

SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-498
Application Number:	2024/552/1
Local Government Area:	Camden
Development:	Construction of a single storey, 127 place centre-based child care facility, a basement car park and associated site works
Estimated Development Cost:	\$5,215,723
Site Address(es):	100 Charles McIntosh Parkway, Cobbitty
Applicant:	Jeckra Pty Ltd
Owner(s):	Mirvac Residential Sub Co Pty Ltd
Date of Lodgement:	31 October 2024
Number of Submissions:	None
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):	Private infrastructure and community facilities 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 Oran Park Development Control Plan 2007 Camden Development Control Plan 2019 Child Care Planning Guideline 2021

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 • State Environmental Planning Policy (Industry and Employment) 2021 assessment table • Oran Park Development Control Plan 2007 assessment table • Camden Development Control Plan 2019 assessment table • Recommended conditions • Proposed plans
Development Standard Contravention Request(s):	Not applicable
Summary of Key Submission Issues:	Not applicable
Report Prepared By:	Alyssa Markland (Town Planner)
Report Date:	April 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 type="checkbox"/>	<input checked="" 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 a centre-based child care facility at 100 Charles McIntosh Parkway, Cobbitty.

The Panel is the consent authority for this DA as the estimated development cost (EDC) is \$5,215,723. 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/2024/552/1 for a centre-based child care facility 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 the construction of a centre-based child care facility at 100 Charles McIntosh Parkway, Cobbitty.

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 is a private infrastructure and community facility with an EDC of over \$5 million
State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP)	The development is permitted with consent in the applicable R1 General Residential zone, is consistent with the zone 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)	<p>The DA was referred to Endeavour Energy for comment pursuant to the Transport and Infrastructure SEPP due to there being an electrical substation adjoining the site at 6 Boardman Road to the north. Endeavour Energy objected to the development as it partially encroached an easement around the substation. The applicant subsequently amended the development which removed the encroachment, and Endeavour withdrew its objection.</p> <p>The DA has also been assessed against, and is considered consistent with, Chapter 3 - Educational Establishments and Child Care Facilities of the SEPP, and the Child Care Planning Guideline</p>
State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)	<p>A proposal for a staged residential subdivision (DA/2023/215/1) was approved by Council on 5 December 2023 which created the subject lot. A remediation action plan was approved under that consent and Council's environmental health specialist has confirmed that the site is suitable for the development</p>
State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)	<p>Council staff are satisfied that the 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 it</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 in that the applicant has satisfactorily demonstrated all the sustainability requirements listed therein</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 in accordance with the Camden Community Participation Plan 2021 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

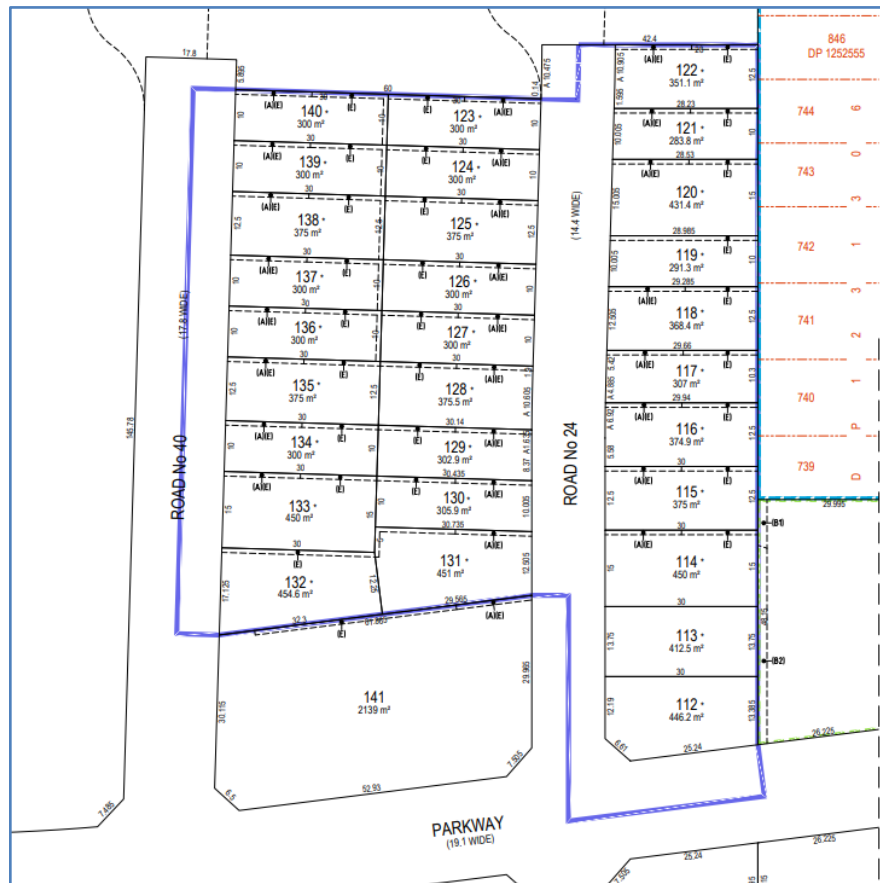
The site is located at 100 Charles McIntosh Parkway, Cobbitty, and is legally described as Lot 141 in DP 1303450. The site has an area of 2,139sqm, with a frontage of 52.9m to Charles McIntosh Parkway and a depth of 34m. The subject site formed part of a residential subdivision previously approved under DA/2023/215/1 when it was approved as lot 141.

The approved subdivision levels indicate a 2m fall from the south-west to north-east. The site is clear of vegetation and includes an approved padmount substation in the north-western corner. Vehicular access to the proposed basement car park is available via a local road identified as Equestrian Street on the approved subdivision plan, while pedestrian access is provided via Boardman Road.

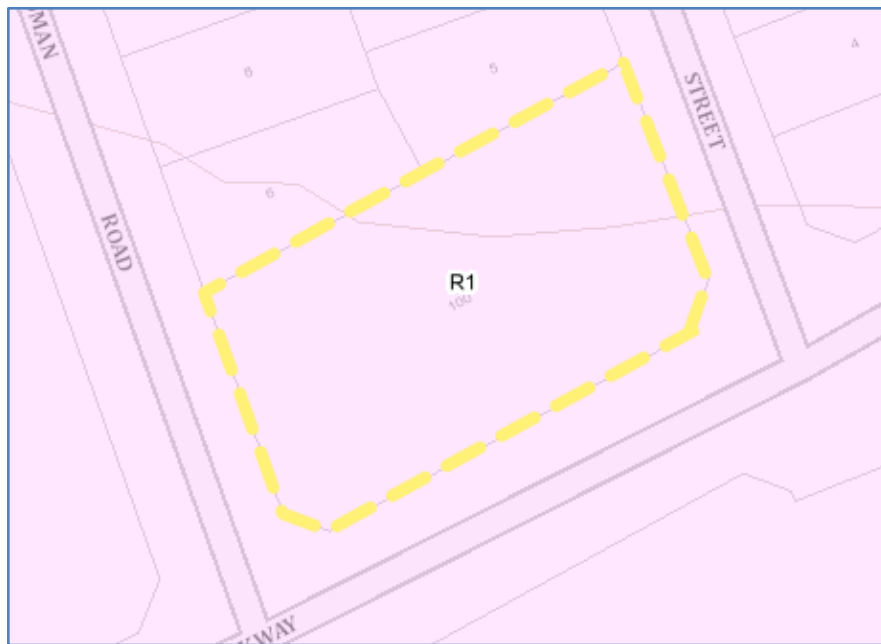
The site is mapped as bush fire prone land. The site is located within the Oran Park Precinct of the South West Growth Area.

The surrounding area comprises a mix of rural and developing residential land. The vacant site directly to the west (on the opposite side of Boardman Road) is a planned primary school.

APPROVED PARENT SUBDIVISION PLAN



ZONING PLAN



AREA MASTER PLAN



HISTORY

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

Date	Development
10 July 2024	Pre-DA letter for the construction of a single storey child care centre to accommodate a maximum of 122 children with basement level car parking and associated site works
5 December 2023	Approval of DA/2023/215/1 for a staged Torrens title subdivision to create 30 residential lots and eight residue lots, site preparation works, civil earthworks, construction of roads, stormwater drainage infrastructure and public domain landscaping works

THE PROPOSAL

DA/2024/552/1 seeks approval for the construction of a centre-based child care facility.

Specifically, the development involves:

- Construction of a centre-based child care facility for 127 children aged 0 to 5 years and 21 staff.
- Provision of six classrooms, administration areas, a staff room, a kitchen, and outdoor play areas.
- Basement / lower level car parking for 34 car spaces with vehicle access via Equestrian Street.
- Pedestrian access via Boardman Road.
- Business identification signage including one façade sign and one sign proposed on the brick fence/boundary wall.
- 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 10 February 2025. The following discussion provides an assessment of how the issues raised by the Panel at the briefing have been addressed:

1. *Clarifying whether an aquifer interference is required under the Water Management Act 2000; and if it is, getting suitable documentation to the Department of Climate Change, Energy, the Environment and Water for this approval.*

Officer Comment:

The applicant has advised that the basement is insignificant in depth (being only one level deep) and is unlikely to impact upon any aquifers. Council staff are satisfied that

an aquifer is unlikely to be impacted by the development. However, a condition is recommended that requires that an approval must be sought from the Department of Climate Change, Energy, the Environment and Water should an aquifer be identified as being impacted during the detailed design phase.

2. *Addressing a number of design matters, including the presentation to the street.*

Officer Comment:

The applicant has submitted amended landscaping plans in support of the development and to improve the development's presentation to the street. These have been reviewed and are supported by Council's urban forest services team, subject to standard conditions and a requirement to prepare a more detailed landscaping plan before the issue of a construction certificate.

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 \$5,215,723. 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 R1 General 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 facility'.

Permissibility

The development is permitted with consent pursuant to the land use table in Appendix 2 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 Energy for comment pursuant to the Transport and Infrastructure SEPP due to there being an electrical substation adjoining the site at 6 Boardman Road to the north. Endeavour Energy objected to the development as it partially encroached an easement around the substation. The applicant subsequently amended the development which removed the encroachment, and Endeavour withdrew its objection.

Endeavour also 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 development has been assessed against Chapter 3 - Educational Establishments and Child Care Facilities of the Transport and Infrastructure SEPP. Section 3.23 of the SEPP requires that the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline (CCPG). The proposal is consistent with the CCPG and an assessment against it 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.

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 was created under a staged residential subdivision that was approved by Council staff on 5 December 2023 (DA/2023/215/1). A remediation action plan was approved as part of that development. The remediation works have been completed and a subdivision certificate issued/registered. Council's environmental health specialist has confirmed that the site is 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. An assessment table in which the development is considered against these matters is provided as an attachment to this report.

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, and
- the embodied emissions attributable to the development have been quantified.

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:

- Oran Park Development Control Plan 2007.
- Camden Development Control Plan 2019.

Oran Park Development Control Plan (Oran Park DCP)

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

Camden Development Control Plan 2019 (Camden DCP)

An assessment table in which the development is considered against the Camden 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 as part of the DA that demonstrates that the development will not have an unreasonable adverse impact upon the surrounding road network and/or the operation of nearby intersections. Council's traffic engineer has reviewed the report and supports the conclusions.

Bush Fire Impacts

The site is mapped as bush fire prone land. The DA was referred to the NSW Rural Fire Service who has issued a Bush Fire Safety Authority with applicable 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 in accordance with Camden Community Participation Plan 2021 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
Camden Police Area Command	No objection and no conditions 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/2024/552/1 for the construction of a centre-based child care facility at 100 Charles McIntosh Parkway, Cobbitty 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, State Environmental Planning Policy (Sustainable Buildings) 2022 and State Environmental Planning Policy (Biodiversity and Conservation) 2021.**
- 2. The development is consistent with the objectives of the Oran Park Development Control Plan 2007, Camden Development Control Plan 2019 and the 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.**