



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of existing structures and the construction of a two storey Centre-Based Childcare Facility for 160 Children with basement parking

Prepared for: ES Design

Ref: M220356

DATE: 10 October 2022





Contents

1.	INTRODUCTION	1
2.	SITE ANALYSIS AND CONTEXT	2
2.1	The Site	2
2.2	Connectivity and Access to Public Transport.....	4
2.3	Surrounding Development	4
3.	DESCRIPTION OF THE PROPOSAL	7
3.1	Proposed Use	7
3.2	Proposed Works	8
3.2.1	Basement	8
3.2.2	Ground Floor Plan	8
3.2.3	First Floor Plan	8
3.3	Landscaping.....	8
4.	ENVIRONMENTAL PLANNING ASSESSMENT	10
4.1	Preamble	10
4.2	Statutory and policy compliance	10
4.2.1	Education and Care Services National Regulations 2011 SI 653	11
4.2.2	SEPP (Resilience and Hazards) 2021	11
4.2.3	SEPP (Transport and Infrastructure) 2021	11
4.2.4	Bankstown Local Environmental Plan 2015.....	12
4.2.5	Bankstown DCP 2015.....	13
4.2.6	Draft Canterbury Bankstown Local Environmental Plan 2020	13
4.3	Impacts on Natural & Built Environment	13
4.3.1	Topography & Scenic Impacts	13
4.3.2	Micro-climate Impacts.....	14
4.3.3	Water & Air Quality Impacts.....	14
4.3.4	Flora & Fauna Impacts	14
4.3.5	External Appearance & Design.....	14
4.3.6	Solar Access.....	15
4.3.7	Views	15
4.3.8	Aural & Visual Privacy	15
4.4	Economic & Social Impacts	17
4.5	The Suitability of the Site	17
4.5.1	Access to Services	17
4.5.2	Parking and Access	17





4.5.3 Hazards	18
4.6 The Public Interest	18
5. CONCLUSION	19

FIGURES

Figure 1 Aerial Image of the site (Source: NearMaps)	2
Figure 2 No. 274 Hector Street, Bass Hill (Subject site)	3
Figure 3 No. 276 Hector Street, Bass Hill (Subject site)	3
Figure 4 The subject site, as viewed from the northern side of Hector Street.	3
Figure 5 No. 272 (front) and 272A (rear) Hector Street.	4
Figure 6 Nos. 278-280 Hector Street.....	5
Figure 7 Nos. 43 (rear), 43B and 43C (front) Robertson Road.....	5
Figure 8 Nos. 45 (front) and 45A (rear) Robertson Road.	6
Figure 9 Development on the eastern side of Hector Street.(opposite the site)	6
Figure 10 Ground Floor Landscape.....	9
Figure 11 Level 1 Landscape	9

TABLES

Table 1 Section 4.15 Matters for Consideration	10
--	----

ANNEXURES

Annexure A. SEPP (Transport and Infrastructure) 2021 -	20
Annexure B. Child Care Planning Guideline – Compliance Table	25
Annexure C. Bankstown Local Environmental Plan 2015 – Compliance Table	21
Annexure D. Bankstown Development Control Plan 2015 – Compliance Table.....	25

©This document and the research reported in it remains the property of Planning Ingenuity Pty Ltd and are protected by copyright. Apart from fair dealings for the purposes of private study, research or review, as permitted under the Copyright Act 1968, no part of the document may be reproduced, by any process, without the written permission of the author. All inquiries in this regard are to be directed to the Managing Director, Planning Ingenuity Pty Ltd.





1. Introduction

This Statement of Environmental Effects has been prepared for the applicant of the proposed development. The report is to accompany a development application to City of Canterbury Bankstown Council seeking consent for demolition of existing structures and construction of a two storey centre-based child facility, with basement parking, at Nos. 274-276 Hector Street, Bass Hill.

The centre will cater for 160 children between the ages of 0-5 years old, with 26 staff attending. The basement contains parking for 42 vehicles. The centre will operate from 7am to 6pm Monday to Friday. The centre will be closed on weekends.

The purpose of this Statement is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of S.4.15C of the Environmental Planning & Assessment (EP&A) Act, 1979.

This Statement is divided into five sections. The remaining sections include a locality and site analysis; a description of the proposal; an environmental planning assessment; and a conclusion.



2. Site Analysis and Context

2.1 THE SITE

The site is known as Nos. 274-276 Hector Street, Bass Hill and has a legal description of Lots 4 and 5 in DP 23658. The site has a rectangular shape with an eastern frontage to Hector Street and a western rear boundary of 33.58m, a northern side boundary of 70.535m, and a southern side boundary of 70.465m. The site has a total area of 2367m². The site has a cross fall of approximately 2m.

An aerial image of the site is shown below in **Figure 1** below.



Figure 1 Aerial Image of the site (Source: NearMaps)

The site contains a two storey rendered dwelling with a tiled roof and attached carport and ancillary structures to the rear at No. 274, and a single storey clad dwelling house with a tiled roof and attached carport and garage at No. 276. Vehicle access to each lot is currently provided from Hector Street, toward the south boundary for No. 274, and along the northern side boundary for No. 276. The site does not contain any significant vegetation.

Photographs of the site are provided in **Figures 2, 3 and 4** below.



Figure 2 No. 274 Hector Street, Bass Hill (Subject site).



Figure 3 No. 276 Hector Street, Bass Hill (Subject site)



Figure 4 The subject site, as viewed from the northern side of Hector Street.

2.2 CONNECTIVITY AND ACCESS TO PUBLIC TRANSPORT

The subject site is located approximately 1.8km walking distance from Chester Hill Railway Station to the north west and Sefton Railway Station to the north east which both offer train and bus connectivity to surrounding suburbs and are part of the Chester Hill and Sefton commercial centres respectively. The site is located within 100m walking distance of bus stops on Hector Street that are served by routes M91 (Hurstville to Parramatta via Padstow & Chester Hill) and 916 (Chester Hill to Guildford).

The site is located within close proximity to numerous schools, including Chester Hill Public School, Immaculate Heart of Mary Catholic Primary School, Bass Hill High School and Bass Hill Public School. Due to the nearby public transport options and schools in the locality, there will be opportunities for reduced private vehicular travel and multi-purpose trips.

2.3 SURROUNDING DEVELOPMENT

The site is located in Bass Hill within Zone R2 Low Density Residential. The surrounding area is characterised by low density residential development of varying architectural styles and generally comprises detached single and two storey buildings of various ages.

Adjoining the site to the north is No. 272 and 272A Hector Street, a dual occupancy development of single storey dwelling houses with attached carports (**Figure 5**).



Figure 5 No. 272 (front) and 272A (rear) Hector Street.

Adjoining the site to the south is No. 278-280 Hector Street, which contains a multi-dwelling including four (4) dwellings adjacent to the southern boundary of the subject site (**Figure 6**).



Figure 6 Nos. 278-280 Hector Street.

Adjoining the site to the rear (west) are two battle axe allotments fronting Robertson Road with the address of Nos. 43, 43B and 43C, and Nos. 45 and 45A Robertson Road. The rear allotments, being Nos. 43 and 45A Robertson Road are accessed via a shared internal driveway. Existing on the sites are single and two storey dwelling houses, as well as a two storey dual occupancy fronting Robertson Road at Nos. 43B and 43C (**Figures 7 and 8**).



Figure 7 Nos. 43 (rear), 43B and 43C (front) Robertson Road.



Figure 8 Nos. 45 (front) and 45A (rear) Robertson Road.

To the east of the site on the opposite side of Hector Street are a number of detached single and two storey residential dwellings (**Figure 9**).



Figure 9 Development on the eastern side of Hector Street.(opposite the site)



3. Description of the Proposal

3.1 PROPOSED USE

The proposed development involves demolition of the existing structures and construction of a two storey centre based childcare facility with basement parking.

The proposed childcare facility will provide education and care for 160 children of 0-5 years of age and operate between 7am-6pm Monday to Friday (excluding public holidays). A detailed Plan of Management (PoM) is submitted in conjunction with this development application providing guidelines and controls for the operation and management of the proposed childcare centre.

The proposal will provide the services and facilities required for a contemporary, licensed child care centre in accordance with the Education and Care Services National Regulations (ECSN Regulations).

Calculations (Child to Educator Ratios)

Age Group	Children	Staff
0-2 years:	30 children	8 (1 staff to 4 children)
2-3 years:	50 children	10 (1 staff to 5 children)
3-5 years:	80 children	8 (1 staff to 10 children)
Total:	160 children & 26 Staff	

The childcare centre provides indoor and outdoor play areas in accordance with the requirements of the ECSN Regulations. Use of these areas will be in accordance with the PoM and Acoustic Report submitted with the application.

Calculation (Indoor Play Areas)

Ground Floor Play Area 0-2 Years: 98.48m² proposed, catering for 30 children (97.5m² required)

Ground Floor Play Area 3-5 Years: 131.37m² proposed, catering for 40 children (130m² required)

Ground Floor Play Area 3-5 Years: 131.06m² proposed, catering for 40 children (130m² required)

First Floor Play Area 2-3 Years: 99.73m² proposed, catering for 30 children (97.5m² required)

First Floor Play Area 2-3 Years: 70.62m² proposed, catering for 20 children (65m² required)

Total: 531.26m² of indoor area proposed to accommodate 160 children (520m² required)

Calculations (Outdoor Play Areas)

Ground Floor Play Area 0-2 Years: 216.460m² proposed, catering for 30 children

Ground Floor Play Area 3-5 Years: 575.540m² proposed, catering for 80 children

First Floor Play Area 2-3 Years: 351.578m² proposed, catering for 50 children

Total: 1,143.578m² of outdoor area proposed to accommodate 160 children (1,120m² required)





The indoor and outdoor areas will operate in accordance with the PoM submitted with this application.

3.2 PROPOSED WORKS

The proposal will involve the demolition of the existing structures on the subject site and construction and operation of a two storey childcare facility with basement parking.

The proposed works are illustrated on the submitted plans prepared by *ES Design* and are described in detail below.

3.2.1 Basement

The proposal will provide basement parking accessed from Hector Street adjacent to the southern (side) boundary. The basement will provide parking for 42 vehicles, including two accessible spaces, a bulky goods storage, and accessible lift to the upper levels, as well as two separate fire stairs.

3.2.2 Ground Floor Plan

The proposal will provide pedestrian access from Hector Street via a pedestrian walkway that leads to the main entry of the centre, as well as an additional walkway which leads to the bin store area and laundry.

At the front of the building is an entry/waiting area, reception, managers office, meeting room, laundry, two bathrooms, including an accessible toilet, staff room, storage and changing room, as well as the lift linking to the basement and first floor.

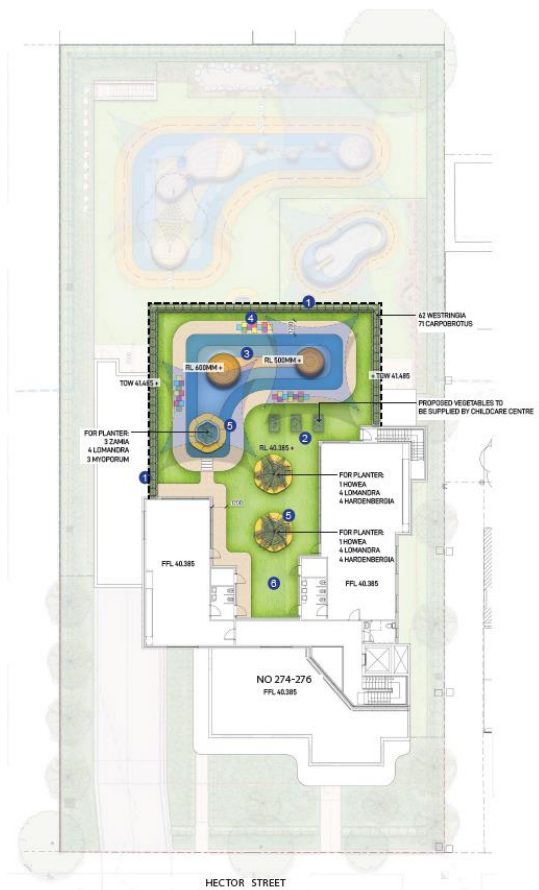
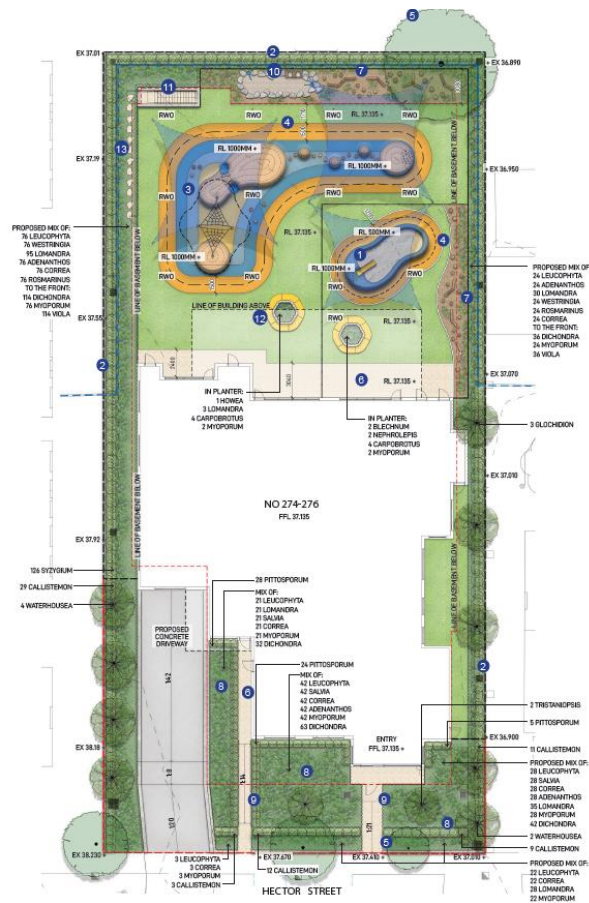
The rear of the building at the ground floor includes 3 x playrooms – one for 0-2 years (30 children), and two for 3-5 years (20 and 40 children respectively). Each play room has an internal storage area. The 0-2 year room provides a bathroom, cot room, nappy changing area, and bottle preparation area, whilst the other ground floor rooms are provided with a shared bathroom. Outdoor play area for these classrooms is provided at the rear of the site, with the play area for 0-2 years separated by safety fencing. External storage is provided at the rear of the ground level, at the southern and northern sides of the building.

3.2.3 First Floor Plan

The first floor incorporates two additional play rooms for 2-3 years, providing for 20 children and 30 children. The classrooms contain internal storage with access to appropriate bathroom facilities, and access to a raised outdoor play area provided at the rear which will incorporate landscape treatment and acoustic screening. The first floor also contains an accessible bathroom, lift access to the lower levels and two fire stairs.

3.3 LANDSCAPING

The proposal will incorporate a number of trees throughout the site and a range of shrubs, grasses and differing surfaces. A Landscape Plan prepared by *Ground Ink* is submitted with this application (see extracts at **Figures 10 and 11**). The outdoor play areas on the ground and first floor have permeable landscaped areas, a variety of surfaces and experiences for use by the children and the provision of shaded areas for year round utility.





4. Environmental Planning Assessment

4.1 PREAMBLE

This section of the Statement provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 4.15 of the EP&A Act, 1979.

4.2 STATUTORY AND POLICY COMPLIANCE

The relevant matters for consideration under Section 4.15(1)(a) of the EP&A Act, 1979, are identified in the following Table:

Table 1 Section 4.15 Matters for Consideration				
EP & A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
S.4.15(1)(a)(i)	Education and Care Services National Regulations 2011 SI 653	✓	✓	
"	NSW Planning and Environment Childcare Planning Guideline (September 2021)	✓	✓	
"	SEPP (Resilience and Hazards) 2021			
"	SEPP (Transport and Infrastructure) 2021	✓	✓	
"	Bankstown LEP 2015	✓	✓	
S.4.15(1)(a)(ii)	Draft Canterbury-Bankstown LEP 2020	✓	✓	
S.4.15(1)(a)(iii)	Bankstown DCP 2015	✓	✓	
"	Draft Canterbury Bankstown DCP	✓	✓	
S.4.15(1)(a)(iv)	Any other prescribed matter:- <ul style="list-style-type: none">Government Coastal Policy;AS 2601-1991: Demolition of structures:Education and Care Services National Regulations 2011 SI 653.	✓ ✓	✓ ✓	✓

The matters identified in the above Table as requiring specific comment are discussed below. The primary statutory documents that relate to the subject site and the proposed development are the Education and Care Services National Regulations 2011 SI 653, SEPP (Transport and Infrastructure) 2021 which gives statutory weight to NSW Planning and Environment Childcare Planning Guideline (September 2021), the Bankstown Local Environmental Plan (LEP) 2015 and the Draft Canterbury Bankstown LEP 2020. The primary non-statutory document relating to the subject site and proposed development is Bankstown Development Control Plan (DCP) 2015. The relevant provisions of these documents and other relevant planning controls are summarised below and the proposal's compliance with them assessed.



4.2.1 Education and Care Services National Regulations 2011 SI 653

The National Regulations set out specific requirements for licensing of all child care facilities. The proposal has been designed to achieve compliance with the National Regulations and it is anticipated that conditions of consent will be imposed requiring a license to operate prior to the issue of an Occupation Certificate to ensure compliance is achieved.

4.2.2 SEPP (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) commenced on 1 March 2022, repealing and replacing three former SEPPs related to coastal management, hazardous and offensive development and remediation of land.

Of relevance to the proposed development is the following chapter:

Chapter 4 Remediation of Land

This Chapter of the SEPP contains planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.

There is no reason to suspect the site is contaminated as the subject site has been used for residential uses since the land was originally subdivided.

4.2.3 SEPP (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) commenced on 1 March 2022, repealing and replacing four former SEPPs related to infrastructure, transport, education and childcare.

Of relevance to the proposed development is the following chapter:

Chapter 3 Educational Establishments and Child Care Facilities

Chapter 3 of the Transport and Infrastructure SEPP 2021 sets out a range of overarching controls and guidelines for centre-based child care facilities. Under the Education SEPP, a centre-based child care facility is defined as:

“centre-based child care facility means:

(a) a building or place used for the education and care of children that provides any one or more of the following:

- (i) long day care,
- (ii) occasional child care,
- (iii) out-of-school-hours care (including vacation care),
- (iv) preschool care, or

(b) an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)),

Note. An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) is provided.

but does not include:

(c) a building or place used for home-based child care or school-based child care, or

(d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or

(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or

(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or

(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility."

The proposed development meets the above definition. Part 3.3 of the Transport and Infrastructure SEPP sets out the provisions that apply to child care facilities. These requirements and the proposals performance against them are detailed in Annexure A of this Statement.

Child Care Planning Guidelines (September 2021)

The Transport and Infrastructure SEPP states that:

"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 Guideline, in relation to the proposed development."

Therefore, a consent authority must take into consideration this Guideline when assessing a development application (DA) for a centre based child care facility ('child care facility'). It also determines this Guideline will take precedence over a Development Control Plan (DCP), with some exceptions, where the two overlap in relation to a child care facility.

This Guideline informs state and local government, industry and the community about how good design can maximise the safety, health and overall care of young children. A compliance table is provided at Annexure B which demonstrates the proposals compliance with the relevant controls.

4.2.4 Bankstown Local Environmental Plan 2015

Bankstown Local Environmental Plan 2015 (BELP 2015) applies to the subject site. Under the LEP the subject site is located within the R2 Low Density Residential zone. *Centre-based child care facilities* are permissible in this zone. Accordingly, the proposed development is permissible with consent. The objectives of the R2 Zone are as follows:

- *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 characteristic in the low density residential environment."*



The proposal demonstrably meets the above objectives through the provision of a childcare centre which will provide a service to meet the day to day needs of residents in the immediate and wider locality. The proposal will provide a non-residential development that will not impact the amenity of the neighbouring properties and is compatible with the built form and landscaped character of the locality. The proposed two storey childcare centre is reflective of the streetscape character of Hector Street and provides a high quality design to ensure compatibility with the low density zone.

An assessment of the proposal is provided in Annexure C of this report and demonstrates that the proposal complies with all relevant LEP controls.

4.2.5 Bankstown DCP 2015

Where relevant, the SEPP (Transport and Infrastructure) 2021 repeals the controls of the Bankstown Development Control Plan 2015 (BDCP 2015). A response to the requirements of the BDCP 2015 is provided in Annexure D, where it is demonstrated that the proposed development is compliant with all DCP requirements.

4.2.6 Draft Canterbury Bankstown Local Environmental Plan 2020

Section 4.15(a)(ii) requires the consideration of any proposed instrument that is, or has been, the subject of public consultation under the Act and that has been notified to the consent authority.

Between March and May 2020, Council undertook the public exhibition of a planning proposal for a consolidated local environmental plan for the City of Canterbury Bankstown LGA. Council formally adopted the draft instrument following exhibition on 23 June 2020 and subsequently forwarded the instrument to the Department of Planning, Industry and Environment to finalise and make the new planning instrument.

Pursuant to the draft instrument, the development standards and clauses of BLEP 2015 that apply to the site are retained in the consolidated LEP.

The proposed development is consistent with the objectives and overall aims of the draft instrument.

4.3 IMPACTS ON NATURAL & BUILT ENVIRONMENT

4.3.1 Topography & Scenic Impacts

The proposal will require excavation to accommodate the basement parking area as accessed from Hector Street. The parking area will require excavation of a maximum depth of approximately 3.5m to 5.2m for the lift core. Due to the topography of the site, the excavation required for the basement will be predominantly hidden from the public domain and will not be overly visible from the public domain or adjoining properties. A basement parking area is a superior outcome for the capacity of the facility as opposed to the provision of parking at the ground level. The utilisation of a basement is considered to be the most efficient use of land. The basement access is not prominent in the street presentation and will be suitably screened by design features, materiality and landscaping.

It is noted that the excavation is adequately setback from all site boundaries to support screening vegetation to neighbouring properties.

With regards to scenic impacts, the proposal has been designed as a two storey development which is compatible with the bulk and scale of surrounding residential buildings. The basement is largely contained below the ground level and does not contribute to the overall bulk and scale of the building and ensures that building presents as two storeys from the public domain (in accordance with the BLEP 2015 Definitions). The building will be consistent with the built form character of the locality. Furthermore, the proposal integrates landscaping along the site boundaries to ensure the proposed excavation and built form is appropriately softened. The contemporary architectural approach, materiality and





landscaping ensures that the development will be compatible with the character of the surrounding properties and that the required excavation will not have an adverse impact on the scenic quality of the site and locality.

4.3.2 Micro-climate Impacts

The proposed development will have no significant impact on the micro-climate of the locality.

4.3.3 Water & Air Quality Impacts

The proposed development will not have any significant or unreasonable impacts on air or water quality in the locality. The completed project will be connected to the sewer and stormwater drainage system to Council's requirements.

4.3.4 Flora & Fauna Impacts

The proposed works will not result in any negative impacts on the quality of flora and fauna on the site. The proposal will retain all trees existing on the site with the exception of a small tree which will be suitably replaced with new tree plantings and landscaping.

The Landscape Plan also proposes to provide a number of new trees, shrubs and surfaces throughout the site to provide for a high quality outdoor play environment. The proposed vegetation will be well articulated and complement the character of the locality and soften the overall built form when viewed from the public domain. Furthermore, the proposal will also provide landscaping to all boundaries as far as practicable in order to provide an additional visual and acoustic buffer assisting in the protection of privacy for the neighbouring properties.

Accordingly, the flora of the subject site is considered to be improved as part of this application.

4.3.5 External Appearance & Design

The proposed development has been designed to ensure compatibility with the low density, residential character of the surrounding area. The proposed childcare centre has been designed with a bulk and scale which is compliant with the maximum building height and floor space ratio of the BLEP 2015 in order to ensure compatibility with the character of the area.

The proposed development has been designed as a contemporary two storey built form which has integrated a modern roof, articulated fenestration, materiality and landscaping to ensure the proposal reflects the character of the locality. The architectural features mentioned ensure compatibility with the character of the area, however, provide a sympathetic distinction between the proposed childcare centre use and neighbouring properties. The incorporation of the hipped roof form, articulated structure and window design with the proposed colour scheme reduces the perceived bulk of the building and ensures visual interest when viewed from Hector Street.

The proposal demonstrates integration within the current and emerging streetscape along Hector Street. The development will sit at a scale which is appropriate for the site and the context of the locality, considering the existing neighbourhood shops to the north east which reach three storeys in height, and the larger two storey dwellings and dual occupancies which are appearing within the locality. As such, the size of the development will not stand out or appear out of character for the area, and instead will be seamlessly integrated within the streetscape and locality. The design of the proposal also ensures the development is well integrated with the streetscape character, with the centre largely presenting a residential form and appearance, consistent with adjoining development.

The overall modulation of the façade through the roof form and fenestration elements ensures that the proposal addresses the streetscape whilst negating any adverse impacts created by bulk and scale. The provision of landscaping throughout the site, particularly within the front setback, softens the overall built form and is compatible with the character of the neighbouring properties and streetscape. Additionally, side and rear boundaries have also incorporated





fenestration, materiality and landscaping to ensure the visual outlook from the neighbouring properties is not compromised.

As such, it is considered that the proposed development will positively contribute to the visual character of the area.

4.3.6 Solar Access

Shadow diagrams of the proposed development have been prepared and are submitted with the development application. The proposal has been designed to reduce overshadowing to neighbouring properties as far as practicable.

In terms of overshadowing and solar access to the private open space and living areas of neighbouring dwellings, the DCP requires as follows:

"a) 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 additional overshadowing on the affected living areas of the dwelling.

(b) A minimum 50% of the required private open space for a dwelling that adjoins a development receives at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected private open space."

The submitted solar access diagrams indicate that the proposed shadows cast by the development in midwinter will not result in any shadowing impacts on the neighbouring property to the north.

The proposed development will result in additional overshadowing to the adjoining dwellings to the south before 10am during midwinter as shown on the solar access diagrams submitted with this application. Beyond 10am windows and external walls to the neighbouring dwellings to the south will receive direct uninterrupted solar access. As shown on the elevational shadow diagrams, windows to the south adjoining dwellings will receive solar access for the remainder of the day during the winter solstice.

In terms of solar access to the private open spaces of the dwellings to the south, the proposal will result in additional overshadowing, largely due to the proposed higher boundary fencing which is required to achieve acoustic and visual privacy. Despite this, the proposal will continue to meet the solar access requirements of the DCP as shown on the shadow diagrams, with more than 50% of the private open spaces to the south receiving at least 3 hours of direct solar access in midwinter.

As such, the proposal is considered to be acceptable with regards to overshadowing to neighbouring properties and solar access to the proposed development.

4.3.7 Views

There are no significant views of waterways or iconic buildings afforded from the site or from buildings in the immediate vicinity of the site. The proposal is of a scale and form reasonably expected at the site and will not result in any significant or unreasonable view loss impacts.

4.3.8 Aural & Visual Privacy

The proposed centre-based child care facility will provide 160 places for children aged 0 to 5 years old. The proposed hours of operation are Monday to Friday (excluding public holidays) from 7am to 6pm. A detailed PoM is submitted with this application outlining usage of indoor and outdoor play areas which will assist in the mitigation of privacy impacts to neighbouring properties.





With regards to aural privacy, an Acoustic Report prepared by *Day Design Pty Ltd* has been submitted with the DA. The report recommends a number of construction methods and the implementation of various elements which will minimise the acoustic impact to neighbouring properties. The Acoustic Report concludes the following:

“Calculations show that, provided the noise control recommendations made in Section 8.0 of this report are implemented, the intrusive road traffic noise levels will meet the noise level requirements of the NSW Department of Planning and Environment’s Child Care Planning Guideline and the Association of Australasian Acoustical Consultants’ Guideline for Child Care Centre Acoustic Assessment, and be considered acceptable.

Calculations also show that, provided the noise control recommendations made in Section 8.0 of this report are implemented, the level of noise emitted by the proposed Child Care Centre at 65 Victor Avenue, Picnic Point, NSW, will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultants’ Guideline for Child Care Centres Acoustic Assessment and the Environmental Protection Authority’s NSW Road Noise Policy, as detailed in Section 5.5 of this report, and is considered acceptable.”

Given the recommendations made within the Acoustic Report are to be implemented, and are anticipated to form part of the conditions of development consent, the proposal will achieve full compliance with acoustic requirements, and as such, the proposal is considered acceptable in terms of aural impacts on adjoining development and the amenity of future residents.

In regards to visual privacy, the proposed development has been designed in order to ensure overlooking onto neighbouring properties is mitigated where possible. At ground level, the proposal has oriented the majority of windows and openings into the site and to the rear outdoor play area in order to maximise visual privacy and the separation of windows from site boundaries. Any openings oriented to the side boundaries have high sills and no direct line of sight when coordinated with the boundary fencing. Similarly, the ground floor outdoor play area will also be buffered by vegetation and fencing to separate the outdoor play activities from the common boundaries to the neighbouring properties.

On the first floor, the proposal has minimised the windows oriented towards side boundaries, and where windows are proposed at the side elevations they are well setback from the side boundaries and are not considered to have any adverse impact on the privacy of adjoining dwellings. To the north, the site adjoins a right of carriageway which provides additional separation between the centre and the neighbouring dwellings to the north, and as such ample separation is provided to ensure adequate privacy is enjoyed by both sites.

Adequate separation is also provided to dwellings to the south of the site with the siting of the proposed driveway and setback of the first floor level ensuring privacy to the south adjoining dwellings is maintained.

The first floor outdoor play area has been designed with acoustic-treated 1.4m high balustrades to ensure that the privacy of the adjoining properties is maintained. Furthermore, the play area is provided with purpose-designed landscaped edges, and is largely screened from the adjoining sites due to the layout of the first floor level, with the indoor play areas enclosing a large portion of the space, screening it from adjoining dwellings.

To the rear boundary, the proposal has been setback more than the required 6m and is appropriate given the setback of development within the locality, and therefore adequate space is provided between both the ground and first floor play areas and the rear neighbours.

As such, it is considered that the proposed development is acceptable with regards to visual and acoustic impacts.



4.4 ECONOMIC & SOCIAL IMPACTS

The proposed development will result in an increase in available child care places in the locality which will have positive social impacts. The subject site enjoys good access to public transport routes and surrounding schools. The development will utilise existing infrastructure including electricity, sewer, water and telecommunication services.

Undertaking the demolition and construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects.

The child care facility will provide direct employment for 26 educators, administrative and management staff, support service staff and maintenance contractors.

Accordingly, it is considered that the proposed development is likely to have only positive social and economic impacts in the locality.

4.5 THE SUITABILITY OF THE SITE

4.5.1 Access to Services

The site is within an established area and is currently provided with electricity, telephone, water and sewerage services. The proposal includes the realignment of the sewer line within the site to accommodate for the basement parking area.

4.5.2 Parking and Access

The proposal has provided 42 parking spaces within the basement parking area accessed from Hector Street. Pedestrian access is provided directly from the street frontage and will be clearly identifiable from the street and safely physically separated from the vehicle crossing.

The facility will accommodate 160 children which elicits a requirement of 40 parking spaces per the BDCP 2015 requirements. The proposal has provided a total of 42 parking spaces for staff and visitors, 2 of which are allocated as accessible parking according to the relevant Australian Standards.

A Traffic Report prepared by *PDC Consultants* has been submitted with this application and concludes the following:

- *The traffic generation assessment confirms that the development will generate a net increase of 126 vehicle trips / hour during the weekday AM peak period and 110 vehicle trips / hour during the weekday PM peak periods.*
- *The traffic impacts of the increased volumes through the intersections were analysed using SIDRA. Results of traffic modelling confirms that the proposed development traffic will have a minimal impact on the performance of the Hector Street / Buist Street intersection, which will experience minor increases in DOS and AVD, with no change to the existing LOS. The increase in traffic generation resulting from the proposed development can therefore be accommodated by the existing road network, with no external improvements required. The traffic impacts of the proposed development are therefore considered acceptable.*
- *The proposed childcare centre is required to provide a minimum of 40 car parking spaces on-site under BDCP 2015. In response, the proposed childcare centre development provides a total of 42 car parking spaces, thereby satisfying the requirements of the BDCP 2015. The proposed car parking provision is therefore considered to be acceptable and ensures that all car parking demands of the proposed development to be accommodated on-site, with no reliance on the on-street parking spaces.*
- *The proposed access and internal parking arrangements comply with the relevant requirements of AS 2890.1 and AS 2890.6.*



It is therefore concluded that the proposed development is supportable on traffic planning grounds.

As such, it is considered that the proposed development is acceptable with regards to parking and access.

4.5.3 Hazards

The site is not in an area recognised by Council as being subject to landslip, flooding or bushfire or any other particular hazards. The proposed development is not likely to increase the likelihood of such hazards occurring and is considered appropriate in this instance.

4.6 THE PUBLIC INTEREST

The proposal is considered to be compatible with existing development in the area and will provide a balance between protecting residential amenity and the natural environment and providing additional childcare places in the locality.

The proposal complies with the development standards and objectives contained within the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP), BLEP 2015 and BDCP 2015 and all relevant guidelines and Regulations.

The proposal will provide 160 new child care places in a high quality centre-based childcare facility in an accessible location within close proximity to numerous schools and local commercial centres. The proposed works and use will have minimal adverse impacts on the natural and built environment as detailed in the PoM. Accordingly, the proposed development is considered to be in the public interest.





5. Conclusion

The impact of the proposed development has been assessed in accordance with the provisions of Section 4.15 of the EP&A Act, 1979 and found to be satisfactory. The proposal is permissible with consent and complies with the aims and objectives of the BLEP 2015.

The design and external appearance of the proposal is appropriate to the character of the locality and is not excessive with regards to bulk or scale. The proposal does not impact on views or privacy of neighbouring properties and will have no significant impact on the topography, micro-climate, air or water quality of the locality. Acoustic impacts will be minimised through implementation of mitigation measures as outlined in the Acoustic Report prepared by *Day Design*. Similarly, traffic, parking and pedestrian safety will not be detrimentally impacted given compliance with the BDCP 2015 requirements and compliance with relevant standards as outlined in the Traffic Report prepared by *PDC Consultants*.

The proposal provides a centre-based childcare facility for 160 children employing 26 educators and several managerial and support staff. The site is in close proximity to numerous schools and commercial uses in the locality. The proposed development will provide high quality indoor and outdoor play areas which will benefit the children utilising the centre without being unreasonable or incompatible with the amenity of surrounding residential properties.

The site is suitable for the proposed childcare facility and will generally have acceptable environmental, social and economic impacts on the immediate area. The proposal is compliant with the statutory and non-statutory planning controls, in regards to both numerical requirements and on a performance basis. The proposal is designed in a manner of sympathetic integration within the context and character of the locality. All aspects of the proposal have been carefully considered and the proposal has merit for approval. The proposal is unlikely to result in adverse impacts on the amenity of the locality and accordingly, the proposal is considered to be in the public interest and worthy of Council's support.



Annexure A

SEPP (Transport and Infrastructure) 2021 - Compliance Table



SEPP (Transport and Infrastructure) 2021 - Compliance Table

Clause / Control	Requirement	Proposal	Complies?
Part 3.3 Early education and care facilities – specific development controls			
3.22 Centre-based child care facility— concurrence of Regulatory Authority required for certain development	(1) This section applies to development for the purpose of a centre-based child care facility if:		
	(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or	The proposal complies with this requirement. See the Child Care Planning Guideline compliance table at Annexure B.	N/A
	(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.	As above.	N/A
	(2) The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.	Not applicable.	N/A
	(3) The consent authority must, within 7 days of receiving a development application for development to which this clause applies:	Not applicable.	N/A
	(a) forward a copy of the development application to the Regulatory Authority, and		
	(b) notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.		
	(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW).	Not applicable.	N/A

SEPP (Transport and Infrastructure) 2021 - Compliance Table

	<p>(5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subclause (3). Note. The effect of section 4.13 (11) of the Act is that if the Regulatory Authority fails to inform the consent authority of the decision concerning concurrence within the 28 day period, the consent authority may determine the development application without the concurrence of the Regulatory Authority and a development consent so granted is not voidable on that ground.</p> <p>(6) The consent authority must forward a copy of its determination of the development application to the Regulatory Authority within 7 days after making the determination.</p>	<p>Not applicable.</p> <p>Not applicable.</p>	<p>N/A</p> <p>N/A</p>
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 Guideline, in relation to the proposed development.	Refer to the Child Care Planning Guideline compliant table at Annexure B.	Yes
3.25 Centre-based child care facility—floor space ratio	<p>(1) Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.</p> <p>(2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.</p>	<p>The proposal provides a GFA of 936.85m² (0.395:1).</p> <p>Not applicable.</p>	<p>Yes</p> <p>N/A</p>

SEPP (Transport and Infrastructure) 2021 - Compliance Table

3.26 Centre-based child care facility—non-discretionary development standards	(1) The object of this section is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.	Noted.	-
	(2) The following are non-discretionary development standards for the purposes of section 4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:		
	(a) location—the development may be located at any distance from an existing or proposed early education and care facility,	Complies.	Yes
	(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	Complies. Refer to Child Care Planning Guideline at Annexure B.	Yes
	(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,		
	(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,	Complies.	Yes
	(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.	Complies.	Yes

SEPP (Transport and Infrastructure) 2021 - Compliance Table

	<p>(3) To remove doubt, this section does not prevent a consent authority from:</p> <p>(a) refusing a development application in relation to a matter not specified in subclause (2), or</p> <p>(b) granting development consent even though any standard specified in subclause (2) is not complied with.</p>	<p>Noted.</p> <p>Noted.</p>	<p>-</p> <p>-</p>
3.27 Centre-based child care facility—development control plans	<p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early education and care facilities,</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in:</p> <p>(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or</p> <p>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p> <p>(2) This section applies regardless of when the development control plan was made.</p>	<p>Noted.</p> <p>Noted.</p>	<p>-</p> <p>-</p>

ANNEXURE B

Child Care Planning Guideline – Compliance Table



Child Care Planning Guideline

Clause / Control	Requirement	Proposal	Complies?
Part 3 Matters for consideration			
3.1 Site selection and location	<p>C1 For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties the setbacks and siting of buildings within the residential context traffic and parking impacts of the proposal on residential amenity. <p>For proposed developments in commercial and industrial zones, consider:</p> <ul style="list-style-type: none"> potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions the potential impact of the facility on the viability of existing commercial or industrial uses. <p>For proposed developments in public or private recreation zones, consider:</p> <ul style="list-style-type: none"> the compatibility of the proposal with the operations and nature of the community or private recreational facilities if the existing premises is licensed for alcohol or gambling if the use requires permanent or casual occupation of the premises or site the availability of on-site parking compatibility of proposed hours of operation with surrounding uses, particularly residential uses the availability of appropriate and dedicated sanitation facilities for the development. 	<p>The site is located in the R2 zone.</p> <p>An Acoustic Report has been submitted with the DA. Privacy is addressed later in this table.</p> <p>The proposal is compliant with the setbacks per the BDCP requirements. A Traffic Report has been submitted with the DA.</p> <p>Not applicable.</p> <p>Not applicable.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>

Child Care Planning Guideline

	<p>For proposed developments on school, TAFE or university sites in Special Purpose zones, consider:</p> <ul style="list-style-type: none"> • the compatibility of the proposal with the operation of the institution and its users • the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling • proximity to sources of noise, such as places of entertainment or mechanical workshops • proximity to odours, particularly at agricultural institutions • previous uses of a premises such as scientific, medical or chemical laboratories, storage areas and the like. 	Not applicable.	N/A
	<p>C2 When selecting a site, ensure that:</p> <ul style="list-style-type: none"> • the location and surrounding uses are compatible with the proposed development or use • the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards • there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed • the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> - size of street frontage, lot configuration, dimensions and overall size 	<p>Acoustic and Traffic Reports have been submitted with the DA. The proposal has been designed to ensure minimal impacts to the privacy of surrounding neighbours. The first floor will operate according to the PoM and specific recommendations made by the Acoustic Report in order to minimise impacts to neighbours. Aural privacy is discussed further under Section 4.3.8 of this Statement.</p> <p>Not applicable.</p> <p>Not applicable. Subject site has been used for residential purposes.</p> <p>The site is suitable for the proposed child care centre and has been designed in accordance with the bulk and scale of the surrounding low density residential zone.</p> <p>The site has a frontage 33.58m with a site area which will accommodate the proposed 160 children comfortably and in accordance with the Childcare regulations. The proposed building is not considered excessive in bulk or scale.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

Child Care Planning Guideline

	<ul style="list-style-type: none"> - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use • there are suitable drop off and pick up areas, and off and on street parking • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	<p>The site shares boundaries with three residential properties. The proposal has been designed to minimise impacts on neighbours as far as practicable.</p> <p>The proposal is compatible with the surrounding locality and will not have an adverse environmental impact as discussed in this Statement.</p> <p>Not applicable.</p> <p>Parking is suitably provided within the basement according to Council requirements.</p> <p>The subject site is accessed via a suitable road which will be appropriate for vehicle entry and exit and pedestrian safety.</p> <p>Not applicable.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
	<p>C3 A child care facility should be located:</p> <ul style="list-style-type: none"> • 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 	<p>The site is as located within close proximity to numerous schools, including Chester Hill Public School, Immaculate Heart of Mary Catholic Primary School, Bass High School and Bass Hill Public School, as well as a number of reserves and other community facilities located throughout the area.</p> <p>The site is within 1.8km walking distance from Chester Hill Town Centre which contains a number of different commercial, retail and office premises.</p> <p>The subject site is located approximately 1.8km walking distance from Chester Hill Railway Station to the north west and Sefton Railway Station to the north east which both offer train and bus connectivity to surrounding suburbs in addition to various land uses. The site is located across the road from bus stops on Hector Street, within 100m walking</p>	<p>Yes</p>

Child Care Planning Guideline

	<ul style="list-style-type: none"> in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. <p>C4 A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> proximity to: <ul style="list-style-type: none"> 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 any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site. 	<p>distance, served by routes M91 (Hurstville to Parramatta via Padstow & Chester Hill) and 916(Chester Hill to Guildford).</p> <p>The proposal is within walking distance to a larger number of residential dwellings, primary schools and is also within proximity to bus stops and Chester Hill centre and railway station.</p> <p>The site is not located in proximity to any hazardous land uses or risks.</p>	Yes
3.2 Local character, streetscape and the public domain interface	<p>C5 The proposed development should:</p> <ul style="list-style-type: none"> 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 	<p>The proposal has been designed as a two storey building fronting the public domain and has utilised basement parking to ensure reduced visual impact. The proposal has integrated design features including contemporary roofing, brick and render and glazed openings in order to relate to the character of the area. Landscaping has also been integrated into the front setback to ensure compatibility with the neighbours.</p> <p>The proposed development is two storeys and complies with the maximum height which is compatible with the low density residential area. The proposal is also compliant with the required setbacks of the locality and FSR.</p> <p>The proposal has been designed within the LEP development standard and DCP controls. The built form is two storeys with a hipped roof form,</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Child Care Planning Guideline

	<ul style="list-style-type: none"> include design and architectural treatments that respond to and integrate with the existing streetscape use landscaping to positively contribute to the streetscape and neighbouring amenity 	<p>brick and rendered facade, and glazed windows. The proposal is designed to reflect the low density character of the area. The utilisation of basement parking reduces the visual impact of parking and has been appropriately articulated by landscaping.</p> <p>As above, the proposal is designed to reflect the low density character of the area. Refer to Section 4.3.5 of this Statement.</p> <p>The proposed development has incorporated landscaping which is compatible with the character of the area throughout the front, side and rear setbacks. The proposal will retain the street trees at the front boundary as is consistent with the locality. See submitted Landscape Plan.</p>	<p>Yes</p> <p>Yes</p>
	<ul style="list-style-type: none"> integrate car parking into the building and site landscaping design in residential areas. in R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence, except when good design solutions can be achieved. 	<p>The proposal includes basement parking within the building to minimise impacts onto the streetscape, surrounding neighbours and maximise landscaping.</p> <p>The proposed development contains an outdoor play area at the first floor level. The proposed first floor play area is considered acceptable in terms of visual and acoustic privacy impacts and is supported by the Acoustic Report submitted with the application.</p> <p>The design of the first floor level ensures the outdoor play space will not have any adverse impacts on adjoining dwellings. The play space is located centrally on the site, between the two indoor play areas at the first floor level, which provide screening between the play space and the adjoining sites. The outdoor play space at the first floor level is also well setback from the adjoining properties, and the acoustic barriers are proposed at an appropriate height to ensure they do not contribute any significant visual bulk that would impact the views of neighbouring sites.</p>	<p>Yes</p> <p>Yes</p>
	<p>C6 Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> fencing to ensure safety for children entering and leaving the facility 	<p>Fencing and landscaping within the frontage will clearly separate the centre from the public domain and ensures safety of children.</p>	<p>Yes</p>
	<ul style="list-style-type: none"> 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 	<p>The proposal provides windows facing Hector Street from the Ground and First Floor.</p>	<p>Yes</p>

Child Care Planning Guideline

	<ul style="list-style-type: none"> integrating existing and proposed landscaping with fencing. 	The proposal provides new landscaping which will ensure sightlines are maintained whilst providing a physical buffer between public and private.	Yes
	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 visitors and children by changes in materials, plant species and colours.	The proposal has one frontage and will provide a separate pedestrian and vehicular access point. From the basement, the proposal will provide lift access to the upper levels.	Yes
	<p>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:</p> <ul style="list-style-type: none"> 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. 	Not applicable.	N/A
	C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. 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.	N/A
	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.	Not applicable. Acoustic fencing is proposed to side and rear boundaries as per the Acoustic Report in addition to acoustic barriers to outdoor spaces on ground and first floor.	N/A
3.3 Building orientation, envelope and design	<p>C11 Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties placing play equipment away from common boundaries with residential properties locating outdoor play areas away from residential dwellings and other sensitive uses 	The proposed development has provided the internal play areas with larger openings facing into the site, and only smaller windows to side boundaries. The first floor outdoor play area will be provided with acoustically appropriate balustrades, is well setback from the side boundaries and is orientated to the outdoor ground area to ensure privacy is maintained. The ground floor outdoor play area is provided with landscaping and acoustic buffers to ensure that they will not impact the privacy of neighbours.	Yes

Child Care Planning Guideline

	<ul style="list-style-type: none"> • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill • ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>Internal play areas are provided with adequate solar access through windows proposed, however appropriate measures will be taken to ensure visual privacy. Outdoor play areas include covered and uncovered spaces to also ensure useability throughout the year.</p> <p>The proposal is considered acceptable with regards to overshadowing as discussed in Section 4.3.6 of this Statement.</p> <p>The proposed excavation to accommodate the basement has been designed to ensure a superior outcome in terms of an efficient building footprint and to minimise bulk, scale and site coverage as well as eliminate impacts from at grade parking. The proposed excavation will have a minimal impact on the streetscape of Hector Street and will retain amenity of the neighbouring residents.</p> <p>The proposed development has been designed to address the street frontage through pedestrian access, glazed openings, landscaping and overall building articulation and will complement the low density character of the locality.</p> <p>The proposed indoor and outdoor play areas on the first floor will be provided with operable openings and shading to ensure useability throughout the year.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</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>The proposed building is two storeys in height and compliant with the LEP control. This is consistent with the built scale of the locality.</p> <p>The proposed building is less than 9m and is a maximum of two storeys. The proposal has integrated a contemporary roof form and design measures to ensure the building will not be visually obtrusive.</p> <p>The proposal has been designed with minimum 1.5m setbacks to the side boundaries and a rear setback greater than 6m which is in accordance with the DCP requirements and setback pattern of the locality.</p> <p>Side setbacks will permit building maintenance.</p> <p>Front and rear setbacks are consistent with the residential dwellings in the locality.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Child Care Planning Guideline

	<p>C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>	Not applicable.	N/A
	<p>C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	The proposed setbacks are consistent with the BDCP requirements and have been designed to ensure compatibility with the surrounding built form and minimise impact to amenity of neighbouring properties.	Yes
	<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 accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	Pedestrian access to the facility is provided from Hector Street and is easily accessible from the public domain. This will not clash with the vehicular access provided along the southern side boundary.	Yes
	<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><i>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010</i></p>	The proposed centre is accessed from Hector Street and has been designed in accordance with Australian Standards through providing access to the proposed lift from all levels (including the basement) and the required accessible bathrooms.	Yes

Child Care Planning Guideline

	<i>set out the requirements for access to buildings for people with disabilities.</i>		
3.4 Landscaping	<p>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:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	The proposed development has been designed with landscaping located throughout the site as indicated in the submitted Landscape Plan prepared by <i>Ground Ink</i> . The subject site does not contain any significant vegetation or distinct landscaped character. The proposed development is considered to be an improvement over the existing landscaped character on the subject site.	Yes
	<p>C18 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade trees 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 • using low level landscaping to soften and screen parking areas. 	<p>The proposal is designed with basement parking.</p> <p>The proposal has been designed with basement parking in order to minimise impact to the streetscape character. The basement has been integrated into the overall design and landscaping is compatible with the low density character of the area.</p> <p>Landscaping is proposed throughout the site in order to soften the overall built form and proposed basement car parking.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>
3.5 Visual and acoustic privacy	C19 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	Not applicable.	N/A
	<p>C20 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 	From Hector Street, the proposal has been designed to ensure that opportunities for adverse overlooking from the public domain are minimised.	Yes

Child Care Planning Guideline

	<p>C21 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	<p>The proposal has been designed with internal areas predominantly looking into the rear open play areas to ensure overlooking to neighbouring properties is minimised. At ground level, windows to side boundaries will be obscured by boundary fencing and the proposed vegetation. On Level 1, the windows oriented to the side boundaries has been minimised as far as practicable to maximise privacy.</p> <p>With regards to the ground floor outdoor play area, this space is located at ground and appropriately screened by vegetation and boundary fencing.</p> <p>The proposed first floor outdoor play area is adequately setback from the adjoining properties to ensure visual privacy is maintained, as discussed in Section 4.3.8 of this Statement.</p>	Yes
	<p>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:</p> <ul style="list-style-type: none"> • 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 fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>An Acoustic Report prepared by <i>Day Design Pty Ltd</i> has been submitted with the DA.</p> <p>Acoustic barriers are proposed to the side and rear boundaries as recommended by the acoustic consultant.</p>	Yes
	<p>C23 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • 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. 	<p>An Acoustic Report prepared by <i>Day Design Pty Ltd</i> has been submitted with the DA.</p> <p>The Acoustic Report provides a number of recommendations which will ensure that acoustic privacy to neighbours will be maintained. The proposed facility will also run according to the submitted PoM to ensure that impacts to neighbours are minimised.</p>	Yes

Child Care Planning Guideline

3.6 Noise and air pollution	<p>C24 Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • 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 openings facing noise sources • using double or acoustic glazing, acoustic louvres 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. 	<p>An Acoustic Report has been submitted with the DA.</p> <p>Setbacks have been employed as required to the ground and first floor in order to minimise impacts. Acoustic barrier fencing and landscaping will also assist in creating physical separation. It is noted that there is no significant noise source.</p> <p>No significant noise sources are external to the site.</p> <p>Landscaping has been proposed to create acoustic buffers through the side and rear boundaries per the Landscape Plan.</p> <p>Internal play areas have been generally orientated towards the outdoor play area and street. As noted, there are no significant noise sources.</p> <p>Proposed development will incorporate acoustic measures as recommended in the Acoustic Report.</p> <p>As above.</p> <p>Refer to Acoustic Report.</p> <p>Cot room has been located internally away from outdoor play areas.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>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:</p> <ul style="list-style-type: none"> • on industrial zoned land • where the ANEF contour 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 	<p>An Acoustic Report has been submitted with the DA. It is noted that the site is not within any areas listed.</p>	<p>N/A</p>

Child Care Planning Guideline

	C26 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	Not applicable.	N/A
	<p>C27 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility 	Not applicable.	N/A
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 hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	The hours of operation of the centre are proposed to be 7am to 6pm from Monday to Friday all year round, excluding public holidays.	Yes
	C29 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	Not applicable.	N/A
3.8 Traffic, parking and pedestrian circulation	<p>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.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> • 1 space per 10 children 	<p>The BDCP 2015 parking rates apply and are discussed in Section 4.5.2 of this Statement.</p> <p>As above, BDCP 2015 parking rates apply.</p>	<p>Yes</p> <p>N/A</p>

Child Care Planning Guideline

	<ul style="list-style-type: none"> • 1 space per 2 staff. <p>Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children. <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> • the proposal is an adaptive re-use of a heritage item • the site is in a B8 Metropolitan Zone or other high density business or residential zone • the site is in proximity to high frequency and well-connected public transport • the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) • there is sufficient on street parking available at appropriate times within proximity of the site. 		
	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 vehicle movement or potential conflicts with trucks and large vehicles.	Not applicable.	N/A
	<p>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. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network. 	A Traffic Report prepared by <i>PDC Consultants</i> has been submitted with the DA.	Yes
	C33 Alternate vehicular access should be provided where child care facilities are on sites fronting:	Not applicable.	N/A

Child Care Planning Guideline

	<ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> • 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 wider locality in times of emergency.	Not applicable.	N/A
	<p>C35 The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility • defined pedestrian crossings included within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities • in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas • vehicles can enter and leave the site in a forward direction. 	<p>The proposed development provides separate pedestrian and basement access.</p> <p>A pedestrian walkway is provided.</p> <p>Separate pedestrian access is provided from Hector Street. Vehicle access to the basement is provided to the south of the site.</p> <p>The proposed pathway from Hector Street will provide space for two prams to pass each other.</p> <p>Delivery will be provided within the basement during times which parental pick-up and drop-off is lowest to ensure safety as per the PoM.</p> <p>Not applicable.</p> <p>Forward entry and exit is achievable. One-way traffic movement is provided in the basement.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
	<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, 	Not applicable.	N/A

Child Care Planning Guideline

	<p>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</p> <ul style="list-style-type: none"> • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 		
	<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 and 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 is provided in the basement and will only be accessible via the lift which is appropriately separated and protected from the play areas.</p> <p>The accessible visitor spaces provided within the basement parking area are located within close proximity to the lift.</p> <p>Provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4. Applying the National Regulations to development proposals			
4.1 Indoor space requirements	<p>Regulation 107 Education and Care Services National Regulations</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space. (160x3.25m² = 520m²)</p> <p>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> • passageway or thoroughfare (including door swings) used for circulation • toilet and hygiene facilities • nappy changing area or area for preparing bottles • area permanently set aside for the use or storage of cots • area permanently set aside for storage • area or room for staff or administration • kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen • on-site laundry 	<p>531.35m² of unencumbered floor space is provided.</p> <p>The requirement is met.</p> <p>Noted. Spaces have been calculated accordingly.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Child Care Planning Guideline

	<ul style="list-style-type: none"> • other space that is not suitable for children. <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.</p> <p>When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated.</p> <p>Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.</p> <p>It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> • a minimum of 0.3m³ per child of external storage space • a minimum of 0.2m³ per child of internal storage space. 	<p>Indoor spaces are secure, highly visible and can be safely supervised.</p> <p>Noted.</p> <p>Noted.</p> <p>Not applicable.</p> <p>Storage provided exceeds the minimum requirements.</p>	<p>Yes</p> <p>-</p> <p>-</p> <p>N/A</p> <p>Yes</p>
4.2 Laundry and hygiene facilities	<p>Regulation 106 Education and Care Services National Regulations</p> <p>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. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.</p> <p>Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.</p>	<p>A laundry is provided at the ground floor level. Nappy change facilities are provided within the infant room at the ground floor level.</p>	<p>Yes</p>
4.3 Toilet and hygiene facilities	<p>Regulation 109 Education and Care Services National Regulations</p>	<p>Age-appropriate toilet facilities are provided.</p>	<p>Yes</p>

Child Care Planning Guideline

	<p>A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated 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.</p> <p>Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p>		
4.4 Ventilation and natural light	<p>Regulation 110 Education and Care Services National Regulations</p> <p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p> <p>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.</p>	The proposal is well-ventilated, has appropriate windows to outdoor areas and can be maintained at a safe temperature.	Yes
4.5 Administrative space	<p>Regulation 111 Education and Care Services National Regulations</p> <p>A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	Reception, managers office and staff rooms are provided. Private conversations may take place within the office.	Yes
4.6 Nappy change facilities	<p>Regulation 112 Education and Care Services National Regulations</p> <p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p>	Nappy change facilities are provided within the appropriate play rooms.	Yes

Child Care Planning Guideline

4.7 Premises designed to facilitate supervision	<p>Regulation 115 Education and Care Services National Regulations</p> <p>A 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 regard to the need to maintain their rights and dignity.</p> <p>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p>	The design ensures adequate supervision of children.	Yes
4.8 Emergency and evacuation procedures	<p>Regulations 97 and 168 Education and Care Services National Regulations</p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • 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. 	Emergency and evacuation procedures will be provided prior to the issuing of an occupation certificate.	Yes
4.9 Outdoor space requirements	<p>Regulation 108 Education and Care Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space. (160x7m² = 1120m²)</p> <p>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered outdoor space excludes any of the following:</p>	<p>1144.34m² of unencumbered outdoor play area is provided.</p> <p>Not applicable.</p> <p>Noted. Spaces have been calculated accordingly.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

Child Care Planning Guideline

	<ul style="list-style-type: none"> • pathway or thoroughfare, except where used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children. <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p>	<p>Noted.</p> <p>There is no swimming pool proposed on site.</p> <p>Not applicable.</p>	<p>-</p> <p>Yes</p> <p>N/A</p>
4.10 Natural environment	<p>Regulation 113 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p>	<p>Outdoor play areas incorporate elements of the natural environment. Refer to the Landscape Plan. An extensive variety of outdoor play and educational experiences have been integrated into the design including natural environment features.</p>	<p>Yes</p>
4.11 Shade	<p>Regulation 114 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p>Adequate shading is provided. Further details are shown on the landscape plan.</p>	<p>Yes</p>
4.12 Fencing	<p>Regulation 104 Education and Care Services National Regulations</p>	<p>Outdoor spaces will be appropriately fenced.</p>	<p>Yes</p>

Child Care Planning Guideline

	<p>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.</p> <p>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.</p> <p>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.</p>		
4.13 Soil assessment	<p>Regulation 25 Education and Care Services National Regulations</p> <p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	See response to SEPP (Resilience and Hazards) 2021.	Yes

ANNEXURE C

Bankstown Local Environmental Plan 2015 – Compliance Table



BANKSTOWN LEP 2015 COMPLIANCE TABLE

Clause / Control	Requirement	Proposal	Complies?
2.3 Zone Objectives & Land Use Table	<p>Zone R2 Low Density Residential</p> <p>The specific objectives of the Zone are stated as follows:</p> <ul style="list-style-type: none"> <i>To provide for the housing needs of the community within a low density residential environment.</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <i>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.</i> <i>To allow for the development of low density housing that has regard to local amenity.</i> <i>To require landscape as a key characteristic in the low density residential environment.</i> 	<p>The proposed development is permissible with consent in the R2 Zone and is consistent with its objectives.</p> <p>The proposed centre based childcare facility will contain a total of 160 children and will provide a service to meet the needs of the community and create employment generation. The development will reflect the built form and landscaped character of the locality and will not generate any unreasonable impacts to the amenity of the neighbouring properties as discussed in this Statement.</p>	Yes
4.1B Minimum lot sizes and special provisions for certain dwellings	<p>(2) Despite any other provision of this Plan, development consent must not be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone unless—</p> <p>(a) the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table, and</p> <p>(b) the width of the lot at the front building line is equal to or greater than the width specified for that purpose and shown opposite in Column 4 of the table.</p> <p>Centre-based child care facilities – R2 Low Density Residential – Site Area: N/A – Site width: 20m</p>	<p>The SEPP prevails over requirements to do with site area and dimensions (Clause 3.26).</p>	N/A
4.3 Height of Buildings	<p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>Maximum Building Height – 9m.</p>	<p>The proposed development has a maximum building height of 8.3m.</p>	Yes

BANKSTOWN LEP 2015 COMPLIANCE TABLE

4.4 Floor Space Ratio	<p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. Maximum FSR is 0.5:1.</p> <p>(2A) Despite subclause (2), the maximum floor space ratio for non-residential development on land in Zone R2 Low Density Residential is 0.4:1.</p>	<p>Not applicable. Refer to Clause (2A) below.</p> <p>The proposed development has a total gross floor area of 936.85m² and FSR of 0.395:1.</p>	<p>N/A</p> <p>Yes</p>
6.2 Earthworks	<p>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>The proposed development has been designed to ensure that the excavation will have a limited impact on the topography of site and neighbouring properties and will not have a visual impact when viewed from the public domain.</p> <p>The proposed excavation will not have a detrimental effect on drainage patterns with finished ground levels matching closely to existing ground levels throughout the site.</p> <p>The proposal is compatible with the zoning and will ensure future use will not have an impact on neighbours.</p> <p>Noted.</p> <p>The proposed excavation will be done to ensure stability of the subject site and neighbouring properties.</p> <p>Excavated material will be managed in accordance with the waste management plan.</p> <p>Not anticipated given the land has been previously disturbed.</p> <p>The site is not in proximity to water catchments or environmentally sensitive land.</p> <p>Council conditions to be followed during construction phase.</p>	<p>Yes</p>
6.6 Development in areas subject to aircraft noise	<p>(4) Development consent must not be granted to development for the purposes of a dual occupancy, multi dwelling housing, attached dwelling, boarding house or centre-based child care facility on land in the vicinity of the Bankstown Airport where the ANEF contour exceeds 25.</p>	<p>The subject site is not affected by Bankstown Airport ANEF Contours.</p>	<p>Yes</p>

BANKSTOWN LEP 2015 COMPLIANCE TABLE

6.8 Special provisions applying to centre-based child care facilities	Despite any other provision of this Plan, development consent must not be granted for the purpose of a centre-based child care facility on land if the vehicular access to that land is from— (a) a classified road, or (b) a cul-de-sac road or a road where the carriageway between kerbs is less than 10 metres.	The proposed development is not located on a classified road or a cul-de-sac. The carriageway width of Hector Street is greater than 10m between kerbs.	Yes Yes
---	---	--	----------------

ANNEXURE D

Bankstown Development Control Plan 2015 – Compliance Table



Bankstown DCP 2015 Compliance Table

Clause / Control	Requirement	Proposal	Complies?
PART B5 – Parking			
2. Off Street Parking	2.1 Development must calculate the amount of parking required using the schedule of off-street parking requirements. Child care centres – 1 space per 4 children and 2 additional car spaces for the exclusive use of any associated dwelling	The proposed 160 children facility requires 40 parking spaces to be provided. The proposed development will provide a total of 42 parking spaces within the basement parking area.	Yes
	2.2 Development not included in the schedule of car parking standards must submit a parking study for Council's consideration. A qualified traffic consultant must prepare the parking study.	Not applicable.	N/A
	2.3 Car parking and driveway access in flood liable land in the City of Bankstown must be in accordance with Part B12–Flood Risk Management of this DCP.	Not applicable.	N/A
	2.7 Development should provide special parking spaces for people with disabilities at the rate of at least one car space per 100 car spaces provided. Council may require a higher proportion of car spaces for land uses which generate high volumes of sick and infirm visitors such as in medical centres and hospitals.	The proposed development provides two accessible spaces.	Yes
	2.8 In calculating the total number of car parking spaces required for a development, these must be: (a) rounded down if the fraction of the total calculation is less than half (0.5) a space; or (b) rounded up if the fraction of the total calculation is equal or more than half (0.5) a space; and © must include a room that is capable of being converted to a bedroom.	Noted.	-
3. Off Street Parking Design and Layouts	<i>Parking location</i> 3.1 Refer to Part B1 of this DCP for information on the location of garages and carports in the residential areas.	Noted.	-

Bankstown DCP 2015 Compliance Table

	<p>3.2 Parking areas for people with disabilities should be close to an entrance to development. Access from the parking area to the development should be by ramps or lifts where there are separate levels.</p> <p><i>Minimum parking bay dimensions</i></p> <p>3.3 The following minimum dimensions are generally required for each parking space – 5.5m x 2.5m</p> <p>3.4 Parking bay dimensions for people with disabilities and residential garages are as follows: 6m x 3.2m</p> <p>3.11 Council prefers 90° parking which provides the most efficient use of space with two-way vehicle movement. Where space is limited, 60°, 45° or 30° parking may be used instead. With these arrangements, appropriate signs must be used for drivers not to enter aisles the wrong way and reversing into parking spaces.</p>	<p>The proposed accessible parking spaces are located within close proximity the lift access to the upper levels.</p> <p>The proposed parking spaces are 5.4m long which is supported by the Traffic Report submitted with this application.</p> <p>The accessible parking spaces have dimensions of 5.4m x 2.4m with an adjoining shared space. This is supported by the Traffic Report submitted with this application.</p> <p>90° parking provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4. Off Street Parking Access and Circulation	<p><i>Access driveway width and design</i></p> <p>4.1 The location of driveways to properties should allow the shortest, most direct access over the nature strip from the road.</p> <p>4.2 The appropriate driveway width is dependent on the type of parking facility, whether entry and exit points are combined or separate, the frontage road type and the number of parking spaces served by the access facility.</p> <p>4.3 Driveway widths for existing dwellings and extensions to the existing properties are assessed on their merits.</p> <p>4.5 Driveway widths will need to be increased adjacent to parking bays according to AS 2890.1 to provide adequate turning circles.</p> <p><i>Circulation roadway and ramp gradients</i></p> <p>4.8 Limiting requirements for grades on circulation roadways and ramps shall be as follows – 1:5 for ramp longer than 20m, 1:4 for ramps less than 20m.</p>	<p>The proposed basement ramp is provided along the southern (side) boundary and will provide direct access from the street.</p> <p>The proposed driveway width is 6m which permits simultaneous forward entry and exit for two vehicles.</p> <p>Not applicable.</p> <p>Noted.</p> <p>Proposed driveway is in accordance with the Australian Standards.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>-</p> <p>Yes</p>

Bankstown DCP 2015 Compliance Table

5. Other considerations	5.1 Clear headroom dimension is necessary to make sure that vehicles are clear of mechanical or service obstructions such as fire sprinklers, lighting fixtures and signs. Cars/vans 2.4m / Disabled parking 2.3m / SRV 3.6m	The proposed headroom for the basement level is 2.935m. This is supported by the Traffic Report submitted with this application.	Yes
	<i>Safety and security</i> 5.6 Car parking safety can be enhanced with good visibility, security, lighting and good pedestrian and car parking layouts.	The proposed driveway and parking area has been designed to ensure visibility from the streetscape and the subject site. The development will incorporate the relevant security and lighting measures to ensure safety. Given the limited size of the development, pedestrian and vehicular safety is compliant with AS2890.1.	Yes
	5.7 Sloping ramps from car parks, garages and other communal areas are to have at least one full car length of level driveway before they intersect pavements and carriageways	Noted.	-
	<i>Sight distance requirement</i> 5.8 For all development, adequate sight distance must be provided for vehicles exiting driveways. Clear sight lines are to be provided at the street boundary to ensure adequate visibility between vehicles on the driveway and pedestrians on the footway and vehicles on the roadway. Refer to Australian Standard 2890.1 for minimum sight distance requirements.	The proposed vehicular entry and exit will provide clear sightlines in accordance with AS 2890.1 as indicated on the submitted Traffic Report.	Yes
	<i>Pedestrian access</i> 5.9 Parking areas should be designed so that through-traffic is excluded, and pedestrian entrances and exits are separate from vehicular entrances and exits.	Separate pedestrian access is provided from the streetscape. Within the basement parking layout, the pedestrian lift is located in a safe position and separate from vehicle entry and exit, and a pedestrian walkway is provided.	Yes
	5.10 Lifts and stair lobbies should be prominently marked to help users find them and to increase personal security.	Lift and stairs to be well marked.	Yes
	5.11 In split-level/ multi-level car parks, a stairway should be located at the split-level, to provide pedestrian access between these levels and eliminate pedestrians having to use vehicular ramps.	Not applicable.	N/A

Bankstown DCP 2015 Compliance Table

	<p><i>Sign posting and line marking</i></p> <p>5.12 All car parking spaces should be clearly line marked consistently as illustrated in Australian Standard 2890.1.</p> <p>5.13 Where customer or visitor parking is provided, signposting should be provided to indicate the location of these spaces.</p> <p>5.14 Where a one-way circulation pattern is adopted, direction of flow should be indicated by signposting and arrow markings on the surface of aisles and driveways. Segregated entries and exits are to be signposted to that effect.</p> <p>5.15 In large car parks, means of egress should be indicated by directional signs which need to be shown on application plans.</p> <p>5.16 Parking for people with disabilities should be clearly marked with signs and stencilled disabled symbol on the surface. The space should be painted blue.</p> <p><i>Bicycle parking</i></p> <p>5.18 Council may require development to provide appropriate bicycle parking facilities either on-site or close to the development as identified in Australian Standard 2890.3–Bicycle Parking Facilities.</p>	<p>Proposed parking in accordance with AS 2890.1.</p> <p>To be clearly identified.</p> <p>Two way circulation provided.</p> <p>Not applicable.</p> <p>Accessible parking spaces to be clearly defined as required.</p> <p>Bicycle parking is not proposed.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>N/A</p>
PART B6 – Child Care Centres			
2. Location and Traffic Management	<p><i>Traffic management (environmental capacity)</i></p> <p>2.1 Development for the purpose of child care centres must not result in a street in the vicinity of the development site to exceed the environmental capacity maximum. If the environmental capacity maximum is already exceeded, the development must maintain the existing level of absolute delay of that street. Traffic management (level of service)</p> <p>2.2 Development for the purpose of child care centres must not result in a street intersection in the vicinity of the development site to have a level of service below Level B. If the existing level of service is below Level B, the</p>	<p>Traffic generation is within the safe operating capacity of Hector Street. A Traffic Report prepared by <i>PDC Consultants</i> is submitted with this application.</p> <p>The subject site is not within proximity to an intersection and will not impact traffic in the locality per the Traffic Report.</p>	<p>Yes</p> <p>Yes</p>

Bankstown DCP 2015 Compliance Table

	<p>development must maintain the existing level of absolute delay of that street intersection.</p> <p><i>Traffic impact studies</i></p> <p>2.3 For the purpose of clauses 2.1 and 2.2, development applications must submit a Traffic Impact Study based on the RTA Guide to Traffic Generating Developments to determine: Existing conditions</p> <p>(a) Existing volumes and environmental capacity of streets adjacent to the development.</p> <p>(b) Existing volumes and level of service of street intersections in the vicinity of the development.</p> <p>© Existing public transport services in the vicinity of the development.</p> <p>(d) Existing clearway and peak period parking restrictions that apply to streets adjacent to the development.</p> <p>© Existing proposals for improvements to the adjacent road system. Proposed conditions</p> <p>(f) The proposed amount of traffic generation and trip distribution of the development.</p> <p>(g) The proposed parking provision of the development.</p> <p>(h) The proposed safety and efficiency of access between the development and the adjacent road network.</p> <p>(i) The proposed safety and efficiency of the set-down and pick-up areas, service areas and car parks.</p> <p>(j) The impact of the proposed generated traffic on the environmental capacity of streets adjacent to the development.</p> <p>(k) The impact of the proposed generated traffic on the level of service of street intersections in the vicinity of the development.</p> <p>(l) The impact of the proposed generated traffic on road safety and traffic noise.</p> <p>(m) The impact of the proposed generated traffic on other major traffic generating development in close proximity.</p> <p>(n) Whether the development must take certain measures to reduce the impact of the proposed generated traffic to an acceptable level. Measures may include a reduction in child care places or the installation of public traffic management devices at the applicant's expense.</p>	<p>Traffic Report prepared by <i>PDC Consultants</i> submitted with this application.</p>	<p>Yes</p>
--	---	---	------------

Bankstown DCP 2015 Compliance Table

3. Site Layout and Building Envelopes	<p><i>Allotment size</i></p> <p>3.1 The minimum allotment size for child care centres and detached dwelling houses or dual occupancies on the same allotment of land within Zone R2 Low Density Residential is at least 500m² for the exclusive use of the dwelling house or dual occupancy.</p>	N/A – the SEPP (Clause 3.26, 3.27) prevails. Notwithstanding – the subject site contains a site area of 2367m ² .	N/A
	<p><i>Capacity</i></p> <p>3.2 The consent authority may grant consent to development for the purpose of a child care centre on an allotment of land within Zone R2 Low Density Residential provided:</p> <p>(a) the maximum number of licensed places is 40 children, and</p> <p>(b) the allotment is at least 20 metres wide at the front building line if the number of licensed places in the child care centre is up to 29 children, or</p> <p>© the allotment is at least 25 metres at the front building line if the number of licensed places in the child care centre is up to 40 children.</p>	N/A – the SEPP (Clause 3.27) prevails	N/A
	<p><i>Storey limit</i></p> <p>3.3 The storey limit for child care centres is 2 storeys.</p>	The proposed development is limited to 2 storeys.	Yes
	<p>3.4 Child care centres in the business zones must solely locate on the first storey (i.e. the ground floor) or the second storey of a building to ensure the safe evacuation of children during emergencies.</p>	Not applicable.	N/A
	<p>3.5 Facilities or activities for children aged 0–2 years must solely locate on the first storey (i.e. the ground floor) of a building to ensure the safe evacuation of children during emergencies.</p>	Facilities and playrooms for 0-2 year olds is provided solely at the ground floor.	Yes
	<p><i>Setbacks</i></p> <p>3.6 The minimum setback for child care centres in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential is:</p> <p>(a) 5.5 metres to the primary road frontage;</p> <p>(b) 3 metres to the secondary road frontage; and</p> <p>(c) 1.5 metres to the side boundary.</p>	<p>The front setback is greater than 5.5m.</p> <p>Not applicable.</p> <p>The proposal has a minimum side setback of 1.5m.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

Bankstown DCP 2015 Compliance Table

	3.7 Council will determine the minimum setbacks for child care centres in zones other than Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential based on the setbacks of the street and the surrounding buildings.	Not applicable.	N/A
	3.8 Council may require development that adjoins land in the business zones, industrial zones or rail corridors to have greater setbacks to protect the amenity of children and staff from air and noise pollutants.	Not applicable.	N/A
	3.9 Child care centres must ensure the siting of outdoor areas (such as a balcony or deck) and outdoor play areas avoids:	The proposed first floor outdoor play area has been designed in order to minimise visual and acoustic privacy impacts and orientated views towards the ground floor open play area.	Yes
	(c) A living area or bedroom of an adjoining dwelling.	A balustrade is provided to the first floor play area to protect the privacy of living areas and bedrooms of adjoining dwellings. To the rear, bedrooms and living areas of dwellings are significantly setback from the play area.	Yes
	(b) A road and driveway that may have noise or a possible pollution impact on children.	Not applicable.	N/A
	(c) Any other potential noise or pollution source.	Not applicable.	N/A
	(d) Any potential traffic hazard locations where an out-of-control vehicle may injure children.	Not applicable.	N/A
	<i>Deep soil zones</i>		
	3.10 Child care centres in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential must provide:		
	(a) a minimum 2 metre wide deep soil zone along the primary road frontage and secondary road frontage of an allotment; and	The proposal provides a 2m deep soil setback to the front boundary.	Yes
	(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. The deep soil zone must be landscaped by way of deep soil plantings and canopy trees.	The proposal provides a 1.5m deep soil zone to the side and rear boundaries.	Yes
	3.11 Council will determine the minimum width for deep soil zones for child care centres in zones other than Zone R2 Low Density Residential, Zone R3	Not applicable.	N/A

Bankstown DCP 2015 Compliance Table

	<p>Medium Density Residential and Zone R4 High Density Residential based on the setbacks of the street and the surrounding buildings.</p> <p><i>Access</i> 3.12 Child care centres must be easily accessible to people with disabilities and must comply with the Building Code of Australia and Australian Standard 1428 Parts 1 to 4—Design for Access and Mobility.</p> <p><i>Car parks</i> 3.13 The siting and design of car parks and driveways must ensure the safe movements of people and vehicles to and from child care centres.</p>	<p>Proposed development is designed in accordance with the Australian Standards and BCA.</p> <p>The driveway provides separate vehicle entry along the southern (side) boundary with pedestrian entry provided through the centre of the site. Given the limited size of the development, the proposed basement arrangement is considered to be acceptable.</p>	<p>Yes</p> <p>Yes</p>
4. Energy Efficiency and Urban Design	<p><i>Energy efficiency</i> 4.1 Child care centres must make efficient use of natural resources and optimise amenity in the design, construction and occupation of buildings and facilities, such as:</p> <p>(a) good orientation and natural light to rooms and play areas;</p> <p>(b) limiting building depth to provide natural cross-ventilation and natural light;</p> <p>(c) minimal use of mechanical ventilation;</p> <p>(d) use of sun shading devices;</p> <p>(e) preventing UV factor to open areas; and</p> <p>(f) ensuring the development adapts to the existing topography by avoiding excessive cut and fill.</p> <p><i>Access to sunlight</i> 4.2 The design of buildings should achieve a northern orientation to maximise solar access.</p> <p>4.3 The design of buildings must ensure that:</p>	<p>The proposed childcare centre provides a number of openings to facilitate solar access. Outdoor play areas include covered and uncovered areas.</p> <p>The proposed building depth allows for adequate ventilation and solar access.</p> <p>Mechanical ventilation minimised as far as practicable.</p> <p>Shade sails have been provided to the ground and first floor play areas to provide equal solar access and shading.</p> <p>Shading provided as required.</p> <p>The proposed development has provided a basement parking area which sits well within the site and is not considered result in excessive cut or fill.</p> <p>The proposal has provided adequate solar access whilst minimising privacy impacts.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Bankstown DCP 2015 Compliance Table

	<p>(a) 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 additional overshadowing on the affected living areas of the dwelling.</p> <p>(b) A minimum 50% of the required private open space for a dwelling that adjoins a development receives at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected private open space.</p> <p><i>Building design</i></p> <p>4.4 Child care centres with 29 children or less in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential may locate in:</p> <p>(a) an existing dwelling house; or</p> <p>(b) a purpose-built centre provided the external building design gives the appearance of a dwelling house.</p> <p>4.5 Child care centres with more than 29 children in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential must locate in a purpose-built centre. The external building design must give the appearance of a dwelling house.</p> <p>4.6 Development for the purpose of new buildings must incorporate architectural elements to articulate the building form and avoid large expanses of blank walls. Architectural elements may include but not be limited to:</p> <p>(a) Defining the base, middle or top of a building using different materials and colours.</p> <p>(b) Incorporating horizontal or vertical elements such as recessed walls or banding.</p> <p>(c) Incorporating recessed or partially recessed balconies within the building wall.</p>	<p>Refer to Section 4.3.6 of this Statement.</p> <p>As above.</p> <p>Not applicable.</p> <p>Purpose built childcare centre proposed with external appearance compatible with a dwelling house as discussed in this Statement.</p> <p>The proposed building has incorporated a number of elements including glazed openings, a contemporary roof design, horizontal and vertical elements and landscaping to ensure visual interest is provided.</p> <p>The proposal is highly articulated.</p> <p>The proposal provides horizontal and vertical articulation through materiality, glazing and the roof form.</p> <p>The front building façade reflects the front boundary pattern and has been designed with glazing and a contemporary roof to</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
--	--	---	---

Bankstown DCP 2015 Compliance Table

	<p>(d) Defining the window openings, fenestration, balustrade design, building entrances, and doors.</p> <p>(c) Using sun shading devices.</p> <p>(f) Any other architectural feature to the satisfaction of Council.</p> <p>4.7 Development for the purpose of new buildings must provide active frontages to the streets and must orientate buildings and pedestrian entrances to the streets.</p> <p>4.8 Development for the purpose of new buildings on corner allotments must:</p> <p>(a) present each street © as a main street ©;</p> <p>(b) incorporate architectural features to emphasise the corner address; and</p> <p>(c) ensure the corner element is in proportion with the scale and articulation of the development.</p> <p><i>Roof design</i></p> <p>4.9 Development for the purpose of new buildings must have roof designs that:</p> <p>(a) unify separate or attached buildings with a contemporary architectural appearance; and</p> <p>(b) combine good quality materials and finishes.</p> <p><i>Front fences</i></p> <p>4.10 The maximum fence height for front fences is 1.8 metres.</p> <p>4.11 The external appearance of front fences along the front boundary of allotments must ensure:</p> <p>(a) the section of the front fence that comprises solid construction (not including pillars) does not exceed a fence height of 1 metre above ground level (existing); and</p> <p>(b) the remaining height of the front fence comprises open style construction such as spaced timber pickets or wrought iron that enhance and unify the building design.</p>	<p>provide a visually interesting built form and reduce perceived bulk and scale. Further, landscaping also softens the built form from the public domain and neighbouring properties.</p> <p>As detailed, the design has articulated the window design to the front boundary and building entry in conjunction with the proposed landscaped works.</p> <p>Shading devices proposed to the rear outdoor play areas.</p> <p>As described in Section 4.3.5 of this Statement.</p> <p>The proposal provides an active street frontage and orientated pedestrian access towards Hector Street.</p> <p>Not applicable.</p> <p>The proposed contemporary roof design provides a visual interest that reduces visual bulk whilst matching the character of the low density area through a high quality architectural design.</p> <p>Noted.</p> <p>A front fence is proposed which does not exceed 1.8m.</p> <p>Complies. The retaining wall does not exceed 900mm in height.</p> <p>Not applicable.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
--	--	--	---

Bankstown DCP 2015 Compliance Table

	<p>4.12 Council does not allow the following types of front fences: (a) chain wire, metal sheeting, brushwood, and electric fences; and (b) noise attenuation walls.</p>	Noted.	-
5. Acoustic Privacy and Management	<p><i>Acoustic privacy</i></p> <p>5.2 The location and design of child care centres must consider the projection of noise from various activities to avoid any adverse impacts on the residential amenity of adjoining land. For the purpose of this clause, Council requires development applications to submit an Acoustic Report prepared by a suitably qualified acoustic consultant to determine:</p> <p>(a) existing noise levels at the identified sensitive receiver locations; (b) likely noise levels to emanate from the child care centre at the identified sensitive receiver locations; (c) whether the development must apply measures to ensure the noise of children playing in outdoor areas does not exceed 10Db(A) above the background noise level; (d) whether the location and setbacks of the development are sufficient to protect the acoustic privacy of adjacent dwellings; (e) whether the location of outdoor areas should avoid living areas and bedrooms of adjacent dwellings; and (f) whether the development must install certain noise attenuation measures to protect the acoustic privacy of adjacent dwellings. The Acoustic Report must measure the noise readings over a 15 minute period and must provide details of all modelling assumptions including source noise data, noise monitoring positions, receiver heights and locations, prevailing meteorological conditions during the monitoring, confirmation of the methodology adopted along with a copy of the model input and output data.</p> <p>5.3 The maximum height for noise attenuation walls and fences along the boundary of an allotment is 2 metres.</p>	<p>This application is submitted with an Acoustic Report prepared by <i>Day Design Pty Ltd</i>.</p>	Yes
	<p><i>Hours of operation</i></p> <p>5.4 Council may limit the hours of operation of child care centres to 7.00am to 6.00pm Monday to Friday.</p> <p><i>Management plans</i></p>	<p>The proposed childcare is to operate from 7am to 6pm Monday to Friday (excluding public holidays).</p>	Yes

Bankstown DCP 2015 Compliance Table

	<p>5.5 Council must require the operator of a child care centre in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential to organise and chair a Neighbourhood Liaison Committee. The purpose of the Committee is for the operator and neighbours to resolve any issues, such as traffic and noise, arising from the operation of the child care centre. The operation of the Committee must ensure:</p> <p>(a) The membership of the Neighbourhood Liaison Committee must include residents who live next to and opposite the child care centre.</p> <p>(b) The Neighbourhood Liaison Committee must meet at least four times during the first 24 months of the child care centre operating.</p> <p>(c) The operator of the child care centre must forward the meeting minutes to Committee members.</p> <p>(d) The operator of the child care centre may forward the meeting minutes to Council for information purposes.</p> <p>(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.</p>	Noted. Refer to Plan of Management.	Yes
6. Landscaping	<p><i>Outdoor play areas</i></p> <p>6.1 The location of outdoor play areas must allow supervision from within the centre.</p> <p>6.2 Outdoor play areas must:</p> <p>(a) locate on a land gradient that is predominantly flat;</p> <p>(b) provide access to shade, particularly between 9.30am and 3.00pm during summer months. This may be in the form of a shade structure or natural shade from trees; and</p> <p>(c) consider the surface treatment in accordance with best practice guidelines in early childhood environments.</p> <p><i>Private open space</i></p>	<p>Complies.</p> <p>The proposed ground and first floor play areas are located on flat areas.</p> <p>Adequate shaded areas are provided from 9.30am to 3pm during the summer months on the ground and first floor through shade sails</p> <p>. Noted.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>-</p>

Bankstown DCP 2015 Compliance Table

6.3 Where a child care centre forms part of a dwelling house, the development must provide a minimum 80m2 of private open space for the exclusive use of the dwelling house.	Not applicable.	N/A
<p><i>Landscaping</i></p> <p>6.4 Development applications must submit a detailed landscape plan prepared by a qualified landscape architect that:</p> <p>(a) shows all existing trees and the general location, type and size of trees both proposed and to be retained; and</p> <p>(b) considers the following guidelines:</p> <p>(i) retain existing significant trees and under storey vegetation;</p> <p>(ii) trees should be a major element in the provision of landscaping, where appropriate. Shrubs and ground cover planting should supplement these trees;</p> <p>(iii) any landscaping must use hardy species with preference given to native vegetation endemic to the City of Bankstown (refer to Appendix 1); and</p> <p>(iv) avoid low branching trees in pedestrian traffic areas, and species with prickly/spiny leaves or fruit.</p> <p>6.5 The landscaping of outdoor play areas must not include the species listed in Appendix 2 or any of the species listed below:</p> <p>(a) plants known to produce toxins;</p> <p>(b) plants with high allergen properties;</p> <p>(c) plants with profuse scented flowers or known to attract high numbers of bees, spiders, and insects;</p> <p>(d) plants with thorns or spiky foliage and branches; and</p> <p>(e) any weed or potential weed species.</p> <p><i>Retaining walls</i></p> <p>6.6 Outdoor play areas must avoid retaining walls where possible.</p> <p>6.7 The maximum height for retaining walls in outdoor play areas is 400mm above natural ground level, and must incorporate a safety fence or the like to prevent accidental falls.</p> <p>6.8 Retaining walls must locate agricultural drainage lines:</p> <p>(a) behind the base of the wall and at the foot of the wall; and</p>	<p>Landscape Plan prepared by <i>Ground Ink</i> is submitted with this application with provides trees, shrubs, grass and surfaces that will provide a visual benefit to the built form, character and amenity of future users and neighbouring properties.</p> <p>Refer to Landscape Plan.</p> <p>Retaining walls are minimised as far as practicable.</p> <p>Noted.</p> <p>Noted.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>-</p> <p>-</p>

Bankstown DCP 2015 Compliance Table

	<p>(b) the drainage lines must connect with the proposed stormwater drainage system of the development.</p> <p>6.9 Retaining walls on the boundary of an allotment must be masonry construction.</p>	Noted.	-
7. Safety and Security	<p><i>Safety and security</i></p> <p>7.1 The front door and at least one window to buildings must face the street to enable natural surveillance.</p> <p>7.2 The street number of buildings must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.</p> <p>7.3 Child care centres must separate the car park and any outdoor play area with a safety fence and gates.</p> <p>7.4 Child care centres with more than 15 children must erect (at the expense of the applicant) an unscaleable 1.8 metre high lapped timber fence or the like along the side and rear boundaries of the allotment.</p> <p>7.5 Child care centres must provide:</p> <p>(a) safe access for children and people with disabilities; and</p> <p>(b) fire protection and evacuation requirements.</p> <p>7.6 Child care centres in existing buildings must remove any existing contamination such as lead based paints and asbestos insulation.</p>	<p>The proposed development will provide a number of windows on the ground and first floor to the street to ensure natural surveillance. In particular the main entry foyer has floor to ceiling windows to the street for optimum surveillance.</p> <p>Noted.</p> <p>The proposed outdoor play area and carpark are separated.</p> <p>Provided at side and rear boundaries as required.</p> <p>Proposed development to comply with Australian Standards and BCA Requirements.</p> <p>Not applicable.</p>	<p>Yes</p> <p>-</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
8. Site Facilities and Services	<p><i>Food premises</i></p> <p>8.1 The design, construction, and operation of kitchens and food premises must comply with:</p> <p>(a) Food Act 2003;</p> <p>(b) Food Regulation 2010;</p> <p>(c) FSANZ Food Standards Code; and</p> <p>(d) AS 4674:2004 Design, Construction, and Fitout of Food Premises.</p>	To be addressed in Construction Certificate as per condition of consent.	Yes



Bankstown DCP 2015 Compliance Table			
	<i>Site facilities</i> 8.2 Child care centres must ensure the following facilities are not visible to the street or any nearby public open spaces: (a) waste storage areas; (b) storage of goods and materials; and (c) any clothes drying areas.	Located within the basement. Located behind front building line. Clothes dryer provided in laundry.	Yes Yes Yes

