



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of existing structures and construction of a single storey centre-based child care facility with basement parking.

97-99 Victoria Street, Werrington

Prepared for: Lord N' Lady Pty Ltd

Ref: M210173

DATE: 15 June 2021





Contents

1.	INTRODUCTION	4
2.	SITE ANALYSIS AND CONTEXT	5
2.1	The Site	5
2.2	Surrounding Development	7
2.3	Connectivity and Access to Public Transport	9
3.	DESCRIPTION OF THE PROPOSAL	10
3.1	Proposed development	10
3.2	Landscaping	11
4.	ENVIRONMENTAL PLANNING ASSESSMENT	12
4.1	Preamble	12
4.2	Statutory and policy compliance	12
4.2.1	SEPP No.55 – Remediation of Land	12
4.2.2	SEPP (Educational Establishments and Child Care Facilities) 2017	13
4.2.3	Draft Education SEPP	14
4.2.4	Penrith LEP 2010	14
4.2.5	Penrith DCP 2014	15
4.3	Impacts on Natural & Built Environment	17
4.3.1	Topography & Scenic Impacts	17
4.3.2	Micro-climate Impacts	17
4.3.3	Water & Air Quality Impacts	17
4.3.4	Flora & Fauna Impacts	17
4.3.5	External Appearance & Design	17
4.3.6	Solar Access	18
4.3.7	Views	19
4.3.8	Aural & Visual Privacy	19
4.4	Economic & Social Impacts	19
4.5	The Suitability of the Site	20
4.5.1	Access to Services	20
4.5.2	Parking and Access	20
4.5.3	Hazards	20
4.6	The Public Interest	20
5.	CONCLUSION	21





FIGURES

Figure 1 Aerial Image of the site (Source: Six Maps)	5
Figure 2 The subject site as viewed from Victoria Street.....	6
Figure 3 The existing dwelling at No. 97 Victoria Street	6
Figure 4 The existing dwelling at No. 99 Victoria Street	7
Figure 5 No. 101 Victoria Street (adjoining site to the west)	8
Figure 6 No. 95 Victoria Street (adjoining site to the east)	8
Figure 7 Development opposite the site, on the southern side of Victoria Street	9
Figure 8 Street Perspective of proposed development.....	10
Figure 9 Extract of proposed Landscape Plan.....	11

ANNEXURES

Annexure A. SEPP (Educational Establishments and Child Care Facilities) 2017 -	22
Annexure B. Child Care Planning Guideline – Compliance Table	27
Annexure C. Penrith LEP 2010 – Compliance Table	45
Annexure D. Penrith DCP 2014 – Compliance Table	48

©This document and the research reported in it remains the property of Planning Ingenuity Pty Ltd and are protected by copyright. Apart from fair dealings for the purposes of private study, research or review, as permitted under the Copyright Act 1968, no part of the document may be reproduced, by any process, without the written permission of the author. All inquiries in this regard are to be directed to the Managing Director, Planning Ingenuity Pty Ltd.





1. Introduction

This Statement of Environmental Effects has been prepared for the applicant of the proposed development. The report is to accompany a development application to Penrith City Council seeking consent for demolition of existing structures on site and construction of a single storey centre-based child centre, with basement parking, at Nos.97-99 Victoria Street, Penrith.

The centre will cater for 78 children between the ages of 0-6 years old, 12 staff and will provide 20 parking spaces within the basement level. The centre will operate from 7am to 6pm Monday to Friday. The centre will be closed on weekends.

A Plan of Management (POM) for the proposed Child Care Centre has been prepared in conjunction with the Architectural Plans prepared by Art Made Architects and an Acoustic Assessment Report provided by Day Design Pty Ltd which seeks to reflect a reasonable agreement between the Centre Operators and the Council to minimise any adverse impact upon neighbours and to ensure a high standard of child care provision and management.

The purpose of this Statement is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of S.4.15 of the Environmental Planning & Assessment (EP&A) Act, 1979.

This Statement is divided into five sections. The remaining sections include a locality and site analysis; a description of the proposal; an environmental planning assessment; and a conclusion.



2. Site Analysis and Context

2.1 THE SITE

The site comprises two separate allotments known as No.97 and 99 Victoria Street, Werrington. The site has a legal description of Lots 16 and 17 in DP 32158.

An aerial image of the site is shown below in Figure 1 below.



Figure 1 Aerial Image of the site (Source: Six Maps)

The site has an irregular shape with a southern frontage to Victoria Street of 30.48m, an eastern side boundary of 45.72m, a western side boundary of 38.1m, and a broken southern rear boundary of 30.48m. The site has a total area of 1,277.4m².

The site is generally flat. Both of the allotments currently contain single storey fibro dwelling houses, with single storey granny flats and fibro garages located within the rear yard. The site frontage comprises two driveway openings, one for each of the existing allotments. There is no significant vegetation existing on the site.

Photos of the site are shown at Figures 2 to 4 below.



Figure 2 The subject site as viewed from Victoria Street



Figure 3 The existing dwelling at No. 97 Victoria Street





Figure 4 The existing dwelling at No. 99 Victoria Street

2.2 SURROUNDING DEVELOPMENT

The surrounding area is characterised by one and two storey dwellings, townhouses and properties converted to alternative uses (post office, health centre and the like). Immediately to the west is No.101 Victoria Street which comprises a single storey clad dwelling house with a tiled roof. The site provides vehicle access on the site along the eastern boundary which leads to a detached single garage towards the rear of the site. To the east is No.95 Victoria Street which comprises a single storey brick dwelling house with a tiled roof. The site also provides vehicle access along the eastern boundary leading to a detached garage within the rear yard. To the rear the site is adjoined by other residential properties, including a single storey clad dwelling house with an attached carport at No. 68 Gibson Street, and a single storey town house development at No. 82 Albert Street. Opposite the site, across Victoria Street are single storey buildings with some of these utilised as dwelling houses and others, specifically, Nos. 104 and 108 Victoria Street used as a medical centre and postal office respectively.

The site is 180m west of Rance Oval, 400m north-west of Werrington Railway Station, and approximately 1km south-east of Werrington Public School.

Photos of the surrounding area are shown below at Figures 5 to 7 below.



Figure 5 No. 101 Victoria Street (adjoining site to the west)



Figure 6 No. 95 Victoria Street (adjoining site to the east)



Figure 7 Development opposite the site, on the southern side of Victoria Street

2.3 CONNECTIVITY AND ACCESS TO PUBLIC TRANSPORT

A bus stop is located at the front of the site served by routes 782 (St Marys to Penrith via Werrington), 783 (Werrington to Penrith via Jordan Springs) and 785 (Werrington to Penrith via Cambridge Park). The site is also located within 400m walking distance of Werrington Railway Station, serviced by the T1 North Shore & Western Line, T3 Bankstown Line and CCN Central Coast & Newcastle Line.

3. Description of the Proposal

3.1 PROPOSED DEVELOPMENT

The proposed development involves the demolition of the existing buildings and structures on the site and construction of a new child care centre. The proposal involves a basement below a single storey child care centre containing two separate buildings and rear outdoor play areas.

A two-way driveway is proposed at the site frontage which will enable forward egress and efficient basement circulation. Twenty (20) car parking spaces are provided, including one accessible space. Lift and stair access is provided between the basement and ground floor level. Basement parking is designed to be fully contained at basement level with forward egress possible due to the two way driveway and basement ramp.

The front building contains the entry to the child care centre which includes a sign-in area, office, lift and stair access to the basement car park, staff room and accessible bathroom. Also contained within the front building will be three separate playrooms (Playrooms 1, 2 and 3) allocated to 2-3 years capable of accommodating 10 children each. The playrooms provide bi-fold doors to allow for internal access between the rooms and sliding doors are provided to each room to enable direct access to the adjoining outdoor play area within the centre of the site.

The rear building contains five separate playrooms, with four of these (Playrooms 4, 5, 6 and 7) allocated to 3-5 years to provide space for 10 children each and the remaining room (Playroom 8) allocated to 0-2 years, accommodating a maximum of 8 children. Playrooms 4, 5 and 6 contain bi-fold doors to allow for internal access between the rooms. All rooms within the rear building provide sliding door access to both the northern outdoor play area at the rear of the site and the central outdoor play area between the two buildings.

All playrooms contain a bathroom, craft sink and storage, with the exception of Playroom 8 (0-2 years) which provides a cot room, nappy change area, bottle prep area and craft sink. Each of the playrooms proposed provide direct access to an adjacent outdoor play area located at the front, centre or rear of the site.

The proposal will also include a kitchen within the rear building and external storage rooms adjoining both buildings.

In total, the proposal provides for 78 children and 12 staff, it provides above the requisite provision of unencumbered indoor and outdoor space per child, being 253.5m² and 546m² respectively.



Figure 8 Street Perspective of proposed development

3.2 LANDSCAPING

A Landscape Plan prepared by *Earth Matters Consulting* is submitted under separate cover and proposes appropriate planting including native species and trees (extract provided at Figure 9). Pedestrian access is provided adjoining the driveway via ramping. Other than pedestrian and vehicular access, an outdoor play area is provided within the site frontage, which is heavily landscaped with high quality vegetation, especially along the front boundary.

The outdoor play areas have been designed to achieve the objectives of providing permeable landscaped area, a variety of surfaces and experiences for use by the children, the required shaded areas and retaining a residential scale and streetscape appearance. Landscaping is provided at the front and side boundaries, as well as within the centre of the site. The landscaping plan identifies a range of play spaces and planting types at the outdoor areas, including (but not limited to):

- Timber tepee with seating;
- Raised vegetable planters;
- Totems/sensory poles;
- Boat;
- Balancing beams
- Sandpits;
- Mound slides;
- Musical play elements and sensory screens;
- Artificial turf;
- Stage;
- Dry creek; and
- Peripheral planting



Figure 9 Extract of proposed Landscape Plan



4. Environmental Planning Assessment

4.1 PREAMBLE

This section of the Statement provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 4.15 of the EP&A Act, 1979.

4.2 STATUTORY AND POLICY COMPLIANCE

The relevant matters for consideration under Section 4.15(1)(a) of the EP&A Act, 1979, are identified in the following Table:

Table 2 Section 4.15 Matters for Consideration				
EP & A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
S.4.15(1)(a)(i)	SEPP No.55 – Remediation of Land	✓	✓	
"	SEPP (Educational Establishments and Child Care Facilities) 2017	✓	✓	
"	Penrith LEP 2010	✓	✓	
S.4.15(1)(a)(ii)	Draft Education SEPP	✓	✓	
S.4.15(1)(a)(iii)	Penrith DCP 2014	✓	✓	
S.4.15(1)(a)(iv)	Any other prescribed matter:- <ul style="list-style-type: none">Government Coastal Policy;AS 2601-1991: Demolition of structures.	✓		✓

The matters identified in the above Table as requiring specific comment are discussed below. The primary statutory documents that relate to the subject site and the proposed development are the SEPP (Educational Establishments and Child Care Facilities) 2017 and the Penrith Local Environmental Plan (LEP) 2010. The primary non-statutory document relating to the subject site and proposed development is Penrith Development Control Plan (DCP) 2014. The relevant provisions of these documents and other relevant planning controls are summarised below and the proposal's compliance with them assessed.

4.2.1 SEPP No.55 – Remediation of Land

This State Environmental Planning Policy (SEPP) was gazetted on 28 August 1989 and applies to the whole State. It introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.

It is considered that there is no reason to suspect that the site is subject to any contamination as it would appear from aerial photography of the site that it has been in residential use at all times since the land was subdivided.



4.2.2 SEPP (Educational Establishments and Child Care Facilities) 2017

This State Environmental Planning Policy (SEPP) was gazetted on 1 September 2017 and applies to the whole State. The Education SEPP sets out a range of overarching controls and guidelines for centre-based child care facilities. Under the Education SEPP, a centre-based child care facility is defined as:

centre-based child care facility means:

(a) *a building or place used for the education and care of children that provides any one or more of the following:*

- (i) *long day care,*
- (ii) *occasional child care,*
- (iii) *out-of-school-hours care (including vacation care),*
- (iv) *preschool care, or*

(b) *an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)),*

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

but does not include:

(c) *a building or place used for home-based child care or school-based child care, or*

(d) *an office of a family day care service (within the meanings of the [Children \(Education and Care Services\) National Law \(NSW\)](#)), or*

(e) *a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*

(f) *a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*

(g) *a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*

(h) *a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

The proposed development meets the above definition. Part 3 of the Education SEPP sets out the provisions that apply to child care facilities. These requirements and the proposals performance against them are detailed in Annexure A of this Statement.

Child Care Planning Guidelines (August 2017)

The Education SEPP states that:

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 Guideline, in relation to the proposed development.



Therefore, a consent authority must take into consideration this Guideline when assessing a development application (DA) for a centre based child care facility ('child care facility'). It also determines this Guideline will take precedence over a Development Control Plan (DCP), with some exceptions, where the two overlap in relation to a child care facility.

This Guideline informs state and local government, industry and the community about how good design can maximise the safety, health and overall care of young children. A compliance table is provided at Annexure B which demonstrates the proposals level of compliance with the relevant controls.

4.2.3 Draft Education SEPP

The Department of Planning, Industry and Environment is exhibiting an Explanation of Intended Effect (EIE) for a reviewed State Environmental Planning Policy (SEPP) that aims to improve the operation, efficiency and useability of the current Education SEPP 2017 that will support the delivery of education infrastructure. This will allow the education and child-care providers to build high quality facilities to meet the demands of the community.

The following amendments to the Education SEPP (as detailed per the EIE) include:

- *clarify existing provisions to better reflect the policy intent,*
- *facilitate ongoing assessment commensurate with impacts and capital investment values,*
- *update organisation names, definitions and legislation references,*
- *introduce measures to support two-storey buildings being development without consent, without changing car parking or student number limits,*
- *increase the capital investment value trigger for new schools and alterations and additions to existing schools and tertiary institutions to better reflect the nature and impact of these developments,*
- *include hours of operation for the use of school-based child care in the exempt development pathway,*
- *clarify investigations, including geotechnical and other testing, surveying and sampling as exempt development,*
- *extend the timeframe for short-term portable classrooms under the exempt development pathway from 24 months to 48 months,*
- *update provisions to prevent child care centres within close proximity of each other, in low density residential zones (R2),*
- *provide clearer guidance on evacuation considerations for child care centres and references to the National Construction Code,*
- *provide a clearer planning pathway for student housing to be built on existing schools, universities and TAFE sites,*
- *provide an opportunity for innovation hubs for commercial uses to be permitted on existing tertiary institution sites.*

The Explanation of Intended Effect (EIE) ended exhibition on 17 December 2020. The specific legislation detailed in the amended Education SEPP has not been released and there are no relevant matters for consideration in draft form. As such, no further consideration is required at this stage.

4.2.4 Penrith LEP 2010

Penrith LEP 2010 (PLEP 2010) applies to the subject site. Under the LEP the subject site is located within the R3 – Medium Density Residential zone. *Centre-based child care facilities* are permissible in this zone. Accordingly, the proposed development is permissible with consent.



The objectives of the R3 zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a concentration of housing with access to services and facilities.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To ensure that development reflects the desired future character and dwelling densities of the area.*

The proposal is consistent with these objectives, as the proposed child care centre provides a service that meets the day to day needs of families residing in the area. The proposal will enhance the essential character and identity of the residential area by being a compatible design and ensures a high level of residential amenity is maintained through suitable design and landscape treatment.

An assessment of the proposal is provided within the in the LEP compliance table located at Annexure C of this report and demonstrates that the proposal complies with all relevant LEP controls.

4.2.5 Penrith DCP 2014

The relevant provisions of Penrith DCP (PDCP 2014) are detailed at Annexure D of the report and generally relates to Chapter 5.2 (Child care centres) in Part D5 (Other Land Uses) of the DCP. The proposal has been designed to comply with the requirements of the DCP or acceptable on merit as discussed in table and below in regards to front setback.

Front Setback

Chapter 5.2 (Child Care Centres) of the PDCP 2014 does not contain specific setback controls for child care centres, however stipulates that centres within residential areas, must be sympathetic to the adjoining development in terms of height, bulk and scale. As such the residential setback requirements provided in Chapter 2.1.2 'Setbacks and Building Envelope' of Part D2 (Residential Development) of the PDCP 2014 are considered to apply. The chapter requires a front setback of the greater of either 5.5m or the average of the setbacks of the adjoining properties. The average setback of the nearest two dwellings is approximately 11.5m, whilst the proposed child care centre provides a minimum front setback of 9.1m. The proposed setback aligns with the front setback of the adjoining dwelling to the west at No. 101 Victoria Street as well as other nearby properties fronting Victoria Street, and as such is considered to be consistent with the streetscape character.

The objectives of the setback control located at Chapter 2.1.2 states as follows:

a) Reflect the character of established garden suburbs

The proposed front, side and rear setbacks are all landscaped and will contain plantings and trees as per the Landscape Plans submitted with this application. Landscaping is also provided throughout the site within the proposed outdoor play areas. The proposed landscaping significantly improves the landscaping on the site and will incorporate native trees and plantings which are consistent with the landscape character of the locality.

Objective (a) is satisfied.

b) Provide for establishment of vegetation and reasonable separation between buildings

As stated above, the proposal will significantly improve the landscaping provision on the site and will provide new trees and plantings which are consistent with the character of landscaping within the locality. The proposed side and rear setbacks are fully compliant with Council's requirements, and where practicable, extended setbacks are provided. All setbacks will contain landscaping as per the Landscape Plans submitted with this application.

Objective (b) is therefore satisfied.

- c) *To provide a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open space*

The proposed child care centre is single storey and as such the potential for any overlooking into adjoining properties is significantly reduced. Furthermore, the proposed child care centre does not provide any windows along the side elevations to the adjoining residential properties so as to further reduce the likelihood of any overlooking into habitable rooms or private open space.

In terms of acoustic privacy, the proposed child care centre will only operate from Monday to Friday between the hours of 7.00am and 6.00pm and the use of outdoor play areas will be restricted. Refer to the Acoustic Report prepared by Day Design Pty Ltd and submitted with this application for further details.

- d) *To ensure that building design minimises overlooking problems*

The proposed child care centre is single storey and as such the potential for any overlooking into adjoining properties is significantly reduced. Furthermore, the proposed child care centre does not provide any windows along the side elevations to the adjoining residential properties so as to further reduce the likelihood of any overlooking into habitable rooms or private open space.

Objective (d) is therefore satisfied.

- e) *Achieve site-responsive development*

The proposed built form responds well to the sites constraints being an irregular shaped allotment. The proposal provides compliant side and rear setbacks and presents a built form that is consistent with the scale of development within the locality and therefore achieves Objective (e).

- f) *Protect the amenity of occupants by controlling:*
i. *Visual impacts relating to height and bulk of buildings;*
ii. *The impact of loss of privacy, overshadowing and loss of views*

The proposed child care centre sits well below the maximum building height for the site and surrounding properties, and is compliant with the side and rear setbacks applicable to single residential dwellings, similar to that of the surrounding developments. The child care centre has been split into two distinct buildings in a front back configuration to reduce the bulk of the development when viewed from the adjoining properties. Given the centre is single storey in height and is well articulated, especially when viewed from its side elevations, it is not considered to have any visual impacts in terms of height of bulk on the occupants of adjoining properties.

The proposal is for a single storey building child care centre which is fully compliant with the prescribed side and rear setbacks for the development, and provides a front setback which aligns with the adjoining dwelling to the west and other dwellings along Victoria Street. As such it is unlikely that any overshadowing results from the proposed development, and furthermore given there are no significant views afforded across or through the site, no view loss impacts will result. With regards to privacy, the child care centre does not propose any windows or openings along its side elevations in order to protect the privacy of the adjoining residential dwellings. All windows and opening proposed are oriented towards the street or to the proposed outdoor play areas.

As such it is considered that Objective (f) is satisfied.



4.3 IMPACTS ON NATURAL & BUILT ENVIRONMENT

4.3.1 Topography & Scenic Impacts

The site is historically developed and the surrounding area is residential in nature. The site does not contain any substantial topographical or scenic features. The proposed excavation will have no significant adverse impact on the natural ground level outside of its footprint.

The proposed development complies with the building height development standard application to the site pursuant to the LEP and results in a form of development that is appropriate to the site, compatible with the area and will therefore have acceptable topographical and scenic impacts.

4.3.2 Micro-climate Impacts

The proposed development will have no significant impact on the micro-climate of the locality.

4.3.3 Water & Air Quality Impacts

The proposed development will not have any significant or unreasonable impacts on air or water quality in the locality. The completed project will be connected to the sewer and stormwater drainage system to Council's requirements.

4.3.4 Flora & Fauna Impacts

A Landscape Plan prepared by *Earth Matters Consulting* is submitted under separate cover demonstrating proposed integrated child care centre suitable landscape scheme for the site. There is no significant vegetation existing on the site and the proposed landscaping will significantly improve the existing situation.

The plan incorporates high quality landscaping including a range of native shrubs, grasses, hard and soft surfaces and will tree plantings. Overall, the proposed Landscape scheme, incorporating suitable trees, screening vegetation, quality shrubs, grasses and ground covers is a highly integrated landscape improvement for the site, compatible with the area and suitable to the proposed child care centre use.

4.3.5 External Appearance & Design

The proposed development is for a single storey and basement, contemporary built form which is compatible with the residential character of Victoria Street.

The proposed setbacks are consistent with the adjoining properties and high quality landscaping will be provided to further soften the appearance of the streetscape. The bulk of the child care centre is minimised throughout the provision of two separate dwellings, which significantly reduces the scale of the development when viewed from the adjoining properties.

The proposed built form is consistent with the residential character of the locality, with the child care centre providing a similar external appearance to a dwelling house. To further contribute to the residential character, the development includes a covered porch structure at the front of the site.

The proposed palette of materials includes brickwork with warm/grey render, aluminium windows and door frames, timber rafters and colorbond roof, which is compatible with the style of residential properties seen in the wider area.

Overall, the proposed development reads as a high quality development which is residential in style and therefore consistent and compatible with the residential nature of the area.



4.3.6 Solar Access

Shadow diagrams are submitted with the application under separate cover and demonstrate the shadow impact of the proposed development at 9am, 12pm and 3pm at midwinter.

Given that the height and building envelope are compliant and the proposal is a single storey development, there are no significant or unacceptable overshadowing impacts resulting from the development. Only minor additional shadow is cast over the side setback of No.101 at 9am and to the western side of the dwelling at No.95 at 3pm.

In terms of solar access to adjoining development, guidance is taken from Part D2 of Penrith DCP. Section 2.1.6 relates to Solar Planning relevant to single dwellings. Controls under B1 require the following:

b) ensure that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to living zones of the dwelling, and the living zones of any adjoining dwellings;

c) ensure that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings.

Given the north-south orientation of the site, the proposed development will comply with each of the above controls, with:

- No impact to No. 101 (west) between 12noon and 3pm, achieving 3 hours solar access to dwelling and private open space.
- No impact to No. 95 (east) between 9am and 12noon, achieving 3 hours solar access to dwellings and private open space.
- No impact to rear adjoining properties 68 Gibson Avenue and 82 Albert Street (north), achieving full solar access to dwelling and private open space between 9am and 3pm in mid-winter.

The National Regulations (as contained within the Child Care Planning Guidelines) proscribes the following in terms of solar access:

Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year.

The main play space is located at the rear (north) of the site. Due to the surrounding development, the outdoor play areas receive overshadowing throughout the day in midwinter, however, various areas are provided with sufficient solar access during the child care operation hours. The outdoor play areas will receive a minimum of 30% solar access for at least 3 hours a day. An adequate amount of both solar access and shading is provided to the outdoor play areas offering controlled exposure to daylight access (demonstrated on the Landscape Plans and Architectural Plans submitted under separate cover).

Furthermore, the centre has been designed so that the indoor play areas are allowed adequate solar access through the raked ceiling and the roof orientation towards the north. The glazed doors of each indoor playroom are capable of opening up and therefore blurring the boundary between the indoor and outdoor spaces and ensuring all areas receive an adequate balance of solar access and shading.

4.3.7 Views

There are no significant views of iconic buildings, natural landscape or otherwise afforded from the site or from buildings in the immediate vicinity of the site. The proposal is of a scale and form reasonably expected at the site and will not result in any significant or unreasonable view loss impacts.

4.3.8 Aural & Visual Privacy

The proposed centre-based child care facility will provide 78 childcare places and seeks approval for hours of operation from 7am to 6pm Monday to Friday.

An Acoustic Report has been submitted with the applications under separate cover. These recommendations have been incorporated into the architectural plans and it is anticipated that Council will impose appropriate conditions of consent to this effect.

In terms of noise emission for the outdoor play areas, the following physical noise controls are recommended by the report:

- *Construct sound barrier fences along the east boundary of Outdoor Play Area 3 to a minimum height of 2.1 metres above finished ground level of the outdoor play area.*
- *Construct sound barrier fences along the south boundary of Outdoor Play Area 3 to a minimum height of 1.5 metres above finished ground level of the outdoor play area.*
- *Construct sound barrier fences along the west, south and east boundaries of Outdoor Play Area 1 to a minimum height of 1.5 metres above finished ground level of the outdoor play area.*
- *Construct sound barrier fences along the west boundary of Outdoor Play Area 2 to a minimum height of 2.7 metres above finished ground level of the outdoor play area.*
- *Construct sound barrier fences along the wet boundaries of Outdoor Play Area 4 to a minimum height of 2.7 metres above finished ground level of the outdoor play area.*
- *Construct sound barrier fences along the west half of the north boundary of Outdoor Play Area 4 to a minimum height of 2.7 metres above finished ground level of the outdoor play area.*
- *Construct sound barrier fences along the east half of the north boundary of Outdoor Play Area 4 to a minimum height of 2.4 metres above finished ground level of the outdoor play area.*

The report concludes that with the noise control measures specified the childcare centre can be built and operated to satisfy the various acoustic criteria applicable to the development.

Windows facing side boundaries are not proposed to ensure overlooking and acoustic impact are minimised. The rear outdoor ground level play areas will be surrounded by acoustic fencing to preserve residential amenity.

As such, the proposal is considered acceptable in terms of aural and visual privacy impacts on adjoining development and the amenity of future residents.

4.4 ECONOMIC & SOCIAL IMPACTS

The proposed development will result in an increase in available child care places in the locality. The proposal addresses a shortage of child care places within the locality and offers an alternate facility if necessary for waiting periods. The subject site enjoys good access to commercial services, local schools and public transport routes. The proposed development will utilise existing infrastructure including electricity, sewer, water and telecommunication services.

Undertaking the demolition and construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects. Accordingly, it is considered that the proposed development is likely to have only positive social and economic impacts in the locality.



4.5 THE SUITABILITY OF THE SITE

4.5.1 Access to Services

The site is within an established residential area and is currently provided with electricity, telephone, water and sewerage services.

4.5.2 Parking and Access

Part C10 of the DCP states a parking rate of 1 space per 10 children and 1 space per employee. The centre caters for 78 children and 12 staff and as such 20 spaces are required which have been provided on site within the proposed basement. A Traffic and Parking Impact Assessment Report prepared by *Stanbury Traffic Planning* has been submitted with the application.

The report concludes that the proposal is fully supportable as it complies with requisite parking, the geometric layout of the proposed car parking facilities has been designed to comply with the relevant requirements specified under AS2890.1:2004. The vehicular access arrangements have been designed to accommodate the swept turning path requirements for B99 design vehicles under AS2890.1: 2004, allowing them to enter and exit the site and circulate the basement in a forward direction at all times. The traffic generation of the proposed development will not result in any detrimental impact to the performance of the intersections surrounding the site.

4.5.3 Hazards

As the site is not in an area recognised by Council as being subject to landslip, flooding or bushfire or any other particular hazards. The proposed development is not likely to increase the likelihood of such hazards occurring and is considered appropriate in this instance.

4.6 THE PUBLIC INTEREST

The proposal is considered to be compatible with existing development and will provide a balance between protecting residential amenity and the natural environment, and providing additional childcare places in the locality.

The proposal complies with the development standards and objectives contained within the SEPP (Educational Establishments and Child Care Facilities) 2017, Penrith LEP 2010 and adequately responds to the parking provisions of the Penrith DCP 2014.

The proposal will increase the capacity of an existing high quality child care centre in the locality and will have minimal adverse impacts on the natural and built environment. Accordingly, the proposed development is considered to be in the public interest.





5. Conclusion

The impact of the proposed development has been assessed in accordance with the provisions of Section 4.15 of the EP&A Act, 1979 and found to be satisfactory. The proposal is permissible with consent under Penrith LEP 2010 and complies with the aims and objectives of the LEP.

The design and external appearance of the proposal is appropriate to the character of the locality. The proposal does not impact on views, privacy or solar access of neighbouring properties and will have no significant impact on the topography, micro-climate, air or water quality of the locality. Acoustic impacts will be minimised through implementation of mitigation measures as outlined in the acoustic report.

The site is suitable for a child care centre and will generally have acceptable environmental, social and economic impacts on the immediate area. The proposal is unlikely to result in adverse impacts on the amenity of the locality and accordingly, the proposal is considered to be in the public interest and worthy of Council's support.



Annexure A

SEPP (Educational Establishments and Child Care Facilities) 2017 -

Compliance Table



SEPP (Educational Establishments and Child Care Facilities) 2017 - Compliance Table

Clause / Control	Requirement	Proposal	Complies?
Part 3 Early education and care facilities – specific development controls			
22 Centre-based child care facility— concurrence of Regulatory Authority required for certain development	(1) This clause applies to development for the purpose of a centre-based child care facility if:		
	(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or	The proposal complies with this requirement. See the Child Care Planning Guideline compliance table at Annexure B.	N/A
	(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.	As above.	N/A
	(2) The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.	Not applicable.	N/A
	(3) The consent authority must, within 7 days of receiving a development application for development to which this clause applies:	Not applicable.	N/A
	(a) forward a copy of the development application to the Regulatory Authority, and		
	(b) notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.		
	(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW).	Not applicable.	N/A

SEPP (Educational Establishments and Child Care Facilities) 2017 - Compliance Table

	<p>(5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subclause (3). Note. The effect of section 4.13 (11) of the Act is that if the Regulatory Authority fails to inform the consent authority of the decision concerning concurrence within the 28 day period, the consent authority may determine the development application without the concurrence of the Regulatory Authority and a development consent so granted is not voidable on that ground.</p> <p>(6) The consent authority must forward a copy of its determination of the development application to the Regulatory Authority within 7 days after making the determination.</p>	<p>Not applicable.</p> <p>Not applicable.</p>	<p>N/A</p> <p>N/A</p>
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 Guideline, in relation to the proposed development.	Refer to the Child Care Planning Guideline compliant table at Annexure B.	Yes
25 Centre-based child care facility—non-discretionary development standards	<p>(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</p> <p>(2) The following are non-discretionary development standards for the purposes of section 4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:</p> <p>(a) location—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) indoor or outdoor space</p>	<p>Noted.</p> <p>Complies.</p>	<p>-</p> <p>Yes</p>

SEPP (Educational Establishments and Child Care Facilities) 2017 - Compliance Table

	<p>(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</p> <p>(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,</p> <p>(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,</p> <p>(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.</p> <p>(3) To remove doubt, this clause does not prevent a consent authority from:</p> <p>(a) refusing a development application in relation to a matter not specified in subclause (2), or</p> <p>(b) granting development consent even though any standard specified in subclause (2) is not complied with.</p>	<p>Complies. Refer to Child Care Planning Guideline at Annexure B.</p> <p>Complies.</p> <p>N/A – The site is not a heritage item and is not within a heritage conservation area.</p> <p>Noted.</p> <p>Noted.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>-</p> <p>-</p>
26 Centre-based child care facility—	<p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the</p>	<p>Noted.</p>	<p>-</p>

SEPP (Educational Establishments and Child Care Facilities) 2017 - Compliance Table

development control plans	<p>like, of children) does not apply to development for the purpose of a centre-based child care facility:</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early education and care facilities,</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in:</p> <p style="padding-left: 40px;">(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or</p> <p style="padding-left: 40px;">(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p> <p>(2) This clause applies regardless of when the development control plan was made.</p>	Noted.	-
---------------------------	--	--------	---

ANNEXURE B

Child Care Planning Guideline – Compliance Table



Child Care Planning Guideline

Clause / Control	Requirement	Proposal	Complies?
3. Matters for consideration			
3.1 Site selection and location	C1 For proposed developments in or adjacent to a residential zone, consider:	The site is within the R3 Medium Density Residential zone.	Yes
	• the acoustic and privacy impacts of the proposed development on the residential properties	An acoustic report is provided and measures incorporated to minimise acoustic impacts. Privacy has been considered during the design process	Yes
	• the setbacks and siting of buildings within the residential context	The DCP does not prescribe setbacks for child care centres, however, the proposed development is consistent with the setbacks of the properties on either side of the site and the required setbacks for residential development.	Yes
	• traffic and parking impacts of the proposal on residential amenity.	A Traffic Report is submitted with the development application.	Yes
	C2 When selecting a site, ensure that:		
	• the location and surrounding uses are compatible with the proposed development or use	Childcare centres are a common feature within R3 – Medium Density Residential zone and is a permissible form of development. Acoustic and traffic reports have been submitted with the application to identify and recommend mitigation to ensure compatibility with the surrounding uses.	Yes
	• the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards	There are no risks such as flooding, land slip, bushfires or coastal hazards on the site.	Yes
	• there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed	The site appears to have a history of residential use. As such it is unlikely that there are any potential environmental contaminants on the land.	Yes
	• the characteristics of the site are suitable for the scale and type of development proposed having regard to:	The proposal provides for the required indoor and outdoor areas and allows suitable setbacks to adjoining properties. Appropriate landscaping and deep soil areas are also provided.	Yes
	- size of street frontage, lot configuration, dimensions and overall size		
	- number of shared boundaries with residential properties	Three shared boundaries with residential properties.	Yes

Child Care Planning Guideline

	<ul style="list-style-type: none"> - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use • there are suitable drop off and pick up areas, and off and on street parking 	The development will have no adverse environmental impacts.	Yes
		N/A	N/A
	<ul style="list-style-type: none"> • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	Drop off is not typical of this type of centre. Rather, carers will park within the basement and sign in children. In addition there is unrestricted parking on the street.	Yes
		Victoria Street is a local road.	Yes
		N/A – the area is residential in nature.	N/A
	<p>C3 A child care facility should be located:</p> <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>The site is located 400m north east of Werrington Train Station, 450m south west of Rance Oval, and approximately 1km south east of Werrington Public School, and</p> <p>The site is immediately opposite a bus stop served by routes 782 (St Marys to Penrith via Werrington), 783 (Werrington to Penrith via Jordan Springs), and 785 (Werrington to Penrith via Cambridge Park).</p>	Yes
			Yes
	<p>C4 A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> • proximity to: <ul style="list-style-type: none"> - heavy or hazardous industry, waste transfer depots or landfill sites - LPG tanks or service stations - water cooling and water warming systems 	The site is located in a residential area and is not in proximity to any such hazards or uses.	Yes

Child Care Planning Guideline

	- odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses.		
3.2 Local character, streetscape and the public domain interface	<p>C5 The proposed development should:</p> <ul style="list-style-type: none"> • contribute to the local area by being designed in character with the locality and existing streetscape • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise predominant streetscape qualities, such as building form, scale, materials and colours • include design and architectural treatments that respond to and integrate with the existing streetscape • use landscaping to positively contribute to the streetscape and neighbouring amenity • integrate car parking into the building and site landscaping design in residential areas. 	The centre has been designed to complement the residential setting, provides suitable setbacks to adjoining properties, will provide landscaping visible from the street and parking is provided on site at basement level.	Yes
	<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>Fencing will ensure the safety and security of children.</p> <p>The design provides windows overlooking Victoria Street.</p> <p>Refer to Landscape Plan.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</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 visitors and children by changes in materials, plant species and colours.	Vehicular and pedestrian entrances are separated.	Yes
	C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation	Refer to Landscape Plan.	Yes

Child Care Planning Guideline

	area front fencing should be designed in accordance with local heritage provisions.		
	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.	Not applicable.	NA
3.3 Building orientation, envelope and design	C11 Orient a development on a site and design the building layout to:		
	<ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses 	No windows are proposed to the side boundaries. Windows to rear boundary are not located directly opposing private open space or windows of adjoining properties. Acoustic screening proposed has been informed by the acoustic consultant. Please refer to the acoustic report (submitted under separate cover) for further details on physical acoustic treatment.	Yes
	<ul style="list-style-type: none"> • optimise solar access to internal and external play areas 	The development has been designed to minimise amenity impact on adjoining residential uses informed by Acoustic Consultant advice and design inclusions. The proposed outdoor play areas are designed to minimise adverse amenity impacts on adjoining properties through landscaping, siting and acoustic treatment. Please refer to the landscape plans and architectural plans for further details.	Yes
	<ul style="list-style-type: none"> • avoid overshadowing of adjoining residential properties 	The internal and external play areas have a north-south orientation and as such achieve optimal solar access.	Yes
	<ul style="list-style-type: none"> • minimise cut and fill • ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>North-south allotment pattern ensures no detrimental impacts on adjoining properties.</p> <p>Complies. The proposal orientates to Victoria Street Complies.</p>	Yes Yes Yes
	C12 The following matters may be considered to minimise the impacts of the proposal on local character:		

Child Care Planning Guideline

<ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality 	The building is one storeys in height (above basement) and is compliant with the 8.5m LEP height limit. This is consistent with surrounding development.	Yes
<ul style="list-style-type: none"> • building height should respond to the scale and character of the street 	As above.	Yes
<ul style="list-style-type: none"> • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility 	The proposed setbacks allow for adequate privacy and separation and are consistent with DCP requirements.	Yes
<ul style="list-style-type: none"> • setbacks should provide adequate access for building maintenance 	Complies.	Yes
<ul style="list-style-type: none"> • setbacks to the street should be consistent with the existing character. 	The proposed setback is consistent with the existing setbacks on the site and the adjoining site at No. 101 Victoria Street, as well as the predominant building line along Victoria Street.	Yes
C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	The average setback for the adjoining properties is 11.5m. The proposal provides a minimum front setback of 9.1m. This is considered acceptable given the proposed setback is consistent with the setback of the existing dwellings on the site and the adjoining dwelling at No. 101 Victoria Street	On merit
C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	The proposal complies with dwelling house setback controls as outlined above.	Yes
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"> • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas 	<p>The building has the scale, height and form of a dwelling house and will respond to the neighbourhood character</p> <p>Appropriate materials are provided to contribute to the places' identity.</p> <p>The proposal does not require the removal of any significant trees or other vegetation.</p> <p>The site is not a heritage item, is not near any heritage items and is not within a heritage conservation area.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Child Care Planning Guideline

	<ul style="list-style-type: none"> • responds to its natural environment including local landscape setting and climate 	The development does not adversely alter the natural ground level outside of the building footprint and high quality landscaping is provided.	Yes
	<p>C16 Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	The main entry is from Victoria Street.	Yes
	<p>C17 Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. <p><i>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</i></p>	<p>Accessible path of travel is provided from the street. A lift is provided to access the basement.</p> <p>Prams and wheelchairs will be able to access all parts of the site.</p> <p>A continuous path of travel to and within the building is possible via the lifts provided.</p> <p>Ramping is minimised.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.4 Landscaping	C18 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:	Landscaping is provided to the front, side and rear boundaries – a Landscape Plan has been submitted with the application.	Yes

Child Care Planning Guideline

	<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>C19 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas. 	NA. Car parking is provided at basement level.	NA
3.5 Visual and acoustic privacy	C20 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	N/A – not a mixed use development.	N/A
	<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 • suitably locating pathways, windows and doors • permanent screening and landscape design. 	<p>No side facing windows are proposed. Rear facing windows are at the ground floor and as such are not considered to adversely impact the residential development to the rear.</p> <p>Acoustic screening and boundary fencing will also provide visual privacy for the site and to surrounding neighbours.</p>	Yes
	<p>C22 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	As above. The development is a single storey development which is set away from adjoining residential developments and has a consistent front setback. The child care centre will not directly overlook main internal living areas of adjoining development.	Yes
	<p>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:</p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). 	An Acoustic Report has been submitted with the application. Acoustic fencing / and treatment is provided per recommendations as detailed on Architectural Plans.	Yes

Child Care Planning Guideline

	<ul style="list-style-type: none"> • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 		
	<p>C24 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	An Acoustic Report has been submitted with the application. Noise mitigation recommendations have been recommended and informed the final building design.	Yes
3.6 Noise and air pollution	<p>C25 Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • creating physical separation between buildings and the noise source • orienting the facility perpendicular to the noise source and where possible buffered by other uses • using landscaping to reduce the perception of noise • limiting the number and size of openings facing noise sources • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits • locating cot rooms, sleeping areas and play areas away from external noise sources. 	An Acoustic Report has been submitted with the application. Noise mitigation recommendations have been recommended and informed the final building design.	Yes
	<p>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:</p> <ul style="list-style-type: none"> • on industrial zoned land • where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 • along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road 	An Acoustic Report has been submitted with the application. Noise mitigation recommendations have been recommended and informed the final building design.	Yes

Child Care Planning Guideline

	<ul style="list-style-type: none"> • other land that is impacted by substantial external noise 		N/A
	C27 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	The site is not located near a major road or industrial area.	
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 hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	The hours of operation of the centre are 7am – 6pm (Monday to Friday).	Yes
3.8 Traffic, parking and pedestrian circulation	<p>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.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> • 1 space per 10 children • 1 space per 2 staff. <p>Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</p> <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children. <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> • the proposal is an adaptive re-use of a heritage item • the site is in a B8 Metropolitan Zone or other high density business or residential zone • the site is in proximity to high frequency and well connected public transport • the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) 	The development proposes 20 spaces to meet the Council's DCP requirements.	Yes

Child Care Planning Guideline

	<ul style="list-style-type: none"> • there is sufficient on street parking available at appropriate times within proximity of the site. 		
	<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. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network. 	<p>A Traffic and Parking Assessment has been submitted with the application.</p> <p>The report demonstrates that the amenity of the surrounding area will not be affected and that there will be no adverse impacts on the safe operation of the surrounding road network.</p>	Yes
	<p>C36 The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility • defined pedestrian crossings included within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities • in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas • vehicles can enter and leave the site in a forward direction. 	<p>Separate pedestrian access is provided from the car-park to the facility.</p> <p>Complies Complies</p> <p>Limited ramp length for this to be an issue.</p> <p>It is anticipated that delivery and loading will be possible at off-peak times throughout the day and vehicles will make use of the visitor parking spaces.</p> <p>N/A</p> <p>Complies</p>	<p>Yes</p> <p>Yes Yes</p> <p>On merit</p> <p>Yes</p> <p>N/A</p> <p>Yes N/A</p>
	<p>C37 Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, 	N/A	

Child Care Planning Guideline

	close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site		
	<ul style="list-style-type: none"> • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 		
	<p>C38 Car parking design should:</p> <ul style="list-style-type: none"> • include a child safe fence to separate car parking areas from the building entrance and play areas 	Parking is at basement level so is separate from play space.	Yes
	<ul style="list-style-type: none"> • 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. 	Clearly marking parking spaces which comply with relevant Australian Standards are proposed.	Yes
		Wheelchair and pram accessible parking is provided.	Yes
4. Applying the National Regulations to development proposals			
4.1 Indoor space requirements	<p>Regulation 107 Education and Care Services National Regulations</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space. (78x3.25m² = 253.5m²)</p> <p>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> • passageway or thoroughfare (including door swings) used for circulation • toilet and hygiene facilities • nappy changing area or area for preparing bottles • area permanently set aside for the use or storage of cots • area permanently set aside for storage • area or room for staff or administration • kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen • on-site laundry • other space that is not suitable for children. 	<p>260.5m² of unencumbered indoor floor space is provided.</p> <p>The requirement is met.</p> <p>Noted. Spaces have been calculated accordingly.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

Child Care Planning Guideline

	<p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.</p> <p>When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated.</p> <p>Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.</p>	<p>Indoor spaces are secure, highly visible and can be safely supervised.</p> <p>Noted.</p> <p>Noted.</p> <p>Not applicable.</p>	<p>Yes</p> <p>-</p> <p>-</p> <p>N/A</p>
4.2 Laundry and hygiene facilities	<p>Regulation 106 Education and Care Services National Regulations</p> <p>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.</p> <p>Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.</p> <p>On site laundry On site laundry facilities should contain:</p> <ul style="list-style-type: none"> • a washer or washers capable of dealing with the heavy requirements of the facility • a dryer • laundry sinks • adequate storage for soiled items prior to cleaning • an on site laundry cannot be calculated as usable unencumbered play space for children (refer to Figure 2). 	<p>A laundry is provided at the basement level. Nappy change facilities are provided within the infants room in Playroom 8.</p>	<p>Yes</p>

Child Care Planning Guideline

4.3 Toilet and hygiene facilities	<p>Regulation 109 Education and Care Services National Regulations</p> <p>A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p> <p>Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p> <ul style="list-style-type: none"> • junior toilet pans, low level sinks and hand drying facilities for children • a sink and handwashing facilities in all bathrooms for adults • direct access from both activity rooms and outdoor play areas • windows into bathrooms and cubicles without doors to allow supervision by staff • external windows in locations that prevent observation from neighbouring properties or from side boundaries 	Age-appropriate toilet facilities are provided.	Yes
4.4 Ventilation and natural light	<p>Regulation 110 Education and Care Services National Regulations</p> <p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p> <p>Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p>	The proposal is well-ventilated, has appropriate windows to outdoor areas and can be maintained at a safe temperature.	Yes
4.5 Administrative space	<p>Regulation 111 Education and Care Services National Regulations</p> <p>A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	An office and staff room are provided. Private conversations may take place within the office.	Yes

Child Care Planning Guideline

4.6 Nappy change facilities	<p>Regulation 112 Education and Care Services National Regulations</p> <p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p> <ul style="list-style-type: none"> • 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. 	Nappy change facilities are provided.	Yes
4.7 Premises designed to facilitate supervision	<p>Regulation 115 Education and Care Services National Regulations</p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p> <p>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p>	The design ensures adequate supervision of children.	Yes
4.8 Emergency and evacuation procedures	<p>Regulations 97 and 168 Education and Care Services National Regulations</p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p>	Emergency and evacuation procedures will be provided prior to the issuing of an occupation certificate.	Yes

Child Care Planning Guideline

	<p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service. 		
4.9 Outdoor space requirements	<p>Regulation 108 Education and Care Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space. (78x7m² = 546m²)</p> <p>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> • pathway or thoroughfare, except where used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children. <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.</p>	<p>548.25m² of unencumbered outdoor play area is provided.</p> <p>Not applicable.</p> <p>Noted. Spaces have been calculated accordingly.</p> <p>Noted.</p> <p>There is no swimming pool proposed on site.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>-</p> <p>Yes</p>

Child Care Planning Guideline

	<p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p> <p>Design Guidance Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play (refer to Figures 9 and 10). When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.</p> <p>Verandahs as outdoor space Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> • be open on at least one third of its perimeter • have a clear height of 2.1 metres • have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements (refer to Figure 8). 	<p>Not applicable.</p> <p>Partially covered ground floor play area complies.</p>	<p>N/A</p> <p>Yes</p>
4.10 Natural environment	<p>Regulation 113 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p>	<p>Outdoor play areas incorporate elements of the natural environment. Refer to the Landscape Plan. An extensive variety of outdoor play and educational experiences have been integrated into the design including natural environment features.</p>	Yes
4.11 Shade	<p>Regulation 114 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p> <p>Solar access</p> <p>Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year. Outdoor play areas should:</p>	<p>Adequate shading is provided. Further details are shown on the landscape and architectural plans.</p> <p>Solar diagrams are provided demonstrating solar access and shading. It is demonstrated that the following percentage of shading and solar access will be available between 9am and 3pm on June 21:</p>	Yes

Child Care Planning Guideline

	<ul style="list-style-type: none"> • have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered. • provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area • have evenly distributed shade structures over different activity spaces. 	<p>11:30am – 37% (sunlight), 63% (shade) 12pm – 38% (sunlight), 62% (shade) 2:30pm – 30.5% (sunlight), 69.5% (shade)</p> <p>Proposed – refer to Landscape Plan</p>	<p>Yes</p> <p>Yes</p>
4.12 Fencing	<p>Regulation 104 Education and Care Services National Regulations</p> <p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>This regulation does not apply to a centre-based service that primarily provides education and care to children 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 National Construction Code.</p>	<p>Outdoor spaces will be appropriately fenced. 1.8m boundary and acoustic fences are proposed.</p>	<p>Yes</p>
4.13 Soil assessment	<p>Regulation 25 Education and Care Services National Regulations</p> <p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	<p>See response to SEPP No.55 Remediation of Land in the report above. Acceptable Detailed Site Investigation carried out.</p>	<p>Yes</p>

ANNEXURE C

Penrith LEP 2010 – Compliance Table



PENRITH LEP 2010 COMPLIANCE TABLE

Clause / Control	Requirement	Proposal	Complies?
2.1 Land Use Zones	<p>R3 Medium Density Residential.</p> <p>The objectives of the zone are as follows:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a medium density residential environment. • To provide a variety of housing types within a medium density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To provide for a concentration of housing with access to services and facilities. • To enhance the essential character and identity of established residential areas. • To ensure that a high level of residential amenity is achieved and maintained. • To ensure that development reflects the desired future character and dwelling densities of the area. 	Centre-based child care facilities are permitted in the zone.	Yes
4.3 – Height of Buildings	8.5m maximum building height.	Complies	Yes
7.1 Earthworks	<p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p>	<p>Stormwater details are submitted under separate cover and demonstrate no adverse impact as a result of the proposed earthworks. The basement is a single level, which is common for development across Sydney. It is considered that standard construction practices will ensure soil stability.</p> <p>The earthworks enable redevelopment of the site and will have no detrimental impact on the future use of redevelopment potential of the land.</p> <p>Any excavated soil will be disposed of in accordance with Council requirements and will be consistent with all state and national requirements.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

PENRITH LEP 2010 COMPLIANCE TABLE

	(d) the effect of the development on the existing and likely amenity of adjoining properties,	The basement is a single level, which is common for development across Sydney. It is considered that standard construction practices will ensure soil stability.	Yes
	(e) the source of any fill material and the destination of any excavated material,	Any excavated soil will be disposed of in accordance with Council requirements and will be consistent with all state and national requirements.	Yes
	(f) the likelihood of disturbing relics,	The site has a history residential use and has been heavily disturbed. There are unlikely to be any relics affected by the proposed development.	Yes
	(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	The site is within a heavily developed suburban area and the site does not contribute to any watercourses, drinking catchments or environmentally sensitive areas. Stormwater will be handled appropriately as per the submitted details.	Yes
	(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	Standard construction measures are proposed to avoid, minimise and mitigate the impacts of excavation.	Yes
	(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.	The site is not heritage item or within a conservation area.	Yes

ANNEXURE D

Penrith DCP 2014 – Compliance Table



Penrith DCP 2014 Compliance Table

Clause / Control	Requirement	Proposal	Complies?
Part C10 – Transport, Access and Parking			
10.5 Parking, Access and Driveways			
10.5.1 - Parking			
1. Provision of Parking Spaces	a) Parking provided on site is to meet AS 2890 and where appropriate, AS 1428	Complies.	Yes
	b) For any proposed development, Council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development as set out in Table C10.2 below. Child Care Centres – 1 space per 10 children plus 1 per employee plus provision for any dwelling.	20 spaces are required. The proposal provides 20 parking spaces within the basement, including 1 accessible space.	Yes
	m) Proposals for basement parking areas are to be accompanied with a geotechnical report prepared by an appropriately qualified professional and any other supporting information to the Development Application.	Refer to the Geotechnical Report submitted with this application.	Yes
5. Design of Parking and Manoeuvring Areas	a) Car space dimensions must comply with the relevant Australian Standards.	Complies.	Yes
	b) The movement of pedestrians throughout the car park should be clearly delineated and be visible for all users of the car park to minimise conflict with vehicles. The car parking and manoeuvring layout should be in accordance with the provisions of AS 2890.1 - 2004.	Complies.	Yes
	c) Provision of parking spaces for disabled persons should be in accordance with the Access to Premises Standards, the Building Code of Australia and AS2890.	1 accessible parking space is provided.	Yes
	d) Council will require all car parking areas to be constructed of hard standing, all weather material, with parking bays and circulation aisles clearly delineated	The parking area is within the basement level, with parking bays and circulation aisles clear delineated.	Yes

Penrith DCP 2014 Compliance Table

	e) Vehicle access is to be integrated into the building design as to be visually recessive.	The proposed vehicle access is well integrated into the building design and does not dominate the site frontage.	Yes
	i) All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	The double driveway and circulation space provided within the basement will allow for vehicles to enter and leave the site in a forward direction.	Yes
	q) Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 5 (20%). Ramp widths must be in accordance with AS2890.	The basement ramp has a grade less than 20%.	Yes
Part D2– Residential Development			
2.1 – Single Dwellings			
2.1.2 – Setbacks and Building Envelope			
1. Minimum Front and Side Setbacks	a) Front setback is the greater of either i) 5.5m, or ii) The average of the setbacks of the adjoining properties	The average setback of the adjoining properties is 11.5m. The proposal provides a minimum front setback of 9.1m. This is considered acceptable given the proposed setback is consistent with the setback of the existing dwellings on the site and the adjoining dwelling at No. 101 Victoria Street. See Section 4.2.5 for detailed discussion.	On merit.
	d) Side setbacks to external walls should be a minimum of 900mm.	The proposal provides 1m setbacks to the side boundaries.	Yes
	e) Rear setbacks i) The minimum rear setback for a single storey building (or any single storey component of a building) is 4m ii) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m iii) Minor, partial or point encroachments into the above rear setbacks may be considered on irregular shaped lots iv) Rear setback areas are to be used predominantly for the provision of a landscaped area	The minimum rear setback proposed is 4m. The proposal is single storey. The proposal fully complies with the required setbacks. The rear setback is landscaped.	Yes Yes Yes Yes
2. Building Envelope	a) Development is to be contained within the building envelope for the site. As shown in Figure D2.1 below, the building envelope means a height plane over the site at 45° from a specified height above natural ground level at the side boundaries of the site.	All development is contained within the subject site.	Yes
2.1.4 – Landscaped Area			

Penrith DCP 2014 Compliance Table

	1) The minimum landscaped area of a site is: R3 Medium Density Residential – 40%	The proposed landscape area is 596.2m ² (46.7%).	Yes
	2) Calculation of landscaped area does not include areas of the site; a) Less than 2m in width b) Hard surface areas such as buildings, driveways and paved areas.	Complies.	Yes
	3) Calculation of landscaped area may include up to 15m ² of any verandah, deck or patio that is attached to a dwelling at ground floor level and is associated with a landscaped area that is designated open space for that dwelling	Noted.	Yes
2.1.5 – Building Design/Site Works			
Bulk and Scale	a) Two storey buildings to be designed as a combination of one and two storey elements with a variety of setbacks from boundaries.	The proposal is single storey.	N/A
	b) External walls are not to be longer than 8m between distinct corners or features such as projecting verandahs and awnings or banks of windows.	The proposal does not contain any external walls longer than 8m.	Yes
	c) All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting.	No balconies or decks higher than 800mm above ground level are proposed.	N/A
Part D5 – Other Land Uses			
5.2 – Child Care Centres			
2. Location	<p>a) Any proposed centre which:</p> <p>i) Will cater for in excess of 40 children (including 2 or more centres in very close proximity which together will cater for more than 40 children); and</p> <p>ii) Does not propose to cater for 0 – 2 year olds;</p> <p>must demonstrate that the service to be provided meets an unmet need in the community. Unmet demand in the community can be assessed through waiting lists of centres in</p>	<p>There are only four (4) child care centres existing within the Werrington area:</p> <ul style="list-style-type: none"> - The Learning Jungle (137-139 Victoria Street, Werrington) - Falguni Family Day Care (73A Princes Street, Werrington) - Aunty Clair's Family Day Care (171 Victoria Street, Werrington) - Yoorami Children's Centre (7-11 Cottage Street, Werrington) <p>It is not considered that these child care centres are capable of supporting the need for child care in the area and the proposed centre will assist in meeting the needs of the community.</p>	Yes

Penrith DCP 2014 Compliance Table

	surrounding areas, a comparison of the number of children aged 0-5 recorded in the census for the area and the number of child care places available		
	b) Child care centres shall be located in close proximity to other community activities and facilities, such as schools, community facilities, places of public worship, parks that contains child play equipment, larger formal public reserves and local shopping centres.	<p>Site is in close proximity to:</p> <ul style="list-style-type: none"> - Rance Oval - Parkes Avenue Sporting Complex - Werrington Public School - Colonial Hotel - Australian Post – Werrington LPO - MediAdvice Werrington Pharmacy - The Potter's House Christian Church St Mary's - Grace Bible Church - Nepean Hospital - Werrington Lakes Reserve 	Yes
	c) The site shall not rely on direct access from, nor be located on, a designated road, unless it can be demonstrated that the safe operation of the road and the amenity of the children attending the centre will not be affected.	N/A – not a designated road	Yes
	d) Access to the site shall not be located in a cul-de-sac, at an intersection, or on a minor residential road unless it can be demonstrated that additional vehicles associated with the child care centre will not create traffic conflict or have an adverse impact on the amenity of the locality	The road is not a cul-de-sac or minor residential road. The Traffic Report, submitted under separate cover, demonstrates no impact on the nearby intersection with Evan Street.	Yes
	e) A child care centre shall not be located on land within an 85m radius of an existing or approved service station, or on land in a specific radius of an existing/approved flammable storage area under State Environmental Planning Policy No 33 Hazardous and Offensive Development.	Complies	Yes
	f) A child care centre shall not be located on land that is directly opposite to or adjacent to (including behind) an existing and lawful sex services premises and/or restricted premises.	Complies	Yes
	g) A child care centre shall not be permitted on land on which there is an electricity transmission easement, mobile phone tower or similar, or on land immediately adjacent to those	There are no known electricity transmission easements, mobile phone towers or similar on site. This will be confirmed in the survey plan submitted with the development application.	Yes

Penrith DCP 2014 Compliance Table

	structures. Centres should be located at least 500m from mobile phone towers or electricity transmission easements.		
	h) A child care centre should not be located on land below the flood planning level and on land that cannot be safely and effectively evacuated during a 1:100 ARI flood event. (See the Water Management section of this Plan for further details on the flood planning level and 1:100 ARI flood event).	The site is not identified on the Flood Planning LEP Map	Yes
3. Design, Scale and Site Frontage	a) The scale and character of the development shall be compatible with surrounding development.	The building is compliant with the 8.5m LEP height limit and the DCP minimum setbacks (in relation to a dwelling).	Yes
	b) The design of the child care centre must take into account nearby traffic generators, street design and the existing environment for pedestrians and cyclists.	The development is on a residential street and has been designed to complement and reflect the surroundings. There are no adverse impacts which result on the pedestrian and cycling environment.	Yes
	c) Sites must be of sufficient area to accommodate the child care centre, all required associated parking and traffic manoeuvring areas.	Complies	Yes
	d) To ensure the safe operation of car parking areas and the amenity of neighbouring residents, sites shall have a minimum frontage of 22m.	Site frontage = 30.48m	Yes
	e) Safe sight distances must be provided for all points of access to the site.	Complies	Yes
4. Built Form	a) Child care centres catering for 15 or more children shall be purpose designed and built, to satisfy the requirements of this section and the requirements of the NSW Department of Community Services. Modifications to existing dwellings will not be supported.	Complies	Yes
	b) In residential areas, the built form of the child care centre shall be sympathetic to adjoining development in terms of height, bulk and scale.	Complies with LEP height and residential setback controls	Yes
	c) The external façade of the centre shall incorporate building materials and colours that complement the surrounding development. Council discourages the use of bright or garish colours.	Bright or garish colours are not proposed. A high quality, understated material palette is proposed. Refer to the architectural plans submitted with this application.	Yes

Penrith DCP 2014 Compliance Table

	d) Whilst it is preferable that child care centres are located at ground level, this may not be possible in commercial or industrial areas. Applications for centres above ground level will need to address the following: i) Access for parents and caregivers to drop off/pick up children; and ii) Availability of outdoor play space, or its equivalent.	N/A – the site is in a residential zone	N/A
5. Vehicle Access, Circulation and Parking	a) Vehicle circulation and car parking areas shall be designed to allow safe drop-off and collection of children as well as the safe movement and parking of staff, parents, visitor and service vehicles.	Vehicles enter and exit the basement from a double driveway to allow safe drop-off and circulation.	Yes
	b) Access driveways should not be located opposite, or in close proximity to, road intersections.	The site is approximately 50m from the nearest intersection with Gibson Avenue. The Traffic Report, submitted under separate cover, demonstrates there is no adverse impact on the surrounding road network.	Yes
	c) Parking shall be provided in accordance with the standards in the Transport, Access and Parking section of this Plan.	See below.	Yes
	d) The parking area is to be designed to ensure: i) The safe drop off and collection of children, including direct, safe pedestrian access between the parking area and the entrance to the centre; ii) Safe movement and parking of staff, parents, visitors and service vehicles; and iii) All vehicles can enter and exit the site in a forward direction.	Safe drop off will be possible in the basement or on the street adjacent to the development. Separate pedestrian entry from the street is provided. Safe and demarcated pedestrian routes will be provided at basement level. Complies	Yes Yes
	e) Layout of the parking area must allow for safe access for service and emergency vehicles, such as ambulances, delivery and maintenance vehicles.	Complies	Yes
	f) Where the child care centre is located in the same building or development as other land uses, the parking and access arrangements for each separate use will need to be separately calculated and provided on site.	N/A	N/A
	g) A traffic impact assessment may be required for the development of a child care centre proposing to cater for 40 children or more. The assessment should address:	A Traffic Impact Assessment is submitted under separate cover with the Development Application.	Yes

Penrith DCP 2014 Compliance Table

	<p>i) Site characteristics and the surrounding area;</p> <p>ii) Expected trip generation;</p> <p>iii) Parking requirements, including the design of parking areas, and any pick-up and drop-off facilities;</p> <p>iv) Existing traffic conditions and any future changes expected to the traffic conditions;</p> <p>v) Current road safety conditions, including an accident history in the locality; and</p> <p>vi) The expected impact of the proposed development on the existing and future traffic conditions.</p>		
6. Noise	<p>a) Outside playing areas shall be designed and located to minimise noise impact on any noise sensitive adjacent properties. Separation between boundary fencing and areas occupied by the children may be required.</p>	An Acoustic Report is submitted under separate cover and recommendations have been incorporated into the design.	Yes
	<p>b) Where there may be noise impact on adjacent properties, fencing shall be of a height, design and material (e.g. masonry) suitable to contain noise generated by the children's activities. This ensures the children may play outside without time limitations in accordance with licensing requirements.</p>	As above.	Yes
	<p>c) Where a site may be affected by traffic, rail or aircraft noise, the child care centre shall be designed to minimise any impact on the children and staff. A report from an acoustic consultant may be required to support the proposal. (Design elements may include double glazing, insulated walls, locating sleeping rooms in protected areas and solid fencing).</p>	N/A	N/A
	<p>d) A noise impact assessment may be required for the development of a child care centre proposing to cater for 40 children or more, or where surrounding land uses may have an impact on the proposal.</p> <p>The objectives should be to limit the impact of the child care centre on adjacent properties, and also to limit the impact noise from external sources may have on the child care centre. While noise can be measured, the intent is to also minimise nuisance which is subjective by nature. This may be achieved either by</p>	Refer to Acoustic Report.	Yes

Penrith DCP 2014 Compliance Table

	physical separation, design and layout of the centre or by implementing noise mitigation measures, such as acoustic treatments to buildings.		
	e) A noise impact assessment report should address the relevant provisions of the Noise and Vibration section of this Plan.	Refer to Acoustic Report.	Yes
7. Shade	a) Outdoor play areas and transition areas (between indoor and outdoor areas) are to be provided with appropriate safe shade requirements. Safe shade may be created by vegetation or shade structures.	Appropriate shading is provided to comply with the Childcare Guidelines and is detailed on the architectural and landscape plans.	Yes
	b) All active areas containing play equipment or areas where children play for extended periods of time (such as a sand pit) are to be shaded throughout the year.	Can be achieved. Refer to Landscape Plan.	Yes
	c) Movable play equipment used for active play should be placed in the shade. (This should be a combination of built and natural shade).	Can be achieved. Refer to Landscape Plan.	Yes
	d) All shade structures in the play areas should be designed in accordance with AS/NZS 4486.1. If located over play equipment, the shade structure should not have footholds or grip surfaces that will allow for climbing.	Can be achieved. Refer to Landscape Plan.	Yes
	e) Outdoor teaching areas are to be provided with year round protective shade.	Can be achieved. Refer to Landscape Plan.	Yes
	f) Outdoor eating areas are to be provided with year round protective shade.	Can be achieved. Refer to Landscape Plan.	Yes
	g) Other open areas are to be partially shaded.	Refer to Landscape Plan.	Yes
	h) Any transition zone, between indoor and outdoor areas, such as a verandah, should be permanently shaded and protected in wet weather.	Complies.	Yes
	i) The minimum width of a verandah should be 4m to allow for shaded play space underneath	Complies.	Yes

Penrith DCP 2014 Compliance Table

8. Landscaping	a) Landscape planting shall complement the building(s) and the streetscape, and provide screening for car parking and outdoor playing areas.	Achieved. Refer to Landscape Plan.	Yes
	b) Landscaping shall be established prior to the use commencing.	Can be achieved. Refer to Landscape Plan.	Yes
	c) Childproof fencing and gates shall be provided around the outdoor play areas, and to the entrance of the child care centre. Details of all fencing shall be included on the landscape plan.	Refer to Landscape Plan.	Yes
	d) Landscape planting (a minimum width of 2m) shall be provided along the front boundary of the site.	Proposed. Refer to Landscape Plan.	Yes
	e) Additional landscape planting may be required along the side boundaries to integrate the development with neighbouring buildings and the streetscape, and to reduce the impact of vehicle lights on adjoining properties.	Landscaping is provided at the boundaries where possible.	Yes
	f) A landscape plan shall be prepared and submitted with the development application, in accordance with the Landscape and Design section of this Plan.	Refer to Landscape Plan.	Yes
	g) Plant species shall be chosen to address the characteristics of the site and shall: i) Provide protection from prevailing winds; ii) Provide screening to minimise impacts on privacy and/or the streetscape and adjacent buildings; iii) Provide shelter and shade; iv) Reduce reflection from bright surfaces; v) Emphasise pedestrian and vehicular routes; vi) Ensure visibility of outdoor playing areas; vii) Not include plants which may be toxic, create allergic reactions, or which are prickly or otherwise unsafe; and viii) Provide interest and variety to enhance children's experience.	Refer to Landscape Plan. The planting has been selected with these requirements in mind.	Yes
D. Lifting the Bar	a) All child care centres are to demonstrate a commitment to achieving no less than 4 stars under the Australian Building Greenhouse Rating Scheme. An Energy Efficiency report is to be provided to Council as part of the development.	Council may condition this if required.	Can comply

Penrith DCP 2014 Compliance Table

	<p>c) All child care centres (including centre based and home based) are encouraged to:</p> <p>i) Minimise waste through the use of recycling programs for paper, cardboard, aluminium, glass and PET products;</p> <p>ii) Provide facilities/services which will satisfy identified unmet demands within the City for child care; and</p> <p>iii) Participate in the NSW Cancer Council's SunSmart Early Childhood program.</p>	<p>Recycling facilities are provided as demonstrated within the Waste Management Plan submitted under separate cover.</p> <p>There is a lack of child care centres existing within the area and the proposal will help fill this lack of provision.</p> <p>Noted.</p>	<p>Yes</p> <p>Yes</p> <p>-</p>
--	--	---	--------------------------------