



THE PLANNINGHUB

by Hawes & Swans

STATEMENT OF ENVIRONMENTAL EFFECTS

**96 Place Child Care Centre
110-112 Mount Vernon Road,
Mount Vernon**

CONTACT INFORMATION

THE PLANNINGHUB *by Hawes & Swan*
ABN 27 605 344 045
Suite 4, Level 4,
35 Buckingham Street,
Surry Hills New South Wales 2010

www.theplanninghub.com.au

Author(s):



Matthew Jessup
Town Planner

Approved by:



Mairead Hawes
Director

DOCUMENT INFORMATION

Prepared For:	Vladimir Vanovac
Project Name:	110-112 Mount Vernon Road, Mount Vernon
Job Reference:	19/380 V1
Date Approved:	16 December 2019

Table of Contents

1.0	Introduction	6
1.1	Project Context	6
2.0	Background Withdrawn Development Application	6
3.0	Site Analysis	13
3.1	Location and Context	13
3.2	Site Description	14
3.3	Existing Site Conditions	14
4.0	Proposed Development	15
4.1	Access and Car Parking	15
4.2	Geotechnical Works	16
4.3	Infrastructure & Services	16
4.4	Landscaping	16
4.5	Built Form and Design	17
4.6	Safety and Security	17
5.0	Assessment of Environmental Impacts	20
5.1	Statutory Planning Framework and Compliance	20
5.2	Noise Impacts	25
5.3	Social and Economic Impacts	26
5.4	Site Suitability	26
5.5	Public Interest	26
6.0	Conclusion	27

Appendices

- A** *Architectural Drawings*
Project Works Design
- B** *Childcare Planning Guideline – Compliance Table*
The Planning Hub
- C** *Penrith Local Environmental Plan 2010 – Compliance Table*
The Planning Hub
- D** *Penrith Development Control Plan 2014 – Compliance Table*
The Planning Hub
- E** *Survey Plan*
Pinnacle Land Surveyors
- F** *Acoustic Report*
Acoustic Logic
- G** *Traffic and Parking Report*
GTK Consulting
- H** *Geotech Report*
Greywacke Geotechnics
- I** *Stormwater Concept Plan & Water Sensitive Urban Design Documents*
Australian Consulting Engineers
- J** *Access Report*
Lindsay Perry Access
- K** *Landscape Plan*
Tessa Rose Playscape and Landscape Design
- L** *BCA Compliance Assessment*
BCA Vision
- M** *Section J Report*
Applications Solutions
- N** *On-site Wastewater Assessment Report*
Envirotech
- O** *Operational Wastewater Management Plan*
Envirocycle
- P** *Phase two (2) Contamination Report*
Envirotech
- Q** *Remediation Action Plan*
Envirotech
- R** *Waste Management Plan*
Mark Toma
- S** *Operational Plan of Management*
Dale Eadie
- T** *Emergency Management and Evacuation Policy*

Dale Eadie

U *Structural Engineers Report*
ODG Consulting

V *Pram Specifications*
Redsbaby

1.0 Introduction

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) submitted to Penrith Council by Vladimir Vanovac c/o The Planning Hub. This DA proposes a 96-place childcare centre at 110-112 Mount Vernon Road, Mount Vernon.

This SEE provides a detailed description of the site and the proposal and provides an assessment of the proposal against the relevant heads of consideration set out in Section 4.15 of the *Environmental Planning and Assessment Act, 1979 (EP&A Act)*. That assessment has found that the proposal:

- Meets the current objectives of the LEP and DCP where applicable;
- Will not result in significant negative impacts on surrounding land uses and environment;
- Is responsive to site context and presents a positive visual relationship with surrounding uses; and
- Is strongly in the public interest.

The SEE forms part of a suite of documents that are submitted in support of the application attached as **Appendices A-V**.

1.1 Project Context

The site is located to the north of Mount Vernon Road and is located in the local government area of Penrith Council. The land is described as No's. 110-112 Mount Vernon Road, Mount Vernon. The site is rectangular in shape, covering an area of approximately 10,330m².

This application proposes a 96-place childcare centre for children aged between 0-5 years of age. The proposed development will aim to contribute to the community of the Mount Vernon locality, by providing a child care service that caters to the increasing demand in the local area.

The key aims of this project can be summarised as follows:

- The provision of a well designed child care centre that provides a service to meet the needs of young families within the Mount Vernon locality; and
- The design of the child care centre will be compatible with the existing residential context, ensuring that the built form of the centre will be compatible with the streetscape.

2.0 Background Withdrawn Development Application

A Pre-DA meeting was held with Council on the 20th of November 2018 between Council and the proponent. The matters discussed at the meeting were documented in the formal response from Council received on the 27th of November 2018. Council's advice has been taken into consideration in the formulation of this Development Application.

On 23 May 2019, the Development Application - **DA19/0343** was lodged for the Construction of a Single Storey Child Care Centre to Accommodate 118 Children Including at Grade car Parking to Accommodate 34 Car Parking Spaces, Associated Signage and On-Site Waste Management. On August 9 2019, the Planning Hub received notification that the application would not be supported in its current form based on the information provided at the time of lodgment. Consequently, the DA was withdrawn on 15 August 2019. This application systematically addresses Council’s concerns, and the proposed development has been amended to satisfy each of Council’s requests set out in the advice letter dated August 9 2019.

The requirements of the Advice Letter have been addressed in table 1 below:

Table 1: Response to Advice Letter	
RFI Requirement	Response
Character of Local Area and Site Suitability: 2.4m High Acoustic Barrier Fence	In response, the updated Landscape Plans (Refer to Appendix K) include landscaping around the perimeter of the property to soften and screen the development from the neighbouring properties. In total, the updated landscape plans provide an additional 83 trees. Moreover, a rural fence is now included in the design that is consistent with Council’s request and the rural character of the area and demonstrated in the Architectural Plans (Refer to Appendix A). Given, the substantial increase in landscaped area located in the ‘outer area’ between the two fences, the acoustic barrier fence will not be viewable from adjoining properties or Mount Vernon Road. Therefore, the proposed development is compatible with the character of the site’s rural context and maintains the amenity of the neighbouring properties in accordance with Council’s request.
Character of Local Area and Site Suitability: Hardstand Area	Several measures have been included within the updated Architectural Plans and Landscape Plans in response to Council’s request in relation to compatibility with the existing streetscape. These measures are: <ul style="list-style-type: none"> • Pervious pavement for carparking in the row nearest to Mount Vernon road helps to soften the hard stand area is consistent with the rural character of the area; • The reduction in the number of parking spaces allows for increased landscaping to further soften and screen the development, which

Table 1: Response to Advice Letter	
RFI Requirement	Response
	<p>assists in maintaining the rural character of the area; and</p> <ul style="list-style-type: none"> Increased landscaping in the front setback has been provided to further soften and screen the hardstand area.
Character of Local Area and Site Suitability: Site Coverage	The updated architectural plans (Appendix A) have responded to Council's issues relating the site coverage of the proposed development. In response to this request, the Gross Floor Area has been reduced from 890.5m ² to 751.5m ² . Of note, as detailed in the Pre-DA Meeting minutes for the proposed development a previous approval on the site approved a building with a footprint of 891.6m ² . Council have advised that a building footprint of 891.6m ² or less is deemed acceptable for the development. Therefore, the substantial reduction in site coverage is deemed reasonable.
Character of Local Area and Site Suitability: Parking	Given the reduction in GFA, the parking requirements have been reduced in accordance with the DCP to 10 and 19 spaces for visitors and staff respectively. The hard stand area contains 13 spaces for parents and 19 for staff. Therefore, the hardstand area in the front setback supports the number of car parking spaces required for the proposed development in accordance with Council's request.
Land Contamination	This has been noted. The Statement of Environmental Effects has been updated to include remediation works as part of the proposed works associated with the development proposal.
No. of Children and Staff and Parking for Staff	<p>An updated Plan of Management (refer to Appendix S) has been provided. Of note, the number of children has been reduced from 118 to 96. In accordance with Council's request, the number of children and staff has been broken down into:</p> <ul style="list-style-type: none"> Number of children based on age; Number of children based on age present within the outdoor play areas at any one time; Number of educators per child; and

Table 1: Response to Advice Letter	
RFI Requirement	Response
	<ul style="list-style-type: none"> Staff numbers broken down by role including director/supervisor, admin staff, educators, educator floaters and cooks, present on site. <p>Given that the number of children on site has reduced, the plan of management has been updated to reflect the required number on staff on site. This will be 19 staff at any one time. The updated architectural plans (refer to Appendix A) now include 19 parking spaces which is consistent with the plan of management.</p>
Wastewater	<p>The 'On-site Wastewater Management Assessment Report (Appendix N) has been updated to include the required details relating to operational wastewater management.</p> <p>The On-Site Wastewater Management Assessment Report (Appendix N) has been updated to detail that there will be maximum 19 staff on site at any-one time. Accordingly, the hydraulic load and disposal requirements have also been updated. This information is consistent across each of the Appendices, in accordance with Council's request.</p> <p>The proposed setback and location of the accredited aerated wastewater treatment systems (AWTS) tanks and absorption beds are now provided in the On-Site Wastewater Assessment Report (refer to page 17 of Appendix N). The proposed setbacks from the child outdoor play are, are a minimum of 7.22m from the absorption beds and 18.05m from the AWTS tank.</p> <p>The On-Site Wastewater Management Assessment Report (Appendix N) has been amended to include detailed information which demonstrates that the proposed AWTS can suitably handle the commercial volumes of waste.</p>

Table 1: Response to Advice Letter	
RFI Requirement	Response
	<p>The application has been updated to include an Operational Wastewater Management Plan (OWMP) Refer to Appendix O. The OWMP has been prepared by Envirocycle and details all environmental aspects of the operation of the on-site sewage management system.</p>
Water Sensitive Urban Design (WSUD)	<p>MUSIC Modeling - The application is now accompanied by a MUSIC Model). The application also includes a MUSIC Link Report which is provided in the Stormwater Concept Plans (Refer to Appendix I).</p> <p>The Stormwater Concept Plan (refer to Appendix I) have been updated to include information relating to the capacity and operation of WSUD tanks, which are also detailed within the architectural plans (refer to Appendix A).</p> <p>The application has been updated to include detail on ongoing storm water management. The Operations & Maintenance Plans are provided as part of the Stormwater Concept Plan and Documents in Appendix I.</p> <p>Furthermore, the application includes details relating to water sensitive urban design within the Stormwater Concept Plan and related documents provided in Appendix I.</p>
Public Health	<p>A food safety program has been provided within the Operational Plan of Management (refer to Appendix S) to respond Council’s relating to public health. The food safety program details:</p> <ul style="list-style-type: none"> • potential food safety hazards; • where in the food handling operation the hazards can be controlled and the means of control; • controls and corrective action if a hazard is found not to be under control; and • record keeping that demonstrates action taken or compliance with the program.

Table 1: Response to Advice Letter	
RFI Requirement	Response
	<p>Moreover, the Architectural Plans (refer to Appendix A), have been updated and now include a kitchen floor plan and sectional elevation drawings which detail fittings, equipment, materials and finishes.</p> <p>The updated Architectural Plans (refer to Appendix A) clearly label Hands Free Wash Basin in the Staff WC. Note: These are labelled BSN.04.</p> <p>The updated Architectural Plans (refer to Appendix A) clearly label the location of Bottle Wash area and electric baby bottle wash sanitizers. Note: These are labelled 'BBS'.</p> <p>The updated Stormwater Plans include details relating to hydraulic plans (refer to page 5 of Appendix I).</p>
Biodiversity	<p>The Landscape Plans (refer to Appendix K), have been updated to include a significant amount of additional trees and landscaping to ensure the best bio-diversity outcome possible. The original landscape plan provided 19 trees and 49 shrubs. The current proposal now includes 112 trees and 154 shrubs. Given the substantial increase in landscaped area and total number of trees and shrubs, the revised landscaping plans are deemed reasonable to meet Council's biodiversity request.</p>
Waste Management	<p>Swept Path Models: Swept path models have been included in the Traffic and Parking Report (refer to Appendix G). Figures 5 and 6 of the report detail swept path plans for access to the bin collection area. The Vehicle Access Traffic and Car parking assessment also details that Services vehicles, including waste collection trucks, will enter and exit the site outside of the AM and PM peak periods.</p> <p>Plan of Operations Regarding waste collection are within the Architectural Plans (refer to Appendix</p>

Table 1: Response to Advice Letter	
RFI Requirement	Response
	<p>A) and the Traffic and Parking Report (refer to Appendix G). The architectural plans (Appendix A) detail that the waste storage room is 1.8m x 3.5m and large enough to store 2 x 1100 litre bins. The traffic and car parking assessment report details access to waste collection.</p> <p>A structural engineers report has been prepared by ODG Consulting (Refer to Appendix U). This report details that the carparking slab and driveway can support the gross weight of service vehicles using the subject site.</p> <p>The Waste Management Plan (Refer to Appendix R) has been updated to reflect the amendments made to the proposed development. The updated Waste Management Plan details that the proposed development will be serviced by a Waste Disposal Contractor will collect and empty bins once a week. Should the waste requirements increase, the contractor will collect the bins twice a week.</p>
Parking, Access and Circulation	<p>The architectural plans (refer to Appendix A) have now been updated to detail staff allocation and visitor allocation. Furthermore, the dimensions (5.5m x 2.5m) are detailed on the plans.</p> <p>A swept path of the minibus ingress and egress is provided in the Traffic and Parking Report (refer to Appendix G). The inclusion of swept paths illustrates that the minibus can ingress and egress the subject site safely, thus ensuring the safety of the children.</p> <p>The two accessible parking bays have been relocated to the centre of the parking lot and are located close to the main entrance with direct and easy access to the proposed child care centre. This is detailed in the Access Report (refer to Appendix J).</p>

Table 1: Response to Advice Letter	
RFI Requirement	Response
	Standard pram dimensions, have been prepared and are detailed in Appendix V . The maximum width of a single pram is 61cm. The proposed footpath is a minimum of 1.4m. Therefore, two standard single prams will be easily to pass each other side by side.
Emergency and Evacuation Procedures	The updated Architectural Plans (refer to Appendix A) clearly label an Emergency Evacuation Assembly Location. This is located within the south west corner of the site.

3.0 Site Analysis

3.1 Location and Context

The site is located in Mount Vernon within the Penrith LGA and is located approximately 56km from the Sydney CBD. The area is predominantly rural and residential land uses with the immediate context being predominantly for large lot residential purposes. The site is subject to the provisions of the Penrith Local Environmental Plan (PLEP) 2010.

The site is located nearby to the Westlink M7 Motorway, which provides ease of access for residents to surrounding suburbs and regions, including the Sydney CBD. The site's locational context is demonstrated in **Figures 1 & 2** below.

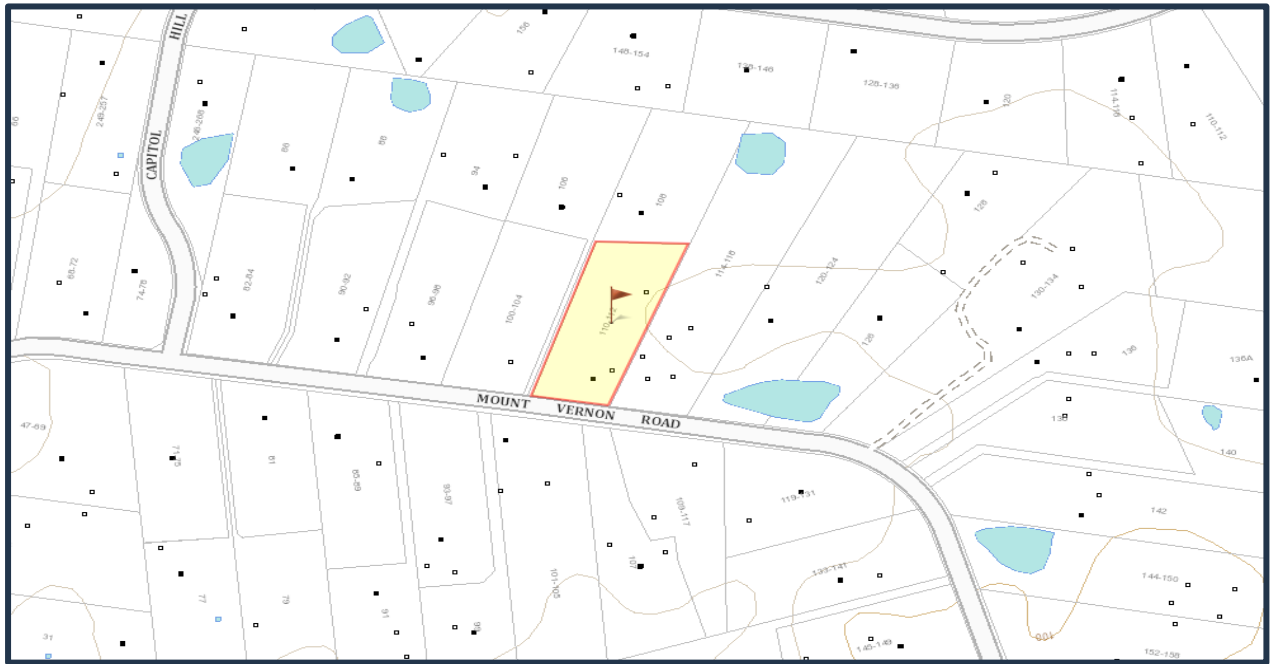


Figure 1: Locality Plan demonstrating the site outlined in red (Source – Sixmaps).



Figure 2: Location Plan demonstrating the site area outlined in red (Source: Nearmap).

3.2 Site Description

The site is commonly known as 110-112 Mount Vernon Road, Mount Vernon and is legally described as Lot 4, DP 865818. The site has a total area of 10,330m² and has a frontage of 61.7m to Mount Vernon Road. The site is currently vacant with access provided from Mount Vernon Road to the south.

3.3 Existing Site Conditions

Specific details on analysis is provided as follows:

Landform	The subject site has a gentle slope from the south west corner of the site to the north east.
Existing Structures	Land currently has no existing structures.
Access	Vehicular access is provided via Mount Vernon Road.
Vegetation	The site has previously been cleared and only some vegetation remains in the form of ground cover.

4.0 Proposed Development

This proposal seeks consent for the construction of a single storey child care centre at 110-112 Mount Vernon Road, Mount Vernon. Specifically, the development will comprise of:

- Construction of a single storey 96 place child care centre;
- Construction of at grade car park to accommodate 32 car spaces (including 2 disabled spaces). The car park is to be accessed from Mount Vernon Road via a one-way entry and one-way exit driveway facilitating safe and efficient vehicular movements;
- The composition of the children in the centre will consist of:
 - Aged 0-2 = 16;
 - Aged 2-3 = 20; and
 - Aged 3-5 = 60.
 - Total = 96.
- The hours of operation for the centre will be 6:00am – 6:00pm Monday to Friday;
- The development proposes a total of 1,316m² of unencumbered outdoor play space that will incorporate a number of play areas and features that will create an active an effective outdoor learning space.
- Remediation works to remove isolated areas of asbestos contamination within the subject site. The Remediation Action Plan (RAP) in **Appendix Q** for an assessment of the required remediation works.

The Architectural Plans provided in **Appendix A** show indicative locations for future signage. These areas are indicative only and approval for the signage will be sought under separate applications.

4.1 Access and Car Parking

Access

Access to the site will be provided via Mount Vernon Road, via a one-way entry and one way exit driveway facilitating safe and efficient vehicular movements. A Traffic Report prepared by GTK Consulting has been submitted with this application and is included as **Appendix G** which provides further details on the proposed access and vehicle circulation onsite.

Car parking

A total of 32 car parking spaces are proposed within the at grade car park located at the front of the proposed centre. As part of these spaces, two disabled parking spaces are proposed, along with an additional space for a mini bus. Based on the number on the number of children (96) and staff required (19), a total of 29 spaces are required. Therefore, the proposed development provides a surplus of 3 car spaces to service the development.

4.2 Geotechnical Works

A Geotech report has been prepared by Greywacke Geotechnics and can be found as part of **Appendix H**. Minor earthworks are proposed as part of this development, with the construction of an on-site detention system that is to be located at the rear of the site, away from any activities.

4.3 Infrastructure & Services

The site is capable of being serviced by appropriate public utility infrastructure, with appropriate provisions of public utility infrastructure to be made, ensuring that essential utilities are made available to service the site.

The development will be reliant on an On-Site Wastewater Management system, which has been detailed within the On-Site wastewater Management Assessment Report by Envirotech (**Appendix N**). To suitably treat the on-site wastewater, pressure does absorption beds have been proposed towards the rear of the site. These beds are setback a suitable distance of 7.22m from the maximum extent of the outdoor play space, which is bounded by a 2.4m high timber fence which is appropriately screened and will not be visible from neighbouring properties.

4.4 Landscaping

Appropriate landscaping is proposed throughout the development site. A Landscape plan has been provided, that details the landscape concept, prepared by Tessa Rose Playscape and Landscape Design and is included as **Appendix K**. Of note, the Landscape Plans include:

- Perimeter landscaping that will help to soften and screen the proposed development from adjoining sites and the street;
- 112 trees and 154 shrubs which assists in maintain on-site amenity in out-door play areas, and in mitigating storm water runoff in accordance with Council's requirements; and
- The planting of native species to assist in softening the development, whilst enhancing the neighbourhood and providing shading in the open space and play areas; and
- The provision of landscaping in proximity to the On Site Storm Water Detention Area to improve the visual amenity of the development.

4.5 Built Form and Design

Key Principles integrated into the design are:

- Provision of a built form that is legible, articulated and of high-quality design;
- Opportunities for play spaces that provides high quality amenity for children, whilst ensuring that the amenity for neighbouring residents is maintained;
- Convenient access between the indoor and outdoor spaces;
- The provision of a rural style fence that is compatible with the rural character of the area;
- The creation of welcoming spaces; and
- Minimal overshadowing/privacy impacts on adjoining residents.

The design of the proposed childcare centre has been based on the National Quality Framework (NQF), including the National Quality Standard (NQS). These requirements have been met and are detailed within the plans prepared by Project Works Design (**Appendix A**).

The palette of materials used has been selected to reflect the surrounding streetscape, whilst softening the built form of the child care centre.

Potential noise from the proposed development has been considered and the development has been oriented to address this issue. Equipment and plant are distanced from neighbouring properties, minimising their exposure to these elements. Any noise attenuating measures including the 2.4m Acoustic Barrier, have been appropriately screened by the provision of landscaping and the addition of a rural style fence which is demonstrated in the Architectural Drawings (**Appendix A**).

4.6 Safety and Security

The following section outlines Crime Prevention through Environmental Design (CPTED) principles and uses these to assess the Architectural Drawings for the proposed development. This assessment has been undertaken in accordance with the NSW Government's CPTED principles (outlined below), and the requirements of the Penrith DCP 2010. The following section also outlines recommended mitigation measures to be considered in the final design.

There are a number of criteria to be considered when assessing CPTED as part of a development application. As stated by the NSW Government, CPTED aims to influence the design and management of buildings and places by:

- Increasing the perception of risk to criminals by increasing the possibility of detection, challenge and Capture.
- Increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended.
- Reducing the potential rewards of crime by minimising, removing or concealing ‘crime benefits’.
- Removing conditions that create confusion about required norms of behaviour.

To that end, the four key principles to minimise the opportunity for Crime are outlined in **Table 2** below:

Table 2: CPTED Key Principles		
No.	PRINCIPLE	DEFINITION
1	Natural Surveillance	Involves maximising opportunities for passers-by or residents to observe what happens in an area (the ‘safety in numbers’ concept). This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting. Natural surveillance is a by-product of well-planned, well-designed and well-used space. Higher risk locations can also benefit from organised surveillance, which involves the introduction of formal measures such as on-site security guards or CCTV.
2	Access Control	Control of who enters an area so that unauthorised people are excluded, for instance, via physical barriers such as fences, grills etc.
3	Territorial Reinforcement /Ownership	People are more likely to protect territory they feel they own and have a certain respect for the territory of others. This can be expressed through installation of fences, paving, signs, good maintenance and landscaping. Territoriality relates to the way in which a community has ownership over a space.
4	Space Management	Ensures that space is appropriately utilised and cared for. Space management strategies include: activity coordination (i.e. having a specific plan for the way different types of activities are carried out in space), site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out lighting and the removal or refurbishment of decayed physical elements.

Car Parking Areas

Car parking areas are typically common spaces for offences against property or persons. Relevant CPTED considerations for car parks include: access control, providing visibility, ensuring safe access for cars and pedestrians, and discouraging loitering. The following points provide a description of the sites proposed car parking area:

- Adequate open space surrounding the car parking space and within the spaces to ensure that cars and pedestrians have safe access to the site, with clear visibility between pedestrian pathways and parking spaces;
- Clear demarcation of pedestrian walkways throughout the car park and adjacent to the proposed building;
- To avoid conflicts with vehicles will be provided through line marking and signage; and
- Safe parking signage throughout car park.

Entry and Exit Points

Entry and exit points are a key consideration for CPTED assessments because of the interface they provide with the surrounding area. Relevant CPTED considerations for entry and exit points include: access control, providing visibility, ensuring safe access for cars and pedestrians, and discouraging loitering. The subject DA proposes the following measures:

- Adequate lighting at all entry and entry points will be provided in accordance with the relevant Australian Standards;
- All entry/exit points are aesthetic and inviting and the landscaping, building position and activities are all orientated to maximise natural surveillance on entry/exist.

Internal Layouts

Key internal layout considerations in regard to CPTED include interfaces between public and private space; and the existence of 'dead space', 'areas of entrapment' and 'areas of concealment'. The subject DA proposes the following measures:

- The design of new internal spaces does not create 'areas of entrapment or concealment';
- All entries have good sight lines, are well lit and are in areas with ample room for access;
- Clear definition between public and private access areas are created using signage and secure doors; and
- Hallways provide for clear separation and space between rooms.

External Areas

Key external layout considerations in regard to CPTED include visibility, activation and prevention of vandalism and graffiti. The subject DA proposes the following measures:

- All external areas of the building are proposed to be well lit, particularly at night.
- No opportunities for concealment are provided by external building design or landscaping based on the design of the proposal.

As identified above, the proposed development has been designed with regard to the principles of Crime Prevention Through Environmental Design. Landscaped areas within the development site will be maintained to a good standard. Clear delineation between public and private areas is proposed. Lighting that complies with AS1158 will be used.

The proposed development is therefore considered compliant with the requirements of CPTED.

5.0 Assessment of Environmental Impacts

5.1 Statutory Planning Framework and Compliance

An assessment of the proposal has been made against the relevant planning instruments applicable to the land and the proposal. These are:

- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy No. 64 – Advertising and Signage;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River;
- Penrith Local Environmental Plan 2010; and
- Penrith Development Control Plan 2014.

5.1.1 State Environmental Planning Policy No.55 – Remediation of Land

SEPP 55 requires Council to consider whether the subject land of any development application is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, Council must be satisfied that the land can and will be remediated before the land is used for that purpose.

A Phase 2 Detailed Site Investigation has been prepared by Envirotech which is provided in **Appendix P**. The investigation details that Asbestos was detected in four samples taken from the site and recommends that a suitably trained professional is engaged to prepare a Remedial Action Plan to determine the

remediation of the asbestos contamination within the contaminated areas and appropriate remedial action. Subject to the above, it is considered that the site can be remediated for the proposed works.

A Remediation Action Plan (RAP) has been prepared by Envirotech (**Appendix Q**) detailing suitable measures to address contamination on site. As part of this development, the recommendations of the RAP will be incorporated to ensure that any impacts from contamination are rectified prior to the operation of the proposed child care centre.

5.1.2 State Environmental Planning Policy No.64 – Advertising and Signage

State Environmental Planning Policy No. 64 applies to the entire state to ensure that signage is compatible with the desired amenity and character of an area, whilst ensuring that signs provide effective communication in suitable locations.

The Architectural Plans provided in **Appendix A** show indicative locations for future signage. These areas are indicative only and approval for the signage will be sought under separate applications.

Under SEPP 64, business identification signs are defined as:

“means a sign:

(a) that indicates:

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.”

The specifications for the building identification signs are not proposed as part of this development application, with details of the signs being provided closer to the occupation of the site as a child care centre.

An Assessment of SEPP No. 64 Advertising and Signage is provided below:

Table 3: SEPP 64 – Schedule 1 – Assessment Criteria		
Schedule Clause	Assessment Criteria	Comment
Character of the Area	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Proposed signage will be compatible with the future character of the area.

	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The specifications of the proposed sign will be detailed as part of a future application.
Special Areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed indicative signage will enhance the overall amenity of the area, through its design and materials incorporated. The sign will not impact on surrounding landscapes and residential areas.
Views and Vistas	Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	No important views will be impacted by signage. The indicative signage will not dominate the skyline or reduce the quality of vistas. The indicative signage will respect the viewing rights of other advertisers within the vicinity of the site.
Streetscape, Setting or Landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management?	The scale of the indicative sign will complement the surrounding setting and streetscape, through the siting and materials incorporated. The future signs will contribute to the visual interest of the streetscape, whilst not being designed to conflict with the surrounding character of the area. No existing advertising exists on site. The future signage will complement its setting, not screening any unsightliness. The future signage will not protrude above buildings and will not adversely impact on surrounding buildings. Ongoing vegetation management will not be required for future signage.
Site and Building	Is the proposal compatible with the scale, proportion and other	The proposed signage is compatible with other existing building advertising signs

	<p>characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>in the area, whilst also being compatible with the DCP size restrictions for signage.</p> <p>The future signage will compliment the building through its design and materials used.</p> <p>The proposal will complement the site and will be designed in an innovative manner that acts as a feature for the proposed child care centre.</p>
Associated Devices and Logos with Advertisements and advertising structures	<p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>The future signage will be designed as an integrated product.</p>
Illumination	<p>Would illumination result in unacceptable glare?</p>	<p>No illumination is proposed as part of the indicative signage. If illumination is proposed under future applications, it will comply with the relevant controls and standards.</p>
Safety	<p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>The indicative signage will not impact on safety of motorists travelling on adjoining public roads.</p> <p>The indicative signage will not result in safety concerns for pedestrians or bicyclists.</p> <p>No adverse safety impacts will be generated for pedestrians from public areas.</p>

5.1.3 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The SEPP Educational Establishments and Child Care Facilities was implemented on the 1st of September 2017. The SEPP has been introduced to facilitate the effective delivery of educational establishments and early education and care facilities across the State of NSW.

Clause 23 of the SEPP details that “before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.”

An assessment of the proposal against the relevant controls and considerations of the guideline applying to the proposed development is provided in **Appendix B**.

5.1.4 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

The proposed development is consistent with the aim of the SEPP that is to protect the environment of the Hawkesbury-Nepean River system, as well as all of its planning controls. Given the distance between this proposed child care centre and the Hawkesbury-Nepean River system and the implementation of soil erosion and sediment controls measures in accordance with the requirements of Council’s Engineering Specifications, no issues will be encountered as part of this DA.

5.1.5 Penrith Local Environmental Plan (LEP) 2010

Permissibility

The site is situated within the Penrith Local Government Authority (LGA) and is subject to the provisions of the Penrith LEP 2010.

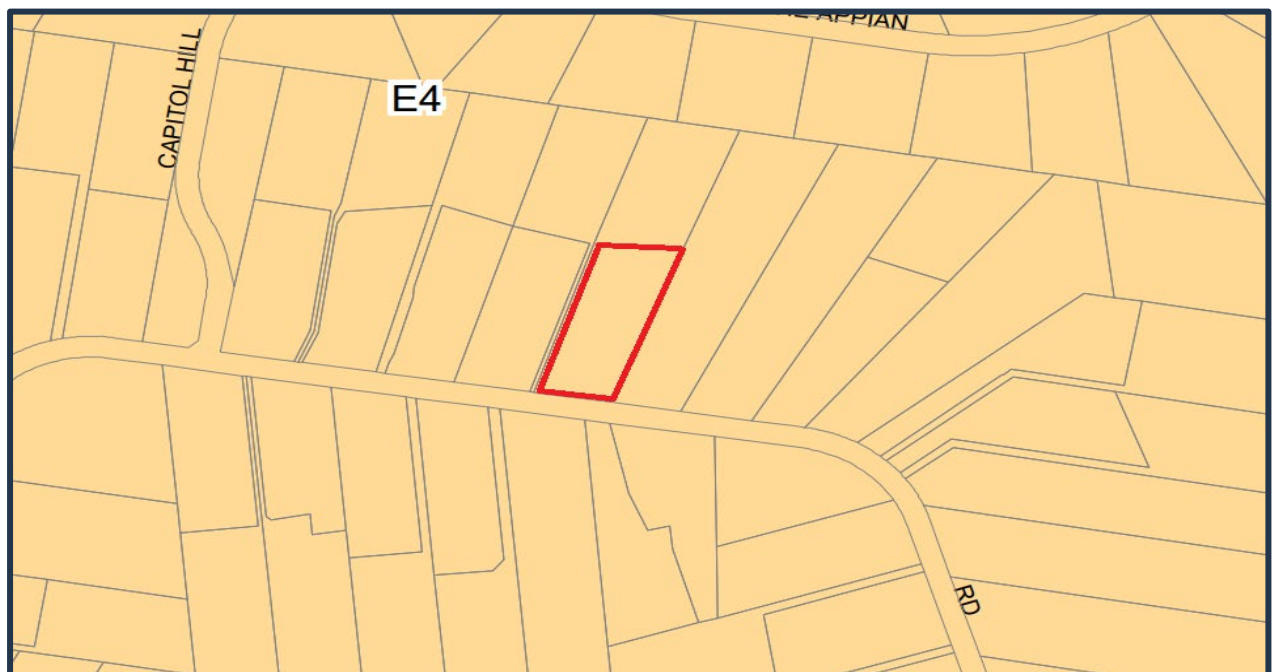


Figure 3: Land Zoning Map demonstrating the subject site as outlined in red (Source – PLEP).

The site is zoned E4 – Environmental living, under the provisions of the Penrith LEP. Centre-based child care facilities are permissible within the E4 zone.

Zone Objectives:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values;*
- *To ensure that residential development does not have an adverse effect on those values;*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones;*
- *To ensure land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land; and*
- *To preserve and improve natural resources through appropriate land management practices.*

Comment:

The proposal is consistent with the relevant objectives of the E4 zone in that the proposed development will provide a land use that is compatible with the site's characteristics and capabilities and will provide a service for the existing and future community.

Relevant Clauses

A full assessment against the relevant clauses of the Penrith LEP 2010 is provided in **Appendix C**.

5.1.6 Penrith Development Control Plan (DCP) 2014

The Penrith DCP (PDCP 2014) provides detailed provisions to supplement the Penrith LEP 2010. Part 5 of the Penrith DCP 2014 provides the specific controls for Child Care Centres within the Penrith LGA.

The proposal is consistent with the relevant controls of the Penrith DCP 2014, through the overall design of the child care centre, ensuring that minimal adverse impacts on neighbouring dwellings will result from this development. The built form of the child care centre is designed to complement the streetscape and will furthermore provide the community with a child care facility that responds to an increasing demand in the area.

An assessment of the proposal against the relevant development controls applying to the proposed development and site is provided in **Appendix D**.

5.2 Noise Impacts

An Acoustic Assessment has been prepared by Acoustic Logic (**Appendix F**), which details the potential noise impacts of the proposed development on surrounding land uses. Following the result of noise monitoring undertaken on site, the Acoustic Assessment provides a series of recommendations to ensure any adverse noise impacts on the adjoining properties are minimized.

The recommendations provided in the report have been included in the design and management of the development.

5.3 Social and Economic Impacts

The construction of the proposed development will bring with it a number of important environmental benefits for the local and wider community as outlined below.

- The development will provide a child care centre within an area where demands outstrips supply;
- Promote enhanced neighbourhood safety and security through casual surveillance generated by the presence of a permanent new development and activity within the site;
- Provide short-term economic benefits through construction expenditure and employment; and
- Positively complements the envisaged streetscape, character, amenity of the area.

5.4 Site Suitability

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

- The zoning of the site permits the proposed uses;
- The size and dimensions of the land are appropriate for accommodating the proposal;
- It will deliver a child care centre that positively responds to the streetscape and is compatible in size and siting with surrounding existing developments;
- The site is considered suitable for that development as it satisfies the need for an additional child care facility in the area; and
- It is consistent with the site-specific objectives and provisions of the Penrith Development Control Plan 2014 and Penrith Local Environmental Plan 2010.

5.5 Public Interest

The proposal will facilitate the development of the site by providing a new high-quality child care centre which achieves good design. It is in the public interest to reinforce the importance of this location for an additional child care centre. Generally, the proposal provides the following public benefits:

- The development has been designed that enhances and responds sensitively to its setting, creating a space that reflects the desired scale and significance of the immediate precinct;
- The proposed development provides a built form that presents as high-quality design that fits within the envisaged character of the area and responds to the site attributes and development controls applicable;
- The development is located on close proximity to range of planned services and amenities and;
- There are no significant adverse impacts on surrounding properties in terms of sunlight access, views, visual and acoustic privacy.

6.0 Conclusion

This proposal seeks approval for a proposed 96-place child care centre on land at 110-112 Mount Vernon Road, Mount Vernon.

The proposal is generally consistent with the relevant environmental planning instruments, including the Penrith Local Environmental Plan 2010 and the Penrith Development Control Plan 2014.

The proposed development has significant planning merit in the following respects:

- The scale, massing and height of the building is appropriate for the site and will complement the surrounding context; and
- There are no significant adverse impacts on the surrounding properties in terms of sunlight access, views, visual and acoustic privacy.

Having regard to the above, and in light of the relevant heads of consideration listed under Section 4.15 of the *Environmental Planning and Assessment Act, 1979* the proposal is reasonable and appropriate and warrants favourable consideration.



**A PUBLICATION BY
THE PLANNING HUB**

PH (02) 9690 0279

**SUITE 4, LEVEL 4,
35 BUCKINGHAM STREET,
SURRY HILLS, NSW 2010**

**INFO@THEPLANNINGHUB.COM.AU
WWW.THEPLANNINGHUB.COM.AU**