

Statement of Environmental Effects

21-23 ELLIS STREET,
CONDELL PARK

11 MAY 2022



QUALITY ASSURANCE

PROJECT: Statement of Environmental Effects

ARCHITECT: Femmebuild

ADDRESS: Lot 16 & 17 Section 3 in DP12103: 21-23 Ellis Street, CONDELL PARK

COUNCIL: Canterbury/Bankstown Council

AUTHOR: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
May 2022	Draft Issue	Draft	SK/JW	JW
11 May 2022	Final Issue	Final	SK/JW	JW

Integrated Development (under S.4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

<i>Coal Mine Subsidence Compensation Act 207</i>	<i>No</i>
<i>Fisheries Management Act 1994</i>	<i>No</i>
<i>Heritage Act 1977</i>	<i>No</i>
<i>Mining Act 1992</i>	<i>No</i>
<i>National Parks and Wildlife Act 1974</i>	<i>No</i>
<i>Petroleum (Onshore) Act 1991</i>	<i>No</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>No</i>
<i>Roads Act 1993</i>	<i>No</i>
<i>Rural Fires Act 1997</i>	<i>No</i>
<i>Water Management Act 2000</i>	<i>No</i>

Concurrence

<i>SEPP (Industry and Employment) 2021</i>	<i>No</i>
<i>SEPP (Resilience and Hazards) 2021</i>	<i>No</i>
<i>SEPP (Transport and Infrastructure) 2021</i>	<i>No</i>
<i>SEPP (Planning Systems) 2021</i>	<i>No</i>
<i>SEPP (Precincts – Central River City) 2021</i>	<i>No</i>
<i>SEPP (Precincts – Easter Harbour City) 2021</i>	<i>No</i>
<i>SEPP (Precincts – Regional_ 2021</i>	<i>No</i>
<i>SEPP (Precincts – Western Parkland City) 2021</i>	<i>No</i>
<i>SEPP (Biodiversity and Conservation) 2021</i>	<i>No</i>

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a development application seeking to consolidate two separate land parcels in-order to undertake a 1 into 3 lot torrens title subdivision to facilitate the development of a 40 place child care facility pursuant to Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and 2 x dwelling houses at 21-23 Ellis Street, Condell Park.

The subject site is located within the recently amalgamated Canterbury-Bankstown Council; however, it is noted that the development site is still subject to planning instruments associated with the former Bankstown Council including Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

The development will be undertaken within 3 distinct stages:

Stage 1: Consolidation of 21 and 23 Ellis Street

Stage 2: Undertake a 1 into 3 lot torrens title subdivision including the delivery of 2 x access ways that will result in the following new lots:

- Lot 1: 871.97m²
- Lot 2: 675.0m² + 155.15m² (Access Way)
- Lot 3: 696.59m² 155.15m² (Access Way)

Stage 3: Construction of a 40 place child care facility within Lot 1 with a 2 storey x 6 storey dwelling house with pool within Lot 3 (Unit A) and a 2 storey x 4 bedroom dwelling house with a secondary dwelling within Lot 2 (Unit B). Access handle along the side boundary will provide vehicular access to the 2 x dwellings towards the rear of the development site.

The key aspects of the proposal are provided below:

Centre-Based Child Care Facility:

Lot 1 is to accommodate a 2 storey x 40 place child care facility.

The center-based child care facility has been designed to accord with the overarching design criteria outlines in the Child Care Planning Guidelines.

The internal areas will consist of 3 indoor play rooms over 2 levels, sleeping rooms, administrative areas including staff rooms and offices, kitchen, laundry, storerooms and amenities. The facility will also accommodate 2 outdoor play areas over 2 levels.

The purpose built 'Child Care Facility' will operate with a maximum capacity of 40 places with the following age groups:

- 0-2 years: 12 places;
- 2-3 years: 15 places; and
- 3-5 years: 13 places.

The facility provides a total of 149.63m² or 3.74m² of unencumbered indoor play area per child and 281.14m² or 7.03m² of unencumbered outdoor play area per child.

Breakdown of unencumbered indoor play area per age group is provided below:

- 0-2 years: 39.68m²
- 2-3 years: 48.95m²
- 3-6 years: 61.0m²

The facility will be run by 8 staff and the operating hours are proposed to be 7:00am to 6:00pm Monday – Friday (excluding public holidays).

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines as follows:

- *The design responding to the context of the surrounding area by proposing an attractive and large two storey-built form appropriate with the established low density residential suburb.*
- *Appropriate landscape embellishment works, including within the front setback to ensure that landscape character of the site and immediate locality is respected.*
- *The proposed built form has been designed commensurate with the low to medium density residential character of the immediate locality.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

Dwelling Houses

Lots 2 and 3 are to accommodate a dwelling house each within the rear of the subject site with a 2 storey x 4 bedroom and secondary dwelling within Lot 2 and a 5 bedroom dwelling within Lot 3. A

An access way within either side of the subject land parcel (155.15m² each) will provide vehicular access to each new dwelling.

Parking:

The child care facility is to accommodate a total of 8 car parking space at-grade with a new centrally located vehicular crossover and driveway with an access way situated along the site boundaries to provide vehicular access to both dwellings.

The car parking area associated with the child care facility includes internal circulation areas with turning areas to allow vehicles to enter and exit the site in a forward direction.

The rear dwellings are also provided with sufficient turning circles to permit vehicles to enter and exit each dedicated access way in a forward direction.

Residing within an established residential estate, the development site is located on the eastern side of Ellis Street, approximately 160m south from the intersection of Ellis Street and Yanderra Street, Condell Park. The development site is also within close proximity to schools, industrial parks, local parks/sportsgrounds, Bankstown-Lidcombe Hospital, Condell Park commercial strip along Simmat Avenue and Bankstown Airport. Bus stops with services to East Hills, Bankstown and Lidcombe is within a 300m walking radius from the development site.

The subject land parcel can be best described as a large regular shaped mid-block land parcel and once consolidated will have a frontage of 30.48m to Ellis Street with a site depth of 83.795m, resulting in a total site area of approximately 929.62m².

The site slopes from the rear of the site falling westwards towards Ellis Street, a fall of approximately 3.88m over a site depth of 83.795m, resulting in a gradient of 4.6%. As such the development has been designed to follow the natural contours of the site to minimise excessive cut and fill.

The development site currently accommodates 2 x older style single storey residential dwelling and associated structures including vehicular crossover and driveways.

The development site is zoned R2 Low Density Residential and is subject to a maximum building height of 9m and a maximum FSR of 0.5:1 under Bankstown Local Environmental Plan 2015. 'Child Care Facilities' and 'Dwelling Houses' are permissible with consent within the R2 zone. It is noted that the child care facility component of the current development application is pursuant to Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

The child care facility has been designed to comply with key planning requirements under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, Child Care Planning Guidelines and Children's (Education and Care Services) Supplementary Care Provisions 2012 with the facility and the 2 x dwelling also designed to comply with key planning requirements under the Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

The built form pattern along Ellis Street comprises a mix of older style single storey dwellings, larger two storey dwelling houses and duplex whilst also being interspersed by larger two storey multi dwelling housing.

The proposed 2 storey built form over the three buildings have been designed to commensurate with the low density residential character of the site and in consideration of adjoining developments. The proposed built form will be compatible within the exiting low density context of the immediate locality, noting compliance to prescribed maximum height and FSR controls under the Bankstown LEP 2015.

The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This includes the siting and orientation of the building combined with the two story built form complying with the prescribed height, FSR and setback provisions to ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.

In regard to the child care facility, the development is to incorporate acoustic barriers in accordance with the attached Noise Impact Assessment that will contribute towards mitigate potential acoustic impacts to adjoining properties.

The development seeks to utilise the land in accordance with the zoning and take advantage of its size and location within close proximity to an established commercial strip, local schools, local parks/sports fields and local bus stops.

The development will also deliver a series of three contemporary 2 storey buildings, with the front child care facility designed to not only addresses its frontage but will positively contribute to the existing streetscape whilst increasing valuable child care places within Condell Park, whilst the 2 x residential dwellings will replace the existing older style dwelling that are to be demolished in-order to accommodate the current development.

Consideration have been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

SITE AND LOCALITY DESCRIPTION

The development site is legally described as Lots 16 & 17 Section 3 in DP12103, but is more commonly known as 21-23 Ellis Street, Condell Park.

Subject Site

Residing within an established residential estate, the development site is located on the eastern side of Ellis Street, approximately 160m south from the intersection of Ellis Street and Yanderra Street, Condell Park.

The subject land parcel can be best described as a large regular shaped east-west oriented mid-block land parcel and once consolidated will have a frontage of 30.48m to Ellis Street with a site depth of 83.795m, resulting in a total site area of approximately 929.62m².

The development site currently accommodates 2 x older style single storey residential dwelling and associated structures including vehicular crossover and driveways as illustrated by Photograph 1 below.

Photograph 1: Shows subject site viewed from Ellis Street looking northwards





The site slopes from the rear of the site falling westwards towards Ellis Street, a fall of approximately 3.88m over a site depth of 83.795m, resulting in a gradient of 4.6%. As such the development has been designed to follow the natural contours of the site to minimise excessive cut and fill.

The development site bounds a multi dwelling housing development to its northern side boundary and an older style single storey dwelling to its southern side and eastern rear boundaries as illustrated by an aerial map extract below.

Image 1: Aerial Map of Subject Site (Source: Six Map)



 Development Site

Built Form Analysis

The built form pattern along Ellis Street comprises a mix of older style single storey dwellings, larger two storey dwelling houses and duplex whilst also being interspersed by larger two storey multi dwelling housing.

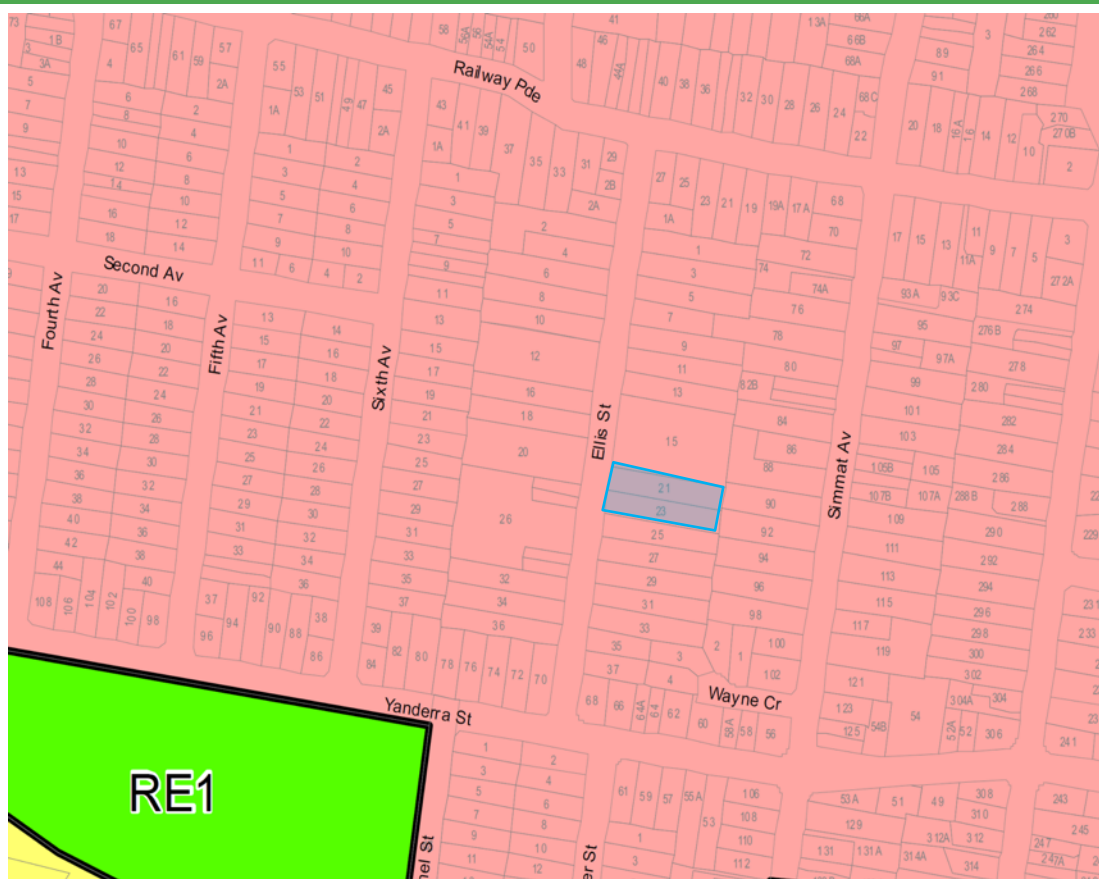


The proposed 2 storey built form over the three buildings has been designed to commensurate with the low density residential character of the site and in consideration of adjoining developments. The proposed built form will be compatible within the exiting low density context of the immediate locality, noting compliance to prescribed maximum height and FSR controls under the Bankstown LEP 2015.

Zoning

As illustrated by a zoning map extract below, the development site is zoned R2 Low Density Residential and is subject to a maximum building height of 9m and a maximum FSR of 0.5:1 under Bankstown Local Environmental Plan 2015.

Image 2: Zoning Map Sheet LZN_002 Extract (Source: Bankstown LEP 2015)



- Development Site
- R2 – Low Density Residential

SUBJECT AREA ANALYSIS

The development site is within close proximity to schools, industrial parks, local parks/sportsgrounds, Bankstown-Lidcombe Hospital, Condell Park commercial strip along Simmat Avenue and Bankstown Airport. Bus stops with services to East Hills, Bankstown and Lidcombe is within a 300m walking radius from the development site.

An analysis of the development site within its subject area is illustrated by an aerial map extract below.

Image 3: Aerial Map Extract of Subject Site (Google Maps)



The development will also deliver a series of three contemporary 2 storey buildings, with the front child care facility designed to not only addresses its frontage but will positively contribute to the existing streetscape whilst increasing valuable child care places within Condell Park, whilst the 2 x residential dwellings will replace the existing older style dwelling that are to be demolished in-order to accommodate the current development.

Photographs are provided overleaf and within the following page that gives context to the locality and also the relationship of the development site with adjoining developments.



Photograph 2: Shows existing streetscape along Ellis St looking northwards



Photograph 3: Shows existing streetscape along Ellis St looking southwards



Photograph 4: Shows subject site & adjoining multi dwelling housing development to is western as viewed from Ellis St looking eastwards



Photograph 5: Shows a mix of 2 storey dwellings and a multi dwelling housing development viewed from subject site looking westwards





HERITAGE

The site is not identified as a heritage item, is not located within a heritage conservation area however there is 1 x local heritage item (I18 – Bankstown Aerodrome) located within the broader vicinity to the subject site, as illustrated by a heritage map extract below.

Image 4: Heritage Map Sheet HER_002 Extract (Source: Bankstown LEP 2015)



The local heritage item is sufficiently separated from the development site with existing road networks and residential development provided a buffer and as such will ensure that the heritage curtilage of the local heritage item will be unaffected by the proposal.

As such the development site is not subject to any heritage restrictions nor is any further heritage investigation required.

DESCRIPTION OF PROPOSAL

The current application proposes to consolidate two separate land parcels in-order to undertake a 1 into 3 lot torrens title subdivision to facilitate the development of a 40 place child care facility pursuant to Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and 2 x dwelling houses at 21-23 Ellis Street, Condell Park.

The development will be undertaken within 3 distinct stages:

Stage 1: Consolidation of 21 and 23 Ellis Street

Stage 2: Undertake a 1 into 3 lot torrens title subdivision including the delivery of 2 x access ways that will result in the following new lots:

- Lot 1: 871.97m²
- Lot 2: 675.0m²
- Lot 3: 696.59m²

Stage 3: Construction of a 40 place child care facility within Lot 1 with a 2 storey x 4 bedroom dwelling house with a secondary dwelling within Lot 2 and a 2 storey x 6 storey dwelling house with pool within Lot 3. Access handle along the side boundary will provide vehicular access to the 2 x dwellings towards the rear of the development site.

The key aspects of the proposal are provided below:

Centre-Based Child Care Facility:

Lot 1 is to accommodate a 2 storey x 40 place child care facility.

The center-based child care facility has been designed to accord with the overarching design criteria outlines in the Child Care Planning Guidelines.

The internal areas will consist of 3 indoor play rooms over 2 levels, sleeping rooms, administrative areas including staff rooms and offices, kitchen, laundry, storerooms and amenities. The facility will also accommodate 2 outdoor play areas over 2 levels.

The purpose built 'Child Care Facility' will operate with a maximum capacity of 40 places with the following age groups:

- 0-2 years: 12 places;
- 2-3 years: 15 places; and
- 3-5 years: 13 places.

The facility provides a total of 149.63m² or 3.74m² of unencumbered indoor play area per child and 281.14m² or 7.03m² of unencumbered outdoor play area per child.

Breakdown of unencumbered indoor play area per age group is provided below:

- 0-2 years: 39.68m²
- 2-3 years: 48.95m²
- 3-6 years: 61.0m²

The facility will be run by 8 staff and the operating hours are proposed to be 7:00am to 6:00pm Monday – Friday (excluding public holidays).

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines as follows:

- *The design responding to the context of the surrounding area by proposing an attractive and large two storey-built form appropriate with the established low density residential suburb.*
- *Appropriate landscape embellishment works, including within the front setback to ensure that landscape character of the site and immediate locality is respected.*
- *The proposed built form has been designed commensurate with the low to medium density residential character of the immediate locality.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

Dwelling Houses:

Lots 2 and 3 are to accommodate a dwelling house each within the rear of the subject site with a 5 bedroom dwelling within Lot 2 and a 2 storey x 4 bedroom and secondary dwelling within Lot 2.

An access way within either side of the subject land parcel (155.15m² each) will provide vehicular access to each new dwelling.

Unit A:

Ground Floor:

- The ground floor provides the more active areas including main living and dining area, kitchen with a walk in pantry, dining and family room with direct

access to alfresco/pool with deck area and private open space. The ground floor also includes a WC, laundry and double garage.

- The outdoor areas includes an alfresco with BBQ deck, pool with deck area, retractable clothes line, rain water tank, A/C unit, bin storage area and courtyard.
- Internal stairwell with access to the first floor.

First Floor:

- The first floor contains they more passive areas including a total of 5 bedrooms, including a master bedroom with walk-in-robe and an ensuite.
- The first floor also includes a bathroom, retreat and rear balcony.
- Internal stairwell with access to the ground floor.

Key Calculations:

- Total floor area: 337.91m²
- Permeability: 34%
- Private open space: 273.70m².
- Maximum building height: 8.99m

Unit B:

Ground Floor:

- The ground floor provides the more active areas including main living area, dining, kitchen and family room with direct access to alfresco and private open space. The ground floor also includes a guest room with walk-in-robe and ensuite, study, games room, WC with shower and double garage.
- The outdoor areas includes an alfresco with BBQ deck, retractable clothes line, rain water tank, A/C unit, bin storage area and courtyard.
- Internal stairwell with access to the first floor.
- *Secondary Dwelling:* includes front porch, living area, kitchen, 2 x bedrooms, laundry and toilet.

First Floor:

- The first floor contains they more passive areas including a total of 3 bedrooms, including a master bedroom with a walk in robe and ensuite.
- The first floor also includes a bathroom with shower, retreat and rear balcony.
- Internal stairwell with access to the ground floor.

Key Calculations:

- Total floor area: 336.48m²
- Permeability: 36%
- Private open space: 200.40m².
- Maximum building height: 7.99m

Parking:

The child care facility is to accommodate a total of 8 car parking space at-grade with a new centrally located vehicular crossover and driveway with an access way situated along the site boundaries to provide vehicular access to both dwellings.

The car parking area associated with the child care facility includes internal circulation areas with turning areas to allow vehicles to enter and exit at-grade in a forward direction.

The rear dwellings are also provided with sufficient turning circles to permit vehicles to enter and exit each dedicated access way in a forward direction.

Signage:

No advertising signage is proposed as part of this development application.

A brief description of the various aspects of the development is provided below.

Level	Inclusion
Ground Floor	<p>Access</p> <p><u>Vehicle</u> The child care facility is to accommodate a total of 8 car parking space at-grade with a new centrally located vehicular crossover and driveway with an access way situated along the site boundaries to provide vehicular access to both dwellings.</p> <p>The car parking area associated with the child care facility includes internal circulation areas with turning areas to allow vehicles to enter and exit the at-grade parking area in a forward direction.</p> <p>The rear dwellings are also provided with sufficient turning circles to permit vehicles to enter and exit each dedicated access way in a forward direction.</p>

Pedestrian:

A graded pedestrian pathway provides direct access to the primary entry point of the child care facility from Ellis Street.

Parking

Child Care Facility.

A total of 8 car parking spaces including an accessible car parking space and 2 x parking spaces within a stacked parking arrangement., noting that they are to be dedicated as staff parking.

Residential

A total of 2 x car parking space per dwelling in the form of a double garage each.

Child Care Facility

The child care facility comprises of the following within the ground floor:

- Front porch and main entry point
- Internal foyer and hallway including sign in desk
- Office
- Accessible WC including shower
- Kitchen
- Pram storage area
- A total of 2 x unencumbered indoor play area with a total area of 88.63m² and comprising of:
 - Play Room 1: accommodating indoor play room for kids in the 2-3 age group and including a total of 12 kids with a total unencumbered indoor play area of 39.68m² with direct access to craft benches, storage area, bottle preparation station, cot room, outdoor play area and shared nappy change/bathroom with the 2-3 age group
 - Play Room 2: accommodating indoor play room for kids in the 2-3 age group and including a total of 15 kids with a total unencumbered indoor play area of 48.95² with direct access to craft bench, storage lockers, outdoor play area and

shared nappy change/bathroom
with the 0-2 age group

- A total of 189.79m² of unencumbered outdoor play area
- Outdoor storage area.

Residential Dwellings

The more active areas including the living areas, kitchen is located on the ground floor per dwelling, noting both dwellings are also provided with a bedroom with ensuite within the ground floor. Unit A is provided with a pool and pool deck area within the rear alfresco area.

The provision of a double garage per dwelling as well.

Child Care Facility

Enclosed bin storage area.

Child Care Facility

Lift core and stairwell.

First Floor

Child Care Facility

The first floor comprise of the administrative areas includes:

- Office
- Staff room
- Laundry
- Accessible WC
- Storage room
- A total of 1 x unencumbered indoor play area with a total area of 61.0m² and comprising of:
 - Play Room 3: accommodating indoor play room for kids in the 3-6 age group and including a total of 13 kids with a total unencumbered indoor play area of 61.0m² with direct access to craft benches, storage area, children's toilet and outdoor play area
- A total of 91.95m² of unencumbered outdoor play area

- Outdoor storage area.

Residential Dwellings

The more passive areas including bedrooms are located on the first floor per dwelling, noting that Unit A is provided with a total of 5 bedrooms on the first floor and Unit B is provided with 3 bedrooms on the first floor with both dwelling also provided with a retreat and a rear balcony.

Child Care Facility

Lift core and stairwell.

The relevant architectural plans for the proposal have been prepared by bdaa while supporting reports and documents dealing with matters such as traffic and parking, noise, contamination, drainage and landscaping.

The design scheme has undertaken conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing.

This includes the siting and orientation of the building combined with compliance to height and setback provisions to ensure adjoining properties will continue to appropriate solar access at mid-winter.

The development has also incorporated appropriate measures to mitigate the noise impacts associated with the proposed child care facility. This includes the incorporation of acoustic fencing within the ground and first floor outdoor play areas.

The development seeks to utilise the land in accordance with the zoning and take advantage of its proximity to established commercial centres, higher educational establishments and public transportation.

At the completion of the project, the development will increase valuable child care places within Condell Park by 40 additional places and deliver 2 x residential dwellings will replace the existing older style dwelling that are to be demolished in-order to accommodate the current development.

KEY PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include:

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Industry and Employment) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021; and
- Bankstown Local Environmental Plan 2015

POLICY CONTROLS

The applicable policy control documents include:

- Bankstown Development Control Plan 2015
- Childcare Planning Guidelines
- Education and Care Services National Regulations 2012

CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of three now repealed SEPP's being:

- State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy No 33—Hazardous and Offensive Development; and
- State Environmental Planning Policy No 55—Remediation of Land.

Chapter 2 of the SEPP contains controls for coastal management and it not applicable to this development.

Chapter 3 of the SEPP contains controls for Hazardous and Offensive Development. This development is not for Hazardous and Offensive development and accordingly this chapter is not applicable to this development.

Chapter 4 of the SEPP contains a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.

The following table considers the risk of the site being contaminated:

Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	X	
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	X	
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?		X
acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill		

sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation

Is the site listed on Council's Contaminated land database?	X
Is the site subject to EPA clean-up order or other EPA restrictions?	X
Has the site been the subject of known pollution incidents or illegal dumping?	X
Does the site adjoin any contaminated land/previously contaminated land?	X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	NA.

Nothing on site indicates any potentially contaminating activities and if any contaminated material or suspected contaminated material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline document will be undertaken.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of eleven now repealed SEPP's being:

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)
- Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)
- SEPP No 19—Bushland in Urban Areas (SEPP 19)
- SEPP No 50—Canal Estate Development (SEPP 50)
- SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)

- Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)
- Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP).

Chapter 2 of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application. This chapter seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The subject site is within a well-established residential area, having historically been used for urban purposes.

The development site is predominantly void of any vegetation, noting that 2 minor trees are to be removed to accommodate the proposed development, however the proposal is to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds.

The landscape treatment will also soften the built form and assist with maintaining privacy to neighbouring properties.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of two now repealed SEPP's being:

- State Environmental Planning Policy (Western Sydney Employment Area) 2009; and
- State Environmental Planning Policy No 64 – Advertising and Signage.

Chapter 3 of the SEPP contains controls for advertising and signage.

No signage is proposed as part of this application; however, it is anticipated that signage will be subject to future DAs.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of four now repealed SEPP's being:

- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- State Environmental Planning Policy (Major Infrastructure Corridors) 2020; and
- State Environmental Planning Policy (Three Ports) 2013

Chapter 2 – contains planning rules and controls from the former Infrastructure SEPP for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.

In accordance with this chapter, it is not anticipated that Council will refer the application to an electricity supply authority as works will not occur within 5m of an exposed overhead electricity power line.

In accordance with this chapter, the application is not required to be referred to Trains NSW as the proposal is not in the vicinity of rail infrastructure. Given the distance from Rail infrastructure and in accordance with this chapter, an acoustic and vibration report is not required to be prepared.

The development site is not located within proximity to a classified road and as a result it is not necessary to consider the provisions of this chapter that requires a consent authority to consider the impact of arterial roads on buildings used for residential purposes.

This chapter identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'. The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements. Therefore, concurrence from the RMS is not required.

Chapter 3 of the SEPP contains planning provisions from the former Education and Childcare SEPP for child-care centres, schools, TAFEs and Universities.

The table below provides discussions against the relevant provisions of Chapter 3 of the SEPP.

SEPP	Comment
3.1 Aims of Chapter	
<p>The aims of this Policy are as follows:</p> <ul style="list-style-type: none"> (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impacts as exempt development), and, (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivery and to minimise impacts on surrounding areas, and (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and (h) encouraging proponent of new development or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design. 	
<p>The proposal will result in an addition of valuable child care places within Condell Park.</p>	
3.3 Interpretation	
<p><i>centre-based child care facility</i> means:</p>	

- (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),

The proposed centre-based child care facility is consistent with the definition contained within the SEPP.

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 services (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.

Part 3.3 Early education and care facilities – specific development controls

3.23 Centre-based child care facility – matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the *Child Care Planning Guidelines*, in relation to the proposed development.

Applicable provisions under the Child Care Planning Guidelines has been addressed further within this statement.

3.25 Centre-based child care facility – floor space ratio

(1) Development consent must not be granted for the purpose 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.

Subject to FSR controls under Bankstown LEP 2015. Refer to discussion against the Bankstown LEP 2015 for more detail.

3.26 Centre-based child care facility – non-discretionary development standards

(1) The objective of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevents the consent authority from requiring more onerous standards for those matters.

Noted, with the development complying with site frontage requirements under the DCP.

(2) The following are non-discretionary development standards for the purpose of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purpose of a centre-based child care facility:

There are no restrictions relevant to the proposed development.

(a) location - the development may be located at any distance from an existing or proposed early education and care facility,

There are no restrictions relevant to the proposed development.

(b) indoor or outdoor space

(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies – the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or

The centre-based child care facility provides 149.63m² or 3.74m² of unencumbered play space and 281.14m² or 7.03m² of unencumbered outdoor play space which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.

(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,

**Indoor play space required = 3.25m² for each child
Outdoor place space required = 7m² for each child**

(c) site area and site dimensions – the development may be located on a site of any size and have any length of street frontage or any allotment depth,

Noted, with the development complying with site frontage requirements under the DCP.

- (d) colour of building materials or shade structures – the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.

There are no restrictions relevant to the proposed development.

3.27 Centre-based child care facility – development control plans

(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 age, age ratios, grouping, numbers of the like, of children) does not apply to development for the purpose of a centre-based child care facility:

- (a) operational or management plans or arrangements (including hours of operation),
- (b) demonstrated need or demand for child care services,
- (c) proximity of facility to other early childhood education and care facilities,
- (d) any matter relating to development for the purpose of a centre-based child care facility contained in:
 - (i) the design principles set out in Part 2 of the *Child Care Planning Guidelines*, or
 - (ii) the matters for consideration set out in Part 2 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).

Clause 26 of Part 3.3 of the Transport and Infrastructure SEPP 2021 stipulates that any 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 age, age ratios, grouping, number or the like, of children) does not apply to development for the purpose of a centre-based child care facility.

As such the minimum ratio requirement under the DCP is not considered a relevant matter.

CHILD CARE PLANNING GUIDELINE

Under Part 3.3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, the *Child Care Planning Guideline* is to be taken into consideration when undertaking a development for a centre-based child care facility.

The planning guideline also takes precedence over a *Development Control Plan*, with some exceptions, where the two overlap in relation to a child care facility.

The table below provides detail on the relevant development standards relevant to the current proposal. The Guideline underwent minor revisions in 2021 however the provisions are largely the same.

SEPP	Comment
<p>Objectives</p> <p>The planning objectives of this Guidelines are to:</p> <ul style="list-style-type: none"> • promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations • ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses • minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment 	<p>The development results in a high quality centre-based child care facility designed to comply with the requirements of the National Regulations.</p> <p>The centre-based child care facility proposes a two storey built form designed to be consistent with the existing low to medium density character within the immediate locality.</p> <p>The front setbacks are to be also landscaped to minimise the impact of hard surfaces whilst integrating the proposal within the context of the site and its surrounds.</p> <p>The development has been designed to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This is addressed in detail further within this table</p>
Part 2 Design Quality Principles	
<p>Principle 1 – Context</p> <p><i>Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighborhood.</i></p> <p><i>Well-designed child care facilities take advantage of its context by optimizing nearby transport, public facilities and centers, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.</i></p>	<p>The child care facility is compatible in scale and design with the existing streetscape within the immediate locality and the context of the wider locality.</p> <p>The design scheme has undertaken conscious effort to minimise adverse impacts on social, economic, health and environmental conditions.</p> <p>Combined with compliance to height and setback provisions will ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.</p> <p>The site is within proximity to:</p> <ul style="list-style-type: none"> • Educational facilities including, <ul style="list-style-type: none"> ○ Condell Park Public School ○ Condell Park High School ○ Leumeah High School • Condell Park Commercial Strip. • Bus stops within a 100m walking distance, with services to East Hills, Bankstown and Lidcombe • Arterial roads including: <ul style="list-style-type: none"> ○ Milperra Road ○ South Western Motorway

Principle 2 – Built form

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.

Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.

The development proposes a two storey building that is consistent and compatible with the existing low to medium density built form character within the subject area.

The development proposes a highly articulated built form with a variety of materials, colours and textures.

Principle 3 - Adaptive learning spaces *Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out.*

Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.

The play spaces have been designed to provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.

Principle 4- Sustainability

Sustainable design combines positive environmental, social and economic outcomes.

This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption,

The proposed facility has been designed to achieve cross ventilation and adequate natural light access.

Development provides windows facing different orientation with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.

less generation of waste and air emissions and reduced operational costs.

Principle 5 - Landscape

Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighborhood.

Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

The development site is predominantly void of any vegetation, noting that 2 x minor trees are to be removed, however the development proposes appropriate landscape embellishment works that will contribute to the local context.

The landscaping plan incorporates planting that comprise a mix of trees, shrubs and grasses. Refer to attached Landscaping Plan for detail.

Principle 6 - Amenity

Good design positively influences internal and external amenity for children, staff and neighbors. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.

Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.

Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialize.

As previously discussed, the development provides well designed indoor and outdoor play areas, access to sunlight and natural ventilation and visual and acoustic privacy.

The development also proposes adequate storage, service areas and accessibility for all.

Principle 7 - Safety

Well-designed child care facilities optimize the use of the built and natural environment for learning and play, while utilizing equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.

Good child care facility design balances safety and security with the need to create a welcoming and

The development proposes a design that will optimise safety for children.

Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).

Well-designed vehicular parking and access minimise traffic safety risks on children and staff.

The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain.

The proposed development incorporates an active façade that will permit casual surveillance to the common areas within the development site.

The proposed facility has been designed with temperature control to avoid extremes in temperature.

Part 3 Early education and care facilities – specific development controls

3.1 Site selection and location

C1 – For proposed development in or adjacent to a residential zone, consider:

- **the acoustic and privacy impacts of the proposed development on the residential properties**

A Noise Impact Assessment has been prepared which has found that the level of noise emitted by the proposed child care facility in particular noise associated with the outdoor playground activities will achieve the projected specific criterion.

Furthermore, the design scheme has been designed to minimise privacy impacts to neighbouring properties in terms of privacy, and acoustic.

This is achieved via is achieved via appropriate siting and orientation of the building with compliance to height and setback provisions.

The development is to also incorporate appropriate noise mitigation measures including the incorporation of acoustic barriers within the outdoor play areas.

Finally, an Operational Management Plan will manage outdoor play times and the number of children accessing outdoor area at any one time to further mitigate potential noise to neighbouring properties.

- **the setback and siting of buildings within the residential context**
- **visual amenity impacts (e.g. additional building bulk and overshadowing, local character)**

Complies with setback requirements under the DCP.

The child care facility has been sited, oriented and designed to comply with the height and setback provisions will ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.

- **traffic and parking impacts of the proposal on residential amenity**

The 2 x accessway provides sufficient separation of the child care facility to its neighbouring properties to the north and south.

The proposal provides adequate parking in the front setback area of the development.

C2 – When selecting a site, ensure that:

- **the location and surrounding uses are compatible with the proposed development or use**

Centre-based child care facilities are a permissible and compatible land use within the R2 – Low Density Residential Zone.
- **the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards**

Site is not identified as being affected by flooding, land slip, bushfires, coastal hazards and other environmental hazards.
- **there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed**

Given the historical use of the site for residential purposes, land contamination is not likely.
- **the characteristics of the site are suitable for the scale and type of development proposed having regards to:**
 - **size of street frontage, lot configuration, dimensions and overall size**

Lot 1, once subdivided will have a frontage of which has a frontage of approximately 22.48m and a site area of 871.97m² is of a sufficient size and width to accommodate the proposed 40 place centre-based child care facility.
 - **Number of shared boundaries with residential properties**

The development is to provide a contemporary 2 storey built form designed to be consistent with the existing low to medium density character within the immediate locality.
 - **will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas**

The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas.
- **where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use**

N/A. Development proposes to undertake the development of a new centre-based child care facility.
- **there are suitable drop off and pick up areas, and off and on street parking**

The development provides car parking spaces generally in accordance with the Canterbury DCP, noting appropriate car parking spaces are provided at-grade to permit the drop off and pick up of children. See discussion against DCP.

- the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use
 - not located closely to incompatible social activities and uses such as restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises
- Subject site not located closely to incompatible social activities and uses.

C3 – A child care facility should be located;

- near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship
 - near or within employment areas, town centres, business centres, shops
 - with access to public transport including rail, buses, ferries
- The subject site is located in wider proximity to educational establishments, parks and places of public worship.
- Subject site is located near Condell Park commercial Strip along Simmat Avenue
- Development site is within walking distance to local bus stops within a 300m radius providing services to East Hills, Bankstown and Lidcombe.

C4 – A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:

- proximity to
 - heavy or hazardous industry, waste transfer depots or landfill sites
 - LPG tanks or service stations
 - water cooling and water warming systems
 - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses
 - extractive industries, intensive agriculture, agricultural spraying activities
- The subject site is not located within proximity to any identified environmental hazard.

- any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site

Given the historical use of the site for residential purposes, land contamination is not likely.

3.2 Local character, streetscape and the public domain interface

C5 – The proposed development should:

- contribute to the local area by being designed in character with the locality and existing streetscape
- reflect the predominant form of surrounding land uses, particularly in low density residential areas
- recognise predominant streetscape qualities, such as building form, scale, materials and colours
- include design and architectural treatments that responds to and integrate with the existing streetscape
- use landscaping to positively contribute to the streetscape and neighbouring amenity
- integrate car parking into the building and site landscaping design in residential areas

The centre-based child care facility proposes a two storey building that will be consistent and compatible with the existing 1 & 2 storey low to medium density characteristics of the subject area, noting the development complies with the prescribed height control under the LEP.

Appropriate landscaping is to be provided between the building and the street edge. Refer to attached Landscape Plan for detail.

The front setbacks are to be also landscaped to minimise the impact of hard surfaces whilst integrating the proposal within the context of the site and its surrounds.

The incorporation of acoustic fence along the edges of the outdoor play area in accordance with the Noise Impact Assessment will ensure that the noise emission will comply with relevant noise criterion.

C6 – Create a threshold with a clear transition between public and private realms, including:

- fencing to ensure safety for children entering and leaving the facility
- windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community
- integrating existing and proposed landscaping with fencing

Proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain.

The proposed development incorporates an active façade that will permit casual surveillance to Ellis Street and internal driveways and pathways.

Proposed landscaping works seeks to soften the built form whilst also seeking to integrate the development with the site's residential context.

C7 – On sites with multiple buildings and /or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitor

The site does not contain multiple buildings or entries.

The primary entry point is designed to be clearly visible and legible from Ellis Street.

and children by changes in materials, plant species and colours

C8 – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:

- clearly defined street access, pedestrian paths and building entries
- low fences and planting which delineate communal/private open space from adjoining public open space
- minimal use of blank walls and high fences

The subject site does not adjoin a public park, open space or bushland; however, the development continues to provide clearly defined street access, pedestrian paths and building entry.

Fencing and landscape works will contribute towards delineate communal/private open space from the public domain.

The development incorporates architectural features and articulation to provide an attractive form that appropriately addresses Ellis Street.

C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.

Development proposes appropriate fencing that is consistent with fencing within the precinct and with comparable child care facility within the wider Canterbury-Bankstown Local Government Area.

Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.

Not applicable, the subject site is not listed as a heritage item and is not within a conservation area.

C10 – High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.

Subject site does not front a classified road; however, the development is to incorporate acoustic fencing as per the Acoustic Assessment.

3.3 Building orientation, envelope and design

C11 – Orient a development on a site and design the building layout to

- ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by;
 - facing doors and windows away from private open space, living

The proposed 2 storey centre-based child care facility ensure that the visual privacy and minimises overlooking impacts on neighbours by appropriately siting and orientation of the building whilst also being compliant with height and setback provisions.

<p>rooms and bedrooms in adjoining residential properties</p> <ul style="list-style-type: none"> - placing play equipment away from common boundaries within residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses 	<p>The use of acoustic barriers along its side and rear boundaries on the ground floor with acoustic barrier to wrap around the first floor outdoor play area to not only mitigate potential privacy and acoustic impacts to adjoining properties but also to protect the noise intrusion to the child care facility. Finally, an Operational Management Plan which is to accompany this application will manage outdoor play times and the number of children accessing outdoor area at any one time.</p>
	<p>A Noise Impact Assessment has been prepared which has found that the level of noise emitted by the proposed child care facility in particular noise associated with the outdoor playground activities will achieve the projected specific criterion.</p>
<ul style="list-style-type: none"> • optimise solar access to internal and external play areas 	<p>The internal and external play areas associated with the child care facility have been oriented and designed to maximise solar access.</p>
<ul style="list-style-type: none"> • avoid overshadowing of adjoining residential properties 	<p>The proposed 2 storey child care facility has been designed to reduce the potential for overshadowing of neighbouring properties as shown on the shadow diagrams appropriate solar access is afforded to adjoining properties.</p>
<ul style="list-style-type: none"> • ensure buildings along the street frontage define the street by facing it 	<p>Development proposes an attractive contemporary two storey building designed to adequately address its frontage to Ellis Street.</p>
<ul style="list-style-type: none"> • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions 	<p>Complies.</p>
<p>C12 – The following matters may be considered to minimise the impacts of the proposal on local character:</p>	
<ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character 	<p>Development proposes a 2 storey building that is consistent and compatible with the existing 1-2 storey low to medium density built form character within the subject area.</p> <p>The proposal has also been designed to comply with the setback provision under the Bankstown DCP 2015.</p>

<p>C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</p>	<p>Proposal has been designed to comply with prescribed setback controls under the Bankstown DCP 2015.</p>
<p>C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.</p>	<p>The development has been designed to comply with setback requirements under the Bankstown DCP 2015.</p>
<p>C15 – Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessible through an outdoor play area • in a mixed-use development, clearly defined and separate from entrances to other uses in the building 	<p>The proposed centre-based child care facility provides a primary entry point from Ellis Street.</p> <p>The pedestrian entry point is visible from the street frontage, permits ease of access and directly accessible from Ellis Street.</p>
<p>C16 – Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	<p>Development has been designed to be accessible to and within the building in accordance with all relevant legislation, with direct equitable pedestrian access provided to the primary entry point of the child care facility via Ellis Street. Furthermore, lift core provides access to the first floor via the ground floor.</p> <p>Access to the site is in accordance with the Access Review Report that accompanies this application.</p> <p>Development provides appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance via a graded pedestrian pathway from Ellis Street.</p>

3.4 Landscaping

C17 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.

Use the existing landscape where feasible to provide a high quality landscaped area by:

- reflecting and reinforcing the local context
- incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping

With the site being predominantly void of vegetation, with 2 minor trees to be removed as part of this application.

The development proposes appropriate landscape embellishment works within a low density residential context.

The landscaping plan incorporates planting that is indigenous to the immediate area and will be utilised as part of learning programmes within the centre to assist with attending children understanding the benefits of utilising local native plantings.

Refer to attached Landscaping Plan for detail.

C18 – Incorporate car parking into the landscape design of the site by:

- planting shade tree in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings
- taking into account streetscape, local character and context when siting car parking areas within the front setback

Development proposes all car parking at-grade with the development proposes appropriate landscape embellishment works that will improve and enhance the subject site whilst helping to integrate the proposal within the context of the site and its low to medium density surroundings. Refer to attached Landscaping Plan for detail.

3.5 Visual and acoustic privacy

C19 – Open balconies in mixed use development should not overlook facilities nor overhang outdoor play spaces.

The proposal is not part of a mixed-use development. Not applicable

C20 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:

- appropriate site and building layout
- suitable locating pathways, windows and doors
- permanent screening and landscape design

Development has been designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public area via appropriate site and building layout with fencing and landscaping to mitigate potential privacy issues.

Potential noise impacts associated with the outdoor play area is mitigated by acoustic fencing and treatment as set out in the attached Noise Impact Assessment.

C21 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:

- appropriate site and building layout
- suitable locating pathways, windows and doors
- permanent screening and landscape design

Complies, the centre-based child care facility is designed to minimise direct overlooking of main internal living areas and private open space in adjoining developments, noting that the facility is to be appropriately treated through the combination of blank walls, acoustic barriers and recession of the built form at the first floor.

C22 – A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:

- provide an acoustic fence along any boundary where the adjoining property contains a residential use (An acoustic fence is one that is a solid, gap free fencing)
- ensure that mechanical plant or equipment is screened by soil, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure

Development proposes appropriate acoustic fencing along the site's side boundaries to minimise acoustic impacts to neighbouring properties as per the Noise Impact Assessment and Architectural Plans.

A Noise Impact Assessment has been prepared which has found that the level of noise emitted by the proposed child care facility in particular noise associated with the outdoor playground activities will achieve the projected specific criterion.

C23 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:

- identify an appropriate noise level for a child care facility located in residential and other zones
- determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use
- determine the appropriate height of any acoustic fence to enable the noise criteria to be met

Noise Impact Assessment accompanies the development application demonstrating compliance with the requirements.

3.6 Noise and air pollution

Child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise impacts. Other noisy environments such as industrial areas and substations may impact on the amenity and well-being of the children and staff. The location of child care facilities should be selected to avoid or minimise the potential impact of external sources of significant noise.

C24 – Adopt design solution to minimise the impacts of noise, such as:

- creating physical separation between buildings and the noise source
- orienting the facility perpendicular to the noise source and where possible buffered by other uses
- using landscaping to reduce the perception of noise
- limiting the number and size of opening facing noise sources
- using double or acoustic glazing, acoustic louvers or enclosed balconies (wintergardens)
- using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits
- locating cot rooms, sleeping areas and play areas away from external noise sources

The subject site is not located near major roads, rail lines, beneath flight paths or other noisy environments. It is noted that appropriate design/measures have been undertaken including appropriate setbacks, use of landscaping and acoustic fencing to minimise acoustic impacts to neighbouring properties.

A Noise Impact Assessment has been prepared which has found that the level of noise emitted by the proposed child care facility in particular noise associated with the outdoor playground activities will achieve the projected specific criterion.

C25 – An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:

- on industrial zoned land where an ANEF contours is between 20 and 25, consistent with AS 2021 – 2000
- along a railway or mass transit corridor, as defined by *State Environmental Planning Policy (Infrastructure) 2007*
- on a major or busy road
- other land that is impacted by substantial external noise

The subject site is not located on industrial land; however it is located in an ANEF contours between 20 and 25, noting the acoustic report considers this and provides recommendations to mitigate noise impacts to the operation of the child care centre.

It is noted that appropriate design/measures have been undertaken including appropriate setbacks, use of landscaping and acoustic fencing to minimise acoustic impacts to neighbouring properties.

A Noise Impact Assessment has been prepared which has found that the level of noise emitted by the proposed child care facility in particular noise associated with the outdoor playground activities will achieve the projected specific criterion.

C26 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development	Complies.
C27 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.	The subject site is not located near a major road or industrial development.
3.7 Hours of operation	
C28 – Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays	The child care facility is to operate between 7:00am to 6:00pm Monday to Friday.
C29 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses	Subject site is not located within a mixed-use are. Not applicable.
3.8 Traffic, parking and pedestrian circulation	
C30 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.	The Development has regard with the car parking requirements under the Bankstown Development Control Plan 2015. There is a minor departure to the control however this is discussed further in this report.
<p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rate:</p> <p>Within 400m of a metropolitan train station:</p> <ul style="list-style-type: none"> • 1 space per 10 children • 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space. <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children 	
C31 – In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of	Site not located on a commercial or industrial zone. Not applicable.

vehicular movement or potential conflicts with truck and large vehicles.

C32 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised and demonstrate that

- the amenity of the surrounding area will not be affected
- there will be no impacts on the safe operation of the surrounding road network

No traffic and parking study has been prepared.

C33 – Alternate vehicular access should be provided where child care facilities are on site fronting;

- a classified road
- roads which carry freight traffic or transport dangerous goods or hazardous materials

No applicable as the site does not front a classified road or a road which carries freight traffic or transport dangerous goods or hazardous materials.

The alternate access must have regard to the prevailing traffic conditions

- pedestrian and vehicle safety including bicycle movements
- the likely impact of the development on traffic

C34 – Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the sider locality in times of emergency.

Development site is not within a cul-de-sac or narrow lanes or road. Not applicable.

C35 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment;

- separate pedestrian access from the car park to the facility
- defined pedestrian crossings including within large car parking areas
- separate pedestrian and vehicle entries from the street for parents, children and visitors
- delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities
- vehicles can enter and leave the site in a forward direction

Development provides separate pedestrian and vehicular access.

Vehicles can enter and exit the site in a forward direction.

<p>C36 Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 	<p>N/A.</p>
<p>C37 – Car parking design should:</p> <ul style="list-style-type: none"> • include a child safe fence to separate car parking areas from the building entrance to play areas • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards • include wheelchair and pram accessible parking 	<p>Car parking area is sufficiently separated from the building entrance and outdoor play area.</p> <p>Accessible car parking space designed in accordance with Australian Standard is clearly marked and situated near the entry point.</p>
<p>Part 4 Applying the National Regulations to development proposals</p>	
<p>4.1 Indoor space requirements</p>	
<p>Regulation 107 Education and Care Services National Regulations Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p>	<p>The proposal provides 3.74m² of indoor play space per child.</p> <p>The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.</p>
<p>Design Guidance Verandas as indoor space For a veranda to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be</p>	<p>No veranda is to be included as unencumbered indoor space. Not applicable.</p>

counted as outdoor space as well as indoor space.

Design Guidance

Storage

It is recommended that a child care facility provide;

- a minimum of 0.3m³ per child of external storage space
- a minimum of 0.2m³ per child of internal storage space

The proposal provides appropriate internal and external storage areas.

4.2 Laundry and hygiene facilities

Regulation 106

Education and Care Services National Regulations

There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering.

On site laundry facilities are provided.

Laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.

Designed to comply.

Child care facilities must also comply with the requirements for laundry facilities that are contained in the *National Construction Code*.

Laundry designed to comply with relevant requirements under the National Construction Code.

Design Guidance

On site laundry

On site laundry facilities should contain:

- a washer or washers capable of dealing with heavy requirements of the facility
- a dryer
- laundry sinks
- adequate storage for soiled items prior to cleaning
- an on-site laundry cannot be calculated as usable unencumbered play space for children

Designed to comply.

4.3 Toilet and hygiene facilities

Regulation 109

Education and Care Services National Regulations

Adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated

Toilet facilities for both the children and staff are provided.

and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Child care facilities must comply with the requirements for sanitary facilities that are contained in the *National Construction Code*.

Sanitary facilities designed to comply with relevant requirements under the National Construction Code.

4.4 Ventilation and natural light

Regulation 110

Education and Care Services National Regulations

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

The proposed facility has been designed to achieve cross ventilation, receive and have adequate natural light and be temperature controlled to avoid extremes in temperature.

Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the *National Construction Code*. Ceiling height requirements may be affected by the capacity of the facility.

Light and ventilation and minimum ceiling heights designed to comply with relevant requirements under the National Construction Code.

Design Guidance

Natural light

When designing child care facilities consideration should be given to:

- providing windows facing different orientations
- using skylights as appropriate
- ceiling heights

Development provides windows facing different orientation with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.

4.5 Administrative space

Regulation 111

Education and Care Services National Regulations

Services must provide adequate area or areas for the purpose of conducting the administrative functions of the services, consulting with parents of children and conducting private consultations.

Adequate space for administrative tasks being conducted on site are proposed within the office, staff and meeting rooms.

4.6 Nappy change facilities

Regulation 112

Education and Care Services National Regulations

Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.

Nappy change facilities are provided for the facility for kids aged between 0-2.

All nappy changing facilities should be designed and located in an area that prevents unsupervised access to children.

Complies.

Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the *National Construction Code*.

Nappy changing, and bathing facilities designed to comply with relevant requirements under the National Construction Code.

Design Guidance

In circumstances where nappy change facilities must be provided, design considerations could include;

Designed to comply.

- Properly constructed nappy changing bench or benches
- A bench type baby bath within one metre form the nappy change bench
- The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area

4.7 Premises designed to facilitate supervision

Regulation 115

Education and Care Services National Regulations

Centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regards to the needs to maintain their right and dignity.

The proposed layout ensure that hidden corners are avoided and that supervision views are maximised throughout the development.

Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the *National Construction Code*.

Comply.

4.8 Emergency and evacuation procedures

Regulations 97 and 168

Education and Care Services National Regulations

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

Regulation 97 sets out the detail for what those procedures must cover including;

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service

The proposed child care facility has been designed and incorporate features that provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing.

Design Guidance

An emergency and evacuation plan should be submitted with a DA and should consider:

- the mobility of children and how this is to be accommodated during an evacuation
- the location of a safe congregation / assembly point, away from the evacuated building, busy road and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings
- how children will be supervised during the evacuation and at the
- congregation/assembly, relative to the capacity of the facility and governing child-to-staff ratios

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing.

4.9 Outdoor space requirements

Regulations 108

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 7.0m² of unencumbered outdoor space.

The proposal provides 7.03m² of unencumbered outdoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline. Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

Not applicable.

A veranda that is included within indoor space cannot be included when calculating outdoor space and vice versa.

Design Guidance

Calculating unencumbered space for outdoor areas should not include areas of dense hedges or planting along boundaries which are designed for landscaping purpose and not for children's play.

Complies, no areas of dense hedges or planting along boundaries are used to calculate unencumbered space for outdoor areas.

4.10 Natural environment

Regulations 113

Education and Care Services National Regulations

The approved provider of a centre-based service must ensure that the outdoor space allow children to explore and experience the natural environment

Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

Design Guidance

Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:

- are known to be poisonous, produce toxins or have toxic leave or berries
- have seed pods or stone fruit, attract bees, have thrones, spikes or prickly foliage or drop branches

Noted, refer to attached landscape plan for detail.

The outdoor space should be designed to:

- provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment
- Assist supervision and minimise opportunities for bullying and antisocial behaviour
- enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitates interaction
- sand pits and water play areas
- furniture made of logs and stepped logs
- dense indoor planting and green vegetated walls

The outdoor space has been designed to provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.

- climbing frames, walking and/or bike tracks
- vegetable gardens and gardening tubs.

4.11 Shade

Regulations 114

Education and Care Services National Regulations

Outdoor play areas should:

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

Complies.

Appropriate natural and built shade structures are incorporated into the design of the child care facility that will contribute towards protecting children from overexposure to ultraviolet radiation from the sun.

A large covered outdoor shade area as well as large tree canopies are illustrated on the plans.

4.12 Fencing

Regulations 104

Education and Care Services National Regulations

Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.

Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Local Government Area.

This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.

Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the *National Construction Code*.

Designed to comply.

Design Guidance

Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding

Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Local Government Area.

areas. In general, fencing around outdoor play areas should:

- prevent children climbing over, under or through fencing
- prevent people outside the facility from gaining access by climbing over, under or through the fencing
- not create a sense of enclosure.

Design consideration for side and rear boundary fences could include:

- being made from solid prefinished metal, timber or masonry
- Having a minimum height of 1.8m
- having no rails or elements for climbing higher than 150mm from the ground

Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.

Rear fencing has been undertaken in accordance with the Noise Impact Assessment.

Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

Designed to comply.

4.13 Soil assessment

Regulations 25

Education and Care Services National Regulations Subclause(d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purpose as part of an application for serviced approval.

Given the historical use of the site for residential purposes, land contamination is not likely.

No contamination report has been prepared.

Design Guidance

To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process.

An assessment of soil for a children's service approval application may require three levels of investigation:

Stage 1 – Preliminary investigation (with or without soil sampling)

Stage 2- Detailed site investigation

Stage 3 – Site specific human health risk assessment

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)

In preparing this development application and in the design development of the proposal, regard has been had to not only the relevant Bankstown City Council controls and guidelines, but also to the Education and Care Services National Regulations 2012 (National Regulations).

It is noted that the National Regulations provide exhaustive controls and requirements in addition to that of local government and includes: -

- licensing and approvals processes, including documentation requirements;
- facilities and equipment requirements;
- staffing requirements;
- child number requirements;
- operational requirements;
- administrative requirements;
- probity check requirements; and
- various miscellaneous requirements.

Those provisions relevant to the current proposal are addressed in the table within the following page.

Clause	Controls	Comment	Complies
Part 3 Facilities and Equipment Requirements			
28 (1)	Space requirements	(a) An administration room is located within the proposed Child Care Facility.	Yes
		(b) A staff room is located within the proposed Child Care Facility.	Yes
		(c) A Cot Room that is used only for children under 2 years of age has been provided within the proposed Child Care Facility.	Yes
28 (2)	Adequate unencumbered indoor play space	The proposed centre-based child care facility provides 3.74m ² of unencumbered indoor play space per child as shown on the submitted plans.	Yes
28 (4)	Adequate unencumbered outdoor play space	The proposed centre-based child care facility provides 7.03m ² of unencumbered outdoor play space per child as shown on the submitted plans.	Yes
28 (6)	Shading	The proposed centre-based child care facility has provided adequate shading. See attached plans for detail.	Yes

29	Laundry	A laundry facility is available on the premises of the proposed centre-based child care facility.	Yes
30	Craft preparation facilities	Craft preparation areas are provided in the centre-based child care facility.	Yes
31	Food preparation facilities	A kitchen facility is provided by the proposed centre-based child care facility.	Yes
32	Toil and washing facilities	Appropriate toilet and washing facilities are provided.	Yes
33	Nappy change facilities	A nappy changing facility is provided by the proposed centre-based child care facility.	Yes
34	Sleeping facilities	The proposed centre-based child care facility has appropriate sleeping facilities with a separate cot room provided for 0 - 2 year old.	Yes
35	Storage facilities	The proposed centre-based child care facility has provided adequate storage facilities.	Yes
45	Fencing	Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.	Yes

Part 3 Staffing Requirements

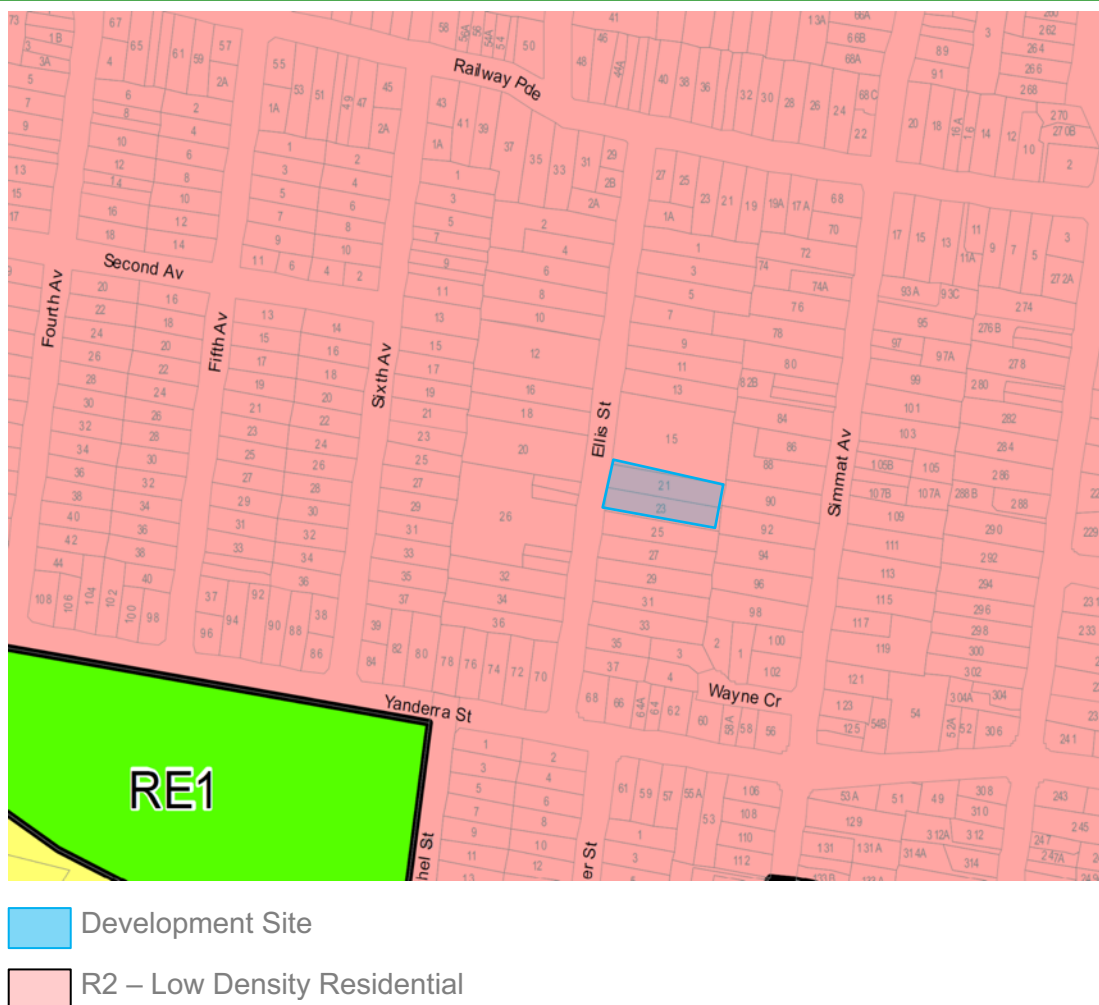
52	Staff to child ratio	<p>The proposed centre-based child care facility will require the following minimum staff requirements:</p> <p>0-2 Years – 1 employee per 4 children 2-3 Years – 1 employee per 5 children 3-5 Years – 1 employee per 10 children</p> <p>The breakdown of children ratio within the proposed centre-based child care facility is as follows:</p> <p>0-2 Years – 12 children (3 staff) 2-3 Years – 15 children (3 staff) 3-5 Years – 13 children (1.3 staff)</p> <p>Total: 7.3 (8) staff.</p> <p>8 staff to be provided.</p>	Yes
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BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015

As illustrated by Council's zoning map extract below, the development site is zoned R2 – Low Density Residential and is subject to a maximum permitted building height limit of 9m and a maximum FSR of 0.5:1 under the Bankstown Local Environmental Plan 2015.

It is noted that the child care facility is made pursuant to Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

Image 5: Zoning Map Sheet LZN_002 Extract (Source: Bankstown LEP 2015)



The proposal is also consistent with the prescribed zone objectives that are stipulated as:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow for certain non-residential development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.*
- *To allow for the development of low density housing that has regard to local amenity*
- *To require landscape as a key characteristics in the low density residential environment.*

The proposed development provides a centre-based child care facility that will provide valuable child care services and employment opportunities to people who live and work in the local area with the 2 x residential dwellings will replace the existing older style dwelling that are to be demolished in-order to accommodate the current development.

The centre-based child care facility not only addressed its frontage but has been designed to appear as a contemporary 2 storey built form set within a landscape setting to ensure compatibility with the existing urban character of the subject residential area.

The use as a centre-based child care facility will foster a sense of community given the nature of such community-based land uses.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant provisions.

Bankstown Local Environmental Plan 2015 – Compliance Table			
Clause	Controls	Comments	Complies
Zoning	R2 – Low Density Residential	'Centre Based Child Care Facilities' are permissible with Council consent in the R2 – Zone.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R2 – Low Density Residential Zone and will provide valuable child care services and employment opportunities to people who live and work in the local area.	Yes
2.6	Subdivision – Consent Requirements	No subdivision is proposed.	N/A

Clause	Controls	Comments	Complies
2.7	Demolition Requires Consent	Council consent is sought for the demolition of the existing structures on site.	Yes
Part 4 Principal Development Standards			
4.1	Minimum Subdivision Lot Size	<p>The LEP prescribes a minimum lot size of 450m².</p> <p>The development proposes to undertake a 1 into 3 lot torrens title subdivision, noting that all 3 new lots will have a site area >450m² as demonstrated below:</p> <ul style="list-style-type: none"> - Lot 1: 871.97m² - Lot 2: 675.0m² - Lot 3: 696.59m² 	Yes
4.1B	Minimum Lot Sizes and Special Provision for Certain Dwellings	<p>No minimum site area however prescribes a minimum site frontage of 20m for child care facilities.</p> <p>Clause 3.26(2)(c) of the Transport and Infrastructure SEPP 2021 stipulates that a child care facility can be located on a site of any size and have any length of street frontage or any allotment depth.</p> <p>As such, minimum site width under the Bankstown LEP 2015 is not considered to be a relevant matter.</p>	Yes – SEPP
4.3	Height of Building: 9m	<p>As per Council's Height of Buildings Map Sheet HOB_002, the development site is subject to a maximum building height of 9m under the Bankstown Local Environmental Plan 2015.</p> <p>The development proposes a 2 storey building with no part of the proposed built form to encroach 9m in height in accordance with the height provisions under the LEP.</p> <p>Refer to attached architectural plans for detail.</p>	Yes
4.4	Floor Space Ratio	As per Council's Floor Space Ratio Map Sheet FSR_002, the development site is subject to a maximum FSR of 0.5:1 under the Bankstown Local Environmental Plan 2015.	Yes

Clause	Controls	Comments	Complies
		The child care facility has a maximum FSR of 0.45:1, with both dwelling to also have a maximum FSR of 0.5:1 (Lot 2 – Unit A: 0.49:1 & Lot 2 – Unit B: (0.50:1). Complies.	
Part 5 Miscellaneous Provision			
5.10	Heritage Conservation	<p>Subject site is not listed as a heritage item and is not within a conservation area.</p> <p>There is 1 local heritage item (I18 – Bankstown Aerodrome) which is within the broader locality, but it is sufficiently separated from the development site.</p> <p>As such no further heritage studies is considered necessary noting that the development site is not burdened by any heritage restrictions.</p>	N/A
5.21	Special Flood Considerations	The development site is not identified as being flood prone. Not applicable.	N/A
Part 6 Additional Local Provision			
6.1	Acid Sulfate Soils	The subject site is identified as being affected by Acid Sulfate Soils.	N/A
6.2	Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>The maximum level of cut prescribed by the DCP is for dwellings within a residential zone, noting the development proposes a child care facility and as such the controls regulating the amount of cut does not apply to the current application. As such the proposal has been designed where appropriate to minimise the amount of cut and fill required, whilst also providing a built form that is appropriate considering the context of the site and the surrounding area. This includes following the natural contours where appropriate in-order to minimise excessive cut and fill.</p> <p>It is considered that the proposed excavation, particularly for the car parking area will have minimal adverse environmental or amenity impact.</p>	Yes

Clause	Controls	Comments	Complies
		<p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p> <p>Refer to attached Erosion and Sediment Control Plan that accompanies this report for detail.</p>	
6.4	Biodiversity	The development site is not identified as containing Biodiversity Land under Bankstown Local Environmental Plan 2015.	N/A
6.4A	Riparian Land and Watercourses	The subject site is not identified as containing Riparian Land and Waterways under Bankstown Local Environmental Plan 2015.	N/A
6.5	Limited Development and Watercourses	The subject site is not located within the Foreshore Building Line. Not applicable.	N/A
6.6	Development in Areas Subject to Aircraft Noise	Clause 6.6(3) and 6.6(4) of the LEP does not apply to the current proposal as the subject site is not within ANEF contour that exceed 25 (noting it is located with ANEF contours of between 20-25 contours. However the acoustic report addressed the relevant provisions of this Clause and demonstrates satisfaction of 6.6(2) and sets out the proposal can satisfy the relevant provisions of AS 2021-2000.	Yes
6.8	Special Provisions Applying to Centre-Based Child Care Facilities	<p>The development is not located on a classified road or on a cul-de-sac.</p> <p>The road pavement width of the street is also 10.4m (measured from Google) which exceeds the 10m standard.</p>	Yes

BANKSTOWN DEVELOPMENT CONTROL PLAN 2015 – PART B1: RESIDENTIAL DEVELOPMENT

All relevant Council controls have been considered in the following compliance table.

Bankstown Development Control Plan 2015– Part B1: Residential Development Compliance Table		
Controls	Comment	Complies
Section 2 – Dwelling Houses		
Subdivision	<p><u>2.1</u> DCP permits subdivision of land to create to more than 4 battle-axe allotments, providing that the average area of the lots is not less than 450m² with each lot contains a rectangle with sides of 10m and 15m behind the setback of the proposed dwelling house.</p> <p>The development proposes to undertake a 1 into 3 lot torrens title subdivision resulting in a child care facility and 2 x battle-axe allotments with each lot having a site area >450m² with side >10m and > each.</p> <p>Refer to attached subdivision plans for detail.</p>	Yes
	<p><u>2.2</u> Where the subdivision of land is created for 2 or more battle-axe lots, the DCP prescribes a minimum width of an access handle of 3.5m plus a passing bay at 30m internals.</p> <p>The development provides an access handle along each side boundary with a width of 4m. Complies.</p>	Yes
Storey Limit (2 Storeys)	<p><u>2.3</u> Maximum dwelling height is limited to two storeys.</p>	Yes
	<p><u>2.4</u> The subject site is subject to a minor fall from the rear of the site towards Peter Crescent, however the development has been designed to follow the natural contours of the site and is capable of accommodating the proposed 2 x dwelling houses.</p>	Yes
Max 600mm Fill	<u>2.5</u> Complies.	Yes
Setback Restrictions	<u>2.6</u> No animal boarding or training establishments are located within close proximity to the subject area. Not applicable.	N/A
Setbacks to the Primary and Secondary Road Frontages	<p><u>2.7</u> The DCP stipulates that the minimum setback for a building wall to the primary road frontage is:</p> <p>(a) 5.5m for the ground floor; and</p> <p>(b) 6.5m for the second storey.</p> <p>The 2 x dwelling house are within battle axe allotment, however, provides 5.5m to their front boundary at both the ground and first floor. Considering that its status as a battle axe allotment, the proposed setback scheme to both dwelling is considered appropriate.</p>	On Merit

Setbacks to the Side Boundary	2.9 For building walls less than or equal to 7m, the minimum setback to the side boundary is 0.9m.	Yes
0.9m -1.5m	The building provides a minimum setbacks > 900mm to its side boundaries.	
	2.11 Not applicable, no basement level is proposed.	N/A
Private Open Space	2.12 DCP stipulates that for dwelling house development, a minimum of 80m ² of private open space behind the front building line per dwelling.	Yes
	The proposal provides private open space greater than 80m ² , (200.4m ² for Unit A & 273.7m ² for Unit B).	
Access to Sunlight	2.13 Each dwelling receives 3 hours of sunlight between 8:00am and 4:00pm during the mid-winter solstice given its lot orientation.	Yes
At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with	3.14 Having regards to the sites orientation the living areas of adjoining allotments will receive 3 hours of sunlight between 8am and 4pm on June 21. Refer to attached shadow diagrams for detail.	Yes
A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.	2.15 50% of the private open space required for the dwelling house and a minimum of 50%of the private open space of neighboring properties receive a minimum of 3 hours of sunlight between 9:00am and 5:00pm at the equinox-.	Yes
Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.	2.16 Comply.	Yes

Visual Privacy	2.17 The development has been oriented and sited to minimise potential cross-viewing to adjoining properties, with proposed setbacks, landscaping and fencing to mitigate privacy impacts between dwellings.	Yes
	The extent of windows at ground floor are appropriate as the fencing adequately screens the site from the adjoining properties.	
	Within the first floor, the development minimises habitable windows to the side elevations, noting that the windows are also to be sill high to minimise privacy impacts to neighboring properties.	
	2.18 The development has been designed to minimise windows to each dwelling that directly look into the private open space of neighboring properties. This includes off set and sill high windows.	Yes
	2.19 The rear balconies of both dwelling are accessible from a retreat room. Whilst non-compliant the balconies do not result in any discernible privacy impacts and conditions of consent could be imposed for privacy screens on the 'ends' of the balcony element to mitigate cross-viewing.	Variation
	2.20 No roof-top balconies are proposed. Not applicable.	N/A
Building Design	2.21 Roof pitch is less than 35 degrees. Complies.	Yes
	4.22 Attics are not proposed as part of this development. Not applicable.	N/A
	4.23 Dormers are not proposed as part of this development. Not applicable.	N/A
	4.24 Subject site is not located within a foreshore protection area. Not applicable.	N/A
Building Design (Car Parking)	2.26 The development provides 1 x double garage per dwelling located behind the front building line.	Yes
	Both garages are located >6m from the primary frontage.	
	2.28 Garage are articulated and integrated to the overall design of each dwelling, noting its battle-axe context, the garage will not be visible from the public domain.	Yes
Landscaping	2.30 The subject site is predominantly cleared and as such does not contain any significant trees or vegetation.	N/A
	2.31 Is not technically applicable due to the status of the site as a battle axe allotment and as such does not front a primary road frontage, however the development provides appropriate landscaping.	N/A

Section 3 – Secondary Dwellings		
Subdivision	3.1 No subdivision of the secondary dwelling is proposed. Not applicable.	N/A
Lot Size	3.2 Lot 2 which is proposing to accommodate the secondary dwelling, once subdivided will have a total site area of 675m ² which is greater than the 450m ² required to accommodate a secondary dwelling under the DCP.	Yes
Site Cover	3.3 (a) The maximum FSR (b) The maximum total floor area of the secondary dwelling is 60m ² .	Yes Yes
Storey Limit	3.5 For detached secondary dwellings, the storey limit is single storey with a maximum wall height of 3m. The proposed secondary dwelling within Lot 2 is single storey with a maximum wall height of 3m. Complies. 3.6 The siting and landscape works associated with the secondary dwelling is compatible with the existing slope and contours of the allotment. 3.7 Complies, fill does not exceed 600m above the ground level.	Yes Yes Yes
Setback Restrictions	3.8 No animal boarding or training establishments are located within close proximity to the subject area. Not applicable.	N/A
Setbacks to the Primary and Secondary Road Frontages	3.9 No animal boarding or training establishments are located within close proximity to the subject area. Not applicable.	N/A
Setbacks to the Side and Rear Boundaries	3.11 DCP prescribes for the portion of the building wall with a wall height less than or equal to 7m, minimum setback of 0.9m a setback to side and rear boundaries. The secondary dwelling is provided with a minimum side and rear boundary of 0.9m from the primary building line.	Yes
Private Open Space	3.13 Comply – The secondary dwelling does not result in the principal dwelling on the allotment having less than the required landscaped area and private open space.	Yes
Access to Sunlight	3.14 The living area associated with the secondary dwelling receives a minimum of f3 hours of sunlight between 8:00am and 4:00pm during the mid-winter solstice given its lot orientation.	Yes
At least one living area must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice.		

<p>At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice.</p>	<p>3.15 Having regards to the sites orientation the living areas of adjoining allotments will receive 3 hours of sunlight between 8am and 4pm on June 21. Refer to attached shadow diagrams for detail.</p>	<p>Yes</p>
<p>A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.</p>	<p>3.16 50% of the private open space required for the dwelling house and a minimum of 50% of the private open space of neighboring properties receive a minimum of 3 hours of sunlight between 9:00am and 5:00pm at the equinox-.</p>	<p>Yes</p>
<p>Visual Privacy</p>	<p>3.17 The development has been oriented and sited to minimise potential cross-viewing to adjoining properties, with proposed setbacks, landscaping and fencing to mitigate privacy impacts to neighboring properties.</p>	<p>Yes</p>
	<p>The extent of windows at ground floor are appropriate as the fencing adequately screens the site from the adjoining properties.</p>	
	<p>3.18 The development has been designed to minimise windows to each dwelling that directly look into the private open space of neighboring properties. The use of landscaping and fencing will contribute towards mitigating privacy impacts to neighboring properties.</p>	<p>Yes</p>
	<p>3.19 The secondary dwelling is limited to 1 storey. Not applicable.</p>	<p>N/A</p>
<p>Building Design</p>	<p>3.22 Attics are not proposed as part of this development. Not applicable.</p>	<p>N/A</p>
	<p>3.23 Dormers are not proposed as part of this development. Not applicable.</p>	<p>N/A</p>
	<p>3.24 DCP prescribes a maximum roof pitch for detached secondary dwelling of 25 degrees.</p>	<p>Yes</p>
	<p>Roof pitch associated with the secondary dwelling is less than 25 degrees. Complies</p>	

	<u>3.25</u> Subject site is not located within a foreshore protection area. Not applicable.	N/A
Building Design (car parking)	<u>3.27</u> Comply – the secondary dwelling will not result in the principle dwelling on the allotment having less than the required car parking spaces.	Yes
Landscaping	<u>3.28</u> Comply – the subject site is predominantly cleared and as such does not contain any significant trees or vegetation.	Yes
Section 14 – Ancillary Development (Outdoor Structures)		
Swimming Pools and Spas	<u>14.12</u> Swimming pools for both dwelling is located behind the front building line.	Yes
	<u>14.13</u> Swimming pools associated with Lot 2 achieve a minimum setback of 1m from the allotment boundary.	Yes

BANKSTOWN DEVELOPMENT CONTROL PLAN 2015 – PART B5 – PARKING

The table below provides detail on the development standards relevant to the current proposal.

All relevant Council controls have been identified and considered in the following compliance table.

Bankstown Development Control Plan 2015 – Part B5 – Parking Compliance Table			
Clause	Controls	Comments	Complies
Section 2 – Off Street Parking			
2.1	Parking rates	<p><u>Child Care Facility</u></p> <p>The DCP prescribes the following parking rate for child care facilities:</p> <ul style="list-style-type: none"> - 1 car space per 4 children and 2 additional car spaces for the exclusive use of any associated dwelling <p>The current application proposes a 40 place child care facility with a total of 8 staff with no associated dwelling (to be subdivided as per Stage 1 of this application) and as such is required to provide a total of 10 car parking spaces.</p> <p>The development provides a total of 8 car parking spaces at-grade and nominates an on street parking space. This varies the control however there is some capacity for additional parking to occur in Ellis Street for parent drop-off and pick-up to the centre and as such the departure is considered acceptable.</p> <p><u>Dwelling Houses</u></p> <p>For dwelling houses, the DCP prescribes 2 car parking spaces per dwelling behind the front building line.</p> <p>The development provides a double garage per dwelling located behind the front building line. Complies.</p>	Variation
2.7	Parking requirements for people with disabilities	<p><u>Child Care Facility</u></p> <p>DCP stipulates that the development should provide an accessible car parking space at a rate of 1 car space per 100 car spaces provided.</p>	Yes

Clause	Controls	Comments	Complies
		An accessible car parking space is provided at-grade.	
Section 3 – Off Street Parking Design and Layouts			
3.1	Parking location	Development provides a double garage per dwelling, located behind the front building line.	Yes
3.2	Accessible parking	<p>The accessible parking is located within close proximity to the lift core, with direct interrupted access is provided between the accessible parking space and the lift core.</p> <p>Refer to attached architectural plans for detail.</p>	Yes
3.3	Minimum parking bay dimensions	<p><u>Child Care Facility</u></p> <p>The car parking area including parking spaces and aisles have been designed in accordance with Council controls.</p>	Yes
3.4	Minimum parking bay dimensions for disable parking space	The disabled car parking space has been designed in accordance with Council controls.	Yes
3.10 -3.11	Parking layouts	<p><u>Child Care Facility</u></p> <p>Carparking layout at-grade has been designed to comply with relevant requirements that will also ensure all vehicles can enter and exit the car parking area in a forward direction.</p>	Yes
3.12	Stacked parking	<p><u>Child Care Facility</u></p> <p>2 x stacked parking arrangement is proposed, noting that both spaces are to be dedicated as staff parking.</p>	Yes
Section 4 – Off Street Parking Access and Circulation			
4.1 – 4.4	Access driveway width and design	<p><u>Child Care Facility</u></p> <p>The proposed driveway provides for the shortest most direct access to the at-grade car parking area.</p> <p>The driveway widths are designed in accordance with Council requirements.</p>	Yes

Clause	Controls	Comments	Complies
4.6 – 4.7	Queuing distance	<p><u>Child Care Facility</u></p> <p>The driveway incorporates appropriate queuing lengths. See attached plans for detail.</p> <p>The proposal will not lead to any queuing, nor will it adversely affect traffic or pedestrian flow in the road frontage.</p>	Yes
4.8 – 4.9	Circulation roadways and ramp gradients	Complies.	Yes
4.11	Internal circulation	<p><u>Child Care Facility</u></p> <p>The proposal allows for vehicular movements to be undertaken wholly within the site.</p> <p>Vehicles are able to enter and exit the site in a forward direction.</p> <p><u>Dwelling House</u></p> <p>Vehicles are able to enter and exit the site in a forward direction.</p>	Yes Yes
Section 5 – Other Considerations			
5.1	Minimum headroom dimensions	Comply.	Yes
5.2-5.4	Loading and unloading facilities	The proposal is strictly for a child care facility and 2 x dwelling houses and as such no dedicated service area is required. Not applicable.	N/A
5.5	Column location and spacing	<p><u>Child Care Facility</u></p> <p>All columns are appropriately located and spaced in accordance with Council requirements.</p>	Yes
5.6	Safety and security	<p>The proposed driveways is clear visibility is maintained at all times.</p> <p>Adequate sight distance is provided for all vehicles existing and entering the site. The proposal is compliant with Council controls and relevant standards.</p>	Yes
5.8	Sight distance requirement	<p>Adequate sight distance is provided for all vehicles existing and entering the site.</p> <p>It is noted that all cars will enter and exit the site in a forward direction.</p>	Yes

Clause	Controls	Comments	Complies
		The proposal is compliant with Council controls and relevant standards.	
5.9 – 5.10	Pedestrian access	<p>Separate vehicular and pedestrian access is provided to the site from Ellis Street.</p> <p>Access to the site is in accordance with the Access Review Report that accompanies this application.</p>	Yes
5.12-5.15	Sign posting and line marking	<p>Car parking spaces are to be clearly line marked in compliance with Australia Standards 2890.1. Refer to attached plans for detail.</p> <p>The proposal provides a two-way circulation pattern.</p> <p>The designed disable parking is clearly marked with appropriate signs and stencilled disabled symbol on the surface in accordance with Council requirements.</p>	Yes

BANKSTOWN DEVELOPMENT CONTROL PLAN 2015 – PART B6 – CHILD CARE CENTRES

All relevant Council controls have been identified and considered in the following compliance table.

Bankstown Development Control Plan 2015 – Part B6 – Child Care Centres Compliance Table			
Clause	Controls	Comments	Complies
Section 2 – Location and Traffic Management			
2.1	Environmental capacity	A traffic and parking impact assessment was not prepared for the development.	Variation
2.2 & 2.3	Level of service	A traffic and parking impact assessment was not prepared for the development.	N/A
Section 3 – Site Layout and Building Envelopes			
3.1	Allotment size	<p>The DCP prescribes a minimum allotment size of 500m² for child care facilities and detached dwelling houses on the same lot.</p> <p>This provision does not apply to the current application; however Lot 1 does have an area of 871.97m², which is of a sufficient size to accommodate the proposed 40 place child care facility.</p>	SEPP Applies and Prevails
3.2	Capacity	<p>The DCP prescribes a maximum number of child care places within R2 zoned land at 40 children.</p> <p>The DCP also prescribes a maximum site frontage of 25m where the number of licensed places is up to 40 children.</p> <p>Clause 3.27 under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 stipulates that any provision of a development control plan that needs to demonstrate need or demand for child care services does not apply to the development for the purpose of a center-based child care facility. As such the SEPP provisions override the maximum childcare placement provision under the DCP.</p>	SEPP Applies and Prevails
3.3	Storey Limit	The development proposes a maximum of 2 storeys, noting that the DCP limits child care facilities to 2 storeys.	Yes

Clause	Controls	Comments	Complies
3.6	Front & side setbacks	<p><u>Front Setback</u></p> <p>Child care facilities within R2 zoned land are subject to a front setback of 5.5m.</p> <p>The development provides a minimum front setback >5.5m from the primary building line.</p> <p><u>Side Setback</u></p> <p>The DCP prescribes a side setback of 1.5m.</p> <p>The development is to provide access ways to provides vehicular access to the proposed rear dwellings and as such will provide sufficient side setbacks to its neighbouring properties to its northern and southern boundaries.</p>	<p>Yes</p> <p>Yes</p>
3.9	Siting of outdoor areas	<p>Landscaping and accessway that is to run along the site's northern and southern side boundaries provides sufficient separation between the outdoor play areas to neighbouring properties to the north and south. Furthermore, acoustic treatment in accordance with the Noise Impact Assessment combined with the Operational Management Plan will manage outdoor play times and the number of children accessing outdoor area at any one time, to minimise privacy impacts to adjoining properties.</p>	Yes
3.10	Deep soil zones	<p><i>Child care facilities in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential must provide:</i></p> <p>(a) A minimum 2 metre wide deep soil zone along the primary road frontage; and</p> <p>(b) A minimum 1.5 metre wide deep soil zone around the perimeter of the outdoor play area, to act as a buffer to the fence, provide spatial separation to neighbouring properties and enhance the aesthetic quality of the space.</p> <p><i>The deep soil must be landscaped by way of deep soil planting and canopy trees.</i></p>	Yes

Clause	Controls	Comments	Complies
		<p>The proposal provides deep soil zones consistent with the DCP requirements to the front and rear of the site noting appropriate deep soil are provided along the front setback to Ellis Street with appropriate deep soil zones along the perimeter of the ground floor outdoor play area.</p> <p>The development is to also provide appropriate deep soil planting and canopy trees within the deep soil zones within the context of a child care facility. Refer to attached Architectural Plans and Landscape Plans that accompany this application.</p>	
3.12	Access	<p>The child care facility has been designed to provide adequate access that is consistent with the Building Code of Australia and Australian Standard 1428 Part 1 to 4 – Design for Access and Mobility.</p> <p>Refer to Access Review Report that accompanies this application.</p>	Yes
3.13	<p>Car parks</p> <p><i>1 car space per employee (stack parking is permitted) and 2 additional car spaces for the exclusive use of any associated dwellings</i></p>	<p>It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site.</p> <p>The proposed parking area and ancillary driveway will not contribute to the creation of traffic hazards.</p> <p>The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site.</p>	Yes
Section 4 – Energy Efficiency and Urban Design			
4.1	Energy efficiency	The child care facility, which is oriented to the north, achieves good natural light, ventilation and will install low energy consumption appliances.	Yes
4.2	Access to sunlight	The facility has openings and the outdoor play area oriented to the north and as such will receive adequate sunlight. The development is appropriate scaled in terms of height and bulk, noting compliance to height provisions, and is sufficiently setback from its boundaries and therefore will not result in excessive overshadowing of neighbouring properties.	Yes

Clause	Controls	Comments	Complies
		Shadow diagrams demonstrate that adjoining properties will continue to receive a minimum of 3 hours of interrupted sunlight at mid-winter.	
4.4	Building design	The purpose-built child care facility has been designed as a two storey built form set within a landscape setting to be consistent with the existing low to medium density built form character along Ellis Street.	Yes
4.6	Architectural elements	<p>Development incorporates architectural features and articulation to provide an attractive double storey built form that appropriately addresses Ellis Street.</p> <p>The architectural elements includes the incorporation of horizontal and vertical elements, incorporation of stepped alignment of walls, articulation of the front façade, varied window placement that provides relief to the built form.</p>	Yes
4.7	Active frontage	The development provides an active frontage to Ellis Street.	N/A
4.9	Roof design	The development proposes an appropriate sloped roof design that provides suitable contemporary form and good quality materials and finishes.	Yes
4.10	Front fences	The front fencing will not exceed 1.8m.	Yes
Section 5 – Acoustic Privacy and Management			
5.1	Acoustic privacy	<p>The proposed two storey child care facility has been designed to minimise privacy impacts on neighbouring properties.</p> <p>This is achieved via the siting and orientation of the building combined with compliance to height and setback provisions</p> <p>Potential noise impacts associated with the outdoor play area is mitigated by acoustic fencing as per the Noise Impact Assessment.</p> <p>The Operational Management Plan will manage outdoor play times and the number of children accessing outdoor area at any one time.</p>	Yes

Clause	Controls	Comments	Complies
		<p>The maximum height for noise attenuative walls and fencing along the boundary is 2m.</p> <p>A Noise Impact Assessment has been prepared which has found that the level of noise emitted by the proposed child care facility in particular noise associated with the outdoor playground activities will achieve the projected specific criterion.</p>	
5.4	Hours of operation	The child care facility will operate from 7am to 6pm Monday to Friday.	Yes
5.5	Management plans	<p><i>Council must require the operator of a child care center in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential to organize and chair a Neighborhood Liaison Committee.</i></p> <p><i>The purpose of the Committee is for the operator and neighbors to resolve any issues, such as traffic and noise, arising from the operation of the child care center. The operation of the Committee must ensure:</i></p> <ul style="list-style-type: none"> <i>(a) The membership of the Neighbourhood Liaison Committee must include residents who live next to and opposite the child care centre</i> <i>(b) The Neighbourhood Liaison Committee must meet at least four times during the first 24 months of the child care centre operating.</i> <i>(c) The operator of the child care centre must forward the meeting minutes to Committee members.</i> <i>(d) The operator of the child care centre may forward the meeting minutes to Council for information purposes.</i> <i>(e) The operator of the child care centre may terminate the Committee once it meets at least four times during the first 24 months of the child care centre operating or may choose to extend the function of the Committee over a longer period of time.</i> <p>It is understood that this will form a condition of consent.</p>	Yes

Clause	Controls	Comments	Complies
Section 6 – Landscaping			
6.1-6.3	Outdoor play areas	<p>The outdoor play areas have been designed have direct supervision from within the center.</p> <p>The ground floor outdoor play area is located on land gradient that is predominantly flat and incorporates appropriate shading that will provide protection against sunlight during the summer months.</p> <p>The surface of the outdoor play area is to be provided in accordance with best practice guidelines in early childhood environments.</p>	Yes
6.4-6.9	Landscaping	<p>Proposed landscaping works seek to soften the built form whilst also seeking to integrate the development with the site's low density context. Refer to attached Landscape Plan that accompanies this application for more detail.</p>	Yes
Section 7 – Safety and Security			
7.1-7.6	Safety and security	<p>The proposed two storey child care facility has been designed to appear as a modern two storey building with the primary entry point and windows within the front elevation to address Ellis Street.</p> <p>The street number will be visible from the street to ensure that it is easily identified from the public domain.</p> <p>The outdoor play areas are separated from the car parking arrangements including vehicle access points and parking area.</p> <p>The development is to incorporate appropriate fencing along its side and rear boundaries in accordance with the DCP.</p> <p>Development has been designed to be accessible to and from Ellis Street and within the building itself in accordance with all relevant legislation, with direct equitable pedestrian access provided via Ellis Street. Furthermore, lift core provides access to Level 1 from the ground floor.</p> <p>All appropriate fire protection has been provided in accordance with the relevant standards.</p> <p>An Evacuation Plan has been prepared and accompanies this application.</p>	N/A

Clause	Controls	Comments	Complies
Section 8 – Site Facilities and Services			
8.1	Food premises	The development is to be consistent with the relevant food regulations.	Yes
8.2	Site facilities	Waste storage areas, storage of goods and materials are not to be visible from the public domain.	Yes

CONCLUSION

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent.

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.