

## Sydney Western City Planning Panel

<b>Panel reference</b>	PPSSWC-314
<b>DA number</b>	39/2023/DA-C
<b>LGA</b>	Campbelltown
<b>Proposed development</b>	Construction and operation of a 121-place child care centre and associated site works and subdivision into 2 Torrens titled allotments
<b>Street address</b>	Lot 13 Willowdale Drive, Denham Court
<b>Applicant</b>	Stockland Developments Pty Ltd
<b>Owner</b>	Stockland Developments Pty Ltd
<b>Date of DA lodgement</b>	1 February 2023
<b>Number of submissions</b>	Nil
<b>Recommendation</b>	Approval
<b>Regional development criteria</b>	CIV > \$5M - Private infrastructure and community facilities. The CIV is \$6,182,012.00 (including GST)
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Precincts—Western Parkland City) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Campbelltown Growth Centres Development Control Plan 2013</li> <li>• Campbelltown (Sustainable City) Development Control Plan 2015</li> <li>• Campbelltown Local Infrastructure Contributions Plan 2018</li> <li>• East Leppington Voluntary Planning Agreement</li> <li>• Environmental Planning and Assessment Regulation 2021</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Attachment 1 - Recommended Conditions of Consent</li> <li>2. Attachment 2 - Child Care Planning Guidelines</li> <li>3. Attachment 3 - Architectural Plans</li> <li>4. Attachment 4 - Landscape Plans</li> <li>5. Attachment 5 - Civil Plans</li> <li>6. Attachment 6 - Plan of Subdivision</li> <li>7. Attachment 7 - NSW Rural Fire Service - General Terms of Approval</li> <li>8. Attachment 8 - Jemena Conditions</li> </ol>
<b>Report prepared by</b>	Mr D. Timmins – Senior Town Planner Campbelltown City Council
<b>Report date</b>	4 December 2023

## Executive Summary

- The land is situated within the Southwest Growth Centre and is located on the corner of Jamboree Avenue and Barbula Road, Denham Court. The site adjoins Willowdale Shopping Plaza, has a total land area of 9,749m<sup>2</sup>, and is a vacant allotment.
- The application proposes construction and operation of a 121-place child care centre and associated site works and subdivision into 3 Torrens titled allotments.
- The land is zoned B2 Local Centre under State Environmental Planning Policy (Precincts—Western Parkland City) 2021, and a centre-based child care facility and business identification signage is permitted with consent in the zone.
- The proposal is consistent with the provisions for a centre-based child care facility under State Environmental Planning Policy (Transport and Infrastructure) 2021 and the associated Child Care Planning Guidelines.
- The NSW Rural Fires Service has issued a bushfire safety authority for the development of bushfire prone land for a special fire protection purpose.
- The application was referred to Jemena under the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 due to proximity of the site to a high pressure gas pipeline. Jemena issued recommended conditions.
- The application involves variations to the Campbelltown Growth Centre Precincts Development Control Plan with regards to zero side setbacks, floor to ceiling height, signs and car park trees.
- The application involves variations to the Campbelltown (Sustainable City) Development Control Plan 2015 with regards to fencing, driveways and landscaping.
- The application was publicly notified from 3 February 2023 and 24 February 2023. No submissions objecting to the proposed development were received.
- The application is recommended for approval in accordance with the recommended conditions of consent in Attachment 1 to this report.

## **Application History**

- The application was lodged on 1 February 2023
- Public notification concluded on 24 February 2023
- NSW Rural Fire Service issued a bushfire safety authority on 26 April 2023
- Jemena issued conditions on 27 June 2023
- Additional information was requested from the applicant on 30 June 2023 in relation to:
  - a. Preliminary Site Investigation
  - b. Aboriginal Heritage Impact Permit
  - c. Emergency Evacuation Plan
  - d. Details of sleep and rest at the childcare centre
  - e. Vehicle manoeuvrability
  - f. Advanced warning signage
- Additional information was requested from the applicant on 12 July 2023 in relation to:
  - a. DRAINS model
  - b. Driveway long sections
  - c. Pavement markings for pedestrians
  - d. Perpendicular driveway crossing
- Additional information was requested from the applicant on 30 August 2023 in relation to an Emergency Evacuation Plan.

## **Related Applications**

The land is subject to the following applications:

- DA-10/2020/DA-S for the subdivision into two allotments. Development consent was issued by Council on 27 April 2023. The plan of subdivision has not been registered with NSW Land Registry Services.

The plan of subdivision would create a lot for a proposed community centre, and a lot for the proposed child care centre and a proposed swim centre.

- DA-24/2023/DA-C for the construction of a swim centre. The application is currently under assessment at the time of writing this report. The proposed swim centre would adjoin the proposed child care centre which is the subject of this report.

A right of carriageway and easement to drain water would be created over the shared driveway between the swim centre and proposed child care centre.

- DA-1038/2023/DA-C for the construction of a community centre. The application is currently under assessment at the time of writing this report. The proposed community centre would adjoin the proposed swim centre under DA-24/2023/DA-C.

The community centre would be dedicated to Council in accordance with the Voluntary Planning Agreement that applies to the land.

## **The Site**

The subject site is located on the corner of Willowdale Drive and Jamboree Avenue, Denham Court.

The site is irregular in shape and has an area of 9,749m<sup>2</sup>.

Site levels vary from RL 97 to RL 93.2 generally from south-west to north-east.

A sealed footpath/cycleway adjoins both street frontages.

The site adjoins Willowdale Shopping Plaza to the west, and terrace type housing to the north and south.

A high pressure gas pipeline is situated within a riparian corridor opposite the site to the east.

The site is mapped as being located within bushfire prone land.

The site is not mapped as being affected by flooding, and does not contain any trees or significant vegetation.

## **The Locality**

Camden Valley Way is located approximately 250m to the north-west and the M31 Motorway is located approximately 4km to the south-east.

Edmondson Park Railway Station is situated approximately 4.3km to the north-east.

The boundaries of the Camden LGA commence on the southern side of Willowdale Drive.

## **The Proposal**

A summary of the proposed development is provided below:

(a) Subdivision of residue lot 1300 approved under DA-10/2022/DA-S to create 2 Torrens title allotments, comprising:

- i. Lot 1302: 3,296m<sup>2</sup>
- ii. Lot 1303: 3,855m<sup>2</sup>

(b) Construction of a child care centre on proposed Lot 1303, comprising:

- i. 121 children, as follows:
  - 12 x children 0-1 year old
  - 24 x children 1-2 year old

- 25 x children 2-3 year old
  - 60 x children 3-5 year old
- ii. Entry foyer, reception, office, laundry, pram storage, parents room, staff room, program room, store room, kitchen, pantry, children rooms, cot rooms, bottle room, bathrooms, bin storage room
  - iii. Covered verandas, pathways, shade sails, sand pits, bench seating, timber stage, mud kitchen, double swing set, cubby houses, sensory gardens, vegetable garden, soft fall underlay, artificial turf
- (c) Site works, comprising:
- i. Temporary sediment basin and stockpiling
  - ii. Cut, fill and retaining wall
  - iii. Two way vehicle access with Jamboree Avenue and Barbula Road
  - iv. 37 car parking spaces and 1 loading bay
  - v. 1.5m high sound barrier walls
  - vi. Drainage of storm water into street pits under gravity
  - vii. Planting of 48 trees, various groundcovers and shrubs
  - viii. 78 PV cells on roof and 2 x 5,000L rainwater tanks
  - ix. Relocation of an existing street light and bus stop
  - x. Removal of two street trees
- (d) Erection of advertising signage, comprising:
- i. 3 x 1200mm x 3000mm (3.6m<sup>2</sup>) wall mounted signage
  - ii. 1 x 1800mm x 1800mm (3.24m<sup>2</sup>) wall mounted signage
  - iii. 2 x 500mm x 500mm (0.25m<sup>2</sup>) door signs
  - iv. 2 x 860mm x 900mm (0.77m<sup>2</sup>) entry/exit signs
  - v. 7 x 700mm x 1050mm (0.74m<sup>2</sup>) parking signs
- (e) Creation of restrictions on the use of land, as follows:
- i. Right of carriageway variable width
  - ii. Easement for car parking variable width
  - iii. Right of footway variable width

- iv. Easement for pad mount substation 4.5m wide
- v. Easement to drain water variable width

## **1. Planning Provisions**

The proposed development has been assessed against the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

### **1.1 Rural Fires Act 1997**

Section 100B of the Rural Fires Act 1997 (RFS Act) requires a bushfire safety authority for development of bushfire prone land for a special fire protection purpose.

A special fire protection purpose includes a child care centre.

The development application has been lodged as integrated development within the meaning of Section 4.46 of the EP&A Act.

The NSW RFS issued a bushfire safety authority and general terms of approval on 26 April 2023 which have been included within the recommended conditions of consent.

### **1.2 State Environmental Planning Policy (Resilience and Hazards) 2021**

Pursuant to Clause 4.6(1) of State Environmental Planning Policy (Resilience and Hazards) 2021, the consent authority must not consent to the carrying out of any development on land unless:

- a) It has considered whether the land is contaminated, and
- b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

**Comment:** The application was accompanied a Preliminary and Detailed Site Investigation Report (DSI) prepared by Alliance Geotechnical & Environmental Solutions. The findings of the DSI indicate:

- Unacceptable land contamination, human health and ecological exposure risks have not been identified for the site;
- The site is suitable for the following land use scenario:
  - Residential with accessible soil, including garden with home grown produce contributing less than 10% fruit and vegetable intake (excluding home grown poultry and/or eggs), and includes children's day care centres, preschools, and primary schools; and

- Residential with minimal opportunities for soil access including dwellings with fully and permanently paved yard space such as high-rise buildings and flats.

Having regard to the DSI and its findings, it is considered the land is suitable from a contamination perspective for the proposed development. A recommended condition has been included requiring the implementation of an Unexpected Finds Protocol to manage any unexpected potential contamination issues encountered during works.

### 1.3 State Environmental Planning Policy (Industry and Employment) 2021

Pursuant to Clause 3.11 of State Environmental Planning Policy (Industry and Employment) 2021 (SEPP Industry and Employment), a consent authority must not grant consent to an application to display an advertisement unless the advertisement or the advertising structure, as the case requires:

- (a) is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and
- (b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and
- (c) satisfies any other relevant requirements of this Chapter.

**Comment:** The proposal is consistent with the objectives of clause 3.1(1)(a) as it is considered the signage is compatible with the desired amenity and visual character of the area, provides effective communication in suitable locations, and is of high quality design and finish.

The proposal has been reviewed against the assessment criteria in Schedule 5 of SEPP Industry and Employment below, and is considered to be acceptable in terms of its impacts.

Schedule 5 Assessment Criteria		
Provision	Proposed	Compliance
<b>Character of the area</b>		
<ul style="list-style-type: none"> <li>• Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</li> </ul>	Compatible with existing and desired future character of local centre.	Yes
<ul style="list-style-type: none"> <li>• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</li> </ul>	No theme of advertising in the area.	N/A
<b>Special areas</b>		
<ul style="list-style-type: none"> <li>• Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</li> </ul>	Not considered to adversely detract from the amenity or visual quality of environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.	Yes
<b>Views and vistas</b>		

<b>Schedule 5 Assessment Criteria</b>		
<b>Provision</b>	<b>Proposed</b>	<b>Compliance</b>
<ul style="list-style-type: none"> <li>• Does the proposal obscure or compromise important views?</li> <li>• Does the proposal dominate the skyline and reduce the quality of vistas?</li> <li>• Does the proposal respect the viewing rights of other advertisers?</li> </ul>	<p>Does not adversely obscure or compromise important views.</p> <p>Does not adversely dominate the skyline and reduce the quality of vistas.</p> <p>Respects viewing rights of adjoining advertisers.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Streetscape, setting or landscape</b>		
<ul style="list-style-type: none"> <li>• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</li> <li>• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</li> <li>• Does the proposal reduce clutter by rationalising and simplifying existing advertising?</li> <li>• Does the proposal screen unsightliness?</li> <li>• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</li> <li>• Does the proposal require ongoing vegetation management?</li> </ul>	<p>Scale, proportion and form of proposal is appropriate for the streetscape, setting and landscape.</p> <p>Contributes to the visual interest of the streetscape, setting and landscape.</p> <p>No existing signage to be rationalised or simplified.</p> <p>No unsightliness to be screened.</p> <p>Would not protrude above the building on which the signage would be located.</p> <p>Vegetation adjacent to signage to be managed by owner of land.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
<b>Site and building</b>		
<ul style="list-style-type: none"> <li>• 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?</li> <li>• Does the proposal respect important features of the site or building, or both?</li> <li>• Does the proposal show innovation and imagination in its relationship to the site or building, or both?</li> </ul>	<p>Compatible with scale, proportion and characteristics of the building on which the signage is to be located.</p> <p>Respects features of building.</p> <p>Shows satisfactory innovation and imagination in its relationship to the site and building.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Associated devices and logos with advertisements and advertising structures</b>		
<ul style="list-style-type: none"> <li>• 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?</li> </ul>	<p>Logos designed as an integral part of the signage.</p>	<p>Yes</p>
<b>Illumination</b>		



<b>Schedule 5 Assessment Criteria</b>		
<b>Provision</b>	<b>Proposed</b>	<b>Compliance</b>
• Would illumination result in unacceptable glare?	Illumination not proposed.	N/A
• Would illumination affect safety for pedestrians, vehicles or aircraft?	As above.	N/A
• Would illumination detract from the amenity of any residence or other form of accommodation?	As above.	N/A
• Can the intensity of the illumination be adjusted, if necessary?	As above.	N/A
• Is the illumination subject to a curfew?	As above.	N/A
<b>Safety</b>		
• Would the proposal reduce the safety for any public road?	Not considered to adversely reduce the safety for any public road.	Yes
• Would the proposal reduce the safety for pedestrians or bicyclists?	Not considered to adversely reduce the safety for pedestrians or bicyclists.	Yes
• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Not considered to adversely reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas.	Yes

#### **1.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP Biodiversity and Conservation) contains provisions relating to development in regulated catchments.

The land is mapped as being located within the Hawkesbury-Nepean Catchment.

The proposal has been reviewed against the specific controls of Part 6.2 of SEPP Biodiversity below, and is considered to be acceptable in terms of its impacts.

<b>SEPP (Biodiversity and Conservation) 2021</b>		
<b>Provision</b>	<b>Proposed</b>	<b>Compliance</b>
<b>6.6 Water quality and quantity</b>		
(1) In deciding whether to grant development consent to development in land in a regulated catchment, the consent authority must consider the following –		
(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,	Drainage of stormwater into street stormwater network and bio basins to have beneficial effect on quality of water entering a waterway.	Yes
(b) whether the development will have an adverse impact on water flow in a natural waterbody,	No adverse impact on water flow in a natural waterbody.	Yes

<b>SEPP (Biodiversity and Conservation) 2021</b>		
<b>Provision</b>	<b>Proposed</b>	<b>Compliance</b>
(c) whether the development will increase the amount of stormwater run-off from a site,	No substantial increase to amount of stormwater run-off from site.	Yes
(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,	Temporary sediment basin. 2 rainwater tanks for on-site stormwater retention and reuse.	Yes
(e) the impact of the development on the level and quality of the water table,	Not considered to adversely impact the level and quality of water table.	Yes
(f) the cumulative environmental impact of the development on the regulated catchment,	No adverse cumulative environmental impact on regulated catchment.	Yes
(g) whether the development makes adequate provision to protect the quality and quantity of ground water.	Drainage to bio basins to protect the quality and quantity of ground water.	Yes
(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures -		
(a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and	Quality of water entering a natural waterbody to be as close as possible to beneficial.	Yes
(b) the impact on water flow in a natural waterbody will be minimised.	Impact on water flow in a natural waterbody will be minimised.	Yes
<b>6.7 Aquatic ecology</b>		
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following -		
(a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,	No identified impact on terrestrial, aquatic or migratory animals or vegetation,	Yes
(b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require— (i) a controlled activity approval under the Water Management Act 2000, or (ii) a permit under the Fisheries Management Act 1994,	No clearing of riparian vegetation.	N/A
(c) whether the development will minimise or avoid— (i) the erosion of land abutting a natural waterbody, or (ii) the sedimentation of a natural waterbody,	Erosion and sedimentation control plan to minimise erosion of land and sedimentation of natural water bodies.	Yes
(d) whether the development will have an adverse impact on wetlands that are not in the	No adverse impact on wetlands.	Yes

<b>SEPP (Biodiversity and Conservation) 2021</b>		
<b>Provision</b>	<b>Proposed</b>	<b>Compliance</b>
coastal wetlands and littoral rainforests area,		
(e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,	Erosion and sedimentation control plan considered adequate. Site to be rehabilitated with landscaping.	Yes
(f) if the development site adjoins a natural waterbody— whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.	Additional measures not considered required.	N/A
(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following –		
(a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,	Impact on terrestrial, aquatic or migratory animals or vegetation to be kept to minimum necessary for the carrying out of the development.	Yes
(b) the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,	Development would not have an adverse impact on aquatic reserves.	Yes
(c) if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation— the approval or permit has been obtained,	Controlled activity approval under the Water Management Act 2000 or permit under the Fisheries Management Act 1994 not considered to be required.	N/A
(d) the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,	Erosion and sedimentation control plan to minimise erosion of land and sedimentation of natural water bodies.	Yes
(e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.	No adverse impact on wetlands.	Yes
<b>6.8 Flooding</b>		
(2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not—		
(a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or	Would not result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody.	Yes
(b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.	Would not have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.	Yes

<b>SEPP (Biodiversity and Conservation) 2021</b>		
<b>Provision</b>	<b>Proposed</b>	<b>Compliance</b>
<b>6.9 Recreation and public access</b>		
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider—		
(a) the likely impact of the development on recreational land uses in the regulated catchment, and	No adverse impact on recreational land uses in the regulated catchment.	Yes
(b) whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.	Development will maintain public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.	Yes
(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—		
(a) the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation,	Development will maintain public access to and from natural waterbodies for recreational purposes without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.	Yes
(b) new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,	Existing points of public access between natural waterbodies and the site of the development will be stable and safe.	Yes
(c) if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.	Land forming part of the foreshore of a natural waterbody not proposed to be made available for public access as a result of the development.	N/A
<b>6.10 Total catchment management</b>		
In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.	The development is not likely to have an adverse environmental impact.	N/A

## 1.5 State Environmental Planning Policy (Precincts—Western Parkland City) 2021

The proposed development has been assessed against the relevant provisions of State Environmental Planning Policy (Precincts—Western Parkland City) 2021 (SEPP Precincts). This assessment is discussed below:

### Permissibility

The land subject to the proposed development is zoned B2 Local Centre under the provisions of the SEPP Precincts.

The proposed development is defined as 'centre-based child care facility' and 'business identification sign' which is permitted with consent in the B2 zone.

### **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)),

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.

**Comment:** The proposed development would be used for the education and care of children and would provide long day care. The proposal does not include any of the matters referred to in paragraph (c), (d), (e), (f), (g) or (h).

**Business identification sign** means a sign—

- (a) that indicates—
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

**Comment:** The proposed signage indicates the name and nature of the business carried on at the premises, and includes a logo that identifies the business. The proposed signage does not contain any advertising relating to a person who does not carry on business at the premises.

### **Zone B2 Local Centre**

The objectives of the B2 zone under SEPP Precincts are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
- To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.
- To encourage development that will contribute to economic growth and the creation of employment opportunities within the City of Campbelltown.

**Comment:** The proposed child care centre would serve the needs of people who live and work in the local area, and encourage employment opportunities within proximity of bus stops along Jamboree Avenue and Willowdale Drive. It is considered the construction and operation of the proposed development would contribute to the economic growth of the Campbelltown Local Government Area.

### **Subdivision**

Pursuant to Clause 2.6, Appendix 6 of SEPP Precincts, land may be subdivided, but only with development consent.

**Comment:** Development consent is sought for the proposed subdivision.

### **Minimum lot size**

Pursuant to Clause 4.1(3), Appendix 6 of SEPP Precincts, the size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

**Comment:** There is no minimum size shown on the Lot Size Map in relation to the land.

### **Height of Buildings**

Pursuant to clause 4.3(2), Appendix 6 of SEPP Precincts, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

**Comment:** The proposed building does not exceed the maximum height of 18m shown for the land on the Height of Buildings Map.

### **Heritage conservation**

Pursuant to clause 5.10(2), Appendix 6 of SEPP Precincts, development consent is required for disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed; or to disturb or excavate an Aboriginal place of heritage significance.

**Comment:** The NSW Office of Environment and Heritage issued an Aboriginal Heritage Impact Permit (AHIP)(no. 1132181) for the land on 16 May 2013 under section 90 of the National Parks and Wildlife Act 1974. The applicant is required to comply with the conditions of the AHIP when undertaking development on the land.

### **Public utility infrastructure**

Pursuant to clause 6.1(1), Appendix 6 of SEPP Precincts, the consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

**Comment:** The proposed development would create demand for public utility infrastructure. Sydney Water previously issued a Section 73 Certificate for land in relation to the supply of water and disposal and management of sewage, and Endeavour Energy previously issued a Notification of Arrangement for Distribution of Electricity in relation to the land. It is considered that public utility infrastructure is available for the proposed development.

### **Maximum gross floor area for retail premises in Zone B2**

Pursuant to clause 6.7, Appendix 6 of SEPP Precincts, despite any other provision of this Precinct Plan, the gross floor area of all development for the purpose of retail premises on land in Zone B2 Local Centre must not exceed 16,500 square metres.

**Comment:** The proposed child care centre does not comprise a retail premises.

## 1.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP Transport and Infrastructure) contains provisions relating to development adjacent to pipeline corridors, and early education and care facilities – specific development controls.

### Development adjacent to pipeline corridors

Pursuant to Clause 2.77 of SEPP Transport and Infrastructure, before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must:

- (a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and
- (b) take those risks into consideration, and
- (c) give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and
- (d) take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given.

**Comment:** The land is located within 20m of land subject to an easement for a high pressure gas pipeline. The application was referred to Jemena for comment and conditions were issued, including the requirement for an Encroachment Safety Management Study to be approved by Jemena prior to the commencement of works.

### Early education and care facilities – specific development controls

Part 3.3 of SEPP Transport and Infrastructure 2021 contains early education and care facilities – specific development controls. A review of the proposal against the specific development controls is outlined in the table below:

SEPP (Transport and Infrastructure) 2021		
Provision	Proposed	Compliance
<p><b>3.22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development</b></p> <p>(1) This clause applies to development for the purpose of a centre-based child care facility if—</p> <p>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or</p> <p>(3.25sqm per child)</p>	<p>121 children requires 393.25sqm. 401sqm of indoor unencumbered space provided.</p>	<p>Yes</p>



<b>SEPP (Transport and Infrastructure) 2021</b>		
<b>Provision</b>	<b>Proposed</b>	<b>Compliance</b>
<p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</p> <p>(7sqm per child)</p> <p>(2) The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.</p>	<p>Outdoor play 1: 1 child per 7.86m<sup>2</sup> Outdoor play 2: 1 child per 7.14 m<sup>2</sup></p> <p>Complies with above requirements. Concurrence from Regulatory Authority not required.</p>	<p>Yes Yes</p> <p>N/A</p>
<p><b>3.23 Centre-based child care facility – matters for consideration by consent authorities</b></p> <p>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.</p>	<p>The application was accompanied by a Child Care Planning Guideline (CCPG) assessment prepared by Premise (Attachment 2). The provisions of the CCPG have been taken into consideration and the proposal is considered to be acceptable.</p>	<p>Yes</p>
<p><b>3.25 Centre-based child care facility – floor space ratio</b></p> <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>Centre-based child care facility in Zone B2 Local Centre.</p>	<p>N/A</p>
<p><b>3.26 Centre-based child care facility – non-discretionary development standards</b></p> <p>(2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility –</p> <p>(a) <b>location</b> – the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) <b>indoor or outdoor space</b> (i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor</p>	<p>The proposal does not adjoin an existing or proposed child care facility.</p> <p>The proposed unencumbered indoor and outdoor spaces complies with the Education and Care Services National Regulations.</p>	<p>Yes</p> <p>Yes</p>

<b>SEPP (Transport and Infrastructure) 2021</b>		
<b>Provision</b>	<b>Proposed</b>	<b>Compliance</b>
<p>unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(c) <b>site area and site dimensions</b> – the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>(d) <b>colour of building materials or shade structures</b> – the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p>	<p>Complies with the Education and Care Services National Regulations.</p> <p>Site area and dimensions considered acceptable.</p> <p>Colours of building materials considered acceptable. The site is not a State or local heritage item or in a heritage conservation area.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>
<p><b>3.27 Centre-based child care facility—development control plans</b></p> <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>SEPP to prevail over DCP.</p> <p>As above.</p> <p>As above.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p>

<b>SEPP (Transport and Infrastructure) 2021</b>		
<b>Provision</b>	<b>Proposed</b>	<b>Compliance</b>
(d) any matter relating to development for the purpose of a centre-based child care facility contained in—	As above.	Noted
(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or	As above.	Noted
(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).	As above.	Noted

## **1.7 Campbelltown Growth Centres Development Control Plan 2013**

The proposed development has been assessed against the relevant development controls of the Growth Centre Precinct Development Control Plan (Growth Centres DCP).

### **Part 2 – Precinct Planning Outcomes**

Part 2 of Growth Centres DCP contains controls for Precinct Planning Outcomes. Compliance with the relevant controls is outlined in the table below:

<b>Campbelltown Growth Centres Development Control Plan 2013</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>2.2 - Indicative Layout Plan</b>		
All development applications are to be generally prepared in accordance with the Indicative Layout Plan.	Generally consistent with Indicative Layout Plan.	Yes
<b>2.4.1 - Flooding</b>		
The pattern of subdivision is to ensure that no new dwelling is required to be located within the post-development 1% AEP flood extent shown on the Flood Prone Land Figure (refer to Figure 2-2).	The site is not mapped as being located on flood prone land in Figure 2-2.	Yes
<b>2.4.3 - Water cycle management</b>		
Stormwater within new subdivisions is to be managed through a gravity network of pipes and overland flows generally following streets where flow volumes exceed the capacity of pipes.	Stormwater managed through gravity network of pipes. Overland flow conveyed to street network.	Yes
Where development on land affected by local runoff or local overland flooding – major	Local runoff to be managed by stormwater network and temporary sediment basin	Yes

<b>Campbelltown Growth Centres Development Control Plan 2013</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
drainage is proposed, it must be designed in accordance with Council's Engineering Design Guide for Development.	designed in accordance with Council's Engineering Design Guide for Development.	
<b>2.4.3 - Salinity and soil management</b>		
Subdivision development applications, that include earthworks, on land with a moderate to high risk of salinity (identified in Figure 2-4), are to be accompanied by information detailing how the design and construction of the proposed subdivision intends to address salinity issues. All works are to comply with the Western Sydney Salinity Code of Practice 2004 (WSROC) and Appendix C	Land not identified as moderate to high risk of salinity.	N/A
All development must incorporate soil conservation measures to minimise soil erosion and siltation during construction and following completion of development. Soil and Water Management Plans, prepared in accordance with Managing Urban Stormwater - Soils and Construction (Landcom 3rd Edition March 2004 ('The Blue Book')) are to be submitted with each subdivision development application.	Erosion and sediment control submitted. A recommended condition has been included requiring a Soil and Water Management Plan to be implemented, prepared in accordance with The Blue Book.	Yes
<b>2.4.4 - Native vegetation and ecology</b>		
Native trees and other vegetation are to be retained where possible by careful planning of subdivisions to incorporate trees into areas such as private allotments, the public domain or within road reserves.	Removal of two street trees along Barbula Road to provide for vehicle crossover. A recommended condition has been included requiring the street tree to be replaced.	Satisfactory
<b>2.4.5 - Bushfire Hazard Management</b>		
Reference is to be made to Planning for Bushfire Protection in subdivision planning and design, and development is to be consistent with Planning for Bushfire Protection.	The application was accompanied by a Bushfire Hazard Assessment prepared by Blackash Bushfire Consulting. Subdivision design has regard to Planning for Bushfire Protection.	Yes
<b>2.4.6 - Site Contamination</b>		
Prior to granting development consent, the consent authority must be satisfied that the site is suitable, or can be made	The application was accompanied by a Preliminary and Detailed Site Investigation Report prepared by Alliance	Yes

<b>Campbelltown Growth Centres Development Control Plan 2013</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
suitable, for the proposed use. Remediation works identified in any RAP will require development consent prior to the works commencing.	Geotechnical & Environmental Solutions. The site is suitable from a contamination perspective for the proposed development.	
<b>2.4.8 - Noise</b>		
Development will require an acoustic report where it is in a location such as: <ul style="list-style-type: none"> <li>• Adjacent to an arterial road and/or sub-arterial roads;</li> <li>• Potentially impacted upon by a nearby employment area; or</li> <li>• Potentially impacting upon sensitive receivers such as residences within the precinct and outside the precinct.</li> </ul>	The application was accompanied by an Environmental Noise Impact Assessment prepared by Day Design Pty Ltd Consulting Acoustic Engineers which has regard ambient noise levels, road traffic noise and potential noise impacts to sensitive receivers.	Yes
<b>2.4.9 - Odour Assessment and Control</b>		
Where land is deemed by Council to be affected by an odour source Council will consider whether the type of development in this area is appropriate and will also consider the need for the applicant to provide additional supporting information with the development application.	Land not deemed to be affected by an odour source.	N/A
<b>2.6 - Crime Prevention through Environmental Design</b>		
All developments are to incorporate the principles of Crime Prevention Through Environmental Design (CPTED). Development applications for subdivision, public open space and community facilities may require a formal crime risk (CPTED) assessment.	The application was accompanied by a CPTED report prepared by Harris Crime Prevention Services. CPTED principles incorporated into the design of the development.	Yes
<b>2.7 - Earthworks</b>		
Subdivision and building work is to be designed to respond to the natural topography of the site and wherever possible, minimise the extent of cut and fill.	Subdivision design responds to natural topography of the site, and minimises the extent of cut and fill.	Yes
Subdivision and building work shall be designed to ensure minimal cut and fill is required for the building construction phase of development.	The proposed levels and sections indicate minimal cut and fill is required for the building construction phase.	Yes
Boundary retaining walls are to be designed and constructed to allow for installation of	Maximum 1.1m high retaining wall with 1.5m high sound	Yes

<b>Campbelltown Growth Centres Development Control Plan 2013</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
boundary fencing without impact on the structural soundness of the retaining wall and its footings.	barrier along the boundary of Barbula Road.	

## **Part 5 – Centres Development Controls**

Part 5 of Growth Centres DCP contains Centres Development Controls. Compliance with the relevant controls is outlined in the table below:

<b>Campbelltown Growth Centres Development Control Plan 2013</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>5.3.1 - Streetscape and architectural design</b>		
Active street fronts, built to the street boundary, are required on the ground level of all retail and commercial development fronting any main street and where applicable, public open space.	Active street front, built to the street boundary, not considered to be required for a child care centre. This control is considered to be skewed towards retail and commercial premises to engage pedestrian trade.	N/A
The ground and first floor of all buildings on active street frontages are to be built to the front property boundary (ie. a zero front setback) to define the street edge.	Active street front not proposed.	N/A
Vehicle access to basement level parking or parking located behind buildings must not be from active street frontages.	Active street front not proposed.	N/A
Blank walls visible from the public domain are to be avoided.	No blank walls present to the public domain.	Yes
Developments that have multiple street frontages are to consider entrances to internal/upper floor uses on each street frontage.	Footpaths from Jamboree Avenue and Barbula Road to main building entrance.	Yes
Entrances are to be visible from the street and well lit.	Entrance visible from street and to be provided with lighting.	Yes
Security shutters and grilles are not encouraged and any proposed security devices are to be transparent or at least 80% open.	Security shutters and grilles not proposed.	Yes
All buildings on active street frontages are to include awnings above the ground floor for the full length of the street frontage.	Active street front not proposed.	N/A
Parking is to be screened by buildings, from the main street	Parking screened by building and landscaping.	Yes

<b>Campbelltown Growth Centres Development Control Plan 2013</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
and other streets with active frontages, or be below ground.		
Building facades at street level on active frontage streets are to have a minimum of 80% glazing.	Active street front not proposed.	N/A
Translucent or obscured glazing is generally not permitted on active street frontages.	No translucent or obscured glazing on street frontage.	Yes
Signage and advertising material are not to obscure glazing where possible.	Signage designed and located to not obscure glazing.	Yes
At night, internal lighting is to fall onto the footpath, or under-awning lighting is to be provided.	Internal light would fall onto the adjacent footpaths.	Yes
Solid elements are preferably to be finished with rendered masonry, tiles or face brick.	Brick finish and cladding.	Yes
Coordinated colour schemes are required, and colours and materials are to be consistent with adjoining buildings and the general character of the street.	Coordinated colour scheme. Colours and materials compatible with adjoining buildings and character of street.	Yes
Articulated corners are to be provided to building facades on active street frontages. Articulated elements may include verandahs, awnings, upper level balconies, use of materials or roof designs that accentuate the corner. Articulation elements are to address street frontages.	Active street front not proposed.	N/A
Design of corner buildings on the ground floor is to facilitate free pedestrian movement. Open corners at ground level are encouraged.	Design of building facilitates free pedestrian movement through the site.	Yes
Building height, massing, materials and parapet/roof expression should be used to accentuate corner elements.	Building height, massing, materials and roof form addresses the corner.	Yes
<b>5.3.2 - Solar access, weather protection and energy efficiency</b>		
Continuous awnings are required to be provided along the ground floor street frontage on active street frontages in accordance with Figure 5-2 and all buildings fronting public open space or squares.	Active street front not proposed.	N/A
The design and orientation of buildings is to consider prevailing south-westerly winds in winter, and active frontages	Design and orientation of building has regard to prevailing south-westerly winds in winter. Outdoor play areas to be	Yes

<b>Campbelltown Growth Centres Development Control Plan 2013</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
are to be located to maximise shielding from strong winds by buildings.	shielded from winds by the building.	
Loading, parking and service areas are preferably to be located on the southern or western sides of buildings, except where the western or southern side of a development site adjoins an active street.	Loading, parking and service areas located on southern and western side of building.	Yes
Large expanses of west-facing glazing, or open shop-fronts facing west, are to be avoided unless the glazing or shop-front is shielded from afternoon sun in summer and cold winter winds by other buildings or awnings.	No large expanses of west-facing glazing.	Yes
External pedestrian circulation areas are encouraged, rather than internal mall-type buildings.	External pedestrian circulation to be available from Jamboree Avenue, Barbula Road and Willowdale Drive.	Yes
<b>5.3.3 - Building bulk, scale and design</b>		
Zero side setbacks are required on the ground floor and first floor and the side wall shall contain no windows or other openings.	Side setback approximately 44m from proposed swim centre, and 24m from adjacent shopping plaza. Side wall contains window and door openings.	<b>No</b> – see discussion below
Buildings are to include distinctive roof forms that contribute to the architectural design of a building. Elements such as parapets, skillion roofs and eaves should be utilised where appropriate.	Building includes distinctive roof forms that contribute to the architectural design of the building.	Yes
Roof forms should not result in excessive bulk or overshadowing.	Roof forms do not result in excessive bulk or overshadowing.	Yes
All plant and lift over-runs are to be concealed within roof forms to minimise visual impact.	Mechanical plant equipment located adjacent to facade on corner of Jamboree Avenue and Barbula Road. A recommended condition has been included requiring mechanical plant equipment to be concealed within the roof form.	Condition of consent to comply
Ground floors are to have a minimum floor to ceiling height of 3.3 metres.	2.7m floor to ceiling height.	<b>No</b> – see discussion below
<b>5.3.4 - Signs</b>		
Signs are permitted within centres where they advertise the business carried on at a	Signs advertise the business carried on at the property.	Yes



Campbelltown Growth Centres Development Control Plan 2013		
Requirement	Proposed	Compliance
particular property or identify the name of a building.		
Signs are to be designed and located to:		
<ul style="list-style-type: none"> <li>• Be visually interesting and have a high level of design quality,</li> </ul>	Visually interesting and have a high level of design quality.	Yes
<ul style="list-style-type: none"> <li>• Be integrated with the architecture and structure of the building on which they are located;</li> </ul>	Integrated with the architecture and structure of the building on which they are located.	Yes
<ul style="list-style-type: none"> <li>• Be consistent with the scale of the building or the property on which they are located.</li> </ul>	Consistent with the scale of the building on which they are located.	Yes
<ul style="list-style-type: none"> <li>• Consider existing signs on the building, adjoining buildings or elsewhere in the streetscape, and not obscure views of existing signs or the potential for signs to be viewed on adjoining premises;</li> </ul>	No existing suitable signs to be used.	N/A
<ul style="list-style-type: none"> <li>• Not cover glazed surfaces;</li> </ul>	2 x 0.25m <sup>2</sup> graphic decals do not fully cover the entry doors.	Yes
<ul style="list-style-type: none"> <li>• Project minimally from the building.</li> </ul>	Project minimally from the building.	Yes
The maximum number of signs on each façade of any retail or commercial tenancy is three, and only one sign of each type (fascia, under-awning, projecting wall or flush mounted) is permitted on each façade.	<p>No more than three signs on each façade of the building.</p> <p>Two flush mounted wall signs facing Jamboree Avenue.</p>	<p>Yes</p> <p><b>No</b> – see discussion below</p>
Free standing signs (signs that are not affixed to a building) are not permitted on active street frontages.	Active street front not proposed.	N/A
Flashing, animated or bright neon signage is not permitted.	Flashing, animated or bright neon signage not proposed.	N/A
The location of signs is not to obscure views of traffic signs or traffic signals, or have the potential to cause confusion with traffic signs or signals (e.g. signs that look like traffic signals or stop signs located near a public road).	Location of signs not considered to obscure views of traffic signs or traffic signals, or have the potential to cause confusion with traffic signs or signals.	Yes

<b>Campbelltown Growth Centres Development Control Plan 2013</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>5.3.6 - Safety, surveillance and maintenance</b>		
The design of all buildings, fences and landscape elements shall take sight lines, both horizontal and vertical, into consideration to minimise blind spots and promote a sense of security.	Design of building, fences and landscape elements has taken sight lines, both horizontal and vertical, into consideration to minimise blind spots and promote a sense of security.	Yes
Lighting is to be installed on all circulation routes and major pedestrian thoroughfares, including under-awning lighting on all awnings.	The submitted CPTED report recommends overhead pole luminaires for safe wayfinding and general site wide circulation.	Yes
Large open areas such as parking lots and public open spaces are to be floodlit.	The submitted CPTED report advises the main carpark would benefit from high-pole lights to 'flood' all parking spaces.	Yes
The installation of lighting should take into account and minimise its impacts on surrounding commercial premises and residential properties.	The lighting of the car park would be adequately distanced from the adjacent residential properties and would not adversely impact the rear façade of the adjacent shopping plaza.	Yes
Fencing and street plantings should be designed to achieve a balance between screening and security/surveillance.	Fencing provides security to outdoor play area. Existing street trees provide screening and allow surveillance.	Yes
<b>5.3.7 - Site servicing</b>		
Services and structures such as transformers, waste collection, storage and deposit areas, and loading bays are generally to be located to the rear of the property. Where this cannot be achieved services must be integrated into the overall design of buildings and landscaping of the street front through screening measures.	Bin storage room located to rear of property and integrated into design of building.	Yes
Adequate space should be provided for the movement, unloading and loading of service vehicles. Council will discuss the likely size of vehicles attending the site with the applicants as part of pre-application planning.	Adequate space provided for the movement, unloading and loading of service vehicles, including waste collection vehicles.	Yes
<b>5.3.8 - Traffic circulation, parking and access</b>		
Secondary streets, rear lanes and right of ways are to be used to provide access to parking areas, loading docks and waste collection areas. Lanes will need to accommodate heavy	Barbula Road provides access to car park, loading dock and waste collection area.	Yes

<b>Campbelltown Growth Centres Development Control Plan 2013</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
vehicles where access to loading areas and waste collection is required.		
Outdoor parking areas are to be screened and landscaped to minimise their visual dominance within the centre.	Outdoor parking area screened and landscaped to minimise visual dominance.	Yes
At grade car parks must contain shade tree plantings using tree species and spacing of trees to demonstrate that tree canopies are capable of covering 50% of the car space surface area (excluding car park travel lanes). Submitted plans are to illustrate the estimated extent of tree canopies at maturity.	Car park contains shade tree plantings with mature canopies that would not cover 50% of the car space surface area.	<b>No</b> – see discussion below
The parking area per vehicle is to be in accordance with AS 2890:1.	Parking areas indicate design compliance with AS 2890.1.	Yes
<b>5.3.9 - East Leppington Local Centre</b>		
The design, layout and configuration of the local centre should be consistent with the relevant objectives of the DCP and be to the satisfaction of Council.	The child care centre is permitted with consent in the zone within the local centre and considered consistent with the relevant objectives of the DCP.	Yes
Built form adjacent to Bonds Creek riparian corridor is to address the creek corridor to maximise amenity and contribute to passive surveillance.	Built form addresses Bonds Creek riparian corridor which contributes to amenity and passive surveillance.	Yes
View corridors to open space, riparian corridors and the community centre shall be considered in the design of the local centre.	The proposal would permit views to open space, Bonds Creek riparian corridor, and future community centre.	Yes
Loading areas that are adjacent to residential zoned lands are to include visual and acoustic screening to protect the amenity of residents.	Loading bay setback within the site and not adjacent to residential zoned land.	N/A
Off-street parking areas are to be appropriately screened from public streets and residential areas.	Car park area screened with landscaping from public streets and residential areas.	Yes
Off-street, surface parking areas are to provide an adequate amount of shade, either by trees, canopy shades or possibly being located in undercroft spaces, to provide amenity and minimise	Car park area provided with adequate amount of shade by trees which provides amenity and minimises microclimate impacts.	Yes

Campbelltown Growth Centres Development Control Plan 2013		
Requirement	Proposed	Compliance
microclimate (heat island) impacts.		

### **Zero side setbacks (section 5.3.3 non-compliance)**

Section 5.3.3 of the Growth Centres DCP requires zero side setbacks on the ground floor and the side wall shall contain no windows or other openings.

The proposed child care centre would have a side setback of approximately 44m from proposed swim centre, and approximately 24m from the adjacent shopping plaza, and the side walls would contain window and door openings, which does not comply with section 5.3.3 of the Growth Centres DCP.

However on review, the proposal is considered to be acceptable in the circumstances, as the side setbacks provide for driveways, car parking and landscaping. The existing built form within the local centre contains separated buildings, and is not characterised as containing buildings with zero side setbacks with no window or door openings, or basement car parking.

In this regard, the proposed side setbacks are considered consistent with the objective of the control, to ensure that buildings are appropriate to the scale and character of the centre.

### **Floor to ceiling height (section 5.3.3 non-compliance)**

Section 5.3.3 of the Growth Centres DCP requires ground floors to have a minimum floor to ceiling height of 3.3 metres.

The proposed child care centre would have a floor to ceiling height of 2.7m, which does not comply with section 5.3.3 of the Growth Centres DCP.

However on review, the proposal is considered to be acceptable in the circumstances, as the floor to ceiling height is sufficient to satisfy the Building Code of Australia which requires a Class 9b building to be provided with a minimum floor to ceiling height of 2.7m.

It is considered that a 2.7m floor to ceiling height would permit sufficient internal amenity and ventilation, and any required mechanical services could be provided within the roof form of the building and not impinge on the 2.7m floor to ceiling height.

In this regard, the proposed floor to ceiling height are considered consistent with the objective of the control, to provide for appropriate air circulation.

### **Signs (section 5.3.4 non-compliance)**

Section 5.3.4 of the Growth Centres DCP permits only one sign of each type (fascia, under-awning, projecting wall or flush mounted) on each façade.

The proposed child care centre would provide two flush mounted wall signs on the façade fronting Jamboree Avenue, which does not comply with section 5.3.4 of the Growth Centres DCP.

However on review, the proposal is considered to be acceptable in the circumstances, as the building is approximately 41m wide, and the number of signs would complement the scale and design of the building presented to Jamboree Avenue.

The proposed signs are not considered to adversely impact the amenity and visual character of the area and would provide effective communication in suitable locations and be of high quality design and finish. The signage would not be illuminated.

In this regard, the proposed signs are considered consistent with the objective of the control, to ensure that signs are unobtrusive and complement buildings and the streetscape.

### **Car park trees (section 5.3.8 non-compliance)**

Section 5.3.8 of the Growth Centres DCP requires car parks to contain shade tree plantings with canopies capable of covering 50% of the car space surface area (excluding car park travel lanes).

The submitted landscape plan shows the car park would be provided with trees with mature canopies that would not cover 50% of the car space surface area.

However on review, the proposal is considered to be acceptable in the circumstances, as the provision of additional canopy trees within the car park area would result in the proposal not conforming with the NSW RFS requirements for Asset Protection Zones, which requires tree canopy cover for the site to be less than 15% at maturity, tree canopies to be separated by 2 – 5m and trees to not touch or overhang the building.

The proposal involves the planting of 48 trees balanced between the car park, outdoor play areas and areas forward of the building line, which would provide environmental amenity, enhance the appearance of the development and minimise the impacts of the urban heat island effect.

As canopy cover for the site is limited to 15% at maturity, it is further considered that relocating canopy trees from outdoor play areas and areas forward of the building line to the car park area would detract from the environmental amenity of the child care centre and appearance of the development when viewed from the street.

In this regard, the proposed car park trees and non-compliance with the control are considered acceptable on merit.

## **1.8 Campbelltown (Sustainable City) Development Control Plan 2015**

Part 8 of Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP) contains requirements that apply to centre-based child care facilities. Compliance with the relevant controls is outlined in the table below:

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>8.3.1 - Locality requirements</b>		
Centre-based Child Care Facilities shall not be located on an allotment that:		

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
i) is accessed from a State road ( refer to Table 8.3.1 for a list of State roads in Campbelltown LGA);	Lot not accessed from a State road.	Yes
ii) is within 100 metres of the intersection of a State road;	Lot not within 100m of intersection of a State road.	Yes
iii) is within a no through road;	Lot not within a no through road.	Yes
iv) has vehicular access to a road where the carriageway is less than 6.5 metres in width;	Lot not accessed from road less than 6.5m wide.	Yes
v) has a building erected upon it that is constructed of materials that contain asbestos or lead paint;	Lot does not contain asbestos or lead paint.	Yes
vi) is adjacent to a: <ul style="list-style-type: none"> <li>- potentially hazardous industry;</li> <li>- hazardous industry;</li> <li>- potentially offensive industry;</li> <li>- offensive industry;</li> <li>- agricultural produce industries;</li> <li>- livestock processing industries;</li> <li>- heavy industrial storage establishments; or</li> <li>- waste or resource management facility.</li> </ul>	Lot not adjacent to prescribed industries.	Yes
vii) is within a 150 metre radius of a sex restricted premises; sex services premises or home occupation (sex services);	Lot not within 150m radius of a sex premises.	Yes
viii) presents a potential safety hazard for vehicle and pedestrian traffic, unless it can be demonstrated to Council's satisfaction that there would be no vehicular/ pedestrian conflict (refer to Figure 8.3.1);	The land does not present a potential safety hazard for vehicle and pedestrian traffic.	Yes
Centre-based Child Care Facilities shall not be located within a basement of a building (excluding storage rooms and offices ancillary to the Centre-based Child Care Facility).	Not located within basement of building.	Yes

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<p>Centre-based Child Care Facilities shall not be permitted on a local street, unless it can be demonstrated to Council's satisfaction that:</p> <p>i) the proposed Centre-based Child Care Facility will not impact negatively on the local traffic network;</p> <p>ii) the proposed Centre-based Child Care Facility has adequate on site parking and manoeuvring/turning spaces; and</p> <p>iii) the amenity of the surrounding properties is maintained.</p>	<p>The application was accompanied by a Transport Assessment (TA) prepared by Ason Group. The TA advises the proposal would not significantly impact the surrounding road network.</p> <p>Adequate car parking and manoeuvring/ turning spaces provided.</p> <p>Sound barrier proposed to maintain amenity of adjacent residential properties.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Where a Centre-based Child Care Facility is proposed to be located in a building on land within Business zones, the Centre-based Child Care Facility (excluding storage rooms and offices) shall:</p> <p>i) be directly accessible by car;</p> <p>ii) not occupy more than one (1) storey; and</p> <p>iii) be located no higher than the first floor to ensure the easy evacuation of children in case of emergency.</p>	<p>Directly accessible by car.</p> <p>Does not occupy more than one storey.</p> <p>Located on ground floor level.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>8.3.3 - Streetscape</b>		
<p>The design of new purpose built buildings (including facade treatments, building massing, roof design and entrance features, setbacks and landscaping) shall complement the scale of surrounding development, character and qualities of the desired streetscape.</p>	<p>Design of building (including facade treatments, building massing, roof design and entrance features, setbacks and landscaping) complements the scale of surrounding development, character and qualities of the streetscape.</p>	<p>Yes</p>
<p>Notwithstanding Clause 8.3.1 a) viii) new buildings on corner sites shall incorporate facade treatments that</p>	<p>Incorporates facade treatments that address both street frontages and achieve positive articulation in building design.</p>	<p>Yes</p>

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
address both street frontages and achieve positive articulation in building design.		
Clothes lines and air conditioning units shall be screened and not visible by the public when viewed from a public area.	Drying area fronting Jamobree Avenue to be provided with screening.  Roof top mechanical equipment to be provided with screening.	Satisfactory  Yes
The built form, design and layout of all outdoor play areas shall relate to the natural land form and setting to ensure that the amenity (visual and acoustic privacy) of adjoining properties is protected.	Built form, design and layout of outdoor play areas relates to natural land form and setting without adversely impacting on adjoining properties in terms of visual and acoustic privacy.	Yes
<b>8.3.4 - Fencing</b>		
Fencing along the primary and secondary street boundaries shall:  i) not be constructed of bonded sheet metal;  ii) not be higher than 1.2 metres;  iii) be articulated, incorporate landscape treatments and complement the design and finish of the development.	To be constructed of solid capped and lapped timber, 10mm thick solid polycarbonate, 6.38mm thick laminated glass or masonry as per Environmental Noise Impact Assessment prepared by Day Design Pty Ltd.  1.5m high sound barrier wall along secondary street boundary (Barbula Road).  Design of 1.5m high sound barrier not provided. A recommended condition has been included requiring the sound barrier wall along the secondary street boundary to incorporate articulation and landscape treatments.	Yes  <b>No</b> – see discussion below  Condition of consent to comply
Fencing to the rear and side boundaries shall be:  i) located behind the primary and secondary street setbacks; and  ii) a maximum of 2.1 metres in height (excluding retaining walls).	No rear and side boundary fencing proposed.	N/A
Bonded sheet metal fencing shall only be permitted where all of the following criteria have been met:	Sheet metal fencing not proposed.	N/A



<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<p>i) the fence is located behind a 1.5 metre wide landscaped buffer; and</p> <p>ii) the fence is located behind the building line of all street frontages.</p>		
<b>8.3.5 - Visual and Acoustic Privacy</b>		
<p>An acoustic report prepared by a suitably qualified person shall be submitted with all Centre-based Child Care Facility development applications demonstrating:</p> <p>i) that the noise levels generated from the Centre-based Child Care Facility, when measured over a 15 minute period, does not exceed the background noise by more than 5 dBA;</p> <p>ii) that the noise levels comply with the requirement of the Protection of The Environment Operations Act 1997; and</p> <p>iii) illustrating ways to minimise the impacts of noise on adjoining properties.</p>	<p>The application was accompanied by an Environmental Noise Impact Assessment prepared by Day Design Pty Ltd.</p> <p>Noise levels would not exceed background noise by more than 5 dBA subject to the implementation of noise control recommendations.</p> <p>The implementation of noise control recommendations would ensure that 'offensive noise' within the meaning of the Protection of The Environment Operations Act 1997 would not be emitted to adjacent properties.</p> <p>Noise management plan, sound barrier walls, soffit and glazing treatments to minimise impacts of noise on adjoining properties.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Direct views to and from neighbouring and surrounding properties shall be minimised through:</p> <p>i) appropriate building design and location of outdoor play areas; and</p> <p>ii) the use of fencing and landscaping buffers.</p>	<p>Satisfactory building design and location of outdoor play areas.</p> <p>Use of fencing and landscaping buffers.</p>	<p>Yes</p> <p>Yes</p>
<b>8.3.6 - Waste Management</b>		
<p>A waste management plan shall be submitted for all Centre-based Child Care Facility developments including information with regard to the storage and disposal of used</p>	<p>Waste Management Plan submitted including details of waste and recycling.</p>	<p>Yes</p>

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
nappies, general waste and recycling.		
The development shall make provision for an enclosed onsite waste and recycling storage area that provides adequate space to accommodate the size and number of bins proposed, and volume of waste and recycling generated at the centre.	Enclosed bin storage room provides adequate space to accommodate the size and number of bins proposed, and volume of waste and recycling generated at the centre.	Yes
Waste storage, collection areas and service/delivery areas shall be screened from public view and located to minimise adverse impacts on adjoining properties.	Waste storage areas screened from public view. Waste collection and service/delivery areas located to minimise adverse impacts on adjoining properties.	Yes
The waste collection area shall be located and designed to minimise safety hazards for any person within the site or within the adjacent private/public areas.	Loading bay provided. Waste bins to be serviced on site by a private contractor.	Yes
The waste storage area shall:		
i) be no more than 30 metres from the point of collection;	No more than 30 metres from the loading bay.	Yes
ii) contain a hose connection;	Details of hose connection not provided.	Condition of consent to comply
iii) have an impervious floor that is connected to the sewer;	Details of impervious floor and connection to sewer not provided.	Condition of consent to comply
iv) be adequately ventilated;	Details of ventilation not provided.	Condition of consent to comply
v) incorporate appropriate design and construction materials (including colours and finishes) which complement the development;	Integrated into the building design.	Yes
vi) be appropriately screened from public view by a visual barrier of at least 1.5m high;	Screened by a visual barrier of at least 1.5m high.	Yes
vii) provide an opening sufficient to allow egress of the maximum sized bin to be used at the development; and	Door opening sufficient to allow egress of 1,100L bins.	Yes
viii) Be positioned to ensure that the path for wheeling bins	Path for wheeling bins between bin storage room and loading is	Yes

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
between the waste storage area(s) and the collection point is free of steps and kerbs and has a maximum gradient of 1V:8H.	free of steps and kerbs and does not exceed a gradient of 1V:8H.	
All premises shall produce evidence of a collection contract with a licensed waste and recycling collection contractor, if requested by Council.	Waste and recycling collection contractor proposed. A recommended condition has been included requiring a contract with a licensed waste collection contractor.	Yes
The development must be designed in such a way that an Australian Standard heavy rigid vehicle can provide waste collection services to the development. If on-site servicing is required, the site plan and layout shall consider how heavy rigid vehicles can access and move around the development, and make appropriate provisions for this to occur safely.	6.6m wide driveway and through site access sufficient for a heavy rigid vehicle to provide waste collection services outside of business hours.	Yes
All waste and recycling generated from the business is to be kept within an appropriate storage receptacle on the premises. Waste is not to be stored or placed outside of a waste storage receptacle or in such a manner that it will become a litter, odour or health nuisance.	Waste and recycling to be kept within 1,100L bins within bin storage room.	Yes
<b>8.4.1 - Car Parking and Access</b>		
Car parking areas shall be setback a minimum of 3 metres from the front boundary and any secondary boundary.	Car parking areas setback 3m from Jamboree Avenue and Barbula Road.	Yes
A minimum of one (1) on site car parking space shall be provided for every four (4) children approved to attend the Centre-based Child Care Facility.	121 children requires 31 parking spaces. 37 parking spaces provided.	Yes
Off street parking and loading shall be designed in accordance with Australian Standards 2890.1 and 2 (as amended), except as otherwise provided by this Plan.	Off street parking and loading designed in accordance with Australian Standards 2890.1 and 2.	Yes
No required car parking space shall be designed in a stacked configuration.	No stacked parking.	Yes
Pedestrian access shall be separated from vehicular	Pedestrian access separated from vehicular access with	Yes

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
access with clearly defined paths to and from the building.	defined paths to and from the building.	
Each site shall have a maximum of one ingress and one egress driveway.	Two two-way driveways.	<b>No</b> – see discussion below
The minimum width of a driveway shall be:  ii) six (6) metres for two way traffic movement.	6.6m wide driveways.	Yes
Driveways shall be located a minimum distance of six (6) metres from the tangent point of any unsignalled intersection.	Driveways located greater than 6m from tangent point.	Yes
Sufficient space shall be provided on site so that no vehicle shall be required to make more than a three-point turn to exit the site in a forward direction.	Swept path diagrams show that vehicles will not be required to make more than a three-point turn to exit the site in a forward direction.	Yes
All car parking spaces shall be line marked and delineated with appropriate signage and pavement marking.	Car parking spaces to be line marked and delineated with appropriate signage and pavement marking.	Yes
Development applications Centre based Child Care Facilities catering for 20 or more children shall include a Traffic Impact Statement, prepared by a suitably qualified person addressing the following criteria:  i) the existing traffic environment;  ii) anticipated traffic generation from the proposed development;  iii) the potential cumulative impact on the locality;  iv) the need for local traffic improvements in the locality;  v) traffic egress/ingress; and  vi) sight distance and other relevant safety issues including vehicular/ pedestrian movements.	The application was accompanied by a Transport Assessment prepared by Ason Group which has regard to:  The existing traffic environment.  Anticipated traffic generation.  Cumulative impacts on the locality.  Relocation of existing bus stop and provision of signage.  Traffic egress/ingress.  Sight distance of vehicles and pedestrians.	Yes  Yes  Yes  Yes  Yes  Yes
<b>8.4.2 - Access for People with Disabilities</b>		

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Centre-based Child Care Facilities shall comply with the minimum access requirements contained within the BCA, the Disability (Access to Premises – Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended).	The application was accompanied by Disability Access Review prepared by Local Consultancy Services Pty Ltd which provides recommendations to achieve compliance with the relevant accessibility requirements. The proposal would provide an accessible car parking space/shared area, and bathroom.	Yes
<b>8.4.3 - Emergency Evacuation</b>		
Development applications for Centre based Child Care Facilities catering for 20 or more children shall include an Emergency Evacuation Plan prepared by a suitably qualified person in accordance with Australian Standard 3745 Emergency Control Organization and Procedures for Buildings, Structures and Workplaces (as amended), addressing:	The application was accompanied by a Bushfire Emergency Management and Evacuation Plan prepared by Blackash Bushfire Consulting which has regard to AS 3756, and indicates:	
i) the mobility of children and how this is to be accommodated during an evacuation;	Nominated warden/s to manage children during an evacuation.	Yes
ii) the location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;	Assembly point located in carpark adjoining Barbula Road. Offsite evacuation area nominated as Coles Willowdale 278m / 4-minute walk. However, shelter in place identified as primary bushfire emergency response which can also function as the assembly area for an evacuation.	Yes
iii) where the Centre-based Child Care Facility is part of a larger building or complex, that the emergency evacuation plan for the Centre-based Child Care Facility is complementary and consistent with other emergency evacuation plans for the complex; and	Not part of a larger building.	N/A
iv) the supervision of children during an evacuation and at the	Nominated deputy chief warden responsible for onsite	Yes

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
safe congregation area, giving regard to the capacity of the Centre-based Child Care Facility and its approved child:staff ratios.	evacuation and assembly areas, including setting up evacuee's registration system to check people into and out of evacuation areas.	
<b>8.5 - Landscaping</b>		
Landscaping shall be provided to a minimum of a:  i) 3 metre wide strip along the primary and secondary street frontage (other than vehicle driveways); and  ii) 1.5 metre wide strip along the full length of side and rear setbacks.	Part of the building is setback 1.94m from Jamboree Avenue, and part of the building is setback 2.2m from the Barbula Road.  The site specific Growth Centre DCP requires buildings to be provided with zero side setbacks. The control of the site specific Growth Centre DCP, as varied within this report, is considered to prevail in this instance.	<b>No</b> – see discussion below  N/A
Native mature trees on site shall be retained.	No existing trees on site.	N/A
Development applications for Centre based Child Care Facilities shall include a Landscape Plan and report, prepared by a suitably qualified person addressing the following:  i) species, location and mature height of proposed planting;  ii) location of play equipment;  iii) separation from car parking spaces and driveway areas;  iv) fencing height and materials; and  v) surfaces (sand, grass or the like).	The application was accompanied by a Landscape Plan prepared by Package Landscapes Australia, addressing:  Species, location and mature height of proposed planting.  Location of play equipment.  Separation from car parking spaces and driveway areas.  Fencing height and materials.  Surfaces.	  Yes  Yes  Yes  Yes  Yes
All existing vegetation on the site and on adjoining sites shall be assessed to ensure that the plants:  i) are not toxic or dangerous (refer to Appendix 7 for a list of Unsuitable Plant Species); and	No existing vegetation on the site. The existing vegetation on the supermarket site is adequately separated from the	Yes

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
ii) do not impose a safety hazard such as personal injury from falling branches and seeds, poisoning and/ or choking.	proposed child care centre. Vegetation on residential properties separated by road.  Vegetation on the supermarket site and residential properties does not present a safety hazard.	Yes
<b>8.6 - Play Areas</b>		
Centre-based Child Care Facility play areas shall:		
i) comply with the Children (Education and Care Services) Supplementary Provisions Regulation 2004 (as amended);	Indoor and outdoor play areas comply with the Regulation.	Yes
ii) be appropriately designed and located to minimise noise impacts to adjoining properties; and	Sound barrier wall adjacent to outdoor play area to minimise noise impacts to adjoining properties.	Yes
iii) be naturally lit and ventilated.	Naturally lit and ventilated.	Yes
The siting of outdoor play areas shall:		
i) be located on a predominantly flat gradient;	Predominantly flat gradient.	Yes
ii) allow direct supervision from within the centre; and	Allows direct supervision from within centre.	Yes
iii) provide adequate fencing.	Adequate fencing.	Yes
Where a Centre-based Child Care Facility is proposed to be located on the first floor of a building (in the case of a Centre based Child Care Facility proposed within a comprehensive centre zone), the designated play areas shall:	Not located on the first floor level of a building.	N/A
i) be provided on the same level and directly accessible from the Centre based Child Care Facility;		
ii) have a minimum ceiling height of 2.7 metres; and		
iii) be physically separated from the indoor space area.		
<b>8.7 - Advertising Signs</b>		
Despite any other provision of this Plan, a Centre-based Child	More than 1 business identification sign. The site	N/A

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Care Facility shall have a limit of one (1) business identification sign in accordance with the following: i) not an illuminated sign; ii) the sign shall be located at the building or mounted within the front landscaped area no higher than 1 metre from the natural ground level of the landscaped area; iii) the sign shall only include the name of the centre and business related information such as opening hours, type of Centre-based Child Care Facility and the owners of the centre and any other accreditation relevant to the Centre-based Child Care Facility. iv) the sign shall not exceed 1.0 square metres in area.	specific Growth Centre DCP allows up to 3 advertising signs on each façade. The controls of the site specific Growth Centre DCP are considered to prevail in this instance.	
An advanced warning sign that is approved by Council shall be provided on each road approach, warning motorists that they are approaching a child care facility. The sign shall be provided and erected by Council at the applicant's expense.	The applicant has proposed to provide an advanced warning signage prior to the issue of an occupation certificate.	Condition of consent to comply

### **Fencing (section 8.3.4 non-compliance)**

Section 8.3.4 of the SCDCP requires fencing along the secondary street boundary to not be higher than 1.2 metres.

The proposed child care centre would provide a 1.5m high sound barrier wall (fence) along the secondary street boundary of Barbula Road, which does not comply with section 8.3.4 of the SCDCP.

However on review, the proposal is considered to be acceptable in the circumstances, as 1.5m high secondary street fencing is compatible with the height of existing 1.8m high secondary street boundary fencing within the locality.

The proposed fencing would reduce noise emissions from the child care centre to the adjacent residential zone and increase privacy and security of the outdoor play area.

In this regard, the proposed fencing is considered consistent with the objectives of the control, to minimise the impact of child care centre on the amenity of the existing neighbourhood by way of noise, and maintain the characteristics of the residential neighbourhood.



### **Driveways (section 8.4.1 non-compliance)**

Section 8.4.1 of the SCDCP requires each site to have a maximum of one ingress and one egress driveway.

The proposed child care centre would be provided with two driveways with combined vehicle ingress and egress, which does not comply with section 8.4.1 of the SCDCP.

However on review, the proposal is considered to be acceptable in the circumstances, as one driveway would be accessed from Jamboree Avenue and the second driveway would be accessed from Barbula Road. The siting of the driveways would service the demand created by the proposal without adversely disrupting traffic flow conditions.

The driveway provided on Barbula Road would minimise direct vehicle turning movements to/from the site with Jamboree Avenue that has a higher traffic volume, which is considered to minimise potential traffic safety risks.

In this regard, the proposed driveways are considered to be consistent with the objective of the control, to ensure the location and design of driveways are practical, convenient and safe.

### **Landscaping (section 8.5 non-compliance)**

Section 8.5 of the SCDCP requires a 3 metre wide landscaped strip along the primary and secondary street frontage (other than vehicle driveways).

Part of the building has a setback of 1.92m from Jamboree Avenue for a length of approximately 11.66m, which does not enable compliance with section 8.5 of the SCDCP.

However on review, the proposal is considered to be acceptable in the circumstances, as the proposal would provide various ground covers, shrubs and trees, which would adequately soften the appearance of building and provide an attractive landscape setting, particularly when viewed from Jamboree Avenue.

While a perimeter footpath encroaches into the 3 metre wide landscaped strip, the footpath would reduce opportunities for potential concealment adjacent to the building façade and windows consistent with the principles for Crime Prevention Through Environmental Design.

In this regard, the proposed landscaping is considered to be consistent with the objectives of the control to enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, while maintaining opportunities for passive surveillance.

## **1.9 Campbelltown Local Infrastructure Contributions Plan 2018**

Council's Development Contributions Officer advised the proposal does not require the levying of development contributions due to the provision of infrastructure under the East Leppington Voluntary Planning Agreement.

## **2. East Leppington Voluntary Planning Agreement**

The East Leppington Voluntary Planning Agreement (VPA) applies to the land and was entered into by Campbelltown City Council and Stockland Development Pty Ltd on 13 October 2017.

The proposed child care centre would be located within the Town Centre shown in the VPA.

The proposed development does not trigger the delivery of any open space, community, water or transport infrastructure work under the terms of the VPA.

## **3. Environmental Planning & Assessment Regulation 2021**

The regulations do not prescribe any matters of relevance that require consideration in relation to determining the development application.

## **4. Impacts on the Natural and Built Environment**

Section 4.15(1)(b) of the EP&A Act requires the Panel to consider the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

### **Noise**

The application was accompanied by an Environmental Noise Impact Assessment prepared by Day Design Pty Ltd.

The Environmental Noise Impact Assessment identifies noise impacts of the proposed child care centre on adjoining residential receivers, and provides recommended acoustic treatments to be incorporated into the design of the development to achieve acceptable levels of internal and external residential acoustic amenity.

The Environmental Noise Impact Assessment has regard to intrusive noise the proposed child care centre may be exposed to, including road traffic noise from Jamboree Avenue and Barbula Road.

Acceptable noise levels were derived from the Association of Australasian Acoustical Consultants 'Guideline for Child Care Centres Acoustic Assessment' and the Environmental Protection Authority's 'NSW Road Noise Policy'.

Under a worst-case scenario, with all children engaged in simultaneous outdoor play, the predicted noise levels at residential receiver locations adjoining Barbula Road exceed the maximum noise criteria. Additionally, Cot 1 and Cot 2 exceed the maximum noise criteria due to road traffic noise intrusion.

To achieve acceptable noise levels, the Environmental Noise Impact Assessment recommends the implementation of the following measures:

- Noise management plan
- 1.5m high sound barrier walls along the northern, eastern and western boundaries of the outdoor play area
- Sound absorptive insulation to soffit of outdoor play areas
- Thickened glazing to windows of Cot 1 and Cot 2

The Environmental Noise Impact Assessment concludes that provided recommendations are implemented, the level of noise emission by the proposed child care centre will achieve the noise level requirements of the Guideline for Child Care Centres Acoustic Assessment and the NSW Road Noise Policy.

A recommended condition has been included within the consent requiring the acoustic recommendations to be incorporated into the design and construction of the proposed development.

## **Traffic**

The application was accompanied by a Transport Assessment prepared by Ason Group.

The proposed driveway provided on Jamboree Avenue requires the relocation of a light pole and bus stop. The applicant proposes to relocate the existing light pole and bus stop approximately 7m and 30m to the north, respectively.

Recommended conditions have been included requiring the applicant to obtain a section 138 Roads Act approval for works within the public road, approval from the relevant electricity authority to relocate the light pole, and approval from Council's Traffic Committee regarding adjustments to line marking and signposting.

The Transport Assessment estimates the traffic generation of the proposed child care centre utilising the trip rates from the RMS Validation Trip Generation Surveys – Child Care Centres 2015. The proposal is calculated as generating up to 97 AM and 85 PM vehicle trips during peak hour.

The Transport Assessment considered the cumulative impact of the traffic generation using SIDRA intersection modelling. Results of the modelling indicate the proposal would not result in a significant impact to the surrounding road network and intersection performance.

Swept paths were submitted showing the turning movements of B99, small rigid and medium rigid vehicles entering and exiting the proposed driveways and utilising the site.

The proposed development and Transport Assessment was reviewed by Council's Senior Development Engineer and considered to be acceptable with regard to traffic generation, level of service, driveway and car park design.

## **Waste**

The application was accompanied by an Operational Waste Management Plan prepared by Elephants Foot Consulting Pty Ltd.

The Operational Waste Management Plan calculates the proposal would generate 4,175L of general waste and 4,625L of recycling waste per week, and includes additional provision for office and kitchen waste.

The NSW EPA's Better Practice Guide for Resource Recovery in Residential Developments 2019 identifies a child care centre as generating 5L of general waste and 5L of recycling waste per child. In this regard, the proposed child care centre is estimated to generate approximately 3,025L of general waste and 3,025L of recycling waste per week.

The proposal would provide 3 x 1,100L general waste bins and 2 x 1,100L recycling bins to be collected twice weekly by a private waste contractor. Bins would be presented to a nominated car parking space on collection day for collection by medium rigid vehicle within the driveway aisle.

The proposed waste generation and management arrangements were reviewed by Council's waste and recycling services and considered to be acceptable.

A recommended condition has been included requiring the servicing of bins to be undertaken outside of the operating hours of the child care centre by a licensed waste collection contractor.

### **Accessibility**

The application was accompanied by a Disability Access Review report prepared by Local Consultancy Services Pty Ltd.

The report establishes the extent to which the building achieves compliance with the requirements of people with a disability under the Building Code of Australia (BCA) and Disability (Access to Premises – Buildings) Standards 2010, and provides recommendations to achieve the specified outcomes of the legislation.

It is considered that compliance with the provisions of the BCA and Disability (Access to Premises – Buildings) Standards 2010 is achievable, and this would be demonstrated to the Principal Certifier prior to the issue of a construction certificate.

### **5. Social and Economic Impacts**

Socially, the proposed child care centre would provide a facility to meet the day to day needs of residents and workers in the locality. The proposed subdivision would create a lot which would facilitate the delivery of a potential future swim centre.

Economically, the proposed child care centre would create employment opportunities for child care workers. Trades would be employed during the construction phase of the development.

### **6. Site Suitability**

The site is considered suitable for the proposed child care centre.

The NSW Rural Fires Service has issued a bushfire safety authority for the development of bushfire prone land for a special fire protection purpose.

Jemena is satisfied that an Encroachment Safety Management Study regarding the easement for high pressure gas pipeline could be undertaken prior to the commencement of works.

The site is not affected by flooding, biodiversity significant vegetation or unacceptable contaminants.

## **7. Submissions**

The application was publicly notified between 3 February 2023 and 24 February 2023. During this period, no public submissions objecting to the proposed development were received.

## **8. The Public Interest**

The application is considered to have satisfactorily responded to the future desired outcomes expressed in the environmental planning instruments and development control plans, and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

## **Conclusion**

The development application has been assessed against the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, Campbelltown Growth Centres Development Control Plan 2013 and Campbelltown (Sustainable City) Development Control Plan 2015.

The proposed development, subject to the recommended conditions, is considered to satisfy relevant State legislation and State Environmental Planning Policies including the Rural Fires Act 1997, SEPP (Resilience and Hazards) 2021, SEPP (Industry and Employment) 2021, SEPP (Biodiversity and Conservation) 2021, SEPP (Precincts—Western Parkland City) 2021 and SEPP (Transport and Infrastructure) 2021.

The variations to the Campbelltown Growth Centres Development Control Plan 2013 in relation to zero side setbacks, floor to ceiling height, signs and car park trees; and variations to the Campbelltown (Sustainable City) Development Control Plan 2015 in relation to fencing, driveways and landscaping, are considered to be of minimal environmental impact and capable of being supported in this instance.

Accordingly, the application is recommended for approval.