



## STATEMENT OF ENVIRONMENTAL EFFECTS

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Demolition of existing structures and construction of a two storey centre-based child care facility with basement parking.

170 Derby Street, Penrith

Prepared for: Montessori Academy Group Developments

Ref: M200179

DATE: 18 December 2020





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# 1. Introduction

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This Statement of Environmental Effects has been prepared for the applicant of the proposed development. The report is to accompany a development application to Penrith City Council seeking consent for demolition of existing structures on site and construction of a two storey centre-based child centre, with basement parking, at No.170 Derby Street, Penrith.

The centre will cater for 86 children between the ages of 0-6 years old, 14 staff and will provide 23 parking spaces within the basement level. The centre will operate from 7am to 6pm Monday to Friday. The centre will be closed on weekends.

The centre is to be operated by Montessori Academy. Montessori Academy is a leading and largest provider of Montessori early childhood education in Australia. They currently operate 30 child care services across Sydney, NSW, catering to children aged six weeks to six years. The educational framework is based on the Montessori philosophy of education, and the Australian Government's Early Years Learning Framework (EYLF).

A Plan of Management (POM) for the proposed Child Care Centre has been prepared in conjunction with the Architectural Plans prepared by Cullen Feng Architects and Acoustic Assessment Report provided by The Acoustic Group which seeks to reflect a reasonable agreement between the Centre Operators and the Council to minimise any adverse impact upon neighbours and to ensure a high standard of child care provision and management.

The purpose of this Statement is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of S.4.15 of the Environmental Planning & Assessment (EP&A) Act, 1979.

This Statement is divided into five sections. The remaining sections include a locality and site analysis; a description of the proposal; an environmental planning assessment; and a conclusion.





## 2. Site Analysis and Context

### 2.1 THE SITE

The site comprises a single allotment known as No. 170 Derby Street, Penrith. The site has a legal description of Lot 2 in DP 109053.

An aerial image of the site is shown below in Figure 1 below.



Figure 1 Aerial Image of the site (Source: Six Maps)

The site has a rectangular shape with a northern frontage to Derby Street of 23.645m, an eastern side boundary of 54.740m, a western side boundary of 52.285m, an a southern rear boundary of 23.655m. The site has a total area of 1,296m<sup>2</sup>.

The site has a gentle slope of approximately 2.6m from the rear south-western corner of the site to the street frontage (north-western corner). The site contains a single-storey brick and clad cottage with tile roof, which has a commercial use as medical consulting rooms. The site frontage comprises two driveway openings. At the eastern part of the frontage is a driveway providing Access to 7 parking spaces within the site frontage. At the western side of the site frontage is a second driveway providing access to a driveway that extends to the rear of the site and accommodates a further 3 cars in a tandem arrangement. A bus zone is located between the two driveway openings at the site frontage.





Photos of the site are shown at Figures 2 to 7 below.



Figure 2 Site frontage viewed from Derby Street



Figure 3 Site frontage viewed from Derby Street





Figure 4 Vehicular access adjacent to western side boundary of site



Figure 5 Garage located to the rear of site south of existing single storey building







Figure 6 Car park adjacent to eastern side boundary of site



Figure 7 Main entrance to existing building at site (used as a Psychology Centre)

## 2.2 SURROUNDING DEVELOPMENT

The surrounding area is characterised by one and two storey dwellings, townhouses and properties converted to alternative uses (dentist, health centre and the like). Immediately to the west is No.172 Derby Street which comprises a two storey detached dwelling. To the east is No.168 Derby Street which comprises a two storey townhouse complex, with two separate buildings to the front and rear with driveway hardstand and turning area between. Private open space to the front building is located along the eastern boundary and for the rear building is located along the rear southern boundary. To the rear (south), the subject site shares a boundary with No. 56 Evan Street (a detached dwelling with





shed close to shared boundary) and 23 Tornaros Avenue (villa complex). Opposite the site, across Derby Street at Nos.161 and 163 Derby Street are single storey buildings used as a medical centre and dental surgery respectively. No 163 Derby Street is a cottage with local heritage significance.

The site is approximately 200m north-west of Spence Park, 320m south west of Penrith High School and 1km (as the crow flies) south east of Penrith railway Station and CBD.

Photos of the surrounding area are shown below at figures 8 to 13 below:



Figure 8 No. 172 Derby Street (adjoining site to the west)



Figure 9 No. 168 Derby Street (adjoining townhouse at front of site to the east)





Figure 10 No. 168 Derby Street (adjoining townhouses at rear of site to east)



Figure 11 No 56 Evan Street (adjoining site to the south)





Figure 12 Nos. 21 and 23 Tornaros Avenue (adjoining site to the south)



Figure 13 No. 163 Derby Street (Heritage listed cottage opposite the subject site – occupied as dental surgery)



Figure 14 No. 161 Derby Street (opposite the site – occupied as medical centre)



Figure 15 Spence Park, approximately 200m south-east of the subject site.

### 2.3 CONNECTIVITY AND ACCESS TO PUBLIC TRANSPORT

A bus stop is located at the front of the site served by routes 774 (Mount Druitt to Penrith via Nepean Hospital), 775 (Swansea Heads to St Marys Gateshead), 776 (Mount Druitt to Penrith via St Clair) and 789 (Luddenham to Penrith).

# 3. Description of the proposal

## 3.1 PROPOSED DEVELOPMENT

The proposed development involves the demolition of the existing building on the site and construction of a new childcare centre. The proposal involves a basement below a two-storey childcare centre, and rear outdoor play areas at ground and first floor levels.

Two single width, one way driveways are proposed at either side of the frontage to enable forward egress and efficient basement circulation. Twenty-three (23) car parking spaces are provided, including one accessible space. Lift and stair access is provided between the basement and upper levels. A 21m<sup>3</sup> onsite stormwater detention tank is located below ground level. Basement parking is designed to be fully contained at basement level with forward egress possible due to sparse one-way vehicle ramps.

The front portion of the ground floor incorporates a lobby area, reception/admin space, meeting room, store, kitchen, laundry, pram storage, lift and stair access to the first floor. Waste store and services are also provided at this level. The rear portion of the ground floor includes 3x class rooms allocated to 0-2 years (16 children), 2-3 years x 2 classrooms (30 children in total). The 0-2 year room provides dedicated toilet facilities, a cot room and bottle preparation area. The two 2-3 year old classrooms have shared toilet facilities and nappy change, one room contains a store room. The outdoor play area for these classrooms directly adjoins these rooms within the ground floor rear yard area.

The first floor incorporates a staff room and two classrooms for 3-6 years (each with 20 children per room). The outdoor play area for these classrooms directly adjoins these rooms at the first floor which will incorporate landscape treatment and acoustic screening. The proposal incorporates the recommendations of the Acoustic Report prepared by *The Acoustic Group* accompanying the application.

In total, the proposal provides for 86 children and 14 staff, it provides above the requisite provision of unencumbered indoor and outdoor space per child, being 330m<sup>2</sup> and 647m<sup>2</sup> respectively.



Figure 16 Street Perspective of proposed development (Sheet DA05 – Architectural Plans)



## 3.2 LANDSCAPING

A Landscape Plan prepared by *Site Image* is submitted under separate cover and proposes appropriate planting including native species and canopy trees. Pedestrian access is provided at the centre of the site frontage via stairs and ramping. Other than pedestrian and vehicular access, the site frontage is landscaped with high quality vegetation.

The outdoor play areas have been designed to achieve the objectives of providing permeable landscaped area, a variety of surfaces and experiences for use by the children, the required shaded areas and retaining a residential scale and streetscape appearance.

Landscaping is provided at the front, rear and side boundaries. It was initially proposed to retain large mature trees in the rear yard. However, Council has encouraged that the development be lowered to enable better level access from the street. This requires lowering of the rear yard, which results in significant level changes which would harm the health of the trees or have unacceptable level change in the play area. As such it is not possible for the existing trees to be retained (as further discussed in the accompanying Arborist Report prepared by *Bradshaw Consulting Arborists*). High quality replacement planting including canopy tree species are proposed.

The landscaping plan identifies a range of play spaces and planting types at both the ground and first floor outdoor areas, including (but not limited to):

- Timber tepee with seating;
- Herb planters and mud kitchen;
- Totems/sensory poles;
- Boat themed timber fort, climbing frame and slide;
- Sandpits;
- Mound slide;
- Musical play elements and sensory screens;
- Artificial turf;
- Sensory path/bicycle track; and
- Peripheral planting

Excerpts from Landscape Plan prepared by *Site Image* (Ground Floor and Level 1) provided below at Figures 17 and 18.





Figure 17: Landscape Plan – Ground Floor (Sheet 101)

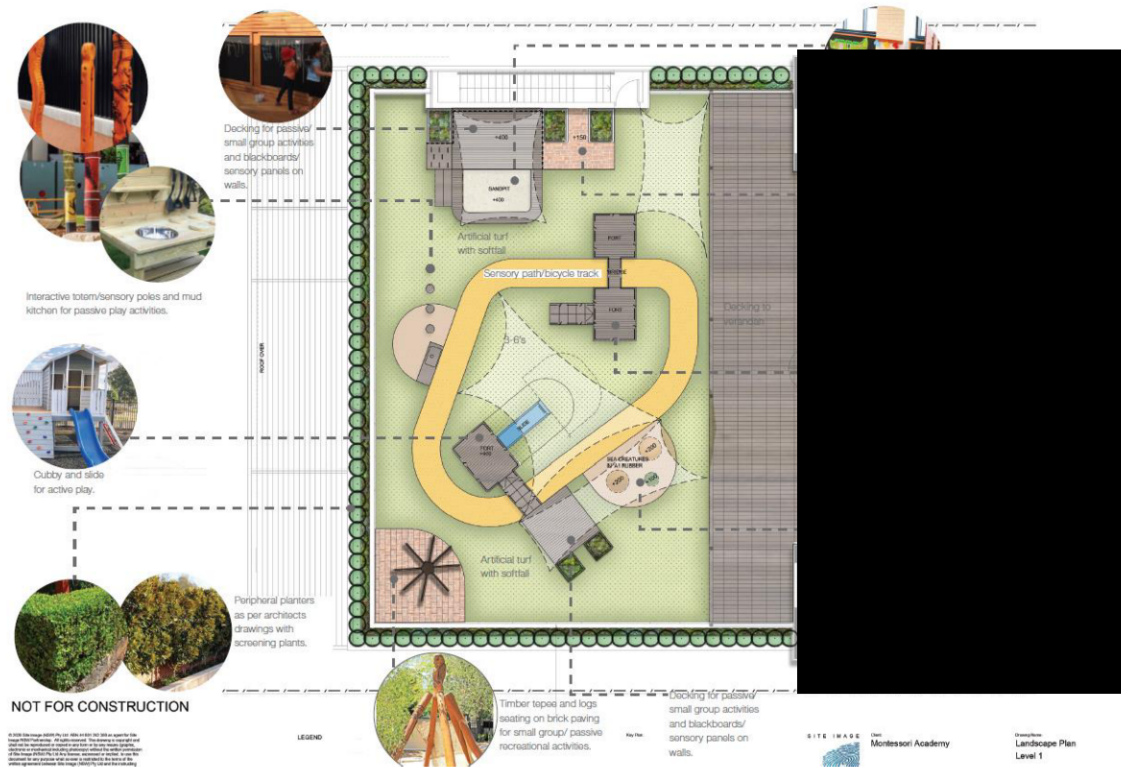


Figure 18: Landscape Plan – Level 1 (Sheet 102)





### 3.3 PRE-DA RESPONSE

A pre-DA meeting was held with Council on 22 September 2020 to discuss the development proposal. Two options were presented to Council for comment. A summary of Council's response with commentary is provided in Table 1 below:

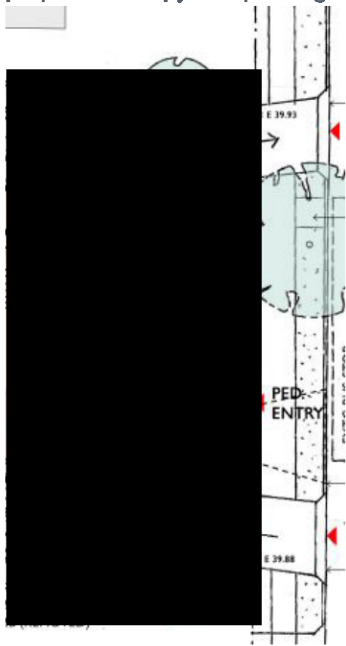
TABLE 1 - Penrith Pre-DA Meeting	
Summary of Council Comments	Response
<b>PLANNING</b>	
The proposal is overdevelopment. The front, side and rear setbacks are inconsistent with the surrounding area, with limited landscaping opportunities.	The development complies with the height, residential setback requirements and has been revised to provide additional landscaping in the front and side setbacks.
The built form, which is elevated relative to ground level, and includes an active upper floor use, does not appropriately relate to its topography and surrounding character and raises amenity concerns.	<p>The development has been reduced in height as follows:</p> <p>Basement RL 38.2 to RL 37.6 (600mm)            Ground floor RL 41.0 to RL 40.5 (500mm)            First floor RL 44.6 to RL 44.1 (500mm)</p> <p>The above amended levels significantly improves level access to the street.</p>
The proposed front setback within Option A removes existing trees and is dominated by driveways and extensive ramping with minimal landscaping provided which is inconsistent with the streetscape.	<p>The revised proposal increases landscaping and proposes canopy tree planting.</p> 

Figure 19 Pre-DA Option A frontage



**TABLE 1 - Penrith Pre-DA Meeting**

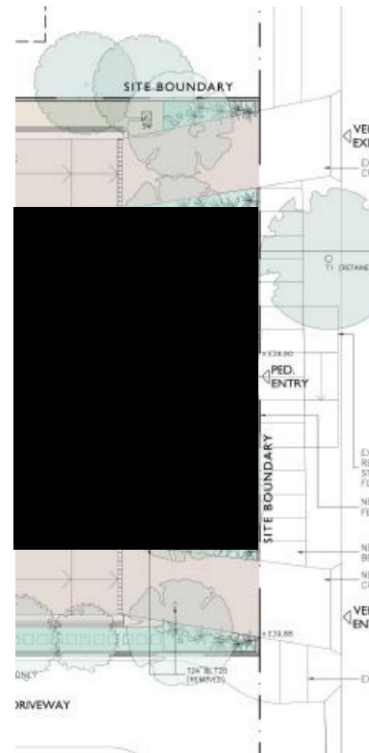


Figure 20 Revised proposal with reduced ramping and increased landscaping

<p>The chair lift alternative (Option B) removes the ramping however it is elevated, prominent, atypical in the area and raises accessibility concerns in practice, as discussed under the Building headline of this advice. This option is also inconsistent with the Guidelines which states that platform lifts be avoided in order to provide a continuous path of travel (C17).</p>	<p>A chair lift is no longer proposed.</p>
<p>In both options, the basement parking area protrudes above the ground level and, coupled with the raised finished floor level, the design will present an unacceptable visual bulk as viewed from the streetscape.</p>	<p>The basement level has been lowered by 600mm, per above so that it is entirely below ground level.</p>
<p>More cut than fill could be supported, particularly given the rear yard is generous and could thereby accommodate cut and allow for a gradual transition of levels without any streetscape impacts.</p>	<p>This advice has been adopted. Additional excavation is proposed which lowers the building height and basement depth.</p>
<p>The maximum permitted height is 8.5m whereas the proposal appears to reach 8.75m above natural ground level. Lowering the building could resolve both the streetscape presentation and the height standard variation.</p>	<p>The building height complies as confirmed by Architectural Plans denoting 8.5m HOB.</p>

**TABLE 1 - Penrith Pre-DA Meeting**

<p>It is acknowledged that two driveways exist at present on the site, although they will not be utilised precisely as they are, with one being re-located and all vegetation being removed. The proposed arrangement sets up the constrained landscape front setback. However, this dual arrangement can be considered subject to the incorporation of the amendments previously discussed which improve the remaining landscape potential and reduce the bulk and scale relative to the streetscape.</p>	<p>The redesigned scheme is considered to have incorporated Council's suggestions. Improved pedestrian access and landscaped treatment is now afforded to the site frontage and the dual driveway maintained.</p> <p>From a Traffic perspective, as detailed in the accompanying Traffic and Parking Impact Assessment prepared by <i>Varga Traffic Planning</i>, the vehicular access arrangements have been designed to accommodate the path requirements of the B99 design vehicles, as specified in AS2890.1: 2004 to enter and exit the site and circulate through the basement in a forward direction at all times.</p>
<p>The narrow width of the side setbacks at both the basement level and ground level does not allow for landscaping along boundaries as the Guideline's requires (C18). This design is also out of character in an area where at least one side setback is generous and landscaped areas are typically at least 2m wide.</p>	<p>Side setbacks have been increased to enable additional landscaping. An egress path is provided along the western side of the site with landscaping provided along the eastern side of the site, with stepping stones for garden access only.</p>
<p>Although both side setbacks are nominated for egress, Council's Certification Officer noted that only 1 setback is required for this purpose.</p>	<p>Egress is now provided along one side setback only.</p>
<p>The eastern side is of greater concern given there is no landscaping on the property to the east along the boundary leaving the built form rather exposed, noting that all boundaries shall be landscaped.</p>	<p>Additional landscaping is proposed.</p>
<p>Given the length of the upper floor is 22m, any upper floor screening could result in substantial visual amenity impacts and alter the built form and its relation to the surrounding area.</p>	<p>The built form is consistent with height and setback requirements and is no greater than 2 storeys in height.</p> <p>The extent of the acoustic screening is no more excessive than a two storey dwelling on the site, which would be possible under the current controls.</p>
<p>The rear setback at basement level encroaches upon the minimum 4.0m clear deep soil setback zone typically required in a residential context.</p>	<p>The rear basement setback has been increased from 2.7m to between 7.141m to 7.683m.</p>
<p>As five trees are proposed for removal, the question was raised as to whether there was room for replacements given said limitations to the rear setback and limitations to the front setback with a tree protection zone, two driveways, a pedestrian access path, and on-site detention (OSD).</p>	<p>Tree removal is addressed within the accompanying Arborist Report. Replacement planting is detailed in the Landscape Plan which includes 4x trees to the front and sides reaching mature height at 5, 6 and 8m and 3x trees to the rear yard (outdoor play areas) reaching mature height at 2 and 8m.</p>
<p>The Schedule of Materials and Finishes indicates that some dark coloured external surfaces are proposed. Given the Urban Heat Island effect experienced locally, consideration of Council's Cooling the City Strategy is</p>	<p>Finishes are shown on the architectural plans and include:</p> <ul style="list-style-type: none"> <li>- Warm grey and off white rendered walls;</li> <li>- Charcoal grey metalwork and lighter grey</li> </ul>

**TABLE 1 - Penrith Pre-DA Meeting**

required.	<ul style="list-style-type: none"> <li>roofing;</li> <li>- Timber look cladding;</li> <li>- Colorbond cladding;</li> <li>- Aluminium perforated screen;</li> <li>- Metal balustrade; and,</li> <li>- Timber lapped and capped fence.</li> </ul>
The application is to be accompanied by a detailed landscape plan, prepared by a suitably qualified landscape professional. The plan is to include details of all shade structures and fencing.	This has been prepared by <i>Site Image</i> and is submitted with the application.
<b>ENVIRONMENTAL MANAGEMENT</b>	
<p><b>Noise Impact</b> An Acoustic Report is required.</p>	An Acoustic Report prepared by <i>The Acoustic Group</i> is submitted with the application and recommendations incorporated into the design.
<p><b>Land Contamination/SEPP-55</b> Given the age of the building and the 'fibro shed' there is potential presence of Asbestos.</p>	A Detailed Site Investigation (DSI) and Hazardous Materials Report both prepared by <i>Geotechnical Consultants Australia</i> are submitted with the application.
<p><b>Waste Management</b> A Waste Management Plan (WMP) is to be provided.</p>	A WMP prepared by <i>Dickens Solutions</i> is submitted with the application.
<p><b>General Environmental Health Impacts</b> The environmental impacts associated with the construction and operational phases of the development will also need to be addressed, such as water quality, noise, dust, air quality and erosion and sediment control. This can be included in the SEE and appropriate plans that is to be provided to Council for review.</p>	These are satisfactorily addressed throughout this report and in the various supporting documentation submitted with the application.
<p><b>Fit Out Details</b> The internal architectural plans propose a kitchen for the childcare centre. Details should be provided of the kitchen fit out including milk preparation, especially for 0-2 year category fit out details of the bottle preparation area. The bottle preparation area will need to have its own sink and separate wash hand basin. Any bottle preparation area should be completely separate from the nappy change area and craft wash up area. Council requests a copy of the fit out plans referring to AS4674 and Food Safety Standard 3.2.3.</p>	<p>This has been noted in designing the internal layout. Refer to Architectural Plans submitted with application. Notably, bottle preparation areas are separate to nappy change and accommodate with separate sink.</p> <p>We consider a suitable condition can be imposed to ensure compliance with AS4674 and Food Safety Standards as prior to issue of a Construction Certificate.</p>
<p><b>Vegetation Management</b> Arboricultural Impact Statement is to be provided for the proposed works. The Report shall be written by an appropriately qualified AQF (Australian Qualification Framework) Level 5 Arborist and must not contradict any environmental assessment undertaken for this site.</p>	An Arborist Report prepared by <i>Bradshaw Consulting Arborists</i> is submitted with the application.
<b>ENGINEERING</b>	Please refer to Council Pre-DA letter for comments.

**TABLE 1 - Penrith Pre-DA Meeting**

	Engineering matters have been addressed in the revised application.
<b>STORMWATER</b>	<p>Please refer to Council Pre-DA letter for comments. Stormwater matters have been addressed in the revised application.</p> <p>It should be noted that the area below the porch has been converted to OSD.</p>
<b>TRAFFIC</b>	A Traffic and Parking Report prepared by <i>Varga Traffic Planning</i> is submitted with the application taking into account issues raised in Council's pre-DA advice..
<p><b>BUILDING</b></p> <p>A ramp is preferred over a platform lift.</p>	The platform lift has been removed and a smaller ramp provided. The ground level has been reduced in height to improve the access gradient and reduce length of ramp.
<b>WASTE</b>	A Waste Management Plan prepared by Dickens Solutions is submitted with the application taking into account issues raised in Council's pre-DA advice.



## 4. Environmental Planning Assessment

### 4.1 PREAMBLE

This section of the Statement provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 4.15 of the EP&A Act, 1979.

### 4.2 STATUTORY AND POLICY COMPLIANCE

The relevant matters for consideration under Section 4.15(1)(a) of the EP&A Act, 1979, are identified in the following Table:

Table 2 Section 4.15 Matters for Consideration				
EP & A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
S.4.15(1)(a)(i)	SEPP No.55 – Remediation of Land	✓	✓	
“	SEPP (Educational Establishments and Child Care Facilities) 2017	✓	✓	
“	SEPP No. 64 – Advertising and Signage	✓	✓	
“	SEPP (Vegetation in Non-rural Areas) 2017	✓	✓	
”	Penrith LEP 2010	✓	✓	
S.4.15(1)(a)(ii)	Draft Education SEPP	✓	✓	
S.4.15(1)(a)(iii)	Penrith DCP 2014	✓	✓	
S.4.15(1)(a)(iv)	Any other prescribed matter:- <ul style="list-style-type: none"><li>• Government Coastal Policy;</li><li>• AS 2601-1991: Demolition of structures.</li></ul>	✓		✓

The matters identified in the above Table as requiring specific comment are discussed below. The primary statutory documents that relate to the subject site and the proposed development are the SEPP (Educational Establishments and Child Care Facilities) 2017 and the Penrith Local Environmental Plan (LEP) 2010. The primary non-statutory document relating to the subject site and proposed development is Penrith Development Control Plan (DCP) 2014. The relevant provisions of these documents and other relevant planning controls are summarised below and the proposal's compliance with them assessed.

#### 4.2.1 SEPP No.55 – Remediation of Land

This State Environmental Planning Policy (SEPP) was gazetted on 28 August 1989 and applies to the whole State. It introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.



A Detailed Site Investigation (DSI) has been carried out at the site by *Geotechnical Consultants Australia* to ascertain if any contaminants are present on the site.

The DSI is submitted under separate cover and states:

*Based on historical aerial photos, the site has had the same main building in place since 1943. Based on the historical ownership, the site was used as a shop front in 1886, which shows that the site has not been used for any farming or industrial land uses.*

*No Asbestos Containing Material (ACM) was identified on the surface or throughout any of the drilling onsite, nor was any foreign material identified within the soil. Based on the age of the onsite structures it is assumed both have potential ACM, however only through a Hazardous Materials Survey (HMS) can this be confirmed.*

*Laboratory analysis of the soil samples indicate that the levels of TRH, BTEX and heavy metals were below the Health Investigation and Screening Levels for Residential Land Use A, which is the most appropriate and stringent for the proposed land use. Therefore, GCA finds that the site is suitable for the proposed development and land use, providing the recommendations within Section 10 of this report are undertaken.*

The report recommends:

- *Any soils requiring excavation, onsite reuse and/or removal must be classified in accordance with "Waste Classification Guidelines Part 1: Classifying Waste" NSW EPA (2014);*
- *All structures on the site should have a HMS conducted by a qualified occupational hygienist and/or environmental consultant for the site prior to any demolition or renovation works in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements;*
- *The demolition of any structures and excavation activity on site be undertaken in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements;*
- *A site specific 'Unexpected Finds Protocol' is to be made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.*
- *If any unexpected occurrence happens on the site, all work activity should be ceased temporarily and an environmental consultant should be notified immediately.*

The above recommendations can be incorporated into the development and secured by conditions of consent.

Furthermore, a Hazardous Materials Survey was carried out by *Geotechnical Consultants Australia* (report accompanies application) and no asbestos was identified at the site. As such, the development is acceptable and the site is suitable for the proposed development.

#### **4.2.2 SEPP (Educational Establishments and Child Care Facilities) 2017**

This State Environmental Planning Policy (SEPP) was gazetted on 1 September 2017 and applies to the whole State. The Education SEPP sets out a range of overarching controls and guidelines for centre-based child care facilities. Under the Education SEPP, a centre-based child care facility is defined as:

**centre-based child care facility** means:

*(a) a building or place used for the education and care of children that provides any one or more of the following:*

- (i) long day care,*

- (ii) occasional child care,
- (iii) out-of-school-hours care (including vacation care),
- (iv) preschool care, or

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

**Note.** An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include:

(c) a building or place used for home-based child care or school-based child care, or

(d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or

(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or

(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or

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

The proposed development meets the above definition. Part 3 of the Education SEPP sets out the provisions that apply to child care facilities. These requirements and the proposals performance against them are detailed in Annexure A of this Statement.

#### Child Care Planning Guidelines (August 2017)

The Education SEPP states that:

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

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

Therefore, 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'). 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 about how good design can maximise the safety, health and overall care of young children. A compliance table is provided at Annexure B which demonstrates the proposals level of compliance with the relevant controls.



#### 4.2.1 SEPP No. 64 – Advertising & Signage

The State Environmental Planning Policy No. 64 – Advertising and Signage was gazetted on 16 March 2001 and applies to all signage that can be displayed with or without development consent and is visible from any public space. The proposal includes the provision of business identification signage on the front building elevation fronting Derby Street which states ‘Montessori Academy’ as demonstrated in Figure 21 below.



Figure 21 Proposed signage (circled)

The relevant objectives set out in clause 3(1)(a) and the applicable assessment criteria specified in Schedule 1 of the Instrument have been addressed below in Table 3 in light of the proposed business identification signage.

Table 3 SEPP No. 64 Assessment		
Criteria	Requirement	Discussion
3(1)(a)	(a) to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish	The proposed signage (Montessori brand) is located at the frontage of the site on the upper level of the front facade. This signage elements will be understated and finished to complement the existing building.  The signage will be of a simple in design and will utilise prefabricated materials for a high quality finish which will not be obtrusive when viewed from the public domain.
1 Character of the area	• Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The signage is simple in appearance and is well coordinated. The proposed signage will be located on the front façade and will be limited in its overall size. The proposed sign is compatible with the land use envisaged in the zone.
	• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The locality of the area does not identify a particular theme for signage. The proposed sign is modest in scale and is compatible with the traditional facade. The sign is not visually intrusive as identified through this analysis.

**Table 3 SEPP No. 64 Assessment**

2 Special areas	<ul style="list-style-type: none"> <li>• 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?</li> </ul>	<p>The subject site is not situated within an environmentally sensitive area, heritage conservation area, open space area, or the like. The site is located within proximity to a General Conservation Area, however signage is business identification only, is modest and is not overbearing with regards to size, scale and materials.</p>
3 Views and vistas	<ul style="list-style-type: none"> <li>• Does the proposal obscure or compromise important views?</li> <li>• Does the proposal dominate the skyline and reduce the quality of vistas?</li> <li>• Does the proposal respect the viewing rights of other advertisers?</li> </ul>	<p>There are no significant views obtained from or through the site.</p> <p>The signage proposed will be situated below the line of the roof and will not impact the skyline in any significant way.</p> <p>The proposed signage will not comprise the viewing rights of other advertisers.</p>
4 Streetscape, setting or landscape	<ul style="list-style-type: none"> <li>• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</li> <li>• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</li> <li>• Does the proposal reduce clutter by rationalising and simplifying existing advertising?</li> <li>• Does the proposal screen unsightliness?</li> <li>• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</li> <li>• Does the proposal require ongoing vegetation management?</li> </ul>	<p>The proposed signage on the front facade is compatible with the locality through the proposed colours and style. The proposed sign is a simplified building identification.</p> <p>The proposal has been designed with intent to integrate and identify the site use without being visually obtrusive.</p> <p>The proposed signage scheme has been designed and is compatible with the façade. The design is simple and does not create any visual impact to the surroundings.</p> <p>The proposed signage provides a rational and effective means of communication and will not adversely impact streetscape character.</p> <p>The proposed signage will ensure that the appearance of the development is of high quality. The proposed signage provides identification to a child care use and will not appear as unsightly or obtrusive.</p> <p>The signage is affixed to the facade and is situated below the line of the roof and will not extend above any buildings, structures or trees in the locality.</p> <p>The proposed signage will not require any ongoing vegetation management.</p>
5 Site and building	<ul style="list-style-type: none"> <li>• Is the proposal compatible with the scale, proportion and other characteristics of the site or</li> </ul>	<p>The signage is designed to complement the building.</p>

**Table 3 SEPP No. 64 Assessment**

	building, or both, on which the proposed signage is to be located?	
	• Does the proposal respect important features of the site or building, or both?	The signage scheme in combination with the façade proposed will retain the aesthetic qualities of the building.
	• Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage scheme is of a simple design and utilises emerging technologies for a high quality finish.
6 Associated devices and logos with advertisements and advertising structures	• Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No lighting proposed for signage.
7 Illumination	• Would illumination result in unacceptable glare?	No lighting proposed.
	• Would illumination affect safety for pedestrians, vehicles or aircraft?	No lighting proposed.
	• Would illumination detract from the amenity of any residence or other form of accommodation?	No lighting proposed.
	• Can the intensity of the illumination be adjusted, if necessary?	No lighting proposed.
	• Is the illumination subject to a curfew?	No lighting proposed.
8 Safety	• Would the proposal reduce the safety for any public road?	The proposed signage is modest in terms of scale and design. No lighting is proposed.
	• Would the proposal reduce the safety for pedestrians or bicyclists?	As above.
	• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will have no impact to the sightlines for pedestrians (including children) or vehicles.

**4.2.2 Draft Education SEPP**

The Department of Planning, Industry and Environment is exhibiting an Explanation of Intended Effect (EIE) for a reviewed State Environmental Planning Policy (SEPP) that aims to improve the operation, efficiency and useability of



the current Education SEPP 2017 that will support the delivery of education infrastructure. This will allow the education and child-care providers to build high quality facilities to meet the demands of the community.

The following amendments to the Education SEPP (as detailed per the EIE) include:

- *clarify existing provisions to better reflect the policy intent,*
- *facilitate ongoing assessment commensurate with impacts and capital investment values,*
- *update organisation names, definitions and legislation references,*
- *introduce measures to support two-storey buildings being development without consent, without changing car parking or student number limits,*
- *increase the capital investment value trigger for new schools and alterations and additions to existing schools and tertiary institutions to better reflect the nature and impact of these developments,*
- *include hours of operation for the use of school-based child care in the exempt development pathway,*
- *clarify investigations, including geotechnical and other testing, surveying and sampling as exempt development,*
- *extend the timeframe for short-term portable classrooms under the exempt development pathway from 24 months to 48 months,*
- *update provisions to prevent child care centres within close proximity of each other, in low density residential zones (R2),*
- *provide clearer guidance on evacuation considerations for child care centres and references to the National Construction Code,*
- *provide a clearer planning pathway for student housing to be built on existing schools, universities and TAFE sites,*
- *provide an opportunity for innovation hubs for commercial uses to be permitted on existing tertiary institution sites.*

The Explanation of Intended Effect (EIE) ends exhibition on 17 December 2020. The specific legislation detailed in the amended Education SEPP has not been released and there are no relevant matters for consideration in draft form. As such, no further consideration is required at this stage.

#### **4.2.3 SEPP (Vegetation in Non-rural Areas) 2017**

The Vegetation SEPP commenced on 25 August 2017 and applies to the site. The SEPP replaced clause 5.9 of FLEP 2013, which related to the preservation of trees and vegetation. The aims of this Policy are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The site is not identified on Council's mapping system to contain any species of significance and is therefore acceptable in regard to the SEPP.

#### **4.2.4 Penrith LEP 2010**

Penrith LEP 2010 (PLEP 2010) applies to the subject site. Under the LEP the subject site is located within the R3 – Medium Density Residential zone. *Centre-based child care facilities* are permissible in this zone. Accordingly, the proposed development is permissible with consent.



The objectives of the R3 zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a concentration of housing with access to services and facilities.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To ensure that development reflects the desired future character and dwelling densities of the area.*

The proposal is consistent with these objectives, as the proposed childcare centre provides a service that meets the day to day needs of families residing in the area. The proposal will enhance the essential character and identity of the residential area by being a compatible design and ensures a high level of residential amenity is maintained through suitable design and landscape treatment.

An assessment of the proposal is provided within the in the LEP compliance table located at Annexure C of this report and demonstrates that the proposal complies with all relevant LEP controls.

#### **4.2.5 Penrith DCP 2014**

The relevant provisions of Penrith DCP (PDCP 2014) are detailed at Annexure D of the report and generally relates to Chapter 5.2 (Child care centres) in Part D5 (Other Land Uses) of the DCP. The proposal has been designed to comply with the requirements of the DCP or acceptable on merit as discussed in table.

### **4.3 IMPACTS ON NATURAL & BUILT ENVIRONMENT**

#### **4.3.1 Topography & Scenic Impacts**

The site is historically developed and the surrounding area is residential in nature. The site does not contain any substantial topographical or scenic features. The proposed excavation will have no significant adverse impact on the natural ground level outside of its footprint.

The proposed development complies with the building height and floor space ratio development standards application to the site pursuant to the LEP and results in a form of development that is appropriate to the site, compatible with the area and will therefore have acceptable topographical and scenic impacts.

#### **4.3.2 Micro-climate Impacts**

The proposed development will have no significant impact on the micro-climate of the locality.

#### **4.3.3 Water & Air Quality Impacts**

The proposed development will not have any significant or unreasonable impacts on air or water quality in the locality. The completed project will be connected to the sewer and stormwater drainage system to Council's requirements.

#### **4.3.4 Flora & Fauna Impacts**

A Landscape Plan prepared by *Site Image* is submitted under separate cover demonstrating proposed integrated child care centre suitable landscape scheme for the site. As identified within the accompanying Arborist Report prepared by Bradshaw Consulting Arborist, a total of 23 trees have been considered. This includes:

- 4x Exempt trees (within 3m of external wall of building) – supported for removal
- 3x weed species – supported for removal



- 4x trees inappropriate for child care centres per DCP – supported for removal
- 2x trees on neighbouring properties – to be retained and protected
- 6x tree with very low or low retention value – supported for removal
- 1x being a self-sown semi mature sapling – supported for removal
- 2x trees – conflict with the proposal due to soil level – recommended for removal

The Brush box tree listed on the site plan in Council road reserve has been removed by Council after the site survey was completed.

At pre-DA stage, it was intended to retain Tree 4. Previously there was chance of retaining the tree and accommodating some level differences in the playground – however following request by Council to push the building lower to achieve a reduced access solution in front garden and cut more into the ground at the rear, the consequence is the existing tree in the rear garden cannot be realistically be retained.

The level difference is approximately 1.4m between the NGL and proposed level of the outdoor area. To retain tree T4, the surrounding ground level will have to be retained approx. 1.4m higher than the proposed outdoor level.

As the tree falls within 0-2's and 2-3's outdoor play area, large level difference/terracing is not be achievable to negotiate this level change. The tree roots may suffer over time and the tree may be impacted due to lowering the surrounding ground levels and is unlikely to survive. Instead, quality replacement trees have been provided within the landscape design. This alternative outcome is supported by the accompanying Arborist Report.

The plan incorporates high quality landscaping including a range of native shrubs, grasses, hard and soft surfaces and will replacement canopy tree planting. Trees on neighbouring sites will be retained and protected. Overall, the proposed Landscape scheme, incorporating suitable replacement trees screening vegetation to side boundaries, quality shrubs, grasses and ground covers is a highly integrated landscape improvement for the site, compatible with the area and suitable to the proposed child care centre use.

#### **4.3.5 External Appearance & Design**

The proposed development is for a two storey and basement, contemporary built form which is compatible with the residential character of Derby Street.

The proposed setbacks are consistent with the adjoining properties and high quality landscaping will be provided to further soften the appearance of the streetscape.

The pitched and recessive roof form is reflective of the residential character of the street and incorporates flush solar panels facing the street. To further contribute to the residential character, the development includes a covered porch structure at ground floor level, these are cues from the heritage item at No.163 Derby Street (across the road) and on other nearby buildings.

The proposed palette of materials includes brickwork with warm/grey and off white render, standing seam roofing/wall cladding, timber cladding, light bronze perforated screening which is compatible with the style of residential properties seen in the wider area (refer to Figure 22 below).

Overall, the proposed development reads as a high quality development which is residential in style and therefore consistent and compatible with the residential nature of the area.





Figure 22 Proposed Materials and Finishes Palette



Figure 23: Street Perspective of proposed development (Sheet DA05 – Architectural Plans)

#### 4.3.6 Solar Access

Shadow diagrams are submitted with the application under separate cover and demonstrate the shadow impact of the proposed development at 9am, 12pm and 3pm at midwinter.

Given that the height and building envelope are compliant, there are no significant or unacceptable overshadowing impacts resulting from the development. Only minor additional shadow is cast over the garden of No.172 at 9am and to the driveway of No.168 Derby Street at 3pm.

In terms of solar access to adjoining development, guidance is taken from Part D2 of Penrith DCP. Section 2.1.6 relates to Solar Planning relevant to single dwellings. Controls under B1 require the following:

*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;*

*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.*



Given the north-south orientation of the site, the proposed development will comply with each of the above controls, with:

- No impact to No. 172 (west) between 12noon and 3pm, achieving 3 hours solar access to dwelling and private open space.
- No impact to No. 168 (east) between 9am and 12noon, achieving 3 hours solar access to dwellings and private open space.
- No impact to rear adjoining properties 56 Evan Street, 21 and 23 Tornaros Avenue (south), achieving full solar access to dwelling and private open space between 9am and 3pm in mid-winter.

The National Regulations (as contained within the Child Care Planning Guidelines) proscribes the following in terms of solar access:

*Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year.*

The main play space is located at the rear (south) of the site, with secondary space provided at rear first floor level. As such excellent solar access to play areas. Controlled exposure to daylight access is achieved through time managing outdoor play times and considered shading provisions (demonstrated on the Landscape Plans and Architectural Plans submitted under separate cover).

#### **4.3.7 Views**

There are no significant views of iconic buildings, natural landscape or otherwise afforded from the site or from buildings in the immediate vicinity of the site. The proposal is of a scale and form reasonably expected at the site and will not result in any significant or unreasonable view loss impacts.

#### **4.3.8 Aural & Visual Privacy**

The proposed centre-based child care facility will provide 86 childcare places and seeks approval for hours of operation from 7am to 6pm Monday to Friday.

An Acoustic Report has been submitted with the applications under separate cover. These recommendations have been incorporated into the architectural plans and it is anticipated that Council will impose appropriate conditions of consent to this effect.

With respect to the noise emitted from the classrooms, the report states:

*'The external door/windows of the classrooms are required to be closed when the noisy activities (such as music/singing, indoor play etc) are occurring in the classrooms. In addition, the classrooms for 2 to 3 year old are required to have acoustic absorption to 50% of the ceiling with an NC of not less than 0.7'*

The report provides a matrix of the maximum capacity, types of activities and combination of outdoor play areas that can operate simultaneously (Refer to Figure 24 below).





Scenario	0-2 years	2-3 years	3-6 years
	Outdoor Play Area	Outdoor Play Area	Outdoor Play Area
1	16 children	30 children (passive)	40 children (passive)
2	-	15 children (active)	20 children (passive)
3	-	30 children (passive)	20 children (active)
4	-	-	40 children (active)

Figure 24: Matrix of Outdoor Play Area Operations (Source: The Acoustic Group Report 50.5426.R1A: MCC, dated 2/11/20)

In terms of noise emission for the outdoor play areas, the following physical noise controls are recommended by the report:

- *The barriers on the eastern, southern and western sides of the rear yard are to have a vertical barrier that is 1.8m above the natural ground level of the adjoining residential premises and of solid construction with no gaps (such as lapped and capped timber or precast concrete);*
- *The southern side of the outdoor play area for 3 to 6 year old children (on the Level 1 rear deck) is to have a barrier with a height of 1.6m above the deck (i.e. RL of 45.9m);*
- *The eastern and western sides of the outdoor play area of 3 to 6 year old children are to have vertical barriers with a height of 2.1m above the deck (i.e. RL of 46.5m). The 2.1m high barrier extends from the rear façade of the Childcare Centre building for 5m. From that point onwards the barrier can taper down to 1.6m at the southern end of the outdoor play area.*
- *The level 1 plan drawing (drawing no. DA08) identifies the eastern, southern and western sides of the outdoor play area of 3 to 6 year old children (on the level 1 rear deck) to have masonry planter boxes. The required barrier heights for this outdoor play area are to be achieved by installed glazed panels (minimum thickness of 6.38mm laminated) above the masonry planter boxes.*

The report concludes that with the noise control measures specified the childcare centre can be built and operated to satisfy the various acoustic criteria applicable to the development.

Windows facing side boundaries are limited and do not overlook private open space or directly oppose adjoining windows. The Level 1 play area will be screened appropriately to ensure overlooking and acoustic impact are minimised. The rear outdoor ground level play area will be surrounded by 1.8m high fencing to preserve residential amenity.

As such, the proposal is considered acceptable in terms of aural and visual privacy impacts on adjoining development and the amenity of future residents.

#### 4.4 ECONOMIC & SOCIAL IMPACTS

The proposed development will result in an increase in available child care places in the locality. The proposal addresses a shortage of child care places within the locality as recognised by Montessori Academy and offers an alternate facility if necessary for waiting periods. The subject site enjoys good access to commercial services, local schools and public transport routes. The proposed development will utilise existing infrastructure including electricity, sewer, water and telecommunication services.

Undertaking the demolition and construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects. Accordingly, it is considered that the proposed development is likely to have only positive social and economic impacts in the locality.



## 4.5 THE SUITABILITY OF THE SITE

### 4.5.1 Access to Services

The site is within an established residential area and is currently provided with electricity, telephone, water and sewerage services.

### 4.5.2 Parking and Access

Part C10 of the DCP states a parking rate of 1 space per 10 children and 1 space per employee. The centre caters for 86 children and 14 staff and as such 23 spaces are required which have been provided on site. A Traffic and Parking Impact Assessment Report prepared by *Varga Traffic Planning* has been submitted with the application.

The report concludes that the proposal is fully supportable as it complies with requisite parking, the geometric layout of the proposed car parking facilities has been designed to comply with the relevant requirements specified under AS2890.1:2004. The vehicular access arrangements have been designed to accommodate the swept turning path requirements for B99 design vehicles under AS2890.1: 2004, allowing them to enter and exit the site and circulate the basement in a forward direction at all times. The traffic generation of the proposed development will not result in any detrimental impact to the performance of the intersections surrounding the site.

### 4.5.3 Hazards

As the site is not in an area recognised by Council as being subject to landslip, flooding or bushfire or any other particular hazards. The proposed development is not likely to increase the likelihood of such hazards occurring and is considered appropriate in this instance.

## 4.6 THE PUBLIC INTEREST

The proposal is considered to be compatible with existing development and will provide a balance between protecting residential amenity and the natural environment, and providing additional childcare places in the locality.

The proposal complies with the development standards and objectives contained within the SEPP (Educational Establishments and Child Care Facilities) 2017, Penrith LEP 2010 and adequately responds to the parking provisions of the Penrith DCP 2014.

The proposal will increase the capacity of an existing high quality child care centre in the locality and will have minimal adverse impacts on the natural and built environment. Accordingly, the proposed development is considered to be in the public interest.





## 5. Conclusion

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The impact of the proposed development has been assessed in accordance with the provisions of Section 4.15 of the EP&A Act, 1979 and found to be satisfactory. The proposal is permissible with consent under Penrith LEP 2010 and complies with the aims and objectives of the LEP.

The design and external appearance of the proposal is appropriate to the character of the locality. The proposal does not impact on views, privacy or solar access of neighbouring properties and will have no significant impact on the topography, micro-climate, air or water quality of the locality. Acoustic impacts will be minimised through implementation of mitigation measures as outlined in the acoustic report.

The site is suitable for a child care centre and will generally have acceptable environmental, social and economic impacts on the immediate area. The proposal is unlikely to result in adverse impacts on the amenity of the locality and accordingly, the proposal is considered to be in the public interest and worthy of Council's support.



## Annexure A

### SEPP (Educational Establishments and Child Care Facilities) 2017 -

### Compliance Table



SEPP (Educational Establishments and Child Care Facilities) 2017 - Compliance Table

Clause / Control	Requirement	Proposal	Complies?
Part 3 Early education and care facilities – specific development controls			
<p>22 Centre-based child care facility— concurrence of Regulatory Authority required for certain development</p>	<p>(1) This clause applies to development for the purpose of a centre-based child care facility if:</p> <p>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or</p> <p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</p> <p>(2) The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.</p> <p>(3) The consent authority must, within 7 days of receiving a development application for development to which this clause applies:</p> <p>(a) forward a copy of the development application to the Regulatory Authority, and</p> <p>(b) notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.</p> <p>(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW).</p>	<p>The proposal complies with this requirement. See the Child Care Planning Guideline compliance table at Annexure B.</p> <p>As above.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>

SEPP (Educational Establishments and Child Care Facilities) 2017 - Compliance Table

	<p>(5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subclause (3). Note. The effect of section 4.13 (11) of the Act is that if the Regulatory Authority fails to inform the consent authority of the decision concerning concurrence within the 28 day period, the consent authority may determine the development application without the concurrence of the Regulatory Authority and a development consent so granted is not voidable on that ground.</p> <p>(6) The consent authority must forward a copy of its determination of the development application to the Regulatory Authority within 7 days after making the determination.</p>	<p>Not applicable.</p> <p>Not applicable.</p>	<p>N/A</p> <p>N/A</p>
23 Centre-based child care facility— matters for consideration by consent authorities	Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.	Refer to the Child Care Planning Guideline compliant table at Annexure B.	Yes
25 Centre-based child care facility—non-discretionary development standards	<p>(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</p> <p>(2) The following are non-discretionary development standards for the purposes of section 4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:</p> <p>(a) location—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) indoor or outdoor space</p>	<p>Noted.</p> <p>Complies.</p>	<p>-</p> <p>Yes</p>

SEPP (Educational Establishments and Child Care Facilities) 2017 - Compliance Table

	<p>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>(d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p> <p>(3) To remove doubt, this clause does not prevent a consent authority from:</p> <p>(a) refusing a development application in relation to a matter not specified in subclause (2), or</p> <p>(b) granting development consent even though any standard specified in subclause (2) is not complied with.</p>	<p>Complies. Refer to Child Care Planning Guideline at Annexure B.</p> <p>Complies.</p> <p>N/A – The site is not a heritage item and is not within a heritage conservation area.</p> <p>Noted.</p> <p>Noted.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>-</p> <p>-</p>
26 Centre-based child care facility—	<p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the</p>	<p>Noted.</p>	<p>-</p>



### SEPP (Educational Establishments and Child Care Facilities) 2017 - Compliance Table

development control plans	<p>like, of children) does not apply to development for the purpose of a centre-based child care facility:</p> <ul style="list-style-type: none"><li>(a) operational or management plans or arrangements (including hours of operation),</li><li>(b) demonstrated need or demand for child care services,</li><li>(c) proximity of facility to other early education and care facilities,</li><li>(d) any matter relating to development for the purpose of a centre-based child care facility contained in:<ul style="list-style-type: none"><li>(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or</li><li>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</li></ul></li></ul> <p>(2) This clause applies regardless of when the development control plan was made.</p>	Noted.	-
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## ANNEXURE B

### Child Care Planning Guideline – Compliance Table





Child Care Planning Guideline			
Clause / Control	Requirement	Proposal	Complies?
3. Matters for consideration			
3.1 Site selection and location	C1 For proposed developments in or adjacent to a residential zone, consider:	The site is within the R3 Medium Density Residential zone.	Yes
	• the acoustic and privacy impacts of the proposed development on the residential properties	An acoustic report is provided and measures incorporated to minimise acoustic impacts. Privacy has been considered during the design process	Yes
	• the setbacks and siting of buildings within the residential context	The DCP does not prescribe setbacks for child care centres, however, the proposed development is consistent with the setbacks of the properties on either side of the site and the required setbacks for residential development.	Yes
	• traffic and parking impacts of the proposal on residential amenity.	A Traffic Report is submitted with the development application.	Yes
	C2 When selecting a site, ensure that:	Childcare centres are a common feature within R3 – Medium Density Residential zone and is a permissible form of development. Acoustic and traffic reports have been submitted with the application to identify and recommend mitigation to ensure compatibility with the surrounding uses.	Yes
	• the location and surrounding uses are compatible with the proposed development or use	There are no risks such as flooding, land slip, bushfires or coastal hazards on the site.	Yes
	• the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards	The site appears to have a history of residential use. As such it is unlikely that there are any potential environmental contaminants on the land. Both a DSI and Hazardous Materials Survey is submitted with the application.	Yes
	• there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed	The proposal provides for the required indoor and outdoor areas and allows suitable setbacks to adjoining properties. Appropriate landscaping and deep soil areas are also provided.	Yes
• the characteristics of the site are suitable for the scale and type of development proposed having regard to:	Four shared boundaries with residential properties.	Yes	
- size of street frontage, lot configuration, dimensions and overall size			
- number of shared boundaries with residential properties			



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	<ul style="list-style-type: none"> <li>- the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</li> <li>• where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use</li> <li>• there are suitable drop off and pick up areas, and off and on street parking</li> <li>• the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</li> <li>• it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</li> </ul>	<p>The development will have no adverse environmental impacts.</p> <p>N/A</p> <p>Drop off is not typical of this type of centre. Rather, carers will park within the basement and sign in children. In addition there is unrestricted parking on the street.</p> <p>Derby Street is a local road.</p> <p>N/A – the area is residential in nature.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
	<p>C3 A child care facility should be located:</p> <ul style="list-style-type: none"> <li>• near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> <li>• near or within employment areas, town centres, business centres, shops</li> <li>• with access to public transport including rail, buses, ferries</li> <li>• in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.</li> </ul>	<p>The site is located 240m west of Spence Park, approximately 400m south east of St Nicholas Myra Primary School, 600m south east of Penrith City Centre and 1km south east of Penrith Train station.</p> <p>The site is immediately opposite a bus stop served by routes 774 (Mount Druitt to Penrith via Nepean Hospital), 775 (Swansea Heads to St Marys Gateshead), 776 (Mount Druitt to Penrith via St Clair) and 789 (Luddenham to Penrith).</p>	<p>Yes</p>
	<p>C4 A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <li>• proximity to: <ul style="list-style-type: none"> <li>- heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>- LPG tanks or service stations</li> <li>- water cooling and water warming systems</li> </ul> </li> </ul>	<p>The site is located in a residential area and is not in proximity to any such hazards or uses.</p>	<p>Yes</p>



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	- odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses.		
3.2 Local character, streetscape and the public domain interface	<p>C5 The proposed development should:</p> <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> <li>• use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>• integrate car parking into the building and site landscaping design in residential areas.</li> </ul>	The centre has been designed to complement the residential setting, provides suitable setbacks to adjoining properties, will provide landscaping visible from the street and parking is provided on site at basement level.	Yes
	<p>C6 Create a threshold with a clear transition between public and private realms, including:</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 measure and connection between the facility and the community</li> <li>• integrating existing and proposed landscaping with fencing.</li> </ul>	<p>Fencing will ensure the safety and security of children.</p> <p>The design provides windows overlooking Derby Street.</p> <p>Refer to Landscape Plan.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	Vehicular and pedestrian entrances are separated.	Yes
	<p>C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation</p>	Refer to Landscape Plan.	Yes



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	area front fencing should be designed in accordance with local heritage provisions.		
	C10 High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	Not applicable.	NA
3.3 Building orientation, envelope and design	<p>C11 Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> <li>- facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</li> <li>- placing play equipment away from common boundaries with residential properties</li> </ul> </li> <li>- locating outdoor play areas away from residential dwellings and other sensitive uses</li> </ul> <p>• optimise solar access to internal and external play areas</p> <p>• avoid overshadowing of adjoining residential properties</p> <p>• minimise cut and fill</p> <p>• ensure buildings along the street frontage define the street by facing it</p> <p>• ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</p>	<p>Windows to the side and rear boundaries are limited in number and size and are not located directly opposing private open space or windows. Acoustic screening proposed has been informed by the acoustic consultant. Please refer to the acoustic report (submitted under separate cover) for further details on physical acoustic treatment.</p> <p>The development has been designed to minimise amenity impact on adjoining residential uses informed by Acoustic Consultant advice and design inclusions. The proposed outdoor play areas are designed to minimise adverse amenity impacts on adjoining properties through landscaping, siting and acoustic treatment. Please refer to the landscape plans and architectural plans for further details.</p> <p>Site orientation dictates solar access with play spaces being located to the rear ground and first floor level (south facing part of the site). However, they will receive a suitable level of solar access.</p> <p>North-south allotment pattern ensures no detrimental impacts on adjoining properties.</p> <p>Complies. The proposal orientates to Derby Street Complies.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	C12 The following matters may be considered to minimise the impacts of the proposal on local character:		



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	<ul style="list-style-type: none"> <li>• building height should be consistent with other buildings in the locality</li> </ul>	The building is two storeys in height (above basement) and is compliant with the 8.5m LEP height limit. This is consistent with surrounding development.	Yes
	<ul style="list-style-type: none"> <li>• building height should respond to the scale and character of the street</li> </ul>	As above.	Yes
	<ul style="list-style-type: none"> <li>• setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> </ul>	The proposed setbacks allow for adequate privacy and separation and are consistent with DCP requirements.	Yes
	<ul style="list-style-type: none"> <li>• setbacks should provide adequate access for building maintenance</li> </ul>	Complies.	Yes
	<ul style="list-style-type: none"> <li>• setbacks to the street should be consistent with the existing character.</li> </ul>	The proposed setbacks is consistent with the predominant building line and is consistent/compatible with the setback controls for dwellings.	Yes
	C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	The proposal complies with dwelling house front setback control which requires 5.5m or the average of the adjoining properties. The proposed development has a 5.7m setback.	Yes
	C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	The proposal complies with dwelling house setback controls as outlined above.	Yes
	<p>C15 The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> <li>• respects and responds to its physical context such as adjacent built form, neighbourhood 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 neighbourhood including identified heritage items and conservation areas</li> </ul>	<p>The building has the scale, height and form of a dwelling house and will respond to the neighbourhood character</p> <p>Appropriate materials are provided to contribute to the places' identity.</p> <p>It is necessary to remove trees as a result of site modification to provide acceptable ground level access from the street. High quality replacement canopy tree planting is proposed.</p> <p>The site is not a heritage item, is not near any heritage items and is not within a heritage conservation area.</p>	<p>Yes</p> <p>Yes</p> <p>Acceptable on merit</p> <p>Yes</p>



Child Care Planning Guideline			
	<ul style="list-style-type: none"> <li>• responds to its natural environment including local landscape setting and climate</li> </ul>	The development does not adversely alter the natural ground level outside of the building footprint and high quality landscaping is provided. The rear play areas will be appropriately shaded due to southern aspect.	Yes
	<p>C16 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> <li>• in a mixed-use development, clearly defined and separate from entrances to other uses in the building.</li> </ul>	The main entry is from Derby Street.	Yes
	<p>C17 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><i>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</i></p>	<p>Accessible path of travel is provided from the street. A lift is provided to access the upper level and basement.</p> <p>Prams and wheelchairs will be able to access all parts of the site.</p> <p>A continuous path of travel to and within the building is possible via the lifts provided.</p> <p>Ramping is minimised.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.4 Landscaping	<p>C18 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</p>	Landscaping is provided to the front, side and rear boundaries – a Landscape Plan has been submitted with the application.	Yes



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	<ul style="list-style-type: none"> <li>• reflecting and reinforcing the local context</li> <li>• incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</li> </ul>		
	<p>C19 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> <li>• planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</li> <li>• taking into account streetscape, local character and context when siting car parking areas within the front setback</li> <li>• using low level landscaping to soften and screen parking areas.</li> </ul>	NA. Car parking is provided at basement level.	NA
3.5 Visual and acoustic privacy	C20 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	N/A – not a mixed use development.	N/A
	<p>C21 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitably locating pathways, windows and doors</li> <li>• permanent screening and landscape design.</li> </ul>	<p>Side and rear facing windows are limited in size and number, comprising highlight and vertical slot windows where the development faces an adjoining residential lot. Noting these do not adjoin private open space or oppose windows.</p> <p>Acoustic screening and boundary fencing will also provide visual privacy for the site and to surrounding neighbours.</p>	Yes
	<p>C22 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitable location of pathways, windows and doors</li> <li>• landscape design and screening.</li> </ul>	As above. The development is a two storey development which is set away from adjoining residential developments and has a consistent front setback. The child care centre will not directly overlook main internal living areas of adjoining development.	Yes
	C23 A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:		Yes





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	<ul style="list-style-type: none"> <li>• provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</li> <li>• ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.</li> </ul>	An Acoustic Report has been submitted with the application. Acoustic fencing / and treatment is provided per recommendations as detailed on Architectural Plans.	
	<p>C24 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> <li>• identify an appropriate noise level for a child care facility located in residential and other zones</li> <li>• determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</li> <li>• determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</li> </ul>	An Acoustic Report has been submitted with the application. Noise mitigation recommendations have been recommended and informed the final building design.	Yes
3.6 Noise and air pollution	<p>C25 Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> <li>• creating physical separation between buildings and the noise source</li> <li>• orienting the facility perpendicular to the noise source and where possible buffered by other uses</li> <li>• using landscaping to reduce the perception of noise</li> <li>• limiting the number and size of openings facing noise sources</li> <li>• using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</li> <li>• using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</li> <li>• locating cot rooms, sleeping areas and play areas away from external noise sources.</li> </ul>	An Acoustic Report has been submitted with the application. Noise mitigation recommendations have been recommended and informed the final building design.	Yes
	<p>C26 An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> <li>• on industrial zoned land</li> <li>• where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</li> </ul>	An Acoustic Report has been submitted with the application. Noise mitigation recommendations have been recommended and informed the final building design.	Yes



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	<ul style="list-style-type: none"> <li>• along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>• on a major or busy road</li> <li>• other land that is impacted by substantial external noise</li> </ul>		
	C27 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	The site is not located near a major road or industrial area.	N/A
3.7 Hours of operation	C29 Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	The hours of operation of the centre are 7am – 6pm (Monday to Friday).	Yes
3.8 Traffic, parking and pedestrian circulation	<p>C31 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> <li>• 1 space per 10 children</li> <li>• 1 space per 2 staff.</li> </ul> <p>Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</p> <p>In other areas:</p> <ul style="list-style-type: none"> <li>• 1 space per 4 children.</li> </ul> <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> <li>• the proposal is an adaptive re-use of a heritage item</li> <li>• the site is in a B8 Metropolitan Zone or other high density business or residential zone</li> <li>• the site is in proximity to high frequency and well connected public transport</li> </ul>	The development proposes 23 spaces to meet the Council's DCP requirements.	Yes



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	<ul style="list-style-type: none"> <li>the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks)</li> <li>there is sufficient on street parking available at appropriate times within proximity of the site.</li> </ul>		
	<p>C33 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. 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>A Traffic and Parking Assessment has been submitted with the application.</p> <p>The report demonstrates that the amenity of the surrounding area will not be affected and that there will be no adverse impacts on the safe operation of the surrounding road network.</p>	Yes
	<p>C36 The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> <li>separate pedestrian access from the car park to the facility</li> <li>defined pedestrian crossings included within large car parking areas</li> <li>separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>pedestrian paths that enable two prams to pass each other</li> <li>delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> <li>in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas</li> <li>vehicles can enter and leave the site in a forward direction.</li> </ul>	<p>Separate pedestrian access is provided from the car-park to the facility.</p> <p>Complies Complies</p> <p>Limited ramp length for this to be an issue.</p> <p>It is anticipated that delivery and loading will be possible at off-peak times throughout the day and vehicles will make use of the visitor parking spaces.</p> <p>N/A</p> <p>Complies</p>	<p>Yes</p> <p>Yes Yes</p> <p>On merit</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>

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	<p>C37 Mixed use developments should include:</p> <ul style="list-style-type: none"> <li>• driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks</li> <li>• drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site</li> <li>• parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</li> </ul>	N/A	N/A
	<p>C38 Car parking design should:</p> <ul style="list-style-type: none"> <li>• include a child safe fence to separate car parking areas from the building entrance and play areas</li> <li>• provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> <li>• include wheelchair and pram accessible parking.</li> </ul>	<p>Parking is at basement level so is separate from play space.</p> <p>Clearly marking parking spaces which comply with relevant Australian Standards are proposed.</p> <p>Wheelchair and pram accessible parking is provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4. Applying the National Regulations to development proposals			
4.1 Indoor space requirements	<p>Regulation 107 Education and Care Services National Regulations</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space. (86x3.25m<sup>2</sup> = 279.5m<sup>2</sup>)</p> <p>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> <li>• passageway or thoroughfare (including door swings) used for circulation</li> <li>• toilet and hygiene facilities</li> <li>• nappy changing area or area for preparing bottles</li> <li>• area permanently set aside for the use or storage of cots</li> <li>• area permanently set aside for storage</li> </ul>	<p>305m<sup>2</sup> of unencumbered indoor floor space is provided.</p> <p>The requirement is met.</p> <p>Noted. Spaces have been calculated accordingly.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>



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	<ul style="list-style-type: none"> <li>• area or room for staff or administration</li> <li>• kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen</li> <li>• on-site laundry</li> <li>• other space that is not suitable for children.</li> </ul> <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.</p> <p>When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated.</p> <p>Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.</p>	<p>Indoor spaces are secure, highly visible and can be safely supervised.</p> <p>Noted.</p> <p>Noted.</p> <p>Not applicable.</p>	<p>Yes</p> <p>-</p> <p>-</p> <p>N/A</p>
4.2 Laundry and hygiene facilities	<p>Regulation 106 Education and Care Services National Regulations</p> <p>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.</p> <p>Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.</p> <p><b>On site laundry</b> On site laundry facilities should contain:</p> <ul style="list-style-type: none"> <li>• a washer or washers capable of dealing with the heavy requirements of the facility</li> </ul>	<p>A laundry is provided at ground floor level. Nappy change facilities are provided within the infants and toddlers rooms at ground floor level.</p>	<p>Yes</p>



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	<ul style="list-style-type: none"> <li>• a dryer</li> <li>• laundry sinks</li> <li>• adequate storage for soiled items prior to cleaning</li> <li>• an on site laundry cannot be calculated as usable unencumbered play space for children (refer to Figure 2).</li> </ul>		
4.3 Toilet and hygiene facilities	<p>Regulation 109 Education and Care Services National Regulations</p> <p>A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p> <p>Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p> <ul style="list-style-type: none"> <li>• junior toilet pans, low level sinks and hand drying facilities for children</li> <li>• a sink and handwashing facilities in all bathrooms for adults</li> <li>• direct access from both activity rooms and outdoor play areas</li> <li>• windows into bathrooms and cubicles without doors to allow supervision by staff</li> <li>• external windows in locations that prevent observation from neighbouring properties or from side boundaries</li> </ul>	Age-appropriate toilet facilities are provided.	Yes
4.4 Ventilation and natural light	<p>Regulation 110 Education and Care Services National Regulations</p> <p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p> <p>Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p>	The proposal is well-ventilated, has appropriate windows to outdoor areas and can be maintained at a safe temperature.	Yes
4.5 Administrative space	<p>Regulation 111 Education and Care Services National Regulations</p>		Yes



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	A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.	Admin, reception, meeting and staff rooms are provided. Private conversations may take place within the meeting rooms.	
4.6 Nappy change facilities	<p>Regulation 112 Education and Care Services National Regulations</p> <p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p> <ul style="list-style-type: none"> <li>• properly constructed nappy changing bench or benches</li> <li>• a bench type baby bath within one metre from the nappy change bench</li> <li>• the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area</li> <li>• a space to store steps</li> <li>• positioning to enable supervision of the activity and play areas.</li> </ul>	Nappy change facilities are provided.	Yes
4.7 Premises designed to facilitate supervision	<p>Regulation 115 Education and Care Services National Regulations</p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p> <p>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p>	The design ensures adequate supervision of children.	Yes

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<p>4.8 Emergency and evacuation procedures</p>	<p>Regulations 97 and 168 Education and Care Services National Regulations</p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> <li>• instructions for what must be done in the event of an emergency</li> <li>• an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit</li> <li>• a risk assessment to identify potential emergencies that are relevant to the service.</li> </ul>	<p>Emergency and evacuation procedures will be provided prior to the issuing of an occupation certificate.</p>	<p>Yes</p>
<p>4.9 Outdoor space requirements</p>	<p>Regulation 108 Education and Care Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space. (86x7m<sup>2</sup> = 602m<sup>2</sup>)</p> <p>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> <li>• pathway or thoroughfare, except where used by children as part of the education and care program</li> <li>• car parking area</li> <li>• storage shed or other storage area</li> <li>• laundry</li> <li>• other space that is not suitable for children.</li> </ul> <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p>	<p>647m<sup>2</sup> of unencumbered outdoor play area is provided.</p> <p>Not applicable.</p> <p>Noted. Spaces have been calculated accordingly.</p> <p>Noted.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>-</p>



## Child Care Planning Guideline

	<p>Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p> <p><b>Design Guidance</b> Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play (refer to Figures 9 and 10). When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.</p> <p><b>Verandahs as outdoor space</b> Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> <li>• be open on at least one third of its perimeter</li> <li>• have a clear height of 2.1 metres</li> <li>• have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter</li> <li>• have adequate flooring and roofing</li> <li>• be designed to provide adequate protection from the elements (refer to Figure 8).</li> </ul>	<p>There is no swimming pool proposed on site.</p> <p>Not applicable.</p> <p>Partially covered ground floor play area complies.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>
4.10 Natural environment	<p>Regulation 113 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p>	<p>Outdoor play areas incorporate elements of the natural environment. Refer to the Landscape Plan. An extensive variety of outdoor play and educational experiences have been integrated into the design including natural environment features.</p>	<p>Yes</p>
4.11 Shade	<p>Regulation 114 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p>Adequate shading is provided. Further details are shown on the landscape and architectural plans.</p>	<p>Yes</p>

Child Care Planning Guideline

	<p><b>Solar access</b></p> <p>Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year. Outdoor play areas should:</p> <ul style="list-style-type: none"> <li>• <b>have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered.</b></li> <li>• provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area</li> </ul>	<p>Solar diagrams are provided demonstrating solar access and shading (Sheet DA14). It is demonstrated that the following percentage of shading and solar access will be available between 9am and 3pm on June 21:</p> <p>9am – 25% (sunlight) – 30% by 9.30am, 75% (shade)          12pm – 48% (sunlight), 52% (shade)          3pm – 36% (sunlight), 64% (shade)</p> <p>NB – Under the Review of the Education SEPP (on exhibition until 17 December 2020), it is included to review other supporting documentation including the Guidelines. Within the SIE to the review regarding 4.11 it states:</p> <p><i>It is difficult to demonstrate compliance with the year-round fixed percentage requirement. To resolve this issue, it is proposed to amend the Child Care Planning Guideline text to: “have a minimum of 2 hours of solar access between 8am and 4pm in winter (March 21 to September 21), to ensure a minimum 2.1m<sup>2</sup> of outdoor space per child”</i></p> <p>Should this clarification to the Guidelines be endorsed, the proposal would be capable of demonstrating compliance.</p> <p>Proposed – refer to Landscape Plan</p>	<p>Acceptable on merit</p>
<p>4.12 Fencing</p>	<p>Regulation 104          Education and Care Services National Regulations</p> <p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.</p>	<p>Outdoor spaces will be appropriately fenced. 1.8m boundary and acoustic fences are proposed.</p>	<p>Yes</p>



Child Care Planning Guideline			
	Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.		
4.13 Soil assessment	<p>Regulation 25 Education and Care Services National Regulations</p> <p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p> <ul style="list-style-type: none"><li>• a soil assessment for the site of the proposed education and care service premises</li><li>• if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken</li><li>• a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children.</li></ul>	See response to SEPP No.55 Remediation of Land in the report above. Acceptable Detailed Site Investigation carried out.	Yes



## ANNEXURE C

### Penrith LEP 2010 – Compliance Table



## PENRITH LEP 2010 COMPLIANCE TABLE

Clause / Control	Requirement	Proposal	Complies?
2.1 Land Use Zones	R3 Medium Density Residential.	Centre-based child care facilities are permitted in the zone.	Yes
4.3 – Height of Buildings	8.5m maximum building height.	Complies	Yes
5.10 – Heritage	(1) Objectives The objectives of this clause are as follows— (a) to conserve the environmental heritage of Penrith, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	The site is located s opposite a listed heritage item at No.163 Derby Street. There is not considered to be any adverse impact on the heritage item as the site is to the south across the road. The development is an acceptable scale, bulk and is a compatible design for the streetscape. As identified by Council's Pre-DA advice, the design is considered to recognise the character of the area via the materials and finishes with their heritage reference, coupled with the comparable rear setback and frontage tree retention.	Yes
7.1 Earthworks	(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,  (b) the effect of the development on the likely future use or redevelopment of the land,  (c) the quality of the fill or the soil to be excavated, or both,  (d) the effect of the development on the existing and likely amenity of adjoining properties,	Stormwater details are submitted under separate cover and demonstrate no adverse impact as a result of the proposed earthworks. The basement is a single level, which is common for development across Sydney. It is considered that standard construction practices will ensure soil stability.  The earthworks enable redevelopment of the site and will have no detrimental impact on the future use of redevelopment potential of the land.  Any excavated soil will be disposed of in accordance with Council requirements and will be consistent with all state and national requirements.  The basement is a single level, which is common for development across Sydney. It is considered that standard construction practices will ensure soil stability.	Yes  Yes  Yes  Yes

## PENRITH LEP 2010 COMPLIANCE TABLE

(e) the source of any fill material and the destination of any excavated material,	Any excavated soil will be disposed of in accordance with Council requirements and will be consistent with all state and national requirements.	Yes
(f) the likelihood of disturbing relics,	The site has a history residential use and has been heavily disturbed. There are unlikely to be any relics affected by the proposed development.	Yes
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	The site is within a heavily developed suburban area and the site does not contribute to any watercourses, drinking catchments or environmentally sensitive areas. Stormwater will be handled appropriately as per the submitted details.	Yes
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	Standard construction measures are proposed to avoid, minimise and mitigate the impacts of excavation.	Yes
(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.	The site is not heritage item or within a conservation area.	Yes

## ANNEXURE D

### Penrith DCP 2014 – Compliance Table



Penrith DCP 2014 Compliance Table

Clause / Control	Requirement	Proposal	Complies?
<b>Part D – Land Use Controls</b> <b>D5 – Other Land Uses</b> <b>5.2 – Child Care Centres</b>			
2) Location	<p>a) Any proposed centre which:</p> <p>i) 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</p> <p>ii) Does not propose to cater for 0 – 2 year olds;</p> <p>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 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>A search indicates that there are a number of child care centres in close proximity to the subject site, including:</p> <ul style="list-style-type: none"> <li>- Penrith Montessori Academy (15 Evans Street)</li> <li>- Green Garden Childcare (18-22 Colless Street)</li> <li>- Bright Starts Kindergarten (164 Stafford Street)</li> <li>- Explore and Develop Penrith South – Early Learning Centre (170 Stafford Street)</li> <li>- Spunky Monkeys Early Learning Centre (167 Jamison Road)</li> <li>- Little Adventures Early Learning Centre (2 Rawson Street).</li> </ul> <p>The applicant is Montessori Academy who already operate a childcare centre in the area. That centre is currently oversubscribed and this proposed development is designed to address that demand.</p> <p>Given the relatively high concentration of childcare centres in the area this likely indicates a strong demand for facilities.</p>	Yes, however SEPP overrides
	<p>b) Child care centres shall be located in close proximity to other community activities and facilities, such as schools, community facilities, places of public worship, parks that contains child play equipment, larger formal public reserves and local shopping centres.</p>	<p>Site is in close proximity to:</p> <ul style="list-style-type: none"> <li>- Spence Park</li> <li>- Jamison Park</li> <li>- Nepean Valley Eye Surgeons</li> <li>- Penrith RSL Club</li> <li>- Penrith Selective High School</li> <li>- Penrith South Public School</li> <li>- St Nicholas of Myra Primary School</li> <li>- Church Of Christ</li> <li>- Penrith Uniting Church</li> <li>- St Andrew's Presbyterian Church</li> <li>- Penrith City Centre</li> </ul>	Yes
	<p>c) 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>	N/A – not a designated road	N/A



Penrith DCP 2014 Compliance Table

	d) 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 create traffic conflict or have an adverse impact on the amenity of the locality	The road is not a cul-de-sac or minor residential road. The Traffic Report, submitted under separate cover, demonstrates no impact on the nearby intersection with Evan Street.	Yes
	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	Yes
	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	Yes
	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.	There are no known electricity transmission easements, mobile phone towers or similar on site. This will be confirmed in the survey plan submitted with the development application.	Yes
	h) 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).	The site is not identified on the Flood Planning LEP Map	Yes
<b>3.Design, Scale and Site Frontage</b>	a) The scale and character of the development shall be compatible with surrounding development.	The building is compliant with the 8.5m LEP height limit and the DCP minimum setbacks (in relation to a dwelling).	Yes
	b) The design of the child care centre must take into account nearby traffic generators, street design and the existing environment for pedestrians and cyclists.	The development is on a residential street and has been designed to complement and reflect the surroundings. There are no adverse impacts which result on the pedestrian and cycling environment.	Yes
	c) Sites must be of sufficient area to accommodate the child care centre, all required associated parking and traffic manoeuvring areas.	Complies	Ye

Penrith DCP 2014 Compliance Table

	d) To ensure the safe operation of car parking areas and the amenity of neighbouring residents, sites shall have a minimum frontage of 22m.	Site frontage = 23.645m	Yes
	e) Safe sight distances must be provided for all points of access to the site.	Complies	Yes
<b>4. Built Form</b>	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	Yes
	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 with LEP height and residential setback controls	Yes
	c) The external façade of the centre shall incorporate building materials and colours that complement the surrounding development. Council discourages the use of bright or garish colours.	Bright or garish colours are not proposed. A high quality, understated material palette is proposed. Refer to DA11 and DA12 for schedule.	Yes
	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 – the site is in a residential zone	N/A
<b>5. Vehicle Access, Circulation and Parking</b>	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.	Vehicles enter and exit the basement from separate driveway to allow safe drop-off and circulation.	Yes
	b) Access driveways should not be located opposite, or in close proximity to, road intersections.	The site is approximately 30m from the nearest intersection with Evan Street. The Traffic Report, submitted under separate cover, demonstrates there is no adverse impact on the surrounding road network.	Yes
	c) Parking shall be provided in accordance with the standards in the Transport, Access and Parking section of this Plan.	See below	Yes
	d) The parking area is to be designed to ensure:		

Penrith DCP 2014 Compliance Table

	<p>i) The safe drop off and collection of children, including direct, safe pedestrian access between the parking area and the entrance to the centre;</p> <p>ii) Safe movement and parking of staff, parents, visitors and service vehicles; and</p> <p>iii) All vehicles can enter and exit the site in a forward direction.</p>	<p>Safe drop off will be possible in the basement or on the street adjacent to the development.</p> <p>Separate pedestrian entry from the street is provided. Safe and demarcated pedestrian routes will be provided at basement level.</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>e) Layout of the parking area must allow for safe access for service and emergency vehicles, such as ambulances, delivery and maintenance vehicles.</p>	<p>Complies</p>	<p>Yes</p>
	<p>f) 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.</p>	<p>N/A</p>	<p>N/A</p>
	<p>g) A traffic impact assessment may be required for the development of a child care centre proposing to cater for 40 children or more. The assessment should address:</p> <p>i) Site characteristics and the surrounding area;</p> <p>ii) Expected trip generation;</p> <p>iii) Parking requirements, including the design of parking areas, and any pick-up and drop-off facilities;</p> <p>iv) Existing traffic conditions and any future changes expected to the traffic conditions;</p> <p>v) Current road safety conditions, including an accident history in the locality; and</p> <p>vi) The expected impact of the proposed development on the existing and future traffic conditions.</p>	<p>A Traffic Impact Assessment is submitted under separate cover with the Development Application.</p>	<p>Yes</p>
<p><b>6. Noise</b></p>	<p>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.</p>	<p>An Acoustic Report is submitted under separate cover and recommendations have been incorporated into the design.</p>	<p>Yes</p>
	<p>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.</p>	<p>As above</p>	<p>Yes</p>



Penrith DCP 2014 Compliance Table			
	This ensures the children may play outside without time limitations in accordance with licensing requirements.		
	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. A report from an acoustic consultant may be required to support the proposal. (Design elements may include double glazing, insulated walls, locating sleeping rooms in protected areas and solid fencing).	N/A	N/A
	d) 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.  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. 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.	Refer to Acoustic Report.	Yes
	e) A noise impact assessment report should address the relevant provisions of the Noise and Vibration section of this Plan.	Refer to Acoustic Report.	Yes
7. Shade	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.	Appropriate shading is provided to comply with the Childcare Guidelines and is detailed on the architectural and landscape plans.	Yes
	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.	Can be achieved. Refer to Landscape Plan.	Yes
	c) Movable play equipment used for active play should be placed in the shade. (This should be a combination of built and natural shade).	Can be achieved. Refer to Landscape Plan.	Yes



Penrith DCP 2014 Compliance Table

	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.	Can be achieved. Refer to Landscape Plan.	Yes
	e) Outdoor teaching areas are to be provided with year round protective shade.	Can be achieved. Refer to Landscape Plan.	Yes
	f) Outdoor eating areas are to be provided with year round protective shade.	Can be achieved. Refer to Landscape Plan.	Yes
	g) Other open areas are to be partially shaded.	Refer to Landscape Plan	Yes
	h) Any transition zone, between indoor and outdoor areas, such as a verandah, should be permanently shaded and protected in wet weather.	Complies	Yes
	i) The minimum width of a verandah should be 4m to allow for shaded play space underneath	Complies	Yes
8. Landscaping	a) Landscape planting shall complement the building(s) and the streetscape, and provide screening for car parking and outdoor playing areas.	Achieved. Refer to Landscape Plan	Yes
	b) Landscaping shall be established prior to the use commencing.	Can be achieved. Refer to Landscape Plan.	Yes
	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.	Refer to Landscape Plan.	Yes
	d) Landscape planting (a minimum width of 2m) shall be provided along the front boundary of the site.	Proposed. Refer to Landscape Plan.	Yes
	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.	Landscaping is provided at the boundaries where possible.	Yes
	f) A landscape plan shall be prepared and submitted with the development application, in accordance with the Landscape and Design section of this Plan.	Refer to Landscape Plan prepared by <i>Site Image</i> .	Yes

Penrith DCP 2014 Compliance Table

	<p>g) Plant species shall be chosen to address the characteristics of the site and shall:</p> <ul style="list-style-type: none"> <li>i) Provide protection from prevailing winds;</li> <li>ii) Provide screening to minimise impacts on privacy and/or the streetscape and adjacent buildings;</li> <li>iii) Provide shelter and shade;</li> <li>iv) Reduce reflection from bright surfaces;</li> <li>v) Emphasise pedestrian and vehicular routes;</li> <li>vi) Ensure visibility of outdoor playing areas;</li> <li>vii) Not include plants which may be toxic, create allergic reactions, or which are prickly or otherwise unsafe; and</li> <li>viii) Provide interest and variety to enhance children's experience.</li> </ul>	Refer to Landscape Plan. The planting has been selected with these requirements in mind.	Yes
D. Lifting the Bar	a) All child care centres are to demonstrate a commitment to achieving no less than 4 stars under the Australian Building Greenhouse Rating Scheme. An Energy Efficiency report is to be provided to Council as part of the development.	Council may condition this if required.	Can comply
	<p>c) All child care centres (including centre based and home based) are encouraged to:</p> <ul style="list-style-type: none"> <li>i) Minimise waste through the use of recycling programs for paper, cardboard, aluminium, glass and PET products;</li> <li>ii) Provide facilities/services which will satisfy identified unmet demands within the City for child care; and</li> <li>iii) Participate in the NSW Cancer Council's SunSmart Early Childhood program.</li> </ul>	<p>Recycling facilities are provided as demonstrated within the Waste Management Plan submitted under separate cover.</p> <p>As noted above, the relatively high concentration of Child Care Facilities in the area is suggestive of unmet demand. An existing Montessori School in Penrith is oversubscribed.</p> <p>Noted.</p>	<p>Yes</p> <p>Yes</p> <p>-</p>
<b>Part C – City Wide Controls</b>			
<b>C10 – Transport, Access and Parking</b>			
<b>Table C10.2 Car Parking rates</b>	<p>Child Care Centres/Pre-Schools</p> <p>1 space per 10 children plus 1 per employee plus provision for any dwelling.</p>	<p>86 children = 8.6 (9)</p> <p>4 Employees = 14</p> <p>Requirement = 23 spaces</p>	Yes



Penrith DCP 2014 Compliance Table			
	Note: Where a child care centre/pre-school is not located in or immediately adjoining a residential area, a submission to vary the above parking rates will be considered.	Proposed = 23	
<b>Part D – Land Use Controls</b>			
<b>D2 – Residential Controls</b>			
<b>2.1.2 Setbacks and Building Envelope</b>	1. Minimum front and side setbacks: a) Front setback is the greater of either i) 5.5m, or ii) The average of the setbacks of the adjoining properties	The proposed front setback is approximately 5.7m	Yes
	d) Side setbacks to external walls should be a minimum of 900mm.	Minimum side setbacks are 1.2m (majority of building is setback 1.5m)	Yes
	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 iii) Minor, partial or point encroachments into the above rear setbacks may be considered on irregular shaped lots iv) Rear setback areas are to be used predominantly for the provision of a landscaped area 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.	Rear setback is 16m.	Yes