



Address: **49 GIBBES STREET, REGENTSVILLE NSW 2745**

Project: **DEMOLITION OF EXISTING DWELLING HOUSE AND  
CONSTRUCTION OF A NEW TWO STOREY CHILDCARE  
CENTRE AND ASSOCIATED CAR PARKING**

Report: **STATEMENT OF ENVIRONMENTAL EFFECTS**

Reference: 190013– Development Application

Date: 28 June 2019

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## TABLE OF CONTENTS

	PAGE
1. INTRODUCTION .....	3
2. SITE & CONTEXT ANALYSIS .....	4
2.1. Existing Building and Associated Structures .....	4
2.2. Land Zoning.....	5
2.3. Heritage .....	6
2.4. Neighbouring Buildings .....	6
2.5. Surrounding Area.....	8
3. THE PROPOSAL .....	9
3.1. Description of Works.....	9
3.2. Description of Operations .....	9
3.3. Design Statement .....	9
3.4. Response to Pre-DA Advice .....	10
4. EVALUATION PURSUANT TO PLANNING INSTRUMENTS .....	11
4.1. State Environmental Planning Policy No 55- Remediation of Land .....	12
4.2. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 - Child Care Planning Guideline .....	12
4.3. Education and Care Services National Regulations - 1 July 2018.....	17
4.4. Penrith Local Environmental Plan 2010 .....	20
4.5. LEP Part 2 .1 Land Use Zoning.....	20
4.6. Penrith Development Control Plan 2014 .....	21
4.7. Section 4.15 Assessment .....	39
5. CONCLUSION.....	41

## DOCUMENT CONTROL TABLE

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## 1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application to the Penrith City Council for the demolition of the existing dwelling house and construction of a new two storey childcare centre and associated car parking No.49 Gibbes Street, Regentsville.

This Statement has been prepared in accordance with the following:

- Acoustic Report, prepared by Wilkinson Murray, dated 21 June 2019.
- Arboricultural Impact Assessment, prepared by NSW Tree Services, dated 20 June 2019.
- Childcare Compliance Report, prepared by Childcare by Design, dated 20 June 2019.
- Plan of Management, prepared by Childcare by Design, Not Dated.
- Preliminary Site Investigation Report, prepared by SESL Australia, dated May 2019.
- Traffic Report, prepared by Varga Traffic Planning, dated 21 June 2019.
- Stormwater Drawings Prepared by Stormwater Engineers Pty Ltd, dated June 2019.
- Architectural Plans, prepared by Envision Group, including:

Drawing No:	Description:	Date:
-	Cover Page	-
-	External Finishes Schedule	-
DA 01	Existing Streetscape/ Location Plan/ Site Analysis & Demolition Plan	18 June 2019
DA 02	Site Plan	18 June 2019
DA 03	Ground Floor Plan	18 June 2019
DA 04	First Floor Plan	18 June 2019
DA 05	Roof Plan	18 June 2019
DA 06	Ground Floor Play Area Plan/ First Floor Plan Area Plan	18 June 2019
DA 07	North Elevation/ South Elevation / External Finishes Schedule	18 June 2019
DA 08	East Elevation/ West Elevation/ External Finishes Schedule	18 June 2019
DA 09	Section A-A/ Section B-B	18 June 2019
DA 10	Ground Floor Evacuation Plan/ First Floor Evacuation Plan	18 June 2019
DA 11	Shadow Diagrams	18 June 2019
DA 12	Shadow Diagrams	18 June 2019

The purpose of this report is to describe the proposed development and review the relevant planning controls relating to the proposal. It provides an amended assessment of the proposed development in light of the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report aims to demonstrate that the proposed development is appropriate within its context and within the framework of the relevant planning policies.

This statement addresses issues arising from the change of use in light of the following planning controls:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Penrith Local Environmental Plan 2010;
- Penrith Development Control Plan 2014;
- Provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- Child Care Planning Guideline - Delivering quality child care for NSW August 2017
- Education and Care Services National Regulations

The assessment relies upon the following information:

- The subject land is zoned R2 Low Density Residential under the Penrith LEP 2010.

- The immediate context of the site and surrounding area is residential character.
- The relevant provisions of the development control plans for childcare centres, parking and public notification.

## 2. SITE & CONTEXT ANALYSIS

### 2.1 Subject Site Description

The site is legally described as Lot 114, Section C in Deposited Plan 1687 and is known as 49 Gibbes Street, Regentville. The area of the site is 1393.23 m<sup>2</sup>. The site is located within a residential area.

The subject site is located in Regentville, and is located approximately 1.4 kms south-west of Jamisontown, 1.2 kms north-east of Mulgoa, 2.3 kms metres south-east of Glenmore Park and is located within the Local Government Area (LGA) of Penrith. Figure 1 illustrates the context of the site within the locality.

The subject site has a frontage to Gibbes Stret. The site is rectangular in shape with an effective width of 29.474 metres and an average depth of 45.72 metres. The subject is relatively flat with a fall from the rear to the front of the allotment of approximately 0.3 metres.

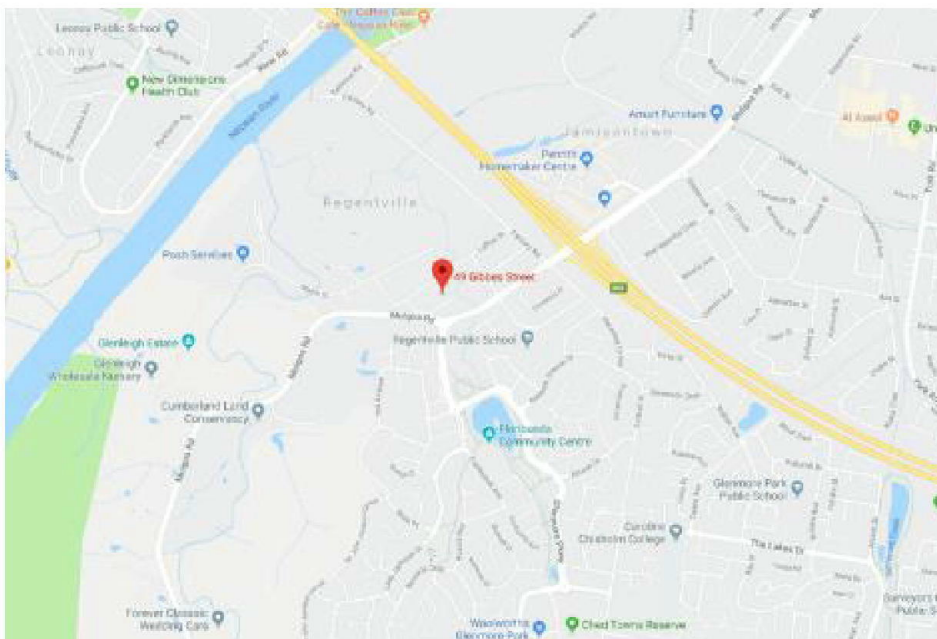


Figure 1: Map location of site (Google Maps, 2019)

### 2.1. Existing Building and Associated Structures

The site is occupied by an existing single storey dwelling house, detached garage, garden shed and swimming pool. The existing dwelling is of masonry (brick) construction with a tiled hip roof (Figure 2). The existing dwelling house has a front setback that is consistent with the predominant street setback. The existing dwelling has a setback of 9.31 metres from the primary road (front) allotment boundary (measured to the external wall of the dwelling). The front setback area contains vehicular access to the site and landscaped (grassed) area. The existing dwelling has a setback of 7.4 metres from the western boundary and 11.59 metres from the eastern allotment boundary. The existing dwelling has setback of 16.95 metres from the rear allotment boundary. The rear setback area contains a large grassed area and swimming pool.



Figure 2: Subject site as viewed from Gibbes Street (Source: Concise Planning, 2019)

## 2.2. Land Zoning

The subject site is zoned R2 Low Density Residential under the Penrith Local Environmental Plan 2010 (PLEP2010) (Figure 2). Clause 2.3 of the PLEP2010 sets out the land use table for the R2 Low Density Residential zone as follows (**emphasis added**):

### Permitted with consent

*Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; **Centre-based child care facilities**; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential care facilities; Respite day care centres; Roads; Secondary dwellings; Shop top housing; Tank-based aquaculture*

### Prohibited

*Any other development not specified in item 2 or 3*

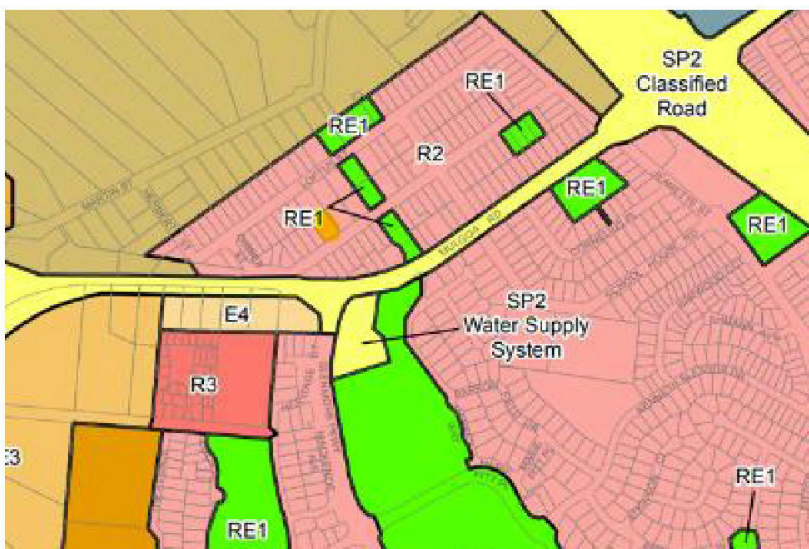


Figure 2: Land Zoning Map (Map Ref 006). Extract from Penrith Local Environmental Plan 2010 (Source: NSW Legislation, 2019).

### 2.3. Heritage

The subject site is not listed as an item of environmental heritage, nor is it located within a heritage conservation area under the provisions of the Penrith Local Environmental Plan 2010. Figure 3 presents an extract from the Heritage Map which forms part of the PLEP2010, illustrating the physical relationship of the subject site to existing heritage items and heritage conservation areas.



Figure 3: Heritage Map (Map Ref 006) Extract from Penrith Local Environmental Plan 2010 (Source: NSW Legislation, 2019).

### 2.4. Neighbouring Buildings

As stated above, the subject site is located within a low-density residential area and is surrounded by a number of single and two storey dwelling houses. Figure 4 provides an aerial view and illustrates the configuration of the site and its relationship to adjoining developments.



Figure 4: Relationship of the site to adjoining properties (Source: Six Maps, 2019).

No. 53 Gibbes Street (west)

To the west of the subject site is No. 53 Gibbes Street consisting of a single storey dwelling house. The building is of timber frame construction with cladded external walls and a coloubond gabled roof (Figure 5). The existing dwelling has a setback of 7.7 metres from the primary road (front) allotment boundary (measured to the external wall of the dwelling). The front setback area contains vehicular access to the site, carport and a landscaped (grassed) area. The existing dwelling has a 0.9 metre setback from the eastern allotment boundary and a 1.5 metre setback from the western allotment boundary. The existing dwelling has setback of 17.5 metres from the rear allotment boundary. The rear setback area contains a large landscaped area.



Figure 5: No. 53 Gibbes Street, as viewed from Gibbes Street (Source: Concise Planning, 2019)

No. 47 Gibbes Street (east)

To the east of the subject site is No. 47 Gibbes Street consisting of a single and two storey dwellings in a multi-dwelling housing development. The building is of masonry (brick) construction with a tiled hipped roof (Figure 6). The existing buildings have a setback of 5.5 metres from the primary road (front) allotment boundary (measured to the external wall of the dwelling). The front setback area contains vehicular access to the site and small courtyards. The front allotment boundary is delineated by a low height masonry fence. The existing buildings have a 0.9 metre setback from each side allotment boundary. The existing buildings have setback of 2.8 metres from the rear allotment boundary. The rear setback area contains small courtyards to the rear dwellings.



Figure 6: No. 47 Gibbes Street, as viewed from Gibbes Street (Source: Concise Planning, 2019)

### 52 Gibbes Street (south)

To the south of the subject site is No. 52 Gibbes Street consisting of a single storey dwelling house. The building is of timber frame construction with cladded external walls and a tiled gabled roof (Figure 7). The existing dwelling has a setback of approximately 24 metres from the primary road boundary. The front setback area contains a vehicular access to the site and a large grassed area. The dwelling has a setback of approximately 9 metres from the rear allotment boundary. The rear setback area consists of a rear courtyard and grassed area.



Figure 7: No. 52 Gibbes Street, as viewed from Gibbes Street (Source: Concise Planning, 2019)

## **2.5. Surrounding Area**

### Locality

The subject site is located within a R2 Low Density Residential zone under the Penrith Local Environmental Plan 2010. The site is located along Gibbes Street, in a low-density residential area in Penrith. The street character immediately surrounding the subject site consists of detached single and two storey dwelling houses.

### Street Pattern

The residential area in which the subject site is located, is defined by a distinct grid pattern of streets with long narrow linear blocks orientated north-east to south-west. Gibbes Street is the primary road and is a two-way street. On-street parking is available on each side of the carriageway and is not time limited (Figure 8).

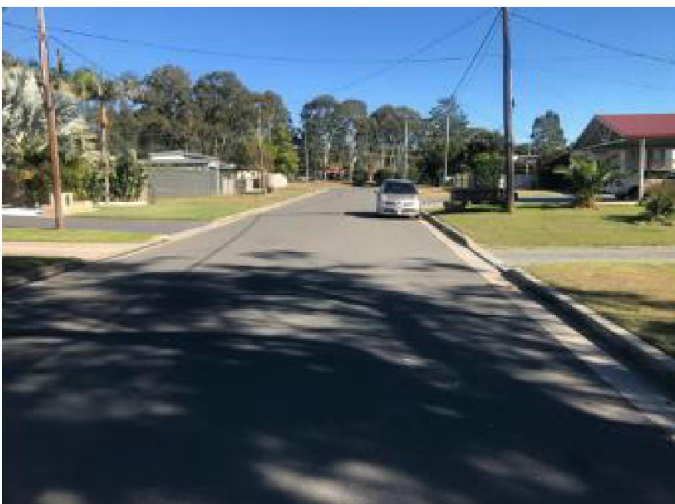


Figure 8: View looking south-west along Gibbes Street (Source: Concise Planning, 2019).



### **3. THE PROPOSAL**

#### **3.1. Description of Works**

This section of the report should be read in conjunction with the architectural plans prepared by Envision Group. This application seeks approval for the demolition of the existing dwelling house and construction of a new two storey childcare centre and associated car parking No.49 Gibbes Street, Regentsville. The following physical works are depicted on the architectural plans:

- Demolition of the existing dwelling house and associated structures.
- Removal of existing trees.
- Construction of a new two storey child care centre.
- Construction of a new car parking area.

#### **3.2. Description of Operations**

The internal layout of the proposed centre has been designed by Envision Group to accommodate a maximum of 66 children. It is envisaged that the centre will accommodate a maximum of 16 children of age 0-2 years, 20 children aged 2-3 years, 30 children of age 3-5 years.

The site is proposed to be purpose designed and built, to satisfy the requirements of the Penrith LEP 2010, Penrith DCP 2014, and the requirements of the NSW Department of Community Services.

The tenancy will consist of up to eleven (11) equivalent full-time staff members.

The proposed hours of operation are 7:00am to 6:00pm Monday to Friday. These hours of operation are proposed in order to:

- Provide suitable opening and closing times for the drop-off and pick-up of children from the childcare centre.
- Maintain the low density residential setting by providing reasonable hours of operation that will not impact upon the amenity of neighbouring dwellings.

The centre will not operate on gazetted public holidays and the 2 week period between Christmas and New Years.

It is considered that the hours of operation of the proposed childcare centre are appropriate as they will generally be carried out between normal business hours. The hours of operation proposed as part of this application have been designed to not be open late at night or on weekends and thereby will not have an unacceptable impact on the amenity of nearby residents.

The Childcare Centre will consist of eighteen (18) parking spaces off site. The site is located in an accessible area with the nearest bus station located 80 metres to the south-east of the development providing regular connection with adjoining suburbs and the Sydney CBD.

Waste collection for the proposed development is to be undertaken from the kerbside area directly outside the site frontage in Gibbes Street by a private contractor. Collection will be undertaken outside of peak periods when traffic activity in Gibbes Street will be minimal.

#### **3.3. Design Statement**

The application seeks approval for the demolition of the existing dwelling house and construction of a new two storey childcare centre and associated car parking.

The design intent of the proposal is to provide a childcare centre having a focus on providing a high quality of service in an accessible location, whilst ensuring the proposal is in keeping with the scale, design and character of the low density residential locality of Gibbes Street.

The development will maintain the low/medium density residential setting of the area and has been designed to maintain the amenity of neighboring residential developments. This will ensure that the building is compatible with the overall streetscape and character of the area.

The proposal has been designed with the outdoor play areas orientated to the north-west to enable solar penetration to these spaces whilst maximizing shade for children.

### 3.4. **Response to Pre-DA Advice**

Formal Pre-Da advice was received on the **22 January 2019** from S. Nguyen **REF PL19/0003**.

The advice provided the following points to be addressed and responded to as follows.

<p><b>a) Car parking spaces being situated within the front and rear setback areas</b></p> <p>The car parking design has been revised to incorporate additional landscaping areas in the front and side setbacks. The additional space will allow for native plantings that will contribute to the appearance of the natural environment space within the streetscape in accordance with C10.5.3 B) ii) and iii) ( Additional Controls for Residential Developments) of the Penrith DCP 2010.</p> <p>The design has been revised to have all car parking areas located in the front setback (with landscaped areas providing visual relief) as to mitigate any privacy impacts on neighbouring residential developments.</p>						
<p><b>b) Non-compliance with the minimum parking rate requirement</b></p> <p>The proposal incorporates 18 car parking spaces for 11 staff and 7 parents/visitors in accordance with the parking rate as stipulated by Table C10.2: Car Parking Rates of C10.5.1 c) of the Penrith DCP 2014.</p>						
<p><b>c) Encroachment into the minimum 2m side setback requirement for the second storey component</b></p> <p>The proposal has been revised to ensure the first floor of the building achieves the 2m side setback to the boundary, and is further enhanced as the western elevation provides articulation and does not included any side facing windows to prevent any overlooking or opportunity to harm the visual or acoustic privacy of the neighboring property in accordance with Clause D 2.1.2 B – D of the Penrith DCP 2010.</p>						
<p><b>d) Encroachment into the minimum 6m rear setback requirement for the second storey component</b></p> <p>Addressed in section 4.11 of this report. Whilst the proposal encroaches in the 6m rear setback, the building has been oriented to prevent direct overlooking to properties to the rear and to minimise any adverse amenity impacts to adjoining properties in accordance with Clause D 2.1.2 B – F (Setbacks) of the PDCP 2014</p>						
<p><b>e) Encroachment into the building envelope along the eastern side boundary</b></p> <p>The proposal includes a 4.2m setback from the eastern boundary to provide open setback from 47 Gibbes Street to the East and maintain open sight lines in accordance with Clause D 2.1. 8 C-5 (Significant Landscapes) of the PDCP 2014.</p>						
<p><b>f) Minimum play space requirements to provide 7sqm per child.</b></p> <p>The proposal has been revised to reduce student numbers to 66 students.  The proposed generation of 66 children requires 462 sqm of outdoor space.  The proposal includes one consolidated outdoor play space with 521sqm in area.  The proposal includes 413.33sqm at ground level, and 108sqm at first floor verandah.  The breakdown of spaces is as follows:</p> <table border="1" data-bbox="568 1989 1066 2067"> <thead> <tr> <th># Children</th> <th>Required m<sup>2</sup></th> <th>Provided m<sup>2</sup></th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	# Children	Required m <sup>2</sup>	Provided m <sup>2</sup>			
# Children	Required m <sup>2</sup>	Provided m <sup>2</sup>				

Ground Floor 46	322	413 (+91)
First Floor 20	140	108 (-32)
<b>Total 66</b>	<b>462</b>	<b>521 (+59)</b>

Whilst the first-floor external play area has a deficiency of 32 m<sup>2</sup> of directly accessible outdoor space, the ground floor backyard provides an additional 91 m<sup>2</sup> of playspace accessible for all children.

In accordance with the draft plan of management, all students will have managed and equitable access to these play areas, and the site will numerically provide an additional 59 m<sup>2</sup> of play space beyond the regulations and guidance.

The proposal satisfies the requirements of Section 108 of the Regulations, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, and Child Care Planning Guidance 2017

**g) Acoustic impacts**

Acoustic Report No. 19156 Ver. C by Wilkinson Murray has been prepared to ensure the proposal is designed and operated to minimize noise impact on any noise sensitive adjacent properties in accordance with Clauses C12 (Noise and Vibration) and D5.2.C.6 (Noise) of the Penrith DCP 2014 and C.29 of the Child Care Planning Guidance 2017

**h) Emergency and evacuation procedures**

Preliminary evacuation procedure has been included on plan #82 DA 10 Rev D Lot 114 Sec C, DP 1687 and has been designed to satisfy requirements of Section 98 of the Regulations, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, and Child Care Planning Guidance 2017

**i) Stormwater**

A Stormwater Management Plan has been prepared by Stormwater Engineers Pty Ltd and supports the application. The Stormwater Design has been carried out by a qualified Civil Engineer and demonstrate compliance with the PDCP2010, Stormwater Drainage Specification for Building Developments Policy; and Water Sensitive Urban Design Policy and Technical Guidelines. On-site Detection is indicated on Drawing No. 070419.

**j) Traffic**

A traffic report has been prepared by Varga Traffic Planning, dated 14 May 2019. addressing parking, access, traffic generation, and any potential impacts on intersection of Gibbes Street and Mulgoa Road, as well as the path of travel for pickup/drop off, waste collection and emergency services.

**k) Waste Management**

The application has been designed in co-ordination with waste contractor company REMONDIS Australia Pty Ltd, who has confirmed that a small rigid vehicle can be used for collection outside of peak hours. This can either be collected onsite or from the kerb. The sweep demonstrates that an SRV can enter and leave the site in a forward direction.

**4. EVALUATION PURSUANT TO PLANNING INSTRUMENTS**

The application has taken into consideration relevant provisions of:

- State Environmental Planning Policy No. 55 – Remediation of Land.
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017,
- Child Care Planning Guidance 2017,
- Education and Care Services National Regulations - 1 July 2018,
- Penrith Local Environmental Plan 2010, and
- Penrith Development Control Plan 2014.

#### **4.1. State Environmental Planning Policy No 55- Remediation of Land**

The intent of State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55) is to provide a consistent approach to the remediation of land across the State by specifying certain matters that consent authorities must consider when determining development applications on land which is potentially contaminated.

Under the provisions of Clause 7 of SEPP 55 the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. If the land is found to be contaminated, the Consent Authority must be satisfied that the land is suitable in its contaminated state or can and will be remediated in order for it to be suitable for the purpose for which the development is proposed.

A preliminary site investigation report has been prepared by SESL, dated March 2019 that concludes that the site is suitable for the proposed use without the need for remediation and/ or validation.

#### **4.2. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 - Child Care Planning Guideline**

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (the SEPP) determines that a Consent Authority must take into consideration this Guideline when assessing a Development Application (DA) for a centre based child care facility ('child care facility').

The Guideline establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based child care facilities in NSW. It also determines this Guideline will take precedence over a Development Control Plan (DCP), with some exceptions, where the two overlap in relation to a child care facility.

This Guideline informs state and local government, industry and the community regarding how good design can maximise the safety, health and overall care of young children. At the same time, it aims to deliver aesthetic buildings that are sympathetic to the streetscape and appropriate for the setting while minimising any adverse impacts on surrounding areas.

The Guideline will provide a consistent Statewide Planning and Design Framework for preparing and considering DAs for child care facilities.

<b>Clause</b>	<b>Provision</b>	<b>Compliance Comment</b>
C5  To ensure that the child care facility is compatible with the local character and surrounding streetscape.	<ul style="list-style-type: none"> <li>Contribute to the local area by being designed in character with the locality and existing streetscape</li> <li>Reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>Recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>Include design and architectural treatments that respond to and integrate with the existing streetscape</li> </ul>	<p>Gibbes street is largely characterised by a mix of single and two storey residential dwellings with irregular side and front setbacks.</p> <p>To the north east of the site is a two storey multi dwelling housing development, with traditional hipped roof, plain stock brick, and low height masonry fencing. To the south west is a single storey fibro dwelling with extensive front setback. Opposite the site is a two storey dwelling.</p> <p>As such it is considered the immediate context of the site it's characterized by a wide range of building types, bulks and scales.</p>

- Use landscaping to positively contribute to the streetscape and neighbouring amenity
- Integrate car parking into the building and site landscaping design in residential areas.

Notwithstanding, a typology of the street can be ascertained as being characterized by a wide frontages, with simple, low pitch hip and gabled roofs, and the materiality of the surrounding buildings is largely a range of brick, cladding and timber.

In order to ensure that the child care facility is compatible with the local character and surrounding streetscape, the proposal has been designed to complement this predominantly low-density residential nature of the street.

The proposal includes a pitched roof design with heights characteristic to that of similar two storey dwellings in the street. The proposal will have eave heights of 5.9m and pitch heights of 7.8m, significantly below the 8.5m maximum height limits as determined under the Height of Buildings Map under the Penrith LEP 2010.

The proposal has a 21% site coverage and total Floor space ratio of 0:35:1, which is inkeeping with the density of residential development in the area.

The proposal would be in keeping with the bulk and scale of two storey developments within Gibbes Street.

The proposed front setback would be beyond the adjoining properties and appear subservient to the predominant building lines of the adjoining properties.

The design includes 1m setbacks from the side boundaries at ground floor, and 4.2m side setback at the first floor to the eastern side boundary, in order to reflect the general pattern of development for side setbacks within the streetscape.

The proposed material palette for the building includes Brickwork Austral Bricks La Paloma Miro and Blowood Façade screen in Natural oak Linished/Spotted gum Sanded finish, and a new Feature Facade Wall inAcrylic render in Dulux Billiard Ball

		<p>and Elmich Versiwall GP Green wall system.</p> <p>The proposed materials incorporate the timber and brick elements characteristic of the neighboring properties, whilst providing modern interpretations and enhancing the natural material palette of the green vegetation area surrounding the site.</p>
<p>C6 - To ensure clear delineation between the child care facility and public spaces.</p> <p>And C8 To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</p>	<ul style="list-style-type: none"> <li>▪ fencing to ensure safety for children entering and leaving the facility</li> <li>▪ windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety</li> <li>▪ integrating existing and proposed landscaping with fencing.</li> <li>▪ Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</li> </ul>	<p>The proposal includes secure fencing for children entering and existing the building.</p> <p>The proposal integrates 1.2m front boundary fencing with landscaping to allow for safe sightlines whilst retaining the predominantly vegetated front setback that characterizes the streetscape.</p>
<p>To respond to the streetscape and site, while optimising solar access and opportunities for shade.</p>	<ul style="list-style-type: none"> <li>▪ optimise solar access to internal and external play areas</li> <li>▪ avoid overshadowing of adjoining residential properties</li> <li>▪ minimise cut and fill</li> <li>▪ ensure buildings along the street frontage define the street by facing it</li> <li>▪ ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul>	<p>The proposed bulk, scale, orientation and siting of the proposal has been designed to maximize solar access for the subject site and protection for neighbouring properties.</p> <p>Submitted shadow diagrams demonstrate that the neighbouring properties to the south west will be provided with in excess of 3 hours direct solar access measured at the winter solstice.</p>

<p>C12 - Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</p> <p>C13 To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</p>	<ul style="list-style-type: none"> <li>▪ building height should be consistent with other buildings in the locality</li> <li>▪ building height should respond to the scale and character of the street</li> <li>▪ setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>▪ setbacks should provide adequate access for building maintenance</li> <li>▪ setbacks to the street should be consistent with the existing character.</li> </ul>	<p>The proposed building height is in keeping with the two storey character of 47 and 50 Gibbes Street, which form an immediate context for the site.</p> <p>The proposed setbacks retain sufficient privacy and solar access for the rear gardens and habitable spaces of 47 and 53 Gibbes Street.</p> <p>Noting the range of irregular setbacks within the street, the proposed front setback would not detract from the prevailing development pattern within the street.</p>
<p>C14 To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.</p>	<p>respects and responds to its physical context such as</p> <ul style="list-style-type: none"> <li>▪ adjacent built form, neighborhood character, streetscape, quality and heritage</li> <li>▪ contributes to the identity of the place</li> <li>▪ retains and reinforces existing built form and vegetation where significant</li> <li>▪ considers heritage within the local neighborhood</li> <li>▪ responds to its natural environment including local landscape setting and climate</li> <li>▪ contributes to the identity of place.</li> </ul>	<p>Complies, refer to assessment under 4.11 of this report.</p>
<p>C15-16 To ensure that buildings are designed to create safe environments for all users.</p> <p>To ensure that child care facilities are designed to be accessible by all potential users</p>	<p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>▪ located to allow ease of access, particularly for pedestrians.</li> <li>▪ directly accessible from the street where possible.</li> <li>▪ directly visible from the street frontage</li> <li>▪ easily monitored through natural or camera surveillance.</li> <li>▪ not accessed through an outdoor play area.</li> </ul>	<p>Complies</p> <p>The proposal includes a single point of entry, clearly visible from streetscape with clear line of access from car park.</p> <p>The entry point is provided at grade, and provides full accessibility for a range of different mobility's to all areas of the premises.</p>

	<ul style="list-style-type: none"> <li>▪ in a mixed-use development, clearly defined and separate from entrances to other uses in the building</li> </ul> <p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>▪ providing accessibility to and within the building in accordance with all relevant legislation</li> <li>▪ linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry</li> <li>▪ providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</li> <li>▪ minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul>	
<p>C.29 To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</p>	<p>Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>	<p>The proposed hours are 7am to 6pm Monday-Friday only.</p> <p>Additionally, Acoustic Report No. 19156 Ver. C by Wilkinson Murray has been prepared to ensure the proposal is designed and operated to minimise noise impact on any noise sensitive adjacent properties.</p>
<p>C.33-34 To provide parking that satisfies the needs of users and demand generated by the centre. . To provide a safe and connected environment for pedestrians both on and around the site</p>	<p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised.</p> <p>The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> <li>▪ the amenity of the surrounding area will not be affected</li> <li>▪ there will be no impacts on the safe operation of the surrounding road network</li> </ul>	<p>The application is supported by Traffic and Parking Assessment Report Prepared By Varga Traffic Planning - 14 May 2019 Ref 19185</p> <p>Study has demonstrated that the proposed parking facilities satisfy the relevant requirements specified in Council's DCP 2014, the RMS Guidelines as well as the Australian Standards and it is therefore concluded that the proposed development will not have any unacceptable parking implications.</p>
<p>4.8 Emergency and evacuation procedures</p>	<p>An emergency and evaluation plan should be submitted with a DA and should consider:</p> <ul style="list-style-type: none"> <li>▪ the mobility of children and how this is to be accommodated during an evacuation</li> </ul>	<p>Complies</p> <p>Emergency evacuation paths for a range of mobilities has been demonstrated on plan, and provides clear guidance as to the location of a safe congregation/assembly point,</p>



	<ul style="list-style-type: none"> <li>▪ the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or</li> <li>▪ tenants of the same building or of surrounding buildings</li> <li>▪ how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.</li> </ul>	<p>away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants of surrounding buildings;</p>
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#### **4.3. Education and Care Services National Regulations - 1 July 2018**

<p>103 Good Repair</p>	<p>The approved provider of an education and care service must ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair.</p>	<p>Complies</p> <p>The proposal is for new build construction and will require for new and good quality installations, furniture and materials.</p>
<p>104 Fencing</p>	<p>The approved provider of an education and care service must ensure that any outdoor space used by children at the education and care service premises is enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p>	<p>Complies</p> <p>The proposed fencing plan demonstrates protection for safety and security of students.</p>
<p>105 Furniture and materials</p>	<p>The approved provider of an education and care service must ensure that each child being educated and cared for by the education and care service has access to sufficient furniture, materials and developmentally appropriate equipment suitable for the education and care of that child.</p>	<p>Complies</p> <p>The proposal is for new build construction and will require for new and good quality installations, furniture and materials.</p>
<p>106 Laundry and hygiene facilities</p>	<p>The approved provider of an education and care service must ensure that the service has—</p> <ul style="list-style-type: none"> <li>(a) laundry facilities or access to laundry facilities; or</li> <li>(b) other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering—that are adequate and appropriate for the needs of the service.</li> </ul> <p>The approved provider of the service must ensure that laundry and hygienic facilities are located and maintained in a way that does not pose a risk to children</p>	<p>Complies</p> <p>The proposal includes extensive laundry facilities at first floor, with sufficient separation from play areas to ensure the layout does not pose risk to children.</p>

<p>107 Indoor space</p>	<p>The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space</p>	<p>Complies</p> <p>The proposed generation of 66 children requires 214 sqm of indoor space.</p> <p>The proposal includes 3 separate play rooms which have internal GFA of 66, 98 and 66 sqm.</p> <p>In total the proposal has 230 sqm of indoor space which satisfies the requirements of Section 107 of the Regulations.</p> <table border="1" data-bbox="949 719 1474 824"> <thead> <tr> <th># Children</th> <th>Required m<sup>2</sup></th> <th>Provided m<sup>2</sup></th> </tr> </thead> <tbody> <tr> <td>66</td> <td>214</td> <td>230</td> </tr> </tbody> </table>			# Children	Required m <sup>2</sup>	Provided m <sup>2</sup>	66	214	230						
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<p>108 Outdoor Space</p>	<p>The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space</p>	<p>Complies</p> <p>The proposed generation of 66 children requires 462 sqm of outdoor space.</p> <p>The proposal includes one consolidated outdoor play space with 521sqm in area.</p> <p>The proposal includes 413.33sqm at ground level, and 108sqm at first floor verandah.</p> <p>Whilst the first floor verandah provides a deficiency of 32 m<sup>2</sup> of directly accessible outdoor space, the ground floor backyard provides an additional 91 m<sup>2</sup> of playspace accessible for all children. In accordance with the draft plan of management, all students will have access to this play area, and the site will numerically provide an additional 59 m<sup>2</sup> of play space beyond the regulations and guidance.</p> <p>The proposal satisfies the requirements of Section 108 of the Regulations.</p> <table border="1" data-bbox="949 1666 1474 1980"> <thead> <tr> <th># Children</th> <th>Required m<sup>2</sup></th> <th>Provided m<sup>2</sup></th> </tr> </thead> <tbody> <tr> <td>Grnd Floor 46</td> <td>322</td> <td>413 (+91)</td> </tr> <tr> <td>First Floor 20</td> <td>140</td> <td>108 (-32)</td> </tr> <tr> <td>Total 66</td> <td>462</td> <td>521 (+59)</td> </tr> </tbody> </table>			# Children	Required m <sup>2</sup>	Provided m <sup>2</sup>	Grnd Floor 46	322	413 (+91)	First Floor 20	140	108 (-32)	Total 66	462	521 (+59)
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Grnd Floor 46	322	413 (+91)														
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Total 66	462	521 (+59)														
<p>109 Toilet and hygiene facilities</p>	<p>The approved provider of an education and care service must ensure that—</p>	<p>Complies</p> <p>In accordance with Part F2 – FP2.1 Personal Hygiene Facilities, of the NCC</p>														

	<p>(a) adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and</p> <p>(b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p>	<p>BCA Volume 1, the proposal would require 5 closet pans and sinks.</p> <p>This is calculated at 66 children requiring 2 closet pans and sink for first 30 children, and an additional 1 closet and sink for each additional 15 students.</p> <p>The proposal includes 6 closet pans and sinks (3 at each level) to meet the needs of the children and comply with Section 109 of the regulations</p> <p>Additionally, the site provides 2 ambulant toilets and 2 accessible toilet for Staff and disabled children.</p>
110 Ventilation and natural light	<p>The approved provider of an education and care service must ensure that the indoor spaces used by children at the education and care service premises—</p> <p>(a) are well ventilated; and</p> <p>(b) have adequate natural light; and</p> <p>(c) are maintained at a temperature that ensures the safety and wellbeing of children</p>	<p>Complies</p> <p>The design, orientation and openings for the proposed design provided adequate light and ventilation.</p>
111 Administrative space	<p>The approved provider of a centre-based service must ensure that an adequate area or areas are available at the education and care service premises for the purposes of—</p> <p>(a) conducting the administrative functions of the service; and</p> <p>(b) consulting with parents of children; and</p> <p>(c) conducting private conversations.</p>	<p>Complies</p> <p>Proposal includes office, lobby and staff rooms to facilitate administrative functions of the centre.</p>
112 Nappy Change facilities	<p>The approved provider of the service must ensure that adequate and appropriate hygienic facilities are provided for nappy changing.</p>	<p>Complies</p> <p>The proposal includes 3 nappy change areas which comply with requirements of F2.3 of the NCC BCA requirements.</p>
113 Natural environment	<p>The approved provider of a centre-based service must ensure that the outdoor spaces provided at the education and care service premises allow children to explore and experience the natural environment.</p>	<p>Complies</p> <p>The proposal incorporates natural features such as trees, sand and natural vegetation into the rear play areas to ensure the natural environment is able to be explored by the proposed students.</p>
114 Shade	<p>The approved provider of a centre-based service must ensure that outdoor spaces provided at the education and care service premises include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p>Complies</p> <p>The proposal incorporates 108 sqm of first floor deck to function as solar protection space at ground floor, equating to 25% of the open space being dedicated cover space.</p>

115 Supervision	The approved provider of a centre-based service must ensure that the education and care service premises (including toilets and nappy change facilities) are designed and maintained in a way that facilitates supervision of children at all times that they are being educated and cared for by the service, having regard to the need to maintain the rights and dignity of the children.	Complies  Passive surveillance for proposed students and surround area has been incorporated into the design.
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#### 4.4. Penrith Local Environmental Plan 2010

The following provisions of the Penrith Local Environmental Plan 2010 are relevant to the proposal:

#### 4.5. LEP Part 2 .1 Land Use Zoning

Clause 2.1 of the PLEP2010 outlines the requirements for Land Zoning. The site is located within the R2 Low Density Residential Zone. The development is permissible with the consent of Council within the land use zone. The objectives of the R2 Low Density Residential zone are as follows:

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

The use of the site as a childcare centre is considered to be in accordance with the objectives for the R2 Low Density Residential zone. The development will provide a land use that will provide childcare facilities for residents within the locality in an accessible location. The development strives to provide a compatible built form with the existing streetscape.

#### LEP Part 4.3 Height of Buildings

Clause 4.3 of the PLEP2010 outlines the requirements for the Height of Buildings. The maximum building height is as specified under the PLEP2010 is 8.5 metres. The proposed development has a maximum building height of 7.8 metres above ground level (existing) (RL 38.56 – RL 30.74) and therefore complies with the requirements of this Clause.



Figure 9: Height of Buildings Map. Extract from Penrith Local Environmental Plan 2010 (Source: NSW Legislation, 2019).

#### LEP Part 4.4 Floor Space Ratio

Clause 4.4 of the PLEP2010 outlines the requirements for Floor Space Ratio. The floor space ratio of the subject site is not specified under the PLEP2010. The proposal comprises of the following gross floor areas (as defined under the PLEP2010) as calculated below:

Site Area	1393.23 m <sup>2</sup>
Ground Floor	275.44 m <sup>2</sup>
First Floor	222.97 m <sup>2</sup>
Total GFA	498.41 m <sup>2</sup>
FSR	0.35:1



Figure 10: Floor Space Ratio Map. Extract from Penrith Local Environmental Plan 2010 (Source: NSW Legislation, 2019).

#### 4.6. Penrith Development Control Plan 2014

The following provisions of the DCP are relevant to the proposal:

- C1 Site Planning and Design Principles
- C10 Transport, Access and Parking
- C12 Noise and Vibration
- D2 Residential Development
- D5.2 Childcare Centres

#### DCP Part C1.2. Design Principles

Clause	Provision	Compliance Comment
C1.2- B A)	To ensure that development is undertaken in a sustainable manner, demonstrating this through the application of the Building Sustainability Index (BASIX), Green Star and/or Australian Buildings Greenhouse Ratings certification system, where appropriate;	Complies.  The proposal will be subject to Section J (Energy Efficiency) requirements prior to the issue of a Construction Certificate.

		A Section J Report will be submitted with the application for a Construction Certificate.
C1.2- B B)	To ensure that development is designed on a 'whole of building' approach by:	Complies, - Refer to section 4.11 Below
	i) responding to the site's context, the desired scale and character of an area, and minimising impacts on key views, scenic values and where applicable, rural character;	
	ii) responding to climatic and contemporary environmental conditions by: <ul style="list-style-type: none"> <li>▪ encouraging passive solar building design;</li> <li>▪ allowing reasonable daylight access to all developments and the public domain;</li> <li>▪ reducing the necessity for, or improve the control of, mechanical heating and cooling;</li> <li>▪ reducing the energy consumed by installed appliances and equipment;</li> <li>▪ improving the indoor environmental quality of occupants;</li> <li>▪ minimising greenhouse gas emissions</li> </ul>	Complies, - Refer to section 4.11 Below
	iii) minimising likely bulk and scale impacts of a building;	Complies, - Refer to section 4.11 Below
	iv) considering the natural topography and landform and minimise excavation and likely visual impacts of the development;	Complies, - Refer to section 4.11 Below
v) ensuring that the development (including the public domain): <ul style="list-style-type: none"> <li>▪ has incorporated the Crime Prevention Through Environmental Design (CPTED) principles of surveillance, access control, territorial management and space management into its design; and</li> <li>▪ is accessible and useable for all members of the community</li> </ul>	Complies – Refer to Section 4.10 below.	

#### DCP Part C1.2.3 Building Form - Height, Bulk and Scale

Clause	Provision	Compliance Comment
C1.2.3 a) Context:	An applicant must demonstrate how all proposed buildings are consistent with the height, bulk and scale of adjacent buildings and buildings of a similar type and use.	Complies  The proposal is set below the allowable 8.5m high height limit, and has a GFA of 0.35:1 which is comparable to

		<p>residential development with the R2 Zone.</p> <p>The use of sufficient setbacks, sighting and landscaping preserves the open and natural character of the low density residential zone in the immediate streetscape and wider Regentsville locality.</p>
C1.2.3 b) Character	An applicant must demonstrate how any building's height, bulk and scale will avoid or minimise negative impacts on an area's landscape, scenic or rural character (where relevant) taking into account the topography of the area, the surrounding landscape and views to and from the site.	<p>Complies</p> <p>In addition to the above, the material palette proposed incorporates a range of materials that take reference to the adjoining properties, as well as the predominantly vegetated landscape of the site, neighbouring properties and the nearby RE1 open space. The use of significant landscapes, low scale fencing and extensive vegetation both at grade and within green walls provides an appropriate response to the character of the locality.</p>
C1.2.3 c) Articulation:	Where the dimension of the building is 20m or more, an applicant must demonstrate how the building or surface has been articulated (either through built form or materials) to minimise impact on bulk and scale.	<p>Complies</p> <p>The material choice above provides an appropriate response by creating a sense of diversity and relief in materials and colours when viewed from the public realm, which is further enhanced by the appropriate variations to front and side setbacks.</p>
C1.2.3 d) Over shadowing	Building locations, height and setbacks should seek to minimise any additional overshadowing of adjacent buildings and/or public spaces where there would be a significant reduction in amenity for users of those buildings/spaces.	<p>Complies</p> <p>The architectural plans are supported by shadow diagrams demonstrating the neighbouring properties retain sufficient solar access for in excess of 3 hours between 12 and 3pm measured at the winter solstice.</p>
C1.2.3 e) Setbacks /Separations:	<p>Buildings should be sufficiently set back from property boundaries and other buildings to:</p> <ul style="list-style-type: none"> <li>i) Maintain consistency with the street context and streetscape character, especially street/front setbacks;</li> <li>ii) Maximise visual and acoustic privacy, especially for sensitive land uses;</li> <li>iii) Maximise deep root planting areas that will support landscape and significant tree plantings integrated with the built form, enhancing the streetscape character and reducing a building's visual impact and scale;</li> </ul>	<p>Complies</p> <p>The front setback allows for a reduction of the appearance of the visual bulk of the building when viewed from the public realm and creates an appropriate transition between the heights of 47 and 53 Gibbes street.</p> <p>The front setback has allowed for the replacement of tree clusters, as well as for extensive space for additional planting for the side setbacks.</p>

	<ul style="list-style-type: none"> <li>iv) Maximise permeable surface areas for stormwater management; and</li> <li>v) Minimise overshadowing.</li> </ul>	<p>The additional planting provides further permeable spaces for drainage, and the species selection will maximize visual and acoustic privacy for neighbouring properties.</p> <p>Overall the front and side setbacks would allow the building to present as a two storey single building, with a relationship of bulk and scale appropriate to the low-medium density residential character that forms the streetscape.</p>
<p>C1.2.3 f) Building Façade Treatment:</p>	<p>The aim is to ensure that any built form will:</p> <ul style="list-style-type: none"> <li>i) promote a high architectural quality commensurate with the type of building and land use;</li> <li>ii) adopt façade treatments which define, activate and enhance the public domain and street character;</li> <li>iii) ensure that building elements are integrated into the overall building form and façade design;</li> <li>iv) compose façades with an appropriate scale, rhythm and proportion that responds to the building's desired contextual character;</li> <li>v) Design façades to reflect the orientation of the site using elements such as sun shading, light shelves and appropriate glazing as environmental controls;</li> <li>vi) express important corners by giving visual prominence to parts of the façade, for example, a change in building articulation, material or colour, roof expression or building height, and</li> <li>vii) co-ordinate and integrate building services to improve the visual presentation.</li> </ul>	<p>Complies</p> <p>The proposal successfully defines a low-medium density building inkeeping with the prevailing development character of the residential streetscape. The proposal and is enhanced by a variety of high quality materials to the façade of the building that make direct reference to the built and natural environment that forms the locality of Regentsville in this location.</p> <p>The proposed material palette for the building includes Brickwork Austral Bricks La Paloma Miro and Blowood Façade screen in Natural oak Linished/Spotted gum Sanded finish, and a new Feature Facade Wall in Arylic render in Dulux Billiard Ball and Elmich Versiwall GP Green wall system.</p> <p>The proposed materials incorporate the timber and brick elements characteristic of the neighboring properties, whilst providing modern interpretations and enhancing the natural material palette of the green vegetation area surrounding the site.</p> <p>The façade treatments proposal is considered to be of high architectural quality and provides a considered design response</p>
<p>C1.2.3 g) Roof Design:</p>	<p>The roof is an important architectural element of any building and:</p> <ul style="list-style-type: none"> <li>i) the shape and form of the roof should respond to its surrounding context and minimise visual impact from any key viewpoints; and</li> <li>ii) should consider opportunities for incorporating 'green roofs'</li> </ul>	<p>Complies</p> <p>The use of a long, shallow pitched roof is reflective of the traditional roof pitch form of neighbouring properties. Whilst not a direct copy of hipped roof form, the roof contributes to forming a complementary form of building design that is inkeeping with the</p>



		<p>residential and open space nature of the site.</p> <p>The proposal incorporates a new green wall for ecological benefits whilst enhancing the natural material palette for the new build.</p>
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**DCP Part C1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)**

Clause	Provision	Compliance Comment
C1.2.5 Principle 1: Natural Surveillance	Providing opportunities for effective surveillance, both natural and technical, can reduce the attractiveness of crime targets. Good surveillance means that people can see what others are doing thereby deterring 'would-be offenders' from committing crime in areas with high levels of surveillance.	<p>The proposal incorporates the controls of C.1.2.5 to ensure the development fulfills the principles of CPTED.</p> <p>The proposal includes wide beam illumination designed to reduce glare to neighbouring properties whilst illuminating access routes in outdoor public spaces should the minimum Australian Standard of AS1158.</p>
C1.2.5 Principle 2: Access Control	Physical and symbolic barriers can be used to attract, channel or restrict the movement of people, and in turn, minimise opportunities for crime.	<p>The proposed fencing to the front is of maximum 1.2m height with appropriate materials to facilitate casual surveillance.</p>
C1.2.5 Principle 3: Territorial Reinforcement	This principle relies on the users of spaces or areas feeling that they have some ownership of public space and therefore are more likely to gather and enjoy that space. The ownership of space increases the likelihood that people who witness crime in or adjacent to that space will respond by quickly reporting it or by attempting to prevent it.	<p>The car park has been designed with safety and function in mind, with the spaces, aisles and maneuvering areas, including accessible spaces, achieving AS 2890 requirements.</p>
Principle 4: Space Management	Public space that is attractive and well maintained is inviting to users and becomes a well-used space. Linked to the principle of territorial reinforcement, space management ensures that the space is appropriately utilised and well cared for.	<p>Pedestrian spaces and movement predictors are clearly delineated and the access paths, exit and access points, security intercoms are clearly identified and accessible.</p> <p>The single entrance has clear sightlines across the car park to the entrance, and prevents the creation of Entrapment spots and blind corners.</p> <p>The low level planting to the car park will allow for passive surveillance from the main building.</p> <p>The main building is designed and sited with a high level of ground level interaction with the street to ensure adequate natural surveillance is provided.</p>

## DCP Part C2.6 – Non Residential Developments

In accordance with the Penrith DCP 2014, Non-residential development should be planned and designed according to principles of traditional suburban design, and to preserve the amenity of residential neighbourhoods.

Principles of urban form and urban design that apply to permissible residential development should be adopted for non-residential development.

Clause	Provision	Compliance Comment
D2 Residential Development  D2.11.2 setbacks and building envelope	a) Front setback is the greater of either i) 5.5m, or ii) The average of the setbacks of the adjoining properties	Complies  The proposal has a 21m setback from the front boundary
	d) Side setbacks to external walls should be a minimum of 900mm.	Complies  Western Side Setback – 1-2m at both levels.  Eastern Side Setback – 1m at Ground Level 4.2m at First Floor Level
	e) Rear setbacks i) The minimum rear setback for a single storey building (or any single storey component of a building) is 4m ii) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m	It is recognised that the first floor level has the following minimum setbacks from the rear allotment boundary.  Ground Floor Level – 4 metres. First Floor Level – 4 metres.
	f) Exceptions to rear setbacks - consideration may be given to the erection of a nonhabitable building or structure that does not comply with the minimum setback requirements if it can be demonstrated it will have minimal adverse impact on the subject property or any adjoining property.	Whilst the proposal encroaches on the second storey rear setback by 2m, the floor space in this location is used by utility space with highlight windows, or oriented to the side boundary (20m Setback).  In addition to the above, it is recognised that the departure from the first floor level setback relates to the north-western corner of the building only with the remainder of the building displaying complaint setbacks in accordance with this Clause (e.g. the rear first floor play area has a setback of 7.32 metres from the rear allotment boundary).  As such the proposal is not considered to have adverse impact to the neighbouring property to the rear.
D2.1.5 – Building Design and Site Works	1) Articulation a) "Articulate" all building forms and facades: i) stepping floor plans should be capped by a variety of roof forms and pitches; ii) every elevation should incorporate windows;	Complies  The proposal has distinct roof forms for both first and second floor, open windows to the front and rear elevations to allow for surveillance, and a variety of materials including timber,

	<ul style="list-style-type: none"> <li>iii) walls should be overhung by shady verandahs, awnings and carports</li> </ul>	brick and cladding, as well as vertical garden.
	<p>2) Bulk and Scale</p> <ul style="list-style-type: none"> <li>a) Two storey buildings to be designed as a combination of one and two storey elements with a variety of setbacks from boundaries</li> <li>b) External walls are not to be longer than 8m between distinct corners or features such as projecting verandahs and awnings or banks of windows.</li> <li>c) All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting.</li> </ul>	<p>Complies</p> <p>The proposal presents as a two storey building, with a bulk and scale appropriate to a residential property.</p> <p>The proposal includes a pitched roof design with heights characteristic to that of similar two storey dwellings in the street. The proposal will have eave heights of 5.9m and pitch heights of 7.8m, significantly below the 8.5m maximum height limits as determined under the Height of Buildings Map under the Penrith LEP 2010.</p> <p>The proposal has a 21% site coverage and total Floor space ratio of 0:35:1, which is inkeeping with the density of residential development in the area.</p>
	<p>3) Design</p> <ul style="list-style-type: none"> <li>a) Dwellings should front the street, and display a traditional configuration with: <ul style="list-style-type: none"> <li>i) The front door and a window to a habitable room facing the street</li> <li>ii) Garages integrated within the building façade</li> <li>iii) The size of driveways minimised, retaining sufficient area for landscaping of front gardens</li> </ul> </li> </ul>	The proposed design includes a clear and prominent main entry, with high quality materials and glazing to address the street. The parking has been minimized in its presentation to the street with landscaped edging to the public domain and side setbacks to provide an appropriate setting for the new building in relation to the adjoining properties.
	Garages	N/A
	Corner Lots	N/A
	Parking	N/A – See Section 4.12 below
D2.1.6 Solar Planning	<ul style="list-style-type: none"> <li>a) maximise potential for solar gain by placing windows in all exterior walls that are exposed to eastern sun;</li> <li>b) ensure that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to living zones of the dwelling, and the living zones of any adjoining dwellings;</li> <li>c) ensure that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings, and where existing overshadowing by buildings and fences reduces sunlight to less than this, sunlight is not further reduced by more than 20%.</li> </ul>	<p>Complies</p> <p>The proposal includes shadow diagrams demonstrating that both the subject site and neighbouring properties retain minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings</p>
	1) maintain natural topography and features such as rock outcrops;	Complies

D2.1.8 Significant Landscapes	2) preserve established trees, preferably as blocks or corridors of several trees;	<p>The site falls within a significant landscape precinct.</p> <p>The proposal has been supported by Arboricultural Impact Assessment by N.S.W. Tree Services P/L ( report Reference AIA-GRA 06/19)</p> <p>The proposal incorporates sufficient landscaped areas for the replacement of significant established cluster of trees and vegetation in the streetscape, as well as a comprehensively designed additional planting within the front and rear setbacks of the proposal.</p> <p>The application has been supported by an arborists report providing support and recommendations for the removal of non-significant trees located in the rear yard of the property.</p>
	3) ensure that long term survival of established trees is not affected by the location of buildings and pavements or construction works;	
	4) preserve clusters of established trees as blocks or corridors;	
	5) consider a wider side boundary setback as landscaped corridor to preserve trees and provide vistas between neighbouring buildings;	
	6) on sloping sites garages may be located at street-level within the front set-back, subject to an "open" design similar to a screened carport;	
	7) on sloping sites dwellings should be split-level designs, with the lowest floor level no higher than 1m above natural ground level;	
	8) in general, new plantings should be species indigenous to the local soil type, reinforcing visual and habitat values.	

#### **DCP Part C10 – Transport, Access, and Parking.**

The site is located on a local road in proximity to the M4 motorway and Mulgoa Road

The M4 Motorway is classified by the RMS as a State Road and provides the key east-west road link in the area, which extends from Concord in Sydney's inner west to Lapstone at the foothills of the Blue Mountains. It typically carries two traffic lanes in each direction in the vicinity of the site, with opposing traffic flows separated by a central median island. All intersections with the M4 Motorway are grade-separated.

Mulgoa Road is also classified by the RMS as State Road which provides the key north-south road linking Penrith to Wallacia. It typically carries one to two traffic lanes in each direction in the vicinity of the site with turning lanes provided at key locations.

Gibbes Street itself is a local, unclassified road which is primarily used to provide vehicular and pedestrian access to frontage properties. Kerbside parking is generally permitted on both sides of the road.

The application has been accompanied by a Traffic And Parking Assessment Report Prepared By Varga Traffic Planning - 14 May 2019 Ref 19185 which has provided a detailed assessment of the impact of projected pedestrian and vehicular traffic associated with the proposal, with recommendations on the extent and nature of the traffic facilities necessary to preserve or improve the safety and efficiency of the adjacent road system.

The report has been accompanied by Acoustic Report No. 19156 Ver. C by Wilkinson Murray, which demonstrates that the proposed childcare centre will not have any impact on nearby sensitive receivers subject to implementation of the recommended designs and operations.

This report has been prepared by a suitably qualified acoustic consultant, and considers:

- i) The NSW 'Noise Policy for Industry' in terms of assessing the noise impacts associated with development, including noise from inside the childcare centre, the outdoor play areas, plant and equipment, the use of the driveway and carpark, deliveries and garbage removal;

- ii) The 'Guideline for Child Care Centre Acoustic Assessment' by AAAC to demonstrate noise generated by the childcare centre, particularly the outdoor spaces, can be appropriately mitigated;
- iii) The potential impact from road traffic noise resulting from vehicles entering and exiting site, demonstrating compliance with NSW 'Road Noise Policy'; and

The 'Interim Construction Noise Guideline' in assessing the impacts associated with the construction phase of the development.

The application has taken into consideration relevant provisions the Penrith Development Control Plan (PDCP) – Transport Access, and parking

Clause	Provision	Compliance Comment
C10-B- 1	Depending on the scale, type and nature of the use proposed, Council may determine that a Traffic Report or Traffic Impact Statement is required for certain development which is not listed under Column 2 or 3 of SEPP (Infrastructure) 2007.	Complies.  The application is supported by Traffic And Parking Assessment Report Prepared By Varga Traffic Planning - 14 May 2019 Ref 19185  The plan demonstrates that at peak pick up and drop off times, the use of the site will generate a potential 70 vehicle movements per hour. Noting the amount and design of parking spaces, the report concludes the site can accommodate this potential on site for the 2 hour peak periods.
C10-B-2 A)	Each development should demonstrate how it will: <ul style="list-style-type: none"> <li>i) Provide safe entry and exit for vehicles and pedestrians which reflect the proposed land use, and the operating speed and character of the road;</li> <li>ii) Minimise the potential for vehicular/pedestrian conflicts, providing protection for pedestrians where necessary;</li> <li>iii) Not restrict traffic flow or create a hazard to traffic on roads in the vicinity of the development;</li> <li>iv) Provide suitable off-street parking facilities to accommodate vehicles generated by the development; and</li> <li>v) Identify the need, where apparent, for any additional on-street traffic facilities or road works which may be required to maintain the safe and efficient movement of vehicles and pedestrians</li> </ul>	Complies  The Traffic And Parking Assessment Report Prepared By Varga Traffic Planning - 14 May 2019 Ref 19185 demonstrates that the access and egress from the site can be achieved in a forward manner,  Additionally, the proposal has been designed with low level fencing and vegetation to preserve sightlines and maintain adequate safety and security.  The proposal includes 18 off street parking spaces for 11 staff, 7 parents including 1 accessible space.

C10-B-2 C)	The design of direct vehicular access to developments should consider the traffic impacts on the surrounding road network. This may require the provision of deceleration, acceleration, right turn lanes and road widening, as necessary.	Complies
C10-B-2 D)	Provision must be made for all vehicles to enter and leave properties in a forward direction other than for single dwellings.	The modelling and swept path analysis demonstrate that the proposal will protect vehicles and pedestrians from collisions, and provides suitable off street parking facilities.

### DCP Part D5.2 Child Care Centres

Child care centres are an increasingly important service to families with parents who work outside the home. Centres need to be conveniently located close to homes or to centres of employment, and need to be in surroundings which are both safe and enjoyable for the children. The objectives of the controls are as follows:

Clause	Provision	Compliance Comment
D5.2- B A)	To provide a clear planning framework for the development of child care services in the City of Penrith;	Complies.
D5.2- B B)	To ensure that child care centres are located and designed to minimise any impact on the amenity of the surrounding area, particularly from noise and traffic;	Achieved
D5.2- B C)	To ensure a safe and efficient road system, and to prevent direct vehicular access to or from any child care centre from a designated road	Achieved
D5.2- B D)	To ensure the provision of safe, convenient and attractive car parking areas;	Achieved
D5.2- B E)	To ensure child care centres are not adversely affected by safety hazards; and	Achieved
D5.2- B F)	To encourage the provision of facilities which aim to satisfy identified unmet demands within the City for child care	Achieved

### Clause 5.2 – Controls – 2) Location

Clause 2 Location	Provision	Compliance Comment
D5.2- C 2 A)	Any proposed centre which: Will cater for in excess of 40 children (including 2 or more centres in very close proximity which together will cater for more than 40 children); and Does not propose to cater for 0 – 2 year olds;  Must demonstrate that the service to be provided meets an unmet need in the community. Unmet demand in the community can be assessed through waiting lists of centres in surrounding areas, a	Complies. The proposal caters for 0-5 year olds only, and demonstration of need is not required in accordance with the policy.  Notwithstanding, the following assessment has been undertaken.  According to the 2016 ABS statistics, the immediately surrounding neighborhoods have 3153 children under the age of 5 years old.

	<p>comparison of the number of children aged 0-5 recorded in the census for the area and the number of child care places available</p>	<p>Additionally, the background of the families within the locality is made up of 51% couple with children, and 15% lone parents. Of the lone parents, 81% are single mothers within the area.</p> <p>The statistics detail that 29% of these families both work, 40% are single income families, and 15% include both parents being unemployed.</p> <p>Of these households, 34% of respondents reported already undertaking unpaid child care.</p> <p>Within the suburbs of these families, a total of 16 child care centres are available.</p> <p>When extrapolated at a maximum 60 children in each centre, there is a maximum of 1080 places in the immediate locality, or already meeting 34% of the required need.</p> <p>Therefore, it is considered there is considerable need for additional childcare spaces.</p> <p>The provision of an additional 66 childcare spaces in a safe, secure and readily accessible location will assist in providing care relief, and/or encouraging residents of the local area to engage in additional employment to support the socio-economic opportunities for local families.</p>
D5.2- C 2 B)	<p>Child care centres shall be located in close proximity to other community activities and facilities, such as schools, community facilities, and places of public worship, parks that contains child play equipment, larger formal public reserves and local shopping centres.</p>	<p>Complies.</p> <p>The site is located in proximity to neighbouring open spaces and parks including RE1 recreation zones.</p>
D5.2- C 2 C)	<p>The site shall not rely on direct access from, nor be located on, a designated road, unless it can be demonstrated that the safe operation of the road and the amenity of the children attending the centre will not be affected.</p>	<p>Complies.</p> <p>Gibbes street does not form a designated road.</p>
D5.2- C 2 D)	<p>Access to the site shall not be located in a cul-de-sac, at an intersection, or on a minor residential road unless it can be demonstrated that additional vehicles associated with the child care centre will not</p>	<p>Complies.</p> <p>Whilst the street forms a no through road, the transport assessment prepared by (REF) demonstrates the proposal will not create traffic conflict or have an</p>

	create traffic conflict or have an adverse impact on the amenity of the locality.	adverse impact on the amenity of the locality. The on site transport management program is provided to protect movements to and within the site, as well as pedestrian safety. The operation of the car park is further supported by the acoustic assessment prepared by
D5.2- C 2 E)	A child care centre shall not be located on land within an 85m radius of an existing or approved service station, or on land in a specific radius of an existing/approved flammable storage area under State Environmental Planning Policy No 33 Hazardous and Offensive Development.	Complies.  Proposal is not within 85m radius of existing or approved service station. A service station is located 145m due east of the subject site, beyond the 85m radius.
D5.2- C 2 F)	A child care centre shall not be located on land that is directly opposite to or adjacent to (including behind) an existing and lawful sex services premises and/or restricted premises.	Complies.  The site is within a residential street, and not directly opposite to or adjacent to (including behind) an existing and lawful sex services premises and/or restricted premises.
D5.2- C 2 G)	A child care centre shall not be permitted on land on which there is an electricity transmission easement, mobile phone tower or similar, or on land immediately adjacent to those structures. Centres should be located at least 500m from mobile phone towers or electricity transmission easements.	Complies.  The site is not on land which there is an electricity transmission easement, mobile phone tower or similar, or on land immediately adjacent to those structures.
D5.2- C 2 H)	<i>A child care centre should not be located on land below the flood planning level and on land that cannot be safely and effectively evacuated during a 1:100 ARI flood event. (See the Water Management section of this Plan for further details on the flood planning level and 1:100 ARI flood event).</i>	Complies.  The site is not located in a flood affected area.

### Clause 5.2 – Controls – 3) Design, Scale and Site Frontage

Clause	Provision	Compliance Comment
D5.2- C 3) A)	The scale and character of the development shall be compatible with surrounding development.	Complies  The proposal has been designed in accordance with Child Care Planning Guideline 2017 (CCPG). The provisions of the Child Care Planning Guideline will generally take precedence over a DCP, other than building height, side and rear setbacks and car parking rates.
D5.2- C 3) B)	The design of the child care centre must take into account nearby traffic generators,	Complies



	street design and the existing environment for pedestrians and cyclists.	The location of the site centrally within Gibbes Street provides sufficient distance from the nearest intersections and traffic generators. Due to the significant frontage of the site, the location and design of the access and egress points will provide be inkeeping with the pattern of development within the streetscape, and will provide safe sightlines and refuge points for the protection of local pedestrians and cyclists.
D5.2- C 3) C)	Sites must be of sufficient area to accommodate the child care centre, all required associated parking and traffic maneuvering areas.	Complies  The extensive site area and condensed site coverage has allowed for sufficient parking area to allow for safe traffic maneuvering areas including parking and drop off spaces.
D5.2- C 3) D)	To ensure the safe operation of car parking areas and the amenity of neighbouring residents, sites shall have a minimum frontage of 22m.	Complies  The site has a 30m frontage with separate entry and exist points to facilitate safe and clear movement of
D5.2- C 3) E)	Safe sight distances must be provided for all points of access to the site.	Complies  The proposed landscaping is to be maintained through plan of management to retain clear sightlines for vehicles entering and exiting the site.

#### Clause 5.2 – Controls – 4) Built Form

Clause	Provision	Compliance Comment
D5.2- C 4) A)	Child care centres catering for 15 or more children shall be purpose designed and built, to satisfy the requirements of this section and the requirements of the NSW Department of Community Services.  Modifications to existing dwellings will not be supported.	Complies  The proposal is for a new building, and has been designed in accordance with the controls set out by the <ul style="list-style-type: none"> <li>Local development framework of the Penrith LEP2010 and DCP 2014,</li> <li>requirements of nsw department of community services,</li> <li>SEPP (Educational Establishments and Child Care Facilities) 2017,</li> <li>Child Care Planning Guideline 2017, and</li> <li>Education and Care Services National Regulations - 1 July 2018</li> </ul>
D5.2- C 4) B)	In residential areas, the built form of the child care centre shall be sympathetic to adjoining development in terms of height, bulk and scale	Complies  Addressed previously in section 4.9
D5.2- C 5) C)	The external façade of the centre shall incorporate building materials and colours	Complies

	that complement the surrounding development. Council discourages the use of bright or garish colours.	The proposed material palette for the building includes Brickwork Austral Bricks La Paloma Miro and Blowood Façade screen in Natural oak Linished/Spotted gum Sanded finish, and a new Feature Facade Wall in Acrylic render in Dulux Billiard Ball and Elmich Versiwall GP Green wall system. The proposed materials incorporate the timber and brick elements characteristic of the neighboring properties, whilst providing modern interpretations and enhancing the natural material palette of the green vegetation area surrounding the site.
D5.2- C 4) D)	Whilst it is preferable that child care centres are located at ground level, this may not be possible in commercial or industrial areas. Applications for centres above ground level will need to address the following: i) Access for parents and caregivers to drop off/pick up children; and ii) Availability of outdoor play space, or its equivalent.	N/A Proposal for ground level development.

#### Clause 5.2 – Controls – 5 Vehicle Access, Circulation and Parking

Clause	Provision	Compliance Comment
D5.2- C 5) A)	Vehicle circulation and car parking areas shall be designed to allow safe drop-off and collection of children as well as the safe movement and parking of staff, parents, visitor and service vehicles.	Complies  The design of the proposed access, dropoff/pickup an egress point are supported by transport assessment (Ref) which demonstrates safe movements for staff, parents, visitor and service vehicles.
D5.2- C 5) B)	Access driveways should not be located opposite, or in close proximity to, road intersections.	Complies  The access and egress points are located 87m from the nearest intersection.
D5.2- C 5) C)	Parking shall be provided in accordance with the standards in the Transport, Access and Parking section of this Plan.	Complies
D5.2- C 5) D)	The parking area is to be designed to ensure: i) The safe drop off and collection of children, including direct, safe pedestrian access between the parking area and the entrance to the centre; ii) Safe movement and parking of staff, parents, visitors and service vehicles; and iii) All vehicles can enter and exit the site in a forward direction	The application has been supported by the Traffic Report from Varga Traffic Planning Pty Ltd dated 21 June 2019 Ref 19185, which demonstrates safe movements for staff, parents, visitor and service vehicles.
	Layout of the parking area must allow for safe access for service and emergency	Complies

	vehicles, such as ambulances, delivery and maintenance vehicles.	The proposed car park arrangement allows for the efficient access of the site for emergency services vehicles with sufficient turning widths to accommodate swept paths and turning.
	Where the child care centre is located in the same building or development as other land uses, the parking and access arrangements for each separate use will need to be separately calculated and provided on site.	N/A  Single use of site only for Child Care Centre.
	A traffic impact assessment may be required for the development of a child care centre proposing to cater for 40 children or more	A traffic assessment (REF) has been completed and incorporates the following data  i) Site characteristics and the surrounding area; ii) Expected trip generation; iii) Parking requirements, including the design of parking areas, and any pick-up and drop-off facilities; iv) Existing traffic conditions and any future changes expected to the traffic conditions; v) Current road safety conditions, including an accident history in the locality; and vi) he expected impact of the proposed development on the existing and future traffic conditions.

#### Clause 5.2 – Controls – 6) Noise

Clause	Provision	Compliance Comment
D5.2- C 6) A)	Outside playing areas shall be designed and located to minimise noise impact on any noise sensitive adjacent properties. Separation between boundary fencing and areas occupied by the children may be required.	Acoustic Report No. 19156 Ver. C by Wilkinson Murray has been prepared to ensure the proposal is designed and operated to minimise noise impact on any noise sensitive adjacent properties
D5.2- C 6) B)	Where there may be noise impact on adjacent properties, fencing shall be of a height, design and material (e.g. masonry) suitable to contain noise generated by the children's activities. This ensures the children may play outside without time limitations in accordance with licensing requirements.	Complies  Acoustic Report No. 19156 Ver. C by Wilkinson Murray has been prepared to ensure the protection of acoustic amenity for neighbouring properties including planting and fence treatments.
D5.2- C 6) C)	Where a site may be affected by traffic, rail or aircraft noise, the child care centre shall be designed to minimise any impact on the children and staff.	Such recommendations have been incorporated into the design of the proposal including 1.5m high side fences within front setback, and 1.8m fencing to backyard play area.

D5.2- C 6) D)	<p>A noise impact assessment may be required for the development of a child care centre proposing to cater for 40 children or more, or where surrounding land uses may have an impact on the proposal.</p> <p>The objectives should be to limit the impact of the child care centre on adjacent properties, and also to limit the impact noise from external sources may have on the child care centre.</p> <p>While noise can be measured, the intent is to also minimise nuisance which is subjective by nature. This may be achieved either by physical separation, design and layout of the centre or by implementing noise mitigation measures, such as acoustic treatments to buildings.</p>	<p>Complies</p> <p>Acoustic Report No. 19156 Ver. C by Wilkinson Murray addresses the relevant sections of the DCP 2014 has provided a number of design technologies and treatments, as well as operation procedures to be implemented for the protection of acoustic amenity to the site and surrounding area.</p> <p>The recommendations including screening and planting have been included in the design of the proposal, and incorporated into the draft plan of management.</p>
	A noise impact assessment report should address the relevant provisions of the Noise and Vibration section of this Plan.	<p>Complies</p> <p>Acoustic Report No. 19156 Ver. C by Wilkinson Murray addresses the relevant sections of the DCP 2014</p>

#### Clause 5.2 – Controls – 7) Shade

Clause	Provision	Compliance Comment
D5.2- C 7) A)	Outdoor play areas and transition areas (between indoor and outdoor areas) are to be provided with appropriate safe shade requirements. Safe shade may be created by vegetation or shade structures.	<p>Complies</p> <p>The first floor verandah and shade sails provide sufficient solar protection to the indoor learning areas, outdoor learning areas, and outdoor eating spaces.</p>
D5.2- C 7) B)	All active areas containing play equipment or areas where children play for extended periods of time (such as a sand pit) are to be shaded throughout the year.	Complies
D5.2- C 7) C)	Movable play equipment used for active play should be placed in the shade. (This should be a combination of built and natural shade).	Complies
D5.2- C 7) D)	All shade structures in the play areas should be designed in accordance with AS/NZS 4486.1. If located over play equipment, the shade structure should not have footholds or grip surfaces that will allow for climbing	<p>Complies</p> <p>Shade sails will be constructed and maintained in accordance with AS/NZS 4486.1</p>
D5.2- C 7) E)	Outdoor teaching areas are to be provided with year round protective shade	<p>Complies</p> <p>Outdoor eating areas to be provided with shade sails and/or cover from verandah.</p>
D5.2- C 7) F)	Outdoor eating areas are to be provided with year round protective shade.	Complies

		Outdoor eating areas to be provided with shade sails and/or cover from verandah.
D5.2- C 7) G)	Other open areas are to be partially shaded.	Complies  The provision of revised planting is to be provided to maximize shading to play areas within the site where possible.
D5.2- C 7) H)	Any transition zone, between indoor and outdoor areas, such as a verandah, should be permanently shaded and protected in wet weather	Complies  The proposal includes a 108 sqm with verandah with 4m width for the provision of solar protection to ground floor play areas (indoor and outdoor)
D5.2- C 7) I)	The minimum width of a verandah should be 4m to allow for shaded play space underneath.	

#### Clause 5.2 – Controls – 8) Landscaping

Clause	Provision	Compliance Comment
D5.2- C 8) A)	Landscape planting shall complement the building(s) and the streetscape, and provide screening for car parking and outdoor playing areas	Complies  The landscape plan proposes new plantings within the front setback as to maintain the character of the street. The proposed front fence and planting line will be inkeeping with number 47 Gibbes Street to the north of the site and form a defined streetline.
D5.2- C 8) B)	Landscaping shall be established prior to the use commencing	Complies  Landscaping is critical to the provision of high quality education spaces for this type of development and will be incorporated into the construction phase in order to provide a good quality outdoor space and natural environment for the future students in accordance with 'Education and Care Services National Regulations - 1 July 2018'
D5.2- C 8) C)	Childproof fencing and gates shall be provided around the outdoor play areas, and to the entrance of the child care centre. Details of all fencing shall be included on the landscape plan.	Complies  Fencing will be provided to the front entrances in accordance with 'Education and Care Services National Regulations - 1 July 2018', and side boundary fencing is to be installed in line with Acoustic Consultant's recommendations as provided in
D5.2- C 8) D)	Landscape planting (a minimum width of 2m) shall be provided along the front boundary of the site	Complies  Minimum width of 2m landscaping provided to front boundary, with maximum 1.2m high fence to allow sufficient visibility.

D5.2- C 8) E)	Additional landscape planting may be required along the side boundaries to integrate the development with neighbouring buildings and the streetscape, and to reduce the impact of vehicle lights on adjoining properties.	Complies  Minimum width of 0.6m landscaping provided to side boundaries, with maximum 1.5m high fence within the front setback of the site to allow sufficient visual protection for neighbouring properties.
D5.2- C 8) F)	A landscape plan shall be prepared and submitted with the development application, in accordance with the Landscape and Design section of this Plan.	Complies
D5.2- C 8) G)	Plant species shall be chosen to address the characteristics of the site and shall: i) Provide protection from prevailing winds; ii) Provide screening to minimise impacts on privacy and/or the streetscape and adjacent buildings; iii) Provide shelter and shade; iv) Reduce reflection from bright surfaces; v) Emphasise pedestrian and vehicular routes; vi) Ensure visibility of outdoor playing areas; vii) Not include plants which may be toxic, create allergic reactions, or which are prickly or otherwise unsafe; and viii) Provide interest and variety to enhance children's experience.	Complies  The proposed landscape plan demonstrates how the species selection and location will protect the site from environmental impacts, promote a green vegetated environment, and implement safety and amenity mitigation techniques as recommended by specialist acoustic and transport specialists.

#### Clause 5.2 – E – Other Relevant Information.

Clause	Provision	Compliance Comment
D5.2- E A)	All child care centres must be approved by Council and licensed by the NSW Department of Education and Communities under the Children (Education and Care Services) National Law (NSW); Education and Care Services National Regulations and National Quality Framework prior to commencing operation.	Noted
D5.2- E B)	Home-based child care may be licensed as a Family Day Care service or within the requirements of the Department of Education and Communities.	Not applicable.  The proposed development does not relate to a home based childcare centre.
D5.2- E C)	Where a child care centre for pre-school aged children and an OOSH service operate together, or from the same building, both services must be approved by Council, and the Department of Education and Communities must be notified.	No OOSH services provided.
D5.2- E D)	Development consent is required from Council for an expansion or alteration to an existing, approved child care centre.	Noted.

	Changes may include an increase to the approved number of children, an alteration to the hours of operation or the establishment of OOSH care.	Any further expansion will be subject to further assessment by the determining authority and will require full consultation with relevant bodies.
D5.2- E E)	Any application for an expansion or alteration to an existing child care centre will be considered on its merits, and include an assessment of the current operation of the centre	
	Any subsequent development consent issued by Council may require a new licence from the Department of Education and Communities	

#### **4.7. Section 4.15 Assessment**

##### **1 (a) (i) Environmental Planning Instruments**

The proposed development is permitted with the consent of Council under the Penrith Local Environmental Plan 2010. The proposal meets the objectives and relevant development standards of the Penrith Local Environmental Plan 2010 and State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and accordingly, approval is supported as discussed in detail within this Statement of Environmental Effects (SEE).

##### **1 (a) (ii) Draft Environmental Planning Instruments**

There are no known draft environmental planning instruments that are applicable to the subject site.

##### **1 (a) (iii) Development Control Plan**

As discussed in Part 4 of this report, the proposal generally complies with the Penrith Comprehensive Development Control Plan 2014.

##### **1 (a) (iv) The Regulations**

The proposal satisfies the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

The Environmental Planning and Assessment Regulation 2000 has Building Code of Australia (BCA) requirements. These requirements will be satisfied at the time of the Construction Certificate (CC).

##### **1 (a) (v) Coastal Zone Management Plan**

Not applicable.

##### **1 (b) Likely Impacts of Development**

###### *(i) Impact on the Natural Environment:*

The proposed development will not result in any adverse impacts on the natural environment and results in the orderly development of land. The proposal will result in additional child care services in area where there is proven demand for these services.

###### *(ii) Impact on the Built Environment:*

The built form of the new works is appropriate to the site, in terms of bulk, scale, alignment and proportion. The proposed development has been sited in a manner that is not obtrusive to adjoining

properties and complements the character of the street in terms of architectural type, design and materials. Overall, there are no unreasonable impacts created by the proposal.

(iii) *Social and Economic Impacts in the Locality:*

The proposed development will have a positive social and economic impact on the area.

As outlined in Part 3 of this report, the area suffers from a chronic shortage of childcare centres and therefore a new childcare centre in an accessible area will add to the social infrastructure and social capital of the LGA and Regentsville which will have a significant positive social impact.

The proposal will provide employment for eight (8) time full time staff members and one (1) casual staff member as well as ancillary employing relating to cleaning and maintenance and the like. Accordingly, the proposal is likely to have a positive economic impact in the locality by providing long term local employment opportunities.

### **1 (c) Suitability of the site for the proposed development**

Having regard to the characteristics of the site and its location, the proposed development is considered to be appropriate in that:

- The land is zoned to permit the works;
- The nature and form of the proposed development is broadly consistent with the development controls which apply to the site.
- The size and dimensions of the land are suitable for the scale of the works;
- The site has access to all utility services to accommodate demand for water, electricity, gas and telecommunications.

The site is well located for a childcare facility being located in an accessible location in Regentsville. The location of the site provides a convenient opportunity for parents to drop-off and pick-up their children on the way to work or on their way to public transport opportunities nearby (reducing traffic and parking demand).

### **1 (d) Any submission made**

Penrith City Council will undertake a notification period in accordance with their policies.

### **1 (e) The public interest**

The proposed development is considered to be in the wider in the public interest for the following reasons:

- It is consistent with the objectives of the *Environmental Planning and Assessment Act 1979*, specifically because it represents the economic and orderly development of land.
- The proposal is in accordance with the *Penrith Local Environmental Plan 2010* and the *Penrith Development Control Plan 2014*.
- The proposal provides a responsive design in terms of relationship to adjoining development and establishes an appropriate streetscape and human scale through the adoption of sound urban design principles;
- The design incorporates a number of ESD initiatives that will achieve a high standard of environmental design and sustainability; and

The proposal will provide for much needed additional childcare accommodation in the Regentsville area in a well-designed, new premises providing high quality finishes without any adverse built or environmental impacts. The proposal will also provide local employment opportunities. Accordingly, the proposal is considered to be in the public interest.

The centre will be required to be licensed by the NSW Department of Family and Community Services and will be required to operate in accordance with the provisions of the Children's Service Regulation.



Whilst not a matter for consideration under Section 4.15 of the EP & A Act, the proposed has been designed to accord with the Children's Services Regulation.

## **5. CONCLUSION**

This Development Application (DA) seeks development approval for the demolition of the existing dwelling house and construction of a new two storey childcare centre and associated car parking at No.49 Gibbes Street, Regentsville.

The aim of this report has been to:

- Describe the proposal;
- Detail the background investigations that have been carried out prior to the preparation of the Development Application (DA);
- Illustrate compliance of the proposal will relevant statutory considerations;
- Provide an assessment of the likely environmental effects of the proposal.

From this statement it is concluded that the proposed development is appropriate within the given context responding to the streetscape character of the surrounding area. The proposal is considered to have negligible impacts in terms of built form and natural environments. Impacts of noise amenity and traffic generation have been assessed by suitably qualified consultants and recommendations have been provided to maintain the residential setting of the area.

The proposed development has been assessed in accordance with the provisions of:

- Penrith Local Environmental Plan 2010;
- Penrith Development Control Plan 2014;
- State Environmental Planning Policy No. 55 – Remediation of Land.
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.
- Section 4.15 of the Environmental Planning and Assessment Act 1979.

Having regard to the aforementioned assessments it is considered that the proposed development is acceptable and that it should be approved.



Adam Mainey – Director  
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