



Statement of Environmental Effects

Proposed Childcare Centre

72 Mulgoa Road, Jamisontown

Lot 200 DP 1230338

Prepared by Willowtree Planning Pty Ltd on behalf of Home Co

September 2020

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PART A PRELIMINARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd on behalf of Home Co, and is submitted to Penrith City Council to support a Development Application (DA) for the proposed childcare centre at 72 Mulgoa Road, Jamisontown (Lot 200 DP 1230338).

The proposal seeks to support the introduction of a childcare centre on the site, to be provided within a purpose-built facility incorporating indoor and outdoor space for 110 children. The proposed centre would occupy land currently used for car parking in association with the existing Home Co bulky goods centre. As detailed in this SEE, the site currently comprises surplus car parking compared to *Penrith Development Control Plan 2014* (PDCP2014) and the needs of the bulky goods premises.

The proposal would be permissible with consent in the B5 Business Development zone pursuant to *Penrith Local Environmental Plan 2010* (PLEP2010).

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

1.2 DEVELOPMENT HISTORY

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

Former Masters Home Improvement Store

Previously, the site was operated as a Masters Home Improvement Store, approved in accordance with the following DAs:

- DA 13/1257 was approved on 24 March 2014 (and subsequently modified by DA 13/1257.01 on 01 July 2014) for:

Home Improvement Store, bulky goods tenancies x 4 and Torrens Title subdivision x 2 lots.
Modifications to Masters Home Improvement Store car parking, access, signage and landscaping and reorientation of bulky goods tenancies.
- DA 14/0555 was approved on 11 June 2014 for:

Demolition of existing structures.
- DA 14/0688 was approved on 07 August 2014 for:

Site remediation works.

Given these DAs related to the previous Masters Store on the site, they are not considered to be of direct relevance to the subject DA.

Current Home Co Centre

The existing Home Co centre on the site was approved under DA 16/1355 on 10 February 2017 for:

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Alterations and additions to existing Masters building, change of use to Bulky Goods Premises, ancillary café and associated signage.

Subsequently, DA 16/1355 was modified as follows:

- DA 16/1355.01 was approved on 12 October 2017 for:

Modification to approved signage for bulky goods premises.

- DA 16/1355.02 was approved on 10 November 2017 for:

Addition of a mezzanine in Tenancy No. 7 for approved bulky goods premises.

It is understood that this modification did not impact the external appearance or structure of the building but that it did introduce additional internal floor space. The amount of additional floor space or resulting GFA for the site is not however referenced in the Notice of Determination, Council Assessment Report or approved plans provided on Council's DA Tracking website.

The childcare centre proposed under the subject DA would integrate with the approved Home Co Bulky Goods Centre on the site.

Pending Change of Use

DA20/0351 is currently under assessment by Council for internal alterations to create two (2) tenancies (T5 and T5A) and fit-out and use of Tenancy T5 as an Indoor Recreation Facility (Chipmunks Playland).

Resulting from DA20/0351, the existing bulky goods (specialized retail) tenancy (1,780m²) would be partitioned to create the following tenancies:

- T5 with an area of 863m² for new use as an indoor recreation facility for Chipmunks.
- T5A with an area of 917m² for continued specialized retail use.

It is understood that Chipmunks would have capacity for 150 children and 15 staff, and is proposed to operate the following hours:

- 8:30am-5:30pm Monday-Wednesday
- 8:30am-8:00pm Thursday-Friday
- 8:30am-5:00pm Saturday
- 9:00am-4:00pm Sunday
- 10:00am-4:00pm Public Holidays

The proposed childcare centre subject of this DA would be capable of suitably co-existing with the Chipmunks indoor recreational facility that is currently under assessment by Council. This includes with respect to car parking, as detailed in **Section 5.1.5** of this SEE and the Traffic Impact Assessment at **Appendix 4**.

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PART B SITE ANALYSIS

2.1 SITE DESCRIPTION AND EXISTING DEVELOPMENT

The subject site is identified as 72 Mulgoa Road, Jamisontown, being legally described as Lot 200 DP 1230338.

It is noted that whilst previous applications considered the subject site in conjunction with the neighbouring site to the south (80 Mulgoa Road, Jamisontown, Lot 100 DP 1230336), it is understood that the neighbouring site is now under separate ownership. The intention is therefore for No.72 to be treated as a standalone site.

The site exhibits an approximate area of 3.015ha with a primary frontage to Mulgoa Road to the north-west and a secondary frontage to Regentville Road to the south-east.

To the north-east the site adjoins bulky goods units and a plumbing showroom, and to the south-west the site adjoins a Freedom Furniture store, fast-food restaurant, car sales yard, vehicle repair centre and bulky goods premises. To the north-west dwelling houses are situated on the opposite side of Mulgoa Road, and to the south-east industrial units are located on the opposite side of Regentville Road.

In its existing state the site comprises a Home Co bulky goods centre comprising nine (9) tenancies within a large-plate building offering a common mall area and ancillary amenities including a café. The south-western section of the site provides on-grade car parking. Loading facilities are located in the northern and eastern corners of the site.

Vehicular access to the site for customers is facilitated via both street frontages, by a two-way access driveway connecting to both the Home Co and neighbouring Freedom car parks. A separate driveway for delivery vehicles affords access from Regentville Road.

Existing vegetation on the site is limited to shrubs and grasses adjacent to the street frontages and dispersed through the car parking areas.

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

The site also comprises a number of easements, a right of carriageway, a restriction on use and a positive covenant, as identified in the Certificate of Title, Deposited Plan (DP) 1230338 and DP 122596. These encumbrances have been considered in the siting of the proposed built form on the site to retain appropriate clearance from easements and land subject to restrictions on use.

Based on the 10.7(2) and (5) Certificate (ref 20/01772, issued 20/04/20) it is understood that the site is subject to flood planning development controls and comprises areas of residual soil contamination and on-site management of asbestos and lead contaminated fill that must not be excavated without obtaining an environmental assessment report. These matters are further addressed in **Sections 4.2** and **5.1.7** of this SEE.



Figure 1. Existing Site Development (SIX Maps 2020)



Figure 2. Cadastral Map (SIX Maps 2020)

2.2 LOCAL AND REGIONAL CONTEXT

The subject site is located in the suburb of Jamisontown which forms part of Penrith Local Government Area (LGA).

The immediate site context exhibits a transitional character, associated with multi-tenant bulky goods centres of relatively recent construction, older bulky goods and industrial units, vehicle sales and repair premises, service stations, detached dwellings, multi dwelling housing and newer residential flat buildings.

The wider context includes Panthers Stadium and other sporting/recreation facilities to the north, Jamison Park to the east, and Nepean River and Tench Reserve to the west. Penrith Westfield, train station and bus interchange are situated approximately 2.5km to the north.

The site is serviced by public transport, including bus stops along Mulgoa Road with services connecting to Penrith, Glenmore Park and the Lower Blue Mountains. Major Road infrastructure servicing the site includes Mulgoa Road, with connections to the Greater Western Highway and M4 Western Motorway.

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

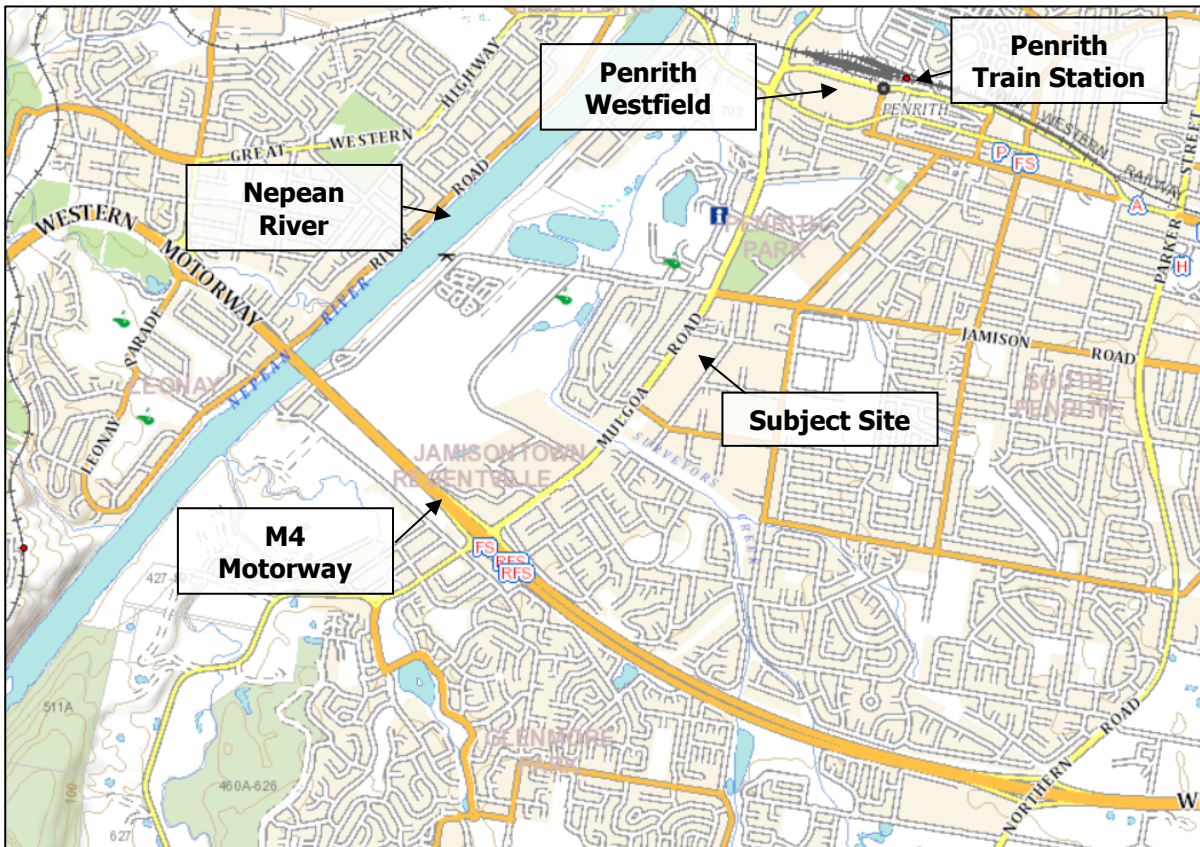


Figure 3. Site Context Map (SIX Maps 2020)

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PART C THE PROPOSAL

3.1 AIMS AND OBJECTIVES OF THE PROPOSAL

This DA seeks to deliver a childcare centre on the site. This primary aim is underpinned by the following objectives:

- Deliver important social infrastructure to meet the demand generated by a growing local workforce and residential population;
- Make productive use of an underutilised portion of the site within an established urban area;
- Support uses that generate employment and provide services for the local community;
- Minimise the environmental and amenity impacts associated with development and its ongoing operation; and
- Ensure development is compatible with surrounding development and the local context.

The site and proposed design are considered to meet the objectives of the project as built-upon land would be redeveloped to accommodate a new childcare centre in immediate proximity to established residential catchments and employment bases.

3.2 DESCRIPTION OF THE PROPOSAL

Development consent is sought for the construction, fit-out and use of a childcare centre.

As shown in **Figure 4**, the proposed centre would be situated adjacent to the southern elevation of the existing building and also adjacent to the Regentville Road frontage. This specific portion of the site is currently occupied by car parking associated with the Home Co centre.

Specifically, the proposal entails the following:

- Demolition of existing hardstand car parking;
- Construction, fit-out and use of a new standalone building for a childcare centre;
- External landscaping to create outdoor space for the childcare centre;
- Business identification signage; and
- Reconfiguration of car parking and access routes.

The development and operational particulars are summarized in **Table 1**.

Table 1. Proposed Development and Operational Particulars	
Development Particular	Proposal
Number of childcare places	110 places, including: <ul style="list-style-type: none">▪ 44 places for 0-U2s▪ 26 places for 2-U3s▪ 40 places for 3-U6s
Number of staff	22
Hours of operation	6:30am-6:30pm Monday-Friday, closed Saturdays, Sundays and Public Holidays
Site area	1,572.5m ²
Internal floor space	364.77m ²
Outdoor space	779.27m ²
Net number of parking spaces lost	69 spaces
Signage	3 x business identification signs (1.5m x 5m) located on the north-western, south-western and south-eastern elevations.

Architectural Drawings showing the proposed works are provided at **Appendix 2**.

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Aurum Childcare and Preschool would be the operator for the childcare centre, as outlined in the Operational Plan of Management at **Appendix 6**.

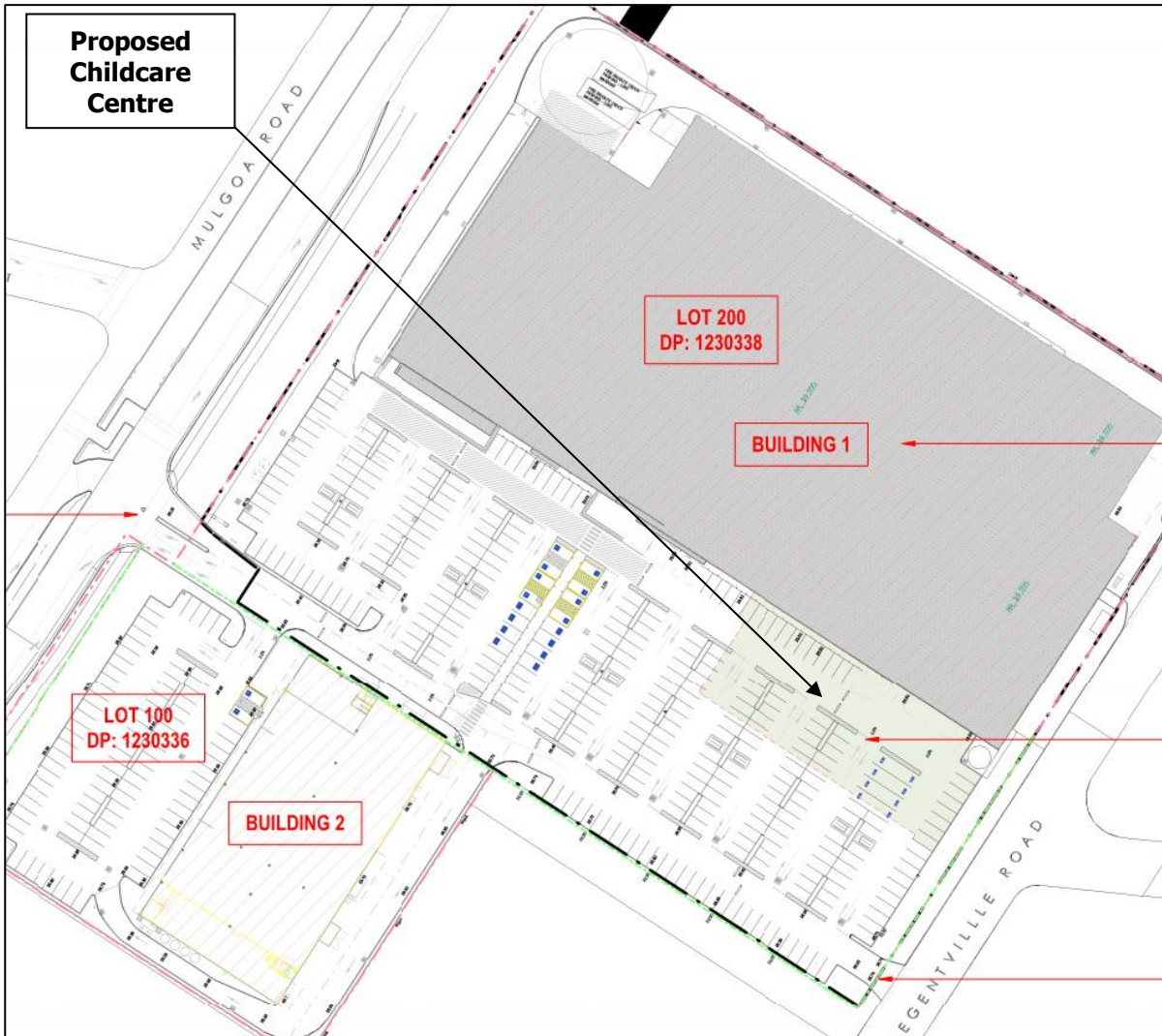


Figure 4. Location of Proposed Childcare Centre (Five Canons 2020)

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PART D LEGISLATIVE AND POLICY CONTEXT

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

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

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

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

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

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

Site investigations have previously been carried out on the site, and remedial works executed in accordance with a Remedial Action Plan (RAP) and summarized in a Remediation and Validation Report (RVR). The RVR concluded that:

'Remediation of the site has been completed as per Geo-Logix RAP. The results of validation sampling comply with RAC and all decisions rules have been met.

Asbestos and lead contaminated soils are contained onsite in a well-defined containment cell. An Environmental Management Plan has been prepared for site users and provides guidance in the event the containment cell is required to be accessed.

The condition has been notified to the consent authority and is recorded on the properties 88b instrument and Section 149 Planning Certificate.

Geo-Logix concludes the site is suitable for the proposed Masters commercial industrial land use.'

This phase 1 Environmental Site Assessment considers that, provided the capping layer is constructed as report and is not breached, there does not appear to be a complete source-pathway-receptor linkage with regard to the encapsulated material. The risk to users of the childcare centre is considered low. However, the capping layer is less than 250mm thick, which is unlikely to be sufficient to protect intrusive maintenance workers during development works, and ongoing/future service maintenance works. Consideration should be given to this during development through preparation and implementation of an appropriate construction environmental management plan and appropriate workplace health and safety measures.

With respect to hydrocarbons in soils and groundwater, the site was previously validated to levels appropriate for commercial/industrial land use. The proposed land use of a childcare centre would fall under the land-use scenario *'HIL A - low-density residential land-use scenario with a sizeable garden'* which is the most conservative land use in NEPM 2013. The site has not been validated for the proposed use and further assessment is recommended.

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Groundwater to the south of the proposed childcare centre contained ethylbenzene, xylenes, and naphthalene at concentrations exceeding ecological criteria (NEPM GILs) at the time of validation. In addition to this, concentrations of TRH in groundwater were detected (albeit below criteria). Management limits in soil were exceeded in a number of locations, therefore it is possible that some residual hydrocarbon impacts remain in the soil and groundwater. Given a number of years have elapsed since the validation work and natural attenuation is likely to have occurred. Nevertheless it is recommended that:

- A soil vapour assessment be undertaken to assess the risk to proposed site users, prior to development being undertaken; and
- A construction environmental management plan is prepared for the site, the document should include an unexpected finds protocol which should detail the controls required should stained, or odorous soil be encountered.

It is considered appropriate for the recommendations of the Environmental Site Assessment to be incorporated as conditions of consent.

4.3 STATE ENVIRONMENTAL PLANNING POLICY NO 64 – ADVERTISING AND SIGNAGE

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

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

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

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

These matters are addressed below.

Aims and Objectives of SEPP 64

SEPP 64 aims:

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

The proposed signage will achieve the aims and objectives of SEPP 64 as it will be integrated with the architectural design and visual character of the built form. The siting, design and scale of the signage will generally reflect the existing signage on the site, and will provide an appropriate contribution to the large-format, bulky goods character of the site. Through high quality design and finish, the signage will uplift the appearance of the site. The signage will effectively identify the childcare centre on the site, thereby promoting legibility for all site users.

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Assessment Criteria

The Assessment Criteria under Schedule 1 of SEPP 64 is addressed in **Table 2** below.

Table 2. SEPP 64 Assessment Criteria	
Criteria	Proposal Compliance
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes, the proposed signage would be compatible with the character of the site and its surrounds.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes, as above.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No, the signage would enhance the visual amenity of the site. The site is not located in proximity of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways or rural landscapes.
3 Views and vistas	
Does the proposal obscure or compromise important views?	No, the proposed signage would be fixed to the building wall and would not obscure any views.
Does the proposal dominate the skyline and reduce the quality of vistas?	No, the proposed signage would be fixed to the building wall and would not be visible on the skyline.
Does the proposal respect the viewing rights of other advertisers?	Yes, the signage would not obstruct any other signage or advertising.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes, the signage has been designed with respect to the built form, to effectively identify the site whilst not being visually obtrusive. The proposed signage would be compatible with the character of the site and its surrounds.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes, the signage would visually define the site, reinforcing the legibility of the site. The signage would also create façade articulation and visual interest.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No, the proposal relates to the proposed new childcare centre and accordingly there is no pre-existing signage for the childcare centre.
Does the proposal screen unsightliness?	No, the signage would not be used as a visual screen or filter.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, all signage would remain below the roofline of the built form.

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Table 2. SEPP 64 Assessment Criteria	
Criteria	Proposal Compliance
Does the proposal require ongoing vegetation management?	No, the proposed signage would not require ongoing management.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes, the signage would be of suitable scale and design for its intended purpose to effectively identify the childcare centre. The proposed signage would reflect the proportions and architectural character of the host building.
Does the proposal respect important features of the site or building, or both?	Yes, the signage would be balanced with other components of the building façades and would respect areas of glazing. No landscaping or other important features would be obstructed.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes, the signage would integrate with the architectural design of the built form and complement façade features. Overall, the proposed signage would create additional visual interest and would positively contribute to the visual quality of the site.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signage is not proposed to be illuminated.
7 Illumination	
Would illumination result in unacceptable glare?	The signage is not proposed to be illuminated.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The signage is not proposed to be illuminated.
Would illumination detract from the amenity of any residence or other form of accommodation?	The signage is not proposed to be illuminated.
Is the illumination subject to a curfew?	The signage is not proposed to be illuminated.
Can the intensity of the illumination be adjusted, if necessary?	The signage is not proposed to be illuminated.
8 Safety	
Would the proposal reduce the safety for any public road?	No, the proposed signage would be located within the site boundaries and attached to the elevations of the built form.
Would the proposal reduce the safety for pedestrians or bicyclists?	No, the proposal would not obstruct any pedestrian or cycle routes, or other infrastructure, and therefore would not negate the safety of pedestrians or cyclists.

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Table 2. SEPP 64 Assessment Criteria	
Criteria	Proposal Compliance
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, the proposed signage would not obscure any sightlines from public areas frequented by pedestrians. Neither would the proposed signage obstruct any vehicle sightlines from public roads.

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

4.4 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

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

Referral may be required for the erection of new premises, or the enlargement or extension of existing premises, where their size or capacity satisfy certain thresholds. Schedule 3 lists the types of development that are defined as Traffic Generating Development. No referral thresholds are identified specifically for childcare centres and therefore the referral thresholds for 'any other purpose' would be applicable:

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

The proposed childcare centre would not generate traffic in the order of 200 motor vehicles per hour, and referral to RMS would therefore not be required.

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

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

Part 3 of the E-SEPP outlines specific development controls for centre-based childcare facilities. Of key relevance, Clause 23 requires the consent authority to take into consideration any applicable provisions of the *Child Care Planning Guideline* ('the Guideline'). Further consideration to the Guideline is offered in **Section 4.7** of this SEE below.

Clause 25 prescribes non-discretionary development standards, meaning that, if complied with, the consent authority cannot require more onerous standards for those matters. The non-discretionary development standards are summarized and addressed below.

Table 3. E-SEPP Non-Discretionary Development Standards (Clause 25)	
Non-Discretionary Standard	Assessment
(a) <i>Location – The development may be located at any distance from an existing or proposed early education and care facility.</i>	The site is appropriately located for a childcare centre given its immediate proximity to established residential catchments and employment bases.
(b) <i>Indoor or outdoor space –</i>	The <i>Education and Care Services National Regulations</i> ('National Regulations') apply to the proposed childcare centre, and Sections 107 and

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Table 3. E-SEPP Non-Discretionary Development Standards (Clause 25)	
Non-Discretionary Standard	Assessment
<p>(i) <i>For development to which Regulations 107 or 108 of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</i></p> <p>(ii) <i>For development to which Clause 28 of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause.</i></p>	<p>108 establish the following minimum requirements for indoor and outdoor space:</p> <ul style="list-style-type: none"> ▪ 3.25m² unencumbered indoor space per child; and ▪ 7m² unencumbered outdoor space per child. <p>The proposed childcare centre complies with the National Regulations as it provides 3.32m² unencumbered indoor space and 7.08m² unencumbered outdoor space per child.</p>
<p>(c) <i>Site area and dimensions – The development may be located on a site of any size and have any length of street frontage or any allotment depth.</i></p>	<p>The site exhibits suitable area and dimensions to accommodate the proposed childcare centre, with adequate area provided for indoor play space, outdoor play space, all associated amenities, pick-up/drop-off, parking and vehicular circulation.</p>
<p>(d) <i>Colour of building materials or shade structures – The development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</i></p>	<p>The site is not a local or State heritage item and is not within a conservation area. Therefore, any colour of building materials and shade structures may be applied.</p> <p>The proposed colour palette (refer Appendix 2 for details) would integrate with the existing built form on the site and positively contribute to the visual character of the site.</p>

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

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

Accordingly, by virtue of Clauses 25 and 26 of the E-SEPP, certain provisions of PDCP2014 would no longer be relevant. Notwithstanding, a detailed assessment of PDCP2014 is provided in **Section 4.9** of this SEE.

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4.6 EDUCATION AND CARE SERVICES NATIONAL REGULATIONS

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

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

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

The proposed childcare centre complies with the National Regulations as it provides 3.32m² unencumbered indoor space and 7.08m² unencumbered outdoor space per child.

4.7 CHILD CARE PLANNING GUIDELINE

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

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

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

- Site selection and location
- Local character, streetscape and the public domain interface
- Building orientation, envelope and design
- Landscaping
- Visual and acoustic privacy
- Noise and air pollution
- Hours of operation
- Traffic, parking and pedestrian circulation

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

Detailed consideration to these matters is provided in the Assessment Table at **Appendix 10**.

4.10 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

The site is subject to the provisions of *Penrith Local Environmental Plan 2010* (PLEP2010). Relevant permissibility and development standards are summarised in the subsequent sections of this SEE.

Zoning and Permissibility

The site is zoned B5 Business Development pursuant to PLEP2010 (**Figure 5**).

The objectives of the B5 zone are:

- *To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To maintain the economic strength of centres in Penrith by limiting the retailing of food, groceries and clothing.*

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The following permissibility applies within the B5 zone:

2 Permitted without consent

Nil

3 Permitted with consent

*Car parks; **Centre-based child care facilities**; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Self-storage units; Signage; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres*

4 Prohibited

Pond-based aquaculture; Restaurants or cafes; Any other development not specified in item 2 or 3

Accordingly, Centre-Based Child Care Facilities are permitted with consent in the B5 zone.

The provision of a childcare centre on the site is also considered to be consistent with the B5 zone objectives as it would provide a service to support the local workforce associated with the surrounding specialised retail, businesses and warehouses. This would support the viability and economic strength of the business development corridor and adjacent industrial land.

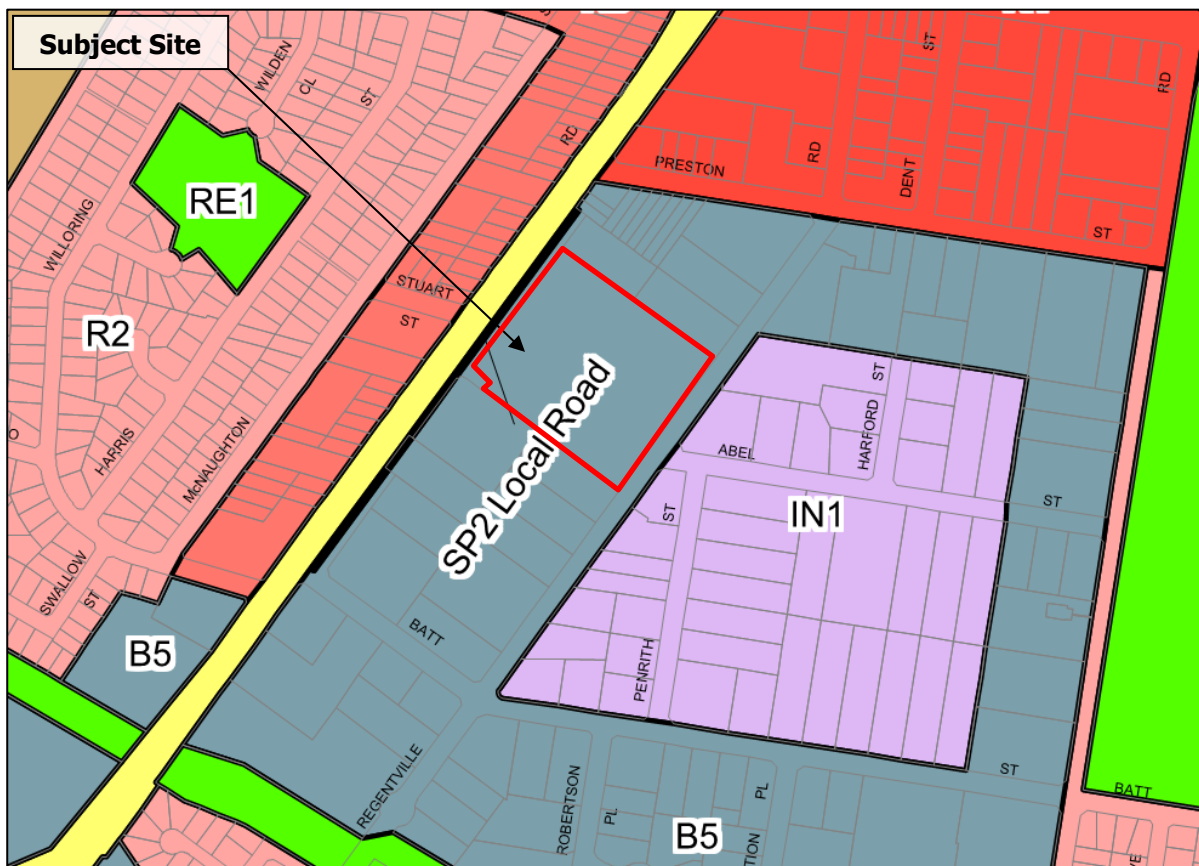


Figure 5. Zoning Map (NSW Legislation 2020)

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Development Standards

The development standards and other relevant provisions to which the site is subject pursuant to PLEP2010 are summarized in **Table 4** below. Assessment of the proposal against these relevant standards and provisions is also included in the table.

Table 4. PLEP2010 Development Standards and Provisions	
PLEP2010 Clause	Standard/Provision and Assessment
Minimum Lot Size	<p>South-eastern portion of the site: 1,000m² North-western portion of the site: 6,000m²</p> <p>The proposal would not include subdivision.</p>
Maximum Building Height	<p>The site is subject to a 12m maximum building height standard.</p> <p>The proposed building would not exceed 12m in height and would be below the height of the existing built form on the site.</p>
Maximum FSR	<p>The site is not subject to a maximum FSR standard.</p> <p>In any case, the additional building area introduced through the proposed development would be compatible with the scale of existing built form on the site and would not be highly visible in views from the public domain.</p>
Land Reservations	The site is not affected by any land reservations.
Heritage	The site does not comprise any heritage items and is not within a heritage conservation area.
Flood Planning Area	The site is not identified within the flood planning area.
Natural Resources Sensitivity	The site is not identified as exhibiting 'natural resources sensitivity'.
Scenic and Landscape Value	<p>The north-western portion of the site is identified as exhibiting scenic and landscape value.</p> <p>It is however noted that the entirety of the site has been developed for specialized retail premises with associated car parking. Vegetation is limited to shrubs and grasses planted within the street setback zones and dispersed through the car parking area. On this basis, the site is not considered to exhibit any scenic or landscape value in its current state.</p> <p>In any case, the proposed development relates to the southern portion of the site and would not impact on that area designated as comprising scenic and landscape value. The proposal would</p>

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Table 4. PLEP2010 Development Standards and Provisions	
PLEP2010 Clause	Standard/Provision and Assessment
	therefore be consistent with Clause 7.5 of PLEP2010.

4.11 PENRITH DEVELOPMENT CONTROL PLAN 2014

Penrith Development Control Plan 2014 (PDCP2014) contains more detailed provisions to guide development.

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

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

The following assessment against PDCP2014 has been prepared accordingly.

Table 5. PDCP2014 Provisions and Assessment																			
PDCP2014 Control	Provision Applicable to Site and Assessment																		
Chapter C10 Transport, Access and Parking																			
Car parking	<p>For childcare centres, PDCP2014 requires 1 space/10 children + 1 space/employee. This would result in the following parking requirements for the proposed childcare centre:</p> <table border="1"> <thead> <tr> <th>DCP Parking Rate</th> <th>No. Children/Staff</th> <th>Parking Requirement</th> </tr> </thead> <tbody> <tr> <td>1 space/10 children</td> <td>110 children</td> <td>11 spaces</td> </tr> <tr> <td>1 space/employee</td> <td>22 staff</td> <td>22 spaces</td> </tr> <tr> <td>Total</td> <td></td> <td>33 spaces</td> </tr> </tbody> </table> <p>It is noted that the <i>RMS Guide to Traffic Generating Developments</i> ('the RMS Guide') and the <i>Child Care Planning Guideline</i> ('the Guideline') establish a car parking ratio of 1 space/4 children (and no additional requirement for staff). This would result in the following parking requirements for the proposed childcare centre:</p> <table border="1"> <thead> <tr> <th>RMS Parking Rate</th> <th>No. Children</th> <th>Parking Requirement</th> </tr> </thead> <tbody> <tr> <td>1 space/4 children</td> <td>110</td> <td>27.5 spaces (rounded to 28 spaces)</td> </tr> </tbody> </table> <p>It is noted that these parking rates do not consider the co-location of the childcare centre with other uses, and therefore do not account for the trip reduction that may be associated with joint trips to Home Co (or other nearby employment/business activities) and the childcare centre.</p>	DCP Parking Rate	No. Children/Staff	Parking Requirement	1 space/10 children	110 children	11 spaces	1 space/employee	22 staff	22 spaces	Total		33 spaces	RMS Parking Rate	No. Children	Parking Requirement	1 space/4 children	110	27.5 spaces (rounded to 28 spaces)
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1 space/10 children	110 children	11 spaces																	
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Total		33 spaces																	
RMS Parking Rate	No. Children	Parking Requirement																	
1 space/4 children	110	27.5 spaces (rounded to 28 spaces)																	

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Table 5. PDCP2014 Provisions and Assessment															
PDCP2014 Control	Provision Applicable to Site and Assessment														
	<p>Allowance for different parking provision based on the specific requirements of individual sites is however provided as follows:</p> <ul style="list-style-type: none"> ▪ PDCP2014 states that <i>where a child care centre is not located in or immediately adjoining a residential area, a submission to vary the above parking rates will be considered.</i> ▪ The RMS Guide states that <i>consideration could be given to reducing the parking required if convenient and safe on-street parking is available, provided that the use of such parking does not adversely affect the amenity of the adjacent area.</i> ▪ The Guideline states that <i>a reduction in car parking rates may be considered where 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). In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</i> <p>Whilst the above policies focus on the availability of on-street parking, it is considered reasonable for consideration to be offered to the suitability of the Home Co car park for servicing the childcare centre (also noting that childcare drop-off/pick-up times would differ from peak times for Home Co).</p> <p>Given the proposal would remove some of the car parking currently available to the existing Home Co building, it is also relevant to consider the parking requirements for the existing premises. Pursuant to PDCP2014, 1 space/50m² is required for bulky goods premises. As per the calculation set out below, the existing building would require 232 spaces. As a total of 365 spaces are currently provided on the site (accounting for the rationalization of parking detailed in the Traffic Impact Assessment at Appendix 4), there are 133 surplus spaces.</p> <table border="1"> <thead> <tr> <th>Existing Home Co GFA</th> <th>DCP Parking Requirement</th> <th>Parking Provision</th> <th>Surplus Parking</th> </tr> </thead> <tbody> <tr> <td>10,746m²*</td> <td>232 spaces (1 space/50m²)</td> <td>365 spaces</td> <td>133 spaces</td> </tr> </tbody> </table> <p>* excluding mall, kiosk, café and car wash (no longer existing)</p> <p>The proposal would result in the following net loss of car parking on the site:</p> <table border="1"> <thead> <tr> <th>Proposal</th> <th>Net Loss of Parking</th> <th>Resulting Surplus (Compared to DCP)</th> </tr> </thead> <tbody> <tr> <td>110 place childcare</td> <td>69 spaces</td> <td>64 space surplus</td> </tr> </tbody> </table> <p>On this basis, the proposal would maintain a PDCP2014-compliant number of car parking spaces for the existing bulky goods premises on the site.</p> <p>Notwithstanding this assessment, it is noted that the 'net loss of parking' arising from the childcare centre accounts only for the childcare centre footprint. The allocation of parking for the childcare centre would still</p>	Existing Home Co GFA	DCP Parking Requirement	Parking Provision	Surplus Parking	10,746m ² *	232 spaces (1 space/50m ²)	365 spaces	133 spaces	Proposal	Net Loss of Parking	Resulting Surplus (Compared to DCP)	110 place childcare	69 spaces	64 space surplus
Existing Home Co GFA	DCP Parking Requirement	Parking Provision	Surplus Parking												
10,746m ² *	232 spaces (1 space/50m ²)	365 spaces	133 spaces												
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110 place childcare	69 spaces	64 space surplus													

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Table 5. PDCP2014 Provisions and Assessment																									
PDCP2014 Control	Provision Applicable to Site and Assessment																								
	<p>maintain a surplus of parking on the site, as demonstrated in the following table.</p> <table border="1"> <thead> <tr> <th>Proposal</th> <th>Parking Requirement</th> <th>Current Surplus (accounting for childcare footprint)</th> <th>Resulting Surplus</th> </tr> </thead> <tbody> <tr> <td rowspan="2">110 place childcare</td> <td>DCP: 33 spaces</td> <td rowspan="2">64 space surplus</td> <td>31 space surplus</td> </tr> <tr> <td>RMS: 28 spaces</td> <td>36 space surplus</td> </tr> </tbody> </table> <p>In summary, a surplus of 31-36 spaces would be maintained on the site, accounting for the land-take of the childcare centre, parking requirements of the childcare centre and parking requirements of Home Co.</p> <p>It is considered that in reality a greater surplus of parking would exist, on the basis of Home Co not generating actual demand for as many spaces as prescribed by the DCP and the childcare centre generating a level of demand that could be accommodated by the existing car park. Importantly, the childcare drop-off/pick-up times would differ from peak times for Home Co, resulting in spare capacity at different times of day. This is reflected in the subclauses within PDCP2014, the RMS Guide and the Guideline (refer previous section of this table).</p> <p>A change of use for part of Tenancy T5 (currently specialized retail/bulky goods) is also under assessment for the purpose of a Chipmunks indoor play centre. Whilst the change of use is not included in the scope of this DA, it is noted that it would have implications for the car parking situation on the site.</p> <p>Chipmunks would be defined as a Recreation Facility (Indoor), however no corresponding car parking rates are provided by PDCP2014 or the RMS Guide. Instead, parking demand is to be based on surveys of similar facilities.</p> <p>The Traffic Impact Assessment has carried out empirical assessment of a similar facility (refer Appendix 4 for full details). The corresponding parking rates and resulting parking requirement are outlined as follows:</p> <table border="1"> <thead> <tr> <th>Parking Rate</th> <th>No. Patrons/Staff</th> <th>Parking Requirement</th> </tr> </thead> <tbody> <tr> <td>0.27 spaces/patron</td> <td>150 patrons</td> <td>40.5 spaces</td> </tr> <tr> <td>60% of staff driving</td> <td>15 staff</td> <td>9 spaces</td> </tr> <tr> <td colspan="2">Total</td> <td>49.5 spaces (rounded to 50 spaces)</td> </tr> </tbody> </table> <p>This car parking requirement for Chipmunks is higher than the previous bulky goods premises approved within Tenancy T5, which required 17 parking spaces based on the DCP rate of 1 space/50m² and a tenancy area of 863m². The resulting car parking 'balance' has been calculated:</p>			Proposal	Parking Requirement	Current Surplus (accounting for childcare footprint)	Resulting Surplus	110 place childcare	DCP: 33 spaces	64 space surplus	31 space surplus	RMS: 28 spaces	36 space surplus	Parking Rate	No. Patrons/Staff	Parking Requirement	0.27 spaces/patron	150 patrons	40.5 spaces	60% of staff driving	15 staff	9 spaces	Total		49.5 spaces (rounded to 50 spaces)
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Table 5. PDCP2014 Provisions and Assessment			
PDCP2014 Control	Provision Applicable to Site and Assessment		
	Use of T5 (863m²)	Parking Requirement	
	Current bulky goods	17	
	Proposed Chipmunks	50	
	Balance	33 <i>more</i> spaces required by Chipmunks	
	<p>The allocation of parking for Chipmunks would result in the following balance of parking across the site, accounting for the existing Home Co centre, change of use for Chipmunks within Tenancy T5, the childcare centre footprint and childcare centre parking requirements.</p>		
	Current Surplus (including childcare centre)	Additional Parking Requirement for Chipmunks	Resulting Surplus/Shortfall
	31 space surplus (based on DCP requirements for the childcare centre)	33 spaces	2 space shortfall
	36 space surplus (based on RMS requirements for the childcare centre)		3 space surplus
	<p>Accordingly, a minor shortfall of 2 spaces based on the DCP rates would result from the change of use for Chipmunks, when considered in conjunction with the proposed childcare centre development. However, based on the rates prescribed by the RMS Guide and the Planning Guideline, a 3 space <i>surplus</i> would be maintained over the site.</p>		
	<p>As outlined above, the proposed parking provision is justified on the basis of compliance with the RMS Guide and Planning Guideline, as well as trip reduction (and corresponding reduced parking demand) resulting from co-location, multi-purpose visitation and different peak times for the various uses. On this basis, the car park would have sufficient capacity to enable the co-existence of Home Co, the childcare centre and Chipmunks.</p>		
<p>Chapter D5 Other Land Uses, Section 5.2 Child Care Centres (It is noted that by virtue of Clause 26 of the E-SEPP, these provisions of PDCP2014 would not technically apply to the proposal. Notwithstanding, consideration has been offered to demonstrate the suitability of the proposed childcare centre for the site).</p>			
Work-based childcare centres (business and industrial areas)	<p>The proposed childcare would be compatible with the environmental qualities of the site and would not give rise to land use conflict. Importantly, the site is not used for any intensive industrial purposes, instead serving as a low-intensity, non-polluting specialised retail centre.</p> <p>The childcare centre would adjoin the Home Co centre's building elevation and the landscaped setbacks adjacent to the secondary street frontage. The remaining two (2) 'edges' of the childcare centre would incorporate appropriate façade treatment and landscaping to create a safe, secure, amenable buffer between the proposed childcare centre and adjoining carpark.</p>		

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Table 5. PDCP2014 Provisions and Assessment	
PDCP2014 Control	Provision Applicable to Site and Assessment
Location	<p>The site is situated in immediate proximity to residential catchments and employment lands that would generate demand for childcare services in order to support working parents. A number of parks, other educational establishments, community facilities and local shops, are dispersed throughout the surrounding suburb.</p> <p>The site is situated approximately 400m away from the nearest service station, being the Seven-Eleven on Mulgoa Road, and is considered to be suitably distanced from any other incompatible uses or structures.</p> <p>The site benefits from existing access arrangements for Home Co that would be suitable to also facilitate safe access to the childcare centre for parents and staff.</p> <p>Whilst the overall site benefits from direct access from key roads providing connectivity through the local area, the childcare centre itself would be generously setback and buffered from the roads by existing landscaping and the pre-existing structures on the site associated with Home Co. This would offer a high level of amenity for the childcare centre.</p> <p>The site is not identified within the flood planning area based on the PLEP2010 maps.</p>
Design, scale and site frontage	<p>The scale of the proposed childcare centre would be secondary compared to the established bulky goods centre on the site. Given its modest scale, single storey height and location toward the rear of the site and attached to the side elevation of the existing building, the proposed built form would not be visually dominant in the streetscape.</p> <p>The site is of an adequate size to accommodate generous indoor and outdoor play spaces and all other amenities and functional areas for the childcare centre, as well as all car parking required for both the proposed childcare centre and the established Home Co centre.</p> <p>The Regentville Road site frontage exhibits a total width of approximately 160m and therefore compliance with the 22m control of PDCP2014 would be achieved.</p>
Built form	<p>The proposed childcare centre has been purpose-designed to meet the requirements of the relevant National Regulations and the Guideline, as detailed in this SEE and the supporting Appendices.</p> <p>The architecture of the building and façade design would integrate with the visual character of the established Home Co centre on the site.</p> <p>The centre would comprise a single storey only, with all indoor and outdoor spaces provided at ground level.</p>
Vehicle access, circulation and parking	<p>As shown in the Architectural Drawings (Appendix 2), childcare drop-off spaces as well as staff car parking have been allocated in proximity to the entry to the childcare centre.</p> <p>Further details regarding car parking are provided in the preceding section of this table.</p>

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Table 5. PDCP2014 Provisions and Assessment	
PDCP2014 Control	Provision Applicable to Site and Assessment
	A Traffic Impact Assessment is provided at Appendix 4 .
Noise	<p>The proposed childcare centre would be located toward the rear of the site and would be buffered from any sensitive residential areas by other built form (which accommodates a variety of specialised retail, warehousing and light industrial uses) and road infrastructure.</p> <p>These locational particulars, together with the high quality design and construction of the proposed built form, landscaping and standard operating hours, would ensure that the ongoing operation of the childcare centre would have no unacceptable adverse impacts on the amenity of the neighbourhood.</p>
Shade	Shade structures would be incorporated in the outdoor play space to ensure an amenable environment for children.
Landscaping	<p>Landscaping would be provided to complement the childcare centre and provide screening between the outdoor play space and adjoining carpark. Secure fencing would be provided around the perimeter of the centre. The existing landscape setbacks adjacent to the street frontage would be maintained.</p> <p>Visualisations demonstrating the general intent for landscaping of the outdoor play area are included within Appendix 2.</p>

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PART E PLANNING ASSESSMENT

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

5.1 LIKELY IMPACTS

5.1.1 CONTEXT & SETTING

The proposal would support the introduction of a new childcare centre and make productive use of an underutilized portion of the existing carpark. The childcare centre would complement surrounding employment-generating uses as well as nearby residential catchments, by delivering essential childcare services. At the same time, the centre itself would provide new job opportunities. Therefore, the proposed childcare centre would be highly compatible with the local context.

5.1.2 DESIGN AND APPEARANCE

The proposed built form has been architecturally designed and would integrate with the high quality appearance and visual character of the existing Home Co specialized retail centre on the site. Given its location to the rear of the site and its smaller scale compared to the existing building, the proposed centre would not be visually dominant in the streetscape. The appearance of the built form would be further softened by the inclusion of landscaping, which would also improve the 'green' character of the area.

5.1.3 LANDSCAPE AND TREES

The proposed childcare centre would be provided on an area of existing carpark and would not require any tree removal to facilitate the development. The landscape quality of the site would be enhanced through the inclusion of landscaping as part of the new childcare centre. Visualisations demonstrating the general intent for landscaping of the outdoor play area are included within **Appendix 2**.

5.1.4 LOCAL AMENITY

The proposed childcare centre would be located toward the rear of the site and would be buffered from any sensitive residential areas by other built form (which accommodates a variety of specialised retail, warehousing and light industrial uses) and road infrastructure.

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

Further details of operational management for the childcare centre are provided in the Operational Plan of Management at **Appendix 6**.

5.1.5 TRAFFIC AND TRANSPORT

A Traffic Impact Assessment (**Appendix 4**) has been prepared by One Mile Grid to assess the traffic and parking implications of the proposed development. The assessment has jointly considered the proposed childcare centre together with the Chipmunks indoor recreational facility that is subject of a separate DA currently under assessment by Council.

As a result of introducing the childcare centre within the existing Home Co carpark, there would be a loss of 69 parking spaces. Accounting for the rationalization of parking that is documented in the Traffic Impact Assessment, this would reduce the current total supply from 365 spaces to 297 spaces. Both this existing and future supply represent significant surpluses compared to the actual requirements of Home Co.

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With respect to the car parking demand that would be generated as a result of the proposed childcare centre, based on the PDCP2014 rates a total of 33 spaces would be required. However, a lower provision of 27.5 spaces would be required pursuant to the RMS Guide and the Planning Guideline.

Overall, the net loss of spaces resulting from the footprint of the childcare centre together with the allocation of parking to the childcare centre in accordance with the DCP or RMS/Guideline rates, would maintain a surplus of spaces for Home Co. When considered in conjunction with the pending change of use DA for Chipmunks, there would continue to be a 3 space surplus of spaces based on the RMS and Guideline rates. Alternatively, the adoption of the DCP rates for the childcare centre would record a minor shortfall of 2 spaces.

This minor shortfall is justified on the basis of trip reduction (and corresponding reduced parking demand) resulting from co-location, multi-purpose visitation and different peak times for the various uses. Importantly, the childcare drop-off/pick-up times would differ from peak times for Home Co, resulting in spare capacity at different times of day. This is reflected in the subclauses within PDCP2014, the RMS Guide and the Planning Guideline. On this basis, the car park would have sufficient capacity to enable the co-existence of Home Co, the proposed childcare centre and Chipmunks.

5.1.6 STORMWATER AND CIVIL ENGINEERING

The proposed childcare centre would be serviced by a combination of new and existing site infrastructure, as outlined in the Civil Plans at **Appendix 3**.

In summary, a new stormwater pipe with associated surface inlet and junction pits would run from the childcare centre site, through the car park (beneath the pavement), to connect to the existing stormwater drainage system.

During the carrying out of all works, erosion and sediment control would be implemented in accordance with the plans at **Appendix 3**. Measures would include sedimentation fencing, vehicle shaker grids, stabilised site access, mesh and gravel inlet filters, and geotextile inlet filters.

5.1.7 SOIL CONTAMINATION

A Phase 1 Environmental Site Assessment (**Appendix 7**) has been undertaken to assess whether the site is suitable for the proposed childcare centre, being a more sensitive use than the existing specialized retail premises.

Site investigations have previously been carried out on the site, and remedial works executed in accordance with a Remedial Action Plan (RAP) and summarized in a Remediation and Validation Report (RVR). The RVR concluded that:

'Remediation of the site has been completed as per Geo-Logix RAP. The results of validation sampling comply with RAC and all decisions rules have been met.

Asbestos and lead contaminated soils are contained onsite in a well-defined containment cell. An Environmental Management Plan has been prepared for site users and provides guidance in the event the containment cell is required to be accessed.

The condition has been notified to the consent authority and is recorded on the properties 88b instrument and Section 149 Planning Certificate.

Geo-Logix concludes the site is suitable for the proposed Masters commercial industrial land use.'

This Phase 1 Environmental Site Assessment considers that, provided the capping layer is constructed as report and is not breached, there does not appear to be a complete source-pathway-receptor linkage

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with regard to the encapsulated material. The risk to users of the childcare centre is considered low. However, the capping layer is less than 250mm thick, which is unlikely to be sufficient to protect intrusive maintenance workers during development works, and ongoing/future service maintenance works. Consideration should be given to this during development through preparation and implementation of an appropriate construction environmental management plan and appropriate workplace health and safety measures.

With respect to hydrocarbons in soils and groundwater, the site was previously validated to levels appropriate for commercial/industrial land use. The proposed land use of a childcare centre would fall under the land-use scenario '*HIL A - low-density residential land-use scenario with a sizeable garden*' which is the most conservative land use in NEPM 2013. The site has not been validated for the proposed use and further assessment is recommended.

Groundwater to the south of the proposed childcare centre contained ethylbenzene, xylenes, and naphthalene at concentrations exceeding ecological criteria (NEPM GILs) at the time of validation. In addition to this, concentrations of TRH in groundwater were detected (albeit below criteria). Management limits in soil were exceeded in a number of locations, therefore it is possible that some residual hydrocarbon impacts remain in the soil and groundwater. Given a number of years have elapsed since the validation work and natural attenuation is likely to have occurred. Nevertheless it is recommended that:

- A soil vapour assessment be undertaken to assess the risk to proposed site users, prior to development being undertaken; and
- A construction environmental management plan is prepared for the site, the document should include an unexpected finds protocol which should detail the controls required should stained, or odorous soil be encountered.

It is considered appropriate for the recommendations of the Environmental Site Assessment to be incorporated as conditions of consent.

5.1.8 BCA, FIRE AND ACCESS

A BCA Statement (**Appendix 5**) has been prepared to document a review of the proposal against the relevant Deemed to Satisfy provisions to demonstrate compliance with the relevant Performance Requirements of the BCA. The assessment identified the design may either address the building's location adjacent to an existing large isolated building by way of a Deemed to Satisfy Solution, a Performance Solution or a combination of both to meet the relevant Performance Requirements of the BCA.

The proposed works have been found capable of National Construction Code (NCC) Building Code of Australia Volume 1, 2019 amendment 1 (BCA) compliance subject to further detailing prior to the issuance of a Construction Certificate.

Any proposed fire services works would be undertaken by an Accredited Practitioner (fire safety) registered with the Fire Protection Association. The required Fire Resistance Levels (FRLs) are outlined in Appendix 1 of the BCA Statement.

The BCA Statement also provides commentary on the *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards) for matters relating to access and facilities for people with disabilities. Principle Accessibility Requirements are identified in Appendix 2 of the BCA Statement.

5.1.9 HERITAGE

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

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5.1.10 WASTE

Details of waste generated during construction and operation are provided in the Waste Management Plan at **Appendix 8**.

5.1.11 CONSTRUCTION

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

5.1.12 CUMULATIVE IMPACTS

No foreseeable cumulative impacts would result from the proposed development. Rather, the proposal would deliver essential social infrastructure in the form of a childcare centre that would provide an important service for the local community and workforce whilst also generating local employment opportunities.

5.2 SUITABILITY OF SITE FOR DEVELOPMENT

The proposal would enable the adaptive re-use of an underutilised area of car parking, for a childcare centre that would provide an important service for the local community and workforce. The specific portion of the site on which the childcare centre is proposed to be located is suitable for the development as it is free from easements and other encumbrances.

The proposed childcare centre would be compatible with the existing Home Co bulky goods centre on the site, with respect to both the physical built form and operational aspects. Likewise, the proposed childcare centre would be capable of suitably co-existing with the Chipmunks indoor recreational facility that is currently under assessment by Council.

The site is therefore highly suitable for the proposed development.

5.3 SUBMISSIONS

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

5.4 THE PUBLIC INTEREST

The proposed development would have no adverse impact on the public interest. Rather, the proposal would support the delivery of additional childcare places to support the needs of the growing local residential population and surrounding workforce. The proposal would generate additional local jobs, and would indirectly support other employment opportunities for the local community by providing an essential childcare service for working parents.

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PART F CONCLUSION

The proposed childcare centre at 72 Mulgoa Road, Jamisontown, would complement the established Home Co centre and deliver important social infrastructure to meet the demand generated by the growing local workforce and residential population.

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

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

- The subject site is situated in immediate proximity to residential catchments and employment areas, and therefore is ideally located for a childcare centre to service local residents and workers.
- The proposal would deliver important social infrastructure to meet the demand generated by the growing local workforce and residential population.
- At the same time as providing an essential service, the proposed childcare centre would also generate employment.
- The proposed development would make productive use of an underutilised portion of the site within an established urban area.
- The proposal would be compatible with surrounding development and would not compromise the ongoing operations or amenity of any nearby land uses.
- Registered encumbrances have been considered in the siting of the proposed built form on the site to retain appropriate clearance from easements and land subject to restrictions on use.
- Childcare centres are permissible with consent in the B5 zone pursuant to PLEP2010.
- The proposal would comply with the PLEP2010 development standards and other relevant provisions.
- The childcare centre has been designed in the context of the E-SEPP, National Regulations and the Guideline. In particular, compliance with the National Regulations has been achieved with respect to the amount of unencumbered indoor and outdoor space per child.
- With respect to car parking, the net loss of spaces resulting from the footprint of the childcare centre together with the allocation of parking to the childcare centre in accordance with the DCP or RMS rates, would maintain a surplus of spaces for Home Co.
- When considered in conjunction with the pending change of use DA for Chipmunks, there would be a minor shortfall of 2 car parking spaces based on the DCP rates. However, based on the rates prescribed by the RMS Guide and the Planning Guideline, a 3 space *surplus* would be maintained over the site.
- This minor shortfall is justified on the basis of trip reduction (and corresponding reduced parking demand) resulting from co-location, multi-purpose visitation and different peak times

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for the various uses. Importantly, the childcare drop-off/pick-up times would differ from peak times for Home Co, resulting in spare capacity at different times of day. This is reflected in the subclauses within PDCP2014, the RMS Guide and the Planning Guideline. On this basis, the car park would have sufficient capacity to enable the co-existence of Home Co, the proposed childcare centre and Chipmunks.

- Although the site previously comprised contaminants, it has been remediated in accordance with an approved RAP and a Validation Report has been issued certifying the suitability of the land for commercial use. An EMP is also in place for the ongoing management of the site. As confirmed by the ESA prepared specifically in relation to this DA, the site conditions are suitable for the proposed childcare centre.

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

Appendix 1 Survey Plan

Appendix 2 Architectural Drawings

Appendix 3 Civil Plans and Statement

Appendix 4 Traffic Impact Assessment

Appendix 5 BCA Statement

Appendix 6 Operational Plan of Management

Appendix 7 Phase 1 Environmental Site Investigation

Appendix 8 Waste Management Plan

Appendix 9 Cost Summary Report

Appendix 10 Child Care Planning Guideline Assessment Table