

# Statement of Environmental Effects

85 PLACE CHILD CARE FACILITY  
187-189 ADELAIDE STREET,  
ST MARYS

19 DECEMBER 2021

# CONTENTS

<b>QUALITY ASSURANCE</b>	<b>4</b>
<b>EXECUTIVE SUMMARY</b>	<b>5</b>
<b>SITE AND LOCALITY DESCRIPTION</b>	<b>9</b>
ZONING	11
BUILT FORM ANALYSIS	12
SUBJECT AREA ANALYSIS	13
HERITAGE	15
<b>DESCRIPTION OF PROPOSAL</b>	<b>16</b>
<b>KEY PLANNING CONTROLS</b>	<b>21</b>
STATUTORY CONTROLS	21
POLICY CONTROLS	21
<b>CONSIDERATION OF PLANNING CONTROLS</b>	<b>22</b>
STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – CONTAMINATED LAND	22
STATE ENVIRONMENTAL PLANNING POLICY – (VEGETATION IN NON- RURAL AREAS) 2017	23
STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007	23
STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017	24
CHILD CARE PLANNING GUIDELINE	28
EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)	49
SYDNEY REGIONAL ENVIRONMENTAL PLAN (SREP) NO. 20 HAWKESBURY NEPEAN RIVER	51
PENRITH LOCAL ENVIRONMENTAL PLAN 2010	51
PENRITH DEVELOPMENT CONTROL PLAN 2014	56
<b>CONCLUSION</b>	<b>68</b>

## TABLE OF FIGURES

Photograph 1: Shows the subject site as viewed from Adelaide Street. ....	9
Image 1: Aerial Map of Subject Site (Source: Nearmap).....	10
Image 2: Zoning Map Sheet LZN_0190 Extract (Source: Penrith LEP 2010) .....	11
Image 3: Aerial Map of Subject Area (Source: Nearmap) .....	12
Image 4: Aerial Map of the Subject Area (Source: Google Maps).....	13
Photograph 3: Shows the streetscape in Adelaide Street looking north.....	14
Photograph 4: Shows Adelaide Street looking southwards.....	14
Image 5: Heritage Map Sheet HER_19 Extract (Source: Penrith LEP 2010).....	15

## QUALITY ASSURANCE

**PROJECT:** Statement of Environmental Effects – 85 Place Centre-Based Child Care Facility

**ADDRESS:** 187-189 Adelaide Street, St Marys

**COUNCIL:** Penrith City Council

**AUTHOR:** Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
December 2021	Draft Issue	Final	JW	JW
December 2021	DA Lodgement Issue	Final	JW	JW

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

Coal Mine Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
SEPP 64- Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No



## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application for the removal of identified trees and the demolition of existing structures in-order to construct a two storey '*Centre-Based Child Care Facility*' with parking for 26 vehicles within a basement level at 187-189 Adelaide Street, St Marys.

The key aspects of the proposal are as follows:

### **Child Care Facility:**

The proposed center-based child care facility has been designed to accord with the overarching design criteria outlines in the Child Care Planning Guidelines.

The internal areas will consist of 4 indoor play rooms over 2 levels, sleeping rooms, administrative areas including staff rooms and offices, kitchen, laundry, storerooms and amenities. The facility will also accommodate 2 outdoor play areas located at the rear and also a second outdoor play area at the first floor oriented towards the rear of the site with a substantial rear setback of 10m to the first floor play areas.

The '*Child Care Facility*' will operate with a maximum capacity of 85 places with the following age groups:

- 0-2 years: 18 kids;
- 2-3 years: 22 kids; and
- 3-4 years: 20 kids.
- 4-6 years: 25 kids.

The unencumbered indoor play area and associated unencumbered outdoor play areas associated with the 0-2, 2-3, and 3-4 age group and key administration areas including meeting room, office, and laundry is located on the ground floor with the second unencumbered indoor play area and associated unencumbered outdoor play area associated with the 4-6 age group to be located on the first floor.

The facility provides a total of 279m<sup>2</sup> or 3.28m<sup>2</sup> of unencumbered indoor play area per child and 596m<sup>2</sup> or 7.01m<sup>2</sup> of unencumbered outdoor play area per child.

The facility will be run by 15 staff with the operating hours are proposed to be 7am to 7pm Monday – Friday (excluding public holidays).

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines as follows:

- *The design responding to the context of the surrounding area by proposing an attractive a two storey-built form that has been designed to appear as a large two storey dwelling in order to ensure consistency with the existing medium density residential character within the immediate subject area.*
- *Appropriate replacement and landscape embellishment to ensure the landscape character of the site is respected.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

The overall design scheme has undertaken conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing.

The development is to take advantage of its wide frontage through orientation of the development to the front and rear and limiting openings to side boundaries.

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

Potential noise impacts associated with the outdoor play area is mitigated by the incorporation of acoustic barriers that is to wrap around the outdoor play areas along the site's boundaries at the ground floor and the incorporation of acoustic barriers along the first floor. This is in accordance with the attached Noise Impact Assessment with an Operational Management Plan to manage outdoor play times and the number of children accessing outdoor area at any one time.

#### **Parking:**

The development proposal a total of 26 car parking spaces within a basement level with the following breakdown:

- 16 staff parking; and
- 10 visitor/parent car parking spaces

Access to the basement level is via a new vehicle crossover, driveway and graded ramp situated to the south-western portion of the site via Adelaide Street. The basement level includes internal circulation areas with turning areas to allow vehicles to enter and exit the basement in a forward direction. There is also a dedicated turning bay.

The site is also within proximity places of public worship, local parks and St Marys Town Centre.

A bus stop with services to St Marys are located within a 100m walking distance from the development site on Glossop Street.

Currently an older style 1-2 storey residential dwelling and associated structures including vehicle crossover, driveways and sheds resides within the subject land parcel. It is noted that all existing structures and identified trees are to be removed in-order to accommodate the proposed child care facility.

The development site can be best described as a large rectangular land parcel with a 27.43m frontage to Adelaide Street, a 40.23m depth, and a total area of 1100m<sup>2</sup>. The site is relatively flat with a minor cross fall from the rear towards Adelaide Street.

The site has been zoned R3 Medium 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 R3 Zone.

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

Renewal of the locality is inevitable and potential future residential redevelopment are heavily dictated by historical subdivision patterns, which will shape the form and densities of residential areas. It is noted that there are a number of recent multi-dwelling housing developments in the broader locality that define the emerging character of the area and the proposal will be compatible with this.

The development also aims to provide an attractive 1-2 storey building that not only addresses its frontages but will play a positive role in increasing valuable child care places within St Marys and the wider Penrith area.

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

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

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.

## SITE AND LOCALITY DESCRIPTION

The site is located at 187-189 Adelaide Street, St Marys, and is located on the northern side of Adelaide Street approximately 65m east of the intersection of Glossop Street and Adelaide Street.

The development site can be best described as a large rectangular land parcel with a 27.43m frontage to Adelaide Street, a 40.23m depth, and a total area of 1100m<sup>2</sup>. The site is relatively flat with a minor cross fall from the rear towards Adelaide Street.

Currently an older style 1-2 storey residential dwelling and associated structures including vehicle crossover, driveways and sheds resides within the subject land parcel. It is noted that all existing structures and identified trees are to be removed in-order to accommodate the proposed child care facility.

The photograph below shows the subject site and its context.

**Photograph 1: Shows the subject site as viewed from Adelaide Street.**

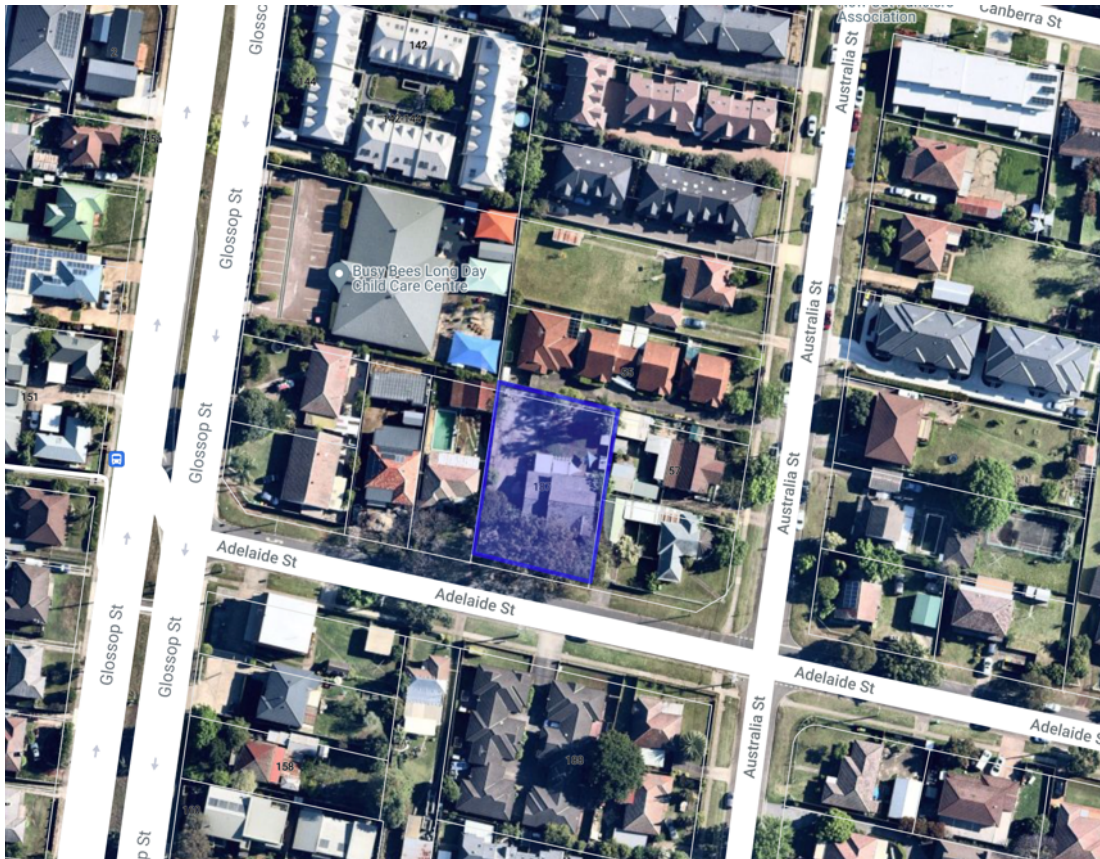




Residing within an established residential area, the development site bounds residential dwellings to the east and west, and a multi-dwelling housing development to the north. There is also a childcare centre to the north-west of the site that fronts onto Glossop Street.

The aerial photograph below shows the site context.

**Image 1: Aerial Map of Subject Site (Source: Nearmap)**



 **Subject Site**

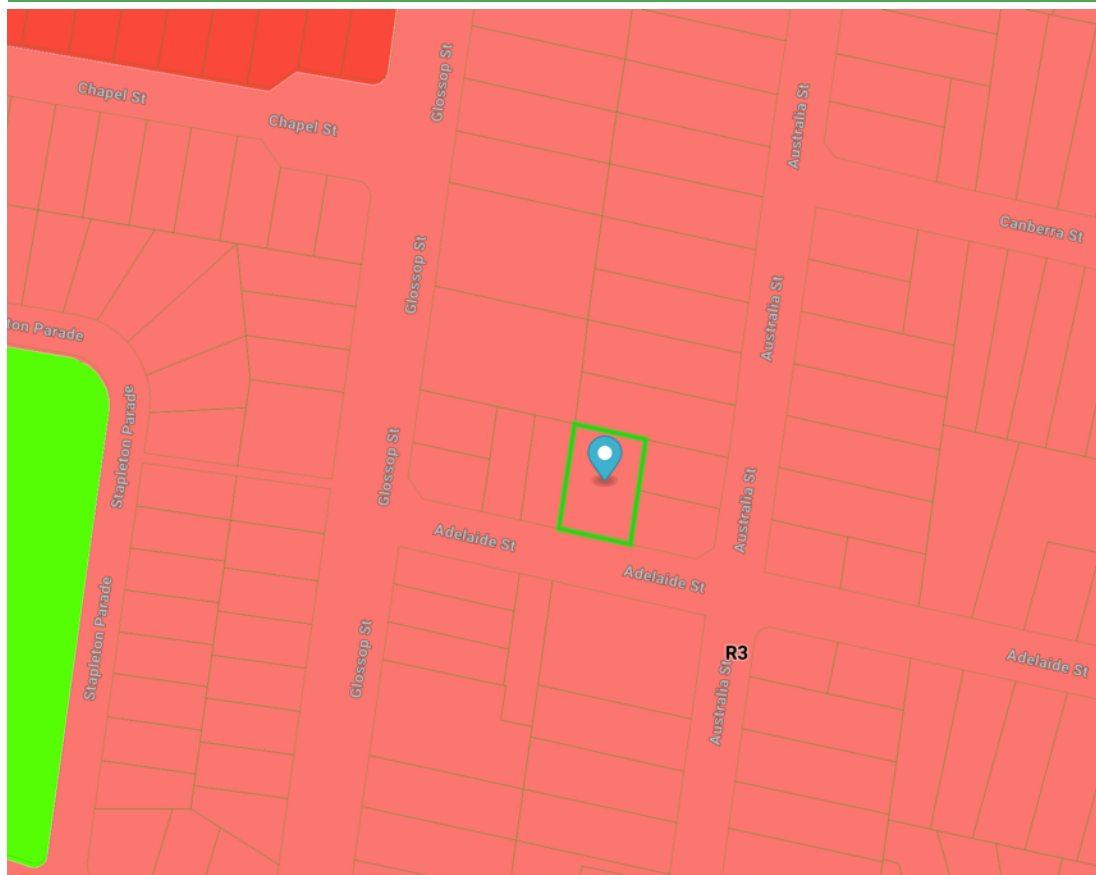
## ZONING

As outlined below, the subject site is zoned R3 Medium Residential Density under the provisions of the Penrith Local Environmental Plan 2010.

'Centre-Based Child Care Facilities' are permissible with consent within the R3 Zone, with the site subject to a maximum building height of 8.5m under the Penrith LEP 2010.

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\_0190 Extract (Source: Penrith LEP 2010)



 **Subject Site**

 **R3 – Medium Density Residential**

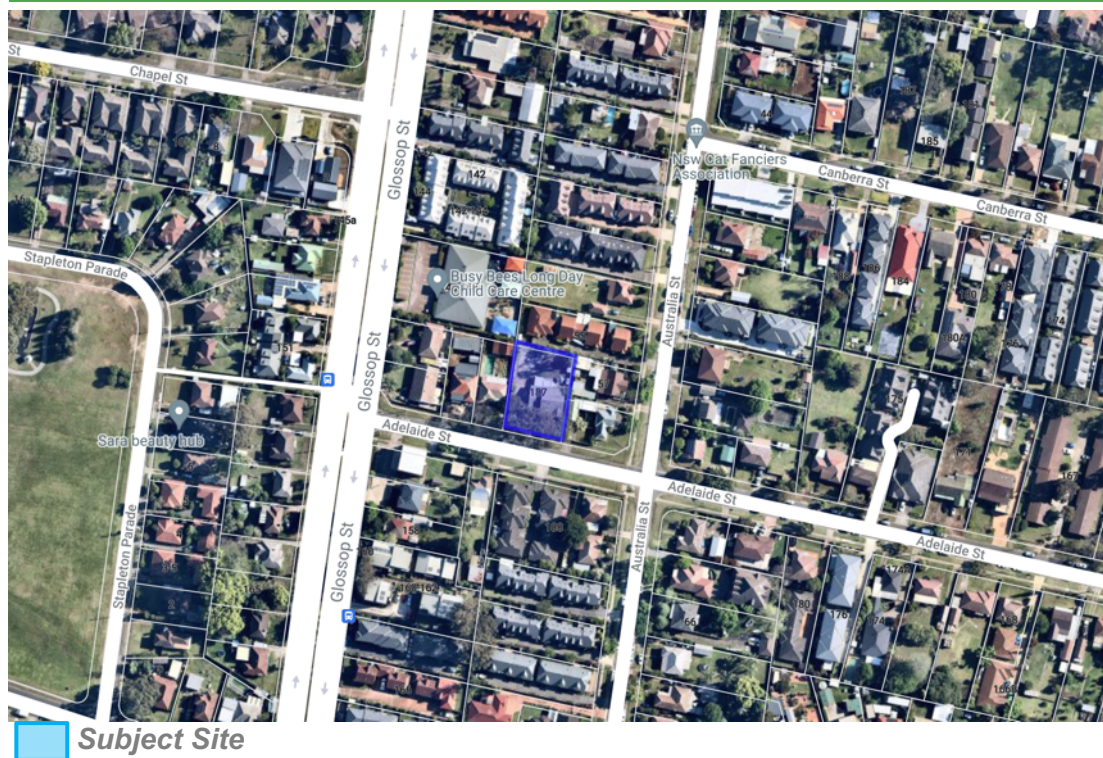
## BUILT FORM ANALYSIS

Renewal of the locality is inevitable and potential future residential redevelopment are heavily dictated by historical subdivision patterns, which will shape the form and densities of residential areas. The locality has undergone substantive redevelopment for medium density forms- being 2 storey multi-dwelling housing developments that are observed across the locality.

It is likely that this will continue given the R3 zoning of the locality.

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

**Image 3: Aerial Map of Subject Area (Source: Nearmap)**



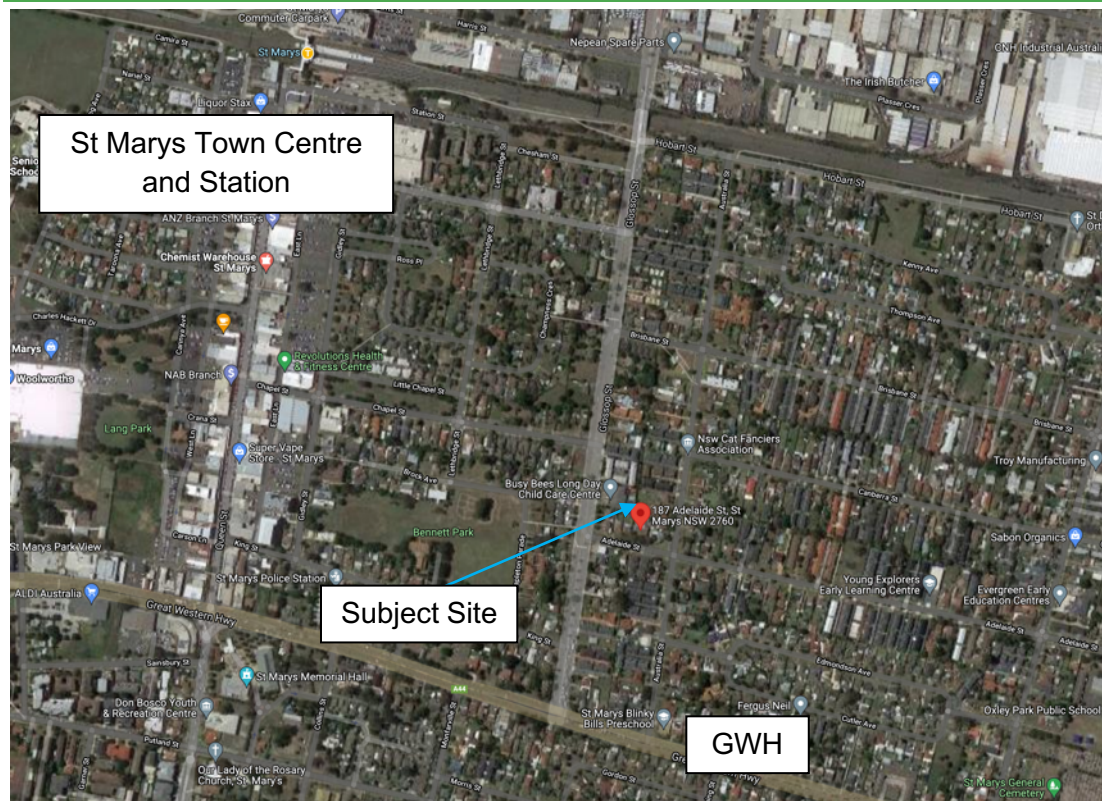
**Subject Site**



## SUBJECT AREA ANALYSIS

The site is highly accessible and in proximity to the Great Western Highway, and to St Marys Town Centre. An analysis of the development site within its subject area is illustrated by an aerial map extract below.

**Image 4: Aerial Map of the Subject Area (Source: Google Maps)**



The site is ideal to accommodate a child care facility due to it residing within an established residential estate in proximity to major road transport corridors. The development also aims to provide an attractive two storey building that not only addresses its frontages but is also designed to be compatible with the existing low density residential character within the immediate locality whilst playing a positive role in increasing valuable child care places within St Marys and the wider Penrith area.



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

**Photograph 3: Shows the streetscape in Adelaide Street looking north.**



**Photograph 4: Shows Adelaide Street looking southwards**

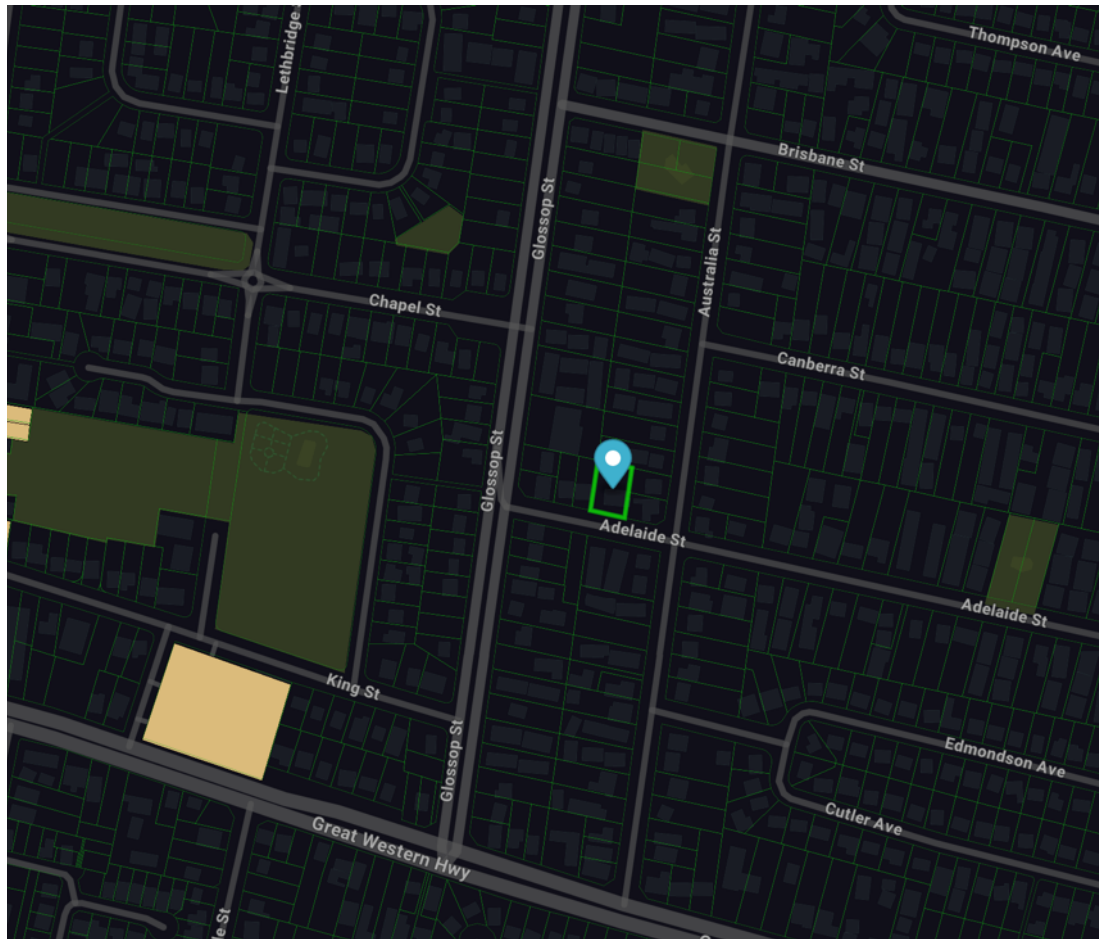




## HERITAGE

The subject site is not identified as a heritage item, is it located within a heritage conservation area however there are local heritage items within proximity to the subject area as illustrated by the heritage extract map below.

Image 5: Heritage Map Sheet HER\_19 Extract (Source: Penrith LEP 2010)



 **Subject Site**

The site is well removed from the heritage item and there is no impact to the item.

## DESCRIPTION OF PROPOSAL

This Development Application seeks consent for the removal of identified trees and the demolition of existing structures in-order to construct a two storey '*Centre-Based Child Care Facility*' with parking for 26 vehicles within a basement level at 187-189 Adelaide Street, St Marys.

The key aspects of the proposal are as follows:

### **Child Care Facility:**

The proposed center-based child care facility has been designed to accord with the overarching design criteria outlines in the Child Care Planning Guidelines.

The internal areas will consist of 4 indoor play rooms over 2 levels, sleeping rooms, administrative areas including staff rooms and offices, kitchen, laundry, storerooms and amenities. The facility will also accommodate 2 outdoor play areas located at the rear and also a second outdoor play area at the first floor oriented towards the rear of the site with a substantial rear setback of 10m to the first floor play areas.

The '*Child Care Facility*' will operate with a maximum capacity of 85 places with the following age groups:

- 0-2 years: 18 kids;
- 2-3 years: 22 kids; and
- 3-4 years: 20 kids.
- 4-6 years: 25 kids.

The unencumbered indoor play area and associated unencumbered outdoor play areas associated with the 0-2, 2-3, and 3-4 age group and key administration areas including meeting room, office, and laundry is located on the ground floor with the second unencumbered indoor play area and associated unencumbered outdoor play area associated with the 4-6 age group to be located on the first floor.

The facility provides a total of 279m<sup>2</sup> or 3.28m<sup>2</sup> of unencumbered indoor play area per child and 596m<sup>2</sup> or 7.01m<sup>2</sup> of unencumbered outdoor play area per child.

The facility will be run by 15 staff with the operating hours are proposed to be 7am to 7pm Monday – Friday (excluding public holidays).

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines as follows:

- *The design responding to the context of the surrounding area by proposing an attractive a two storey-built form that has been designed to appear as a large two storey dwelling in order to ensure consistency with the existing medium density residential character within the immediate subject area.*
- *Appropriate replacement and landscape embellishment to ensure the landscape character of the site is respected.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

The overall design scheme has undertaken conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing.

The development is to take advantage of its wide frontage through orientation of the development to the front and rear and limiting openings to side boundaries.

Potential noise impacts associated with the outdoor play area is mitigated by the incorporation of acoustic barriers that is to wrap around the outdoor play areas along the site's boundaries at the ground floor and the incorporation of acoustic barriers along the first floor. This is in accordance with the attached Noise Impact Assessment with an Operational Management Plan to manage outdoor play times and the number of children accessing outdoor area at any one time. The barriers range in height from 1.6m-2.3m and the outdoor play times will be a maximum of 4 hours per day as recommended in the report by Day Design.

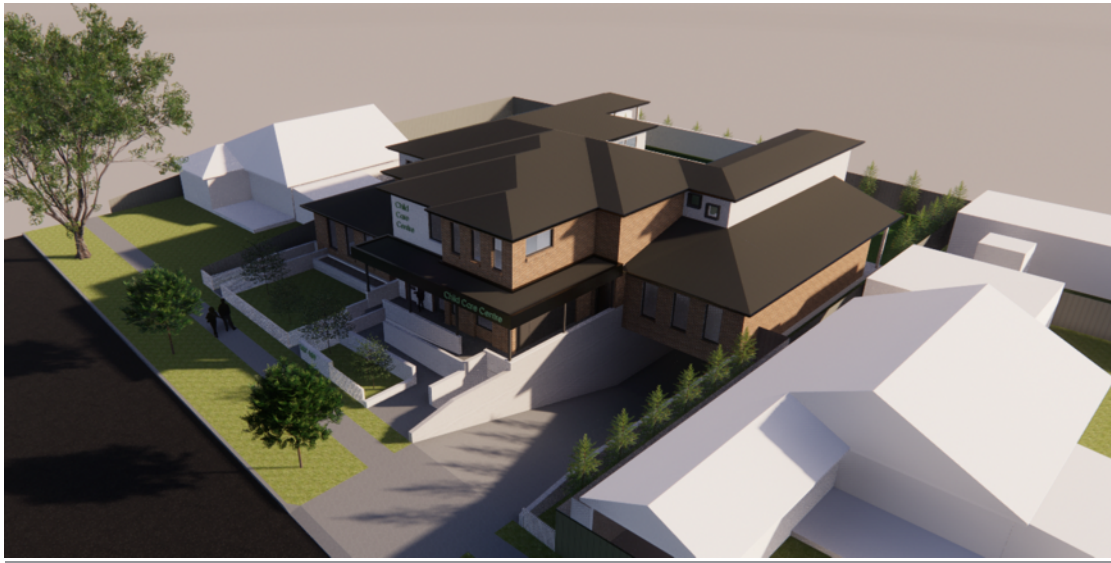
#### **Parking:**

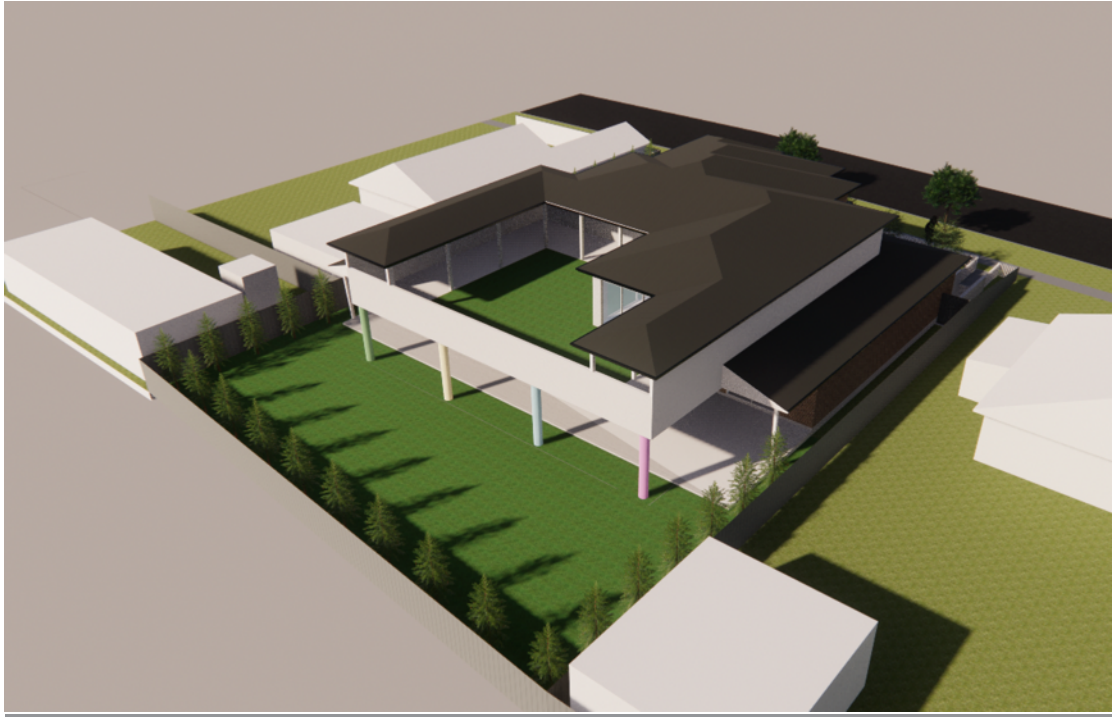
The development proposal a total of 26 car parking spaces within a basement level with the following breakdown:

- 16 staff parking; and
- 10 visitor/parent car parking spaces

### Design Intent

An extract of the 3D models of the proposal are provided below that shows the intent to provide a compatible built form outcome on the site noting the use of brickwork, pitched roof elements and the 'hiding' of the upper level play area.

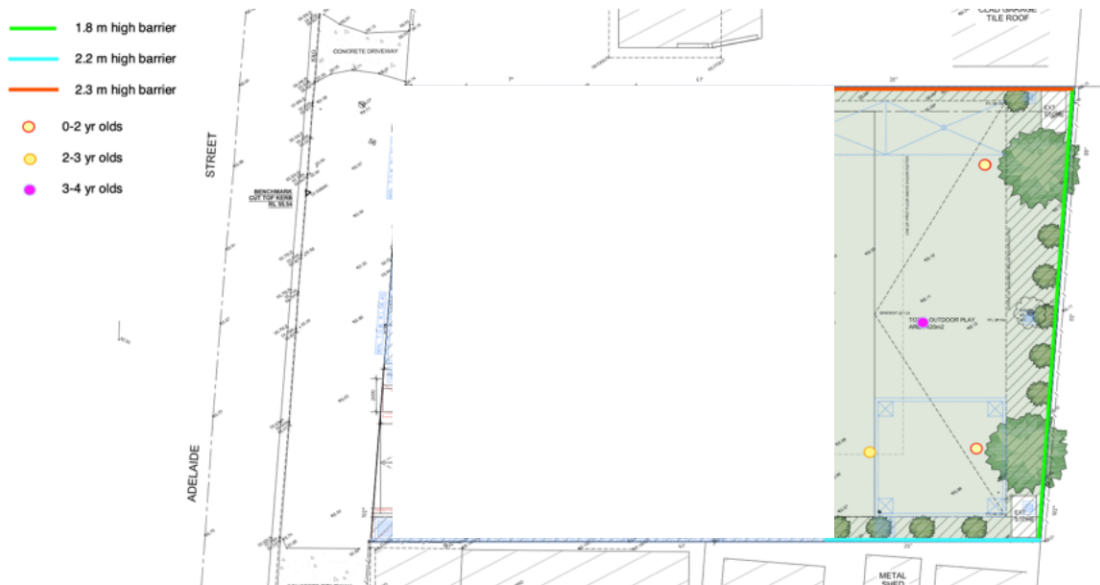






### Acoustic Barriers and Treatments

The proposal is designed to limit the need for tall barrier heights, noting that the majority of the acoustic barriers are 1.8m to the rear- and only short runs of taller barriers from 2.2m-2.3m which is reflected on the images below from the acoustic report.



This is considered suitable in an R3 Medium Density Context.

### Supporting Documents:

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

## KEY PLANNING CONTROLS

### STATUTORY CONTROLS

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy No. 55 – Contaminated Land;
- State Environmental Planning Policy – (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017; and
- 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 – CONTAMINATED LAND

Clause 7 of SEPP 55 provides:

*(1) A consent authority must not consent to the carrying out of any development on land unless:*

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Given the historical use of the site for urban purposes, land contamination is not likely.

However a Phase 1 investigation has been carried out by GCA which found that the site is suitable for the proposed development and land use, providing recommendations within the report are implemented during the Construction Certification Stage with an extract below.

#### 13. Conclusion

Based on the site investigation, GCA considers that the potential for significant contamination of soil and groundwater within the site to be low. Therefore, GCA finds that the site is suitable for the proposed development and land use, providing the recommendations within Section 14 below are implemented.

#### 14. Recommendations

Based on the information collected and available during this investigation, the following recommendations have been made:

- All structures onsite should have a Hazardous Materials Survey (HMS) conducted by a qualified occupational hygienist and/or environmental consultant for the site prior to any demolition or renovation works in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements;
- An Asbestos Clearance Certificate is required to be completed once all existing buildings and structures have been demolished;
- Any soils requiring excavation, onsite reuse and/or removal must be classified in accordance with "Waste Classification Guidelines Part 1: Classifying Waste" NSW EPA (2014);
- The demolition of any structures and excavation activity onsite be undertaken in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements; and
- A site specific 'Unexpected Finds Protocol' is to be made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.

Council can be satisfied that the provisions of Clause 7 of the SEPP is satisfied. If any contaminated material or suspected contaminated material is unearthed during the construction process then actions consistent with the legislative requirements and guideline document will be undertaken.

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

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

The subject site is within a well-established residential area, having historically been used for urban purposes.

The current proposal is to remove some shrubs and 5 trees from the site to facilitate the development and this is addressed in the submitted Arborist Report that confirms their removal is necessary.

However to offset this the proposal will introduce high quality landscape embellishment works within a low to medium density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds.

The landscape treatment will also soften the built form and assist with maintaining privacy to neighbouring properties. Refer to attached Landscape Plan for detail.

#### **STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

Clause 104 identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as *'traffic generating development'*.

The current proposal is not identified as traffic generating development by Schedule 3 of the SEPP. Accordingly, the proposal is not required to be referred to the RMS for comment.

In accordance with clause 45, it is not anticipated that Council will refer the application to an electricity supply authority as works will not occur within 5m of an exposed overhead electricity power line.

## 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 1<sup>st</sup> 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 overleaf discusses against the relevant provisions of the SEPP.

SEPP	Comment
<b>3 Aims of Policy</b>  <b>The aims of this Policy are as follows:</b> <b>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</b>  <b>(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,</b> <b>(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</b>  <b>(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</b>  <b>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</b>  <b>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services,</b>	<p>The proposal will result in an addition of valuable child care places within the wider Penrith catchment and St Marys specifically.</p>



(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.

## 5 Interpretation

*centre-based child care facility* means:  
a building or place used for the education and care of children that provides any one or more of the following:

long day care,  
occasional child care,  
out-of-school-hours care (including vacation care)  
preschool care, or  
an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW),

but does not include:

- a building or place used for home-based child care or school-based child care, or an office of a family day care services (within the meanings of the Children (Education and Care Services) National Law (NSW), or
- a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- 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
- a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational,

The proposed centre-based child care facility is consistent with the definition contained within the SEPP.

religious or sporting activity, or providing private tutoring, or

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

### Part 3 Early education and care facilities – specific development controls

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

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

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

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

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,

There are no restrictions relevant to the proposed development.

##### indoor or outdoor space

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

The centre-based child care facility provides 279m<sup>2</sup> or 3.28m<sup>2</sup> of unencumbered indoor play space and 596m<sup>2</sup> or 7.01m<sup>2</sup> of unencumbered outdoor play space which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.

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,

Indoor play space required = 3.25m<sup>2</sup> for each child

Outdoor place space required = 7m<sup>2</sup> 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,

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.

**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 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).

Penrith DCP prescribes a minimum site frontage of 22m.

Clause 25 of the Environmental Establishment and Child Care Facility SEPP 2017 stipulates that a child care facility can be located on a site of any size and have any length of street frontage or any allotment depth. As such minimum site frontage does not apply. However, it is noted that the development has a frontage >22m to Adelaide Street which is approximately 27.43

There are no restrictions relevant to the proposed development.

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.

## 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
<b>Objectives</b> The planning objectives of this Guidelines are to:	
<ul style="list-style-type: none"> <li>promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations</li> </ul>	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"> <li>ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses</li> </ul>	The site is an R3 zone with character being reflected in the 2 storey multi-dwelling forms. To ensure compatibility the current proposal has been designed to appear as a large modern 2 storey built form set within a landscape setting that will be compatible within the existing low density residential built form character within the immediate locality, noting compliance to prescribed maximum height control under the LEP.
<ul style="list-style-type: none"> <li>minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment</li> </ul>	The overall design scheme has undertaken conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing.  This is addressed in detail further within this table.



## 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:**

- **the acoustic and privacy impacts of the proposed development on the residential properties**

The overall design scheme has undertaken conscious effort to minimise adverse impacts on neighbouring properties in terms of acoustic and privacy.

The development is to take advantage of the wide frontage and as such the majority of window openings and orientation of play areas is to the front and rear to minimise impacts to nearby adjoining residential properties.

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

Potential noise impacts associated with the outdoor play area is mitigated by acoustic barriers that is to wrap around the outdoor play areas. Refer to attached Acoustic Report by Day Design.

- **the setback and siting of buildings within the residential context**

Complies predominantly with setback requirements under the DCP, with a 1.5m-5.2m side setback and noting a large recess at the upper level to reduce the dominance of the first floor.

- **traffic and parking impacts of the proposal on residential amenity**

Parking is provided within a basement level to minimise impact to the streetscape.

A Traffic and Parking Impact Assessment which accompanies this application has found that given the close proximity to an arterial road network, the traffic generated by the proposed child care facility is not expected to have an adverse impact on the surrounding road network.

The additional traffic can likely be readily accommodated within the existing road network with minimal impacts in terms of traffic flow efficiency, residential amenity and road safety considerations.

**C2 – When selecting a site, ensure that:**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• <b>the location and surrounding uses are compatible with the proposed development or use</b></li> </ul>  | <p>Centre-based child care facilities are a permissible and compatible land use within the R3 – Medium Residential Density.</p>  |
| <ul style="list-style-type: none"> <li>• <b>the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards</b></li> </ul>  | <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"> <li>• <b>there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed</b></li> </ul>  | <p>A Phase 1 Site Investigation has been prepared by Geotechnical Consultants Australia which found that the site is suitable for the proposed development and land use, providing recommendation within the report are implemented during the Construction Certification Stage.</p>   |
| <ul style="list-style-type: none"> <li>• <b>the characteristics of the site are suitable for the scale and type of development proposed having regards to:</b> <ul style="list-style-type: none"> <li>- <b>size of street frontage, lot configuration, dimensions and overall size</b></li> <li>- <b>Number of shared boundaries with residential properties</b></li> <li>- <b>will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</b></li> </ul> </li> </ul> | <p>The site once consolidated will have an area of 1100m<sup>2</sup> and can be described as a wide land parcel that 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> |
| <ul style="list-style-type: none"> <li>• <b>where the proposal is to occupy or retrofit an existing premise, the interior and exterior spaces are suitable for the proposed use</b></li> </ul>  | <p>N/A. Development proposes to undertake the development of a new centre-based child care facility.</p>   |
| <ul style="list-style-type: none"> <li>• <b>there are suitable drop off and pick up areas, and off and on street parking</b></li> </ul>   | <p>The development provides car parking spaces in-accordance with the DCP, noting appropriate car parking spaces are provided to permit the drop off and pick up of children.</p>  |
| <ul style="list-style-type: none"> <li>• <b>the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</b></li> </ul>   | <p>Access to the site is from Adelaide Street.</p>   |
| <ul style="list-style-type: none"> <li>• <b>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</b></li> </ul>  | <p>Subject site is not located closely to incompatible social activities and uses.</p>   |

**C3 – A child care facility should be located;**

- **near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship**
- **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**

Located in reasonable proximity to St Marys Town Centre and the subject site is located in wider proximity to educational establishments, parks and places of public worship.

Bus stops are within 100m of the site on Glossop Street and additional services on Brisbane Street.

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

- **proximity to**
  - **heavy or hazardous industry, waste transfer depots or landfill sites**
  - **LPG tanks or service stations**
  - **water cooling and water warming systems**
  - **odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future 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**

The subject site is not located within proximity to any identified environmental hazard.

A Phase 1 Site Investigation has been prepared by Geotechnical Consultants Australia which found that the site is suitable for the proposed development and land use, providing recommendation within the report are implemented during the Construction Certification Stage.

### 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 site is an R3 zone with character being reflected in the 2 storey multi-dwelling forms. To ensure compatibility the current proposal has been designed to appear as a large modern 2 storey built form set within a landscape setting that will be compatible within the existing low density residential built form character within the immediate locality, noting compliance to prescribed maximum height control under the LEP.

It is noted that the two storey form would also be compatible within a medium density context, that is if the immediate locality does undertake a transformation of its built form towards medium densities.

Appropriate landscaping is to be provided between the building and the street edge. Refer to attached Landscape Plan for detail.

#### 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 of Adelaide Street.

Proposed landscaping works seek to soften the built form and fencing and also seek to integrate the development with the site's residential context, noting that key areas at the front and rear are to be landscaped.

#### 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

The site does not contain multiple buildings or entries; The primary entry point is designed to be clearly visible and legible from Adelaide Street.



<p><b>C9 – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</b></p>	
<ul style="list-style-type: none"> <li>• <b>clearly defined street access, pedestrian paths and building entries</b></li> </ul>	<p>The development provides clearly defined street access, pedestrian paths and building entry.</p>
<ul style="list-style-type: none"> <li>• <b>low fences and planting which delineate communal/private open space from adjoining public open space</b></li> </ul>	<p>Fencing and landscape works will contribute towards delineating communal/private open space from the public domain.</p>
<ul style="list-style-type: none"> <li>• <b>minimal use of blank walls and high fences</b></li> </ul>	<p>The development incorporates architectural features and articulation to provide an attractive double storey-built form that appropriately addresses the street frontage.</p>
<p><b>C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</b></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><b>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.</b></p>	<p>Not applicable – the subject site is not identified as a heritage item, nor is not located within a heritage conservation area.</p>
<p><b>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.</b></p>	<p>The development is to incorporate appropriate acoustic barriers to the outdoor play areas to shield it from traffic noise and to ensure suitable noise mitigation from play areas to adjoining properties. Refer to attached Noise Impact Assessment for detail.</p>

### 3.3 Building orientation, envelope and design

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

- **ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by;**

- facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties

- placing play equipment away from common boundaries within residential properties

- locating outdoor play areas away from residential dwellings and other sensitive uses

The overall design scheme has undertaken conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy and acoustic whilst also designed to comply with prescribed setback controls under the Penrith DCP and the Child Care Planning Guidelines.

The development is to take advantage of its wide frontage that means orienting front and rear limits impacts to adjoining properties and screens and barriers are used to the perimeter areas. In addition the first floor is designed to be partly 'hidden' by the roof form on each side.

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

Potential noise impacts associated with the outdoor play area is mitigated by acoustic barriers that is to wrap around the outdoor play areas within both the ground and first floor.

Finally, a Noise Impact Assessment which accompanies the development application has found that the level of noise emitted by the proposed Child Care Facility will meet the acceptable noise level requirements of the Association of Australasian Acoustic Consultants '*Guideline for Child Care Centres Acoustic Assessment*'. Furthermore, provided that the recommendations in Section 8 of the assessment are implemented into the design and construction of the proposed building.
- **optimise solar access to internal and external play areas**

The centre-based child care facility is oriented to maximise natural light and ventilation.
- **avoid overshadowing of adjoining residential properties**

The proposed two storey centre-based child care facility has been designed to reduce the potential for overshadowing of neighbouring properties, including compliance with setback provisions and a larger first floor setback.

- ensure buildings along the street frontage define the street by facing it

Development proposes an attractive contemporary two storey building designed to adequately address its frontage to Adelaide Street.

- ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions

Complies - the outdoor play areas above the ground floor will provide appropriate protection from the wind and other climate conditions.

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

- 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

The proposal is designed to align with the emerging 2 storey character and adopts a recessed upper level to also align with the desired outcomes for development in the R3 zone.

Development is consistent with setback requirements under the Penrith DCP 2014 and the Child Care Planning Guidelines.

**C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.**

Proposal has been designed to comply with prescribed setback controls under the Penrith DCP.

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

The development has been designed to comply with setback requirements under the Penrith DCP 2014 which requires child care facilities within residential zones to achieve setback prescribed for dwelling houses in-order to be consistent with the dominant built form pattern in established residential estates.

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

- 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

The purpose centre-based child care facility has been designed to appear as a large modern 2 storey built form set within a landscape setting to be consistent with the character of the locality in this part of St Marys.

Landscape embellishment works is to be undertaken within the front setbacks to minimise the impact of hard surfaces to the streetscape.

- **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**

Subject site is not listed as a heritage item or is it within a conservation area, with existing local heritage items sufficiently separated. As such no further heritage studies is considered necessary, noting that the development site is not burdened by any heritage restrictions.

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

- **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**

The proposed centre-based child care facility provides a primary entry point from Adelaide Street.

The pedestrian entry point is visible from the street frontage, permits ease of access and directly accessible from Adelaide Street

**C17 – Accessible design can be achieved by:**

- **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.**

Development has been designed to be accessible to and within the building in accordance with all relevant legislation, with direct equitable pedestrian access provided via Adelaide Street. Furthermore, lift core provides access to all levels from the basement.

Access to the site is in accordance with the Access Report that accompanies this application.

Development provides appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance



### 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:

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

The development is to remove identified trees/vegetation in-order to accommodate the proposed child care facility, noting appropriate landscape embellishment works within the medium density zone context.

The landscaping plan incorporates planting that is indigenous to the immediate area and will be utilised as part of learning programmes within the centre to assist with attending children understanding the benefits of utilising local native plantings.

Refer to attached Landscaping Plan for detail.

**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

Development proposes all car parking within a basement level, nevertheless the development proposes appropriate landscape embellishment works that will improve and enhance the subject site whilst helping to integrate the proposal within the context of the site and its residential surroundings.

Refer to attached Landscaping Plan for detail.

### 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 indoor rooms and outdoor play spaces from public areas via appropriate site and building layout and the use of fencing and landscaping.

As per the Noise Impact Assessment, acoustic barriers are to wrap around the outdoor play areas to shield potential noise to adjoining properties and also protect the facility from potential traffic noise.

	Refer to attached Noise Impact Assessment for detail.
<p><b>C22 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</b></p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitable locating pathways, windows and doors</li> <li>• permanent screening and landscape design</li> </ul>	<p>Complies, the development is to take advantage of its context and wide frontage by orientation of primary windows to the front and rear of the site.</p> <p>As such the centre-based child care facility will minimise direct overlooking of main internal living areas and private open space in adjoining developments.</p>
<p><b>C2 – 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:</b></p> <ul style="list-style-type: none"> <li>• 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)</li> <li>• 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</li> </ul>	<p>The development proposes appropriate acoustic barrier along the site's boundaries to minimise acoustic impacts to neighbouring properties in accordance with the attached Noise Impact Assessment.</p>
<h3>3.6 Noise and air pollution</h3>	
<p>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.</p>	
<p><b>C25 – Adopt design solution to minimise the impacts of noise, such as:</b></p> <ul style="list-style-type: none"> <li>• creating physical separation between buildings and the noise source</li> <li>• orienting the facility perpendicular to the noise source and where possible buffered by other uses</li> <li>• using landscaping to reduce the perception of noise</li> <li>• limiting the number and size of opening facing noise sources</li> </ul>	<p>The subject site is not located near major roads rail lines, beneath flight paths or other noisy environments.</p>

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

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

The subject site is not located on industrial land, where an ANEF contours is between 20 and 25, along a railway or mass transit corridor.

The development site is also not in proximity to busy road.

However an Acoustic Report has been prepared dealing with noise impacts to and from the facility.

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

Complies.

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

The subject site is not located near industrial development, or a busy road and no air quality assessment is required.

### 3.7 Hours of operation

**C29 – Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays**

The child care facility is to operate between 7am to 7pm Monday to Friday.

<p><b>C30 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses</b></p>	<p>Subject site is not located within a mixed-use are. Not applicable.</p>
<p><b>3.8 Traffic, parking and pedestrian circulation</b></p>	
<p><b>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.</b> Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rate:</p> <p><b>Within 400m of a metropolitan train station:</b></p> <ul style="list-style-type: none"> <li>• 1 space per 10 children</li> <li>• 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space.</li> </ul> <p><b>In other areas:</b></p> <ul style="list-style-type: none"> <li>• 1 space per 4 children</li> </ul>	<p>The Development has regard with the car parking requirements under the Penrith Development Control Plan 2014.</p>
<p><b>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.</b></p>	<p>Site not located within a commercial or industrial zone. Not applicable.</p>
<p><b>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</b></p> <ul style="list-style-type: none"> <li>• the amenity of the surrounding area will not be affected</li> <li>• there will be no impacts on the safe operation of the surrounding road network</li> </ul>	<p>A Traffic and Parking Impact Assessment prepared by Varga Traffic Planning which accompanies this application has found that given the close proximity to an arterial road network, the traffic generated by the proposed child care facility is not expected to have an adverse impact on the surrounding road network.</p> <p>The additional traffic can likely be readily accommodated within the existing road network with minimal impacts in terms of traffic flow efficiency, residential amenity and road safety considerations.</p>



<p><b>C34 – Alternate vehicular access should be provided where child care facilities are on site fronting;</b></p> <ul style="list-style-type: none"> <li>• a classified road</li> <li>• roads which carry freight traffic or transport dangerous goods or hazardous materials</li> </ul> <p>The alternate access must have regard to the prevailing traffic conditions</p> <ul style="list-style-type: none"> <li>• pedestrian and vehicle safety including bicycle movements</li> <li>• the likely impact of the development on traffic</li> </ul>	<p>Vehicular access to the site is to be provided via Adelaide Street which is suitable as set out in the traffic report.</p>
<p><b>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.</b></p>	<p>Development site is not within a cul-de-sac or narrow lanes or road. Not applicable.</p>
<p><b>C36 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment;</b></p> <ul style="list-style-type: none"> <li>• separate pedestrian access from the car park to the facility</li> <li>• defined pedestrian crossings including within large car parking areas</li> <li>• separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>• pedestrian paths that enable two prams to pass each other</li> <li>• delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> <li>• vehicles can enter and leave the site in a forward direction</li> </ul>	<p>The development provides separate pedestrian and vehicular access.</p> <p>Vehicles can enter and exit the site in a forward direction.</p>
<p><b>C38 – Car parking design should:</b></p> <ul style="list-style-type: none"> <li>• include a child safe fence to separate car parking areas from the building entrance to play areas</li> <li>• provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> <li>• include wheelchair and pram accessible parking</li> </ul>	<p>Car parking area is sufficiently separated from the building entrance and outdoor play area.</p> <p>Accessible car parking space designed in accordance with Australian Standard is clearly marked and situated near the entry point.</p>

## 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 3.25m<sup>2</sup> of unencumbered indoor space.

The proposal provides 3.28m<sup>2</sup> of indoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.

#### **Design Guidance**

#### **Verandas as indoor space**

For a veranda to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space.

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

#### **Design Guidance**

#### **Storage**

It is recommended that a child care facility provide;

- a minimum of 0.3m<sup>3</sup> per child of external storage space
- a minimum of 0.2m<sup>3</sup> per child of internal storage space

The proposal provides appropriate internal and external storage areas.

### 4.2 Laundry and hygiene facilities

#### **Regulation 106**

#### **Education and Care Services National Regulations**

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

On site laundry facilities are provided.

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

Designed to comply.

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

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

#### Design Guidance

##### On site laundry

On site laundry facilities should contain:

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

Designed to comply.

### 4.3 Toilet and hygiene facilities

#### Regulation 109

##### Education and Care Services National Regulations

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

Toilet facilities for both the children and staff are provided.

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

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

### 4.4 Ventilation and natural light

#### Regulation 110

##### Education and Care Services National Regulations

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

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

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

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

#### **Design Guidance**

##### **Natural light**

When designing child care facilities consideration should be given to:

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

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

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

#### 4.8 Emergency and evacuation procedures

##### *Regulations 97 and 168*

##### *Education and Care Services National Regulations*

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

The proposed child care facility has been designed 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 has been 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

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



- congregation/assembly, relative to the capacity of the facility and governing child-to-staff ratios

#### 4.9 Outdoor space requirements

##### *Regulations 108*

##### *Education and Care Services National Regulations*

Every child being educated and cared for within a facility must have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space.

The proposal provides 7.01m<sup>2</sup> of unencumbered outdoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline. Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

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

Not applicable.

##### *Design Guidance*

Calculating unencumbered space for outdoor areas should not include areas of dense hedges or planting along boundaries 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
- vegetable gardens and gardening tubs.

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

#### 4.11 Shade

**Regulations 114**

**Education and Care Services National Regulations**

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

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

#### 4.12 Fencing

**Regulations 104**

**Education and Care Services National Regulations**

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

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

Designed to comply.

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*.

#### *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:**

- 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

Designed to comply.

**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.**

Fencing and gates designed to comply with relevant requirements under the 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.**

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.**

The development site has historically been utilised for residential purposes with no known potential contamination activities being conducted on site. A PSI has been carried out.

## EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)

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

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

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

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

Clause	Controls	Comment	Complies
<b>Part 3 Facilities and Equipment Requirements</b>			
<b>28 (1)</b>	Space requirements	(a) An administration room is located within the proposed Child Care Facility.	<b>Yes</b>
		(b) A staff room is located within the proposed Child Care Facility.	<b>Yes</b>
		(c) A Cot Room that is used only for children under 2 years of age has been provided within the proposed Child Care Facility.	<b>Yes</b>
<b>28 (2)</b>	Adequate unencumbered indoor play space	The proposed centre-based child care facility provides 3.28m <sup>2</sup> of unencumbered indoor play space per child as shown on the submitted plans.	<b>Yes</b>
<b>28 (4)</b>	Adequate unencumbered outdoor play space	The proposed centre-based child care facility provides 7.01m <sup>2</sup> of unencumbered outdoor play space per child.	<b>Yes</b>
<b>28 (6)</b>	Shading	The proposed centre-based child care facility has provided adequate shading. See attached plans for detail.	<b>Yes</b>

29	Laundry	A laundry facility is available on the premises of the proposed centre-based child care facility.	Yes
30	Craft preparation facilities	Craft preparation areas are provided in the centre-based child care facility.	Yes
31	Food preparation facilities	A kitchen facility is provided by the proposed centre-based child care facility.	Yes
32	Toil and washing facilities	Appropriate toilet and washing facilities are provided.	Yes
33	Nappy change facilities	A nappy changing facility is provided by the proposed centre-based child care facility.	Yes
34	Sleeping facilities	The proposed centre-based child care facility has appropriate sleeping facilities with a separate cot room provided for 0 - 2 year old.	Yes
35	Storage facilities	The proposed centre-based child care facility has provided adequate storage facilities.	Yes
45	Fencing	Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.	Yes
<b>Part 3 Staffing Requirements</b>			
52	Staff to child ratio	<p>The proposed centre-based child care facility will require the following minimum staff requirements:</p> <p>0-2 Years – 1 employee per 4 children  2-3 Years – 1 employee per 5 children  3-5 Years – 1 employee per 10 children</p> <p>The breakdown of children ratio within the proposed centre-based child care facility is as follows:</p> <p>0-2 Years – 18 children (4.5 staff)  2-3 Years – 22 children (4.5 staff)  3-5 Years – 45 children (4.5 staff)</p> <p>Total: 15 staff. The development provides a total of 15 staff. Complies</p>	Yes



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

The development proposal incorporates a drainage concept that demonstrates that stormwater can be adequately conveyed to the existing street network.

Appropriate erosion and sediment controls can be implemented throughout construction and it is anticipated that conditions of consent will reinforce this.

It is noted that the proposal meets the recently adopted WSUD measures required to achieve appropriate water quality for stormwater discharge.

## PENRITH LOCAL ENVIRONMENTAL PLAN 2010

The subject site is zoned R3 Medium Residential Density under the provisions of the Penrith Local Environmental Plan 2010.

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

### ***centre-based child care facilities means:***

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

- (h) a child-mining 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 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 identify 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 centre-based child care facility has incorporated a contemporary design that achieves good presentation to Adelaide Street and the facade of the building will resemble a modern two storey form set within a landscape setting to ensure compatibility with the existing low density residential character of the immediate locality, noting that the design scheme would also be compatible within a medium density context.

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

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

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

Penrith Local Environmental Plan 2010 – Compliance Table			
Clause	Controls	Comments	Complies
<b>Zoning</b>	R3 – Medium Density Residential	'Centre Based Child Care Facilities' are permissible with Council consent in the R3 – Zone.	<b>Yes</b>
Part 2 Permitted or Prohibited Development			
<b>2.3</b>	Zone objectives and land use table	The proposal is consistent with the zone objectives of the R3 – Medium Density Residential Zone and will provide valuable child care services and employment opportunities to people who live and work in the local area.	<b>Yes</b>
<b>2.6</b>	Subdivision – consent requirements	No subdivision is proposed.	<b>N/A</b>
<b>2.7</b>	Demolition requires consent	Council consent is sought for the demolition of the existing structures on site in accordance with the submitted Demolition Plan.	<b>N/A</b>
Part 4 Principal Development Standards			
<b>4.3</b>	Height of building – 8.5m	<p>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.</p> <p>The development proposes a two-storey building with no part of the proposed child care facility to encroach 8.5m in height and as such is compliant with Clause 4.3.</p> <p>Refer to attached architectural plans for detail.</p>	<b>Yes</b>
<b>4.4</b>	Floor space ratio	No FSR control applies to the subject site. Not relevant.	<b>N/A</b>
Part 5 Miscellaneous Provision			
<b>5.10</b>	Heritage conservation	The subject site is not identified as a heritage item and is not within proximity to any heritage items.	<b>Yes</b>

Clause	Controls	Comments	Complies
Part 7 Additional Local Provisions			
7.1	Earthworks	<p>This application seeks Council consent for excavation of the site as per the attached plans noting the basement parking area. It is considered that the proposed excavation will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation work is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p>	Yes
7.2	Flood planning	The site is not identified as being flood prone.	N/A
7.3	Development on natural resources sensitive land	The subject site is not identified on the Natural Resources Sensitive Map. Not applicable.	N/A
7.4	Sustainable Development	<p>The proposal satisfies the LEP in that:</p> <p>(a) <i>conserving energy and reducing carbon dioxide emissions,</i>  (b) <i>embodied energy in materials and building processes,</i>  Proposal incorporates design elements to increase energy efficiency and reduce the consumption of natural resources.</p> <p>(c) <i>building design and orientation,</i>  (d) <i>passive solar design and day lighting,</i>  (e) <i>natural ventilation,</i>  (f) <i>energy efficiency and conservation,</i>  (g) <i>water conservation and water reuse,</i></p> <p>Proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration as well as natural ventilation to the proposed child care facility.</p>	Yes

Clause	Controls	Comments	Complies
		<p><i>(h) waste minimisation and recycling,</i></p> <p>Waste management and recycling can be addressed through waste management plan.</p> <p><i>(i) reduction of vehicle dependence,</i></p> <p>Bus stops with services between Penrith and St Marys situated within a 100m walking distance from the development site provides alternative means of transport.</p> <p><i>(j) potential for adaptive reuse.</i></p> <p>Given the zoning of the site as R3 there is limited adaptive re-use potential on the site.</p>	
<b>7.5</b>	Protection of Scenic Character and Landscape Values	The site is not identified on the Land with Scenic and Landscape Values Map. Not applicable.	<b>N/A</b>
<b>7.6</b>	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not applicable.	<b>N/A</b>
<b>7.7</b>	Servicing	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	<b>Yes</b>



## 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>	
		A Site Analysis has been prepared and is attached as part of this application. The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal- notably the wide frontage and orienting primary windows to the front and rear.	<b>Yes</b>
		<u>1.1.2 Key Areas with Scenic and Landscape Values</u>	
		The subject site is not located within the Scenic and Landscape Values Map under the Penrith LEP 2010. Not applicable.	<b>N/A</b>
1.2	Design Principles	<u>1.2.2 Built Form – Energy Efficiency and Conservation</u>	
		The proposed development incorporates design elements to increase energy efficiency and reduce the consumption of natural resources.	<b>Yes</b>
		The proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration as well as natural ventilation of the proposed child care facility.	
		<u>1.2.3 Building Form – Height, Bulk and Scale</u>	
		It is considered that the proposal will result in an appropriate outcome on site that responds to the unique characteristics of the site.	<b>Yes</b>

Clause	Controls	Comments	Complies
		<p>The current proposal has been designed to appear as a large modern 2 storey built form set within a landscape setting that will be compatible within the existing low density residential built form character within the immediate locality, noting that the overall design scheme would also be compatible within a medium density context.</p> <p>The site complies with maximum height and setback controls that applies for the site under Penrith LEP 2010 and Penrith DCP 2014.</p> <p>The development is to take advantage of its corner element by siting and orienting the two storey building towards Adelaide Street to maximise separation to residential land parcels along its western boundary.</p> <p>This will ensure that the privacy amenity of adjoining properties is maintained.</p> <p>Furthermore, the proposal is consistent with setback controls under the Penrith DCP 2014 applying to two storey dwelling houses, with the development providing a primary front setback of 6.5m from the primary building line to Adelaide Street that is compatible in the streetscape.</p> <p>Finally, the basement form is an ongoing emerging form of development in the broader locality for child care facilities that provides for design improvements over a traditional child care facility with at-grade parking located in-front of the building line.</p> <p>As such, the development is considered a compatible and appropriate built form within an existing low density residential setting.</p> <p><u>1.2.4 Responding to the Site's Topography and Landform</u></p> <p>The site is relatively flat and considered suitable to accommodate the proposed child care facility noting the minor fall towards Adelaide Street.</p>	Yes

Clause	Controls	Comments	Complies
		<p>The proposed excavation work is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p><u>1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)</u></p> <p>The proposed development incorporates an active façade that will permit casual surveillance to Adelaide Street as well as common areas and landscaped areas of the proposal.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <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>Proposal has been designed to provide access to and from the site for people with mobility issues. The proposal will incorporate an accessible design in line with the relevant requirements.</p> <p>The proposed development incorporates a suitable path of travel from the street to the units.</p> <p>A lift core will ensure all levels from the basement is accessible. Refer to attached Access Report for detail.</p>	<p>Yes</p> <p>Yes</p>

Clause	Controls	Comments	Complies
<b>C2 Vegetation Management</b>			
<b>2.1</b>	Preservation of Trees and Vegetation	<p>The subject site is within a well-established residential area, having historically been used for residential purposes.</p> <p>The current proposal is to remove trees from the site including large trees in the front setback noting the that suitable replacements are proposed on the new landscape plan. See Arborist Report for further detail on the tree removal.</p> <p>The site is not identified as being located within the Natural Resource Sensitive Map under Penrith LEP 2010.</p> <p>The proposal will incorporate landscape embellishment works in accordance with the landscape plan to help soften the physical bulk and built form of the proposed development.</p> <p>The proposal provides landscaping embellishment work that will improve and enhance the subject site within a residential density context.</p> <p>It is highlighted that no significant vegetation is to be impacted as part of the proposal. Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan.</p>	<b>Yes</b>
<b>2.2</b>	Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	Subject site is not identified as being within a Natural Resource Sensitive Land under Penrith LEP 2010. Not applicable.	<b>N/A</b>
<b>2.3</b>	Bushfire Management	Subject site is not identified as being within a Bushfire Prone Land.	<b>N/A</b>
<b>C3 Water Management</b>			
<b>3.2</b>	Catchment Management and Water Quality	Appropriate management of the site during the demolition and construction phases will contribute towards protecting the water system. A Stormwater Management Plan has been prepared and is attached as part of this application.	<b>Yes</b>
<b>3.3</b>	Watercourses, Wetlands and Riparian Corridors	Subject site is not located within close proximity to a watercourse, wetland or riparian corridor. Not applicable.	<b>N/A</b>

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



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

Clause	Controls	Comments	Complies
<b>C7 Cultural and Heritage</b>			
<b>7.1</b>	Heritage	<p>The subject site is not identified as a heritage item, it is located within a heritage conservation area and there are no heritage items in proximity to the site.</p> <p>As such no further heritage studies is considered necessary.</p>	<b>Yes</b>
<b>7.2</b>	Aboriginal Cultural and Heritage	Not relevant.	<b>N/A</b>
<b>7.3</b>	Significant Trees and Gardens	The site does not contain any significant trees or gardens.	<b>Yes</b>
<b>C9 Advertising and Signage</b>			
<b>9.1</b>		No signage is proposed at this stage. Signage will be subject to future DAs.	<b>N/A</b>
<b>C10 Transport, Access and Parking</b>			
<b>10.2</b>	Traffic Management and Safety	<p>It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site.</p> <p>The proposed parking area and ancillary driveway will not contribute to the creation of traffic hazards.</p> <p>The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site. Vehicle and pedestrian routes are clearly indicated and accessible.</p> <p>The basement design also avoids a shared pedestrian/vehicle access arrangement to mitigate safety concerns.</p> <p>See traffic report by Varga Traffic Planning.</p>	<b>Yes</b>
<b>10.3</b>	Key Transport Corridors	The subject site is not located within a key transport corridor. Not relevant.	<b>N/A</b>

Clause	Controls	Comments	Complies
10.5	Parking, Access and Driveways	Proposed dimensions for car parking spaces are consistent with Council controls. See plan for detail.	Yes
	Parking Rates 1 space per 10 children plus 1 employee	<p>The development proposes the construction of an 85 place child care facility with a total of 15 staff.</p> <p>The development is therefore required to provide 9 visitor parking spaces and 15 staff parking spaces or a total of 24 car parking spaces.</p> <p>The facility proposes the following:</p> <p>26 x car parking spaces with the following breakdown:</p> <ul style="list-style-type: none"><li>- 16 staff parking spaces;</li><li>- 10 visitor Parking spaces;</li></ul>	
D5 Other Land Uses			
5.2	Child Care Centers	<u>1) Work Based Child Care Centers</u>	
		The development site is not located within a business or industrial area.	N/A
		<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.	Yes - SEPP
		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.	
	b) The development site is within close proximity to St Marys Town Centre and educational establishments- Oxley Park Public School.	Yes	
	c) Vehicle access to the site is to be provided from Adelaide Street.	Yes	
	d) Access to the site is not located in a cul-de-sac, at an intersection or on a major residential road and the facility will not create traffic conflict or have an adverse impact on the amenity of the locality. Refer to attached Traffic Report for detail.	Yes	

Clause	Controls	Comments	Complies
		e) The development site is not located within an 85m radius of an existing or approved service station, or on land in a specific radius of an existing/approve flammable storage area under the State Environmental Planning Policy No 22 Hazardous and Offensive Development.	Yes
		f) The subject site is not located opposite or adjacent to an existing and lawful sex service premises and/or restricted premises.	Yes
		g) The subject site is not adjacent to an electricity transmission easement, mobile phone tower or similar structures.	Yes
		h) The subject site is not identified as being flood prone land under the Penrite LEP 2010.	Yes
		<u>3) Design, Scale and Site Frontage</u>	
		a)	
		The current proposal has been designed to appear as a large modern 2 storey built form set within a landscape setting that will be compatible within the existing low/medium density residential built form character within the immediate locality, noting compliance to prescribed maximum height control under the LEP.	Yes
		Furthermore, appropriate landscaping is to be provided between the building and the street edge. Refer to attached Landscape Plan for detail	
		The development complies with maximum height and setback controls that apply to the site under Penrith LEP 2010/DCP 2014.	
		The development is to take advantage of its wide frontage that enables orientation to front and rear for primary windows and the like as well as the first floor play areas.	
		This will ensure that the privacy amenity of adjoining properties is maintained.	
		b) The design of the proposal has taken into account nearby traffic generations, street design and the existing environment for pedestrians and cyclists. Refer to attached Traffic Report for detail.	Yes

Clause	Controls	Comments	Complies
		c) The site, is of sufficient size to accommodate the proposed 85 place child care facility, basement level and traffic maneuvering areas.	Yes
		d) The DCP prescribes a minimum site frontage of 22m.	N/A - SEPP
		Clause 25 of the Environmental Establishment and Child Care Facility SEPP 2017 stipulates that a child care facility can be located on a site of any size and have any length of street frontage or any allotment depth. As such minimum site frontage does not apply.	
		However, it is noted that despite the site frontage controls are not applicable anymore, the development does have frontage >22m to Adelaide Street, noting that sufficient area for vehicle and pedestrian access to the site is provided from Adelaide Street that has a frontage of approximately 27.43m.	
		e) Safe sight distance is to be provided for all points of access to the site.	Yes
		<u>4) Built Form</u>	
		The child care facility has been designed to satisfy the requirements of all relevant provision including the recently published State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Penrith Local Environmental Plan 2014, Penrith Development Control Plan 2014, Child Care Planning Guidelines and Children's (Education and Care Services) Supplementary Care Provisions 2012.	Yes
		b) The facility has been designed to be sympathetic to the existing storey built form character within the subject area.	Yes
		The DCP states that within residential areas, the built form of the child care facility is to be sympathetic to adjoining development in terms of height, bulk and scale.	
		To ensure continuity and compatibility with the existing and emerging built form character along Adelaide Street.	

Clause	Controls	Comments	Complies
		<u>Front Setback</u>	
		The DCP requires a minimum front setback of 5.5m.	Yes
		The proposal provides a primary front setback of 6.5m from the primary building line which complies	
		<u>Side Setback</u>	
		The DCP also prescribe a side setback of 900mm.	Yes
		Development provides a 1500mm- 4m-7.8m at the first floor.	
		As such the development demonstrates that the proposed two storey child care facility is consistent in form, bulk and scale with the existing low density built form character and pattern within the subject area, noting that the design scheme would also be compatible within a medium density context.	
		d) The majority of the indoor and outdoor play areas are located on the ground floor with only 1 indoor and outdoor play area associated with children in the 4-6 age group located within the first floor, noting that access for parents will continue to be provided direct access from Adelaide Street with a lift core to provide access to the lobby area from the basement level.	Yes
		Furthermore, outdoor play space is provided in accordance with the Education and Care Service National Regulations, noting that the first floor outdoor play area is to be provided appropriate protection from the wind and other climate conditions and there is a suitable evacuation plan.	
		<u>5) Vehicle Access, Circulation and Parking</u>	
		The vehicle circulation and car parking areas within the basement level has been designed to allow safe drop-off and collection of children as well as the safe movement and parking of staff, parents and visitors.	Yes
		The proposal complies with the provisions in accordance with the parking section of the Penrith DCP 2014. See section 10.5 above for detail.	
		Driveways, access ways and car parking spaces are to be appropriately dimensioned in accordance with Council controls.	



Clause	Controls	Comments	Complies
		<p>Furthermore, the driveway permits the safe movement and parking of vehicles on site and allow vehicles to enter and leave the site in a forward direction. See attached plans and Traffic Report for detail.</p> <p>It is also noted that separate vehicle and pedestrian access is provided to the site, noting the provision of basement carparking contributed towards minimising paved areas within the front setback and increases landscape opportunities.</p> <p><u>6) Noise</u></p> <p>A Noise Impact Assessment accompanies the application that outlines mitigation measures both to the construction of the building including acoustic barriers and the operation of the facility to minimise the impact of the proposal on adjoining residential properties.</p> <p><u>7) Shade</u></p> <p>Appropriate shade structures are provided within the outdoor play area. See attached plans for detail.</p> <p><u>8) Landscaping</u></p> <p>Appropriate landscaping will be provided on site to enhance the visual setting and accentuate the design qualities of the building form.</p> <p>Where appropriate, the proposal incorporates landscape setting to mitigate privacy impacts, provide a landscape setting, and to provide a landscape setting, and to provide well sized open space for children in child care.</p> <p>It is noted that childproof fencing and gates is to be incorporated around the outdoor play areas, to the entrance to the child care facility and other appropriate areas.</p>	<p></p> <p></p> <p></p> <p><b>Yes</b></p> <p></p> <p><b>Yes</b></p> <p><b>Yes</b></p>

## 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.