



## 364 Canterbury Road, Canterbury NSW 2193

Submitted to Canterbury-Bankstown Council  
on behalf of Kazcorp Holdings (Canterbury) Pty Ltd

September 2021

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## APPENDICES

Appendix	Document	Prepared by
A	Architectural Plans	Mackenzie Architects International
B	Acoustic Impact Assessment	White Noise Acoustics
C	Stormwater Plans	United Consulting Engineers
D	Landscape Plans	Conzept

## 1. EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared for Kazcorp Holdings (Canterbury) Pty Ltd to accompany a Development Application (DA) to Canterbury-Bankstown Council. The site comprises a six (6) storey mixed use building with 95 residential units and four (4) commercial premises, over three (3) levels of basement parking. Currently there is an approved 90 place childcare centre in operation occupying one of the ground floor tenancies facing Onslow Street, with the external play area in between the existing residential buildings.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act, 1979* and Clause 50 of the Environmental Planning and Assessment Regulation, 2000. The purpose of this SEE is to:

- describe the proposed development and its context;
- assess the proposal against the applicable planning controls and guidelines; and
- assess the potential environmental impacts and mitigation measures

The site has been subject to a number of previous applications and discussions with council regarding the development and approval for the use of the premises as a childcare centre. A brief summary has been provided as per the below table:

Development Application	Date Determined	Description
<b>DA-505/2014</b>	29/09/2015	Demolition of existing structures and construction of a mixed use development containing ten commercial tenancies and ninety five (95) residential apartments over three (3) level basement carpark
<b>DA-629/2015</b>	19/09/2016	Use of ground floor commercial premises as childcare centre, associated landscaping and parking
<b>P20150102</b>	25/03/2018	Interim Occupation Certificate issued for the base building under DA-505/2014
<b>P20170067</b>	28/03/2018	Final Occupation Certificate issued for the childcare centre and car parking under DA-629/2015
<b>P20150102</b>	15/06/2018	Final Occupation Certificate issued for the base building under DA-505/2014
<b>POEO-4765</b>	19/08/2020	POEO issued to Kazcorp Holdings (Canterbury) Pty Ltd in response to acoustic complaints received by residents onsite at the centre

The lodgement of this application is in response to the POEO and subsequent correspondence with council in relation to compliance with DA condition 25 under DA629/2015, whereby it was determined that the operational noise from the centre was exceeding the Technical Guidelines Child Care Centre Noise Assessment" May 2008, with the specific condition shown below:

File No: 150/364D PT7  
Application No: DA-629/2015

25. Recommendations of the report entitled "Childcare Centre, Environmental Noise Impact Assessment", by Acoustic Logic, dated 24 May 2016, shall be implemented in the design, construction and conduct of the early childhood education and care centre. Operational requirements of this report must be incorporated into the centre's Plan of Management. In this regard the centre's construction and operations must comply with AS 2107:200 and the Australian Acoustical Consultants "Technical Guidelines Child Care Centre Noise Assessment", May 2008.

The recommendations nominated in the report were:

- Glazing to be constructed as per specifications (6mm float & STC/Rw Rating: 29)
- All windows and doors to indoor areas to remain closed to the outdoor play areas
- Construction of an awning above the transition zone
- All management controls complied with including, specifically adhering to the Noise Management Plan.

Despite these measures being implemented and adhered to, the centre was shown to not comply with the noise assessment levels required (as shown in Appendix A - Noise Impact Assessment - White Noise Acoustics - 19th August 2020).

Based on the results gathered from the Noise Impact Assessment, additional acoustic mitigations to the outdoor area of the childcare centre are required. As per recommendations provided, this proposal details the development of a solid roof structure with acoustic underlay to 30% of the underside with an NRC of 0.6 or great. Based on discussions with affected residents, the applicant is happy to provide additional absorptive material to the underside of the roofing structure with an NRC of 0.9 – significantly more than the requirements modelled to achieve compliance. **The construction of the proposed roof has been shown through modelling to address the concerns and achieve compliance with DA Condition 25**

Furthermore, the proposal is consistent with, and achieves the aims and objectives of, the relevant local and state statutory controls as well as the Canterbury Development Control Plan 2012 and Child Care Planning Guideline. There will be no unreasonable environmental impacts onto the surrounding locality including such things such as overshadowing, views, and traffic. In fact, this will result in increased amenity for residents and users of the childcare centre. It is ultimately considered that the proposal will deliver a suitable and appropriate solution for the site and should be recommended for approval.

## 2. SITE ANALYSIS

### 2.1. Location

The subject property is located on the southern side of Canterbury Road with a rear street frontage of Onslow Lane. It is located 1km north of Canterbury hospital, Campsie train station and shopping centre. The suburb of Canterbury is situated approximately 11 km south west of the Sydney Central Business District.

The map below gives an immediate location snapshot of subject property.

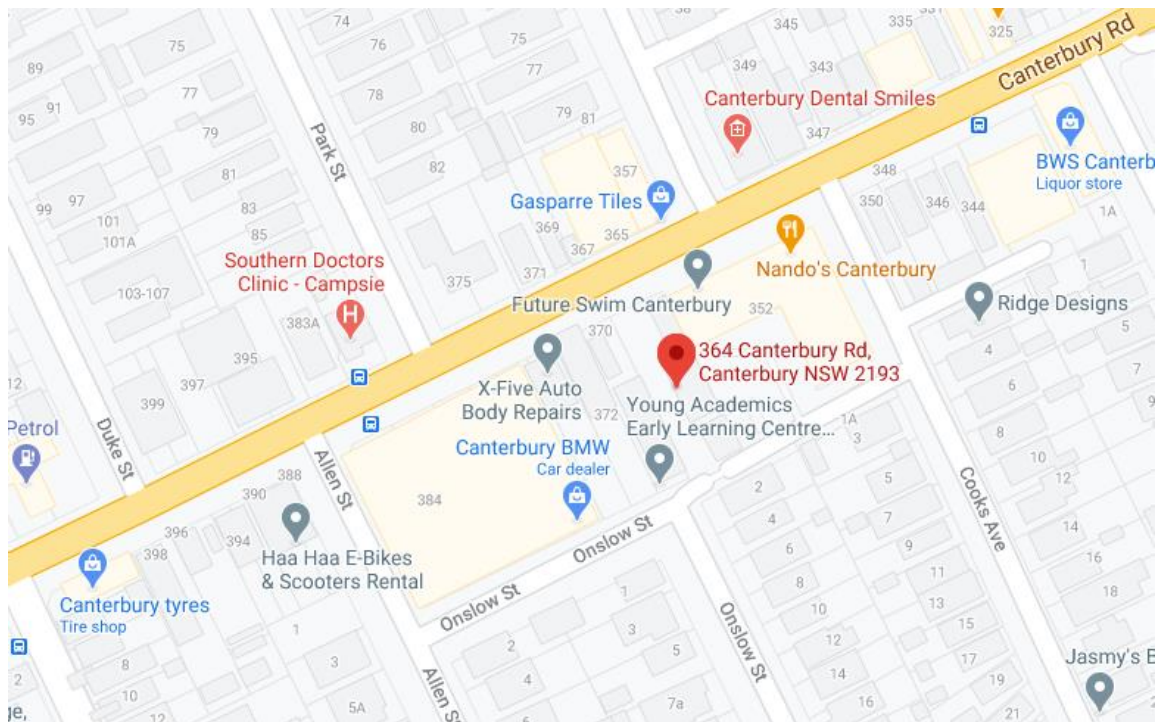


Figure 1 Location of the site within the Canterbury locality

### 2.2. Site Description

#### 2.2.1 Site address and Legal Description

The subject property is commercial lot 100 within approved SP 97029.

#### 2.2.3 Existing Improvements

The improvements of Lot 100 consist of a fully operational, three year old childcare facility licensed for 90 children. All fit out and compliance with Council and DEC regulations has been obtained. Amenities include; staff room, kitchen, teaching rooms, toilet facilities, indoor play areas, nursery room, outdoor playing areas with soft fall material and playing equipment. The childcare occupies 1,702m<sup>2</sup>. There are 22 allocated car spots on title.

## 2.2.4 Acoustic Noise Testing

As per Appendix A – Childcare Centre Noise Impact Assessment, completed by Pulse White Noise Acoustics, background noise results were observed in the nearest residential receiver during a typical session of outdoor play as per the below:

Table 1 – Results of the Attended Noise Survey at the Site

Measurement Location	Time of Measurement	Recorded Ambient Noise level Leq (15min) dB(A)	Background Noise Level LA90, 15min dB(A)	Comments
Balcony of Level 1 dwelling overlooking the internal area	During typical daytime environmental noise levels	57	46	Noise level at the site dominated by surrounding environmental noise from roadways and neighboring land uses

As the childcare centre proposes to use external areas of the centre for more than 4 hours per day the suitable noise level emission criteria is background noise + 5 dB(A). The relevant noise level criteria for the use of the childcare centre is detailed in the table below.

Table 2 – Noise Emission Criteria for Activity Noise on the site

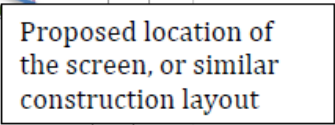
Location	Time of Day	Measured LA90, 15 min (dBA)	AAAC Criteria for Childcare Noise LAeq, 15 min (dBA)
Residential Receivers	Day – less than 4 hours of use	46	56
	Day – More than 4 hours of use	46	51

The required acoustic treatments and controls include the following:

1. Install a solid acoustic screen above the outdoor play area including a construction from solid material including one of the following types;

- a. 6.38mm laminated glass.
- b. 9mm FC sheet.
- c. 10mm Perspex
- d. Colour bond metal roof
- e. Similar solid material.

2. The construction is to cover the outdoor play area including all areas where play can occur. The proposed location of the screening is detailed in the figure below.



4. The ends of the play area to the east and west can remain open.
5. An acoustically absorptive material is to be installed to the underside of the proposed screening above the external play area (spray on or fixed) to the area of absorption treatment to no less than 30% of the ceiling area. The material is to include a minimum acoustic performance of NRC no less than 0.60.
6. All external play areas are to include supervision when used by children by a childcare operator.
7. No outdoor play to occur on the site after 7pm.

Modelling shows that constructing the proposed roof structure as outlined in the report results in:

**Table 4 – Summary of Noise Modelling**

Receiver Location	Time of Day	Calculated External Noise level	AAAC Criteria for Childcare Noise LAeq, 15 min (dBA)	Comments
1	Day – with maximum number of children using external play area	50	51 – for more than 4 hours of use a day	Resulting noise levels at the balconies of all balconies on level 1 above the external play area will be acoustically acceptable based on the proposed treatments in this report
2		47		
3		46		
4		51		
5		48		
6		51		
7		50		
8		50		
9		51		

Based on the results of this assessment, including the Soundplan noise modelling the noise emissions from the ground floor external play area of the childcare centre will comply with the relevant noise emissions criteria providing the recommended acoustic treatments in this report are included to the existing area.

The report notes that compliance will be achieved in all receiver locations. **However, to provide further acoustic mitigation the applicant is proposing to install absorptive material with a greater NRC rating of 0.9, to the underside of the roof structure.**

This will help ensure greater long term amenity for residents and continued harmonious use of the centre.

## 2.2.4 Site Photos



View of 364 Canterbury Road, Canterbury from Canterbury Road



View of Lot 100/364 Canterbury Road, Canterbury from Onslow Lane.

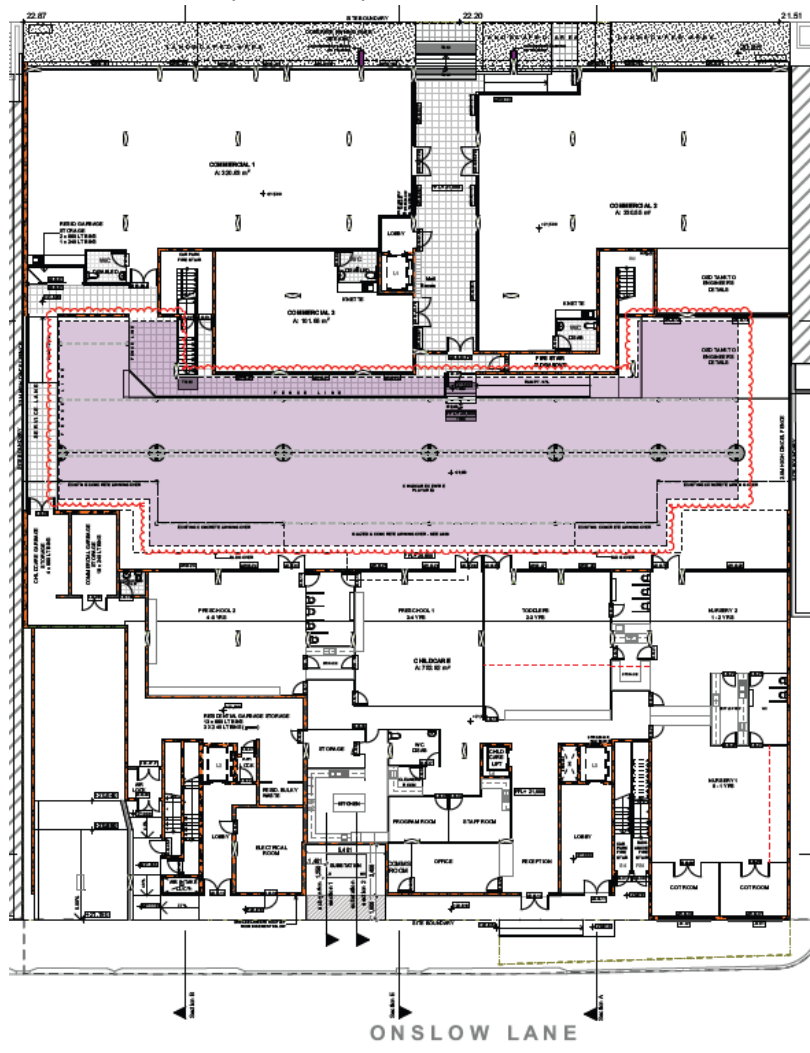


View of Lot 100/364 Canterbury Road, Canterbury play area

### 3. DESCRIPTION OF DEVELOPMENT

The proposal is for the construction of a pergola to cover the external play area of the child care located on Lot 100/364 Canterbury Road, Canterbury. The objective of the development is to reduce the resulting noise emissions from the use of the outdoor play area of the centre. The proposed area is shown below clouded in red and will contain provisions in addition to the Noise Impact Assessment Report prepared by White Noise Acoustics, namely:

- A solid 'roof' structure to be constructed above the existing play areas which include active play areas
- The roof can include solid construction and could include construction similar to 9mm FC sheet, glass or Perspex construction
- The management and layout of the external play area should include restrictions to areas which include active play such that it occurs in areas located below the roof.
- Absorptive treatment should be installed to the underside of the solid roof structure, including an area of approximately 30% of the roof area. The material applied to the underside of the roof structure should have an NRC of 0.9 and can include a surface finish product or insulation with a protective perforated/slotted material.



### 3.1. State Environmental Planning Policies

While the centre is currently operational and fully compliant with all regulatory controls and procedures, the construction of the new roof does require further examination of some items within the childcare SEPP and controls due to the altered nature of the external play area. As detailed below, the centre is still able to achieve full compliance with the requirements of the SEPP.

#### 3.2.1 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

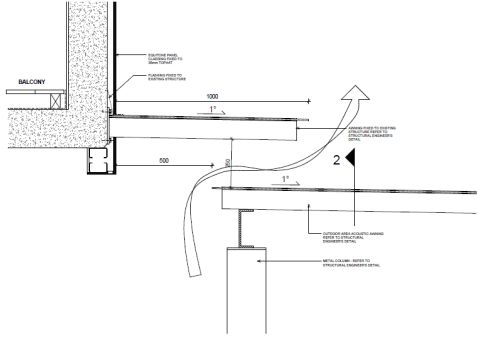
Part 3 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) contains provisions applied to child care facilities. Clause 23 - Centre-based child care facilities requires the consent authority to take into consideration the Child Care Planning Guidelines.

In summary, the proposal is compliant with the requirements of the Child Care Planning Guideline. The relevant matters for consideration are summarised in the table below.

Part	Clause	Development Standard	Comment	Comply
2	12	Development on flood liable land	1) The site is not classified as flood liable land. As such, this development standard does not apply.	n/a
3	22	Centre-based child care facility – concurrence of Regulatory Authority required for certain development	1)(a) – the proposal has been designed in accordance with the minimum indoor unencumbered space requirements of the Education and Care Services National Regulations (Education Regulations).  1)(b) –The proposal has been designed in accordance with the minimum outdoor unencumbered space requirements of the Education and Care Services National Regulations (Education Regulations).	Yes
	23	Centre-based child care facility – matters for consideration by consent authorities	As this is an alteration to an existing proposal, the existing facility is consistent with the Child Care Planning Guideline.	Yes

Chapter	Regulation	Provision	Comment	Comply
4, Part 4.3, Division 1	108 (1)	This regulation does not apply in respect of a family day care residents	Not applicable	n/a
4, Part 4.3, Division 1	108 (2)	The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.	The childcare is able to accommodate 90 children which requires a minimum of 630m <sup>2</sup> outdoor space. The proposal has provided 654.88m <sup>2</sup> of outdoor space.	Yes
4, Part 4.3, Division 1	108 (3)	In calculating the area of unencumbered outdoor space required, the following areas are to be excluded —  a) any pathway or thoroughfare, except where used by children as part of the education and care program; b) any car parking area; c) any storage shed or other storage area; d) any other space that is not suitable for children.	The proposal does not include any pathway, car parking area, storage shed/area or unsuitable space for children	Yes
4, Part 4.3, Division 1	108 (4)	A veranda that is included in calculating the area of indoor space cannot be included in calculating the area of outdoor space.	The proposal does not include a veranda as outdoor space	Yes
4, Part 4.3, Division 1	108 (5)	An area of unencumbered indoor space may be included in calculating the outdoor space of a service that provides education and care to children over preschool age if —  a) the Regulatory Authority has given written approval; and b) that indoor space has not been included in calculating the indoor space under regulation 107.	The proposal does not rely on these provisions	n/a
4, Part 4.3, Division 1	108 (6)	In this regulation a reference to a child does not include —  a) a child being educated or cared for in an emergency in the circumstances set out in regulation 123 (5); or b) an additional child being educated or cared for in exceptional circumstances as set out in regulation 124 (5) and (6)	This clause is not relevant to the proposal	n/a

Table 2 – Compliance with Education and Care Services National Regulations (2011 SI 653)

Provision	Proposed	Consistent
More access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of the sky and clouds and movement outside the facility.	<p>The proposed play area achieves high levels of natural light and ventilation through the use of a clear roof structure providing the same feel as being outside under direct sunlight. As per recommendations, the panels will be made of Perspex glass or similar material to allow for view lines of the sky whilst minimizing exposure to UV light. The proposed structure will be open on the sides and under each end to allow for natural cross ventilation as per the detail below:</p> 	Yes
Skylights to give a sense of the external climate.	As above	Yes
A combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment.	There is no change to the approved and compliant landscape area.	Yes
Sand pits and water play areas	As above.	Yes
Furniture made of logs and stepping logs		
Dense indoor planting and green vegetated walls		
Climbing frame, walking and/or bike tracks		
Vegetable gardens and gardening tubs		

## **4. CONCLUSION**

This DA seeks approval for the construction of a pergola to cover the external area of the operational childcare located at Lot 100/364 Canterbury Road, Canterbury NSW 2193 for the purpose of reducing noise emissions to ensure compliance with the DA consent.

The proposal will adequately mitigate any noise emissions and ensure that the facility complies with recommendations of the AAAC and is acceptable under the relevant considerations of Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

The benefits provided by the proposed development outweigh any potential impacts and it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of approval.