



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of existing structures and construction of a three storey centre-based child care facility

72 Park Avenue, Kingswood

Prepared for: Montessori Academy Group Developments

Ref: M200179

DATE: 23 January 2023





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1. Introduction

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 construction of a three storey centre-based child centre, at No.72 Park Avenue, Kingswood.

The centre will cater for 117 children between the ages of 0-6 years old, 21 staff and will provide 31 parking spaces within the ground floor 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 *Altis Architecture* and Acoustic Assessment Report provided by *Acoustic Logic* 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. 72 Park Avenue, Kingswood. The site has a legal description of Lot 10 in DP 1224143.

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 southern frontage to Park Avenue of 30.585m, an eastern side boundary of 65.395m, a western side boundary of 63.175m, a northern rear boundary of 30.49m. The site has a total area of 1960m².

The subject site is currently vacant and only contains two brick retaining walls and four concrete surfaces. The site includes two trees at the site frontage and some additional tree plantings towards the rear of the site but is otherwise sparsely vegetated. An image of the subject site is provided at **Figure 2**. The site is zoned R4 High Density Residential. Surrounding development reflects the area's R4 zoning and is characterised by multi-dwelling housing and residential flat buildings.





Figure 2 The subject site.

2.2 CONNECTIVITY AND ACCESS TO PUBLIC TRANSPORT

The subject site has good access to public transport, located 120m from Kingswood Railway Station which services the T1 North Shore and Western Line. The site is approximately 400m from the Nepean Hospital and health precinct and 2.5km from the Penrith Commercial Core.

The site is located within close proximity to numerous schools, including St Joseph's Primary School, Cambridge Park Public School and Cambridge Park High School. Due to the nearby public transport options and schools in the locality, there will be an opportunity for reduced vehicular travel and dual-purpose trips.

All relevant utility services including water, sewer, electricity, gas and telephone will be available and connected to the subject property.

2.3 SURROUNDING DEVELOPMENT

The surrounding area is characterised by one to four storey dwellings, townhouses, and residential flats. Immediately to the west is Nos.73-74 Park Avenue which comprise a two storey townhouse complex. To the east is Nos. 69-70 Park Avenue which comprise four storey residential flat buildings, with three separate buildings to the front and rear. To the rear (north), the subject site shares a boundary with No. 12 Richmond Road which is occupied by St Joseph's Catholic Primary School. Opposite the site, on the southern side of Park Avenue, is the railway line, with the Kingswood Railway Station located to the south west.

Photos of the surrounding area are shown below at **Figures 3 to 6** below:



Figure 3 Nos. 73-74 Park Avenue (adjoining site to the west)



Figure 4 Nos. 69-70 Park Avenue (adjoining site to the east)



Figure 5 No. 12 Richmond Road (adjoining school at rear of site to the north)



Figure 6 Railway Line (opposite the subject site)



3. Description of the Proposal

3.1 PROPOSED DEVELOPMENT

The proposed development involves clearing of the site and tree removal, and construction of a three storey centre based childcare facility.

The proposed childcare centre will provide education and care for 117 children of 0-6 years of age and operate between 7am - 6pm Monday to Friday (excluding public holidays). A detailed Plan of Management (PoM) is submitted in conjunction with this development application providing guidelines and controls for the operation and management of the proposed childcare centre.

The proposed childcare centre provides services for all ages and prepares children for primary education. The proposal will provide the services and facilities required for a traditional child care centre in accordance with the Education and Care Services National Regulations (ECSN Regulations).

Calculations (Child to Educator Ratios)

<i>Age Group</i>	<i>Children</i>	<i>Staff</i>
0-2 years:	32 children	8 (1 staff to 4 children)
2-3 years:	45 children	9 (1 staff to 5 children)
3-6 years:	40 children	4 (1 staff to 10 children)

Total: 117 children & 21 staff

The childcare centre provides indoor and outdoor play areas in accordance with the requirements of the ECSN Regulations. Use of these areas has been outlined as detailed in the PoM and submitted Acoustic Report.

Calculation (Indoor Play Areas)

Level 1

Classroom 1: 0-2 Years: 64m², catering for the proposed 16 children (52m² required)

Classroom 2: 0-2 Years: 57m², catering for the proposed 16 children (52m² required)

Classroom 3: 2-3 Years: 68m², catering for the proposed 20 children (65m² required)

Classroom 4: 2-3 Years: 85m², catering for the proposed 25 children (81.25m² required)

Level 2

Classroom 5: 3-6 Years: 78m², catering for the proposed 20 children (65m² required)

Classroom 6: 3-6 Years: 69m², catering for the proposed 20 children (65m² required)

Total: 422m² of indoor area to accommodate proposed 117 children (380.25m² required)





Calculations (Outdoor Play Areas)

Level 1

Outdoor Play Area 1: 170m²

Outdoor Play Area 2: 429m²

Level 2

Outdoor Play Area 3: 308m²

Total: 907m² of outdoor area to accommodate proposed 117 children (819m² required)

The indoor and outdoor areas will operate in accordance with the PoM submitted with this application.

3.2 PROPOSED WORKS

The proposal will involve the tree removal and land clearing on the subject site and subsequent construction of a three storey childcare centre.

The proposed works are illustrated on the submitted plans prepared by *Altis Architecture* and are described in detail below.

3.2.1 Ground Floor

The ground floor level will provide pedestrian access from Park Avenue via a pedestrian walkway which leads to the centre lobby, as well as the waste room. A pedestrian access ramp is provided along the eastern side boundary for egress between the Level 1 outdoor play area and the street. An additional egress walkway is provided off Park Avenue which runs along the western side boundary of the site, with stairs up to the first floor level. The lobby contains lift and stair access to the levels above, as well as access to the car park. An OSD tank and 4 bicycle parking spaces are also provided at the front of the site. The rest of the ground floor level contains parking for the centre, with vehicle access provided via a two way driveway off Park Avenue. The car park will contain parking for 31 vehicles, including 19 staff and 12 parent spaces (of which 1 is accessible), a bin storage room (with external access only), a sprinkler pump room, fire hydrant tank and diesel pump sets, a rainwater tank, storage/plant room and a fire isolated corridor.

3.2.2 Level 1

Level 1 contains the first floor of the centre with the lift and stair access from the ground floor opening out to the waiting area and reception with pram storage. The level includes 4 x class rooms – two for 0-2 years (16 children per room), and two for 2-3 years (20 and 25 children per room), as well as storage areas and craft sinks for each. The 0-2 year rooms provide a cot room, nappy changing area, and bottle preparation area, whilst the other rooms are provided with age appropriate bathroom facilities. Outdoor play area for these classrooms is provided external to the building at the rear of the site, where the outdoor play area for 0-2 years is separated by fencing. An external lockable storage room is provided at the rear of the building, toward the eastern side of the site.

The level also contains the following:

- Reception/administration room with adjoining file and services rooms;
- Meeting room;
- Staff room with kitchenette;
- Male, female and disabled bathrooms;



- Pram storage;
- Kitchen;
- Laundry; and
- Storage/plant room.

3.2.3 Level 2

The second floor contains two additional classrooms for 3-6 years (for 20 children each). Both classrooms have access to appropriate bathroom facilities, craft sinks, and internal storage, with access to a raised outdoor play area provided at the rear which will incorporate landscape treatment and acoustic screening. External storage is also provided off the outdoor play area.

3.3 LANDSCAPING

A Landscape Plan prepared by *Fiona Robbe* 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. The two trees at the front of the site are required to be removed, however adequate replacement tree plantings 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):

- Teepee with bench seats;
- Bike track;
- Sandpits;
- Mound slide;
- Timber logs;
- Mud kitchen;
- Attenuated rubber;
- Artificial turf; and
- Peripheral planting.

Excerpts from Landscape Plan prepared by *Fiona Robbe* (Ground Floor and Level 1) provided below at **Figures 7 and 8**.

MATERIALS LEGEND

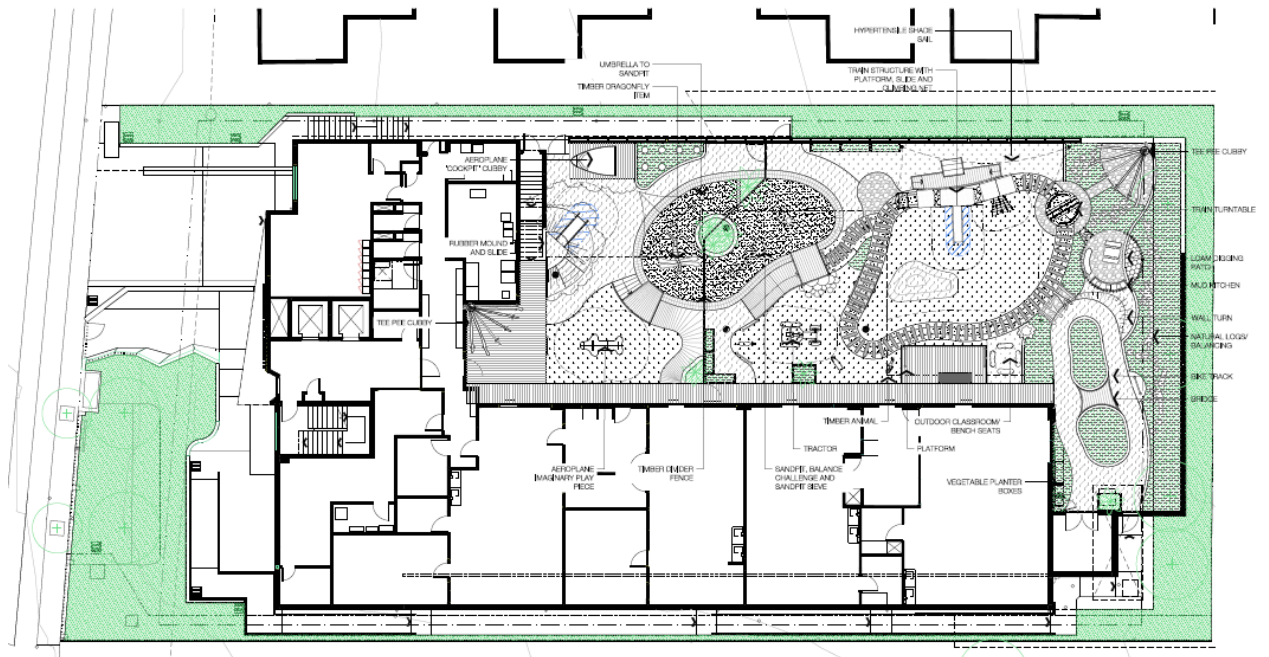


Figure 7 Landscape Plan – Level 1

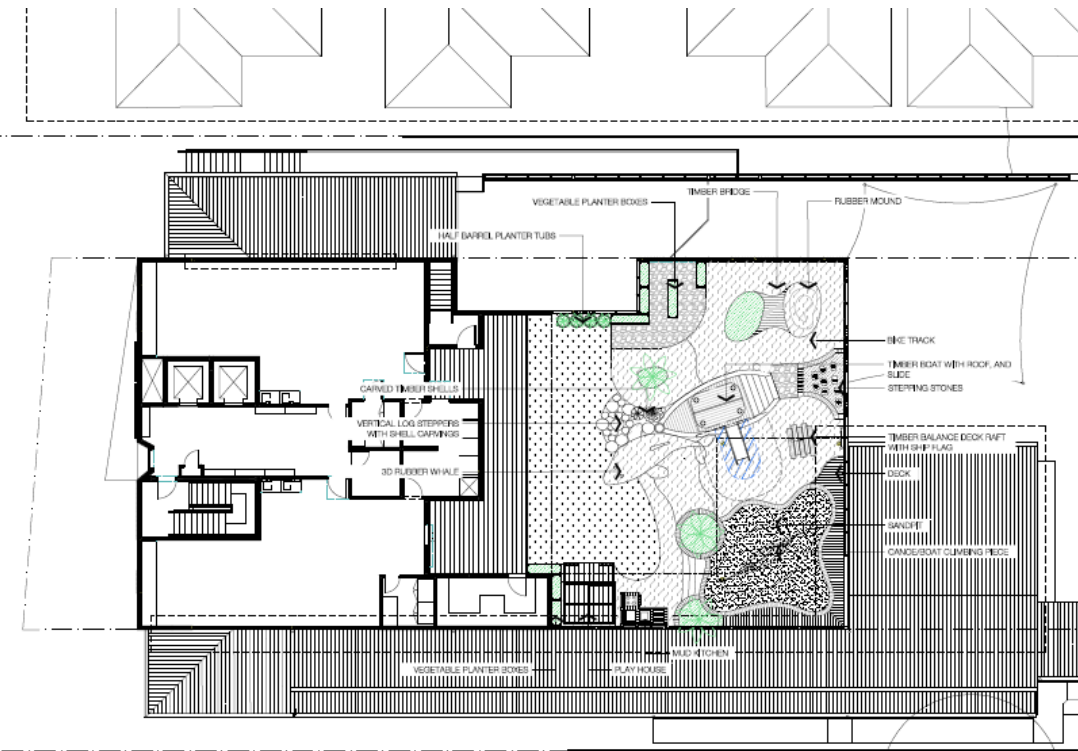


Figure 8 Landscape Plan – Level 2

3.4 PRE-DA RESPONSE

A pre-DA meeting was held with Council on 4 August 2022 to discuss the development proposal. 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
PLANNING	
To address how the proposal will meet the development standards outlined in the SEPP (Infrastructure) 2021 for Centre Based Child Care Centres and in particular to Part 3 Clause 22 (2) for the provision of indoor and outdoor unencumbered floor space play areas in accordance with Section 107 and Section 108 of the Education and Care Service National Regulations.	Refer to Annexure A.
The site plan and floor plans shall clearly show these area by way of different shades of colours and the calculations are compliant. You will need to demonstrate that adequate area/facilities/provisions for sleeping area/cots; kitchen areas; shading provisions for outdoor play areas; storage areas and onsite parking spaces for children and staff.	Refer to the Architecture Plans submitted with the application.
You will also need to consider Council's DCP 2014 Section D which has a separate chapter for Centre Base Child Care Centre.	Refer to Annexure D.
Council's DCP 2014 has recently in March 2022 included a new Chapter C14 Urban Heat Management. You will need to address how your proposal will meet the requirements of this chapter.	Refer to Annexure D.
As the development site is located close the railway line, the application will be referred to relevant Authority/Transport NSW for comments.	Noted.
DESIGN	
The overall front elevation is acceptable, however, to further improve the front elevation, consideration shall be given to the use of wooden/Brownish shade of coloured vertical panels and not to use dark Gray or black colours within the front elevation recessed walls and to use abutted windows along the flat walls.	The proposed building is to be finished in render and paint, aluminium battens, face brick, fibre cement cladding and glazing, with light to mid colours proposed across the front façade. It is noted that the aluminium battens have been toned down in response to this comment. Refer to the schedule of colours and materials submitted with this application.
Consideration shall be given to providing some gaps along the proposed continuous horizontal windows along the eastern elevation.	The proposal has been amended since the Pre-DA to provide gaps between the windows along the eastern

TABLE 1 - Penrith Pre-DA Meeting

	elevation.
The lift lobby appears to be unsecured and is likely to have security issue of people accessing the parking area from the street. As discussed, consideration shall be given to include access control measures including physical walls of some kind.	A security gate is provided to the ground floor parking area. Glass sliding doors are also provided on both the street and car park sides to the lift lobby.
The development is likely to remove many of the existing mature trees on this site. An arborist's report shall be given to justify why those trees can be removed and how in long term your landscaping will compensate for those trees lost from this proposal.	Refer to the Arborist Report and Landscape Plans submitted with the application.
In view of this, Parks Avenue has continuous avenue of mature trees providing a pleasant streetscape. You have proposed to remove a tree located along the frontage of the street which is likely to diminish the existing amenity along the street. You are requested to consider saving that tree and relocate the pathway to the main entrance of the building as I had indicated at the meeting.	Due to the topography of the land and need to provide pedestrian and vehicle access to the site, the trees at the front of the site must be removed as they cannot be adequately protected. The proposal includes sufficient replacement trees and planting at the front of the site to ensure the amenity along Park Avenue is retained and enhanced. A direct pathway cannot be provided to the main building entrance as the site is too steep and a direct route would result in an extended ramp that is not suitable for the centre.
A row of planting of trees shrubs of local species shall be provided along the northern boundary and western boundary and shown in the landscaped and site plan.	Trees are not able to be provided along the northern and western boundaries due to the basement parking and setbacks of outdoor play areas. Nevertheless, adequate landscaping is provided across the site.
As discussed and agreed at the meeting, the proposed gate for the Play area 2 located along the western boundary shall be relocated closer toward Play area 1 to allow for landscaping buffer from adjoining properties along the western boundary.	The proposed gate has been relocated closer toward Play Area 1.
The adjoining properties and in particular to the west containing townhouse development appears to be located at a higher ground level and potential for loss of privacy. In order have more appreciation of privacy impacts to adjoining properties, you are requested to provide a cross section plan showing the FFL of this development against the adjoining western and eastern properties and how loss of privacy has been addressed.	Cross sections have been provided within the architectural plan set. The proposal has been designed to provide only high level windows to the eastern and western elevations in order to maximise privacy.
ENVIRONMENTAL MANAGEMENT	
SEPP (Resilience and Hazards) – Chapter 4 Remediation of Land All development applications are required to address Chapter 4 of SEPP (Resilience and Hazards) and associated requirements	Refer to Section 4.2.1.

TABLE 1 - Penrith Pre-DA Meeting

For the purpose of this application, as a minimum, a Preliminary Site Investigation (PSI) that includes soil sampling and analysis is required.	A Preliminary Site Investigation has been submitted with this application.
Vegetation Management 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.	An Arborist Report prepared by <i>Tree Report</i> is submitted with the application.
Noise Impact An Acoustic Report is required.	An Acoustic Report prepared by <i>Acoustic Logic</i> is submitted with the application and recommendations incorporated into the design.
Food Fit Out 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.	Refer to Architectural Plans submitted with application. Notably, bottle preparation areas are separate to nappy change and accommodate with separate sink. The proposal has been designed to ensure compliance with AS4674 and Food Safety Standards. Detailed design documentation of food preparation will be undertaken at the CC stage.
Waste Management A Waste Management Plan (WMP) is to be provided.	A WMP prepared by <i>Elephants Foot</i> is submitted with the application.
General Environmental Health Impacts The environmental impacts associated with the construction phase of the development will also need to be addressed, such as water quality, noise and vibration, dust, air quality and sediment and erosion control. This can be included in the Statement of Environmental Effects.	These are satisfactorily addressed throughout this report and in the various supporting documentation submitted with the application.
ENGINEERING A detailed survey of the site, including Council's verge area and the adjoining surrounds, shall be submitted with the application. All plans for the site shall have levels and details to AHD.	A Survey Plan is submitted with this application.
STORMWATER A stormwater concept plan, accompanied by a supporting report and calculations, shall be submitted with the application. The application shall demonstrate that downstream stormwater systems have adequate capacity to accommodate stormwater flows generated from the development. This may require the provision of on-site detention to reduce stormwater flows or upgrade of stormwater infrastructure to increase capacity. To	A Stormwater Concept Plan is submitted with this application. Refer to Stormwater Concept Plan.

TABLE 1 - Penrith Pre-DA Meeting

assess capacity, an hydraulic grade line assessment of the existing drainage system is to be undertaken in accordance with Council's Stormwater Drainage Specification.

Water Sensitive Urban Design (WSUD) is required to be provided for the site.

Any on-site detention system or water quality system must be within common property and accessible from the street without going through dwellings or private courtyards.

A water sensitive urban design strategy prepared by a suitably qualified person is to be provided for the site. The strategy shall address water conservation, water quality, water quantity, and operation and maintenance.

The application shall include MUSIC modelling (*.sqz file) demonstrating compliance with Council's adopted Water Sensitive Urban Design Policy and Technical Guidelines.

A cross section of the existing easement along the eastern boundary is to be provided. Three cross sections shall be shown at the front, middle and rear of the development site. The cross sections shall show the following information:

- o Horizontal and vertical location of all services within the easement (services to be potholed)
- o Existing retaining walls along the eastern boundary
- o Proposed building works adjoining the easement including footing depths and locations. Footings are not to encroach into the easement.
- o Existing and proposed ground levels ensuring appropriate cover is maintained.

Any driveway crossover shall be at a minimum of 1m clearance from any public utility service lid, power / light pole or stormwater kerb inlet pit and lintel. The driveway shall also be located a minimum of 1.5m from any street tree. Utility services may be required to be relocated to accommodate the crossover. The applicant is to contact the utility service provider to obtain requirements.

The application is to be supported by a geotechnical report prepared by a suitably qualified person for the basement car parking areas and shall address, but not be limited to ground water movement, salinity, contamination and potential damage to adjoining public

The proposal has been designed with consideration of WSUD.

OSD is proposed at the street frontage and is accessible without going through the centre.

A WSUD strategy is submitted with this application.

A MUSIC model is submitted with this application.

The requested cross sections have been provided and include the information requested.

The driveway crossover is not located within 1.5m of public utility services.

A Geotechnical Report is submitted with this application.

TABLE 1 - Penrith Pre-DA Meeting

and private infrastructure during construction.	
<p>TRAFFIC</p> <p>The application shall be supported by a traffic report prepared by a suitably qualified person addressing, but not limited to, traffic generation, access, car parking, and manoeuvring.</p> <p>The application must demonstrate that access, car parking, and manoeuvring details comply with AS2890 Parts 1, 2 & 6 and Council's Development Control Plan. A fully dimensioned car parking plan is to be provided demonstrating that basement access ramps grades & widths, car parking bays, car parking aisles and manoeuvring details comply with AS2890 Parts 1, 2 & 6 and Council's Development Control Plan.</p> <p>The application shall be supported by turning paths in accordance with AS2890 clearly demonstrating satisfactory manoeuvring on-site and forward entry and exit to and from the public road.</p> <p>Council's DCP requires that car parking spaces be designed to accommodate full door opening. Car parking bays for parents / visitors shall be User Class 3A (2.6m wide with 6.6m aisle). Staff car parking bays shall be User Class 2 (2.5m wide with 5.8m aisle)</p>	<p>A Traffic and Parking Report prepared by <i>McLaren Traffic</i> is submitted with this application.</p> <p>The proposed car park has been to comply with AS2890 and Councils DCP.</p> <p>Refer to the Architectural Plans submitted with this application.</p> <p>Turning paths are provided with this application.</p> <p>The proposed parking spaces and aisle widths comply with Councils DCP.</p>
<p>BUILDING</p> <p>Relocate accessible carparking space so there is no potential conflict between a person with a disability and vehicles in the carpark</p> <p>Ensure that ascending and descending stairs are separated and a fire isolated stair is provided in accordance with the requirements of Section D. Should a performance solution be proposed please provide general information with the application.</p>	<p>The lobby and accessible parking space have been redesigned to prevent any conflict between a person with disability and vehicles in the carpark.</p> <p>A fire isolated corridor is provided within the basement. It is noted that the exit level is the lowest level, and as such there will not be people coming up the stair access to exit.</p>
<p>WASTE</p>	<p>A Waste Management Plan prepared by <i>Elephants Foot</i> is submitted with the application.</p>



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 (Resilience and Hazards) 2021	✓	✓	
"	SEPP (Transport and Infrastructure) 2021	✓	✓	
"	SEPP (Industry and Employment) 2021	✓	✓	
"	SEPP (Biodiversity and Conservation) 2021	✓	✓	
"	Penrith LEP 2010	✓	✓	
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">Government Coastal Policy;			✓

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 (Transport and Infrastructure) 2021, SEPP (Industry and Employment) 2021 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 (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) commenced on 1 March 2022, repealing and replacing three former SEPPs related to coastal management, hazardous and offensive development and remediation of land.

Of relevance to the proposed development is the following chapter:

- *Chapter 4 Remediation of Land.*



Chapter 4 Remediation of Land

Chapter 4 of the Resilience and Hazards SEPP 2021 provides planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected. The consent authority must consider if the land is contaminated and, if so, whether it is suitable, or can be made suitable, for the proposed use.

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

The PSI is submitted under separate cover and states:

Based on the site investigation and analytical results, GCA considers that the potential for significant contamination of soil to be low. All analytes were below the NEPM Health and Ecological Assessment Criteria for Residential developments.

Therefore, GCA finds that the site is suitable for the proposed development and land use, providing the recommendations within Section 14 below are implemented.

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); and*
- *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.*

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

As such, the development is acceptable and the site is suitable for the proposed development.

4.2.2 SEPP (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) commenced on 1 March 2022, repealing and replacing four former SEPPs related to infrastructure, transport, education and childcare.

Of relevance to the proposed development are the following chapter:

- *Chapter 2 Infrastructure*
- *Chapter 3 Educational Establishments and Child Care Facilities*

Chapter 2 Infrastructure

Chapter 2 of the Transport and Infrastructure SEPP 2021 sets out a range of overarching controls to facilitate the effective delivery of infrastructure throughout NSW. The site is located across from a railway line, and a small portion of the site frontage is identified within the Sydney Trains Corridor Protection Zone and the Sydney Trains Infrastructure Protection Zone.

Of relevance to the site and proposed development is Subdivision 2 '*Development in or adjacent to rail corridors and interim rail corridors – notifications and other requirements*' of Chapter 2 of the SEPP, specifically, the following clauses:

2.98 Development adjacent to rail corridors

- (1) *This section applies to development on land that is in or adjacent to a rail corridor, if the development—*

- (a) is likely to have an adverse effect on rail safety, or*
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
- (c) involves the use of a crane in air space above any rail corridor, or*
- (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

Note—

Section 2.48 also contains provisions relating to development that is within 5 metres of an exposed overhead electricity power line.

(2) Before determining a development application for development to which this section applies, the consent authority must—

- (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and*
- (b) take into consideration—*
 - (i) any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.*

(3) Despite subsection (2), the consent authority is not required to comply with subsection (2)(a) and (b)(i) if the development application is for development on land that is in or adjacent to a rail corridor vested in or owned by ARTC or the subject of an ARTC arrangement.

(4) Land is adjacent to a rail corridor for the purpose of this section even if it is separated from the rail corridor by a road or road related area within the meaning of the Road Transport Act 2013.

2.99 Excavation in, above, below or adjacent to rail corridors

(1) This section applies to development (other than development to which section 2.101 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—

- (a) within, below or above a rail corridor, or*
- (b) within 25m (measured horizontally) of a rail corridor, or*
- (c) within 25m (measured horizontally) of the ground directly below a rail corridor, or*
- (d) within 25m (measured horizontally) of the ground directly above an underground rail corridor.*

(2) Before determining a development application for development to which this section applies, the consent authority must—

- (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and*
- (b) take into consideration—*
 - (i) any response to the notice that is received within 21 days after the notice is given, and*

(ii) any guidelines issued by the Planning Secretary for the purposes of this section and published in the Gazette.

(3) Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor to which the development application relates.

(4) In deciding whether to provide concurrence, the rail authority must take into account—

(a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on—

(i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and

(ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and

(b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

(5) The consent authority may grant consent to development to which this section applies without the concurrence of the rail authority concerned if—

(a) the rail corridor is owned by or vested in ARTC or is the subject of an ARTC arrangement, or

(b) in any other case, 21 days have passed since the consent authority gave notice under subsection (2)(a) and the rail authority has not granted or refused to grant concurrence.

2.100 Impact of rail noise or vibration on non-rail development

(1) This section applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration—

(a) residential accommodation,

(b) a place of public worship,

(c) a hospital,

(d) an educational establishment or centre-based child care facility.

(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,

(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

It is understood that Council will be required to give written notice of the application to the rail authority for the rail corridor and must take into consideration any guidelines issued by the Planning Secretary in accordance with Clauses 2.98, 2.99 and 2.100 of the SEPP (Transport and Infrastructure) 2021.

Chapter 3 Educations Establishments and Child Care Facilities

Chapter 3 of the Transport and Infrastructure SEPP 2021 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 3.3 of the Transport and Infrastructure 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 (September 2021)

The Transport and Infrastructure SEPP states that:

3.23 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.

4.2.3 SEPP (Industry and Employment) 2021

State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP) commenced on 1 March 2022, repealing and replacing two former SEPPs related to employment lands in Western Sydney and advertising and signage.

Of relevance to the proposed development are the following chapter:

- *Chapter 3 Advertising and Signage*

This Chapter of the SEPP 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 two business identification signs at the front of the child care centre facing Park Avenue stating 'Montessori Academy' as demonstrated in **Figures 9 and 10** below.



Figure 9 Proposed signage locations.




PROPOSED SIGNAGE SCHEDULE			
SIGN 01 3D ILLUMINATED LETTERING FONT: ARIAL BOLD ITALIC (300mm GREY) MATERIAL: FABRICATED ACRYLIC 3D LETTERS AND RINGS WITH 100mm OPAL WHITE SIDES, ILLUMINATED BY LED. LED SIGN SUPPORTED BY 50mm SHS FRAME.	 MONTESSORI ACADEMY™ 	SIGN 02 PRINTED LETTERING / GRAPHIC FONT: ARIAL BOLD ITALIC COMPANY LOGO + PHONE NUMBER + "Childcare & Preschool" OR SIMILAR WORDING MATERIAL: SOLID TIMBER OR ALUMINIUM POST SIGN	
- SIGNAGE DETAILED DESIGN AND DOCUMENTATION TO BE IN ACCORDANCE WITH PENRITH COUNCIL DCP - FINAL SIGNAGE SPECIFICATIONS TO BE IN ACCORDANCE WITH COMBUSTIBILITY REQUIREMENTS OF EXTERNAL CLADDINGS UNDER THE NCC.			

Figure 10 Proposed signage details.

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 Industry and Employment		
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	<p>The proposed signage (Montessori brand) is located at the frontage of the site on the upper level of the front façade and on posts behind the front fence. This signage elements will be understated and finished to complement the development.</p> <p>The signage will be of a simple design and will utilise prefabricated materials for a high quality finish which will not be obtrusive when viewed from the public domain.</p>
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?	<p>The signage is simple in appearance and is well coordinated. The proposed signage will be located on the front façade and behind the front fencing, and will be limited in size. The proposed signs are compatible with the land use envisaged in the zone.</p>
	• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>The locality of the area does not identify a particular theme for signage. The proposed signs are modest in scale and compatible with the façade and development. The signs are not visually intrusive as identified through this analysis.</p>
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?	<p>The subject site is not situated within an environmentally sensitive area, heritage conservation area, open space area, or the like.</p>

Table 3 SEPP Industry and Employment

3 Views and vistas	• Does the proposal obscure or compromise important views?	There are no significant views obtained from or through the site.
	• Does the proposal dominate the skyline and reduce the quality of vistas?	The signage proposed will be situated below the line of the roof and will not impact the skyline in any significant way.
	• Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not comprise the viewing rights of other advertisers.
4 Streetscape, setting or landscape	• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage on the front facade and behind the front fencing is compatible with the locality through the proposed colours and style. The proposed signs are simplified building identifications.
	• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal has been designed with intent to integrate and identify the site use without being visually obtrusive.
	• Does the proposal reduce clutter by rationalising and simplifying existing advertising?	<p>The proposed signage scheme has been integrated well within 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>
	• Does the proposal screen unsightliness?	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.
	• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The wall 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. The post signage is located behind the front fencing and does not protrude above any buildings or tree canopies.
	• Does the proposal require ongoing vegetation management?	The proposed signage will not require any ongoing vegetation 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?	The signage is designed to complement the building.

Table 3 SEPP Industry and Employment

	• 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?	The wall signage will be illuminated by LED.
7 Illumination	• Would illumination result in unacceptable glare?	No, the extent of lighting is minimal and relative to the size of the proposed wall sign.
	• Would illumination affect safety for pedestrians, vehicles or aircraft?	As above.
	• Would illumination detract from the amenity of any residence or other form of accommodation?	The illuminated signage will be oriented to the street, away from adjoining properties.
	• Can the intensity of the illumination be adjusted, if necessary?	Can comply.
	• Is the illumination subject to a curfew?	Signage will only be illuminated during the hours of operation of the centre.
8 Safety	• Would the proposal reduce the safety for any public road?	The proposed signage is modest in terms of scale and design.
	• 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.

4.2.4 SEPP (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) commenced on 1 March 2022, repealing and replacing 11 previous SEPPs.

Of relevance to the proposed development are the following chapter:

- *Chapter 2 Vegetation in non-rural areas*

Chapter 2 Vegetation in non-rural areas



This Chapter regulates clearing that is not ancillary to development requiring consent. Whereas, clearing that is ancillary to development requiring consent will be assessed as part of the development assessment process. The proposed tree removal will be considered by Council's Landscape Officer and the replacement planting proposed is entirely appropriate in this instance. Refer to the Arborist Report and Landscape Plan submitted with this application.

4.2.5 Penrith LEP 2010

Penrith LEP 2010 (PLEP 2010) applies to the subject site. Under the LEP the subject site is located within the R4 – High 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 R4 zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To encourage the provision of affordable housing.*
- *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 LEP compliance table located at Annexure C of this report and demonstrates that the proposal complies with all relevant LEP controls.

4.2.6 Penrith DCP 2014

The relevant provisions of Penrith DCP (PDCP 2014) are detailed at Annexure D of the report and generally relate 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 local and site topography generally falls towards the south to south-east, with a fall of approximately 5m from the rear of the site to the street frontage. To accommodate the proposed child care centre, the development requires excavation depths of up to 4.5m, which tapers down toward the front of the site, where almost no excavation is required.

A Geotechnical Investigation Report has been prepared by *Geotechnical Consultants Australia* and is submitted with the application. All recommendations within the report will be implemented to ensure no adverse impacts will occur as a result of the proposed excavation works to the adjoining sites, with no significant adverse impact on the natural ground level outside of the proposals footprint.

The proposed development complies with the building height and floor space ratio development standards that apply 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

There are a total of 10 x Eucalyptus Trees existing on the subject site.

An Arborist Report has been prepared by *Tree Report* and is submitted with this application. The report recommends and supports the removal of all existing trees on the site, given they will fall within the construction footprint or are located adjacent to the construction footprint and face a major encroachment by the development.

An additional Eucalyptus Tree which is located on the adjacent site is recommended for retention, and the Arborist Report provides a Tree protection Plan to ensure it is adequately retained and protected during the construction of the proposed child care centre.

A Landscape Plan prepared by *Fiona Robbe* is submitted under separate cover demonstrating proposed integrated child care centre suitable landscape scheme for the site. The plan incorporates high quality landscaping including a range of native shrubs, grasses, hard and soft surfaces and will provide replacement tree planting. Specifically, two new trees will be planted at the site frontage to replace those proposed for removal. Overall, the proposed landscape scheme, incorporating suitable replacement trees, 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 has been designed to ensure compatibility with the high density, residential character of the surrounding area. The proposed childcare centre has been designed with a bulk and scale which is compliant with the maximum building height and floor space ratio of the PLEP 2010 in order to ensure compatibility with the character of the area.

The proposed development has been designed as a contemporary three storey built form, with natural earthy tones, which has integrated a pitched roof, articulated fenestration, materiality and landscaping to ensure the style of redevelopment emerging in the locality. The architecture of the proposal reflects the typology of its non-residential use and whilst being distinguishable from surrounding residential uses, is compatible with the character of the area. The incorporation of a residential roof form, articulated structure and window design with the proposed colour scheme reduces the perceived bulk of the building and ensure visual interest when viewed from Park Avenue.

The overall modulation of the façade, roof form and fenestration elements ensure that the proposal addresses the streetscape whilst negating any adverse impacts created by bulk and scale. The provision of landscaping throughout the site, including the provision of new trees and plantings at the front of the site, softens the overall built form and is compatible with the character of the neighbouring properties. Additionally, side and rear boundaries have also incorporated fenestration, materiality and landscaping to ensure the visual outlook from the neighbouring properties is not compromised.

As such, it is considered that the proposed development will positively contribute to the visual character of the area.

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 22 June (midwinter) and 22 September (equinox).

The Child Care Planning Guidelines require that development is designed to avoid overshadowing of adjoining residential properties. The proposal has been designed to reduce overshadowing to neighbouring properties as far as practicable by providing extended building setbacks where possible and by designing the development to sit entirely below the maximum building height requirement.

In terms of overshadowing and solar access to the private open space and living areas of neighbouring dwellings, the DCP does not contain any provisions for child care centres. As such, guidance is taken from Part D2 of Penrith DCP which contains solar access controls for single dwellings. Section 2.1.6 relates to Solar Planning relevant to single dwellings and the 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.*

At 9am, overshadowing caused by the proposed child care centre will fall over the street and the subject site itself, with only a small extent of shadowing falling over the west adjoining site at No. 73 Park Avenue. The shadowing will only fall over a minor portion of the front two dwellings within the townhouse complex at No. 73, which is considered acceptable given these dwellings will receive in excess of 3 hours of sunlight for the rest of the day. By 12 noon, all overshadowing which results from the proposed development will fall over the street and the subject site itself. At 3pm, the proposal will result in minor additional shadowing to the adjoining development at Nos. 69-70 Park Avenue, however this is considered acceptable given the site will receive in excess of 3 hours of sunlight throughout the day.

The proposed development will also perform favourably with regards to the solar access of private open spaces. As demonstrated within the shadow diagrams, the proposal will retain in excess of 3 hours of solar access to 100% of the private open space to all adjoining properties during the winter solstice. This will also be retained during the equinox as required.

In regards to the provision of solar access to the proposed child care centre, the Child Care Planning Guidelines provide the following design guidance for outdoor play areas:

Outdoor play areas should:

- Have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required.*
- Adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area.*
- Have evenly distributed shade structures over different activity spaces.*

As shown on the shadow diagrams submitted with the application, more than 30% of the outdoor play areas receive in excess of 2 hours of sunlight during midwinter. Furthermore, the proposed roof overhangs, in conjunction with surrounding built form and landscaping, provide adequate levels of shading to the outdoor play areas to ensure that an appropriate balance between solar access and sun protection is achieved evenly across the site.

As such, the proposal is considered to be acceptable with regards to overshadowing to neighbouring properties and solar access to the proposed development.

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 117 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. The report provides the following recommendations:

Building/Construction Recommendations

- All southern facades facing the rail line are required to have 6.38mm laminated glazing with full perimeter acoustic seals.
- A minimum 2.1m high acoustic fence is to be installed along the retaining walls surrounding the Level 1 outdoor play area. Refer to Appendix 2 for detailed markup.
- A minimum 1.8m high acoustic fence is to be installed around the full perimeter of the Level 2 outdoor play area. Refer to Appendix 2 for detailed markup.
- The underside of the shaded area/awning of Level 1 outdoor play area is to have acoustic absorptive treatment (minimum NRC > 0.9) installed to the full extent. Absorptive treatment can include Enviro spray 300, 50mm thick Bradford Supertel with ultraphon/perforated metal facing (maximum 20% open area), or CSR Martini XHD 50.

Management Controls

- No more than 117 children at any given time.
- No more than 4 hours (total) of outdoor playtime per day. Indicatively, a maximum of 2 hours during the morning and 2 hours during the afternoon.
- Waste collection is to only occur during the daytime period, between 7:00am and 6:00pm.
- Signs are to be implemented to remind staff and visitors to minimise noise at all times, at ingress/egress points from the childcare centre.
- All staff are to be given appropriate training in relation to acoustic impacts and requirements in terms of operation of the centre.
- Management is to ensure children are supervised at all times to minimise noise generated by the children whenever practical and possible.
- Install a contact phone number at the front of the centre so that any complaints regarding the operation of the centre can be made.

These recommendations will be implemented and it is anticipated that Council will impose appropriate conditions of consent to this effect.

The report concludes that the noise emissions from the development will comply with the applicable acoustic criteria and requirements provided that the recommendations and management controls are implemented.

It should also be noted that the proposed outdoor play areas are west facing in order to improve acoustic performance. The outdoor play areas will be screened from the residential properties to the east by the centre building and are oriented towards the west where fewer residential dwellings are located. With regards to residential properties to the west of the site, adequate acoustic screening is provided.



In terms of visual privacy, windows facing side boundaries are limited and do not overlook private open space or directly oppose adjoining windows. Where windows are proposed along the side elevations they are largely high level windows or a minor in extent, and will not introduce any adverse privacy impacts. The Level 1 outdoor play area will be largely screened from adjoining properties by the boundary and acoustic fencing in order to preserve residential amenity. The Level 2 play area will be screened appropriately with acoustic barriers to ensure overlooking and acoustic impact are minimised.

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 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 117 children and 21 staff and as such 33 spaces are required on site. The proposed development provides a total of 31 spaces within the parking area, which is considered acceptable to meet the needs of the centre.

A Traffic and Parking Impact Assessment Report prepared by *McLaren Traffic* has been submitted with the application and makes the following conclusion in relation to the proposed parking shortfall:

- *The proposal includes a total of 31 car parking spaces within a ground level carpark, comprised of 12 for parent / visitor use and 19 for staff use, resulting in a numerical shortfall of two (2) spaces from PDCP 2014 requirements.*
 - *Based on Journey to Work data, it is expected that 84% of staff will drive to and from work using their own private vehicle. Therefore, the anticipated staff parking demand of the site is 18 space such that it is acceptable to provide 19 car parking spaces for child care centre staff use.*

The Report further concludes:

- *Council's DCP requires the provision of three (3) bicycle parking spaces which have been provided onsite resulting in compliance with Council's requirements.*



- *The parking areas of the site have been assessed against the relevant sections of AS2890.1:2004 and AS2890.6:2009 and have been found to satisfy the objectives of each standard. Swept Path Testing has been undertaken with the results presented in Annexure D.*
- *The traffic generation of the proposed development has been estimated to be some 94 trips in the AM peak period (47 IN, 47 OUT) and 82 trips in the PM peak period (41 IN, 41 OUT). The impacts of the traffic generation have been modelled using SIDRA INTERSECTION 9.0, indicating that there will be no adverse impact to the performance of the intersections or on residential amenity surrounding the site as a result of the generated traffic.*
- *The future two-way peak hour traffic flow along Richmond Road remains below the 300 vehicle per hour threshold suggested in the RTA Guide amenity thresholds, such that residential amenity will not be adversely affected by the increase in two-way vehicle trips.*

As such, the proposed centre is not considered to have any adverse impacts in terms of parking and traffic generation on the locality.

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 (Transport and Infrastructure) 2021, 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

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 are considered acceptable as they will be minimised through the implementation of mitigation measures as outlined in the Acoustic Report prepared by *Acoustic Logic*. Similarly, traffic will not be adversely impacted given compliance with the PDCP 2014 requirements and as outlined in the Traffic Report prepared by *McLaren Traffic*.

The proposal provides a centre-based childcare centre for 117 children in close proximity to numerous schools in the locality. The proposed development will provide high quality indoor and outdoor play areas which will benefit the children utilising the centre. The site is suitable for the proposed childcare 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 (Transport and Infrastructure) 2021 - Compliance Table



SEPP (Transport and Infrastructure) 2021 - Compliance Table

Clause / Control	Requirement	Proposal	Complies?
Chapter 3 Education establishments and child care facilities			
<i>Part 3.3 Early education and care facilities – specific development controls</i>			
3.22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development	(1) This section applies to development for the purpose of a centre-based child care facility if—		
	(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	The proposal complies with this requirement. See the Child Care Planning Guideline compliance table at Annexure B.	N/A
	(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.	As above.	N/A
	(2) The consent authority must not grant development consent to development to which this section applies except with the concurrence of the Regulatory Authority.	Not applicable.	N/A
	(3) The consent authority must, within 7 days of receiving a development application for development to which this section applies—	Not applicable.	N/A
	(a) forward a copy of the development application to the Regulatory Authority, and		
	(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.		
	(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).	Not applicable.	N/A

SEPP (Transport and Infrastructure) 2021 - 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 subsection (3)</p> <p><i>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.</i></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>
3.23 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 <i>Child Care Planning Guideline</i> , in relation to the proposed development.	Refer to the Child Care Planning Guideline compliant table at Annexure B.	Yes
3.25 Centre-based child care facility—floor space ratio	<p>(1) Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.</p> <p>(2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.</p>	<p>Not applicable. The site is zoned R4.</p> <p>Not applicable.</p>	<p>N/A</p> <p>N/A</p>

SEPP (Transport and Infrastructure) 2021 - Compliance Table

3.26 Centre-based child care facility—non-discretionary development standards	(1) The object of this section 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.	Noted.	-
	(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—		
	(a) location—the development may be located at any distance from an existing or proposed early education and care facility,	Complies.	Yes
	(b) indoor or outdoor space <ul style="list-style-type: none"> 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 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, 	Complies. Refer to Child Care Planning Guideline at Annexure B.	Yes
	(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,	Complies.	Yes
	(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.	N/A – The site is not a heritage item and is not within a heritage conservation area.	N/A

SEPP (Transport and Infrastructure) 2021 - Compliance Table

	<p>(3) To remove doubt, this section does not prevent a consent authority from—</p> <p>(a) refusing a development application in relation to a matter not specified in subsection (2), or</p> <p>(b) granting development consent even though any standard specified in subsection (2) is not complied with.</p>	<p>Noted.</p> <p>Noted.</p>	<p>-</p> <p>-</p>
3.27 Centre-based child care facility—development control plans	<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 like, of children) does not apply to development for the purpose of a centre-based child care facility:</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early education and care facilities,</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in:</p> <p>(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or</p> <p>(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).</p> <p>(2) This clause applies regardless of when the development control plan was made.</p>	<p>Noted.</p> <p>Noted.</p>	<p>-</p> <p>-</p>

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	<p>C1 For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties the setbacks and siting of buildings within the residential context visual amenity impacts (e.g. additional building bulk and overshadowing, local character) traffic and parking impacts of the proposal on residential amenity. 	<p>The site is within the R4 High Density Residential zone.</p> <p>An Acoustic Report has been submitted with the DA, recommendations of which are incorporated into the proposal. Privacy is addressed later in this table.</p> <p>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.</p> <p>The proposal will have suitable amenity impacts on the surrounding properties.</p> <p>A Traffic Report is submitted with the development application.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>C2 When selecting a site, ensure that:</p> <ul style="list-style-type: none"> the location and surrounding uses are compatible with the proposed development or use the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed the characteristics of the site are suitable for the scale and type of development proposed having regard to: 	<p>Childcare centres are a common feature within R4 – High 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.</p> <p>There are no risks such as flooding, land slip, bushfires or coastal hazards on the site.</p> <p>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. A PSI is submitted with the application.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

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	<ul style="list-style-type: none"> - the length of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use • there are suitable drop off and pick up areas, and off and on street parking • the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use • the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities • 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. 	<p>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.</p> <p>Three shared boundaries with residential properties.</p> <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>The subject site is accessed via a suitable road which will be appropriate for vehicle entry and exit and pedestrian safety.</p> <p>As above.</p> <p>N/A – the area is residential in nature.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</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"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>The site is located within close proximity to St Joseph's Primary School, Cambridge Park Public School, Cambridge Park High School, Western Sydney University Kingswood Campus, Shaw Park Cricket ground, Kanangra Reserve.</p> <p>The site is located with 300m walking distance of the Kingswood Town Centre which contains a number of commercial and retail premises.</p> <p>The site is located opposite the Railway, within 100m from the Kingswood Railway Station. A number of bus stops are located along Park Avenue and the great Western Highway.</p> <p>The site is within walking distance of the Kingswood Town Centre.</p>	<p>Yes</p>

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	<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"> • proximity to: <ul style="list-style-type: none"> - heavy or hazardous industry, waste transfer depots or landfill sites - LPG tanks or service stations - water cooling and water warming systems - 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. - extractive industries, intensive agriculture, agricultural spraying activities • any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site. 	<p>The site is located in a residential area and is not in proximity to any such hazards or uses.</p>	<p>Yes</p>
<p>3.2 Local character, streetscape and the public domain interface</p>	<p>C5 The proposed development should:</p> <ul style="list-style-type: none"> • contribute to the local area by being designed in character with the locality and existing streetscape • build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise and respond to predominant streetscape qualities, such as building form, scale, materials and colours 	<p>The proposal has been designed as a three storey building fronting the public domain and has located parking largely below the ground level to ensure reduced visual impact. The proposal has integrated design features including contemporary roofing, brick and render and glazed openings in order to relate to the character of the area. Landscaping has also been integrated into the front setback to ensure compatibility with the neighbours.</p> <p>The proposed development is consistent with the character of the locality and will sit well within the streetscape.</p> <p>The proposed development is three storeys and complies with the maximum height which is compatible with the high density residential area. The proposal is also compliant with the required setbacks of the locality and FSR.</p> <p>The proposal has been designed within the LEP development standard and DCP controls. The built form is three storeys with a contemporary roof form, brick and rendered facade, and glazed windows. The proposal is designed to reflect the high density character of the area. The design</p>	<p>Yes</p>

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	<ul style="list-style-type: none"> include design and architectural treatments that respond to and integrate with the existing streetscape use landscaping to positively contribute to the streetscape and neighbouring amenity integrate car parking into the building and site landscaping design in residential areas. in R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence, except when good design solutions can be achieved. 	<p>of the parking area reduces the visual impact of parking and has been appropriately articulated by landscaping.</p> <p>As above, the proposal is designed to reflect the high density character of the area. Refer to Section 4.3.5 of this Statement.</p> <p>The proposed development has incorporated landscaping which is compatible with the character of the area throughout the front, side and rear setbacks. See submitted Landscape Plan.</p> <p>The proposal includes parking which sits largely below the ground level to minimise impacts onto the streetscape, surrounding neighbours and maximise landscaping.</p> <p>The site is located within the R4 zone.</p>	
	<p>C6 Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> fencing to ensure safety for children entering and leaving the facility 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 integrating existing and proposed landscaping with fencing. 	<p>Front and fences and gates, as well as the building line and front setback treatment delineate the public and private realms.</p> <p>The design provides windows overlooking Park Avenue.</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>	<p>Vehicular and pedestrian entrances have been clearly separated.</p>	<p>Yes</p>
	<p>C8 Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> clearly defined street access, pedestrian paths and building entries 	<p>Not applicable.</p>	<p>N/A</p>

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	<ul style="list-style-type: none"> • low fences and planting which delineate communal/ private open space from adjoining public open space • minimal use of blank walls and high fences. 		
	<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 area front fencing should be designed in accordance with local heritage provisions.</p>	The front fencing proposed consists of visually permeable materials.	Yes
	<p>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.</p>	Not applicable.	N/A
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"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties 	<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>Internal play areas are provided with adequate solar access through windows proposed, however appropriate measures will be taken to ensure visual privacy. Outdoor play areas include covered and uncovered spaces to also ensure useability throughout the year. North-south allotment pattern ensures no detrimental impacts on adjoining properties.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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	<ul style="list-style-type: none"> • minimise cut and fill • ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>The proposed excavation to accommodate the ground/basement parking area will have a minimal impact on the streetscape of Park Avenue and will retain amenity of the neighbouring residents.</p> <p>The proposed development has been designed to address the street frontage through pedestrian access, glazed openings, landscaping and overall building articulation and will complement the high density character of the locality.</p> <p>The proposed indoor and outdoor play areas on the first and second floors will be provided with operable openings and shading to ensure useability throughout the year.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>C12 The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character. 	<p>The building is three storeys in height and is compliant with the 15m LEP height limit. This is consistent with surrounding development.</p> <p>As above.</p> <p>The proposed setbacks allow for adequate privacy and separation and are consistent with DCP requirements.</p> <p>Complies.</p> <p>The proposed setback is consistent with the predominant building line and is consistent/compatible with the setback controls for dwellings.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>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.</p>	<p>The proposal complies with residential front setback controls which requires 5.5m or the average of the adjoining properties. The proposed front setback is consistent with the setback of adjoining development.</p>	<p>Yes</p>
	<p>C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>The proposal complies with residential setback controls as outlined above and discussed at Annexure D.</p>	<p>Yes</p>

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	<p>C15 Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>Pedestrian access to the facility is provided from Park Avenue and is easily accessible from the public domain. This will not clash with the vehicular access proposed.</p>	Yes
	<p>C16 Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation • 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 • 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 • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. <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 levels.</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 only proposed where necessary in response to the topography of the site.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.4 Landscaping	<p>C17 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context 	<p>The proposed development has been designed with landscaping located throughout the site as indicated in the submitted Landscape Plan. The subject site does not contain any significant vegetation or distinct landscaped character, and landscaping on the site is currently unkept. The proposed development is considered to be an improvement over the existing landscaped character on the subject site. Where tree removal is proposed adequate replacement planting is provided on the site.</p>	Yes

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	<ul style="list-style-type: none"> • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 		
	<p>C18 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas. 	N/A. Car parking is provided at the ground/basement level, shielded from the street by the front of the building.	N/A
3.5 Visual and acoustic privacy	C19 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>C20 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 	<p>From Park Avenue, the proposal has been designed to ensure that opportunities for adverse overlooking from the public domain are minimised.</p> <p>Windows to the children's play areas are oriented into the site as far as practicable to limit the opportunity for overlooking onto the public domain.</p> <p>Acoustic screening will provide visual privacy of the site and to surrounding neighbours.</p>	Yes
	<p>C21 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	As above. The child care centre will not directly overlook main internal living areas of adjoining development.	Yes
	C22 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:		

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	<ul style="list-style-type: none"> • 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). • 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. 	An Acoustic Report has been submitted with the application. Acoustic fencing / and treatment is provided per recommendations.	Yes
	<p>C23 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	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>C24 Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • creating physical separation between buildings and the noise source • orienting the facility perpendicular to the noise source and where possible buffered by other uses • using landscaping to reduce the perception of noise • limiting the number and size of openings facing noise sources • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits • locating cot rooms, sleeping areas and play areas away from external noise sources. 	An Acoustic Report has been submitted with the application. Noise mitigation recommendations have been recommended and informed the final building design.	Yes
	<p>C25 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"> • on industrial zoned land • where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 	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"> • along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise 		
	C26 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
	<p>C27 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility 	<p>The proposed centre is adequately separated by the Great Western Highway and is not considered to be impacted by the roadway in terms of air quality.</p> <p>The railway line, vegetation and carriageway of Park Avenue provide suitable separation between the highway and the site. Furthermore, all indoor and outdoor play areas are oriented to the north, away from the highway, with the outdoor play spaces further shielded by the proposed building itself.</p> <p>An air quality assessment report is not considered necessary.</p>	N/A
3.7 Hours of operation	C28 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
	C29 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	Not applicable.	N/A
3.8 Traffic, parking and pedestrian circulation	C30 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.	The development proposes 31 spaces which results in a shortfall of 2 spaces given Council's DCP requirements require 33 spaces for the proposed number of children and staff. The proposed parking provision	On merit

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	<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"> • 1 space per 10 children • 1 space per 2 staff. <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"> • 1 space per 4 children. <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> • the proposal is an adaptive re-use of a heritage item • the site is in a B8 Metropolitan Zone or other high density business or residential zone • the site is in proximity to high frequency and well connected public transport • 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) • there is sufficient on street parking available at appropriate times within proximity of the site. 	is supported by the Traffic Report prepared by <i>McLaren Traffic</i> and submitted with this application..	
	C31 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.	Not applicable.	N/A
	C32 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>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

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	<ul style="list-style-type: none"> the amenity of the surrounding area will not be affected there will be no impacts on the safe operation of the surrounding road network. 		
	<p>C33 Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> a classified road roads which carry freight traffic or transport dangerous goods or hazardous materials. The alternate access must have regard to: the prevailing traffic conditions pedestrian and vehicle safety including bicycle movements the likely impact of the development on traffic. 	Not applicable.	N/A
	<p>C34 Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	Not applicable.	N/A
	<p>C35 The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> separate pedestrian access from the car park to the facility defined pedestrian crossings included within large car parking areas separate pedestrian and vehicle entries from the street for parents, children and visitors pedestrian paths that enable two prams to pass each other delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities minimise the number of locations where pedestrians and vehicles cross each other 	<p>Separate pedestrian access is provided from the car-park to the facility.</p> <p>Crossings are not considered necessary given the size of the parking area. Complies</p> <p>Complies.</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>Noted.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>-</p>

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	<ul style="list-style-type: none"> • 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 • vehicles can enter and leave the site in a forward direction. • clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations. 	<p>Not applicable.</p> <p>Complies Adequate sightlines will be provided.</p>	<p>N/A</p> <p>Yes Yes</p>
	<p>C36 Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • 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 • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 	<p>Not applicable.</p>	<p>N/A</p>
	<p>C37 Car parking design should:</p> <ul style="list-style-type: none"> • include a child safe fence to separate car parking areas from the building entrance and play areas • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards • include wheelchair and pram accessible parking. 	<p>Parking is separate from play space.</p> <p>Accessible parking is located near the lift core.</p> <p>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 3.25m² of unencumbered indoor space. (117x3.25m² = 380.25m²)</p> <p>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p>	<p>422m² of unencumbered indoor floor space is provided.</p> <p>The requirement is met.</p>	<p>Yes</p> <p>N/A</p>

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	<p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> • passageway or thoroughfare (including door swings) used for circulation • toilet and hygiene facilities • nappy changing area or area for preparing bottles • area permanently set aside for the use or storage of cots • area permanently set aside for storage • area or room for staff or administration • kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen • on-site laundry • other space that is not suitable for children. <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>Noted. Spaces have been calculated accordingly.</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>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>A laundry is provided at first floor level. Nappy change facilities are provided within the infants and toddlers rooms.</p>	<p>Yes</p>

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	<p>Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.</p> <p>On site laundry On site laundry facilities should contain:</p> <ul style="list-style-type: none"> • a washer or washers capable of dealing with the heavy requirements of the facility • a dryer • laundry sinks • adequate storage for soiled items prior to cleaning • an on site laundry cannot be calculated as usable unencumbered play space for children (refer to Figure 2). 		
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"> • junior toilet pans, low level sinks and hand drying facilities for children • a sink and handwashing facilities in all bathrooms for adults • direct access from both activity rooms and outdoor play areas • windows into bathrooms and cubicles without doors to allow supervision by staff • external windows in locations that prevent observation from neighbouring properties or from side boundaries 	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>	The proposal is well-ventilated, has appropriate windows to outdoor areas and can be maintained at a safe temperature.	Yes

Child Care Planning Guideline

	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.		
4.5 Administrative space	<p>Regulation 111 Education and Care Services National Regulations</p> <p>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.</p>	Admin, reception, meeting and staff rooms are provided. Private conversations may take place within the meeting rooms.	Yes
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"> • properly constructed nappy changing bench or benches • a bench type baby bath within one metre from the nappy change bench • the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area • a space to store steps • positioning to enable supervision of the activity and play areas. 	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>	The design ensures adequate supervision of children.	Yes

Child Care Planning Guideline

	Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.		
4.8 Emergency and evacuation procedures	<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"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service. 	Emergency and evacuation procedures will be provided prior to the issuing of an occupation certificate.	Yes
4.9 Outdoor space requirements	<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 7.0m² of unencumbered outdoor space. (117x7m² = 819m²)</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"> • pathway or thoroughfare, except where used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children. <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</p>	<p>907m² 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>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 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>There is no swimming pool proposed on site.</p> <p>Not applicable.</p>	<p>Yes</p> <p>N/A</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>Outdoor play areas should:</p> <ul style="list-style-type: none"> • have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required. • adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area • have evenly distributed shade structures over different activity spaces 	<p>The proposed outdoor play areas are north facing and as such receive in excess of the required solar access during winter months.</p> <p>The proposed roof overhangs, in conjunction with surrounding built form and landscaping, provide adequate levels of shading to the outdoor play areas to ensure that an appropriate balance between solar access and sun protection is achieved evenly across the site.</p>	<p>Yes</p> <p>Yes</p>
4.12 Fencing	<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>Refer to the Architectural Plans and Acoustic Report which contain details on fencing.</p>	<p>Yes</p>

Child Care Planning Guideline

	<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>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.</p>		
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"> • a soil assessment for the site of the proposed education and care service premises • 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 • 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. 	<p>The site has been utilised for residential purposes and there is no reason to believe that the site is likely to be contaminated. Acceptable Preliminary Site Investigation carried out.</p>	Yes

ANNEXURE C

Penrith LEP 2010 – Compliance Table



PENRITH LEP 2010 COMPLIANCE TABLE

Clause / Control	Requirement	Proposal	Complies?
2.1 Land Use Zones	R4 High Density Residential.	Centre-based child care facilities are permitted in the zone.	Yes
4.3 – Height of Buildings	15m maximum building height.	Complies	Yes
7.1 Earthworks	<p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p>	<p>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.</p> <p>The earthworks enable redevelopment of the site and will have no detrimental impact on the future use of redevelopment potential of the land.</p> <p>Any excavated soil will be disposed of in accordance with Council requirements and will be consistent with all state and national requirements.</p> <p>The basement is a single level, which is common for development across Sydney. It is considered that standard construction practices will ensure soil stability.</p> <p>Any excavated soil will be disposed of in accordance with Council requirements and will be consistent with all state and national requirements.</p> <p>The site has a history residential use. There are unlikely to be any relics affected by the proposed development.</p> <p>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.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

PENRITH LEP 2010 COMPLIANCE TABLE

	(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?
Part C – City-wide Controls			
C 9 Advertising and Signage			
9.1 General requirements for signs	<p>1) General</p> <p>a) Signs are to be designed and located to:</p> <p>i) relate to the use of the building;</p> <p>ii) be visually interesting and exhibit a high level of design quality;</p> <p>iii) be constructed of high quality, durable materials;</p> <p>iv) be wholly contained within the property;</p> <p>v) have only a minimal projection from the building;</p> <p>vi) be integrated and achieve a high degree of compatibility with the architectural design of the supporting building having regard to its composition, fenestration, materials, finishes and colours, and ensure that architectural features of the building are not obscured;</p> <p>vii) have regard to the view of the sign and any supporting structure, cabling and conduit from all angles, including visibility from the street level and nearby higher buildings and against the skyline; and</p> <p>viii) be sympathetic to the existing character of the area and the particular architectural/urban design utilised in any improvements scheme.</p>	<p>The proposed signage relates to the use of the building as a child care centre, The sign will be constructed of high quality materials and will have minimal projection from the building. The signage proposed is a wall sign and will not impact the skyline or any views, and instead will be well integrated into the design of the centre.</p>	Yes
	<p>b) Signs that contain additional advertising promoting products or services not related to the approved use of the premises or site (such as the logos or brands of products; e.g. soft drinks, brewers, photographic film, etc) are not permitted.</p>	<p>The proposed signage does not contain additional advertising.</p>	Yes
	<p>c) Signs painted or applied on the roof are prohibited;</p>	<p>The signage is not applied to the roof.</p>	Yes
	<p>d) Corporate colours, logos and other graphics are encouraged to achieve a very high degree of compatibility with the architecture, materials, finishes and colours of the building and the streetscape.</p>	<p>The proposed colours are consistent with those associated with Montessori child care centres.</p>	Yes
	<p>e) Flat standing signs are only permissible where the main building is set back 3 metres or more from the street alignment.</p>	<p>A standing sign is not proposed.</p>	N/A

Penrith DCP 2014 Compliance Table

	<p>f) In considering applications for new signs, Council must have regard to the number of existing signs on the site and in its vicinity; whether that signage is consistent with the provisions of this section; and whether the cumulative impact gives rise to visual clutter.</p> <p>g) Signs must not involve damage, removal or pruning to trees or other vegetation and must not result in pruning or removal for visibility purposes.</p> <p>h) The dominant design of any sign must relate to business identification rather than product advertising</p>	<p>Not applicable.</p> <p>The proposed signage will not impact trees or other vegetation on the site.</p> <p>The proposed signage relates to the identification of the centre.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>
	<p>2) Signs and Road Safety</p> <p>a) Signs are regarded as prejudicial to the safety of the travelling public and are therefore prohibited if they:</p> <p>i) Obscure or interfere with road traffic signs and signals or with the view of oncoming vehicles or pedestrians;</p> <p>ii) Obscure or interfere with the view of a road hazard or an obstruction which should be visible to drivers or other road users;</p> <p>iii) Give instructions to traffic by use of the word 'stop' or other directions, which could be confused with traffic signs;</p> <p>iv) Include variable messages or intensity of lighting sufficient to impair drivers' vision or distract drivers' attention; or</p> <p>v) Are located in places where drivers' require greater concentration, such as at major intersections or merging and diverging lanes.</p>	<p>The proposed signage will sit on the wall of the proposed centre and will not have any impacts on the road safety of Park Avenue. The sign will read 'Montessori Academy' and will not be obstructive or provide any messages that would confuse or distract drivers.</p>	<p>Yes</p>
	<p>3) Inappropriate Signs</p> <p>a) Council will not support an application for an advertisement of a form, type or size described below (see Figure C9.1 for example illustrations):</p> <p>i) Roof signs;</p> <p>ii) Sky signs controlled from the land;</p> <p>iii) Signs painted on or applied on the roof;</p> <p>iv) Flashing signs;</p> <p>v) Signs made of canvas, calico or the like (other than a temporary sign);</p> <p>vi) Signs displayed on an awning blind or external window blind;</p> <p>vii) Hoardings (excluding those required during construction);</p>	<p>Only a single wall sign is proposed which will identify the use of the site by Montessori Academy.</p>	<p>Yes</p>

Penrith DCP 2014 Compliance Table

	<p>viii) Billboards; ix) Bulletin boards; x) Signs in the nature of posters attached directly onto walls, roof surfaces or any street furniture; xi) Signs mounted on parked or stationary motor vehicles, trailers (both registered and unregistered) where the principal purpose of the vehicle or trailer is not for the transportation of goods or people but is parked in a location and position as an advertising medium; xii) A-frame or sandwich board signs (except where specific controls have been prepared and adopted by Council); xiii) Pole or pylon signs, except for industrial, business park, service station or shopping centre uses which are permitted one pole or pylon signs with the maximum height not in excess of 7.0m; xiv) Signs that are located on land which advertises businesses that are not being conducted on that land; xv) Vertical or horizontal projecting signs; xvi) Fin signs; and xvii) Above awning signs.</p>		
	<p>4) Desirable Signage Design a) The following signs are permitted by Council (see Figure C9.2 for example illustrations): i) Fascia signs; ii) Under awning signs; iii) Flush wall signs; iv) Top hamper signs; v) Painted window signs; and vi) Advertising panel signs.</p>	The proposal is for a wall sign.	Yes
C 10 Transport, Access and Parking			
10.2 Traffic Management and Safety	<p>a) Development applications for major development proposals should be accompanied by an appropriate Traffic Report (see Appendix F3 – Submission Requirements for further details). The Traffic Report should detail the assessed impact of projected pedestrian and vehicular traffic associated with the proposal, with recommendations on the extent and nature of the traffic facilities</p>	A Traffic Report prepared by <i>McLaren Traffic</i> is submitted with this application.	Yes

Penrith DCP 2014 Compliance Table

	necessary to preserve or improve the safety and efficiency of the adjacent road system.		
10.5 Parking, Access and Driveways	<p>1) Provision of Parking Spaces</p> <p>b) For any proposed development, Council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development as set out in Table C10.2 below.</p> <p>Child Care Centres/Pre-Schools</p> <p>1 space per 10 children plus 1 per employee plus provision for any dwelling.</p> <p>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.</p> <p>m) Proposals for basement parking areas are to be accompanied with a geotechnical report prepared by an appropriately qualified professional and any other supporting information to the Development Application.</p>	<p>117 children = 11.7 (12)</p> <p>21 Employees = 21</p> <p>Requirement = 33 spaces</p> <p>Proposed = 31</p> <p>The proposed parking provision is supported by the Traffic Report submitted with this application.</p>	On merit
	<p>5) Design of Parking and Manoeuvring Areas</p> <p>a) Car space dimensions must comply with the relevant Australian Standards.</p> <p>b) The movement of pedestrians throughout the car park should be clearly delineated and be visible for all users of the car park to minimise conflict with vehicles. The car parking and manoeuvring layout should be in accordance with the provisions of AS 2890.1 -2004.</p> <p>c) Provision of parking spaces for disabled persons should be in accordance with the Access to Premises Standards, the Building Code of Australia and AS2890.</p>	<p>Car space dimensions comply with the relevant standards.</p> <p>The car park layout has been designed in accordance with the relevant standards to minimise conflict between pedestrians and vehicles.</p> <p>The accessible parking space complies with the relevant standards.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Penrith DCP 2014 Compliance Table

	<p>e) Vehicle access is to be integrated into the building design as to be visually recessive</p> <p>i) All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.</p> <p>q) Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 5 (20%). Ramp widths must be in accordance with AS2890.</p>	<p>The proposed vehicle access to the car park has been well integrated into the building design and is not visually dominant when viewed from the streetscape.</p> <p>All vehicles are able to enter and exit the parking area in a forward direction.</p> <p>The driveway ramp has a maximum grade of 1:20.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
C 12 Noise and Vibration			
12.2 Rail Traffic Noise and Vibration	<p>Noise Impact Statements – specific requirements</p> <p>a) Where a site is likely to be affected by unacceptable levels of rail noise or vibration, the applicant is required to provide a Noise Impact Statement prepared by a qualified acoustic consultant in accordance with the requirements set out in Appendix F3 – Submission Requirements of this DCP.</p> <p>b) The Noise Impact Statement should demonstrate acoustic protection measures necessary to achieve an indoor environment meeting residential standards, in accordance with EPA and Department of Planning criteria, as well as relevant Australian Standards and Clause 87 – Impact of Rail Noise or Vibration on Non-Rail Development of SEPP (Infrastructure) 2007.</p>	<p>An Acoustic Report is submitted with this application.</p> <p>Refer to the Acoustic Report.</p>	<p>Yes</p> <p>Yes</p>
C 14 Urban Heat Management			
14.2 Cooling with Landscaping			
1.1 Landscape Design	<p>1) All required Landscape design plans are to be prepared in accordance with appendix F3. Plans are to demonstrate that:</p> <p>a) Trees are supported by understorey planting.</p> <p>b) Internal and external passive solar access is managed through tree and vegetation selection and location.</p> <p>c) Shading is provided to exposed Western façades.</p> <p>d) Adequate solar access has been provided to the dwelling and any proposed or future solar panels.</p>	<p>Refer to the Landscape Plan submitted with this application.</p>	<p>Yes</p>

Penrith DCP 2014 Compliance Table

	<p>e) Where feasible, there is shading to parking spaces and paved surfaces.</p> <p>f) Vegetation is co-located with existing trees, and/or clustered to improve its cooling effect, where this is not in conflict with other controls such as planning for bushfire prevention.</p> <p>g) Plantings include drought tolerant and heat resilient varieties and contribute to canopy coverage.</p> <p>h) Where feasible, permeable materials such as dry laid paving, permeable pavers, unbound aggregate, or bound paving are utilised and are appropriate for site conditions.</p>		
	2) Developments are to be designed to ensure that existing mature trees including street trees can be retained.	The proposal requires removal of all trees on the site, however, adequate replacement tree planting is proposed, particularly at the street frontage.	Yes
	<p>3) Tree species selection and location must demonstrate consideration of the Landscape Design and Vegetation Management sections of this DCP, the List of Appropriate Trees, as well as the following:</p> <p>a) Shading effect, including location and maximisation of possible canopy size and density,</p> <p>b) Heat and extreme heat resilience,</p> <p>c) The character and constraints of the locality,</p> <p>d) Planting density,</p> <p>e) Nearby services, public authority requirements, easements, and hardstand areas,</p> <p>f) The availability of tree stock and species that are locally endemic and appropriate to the site,</p> <p>g) Tree pot sizes and mature growth sizes are appropriate for the site and ensure longevity,</p> <p>h) The site conditions, including soil type and salinity,</p> <p>i) NATSPEC "Specifying Trees – a Guide to Assessment of Tree Quality" (Clark, R. 2003),</p> <p>j) Australian Standard AS2303,</p> <p>k) Council's Street and Park Tree Management Plan,</p> <p>l) any disruption of solar access for solar panels on existing or adjoining present and future development should be minimised, and</p> <p>m) Any services or utilities infrastructure within the road reserve, such as power poles, overhead wires, drainage inlet pits, existing street trees and any existing driveways.</p>	Noted.	Yes

Penrith DCP 2014 Compliance Table

1.3 Soil Volumes	<p>1) Minimum soil volume and planting area to be provided is to be based on minimum tree sizes, in accordance with Table 1:</p> <p>TABLE 1: Tree size and planting site area</p> <table> <tr> <th>Maximum tree size at maturity</th><th>Planting site area required</th><th>Planting site depth required</th><th>Soil Volume per tree</th></tr> <tr> <td>Small (less than 8m tall or under 4m wide)</td><td>Less than 9.5m²</td><td>1.0 to 1.3m</td><td>30m³</td></tr> <tr> <td>Medium (9-12m tall or under 4-8m wide)</td><td>9.5m² to 18.5m²</td><td>1.3m to 2.5m</td><td>35m³</td></tr> <tr> <td>Large (Taller than 13m or wider than 8m)</td><td>More than 18.5m²</td><td>>2.5m</td><td>80m³</td></tr> </table> <p>Guidance on tree sizes is provided in the List of Appropriate Trees.</p>	Maximum tree size at maturity	Planting site area required	Planting site depth required	Soil Volume per tree	Small (less than 8m tall or under 4m wide)	Less than 9.5m ²	1.0 to 1.3m	30m ³	Medium (9-12m tall or under 4-8m wide)	9.5m ² to 18.5m ²	1.3m to 2.5m	35m ³	Large (Taller than 13m or wider than 8m)	More than 18.5m ²	>2.5m	80m ³	Adequate soil volumes are proposed.	Yes
Maximum tree size at maturity	Planting site area required	Planting site depth required	Soil Volume per tree																
Small (less than 8m tall or under 4m wide)	Less than 9.5m ²	1.0 to 1.3m	30m ³																
Medium (9-12m tall or under 4-8m wide)	9.5m ² to 18.5m ²	1.3m to 2.5m	35m ³																
Large (Taller than 13m or wider than 8m)	More than 18.5m ²	>2.5m	80m ³																
1.4 Tree Planting Specifications	<p>1) Tree Planting location and numbers are to be provided in accordance with development type as detailed in Table 2.</p>	Does not apply to child care centres.	N/A																
	<p>2) All trees, including street trees, should be located to consider:</p> <p>a) integration with development design to produce improved cooling effects through measures such as maximisation of shade provided to exposed building walls, hard surfaces, and pedestrian walkways,</p> <p>b) any disruption of solar access for solar panels on existing or adjoining present and future development should be minimised,</p> <p>c) whether there is appropriate soil area for root volume,</p> <p>d) any services or utilities infrastructure within the road reserve, such as power poles, overhead wires, drainage inlet pits, existing street trees and any existing driveways, and</p> <p>e) requirements in the Penrith Street and Park Tree Management Plan.</p>	Noted.	-																
1.6 Cooling with water	<p>1) All development must consider and incorporate features to store water in the landscape.</p> <p>These features must be incorporated into Landscape Plans to create cool zones and support vegetation. This can include:</p> <p>a) swimming pools, subject to controls in this DCP and state legislation,</p> <p>b) fountains and bird baths,</p> <p>c) water play features, subject to Council agreement and asset maintenance requirements when on public land,</p> <p>d) rain gardens, wetlands, ponds, or</p>	Noted.	-																

Penrith DCP 2014 Compliance Table

	<p>e) shallow trenches or swales within or near garden beds, where erosion is not an issue.</p> <p>The selected feature/s should be of an appropriate scale to maximise retention of rainwater on the site without affecting operation.</p>		
1.7 Street Trees	<p>1) Street trees are to be provided at a rate of one tree for every 10m of site frontage, rounded down to the nearest 10m. At least one tree must be provided. Where possible, trees should be of a scale sufficient to produce interlocking canopies, unless specific requirements are provided elsewhere in this DCP.</p>	Refer to Landscape Plan. New tree plantings are proposed at the front of the site.	Yes
14.3 Cool Colours and Materials			
	<p>1) A materials and finishes schedule is to be provided, and must include:</p> <p>a) product specifications where certain materials are relied upon to address the criteria of BASIX, Section J of the NCC or this DCP.</p> <p>b) Product specifications should include energy efficiency properties, such as:</p> <p>i) thermal mass,</p> <p>ii) effect on air flow,</p> <p>f) appropriate colour and reflectivity, and</p> <p>iv) material permeability in landscape design.</p>	Refer to the schedule of colours and materials submitted with this application.	Yes
	<p>2) Dark coloured roofs which retain heat will not be supported. All buildings and ancillary development are to minimise their contribution to the urban heat island effect by meeting the following requirements for cool roofs:</p> <p>a) Achieve the nominated Solar Reflectance Index (SRI) minimums:</p> <p>i) for roof pitches less than 15, a SRI minimum of 64, with a minimum 3 year manufacturer guarantee.</p> <p>ii) for roof pitches greater than 15, a SRI minimum of 34, with a minimum 3-year manufacturer guarantee.</p> <p>iii) for rooftop terraces a SRI minimum of 28, with a minimum 3-year manufacturer guarantee.</p> <p>b) At least 75% of the roof area is to meet nominated SRI values and/or be designed as a green roof. Areas where solar panels</p>	<p>The roof will be finished in a medium tone colour.</p> <p>Can comply.</p> <p>Can comply.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Penrith DCP 2014 Compliance Table

	<p>(PV) are mounted flat on a roof are excluded, all other roof areas with PV count toward the Cool Roof area calculation.</p> <p>e) Thermally massive surfaces such as concrete should be avoided as a roofing material where shade or other coverage is not provided, or where roofs are not light in colour.</p> <p>f) Roof tiles may be used, providing that the roofing is insulated in addition to ceiling insulation and provides a sufficient gap between insulation layers to allow for access and air movement. This is to be certified on any plan showing materials and finishes.</p>	<p>Roofing will be finished with colorbond in a medium tone colour.</p> <p>As above.</p>	<p>Yes</p> <p>Yes</p>
	<p>3) Walls, car parking spaces, driveways and landscaping materials should have a high albedo (be as light as possible) so that heat can be reflected into the landscape and absorbed, or where shade is provided.</p>	<p>The proposal is finished with light colours where appropriate.</p>	<p>Yes</p>
	<p>4) Medium colours and materials with high thermal emittance (which release heat quickly) and/or permeable materials should be used in pedestrian areas where no shade is provided to minimise heat reflection and to mitigate heat retention.</p>	<p>Noted.</p>	<p>-</p>
14.4 Cooling through Building Design			
	<p>Air circulation</p> <p>1) Building design must demonstrate how it responds to the following considerations affecting air movement and ventilation:</p> <p>a) Capture and direction of north-easterly prevailing cool breezes (north-easterly) and internal circulation should be prioritised for window and door design, number, size, and location, and considered in building orientation.</p> <p>b) Shading devices and/or window glazing should be provided to support:</p> <p>i) Minimisation of solar heat gain during summer, and</p> <p>ii) optimisation of solar heat gain during winter.</p> <p>c) Minimising air gaps by ensuring all openings can be closed and sealed when necessary, and that the building is well insulated. Window and door seals should be provided.</p> <p>d) The ability to isolate spaces through zoning sections of the floor area and building services to provide individual control of</p>	<p>The proposed building has been designed to provide adequate air circulation and natural ventilation for staff and children. An appropriate balance between shading and glazing has been provided to minimise solar heat gain during summer and maximise solar heat gain during winter. Air gaps through the building have been minimised with all openings capable of being closed and sealed. The building contains various spaces/rooms which will have individual control of heating and cooling.</p>	<p>Yes</p>

Penrith DCP 2014 Compliance Table

	<p>heating and cooling, particularly where mechanical systems regulate temperature.</p> <p>e) Security screens or fly screens should be provided over openings, where feasible and consistent with safety and fire controls.</p> <p>f) Promoting air circulation.</p> <p>g) Support for any other passive design elements.</p>		
	<p>External building design</p> <p>2) Buildings should be designed on passive solar design principles which:</p> <p>a) Respond to orientation to maximise the northerly aspect and solar access in the cooler periods. Where the site permits, designs should deliver long, thin buildings with increased northern and southern exposure and limited exposure on eastern and western-facing facades and moderate depths.</p> <p>b) Reduce overheating in summer and promote solar gain in winter.</p> <p>3) Development below 3 storeys must provide eaves with a minimum of 450mm overhang (measured to the fascia board) and a minimum 600mm overhang on western facing elevations, except where any walls are permitted to be built to the boundary. Alternative solutions to eaves may be considered, where it can be demonstrated that these provide appropriate sun shading and are integrated with the design of the development and have architectural merit.</p> <p>4) Design for moderate size and number of openings with the majority to the north.</p> <p>5) Where east and west facing residential walls are proposed to be brick or concrete and are exposed to summer sun, these walls should either be double brick or wall insulation should be provided and walls should be shaded.</p> <p>6) Where concrete is used for walls in industrial, business, and commercial development and western walls are exposed, at least 50% of western elevations must be shaded from summer</p>	<p>The proposed centre provides classrooms and outdoor play spaces which are oriented to the north to maximise solar access. Adequate shading to these spaces is provided by roof overhangs and the extent of glazing at the northern elevation.</p> <p>Eaves are not provided, however appropriate roof overhangs particularly at the northern elevation will provide appropriate sun shading to the proposal.</p> <p>Moderate size openings are provided to the northern elevation.</p> <p>Not applicable.</p> <p>No concrete walls are proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>

Penrith DCP 2014 Compliance Table

	<p>afternoon sun using either design features or vegetation. Where there is a zero lot setback, this control does not apply.</p> <p>7) Ensure roof design maximises opportunities for future installation of solar power and hot water adaptation through the consideration of:</p> <ul style="list-style-type: none"> a) North-facing surface, b) Overshadowing, and c) Structural support. 	Roof design has ensured that the proposal is capable of supporting solar power.	Yes
14.5 Optimising Mechanical Heating and Cooling			
	1) To mitigate the impact of heat rejection from mechanical cooling, units should not vent into areas where they may result in the heating of the public or private domain. This includes venting onto outdoor recreation spaces, windows of adjoining properties and hard surfaces that may retain heat including, paths, balconies, and courtyards.	Noted.	-
	2) Where it cannot be demonstrated that heat rejection cannot be achieved without venting into these spaces, this area must be excluded from any calculation of private and communal open space.	Noted.	-
	3) Mechanical cooling systems must be sited so that: <ul style="list-style-type: none"> a) airflow isn't impeded from and around units, b) there is ease of maintenance access, and c) any structure complies with controls for cool roofs and finishes. 	Noted.	-
	4) Mechanical cooling systems must be shaded by: <ul style="list-style-type: none"> a) an awning or shade structure, or b) locating the unit on the southern side of a dwelling where possible. 	Noted.	-
Part D – Land Use Controls			
D 5.2 – Child Care Centres			
2) Location	a) Any proposed centre which:	Clause 3.26(2(a)) of the SEPP (Transport and Infrastructure) 2021, does not place any restrictions on the location of a child care centre, and allows centres to be located at any distance from an existing or proposed centre, allowing for competitive development.	SEPP overrides

Penrith DCP 2014 Compliance Table

	<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>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"> - St Joseph's Primary School - Grace bible Church - Steamroller Park - Shaw Cricket Ground and Park - Cambridge Park High School - Cambridge Park Public School - Chapman Gardens Oval - Kingswood Town Centre 	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
	<p>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</p>	<p>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 Richmond Road.</p>	Yes
	<p>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.</p>	Complies.	Yes

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	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
3.Design, Scale and Site Frontage	a) The scale and character of the development shall be compatible with surrounding development.	The building is compliant with the 15m LEP height limit and the DCP minimum setbacks (in relation to a residential development).	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.	Yes
	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 = 30.585m	Yes
	e) Safe sight distances must be provided for all points of access to the site.	Complies.	Yes
4. Built Form	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

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	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.	A high quality, understated material palette is proposed. Some areas of yellow are proposed across the façade however this will be minor in extent / restrained and compatible with the development type.	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
5. Vehicle Access, Circulation and Parking	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.	The driveway and parking layout has been designed 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 80m from the nearest intersection with Richmond 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: i) The safe drop off and collection of children, including direct, safe pedestrian access between the parking area and the entrance to the centre; ii) Safe movement and parking of staff, parents, visitors and service vehicles; and iii) All vehicles can enter and exit the site in a forward direction.	Safe drop off will be possible in the parking area or on the street adjacent to the development. Separate pedestrian entry from the street is provided. Safe and demarcated pedestrian routes will be provided within the parking area. Complies	Yes Yes Yes
	e) Layout of the parking area must allow for safe access for service and emergency vehicles, such as ambulances, delivery and maintenance vehicles.	Complies	Yes
	f) Where the child care centre is located in the same building or development as other land uses, the parking and access	Not applicable.	N/A

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	arrangements for each separate use will need to be separately calculated and provided on site.		
	<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>	A Traffic Impact Assessment is submitted under separate cover with the Development Application.	Yes
6. Noise	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.	An Acoustic Report is submitted under separate cover and recommendations have been incorporated into the design.	Yes
	b) Where there may be noise impact on adjacent properties, fencing shall be of a height, design and material (e.g. masonry) suitable to contain noise generated by the children's activities. This ensures the children may play outside without time limitations in accordance with licensing requirements.	As above	Yes
	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).	Refer to the Acoustic Report.	Yes
	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.	Refer to the Acoustic Report.	Yes

Penrith DCP 2014 Compliance Table

	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.		
	e) A noise impact assessment report should address the relevant provisions of the Noise and Vibration section of this Plan.	Refer to the 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
	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.	Not proposed.	N/A

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	i) The minimum width of a verandah should be 4m to allow for shaded play space underneath	Not proposed.	N/A
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 where possible. 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>Fiona Robbe</i> .	Yes
	g) Plant species shall be chosen to address the characteristics of the site and shall: i) Provide protection from prevailing winds; ii) Provide screening to minimise impacts on privacy and/or the streetscape and adjacent buildings; iii) Provide shelter and shade; iv) Reduce reflection from bright surfaces; v) Emphasise pedestrian and vehicular routes; vi) Ensure visibility of outdoor playing areas; vii) Not include plants which may be toxic, create allergic reactions, or which are prickly or otherwise unsafe; and viii) Provide interest and variety to enhance children's experience.	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.	A Section J Report is submitted with this application.	Yes

Penrith DCP 2014 Compliance Table

	<p>c) All child care centres (including centre based and home based) are encouraged to:</p> <p>i) Minimise waste through the use of recycling programs for paper, cardboard, aluminium, glass and PET products;</p> <p>ii) Provide facilities/services which will satisfy identified unmet demands within the City for child care; and</p> <p>iii) Participate in the NSW Cancer Council's SunSmart Early Childhood program.</p>	<p>Recycling facilities are provided as demonstrated within the Waste Management Plan submitted under separate cover.</p> <p>There are a limited number of child care centres within proximity to the subjects site.</p> <p>Noted.</p>	<p>Yes</p> <p>Yes</p> <p>-</p>
Part D – Land Use Controls			
D2 – Residential Controls			
2.1 Single Dwellings			
2.1.2 Setbacks and Building Envelope	<p>1. Minimum front and side setbacks:</p> <p>a) Front setback is the greater of either</p> <p>i) 5.5m, or</p> <p>ii) The average of the setbacks of the adjoining properties</p>	The proposed front setback in excess of 5.5m, consistent with the setback of adjoining properties.	Yes
	d) Side setbacks to external walls should be a minimum of 900mm.	Minimum side setbacks are 1.8m, with 6m setbacks proposed to the second floor level.	Yes
	<p>e) Rear setbacks</p> <p>i) The minimum rear setback for a single storey building (or any single storey component of a building) is 4m</p> <p>ii) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m</p> <p>iii) Minor, partial or point encroachments into the above rear setbacks may be considered on irregular shaped lots</p> <p>iv) Rear setback areas are to be used predominantly for the provision of a landscaped area</p> <p>f) Exceptions to rear setbacks - consideration may be given to the erection of a non-habitable 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.</p>	<p>The proposal complies with the 4m and 6m setback requirements where applicable.</p> <p>The rear setback of the proposed centre is consistent with adjoining development.</p>	Yes
2.4 Multi Dwelling Housing Development			

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2.4.5 Front and rear Setbacks	<p>1) Determine the maximum development footprint for your site:</p> <p>a) The minimum rear setback for a single storey building (or any single storey component of a building) is 4m.</p> <p>b) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m.</p> <p>c) adopt a front setback that matches the neighbourhood character.</p>	<p>Given the site is located within the R4 zone, the controls for residential flat buildings have also been considered.</p> <p>As above, the proposal complies with the 4m and 6m setback requirements where necessary.</p> <p>The proposed front setback is consistent with the setback of the adjoining properties and neighbourhood character.</p>	Yes
	<p>2) Within the rear boundary setback:</p> <p>a) there shall be no building encroachments either above or below ground (eaves excepted);</p> <p>b) maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs;</p> <p>c) where there are physical encumbrances such as open drains, increase the setback accordingly.</p>	<p>The proposed basement level will extend into the 4m rear setback of the site. The basement provides a setback of 3.3m which is considered appropriate given the property to the rear contains a primary school, with all buildings and structures associated with the school located some distance from the subject site.</p>	Yes
	<p>3) Determine an appropriate front setback:</p> <p>a) either average the setbacks of the immediate neighbours; or</p> <p>b) a 5.5m minimum whichever is the greater dimension.</p>	<p>The proposed front setback exceeds 5.5m and is consistent with the setbacks of the adjoining residential developments.</p>	Yes
	<p>4) Permissible encroachments within the front setback are:</p> <p>a) verandahs and pergolas only which are a 4.5m minimum setback to the face of the verandah or pergola; and maximum 50% of elevation.</p>	<p>Not proposed.</p>	N/A
	<p>5) Garages and parking spaces are not permissible within the front setback.</p>	<p>Not proposed.</p>	N/A
2.4.6 Building Envelope and Side Setbacks	<p>1) Development is to comply with the building envelope for the site. The building envelope means a height plane over the site at 45 degrees from a specified height above natural ground level at the side boundaries of the site, as shown in Figure D2.13.</p>	<p>The proposal has been designed to largely follow the require building envelope. Refer to drawing DA3002 within the Architectural Plans submitted with this application.</p>	On merit
	<p>2) The building envelope shall be measured relative to:</p> <p>a) Side boundaries only; and</p> <p>b) Existing ground level.</p>	<p>Complies.</p>	Yes
	<p>3) Only minor encroachments through the building envelope shall be permitted:</p>	<p>Encroachments into the building envelope include portions of the roof form and upper areas of the first floor level. The proposed encroachments are considered</p>	On merit

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	<ul style="list-style-type: none"> a) eaves to main roofs b) chimneys and antennas c) pergolas. 	<p>acceptable given the proposal is fully compliant with the building height and side setback controls. Furthermore, the proposal is for a child care centre, within the R4 zone and as such the building envelope controls are not considered to be entirely relevant or applicable to the proposal. The centre has been designed with similar front, side and rear setbacks as its adjoining developments, as required by D5.2 of the DCP which relates to child care centres. It is also noted that the adjoining developments do not comply with the building envelope controls, and as such it is unreasonable to enforce strict compliance upon the proposal.</p>	
2.5 Residential Flat Buildings			
2.5.5 Front and Rear Setbacks	<p>1) Determine the maximum development footprint for your site:</p> <ul style="list-style-type: none"> a) The minimum rear setback for a single storey building (or any single storey component of a building) is 4m. b) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m. c) adopt a front setback that matches the neighbourhood character. 	<p>Given the site is located within the R4 zone, the controls for residential flat buildings have also been considered.</p> <p>As above, the proposal complies with the 4m and 6m setback requirements where necessary.</p> <p>The proposed front setback is consistent with the setback of the adjoining properties and neighbourhood character.</p>	Yes
	<p>2) Within the rear boundary setback:</p> <ul style="list-style-type: none"> a) there shall be no building encroachments either above or below ground (eaves excepted); b) maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs; c) where there are physical encumbrances such as open drains, increase the setback accordingly. 	<p>The proposed basement level will extend into the 4m rear setback of the site. The basement provides a setback of 3.3m which is considered appropriate given the property to the rear contains a primary school, with all buildings and structures associated with the school located some distance from the subject site.</p>	Yes
	<p>3) Determine an appropriate front setback:</p> <ul style="list-style-type: none"> a) either average the setbacks of the immediate neighbours; or b) a 5.5m minimum whichever is the greater dimension. 	<p>The proposed front setback exceeds 5.5m and is consistent with the setbacks of the adjoining residential developments.</p>	Yes
	<p>4) Permissible encroachments within the front setback are:</p> <ul style="list-style-type: none"> a) verandahs and pergolas only which are a 4.5m minimum setback to the face of the verandah or pergola; and maximum 50% of elevation. 	<p>Not proposed.</p>	N/A
	<p>5) Garages and parking spaces are not permissible within the front setback.</p>	<p>Not proposed.</p>	N/A



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2.5.7 Side Setbacks	3) Zero setbacks from the side boundary are not permissible, other than awnings to main building entrances.	Zero setbacks are not proposed.	Yes
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