

Statement of Environmental Effects

EXTENSION TO CHILD CARE FACILITY
31 BLUE HILLS DRIVE,
GLENMORE PARK
22 FEBRUARY 2020

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QUALITY ASSURANCE

PROJECT: Statement of Environmental Effects – Alterations and Additions to existing Child Care Facility

ADDRESS: Lot 8100 in DP876748: 31 Blue Hills Drive, Glenmore Park

COUNCIL: Penrith City Council

AUTHOR: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
February 2020	DA Lodgement Issue	Final	SR/JW	JW

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

Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
SEPP 1- Development Standards	No
SEPP 64- Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application that proposes alterations and additions to an existing 'Centre-Based Child Care Facility' to increase the capacity to 80 places, at 31 Blue Hills Drive, Glenmore Park.

The development proposes to provide additional indoor and outdoor play area in order to provide an additional 20 child care places, increasing the capacity from 60 places to 80 places. This is achieved primarily through the removal of existing meeting rooms associated with the community facility on this site- which has arisen through lack of use of those spaces and consideration of the highest and best use to benefit the community is via the expansion of high demand long dare care placements.

A brief description of the proposed changes is listed below:

1. Conversion of 2 meeting rooms into childcare rooms. Small wall between rooms is to be removed- providing an additional 92.71m² of indoor play area.
2. Conversion of current chair storage into children's bathroom. Children's bathroom waste and water supply to be gained from adjoining cleaners rooms mop sink
3. Removal of old double entry doors into room to be replaced with single entry door closer to hallway as well as pool type fence and gate internally
4. Addition of sink to existing kitchenette for hand washing

The child care facility is within a large multifunctional site, the Glenmore Park Child and Family Centre, containing the child care facility, a café and an outdoor seating/recreational area. The site has several frontages, with Glenmore Parkway bounding the site to the northern boundary, Blue Hills Drive bounding the site to the south western boundary and Coolabah Crescent bounding the site to the south eastern boundary.

The site has been zoned R2 Low Density Residential with a maximum height limit of 8.5m under the Penrith Local Environmental Plan 2010. 'Child Care Facilities' are permissible with consent within the R2 Zone; however, it is noted that the proposed child care facility is made pursuant to the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

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

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts, noting additional consultant reports are provided including:

- Section J Report
- Access Report
- Acoustic Report
- Traffic Report.

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

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

BACKGROUND TO SITE

A development application was approved by Penrith Council on the 28/11/2007 (DA07/0431) for the construction of “*Community Facilities including Child Care Centre, Café and Playground Facilities.*”

Several minor Development Applications have since been approved for the site, some of them include;

- DA13/0366: *Solar Panels;*
- DA13/0542: *Shade Structure.*

Ongoing modifications have also occurred to the parent development consent on the site.

SITE AND LOCALITY DESCRIPTION

The site is legally known as Lot 8100 in DP876748, though is more commonly known as 31 Blue Hills Drive, Glenmore Park.

Site Analysis

Residing within an established residential estate, the site is separated from wetlands and low-density residential dwellings by its several street frontages. The site is bounded by Glenmore Parkway to its northern boundary, Blue Hills Drive bounding the site to its south western boundary and Coolabah Crescent bounding the site to its south eastern boundary. The development site is within a short driving distance to Western Sydney University Kingswood Campus, Nepean Hospital and Penrith CBD. A bus stop with services to Penrith (797) is located within a 350m walking distance from the site. Surrounded by low density housing developments, the parent site can be best described as a large irregular shaped land parcel with large frontages to Glenmore Parkway, Blue Hills Drive and Coolabah Crescent, with a total site area of approximately 1.5Ha.

The site is illustrated by an aerial map extract over the page.

Image 1: Aerial Map of Subject Site (Source: Google Maps)



 - Subject Site

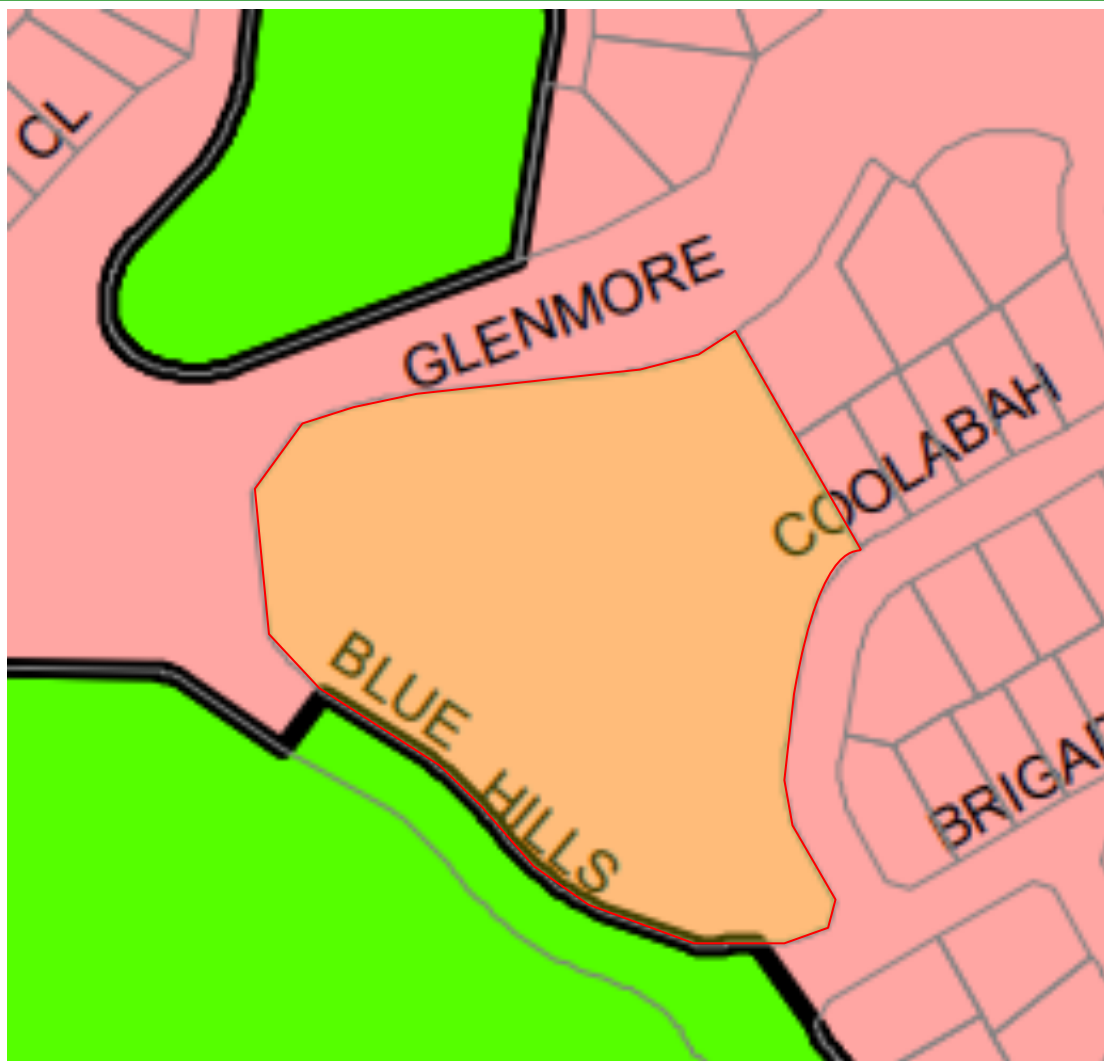
The image above shows the existing configuration of the site and relationship to the residential properties to the west of the site. The existing site contains a total of 44 parking spaces, that is shared across the existing café and child care centre use.

Zoning Controls

The site is zoned R2 Low Density Residential with a maximum height limit of 8.5m under the Penrith Local Environmental Plan 2010.

'Child Care Facilities' are permissible with consent within the R2 Zone, noting that the current application is made pursuant to the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

Image 2: Zoning Map Sheet LZN_020 Extract (Source: Penrith LEP 2010)



 - Subject Site

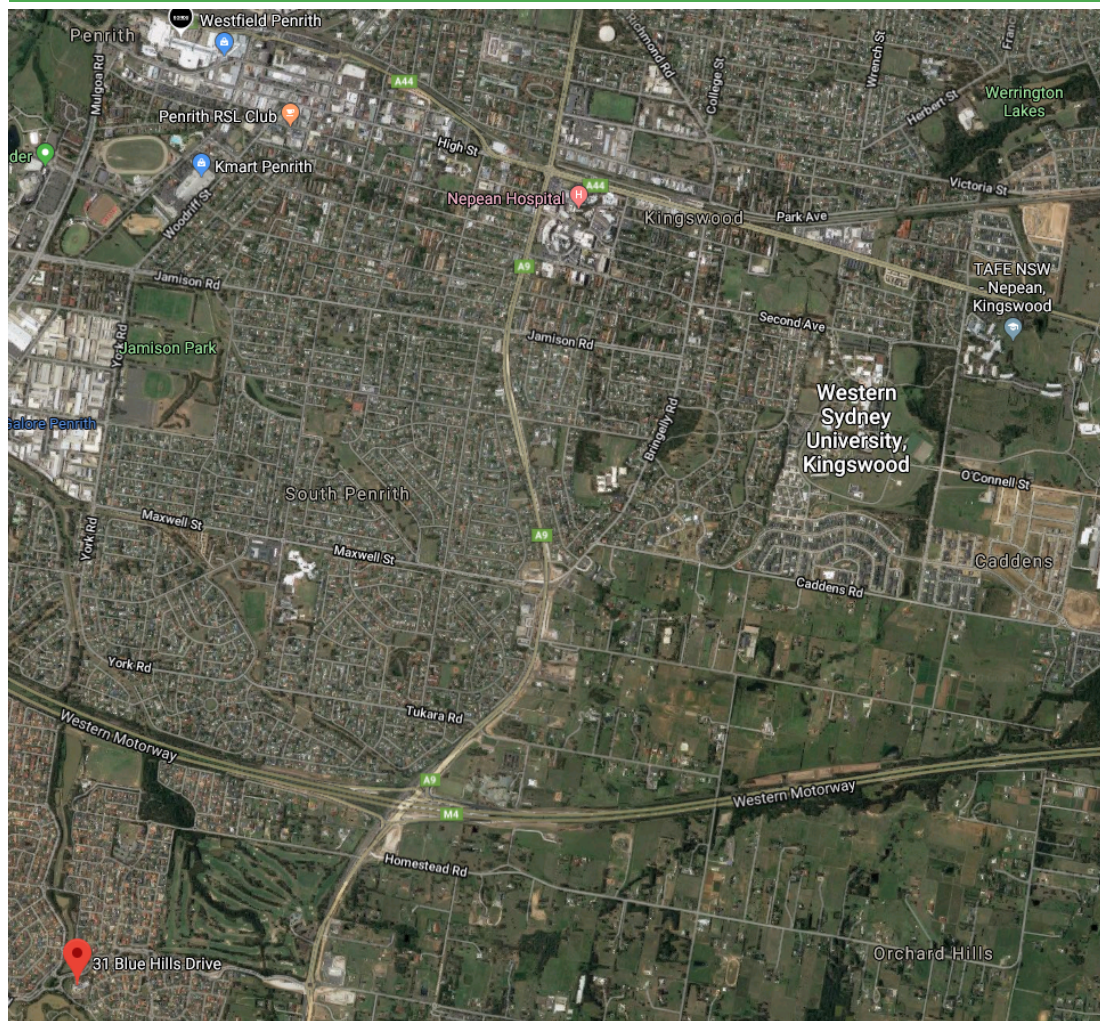
Built Form Analysis

Given the unique characteristics of the site, it differs from the standard 1-2 storey dwelling house, however, as it remains consistent in height and building materials present in modern developments within the area. The facility therefore is compatible with the existing low-density context. It is noted that the facility is already existing on the site, and that the modification does not seek to drastically alter the existing building form, thus it is to remain consistent.

Subject Area Analysis

The development site is within proximity to public parks/reserves, Western Sydney University Kingswood Campus, Nepean Hospital and Penrith CBD. An analysis of the development site within its broader locality is illustrated by an aerial map extract below.

Image 3: Aerial Map of the Broader Subject Area (Source: Google Maps)



Photographs are provided below and within the following pages that gives context to the locality and also the relationship of the parent site with adjoining developments.

Photograph 1: Shows the subject site, as viewed from Coolabah Crescent.



Photograph 2: Shows the subject site, as viewed from Blue Hills Drive.

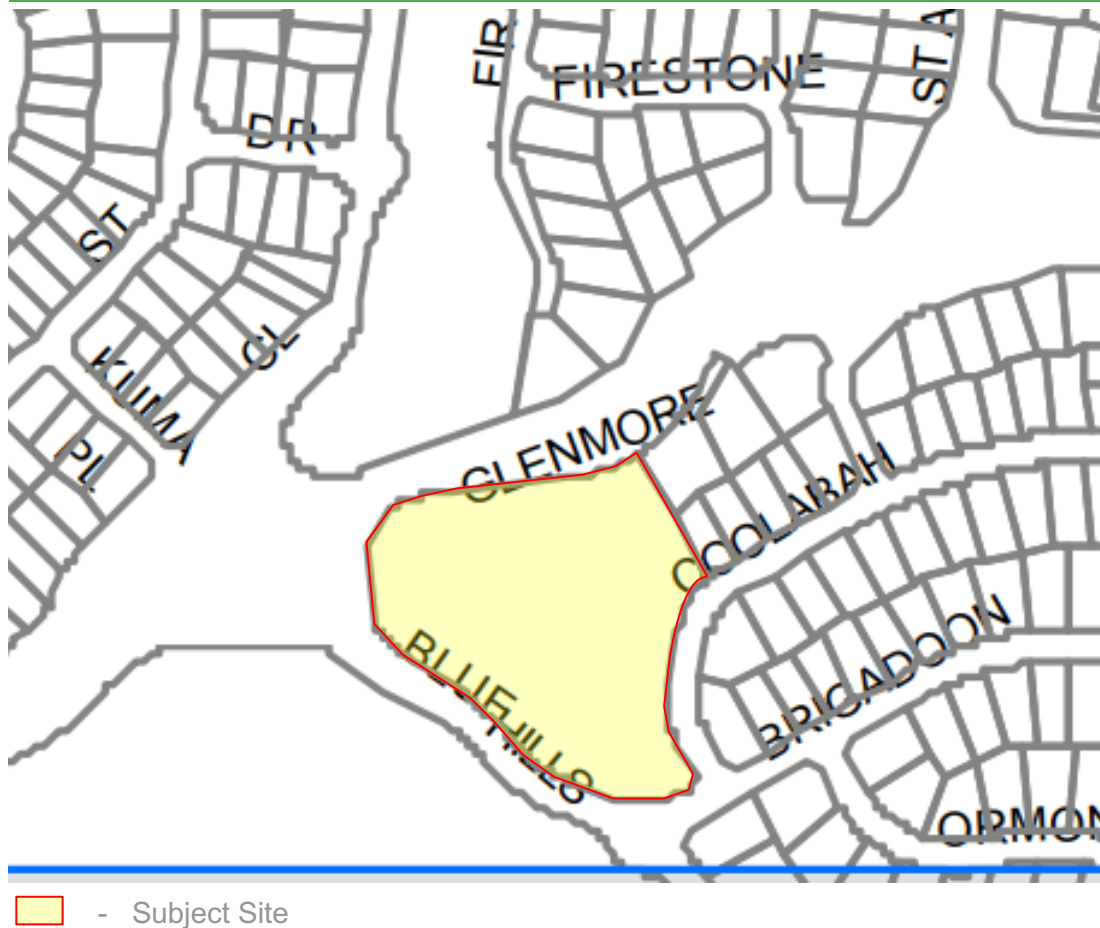




HERITAGE

The site is not identified as a heritage item or is it located within a heritage conservation area nor are there any local heritage item located near the subject parent site, as illustrated by a heritage map extract below.

Image 4: Heritage Map Sheet HER_006 Extract (Source: Penrith LEP 2010)



As a result, the subject site will not have any associated heritage restriction and subsequently a Heritage Impact Statement is not deemed to be necessary.

DESCRIPTION OF PROPOSAL

The Development Application proposes alterations and additions to an existing '*Centre-Based Child Care Facility*' to increase the capacity to 80 places, at 31 Blue Hills Drive, Glenmore Park. The childcare will operate 7am to 6pm Monday to Friday.

The development proposes to provide additional indoor and outdoor play area in order to provide an additional 20 child care places, increasing the capacity from 60 places to 80 places. This is achieved primarily through the removal of existing meeting rooms associated with the community facility on this site- which has arisen through lack of use of those spaces and consideration of the highest and best use to benefit the community is via the expansion of high demand long dare care placements.

The new age ratios are:

- 0-2 year old: 16 children.
- 2-3 year old: 20 children.
- 3-5 year old: 44 children.

A brief description of the proposed changes is listed below:

1. Conversion of 2 meeting rooms into childcare rooms. Small wall between rooms is to be removed- providing an additional 92.71m² of indoor play area.
2. Conversion of current chair storage into children's bathroom. Children's bathroom waste and water supply to be gained from adjoining cleaners rooms mop sink
3. Removal of old double entry doors into room to be replaced with single entry door closer to hallway as well as pool type fence and gate internally
4. Addition of sink to existing kitchenette for hand washing

A detailed scope of works is provided within the architectural plans (pg. 9).

Parking

The site contains a total of 44 parking spaces at present, shared across the various uses. The report prepared by Loka Consulting Engineers confirms the following parking demand:

Café: 122m² of seated area= 21 spaces & Child Care Centre: 23 spaces

Total: 44 spaces. Therefore the existing 44 spaces on site are sufficient to cater for the proposal.

Acoustic

An Acoustic Report has been prepared by Rodney Stevens Acoustics (RSA) to address noise generation. That report confirms that subject to the following recommendations that the acoustic criteria can be satisfied:

- A 2.1m acoustic fence on the eastern boundary is to be provided.
- 50% of the children can engaged in outdoor play at a time;
- No music is to be placed in the outdoor areas.
- Children must be supervised at all times.

Access

An access report accompanies the application that confirms that compliance with disability access standards can be achieved.

The proposal is supported by the following plans and reports:

- Architectural Plans
- Section J Report
- Access Report
- Acoustic Report
- Traffic Report.

PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017; and
- Penrith Local Environmental Plan 2010.

POLICY CONTROLS

The applicable policy control documents are: -

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

CONSIDERATION OF PLANNING CONTROLS

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

STATE ENVIRONMENTAL PLANNING POLICY NO 55 REMEDIATION OF LAND

The SEPP applies to the development however this was considered as part of the original development application and found to be satisfactory and no further soil investigations are necessary.

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

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

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

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

SEPP	Comment
3 Aims of Policy	
<p>The aims of this Policy are as follows:</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p> <p>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impacts as exempt development), and,</p> <p>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivery and to minimise impacts on surrounding areas, and</p>	<p>The proposal will result in an addition of valuable child care places within the wider Penrith catchment.</p>

(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and

(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and

(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services,

(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and

(h) encouraging proponent of new development or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

Part 3 Early education and care facilities – specific development controls

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

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

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

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

The objective of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevents the consent authority from requiring more onerous standards for those matters.

The following are non-discretionary development standards for the purpose of

section 79C (2) and (3) of the Act in relation to the carrying out of development for the purpose of a centre-based child care facility:

location

the development may be located at any distance from an existing or proposed early education and care facility, indoor or outdoor space

There are no restrictions relevant to the proposed development.

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 for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies – the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

The centre-based child care facility provides 3.25m² of unencumbered indoor play space and 11.55m² of unencumbered outdoor play space which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.

Indoor play space required = 3.25m² for each child
Outdoor place space required = 7m² for each child

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,

Noted, with the development complying with site frontage requirements under the DCP.

26 Centre-based child care facility – development control plans

A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, numbers of the like, of children) does not apply to development for the purpose of a centre-based child care facility:
operational or management plans or arrangements (including hours of operation), demonstrated need or demand for child care services,
proximity of facility to other early childhood education and care facilities,
any matter relating to development for the purpose of a centre-based child care facility contained in:

The DCP requires proposed child care facilities in excess of 40 children to demonstrate that services to be provided meets an unmet need in the community.

Clause 26(b) of the Environmental Establishment and Child Care Facility SEPP 2017 stipulates that any provision of a development control plan that needs to demonstrate need or demand for child care services does not apply to the development for the purpose of a center-based child care facility.

the design principles set out in Part 2 of the *Child Care Planning Guidelines*, or the matters for consideration set out in Part 2 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

CHILD CARE PLANNING GUIDELINE

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

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

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

SEPP	Comment
Objectives The planning objectives of this Guidelines are to:	
<ul style="list-style-type: none"> promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations 	The development results in a high-quality centre-based child care facility designed to comply with the requirements of the National Regulations.
<ul style="list-style-type: none"> ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses 	The centre-based child care facility has been designed to be consistent with the existing low density built form pattern with the 1-2 storey building broken up into two distinct elements and include architectural features designed to match typical dwelling houses including pitched roof with appropriate landscape embellishment works in-order to be compatible and consistent with the existing low density context.
<ul style="list-style-type: none"> minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment 	The development has been designed to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This is primary achieved via the siting and orientation of the building within the large site, providing sufficient separation and setback to neighbouring properties.

Part 3 Early education and care facilities – specific development controls

3.1 Site selection and location

C1 – For proposed development in or adjacent to a residential zone, consider:

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| <ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties | <p>A Noise Impact Assessment has been prepared for the amended facility which concludes that the proposed child care facility is deemed to not cause “Offensive noise” to neighbouring residences provided that the noise control measures recommended is implemented.</p> |
| <ul style="list-style-type: none"> The setback and siting of buildings within the residential context | <p>Complies with setback requirements under the DCP.</p> |
| <ul style="list-style-type: none"> traffic and parking impacts of the proposal on residential amenity | <p>The development does not propose any changes to the approved parking arrangement noting the 44 spaces are sufficient to cater for demand as set out in the Loka Report.</p> |

C2 – When selecting a site, ensure that:

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| <ul style="list-style-type: none"> the location and surrounding uses are compatible with the proposed development or use | <p>Centre-based child care facilities are a permissible and compatible land use within the R2 – Low Residential Density.</p> |
| <ul style="list-style-type: none"> the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards | <p>Site is not identified as being affected by flooding, land slope, bushfires, coastal hazards and other environmental hazards.</p> |
| <ul style="list-style-type: none"> there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed | <p>The previous DA approved on the site investigated the potential environmental contaminants on the land and deemed the site acceptable.</p> |
| <ul style="list-style-type: none"> the characteristics of the site are suitable for the scale and type of development proposed having regards to: <ul style="list-style-type: none"> size of street frontage, lot configuration, dimensions and overall size Number of shared boundaries with residential properties will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas | <p>The site is of a sufficient size and width to accommodate the proposed centre-based child care facility.</p> <p>The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas.</p> |

- | | |
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| <ul style="list-style-type: none"> • where the proposal is to occupy or retrofit an existing premise, the interior and exterior spaces are suitable for the proposed use | <p>N/A. Development proposes to undertake the development of a new centre-based child care facility.</p> |
| <ul style="list-style-type: none"> • there are suitable drop off and pick up areas, and off and on street parking | <p>The development does not propose any changes to the approved parking arrangement noting the 44 spaces are sufficient as confirmed in the Loka Report.</p> |
| <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 | <p>Vehicular access is provided via Blue Hills Drive which is considered appropriate.</p> |
| <ul style="list-style-type: none"> • not located closely to incompatible social activities and uses such as restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises | <p>The subject site not located close to incompatible social activities and uses.</p> |

C3 – A child care facility should be located;

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| <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 | <p>The site is within proximity to several parks and reserves, Western Sydney University Kingswood Campus, Nepean Hospital and Penrith CBD.</p> |
| <ul style="list-style-type: none"> • near or within employment areas, town centres, business centres, shops | <p>Subject site is Penrith CBD, Nepean Hospital and industrial employment areas.</p> |
| <ul style="list-style-type: none"> • with access to public transport including rail, buses, ferries | <p>Within walking distance to bus stops with services to Penrith.</p> |

C4 – A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:

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| <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 - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use | <p>The subject site is not located within proximity to any identified environmental hazard.</p> |
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- zoning, may in future accommodate noise or odour generating uses
- extractive industries, intensive agriculture, agricultural spraying activities
- any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site

3.2 Local character, streetscape and the public domain interface

C5 – The proposed development should:

- contribute to the local area by being designed in character with the locality and existing streetscape
 - reflect the predominant form of surrounding land uses, particularly in low density residential areas
 - recognise predominant streetscape qualities, such as building form, scale, materials and colours
 - include design and architectural treatments that responds to and integrate with the existing streetscape
 - use landscaping to positively contribute to the streetscape and neighbouring amenity
 - integrate car parking into the building and site landscaping design in residential areas
- The centre-based child care facility will remain compatible with the existing low-density characteristics of the subject area, noting development complies with prescribed height control under the LEP.

C6 – Create a threshold with a clear transition between public and private realms, including:

- 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
- The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain.
- The proposed development incorporates an active façade that will permit casual surveillance to all frontages.
- Proposed landscaping works seek to soften the built form and fencing and also seek to integrate the development with the site's low-density context.

<p>C7 – On sites with multiple buildings and /or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitor and children by changes in materials, plant species and colours</p>	<p>The site does not contain multiple buildings or entries. The primary entry point is designed to be clearly visible and legible from Blue Hills Drive.</p>
<p>C8 – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/private open space from adjoining public open space • minimal use of blank walls and high fences 	<p>The subject site does not adjoin a public park, open space or bushland however the development provides clearly defined street access, pedestrian paths and building entries.</p> <p>Fencing and landscape works will contribute towards delineate communal/private open space from the public domain.</p> <p>The development is to retain the existing building, which incorporates architectural features and articulation to provide an attractive double storey-built form that appropriately addresses its frontages.</p>
<p>C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</p> <p>Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>Development proposes appropriate fencing that is consistent with fencing within the precinct and with comparable child care facility within the wider Penrith Local Government Area.</p> <p>Subject site is not listed as a heritage item and is not within a conservation area.</p>
<p>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.</p>	<p>See the attached acoustic report for detail noting only 2.1m is necessary to mitigate noise impacts which is only 300mm higher than typical boundary fencing.</p>

3.3 Building orientation, envelope and design

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

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| <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by; | <p>The proposed amendments will not impact upon the existing visual privacy and noise impacts on neighbouring properties.</p> |
| <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 within residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses | |
| <ul style="list-style-type: none"> • optimise solar access to internal and external play areas | <p>The new areas are orientated to the north and thus receive adequate solar access.</p> |
| <ul style="list-style-type: none"> • avoid overshadowing of adjoining residential properties | <p>The proposal will not alter the existing building envelope.</p> |
| <ul style="list-style-type: none"> • ensure buildings along the street frontage define the street by facing it | <p>No changes.</p> |
| <ul style="list-style-type: none"> • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions | <p>All outdoor play areas are to be located on the ground floor.</p> |

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

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| <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character | <p>No changes to the existing building envelope are proposed.</p> |
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C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.

No changes to the building envelope are proposed.

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

No changes to the existing building envelope are proposed.

- respect 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
- responds to its natural environment including local landscape setting and climate
- contributes to the identify of place

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

No changes proposed.

- located to allow ease of access, particularly for pedestrians
- directly accessible from the street where possible
- directly visible from the street frontage
- easily monitored through natural or camera surveillance
- not accessible through an outdoor play area

C17 – Accessible design can be achieved by:

No changes.

- 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

No changes.

- 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.

No changes.

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.

No changes.

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

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

C19 – Incorporate car parking into the landscape design of the site by:

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

No changes.

3.5 Visual and Acoustic Privacy

C20 – Open balconies in mixed use development should not overlook facilities nor overhang outdoor play spaces.

The proposal is not part of a mixed-use development. Not applicable

C21 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:

- appropriate site and building layout

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

Development has been designed to minimise direct overlooking of the proposed indoor room and additional outdoor play space from public area noting that the size of the development site permits appropriate siting and building layout and separation from public areas through the use of acoustic barriers and landscape works to the boundaries.

The site is surrounded on all sides by streets, providing additional separation from any residential dwellings.

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

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

The site is surrounded on all sides by streets, providing separation from any residential dwellings. Landscaping and fencing also contribute in minimising overlooking.

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

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

See the provided acoustic report for detail.

3.6 Noise and Air Pollution

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

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

- **creating physical separation between buildings and the noise source**

Not affected by the proposal.

- orienting the facility perpendicular to the noise source and where possible buffered by other uses
- using landscaping to reduce the perception of noise
- limiting the number and size of opening facing noise sources
- using double or acoustic glazing, acoustic louvers or enclosed balconies (wintergardens)
- using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits
- locating cot rooms, sleeping areas and play areas away from external noise sources

C26 – An acoustic repost should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:

- on industrial zoned land where an ANEF contours is between 20 and 25, consistent with AS 2021 – 2000
- along a railway or mass transit corridor, as defined by *State Environmental Planning Policy (Infrastructure) 2007*
- on a major or busy road
- other land that is impacted by substantial external noise

No substantial external noise affects the site.

C27 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development

Complies.

C28 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.

Not affected the by the proposal.

3.8 Traffic, Parking and Pedestrian Circulation

C31 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.

Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rate:

Within 400m of a metropolitan train station:

- 1 space per 10 children
- 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space.

In other areas:

- 1 space per 4 children

No changes are proposed to the existing car parking arrangement.

C32 – In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicular movement or potential conflicts with truck and large vehicles.

Site not located on a commercial or industrial zone. Not applicable.

C33 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised and demonstrate that

- the amenity of the surrounding area will not be affected
- there will be no impacts on the safe operation of the surrounding road network

No changes to the existing parking arrangement are proposed.

C34 – Alternate vehicular access should be provided where child care facilities are on site fronting;

- a classified road
- roads which carry freight traffic or transport dangerous goods or hazardous materials

No applicable as the site does not front a classified road or a road which carries freight traffic or transport dangerous goods or hazardous materials.

The alternate access must have regard to the prevailing traffic conditions

- pedestrian and vehicle safety including bicycle movements
- the likely impact of the development on traffic

C35 – Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the sider locality in times of emergency.

Development site is not within a cul-de-sac or narrow lanes or road. Not applicable.

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

- separate pedestrian access from the car park to the facility
- defined pedestrian crossings including within large car parking areas
- separate pedestrian and vehicle entries from the street for parents, children and visitors
- pedestrian paths that enable two prams to pass each other
- delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities
- vehicles can enter and leave the site in a forward direction

Development provide separate pedestrian and vehicular access.

Vehicles can enter and exit the site in a forward direction.

C38 – Car parking design should:

- include a child safe fence to separate car parking areas from the building entrance to play areas
- provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards
- include wheelchair and pram accessible parking

Car parking area is sufficiently separated from the building entrance and outdoor play area.

Accessible car parking spaces designed in accordance with Australian Standard is clearly marked and situated near the entry point.

Part 4 Applying the National Regulations to development proposals

4.1 Indoor space requirements

Regulation 107

Education and Care Services National Regulations

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

The proposal provides 3.25m² of indoor play space per child. The play space has been

	calculated in accordance with the unencumbered guidelines of this Guideline.
<p>Design Guidance Verandas as indoor space For a veranda to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space.</p>	No veranda is to be included as unencumbered indoor space. Not applicable.
<p>Design Guidance Storage It is recommended that a child care facility provide;</p> <ul style="list-style-type: none"> • a minimum of 0.3m³ per child of external storage space • a minimum of 0.2m³ per child of internal storage space 	The proposal provides appropriate internal and external storage areas.
4.2 Laundry and hygiene facilities	
<p>Regulation 106 Education and Care Services National Regulations There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering.</p>	On site laundry facilities are provided.
Laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.	Designed to comply.
Child care facilities must also comply with the requirements for laundry facilities that are contained in the <i>National Construction Code</i> .	Laundry designed to comply with relevant requirements under the National Construction Code.
<p>Design Guidance On site laundry On site laundry facilities should contain:</p> <ul style="list-style-type: none"> • a washer or washers capable of dealing with heavy requirements of the facility • a dryer • laundry sinks • adequate storage for soiled items prior to cleaning • 	Designed to comply.

4.3 Toilet and hygiene facilities

Regulation 109

Education and Care Services National Regulations

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

Toilet facilities for both the children and staff are provided.

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

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

4.4 Ventilation and natural light

Regulation 110

Education and Care Services National Regulations

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

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

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

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

Design Guidance

Natural light

When designing child care facilities consideration should be given to:

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

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

4.5 Administrative space

Regulation 111

Education and Care Services National Regulations

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

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

4.6 Nappy change facilities

Regulation 112

Education and Care Services National Regulations

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

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

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

Complies.

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

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

Design Guidance

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

Designed to comply.

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

4.7 Premises designed to facilitate supervision

Regulation 115

Education and Care Services National Regulations

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

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

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

Comply.

4.8 Emergency and evacuation procedures

Regulations 97 and 168

Education and Care Services National Regulations

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

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

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

- 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

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing.

Design Guidance

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

- the mobility of children and how this is to be accommodated during an evacuation
- the location of a safe congregation / assembly point, away from the evacuated building, busy road and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings
- how children will be supervised during the evacuation and at the congregation/assembly, relative to the capacity of the facility and governing child-to-staff ratios

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing.

4.9 Outdoor space requirements

Regulations 108

Education and Care Services National Regulations

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

The proposal provides 11.55m² of unencumbered outdoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline. Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

Not applicable.

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

Design Guidance

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

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

4.10 Natural environment

Regulations 113

Education and Care Services National Regulations

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

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

Design Guidance

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

- are known to be poisonous, produce toxins or have toxic leave or berries
- have seed pods or stone fruit, attract bees, have thrones, spikes or prickly foliage or drop branches

Noted, refer to attached landscape plan for detail.

The outdoor space should be designed to:

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

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

- vegetable gardens and gardening tubs.

4.11 Shade

Regulations 114

Education and Care Services National Regulations

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

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

4.12 Fencing

Regulations 104

Education and Care Services National Regulations

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

Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Penrith Local Government Area.

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.

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*.

Designed to comply.

Design Guidance

Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding areas. In general, fencing around outdoor play areas should:

- prevent children climbing over, under or through fencing
- prevent people outside the facility from gaining access by climbing over, under or through the fencing
- not create a sense of enclosure.

Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Penrith Local Government Area.

Design consideration for side and rear boundary fences could include:

Designed to comply.

- being made from solid prefinished metal, timber or masonry
- Having a minimum height of 1.8m
- having no rails or elements for climbing higher than 150mm from the ground

Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.

Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

Designed to comply.

4.13 Soil assessment

Regulations 25

Education and Care Services National Regulations

Subclause(d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purpose as part of an application for serviced approval.

This was assessed during the original DA.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SREP) NO. 20 HAWKESBURY NEPEAN RIVER

The development proposal relies on the existing drainage system noting no change to the building envelope.

PENRITH LOCAL ENVIRONMENTAL PLAN 2010

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

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

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

centre-based child care facilities means:

- (a) *a building or place used for the education and care of children that provides any one or more of the following:*
 - (i) *long day care,*
 - (ii) *occasional child care,*
 - (iii) *Out-of-school-hours care (including vacation care),*
 - (iv) *Preschool care, or*
- (b) *an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW),*
but does not include
 - (c) *a building or place used for home-based child care or school-based child care, or*
 - (d) *an office of a family day care services (within the meaning of the Children (Education and Care Services) National Law (NSW), or*
 - (e) *a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
 - (f) *a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
 - (g) *a service that is concerned primarily with providing lesson or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
 - (h) *a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

The development proposal is also consistent with the prescribed zone objectives which are stipulated as:

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

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

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

Penrith Local Environmental Plan 2010 – Compliance Table			
Clause	Controls	Comments	Complies
Zoning	R2 – Low Density Residential	'Centre Based Child Care Facilities' are permissible with Council consent in the R2 – Zone	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone objectives and land use table	The proposal is consistent with the zone objectives of the R2 – Low Density Residential Zone and will provide valuable child care services and employment opportunities to people who live and work in the local area.	Yes
2.6	Subdivision – consent requirements	No subdivision is proposed.	N/A
2.7	Demolition requires consent	Consent is sought for minor demolition, of the internal walls.	Yes
Part 4 Principal Development Standards			
4.3	Height of building – 8.5m	Penrith Local Environmental Plan 2010 Height of Building Map Sheet HOB_020 indicates that the maximum building height within the subject site is 8.5m. No changes to the existing height are proposed.	N/A

Clause	Controls	Comments	Complies
4.4	Floor space ratio	No FSR control applies to the subject site. Not relevant.	N/A
Part 5 Miscellaneous Provision			
5.10	Heritage conservation	<p>The site is not identified as a heritage item or is it located within a heritage conservation area nor are there any local heritage item located near the subject parent site.</p> <p>As a result, the subject site will not have any associated heritage restriction and subsequently a Heritage Impact Statement is not deemed to be necessary.</p>	N/A
Part 7 Additional Local Provisions			
7.1	Earthworks	No earthworks are proposed.	N/A
7.2	Flood planning	Not affected by the proposal	N/A
7.3	Development on natural resources sensitive land	The subject site is not identified on the Natural Resources Sensitive Map. Not applicable.	N/A
7.4	Sustainable Development	Not affected by the proposal.	N/A
7.5	Protection of Scenic Character and Landscape Values	Not affected by the proposal.	N/A
7.6	Salinity	Not affected by the proposal	N/A
7.7	Servicing	Already established.	N/A

PENRITH DEVELOPMENT CONTROL PLAN 2014

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

Penrith Development Control Plan 2014 Compliance Table			
Clause	Controls	Comments	Complies
C1 Site Planning and Design Principles			
1.1	Site Planning	<u>1.1.1 Site Analysis</u>	
		Addressed within previous DAs.	Yes
		<u>1.1.2 Key Areas with Scenic and Landscape Values</u>	
		Not affected by the proposal	N/A
1.2	Design Principles	<u>1.2.2 Built Form – Energy Efficiency and Conservation</u>	
		Not affected by the proposal.	N/A
		<u>1.2.3 Building Form – Height, Bulk and Scale</u>	
		No changes to the building envelope are proposed.	N/A
		<u>1.2.4 Responding to the Site's Topography and Landform</u>	
		Does not affect the proposal	N/A
		<u>1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)</u>	
		The proposal will continue to incorporate an active façade that will permit casual surveillance to both frontages as well as common areas and landscaped areas of the proposal.	Yes
		The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.	
		The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.	

Clause	Controls	Comments	Complies
		<p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p> <p><u>1.2.6 Maximising Access and Adaptability</u></p> <p>No changes.</p>	N/A
C2 Vegetation Management			
2.1	Preservation of Trees and Vegetation	Not affected by the proposal.	N/A
2.2	Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	Not affected by the proposal.	N/A
2.3	Bushfire Management	Not affected by the proposal.	N/A
C3 Water Management			
3.2	Catchment Management and Water Quality	Not affected.	N/A
3.3	Watercourses, Wetlands and Riparian Corridors	Not affected by the proposal.	N/A
3.4	Groundwater	Not affected by the proposal, no groundworks are proposed.	N/A
3.5	Flood Planning	Not affected by the proposal.	N/A
3.6	Stormwater Management and Drainage	Not affected by the proposal.	N/A
3.9	Water Sensitive Urban Design	Not affected by the proposal.	N/A
C4 Land Management			
4.1	Site Stability and Earthworks	Not affected by the proposal.	N/A
4.3	Erosion and Sedimentation	Not affected by the proposal.	N/A
4.4	Contaminated Lands	Not affected by the proposal.	N/A
4.5	Salinity	Not affected by the proposal.	N/A

C5 Waste Management			
		<p>A Waste Management Plan is attached as part of this application.</p> <p>Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development.</p> <p>Refer to attached Waste Management Plans for detail.</p>	Yes
C6 Landscape Design			
		No changes to landscaping are proposed.	N/A
C7 Cultural and Heritage			
7.1	Heritage	N/A	N/A
7.2	Aboriginal Cultural and Heritage	N/A	N/A
7.3	Significant Trees and Gardens	N/A	N/A
C9 Advertising and Signage			
9.1		N/A	N/A
C10 Transport, Access and Parking			
10.2	Traffic Management and Safety	No changes.	N/A
10.3	Key Transport Corridors	The subject site is not located within a key transport corridor. Not relevant.	N/A
10.5	Parking, Access and Driveways Parking Rates 1 space per 10 children plus 1 employee	<p>There is no change to the 44 spaces on the site, however the breakdown and consideration of the café and child care use has been considered in the traffic and parking report by Loka. That report outlines the following parking demand:</p> <p>Café: 122m² of seated area= 21 spaces Child Care Centre: 23 spaces</p> <p>Total: 44 spaces. Therefore the existing 44 spaces on site are sufficient to cater for the proposal.</p>	Yes

D5 Other Land Uses

5.2	Child Care Centers	<u>1) Work Based Child Care Centers</u>	N/A
		The development site is not located within a business or industrial area.	
		<u>2) Location</u>	
		a) The DCP requires proposed child care facilities in excess of 40 children to demonstrate that services to be provided meets an unmet need in the community. Clause 26(b) of the Environmental Establishment and Child Care Facility SEPP 2017 stipulates that any provision of a development control plan that needs to demonstrate need or demand for child care services does not apply to the development for the purpose of a center-based child care facility.	Yes
		b) The development is in proximity to the existing residential population of Glenmore Park.	Yes
		c) No changes to vehicular access are proposed.	N/A
		d) No changes to vehicular access are proposed.	N/A
		e) The development site is not located within an 85m radius of an existing or approved service station, or on land in a specific radius of an existing/approve flammable storage area under the State Environmental Planning Policy No 22 Hazardous and Offensive Development.	Yes
		f) The subject site is not located opposite or adjacent to an existing and lawful sex service premises and/or restricted premises.	Yes
		g) The subject site is not adjacent to an electricity transmission easement, mobile phone tower or similar structures.	Yes
		h) The subject site is not identified as being flood prone land under the Penrith LEP 2010.	Yes
		<u>3) Design, Scale and Site Frontage</u>	
		a) No changes.	N/A
		b) No changes.	
		c) No changes.	
		d) No changes.	
		e) No changes.	

<u>4) Built Form</u>	N/A
No changes.	
b) No changes.	
d) No changes.	
<u>5) Vehicle Access, Circulation and Parking</u>	Yes
The vehicle circulation and car parking areas within the at-grade parking has been designed to allow safe drop-off and collection of children as well as the safe movement and parking of staff, parents and visitors. This is maintained by the proposal noting the overall parking provisions are consistent with those required for the Café and Child Care Centre use.	
<u>6) Noise</u>	Yes
An acoustic report accompanies the DA confirming the 20 additional places will comply with the noise criteria subject to a 2.1m barrier and recommendations on management of the outdoor play spaces.	
<u>7) Shade</u>	Yes
Appropriate shade structures are provided within the outdoor play area. See attached plans for detail.	
<u>8) Landscaping</u>	N/A
No changes.	

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)

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

CONCLUSION

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

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

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