

SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-439
Application Number:	2024/364/1
Local Government Area:	Camden
Development:	Construction of a centre based child care centre for 136 children with basement car parking and associated site works.
Estimated Development Cost:	\$6,959,710.38
Site Address(es):	52 Park Road, Leppington
Applicant:	Design and Panning Pty Ltd
Owner(s):	Park Road 26 Pty Ltd
Date of Lodgement:	12 August 2024
Number of Submissions:	No submissions received.
Number of Unique Objections:	N/A
Classification:	<ul style="list-style-type: none"> Regionally significant development Integrated development
Recommendation:	Approve with conditions
Regionally Significant Development Criteria (Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021):	Child care centre development estimated development cost >\$5 million
List of All Relevant Section 4.15(1)(a) Matters:	<ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Precincts - Western Parkland City) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Camden Growth Centres Development Control Plan 2024 Camden Development Control Plan 2019

List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> • Assessment report • State Environmental Planning Policy (Precincts - Western Parkland City) 2021 assessment table • Camden Growth Centres Development Control Plan 2024 assessment table • Camden Development Control Plan 2019 assessment table • Child Care Planning Guideline 2021 assessment table • Recommended conditions • Proposed plans
Development Standard Contravention Request(s):	Not applicable.
Summary of Key Submission Issues:	Not applicable.
Report Prepared By:	Jessica Mesiti, Executive Planner
Report Date:	February 2025

Summary of Section 4.15 Matters

	Yes
Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Legislative Sections Requiring Consent Authority Satisfaction

	Yes
Have relevant sections in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Development Standard Contraventions

	Yes	N/A
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Special Infrastructure Contributions

	Yes	No
Does the application require Special Infrastructure Contributions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Conditions

	Yes
Have draft conditions been provided to the applicant for comment?	<input checked="" type="checkbox"/>

PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel's) determination of a development application (DA) for the construction of a centre based child care centre for 136 children with basement car parking and associated site works at Lot 401 in the unregistered subdivision of 52 Park Road, Leppington.

The Panel is the consent authority for this DA as the estimated development cost (EDC) is \$6,959,710.38. This exceeds the EDC threshold of \$5 million for Council to determine the DA pursuant to Schedule 7 of State Environmental Planning Policy (Planning Systems) 2021.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2024/364/1 for the construction of a centre based child care centre for 136 children with basement car parking and associated site works pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for construction of a centre based child care centre for 136 children with basement car parking and associated site works at Lot 401 in the unregistered subdivision of 52 Park Road, Leppington.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, relevant environmental planning instruments, development control plans and policies.

A summary of the assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy (Planning Systems) 2021	The Panel is the consent authority for this DA as the development has an EDC of \$6,959,710.38. The EDC threshold for Council to determine the DA is \$5 million.
State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP)	The development is permitted with consent in the applicable R2 Low Density Residential zone, is consistent with the zones' objectives and acceptable in terms of the Western Parkland City SEPP's other matters for consideration.
State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)	The DA was referred to Endeavour Energy for comment pursuant to Section 2.48 of the Transport and Infrastructure

	<p>SEPP as the site contains an electrical substation and the comments received have been considered.</p> <p>The development is considered satisfactory in terms of Chapter 3 – Educational Establishments and Child Care Facilities of the SEPP. The proposal is compliant with the Child Care Planning Guideline and an assessment table can be viewed as an attachment to this report.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)	<p>A proposal for a staged residential subdivision (DA/2022/94/1) was approved by Council on 9 June 2023 which created the subject lot. A Remediation Action Plan (RAP) was approved under the parent subdivision. Upon completion of remediation and validation works, the site will be suitable for the proposed use. Council's Environmental Health Specialist has reviewed the proposal and confirmed that the site is suitable for the proposed child care centre.</p>
State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)	<p>Council staff are satisfied that the proposed signage is consistent with the Industry and Employment SEPP's objectives in that it is compatible with the desired amenity and visual character of the area, will provide effective communication by displaying the development's name and will be of a high-quality design and finish. Council staff have also considered the Industry and Employment SEPP's Schedule 5 assessment criteria and are satisfied that the signage is consistent with the criteria.</p>
State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)	<p>The development is considered satisfactory in terms of Chapter 3 of the Sustainable Buildings SEPP.</p>
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)	<p>The development is considered satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP.</p>

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 23 August to 12 September 2024 and no submissions were received.

Based on the assessment, it is recommended that the DA be approved subject to the conditions attached to this report.

AERIAL PHOTO



THE SITE

The site is Lot 401 in the unregistered subdivision of 52 Park Road, Leppington which is legally described as Lot 8 DP 1292878.

The site has an area of 2,598sqm, has a frontage of 42.765m to Park Road and a depth of 54.015m. The subject site was approved within stage 4A of the residential subdivision approved under DA/2022/94/1. A Subdivision Works Certificate has been issued for Stage 4 and construction works are underway.

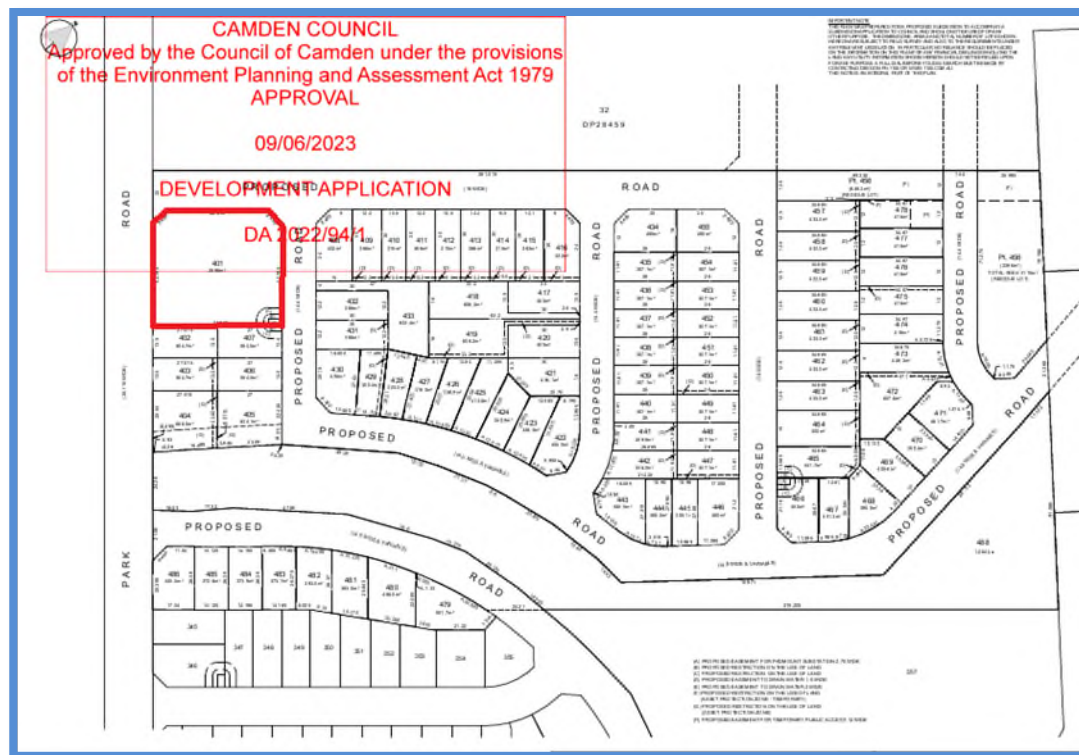
The site levels approved under the parent subdivision have a 2 metre fall from south-west to north-east. The site is clear of vegetation and contains an approved padmount substation in the north-eastern corner. Vehicular access to the proposed basement car park is available via a local road labelled Road No. 9 on the approved parent subdivision, while pedestrian access is available via Park Road.

The site is partially mapped as bush fire prone land.

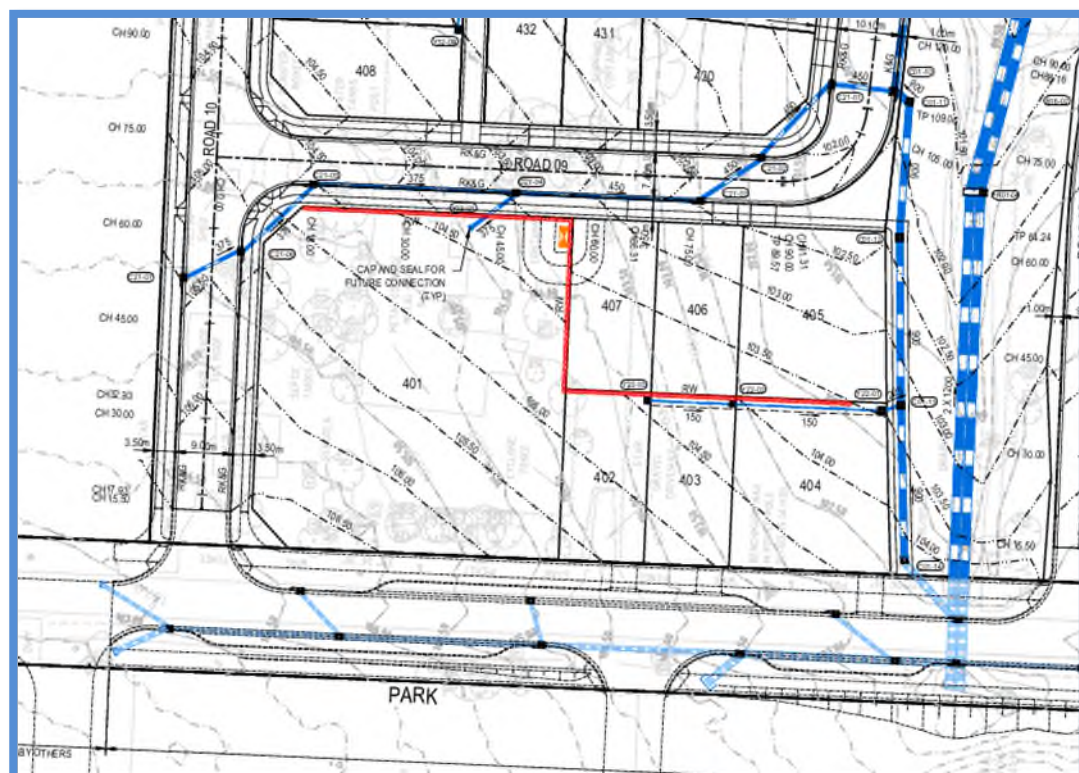
The site is located within Leppington Stage 2 of the South West Growth Centre.

The surrounding area is characterised by a mix of rural and developing residential land. To the north of the site are developing residential areas, Leppington Town Centre, the South West Rail Line and Leppington Train Station. To the east are Camden Valley Way, the newly developed Willowdale Estate and Campbelltown Local Government Area. To the west is the rural and yet to be released areas of Leppington and to the south is the developing residential suburbs of Gledswood Hills and Catherine Field.

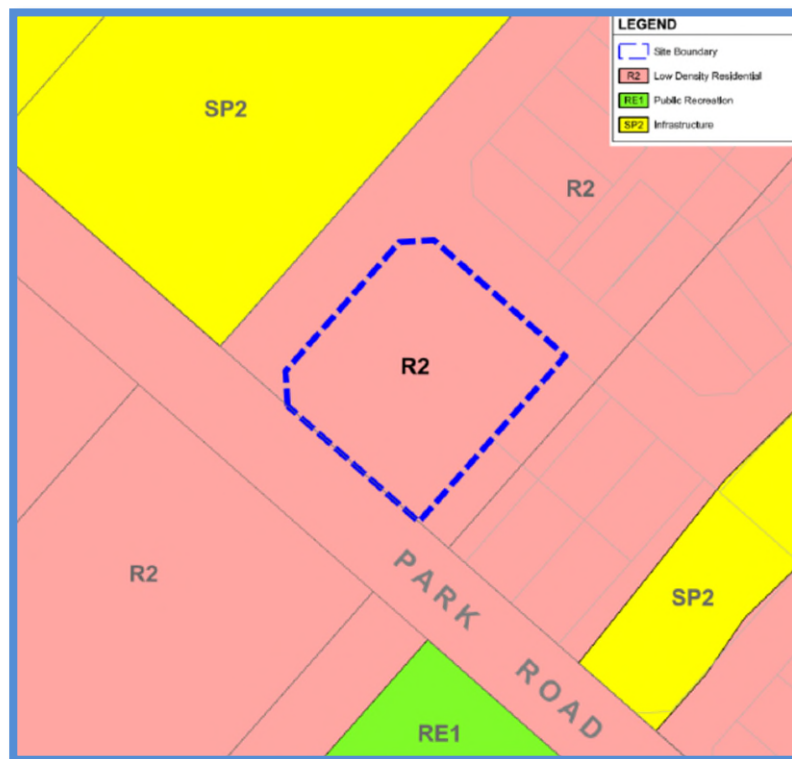
APPROVED PARENT SUBDIVISION PLAN



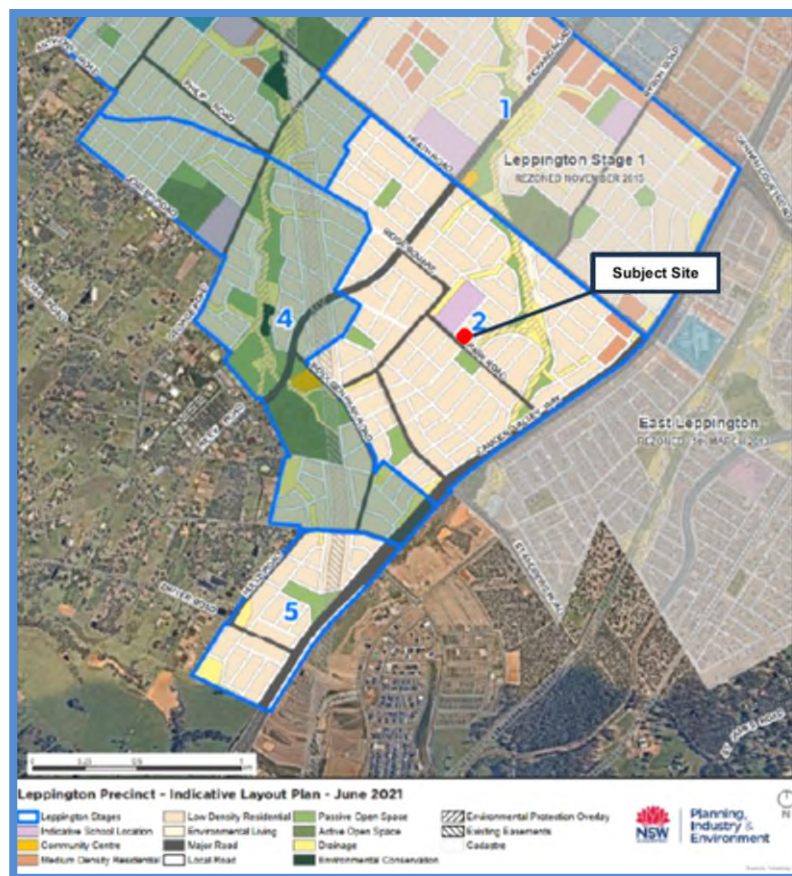
APPROVED PARENT SUBDIVISION CIVIL PLAN



ZONING PLAN



AREA MASTER PLAN



HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
9 June 2023	Approval of DA/2022/94/1 for the demolition of existing structures, remediation of contaminated land, tree removal, staged subdivision to create 291 residential lots, 1 centre based child care centre lot, residue and public open space lots, public road construction, upgrade of Heath Road and Park Road, riparian corridor rehabilitation and associated site works.

THE PROPOSAL

DA/2024/364/1 seeks approval for the construction of a centre based child care centres for 136 children with basement car parking and associated site works.

Specifically, the development involves:

- Construction of a centre based child care centre for 136 children aged 0 to 5 years and 26 staff.
- Provision of six classrooms, administration areas, staff, room, kitchen, and outdoor play areas.
- Basement / lower level car parking for 34 car spaces with associated waste storage room with vehicle access via road no. 9.
- Pedestrian access via Park Road.
- Business identification signage including three façade signs and one freestanding pylon sign.
- Associated site works including the construction of earthworks, drainage, services and landscaping.
- Proposed operating hours of:

Monday to Friday between 6:30am and 6:30pm.

PANEL BRIEFING

Council staff briefed the DA to the Panel on 29 October 2024. The following discussion provides an assessment of how the issues raised by the Panel at the briefing have been addressed:

1. *With three frontages the Panel notes the façade design will be important and is interested in the response from Council's design review panel.*

Officer comment:

The proposal was referred to Council's Urban Design Officer for a review of the proposed design. Council's Urban Design Officer is satisfied with the proposal and confirms that building demonstrates a positive design to all street frontages. The pedestrian entrance to the site is well delineated and the layout and form are functional and logical, which provide good amenity for users. The colours and materials are playful, refined and contain texture and variety whilst also responding to the residential nature of the surrounding locality. Council is satisfied that the proposal building presents a positive design to all street frontages.

2. *The issue of pedestrian safety was raised, noting there is no proposed separation of vehicles and pedestrians, and the aisle turning area is the basement coincided with the main pedestrian entrance.*

Officer comment:

Amended plans were submitted which demonstrates a painted pedestrian walkway from the parent drop off spaces to the main pedestrian entrance. Traffic conflicts are further minimised by placing staff parking adjacent to the turning bay and pedestrian entry into the building to reduce traffic movements at this end of the car park. The proposal was reviewed by Council's Traffic Engineers who are satisfied with the proposed car parking layout.

3. *The Panel notes challenges associated with the fall in ground level across the site.*

Officer comment:

The natural topography of the site is being altered as part of the subdivision works approved under DA/2022/94/1. The site levels approved under the parent subdivision have a 2 metre fall from south-west to north-east. This proposal responds to the approved site levels with the exception of excavations required for the proposed basement car park and fill to provide a building platform for the child care and outdoor play space. A satisfactory balance of cut and fill has been achieved for this proposal and the basement car park entry has been strategically located on the lowest side of the site.

ASSESSMENT

Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Precincts - Western Parkland City) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.
- State Environmental Planning Policy (Sustainable Buildings).
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The Planning Systems SEPP identifies development that is State significant development, infrastructure and critical infrastructure and regionally significant development.

The Panel is the consent authority for this DA as the EDC of the development is \$6,959,710.38. The EDC threshold for Council to determine the DA is \$5 million pursuant to Schedule 6 of the Planning Systems SEPP.

State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP)

The Western Parkland City SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area.

Site Zoning

The site is zoned R2 Low Density Residential pursuant to Appendix 2, Section 2.2 of the Western Parkland City SEPP.

Development Characterisation

The development is characterised as a 'centre based child care'.

Permissibility

The development is permitted with consent pursuant to the land use table in Appendix 5 of the Western Parkland City SEPP.

Planning Controls

An assessment table in which the development is considered against the Western Parkland City SEPP's planning controls is provided as an attachment to this report.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State.

Referral to Endeavour Energy (Endeavour)

The DA was referred to Endeavour for comment pursuant to Section 2.48 of the Transport and Infrastructure SEPP as the site contains an electrical substation.

Endeavour raised no objections to the development and recommended compliance with a number of technical guidelines and requirements. A condition requiring compliance with Endeavour's technical guidelines and requirements is recommended.

Educational Establishments and Child Care Facilities

The proposal has been assessed against Chapter 3 – Educational Establishments and Child Care Facilities of the SEPP. Clause 3.23 of the SEPP details that the consent authority must take into consideration any applicable provisions of the Child Care Centre Planning Guideline. The proposal is compliant with the Child Care Planning Guideline and an assessment table against the Guideline is provided as an attachment to this report.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

The Resilience and Hazards SEPP regulates hazardous and offensive development and aims to ensure that the consent authority has sufficient information to assess whether or not development is hazardous or offensive. The Resilience and Hazards SEPP also provides a Statewide planning approach to the remediation of contaminated land.

Contaminated Land

Section 4.6 of the Resilience and Hazards SEPP requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development. Furthermore, the consent authority must consider a preliminary contamination investigation in certain circumstances.

The subject lot is created under a staged residential subdivision that was approved by Council on 9 June 2023 (DA/2022/94/1). A Remediation Action Plan (RAP) was approved under this DA and upon completion of the remediation works, the site will be suitable for the proposed use.

Council's Environmental Health Specialist has reviewed the proposal and confirmed that the site is deemed suitable for a proposed child care centre.

A standard contingency condition is recommended that requires any contamination found during works to be managed with development consent obtained for remediation if required.

State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)

The Industry and Employment SEPP aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish.

Section 3.6 of the Industry and Employment SEPP requires the consent authority to be satisfied that signage is consistent with the objectives as set out in Section 3.1(1)(a) of the SEPP and the assessment criteria specified in Schedule 5 of the SEPP. The proposed signage is consistent with the objectives of the SEPP.

State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)

The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings, ensure consistent assessment of sustainable buildings, and record accurate data about the sustainability of buildings. The development is considered satisfactory in terms of Chapter 3 of the Sustainable Buildings SEPP in that:

- the development has been designed to enable the sustainability measures listed in Section 3.2,
- the embodied emissions attributable to the development have been quantified,
- the applicant has provided evidence that the development will incorporate the infrastructure necessary for the development to not use on-site fossil fuels after 1 January 2035,
- the applicant has submitted a NABERS commitment agreement that demonstrates the development is capable of achieving the standards for energy and water use specified in the Sustainable Buildings SEPP, and
- the applicant has detailed the method under Section J of the Building Code of Australia that will be used to demonstrate the development is capable of achieving the standards for energy use specified in the Sustainable Buildings SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The development is considered satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP. There will be no unreasonable adverse impacts upon the Hawkesbury-Nepean Catchment as a result of the development.

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

There are no draft environmental planning instruments that are applicable to the development.

(a)(iii) the provisions of any development control plan

The development control plans that apply to the development are:

- Camden Development Control Plan 2019.
- Camden Growth Centres Development Control Plan 2024.

Camden Development Control Plan 2019 (Camden DCP)

Planning Controls

An assessment table in which the development is considered against the Camden DCP is provided as an attachment to this report.

Camden Growth Centres Development Control Plan 2024 (Growth Centres DCP)

An assessment table in which the development is considered against the Growth Centres DCP is provided as an attachment to this report.

(a)(iia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No relevant planning agreement or draft planning agreement exists or has been proposed as part of this DA.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2021* prescribes several matters that are addressed in the conditions attached to this report.

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

Traffic Impacts

The applicant has submitted a traffic report and supporting information in support of the DA. The report and supporting information demonstrate that the development will not have a significant negative impact upon the surrounding road network and the operation of surrounding intersections. Council staff have reviewed the report and supporting information and agree with their conclusions.

Bush Fire Impacts

A small part of the parent lot, being 52 Park Road, is mapped as bush fire prone land. Although the proposed lot on which the centre is to be located is not covered by the bushfire affectation, the proposed child care centre is still defined as a special bush fire protection purpose pursuant to Section 100B(6)(d) of the *Rural Fires Act 1997* given that the subject lot is not yet registered. Therefore, the development is classed as integrated development and the DA was referred to the NSW Rural Fire Service (RFS) for approval. The RFS has issued a Bush Fire Safety Authority with no applicable bushfire conditions.

All other likely impacts have been assessed in other sections of this report.

(c) the suitability of the site for the development

As demonstrated by the assessment, the site is considered to be suitable for the development.

(d) any submissions made in accordance with this Act or the regulations

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 23 August to 12 September 2024 and no submissions were received.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, environmental planning instruments, development control plans and policies. Based on the assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

The external referrals undertaken for this DA are summarised in the following table:

External Referral	Response
NSW Rural Fire Service	No objection and a Bush Fire Safety Authority granted
Endeavour Energy	No objection and conditions recommended
Sydney Water	No objection and conditions recommended

Conditions that require compliance with the Bush Fire Safety Authority and external referral recommendations are recommended.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

RECOMMENDATION

That the Panel approve DA/2024/364/1 for the construction of a centre based child care centre for 136 children with basement car parking and associated site works on Lot 401 in the unregistered subdivision of 52 Park Road, Leppington subject to the conditions attached to this report for the following reasons:

- 1. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Precincts - Western Parkland City) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Industry and Employment) 2021 and State Environmental Planning Policy (Biodiversity and Conservation) 2021.**

- 2. The development is consistent with the objectives of the Camden Growth Centres Development Control Plan 2024, Camden Development Control Plan 2019 and Child Care Planning Guideline 2021.**
- 3. The development is of an appropriate scale and form for the site and the character of the locality.**
- 4. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.**
- 5. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.**