

Statement of Environmental Effects

CHILD CARE FACILITY

198 BENNETT ROAD,
ST CLAIR

27 APRIL 2021

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QUALITY ASSURANCE

PROJECT: Child Care Centre

ADDRESS: 198 Bennett Road, St Clair

LOT/DP: Lot 1156 in DP259309

COUNCIL: Penrith City Council

AUTHOR: Think Planners Pty Ltd

Document Management

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Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
SEPP 64- Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application for the demolition of existing structures in-order to construct a two storey 58 place 'Centre-Based Child Care Facility' with parking for 15 vehicles within a basement level at 198 Bennett Road, St Clair.

Child Care Facility:

The purpose two single storey 'Child Care Facility' will operate with a maximum capacity of 58 places with the following age groups:

- 0-2 years: 8 kids;
- 2-3 years: 20 kids; and
- 3-5 years: 30 kids.

The unencumbered indoor play area and associated outdoor play areas are located on the ground floor with the key administration areas including staff room, meeting room, office, kitchen, and laundry to be located on the first floor.

The facility provides a total of 190m² or 3.275m² of unencumbered indoor play area per child and 419m² or 7.2m² of unencumbered outdoor play area per child.

Breakdown of unencumbered indoor play area per age group is provided below:

- 0-2 years: 27m²;
- 2-3 years: 65m²; and
- 3-5 years: 98m².

Breakdown of unencumbered outdoor play area is provided below:

- 0-5 Outdoor Play Area: 419m²

The facility will be run by 8 staff with the operating hours are proposed to be 7am to 6pm Monday – Friday (excluding public holidays). The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines as follows:

- *The design responding to the context of the surrounding area and the size low residential density zoning by proposing an attractive and large two storey-built form that has been designed to appear as a large two storey*

dwelling in order to ensure consistency with the low density residential character along Bennett Road.

- *Appropriate replacement and landscape embellishment to ensure the landscape character of the site is respected.*
- *The proposed built form has been designed commensurate with the low density residential character of the site and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

The overall design scheme has undertaken conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. Furthermore, the siting and orientation of the proposed building combined with and compliance to height and setback controls and that all indoor and outdoor play areas are to be located on the ground floor will ensure that potential amenity impacts to neighbouring properties in terms of privacy and acoustic impacts is minimised.

Parking is to be located within the basement level with fencing and landscaping along the side boundaries to minimise the impact of vehicle traffic to and from the site on adjoining residential properties.

Parking:

The development proposal a total of 15 car parking spaces within a basement level with the following breakdown:

- 9 staff parking; and
- 6 visitor/parent car parking spaces including an accessible car parking space.

Access to the basement level is via a new vehicle crossover, driveway and graded ramp situated to the south-eastern portion of the site via Coonawarra Drive. The basement level includes internal circulation areas with turning areas to allow vehicles to enter and exit the basement in a forward direction.

Situated within an established residential area, the land parcel is located within proximity to local amenities including St Clair Shopping Centre, educational establishments, employment opportunities and recreational activities. The subject site resides on the intersection of Bennett Road and Coonawarra Drive, St Clair. Bus stops with services between Mount Druitt to Penrith via Erskine Park (Route 775), Mount Druitt to Penrith via St Clair (Route 776) and UWS to Prairiewood (Route 835) are located within a 20m walking distance of the land parcel.

Currently accommodating a single storey brick dwelling, the development site bounds low density residential development to its adjoining boundaries. The development site can be best described as an irregular shaped corner land parcel with an arch of 30.21m to Bennett Road, a splay of 5.785m and a secondary frontage of 21.79m to Coonawarra Drive with a total site area of 916m².

The subject site has been zoned R2 Low Density Residential with a maximum height limit of 8.5m under the Penrith Local Environmental Plan 2010. *'Child Care Facilities'* are permissible with consent within the R2 Zone.

The child care facility has been designed to comply with key planning requirements under the recently published State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Penrith Local Environmental Plan 2010, Penrith Development Control Plan 2014, Child Care Planning Guidelines and Children's (Education and Care Services) Supplementary Care Provisions 2012.

The built form character comprises of single storey residential dwellings on modest lots interspersed by two storey residential dwellings. The current proposal has been designed to appear as a large modern 2 storey built form set within a landscape setting that will be compatible within the existing low density residential built form character within the immediate locality, noting compliance to prescribed maximum height control under the LEP.

The development seeks to utilise the land in accordance with the zoning and take advantage of its size and location within an established residential area. The development also aims to provide an attractive two storey building that not only addresses its frontages but will play a positive role in increasing valuable child care places along Bennett Road and the wider Penrith area.

The proposal has also been designed and sited to maximise amenity for future children and staff in terms of privacy and solar access whilst minimising amenity impacts including privacy, acoustic and overshadowing to neighbouring properties.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

As detailed further in this statement the development concept is consistent with the planning principles and controls applying to the site and represents an efficient use of well-located land.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social, or economic impacts, and that the proposal represents an appropriate use of well-located land that will contribute towards providing valuable child care services, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant, and appropriate conditions of consent.

SITE AND LOCALITY

LEGAL DESCRIPTION

The subject site is legally described as Lot 1156 in DP259309, though more commonly known as 198 Bennett Road, St Clair.

SUBJECT SITE

Currently accommodating a single storey brick dwelling, the development site bounds low density residential development to its adjoining boundaries. The subject site resides on the intersection of Bennett Road and Coonawarra Drive, St Clair. The development site can be best described as an irregular shaped corner land parcel with an arch of 30.21m to Bennett Road, a splay of 5.785m and a secondary frontage of 21.79m to Coonawarra Drive with a total site area of 916m².

The subject land parcel currently accommodates a single storey dwelling and associated structures as illustrated by Photograph 1 below.

Photograph 1: Shows the subject site as viewed from the corner.





SUBJECT AREA

The built form character comprises of single storey residential dwellings on modest lots interspersed by two storey residential dwellings. This is illustrated by an aerial map extract below.

Figure 1: Aerial Map of Subject Site (Source: Six Map)



 Subject Site

The current proposal has been designed to appear as a large modern 2 storey built form set within a landscape setting that will be compatible within the existing low density residential built form character within the immediate locality, noting compliance to prescribed maximum height control under the LEP.

The site is ideal to accommodate a child care facility due to being located within an established residential area, a large shopping centre, local school and public transportation. The development also aims to provide an attractive two storey building that not only addresses its frontages but is also designed to be compatible with the existing low density residential character within the immediate locality whilst playing a positive role in increasing valuable child care places within St Clair and the wider Penrith area.

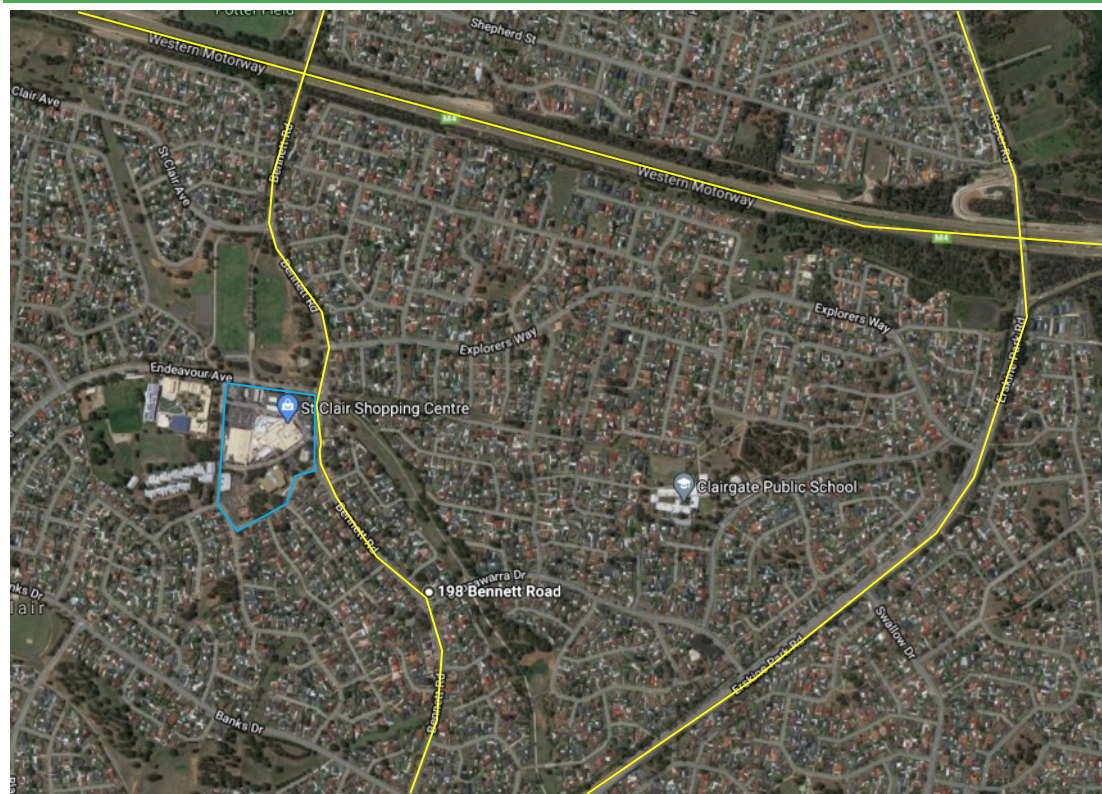
BROADER LOCALITY ANALYSIS

Situated within an established residential area, the land parcel is located within proximity to local amenities including St Clair Shopping Centre, educational establishments, employment opportunities and recreational activities.

Bus stops with services between Mount Druitt to Penrith via Erskine Park (Route 775), Mount Druitt to Penrith via St Clair (Route 776) and UWS to Prairiewood (Route 835) are located within a 20m walking distance of the land parcel.

An analysis of the development site within its subject area is illustrated by an aerial map extract below.

Figure 2: Aerial Map of Subject Site (Source: Six Map)



○ Subject Site ■ Key Arterial Roads ■ Commercial Premises ● Educational Establishments

Photographs provided overleaf gives context to the locality and also the relationship of the development site with adjoining developments.



Photograph 2: Kids Learning Academy Child Care, Bennett Road, St Clair (Source: Google Maps 2021)



Photograph 3: Little Smarties Childcare Centre Bennett Rd (Source: Google Maps 2021)





PRINCIPAL PLANNING LAYERS

The following principal planning layers are provided below and overleaf including zoning and heritage.

ZONING

As outlined below, the subject site is zoned R2 Low Residential Density under the provisions of the Penrith Local Environmental Plan 2010.

Figure 3: Zoning Map Extract (Source: Penrith LEP 2010)



'Centre-Based Child Care Facilities' are permissible with consent within the R2 Zone, with the site subject to a maximum building height of 8.5m under the Penrith LEP 2010.

The current application is made pursuant to the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

The development seeks to utilise the land in accordance with the zoning and take advantage of its proximity to public transport, higher educational establishments, and new residential estates.



HERITAGE

The subject site is not identified as a heritage item, is it located within a heritage conservation area nor are there any heritage items within proximity to the development site, as illustrated by the heritage extract map below.

Figure 4: Heritage Map Extract (Source: Penrith LEP 2010)



As a result, the subject site will not have any associated heritage restrictions and any heritage investigation is not required.

DESCRIPTION OF PROPOSAL

The Development Application is for the demolition of existing structures in-order to construct a two storey 'Centre-Based Child Care Facility' with parking for 14 vehicles within a basement level at 198 Bennett Road, St Clair.

Child Care Facility:

The purpose two single storey 'Child Care Facility' will operate with a maximum capacity of 58 places with the following age groups:

- 0-2 years: 8 kids;
- 2-3 years: 20 kids; and
- 3-5 years: 30 kids.

The unencumbered indoor play area and associated outdoor play areas are located on the ground floor with the key administration areas including staff room, meeting room, office, kitchen, and laundry to be located on the first floor.

The facility provides a total of 190m² or 3.275m² of unencumbered indoor play area per child and 419m² or 7.2m² of unencumbered outdoor play area per child.

Breakdown of unencumbered indoor play area per age group is provided below:

- 0-2 years: 27m²;
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Breakdown of unencumbered outdoor play area is provided below:

- 0-5 Outdoor Play Area: 419m²

The facility will be run by 8 staff with the operating hours are proposed to be 7am to 6pm Monday – Friday (excluding public holidays). The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines as follows:

- *The design responding to the context of the surrounding area and the size low residential density zoning by proposing an attractive and large two storey-built form that has been designed to appear as a large two storey dwelling in order to ensure consistency with the low density residential character along Bennett Road.*
- *Appropriate replacement and landscape embellishment to ensure the landscape character of the site is respected.*

- *The proposed built form has been designed commensurate with the low density residential character of the site and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

The overall design scheme has undertaken conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. Furthermore, the siting and orientation of the proposed building combined with and compliance to height and setback controls and that all indoor and outdoor play areas are to be located on the ground floor will ensure that potential amenity impacts to neighbouring properties in terms of privacy and acoustic impacts is minimised.

Parking:

The development proposal a total of 15 car parking spaces within a basement level with the following breakdown:

- 9 staff parking; and
- 6 visitor/parent car parking spaces including an accessible car parking space.

Access to the basement level is via a new vehicle crossover, driveway and graded ramp situated to the south-eastern portion of the site via Coonawarra Drive.

The basement level includes internal circulation areas with turning areas to allow vehicles to enter and exit the basement in a forward direction.

Signage:

No signage is proposed as part of this development application.

Acoustic Mitigation

Acoustic mitigation is proposed by way of acoustic barriers that enable more than 4 hours of outdoor play per day. This involves:

- 2.1m barrier to the east;
- 2.4m barrier to the north
- 1.8m barrier to the south.

An extract of the acoustic report is provided below for context noting the 1.8m barrier to Bennet Road is setback behind 1m of landscaped area to form a buffer and this is to the secondary frontage such that this location would otherwise generally have a 1.8m fence on the boundary regardless.



Design Intent and Presentation

The design intent and presentation of the building has evolved from the Pre-DA noting the design seeks to:

- Address Coonawarra Drive as the primary frontage to align with the existing configuration;
- Separate out the 'in' and the 'out' driveways to mitigate traffic impacts.
- Use of the Bennett Road frontage as the secondary presentation- with a landscape buffer to the 1.8m fencing to minimise visual impact- which is a marked improvement on the current presentation of the 1.8m solid colorbond on the boundary (see below image that reflects the existing site configuration).



- Concentration of first floor areas as ancillary elements with all play areas on the ground floor
- Use of the secondary street setback as a partial play area for the younger children.
- Adopting residential design cues In terms of materials, finishes and roof forms.

The outcome on the site is an appropriate response to the site and context.

A brief description of the various aspects of the development is provided below.

Level	Inclusions
Basement Level:	<ul style="list-style-type: none"> - Graded vehicular ramp from the ground floor. - 15 x car parking spaces – being 6 visitor and 9 staff spaces. - Bin Storage/services - Stairwell and lift core provided.
Ground Level:	<ul style="list-style-type: none"> - Vehicle access to the site via a new double width cross-over via Coonawarra Drive. - Development also includes a driveway and graded ramp that provides vehicular access to the basement level. - Clear entry point provided from Coonawarra Drive. - Direct pedestrian access to the proposed child care facility is provided from a pathway from Coonawarra Drive. - Contains a bathroom, kitchen, and lobby area. - This level incorporates three playrooms and outdoor play area for each age group. - Each play room has access to amenities, which will provide a safe and secure environment for children, with appropriate supervision by teachers and carers. - Transition zone between the indoor and outdoor play area. - Internal foyer provides access to all indoor children rooms, bathroom, unencumbered outdoor play area and access to a lift core and stairwell to basement level and first floor.
First Floor	<ul style="list-style-type: none"> - Contains the staff/administration related areas including: <ul style="list-style-type: none"> o Staff room. o Meeting room o Kitchen o Bathroom. o Storage o Laundry o Accessible bathroom

The relevant architectural plans for the proposal have been prepared by Baini Design while supporting reports and documents have been prepared by relevant sub consultants dealing with matters such as traffic and parking, noise, drainage, and landscaping.

The facade has been designed to resemble an attractive contemporary architectural designed two storey building set within a landscape setting in order to ensure a compatible streetscape presentation and to align with the existing low density.

The development seeks to utilise the land in accordance with the zoning and take advantage of its proximity to public transport, higher educational establishments, and new residential estates. The proposal will play a positive role in increasing valuable child care places within St Clair and the wider Penrith area.

PRE-LODGEEMENT MEETING

A Pre-lodgement meeting was held with Penrith City Council on the 10th of November 2020, which raised the key areas of concern for the proposed child care facility. These issues are discussed in the table provided below.

Issues Raised	Discussion
<p>The following key policy documents must be considered:</p> <ul style="list-style-type: none"> • SEPP 55 • SEPP (Educational Establishments and Child Care Facilities) 2017 • NSW Child Care Planning Guidelines 2017 • SREP No. 20 • Penrith LEP 2010 • Penrith DCP 2014 	<p>Refer to Section 5 of this report.</p>
<p><i>Planning</i></p> <p><i>R2 zone objectives aim to enhance the essential character of established residential areas, ensure a high level of residential amenity is achieved and maintained and ensure that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.</i></p> <p><i>The subject site is located on a corner lot that is orientated towards Coonawarra Drive, surrounded by predominantly low density residential developments with generous landscaped front and rear setbacks and mature vegetation.</i></p> <p><i>It is acknowledged that the design features and tones are typical of the residential area, as is the smaller upper floor component and the passive uses on the upper floor. However, there are character and amenity issues stemming from the overall size of the proposal as discussed below.</i></p>	<p>The development proposes a small-scale two storey purpose built child care facility designed to appear as a large two storey building in-order to be compatible with the existing low density character along Bennett Road. The changes to the scheme enable a more suitable design presentation.</p> <p>The development has been designed to comply with setback controls applying to dwelling houses to ensure that the purpose built form is not only compatible but complements the existing low density character within the immediate locality. Compliance with the front setback (including to both the primary and secondary frontage) and side setback will permit the development to provide generous landscape front and side setbacks.</p> <p>The development proposes a small-scale two storey purpose built child care facility designed to appear as a large two storey building in-order to be compatible with the existing low density character along Bennett Road and Coonawarra Drive.</p> <p>The proposed colouring schedule comprise of lighter colours with the facades articulated to minimise bulk and scale of the proposal two storey building. Furthermore, large unbroken sections of the building walls have been broken up.</p>

Articulation in the building elevations has been provided through the provision of windows, stepped building walls and other design elements.

It was understood in the meeting that Bennett Road has been utilised as the primary street frontage in order to provide a landscaped front setback along the longer street frontage. However, upon further consideration, given the character of Coonawarra Drive is more established than Bennett Road, it is considered the proposal needs to be reorientated as it is currently substantially inconsistent with the front setback of Coonawarra. It is also noted the engineering discussion stated that Coonawarra is to have the entry driveway, thus signifying it as the primary street frontage as well. As Coonawarra Drive is to be utilised as the primary street setback, a greater setback is required for consistency with the dwellings to the north as is required by C12.

The proposal has taken Council's advice by making Coonawarra Drive the primary frontage and Bennett Road the secondary Road. Vehicular access to the site is provided via Coonawarra Drive.

The upper floor component shall also be stepped further back than the lower ground floor to assist in reducing the bulk and scale given the surrounding dwellings are one storey and building height should be consistent with other buildings in the locality and respond to the scale of the street (C12).

The first floor component of the proposal is limited to staff access and amenities with this level significantly recessed in comparison to the ground floor. Given the surrounding dwellings are one storey in height, the proposal has been designed to be consistent with buildings within the locality and along the streetscape noting the upper level is designed to be recessed.

It was discussed that an outdoor play area could be provided within the secondary street frontage. This could apply to Bennett Road. However, an outdoor play area within the primary street setback is inconsistent with the character of the area where front setbacks are predominantly landscaped. Child care centres should contribute to the local area by being designed in character with the locality and existing streetscape and use landscaping to positively contribute to the streetscape and neighbouring amenity (C5).

The proposal adopts no play areas to the primary setback and adopts a secondary setback with play areas to Bennett Road as identified by Council.

In addition, there is a need for low level fencing to the front setback for natural surveillance to the street, rather than play areas and acoustic fencing (C9).

See attached plans for detail.

The expansive basement limits landscape opportunities within the front and rear setbacks which is inconsistent with the character of the area. Typically, basements would align with the ground floor setbacks to allow for landscaped corridors. The proposed setbacks are also inconsistent with

The proposed landscaping on site is consistent with the prevailing character of the area. See attached landscape plan for detail.

the R2 zone objectives for developments to reflect features or qualities of traditional detached dwelling houses that are surrounded by private gardens.

In addition, given there are two adjoining residential properties, the 900m side setbacks do not allow for adequate landscaping to provide a reasonable buffer (C5). These setbacks do not provide adequate access for building maintenance either (C12).

The proposal has provided appropriate setbacks. See attached plans for detail.

The 30m length of the building as viewed from Bennett Road is also excessive relative to the length of dwellings in the surrounding area. The proposal should recognise predominant streetscape qualities, i.e. built form and scale, and reflect the predominant form of surrounding land uses (C5).

The proposal has been designed to limit bulk and scale. See updated design scheme for detail.

The finished floor level is more than 1m above natural ground level as viewed from neighbouring properties which adds to the visual bulk of a two storey dwelling in a one storey setting and raises concerns as to potential overlooking and elevated acoustic impacts. It is understood the building can be lowered without affecting access at the street.

The proposal has been designed to limit bulk and scale. See updated design scheme for detail.

Both elevations facing the street shall apply traditional principles of orientation and articulation to both of the public frontages in order to respond to and integrate with the streetscape (C11). Greater articulation is required, including but not exclusive to window variation and the integration of the stairwell into the overall design and surrounding landscape.

The proposed building is integrated with the streetscape by the application of traditional principles of orientation and articulation.

It was understood that the height of acoustic screening that will be required is not known at this stage. A greater setback to Coonawarra Drive is required to ensure any acoustic fencing does not encroach into the predominant front setback of this street. Within the secondary street frontage setback, the acoustic screening should be setback insofar as is required to adequately screen it. Notwithstanding, without detail of the acoustic treatments that will be required, the commentary within this correspondence is limited.

The proposed acoustic screening is provided in the Acoustic report. See attached for detail.

Summary

The current design is inconsistent with the setbacks, bulk and scale and landscape character of the surrounding area, resulting in limited landscaping opportunities along boundaries, amenity concerns and a poor streetscape presentation. The proposal is an overdevelopment which is inconsistent with the character and amenity objectives of the zone and several principles and controls within the Guidelines as aforementioned.

The revised development is not considered to be an overdevelopment or inconsistent in terms of bulk and scale of the surrounding area, noting compliance with height and setback controls and the amended presentation of the development.

A reduction in scale is not considered necessary considering compliance to the key requirements under the DCP including setback. Furthermore, the development provides generous landscaping along all boundaries above and beyond that required under the residential controls associated with the DCP including deep soil zones providing opportunities for deep rooted plantings.

The two storey form which complies with the height requirements under the LEP is consistent and compatible within a low residential density context, noting that the proposed landscaping combined with acoustic fencing will maintain residential amenity whilst positively contributing to the streetscape with the delivery of a contemporary two storey transitional development.

The building is to also be lowered to respond to the topography which alleviates issue of the finished floor level being raised and CPTED issues around the outdoor play area.

As such the proposed 58 place child care facility is considered to be consistent and compatible with the existing low density characteristics of the subject area

Environmental Management

Noise

An Acoustic Report is required to be submitted as a part of the development application to demonstrate that the proposed childcare centre will not have any impact on nearby sensitive receivers.

An acoustic report is provided with this application, prepared by Day Design Pty Ltd.

SEPP 55 – Remediation of Land

The application is to address all relevant requirements under State Environmental Planning Policy 55 Remediation of Land (SEPP 55).

A preliminary site investigation has been prepared by Geotechnical Consultants Australia, assessing the suitability of the site for the proposal.

Waste Management

A Waste Management Plan is to be provided addressing waste produced during the demolition, construction and operational phases of the development.

A Waste Management Plan is to be provided at part of the overall DA package.

General Environmental Health Impacts

The environmental impacts associated with the demolition, construction and operational phases of the development will also need to be addressed, such as water quality, noise, dust, air quality and erosion and sediment control. This can be included in the Statement of Environmental Effects.

This is addressed within the attached waste management plan and acoustic report and within this SEE.

Fit out details.

The plans show a kitchen for the childcare centre. Details should be provided of the kitchen fit out including milk preparation, especially for 0-2 year category fit out details of the bottle preparation area. In this regard, the bottle preparation area will need to have its own sink and separate wash hand basin (if not within the proposed kitchen). Any bottle preparation area should be completely separate from the nappy change area and craft wash up area. Council requests a copy of the fit out plans referring to AS 4674 and Food Safety Standard 3.2.3.

Provided, noting that dedicated bottle preparation area with its own sink is provided. Refer to attached architectural plans for detail.

Environmental Management

Stormwater

Stormwater drainage for the site must be in accordance with the following:

- o Council's Development Control Plan,*
- o Stormwater Drainage Specification for Building Developments policy.*
- A stormwater concept plan, accompanied by a supporting report and calculations, shall be submitted with the application.*

A Stormwater Plan has been prepared and is provided as part of the overall DA package.

Traffic

This application shall be supported by a traffic report prepared by a suitably qualified person addressing but not limited to, traffic generation, access, car parking, and manoeuvring

A Traffic Report has been prepared and is provided as part of the overall DA package.

External Works

- The development may require the following external works*
 - o Any driveway crossover shall be at a minimum of 1m clearance from any public utility service lid or power / light pole. Utility services may be required to be relocated to accommodate the crossover. The applicant is to contact the utility service provider to obtain requirements.*

Earthworks

- No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site.
- Earthworks and retaining walls must comply with Council's Development Control Plan.
- The application is to be supported by a geotechnical report prepared by a suitably qualified person for the basement car parking areas and shall address, but not be limited to, the following items; ground water movement, salinity, contamination and potential damage to adjoining public and private infrastructure during construction.

Complies.

Building

- Access to and within the building and parking will need to comply with Part D3 of the BCA and AS1428.1-2009;
- The stair which discharge into the foyer must be fire isolated in accordance with D1.3 of Volume 1 of the Building Code of Australia and;
- The building will likely need to be hydrant protected, a street hydrant may be utilised if deemed acceptable by a hydraulic engineer;
- Any walls or openings less than 3m from a boundary will require a FRL in accordance with Section C of Volume 1 of the Building Code of Australia;
- Ensure construction and essential services provided comply with the provision of Volume 1 of the Building Code of Australia
- Ensure that only non-combustible cladding is used complying with the relevant provision of the BCA.
- It is noted that performance solutions may be utilised to deal with some of these issues, please include any details or commentary if available
- Two stairs are required from the basement carpark.

Compliance with the BCA is to be demonstrated within the construction certificate.

Waste

A Waste Report has been prepared and is provided as part of the overall DA package.

PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy – (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017; and
- Sydney Regional Environmental Plan- Sydney Harbour Catchment (deemed SEPP)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River
- Penrith Local Environmental Plan 2010.

POLICY CONTROLS

The applicable policy control documents are: -

- Penrith Development Control Plan 2014;
- Childcare Planning Guidelines; and
- Education and Care Service National Regulations 2012.

CONSIDERATION OF PLANNING CONTROLS

A summary of the compliance of the proposal with the relevant planning controls is provided below.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Clause 7 of SEPP 55 provides:

(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.

The requirement at clause 7 of SEPP 55 for Council to be satisfied that the site is suitable or can be made suitable for the proposed development is considered in the following table.

Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	X	
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?		X
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?		X
acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service		

stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	
Is the site listed on Council's Contaminated land database?	X
Is the site subject to EPA clean-up order or other EPA restrictions?	X
Has the site been the subject of known pollution incidents or illegal dumping?	X
Does the site adjoin any contaminated land/previously contaminated land?	X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	NA.

A Preliminary site investigation prepared by Geotechnical Consultants Australia Ltd states the following:

- *GCA considers that the potential for significant contamination of soil and groundwater within the site to be low. Therefore, based on this assessment, GCA finds that the site is suitable for the proposed development and land use, providing the recommendations below are implemented during the Construction Certificate (CC) stage*
- *Based on the information collected and available during this investigation, the following recommendations have been made:*
 - *All structures proposed to be demolished onsite should have a Hazardous Materials Survey (HMS) conducted by a qualified occupational hygienist and/or environmental consultant for the site prior to any demolition or renovation works in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements.*
 - *Any soils requiring excavation, onsite reuse and/or removal must be classified in accordance with "Waste Classification Guidelines Part 1: Classifying Waste" NSW EPA (2014);*
 - *The demolition of any structures and excavation activity on site be undertaken in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements; and*
 - *A site specific 'Unexpected Finds Protocol' is to be made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.*

STATE ENVIRONMENTAL PLANNING POLICY – (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) was introduced in August 2017. This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The proposal provides landscaping embellishing works that will improve and enhance the subject site than what currently exists and will positively contribute to the cohesiveness and visual appreciation of the area whilst provides relief from the built form and softening the impact of the development.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The development site is not located within proximity to a classified road and as a result it is not necessary to consider the provisions of Clause 102 of the SEPP that requires a consent authority to consider the impact of arterial roads on buildings used for residential purposes.

Clause 104 identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'. The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements. Therefore, concurrence from the RMS is not required. .

SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 20 – HAWKESBURY NEPEAN RIVER

The development proposal will be connected to all appropriate services (sewer, water and stormwater) and will not result in adverse run off or environmental damage. Erosion and sediment controls that align with the 'Blue Book' can be implemented throughout the construction phases and it is anticipated that conditions of consent will reinforce this. All sediment and building waste will be appropriately managed during the construction phase as well as through the ongoing life of the building.

See attached Erosion and Sediment Control Plan and Stormwater Management Plan for detail.

STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

The SEPP Educational Establishments and Child Care Facilities and associated Child Care Planning Guidelines were gazetted on the 1st of September 2017.

The SEPP has been introduced to facilitate the effective delivery of educational establishments and early education and care facilities across the State of NSW.

The table below provides discussions against the relevant provisions of the SEPP.

SEPP	Comment
5 Interpretation	
<i>centre-based child care facility</i> means:	
(a) a building or place used for the education and care of children that provides any one or more of the following:	The proposal is consistent with the definition contained within the SEPP.
(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),	
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 services (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.	

Part 3 Early education and care facilities – specific development controls

23 Centre-based child care facility – matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the *Child Care Planning Guidelines*, in relation to the proposed development.

Applicable provisions under the Child Care Planning Guidelines has been addressed further within this statement.

25 Centre-based child care facility – non-discretionary development standards

- (1) The objective of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevents the consent authority from requiring more onerous standards for those matters.
- (2) The following are non-discretionary development standards for the purpose of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purpose 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,

The development provides >3.25m² of unencumbered indoor play space and >7m² of unencumbered outdoor play space which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations, which requires 3.25m² of unencumbered indoor play space and 7m² of unencumbered outdoor play space.

Indoor play space required = 3.25m² for each child

Outdoor place space required = 7m² for each child

- (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,

The site is able to accommodate a child care centre on the site having regard to this provision.

- (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.

Noted.

26 Centre-based child care facility – development control plans

- (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 age, age ratios, grouping, numbers of the like, of children) does not apply to development for the purpose of a centre-based child care facility:

Noted.

- (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 childhood 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 Guidelines*, or
 - (ii) the matters for consideration set out in Part 2 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).

CHILD CARE PLANNING GUIDELINE

Under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, the *Child Care Planning Guideline* is to be taken into consideration when undertaking a development for a centre-based child care facility.

The planning guideline also takes precedence over a *Development Control Plan*, with some exceptions, where the two overlap in relation to a child care facility.

The table below provides detail on the relevant development standards relevant to the current proposal.

SEPP	Comment
Objectives The planning objectives of this Guidelines are to:	
<ul style="list-style-type: none"> promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations 	The development results in a high-quality centre-based child care facility designed to comply with the requirements of the National Regulations.
<ul style="list-style-type: none"> ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses 	The development, which proposed to accommodate a child care facility proposes a modern two storey building set within a landscape setting which aims to complement and be consistent with the existing and evolving low density character within the immediate locality.
<ul style="list-style-type: none"> minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment. 	The development has been designed to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing.
Part 3 Early education and care facilities – specific development controls	
3.1 Site selection and location	
C1 – For proposed development in or adjacent to a residential zone, consider:	
<ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties 	An Acoustic Report has been prepared by Day Design which demonstrates that the acoustic impact of the development on adjacent properties is considered appropriate. Furthermore, the proposal designed to minimise privacy impacts of neighbouring properties.

- **the setback and siting of buildings within the residential context** Complies with setback requirements under the DCP.
- **traffic and parking impacts of the proposal on residential amenity** Parking is provided within a basement level to minimise impact to the streetscape, with a Traffic and Parking Impact Assessment Report prepared which demonstrates the development will not result in unacceptable traffic and parking impacts on the amenity of neighbouring properties.

C2 – When selecting a site, ensure that:

- **the location and surrounding uses are compatible with the proposed development or use** Centre-based child care facilities are a permissible and compatible land use within the R2 – Low Residential Density.
- **the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards.** The site is not identified as being affected by flooding, land slip, bushfires, coastal hazards, and other environmental hazards.
- **there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed.** The development site has historically been utilised for residential purpose with no known potential contaminating activities being conducted on site. See SEPP 55 for detail.
- **the characteristics of the site are suitable for the scale and type of development proposed having regards to:**
 - **size of street frontage, lot configuration, dimensions, and overall size** The development site can be best described as an irregular shaped corner land parcel with an arch of 30.21m to Bennett Road, a splay of 5.785m and a secondary frontage of 21.79m to Coonawarra Drive with a total site area of 916m² which is of a sufficient size and width to accommodate the proposed centre-based child care facility.
 - **Number of shared boundaries with residential properties** The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas.
 - **will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas.**
- **where the proposal is to occupy or retrofit an existing premise, the interior and exterior spaces are suitable for the proposed use.** N/A. Development proposes to undertake the development of a new centre-based child care facility.

- **there are suitable drop off and pick up areas, and off and on street parking.** The Traffic Impact Assessment assesses the potential parking and traffic implications associated with a proposed child care centre which was prepared by Hemanote Consultants. Refer to attached Traffic Report for detail.
- **the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use** The subject site does not front a classified or arterial road, noting Bennett Road is considered appropriate and safe for the proposed use.
- **not located closely to incompatible social activities and uses such as restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises** The subject site is not located closely to incompatible social activities and uses.

C3 – A child care facility should be located:

- **near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship** The subject site is located within proximity to employment opportunities, educational establishments, recreational activities, and public transportation.
- **near or within employment areas, town centres, business centres, shops** Bus stops with services between Mount Druitt to Penrith via Erskine Park (Route 775), Mount Druitt to Penrith via St Clair (Route 776) and UWS to Prairiewood (Route 835) are located within a 20m walking distance of the land parcel.
- **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 – A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:

- **proximity to:**
 - **heavy or hazardous industry, waste transfer depots or landfill sites**
 - **LPG tanks or service stations**
 - **water cooling and water warming systems**
 - **odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future**
- The subject site is not located within proximity to any identified environmental hazard.

- **accommodate noise or odour generating uses**
 - **any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site**
- The development site has historically been utilised for residential purpose with no known potential contaminating activities being conducted on site.
- A Preliminary site investigation prepared by Geotechnical Consultants Australia Ltd states the following:
- *GCA considers that the potential for significant contamination of soil and groundwater within the site to be low. Therefore, based on this assessment, GCA finds that the site is suitable for the proposed development and land use, providing the recommendations below are implemented during the Construction Certificate (CC) stage.*

3.2 Local character, streetscape and the public domain interface

C5 – The proposed development should:

- **contribute to the local area by being designed in character with the locality and existing streetscape.**
 - **reflect the predominant form of surrounding land uses, particularly in low density residential areas.**
 - **recognise predominant streetscape qualities, such as building form, scale, materials and colours**
 - **include design and architectural treatments that responds to and integrate with the existing streetscape**
 - **use landscaping to positively contribute to the streetscape and neighbouring amenity**
 - **integrate car parking into the building and site landscaping design in residential areas**
- The purpose-built child care facility has been designed to appear as a contemporary double storey building of similar scale to other residential buildings within the area.
- Appropriate landscaping within a residential context is proposed.

<p>C6 – Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> • fencing to ensure safety for children entering and leaving the facility • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community • integrating existing and proposed landscaping with fencing 	<p>The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain.</p> <p>The proposed development incorporates an active façade that will permit casual surveillance to Bennett Road and to the common areas within the development site.</p> <p>The proposed landscaping works seek to soften the built form and fencing and also seek to integrate the development with the site's low density context.</p>
<p>C7 – 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 visitor and children by changes in materials, plant species and colours</p>	<p>The site does not contain multiple buildings or entries; The primary entry point is designed to be clearly visible and legible from the street level.</p>
<p>C9 – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/private open space from adjoining public open space • minimal use of blank walls and high fences 	<p>The subject site does not adjoin a public park, open space, or bushland; however, the development continues to provide clearly defined street access, pedestrian paths and building entries.</p> <p>Fencing and landscape works will contribute towards delineate communal/private open space from the public domain.</p> <p>Development incorporates architectural features and articulation to provide an attractive two storey-built form that adequately addresses its frontages.</p>
<p>C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</p>	<p>The development proposes appropriate fencing that is consistent with fencing within the precinct and with comparable child care facility within the wider Penrith Local Government Area.</p>

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

The site is not identified as a heritage item and it is not located within a heritage conservation area.

As a result, the subject site will not have any associated heritage restriction and no further heritage investigation is considered necessary.

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.

The subject site does not front a classified road; however, the development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Local Government Area.

3.3 Building orientation, envelope, and design

C11 – Orient a development on a site and design the building layout to

- ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by;
- facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties
- placing play equipment away from common boundaries within residential properties
- locating outdoor play areas away from residential dwellings and other sensitive uses

The proposed child care facility has been designed and sited to address Bennett Road whilst also designed to comply with prescribed setback controls under the Penrith DCP and the Child Care Planning Guidelines to minimise privacy impacts on neighbouring properties.

This is achieved via appropriate siting and orientation of the building combined with compliance to height and setback provisions to ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.

The development incorporate a mix of undulating walls to mitigate potential privacy impacts to neighbouring properties. The proposal incorporates the following fencing:

- For noise modelling purposes, 1.8m-2.4m high solid boundary fences (acting as acoustic fences) are to be located along the side and rear boundaries.

Finally, an Acoustic Report has been prepared which has calculated that the noise emission associated with the proposed development to its surrounding sensitive receivers is in accordance with Council criteria.

The centre-based child care facility is oriented to the to maximise solar access.

- | | |
|---|--|
| <ul style="list-style-type: none"> • optimise solar access to internal and external play areas. | <p>The proposed centre-based child care facility has been designed to reduce the potential for overshadowing of neighbouring properties, including compliance with setback provisions.</p> |
| <ul style="list-style-type: none"> • avoid overshadowing of adjoining residential properties. | <p>It is considered that appropriate solar access is to be provided on site and for neighbouring properties and this is supported by the attached shadow diagrams.</p> |
| <ul style="list-style-type: none"> • ensure buildings along the street frontage define the street by facing it | <p>Development proposes an attractive contemporary building designed to adequately address its frontage to Bennett Road.</p> |
| <ul style="list-style-type: none"> • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions | |

C12 – The following matters may be considered to minimise the impacts of the proposal on local character:

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|---|--|
| <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality | <p>Development proposes a building that is consistent and compatible with the existing low density built form character within the subject area.</p> |
| <ul style="list-style-type: none"> • building height should respond to the scale and character of the street | <p>Development is consistent with setback requirements under the Penrith DCP 2014 and the Child Care Planning Guidelines.</p> |
| <ul style="list-style-type: none"> • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility | |
| <ul style="list-style-type: none"> • setbacks should provide adequate access for building maintenance | |
| <ul style="list-style-type: none"> • 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 metres.

Development complies with Council's setback controls.

C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.

The development has been designed to comply with setback requirements under the Penrith DCP 2014.

Refer to discussion against the Penrith DCP 2014 further within this statement for detail.

C15 – The built form of the development should contribute to the character of the local area, including how it:

- | | |
|---|--|
| <ul style="list-style-type: none"> • respect and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage | <p>The purpose-built child care facility has been designed to appear as a modern two storey set within a landscape setting to be consistent with the evolving built form character of the subject residential area.</p> |
| <ul style="list-style-type: none"> • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas • responds to its natural environment including local landscape setting and climate • contributes to the identify of place | <p>Car parking is to be provided within basement level to minimise impact on the streetscape.</p> <p>The site is not identified as a heritage item and it is not located within a heritage conservation area. As a result, the subject site will not have any associated heritage restriction and no further heritage investigation is considered necessary.</p> |

C16 – Entry to the facility should be limited to one secure point which is:

- | | |
|---|---|
| <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessible through an outdoor play area | <p>The proposed centre-based child care facility provides a primary entry point from Coonawarra Drive.</p> <p>The pedestrian entry point is visible from the street frontage, permits ease of access and directly accessible from the street level.</p> |
|---|---|

C17 – Accessible design can be achieved by:

- | | |
|--|---|
| <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation | <p>Development has been designed to be accessible to and within the building in accordance with all relevant legislation, with direct equitable pedestrian access provided via Bennett Road and Coonawarra Drive.</p> |
| <ul style="list-style-type: none"> • 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 | <p>Access to the site is in accordance with the Access Report that accompanies this application.</p> |
| <ul style="list-style-type: none"> • providing a continuous path of travel to and within the building, including access between the street entry and car parking and | <p>Development provides appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance</p> |

<p>main building entrance. Platform lifts should be avoided where possible</p> <ul style="list-style-type: none"> • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	
<h3>3.4 Landscaping</h3>	
<p>C18 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping 	<p>Development is to provide appropriate landscape works is proposed along the site boundaries. Refer to attached Landscaping Plan for detail.</p>
<p>C19 – Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade tree 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. 	<p>Development proposes all on site car parking within a basement level, nevertheless the development proposes appropriate landscape embellishment works that will improve and enhance the subject site whilst help to integrate the proposal within the context of the site and its surrounds.</p> <p>Refer to attached Landscaping Plan for detail.</p>
<h3>3.5 Visual and acoustic privacy</h3>	
<p>C20 – Open balconies in mixed use development should not overlook facilities nor overhang outdoor play spaces.</p>	<p>The proposal is not part of a mixed-use development. Not applicable</p>
<p>C21 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • appropriate site and building layout 	<p>The development has been designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public area via appropriate site and building layout and locating suitable windows and doors.</p>

- **suitable locating pathways, windows and doors**
- **permanent screening and landscape design**

Furthermore, the outdoor play area is to be located behind the proposed building with landscape embellishment works to be located along the site's side and rear boundaries to minimise privacy impacts from neighbouring properties.

C22 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:

- **appropriate site and building layout**
- **suitable locating pathways, windows and doors**
- **permanent screening and landscape design**

Complies, the centre-based child care facility is designed to minimise direct overlooking of main internal living areas and private open space in adjoining developments.

C23 – A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:

- **provide an acoustic fence along any boundary where the adjoining property contains a residential use (An acoustic fence is one that is a solid, gap free fencing)**
- **ensure that mechanical plant or equipment is screened by soil, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure**

Development proposes appropriate fencing along the site's side and rear boundaries at the ground floor with the incorporation of acoustic barriers in accordance with the Acoustic Report. The proposal incorporates the following fencing:

- For noise modelling purposes, 1.8m high solid boundary fences (acting as acoustic fences) are to be located along the side and rear boundaries that increase up to 2.4m to the northern boundary.

3.6 Noise and air pollution

Child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise impacts. Other noisy environments such as industrial areas and substations may impact on the amenity and well-being of the children and staff. The location of child care facilities should be selected to avoid or minimise the potential impact of external sources of significant noise.

C25 – Adopt design solution to minimise the impacts of noise, such as:

- creating physical separation between buildings and the noise source
- orienting the facility perpendicular to the noise source and where possible buffered by other uses
- using landscaping to reduce the perception of noise
- limiting the number and size of opening facing noise sources
- using double or acoustic glazing, acoustic louvers 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.

The subject site is not located near major roads, rail lines, beneath flight paths or other noisy environments. It is noted that appropriate design/ measures have been undertaken including appropriate setbacks, use of landscaping and fencing to minimise acoustic impacts to neighbouring properties.

Refer to attached Acoustic Report for detail.

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 an ANEF contours 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.

The subject site is not located on industrial land, where an ANEF contours is between 20 and 25, along a railway or mass transit corridor, on a major or busy road or other land that is impacted by substantial external noise.

It is noted that appropriate design/measures have been undertaken including appropriate setbacks, combination of undulating walls along the site's southern elevation, use of landscaping and fencing at the ground floor and acoustic barriers to minimise acoustic impacts to neighbouring properties.

Refer to attached Acoustic Report for detail.

C27 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development	Complies.
C28 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.	The subject site is not located near a major road or industrial development.
3.7 Hours of operation	
C29 – Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays.	The child care facility is to operate between 7am to 6pm Monday to Friday.
C30 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	The site is not located within a mixed-use are. Not applicable.
3.8 Traffic, parking and pedestrian circulation	
C31 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land. Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rate: Within 400m of a metropolitan train station: <ul style="list-style-type: none"> • 1 space per 10 children • 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space. In other areas: <ul style="list-style-type: none"> • 1 space per 4 children 	The development has regard with the car parking requirements under Penrith Development Control Plan.

<p>C32 – In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicular movement or potential conflicts with truck and large vehicles.</p>	<p>The site is not located on a commercial or industrial zone. Not applicable.</p>
<p>C33 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network 	<p>Traffic Report has been prepared that demonstrates that development will not result in unacceptable traffic and parking impacts on the amenity of neighbouring properties.</p>
<p>C34 – Alternate vehicular access should be provided where child care facilities are on site fronting:</p> <ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials <p>The alternate access must have regard to the prevailing traffic conditions:</p> <ul style="list-style-type: none"> • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic 	<p>No applicable as the site does not front a classified road or a road which carries freight traffic or transport dangerous goods or hazardous materials.</p>
<p>C35 – 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 sider locality in times of emergency.</p>	<p>Development site is not within a cul-de-sac or narrow lanes or road. Not applicable.</p>

C36 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:

- separate pedestrian access from the car park to the facility
- defined pedestrian crossings including 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
- vehicles can enter and leave the site in a forward direction

Development provide separate pedestrian and vehicular access.

Vehicles can enter and exit 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 to play areas
- provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards include wheelchair and pram accessible parking

Car parking located within the basement level and as such is not located near building entrance or outdoor play area.

An accessible car parking space has been designed in accordance with Australian Standard is clearly marked and situated near the lift core.

Part 4 Applying the National Regulations to development proposals

4.1 Indoor space requirements

Regulation 107

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.

The proposal provides >3.25m² of indoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.

Design Guidance

Verandas as indoor space

For a veranda to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted

No veranda is to be included as unencumbered indoor space. Not applicable.

once and therefore cannot be counted as outdoor space as well as indoor space.

Design Guidance

Storage

It is recommended that a child care facility provide:

- a minimum of 0.3m³ per child of external storage space
- a minimum of 0.2m³ per child of internal storage space

The proposal provides appropriate internal and external storage areas.

4.2 Laundry and hygiene facilities

Regulation 106

Education and Care Services National Regulations

There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering.

On site laundry facilities are provided.

Laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.

Designed to comply.

Child care facilities must also comply with the requirements for laundry facilities that are contained in the *National Construction Code*.

Laundry designed to comply with relevant requirements under the National Construction Code.

Design Guidance

On site laundry

On site laundry facilities should contain:

- a washer or washers capable of dealing with heavy requirements of the facility
- a dryer
- laundry sinks
- adequate storage for soiled items prior to cleaning
- an on-site laundry cannot be calculated as usable unencumbered play space for children

Designed to comply.

4.3 Toilet and hygiene facilities

Regulation 109

Education and Care Services National Regulations

Adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Toilet facilities for both the children and staff are provided.

Child care facilities must comply with the requirements for sanitary facilities that are contained in the *National Construction Code*.

Sanitary facilities designed to comply with relevant requirements under the National Construction Code.

4.4 Ventilation and natural light

Regulation 110

Education and Care Services National Regulations

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

The proposed facility has been designed to achieve cross ventilation, receive, and have adequate natural light and be temperature controlled to avoid extremes in temperature.

Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the *National Construction Code*. Ceiling height requirements may be affected by the capacity of the facility.

Light and ventilation and minimum ceiling heights designed to comply with relevant requirements under the National Construction Code.

Design Guidance

Natural light

When designing child care facilities consideration should be given to:

- providing windows facing different orientations
- using skylights as appropriate
- ceiling heights

The proposal incorporates windows facing different orientation with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.

4.5 Administrative space

Regulation 111

Education and Care Services National Regulations

Services must provide adequate area or areas for the purpose of conducting the administrative functions of the services, consulting with parents of children and conducting private consultations.

Adequate space for administrative tasks being conducted on site are proposed within the office, staff, and meeting room.

4.6 Nappy change facilities

Regulation 112

Education and Care Services National Regulations

Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.

Nappy change facilities are provided for the facility for kids aged between 0-2.

All nappy changing facilities should be designed and located in an area that prevents unsupervised access to children.

Complies.

Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the *National Construction Code*.

Nappy changing, and bathing facilities designed to comply with relevant requirements under the National Construction Code.

Design Guidance

In circumstances where nappy change facilities must be provided, design considerations could include:

Designed to comply.

- Properly constructed nappy changing bench or benches
- A bench type baby bath within one metre from the nappy change bench
- The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area
- A space to store steps positioning to enable supervision of the activity and play areas

4.7 Premises designed to facilitate supervision

Regulation 115

Education and Care Services National Regulations

Centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regards to the needs to maintain their right and dignity.

The proposed layout ensure that hidden corners are avoided and that supervision views are maximised throughout the development.

Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the *National Construction Code*.

Comply.

4.8 Emergency and evacuation procedures

Regulations 97 and 168

Education and Care Services National Regulations

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

The proposed child care facility has been designed to incorporate features that provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.

Regulation 97 sets out the detail for what those procedures must cover including:

An Emergency and Evacuation Plan has been prepared however the full and final version including the evacuation manual and procedure will be formed at CC stage.

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service

Design Guidance

An emergency and evacuation plan should be submitted with a DA and should consider:

An Emergency and Evacuation Plan has been prepared however the full and final version including the evacuation manual and procedure will be formed at CC stage.

- the mobility of children and how this is to be accommodated during an evacuation
- the location of a safe congregation / assembly point, away from the evacuated building, busy road and other hazards, and away from

evacuation points used by other occupants or tenants of the same building or of surrounding buildings

- how children will be supervised during the evacuation and at the congregation/assembly, relative to the capacity of the facility and governing child-to-staff ratios

4.9 Outdoor space requirements

Regulations 108

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 7.0m² of unencumbered outdoor space.

The proposal provides >7m² of unencumbered outdoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline. Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

A veranda that is included within indoor space cannot be included when calculating outdoor space and vice versa.

Not applicable.

Design Guidance

Calculating unencumbered space for outdoor areas should not include areas of dense hedges or planting along boundaries designed for landscaping purpose and not for children's play.

Complies, no areas of dense hedges or planting along boundaries are used to calculate unencumbered space for outdoor areas.

4.10 Natural Environment

Regulations 113

Education and Care Services National Regulations

The approved provider of a centre-based service must ensure that the outdoor space allow children to explore and experience the natural environment

Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

Design Guidance

Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:

- are known to be poisonous, produce toxins or have toxic leave or berries

Noted, refer to attached landscape plan for detail.

- have seed pods or stone fruit, attract bees, have thrones, spikes or prickly foliage or drop branches

The outdoor space should be designed to:

- provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment
- assist supervision and minimise opportunities for bullying and antisocial behaviour
- enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitates interaction.
- sand pits and water play areas
- furniture made of logs and stepped logs
- dense indoor planting and green vegetated walls

The outdoor space has been designed to provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.

4.11 Shade

Regulations 114

Education and Care Services National Regulations

The approved provider of a centre-based service must ensure that the outdoor space includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

Appropriate natural and built shade structures are incorporated into the design of the child care facility that will contribute towards protecting children from overexposure to ultraviolet radiation from the sun.

4.12 Fencing

Regulations 104

Education and Care Services National Regulations

Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.

Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider locality.

This regulation does not apply to a centre-based service that primarily provides education and care to children

<p>over preschool age, including a family day care venue where all children are over preschool age.</p> <p>Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the <i>National Construction Code</i>.</p>	<p>Designed to comply.</p>
<p>Design Guidance</p> <p>Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding areas. In general, fencing around outdoor play areas should:</p> <ul style="list-style-type: none"> • prevent children climbing over, under or through fencing • prevent people outside the facility from gaining access by climbing over, under or through the fencing • not create a sense of enclosure. <p>Design consideration for side and rear boundary fences could include:</p> <ul style="list-style-type: none"> • being made from solid prefinished metal, timber or masonry • having a minimum height of 1.8m • having no rails or elements for climbing higher than 150mm from the ground 	<p>Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider locality.</p> <p>Designed to comply.</p>
<p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines.</p>	<p>Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.</p>
<p>Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.</p>	<p>Designed to comply.</p>

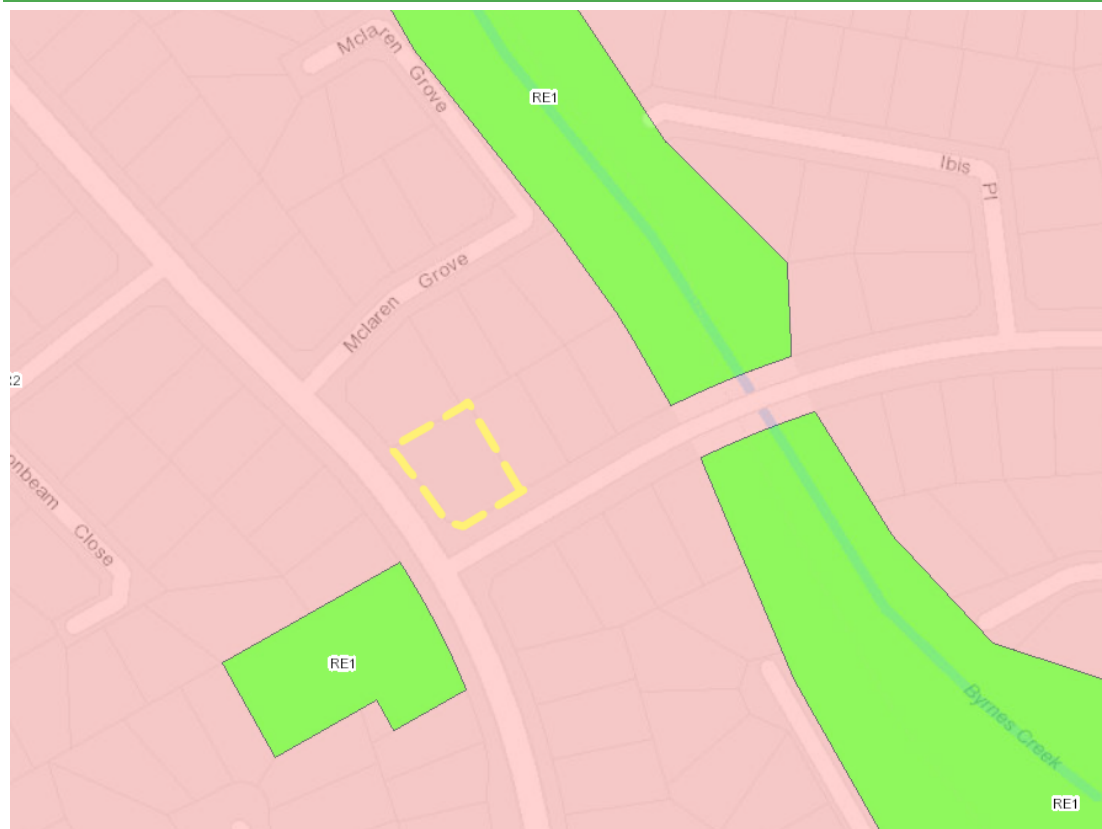


PENRITH LOCAL ENVIRONMENTAL PLAN 2010

As outlined in the following page, the subject site is zoned R2 Low Residential Density under the provisions of the Penrith Local Environmental Plan 2010.

The current application is made pursuant to the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

Figure 5: Zoning Map Extract (Source: Penrith LEP 2010)



'Centre-Based Child Care Facilities' are permissible with consent within the R3 Zone, with the site subject to a maximum building height of 8.5m as per the LEP.

centre-based child care facilities 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),

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 services (within the meaning 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 lesson 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 development proposal is also consistent with the prescribed zone objectives which are stipulated as:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.*
- *To enhance the essential character and identify of established residential areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The proposed development provides a centre-based child care facility that will provide valuable child care services and employment opportunities to people who live and work in the local area.

The centre-based child care facility has incorporated a contemporary design that achieves good presentation to both Bennett Road and Coonawarra Drive and the facade of the building will resemble a modern two storey form set within a landscape setting to ensure compatibility with the existing residential character of the locality.

The use as a centre-based child care facility will foster a sense of community given the nature of such community-based land uses.

The table below provides details on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Penrith Local Environmental Plan 2010- Compliance Table			
Clause	Controls	Comments	Complies
Zoning	R2 – Low Density Residential	‘Centre Based Child Care Facilities’ are permissible with Council consent in the R2 – Zone.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone objectives and land use table	The proposal is consistent with the zone objectives of the R2 – Low Density Residential Zone and will provide valuable child care services and employment opportunities to people who live and work in the local area.	Yes
2.6	Subdivision consent requirements	– No subdivision is proposed.	N/A
2.7	Demolition requires consent	Council consent is sought for the demolition of the existing structures on site in accordance with the submitted Demolition Plan.	N/A
Part 4 Principal Development Standards			
4.3	Height of building – 8.5m	<p>Penrith Local Environmental Plan 2010 Height of Building Map indicates that the maximum building height within the subject site is 8.5m.</p> <p>The development proposes a two-storey building with no part of the proposed child care facility to encroach 8.5m in height and as such is compliant with Clause 4.3.</p> <p>Refer to attached architectural plans for detail.</p>	Yes
4.4	Floor space ratio	No FSR control applies to the subject site. Not relevant.	N/A
Part 7 Additional Local Provisions			
7.1	Earthworks	<p>This application seeks Council consent for excavation of the site as per the attached plans noting the basement parking area. It is considered that the proposed excavation will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p>	Yes

The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.

The proposed excavation work is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.

A preliminary site investigation prepared by Geotechnical Consultants Australia is provided with this application.

7.2	Flood planning	The site is not identified as being flood prone.	N/A
7.3	Development on natural resources sensitive land	The subject site is not identified on the Natural Resources Sensitive Map. Not applicable.	N/A
7.4	Sustainable Development	<p>The proposal satisfies the LEP in that:</p> <p>(a) <i>conserving energy and reducing carbon dioxide emissions,</i></p> <p>(b) <i>embodied energy in materials and building processes,</i></p> <p><i>Proposal incorporates design elements to increase energy efficiency and reduce the consumption of natural resources.</i></p> <p>(c) <i>building design and orientation,</i></p> <p>(d) <i>passive solar design and day lighting,</i></p> <p>(e) <i>natural ventilation,</i></p> <p>(f) <i>energy efficiency and conservation,</i></p> <p>(g) <i>water conservation and water reuse,</i></p> <p>Proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration as well as natural ventilation to the proposed child care facility.</p> <p>(h) <i>waste minimisation and recycling,</i></p> <p>Waste management and recycling can be addressed through waste management plan.</p> <p>(i) <i>reduction of vehicle dependence,</i></p> <p>Bus stops with services between Penrith and Mt Druitt provides alternative means of transport.</p> <p>(j) <i>potential for adaptive reuse.</i></p>	Yes

Given the zoning of the site as R2 there is limited adaptive re-use potential on the site.			
7.5	Protection of Scenic Character and Landscape Values	The site is not identified on the Land with Scenic and Landscape Values Map. Not applicable.	N/A
7.6	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not applicable.	N/A
7.7	Servicing	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	Yes

PENRITH DEVELOPMENT CONTROL PLAN 2014

All relevant Council controls have been identified and considered in the following compliance table.

Penrith Development Control Plan 2014- Compliance Table			
Clause	Controls	Comments	Complies
C1 Site Planning and Design Principals			
1.1	Site Planning	<u>1.1.1 Site Analysis</u>	
		A Site Analysis has been prepared and is attached as part of this application. The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal.	Yes
		<u>1.1.2 Key Areas with Scenic and Landscape Values</u>	
		The subject site is not located within the Scenic and Landscape Values Map under the Penrith LEP 2010. Not applicable.	N/A
1.2	Design Principles	<u>1.2.2 Built Form – Energy Efficiency and Conservation</u>	
		The proposed development incorporates design elements to increase energy efficiency and reduce the consumption of natural resources. The proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration as well as natural ventilation of the proposed child care facility.	Yes
		<u>1.2.3 Building Form – Height, Bulk and Scale</u>	
		It is considered that the proposal will result in an appropriate outcome on site that responds to the unique characteristics of the site. The child care facility has been designed as an attractive contemporary 2 storey building set within a garden setting to ensure compatibility with the residential streetscape character within the immediate locality.	Yes

The site complies with maximum height and setback controls that applies for the site under Penrith LEP 2010 and Penrith DCP 2014.

Given the two storey form of the proposal and considering that the majority of the indoor and outdoor play areas is restricted to the ground floor and combined with proposed acoustic fencing and landscape work, the development will not reduce privacy levels to adjoining residential properties.

Furthermore, the proposal is consistent with setback controls under the Penrith DCP 2014 applying to two storey dwelling houses, with the development providing a primary front setback of 5.5m to Coonawarra Drive, a secondary front setback of 3m to Bennett Road and a minimum side of some 5m.

Further the basement form is an ongoing emerging form of development in the broader locality for child care facilities that provides for design improvements over a traditional child care facility with at-grade parking located in-front of the building line.

As such, the development is considered a compatible and appropriate built form within a residential setting.

1.2.4 Responding to the Site's Topography and Landform

The site is relatively flat and considered suitable to accommodate the proposed child care facility.

Yes

The proposed excavation work is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.

1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)

The proposed development incorporates an active façade that will permit casual surveillance of both Bennett Road and Coonawarra Drive, as well as common areas and landscaped areas of the proposal.

Yes

The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area. The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.

The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.

1.2.6 Maximising Access and Adaptability

Proposal has been designed to provide access to and from the site for people with mobility issues.

Yes

The proposal will incorporate an accessible design in line with the relevant requirements.

The proposed development incorporates a suitable path of travel from the street to the units.

A lift core will ensure all levels from the basement is accessible.

C2 Vegetation Management

2.1	Preservation of Trees and Vegetation	The subject site is within a well-established residential area, having historically been used for residential purposes.	Yes
		The site is not identified as being located within the Natural Resource Sensitive Map under Penrith LEP 2010.	

		<p>The proposal will incorporate landscape embellishment works in accordance with the landscape plan to help soften the physical bulk and built form of the proposed development.</p> <p>The proposal provides landscaping embellishment work that will improve and enhance the subject site within a residential density context.</p> <p>It is highlighted that no significant vegetation is to be impacted as part of the proposal and the existing street tree is retained. Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan.</p>	
2.2	Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	The subject site is not identified as being within a Natural Resource Sensitive Land under Penrith LEP 2010. Not applicable.	N/A
2.3	Bushfire Management	The subject site is not identified as being within a Bushfire Prone Land.	N/A
C3 Water Management			
3.2	Catchment Management and Water Quality	<p>Appropriate management of the site during the demolition and construction phases will contribute towards protecting the water system.</p> <p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p>	Yes
3.3	Watercourses, Wetlands and Riparian Corridors	The subject site is not located within close proximity to a watercourse, wetland or riparian corridor. Not applicable.	N/A
3.4	Groundwater	The proposed development is to be for a child care facility. It is therefore considered that the risk of site contamination occurring during construction and future use of the site is low. Not applicable.	N/A
3.5	Flood Planning	The development site is not flood prone.	N/A

3.6	Stormwater Management and Drainage	A Stormwater Management Plan has been prepared and is attached as part of this application.	Yes
3.9	Water Sensitive Urban Design	<p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>See attached Stormwater Management Plan for detail.</p>	Yes
C4 Land Management			
4.1	Site Stability and Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>Further the extent of excavation to the basement is limited to the footprint of the dwellings to maximize landscaping above.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	Yes

4.3	Erosion and Sedimentation	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. An Erosion and Sediment Control Plan is attached as part of this application.</p>	Yes
4.4	Contaminated Lands	<p>Given the historical use of the site for urban purposes, land contamination is not likely. However, a Phase 1 investigation has been carried out which found that the site is suitable for the proposed development and land use, providing recommendation within the report are implemented during the Construction Certification Stage.</p>	Yes
4.5	Salinity	<p>Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not relevant.</p>	N/A
C5 Waste Management			
		<p>A Waste Management Plan is attached as part of this application.</p> <p>Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development.</p> <p>Refer to attached Waste Management Plans for detail.</p>	Yes
C6 Landscape Design			
		<p>A landscape concept plan accompanies this development application.</p> <p>The concept plan details the landscape embellishment works proposed and it can be seen that these works will soften the proposed built form, permit stormwater penetration, minimize run off from the site whilst being compatible within a residential setting.</p> <p>Refer to attached Landscape Plan for detail.</p>	Yes

C7 Cultural and Heritage			
7.1	Heritage	<p>The subject site is not identified as a heritage item, is it located within a heritage conservation area nor are there any heritage items within proximity to the development site.</p> <p>As a result, the subject site will not have any associated heritage restrictions and any heritage investigation is not required.</p>	N/A
7.2	Aboriginal Cultural and Heritage	Not relevant.	N/A
7.3	Significant Trees and Gardens	The subject site does not contain any trees or gardens that is considered to be of cultural, historical, scientific or aesthetic significant.	N/A
C9 Advertising and Signage			
9.1		No signage is proposed at this stage. Signage will be subject to future DAs.	N/A
C10 Transport, Access and Parking			
10.2	Traffic Management and Safety	<p>It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site.</p> <p>The proposed parking area and ancillary driveway will not contribute to the creation of traffic hazards.</p> <p>The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site. Vehicle and pedestrian routes are clearly indicated and accessible.</p> <p>The basement design also avoids a shared pedestrian/vehicle access arrangement to mitigate safety concerns.</p> <p>The Traffic Impact Assessment assesses the potential parking and traffic implications associated with a proposed child care centre which was prepared by Hemanote Consultants. Refer to attached Traffic Report for detail.</p>	Yes

10.3	Key Transport Corridors	The subject site is not located within a key transport corridor. Not relevant.	N/A
10.5	Parking, Access and Driveways	The proposed dimensions for car parking spaces are consistent with Council controls.	Yes
	Parking Rates	Vehicular access to and from the off-street parking facilities will be via two separate (one existing and one new) access driveway crossings located in Bennett Road and Coonawarra Road.	
	1 space per 10 children plus 1 employee		
	5.3 + 8	<p>The new driveway crossing in Bennett Road is to provide an 'Exit Only' access point, having a width of 4 metres. The existing driveway crossing in Coonawarra Road is to provide an 'Entry Only' point, having a width of 3.6 metres.</p> <p>The development proposes the construction of a 58-place child care facility with a total of 9 staff. The facility proposes the following:</p> <ul style="list-style-type: none"> - A total of fifteen (15) on-site car parking, with 9 car spaces allocated for staff parking and 6 visitor car parking spaces for the drop-off and pick-up of children (including 1 accessible parking space & an adjacent shared area), in addition to 2 bicycle storage spaces in basement level. 	

D5 Other Land Uses

5.2	Child Care Centers	<u>1) Work Based Child Care Centers</u>	N/A
		The development site is not located within a business or industrial area.	
		<u>2) Location</u>	
		a) The DCP requires proposed child care facilities in excess of 40 children to demonstrate that services to be provided meets an unmet need in the community. Clause 26(b) of the Environmental Establishment and Child Care Facility SEPP 2017 stipulates that any provision of a development control plan that needs to demonstrate need or demand for child care services does not apply to the development for the purpose of a center-based child care facility.	Yes - SEPP
		b) The development site is within proximity to St Clair Shopping Centre and educational establishments.	Yes
		c) Vehicle access to the site is to be provided from Coonawarra Drive which is considered a secondary road when compared to Bennett Road.	Yes
		d) Access to the site is not located in a cul-de-sac, at an intersection or on a major residential road and the facility will not create traffic conflict or have an adverse impact on the amenity of the locality.	Yes
		Refer to attached Traffic Report for detail.	
		e) The development site is not located within an 85m radius of an existing or approved service station, or on land in a specific radius of an existing/approve flammable storage area under the State Environmental Planning Policy No 22 Hazardous and Offensive Development.	Yes
		f) The subject site is not located opposite or adjacent to an existing and lawful sex service premises and/or restricted premises.	Yes
		g) The subject site is not adjacent to an electricity transmission easement, mobile phone tower or similar structures.	Yes

h) The subject site is not identified as being flood prone land under the Penrite LEP 2010. **Yes**

3) Design, Scale and Site Frontage

a) The development proposes a modern two story-built form that is designed to be compatible within the existing low density residential context, noting compliance to maximum height control under the Penrith LEP 2010. **Yes**

The development complies with maximum height and setback controls that apply to the site under Penrith LEP 2010/DCP 2014.

Given the double storey nature of the proposal and the incorporation of fencing and landscaping combine with the indoor and outdoor play area restricted to the ground floor, the development will not reduce privacy level to an adjoining residential property.

b) The design of the proposal has considered nearby traffic generations, street design and the existing environment for pedestrians and cyclists. **Yes**

c) The development site can be best described as an irregular shaped corner land parcel with an arch of 30.21m to Bennett Road, a splay of 5.785m and a secondary frontage of 21.79m to Coonawarra Drive with a total site area of 916m² which is of sufficient size to accommodate the proposed 58 place child care facility, basement level and traffic maneuvering areas. **Yes**

d) The DCP prescribes a minimum site frontage of 22m. **N/A - SEPP**

Clause 25 of the Environmental Establishment and Child Care Facility SEPP 2017 stipulates that a child care facility can be located on a site of any size and have any length of street frontage or any allotment depth. As such minimum site frontage does not apply. Regardless the proposal provides a 30m frontage to Bennett Road.

e) Safe sight distance is to be provided for all points of access to the site. **Yes**

4) Built Form

The child care facility has been designed to satisfy the requirements of all relevant provision including the recently published State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Penrith Local Environmental Plan 2014, Penrith Development Control Plan 2014, Child Care Planning Guidelines and Children's (Education and Care Services) Supplementary Care Provisions 2012.

Yes

b) The facility has been designed to be sympathetic to the existing 2 storey-built form character within an existing low density residential zone.

Yes

With the development site residing within a R2 zoned residential area, the child care facility has been designed to be consistent with the building pattern and as such has been designed to comply with the setback provision under the Penrith DCP for dwelling houses, as it is the dominant built form within the subject area.

The DCP requires a minimum front setback of 5.5m and a secondary front setback of 3m.

Yes

The proposal provides a primary front setback of 5.5m from the primary building line to and provides a secondary front setback of 3m from the primary building line to Coonawarra Drive.

Yes

The DCP also prescribe a side setback of 900mm.

Development provides a minimum side setback of 900mm to its side boundaries.

The development demonstrates that the proposed two storey child care facility is consistent in form, bulk and scale with the general built form character and pattern within the subject area.

d) The key child care component including indoor and outdoor play areas are concentrated on the ground floor with only administrative areas located within the first floor.

Yes

5) Vehicle Access, Circulation and Parking

The vehicle circulation and car parking areas within the basement level has been designed to allow safe drop-off and collection of children as well as the safe movement and parking of staff, parents, and visitors.

Yes

The proposal complies with the provisions in accordance with the parking section of the Penrith DCP 2014. See section 10.5 above for detail.

Driveways, access ways and car parking spaces are to be appropriately dimensioned in accordance with Council controls.

Furthermore, the driveway permits the safe movement and parking of vehicles on site and allow vehicles to enter and leave the site in a forward direction. See attached plans and Traffic Report for detail.

It is also noted that separate vehicle and pedestrian access is provided to the site, noting the provision of basement carparking contributed towards minimising paved areas within the front setback and increases landscape opportunities.

6) Noise

An Acoustic Report accompanies the application that outlines mitigation measures both to the construction of the building and the operation of the facility to minimise the impact of the proposal on adjoining residential properties.

Yes

7) Shade

Appropriate shade structures are provided within the outdoor play area. See attached plans for detail.

Yes

8) Landscaping

Appropriate landscaping will be provided on site to enhance the visual setting and accentuate the design qualities of the building form.

Yes

Where appropriate, the proposal incorporates landscape setting to mitigate privacy impacts, provide a landscape setting, and to provide a landscape setting, and to provide well sized open space for children in child care.

Yes

It is noted that childproof fencing and gates is to be incorporated around the outdoor play areas, to the entrance to the child care facility and other appropriate areas.

Yes



EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)

In preparing this development application and in the design development of the proposal, regard has been had to not only the relevant Penrith City Council controls and guidelines, but also to the Education and Care Services National Regulations 2012 (National Regulations).

It is noted that the National Regulations provide exhaustive controls and requirements in addition to that of local government and includes: -

- licensing and approvals processes, including documentation requirements;
- facilities and equipment requirements;
- staffing requirements;
- child number requirements;
- operational requirements;
- administrative requirements;
- probity check requirements; and
- various miscellaneous requirements.

Those provisions relevant to the current proposal are addressed in the table within the following page.

Clause	Controls	Comment	Complies
Part 3 Facilities and Equipment Requirements			
28 (1)	Space requirements	(a) An administration room is located within the proposed Child Care Facility.	Yes
		(b) A staff room is located within the proposed Child Care Facility.	Yes
		(c) A Cot Room that is used only for children under 2 years of age has been provided within the proposed Child Care Facility.	Yes
28 (2)	Adequate unencumbered indoor play space	The proposed centre-based child care facility provides 3.26m ² of unencumbered indoor play space per child as shown on the submitted plans.	Yes
28 (4)	Adequate unencumbered outdoor play space	The proposed centre-based child care facility provides 7.2m ² of unencumbered outdoor play space per child.	Yes
28 (6)	Shading	The proposed centre-based child care facility has provided adequate shading. See attached plans for detail.	Yes

29	Laundry	A laundry facility is available on the premises of the proposed centre-based child care facility.	Yes
30	Craft preparation facilities	Craft preparation areas are provided in the centre-based child care facility.	Yes
31	Food preparation facilities	A kitchen facility is provided by the proposed centre-based child care facility.	Yes
32	Toil and washing facilities	Appropriate toilet and washing facilities are provided.	Yes
33	Nappy change facilities	A nappy changing facility is provided by the proposed centre-based child care facility.	Yes
34	Sleeping facilities	The proposed centre-based child care facility has appropriate sleeping facilities with a separate cot room provided for 0 - 2 year old.	Yes
35	Storage facilities	The proposed centre-based child care facility has provided adequate storage facilities.	Yes
45	Fencing	Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.	Yes

Part 3 Staffing Requirements

52	Staff to child ratio	<p>The proposed centre-based child care facility will require the following minimum staff requirements:</p> <p>0-2 Years – 1 employee per 4 children 2-3 Years – 1 employee per 5 children 3-5 Years – 1 employee per 10 children</p> <p>The breakdown of children ratio within the proposed centre-based child care facility is as follows:</p> <p>0-2 Years – 8 children (2 staff) 2-3 Years – 20 children (4 staff) 3-5 Years – 30 children (3 staff)</p> <p>Total: 9 staff. The development provides a total of 9 staff. Complies</p>	Yes
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CONCLUSION

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social, or economic impacts, the application is submitted to Council for assessment and granting of development consent.

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant, and appropriate conditions of consent.