



Statutory Compliance Table

SSD-77458970 | Mixed Use Development -

135 Badgerys Creek Road

Prepared by Colliers Urban Planning

3 December 2025 |

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1.0 NSW State Legislation

Statutory Requirement	Response
Environmental Planning and Assessment Act 1979	
Section 1.3 – Objectives of the Act	
a. to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposed development will contribute towards the social and economic welfare of the community through the creation of generous open space and employment generating activities. This development will not impact the State's natural resources.
b. to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposed development will facilitate ecologically sustainable development. Refer to the ESD Report provided in Appendix TT .
c. to promote the orderly and economic use and development of land,	The proposed development promotes the orderly and economic use of the land by delivering a development generally consistent with the relevant planning controls.
d. to promote the delivery and maintenance of affordable housing,	Not applicable.
e. to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposed development seeks to restore the environment by reintroducing a series of native landscaping species, consistent with the Cumberland Plains terrain.
f. to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development will carefully manage any unexpected finds of Aboriginal relics and non-Aboriginal relics through proper construction management techniques.
g. to promote good design and amenity of the built environment,	The proposed development has carefully adopted and responded to independent advice issued by the State Design Review Panel (SDRP) and is considered to promote good design and amenity.
h. to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposed development will be constructed in accordance with a detailed Construction Environmental Management Plan which will minimise any environmental impacts.
i. to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	Not applicable.
j. to provide increased opportunity for community participation in environmental planning and assessment.	The proposed development has provided and will continue to provide the opportunity for the local community and stakeholders to participate in consultation of the development.

Section 4.15 – Evaluation

<p>(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—</p> <p>(a) the provisions of—</p> <p>(i) any environmental planning instrument, and</p>	<p>This EIS has assessed the development in accordance with the relevant NSW environmental Planning Instruments. The assessment demonstrates that the proposed development is in accordance with the relevant provisions and consistent with the relevant objectives of the instruments. Refer to this report and Section 4.0 of the EIS.</p>
<p>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</p>	<p>Not applicable.</p>
<p>(iii) any development control plan, and</p>	<p>An Assessment against the Western Sydney Aerotropolis Development Control Plan – Phase 2 (WSA DCP) is provided in Appendix E.</p>
<p>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</p>	<p>Not applicable.</p>
<p>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</p>	<p>This Report and the EIS considered the relevant provisions of the EP&A Regulations.</p>
<p>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</p>	<p>Having regard to the natural environment, built environment and economic and social impacts of the proposed development, the likely impacts of development are considered acceptable as outlined in the following sections. Refer to Section 6.0 of the EIS.</p>
<p>(c) the suitability of the site for the development,</p>	<p>Refer to Section 7.6 of the EIS.</p>
<p>(d) any submissions made in accordance with this Act or the regulations,</p>	<p>Any submissions received will be considered by the applicant following exhibition of the EIS.</p>
<p>(e) the public interest.</p>	<p>Refer to Section 7.7 of the EIS.</p>
<p>Section 4.41 Approvals etc legislation that does not apply</p>	<p>Refer to Section 4.4 of the EIS.</p>
<p>Section 4.42 Approvals etc legislation that must be applied consistently</p>	<p>Refer to Section 4.4 of the EIS.</p>

Environmental Planning and Assessment Regulation 2021

Part 8 – Infrastructure and Environmental Impact Assessment

Part 8 of the Environmental Planning and Assessment Regulation 2021 include relevant statutory requirements under:

- Division 2 Environmental assessment requirements for State significant development, designated development and activities.
- Division 5 Environmental impact statements.

The EIS and SSDA has been prepared to address the relevant provisions under Part 8 of the Environmental Planning and Assessment Regulation 2021.

Part 3 Development Applications

27 BASIX development

- (1) A development application for BASIX development must be accompanied by—
- (a) a relevant BASIX certificate for the development issued no earlier than 3 months before the day on which the development application is submitted on the NSW planning portal, and
 - (b) the other matters required by the BASIX certificate.
- (2) If the development involves the alteration of a BASIX building that contains more than 1 dwelling, a separate BASIX certificate is required for each dwelling.

Refer to the BASIX Certificate in Appendix UU.

28 Development applications relating to Biodiversity Conservation Act 2016

- (1) A development application for biodiversity compliant development must contain the reason the development is biodiversity compliant development.

Evidence that the site is contained on biodiversity compliant land is provided in the Biodiversity Assessment provided in **Appendix OO**.

29 Residential apartment development

- (1) A development application that relates to residential apartment development must be accompanied by a statement by a qualified designer.
- (2) The statement must—
- (a) verify that the qualified designer designed, or directed the design of, the development, and
 - (b) explain how the development addresses—
 - (i) the design principles for residential apartment development, and
 - (ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.

Refer to the Architectural Design Report in **Appendix C**.

35 Additional requirements for development applications in certain areas of Sydney

An assessment against Chapter 4 of *State Environmental Planning Policy (Precincts—Western Parkland City) 2021* and the Precinct Plan is provided below.

(2)(e) land in the Western Sydney Aerotropolis under *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 4,

(4)(e) for land in the Western Sydney Aerotropolis—the Western Sydney Aerotropolis Plan and any precinct plan that applies to the land under *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 4,

Environmental Protection and Biodiversity Act 1999

The Environmental Protection and Biodiversity Act 1999 provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities, and heritage places. These are known as Matters of National Environmental Significance (MNES). If the proposed development will, or is likely, to impact a MNES, then it is required to be referred to the Federal Department of the Environment for assessment to determine if it constitutes a ‘controlled action’ requiring EPBC approval. Presently, a bilateral agreement allows the Commonwealth Minister for the Environment to rely on the NSW environmental assessment process when assessing a controlled action under the EPBC Act.

As detailed in the BDAR attached at **Appendix AA** in 2012, the Commonwealth Minister for the Environment announced that development within the Western Sydney Growth Centre was approved under the EPBC Act Strategic Assessment Process. As such, an assessment for MNES is not required for land in the Sydney Region Growth Centre and approval is not required under the EPBC Act.

Biodiversity Conservation Act 2016

The site is certified under the Order to Confer Biodiversity Certification under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Sydney Regional Growth Centres SEPP). Whilst the Sydney Regional Growth Centres SEPP is no longer in effect, section 35 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 provides that:

Biodiversity certification that was conferred on land under Part 7AA of the Threatened Species Conservation Act 1995 and that was in force on the repeal of that Act is taken to be biodiversity certification conferred on the land under Part 8 of the new Act.

Biodiversity certified land requires no further assessment of biodiversity values in accordance with Chapter 8 of the Biodiversity Conservation Act 2016 (BC Act).

The consent authority is not required to consider the development’s impact on biodiversity values under Section 7.9 and 7.14 of the BC Act.

2.0 State Environmental Planning Policies

Statutory Requirement	Response
State Environmental Planning Policy (Planning Systems) 2021	
Section 2.6 – Declaration of State Significant Development	
<p>(1) Development is declared to be State significant development for the purposes of the Act if—</p> <p>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</p> <p>(b) the development is specified in Schedule 1 or 2.</p>	<p>The development is a type of development specified in Schedule 1 and is declared SSD (see Schedule 1 below).</p>
Schedule 1 – State significant development – general	
Section 29 Development in the Western Sydney Aerotropolis	
<p>Development on land shown on the Land Application Map under State Environmental Planning Policy (Precincts—Western Parkland City) 2021, Chapter 4 if the proposed development—</p> <p>(a) has an estimated development cost of more than \$30 million, and</p> <p>(b) does not involve development—</p> <p>i. prohibited under the Chapter, or</p> <p>ii. to which that Policy, section 4.13A applies.</p>	<p>As outlined in the QS Report, the development has an estimated development cost of more than \$30 million. The site is shown on the Land Application Map under State Environmental Planning Policy (Precincts—Western Parkland City) 2021, does not include any prohibited development or development to which Section 4.13A applies to. As such, it is declared SSD.</p>
State Environmental Planning Policy (Transport and Infrastructure) 2021	
<p>2.120 Impact of road noise or vibration on non-road development</p> <p>(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—</p> <p>(a) residential accommodation,</p> <p>(b) a place of public worship,</p>	<p>As set out in the Noise and Vibration Impact Assessment (Appendix KK), the site adjoins Badgerys Creek Road which carries volumes less than 20,000 vehicles per day. As such, Section 2.120 is not relevant for consideration.</p>

Statutory Requirement	Response
<p>(c) a hospital,</p> <p>(d) an educational establishment or centre-based child care facility.</p>	
<p>Section 2.122 – Traffic-generating development</p> <p>(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</p> <p>(a) new premises of the relevant size or capacity, or</p> <p>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</p> <p>(3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—</p> <p>(a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and</p> <p>(b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</p>	<p>The proposed development is classified as ‘traffic generating development’ as it involves more than 300 residential dwellings. The consent authority are required to consider any response received from TfNSW within 21 days after providing written notice.</p>
<p>Section 3.22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development</p> <p>(1) This section applies to development for the purpose of a centre-based child care facility if—</p> <p>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i>, or</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>(2) The consent authority must not grant development consent to development to which this section applies except with the concurrence of the Regulatory Authority.</p>	<p>The proposed development complies with Section 107 and 108 of the Education and Care Services National Regulations. Specifically, the development is required to provide 309m² of indoor unencumbered space and 665m² of outdoor unencumbered space.</p> <p>The development provides 316m² of indoor unencumbered space and 687m² of outdoor unencumbered space and therefore complies with the controls.</p>

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<p>Section 3.23 Centre-based child care facility—matters for consideration by consent authorities</p> <p>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the <i>Child Care Planning Guideline</i>, in relation to the proposed development.</p>	<p>An assessment of the Child Care Planning Guideline is provided in Section 4.0.</p>
<p>State Environmental Planning Policy (Industry and Employment) 2021</p>	
<p>Section 3.6 – Granting Consent to Signage</p> <p>(1) A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—</p> <p>(a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</p> <p>(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</p>	<p>As outlined in Section 3.9 of the EIS, this SSDA seeks approval for a series of signage zones. Detailed designs for each individual sign will be subject to separate approval. An assessment against the objectives of the chapter and Schedule 5 is provided below.</p>
<p>Section 3.1 Aims, objectives etc</p> <p>(1) This Chapter aims—</p> <p>(a) to ensure that signage (including advertising)—</p> <p>(i) is compatible with the desired amenity and visual character of an area, and</p> <p>(ii) provides effective communication in suitable locations, and</p> <p>(iii) is of high quality design and finish, and</p>	<p>The proposed development seeks approval for signage zones for future building and business identification signage. These are typical and expected in commercial and mixed use zone. Details of design and finishes, and how the specific signage will be compatible with the surrounding amenity will be included in any future signage application.</p>
<p>Schedule 5</p>	
<p>Character of the Area</p> <ul style="list-style-type: none"> • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposed signage zones will support future non-residential uses such as the hotels, retail tenancy, gym, medical centre and other uses. The zones are compatible with the commercial nature of the development. Details of size, theme, and consistency with the surrounding character will be included in any future signage application.</p>

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<p>Special Areas</p> <p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The proposed signage zones will be attached to the building and will not be within an environmentally sensitive area.</p>
<p>Views and Vistas</p> <ul style="list-style-type: none"> • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers? 	<p>The proposed signage zones will not obscure sightlines or impacts on important views.</p>
<p>Streetscape, setting or landscape</p> <ul style="list-style-type: none"> • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising? • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management? 	<p>The proposed development seeks to establish zones for future signage to be located within it and does not seek to establish signage dimensions for the specific building identification signs.</p> <p>It is not intended that future signage occupies the full signage zones. The signage zones have been designed to accommodate flexible design and shaping requirements.</p> <p>It is envisioned that the future signage will provide a visual interest within the area and will not require ongoing vegetation management.</p> <p>The proposed signage zones and future signage does not screen unsightliness and is not located above the building structure or the tree canopies.</p>
<p>Site and building</p> <ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The proposed signage zones are compatible with the scale of the site. Details on how the future signage will have no negative impact on the surrounding built form will be provided in any future application.</p> <p>It is envisioned that the future signage will be of high-quality finish and is consistent with modern signage found within the area.</p>
<p>Associated devices and logos with advertisements and advertising structures</p> <p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>The proposed development seeks zones for future signage and not advertising or advertising structures. As such the controls are not relevant for the proposed development.</p>

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	Nevertheless, details of safety devices, platforms, lighting devices and logos will be included in the future DA if relevant.
<p>Illumination</p> <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	Details of illumination will be provided in the future signage applications.
<p>Safety</p> <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	The proposal will not reduce safety for any public road as it is clearly distinct from road signs and signals, and will not include moving or animated imagery. The proposed signage will not reduce safety for pedestrians or cyclists. The proposed signage does not obscure sightlines of public area, and as such will not reduce safety for pedestrians or children.
<p>State Environmental Planning Policy (Resilience and Hazards) 2021</p>	
<p>Section 4.6 – Contamination and Remediation to be considered in determining development application</p>	
<p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p>	<p>A Preliminary Site Investigation (PSI) has been prepared by EI Australia and is attached at Appendix HH. Based on the findings of the PSI, it was considered that gross or widespread contamination was not present within the site area, and that the site can be made suitable for the proposed development.</p> <p>As detailed in the Remedial Action Plan (RAP) Letter in Appendix II, a RAP is not required to demonstrate that the site can be made suitable for its intended use.</p>

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<p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p> <p>(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</p>	
<p>State Environmental Planning Policy (Housing) 2021</p>	
<p>Chapter 4 – Design of residential apartment developments</p>	
<p>Section 144 – Application of chapter</p>	
<p>(2) This chapter applies to the following—</p> <p>(a) development for the purposes of residential flat buildings,</p> <p>(b) development for the purposes of shop top housing,</p> <p>(c) mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter.</p>	<p>The development is for the purpose of a mixed use development that does not involve boarding houses or co-living, and therefore this section applies.</p>
<p>Section 147 – Determination of development applications and modification applications for residential apartment development</p>	
<p>(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—</p> <p>(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,</p> <p>(b) the Apartment Design Guide,</p>	<p>The Architectural Design Report in Appendix C, addresses the design principles of Schedule 9 and the Apartment Design Guide.</p>

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<p>(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.</p> <p>(4) Subsection (1)(c) does not apply to State significant development.</p>	
<p>State Environmental Planning Policy (Sustainable Buildings) 2022</p>	
<p>Chapter 2 – Standards for Residential Development - BASIX</p>	<p>A BASIX Certificate is provided in Appendix UU, demonstrating compliance with the standards set out in Schedule 1 and 2</p>
<p>Chapter 3 – Standards for Non-residential Development</p>	<p>The proposed development achieves the relevant sustainability targets set out in Chapter 3. Refer to the ESD Report provided in Appendix TT.</p>
<p>State Environmental Planning Policy (Biodiversity and Conservation) 2021</p>	
<p>Chapter 4 – Koala Habitat Protection 2021</p>	<p>Per section 4.4(3)(c), Chapter 4 does not apply as the site is located on biodiversity certified land.</p>
<p>Chapter 6 – Water Catchment</p>	<p>The site is not located within the catchments listed in Section 6.1 and accordingly, Chapter 6 does not apply to the site.</p>
<p>State Environmental Planning Policy (Western Parkland City) 2021</p>	
<p>Part 4.2 – Permitted or prohibited development</p>	
<p>Section 4.12 - Zone objectives and Land Use Table</p> <p>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p>	<p>The site is zoned Mixed Use. The development proposes the following land uses which are permitted with consent in the Mixed Use zone:</p> <ul style="list-style-type: none"> • Residential flat building; • Shop top housing; • Hotel or motel accommodation; • Food and drink premises;

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	<ul style="list-style-type: none"> • Retail premises; • Medical centre; and • Centre-based childcare facility. <p>The proposal is consistent with the objectives of the Mixed Use zone for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development integrates various different land uses to create a mixed-use development that accommodates the needs of future visitors and residents of the site based on convenience and amenity. • The hotel components of the proposed development leverage the sites proximity to the future Bradfield Metro Station and the connection to the Western Sydney Airport to provide accommodation for visitors to the precinct. • The commercial floor space generates employment opportunities and will create a mutual benefit for the other services incorporated into the proposal, including the childcare centre. • The integration of the tavern and ground floor retail elements of the proposed development will activate the ground plane by inviting visitors into the public domain, therefore creating vibrancy. • The proposed development provides a substantial level of amenity through considered design to accommodate solar access, cross ventilation and communal open space while mitigating any adverse environmental impacts. • The embellishment of the riparian corridor will allow people to move throughout the site while protecting the biodiversity value of the natural environment.
Part 4.3 – Development controls – Airport safeguards	
<p>Section 4.17 Aircraft noise</p> <p>(2) Development consent must not be granted to noise sensitive development if the development is to be located on land that is in an ANEF or ANEC contour of 20 or greater.</p>	<p>The site is not located within ANEF or ANEC contour of 20 or greater as shown in the Noise Exposure Contour Map.</p>
<p>Section 4.19 Wildlife hazards</p> <p>(2) Development consent must not be granted to relevant development on land in the 13 km wildlife buffer zone unless the consent authority—</p>	<p>Section 4.19 is relevant for the proposed development, as the works involve the restoration and rehabilitation of Gung Gung Creek. As such, a Wildlife Hazards Assessment has been prepared and is provided in Appendix EEE. The assessment finds</p>

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<p>(a) has consulted the relevant Commonwealth body, and</p> <p>(b) has considered a written assessment of the wildlife that is likely to be present on the land and the risk of the wildlife to the operation of the Airport provided by the applicant, which includes—</p> <p>(i) species, size, quantity, flock behaviour and the particular times of day or year when the wildlife is likely to be present, and</p> <p>(ii) whether any of the wildlife is a threatened species, and</p> <p>(iii) a description of how the assessment was carried out, and</p> <p>(c) is satisfied that the development will mitigate the risk of wildlife to the operation of the Airport, including, for example, measures relating to—</p> <p>(i) waste management, landscaping, grass, fencing, stormwater or water areas, or</p> <p>(ii) the dispersal of wildlife from the land by the removal of food or the use of spikes, wire or nets.</p>	<p>that the development is acceptable, subject to adopting a series of mitigation measures. Refer to further discussion in Section 6.8.2 of the EIS.</p>
<p>Section 4.21 Lighting</p> <p>(2) Development consent must not be granted to development for the following purposes on land shown as the “6km Lighting Intensity Radius”, a “Light Control Zone” or a “Runway Boundary” on the Lighting Intensity and Wind Shear Map unless the consent authority has consulted the relevant Commonwealth body—</p> <p>(b) installation and operation of external lighting in connection with construction works that is likely to be obtrusive or create light spill outside the land on which the construction works are carried out.</p>	<p>The site is located within the 6km Lighting Intensity Radius and consent is unable to be granted for the installation and operation of external lighting in connection with construction works that is likely to be obtrusive or create light spill outside the land on which the construction works are carried out.</p> <p>Lighting will be managed by way of a detailed Construction Environmental Management Plan, prepared by the appoint contractor. As such, development consent can be granted subject to the application of suitable development conditions.</p> <p>Lighting is recommended to be in accordance with ASNZS 4282:2019 Control of the obtrusive effects of outdoor lighting. Measures such as shielding and use of warm-toned lights are recommended.</p>
<p>4.22 Airspace operations</p> <p>(2) This section applies to development on land shown on the Obstacle Limitation Surface Map that is a controlled activity within the meaning of Part 12, Division 4 of the Airports Act 1996 of the Commonwealth.</p> <p>(3) Development consent must not be granted to development to which this section applies unless—</p>	<p>The proposed development sits below the OLS. However, construction works involving the use of a crane will penetrate the OLS and will require a controlled activity approval. As such, an Aviation Safeguarding Assessment has been prepared to demonstrate that the use of the crane will not adversely impact the operation of the airport.</p>

Statutory Requirement	Response
<ul style="list-style-type: none"> (a) the consent authority has consulted the relevant Commonwealth body, and (b) the relevant Commonwealth body advises the consent authority that— <ul style="list-style-type: none"> (i) the development will penetrate the prescribed airspace but it does not object to the development, or (ii) the development will not penetrate the prescribed airspace. 	
Part 4.4 – Development controls – General	
<ul style="list-style-type: none"> (2) This section applies to— <ul style="list-style-type: none"> (b) other land that is at or below the flood planning level. (3) Development consent must not be granted to development on land to which this section applies unless the development— <ul style="list-style-type: none"> (a) is compatible with the flood hazard of the land, taking into account projected changes as a result of climate change, and (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) will enable safe occupation of and evacuation from flood prone land, and (e) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (f) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and (g) is consistent with any relevant floodplain risk management plan adopted by the council for the land in accordance with the <i>Flood Risk Management Manual</i>. 	<p>The site is located on flood prone land. A Flood Impact and Risk Assessment is provided in Appendix BB and confirms that overland flow will be channelled through Gung Gung Creek and will discharge into the box culvert beneath Innovation South and towards the civil infrastructure delivered as part of the Stage 2 works in Bradfield City Centre.</p> <p>Flood depths and hazard remain similar to the existing scenario within the site and there will be no increase to the flood levels over the existing neighbouring properties with the exception to an increase in downstream flows. The afflux downstream of the site is caused by the diversion of floodwaters beneath Innovation South, leading to a concentration of the existing flow path. This proposed culvert is necessary to maintain the existing waterway. This afflux is deemed acceptable as it is contained within the existing overflow path extent.</p> <p>All buildings will have finished floor levels above the floodwaters impacting the site and will be free of the 1% AEP event. Notwithstanding the above, A Flooding Emergency Response Strategy has been prepared and is provided in Appendix BB.</p>
<p>4.26 Heritage conservation</p> <ul style="list-style-type: none"> (2) Requirement for consent Development consent is required for the following— <ul style="list-style-type: none"> (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— 	<p>The site is not identified as an item of local or state heritage significance, nor is it located within a heritage conservation area. The site will not impact the visual curtilage of the surrounding heritage items, as outlined in the Statement of Heritage Impacts provided in Appendix V.</p>

Statutory Requirement	Response
<p>(ii) an Aboriginal object,</p> <p>(6) Heritage assessment The consent authority may, before granting consent to development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p> <p>(9) Aboriginal places of heritage significance The consent authority must, before granting consent under this section to the carrying out of development in an Aboriginal place of heritage significance—</p> <p>(a) consider the effect of the proposed development on the heritage significance of the place and an Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</p> <p>(b) notify the local Aboriginal communities, in writing or other appropriate manner, about the application and take into consideration a response received within 28 days after the notice is sent.</p>	<p>Nevertheless, investigations have identified that the site contains Aboriginal Relics. The artefacts are rated as low significance and Artefact Heritage have determined that the impact of these items would be acceptable within the ACHAR provided in Appendix U.</p>
<p>(4) Effect of proposed development on heritage significance</p> <p>The consent authority must, before granting consent under this section in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.</p>	
<p>(6) Heritage assessment</p> <p>The consent authority may, before granting consent to development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>A Statement of Heritage Impact is provided in Appendix V and confirms that the development will not have an impact on items within the vicinity.</p>

Statutory Requirement	Response
<p>Section 4.28B Aboriginal cultural guidelines</p> <p>Development consent must not be granted to development on land to which this Policy applies unless the consent authority has considered Recognise Country: Guidelines for development in the Aerotropolis published in November 2022 on the Department’s website.</p>	<p>The proposed development has been designed following meaningful consultation with traditional landowners and knowledge holders. Evidence of consistency with the Recognise Country: Guidelines for development in the Aerotropolis is provided in Appendix I. Consultation and engagement which has informed the design are also outlined in the First Nations Co-Design Values Report (Appendix H) and the Aboriginal Cultural Heritage Assessment Report (Appendix U).</p>
<p>Part 4.5 – Design Excellence</p>	
<p>Section 4.31 Design review panel</p> <p>(2) Development consent must not be granted to the development unless—</p> <p>(a) a design review panel reviews the development, and</p> <p>(b) the consent authority takes into account the findings of the design review panel, and</p> <p>(c) the consent authority is of the opinion that the development exhibits design excellence.</p>	<p>The proposed development has been reviewed by the SDRP on two occasions and has positively amended the design to appropriately respond to comments received. The development is considered to exhibit design excellence as it has positively responded to comments received. Refer to further discussion in the EIS and the Architectural Design Report.</p>
<p>Section 4.32 Architectural design competition</p> <p>(1) This section applies to development in relation to a building that has, or will have, a height above ground level (existing) greater than 40m or 12 storeys.</p> <p>(2) Development consent must not be granted to the development unless—</p> <p>(a) an architectural design competition approved by the Government Architect NSW is held, and</p> <p>(b) the design of the development is the winner of the architectural design competition, and</p> <p>(c) the consent authority is of the opinion that the development exhibits design excellence.</p> <p>(3) Section (2) does not apply to development if the consent authority—</p> <p>(a) has consulted the Government Architect NSW, and</p> <p>(b) is satisfied it is appropriate in the circumstances, taking into account the following—</p> <p>(i) the impact of the development on view corridors,</p> <p>(ii) the location of the development in relation to major roads,</p> <p>(iii) the visual prominence of the development.</p>	<p>A substantial portion of the building has been designed to not exceed the 40m or 12 storey height limit and traditionally Section 4.32 of the SEPP would not apply.</p> <p>Whilst the development is not greater than 12 storeys, part of the rooftop elements and part of the rooftop parapet exceed the 40m height limit due to the sloping terrain of the site. From the existing ground level, the development achieves a maximum height of 41.8m, associated with the façade elements (frame) associated with Building B. However, the maximum extent of the roof height of Building B is only 40.79m above the existing ground level. An image indicating the portion of built form over the 40m height control is provided in the Urban Design Report and shown below. Given the minor exceedance into the 40m height plane, an exemption is sought in accordance with subsection (3). This is considered appropriate as:</p> <p>(3)(a): The consent authority is capable of consulting with the Government Architect NSW once the SSDA is lodged,</p> <p>(3)(b)(i): The VIA provided in Appendix P identifies that the site is not located within any view corridors. The portions of the rooftop elements which exceed the 40m plane (rooftop services and lift overrun) will not be visible from the any view corridors.</p>

Statutory Requirement	Response
	<p>Portions of the roof frame exceed the 40m height plane but have been integrated into the design and are not visually distinct elements which contribute towards the perceived bulk of the building.</p> <p>(3)(b)(ii): The site adjoins Badgerys Creek Road which is planned to be upgraded to a major road in the future. Whilst a portion of the breach relates to the rooftop eave of Building C, the breach is centralised to the eastern façade of the western wing and will not be visible from major roads.</p> <p>(3)(b)(iii): As outlined above, the elements which breach the 40m height plane is limited to lift overruns and roof parapets. These elements are located centrally on the roof or is located towards the north, thereby eliminating the visibility of these elements from key public domain areas such as Central Park, Bradfield Metro Station or the future open space to the south.</p> <p>Conclusion: the extent of the breach does not seek to facilitate any additional GFA. Elements which breach the 40m height limit include lift overruns and roof parapets. The breach is largely due to a technical nature relating to the existing topography and the natural sloping nature of the land. The breaches are located either centrally on the roof or is located towards the north, thereby eliminating the visibility of these elements from key public domain areas such as Central Park, Bradfield Metro Station or the future open space to the south.</p>

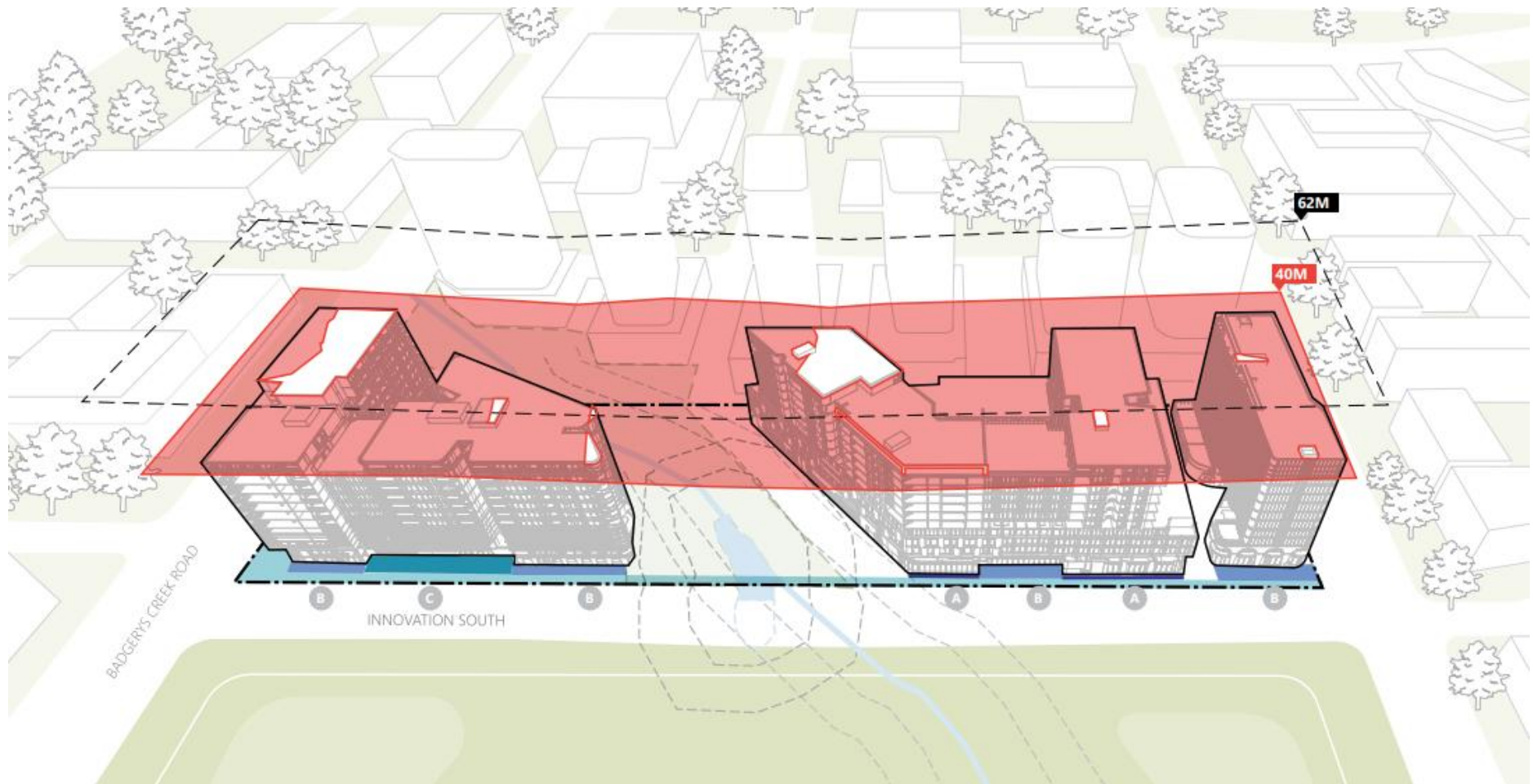


Figure 1 Height plane indicating elements over 40m from existing ground level

Source: Plus Studio

Statutory Requirement	Response
<p>Section 4.33 Consideration of design excellence</p> <p>(1) In considering whether development exhibits design excellence for the purposes of this Part, the consent authority must have regard to the following matters—</p> <p>(a) whether the development responds to the physical and cultural connection of the local Aboriginal community to the land,</p> <p>(b) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(c) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(d) whether the development detrimentally impacts on view corridors.</p> <p>(2) The consent authority must also have regard to how the development addresses the following matters—</p> <p>(a) the suitability of the land for development,</p> <p>(b) the existing and proposed uses and use mix,</p> <p>(c) Aboriginal heritage,</p> <p>(d) the relationship of the development with other buildings (existing or proposed) on the same site or neighbouring sites in terms of separation, setbacks, amenity and urban form,</p> <p>(e) the bulk, massing and modulation of buildings,</p> <p>(f) street frontage heights,</p> <p>(g) environmental performance and amenity standards, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,</p> <p>(h) the achievement of the principles of ecologically sustainable development,</p> <p>(i) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,</p> <p>(j) the impact on, and proposed improvements to, the public domain,</p> <p>(k) the impact on special character areas,</p> <p>(l) achieving appropriate interfaces at ground level between the building and the public domain,</p>	<p>The proposed development is considered to provide design excellence. A response to each of the relevant criteria is provided in the Architectural Design Report in Appendix C.</p>

Statutory Requirement	Response
(m) architectural diversity where the development is to consist of more than 2 buildings.	
Part 4.7 – Precinct plans and master plans	
<p>Section 4.39 Development must be consistent with Precinct Plan</p> <p>(1) Development consent must not be granted to development on land to which a precinct plan applies unless the consent authority is satisfied that the development is consistent with the precinct plan.</p> <p>(2) Subsection (1) does not apply if—</p> <p>(a) the consent authority has considered a written request from the applicant that seeks to justify an inconsistency by demonstrating that—</p> <p>(i) the inconsistency is minor, and</p> <p>(ii) consistency with the plan is unreasonable or unnecessary in the circumstances, and</p> <p>(iii) sufficient environmental planning grounds justify the inconsistency, and</p> <p>(b) the consent authority is satisfied that—</p> <p>(i) the applicant's written request adequately addresses the matters required to be demonstrated by paragraph (a), and</p> <p>(ii) the development is consistent with the strategic vision and general objectives for the precinct.</p>	<p>A response to the Precinct Plan is provided below, demonstrating that the development is consistent with the relevant controls. Notwithstanding the development's generally level of compliance with the Precinct Plan, a minor inconsistency occurs with regards to FSR. As such, a Variation Report has been prepared and is provided in Appendix Q and demonstrates that the inconsistency:</p> <ul style="list-style-type: none"> • the inconsistency is minor, and • consistency with the plan is unreasonable or unnecessary in the circumstances, and • sufficient environmental planning grounds justify the inconsistency, and <p>As such, the consent authority has the discretion to approve the development, notwithstanding the inconsistency.</p>
<p>Section 4.42 Consent authority to consider master plan</p> <p>Development consent must not be granted to development on the following land unless the consent authority has considered the master plan or draft master plan—</p> <p>(b) land shown on the Land Application Map that is adjacent to land to which a master plan applies or is proposed to apply.</p>	<p>The site adjoins land subject to the Bradfield City Centre Master Plan. Demonstration of consistency with the relevant provisions of the Master Plan are provided in Section 4.7 of the EIS.</p>
<p>4.49 Public utility infrastructure</p> <p>(1) Development consent must not be granted to development to which this Division applies unless the consent authority is satisfied that—</p> <p>(a) public utility infrastructure that is essential for the development is available, or</p>	<p>The proposed development is supported by a Infrastructure Delivery, Management and Staging Plan and Electrical Infrastructure Assessment provided in Appendix PP and QQ respectively and demonstrates that the site can serviced by essential infrastructure.</p>

Statutory Requirement	Response
(b) the public utility infrastructure will be available when required.	

3.0 Western Sydney Aerotropolis Precinct Plan (July 2025)

Statutory Requirement	Response
Section 3.1 Infrastructure Delivery	
<p>Prior to granting development consent, the consent authority must be satisfied that essential services and infrastructure are available or will be available when required for the development. Essential services and infrastructure is road access, water supply, sewer, electricity and stormwater infrastructure.</p>	<p>An Infrastructure Delivery, Management and Staging Plan and Electrical Infrastructure Assessment is provided in Appendix PP and QQ respectively and demonstrates that the development can suitably connect to essential services and infrastructure when it becomes available.</p>
<p>Shared utility trenches are to be used and located generally in accordance with the utilities allocations in the Western Sydney Street Design Guideline and relevant cross-sections in the DCP to minimise the impacts of utilities allocations on landscaping and street tree planting</p>	<p>The proposed development is capable of utilising shared utility trenches to minimise the impact of utilities on landscaping and street planting.</p>
<p>Fast, reliable and high-speed internet connectivity infrastructure is to be provided as part of all subdivision development and all buildings are to have direct connection to high speed internet that complies with the standards listed in the Australian and New Zealand Smart Cities Council Code for Smart Communities.</p>	<p>The future development is capable of providing fast, reliable and high-speed internet connectivity infrastructure, subject to the imposition of suitable development conditions.</p>
Section 3.2 Development Sequencing	
<p>The sequencing of development is to be generally in accordance with the Sequencing Plan at Figure 2 (Out of Sequence provisions are outlined in section 3.3).</p>	<p>The site is located within the First Priority Area and is compliant with this requirement.</p>
<p>Development is not to compromise the efficient and orderly provision and staging of the transport network, utilities and servicing.</p>	<p>The development will not compromise the efficient and orderly provisions and staging of the transport network, utilities and servicing.</p>
<p>Early development must prioritise locations well supported by high levels of public and active transport accessibility.</p>	<p>The development is located within 400-800m of the Bradfield Metro Station.</p>
<p>Development does not result in isolated areas requiring out of sequence servicing by transport networks, utilities and services, or at additional cost to government or utility agencies.</p>	<p>The development will not result in the isolation of areas.</p>
<p>The road network proposed as part of development applications is to be consistent with the Street Hierarchy Map at Figure 10, or temporary arrangements must be made with agreement of the relevant Roads Authority.</p>	<p>The development seeks to deliver the north-south road as envisioned under the Street Hierarchy Map.</p>

Section 4.1 Proposed Land Use and Structure Plan

The types and densities of land uses are to be consistent with the Land Use Plan at Figure 3. Key land use terms used in the Land Use Plan are described in the Glossary.

The site is located within the Commercial Centre – Mixed Use. The Glossary describes this land use as a *Mixed use environment focused on employment generating land uses, leveraging off metro/mass transit. Residential land uses provide density but do not undermine employment capacity.*

The proposed development is consistent with the intended land use. The development provides a significant quantum of employment generating land uses such as a supermarket, retail/food and drink premises, commercial, gym, hotel, medical and childcare. Overall, approximately 41% of the gross floor area for the development is dedicated to employment generating land uses. As demonstrated under Control 5.4, the development is also consistent with the density targets of the land. Specifically, it achieves a job density target of 252 jobs/ha which is consistent with the target of 130-400 jobs / ha. As such, the development is not considered to be undermined by the residential component.

Subdivision and civil works are to be consistent with the road network shown on the Transport Network Plan (Figure 8).

Compliant. The development provides a road network consistent with the Transport Network Plan. It is noted that a minor design amendment occurs, to realign the road to avoid impacting Gung Gung Creek. However, the function of the road remains unchanged.

Ensure built form is appropriate for its use and ensure natural cross ventilation, improved internal thermal comfort and reduced reliance on air conditioning.

The built form is considered appropriate and is subject to a high level of amenity from cross ventilation, thermal comfort and reduced energy reliance. As outlined in the ESD Report, the development is capable of achieving Net Zero emissions by 2050 for the office base building and hotel whilst the remaining features comply or exceed the relevant BASIX, Section J or NABERS control.

Provide for high quality architectural and design outcomes which respond to topography and site characteristics.

The proposed development provides for a high quality architectural and design outcome. Refer to the Architectural Design Report in **Appendix C** and the EIS.

Residential development in the Mixed Use Zone is to be located:

- a. Within 1 kilometre walking distance of Metro stations; or
- b. Within 400 metres of a bus stop or a Collector Street; and
- c. Within 200 metres of open space.

The development which includes a residential component is located within 1km of the Bradfield Metro Station and adjoins future open space.

Section 4.2 Subdivision and Block Structure

Block structure is designed to enable the delivery of efficient and accessible public transport routes.	The block structure includes through site links and public paths to ensure efficient movement to public transport. The development will not undermine the planned public transport routes proposed by others within the area.
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Block structures and the road network are designed to respond to the natural topography and the flow of water in the landscape, including measures to appropriately manage overland flow and localised flooding of properties.	The internal road network has been designed and positioned to avoid impacts to Gung Gung Creek and promotes the flow of water in a sustainable manner.
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Section 4.3 Aboriginal Culture and Heritage – Recognising Country

Development applications are to retain access to and connect significant Aboriginal heritage and areas of cultural value, conservation corridors and other identified areas of significant Aboriginal heritage.	The proposed development seeks to incorporate a series of Connecting with Country features such as the planting of native species, providing a yarning circle and children’s natural play area and meandering paths and water features within the plaza. The ACHAR also includes a recommendation to reburial the Aboriginal object within the development site.
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Development applications that propose disturbance to the landscape in areas of moderate, high or very high Aboriginal sensitivity on Figure 4, or include known Aboriginal cultural or archaeological sites, are required to include an assessment of impacts on archaeological and or cultural heritage values and significance. Where specific measures are required to mitigate or avoid impacts, applications are to include a cultural heritage management plan or conservation management plan prior to the issue of a construction certificate.	An assessment of archaeological and or cultural heritage values and significance is provided within the ACHAR.
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Interpretation and story-telling required to inform impact assessments, mitigation measures and management plans are to be undertaken in consultation with, and walking on Country with, the traditional custodians and Local Aboriginal Land Councils (LALCs).	Consultation has occurred with Elders and RAPS to inform the design, impact assessments and mitigation measures of this development.
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Section 4.5 Blue-Green Infrastructure Framework

Development is to contribute to the establishment of the blue-green infrastructure framework for the Aerotropolis in accordance with Figure 5.	Whilst the site is not identified as an item in the Blue-Green Infrastructure Framework map, it is located to the north of land identified for local open space and drainage and an active open space (sports field). The development does not inhibit the adjoin land to be development to achieve this requirement.
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Section 4.5.1 Total Water Cycle Management

Development applications are to demonstrate how the following performance criteria for ambient water quality objectives for waterways and waterbodies are to be met either by: a. On-lot or on-street measures; or	Due to the timing of works, it is expected that Bradfield City Centre’s Regional Stormwater Infrastructure will be completed by the time Stage 1 is operational (expected to be completed by 2025/2026). The proposed development (expected to
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<p>b. As part of a regional stormwater approach demonstrating that the development will connect to the stormwater infrastructure shown on Figure 6.</p>	
<p>Development applications are to demonstrate how the following performance criteria relating to water flow objectives are to be met either by:</p> <p>a. On-lot or on-street measures; or</p> <p>b. As part of a regional stormwater approach demonstrating that the development will connect to stormwater infrastructure shown on Figure 6.</p>	<p>become operational 2027/2028) will connect to the Regional Stormwater Infrastructure (as discussed in Appendix M). The Regional Stormwater Infrastructure includes on-site water quality and quantity treatment methods. The development will achieve the overall water quality and quantity objectives through connecting to the Regional Stormwater Infrastructure. In the event that the Regional Stormwater Infrastructure is delayed, the proposed development will drain to the Stage 2A treatment basin and will achieve water quality and quantity</p>
<p>Where development uses on-lot or on-street measures to achieve the performance criteria for ambient water quality and the flow objectives, the development application must demonstrate, to the satisfaction of the consent authority, the ability to connect the development to regional stormwater infrastructure when it is available.</p>	<p>As noted above, the development will connect to the Regional Stormwater Infrastructure via the pipes and pits located within the road network being delivered under Stage 2A.</p>
<p>Compliance with the ambient water quality and flow objectives must be consistent with the NSW Government Technical guidance for achieving Wianamatta-South Creek stormwater management targets (DPIE, 2022).</p>	<p>The development will achieve the Technical guidance for achieving Wianamatta-South Creek stormwater management targets by way of connecting to the Regional Stormwater infrastructure.</p>
<p>Section 4.5.2 Riparian Corridors</p>	
<p>Waterways and riparian corridors of Strahler Order 2 (refer to Figure 5) and higher are to be retained and rehabilitated to a natural state (unless minor realignment can be justified), in accordance with the requirements of the Guidelines for Riparian Corridors on Waterfront Land published by the Department of Primary Industries (Office of Water), or other relevant guidelines adopted and in operation at the time.</p>	<p>Whilst the site is not identified as a Order 2 under Figure 5, it does include a riparian corridor of Strahler Order 2. As such, the riparian corridor will be retaining and rehabilitated to its natural state.</p>
<p>Section 4.5.4 Biodiversity and Vegetation Corridors</p>	
<p>Existing Native Vegetation and other vegetation under the Cumberland Plain Conservation Plan (refer to Figure 7) is to be protected as required by the Western Parkland City SEPP. Development applications are to demonstrate, to the satisfaction of the consent authority, that measures are in place to protect and provide for the long term management of the vegetation to achieve biodiversity conservation outcomes under the Growth Centres Biodiversity Certification Order or the Cumberland Plain Conservation Plan as relevant.</p>	<p>The site largely contains exotic grassland as outlined in the EIS. However, vegetation within the banks of Gung Gung Creek will be retained and protected and ensure long term biodiversity outcomes are achieved.</p>
<p>Development applications are to demonstrate:</p> <p>a. reuse of native plants (including but not limited to seed collection) and top soil from development sites that contain known or potential native seed bank. Appropriate uses may include,</p>	<p>Reuse of native plants and top soils will be used where appropriate.</p> <p>Relocation details such as preclearance surveys are provided for Biodiversity Assessment Report.</p>

but are not limited to, application in re-vegetation or restoration works and landscaping in the precincts,

b. the relocation of native animals from development sites, prior to development commencing.

Section 4.6.2 Street Hierarchy and Typology

The Road Network within the Transport Network is to be generally consistent with the alignment and connections of roads shown in Figures 8-10.

The proposed development seeks to construct the local street as required under Figure 10: Street Hierarchy.

Local and Collector streets are to be designed to:

- a. Connect to other streets in the hierarchy in a logical sequence, so that Local Streets connect to other Local Streets or to Collector Streets;
- b. Incorporate priority-controlled intersection treatments;
- c. Minimise 4-way intersections and avoid intersections with more than 4 streets;
- d. Provide interfaces between urban land and land identified for open space, conservation, or stormwater management;
- e. Enable land in different ownerships to be developed independently and ensure that legal and physical access to properties is maintained at all stages in the development process;
- f. Convey stormwater within the Total Water Cycle Management network as shown on Figure 6;
- g. Contribute to tree canopy and the Blue Green Infrastructure Framework shown on Figure 5; and
- h. Maximise opportunities for the energy efficient design of buildings.

The local street (the internal road) has been designed in accordance with the Street Hierarchy Plan and will connect to the future local street to the north and Park Edge Street to the south. The intersection at the Park Edge Street to the south is not a four way intersection. The local street is not located adjacent to the land identified for open space, conservation, or stormwater management. The Park Edge Street which adjoins future open space has been designed by others. The stormwater infrastructure developed under the local street is consistent with the requirements of the Total Water Cycle Management network as shown on Figure 6

The layout and location of Local Streets and Collector Streets on Figure 10 is indicative. Where a development application proposes a variation to the Local Street or Collector Street, the applicant must demonstrate that in addition to the requirements in SH2, that the variation:

Whilst the proposed development does not seek to relocate the road, it does seek a align it in parallel to Gung Gung Creek. This amendment does not impact the functionality of the street, nor impacts the use of the street for active transport. It will not impede the orderly development of adjoining properties.

- a. Achieves a permeable street network;
 - b. Encourages walking and cycling and minimises travel distances;
 - c. Maximises connectivity to community facilities, open space and centres;
 - d. Takes into account topography and the flow of water in the landscape;
 - e. Will not detrimentally impact on access to adjoining properties or result in isolation of properties; and
 - f. Will not impede the orderly development of adjoining properties.
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Roads and streets are to be designed in accordance with the Western Sydney Street Design Guidelines, except where specific street cross sections are provided in the DCP for streets as shown on the street hierarchy map at Figure 10.

Compliant. Refer to Civil & Integrated Water Management Report and Transport and Accessibility Impact Assessment

Section 4.6.3 Development adjacent to protected transport corridors

Development adjacent to corridors identified on the Transport and Infrastructure SEPP and the Western Parkland City SEPP is to be designed to orient noise sensitive elements (for example habitable rooms) away from the noise source.

As discussed in the Noise and Vibration Impact Assessment (**Appendix K**), the site is not within proximity to a rail corridor.

Section 4.7 Sustainability and Resilience

Energy, water and waste systems are to use a circular economy approach to improve efficiency and result in low-carbon developments.

The development is capable of adopting a circular economy approach. Water from raintanks will be used for common landscape irrigation and car wash bays.

Effectively use renewable energy supply including solar, wind, green hydrogen, and bioenergy.

The development includes solar PV which will reduce the buildings reliance on grid electricity consumption.

Plan for, and achieve, leading industry targets by 2025 and from 2026 beyond to achieve sustainable regenerative targets:

Description	Leading industry practice	Sustainable regenerative
	Target 2020 and 2025	Target 2026 and beyond
BASIX	BASIX (Energy) - 45-60 BASIX (Water) - 60	BASIX (Energy) - 45-60 BASIX (Water) - 60
Non-residential uses (subject to final modelling)	Green Star Communities - 5+ stars Green Star - 5+ stars NatHERS - 7 star	Green Star Communities - 6+ stars Green Star - 6+ stars NatHERS - 8+ star/ Passive home
Circular economy targets	10% reduction of waste generation 85% reduction in construction waste	100% recovery and re-use of organic waste 90% reduction in construction waste

The development is generally consistent with the leading industry practice targets. Building B and C provides a BASIX energy score of 60 which complies with the upper limit of the target. The development will provide a water energy score of 54 which is a minor deviation from the target of 60. Nevertheless, Section 2.2 of the Sustainable Building SEPP says that the provisions of an environmental planning instrument or development control plan which competes with the Sustainable Building SEPP for potable water is of no effect.

In deciding whether to grant development consent for the purposes of commercial premises, industrial premises or residential accommodation, the consent authority must consider whether:

The façades, roofs and ground surfaces have adopted a lighter colour palette. The riparian corridor and landscape podium areas will also contribute towards decreasing the effect of solar heat.

- a. the façade and roof of the proposed buildings and paved surfaces are designed to reduce adverse effects of solar heat on the surrounding land, including open space and the public domain, including a requirement for light-coloured roofs, and
- b. the awnings and eaves of the building are designed to provide shelter from the sun and improve public comfort at street level, and
- c. building plant and equipment is designed to minimise the release of heat in the direction of open space and the public domain, and
- d. the development accommodates tree canopy, pervious surfaces and landscaped areas to minimise solar heat absorption and reflection by hard surfaces.

The development includes a covered plaza and awnings and provide shelter from the sun and improve public comfort.

Plant and equipment are generally located at the roof level to avoid impact on open space. Where this cannot be accommodated due to operational requirements, plant and equipment are located to avoid facing main open space areas.

The development retains and rehabilitates Gung Gung Creek, substantially improving landscape area. The design also includes a generous landscape area and minimises pervious surfaces.

Section 5.2 Height

The height of buildings is not to exceed the maximum for the land shown on Figure 12.

The site does not exceed a maximum building height of 62m.

Section 5.3 Floor Space Ratio

Buildings are not to exceed the maximum FSR shown on the Floor Space Ratio Map in Figure 13.

The site is subject to a maximum FSR of 3.5:1. The development includes a total FSR of 3.53:1 which demonstrates a variation of less than 1%. As such, a Variation Report has been prepared to address the provisions of Section 3.49 of the Western Parkland City SEPP which allows for an appropriate degree of flexibility to be applied in the instances of an inconsistency. Refer to the Variation Report in **Appendix Q**.

Section 5.4 Yield and Density

Residential development is to be primarily located in those parts of the Mixed Use Zone identified on the Land Use Plan at Figure 3 as Mixed Use Residential.

The site includes a mixture of uses including residential, commercial, hotel, gym, retail, medical and childcare. As such, it is an appropriate response to the site which is identified for a mixed use commercial centre.

Development applications in the Mixed Use Zone are to demonstrate how they will contribute to achieving the employment densities in YDO3.

The development is approximately 2.2ha and will provide the opportunity for approximately 510 operational jobs based on the Department of Planning and Environment's Common Planning Assumptions for Workspace Ratios (2023). This results in employment density of approximately 231 jobs/ha. The development will achieve the city centre density target of 130-400 jobs / ha.

Land Use	GFA	2023 CPA Workspace Category	2023 CPA Workspace Ratios (jobs per m ²)	No. of jobs
Retail	4,549	Shops and cafes	35	130

Food and drink premises	1,263	Shops and cafes	35	36
Hotel	17,399	Hotel premises	100	174
Childcare	1,466	Childcare centre	35	42
Commercial	1,179	Office within 10 mins of a transport hub	20	59
Medical centre	1,913	Medical centres	32	60
Recreation facility (indoor)	887	Fitness centre	100	9
Total				510

Section 5.6 Design Excellence

Where a design competition is required by the Western Parkland City SEPP:

- a. A concept development application made under Part 4 Division 4.4 of the EP&A Act must be accompanied by a Design Excellence Strategy.
- b. For any development application that is not a concept development application the consent authority must approve a Design Excellence Strategy prior to the lodgement of a development application.

As noted throughout this Report, this SSD seeks to apply for an exemption to the design competition requirements as only an insignificant portion of the building exceeds the 40m height limit and majority of the building complies with the 12 storey requirement. As such, a design excellence strategy is not warranted.

Exemptions to the requirement for a design competition under the Western Parkland City SEPP requires specific consideration of impacts on view corridors, the relationship of development to major roads and visual prominence and are unlikely to be granted in those areas shown on Figure 14.






These matters have been addressed above. Whilst the Precinct Plan notes that an exemption is unlikely to be provided for the site due to it's location, the exemption is justified on it's own merits and this limitation is not stated in the SEPP which is a higher order instrument and overrides the Precinct Plan.

4.0 Child Care Planning Guideline




Component	Proposal	Compliance
Part 2: Design Quality Principles		
Principle 1 – Context	The development involves a high quality and well-designed child care facility that is within proximity to walking nodes and active transport.	✓
Principle 2 – Built form	The bulk, scale and height of the proposed childcare facility have been designed consistent with the future character of the surrounding mixed use precinct. The internal and external areas of the facility have been designed in a manner that provide a high degree of amenity and allows for innovative methods to teaching and learning, whilst still complementing adequate landscaping and aesthetically pleasing elements of the building façade.	✓
Principle 3 – Adaptive learning spaces	The proposed child-care facility has been designed to be 'fit for purpose' and offers a variety of settings and connectivity outcomes that aligns with the Child-care National Quality Framework Standards.	✓
Principle 4 – Sustainability	The proposed development will employ a high degree of sustainability techniques such as natural cross ventilation, solar amenity and use of solar energy systems.	✓
Principle 5 – Landscape	Outdoor areas have been embellished within the northern and central areas in the site and create a variety of different play experiences suited to various age groups and areas of development. Landscape has been designed as an integrated sustainable system for the development.	✓
Principle 6 – Amenity	The building design provides a high level of amenity through its distinctive architectural features which contributes to the positive learning environments and well-being of children and staff. The childcare fitout has been designed to support a variety of age groups by allowing for a range of indoor and outdoor experiences. These areas will receive a high degree of solar and natural ventilation.	✓
Principle 7 – Safety	Secure above-ground access is provided to the childcare centre. The childcare centre provides a safe and accessible environment for children and their carers within the internal and external areas of the development.	✓
Part 3: Matters For Consideration		

Component	Proposal	Compliance
3.1 Site selection and location		
Objective: To ensure that appropriate zone considerations are assessed when selecting a site.	The proposed development is consistent with the objectives of the zone and is appropriated located for the childcare centre use as the service will meet the day to day needs of families within the surrounding suburban residential area and it is in an accessible location within walkable distance and thus supports the health and wellbeing of the community. Furthermore, this justifies site suitability.	✓
Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.		
Objective: To ensure that sites for child care facilities are appropriately located.		
Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.	The proposed childcare is not at risk from environmental risk, health or safety issue.	
3.2 Local character, streetscape and the public domain interface		
Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.	The proposed development is located on the podium rooftop and has been effectively integrated into the overall development which is generally consistent with the Precinct Plan and WSA DCP.	✓
Objective: To ensure clear delineation between the child care facility and public spaces.		
Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.		
3.3 Building orientation, envelope and design		

Component	Proposal	Compliance
Objective: To respond to the streetscape and site, mitigate impacts on neighbours, while optimising solar access and opportunities for shade.	An assessment of the built form and scale is provided in the EIS and found that the development is consistent with the emerging streetscape of the area. The proposed built form has been designed with regards to orientation and window location to optimise solar access. Landscaping has been included to provide opportunities for shading.	✓
Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.	As reiterated above, the proposed development is compatible with the adjoining future land uses and the EIS demonstrates that impacts on adjoining lands are minimal and acceptable.	✓
Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.	The side setback to the adjoining land is consistent with the WSA DCP requirements and the remaining setbacks comply with the minimum requirements and are acceptable for the reasons set out in the EIS.	✓
Objective: To ensure that buildings are designed to create safe environments for all users.	Entrance to the building will be restricted outside of staff arriving and departing from the site.	✓
Objective: To ensure that child care facilities are designed to be accessible by all potential users.	Compliant. Refer to accessibility report.	✓
3.4 Landscaping		
Objective: To provide landscape design that contributes to the streetscape and amenity.	Landscaping is integrated in the front and side setbacks of the corner lot. This will contribute to the streetscape and amenity of the local road network.	✓
3.5 Visual and acoustic privacy		
Objective: To protect the privacy and security of children attending the facility.	The privacy and security of children attending the facility will be maintained through restricted access to the main entry area, as well as the inclusion of adequate fencing, screen planting and retaining walls around the perimeters of external playscape areas. Children will be supervised at all times.	✓




Component	Proposal	Compliance
Objective: To minimise impacts on privacy of adjoining properties.	Privacy impacts on future adjoining properties will be minimised through the provision of significant plant screening on the 1.8m high solid Colourbond fence lining the northwestern boundary of the site.	
Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.	The proposed development will have a minimal and acceptable impact on adjoining neighbours in terms of acoustic amenity. Refer to the Noise and Vibration Impact Assessment.	
3.6 Noise and air pollution		
Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.	The Noise and Vibration Impact Assessment highlights that the anticipated external noise levels throughout the proposed childcare facility will be capable of being minimised to acceptable levels.	
Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.	The proposed development is not located in close proximity to sources of air pollution.	
3.7 Hours of operation		
<p>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</p> <p>C28 and 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 child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p> <p>Within mixed use areas or predominantly commercial areas, the hours of operation for</p>	Compliant. The standard hours of operation is 7am to 6pm, Monday to Friday. This is subject to refinement once the tenant is selected and separate approval is granted for their own operational requirements.	

Component	Proposal	Compliance
each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.		
3.8 Traffic, parking and pedestrian circulation		
Objective: To provide parking that satisfies the needs of users and demand generated by the centre and to minimise conflicts between pedestrians and vehicles.	Compliant. Refer to Traffic and Accessibility Impact Assessment.	✓
Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.	Vehicle access will be provided to basement parking and will not disrupt traffic flows.	✓
Objective: To provide a safe and connected environment for pedestrians both on and around the site.	A safe pedestrian path is provided.	✓
Part 4: Applying the National Regulations to Development Proposals		
4.1 Indoor space requirements – Regulation 107 – Education and Care Services National Regulations		
<p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p> <p>If this requirement is not met, the concurrence of the regulatory authority is required under the Education SEPP.</p>	<p>95 Children @ 3.25m² = 309m² (required)</p> <p>The Architectural Design Report in Appendix C confirms that 316m² of unencumbered indoor space is provided which exceeds the minimum requirement.</p>	✓
<p>It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> a minimum of 0.3m³ per child of external storage space 	Compliant. There is sufficient internal and external storage space to comply with this requirement.	✓

Component	Proposal	Compliance
<ul style="list-style-type: none"> a minimum of 0.2m³ per child of internal storage space. 		
4.2 Laundry and hygiene facilities – Regulation 106 Education and Care Services National Regulations		
<p>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 laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.</p>	<p>A laundry room is provided and located/maintained in a way that does not pose a risk to children.</p>	
<p>Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.</p>	<p>The proposed laundry is compliant under Class 9b ‘early childhood centre’ of the National Construction Code (NCC) as the laundry facility comprises both a washtub and washing machine as well as the below:</p>	
<p>On site laundry facilities should contain:</p> <ul style="list-style-type: none"> a washer or washers capable of dealing with the heavy requirements of the facility a dryer laundry sinks adequate storage for soiled items prior to cleaning an on site laundry cannot be calculated as usable unencumbered play space for children 	<p>The onsite laundry area accommodates these requirements.</p>	
4.3 Toilet and hygiene facilities – Regulation 109 Education and Care Services National Regulations		
<p>A service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for</p>	<p>The child care centre will provide sanitary facilities to meet the regulatory requirements.</p>	

Component	Proposal	Compliance
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.		
Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.	Compliant. Refer to BCA Report.	✓
Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants.	Toilet and hygiene facilities have been designed to demonstrate privacy, dignity and amenity.	✓
4.4 Ventilation and natural light – Regulation 110 Education and Care Services National Regulations		
<p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children</p> <p>Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p>	<p>The proposed light and ventilation to the childcare centre are compliant under Class 9b ‘early childhood centre’ of the NCC.</p> <p>Natural light will be provided to all playrooms or the like for the use of children. Proposed full height glazing including windows and doors allows for abundant natural light.</p> <p>Sufficient openings will also be provided and appropriately distributed in a childcare centre.</p> <p>The proposed ceiling height is 3m, exceeding the required 2.7m for childcare centres that accommodate more than 100 persons.</p>	✓
4.5 Administrative space – Regulation 111 Education and Care Services National Regulations		
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 proposed development is compliant and includes, a staff room, reception area, planning room, and an office.	✓
4.6 Nappy change facilities – Regulation 112 Education and Care Services National Regulations		

Component	Proposal	Compliance
<p>Child care 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.</p>	<p>Nappy change facilities are provided. Nappy change facilities will comply with all regulatory requirements.</p>	<p style="text-align: center;">✓</p>
<p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p>	<p>Nappy change facilities and bathing facility will comply with Class 9b 'early childhood centre'</p>	<p style="text-align: center;">✓</p>
<p>4.7 Premises designed to facilitate supervision – Regulation 115 Education and Care Services National Regulations</p>		
<p>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.</p>	<p>Children will be supervised at all times. All rooms and facilities have highlight windows to allow for supervision when doors are closed.</p> <p>Children's toilet cubicles have solid walls but no doors to provide dignity whilst enabling supervision.</p> <p>Windows into the children's toilets / nappy change areas are located away from view of visitors to the facility, the public or neighbouring properties.</p> <p>Refer to the Architectural Plans at Appendix B and the Urban Design Report in Appendix C.</p>	<p style="text-align: center;">✓</p>
<p>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p>	<p>The proposed supervision practices are compliant under Class 9b 'early childhood centre' of the NCC.</p> <p>As the kitchen facilities will facilitate supervision of children from inside the kitchen and will also be protected by a door with child proof latches to prevent unsupervised access by children.</p>	<p style="text-align: center;">✓</p>
<p>4.8 Emergency and evacuation procedures – Regulation 97 and 168 Education and Care Services National Regulations</p>		
<p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p>	<p>It will be the responsibility of the childcare tenancy to prepare the emergency and evacuation plan. An emergency evacuation plan will be provided by a suitably qualified Specialist Fire Services Engineer as part of the application for a service order. This plan will outline the risks, potential emergencies and procedures in an event of an emergency and evacuation of the children within the centre.</p>	<p style="text-align: center;">✓</p>

Component	Proposal	Compliance
<p>instructions for what must be done in the event of an emergency</p> <p>an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit</p> <p>a risk assessment to identify potential emergencies that are relevant to the service.</p> <p>The design and construction of new child care facilities must comply with the requirements of the National Construction Code.</p>		
<p>An emergency and evacuation plan should be submitted with a DA</p>	<p>Given the scale of the proposal and the intention to deliver an accurate and specific emergency and evacuation plan, the preparation of such plan is better suited to be prepared by the childcare tenant. As such, it is required that this is postponed prior to the issue of an occupation certificate.</p>	
<p>4.9 Outdoor space requirements – Regulation 108 Education and Care Services National Regulations</p>		
<p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.</p> <p>If this requirement is not met, the concurrence of the regulatory authority is required under the Education SEPP.</p>	<p>95 Children @ 7.0m² = 665m² (required)</p> <p>The Architectural Plans at Appendix B provide for 687m² of unencumbered outdoor space, exceeding the minimum requirement.</p>	
<p>4.10 Natural environment – Regulation 113 Education and Care Services National Regulations</p>		
<p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p> <p>Creating a natural environment to meet this regulation includes the use of natural features</p>	<p>A high quality external space is provided which integrates natural and soft features, promoting exploration.</p>	

Component	Proposal	Compliance
such as trees, sand and natural vegetation within the outdoor space.		
4.11 Shade – Regulation 114 Education and Care Services National Regulations		
The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	The external area provides sufficient outdoor area that is capable of receiving shade.	✓
<p>Outdoor play areas should:</p> <p>have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required.</p> <p>adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30% of the outdoor play area.</p> <p>have evenly distributed shade structures over different activity spaces.</p>	Compliant. Refer to Urban Design Report in Appendix C .	✓
Shade structures should not create safety hazards. Support systems such as upright posts should be clearly visible with rounded edges or padding. Vertical barriers at the sides of shade structures should be designed to prevent children using them for climbing. Shade structures should allow adults to view and access the children’s play areas, with a recommended head clearance of 2.1 metres. The floor area underneath the structure should	No structures will create a safety hazards.	✓

Component	Proposal	Compliance
be of a sufficient size and shape to allow children to gather or play actively.		
4.12 Fencing – Regulation 104 Education and Care Services National Regulations		
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.	Children are not capable of going through, over or under the balustrade proposed.	✓
Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.	The proposed fencing and protection of the outdoor playscapes is compliant under Class 9b 'early childhood centre' of the National Construction Code.	✓
Design considerations for side and rear boundary fences could include: being made from solid prefinished metal, timber or masonry. having a minimum height of 1.8 metres. having no rails or elements for climbing higher than 150mm from the ground.	Not Applicable	N/A
4.13 Soil Assessment – Regulation 25 Education and Care Services National Regulations		
Subclause (d) of Regulation 25 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:	The site is located above ground and children will not be exposed to soil within the child care centre. Nevertheless, the site as a whole can be made suitable in accordance with the PSI.	✓

Component	Proposal	Compliance
<p>a soil assessment for the site of the proposed education and care service premises.</p> <p>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.</p> <p>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>		
<p>An assessment of soil for a children’s service approval application may require three levels of investigation:</p> <ul style="list-style-type: none"> • Stage 1 - Preliminary investigation (with or without soil sampling) • Stage 2 - Detailed site investigation • Stage 3 - Site specific human health risk assessment 		