



Statement of Environmental Effects

Proposed Health and Wellness Precinct

**243 Forrester Road, North St Marys
Lot 12 DP 1192443**

**Prepared by Willowtree Planning Pty Ltd on
behalf of Home Co**

December 2020

Statement of Environmental Effects

Health and Wellness Precinct

243 Forrester Road, North St Marys (Lot 12 DP 1192443)

Document Control Table

Document Reference:	WTJ20-559_SEE		
Date	Version	Author	Checked By
09 December 2020	DRAFT 1	R. Streeter	A. Cowan
18 December 2020	FINAL	R. Streeter	A. Cowan

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Health and Wellness Precinct

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PART A PRELIMINARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd on behalf of Home Co, and is submitted to Penrith City Council to support a Development Application (DA) for the proposed health and wellness precinct at 243 Forrester Road, North St Marys (Lot 12 DP 1192443).

The health and wellness precinct is proposed to incorporate a comprehensive range of complementary facilities including a medical centre, allied health suites, a pharmacy, a gymnasium, a child care centre and pet care, complemented by health food kiosks and children's recreational facilities.

The types of services proposed for the site respond to acute needs in the catchment, with economic assessment revealing a severe undersupply of GPs and medical services (-64 GPs undersupply), child care places (-700 place undersupply by 2030) and gyms (-7 gyms undersupply).

Accordingly, the proposal would respond to the identified need (as outlined in key Local and State Government Strategic Planning documents) for new social infrastructure (including, but not limited to, health services and child care) to balance population growth and new housing delivery. Given its proximity to St Marys strategic centre, the Greater Penrith to Eastern Creek Growth Area Investigation, Penrith's economic triangle and proposed new transport infrastructure, the site is considered to be strategically positioned with respect to growing residential catchments and a growing local workforce.

Significant job creation would also be achieved through the proposal, as well as more *diverse* job and business opportunities.

Accordingly, the proposal would transform this 'gateway' site into a health and wellness hub to complement neighbouring sporting and recreation facilities, residential and industrial areas and the nearby St Marys town centre which is planned for significant growth in association with the delivery of the Greater Western Metro.

The design concept for the site would involve alterations and additions to the existing building on the site. Car parking and loading facilities would make use of the existing infrastructure adjacent to the street frontage, allowing for mature trees within the street setback to be retained. New landscaping would also be introduced across the site to enhance its 'green' character.

All proposed uses would be permissible with consent in the IN2 Light Industrial zone (also considering the existing Additional Permitted Uses (APUs) benefitting the site) pursuant to *Penrith Local Environmental Plan 2010* (PLEP2010).

This SEE provides an assessment of the proposed development against the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). The relevant planning instruments and policies assessed include PLEP2010 and *Penrith Development Control Plan 2014* (PDCP2014). Based on the assessment undertaken, it is recommended that Council's favorable consideration to the approval of the DA be given.

1.2 PRE-DA MEETING

A Pre-DA meeting was held with Penrith City Council on 10 December 2020. Key matters discussed related to the permissibility of the proposed uses, internal tenancy layouts, building compliance, environment and health, traffic and waste. All relevant matters have been addressed within this SEE and the supporting appendices.

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1.3 DEVELOPMENT HISTORY

The site has been subject to multiple previous development consents for built form and use, as outlined in the following subsections.

DA11/0470

DA11/0470 granted consent for the Masters Home Improvement Store incorporating 13,071m² Gross Floor Area (GFA) and 357 parking spaces.

DA16/1351

DA16/1351 was approved on 21 February 2017 for 'change of use of an existing building (Masters) for a bulky goods premises including enclosure of the existing garden centre and associated advertising signage'.

It is noted that this consent was never activated, and instead the site has remained vacant since its vacation by Masters in 2016.

Planning Proposal

A Planning Proposal was submitted to Council on 13 July 2020, seeking to include APUs on the site for Seniors Housing (Residential Aged Care) and a Shop (organic grocer). The Planning Proposal also sought to amend the Building Height standard to support four (4) storey built form. The objective of the Planning Proposal was to transform the site into a health and wellness precinct integrating care and service offerings and delivering a conveniently co-located suite of social infrastructure to complement the growth of St Marys town centre and uplift the livability of the area.

The APU for Seniors Housing was not however supported by Council, and accordingly the Planning Proposal was withdrawn on 28 October 2020.

It is noteworthy that at the meeting with Council Officers on 17 September 2020, Council communicated support for the concept of a health and wellness precinct on the site and likewise expressed support for all of the uses that are already permitted with consent. Council's concerns related wholly to the APUs.

Accordingly, this DA has been prepared in response to the feedback provided by Council, and delivers the desired health and wellness precinct with the same suite of permitted uses. In accordance with Council's request the seniors housing and shop components have been deleted.

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PART B SITE ANALYSIS

2.1 SITE DESCRIPTION AND EXISTING DEVELOPMENT

The subject site is identified as 243 Forrester Road, North St Marys, being legally described as Lot 12 DP 1192443.

The site exhibits an approximate area of 3.2 hectares (ha) with a frontage to Forrester Road to the west. The site also directly adjoins an access road to the south, from which access to the site is gained.

To the north the site adjoins undeveloped bushland/grassland; to the east and south the site is adjoined by St Marys Rugby League Club which includes a football stadium, clubhouse and restaurants, hotel accommodation, an indoor play centre and an outdoor adventure centre; and to the west Dunheved industrial precinct is located on the opposite side of Forrester Road.

In its existing state the site comprises a large-plate building formerly occupied by Masters as a home and garden centre. Following the vacation of the site by Masters in 2016, the site has remained vacant (despite the approval in 2017 of DA 16/1351 for a change of use for multiple bulky goods units).

The site also includes an expansive area of at-grade parking occupying the western portion of the site. The setback zone adjacent to the Forrester Road frontage includes grassed land and mature trees.

The site is shown in **Figure 1** and **Figure 2** below.

The site also comprises a number of easements for water drainage, underground cables, electricity and a padmount substation, associated restrictions on use and positive covenants, and rights of carriageway and access, as identified in the Certificate of Title, Deposited Plan (DP) and 88B Instrument. These encumbrances have been considered in the design of the proposed development.

Based on the 10.7(2) and (5) Certificate (ref 20/01711, issued 15/04/20) it is understood that the site is subject to flood planning development controls and is affected by bushfire. These matters are further addressed in **Sections 6.1.5** and **6.1.10** of this SEE.

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Figure 1. Existing Site Development (SIX Maps 2020)

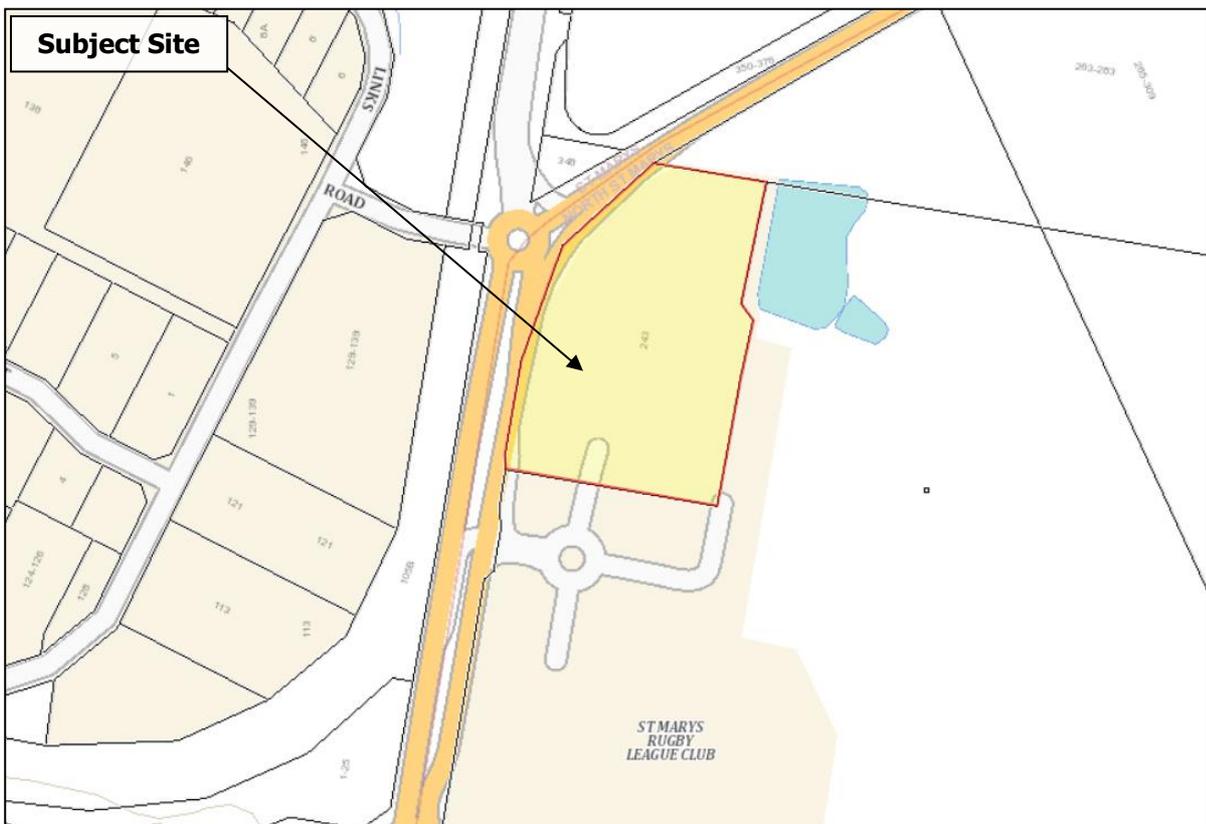


Figure 2. Cadastral Map (SIX Maps 2020)

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2.2 LOCAL AND REGIONAL CONTEXT

The subject site is located in the suburb of North St Marys which forms part of Penrith Local Government Area (LGA). The site is situated approximately 12km east of Penrith city centre.

The local context exhibits a transitional character, given the site's position at the meeting point of several different precincts. Most immediate to the site is St Marys Rugby League Club, comprising a variety of built form and outdoor spaces including a clubhouse and restaurants, an indoor play centre, a six (6) storey hotel, a football stadium, playing fields, and an outdoor adventure centre. This green, open character is complemented by the adjoining Ropes Creek riparian corridor, which includes the creek itself, mature vegetation and existing active links in the form of pedestrian and cycle paths.

Although the site does not currently contribute to this recreational, active and green character, it is considered to be strategically positioned to combine with the existing land uses and riparian corridor to create a distinctive precinct with a 'health and wellness' identity.

Other nearby 'character areas' include Dunheved industrial precinct, which is separated from the subject site by Forrester Road, which forms a continuous 'hard' edge to the industrial precinct along the entirety of its eastern boundary.

Residential suburbs are located further to the north, east and south, and comprise predominantly of detached dwelling houses in low density settings.

St Marys town centre is situated approximately 2km to the south and exhibits its own identity associated with the mix of retail, commercial and residential developments. In the future, St Marys town centre is anticipated to experience significant growth and transformation associated with major new transport infrastructure and high rise development, in order to achieve its designated status as a Strategic Centre.

Within the primary catchment for the site (defined by a five (5) minute drive time), centres are limited to Ropes Creek local centre which is situated approximately 1.7km to the north. The secondary catchment (5-10 minute drive time) includes Emerton local centre, Werrington local centre and St Marys strategic centre.

St Marys train station is located approximately 2km to the south, and bus stops along Forrester Road in close proximity of the site provide connections to St Marys and Mount Druitt. In the future, the accessibility of the area would be enhanced in association with the delivery of the Greater Western Metro and other planned infrastructure projects designed to connect Western Sydney and the nearby aerotropolis.

The local and regional context is shown in **Figure 3**.

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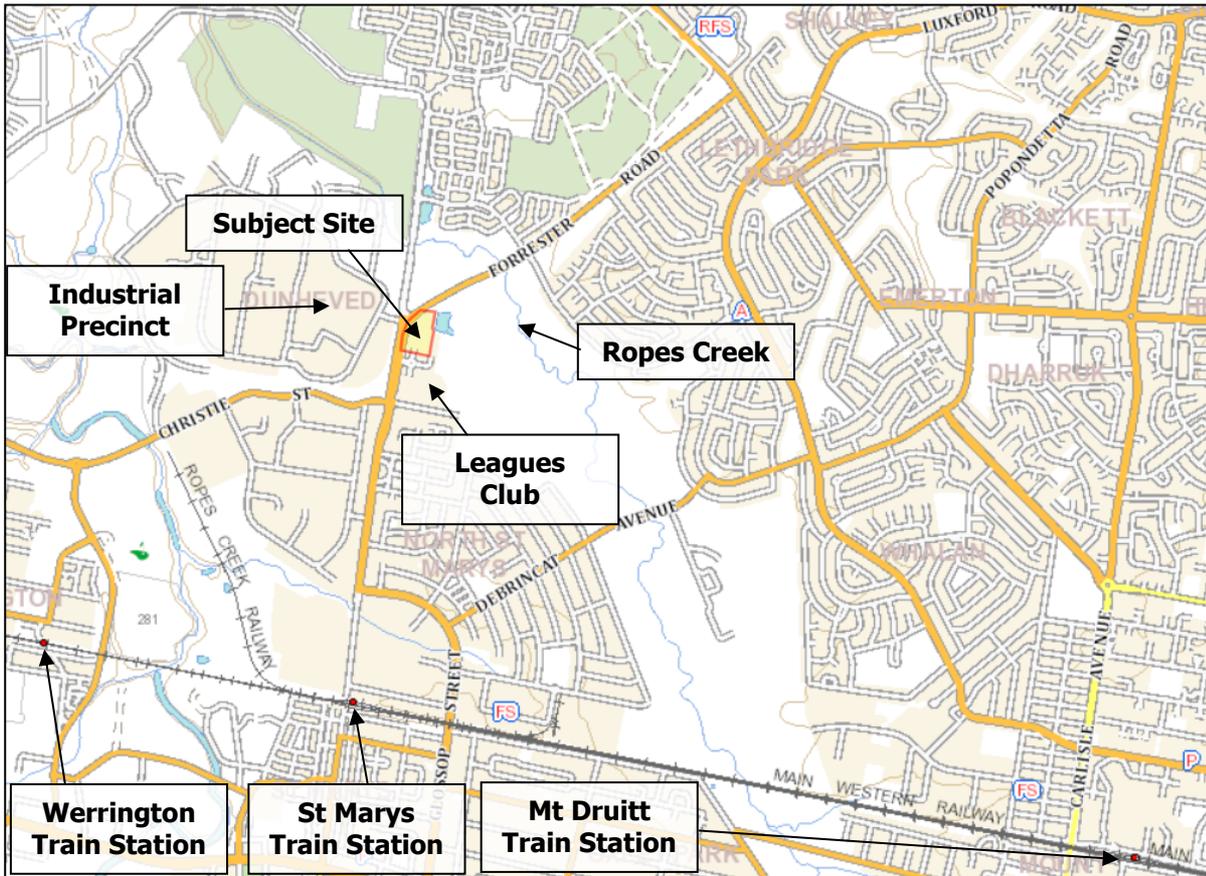


Figure 3. Site Context Map (SIX Maps 2020)

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PART C THE PROPOSAL

3.1 AIMS AND OBJECTIVES OF THE PROPOSAL

This DA seeks to create a health and wellness precinct on the site. This primary aim is underpinned by the following objectives:

- Create a health and wellness precinct on this 'gateway' site to support the surrounding communities, particularly through the provision of services where there is currently an acute undersupply.
- Co-locate a wide breadth of complementary services and facilities to maximise convenience for customers and reduce the need to travel (with associated environmental, productivity and lifestyle benefits).
- Introduce a development that complements the range of surrounding land uses, integrates with the variety of built form densities in the general area and responds to the location of the site in proximity to residential catchments, employment lands and St Marys town centre.
- Generate employment and retain a local workforce within Greater Penrith.
- Promote the productive and sustainable use of land through the adaptive re-use of existing infrastructure and a vacant building.
- Augment the amenity of the subject site without compromising the ongoing operations of surrounding land uses or the environmental integrity of nearby undeveloped land.

The site and proposed design are considered to meet the objectives of the project as strategically-located, but under-utilised, land would be adaptively redeveloped to accommodate a comprehensive suite of social infrastructure in a co-located, convenient and highly-amenable health and wellness precinct.

3.2 DESCRIPTION OF THE PROPOSAL

Development consent is sought for construction, alterations, additions and use of a health and wellness precinct.

The uses proposed to be included on the site are listed in the following table, together with the corresponding land use definitions pursuant to PLEP2010. It is noted that all uses are already permitted with consent on the site.

Table 1. Proposed Land Uses		
Proposed Use	PLEP2010 Land Use Definition	Current Permissibility
Large format medical centre	Medical Centre	Permitted with consent in the IN2 zone
Allied health (dentist, imaging, physiotherapy, nutrition)	Medical Centre	Permitted with consent in the IN2 zone
Pharmacy	Neighbourhood Shop ($\leq 200\text{m}^2$) and Warehouse or Distribution Centre	Permitted with consent in the IN2 zone
Gymnasium	Recreation Facility (Indoor)	Permitted with consent in the IN2 zone
Children's soft play	Recreation Facility (Indoor)	Permitted with consent in the IN2 zone

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Proposed Use	PLEP2010 Land Use Definition	Current Permissibility
Child care centre	Centre Based Child Care Facility	Permitted with consent in the IN2 zone
Vet	Veterinary Hospital	Permitted with consent in the IN2 zone
Pet supplies	Specialized Retail Premises	Permitted with consent under an existing APU
Specialized retail	Specialized Retail Premises	Permitted with consent under an existing APU
Health food and coffee kiosks	Kiosks	Permitted with consent in the IN2 zone

To facilitate the health and wellness precinct inclusive of the uses outlined above, the following works are proposed:

- Removal of existing entry doors, shopfronts, roller doors, louvres and ACM panels in the front elevation;
- Removal of part of the rear wall to allow for creation of a new loading zone;
- Removal of existing doors in side elevations;
- Removal of garden centre and associated fencing adjacent to the northern side elevation;
- Removal of part of existing roof;
- Demolition of internal walls;
- External alterations and additions to infill walls, provide new façade finishes and glazing, install new awnings, replace area of roof, create new feature building entry and create new shopfronts for tenancies;
- New signage zones;
- Internal alterations to create tenancies within the existing building;
- Revised car park layout;
- New loading zone adjacent to the eastern elevation of the building and eastern site boundary;
- New ambulance parking adjacent to the eastern elevation of the building and eastern site boundary;
- Existing site access arrangements to be maintained;
- Landscaping, including creation of a new plaza adjacent to the building entry;
- Relocation of the water tanks at the rear of the site.

The development and operational particulars are summarized in the following table.

Development Particular	Proposal
Site area	3.2ha
Floor space	Total: 10,176m ² (plus amenities, adult change facilities, service areas and outdoor space)
	T1 Childcare: 1,085m ² internal area plus 1,324m ² outdoor area, to accommodate 138 children
	T2 Medical centre: 900m ²
	T3 Pharmacy: 550m ²
	T4 Pharmacy ancillary retail: 200m ²
	T5 Soft play: 600m ²
	T6 Gym: 1,700m ²
	T7 Imaging: 401m ²
	T8 Dentist: 401m ²
	T9 Nutrition: 150m ²
T10 Physio: 150m ²	

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Table 2. Proposed Development and Operational Particulars	
Development Particular	Proposal
	T11 Pets: 550m ²
	T11A Vet: 392m ²
	T12 Specialised retail: 857m ²
	T13 Specialised retail: 901m ²
	T14 Specialised retail: 1,089m ²
	K1-K5 Kiosks: 50m ² x 5
Public plaza	602m ²
Building height	11.02m maximum height
Car parking	372 spaces

An extract from the proposed Site Plan is shown in **Figure 4** and **Figures 5-8** show Perspectives of the proposed development. Full details of the proposal are provided in the Architectural Drawings at **Appendix 2** and detailed Childcare Plans at **Appendix 3**.

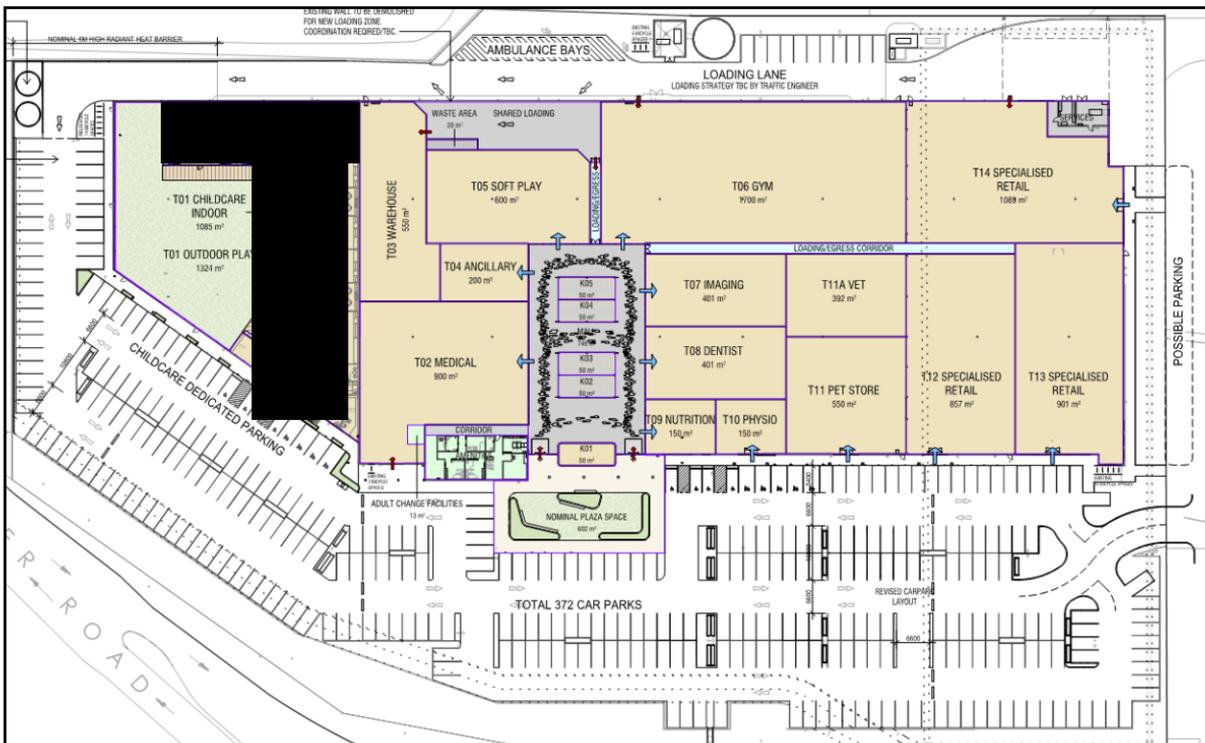


Figure 4. Proposed Site Plan (Buchans 2020)



Figure 5. Proposed Perspective- Forrester Road Elevation (Buchans 2020)

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Figure 6. Proposed Perspectives (Buchans 2020)



Figure 7. Proposed Perspective- Main Entry and Plaza (Buchans 2020)



Figure 8. Proposed Perspective- Childcare Centre (Buchans 2020)

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3.3 OPERATION OF PROPOSED CHILDCARE CENTRE

The proposed childcare centre has a confirmed operator, being Aurrum Childcare and Preschool.

Key operational particulars of the proposed childcare centre are outlined in the following table.

Development Particular	Proposal
Number of children	138 children
Age of children	6 weeks to 6 years old
	0-2 year olds: 48 children
	2-3 year olds: 40 children
	3-6 year olds: 50 children
Number of staff	1 Centre Director plus 25 Educators plus 1 Cook
	0-2 year olds: 12 staff (1:4 staff ratio)
	2-3 year olds: 8 staff (1:5 staff ratio)
	3-6 year olds: 5 staff (1:10 staff ratio)
Internal area	448.5m ² (3.25m ² unencumbered indoor space per child)
Outdoor play area	1,324m ² (9.59m ² unencumbered outdoor space per child)
Hours of operation	6:30am to 6:30pm Monday to Friday (closed Public Holidays)
Car parking	Dedicated parking spaces adjacent to the childcare centre entry

A Plan of Management for the childcare centre's operations is provided at **Appendix 16**.

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PART D LEGISLATIVE AND POLICY CONTEXT

Section 4.15 of the EP&A Act sets out specific matters that Council is to take into consideration in the assessment and determination of DAs.

The sections below respond to the relevant matters in relevant legislation and policy documents.

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The EP&A Act is the overarching governing document for all development in NSW and pursuant to Part 4, the subject proposal is Local Development.

Pursuant to Section 4.46 of the EP&A Act, certain development is defined as Integrated Development requiring both Council consent *and* approval from one or more 'other' authorities under related legislation. In these circumstances, prior to granting consent, Council must obtain from each relevant approval body their General Terms of Approval (GTA).

Referral thresholds for Integrated Development relate to mine subsidence, fisheries, heritage, mining, Aboriginal heritage impact permits, petroleum production, environment protection licenses, works on or affecting public roads, bushfire and water management.

As further detailed in **Section 4.3** below, the site comprises bushfire prone land. A childcare centre constitutes a Special Fire Protection Purpose and accordingly a Bush Fire Safety Authority would be required pursuant to Section 100B of the *Rural Fires Act 1997* (Rural Fires Act). Referral to NSW Rural Fire Services (RFS) would be required.

With respect to water management, and as detailed in **Section 4.4** below, a watercourse is located adjacent to the eastern site boundary. As development is proposed within 40m of the watercourse, a Controlled Activity Approval would be required pursuant to Section 91 of the *Water Management Act 2000* (Water Management Act) and referral to WaterNSW would be required.

No other types of Integrated Development would be triggered by the proposed development on the site.

4.2 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

This DA has been 'made' in accordance with Clause 50 and Part 1 of Schedule 1 of the EP&A Regulation.

Further, Schedule 3 of the EP&A Regulation outlines thresholds for Designated Development. The proposal would not trigger any thresholds for designated development.

4.3 RURAL FIRES ACT 1997

The Rural Fires Act aims to prevent, mitigate and suppress bushfires in order to protect people, infrastructure and the environment.

Pursuant to Section 100B, on bushfire prone land a Bush Fire Safety Authority is required for development for Special Fire Protection Purposes, including childcare centres.

The site comprises designated bushfire prone land, being defined as 'vegetation buffer' in Penrith Council's Bushfire Prone Land Map (refer extract at **Figure 9**).

Accordingly, the proposal would require a Bush Fire Safety Authority and referral to RFS would also be required.

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A Bushfire Protection Assessment (**Appendix 8**) has been prepared by Travers to assess the proposal in accordance with *Planning for Bushfire Protection 2019* (PBP). The assessment found that the bushfire risk posed by the Cumberland Dry Sclerophyll Forest vegetation located north of the site, may be mitigated through appropriate bushfire protection measures managed in perpetuity. The required bushfire protection measures include:

- Use of an alternative solution to determine minimum Asset Protection Zones (APZ) for the childcare centre. This will involve the construction of a radiant heat barrier (fence) along the northern and part-eastern site boundary to reduce radiant heat impact on the building to $<10\text{kW/m}^2$;
- Provision of access in accordance with the acceptable solutions outlined in PBP;
- Water, electricity and gas supply in compliance with the acceptable solutions outlined in PBP;
- Any building upgrades in compliance with the appropriate construction sections of
- AS3959-2009 (BAL 19) and PBP. It is noted that the existing building was required to be constructed in accordance with BAL 19 as per previous consent conditions; and
- Emergency management and evacuation in compliance with PBP and NSW RFS guidelines for the *Preparation of an Emergency / Evacuation Plan*.

The Bushfire Assessment provides the following additional recommendations:

- The development is as generally indicated on the Plan of Bushfire Protection Measures (Schedule 1 within the Bushfire Report and **Figure 10** below).
- The APZ is to be managed as an Inner Protection Area (IPA) as outlined in Appendix 4 of PBP and the NSW RFS document *Standards for asset protection zones*.
- A minimum 6m high radiant heat shield made of non-combustible materials shall be constructed along the northern and part-eastern property boundary. All posts and rails shall be constructed of non-combustible materials. The bottom of the fence is to be in direct contact with the finished ground level or plinth.
- The building is to comply with BAL 19 as outlined in AS3959 *Construction of buildings in bushfire prone areas (2018)* or NASH Standard and Section 7.5 of PBP.
- Water, electricity and gas supply is to comply with Section 6.8.3 of PBP.
- A Bushfire Emergency Management and Evacuation Plan is to be prepared for the childcare centre to comply with Section 6.8.4 of PBP.

Figure 10 below provides an extract from the Bushfire Protection Assessment and demonstrates the required bushfire protection measures.

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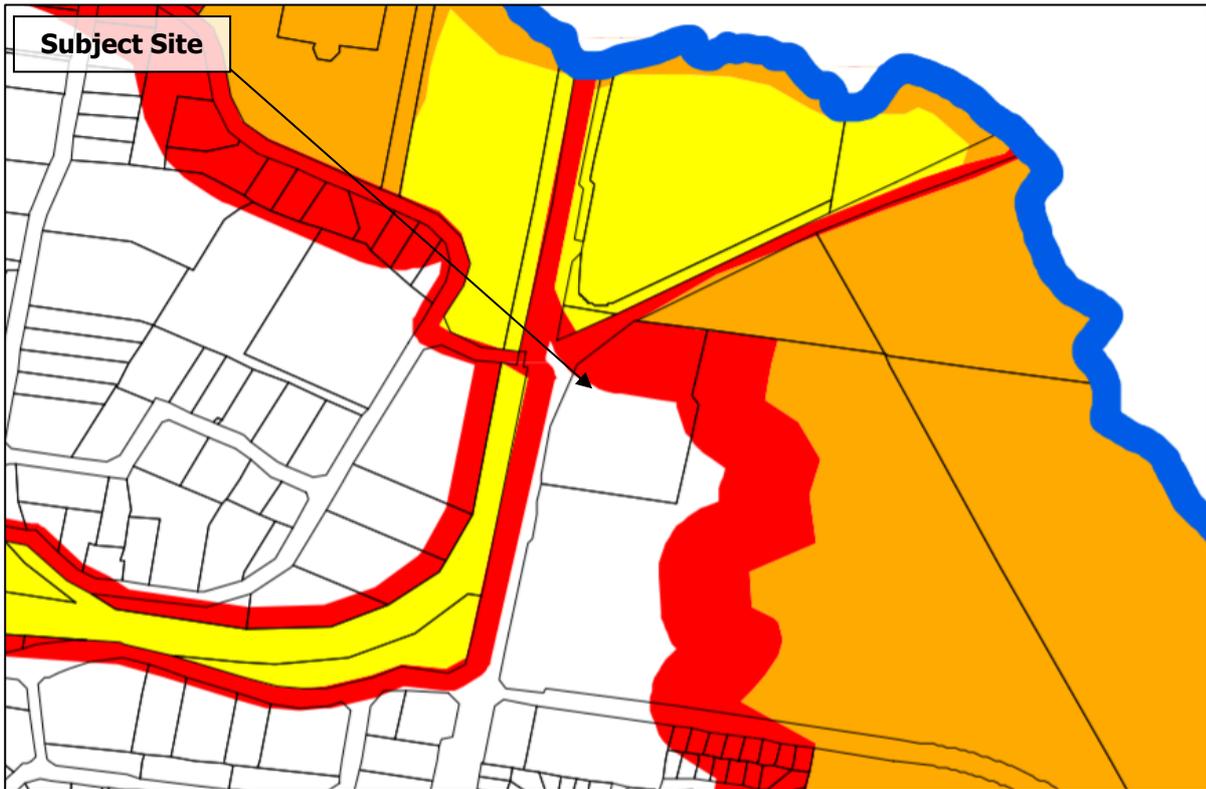


Figure 9. Bushfire Prone Land Map (Penrith Council 2020)

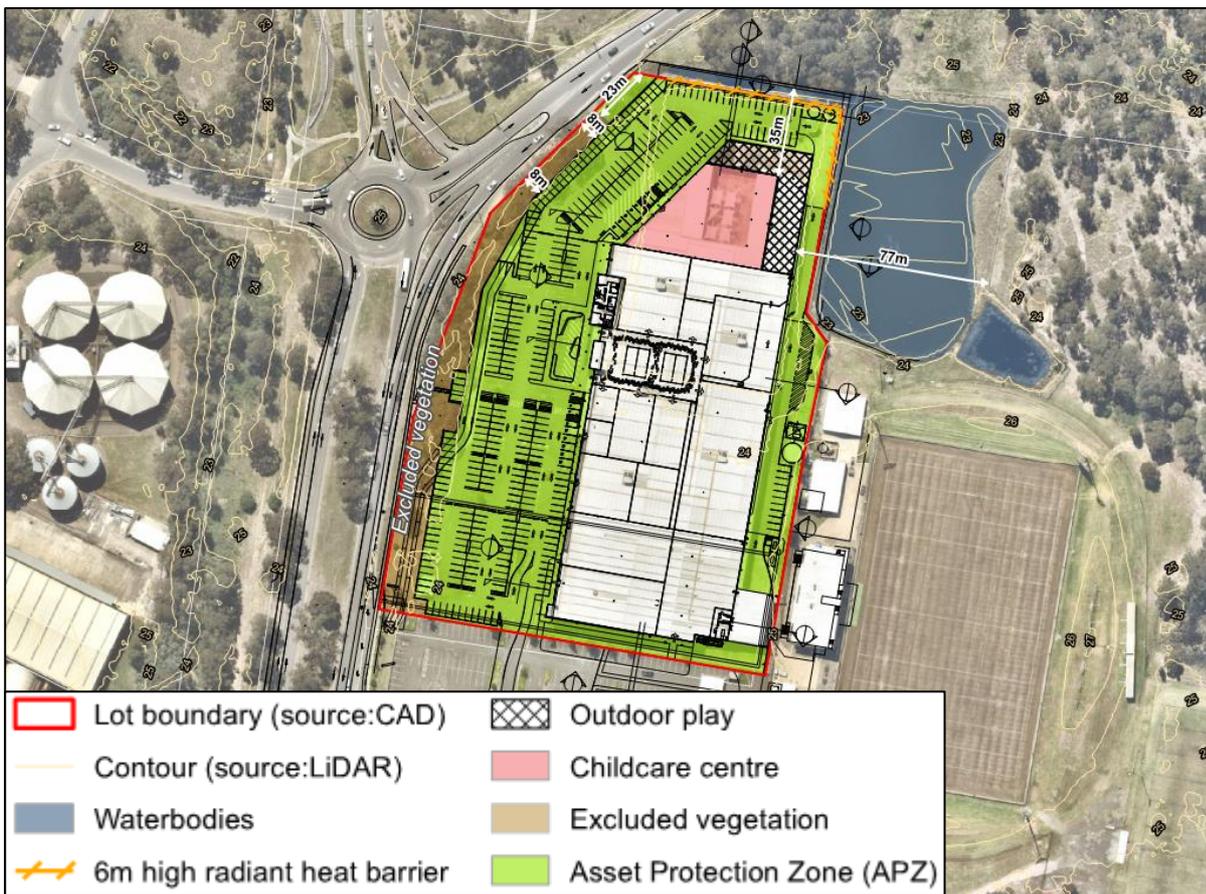


Figure 10. Bushfire Protection Measures (Travers 2020)

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4.4 WATER MANAGEMENT ACT 2000

The Water Management Act aims to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations.

Section 91 relates to Activity Approvals and outlines that a Controlled Activity Approval confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land.

For the purposes of the Water Management Act, 'controlled activity' means:

- (a) *the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or*
- (b) *the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or*
- (c) *the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or*
- (d) *the carrying out of any other activity that affects the quantity or flow of water in a water source.*

'Waterfront land' means:

- (a) *the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or*
- (b) *the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or*
- (c) *the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or*
- (d) *if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,*

where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into 2 or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land.

The site adjoins a watercourse to the east, and as development would be carried out within 40m of the watercourse, a Controlled Activity Approval would be required. Referral to WaterNSW would also be required.

4.5 BIODIVERSITY CONSERVATION ACT 2016 AND BIODIVERSITY CONSERVATION REGULATION 2017

The *Biodiversity Conservation Act 2016* (BC Act) and *Biodiversity Conservation Regulation 2017* (BC Regulation) aim *to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.*

Part 7 of the BC Act and Regulation relate to biodiversity assessment and approvals under the Planning Act (meaning the EP&A Act). Pursuant to Clause 7.1 of the BC Regulation, proposed development exceeds the biodiversity offsets scheme threshold if it involves:

- (a) *the clearing of native vegetation of an area declared by clause 7.2 as exceeding the threshold,*
or

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(b) the clearing of native vegetation, or other action prescribed by clause 6.1, on land included on the Biodiversity Values Map published under clause 7.3.

The proposal does not include any vegetation clearing and the site is not identified as comprising 'biodiversity value' in the Biodiversity Values Map. Accordingly, the biodiversity offsets scheme would not be triggered.

Further, an Ecological Statement (**Appendix 9**) has been prepared by Cumberland Ecology to address the potential impacts to native vegetation, threatened species and their habitat as a result of the proposed development.

Previous ecological assessment (2011) documented that the site contains Cumberland Plain Woodland which is listed in the schedules of the BC Act and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as Critically Endangered. The previous assessment concluded that the original DA for the base build would not significantly impact Cumberland Plain Woodland or associated threatened fauna habitat.

The current Ecological Statement similarly confirms that the current DA is not anticipated to result in further impacts to the biodiversity values of the subject site with no further impact upon Cumberland Plain Woodland or threatened species habitat. Accordingly, the proposed DA does not trigger entry into the biodiversity offsets scheme and no further ecological assessments are required to support the proposed DA.

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the associated amenity.

Pursuant to Parts 2 and 3 of the Vegetation SEPP, where the biodiversity offsets scheme threshold is exceeded, an approval from the Native Vegetation Panel would be required and a Biodiversity Development Assessment Report (BDAR) would need to be prepared.

As outlined above, the proposed development on the subject site would not trigger the biodiversity offsets scheme.

Alternatively, Parts 2 and 3 of the Vegetation SEPP provide that a DCP may declare the types of vegetation for which a permit would be required from Council in order to clear that vegetation.

The proposal would not require the clearing of any vegetation and therefore no permits would be required.

Further, an Ecological Statement (**Appendix 9**) has been prepared by Cumberland Ecology to address the potential impacts to native vegetation, threatened species and their habitat as a result of the proposed development.

Previous ecological assessment (2011) documented that the site contains Cumberland Plain Woodland which is listed in the schedules of the BC Act and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as Critically Endangered. The previous assessment concluded that the original DA for the base build would not significantly impact Cumberland Plain Woodland or associated threatened fauna habitat.

The current Ecological Statement similarly confirms that the current DA is not anticipated to result in further impacts to the biodiversity values of the subject site with no further impact upon Cumberland Plain Woodland or threatened species habitat. Accordingly, the proposed DA does not trigger entry

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into the biodiversity offsets scheme and no further ecological assessments are required to support the proposed DA.

4.7 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55) provides a state-wide planning approach for the remediation of land and aims to promote the remediation of contaminated land to reduce the risk of harm.

Clause 7(1) of SEPP 55 requires the consent authority to consider whether land is contaminated prior to consent of a development.

Accordingly, a Phase 1 Environmental Site Assessment has been prepared by Geo-Logix and is provided at **Appendix 7**.

An asbestos containment cell is located in the north-eastern corner of the site. An Asbestos Management Plan (AMP) was prepared for the site by GETEX in 2013. The AMP identifies that a 1m thick layer of clean fill was placed over the top and further defines methodologies and control measures to be adhered to. The encapsulated asbestos was identified as Non-Friable (Bonded) Asbestos. In its current state, the asbestos is controlled and is not considered to present a risk to human health or the environment.

The proposed development would not disturb the encapsulated asbestos. Conceptual Site Modelling is currently being carried out to reflect site-related information relating to this contamination.

Additionally, a Construction and Environmental Management Plan (CEMP) is being prepared to provide a strategy to satisfy the NSW environmental legislative requirements, maintain best practice work health and safety in accordance with current legislation, identify the activities, aspects and possible environmental impacts associated with the works, and identify any controls required to minimise the potential for environmental impacts to reduce the risk.

A Long Term Environmental Management Plan (LTEMP) will also be prepared to specify responsibilities and obligations of relevant parties in the implementation of the LTEMP, provide information to relevant parties regarding the contamination status of the site and the potential risk posed by these contaminants, and to specify the environmental management procedures to be employed during the occupation and use of the site and during minor soil disturbance works.

The Environmental Site Assessment concludes that the site can be made suitable for the proposed development.

4.8 STATE ENVIRONMENTAL PLANNING POLICY NO 64 – ADVERTISING AND SIGNAGE

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) applies to all signage:

- (a) *that, under another environmental planning instrument that applies to the signage, can be displayed with or without development consent, and*
- (b) *is visible from any public place or public reserve.*

Pursuant to Clause 8 of SEPP 64, a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) *that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

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These matters are addressed below.

Aims and Objectives of SEPP 64

SEPP 64 aims:

- (a) *to ensure that signage (including advertising):*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*
- (b) *to regulate signage (but not content) under Part 4 of the Act, and*
- (c) *to provide time-limited consents for the display of certain advertisements, and*
- (d) *to regulate the display of advertisements in transport corridors, and*
- (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

The proposed signage will achieve the aims and objectives of SEPP 64 as it will be integrated with the architectural design, scale and character of the built form. Through high quality design and finish, the signage will positively contribute to the visual quality of the site. The signage will effectively identify the health and wellness precinct and its multiple tenancies, thereby promoting legibility for all site users.

Assessment Criteria

The Assessment Criteria under Schedule 1 of SEPP 64 is addressed in the table below.

Table 4. SEPP 64 Assessment Criteria	
Criteria	Proposal Compliance
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes, the proposed signage would be compatible with the character of the site and its surrounds.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes, as above.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No, the signage would enhance the visual amenity of the site. The site is not located in proximity of any sensitive areas that would be impacted by the signage.
3 Views and vistas	
Does the proposal obscure or compromise important views?	No, the proposed signage would be fixed to the building wall and would not obscure any views.
Does the proposal dominate the skyline and reduce the quality of vistas?	No, the proposed signage would be fixed to the building wall and would not be visible on the skyline.
Does the proposal respect the viewing rights of other advertisers?	Yes, the signage would not obstruct any other signage or advertising.
4 Streetscape, setting or landscape	

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Table 4. SEPP 64 Assessment Criteria	
Criteria	Proposal Compliance
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes, the signage has been designed with respect to the built form, to effectively identify the site whilst not being visually obtrusive. The proposed signage would be compatible with the character of the site and its surrounds.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes, the signage would visually define the site, reinforcing the legibility of the site. The signage would also create façade articulation and visual interest.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes, all signage associated with previous uses of the site would be removed and the signage proposed subject to this DA would be the only signage on the site.
Does the proposal screen unsightliness?	No, the signage would not be used as a visual screen or filter.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, all signage would remain below the roofline of the built form.
Does the proposal require ongoing vegetation management?	No, the proposed signage would not require ongoing management.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes, the signage would be of suitable scale and design for its intended purpose to effectively identify the health and wellness precinct and various tenancies. The proposed signage would reflect the proportions and architectural character of the host building.
Does the proposal respect important features of the site or building, or both?	Yes, the signage would be balanced with other components of the building façades and would respect areas of glazing. No landscaping or other important features would be obstructed.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes, the signage would integrate with the architectural design of the built form and complement façade features. Overall, the proposed signage would create additional visual interest and would positively contribute to the visual quality of the site.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signage is not proposed to be illuminated.
7 Illumination	
Would illumination result in unacceptable glare?	The signage is not proposed to be illuminated.

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Table 4. SEPP 64 Assessment Criteria	
Criteria	Proposal Compliance
Would illumination affect safety for pedestrians, vehicles or aircraft?	The signage is not proposed to be illuminated.
Would illumination detract from the amenity of any residence or other form of accommodation?	The signage is not proposed to be illuminated.
Is the illumination subject to a curfew?	The signage is not proposed to be illuminated.
Can the intensity of the illumination be adjusted, if necessary?	The signage is not proposed to be illuminated.
8 Safety	
Would the proposal reduce the safety for any public road?	No, the proposed signage would be located within the site boundaries and attached to the elevations of the built form.
Would the proposal reduce the safety for pedestrians or bicyclists?	No, the proposal would not obstruct any pedestrian or cycle routes, or other infrastructure, and therefore would not negate the safety of pedestrians or cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, the proposed signage would not obscure any sightlines from public areas frequented by pedestrians. Neither would the proposed signage obstruct any vehicle sightlines from public roads.

Based on the above, the proposal is considered to be consistent with the provisions of SEPP 64.

4.9 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) provides for certain proposals, known as Traffic Generating Development, to be referred to the Roads and Maritime Service (RMS) for concurrence.

Referral may be required for the erection of new premises, or the enlargement or extension of existing premises, where their size or capacity satisfy certain thresholds. Schedule 3 lists the types of development that are defined as Traffic Generating Development. The referral thresholds for 'any other purpose' would be applicable:

- 50 or more motor vehicles per hour, for a site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road); or
- 200 or more motor vehicles per hour, for a site with access to a road generally.

Forrester Road is a Classified Road and the proposal would generate more than 50 vehicles per hour. Referral to RMS would therefore be required.

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

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (E-SEPP) aims to facilitate the effective delivery of educational establishments and early education and care facilities across the state.

Part 3 of the E-SEPP outlines specific development controls for centre-based childcare facilities. Of key relevance, Clause 23 requires the consent authority to take into consideration any applicable provisions of the *Child Care Planning Guideline* ('the Guideline'). Further consideration to the Guideline is offered in **Section 4.12** of this SEE below.

Clause 25 prescribes non-discretionary development standards, meaning that, if complied with, the consent authority cannot require more onerous standards for those matters. However, Clause 25(3)(b) states that this clause does not prevent a consent authority from granting development consent even if any non-discretionary standard is not complied with. The non-discretionary development standards are summarized and addressed below.

Table 5. E-SEPP Non-Discretionary Development Standards (Clause 25)	
Non-Discretionary Standard	Assessment
(a) <i>Location – The development may be located at any distance from an existing or proposed early education and care facility.</i>	The site is appropriately located for a childcare centre given its proximity to established residential catchments and employment bases. The co-location of a childcare centre within the proposed health and wellness precinct would contribute to a comprehensive offering of care-focused services and social infrastructure.
(b) <i>Indoor or outdoor space –</i> (i) <i>For development to which Regulations 107 or 108 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</i> (ii) <i>For development to which Clause 28 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.</i>	The <i>Education and Care Services National Regulations</i> ('National Regulations') apply to the proposed childcare centre, and Sections 107 and 108 establish the following minimum requirements for indoor and outdoor space: <ul style="list-style-type: none"> ▪ 3.25m² unencumbered indoor space per child; and ▪ 7m² unencumbered outdoor space per child. The proposed childcare centre complies with the National Regulations as it provides 3.25m ² unencumbered indoor space and 9.59m ² unencumbered outdoor space per child.
(c) <i>Site area and dimensions – The development may be located on a site of any size and have any length of street frontage or any allotment depth.</i>	The site exhibits suitable area and dimensions to accommodate the proposed childcare centre, with adequate area provided for indoor play space, outdoor play space, all associated amenities, pick-up/drop-off, parking and vehicular circulation.

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Table 5. E-SEPP Non-Discretionary Development Standards (Clause 25)	
Non-Discretionary Standard	Assessment
<i>(d) Colour of building materials or shade structures – The development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</i>	<p>The site is not a local or State heritage item and is not within a conservation area. Therefore, any colour of building materials and shade structures may be applied.</p> <p>The proposed colour palette (refer Appendix 2 for details) would integrate with the balance of the built form on the site and positively contribute to the visual character of the site.</p>

Further, Clause 26 states that Development Control Plans (DCPs) do not apply in relation to the following matters for centre-based childcare facilities:

- (a) operational or management plans or arrangements (including hours of operation);*
- (b) demonstrated need or demand for child care services;*
- (c) proximity of facility to other early education and care facilities;*
- (d) any matter relating to development for the purpose of a centre-based child care facility contained in—*
 - i) the design principles set out in Part 2 of the Child Care Planning Guideline; or*
 - ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).*

Accordingly, by virtue of Clauses 25 and 26 of the E-SEPP, certain provisions of PDCP2014 would no longer be relevant. Notwithstanding, a detailed assessment of PDCP2014 is provided in **Appendix 20**.

4.11 EDUCATION AND CARE SERVICES NATIONAL REGULATIONS

The *Education and Care Services National Regulations* ('National Regulations') prescribe additional requirements for childcare centres.

Sections 107 and 108 establish minimum space requirements for indoor and outdoor space, summarized as follows:

- 3.25m² unencumbered indoor space per child; and
- 7m² unencumbered outdoor space per child.

The proposed childcare centre complies with the National Regulations as it provides 3.25m² unencumbered indoor space and 9.59m² unencumbered outdoor space per child.

4.12 CHILD CARE PLANNING GUIDELINE

The *Child Care Planning Guideline* ('the Guideline') establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based child care facilities in NSW.

Part 2 of the Guidelines establishes a series of Design Quality Principles relating to context, built form, adaptive learning spaces, sustainability, landscape, amenity and safety.

Part 3 outlines Matters for Consideration which support the Design Principles and must be considered by the consent authority as part of any DA. Matters for consideration include:

- Site selection and location
- Local character, streetscape and the public domain interface

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- Building orientation, envelope and design
- Landscaping
- Visual and acoustic privacy
- Noise and air pollution
- Hours of operation
- Traffic, parking and pedestrian circulation

Part 4 of the Guideline relates to applying the National Regulations to development proposals, including with respect to the internal and external environment. A National Quality Framework Assessment Checklist is also included.

Detailed consideration to these matters is provided in the Assessment Table at **Appendix 19**.

4.13 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

The site is subject to the provisions of PLEP2010. Relevant permissibility and development standards are summarised in the subsequent sections of this SEE.

Zoning and Permissibility

The site is zoned IN2 Light Industrial pursuant to PLEP2010 (**Figure 11**).

The objectives of the IN2 zone are:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To promote development that makes efficient use of industrial land.*
- *To limit the impact of industrial development on adjacent residential areas, in terms of its built form, scale, acoustic and visual privacy and air quality.*

The following permissibility applies within the IN2 zone:

2 Permitted without consent
Nil

3 Permitted with consent
*Amusement centres; Car parks; **Centre-based child care facilities**; Community facilities; Crematoria; Depots; Educational establishments; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; **Kiosks**; Landscaping material supplies; Light industries; **Medical centres; Neighbourhood shops**; Oyster aquaculture; Places of public worship; Plant nurseries; Recreation areas; **Recreation facilities (indoor)**; Resource recovery facilities; Respite day care centres; Roads; Self-storage units; Service stations; Signage; **Take away food and drink premises**; Tank-based aquaculture; Timber yards; Vehicle repair stations; Vehicle sales or hire premises; **Veterinary hospitals; Warehouse or distribution centres**; Waste or resource transfer stations*

4 Prohibited
Pond-based aquaculture; Schools; Any other development not specified in item 2 or 3

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Accordingly, medical centres, child care centres, indoor recreational facilities, takeaway food and drink premises, kiosks, veterinary hospitals, neighbourhood shops and warehouse or distribution centres, are permitted with consent on the site. In addition, an APU already applies for Specialised Retail Premises.

Accordingly, all proposed land uses are permitted with consent on the site (also refer **Table 1** above).

The proposal would also achieve the IN2 zone objectives, as summarized in the following table.

Table 6. PLEP2010 IN2 Zone Objectives	
Objective of IN2 Light Industrial Zone	Assessment
<i>To provide a wide range of light industrial, warehouse and related land uses.</i>	The proposal would support a wide range of uses that are already permitted in the IN2 Light Industrial zone. All uses would generate employment and would be compatible with other uses within the IN2 zone.
<i>To encourage employment opportunities and to support the viability of centres.</i>	The proposal would integrate a variety of employment-generating activities on the site, including many uses with a higher employment density than traditional industry or warehousing. The proposal would therefore generate new and additional employment opportunities.
<i>To minimise any adverse effect of industry on other land uses.</i>	The proposed health and wellness precinct would not adversely impact on any surrounding land uses. The proposal would not compromise the ongoing operations of surrounding employment lands or the neighbouring league club, and would not be situated in direct proximity to any sensitive residential areas.
<i>To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</i>	The proposal would provide a wide range of complementary uses co-located within a convenient health and wellness precinct that maximises the practicality and amenity of the site. The types and variety of uses would provide facilities and services to meet the day to day needs of local workers within the surrounding employment district and residents of the nearby suburbs.
<i>To support and protect industrial land for industrial uses.</i>	<p>The proposal would see the resumption of the practical use of the site, which has remained unoccupied for several years.</p> <p>All the proposed uses would generate employment and thereby would support the productive use of employment lands.</p> <p>The IN2 light industrial zoning of the site would be retained, and there would be no loss of industrial-zoned land within the LGA. Therefore, the employment-generating contribution of the site would be protected.</p>

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Table 6. PLEP2010 IN2 Zone Objectives	
Objective of IN2 Light Industrial Zone	Assessment
<i>To promote development that makes efficient use of industrial land.</i>	The proposal would support a higher density of employment compared to traditional industry or warehousing, and therefore would promote the more efficient use of the site for employment use.
<i>To limit the impact of industrial development on adjacent residential areas, in terms of its built form, scale, acoustic and visual privacy and air quality.</i>	The subject site does not immediately adjoin any residential development or other sensitive land uses, and would not adversely impact the surrounding area in terms of acoustic or visual privacy, air quality, overshadowing, views or other built form impacts.

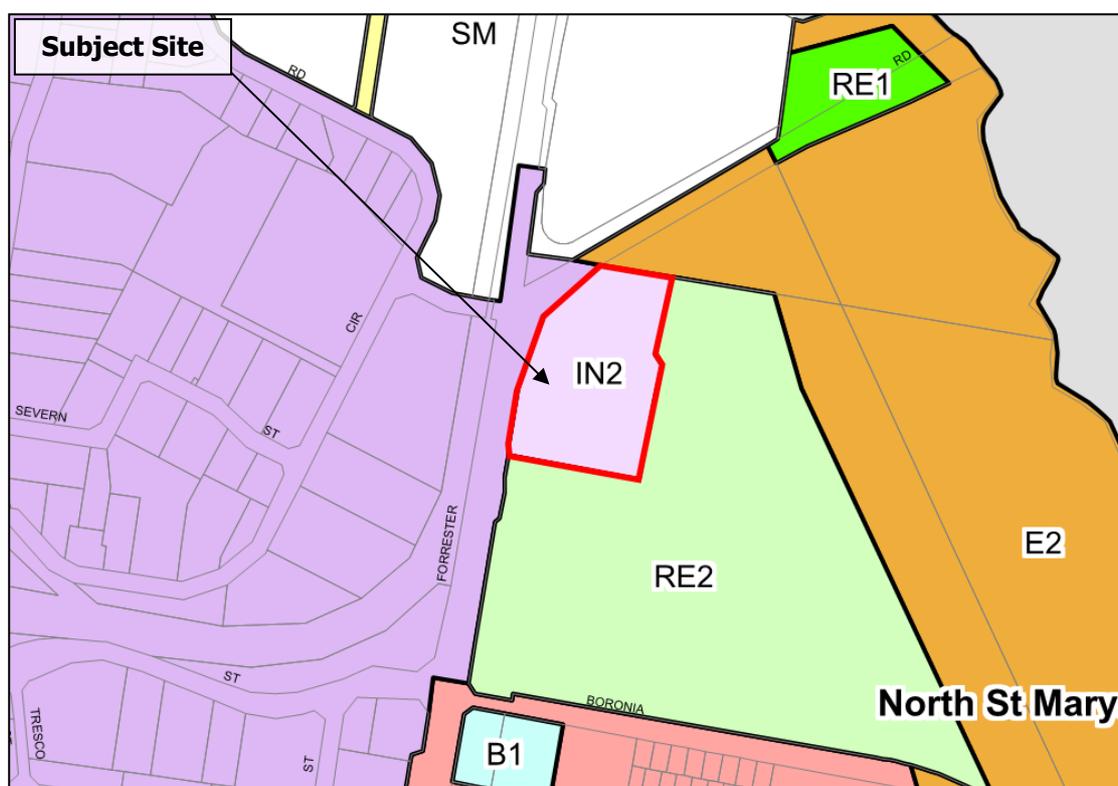


Figure 11. Zoning Map (NSW Legislation 2020)

Development Standards

The development standards and other relevant provisions to which the site is subject pursuant to PLEP2010 are summarized in **Table 7** below. Assessment of the proposal against these relevant standards and provisions is also included in the table.

Table 7. PLEP2010 Development Standards and Provisions	
PLEP2010 Clause	Standard/Provision and Assessment
Minimum Lot Size	The site is subject to a 1,000m ² minimum lot size standard. The proposal would not include subdivision.

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Table 7. PLEP2010 Development Standards and Provisions	
PLEP2010 Clause	Standard/Provision and Assessment
Maximum Building Height	<p>The site is subject to a 12m maximum building height standard.</p> <p>The proposed building would exhibit a maximum height of 11.02m and would therefore comply with the height standard.</p>
Maximum Floor Space Ratio (FSR)	<p>The site is not subject to a maximum FSR standard.</p> <p>In any case, the proposal would generally retain the existing built form, with no significant changes to scale or bulk resulting from the relatively minor additions that are proposed.</p> <p>The built form would be compatible with the scale and character of the site, adjoining club site with associated recreational infrastructure, and the nearby industrial area.</p>
Land Reservations	The site is not affected by any land reservations.
Heritage	The site does not comprise any heritage items and is not within a heritage conservation area.
Flood Planning Area	<p>The site is identified within the flood planning area. In its existing state, the site is however highly modified, comprising of the existing building, hardstand and other paved areas for car parking and vehicular circulation. This existing development is considered to demonstrate the suitability of the site with respect to flooding. Stormwater would be managed in accordance with the Civil Plans at Appendix 5.</p>
Natural Resources Sensitivity	The site is not identified as exhibiting 'natural resources sensitivity'.
Scenic and Landscape Value	<p>The southern boundary of the site and the adjoining site to the south are identified as exhibiting scenic and landscape value. However, this portion of the site includes carparking and access roads, and is therefore considered to exhibit <i>no</i> scenic or landscape value.</p> <p>Notwithstanding, as demonstrated in the Architectural Drawings at Appendix 2, the proposal is considered to enhance the visual appearance and landscape quality of the site.</p> <p>The proposal would therefore be consistent with Clause 7.5 of PLEP2010.</p>

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4.14 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft Environmental Planning Instruments (EPIs) applicable to the proposed development on the subject site.

It is noted that Penrith City Council's Phase 1 LEP Review and Planning Proposal (PP_2019_PENRI_001_00) to amend PLEP2010 does contain provisions for St Marys town centre. However, as it is located outside of the mapped town centre, the subject site is not directly affected by Council's Phase 1 Planning Proposal.

4.15 PENRITH DEVELOPMENT CONTROL PLAN 2014

PDCP2014 contains more detailed provisions to guide development. An assessment against the relevant sections of PDCP2014 is provided in **Appendix 20**.

As noted above, Clause 26 of the E-SEPP provides that certain provisions of DCPs do not apply in relation to centre-based childcare facilities, including the following:

- (a) operational or management plans or arrangements (including hours of operation);*
- (b) demonstrated need or demand for child care services;*
- (c) proximity of facility to other early education and care facilities;*
- (d) any matter relating to development for the purpose of a centre-based child care facility contained in—*
 - i) the design principles set out in Part 2 of the Child Care Planning Guideline; or*
 - ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).*

The DCP assessment in **Appendix 20** has been prepared accordingly.

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PART E STRATEGIC PLANNING CONTEXT

The proposal for a health and wellness precinct on the site responds to key State and Local Government Strategic Planning documents, as outlined in the following sections.

5.1 GREATER SYDNEY REGION PLAN – A METROPOLIS OF THREE CITIES

Greater Sydney Region Plan- A Metropolis of Three Cities (the Region Plan) outlines a vision for Sydney to 2056, defined by three (3) cities; the Western Parkland City, the Central River City and the Eastern Harbour City. The Region Plan seeks to foster productivity, liveability and sustainability, to be achieved through the '30 minute city' model by which more than 60% of people live within 30 minutes of jobs, education, health facilities and services. The creation of the 30 minute city is to be promoted through infrastructure investment and coordinated transport and land use planning.

The 10 directions underpinning the Region Plan emphasise infrastructure delivery, increasing housing choice, creating walkable neighbourhoods and 'great places to live', supporting economic growth and promoting environmental sustainability. Overall, the Region Plan aims to accommodate an additional 725,000 dwellings and 817,000 new jobs.

For the purpose of the Region Plan, St Marys is identified as a strategic centre, the subject site forms part of the Greater Penrith to Eastern Creek Growth Area Investigation, and a range of new transport infrastructure is proposed in the general vicinity of the site including the Greater Western Metro (**Figure 12**).

Further to the above, the Greater Penrith to Eastern Creek Growth Area would connect Penrith CBD and St Marys through to the M7 Motorway/Eastern Creek with new mass transit lines. This provides the opportunity to integrate land use and transport planning at a suitable scale. Growth in appropriate locations can contribute to a connected, vibrant Western Parkland City with more homes, jobs, services and open space.

The proposed provision of health, wellness and complementary services within a co-located, purpose-designed precinct on the site would contribute to the new infrastructure and job creation that the Region Plan identifies as being essential to underpinning Sydney's unprecedented growth. The evolution and growth that may be anticipated for the site's surrounding context in accordance with the Region Plan's designation (refer **Figure 12** below), demonstrate the need for the proposed range of social infrastructure and associated services in the proposed location.

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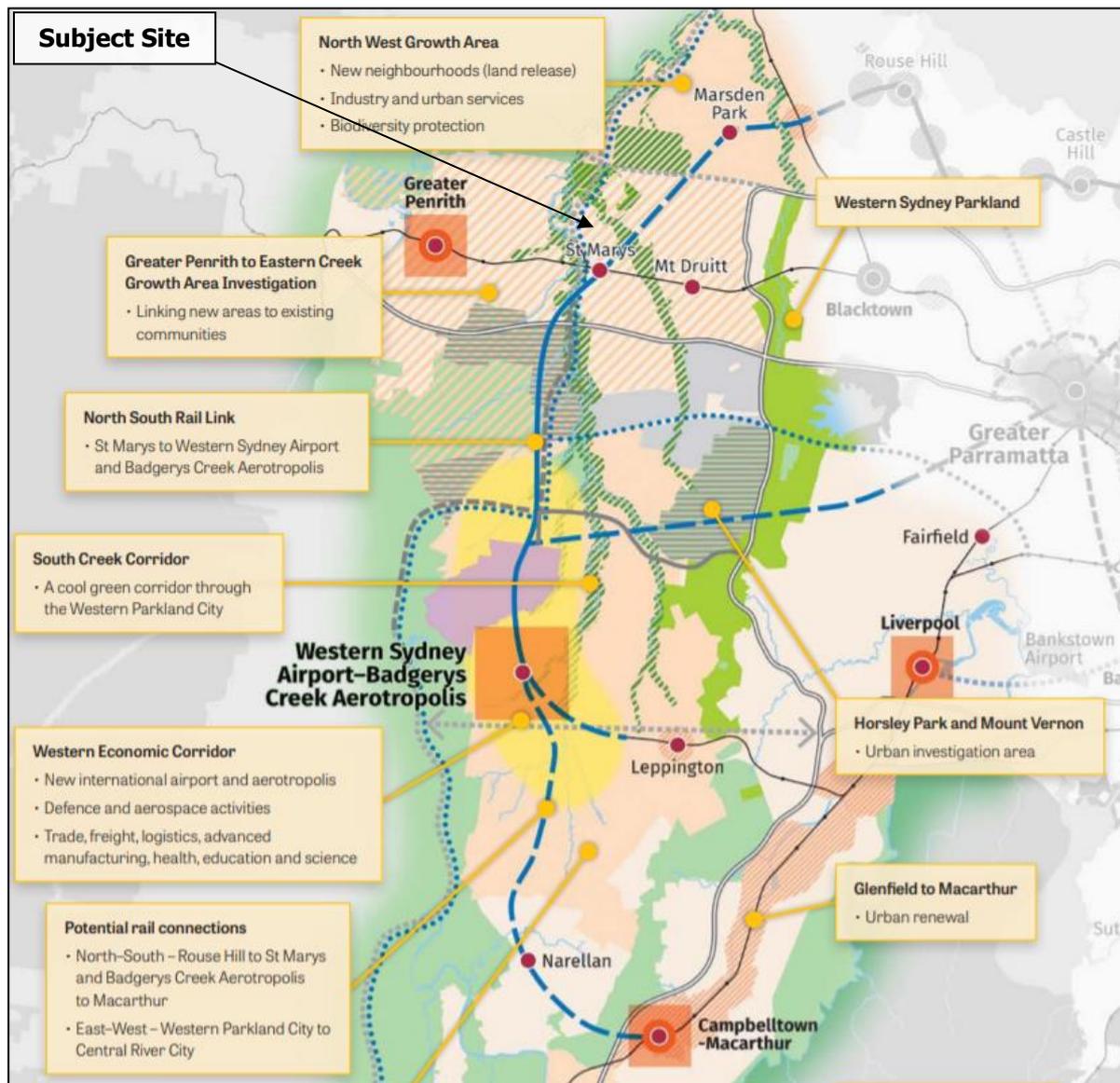


Figure 12. Greater Sydney Region Plan (GSC 2020)

5.2 WESTERN CITY DISTRICT PLAN

The Western City District Plan has been designed to provide a 'bridge' between regional and local level planning, and assist in the implementation of strategic envisioning.

Penrith and St Marys are situated in the Western City District (**Figure 13**), which is envisioned to benefit from unprecedented city-scale infrastructure investments (including the Greater Western Metro and aerotropolis), quicker and easier access to a wider range of jobs, housing types and activities, enhanced lifestyle opportunities and improved environmental assets.

Overall, 464,450 additional people and 184,500 dwelling are projected for the Western City district by 2036, and 10,000-11,500 jobs are targeted for St Marys by 2036. This is in addition to 44,000-45,000 jobs for Greater Penrith.

The District Plan establishes a number of priorities and actions to guide growth, development and change, relating to infrastructure & collaboration, liveability, productivity and sustainability. The priorities and actions relevant to St Marys, Greater Penrith and the proposed development are discussed as follows.

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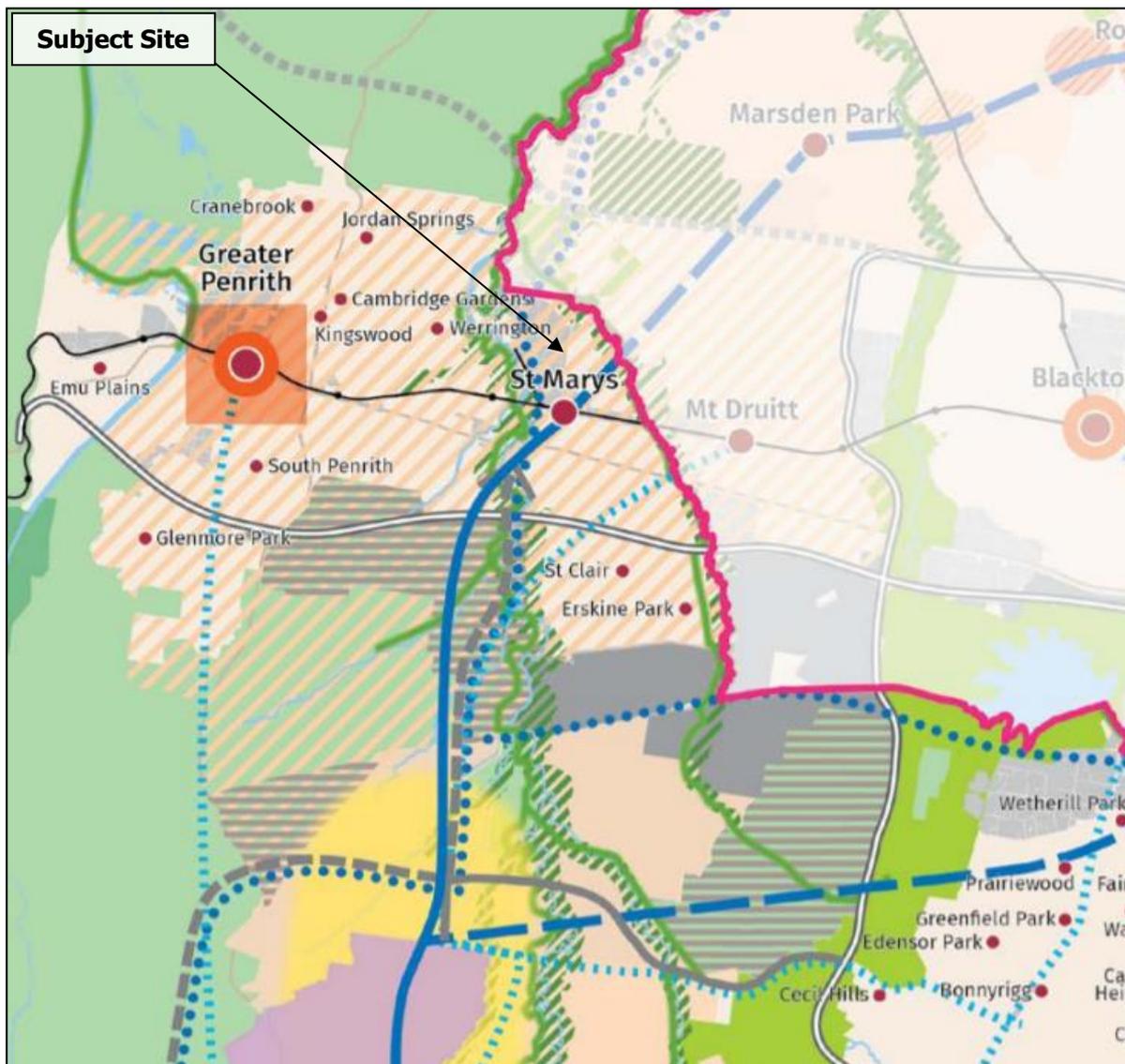


Figure 13. Western City District Structure Plan (GSC 2020)

Infrastructure and Collaboration

Additional infrastructure and services are required to support Sydney's growth, and in turn infrastructure investment will contribute to the shape and connectivity of Greater Sydney. Planning for infrastructure requires coordination across all levels of government, industry and the community.

Reflecting the identified need for infrastructure investment to balance population growth (Planning Priority W1), the proposal would provide key social infrastructure (health services and child care) in a convenient, co-located precinct close to growing residential catchments and the strategic centre of St Marys. In accordance with Action 3, the proposal would therefore support the alignment of forecast growth with infrastructure.

Liveability Priorities

The District Plan emphasises the importance of coordinating growth and new housing with the infrastructure and services that communities need, to create well-designed, livable places.

Planning Priority W3 seeks to provide services and social infrastructure to meet people's changing needs, recognizing changing demographics and intergenerational needs. Coordinated and additional

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health and social services are needed. A mix of land uses and co-location (including of health services and community facilities) are promoted. The importance of socially-connected communities is also emphasized (Planning Priority W4), noting the value of coordinating infrastructure, services, jobs and homes to create people-friendly and sustainable places.

Delivering on these Liveability Priorities and social infrastructure needs, the proposal would provide new health facilities, child care and complementary services, co-located within a precinct designed to meet intergenerational needs and facilitate social connectivity. By dually supporting service-provision and job-creation, the proposal would perform a key role in complementing the population and housing growth in the surrounding areas and underpinning the liveability of these communities.

Productivity Priorities

Planning Priority W10 relates to the management and planning of industrial and urban services land, acknowledging its important and evolving role in the economy including in relation to job and service provision for the local population.

A 'retain and manage' approach has been identified for St Marys (together with other established areas of the Western City district), meaning that all existing industrial and urban services land should be safeguarded from competing pressures, especially residential and mixed-use zones. Specifically, these industrial lands are required for economic and employment purposes. Therefore, the number of jobs should not be the primary objective; rather a mix of economic outcomes that support the city and population.

In accordance with the requirements for land designated for retention and management, the proposal would retain the current industrial zoning of the subject site. All proposed uses would generate employment and thereby would promote the economic outcomes sought by the District Plan. Although it is noted the District Plan stipulates that number of jobs should not be the primary objective, it is nonetheless considered an important overall economic outcome that the proposal would support a higher density and more diverse offering of employment opportunities for the local population. Whilst not representing traditional industry, the proposal would deliver a suite of health and wellness services that are vital to the local population.

Further, Planning Priority W11 seeks to grow investment, business opportunities and jobs in strategic centres, including St Marys. Although the subject site falls outside of the mapped strategic centre, it directly adjoins the mapped area (**Figure 14**). The proposal would create additional and diversified jobs and business opportunities on the site, thereby positively contributing to the economic strength of St Marys.



Figure 14. Western City District St Marys Strategic Centre (GSC 2020)

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Sustainability Priorities

As well as growing, landscapes, waterways and biodiversity should be protected and enhanced and efficiency and resilience promoted. Sustainability also requires the protection of open spaces and building design that promotes energy and water efficiency.

The redevelopment of the site for a higher density of employment uses would augment the efficiency with which land is used through the densification and co-location of compatible activities. The redevelopment of land that has been historically developed would promote the creation of a better quality environment built on the principles of sustainability.

5.3 PENRITH LOCAL STRATEGIC PLANNING STATEMENT

The *Local Strategic Planning Statement* (LSPS) outlines Penrith's economic, social and environmental land use needs over the next 20 years, envisaging a connected, healthy, innovative and balanced city.

The LSPS includes a structure plan for the LGA (**Figure 15**), identifying key areas for growth, economic development and infrastructure investment. Based on the Structure Plan, St Marys is designated as a strategic centre and the subject site is also in immediate proximity to the economic triangle and proposed transport corridors.

Planning Priority 1 within the LSPS focuses on the alignment of development, growth and infrastructure, acknowledging the critical need for social infrastructure including quality schools and health care. This is echoed in Priority 6 which includes childcare facilities and local health services such as general practices and medical centres, in the list of social infrastructure requirements to support the growing and changing community.

The creation of a health and wellness precinct on the site, inclusive of medical suites, a variety of health and wellness services and a large childcare centre, would align with Priorities 1 and 6 of the LSPS and assist in the provision of key social infrastructure to support the growing communities and centres in close proximity to the site.

The 'Economy' chapter of the LSPS records that more jobs close to home is an important priority in planning for the future. Priority 12 specifically addresses the enhancement and growth of Penrith's economic triangle, in part through the management of industrial and urban services land to ensure the community benefits from jobs and services close to home. Transformative change is particularly envisioned for St Marys as the future interchange of the North South Rail Link, Western Rail Line and a new north-west connection to Marsden Park. St Marys is targeted to provide 11,500 jobs by 2036 and is already one of Sydney's largest concentrations of urban services and industrial land.

Assisting in the attainment of these economic objectives, the proposal would create new jobs, with a higher employment density and increased breadth of employment opportunities delivered on the site. This would represent a more productive use of employment land, whilst not affecting the net area of industrial-zoned land in the LGA. Given its proximity to nearby residential suburbs, the site offers a key opportunity to create new, and more diverse, jobs for local people close to where they live. As a catalyst of employment and a provider of important health and wellness services and complementary facilities, the proposal would support the transformation that is designated for St Marys.

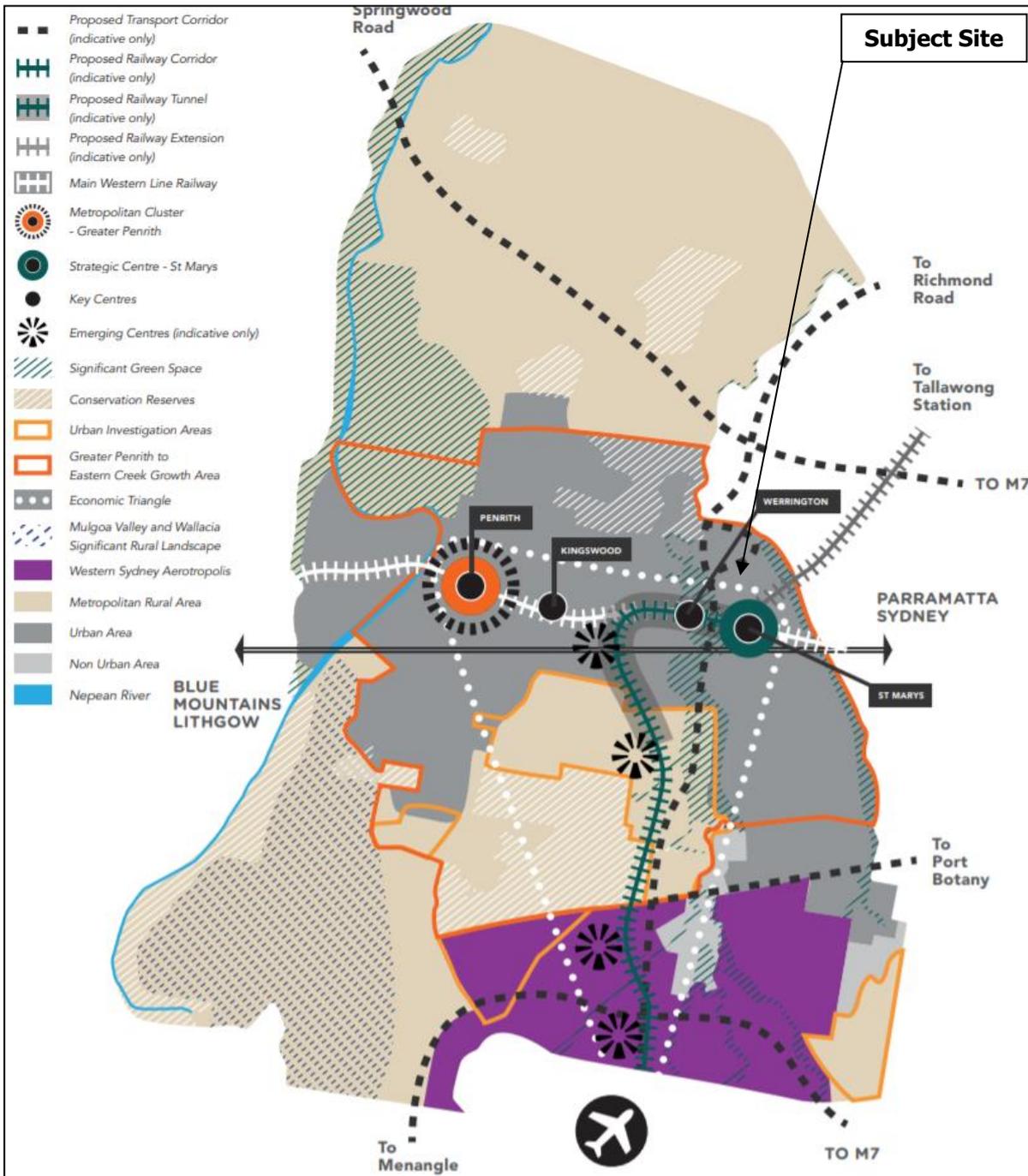


Figure 15. Structure Plan (LSPS 2020)

5.4 PENRITH COMMUNITY PLAN

The current Community Plan, adopted 26 June 2017, sets out seven (7) outcomes, representing long-term goals for the LGA.

Outcome 1 seeks to create more jobs close to home, to support local employment and a balanced local economy. To reduce the gap between the LGA’s number of workers and available jobs, the Community Plan establishes a target of 42,000 jobs by 2031 (a target that is more ambitious than the District Plan). Strategy 1.1 emphasises the dual importance of increasing the range of business in the area to create a better variety of jobs and promote economic resilience in the instance of a downturn in any particular

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industry. This will involve targeting industries that are currently under-represented in the local economy.

The proposal would create additional jobs by increasing the employment density of the site, as well as diversified job opportunities related to the range of health and wellness services, child care and specialized retail incorporated within the precinct. This would assist in the achievement of Council's ambitious job targets and retention of the local workforce. The proposal would also deliver on objectives relating to the diversification of the economy, attraction of new businesses and economic stability.

The provision of new childcare services is also acknowledged as requiring attention to allow greater opportunities for workforce participation and improved long-term employment prospects for parents or caregivers. The inclusion of a large child care centre within the precinct would therefore directly respond to the identified need for this type of social infrastructure to support local families with the potential to form part of the workforce.

Outcome 2 relates to planning for growth, including the provision of services, infrastructure and facilities to support the growing population. The proposed creation of a health and wellness precinct on the site would be a valuable contribution to the social infrastructure needs of the LGA. By co-locating new medical centres with other health-related services, child care and complementary services, the proposal would deliver on a variety of social infrastructure demands within a convenient and highly-amenable setting, with associated lifestyle and productivity benefits for the local communities.

By providing the opportunity for a well-designed and sustainable development offering the benefits of co-location and a highly-amenable environment, the proposal would also promote the other outcomes of the Community Plan, including as they relate to safe and vibrant places and healthy, connected communities.

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PART F PLANNING ASSESSMENT

Pursuant to Section 4.15 of the EP&A Act, the following matters have been addressed.

6.1 LIKELY IMPACTS

6.1.1 CONTEXT AND SETTING

The proposal would support the creation of health and wellness precinct on the site, integrating a comprehensive range of complementary facilities including a medical centre, allied health suites, a pharmacy, a gymnasium, a child care centre and pet care, complemented by health food kiosks and children's recreational facilities.

The proposal would respond to the identified need (as outlined in key Local and State Government Strategic Planning documents) for new social infrastructure to balance population growth and new housing delivery. Given its proximity to St Marys strategic centre, the Greater Penrith to Eastern Creek Growth Area Investigation, Penrith's economic triangle and proposed new transport infrastructure, the site is strategically positioned with respect to growing residential catchments and a growing local workforce.

Accordingly, the proposal would transform this 'gateway' site into a health and wellness hub to complement neighbouring sporting and recreation facilities, residential and industrial areas and the nearby St Marys town centre which is planned for significant growth in association with the delivery of the Greater Western Metro.

Therefore, the proposed health and wellness precinct would be highly compatible with, and provide a significant positive contribution to, the local context.

6.1.2 SOCIAL AND ECONOMIC EFFECTS

The types of services proposed for the site respond to acute needs in the catchment, with economic assessment revealing a severe undersupply of GPs and medical services (-64 GPs undersupply), child care places (-700 place undersupply by 2030) and gyms (-7 gyms undersupply).

Likewise, the Region Plan, District Plan, LSPS and Community Plan all identify the need for additional health services, child care and other social infrastructure, to serve the growing communities of Western Sydney,

Further, the proposal would generate additional and diversified jobs and business opportunities on the site.

Accordingly, the proposal would provide for significant positive social and economic effects.

6.1.3 DESIGN AND APPEARANCE

The proposal would adapt the existing built form and site infrastructure through alterations and additions. Facades and new additions have been architecturally designed and provide articulation and visual interest through architectural features, glazed elements, varied materials and finishes, and entry statements. The new plaza would further define the entry and, complemented by landscaping and the retention of the mature canopy trees, would contribute to an enhanced outdoor realm for the site. Overall, the bulk and scale of the building would be generally consistent with the existing and would therefore continue to integrate with the character of the area.

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6.1.4 LANDSCAPE AND TREES

The proposed health and wellness precinct would adapt the existing built form, car park and site infrastructure, and would retain all existing trees adjacent to the street frontages. The only vegetation requiring removal would be a limited number of trees within the car park, and this would be offset by new planting within the reconfigured car park.

The landscape quality of the site would be enhanced through the inclusion of landscaping as part of the development. As shown in the Landscape Plans at **Appendix 4**, a complementary variety of trees, shrubs, accents, grasses and groundcovers, would be provided within the entry plaza, car park and outdoor play area for the childcare centre.

Further, an Ecological Statement (**Appendix 9**) has been prepared by Cumberland Ecology to address the potential impacts to native vegetation, threatened species and their habitat as a result of the proposed development.

Previous ecological assessment (2011) documented that the site contains Cumberland Plain Woodland which is listed in the schedules of the BC Act and the EPBC Act as Critically Endangered. The previous assessment concluded that the original DA for the base build would not significantly impact Cumberland Plain Woodland or associated threatened fauna habitat.

The current Ecological Statement similarly confirms that the current DA is not anticipated to result in further impacts to the biodiversity values of the subject site with no further impact upon Cumberland Plain Woodland or threatened species habitat. Accordingly, the proposed DA does not trigger entry into the biodiversity offsets scheme and no further ecological assessments are required to support the proposed DA.

6.1.5 BUSHFIRE

The site comprises designated bushfire prone land, being defined as 'vegetation buffer' in Penrith Council's Bushfire Prone Land Map (refer extract at **Figure 9**). Accordingly, the proposal would require a Bush Fire Safety Authority, the development would be Integrated Development, and referral to RFS would be required.

A Bushfire Protection Assessment (**Appendix 8**) has been prepared by Travers to assess the proposal in accordance with PBP. The assessment found that the bushfire risk posed by the Cumberland Dry Sclerophyll Forest vegetation located north of the site, may be mitigated through appropriate bushfire protection measures managed in perpetuity. The required bushfire protection measures include:

- Use of an alternative solution to determine minimum APZs for the childcare centre. This will involve the construction of a radiant heat barrier (fence) along the northern and part-eastern site boundary to reduce radiant heat impact on the building to $<10\text{kW}/\text{m}^2$;
- Provision of access in accordance with the acceptable solutions outlined in PBP;
- Water, electricity and gas supply in compliance with the acceptable solutions outlined in PBP;
- Any building upgrades in compliance with the appropriate construction sections of AS3959-2009 (BAL 19) and PBP. It is noted that the existing building was required to be constructed in accordance with BAL 19 as per previous consent conditions; and
- Emergency management and evacuation in compliance with PBP and NSW RFS guidelines for the *Preparation of an Emergency / Evacuation Plan*.

The Bushfire Assessment provides the following additional recommendations:

- The development is as generally indicated on the Plan of Bushfire Protection Measures (Schedule 1 within the Bushfire Report and **Figure 10** above).
- The APZ is to be managed as an IPA as outlined in Appendix 4 of PBP and the NSW RFS document *Standards for asset protection zones*.

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- A minimum 6m high radiant heat shield made of non-combustible materials shall be constructed along the northern and part-eastern property boundary. All posts and rails shall be constructed of non-combustible materials. The bottom of the fence is to be in direct contact with the finished ground level or plinth.
- The building is to comply with BAL 19 as outlined in AS3959 *Construction of buildings in bushfire prone areas (2018)* or NASH Standard and Section 7.5 of PBP.
- Water, electricity and gas supply is to comply with Section 6.8.3 of PBP.
- A Bushfire Emergency Management and Evacuation Plan is to be prepared for the childcare centre to comply with Section 6.8.4 of PBP.

Figure 10 above provides an extract from the Bushfire Protection Assessment and demonstrates the required bushfire protection measures.

6.1.6 LOCAL AMENITY

The subject site does not immediately adjoin any residential development or other sensitive land uses, and would not adversely impact the surrounding area in terms of acoustic or visual privacy, air quality, overshadowing, views or other built form impacts.

These locational particulars, together with the high quality design and construction of the proposed built form, landscaping and standard operating hours, would ensure that the ongoing operation of the health and wellness precinct would have no unacceptable adverse impacts on the amenity of the neighbourhood.

Further details of operational management are provided in the Operational Plan of Management at **Appendix 16**.

The proposed health and wellness precinct would, itself, also benefit from a high level of amenity. An amenable environment (internally, and externally for the public plaza and childcare play space) would be achieved through the generous setback of the building from the street, siting of the building in the south-eastern section of the site to maximise buffering from the industrial area and roundabout, maintenance of mature canopy trees in the street setback, additional landscaping, and high quality design and construction for the alterations and additions.

6.1.7 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The Crime Prevention Through Environmental Design (CPTED) guidelines provide a clear approach to crime prevention and focus on the 'planning, design and structure of cities and neighbourhoods'. The main aims of the policy are to:

- Limit opportunities for crime;
- Manage space to create a safe environment through common ownership and encouraging the general public to become active guardians; and
- Increase the perceived risk involved in committing crime.

The guidelines provide four (4) key principles to limit crime, being:

- Surveillance;
- Access control;
- Territorial re-enforcement; and
- Space/activity management.

Principle 1 – Surveillance

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical.

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- The proposed development orientates active areas such as building entrances, shopfronts and the central plaza, towards pedestrian paths, car parking areas and landscaping;
- The proposed development utilises low-level landscaping in appropriate locations to ensure there is no obstruction of surveillance opportunities; and
- External security lighting will enable the maintenance of sight-lines and surveillance after dark.

Principle 2 – Access Control

Access control can be defined as physical and symbolic barriers that are used to attract, channel or restrict the movement of people.

- Secure fencing and controlled access points would regulate access to the health and wellness precinct; and
- Directional signage and design features would facilitate legibility and direct all site-users to the appropriate access points and areas of the health and wellness precinct.

Principle 3 – Territorial Reinforcement

- Appropriate boundary treatment involving the maintenance of the mature canopy trees adjacent to the street frontage and integrated fencing, would emphasise the separation between the private and public realm; and
- Well maintained internal and external areas will indicate the development is well-used and cared for to reduce criminal activity.

Principle 4 – Space Management

- Space management strategies to be implemented include activity coordination, site cleanliness, rapid repair of vandalism, rapid removal of graffiti and the replacement of decayed physical elements;
- Landscaped areas will be well maintained;
- Continued repairs and maintenance will discourage vandalism;
- High quality materials, varied façade treatments and landscaping along boundaries will assist in discouraging vandalism and graffiti.

Accordingly, through the integration of CPTED in design, the health and wellness precinct has been planned to prevent crime.

6.1.8 TRAFFIC AND TRANSPORT

A Transport Impact Assessment has been prepared by One Mile Grid and is provided at **Appendix 10**.

The proposal includes the reconfiguration of the existing at-grade car park, which would result in an increase of five (5) spaces compared to the existing, resulting in total provision of 372 parking spaces. Based on empirical assessment for each of the proposed uses within the centre, and considering the reduced number of trips associated with multi-purpose visitation and different peak times for the various uses, adequate on-site parking would be available to accommodate all demand generated.

Based on the NSW Government's *Planning Guidelines for Walking and Cycling*, a total of 9-19 bicycle spaces would be required for the development. The proposal would provide 32 bicycle spaces, therefore achieving compliance.

The existing access arrangements for site ingress and egress would be maintained, with only minor modifications to the internal driveways. Swept paths for internal roadways and services areas, are included in **Appendix 10**, showing that the requirements for a 12.5m Heavy Rigid Vehicle (HRV) would be achieved.

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All car parking, accessible parking, bicycle spaces, access points, internal roadways and loading areas, would be designed in accordance with relevant Australian Standards.

With respect to traffic generation, the Transport Impact Assessment states that the level of traffic would be comparable to the 340 vehicle movements during the weekday peak associated with the previous Masters use. During the weekend peak, traffic generation would be approximately half the 640 vehicle movements of the previous Masters. The Transport Impact Assessment states that the proposal would have no impact on the surrounding road network.

The Transport Impact Assessment concludes the proposal would be supportable on transport planning grounds.

6.1.9 NOISE AND VIBRATION

A Noise Impact Assessment (**Appendix 11**) has been prepared by Acoustic Logic and provides an assessment of noise intrusion impacting on the proposed childcare centre and noise emissions associated with the various aspects of the development.

The location of the site in the context of surrounded receivers is shown in **Figure 16**.

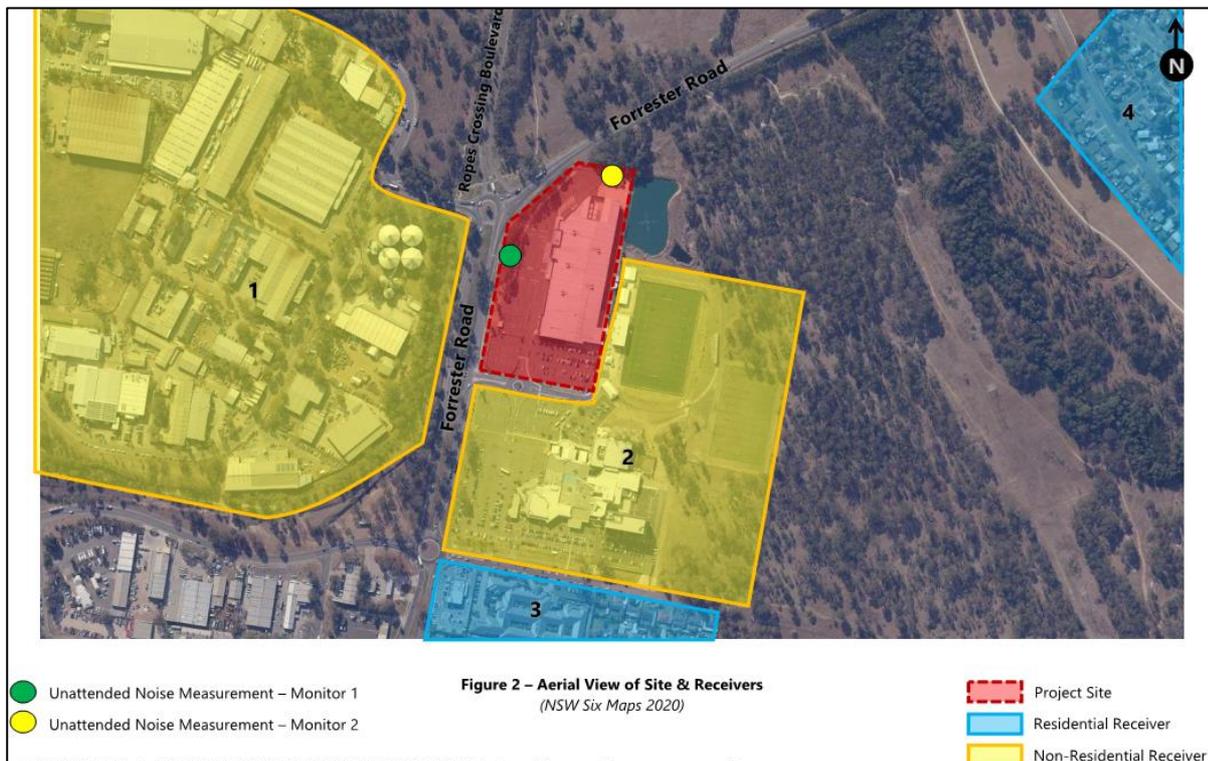


Figure 16. Site and Surrounding Receivers (Acoustic Logic 2020)

Noise Emissions

Noise emissions arising from the future operations of the proposed development are summarized in the following table. The noise criteria and compliance assessment have been based on the requirements of the NSW Environment Protection Authority's (EPA) *Noise Policy for Industry* (NPI). For the childcare centre, noise emissions have considered the Association of Australasian Acoustic Consultants (AAAC) Technical Guideline.

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Table 8. Predicted Noise Emissions (Acoustic Logic 2020)			
Receiver	Predicted Noise Level dB(A)Leq	Noise Emission Objective dB(A)Leq	Comment
Noise from Gym			
R4 (residential)	<25	Night: ≤38 Sleep disturbance: 43 dB(A)Leq,15min 53dB(A)LFmax	Complies
R2 (non-residential)	<25	53	Complies
Noise from Carpark			
R1 (industrial)	38	68	Complies
R2 (commercial)	42	63	Complies
R3 (residential)	33 average 39 max	Night: ≤38 Sleep disturbance: 43 dB(A)Leq,15min 53dB(A)LFmax	Complies
R4 (residential)	30 average 35 max	Night: ≤38 Sleep disturbance: 43 dB(A)Leq,15min 53dB(A)LFmax	Complies
Noise from Loading Dock			
R2 (non-residential)	52	53	Complies
R3 (residential)	34 average 53 max	Night: ≤38 Sleep disturbance: 43 dB(A)Leq,15min 53dB(A)LFmax	Complies
R4 (residential)	<20 average 50 max	Night: ≤38 Sleep disturbance: 43 dB(A)Leq,15min 53dB(A)LFmax	Complies
Noise from Childcare Centre Outdoor Areas			
R1 (industrial)	<25	65 dB(A)Leq,15min	Complies
R2 (commercial)	52	65 dB(A)Leq,15min	Complies
R4 (residential)	<25	58 dB(A)Leq,15min	Complies
Noise from Childcare Centre Indoor Areas			
R1 (industrial)	<25	65 dB(A)Leq,15min	Complies
R2 (commercial)	48	65 dB(A)Leq,15min	Complies
R4 (residential)	<25	58 dB(A)Leq,15min	Complies

Further to the above, the Acoustic Report provides a series of recommendations for acoustic design and construction to ensure that the respective uses within the proposed Centre do not unacceptably impact on other internal uses.

With respect to noise generated by additional traffic on public roads, it is noted that Forrester Road already exceeds noise criteria for sub-arterial roads pursuant to the EPA's *Road Noise Policy* (RNP). The RNP provides that an increase of less than 2 dB(A) is a minor impact and would be barely perceptible. The predicted increase in road traffic associated with the proposed development would not be expected to exceed 2 dB(A) and therefore would constitute a minor impact.

With respect to mechanical plant, compliance with the NPfI will be achievable, subject to detailed acoustic review once plant is selected and the adoption of any recommended acoustic treatment.

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Noise Intrusion

The noise intrusion assessment has considered the proposed childcare centre in the context of the AAAC Technical Guideline, the RNP and AS 2107:2016. A summary of the relevant noise intrusion criteria is provided in the following table.

Space	Time of Day	Noise Level Criteria
Sleeping areas	Day	35 dB(A)LAeq(1hr)
Indoor play areas		40 dB(A)LAeq(1hr)
Outdoor play areas		55 dB(A)LAeq(1hr)
Staff rooms, offices, reception		45 dB(A)LAeq

The glazing specifications required to achieve compliance with the childcare noise criteria, are outlined in the following table.

Space	Glazing Area	Glazing Assembly	Glazing Thickness (Rw)	Acoustic Seals
Sleeping areas	>15m ²	10mm float/ 12mm air gap/ 10mm float	33	Yes
	<15m ²	10.38mm laminate	35	Yes
Indoor play areas	>15m ²	6.38mm laminate	31	Yes
	<15m ²	10mm float	33	Yes
Staff rooms, offices, reception	-	6mm float	29	Yes

Other acoustic treatments for the childcare centre would include:

- Roof construction:
 - If of concrete or masonry construction, no further acoustic treatment required.
 - If light-weight materials, further acoustic review required.
- External wall construction:
 - If of concrete or masonry construction, no further acoustic treatment required.
 - If light-weight materials, further acoustic review required.
- Outdoor play area:
 - Minimum 1.5m high solid barrier required to be installed along external perimeter of outdoor play area.
 - Fence to be constructed of colorbond, capped and lapped timber, 4mm Perspex, 9mm FC or similar construction with gaps minimized.

The Noise Impact Assessment concludes that, subject to the adoption of the recommended acoustic treatments, noise intrusion into the childcare centre would comply with the AAAC Technical Guideline.

Acoustic Summary

The Noise Impact Assessment concludes that the noise generated by the development would comply with all relevant requirements, subject to implementation of the recommendations. Subject to the adoption of the recommended acoustic treatments, noise intrusion into the childcare centre would comply with the AAAC Technical Guideline.

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6.1.10 FLOOD, STORMWATER AND CIVIL ENGINEERING

In its existing state, the site is highly modified, comprising of the existing building, hardstand and other paved areas for car parking and vehicular circulation. This existing development is considered to demonstrate the suitability of the site with respect to flooding.

Stormwater would be managed in accordance with the Civil Plans at **Appendix 5**.

Erosion and sediment control would be implemented in accordance with the Civil Plans at **Appendix 5**.

6.1.11 GEOTECHNICAL ENGINEERING

A Geotechnical Statement (**Appendix 6**) has been prepared by Douglas Partners to assess the subsurface conditions at the site in order to provide information on the expected geotechnical conditions, and to provide advice on geotechnical issues pertaining to the proposed development.

The Geotechnical Statement concludes that the site is considered suitable for the proposed development and further investigation prior to construction is not considered necessary. Geotechnical recommendations include validation of the expected subsurface conditions during construction, undertaken by a Geotechnical Engineer. Other recommendations relate to construction methodologies and equipment for excavations, support, shallow foundations, site reactivity, pavements, floor slabs, salinity, drainage and aggressivity.

6.1.12 SOIL CONTAMINATION

A Phase 1 Environmental Site Assessment has been prepared by Geo-Logix and is provided at **Appendix 7**.

An asbestos containment cell is located in the north-eastern corner of the site. An Asbestos Management Plan (AMP) was prepared for the site by GETEX in 2013. The AMP identifies that a 1m thick layer of clean fill was placed over the top and further defines methodologies and control measures to be adhered to. The encapsulated asbestos was identified as Non-Friable (Bonded) Asbestos. In its current state, the asbestos is controlled and is not considered to present a risk to human health or the environment.

The proposed development would not disturb the encapsulated asbestos. Conceptual Site Modelling is currently being carried out to reflect site-related information relating to this contamination.

Additionally, a Construction and Environmental Management Plan (CEMP) is being prepared to provide a strategy to satisfy the NSW environmental legislative requirements, maintain best practice work health and safety in accordance with current legislation, identify the activities, aspects and possible environmental impacts associated with the works, and identify any controls required to minimise the potential for environmental impacts to reduce the risk.

A Long Term Environmental Management Plan (LTEMP) will also be prepared to specify responsibilities and obligations of relevant parties in the implementation of the LTEMP, provide information to relevant parties regarding the contamination status of the site and the potential risk posed by these contaminants, and to specify the environmental management procedures to be employed during the occupation and use of the site and during minor soil disturbance works.

The Environmental Site Assessment concludes that the site can be made suitable for the proposed development.

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6.1.13 BCA, FIRE AND ACCESS

A BCA Report (**Appendix 12**) has been prepared by McKenzie Group to assess the proposed development against the Building Code of Australia (BCA). Where certain areas deviate from the deemed-to-satisfy provisions of the BCA, compliance would be achieved either through design amendment to achieve compliance with the deemed-to-satisfy provisions, or through a performance solution demonstrating compliance with the Performance Requirements of the BCA.

A Fire Engineering Statement (**Appendix 13**) has been prepared by Omnii and confirms the building is capable of achieving compliance with the National Construction Code (NCC).

An Access Review has been prepared by Morris Goding Access Consulting and is provided at **Appendix 14**. The Access Review nominates strategies to maximise reasonable provisions for access for people with disabilities, in accordance with the AS1428 series, BCA, *Commonwealth Disability Discrimination Act* (DDA) and DDA Access to Premises Standards (including DDA Access Code).

The Access Review confirms that the proposed drawings indicate that accessibility requirements, pertaining to building access, common area access and sanitary facilities/amenities can be readily achieved. It is advised that Morris Goding, as the Project Access Consultant, would be involved in the detailed design development to ensure appropriate outcomes are achieved in building design and external domain design.

6.1.14 ENERGY EFFICIENCY

An Energy Efficiency Report (**Appendix 15**) has been prepared by Stantec to provide an overview of the ecologically sustainable design (ESD) principles and energy efficiency measures that will be implemented for the development, in the context of PLEP2010, PDCP2014, NCC 2019 Section J compliance and industry best practice drivers for ESD.

In summary, the project will implement sustainable design principles and initiatives designed to achieve:

- Energy conservation and greenhouse gas emissions reduction, including targeting a 4.5 Star NABERS Energy for Shopping Centres rating;
- Water conservation and water reuse;
- Reduction of construction materials through the adaptive re-use of an existing building, resulting in significant reductions in the embodied carbon of the building;
- Indoor environmental quality of occupants;
- Waste minimisation and recycling; and
- Building commissioning and management practices to ensure building systems operate efficiently as designed.

Project design responses include the following:

- On-site renewable energy production;
- Rainwater harvesting and reuse;
- Energy efficient lighting systems (internal and external) and lighting controls;
- Façade thermal performance for new elements in line with NCC 2019 Section J;
- Efficient HVAC system equipment;
- Explore opportunities to reduce embodied energy reduction associated to construction material selection;
- Increased access to natural daylight where possible;
- Water efficient fixtures and fittings (WELS ratings);
- Application of Water Sensitive Urban Design (WSUD) principles;
- Increased indoor environmental quality through the use of low-VOC paints, adhesives and sealants.

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Accordingly, the Energy Efficiency Report demonstrates the commitment of the project to ESD in order to reduce the greenhouse gas emissions, potable water consumption and material resources of the site.

6.1.15 HERITAGE

The subject site is not identified as a heritage item or heritage conservation, and is not located nearby to any heritage items or conservation areas.

6.1.16 WASTE

The Waste Management Plan at **Appendix 17** outlines the types and volumes of waste that would be generated during the demolition, construction and operational phases of the development. All materials would be recycled or disposed of off-site by licensed contractor.

6.1.17 CONSTRUCTION

All works on the site would be carried out in accordance with the conditional requirements of any consent issued.

6.1.18 CUMULATIVE IMPACTS

No foreseeable cumulative impacts would result from the proposed development. Rather, the proposal would transform the site into a health and wellness precinct integrating care and service offerings and delivering a conveniently co-located suite of social infrastructure to complement the growth of St Marys town centre and uplift the livability of the area.

6.2 SUITABILITY OF SITE FOR DEVELOPMENT

Through the proposal, strategically-located, but under-utilised, land would be adaptively redeveloped to accommodate a comprehensive suite of social infrastructure in a co-located, convenient and highly-amenable health and wellness precinct.

The proposed health and wellness precinct would be compatible with the role, function, scale and character of the site, adjoining club site with associated recreational infrastructure, the nearby industrial area, and surrounding road infrastructure.

The proposal would transform this 'gateway' site into a health and wellness hub to complement neighbouring sporting and recreation facilities, residential and industrial areas and the nearby St Marys town centre which is planned for significant growth in association with the delivery of the Greater Western Metro.

The proposal would also be suitable for the site, having regard to environmental characteristics of the land and surrounding area. This has been confirmed through the detailed technical assessment carried out to inform the development (refer attached appendices for full assessments, with summaries provided in this SEE).

The site is therefore highly suitable for the proposed development.

6.3 SUBMISSIONS

No submissions are apparent at the time of writing. However, the applicant is willing to address any submissions, should they be received by Council.

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6.4 THE PUBLIC INTEREST

The proposed development would have no adverse impact on the public interest. Rather, the proposal would support the delivery of additional health facilities, social infrastructure and complementary services, to support the needs of the growing local residential population and surrounding workforce. The proposal would create additional and diversified jobs and business opportunities on the site, thereby positively contributing to the economic strength of St Marys.

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PART G CONCLUSION

The proposed health and wellness precinct at 243 Forrester Road, North St Marys, would deliver important social infrastructure to meet the needs of the growing workforce and residential communities in the surrounding area.

This SEE provides an assessment of the proposal against the relevant components of the environmental planning framework, including PLEP2010 and PDCP2014. The assessment finds that the proposal is consistent with the objectives and controls of the relevant instruments and policies. No significant environmental, economic or social impacts have been identified as likely to arise from the proposed development.

In overview, it is considered the proposal should warrant a positive assessment for the following compelling reasons:

- The subject site is situated in proximity to growing residential catchments and employment areas, and therefore is ideally located for a health and wellness precinct to service local residents and workers.
- The proposal would deliver important social infrastructure to meet demonstrated demand and assist in addressing current shortfalls.
- At the same time as providing essential services, the proposed health and wellness precinct would also generate additional and diversified employment opportunities.
- Accordingly, the proposal would support the objectives of key Local and State Government Strategic Planning documents including the Region Plan, District Plan, LSPS and Community Plan.
- The proposed development would make productive use of an underutilised site and redundant infrastructure.
- The proposal would be compatible with surrounding development and would not compromise the ongoing operations or amenity of any nearby land uses.
- All proposed uses are permissible with consent in the IN2 zone pursuant to PLEP2010.
- The proposal would comply with the PLEP2010 development standards and other relevant provisions.
- The childcare centre has been designed in the context of the E-SEPP, National Regulations and the Guideline. In particular, compliance with the National Regulations has been achieved with respect to the amount of unencumbered indoor and outdoor space per child.
- Environmental site investigations have confirmed the suitability of the site for the proposed uses having regard to potential contamination.
- Likewise, the bushfire assessment has confirmed the development would not be unacceptably impacted by, or impact on, any environmental hazards.
- All existing canopy trees adjacent to the street frontage would be retained as a result of the proposal. The only vegetation requiring removal would be a limited number of trees within the car park, and this would be offset by new planting within the reconfigured car park.

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As stipulated previously in this SEE, the matters for consideration under Section 4.15 of the EP&A Act have been satisfactorily addressed demonstrating the proposal is compatible with the surrounding environment. Accordingly, it is recommended that Council grant development consent to the proposal.