

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Childcare Centre
16 Chapman Street, Werrington NOV 2021



STATEMENT OF ENVIRONMENTAL EFFECTS

Penrith Council

Construction of two-storey 116 place child care centre with car parking, fencing, landscaping, drainage and associated site works at proposed Lot 4001 under DA19/0704 in a subdivision of Lot 1, DP 1226122, 16 Chapman Street Werrington

Date: November 2021

Revision A



MMDC Pty Ltd

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1.0 EXECUTIVE SUMMARY

This report has been prepared to accompany a Development Application for a proposed 116 place,

two storey child care centre and associated car parking on proposed Lot 4001 under DA19/0704 at 16

Chapman Street Werrington.

The proposed child care centre seeks to cater for a total of 116 children, being 20 x 0-2 years, and 96

x 3-5 years, 15 staff operating from 6:30am to 6.30pm, Monday to Friday. Suitable internal and

external activity areas are proposed for each age group, along with associated facilities and amenities,

in accordance with the Education and Care Services National Regulation. A total of 37 car spaces will

be provided on-site. Signage will be provided under Exempt Development provisions.

The site is zoned IN2 Light Industrial under Penrith Local Environmental Plan 2010. The proposed

development is a permissible use and meets the objectives of the IN2 zone by providing suitable

services for residents in a convenient location that is compatible with the available infrastructure,

services, facilities and environmental capabilities of the land whilst minimising any potential adverse

impacts or conflict between land uses within the zone and land uses within adjoining zones. The

proposal complies with the requirements of SEPP (Educational Establishments and Child Care

Facilities) 2017 and the Child Care Planning Guidelines and generally complies with the main essential

criteria set out in the Penrith DCP 2014.

The proposed development has been assessed against the matters for consideration listed in Section

4.15 of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. The

proposal is considered satisfactory with regard to relevant matters such as Urban Design, Acoustic,

Access, Traffic Impact, Drainage, ESD, Site Contamination, Amenity, Social and Economic Impacts and

the like, subject to the imposition of suitable conditions of any consent to satisfactorily control the

development. In this regard, it is considered that the subject site is suitable for the proposed

development and that the proposal, providing much needed child care services in the locality, is in the

public interest.

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2.0 INTRODUCTION

This report has been prepared to accompany a Development Application for a proposed 116 place, two storey child care centre and associated car parking on proposed Lot 4001 under DA19/0704 at 16 Chapman Street Werrington.

The proposed child care centre is permissible with consent in the IN2 Light Industrial under Penrith Local Environmental Plan 2010. The development is defined as a:

centre-based child care facility means—

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

Note.

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

but does not include—

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

The area surrounding the site is predominantly characterised by residential uses with associated recreational, community, educational and commercial areas.

The subject site is well serviced by nearby bus public transport and enjoys vehicular access to the nearby surrounding regional road network of Great Western Highway and M4 via Chapman Street, Rance Road and Werrington Road.

This statement will address the proposal in the context of the applicable planning legislation including:

State Environmental Planning Policy (Educational Establishments and Child Care Facilities)
 2017 and Child Care Planning Guideline;

• State Environmental Planning Policy No. 55 – Contaminated Land;

State Environmental Planning Policy (Infrastructure) 2007;

• Penrith Local Environmental Plan 2010; and

• Penrith Development Control Plan 2014.

The proposal has also been designed in accordance with the requirements of the *Education and Care Services National Regulations 2012*.

This report is to be read in conjunction with the following associated documents and plans prepared as a part of this Development Application:

Architectural Site Analysis, Floor Plans, Roof Plans, Sections and Elevations, Streetscape
 Elevation, Shadow Diagrams, Schedule of Finishes, Emergency Evacuation Plan

Landscape Concept Plan

• Stormwater Management Plan and Erosion and Sediment Control Plan

Survey Plan

• Waste Management Plan

• Site Contamination Report

Bushfire Report

• Traffic Report

Acoustic Report

3.0 BACKGROUND

3.1 Approved Subdivision

On 18 December 2020, Council approved a subdivision into 227 residential lots and 17 industrial lots with associated roads and drainage under DA19/0704, which is currently under construction. The completion of the approved subdivision will facilitate access, drainage and servicing to proposed Lot 4001 and ensure that the subject site is suitable for the proposed development.

An extract of the approved subdivision plan is provided below.



Figure 1: Approved Subdivision Plans (Cardno)

4.0 SITE LOCATION

Context and Location

The subject site is located to the south of Chapman Street on the eastern side of proposed Road 12, to the immediate west and south of Wollemi College. Further to the west of the site is Cobham Youth Centre. One existing child care centre is located within a 1km radius of the site.

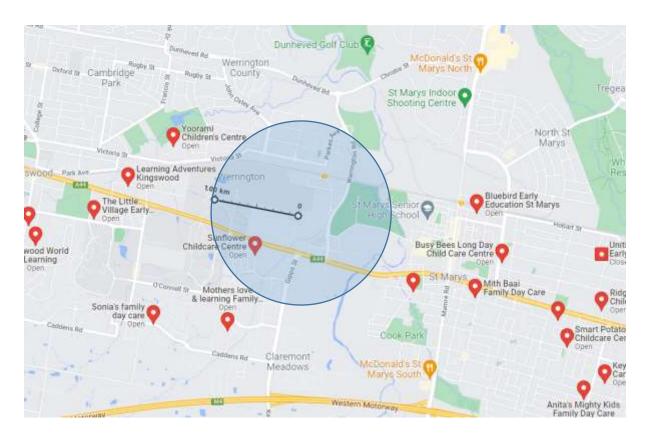


Figure 2: Site Location (Source Google Maps)

The subject site is well serviced by nearby bus public transport and enjoys vehicular access to the nearby surrounding regional road network of Great Western Highway and M4 via the future extension of Road 11 to Rance Road and Werrington Road.

The area surrounding the site is predominantly characterised by residential and light industrial uses with associated recreational, community, educational and commercial areas.

The subject site is not in the vicinity of any hazardous industries, or LP gas sites, and is considered to be safe from any other environmental health hazards, such as high lead levels, hazardous industries or proximity to cooling tower drift in high rise building areas.

4.2 Site Details

The subject land, being proposed Lot 4001 in a subdivision of Lot 1, DP 1226122, is regular in shape and has a total area of 2000sqm. The land is bounded by proposed Road 12 to the west, Wollemi College to the east, and future light industrial land to the north and south. The site has a depth of 79.7m, and frontage of 25m.



Figure 3: Aerial Photo (Source Six Maps)

The proposed development site is currently vacant.

The topography of the development site falls approximately 0.5m across the site from east (rear) to west (front).

The site is unaffected by heritage, land reservation acquisition, scenic landscape values, biodiversity, flooding or riparian corridor constraints, but is currently mapped as bushfire prone land.

Power, water and sewer will be made available and the site will be rendered suitable for the proposed development upon the completion of the approved subdivision under DA19/0704.

5.0 DEVELOPMENT PROPOSAL

The proposal seeks development consent for the following:

• Construction of a 116 place, two storey child care centre with basement car parking containing

37 car spaces

Associated site works, shade structures, acoustic fencing, retaining walls, drainage, and

landscaping works

The design rationale seeks to provide an overall building siting and massing with a high degree of

contextual fit in the desired future light industrial setting with landscaped front setbacks whilst

accommodating the required parking and play areas and minimising any potential adverse amenity

impacts. The scale of the proposal reflects the size and capacity of the site to suitably accommodate

a two storey articulated built form with compliant setbacks, building height, indoor and outdoor play

areas, car parking, landscaping and fencing.

The proposed child care centre accommodates a total of 116 children, being 20 x 0-2 years and 96 x

3-5 years, with 15 staff operating from 6:30am to 6.30pm, Monday to Friday.

The overall height of the building is 9.05m to the top of roof where the existing ground level is RL25.5,

although the building will have a height of 7.05m based on the approved finished subdivision levels.

The car parking area contains 37 car spaces and is located wholly clear of the landscaped setback

areas.

Acoustic fencing to the side and rear boundaries is proposed up to a height of 1.8m.

Unencumbered internal activity areas are proposed on the ground floor, along with associated nappy

change, bottle preparation, sleeping facilities, age appropriate toilets, storage areas, and

administration and first floor kitchen, laundry, staff room and storage, in accordance with the

Education and Care Services National Regulation 2012. Separate outdoor play areas for each age group

totalling have been provided with suitable shading and finished with soft fall and artificial turf surfaces.

Signage will be provided under Exempt Development provisions.

The building will be constructed of brick, painted render, timber, glazing and lightweight cladding and

colourbond rooves. Appropriate colour selections for the windows, gutters and fascias will be utilised

to provide variation to the external appearance of the development.

To facilitate vehicular access, a shared entry and exit driveway is proposed.

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Stormwater drainage is proposed via a pit and pipe system and on-site detention tank and direct connection to the future street drainage. The proposal has been designed to matched the bulk earthworks design levels approved as a part of DA19/0704 required for access and stormwater.

In accordance with the accompanying Acoustic Report, a Noise Management Plan will be implemented

as a part of the operation as follows:

• All staff and parents are provided with a copy of the Centre's Noise Management Plan and its

implications for them during their time at the Centre.

• Neighbours should be provided with the name and contact details of the Centre Director, and

the invitation to contact that person at any time the Centre is operating.

• Staff arriving prior to 7am should park in the dedicated staff parking spaces.

• All external windows and sliding doors to all indoor play areas shall remain closed during noisy

activities such as singing or the use of amplified music.

• Facilitating children/s small group play when outside and encouraging educators to engage in

children's play and facilitate friendships between children.

• Crying children should be comforted as quickly as possible and moved indoors.

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6.0 PLANNING CONTROLS

6.1 STATE PLANNING FRAMEWORK

6.1.1 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The above SEPP and associated Child Care Planning Guidelines aim to ensure a consistent approach to facilitating the provision of child care services across NSW and establishes Design Guidelines consistent with the requirements of the National Quality Framework.

The proposal is consistent with the requirements of the SEPP as follows:

<u>Clause 22 Centre-based child care facility—concurrence of Regulatory Authority required for</u> certain development

- (1) This clause applies to development for the purpose of a centre-based child care facility if:
- (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or
- (b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.

Comment: Not Applicable – the proposed indoor and outdoor play areas comply with the unencumbered space requirements.

<u>Clause 23 Centre-based child care facility—matters for consideration by consent</u> authorities

Before determining a development application for development for the purpose of a centrebased child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development

Comment: Complies – refer to discussion below under Child Care Planning Guideline and Appendix A for compliance under the National Regulations.

<u>Clause 25 Centre-based child care facility—non-discretionary development standards</u>

- (1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.
- (2) The following are non-discretionary development standards for the purposes of section 4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:
- (a) location—the development may be located at any distance from an existing or proposed early education and care facility,
- (b) indoor or outdoor space

- (i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or
- (ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,
- (c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,
- (d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.
- (3) To remove doubt, this clause does not prevent a consent authority from:
- (a) refusing a development application in relation to a matter not specified in subclause (2), or
- (b) granting development consent even though any standard specified in subclause (2) is not complied with.

Comment: Complies with indoor and outdoor unencumbered space requirements and the subject site is considered suitable for the proposed use given no adverse streetscape or amenity impacts arise.

<u>Clause 26 Centre-based child care facility—development control plans</u>

- (1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:
- (a) operational or management plans or arrangements (including hours of operation),
- (b) demonstrated need or demand for child care services,
- (c) proximity of facility to other early education and care facilities,
- (d) any matter relating to development for the purpose of a centre-based child care facility contained in:
- (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or
- (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).
- (2) This clause applies regardless of when the development control plan was made.

Comment: Complies – refer to discussion below under Child Care Planning Guideline and Appendix A for compliance under the National Regulations.

Child Care Planning Guideline

Section 1.4 of the Guidelines states:

The SEPP generally provides that Development Control Plans seeking to regulate development for a child care facility will not apply, except for controls relating to building height, rear and side setbacks and car parking rates. The following table helps different users understand how the Guideline fits with the SEPP, and how they should apply it.

Application of Child Care Planning Guideline

SEPP Provision	Proponents	Consent authorities	Regulatory authority: Concurrence / Service Approval	
Guideline as a consideration	Use the Guideline when preparing a development application to ensure once built, the development	Consider Parts 2, 3 and 4 of the Guideline. Review the National Quality	Assess Concurrence request against relevant sections of Part 4 and the National Quality Framework Assessment	
	meets the physical requirements for the subsequent service approval application.	Framework Assessment Checklist.	Checklist.	
Controls in	The provisions of the Child Care	The provisions of the Child Care	N/A.	
Development	Planning Guideline will generally	Planning Guideline will generally		
Control Plans	take precedence over a DCP, other	take precedence over a DCP, other		
	than building height, side and rear setbacks and car parking rates.	than building height, side and rear setbacks and car parking rates.		
	Where there is no DCP, use all	Where there are no DCP		
	Parts of the Guideline to inform DA	provisions consider the		
	preparation.	development application against the matters in the Guideline.		
Concurrence	Complete and submit National	Check National Quality Framework	Check National Quality	
	Quality Framework Assessment Checklist.	Assessment Checklist to assess need for concurrence.	Framework Assessment Checklis to review unencumbered space	
	Prepare DA in accordance with Part	Refer to regulatory authority if	provisions – indoor and outdoor.	
	4 of the Guideline and Regulations	insufficient unencumbered indoor	Advise consent authority	
	107 & 108 of the National	or outdoor space provided.	of determination regarding	
	Regulations.		concurrence.	

The proposal has been designed by a registered architect, and is consistent with the design quality principles as follows:

Principle 1 – Context

The proposal as discussed further below:

- achieves good design that responds and contributes to its context, including the key natural
 and built features of the local area, their relationship and the character they create when
 combined. It also includes social, economic, health and environmental conditions; and
- is a well-designed child care facility that responds to and enhances the qualities and identity

of the area including adjacent sites, streetscapes and neighbourhood; and takes advantage of

its context by optimising nearby transport, public facilities and centres, respecting local

heritage, and being responsive to the demographic, cultural and socio-economic makeup of

the facility users and surrounding communities.

Principle 2 - Built form

The proposal as discussed further below:

• achieves good design with a scale, bulk and height appropriate to the existing or desired future

character of the surrounding area; an appropriate built form for a site and the building's

purpose in terms of building alignments, proportions, building type, articulation and the

manipulation of building elements; and a variety of materials, colours and textures; and

provides an appropriate built form that defines the public domain, contributes to the

character of streetscapes and parks, including their views and vistas, and provides internal

amenity and outlook; and

• is an example of contemporary facility design that is distinctive and unique to support

innovative approaches to teaching and learning, while still achieving a visual appearance that

is aesthetically pleasing, complements the surrounding areas, and contributes positively to

the public realm.

Principle 3 - Adaptive learning spaces

The proposal as discussed further below:

• achieves good facility design through site layout, building design, and learning spaces fit-out

that delivers high quality learning spaces and achieves a high level of amenity for children and

staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable

and easy to use; and

achieves a mix of inclusive learning spaces to cater for all students and different modes of

learning with appropriately designed physical spaces offering a variety of settings, technology

and opportunities for interaction.

Principle 4- Sustainability

The proposal as discussed further below:

provides sustainable design with positive environmental, social and economic outcomes via

natural cross ventilation, sunlight and passive thermal design for ventilation, heating and

cooling reducing reliance on technology and operation costs; as well as suitable recycling and

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re-use of materials and waste, use of sustainable materials and deep soil zones for

groundwater recharge and vegetation; and

• is a well-designed facility that is durable and embeds resource efficiency into building and site

design, resulting in less energy and water consumption, less generation of waste and air

emissions and reduced operational costs.

Principle 5 – Landscape

The proposal as discussed further below:

• achieves well-integrated landscape and buildings, resulting in an attractive development with

good amenity; and contributing to the landscape character of the streetscape and

neighbourhood; and

provides well-designed landscapes that make outdoor spaces assets for learning with diversity

in function and use, age-appropriateness and amenity; and

• enhances the development's environmental performance by retaining positive natural

features which contribute to the local context, co-ordinating water and soil management,

solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Principle 6 – Amenity

The proposal as discussed further below:

• positively influences internal and external amenity for children, staff and neighbours; and

contributes to positive learning environments and the well-being of students and staff; and

• achieves good amenity combines through appropriate and efficient indoor and outdoor

learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy,

storage, service areas and ease of access for all age groups and degrees of mobility; and

facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.

Principle 7 – Safety

The proposal as discussed further below:

optimises the use of the built and natural environment for learning and play, while utilising

equipment, vegetation and landscaping that has a low health and safety risk and can be

checked and maintained efficiently and appropriately;

balances safety and security with the need to create a welcoming and accessible environment;

and

• provides for quality public and private spaces that are inviting, clearly defined and allow

controlled access for members of the community, which incorporate passive surveillance and

Crime Prevention Through Environmental Design (CPTED).

The proposal is considered satisfactory with respect to the matters for consideration under Section 3

the Child Care Planning Guideline, (which take precedence over the provisions of a DCP with the

exception of building height, side and rear setbacks and car parking rates), as follows:

Matters for consideration

3.1 Site selection and location

Council's DCP provisions relating to the suitability of the site for the purpose of child care centres do

not apply. The site is suitably zoned IN2 Light Industrial and environmentally safe from potential risks

and hazards with suitable access available from proposed Road 12. The proposal generally complies

with the building height and setback requirements under the LEP and DCP, and is supported by

individual Site Contamination, Acoustic and Traffic Reports prepared by suitably qualified consultants

confirming that the site is environmentally safe from potential risks and hazards and that the proposal

will not result in any adverse acoustic or traffic impacts. Accordingly, the site is considered suitable for

the proposal.

3.2 Local character, streetscape and the public domain interface

The proposal has been designed to be compatible with the desired future local character and

surrounding streetscape within the IN2 Light Industrial zone of the South Werrington Urban Village.

Whilst a 10m front setback control applies to development fronting the proposed east-west collector

road, a 5m secondary setback would apply to the secondary frontage along proposed Road 12 and

would typically accommodate large hardstand parking areas with 4m wide landscaped areas facing

the street.

As shown in the perspective view below, noting no hardstand parking area is proposed within the

landscaped front setback and the stepped 6m to 12m front building alignment, the bulk, form, and

massing of the proposal is generally consistent with the requirements of Penrith DCP and provides a

high degree of contextual fit within this section of proposed Road 12.

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Figure 4: Perspective View (Archidrome)

3.3 Building orientation, envelope, building design and accessibility

The proposal has been designed to comply with the local building height and side and rear setback controls whilst minimising any potential adverse overshadowing or amenity impacts. The proposal is considered to achieve compatibility with the existing and desired future built form character of the locality and this section of proposed Road 12.

The siting and design of the building is considered to be a reasonable design response that is not excessive or overbearing in the immediate context and necessary to accommodate safe and convenient access and car parking provision. The design of the proposal provides for a safe environment accessible by all potential users and suitable outdoor play areas with acceptable solar access and shading that responds to the natural environment.

3.4 Landscaping

The proposal provides a landscape design that contributes to the streetscape and amenity through high quality outdoor play areas and removal of unsuitable existing trees, generally of moderate retention value and/or exotic garden species, to be replaced with suitable replacement trees and landscape screen planting.

3.5 Visual and acoustic privacy

The proposal has been designed to ensure no adverse visual or acoustic privacy impacts to adjoining

properties through the provision of suitable fencing preventing visual overlooking and acoustic

amenity impacts from the indoor and outdoor play areas.

3.6 Noise and air pollution

The proposal is accompanied by an Acoustic Report which provides suitable noise mitigation measures

to ensure that outside noise levels are minimised to acceptable levels during operation. Potential

impacts from external road noise will also be suitably mitigated as a part of the proposal. The proposal

is not adversely affected by potential air pollution.

3.7 Hours of operation

Standard hours of operation from 7am to 6pm Monday to Friday are proposed with staff 'shoulder

times' of 6:30am to 6:30pm compatible with the residential nature of the locality.

3.8 Traffic, parking and pedestrian circulation

The proposal complies with Council's car parking requirements and is accompanied by a Traffic Report

which confirms that the proposal has been designed to satisfactorily and safely accommodate the

anticipated car parking demands of the use and that no adverse traffic impacts will arise.

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6.1.2 State Environmental Planning Policy No. 55 (Remediation of Land)

SEPP 55 specifies certain considerations for development on land with respect to the potential for contamination, particularly for sensitive land uses such as development for residential, educational or recreational purposes. The subject site has been used for rural-residential purposes with accessible soils and as such, is suitable for the proposed child care centre use in accordance with the requirements of the SEPP.

Relevantly, Clause 7 states:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated, and
- (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
- (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.
- (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 subclause (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.
- (3) The applicant for development consent must carry out the investigation required by subclause (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.
- (4) The land concerned is:
- (a) land that is within an investigation area,
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
- (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
- (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

The proposal is accompanied with a Site Contamination Report confirming that the proposed child care use is suitable for the site. Therefore, it is considered that the requirements of Clause 7 – "Contamination and remediation to be considered in the determination of development applications" have been satisfactorily addressed.

6.2 LOCAL PLANNING FRAMEWORK

6.2.1 Penrith Local Environmental Plan 2010

The subject site is zoned IN2 — Light Industrial pursuant to Penrith Local Environmental Plan 2010 as shown in Figure 5 below. The proposed development, being a child care centre, is permissible with consent in this zone.

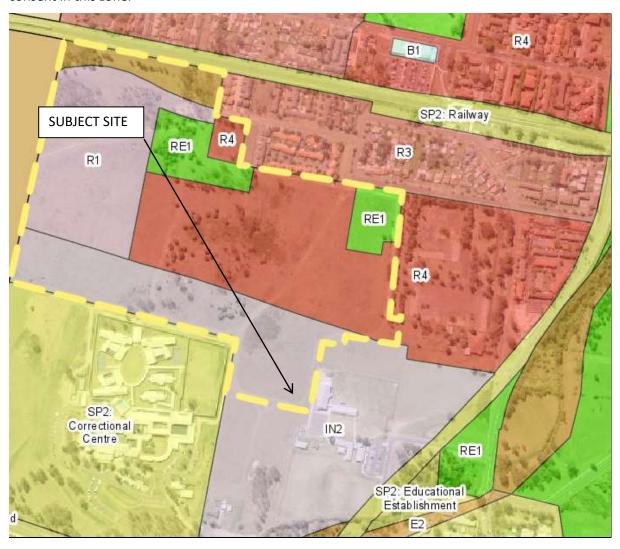


Figure 5: Zoning Map

The objectives of the zone are as follows:

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

• To support and protect industrial land for industrial uses.

• To promote development that makes efficient use of industrial land.

• To limit the impact of industrial development on adjacent residential areas, in terms of its

built form, scale, acoustic and visual privacy and air quality.

The proposed child care centre will provide essential child care services, is a permissible use and

meets the relevant objectives of the IN2 zone given the land use is compatible with the available

infrastructure, services, facilities and environmental capabilities of the land whilst minimising any

potential adverse impacts or conflict between land uses within the zone and land uses within

adjoining zones.

The following clauses are applicable to the proposal:

• Clause 4.3 Height of Buildings

Clause 7.1 Earthworks

• Clause 7.4 Sustainable development

• Clause 7.6 Salinity

• Clause 7.7 Servicing

The Height of Building Map provides that a building is not to exceed a maximum height of 12.5m. In

this instance, the development provides a maximum height of less than 12.5m and as such, the

proposal complies.

The proposal has been designed to match the bulk earthworks design levels approved as a part of

DA19/0704 required for access and stormwater and suitable salinity mitigation measures will be

implemented as a part of the subdivision.

The proposed earthworks associated with the basement, access requirements to outdoor play areas

and overall stormwater management measures have been designed to ensure no adverse impacts to

adjoining properties or the stormwater drainage system and suitable construction methods and soil

erosion and sediment control measures will be implemented during construction to ensure no adverse

impacts in terms of salinity. Further, the proposed design incorporates suitable sustainability features

and will be connected to reticulated essential services upon the completion of the subdivision.

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6.2.2 Penrith Development Control Plan 2014

The Penrith Development Control Plan 2014 was prepared and exhibited in accordance with the *Environmental Planning and Assessment Act 1979*. It is a detailed document providing controls and design recommendations for all land as defined pursuant to the DCP. The DCP covers performance and design guidelines and controls related to environmental performance, social performance, amenity issues and design elements.

Noting the operation of the SEPP and associated Child Care Planning Guideline expressly override provisions related to location, site selection, distance separation, capacity, landscaping, location of indoor and outdoor play areas, and play area design, the subject proposal has been assessed against the applicable controls and guidelines of the DCP and is considered to be compliant with the principle standards and consistent with the intent of the development standards.

In addition, it is noted that pursuant to section 4.15(3A) of the Environmental Planning and Assessment Act 1979, the consent authority is not to require more onerous standards where a development complies with standards set out under the DCP provisions and is required to take a flexible approach in the application of DCP provisions where a development does not comply with those standards, and allow reasonable alternative solutions that achieve the object of those standards. In this instance, the proposal complies with the relevant standards set out in the DCP and the findings of that assessment are tabulated in Table 1 below.

Table 1: Compliance Table: Penrith Development Control Plan 2014

Development Standard	DCP	PROPOSAL	COMPLIANCE
Building Height	12.5m	<12.5m	YES
Carparking: 1 per 10 places 1 per 1 staff	116/10 = 12 visitors 15 staff = 27 spaces	37 car spaces	YES

6.3 Section 4.15 Environmental Planning and Assessment Act 1979

This section undertakes an assessment of the proposal in the context of the heads of consideration set out in Section 4.15(1) of the Environmental Planning and Assessment Act as follows:

HEADS OF CONSIDERATION	RESPONSE	
(a) the provisions of — (i) any environmental planning instrument, and (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and (iii) any development control plan, and (iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,	The proposal's compliance and consistency with the provisions of the SEPP, Child Care Planning Guideline, LEP and DCP have been addressed in detail at Sections 5.1 and 5.2 of this Statement. In general terms the child care centre development is permissible within the IN2 zone and is consistent with the aims and objectives of the SEPP, LEP and HDCP.	
(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,	The likely impacts of the proposal have been addressed in detail at Section 6.1.2 and Section 7 of this Statement. The proposal is considered satisfactory with regard to relevant matters such as Built Form, Access, Amenity, Privacy, Traffic Impact, Stormwater Drainage, ESD and the like, subject to the imposition of suitable conditions of consent to satisfactorily control the development.	
(c) the suitability of the site for the development	The site being a rectangular allotment recently registered to be used for residential purposes has frontage to Proposed Road 12 with moderate through traffic flows. This promotes the site as a relatively safe site for a child care centre with no access required via Great Western Highway. The proposed development is designed with respect to the slope of the site and intended residential uses, while the proposed vegetation details are noted on the Landscape Plan accompanying this application.	
(d) any submissions made in accordance with this Act or the regulations,	This matter would relate to Council's public exhibition of the development.	
(e) the public interest.	The proposed development is considered to be in the public interest.	

7.0 KEY CONSIDERATIONS

7.1 Design & Planning Principles

The proposed development has been designed to reflect current trends and to accommodate a

building form which will be compatible with the Council's vision for the locality. The design has

particular regard to:

the scale and form of development on nearby and adjoining lands;

• the existing and future form of development along Proposed Road 12;

the appearance and scale of the buildings when viewed from Proposed Road 12;

• the high accessibility of the site and likely minimal amenity impacts.

The outcome of these considerations is, it is contended, a development which:

will be of a high quality appearance and finish;

• compliments the existing and likely scale of development on adjoining land; and

has minimal impact on the amenity of the locality due to its positioning and orientation.

7.2 Traffic and Pedestrian Access/Circulation

The proposed development is for a 116 place child care centre and the traffic generation is considered

to be acceptable in this location with a local distributor road and adequate sight distances in a low

speed light industrial environment, as set out in the traffic report. It is thus considered that the

development as proposed is an acceptable form of development within this precinct and generates

vehicular movements capable of being catered for by the existing road system in this locality.

The proposed development has been designed in order to promote easy accessibility within the

development as well as by the general public. Sufficient car parking has been provided to cater for the

expected traffic generation of the development.

7.3 Streetscape Appearance

The desired future streetscape of this locality comprises 12m high light industrial buildings along this

section of Proposed Road 12.

The finished elevations for the proposed building will be generally compatible with mixed material

finishes, colorbond and cladding of existing built form in this locality. The proposed child care centre

will be compatible with the scale of built form in this locality. The final design has resulted in a

development which will be of a high quality finish and has interesting articulation and material finish

variations and variety in its openings.

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This will be further complemented by providing suitable landscaping, as a landscape buffer to soften

the appearance of the development. Therefore, the proposal will maintain a consistent relationship

with the anticipated scale and character of the streetscape.

7.4 Solar Access & Shading

The height and setback of the proposed development ensures that adequate solar access is

maintained and no adverse overshadowing impacts will arise to adjoining properties between 9am

and 3pm at midwinter as shown on the shadow diagrams accompanying this application. In

accordance with the requirements of the Education and Care Services National Regulations 2012,

appropriate shading has been provided based on 2.5sqm per child at the critical protection time of

12pm December 22.

7.5 Privacy & Amenity

The design of the development has had regard to the orientation and design of adjoining buildings in

determining the final built form with the intent of minimizing any potential adverse impacts for

existing neighbours where possible. In this regard, acoustic mitigation measures in accordance with

the recommendations of the Acoustic Report will be provided in order to mitigate any potential

acoustic amenity impacts on adjoining residential properties. Details will be provided prior to the issue

of any construction certificate.

7.6 Waste Management

The proposed waste collection system for the development shall be controlled by operators of the

child care centre and will be undertaken in accordance with the submitted Waste Management Plan.

It is proposed that garbage storage will be provided in a bin enclosure, as illustrated in the

development plans, and this will be easily serviced and accessible for users.

All builders waste during the construction phase will be removed from the site at regular intervals and

disposed of at an approved waste dump in accordance with the waste management plan attached to

this development application. The site will be kept clean and tidy at all times.

7.7 Stormwater Drainage

A stormwater drainage scheme has been prepared and submitted as part of the development plans

for this proposal. The Stormwater Concept Plan attached to the development application provides

for the collection of any runoff from the roofs, comprising eaves gutters designed to a 20 year ARI

standard. The surface runoffs are collected in an onsite detention system via pits and pipes and

transferred to the street.

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7.8 General Services

7.8.1 Sewer and Water

Reticulated water and sewer is available to the site, with necessary adjustments and servicing of the

proposed development to be in accordance with Sydney Water requirements.

7.8.2 Electricity Supply

Electricity is available to the site and will be connected to the building additions in accordance with

the Authority requirements.

7.9 Cut and Fill

In order to achieve the design levels required for access and stormwater minor cut and fill and

retaining walls within the site are proposed to match the subdivision design levels.

7.10 Accessibility

As indicated on the accompanying architectural plans, the proposed extension provides Deemed To

Satisfy access compliance in accordance with BCA,AS 1428.1, and compliance with the premises

standard is achieved with the provision of a pedestrian entry ramp from the street, lift access to the

first floor addition, accessible toilet and rear outdoor access ramps within the proposed outdoor

play area.

7.11 Crime Prevention Through Environmental Design (CPTED)

CPTED is the term that encompasses the philosophical theory and practical application of design

practices for buildings and places that seek to prevent crime with the following aims:

deterring crime by increasing the perception and chance of crime being detected, witnessed,

challenged or criminals captured;

making the opportunities for crime occurrence more difficult; and

• limiting or concealing opportunities for crime.

The NSW Police Force describe the "Safer by Design" approach in the following manner:

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses

on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime

by using design and place management principles that reduce the likelihood of essential crime

ingredients (law, offender, victim or target, opportunity) from intersecting in time and space. Predatory

offenders often make cost-benefit assessment of potential victims and locations before committing

crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater

than the likely benefits. This is achieved by creating environmental and social conditions that:

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• Maximise risk to offenders (increasing the likelihood of detection, challenge and

apprehension);

Maximise the effort required to commit crime (increasing the time, energy and

resources required to commit crime);

Minimise the actual and perceived benefits of crime (removing, minimising or

concealing crime attractors and rewards); and

Minimise excuse making opportunities (removing conditions that encourage/facilitate

rationalisation of inappropriate behaviour).

CPTED employs four key strategies. These are territorial re-enforcement, surveillance, access control

and space/activity management. All CPTED strategies aim to create the perception or reality of capable

guardianship.

The four key strategies have been applied to the development proposal and analysis and commentary

is provided in below.

Surveillance

Crime can be reduced by providing opportunities for effective surveillance. In areas with high levels of

natural and passive surveillance offenders are deterred from committing a crime. Natural and passive

surveillance in relation to the proposal needs to be understood at the macro / site level and the

individual occupant level.

Macro / Site Level

The scale of the subject site and the proposed development results in the need for the introduction

of one street frontage and the creation of internalised private open space and movement spaces. The

following passive surveillance attributes are demonstrated in the proposal:

• Sight lines from the public spaces (roads and pathways) are generally to the external

outer edges of the proposed buildings, lobby spaces and driveway entrances. The site

lines are clear and are not overly complicated or blocked by landscaping.

Landscaping provides for designation of spaces without creating "blind" spots or

concealment areas.

Individual Occupant Level

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The proposal is characterised by separate residential and child care entries to the building that create

individual address and sense of ownership. The following passive surveillance attributes are

demonstrated:

A well defined entry and exit point to the building that is legible from the street;

Clear sight lines to the building from the street and from the building to the street are

provided.

Landscaping does not result in "blind" spots or areas for hiding with the proposed

landscape plantings design to enable clear sightlines to entry points to the building.

• The apartments are orientated toward the street and provide numerous

opportunities for passive surveillance of public spaces to act as a deterrent for

criminal activity and serve to discourage anti-social behaviour;

Concealment opportunities are limited and appropriate lighting will be provided to

publicly accessible areas; and

• The individual entry points to the building for the residential use and child care use

assist in creating ownership of each space and improved recognition and familiarity

within each lobby. Accordingly, it is more likely that non residents are likely to be

identified and subject to additional surveillance.

Access control

The use of physical and symbolic barriers to attract, channel or restrict the movement of people assists

in minimising opportunities for crime and increases the effort required to commit a crime. In this

regard the proposal provides:

Fencing around the perimeter of the site that adjoins future residential development

to the south, east and west;

Enclosed external areas on the ground level behind the building line assist in clearly

identifying public and private access points;

The design allows for ease in clearly marking entrance points and way finding features

such as pathways, lighting and signage; and

Opportunity exists to incorporate security access doors to lobby's which could be

controlled by cards, codes or keys.

Territorial reinforcement

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Places that are well maintained and designed are often more regularly visited and endowed with a sense of community ownership. Accordingly, well used spaces reduce crime opportunities. In this regard the proposal provides:

High quality landscaped private open space to encourage its use by residents;

Fostering of ownership of open space areas given allocation to units;

 Delineating between public and private areas through the use of landscaping and boundary walls or screens around courtyards etc.; and

• The provision of individual lobbies that access to allow for increased opportunity for familiarisation with neighbours and occupants.

Space / Activity Management

Well maintained and cared for spaces discourage crime as they tend to be more actively used and unwelcome persons are readily identified. In this regard the proposal provides:

 For the establishment of a body corporate responsible for space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the placement of lighting and the maintenance of common areas and furniture.

7.12 Social and Economic Impacts

In general terms the proposal is not considered to result in any adverse social or economic impacts that would otherwise not be reasonably acknowledged for a permitted form of development in the zone.

The proposal will provide employment through the construction phase and any temporary construction impacts will be managed by suitable conditions of any approval.

The siting and design of the built form is considered to result in an acceptable streetscape appearance. In this regard, the built form is considered to be a reasonable design response that is a permissible form of development in the IN2 zone, complies with relevant building height, setback, and fencing controls, is not excessive or overbearing in the immediate context and accommodates safe and convenient access and car parking provision with suitable landscaped areas within the front setback area. In addition, it is noted that the proposal maintains excellent internal amenity with north facing play areas and high ceilings with clerestory windows to maximise solar access as well as natural cross-ventilation.

The proposal is accompanied with acoustic and traffic reports prepared by suitably qualified consultants that confirm no adverse noise or traffic impacts arise from the subject proposal. Further, suitable offsets to windows are provided to prevent overlooking to adjoining properties and the shadow diagrams confirm that compliant solar access is maintained to adjoining properties.

The proposal will provide child care services for the local area and is suitably located in proximity to nearby schools and regional roads. A Noise Management Plan will be implemented and subject to

suitable operational conditions of any approval.

Therefore, the overall social and economic benefits of the proposal are considered to outweigh any potential disbenefits and as such, the proposal is considered to be acceptable subject to suitable

conditions.

8.0 CONCLUSION

The proposed development has been assessed against the matters for consideration listed in Section

4.15 of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. In

this regard it is considered that the subject site is considered suitable for the proposed development

and that the proposal, providing much needed child care services, is in the public interest.

The proposal is consistent with the objectives of the State Environmental Planning Policy (Educational

Establishments and Child Care Facilities) 2017, Penrith Local Environmental Plan 2010 and is

permissible in the IN2 zone with development consent. The proposal also generally complies with the

main essential criteria set out in the Penrith Development Control Plan 2014, and is considered

satisfactory with regard to relevant matters such as Urban Design, Access, Traffic Impact, Stormwater

Drainage, ESD, Site Contamination, Amenity, Overshadowing, Social and Economic Impacts and the

like subject to the imposition of suitable conditions of consent to satisfactorily control the

development

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9.0 APPENDIX A

Part 1: INTRODUCTION Requirement Comment 1.3 What are the planning objectives? The proposal is consistent The planning objectives of this Guideline are to: with the planning • promote high quality planning and design of child care facilities in objectives of the accordance with the physical requirements of the National Guidelines given the Regulations design of the proposal is • ensure that child care facilities are compatible with the existing in accordance with the streetscape, context and neighbouring land uses National Regulations, minimise any adverse impacts of development on adjoining achieves compatibility properties and the neighbourhood, including the natural and built with the streetscape and environment local context, and minimises any adverse 1.4 Where does this Guideline fit? impacts on adjoining The SEPP generally provides that Development Control Plans seeking properties and the to regulate development for a child care facility will not apply, except neighbourhood. for controls relating to building height, rear and side setbacks and car parking rates. The following table helps different users understand The proposal satisfies the how the Guideline fits with the SEPP, and how they should apply it. requirements of the SEPP Application of Child Care Planning Guideline and Guidelines and SEPP Provision Proponents Consent authorities Regulatory authority: complies with the relevant controls under Guideline as a Use the Guideline when preparing Consider Farts 2, 3 and 4 of the a development application to Penrith DCP relating to consideration sgainst relevant sections of Part 4 and the National Quality Review the National Quality meets the physical requirements for Framework Assessment building height, setbacks, the subtequent service approval application and car parking rates. Controls in The provisions of the Child Care The provisions of the Child Care Development Control Plans take precedence over a DCF; other take precedence over a DCP, other than building height, side and rear than building height, side and rear setbacks and car parking rates. setbacks and car parking rates Where there are no DCP Where there is no DCP, use all development application against Concurrence Complete and submit National Check National Quality Framework. Check National Quality Quality Framework Assessment Assessment Checklist to assess Framework Assessment Checklist to review unencumbered space provisions - indoor and outdoor. Prepare DA in accordance with Part Refer to regulatory authority if 4 of the Guideline and Regulations Advise consent authority insufficient unencumbered indoor 107 & 108 of the National or outdoor space provided. concurrence. **Part 2: DESIGN QUALITY PRINCIPLES** Principle 1 - Context The design of the

Good design responds and contributes to its context, including the key

natural and built features of an area, their relationship and the

character they create when combined. It also includes social,

economic, health and environmental conditions.

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proposal satisfactorily

of the area, does not

result in any adverse

responds to the context

Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.

traffic, amenity or streetscape impacts, and is appropriately located in the vicinity of nearby schools and public transport.

Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.

Principle 2 - Built form

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.

Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.

Principle 3 - Adaptive learning spaces

Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out.

Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.

Principle 4- Sustainability

Sustainable design combines positive environmental, social and economic outcomes.

This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance

The design of the proposal achieves a satisfactory built form outcome that is compatible with the existing and desired future character of the area, provides visual interest and variety in finishes, appropriately addresses the street, and provides suitable internal amenity and teaching and learning environments.

The design of the facility provides a suitable mix of learning spaces for different age groups and delivers high quality learning spaces and amenity for children and staff.

The design of the facility achieves suitable sustainable design outcomes through natural cross ventilation and solar access,

on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for

groundwater recharge and vegetation.

landscaping, and efficient fittings and fixtures.

Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.

Principle 5 - Landscape

Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, ageappropriateness and amenity.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

The design of the proposal achieves a satisfactory landscape outcome in terms of streetscape appearance and outdoor play-based learning environments.

Principle 6 - Amenity

Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.

Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.

Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.

Principle 7 - Safety

Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.

The design of the proposal achieves satisfactory internal and external amenity for children and staff given compliant solar access, play areas, ventilation, access and storage, and no adverse visual or acoustic amenity impacts.

The design of the proposal achieves satisfactory safety with appropriate landscape and play area design, passive surveillance of

Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access

for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).

the parking area and street, and secure entry with separated pedestrian access.

Part 3: MATTERS FOR CONSIDERATION

C1

3.1 Site selection and location

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

For proposed developments in commercial and industrial zones, consider:

- potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions
- the potential impact of the facility on the viability of existing commercial or industrial uses.

The site is suitably zoned IN2 Light Industrial, which is not anticipated to give rise to any adverse environmental or amenity issues or affect the viability of any future commercial or industrial uses. The proposal does not result in any adverse acoustic or visual privacy amenity impacts to adjoining properties, complies with the building height and setback requirements under the Penrith DCP, and will not result in any adverse parking or traffic impacts.

Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.

C2

When selecting a site, ensure that:

- the location and surrounding uses are compatible with the proposed development or use
- the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards
- there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed
- the characteristics of the site are suitable for the scale and type of development proposed having regard to:

The site is suitably zoned IN2 Light Industrial with future adjoining light industrial uses and is not in the proximity of any incompatible land uses.

The land is not adversely affected by archaeology, flora and fauna, contamination, flooding, bushfire, land slip, or coastal hazards and is environmentally safe from potential risks and

hazards with suitable - size of street frontage, lot configuration, dimensions and overall size frontage and access - number of shared boundaries with residential available from Proposed properties Road 12 (local road). - the development will not have adverse environmental impacts on the surrounding area, The design of the particularly in sensitive environmental or cultural proposal maintains areas suitable and safe parking • where the proposal is to occupy or retrofit an and drop-off and pick-up existing premises, the interior and exterior spaces areas within the site with are suitable for the proposed use entry and exit in the • there are suitable drop off and pick up areas, forward direction, and off and on street parking compliant sight distances the type of adjoining road (for example) and separated pedestrian classified, arterial, local road, cul-de-sac) is circulation and entry. appropriate and safe for the proposed use • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. Objective: To C3 The proposal is located ensure that sites A child care facility should be located: approximately in close for child care near compatible social uses such as schools and proximity to schools, facilities are other educational establishments, parks and other public open space, public transport, local services appropriately public open space, community facilities, places of located. and facilities. public worship • near or within employment areas, town centres, business centres, shops with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. C4 Objective: To The subject site is not in ensure that sites A child care facility should be located to avoid risks the vicinity of any for child care to children, staff or visitors and adverse hazardous industries, LP facilities do not environmental conditions arising from: gas sites, mobile incur risks from • proximity to: telephone base stations - heavy or hazardous industry, waste transfer environmental, and towers, or odour health or safety depots or landfill sites generating uses and is hazards. - LPG tanks or service stations considered to be safe from any other water cooling and water warming systems

environmental health - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land hazards, such as high lead use zoning, may in future accommodate noise or levels, hazardous odour generating uses industries or proximity to cooling tower drift in high rise building areas. 3.2 Local character, streetscape and the public domain interface Objective: To C5 The proposal has been ensure that the The proposed development should: designed to satisfactorily child care • contribute to the local area by being designed in respond to the character facility is character with the locality and existing streetscape of the streetscape and compatible reflect the predominant form of surrounding locality, with compliant with the local land uses, particularly in low density residential building height and character and setbacks, pitched roof areas surrounding • recognise predominant streetscape qualities, form, and landscaped such as building form, scale, materials and colours front setback to soften streetscape. include design and architectural treatments that the appearance of the respond to and integrate with the existing development. The streetscape basement car parking • use landscaping to positively contribute to the area is wholly streetscape and neighbouring amenity underground with entry • integrate car parking into the building and site behind the building line, landscaping design in residential areas. stepped down to minimise visual prominence and inset from all boundaries to allow suitable deep soil landscaping and planting on structure. Objective: To C6 The proposal has been ensure clear Create a threshold with a clear transition between designed with suitable delineation public and private realms, including: delineation between the between the fencing to ensure safety for children entering child care facility and child care and leaving the facility public spaces through the facility and • windows facing from the facility towards the use of fencing, secure public spaces. public domain to provide passive surveillance to entry, landscaping and the street as a safety measure and connection windows facing the street between the facility and the community for passive surveillance. • integrating existing and proposed landscaping with fencing. **C7** Not applicable.

On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.

Not applicable.

Retaining walls

C8

Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:

- clearly defined street access, pedestrian paths and building entries
- low fences and planting which delineate communal/private open space from adjoining public open space
- minimal use of blank walls and high fences.

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.

C9

provisions.

Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.

Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage

associated with the planter boxes and access ramp within the front setback are 1.2m high as viewed from the street and softened with detailed landscape screen planting. Further, the proposal represents a significant improvement to the existing timber retaining wall and 1.8m timber boundary fences as viewed from Proposed Road 12. Therefore, the proposed retaining walls are compatible with the context and character of the area and do not dominate the public domain.

C10

High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.

No high solid acoustic fencing is proposed along the street frontage.

3.3 Building orientation, envelope and design

		T
Objective: To	C11	The design of the
respond to the	Orient a development on a site and design the	proposal satisfactorily
streetscape and	building layout to:	responds to the
site, while	ensure visual privacy and minimise potential	streetscape and site,
optimising solar	noise and overlooking impacts on neighbours by:	while optimising solar
access and	- facing doors and windows away from private	access and opportunities
opportunities	open space, living rooms and bedrooms in	for shade and minimise
for shade.	adjoining residential properties	any adverse amenity,
	- placing play equipment away from common	privacy, acoustic or
	boundaries with residential properties	overshadowing impacts
	- locating outdoor play areas away from	to neighbours. The design
	residential dwellings and other sensitive uses	of the proposal has
	optimise solar access to internal and external	minimised cut and fill to
	play areas	the greatest extent
	avoid overshadowing of adjoining residential	possible whilst achieving
	properties	compliant design levels
	minimise cut and fill	for access and
	ensure buildings along the street frontage define	stormwater.
	the street by facing it	
	ensure that where a child care facility is located	
	above ground level, outdoor play areas are	
	protected from wind and other climatic	
	conditions.	
Objective: To	C12	The design of the
ensure that the	The following matters may be considered to	proposal adopts
scale of the	minimise the impacts of the proposal on local	compliant building height
child care	character:	and setbacks that are
facility	building height should be consistent with other	generally consistent with
is compatible	buildings in the locality	the bulk and scale of
with adjoining	building height should respond to the scale and	adjoining development,
development	character of the street	allow for adequate
and the impact	setbacks should allow for adequate privacy for	privacy and access, and
on adjoining	neighbours and children at the proposed child	do not result in any
buildings is	care facility	adverse streetscape or
minimised.	setbacks should provide adequate access for	amenity impacts.
	building maintenance	
	10 0111 10 11	
	setbacks to the street should be consistent with	
Objective: To	setbacks to the street should be consistent with	The proposal complies
Objective: To ensure that	• setbacks to the street should be consistent with the existing character.	The proposal complies with Council's setback
_	 setbacks to the street should be consistent with the existing character. C13 	
ensure that	 setbacks to the street should be consistent with the existing character. C13 Where there are no prevailing setback controls 	with Council's setback
ensure that setbacks from	 setbacks to the street should be consistent with the existing character. C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 	with Council's setback controls and is

consistent with	Where there are no buildings within 50 metres,	character of the locality
the	the same setback is required for the predominant	and this section of
predominant	adjoining land use.	Proposed Road 12.
development	adjoining land asc.	Troposed Rodd 12.
within the	C14	
immediate	On land in a residential zone, side and rear	The proposal is not
context.	boundary setbacks should observe the prevailing	located within a
context.	setbacks required for a dwelling house.	residential zone.
Objective: To	C15	The siting and design of
ensure that the	The built form of the development should	the building is considered
built form,	-	_
articulation and	contribute to the character of the local area,	to be a reasonable design
	including how it:	response that is not
scale of	• respects and responds to its physical context	excessive or overbearing
development	such as adjacent built form, neighbourhood	in the immediate context
relates to its	character, streetscape quality and heritage	and necessary to
context and	• contributes to the identity of the place	accommodate safe and
buildings 	retains and reinforces existing built form and	convenient access and
are well	vegetation where significant	car parking provision.
designed to	considers heritage within the local	
contribute to an	neighbourhood including identified heritage items	
area's character.	and conservation areas	
	responds to its natural environment including	
	local landscape setting and climate	
	contributes to the identity of place.	
Objective: To	C16	The design of the
ensure that	Entry to the facility should be limited to one	proposal limits entry to
buildings are	secure point which is:	one safe and secure point
designed to	• located to allow ease of access, particularly for	for ease of access,
create safe	pedestrians	directly visible and
environments	directly accessible from the street where	accessible from the
for all users.	possible	street.
	directly visible from the street frontage	
	easily monitored through natural or camera	
	surveillance	
	• not accessed through an outdoor play area.	
	• in a mixed-use development, clearly defined and	
	separate from entrances to other uses in the	
	building.	
Objective: To	C17	The design of the
ensure that	Accessible design can be achieved by:	proposal will ensure
child care	providing accessibility to and within the building	compliance with relevant
facilities are	in	accessibility provisions.
designed	accordance with all relevant legislation	

to be accessible by all potential users.

- linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry
- providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible
- minimising ramping by ensuring building entries and

ground floors are well located relative to the level of the footpath.

NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.

3.4 Landscaping

Objective: To provide landscape design that contributes to the streetscape and amenity.

C18

Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.

Use the existing landscape where feasible to provide a high quality landscaped area by:

- reflecting and reinforcing the local context
- incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.

C19

Incorporate car parking into the landscape design of the site by:

- planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings
- taking into account streetscape, local character and context when siting car parking areas within the front setback
- using low level landscaping to soften and screen parking areas.

3.5 Visual and acoustic privacy

The design of the proposal incorporates suitable planting that contributes to the streetscape and amenity. A landscaped front setback satisfactorily softens the appearance of the development.

Objective: To	C20	Not applicable.
protect the	Open balconies in mixed use developments should	
privacy and	not overlook facilities nor overhang outdoor play	
security of	spaces.	The design of the
children		proposal satisfactorily
attending the	C21	protects the privacy and
facility.	Minimise direct overlooking of indoor rooms and	security of children
,	outdoor play spaces from public areas through:	within the facility through
	appropriate site and building layout	appropriate site and
	suitably locating pathways, windows and doors	building layout, fencing
	permanent screening and landscape design.	and landscape design.
Objective: To	C22	The proposal has been
minimise	Minimise direct overlooking of main internal living	designed to minimise
impacts on	areas and private open spaces in adjoining	visual privacy impacts to
privacy of	developments through:	adjoining properties
adjoining	appropriate site and building layout	through fencing and
properties.	suitable location of pathways, windows and	screening, obscure
	doors	glazing and high sill
	landscape design and screening.	windows.
Objective: To	C23	Acoustic fencing in
minimise the	A new development, or development that includes	accordance with the
impact of child	alterations to more than 50 per cent of the	recommendations of the
care facilities	existing floor area, and is located adjacent to	submitted Acoustic
on the acoustic	residential accommodation should:	Report has been provided
privacy of	provide an acoustic fence along any boundary	as a part of the proposal.
neighbouring	where the adjoining property contains a	
residential	residential use. (An acoustic fence is one that is a	
developments.	solid, gap free fence).	
	ensure that mechanical plant or equipment is	
	screened by solid, gap free material and	
	constructed to reduce noise levels e.g. acoustic	
	fence, building, or enclosure.	
	C24	
	A suitably qualified acoustic professional should	
	prepare an acoustic report which will cover the	
	following matters:	
	identify an appropriate noise level for a child	
	care facility located in residential and other zones	
	determine an appropriate background noise	
	level for outdoor play areas during times they are	
	proposed to be in use	

	• determine the appropriate height of any	
	determine the appropriate height of any acoustic fence to enable the noise criteria to be	
2.6 Noise and air	met.	
3.6 Noise and air		Not andicable
Objective: To	C25	Not applicable.
ensure that outside noise	Adopt design solutions to minimise the impacts of	
	noise, such as:	
levels on the	creating physical separation between buildings	
facility are	and the noise source	
minimised to	orienting the facility perpendicular to the noise	
acceptable	source and where possible buffered by other uses	
levels.	using landscaping to reduce the perception of	
	noise	
	Iimiting the number and size of openings facing	
	noise sources	
	• using double or acoustic glazing, acoustic louvres	
	or enclosed balconies (wintergardens)	
	using materials with mass and/or sound	
	insulation or absorption properties, such as solid	
	balcony balustrades, external screens and soffits	
	locating cot rooms, sleeping areas and play areas	
	away from external noise sources.	
	C26	
	An acoustic report should identify appropriate	
	noise levels for sleeping areas and other non play	
	areas and examine impacts and noise attenuation	
	measures where a child care facility is proposed in	
	any of the following locations:	
	on industrial zoned land	
	• where the ANEF contour is between 20 and 25,	
	consistent with AS 2021 – 2000	
	• along a railway or mass transit corridor, as	
	defined by State Environmental Planning Policy	
	(Infrastructure) 2007	
	• on a major or busy road	
	• other land that is impacted by substantial	
	external noise.	
Objective: To	C27	Not applicable.
ensure air	Locate child care facilities on sites which avoid or	
quality is	minimise the potential impact of external sources	
acceptable	of air pollution such as major roads and industrial	
where child	development.	
	·	
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care facilities	C28			
are proposed	A suitably qualified air quality professional should			
close to external	prepare an air quality assessment report to			
sources of air	demonstrate that proposed			
pollution such	child care facilities close to major roads or			
as major roads	industrial developments can meet air quality			
and industrial	standards in accordance with relevant legislation			
development.	and guidelines.			
	The air quality assessment report should evaluate			
	design considerations to minimise air pollution			
	such as:			
	creating an appropriate separation distance			
	between the facility and the pollution source. The			
	location of play areas, sleeping areas and outdoor			
	areas should be as far as practicable from the			
	major source of air pollution			
	using landscaping to act as a filter for air			
	pollution generated by traffic and industry.			
	Landscaping has the added benefit of improving			
	aesthetics and minimising visual intrusion from an			
	adjacent roadway			
	• incorporating ventilation design into the design			
	of the facility.			
3.7 Hours of oper	ation			
Objective: To	C29	Compliant and can be		
minimise the	Hours of operation within areas where the	conditioned.		
impact of the	predominant land use is residential should be			
child care	confined to the core hours of 7.00am to 7.00pm			
facility	weekdays. The hours of operation of the proposed			
on the amenity	child care facility may be extended if it adjoins or			
of neighbouring	is adjacent to non-residential land uses.			
residential	,			
developments.				
	3.8 Traffic, parking and pedestrian circulation			
Objective: To	C31	The proposed development		
provide parking	Off street car parking should be provided at the	provides a total of 37 car		
that satisfies the	rates for child care facilities specified in a	spaces with entry and exit in		
needs of	Development Control Plan that applies to the land.	the forward direction and complies with the car		
users and	,	parking requirements of		
demand	C33	PDCP 2015.		
generated by	A Traffic and Parking Study should be prepared to	In this manual the course of		
the centre.	support the proposal to quantify potential impacts	In this regard, the proposal was accompanied by a		
	on the surrounding land uses and demonstrate	traffic report prepared by a		
	1	1		
	how impacts on amenity will be minimised. The	suitably qualified consultant. The report		

study should also address any proposed variations confirms that the existing local road network can to parking rates and demonstrate that: satisfactorily accommodate • the amenity of the surrounding area will not be the expected traffic affected generation of the proposed development and potential • there will be no impacts on the safe operation of traffic and car parking the surrounding road network. impacts of the proposal have been satisfactorily addressed and will be adequately mitigated subject to suitable conditions of consent. Objective: To C34 Access is proposed from Proposed Road 12 via a new provide vehicle Alternate vehicular access should be provided 7.4m wide shared entry/exit access from the where child care facilities are on sites fronting: driveway. Proposed Road 12 street in a safe • a classified road is identified as a local road. environment • roads which carry freight traffic or transport The proposed access arrangements are that does not dangerous goods or hazardous materials. considered suitable for the disrupt traffic The alternate access must have regard to: nature of development, flows. • the prevailing traffic conditions noting entry and exit will be provided in the forward • pedestrian and vehicle safety including bicycle direction and adequate movements sight distances are available. • the likely impact of the development on traffic. Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency. Objective: To C36 The design of the provide a safe The following design solutions may be proposal provides safe and connected incorporated into a development to help provide a and connected environment for safe pedestrian environment: pedestrian access on and pedestrians • separate pedestrian access from the car park to around the site and both on and the facility vehicle entry and exit in the forward direction. around the site. • defined pedestrian crossings included within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other delivery and loading areas located away from the

main pedestrian access to the building and in clearly designated, separate facilities • in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas • vehicles can enter and leave the site in a forward direction. C38 Car parking design should: • include a child safe fence to separate car parking areas from the building entrance and play areas • provide clearly marked accessible parking as close as possible to the primary entrance to the building accordance with appropriate Australian Standards

• include wheelchair and pram accessible parking.

Education and Care Services National Regulation 2012

Part 4.3 Physical environment

Clause	Requirement	Comment
103 Premises, furniture and equipment to be safe, clean and in good repair	(1) The approved provider of an education and care service must ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair.	All equipment to be installed in accordance with relevant Australian Standards and properly maintained.
104 Fencing	(1) The approved provider of an education and care service must ensure that any outdoor space used by children at the education and care service premises is 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.	Suitable fencing with child proof locking mechanism shown on plan

105 Furniture, materials and equipment	The approved provider of an education and care service must ensure that each child being educated and cared for by the education and care service has access to sufficient furniture, materials and developmentally appropriate equipment suitable for the education and care of that child.	Sufficient furniture, equipment and materials have been provided.
106 Laundry and hygiene facilities	(1) The approved provider of an education and care service must ensure that the service has— (a) laundry facilities or access to laundry facilities; or (b) other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering—that are adequate and appropriate for the needs of the service. (2) The approved provider of the service must ensure that laundry and hygienic facilities are located and maintained in a way that does not pose a risk to children.	Laundry provided onsite.
107 Space requirements—indoor space	3.25sqm unencumbered space per child (exc. Passageways, door swings, toilets, hygiene facilities, nappy change or bottle prep rooms, cot storage, storage, staff or admin rooms, kitchen)	Provided on plans.
108 Space requirements—outdoor space	7sqm unencumbered space per child (exc. Passageways, thoroughfares, storage areas, carparking, landscaping, any other space not suitable for children)	Provided on plans.
109 Toilet and hygiene facilities	(a) adequate, developmentally and age- appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and (b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.	Provided on plans.
110 Ventilation and natural light	The approved provider of an education and care service must ensure that the indoor spaces used by children at the education and care service premises— (a) are well ventilated; and (b) have adequate natural light; and (c) are maintained at a temperature that ensures the safety and wellbeing of children.	Provided.
111 Administrative space	The approved provider of a centre-based service must ensure that an adequate area or areas are available at the	Provided.

	education and care service premises for the purposes of— (a) conducting the administrative functions of the service; and (b) consulting with parents of children; and (c) conducting private conversations.	
112 Nappy change facilities	(1) This regulation applies if a centrebased service educates and cares for children who wear nappies. (2) The approved provider of the service must ensure that adequate and appropriate hygienic facilities are provided for nappy changing. (3) Without limiting subregulation (2), the approved provider of the service must ensure that the following are provided— (a) if any of the children are under 3 years of age, at least 1 properly constructed nappy changing bench; and (b) hand cleansing facilities for adults in the immediate vicinity of the nappy change area. Penalty: \$1000. (4) The approved provider of the service must ensure that nappy change facilities are designed, located and maintained in a way that prevents unsupervised access by children.	Provided.
113 Outdoor space—natural environment	The approved provider of a centre-based service must ensure that the outdoor spaces provided at the education and care service premises allow children to explore and experience the natural environment.	Sandpits and detailed landscaping have been provided.
114 Outdoor space—shade	The approved provider of a centre-based service must ensure that outdoor spaces provided at the education and care service premises include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	A minimum of 2.5sqm of shade per child and employee has been provided at 12pm on summer solstice.
115 Premises designed to facilitate supervision	The approved provider of a centre-based service must ensure that the education and care service premises (including toilets and nappy change facilities) are designed and maintained in a way that facilitates supervision of children at all times that they are being educated and cared for by the service, having regard to the need to maintain the rights and dignity of the children.	Layout facilitates supervision at all times.
97 & 168 Emergency and evacuation procedures	Procedures for emergency and evacuation as per Regulations 97 and 168	Emergency and Evacuation Plan to be displayed in a prominent position near each exit.