above.

potentially been included as forming part of the 'residential component' of the building, despite at least one basement level (basement level 1) comprising entirely non-residential storage and parking spaces. Given that the estimated development cost for the 'retail/commercial component' is quoted at \$10,233,963, this is considered to be likely. It is also unclear if the cost of earthworks has been solely attributed to the estimated cost of the 'residential component' of the development.

Council requests clarification on this matter and confirmation from the proponent as to the items that have been included in calculating the cost of the 'residential component' of the development.

Appendix 2 – Matters to be resolved

Catchment Engineering

MUSIC Modelling

The MUSIC model demonstrates pollutant reduction in accordance with Council's requirements; however, it does not demonstrate the required 10% reduction in post-development stormwater volume when compared with pre-development conditions. Therefore, appropriate measures must be incorporated to achieve the 10% reduction in post-construction stormwater volume, and this outcome must be clearly demonstrated within the updated model.

DRAINS Model

Council requires confirmation of the downstream stormwater pipe capacity—from the connection point to the final discharge point—through a DRAINS model. The model must verify hydraulic compliance and confirm the capacity to connect a 375 mm pipe from the site to the existing gully pit.

If the downstream stormwater pipe is determined to be under-capacity, the proposal must include upgrading the downstream pipe in accordance with the model's findings.

Council requires the submission of calculations and a design statement prepared by Ocean Protect for the proposed StormFilter system and OceanGuard pit.

Groundwater

Groundwater may only be discharged to Council's stormwater system during the construction phase and only following appropriate treatment. Post-construction groundwater discharge to the Council's stormwater system is not permitted. The stormwater design must clearly differentiate and manage surface and roof runoff separately from groundwater (including seepage). Post-construction groundwater must be reused on site. If groundwater cannot be reused on site (in landscaping irrigation, plant, or toilet flushing) the basement must be entirely tanked (waterproofed).

Construction and Environmental Management Plan

Council recommends the preparation and submission of a Construction and Environmental Management Plan either as part of this application or prior to issue of the first construction certificate and commencement of any work.

Traffic and Parking – Other Matters

Residential Parking

Based on the non-discretionary standards of the SEPP (Housing), the following parking rates are applicable for the residential component of the development:

Affordable Component				
	Rate	Qty	Required Parking	Provided Parking
1 Bedroom	0.4	3	1.2	
2 Bedroom	0.5	14	7	
3 Bedroom	1	8	8	
		Total	17	24

Non-Affordable Component				
	Rate	Qty	Required Parking	Provided Parking
1 Bedroom	0.5	20	10	
2 Bedroom	1	70	70	
3 or more bedrooms	1.5	46	69	
		Total	149	127
		Grand Total	166	151

In accordance with the table above, the development is required to provide a total of 166 residential parking spaces in order to meet the SEPP requirements. However, the development only provides 151 spaces resulting in a shortfall of 15 spaces. Furthermore, it is noted that for the non-affordable component, the shortfall is higher at 22 spaces.

Consideration can be given the TfNSW reference rates for this site noting that it is within 800m of a Light Rail stop. Application of this reduced rate for the whole development site would still result in a shortfall of 14 residential spaces.

Concern is raised over the significant shortfall in residential parking and its (likely) impacts on on-street parking in the surrounding area.

Childcare Centre Parking

Council notes that the application's accompanying Transport Impact Assessment does not perform an assessment on the split between staff and visitor parking spaces and the documents do not state how many staff will be on-site to operate the childcare facility. Clarification on this matter is required to ensure that an adequate assessment of the facility (and its associated parking requirements) is undertaken. It is recommended that at least 12 spaces be allocated for visitor parking for this facility.

In the event of approval, Council recommends a condition of consent be included to ensure that parents will be able to access the basement car park during centre operating times.

Gym Parking

In accordance with the TfNSW reference rates, a 475m² gym should provide parking at a rate of 3 spaces per 100m² GFA resulting in 15 spaces. As 26 parking spaces are proposed for this use, there is a surplus of 11 parking spaces. Council recommends that this surplus parking be reallocated to other uses at the site (such as residential).

Commercial Parking

Council notes that, whilst no specific uses have been nominated for the various commercial tenancies, some are accompanied by outdoor dining areas indicating that the use of these tenancies will likely be food and drink. On this basis, the TIA should be revised to perform a detailed parking assessment on the proposed uses and clarify the type of commercial activity that will be performed in the spaces. Rates from the Guide to Transport Impact Assessment should be used for this assessment.

Car Park Design

It is noted that the ramps to the basement car park are curved meaning that the shorter radius curve may be exceeding the maximum grades permitted as per AS 2890.1:2004. Accordingly, long sections of both edges of the ramps should be submitted and the TIA should confirm that

they meet the requirements of the standards. Further, it is noted that a control point and median is located at the bottom of the ramp just after a bend. The TIA should perform a swept path analysis to confirm that the vehicles will be able to safely navigate this point in the car park.

The Gym parking spaces 6 and 7 cannot be accessed without excessive reversing movements which will compromise the safety of the car park. Accordingly, these spaces are not to be used, and bollards are to be installed to prevent unintended access. The same issue exists for residential parking spaces 4 and 70 and, visitor parking spaces 1 and 14.

Bicycle Parking

Council queries the location of the employee bicycle parking space within Basement Level 1, noting that the bicycle parking facilities are located some distance from commercial tenancies located within Building B and C. It is recommended that end-of-trip facilities for the commercial uses be located within proximity to entry points to these uses, in order to promote active transit options to the site.

Loading and Servicing

The TIA does not perform any assessment of the loading and servicing needs to the proposed development to confirm whether the proposed facility will be sufficient. It is recommended that the TfNSW Last Mile Toolkit be used to perform an assessment of the loading and servicing needs of the proposed development. The assessment should confirm that the vertical clearance within the loading dock meets the minimum requirements of AS 2890.2.

Council notes the provision of a loading dock within the ground level of Building A, to be used for the collection and removal of waste as well as deliveries for the site. The provision of multiple waste storage rooms within close proximity to the loading dock would facilitate efficient waste removal. However, the separation of this loading dock from commercial storage areas located within Basement Level 1 is considered to be impractical. Any goods delivered to the site would need to be transported through waste rooms (with narrow doorways) and to the commercial premises located within Buildings A-C or transported via Lift 4 to Basement Level 1 which is understood to be a passenger (and not goods) lift.

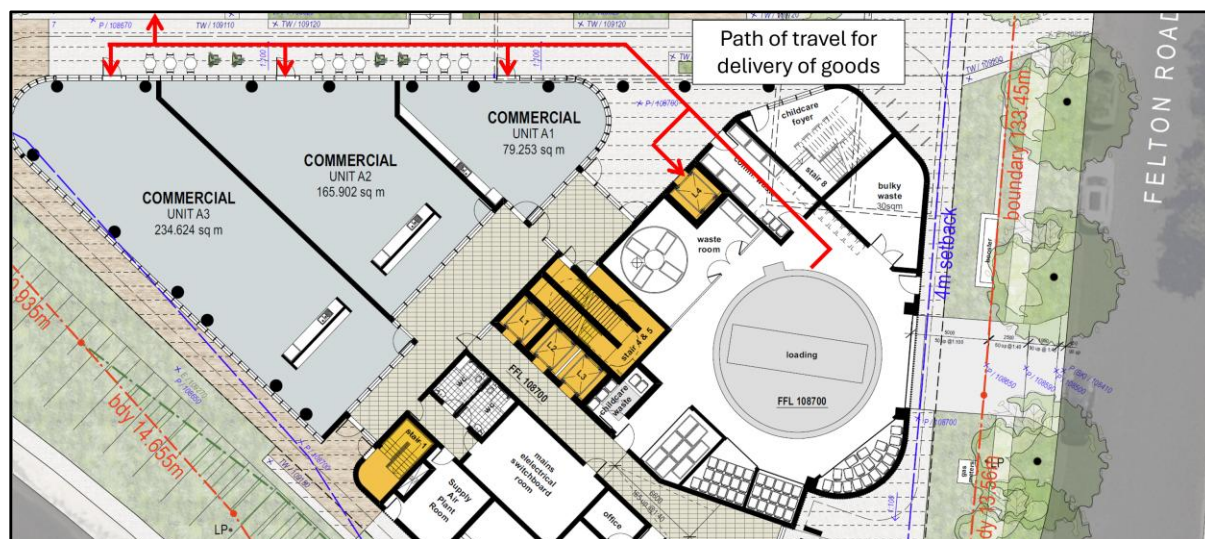


Figure 1 *Path of Travel for Delivery of Goods*

The absence of dedicated storage space for the delivery of goods and easy access to commercial storage areas from this loading dock is considered to be poor design. In addition, the need to transport goods (including food deliveries) through waste storage areas may give rise to adverse public health outcomes.

Council recommends that the ground floor loading dock be redesigned to include appropriate facilities to receive the delivery of commercial goods. In addition, it is recommended that a

dedicated goods lift be incorporated into the loading dock, to enable transportation of goods from the loading dock to the basement commercial storage areas.

Preliminary CTMP

A condition should be included in any approval that would require Council to review and approve any final Construction Traffic Management Plan (CTMP). For the preliminary CTMP provided, the following comments are made:

- Baker Street and Felton Road experience heavy congestion during school zone hours and there are many pedestrians during these times. Any truck access during these times in these streets will create significant safety issues, particularly at locations where children would be crossing the road and they will add to the congestion. Accordingly, there is to be no truck movements to and from the construction site using these streets during school zone times and alternative access from Pennant Hills Road should be explored as supplementary construction vehicle access points.
- Swept path plans should be submitted with the final CTMP which should be reviewed and approved by Council prior to construction commencing on-site. It is noted that the left turns from Felton Road onto Baker Street may not be suitable for vehicles larger than 12.5m.
- A separate condition should be included for a dilapidation report to be submitted to Council prior to any works commencing on-site. The Dilapidation Report should cover all Council Assets within the road reserve along the construction vehicle route.

Child Care Centre

Centre-Based Child Care Facilities - Parking

Council notes that the dedicated parking spaces for the childcare centre are shared with other parking spaces for commercial uses within the development. It is recommended that the dedicated parking spaces be separated from other spaces wherever possible, with a demarcated walkway running the extent of the childcare parking area provided.

Centre-Based Child Care Facilities – Access

The ground floor childcare entry foyer does not provide a ground floor access to the childcare lift. The current design shows the lift separated from the foyer. This is not supported. As the childcare is wholly located on the first floor, the lift should be collocated with the foyer to enable users walking in from the ground floor to take prams up to the centre

Centre-Based Child Care Facilities – Outdoor Play Areas

It is unclear whether the largely enclosed outdoor spaces meet the definition of “outdoor play area”. Information provided by Australian Children's Education and Care Quality Authority (ACECQA) on appropriate outdoor space states that *"Enclosed, covered outdoor spaces that are not open to the air will not be considered part of the outdoor space without approval by the regulatory authority"* (p. 3). Given that the outdoor spaces are enclosed on all sides by the outer walls of the building, with only small openings provided, it is considered unlikely that these spaces count toward unencumbered outdoor space requirements under the regulation.

In the event that these spaces do not meet the relevant definition/requirements, the absence of suitable outdoor play space is considered to be a poor design outcome. Council would not support a facility of this scale that solely relies on simulated outdoor play.

In addition, concern is raised over the fragmentation of the outdoor play areas. The fragmented spaces, combined with the provision of multiple columns within those spaces, will likely inhibit effective supervision of children.

The outdoor play areas also present privacy conflicts with the nearby proposed terrace dwellings. Additional separation between the outdoor play areas and nearby dwellings is required, through the form of landscaping (or the like).

Based on the above, Council recommends a significant redesign of the proposed Centre-Based Child Care Facility.

Centre-Based Child Care Facilities – Fire Safety

For fire safety, the design of the centre must include a smoke lobby as per D1.7 of the National Construction Code. The applicant should also consider implementing additional fire safety measures in line with Fire and Rescue NSW's recommendations for childcare centres to decrease potential safety risks (e.g., fire sprinkler system).

Centre-Based Child Care Facilities – Plan of Management

Council notes that no plan of management has been prepared to accompany the application. It is unclear how the centre will operate and whether it will do so in accordance with relevant guidelines and legislation.

Centre-Based Child Care Facilities – Pollution & Air Quality

Council notes that under controls C26 and C27 of the *NSW Child Care Planning Guideline*, childcare facilities should avoid or minimise the impact of air pollution from major roads and prepare an air quality assessment to demonstrate that appropriate air quality standards can be met. No such assessment has been prepared by the proponent. Council requests that this assessment be prepared and submitted as part of the application, to ensure that emissions from Pennant Hills Road will not have adverse effects on the health and wellbeing of children and staff within the centre.

Universal Access

Equipment and furniture within the communal areas including the communal open spaces, commercial, childcare, and gym areas will require accessible and inclusive features suitable for a person with a mobility and other impairments. Note: AS1428.2 provides guidance on accessible furniture including reach ranges and varying heights of tables and seats with back and arm rests.

Any discrepancies between the footpath and entries into the development are to be taken up within the site. The distortion of the footpath will not be tolerated.

Building lines and clear paths of travel are to be maintained.

The active leaf of doors must provide a clear opening no less than 850mm. Low level thresholds are required at all doors accessing outdoor and differing areas.

The Abutment of differing surfaces shall have a smooth transition. Design transition shall be 0 mm. Construction tolerances shall be as follows:

(a) 0 ±3 mm vertical.

(b) 0 ±5 mm, provided the edges have a bevelled or rounded edge to reduce the likelihood of tripping. AS1428.1.7.2.

Landscaping

An amended landscape plan is required. The following information is to be addressed and indicated in the revised Landscape Plans:

- The landscape plan must address the specific childcare landscaping objectives and principles of the Childcare Planning Guideline 2021. Ensure the unencumbered outdoor play spaces are designed to allow children to explore and experience the natural environment and ensure the provision of outdoor play areas cater for a variety of experiences that facilitate the development of cognitive and physical skills and provide opportunities for social interaction for the different aged children including; learning, active and quiet time and other development experiences. Play elements, including different flooring types, water play, vegetable gardens, fixed play equipment and furniture, for

example, is to be clearly nominated on the plans to ensure they meet these varied experiences.

- Planting / garden areas to have an appropriate width to sustain plantings proposed (minimum 1m).
- It shall be demonstrated that soil volume and depth within the planters / on the podium levels meet the prescribed soil volumes to support the mature growth of trees and shrubs. Planting details, including on-structure tree planting, shrub planting, turf planting to show indicative soil depths, widths and soil volumes to support the mature growth of the plants proposed as per the following;
 - Typical tree planting on structure to show overall 800-1200mm soil depth. (Soil Volume to be reflective of proposed tree species size)
 - Typical shrub planting on structure 500-600mm soil depth;
 - Typical turf planting on structure 200-300mm soil depth.
- Planting structures to be clearly defined on the plans and details provided indicating soil depths and volumes (including wall heights) to ensure they meet the planting requirements for the proposed trees and shrubs.
- Careful consideration should be given to ensure a variety of plant species are proposed which are vibrant, colourful and appeal to the senses so they can be incorporated into the age-appropriate learning experience. Species and locations are to reflect the solar orientation and be safe and suitable for use in a childcare. All of the proposed plant species are not to be considered poisonous, toxic and harmful or cause allergic reactions if any part of the plants are touched or ingested.
- Proposed Eucalyptus molucanna shall be replaced with Angophora costata, Eucalyptus acmenoides, Eucalyptus pilularis or Eucalyptus sideroxylon.

Matters to be addressed via condition

Council request clarification over the proposed hours of operation for the various commercial and non-residential uses within the development, including the gym. No specific hours of operation have been nominated in any accompanying documentation.

Contributions

The Section 7.11 contributions fee has been calculated for the total proposed occupancy:

- 136 x residential units, an exemption has been provided for the 25 x affordable housing units,
- 857.043m² of commercial food and drink premises,
- 351.7m² of indoor recreational facility, and
- 730m² of childcare centre.

The base development contributions fee for this State Significant Development (SSD) is anticipated to be \$2,821,414.09 (Note: The calculated Section 7.11 contributions fee is current until the next quarterly indexation release date, 29 April 2026. The calculated contributions fee will need to be revised closer to the determination date.)

Under Council's contributions plan, credits are provided for existing commercial floorspace. However, no details of the existing GFA have been provided and a credit for the existing development cannot be calculated. In the event of approval, a condition of consent should be imposed at the time of determination, requiring submission of detailed survey plans of the existing building at the site in order to calculate any credit that may be owed in accordance with Council's contributions plan.

CPTED

Council is broadly supportive of the application's accompanying Crime Prevention Through Environmental Design Assessment Report and recommends that, in the event of approval, the following requirements are imposed by way of condition.

- Mailboxes must be located inside each apartment building and positioned so that mail can only be removed from inside a private space that is fitted with access control to prevent non-residents from accessing the area.
- Each mailbox must be fitted with an individualised non-master key lock, alternatively, individual electronic access provided.
- Implement a CCTV system to provide 24/7 surveillance of all building entry and exit points (including car park entry and exit), mailbox area, as well as park areas, footpaths and publicly accessible areas. The CCTV system operated by the complex should comply with Australian Standard AS/NZS 62676.1.2:2020. Images should be retained for a minimum of 30 days.
- Security system to be provided in the basement to distinguish between the public and private parking areas and to prevent unauthorised access to private basement parking and storage areas.
- Any basement storage compartment provided to residents must be secure, with solid, opaque walls and door and fitted with an individualised non-master key lock.