



STATEMENT OF ENVIRONMENTAL EFFECTS

DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A TWO STOREY CENTRE-BASED CHILD CARE FACILITY WITH BASEMENT PARKING

78 & 80A BENAROON ROAD, LAKEMBA

CLIENT: MR A TALEB
REF: 2274
DATE: 7 APRIL 2023

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A Plan of Management

1 INTRODUCTION

This Statement of Environmental Effects is to accompany a development application to Canterbury Bankstown Council seeking consent for the demolition of the existing structures, tree removal and the construction of a 2 storey centre-based childcare centre over basement parking, at No. 78 & 80A Benaroon Road, Lakemba.

The centre will cater for 72 children between the ages of 0-5 years old, 13 staff and will accommodate 13 parking spaces for staff and visitors of the centre. Parking is located at basement level and access from Benaroon Road. Operation of the centre will be 7am to 7pm Monday to Friday, the facility will be closed on weekends or public holidays, beyond minimal tasks associated with staff management and cleaning operations.

The proposal is supported by a Plan of Management (POM) which seeks to reflect an appropriate level of agreement between the operation of the centre and Council to facilitate sound management of the centre and minimise impacts to adjoining properties.

The proposal has been designed by ArtMade Architects and is detailed on the accompanying architectural drawings.

This Statement of Environmental Effects is supplemented by the following:

1. Land Survey – Prepared by *Greenscape*;
2. Architectural Plans – Prepared by *Art Made Architects*;
3. Landscape Plans – Prepared by *Greenscape Architecture and Design*;
4. Stormwater Drainage – Prepared by *Horizon Engineers*;
5. Acoustic Report – Prepared by *Day Design*;
6. Access Report – Prepared by *Ergon Consulting*;
7. Traffic Report & Swept Paths – Prepared by *Stanbury Traffic Planning*;
8. Quantity Surveyor's Report– Prepared by *Stanbury Traffic Planning*;
9. Preliminary Site Investigation & Geotechnical Report – Prepared by *Broadcrest Consulting Pty Ltd*; and
10. Flood Risk Management Report – Prepared by *BMB Engineers*; and
11. Plan of Management – Prepared by *Avenue Town Planning*.

The proposed development has a construction cost of \$2,642,152.

The remaining parts of this Statement of Environmental Effects evaluates the subject site and its context (Section 2), site history (Section 3) details the proposed works (Section 4) and provides an assessment of the proposed development with consideration to the relevant statutory planning framework and the impacts of the development on the natural and built environment in accordance with S.4.15 of the Environmental Planning & Assessment Act, 1979 (Section 5).

This Statement concludes that the development is permitted with consent and results in a building form and use of the site that following appropriate management and operation is suitable and anticipated by the permitted planning controls for a centre-based child care facility within the R3 – Medium Density Residential Zone. In addition, this statement concludes that the development will have acceptable impacts on the natural and built environment and is recommended for approval.

2 SUBJECT SITE AND ADJOINING DEVELOPMENT

2.1 Site Analysis

The development site comprises two regular shaped allotments identified as Nos. 78 and 80A Benaroon Road, Lakemba, which have a legal description of Lots 1 and 2 in DP 12508. The site also has a secondary frontage to Petit Avenue and the site location is provided at Figure 1.



Figure 1: Site Location

The site is rectangular in shape with a combined frontage length to Benaroon Road (north-east) of 25.305m, a combined rear (north-western) boundary length of 25.42m, and north-western (Petit Avenue) and southern-eastern boundary lengths of 38.68m. The site has a combined site area of 984.60m². The land has a moderate slope from the south-east to the north-west, falling by approximately 1m across its diagonal length.

The site is not burdened or benefited by any easements, as confirmed by the submitted survey plan. The site is subject to flooding during large storm events.

The individual sites that comprise the development site are located on a north-east to south-west axis, which is consistent with the dominant subdivision pattern in the locality. Each parcel contains an older style detached dwelling house of timber frame and weatherboard construction and pitched tiled roofs. No. 80A Benaroon Road contains a second dwelling fronting Petit Avenue which is of more contemporary construction.

The sites contain various outbuildings located within each backyard. The site does not contain any significant trees or natural features.

The driveway to No.78 is located along the southern side boundary of the site and provides access to a long, narrow garage that has nil side and rear boundary setbacks. No. 80A has vehicular access from Petit Avenue where an at-grade parking area exists. The existing single detached dual occupancy dwelling fronting Petit Avenue has a nil southern boundary setback.

Photographs of the site are illustrated in Figures 2-5.



Figure 2: No. 78 Benaroon Road, viewed from the south-east



Figure 3: No. 80A's corner frontage and a view of Petit Avenue



Figure 4: The site's combined Benaroon Road frontage, viewed from the north-east



Figure 5: Detached dwelling on No. 80A, fronting Petit Avenue

2.2 Adjoining Properties

Development surrounding the site comprises a mix of styles, sizes and ages, although is characterised by predominantly single storey dwellings of older style construction. An aerial photograph of the site surrounds is provided in Figure 6.



Figure 6: Site Location [Source: SixMaps]

Surrounding the site on all sides is traditional, low-density residential development with single dwellings facing their primary street and backyard spaces behind, that commonly align with neighbouring backyard spaces. This is with exception of development to the north, which is within a IN2 Light Industrial zone. In this regard, directly opposite the subject site is No. 80 Benaroon Road which contains a 1 and 2 storey factory building with a nil boundary setback to Petit Avenue, as shown in Figure 7.



Figure 7: Site Location [Source: SixMaps]

As shown in Figures 6 and 7, located opposite the side on Benaroon Road are single dwelling houses with a combination of directly fronted developments and secondary street frontages that have 1.8m high boundary fences to Benaroon Road. Photographs of the Benaroon Road frontage opposite the subject site is provided at Figures 8, 9 and 10. These properties located to the east are within the R4 High Density Residential zone.



Figure 8: Benaroon Road frontage of No. 92 Knox Street



Figure 9: No. 53A Benaroon Road



Figure 10: Benaroon Road frontage of No. 67 Lucerne Street

Located to the south of the site is No. 76 Benaroon Road and it contains a single storey dwelling house with a side access driveway and outbuildings located adjacent to the subject site, as shown in Figure 11.



Figure 11: Interface between Nos. 76 and 78 Benaroon Road

A photograph (google street view) of the street frontage of the residential properties located to the rear of the subject site is provided at Figure 12.



Figure 12: Nos. 17 to 21 Vivienne Avenue (right to left of image)

The secondary frontage of No. 21 Vivienne Avenue as it presents to Petit Avenue is provided at Figure 13.



Figure 13: Petit Avenue frontage of No. 21 Vivienne Avenue

3 PROPOSED DEVELOPMENT

The proposal seeks consent for the demolition of the structures and construction of a 2 storey, centre-based childcare facility accommodating 72 children and 13 basement parking spaces at Nos. 78 and 80A Benaroon Road, Lakemba.

The proposed works are identified on the submitted architectural drawings prepared by *Art Made Architects* and associated consultant documentation, a description of which is provided below.

3.1 Demolition

The proposal involves the demolition of each existing dwelling house and ancillary structures located at each parcel forming the development site. Demolition will be undertaken by a licenced contractor in accordance with AS 2601: 2001 and any relevant conditions of development consent.

3.2 Child Care Centre

The proposal involves the construction of a two-storey centre-based childcare facility with external play area and a basement level of parking access from Benaroon Road. The centre will cater for a total of 72 children and 13 staff (inclusive of 11 educators, 1 chef and a manager), as follows:

Age	No. of children	Staff Ratio	Staff provision
0-2 years	12	1:4 (cl. 123(1) of Regs)	3 educators
2-3 years	20	1:5 (cl. 123(1) of Regs)	4 educators
3-5 years	40	1:10 (cl. 271(2) of Regs)	4 educators
	(72)		(11)

The hours of operation of the centre are 7am – 7pm Monday to Friday. Use of the premises after hours or on weekends will be only for staff and cleaning operation.

Basement, Ground & First Floors

A dual width driveway is proposed within the southern portion of the site frontage to Benaroon Road which will access the proposed basement parking level. The car park footprint covers the majority of the site and a total of 13 parking spaces are proposed, including 7 staff parking spaces, 5 visitor parking spaces and an accessible compliant visitor parking space. The proposal includes the provision of 4 bicycle parking spaces within the basement. A bin store, services rooms (including provisional pump room), lift access and fire stairs are provided within the basement level also.

The pedestrian entry into the building is located off Benaroon Road where a low gradient pathway connects the street frontage to the entrance foyer. The entrance foyer is located adjacent to the lift and fire stair core, with staff related rooms and an accessible bathroom located on the northern side of the space.

As shown in Figure 14, the ground floor is designed as an internal play space adjacent to the street corner and a separate internal play space adjacent to the south-western side boundary. These spaces are divided by delineated outdoor play areas and bordered on all sides by deep soil landscaping. Playroom 1 is proposed to contain 12 children aged 0-2 years, whilst playroom 2 is proposed to contain 20 children aged 2-3 years.

As indicated on the submitted plans, compliant internal and external space is provided. Playroom 1 is provided with a cot room and bottle prep area, and both playrooms are provided with storage and bathrooms.

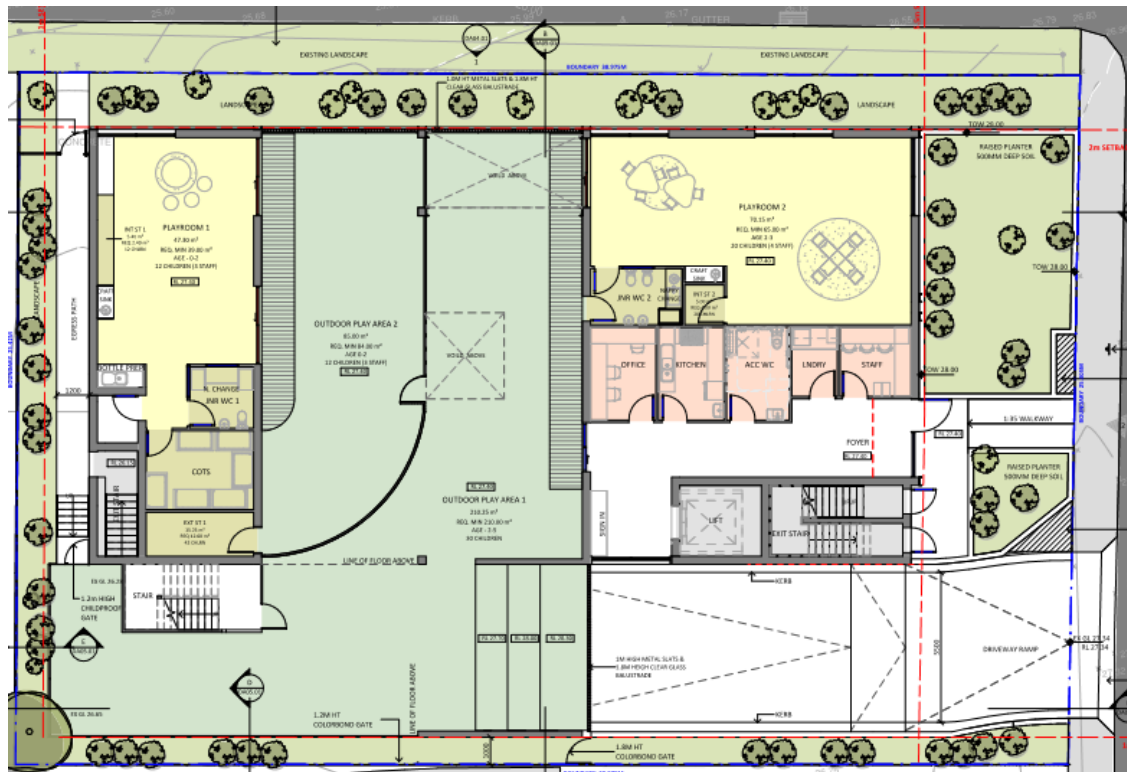


Figure 14: Extract of proposed ground floor level (Art Made Architects)

Similar to the ground floor, the proposed first floor is to contain a centralised open space area for use as play area by the children, with internal playrooms surrounding. Two separate playrooms are proposed directly above the ground floor playrooms (one at the street corner and the other near to the south-western side boundary) and an additional playroom is proposed adjacent to the south-eastern property boundary and in the location generally above the basement driveway access. The external play area contains 2 large voids to provide light and ventilation to the spaces below and provide visual interest to the player space.

Playroom 3 is to contain 20 children age 3-5 years, playroom 4 is to contain 10 children aged 3-5 years and playroom 5 is to contain 10 children aged 3-5 years. Therefore, all children within the facility aged 3-5 years will be located at the first floor level. Each playroom contains storage areas and bathrooms. Compliant internal and external space is indicated on the plans.

The south-western edge of the outdoor play space will be provided with a 1.8m high metal fence as well as an acoustic barrier (opaque finish) to 2.1m in height. These design features, together with the defensive side facing elevations of the proposal (i.e. no side facing windows) will protect the visual and acoustic privacy of the adjoining residential neighbours.

Provided at Figure 15 over page is the proposed layout of the first floor level.

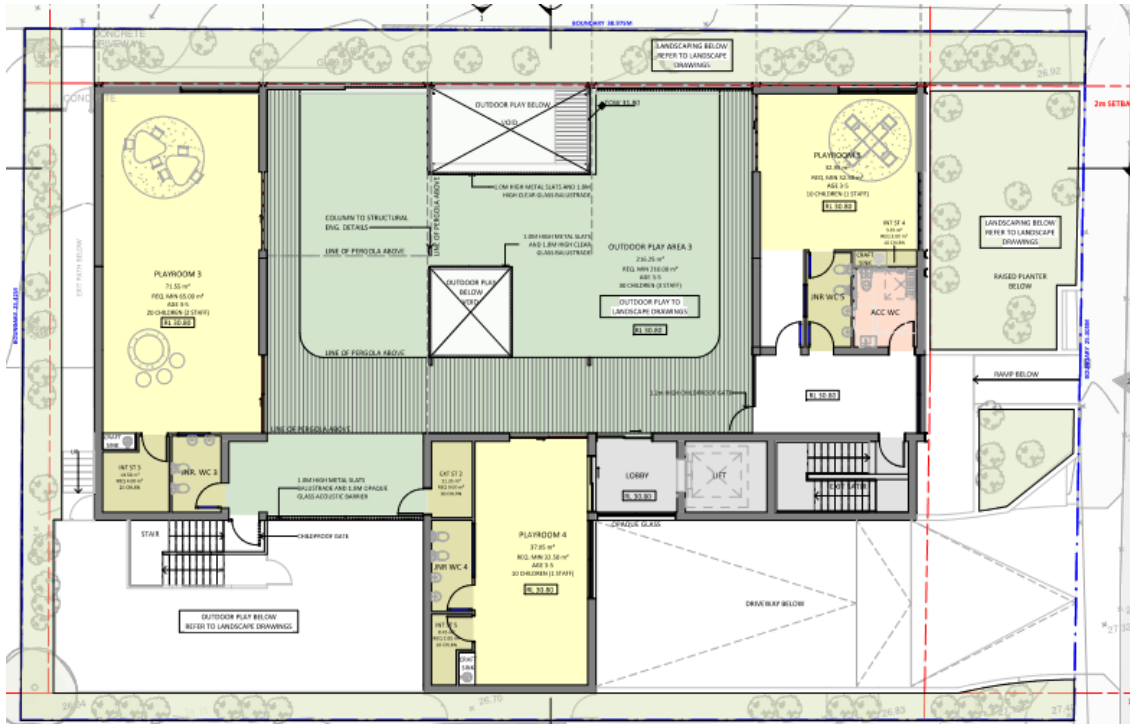


Figure 15: Extract of proposed first floor level (Art Made Architects)

3.3 External Presentation

The centre has been designed to present a residential scale and streetscape appearance through breaking up the built form component into 3 pavilions connected by the centralised open space play area. The proposal includes quality landscape treatment to the site frontage to soften the built form, and provides basement parking to locate all parking below street level. To comply with the LEP height limit, a flat roof is proposed.

The external treatment of the building is well described on the materials schedule provided with the architectural drawing set. The proposed palette of materials includes face brick, light grey and dark grey coloured cement render, aluminium doors and windows, colorbond roofing and timber decks for parts of the open space. The external treatment of the proposal is represented in the 3D view provided at Figure 16.



Figure 16: 3D view of the proposal – Petit Avenue frontage

3.4 Landscaping

The site does not contain any trees or natural features that are worthy of retention. Details of the proposed landscaping are provided on the submitted Landscape Plan prepared by *Greenscape Architecture and Design* and features appropriate planting including native species and canopy trees. New feature planting is provided within the front setback, screen planting bounding the Ground Level outdoor play area, along the western and southern boundaries, and to enhance the proposed play areas.

The outdoor play areas provide permeable landscaped area, a variety of surfaces and experiences for use and education of children, incorporating appropriate sun access and shadowing. The proposal includes hedge planting to in deep soil zones to the side boundaries to assist with neighbour privacy and to reduce visible building bulk.

The accompanying Landscape Plan details planting and the variety of active and passive, learning and sensory spaces at both the ground and first floor outdoor areas, including raised planters with cascading sensory plants, timber deck, multi-surface and artificial turf, timber seats, cubby house, sandpits and a herb garden.

3.5 Traffic and Parking

A total of 13 parking spaces are required to accommodate the parking requirements of the proposed centre, which will include 72 child care placements and 13 staff. Parking has been provided within the proposed basement level.

A Traffic and Parking Impact Assessment Report prepared by *Stanbury Traffic Planning* has been submitted with the application. This report has considered the proposed design in light of the site dimensions, traffic capacity of the locality, and traffic generation of the development. In particular, it is noted that vehicular access into the site from Benaroon Road is preferred given its wider carriage width.

As concluded by the report, the proposal is supported on the following grounds: Vehicles can enter and exit the site in a forward direction, it complies with requisite parking and the geometric layout of the proposed car parking facilities has been designed to comply with the relevant requirements specified under AS2890.1:2004.

Vehicular access and egress arrangements have been designed to accommodate the swept turning path requirements for B99 design vehicles under AS2890.1: 2004. The traffic generation of the proposed development will not result in any detrimental impact to the level of service of road networks and performance of the intersections surrounding the site.

Accordingly, there are no traffic or parking related issues anticipated from the proposed development.

3.6 Stormwater

Due to the site flood affectation, the ground level FFL is located at RL72.40m AHD. Details of the stormwater design are provided on the accompanying Hydraulics Design prepared by *Horizon Engineers*. Stormwater collected by the development will be connected and diverted to an OSD system that is located below the driveway and has a volume of 25m³. Overflow will be connected to the street by gravity.

4 STATUTORY PLANNING ASSESSMENT

Provided below is a Statutory Planning Assessment of the proposed development in accordance with the matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act, 1979. This includes compliance with the relevant planning controls, impacts of the development on the natural and built environment as well as the suitability of the site and a consideration of the public interest.

4.1 Compliance with Planning Controls (Section 4.15(1)(a))

The following statutory and non-statutory planning policies apply to the assessment of this application under Section 4.15(1)(a) of the EP&A Act, 1979:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021;
- Canterbury Local Environmental Plan 2012;
- Draft Canterbury Bankstown Consolidated Local Environmental Plan; and
- Canterbury Development Control Plan 2012.

4.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

On March 1, 2022 SEPP (Resilience and Hazards) 2021 replaced three former SEPPs including SEPP 55 (Remediation of Land). Chapter 4 of the SEPP applies to the State of NSW and aims to undertake remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment.

Clause 4.6 stipulates that a consent authority must not consent to the carrying out of development on land unless it has considered whether land is contaminated.

Assessment for the potential for site contamination is undertaken in the submitted Preliminary Site Investigation Report prepared by Broadcrest Consulting Pty Ltd dated December 2022. The report contains recommendations relating to a HAZMAT Report, waste material classification and use on-site, a clearance certificate and testing of groundwater quality, should it be discovered during the excavation works although the submitted Geotechnical Report confirms that groundwater was not encountered within 4 borehole investigations. The report also concludes that the site can be made suitable for the proposed child care use.

As such, the requirements of Chapter 4 of SEPP (Resilience and Hazards) 2021 are sufficiently satisfied.

4.1.2 State Environmental Planning Policy (Transport & Infrastructure) 2021

On March 1, 2022 SEPP (Transport and Infrastructure) 2021 replaced 4 former SEPPs, including State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017 which applies to the proposed development.

Chapter 3 (Educational Establishments and child care facilities) of the SEPP contains those provisions from the former Education SEPP as they relate to child care centres.

The SEPP provisions set out a range of overarching controls and guidelines for centre-based child care facilities, as discussed below.

The proposed development meets the definition of centre-based child care facility which is defined the SEPP 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 \(NSW\)](#)),

The provisions that apply to child care facilities are set out in Chapter 3 of the SEPP. Table 1 below provides an assessment of the proposal against these provisions.

TABLE 1: RESPONSE TO CHAPTER 3 OF SEPP (TRANSPORT & INFRASTRUCTURE)		
Provision	Proposal	Complies
Part 3.3 Early Education and care facilities – specific development controls		
3.23 Centre-based child care facility – matters for consideration by consent authorities Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guidelines, in relation to the proposed development.	Refer to Table 2 below for consideration under Child Care Centre Guidelines.	Yes
3.26 Centre-based child care facility – non-discretionary development standards 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, prevents the consent authority from requiring more onerous standards for those matters. The following are non-discretionary development standards for the purpose of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purpose 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, (b) indoor or outdoor space	Noted – no locational restrictions.	-

TABLE 1: RESPONSE TO CHAPTER 3 OF SEPP (TRANSPORT & INFRASTRUCTURE)		
Provision	Proposal	Complies
Part 3.3 Early Education and care facilities – specific development controls		
<p>i. for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> applies – the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>ii. for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2012</i> applies – the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(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,</p> <p>(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.</p>	<p>For proposed 72 place centre:</p> <p>Indoor play space required = 3.25m² per child, ie. 234m²</p> <p>Unencumbered indoor play space provided: 260.70m²</p> <p>Outdoor place space required = 7m² per child ie. 504m².</p> <p>Unencumbered outdoor play area provided: 511.55m².</p> <p>Each play area provides more than the requisite areas for each individual play area per child group. Refer to Architectural Plans for breakdown.</p> <p>Noted – no site area or dimension restrictions</p> <p>Site is not a State or local heritage item – as such no restriction on colour scheme.</p>	<p>Yes</p> <p>-</p> <p>Yes</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 age, age ratios, grouping, 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 childhood education and care facilities,</p> <p>d. any matter relating to development for</p>	<p>The SEPP overrides provisions under the Canterbury DCP, including any provisions relating to capacity restrictions or age ratios.</p>	<p>Noted</p>

TABLE 1: RESPONSE TO CHAPTER 3 OF SEPP (TRANSPORT & INFRASTRUCTURE)		
Provision	Proposal	Complies
Part 3.3 Early Education and care facilities – specific development controls		
the purpose of a centre-based child care facility contained in: i. the design principles set out in Part 2 of the <i>Child Care Planning Guidelines</i> , or 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).		

Child Care Planning Guidelines (September 2021)

The Child Care Guidelines inform state and local government, industry and the community about how good design can maximise the safety, health and overall care of young children.

In accordance with Clause 3.23 of the SEPP referred above, consideration of the Child Care Guidelines must be provided by the consent authority when assessing a development application for a centre based 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.

Table 2 below provides consideration of the proposed development in light of the relevant controls under the Guidelines.

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
3.1 Site Selection and location		
C1 For proposed developments in or adjacent to a residential zone, consider:	Site is within R3 – Medium Density Zone.	
<ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties 	An acoustic report is provided, and measures have been incorporated to minimise acoustic impacts. Privacy has been considered during the design process and is addressed at Section 4.2 of this report.	Yes
<ul style="list-style-type: none"> the setbacks and siting of buildings within the residential context 	Complies with DCP setbacks and is greater than the setbacks of the properties adjoining the site and the required setbacks for residential development.	Yes
<ul style="list-style-type: none"> visual amenity impacts (eg. Additional building bulk and overshadowing, local character) 	The proposal is entirely compatible in bulk, scale, and character with adjoining and	Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<ul style="list-style-type: none"> traffic and parking impacts of the proposal on residential amenity. 	<p>nearby residential development. Acceptable shadow impacts will result, as outlined at Section 4.2 of this report.</p> <p>A Traffic Report is submitted with the development application.</p>	Yes
<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"> length of street frontage, lot configuration, dimensions and overall size; and 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 characteristics of the fronting road or roads (for example its operating speed, 	<p>Centre-based child care facilities are a permissible and compatible land use within the R3 Medium Residential Density.</p> <p>Site is not identified as being affected by land slope, bushfires, coastal hazards or other environmental hazards. Site flooding is accommodated in the design as outlined in the submitted Flood Risk Management Report.</p> <p>No identified contamination issues.</p> <p>The site is a double parcel development site with sufficient dimensions and land area to accommodate the proposed land use and provide compliant FSR, building height and sufficient setbacks within a development that responds well to its boundary interfaces.</p> <p>The site is not identified as being within a sensitive environmental or cultural area and will be managed so as not to facilitate any impacts for surrounding properties.</p> <p>New development proposed.</p> <p>Provided. Refer to plans.</p> <p>The fronting road – Benaroon Road is suitable for safe access</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use.</p> <ul style="list-style-type: none"> the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities. 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>/ egress and use of the site for the proposed land use.</p> <p>Achieved.</p> <p>Yes. Development site is not surrounded by incompatible uses, being predominantly residential and some low-impact industrial buildings opposite.</p>	<p>Yes</p> <p>Yes</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 in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>The site is near to Hampden Park Public School, Belmore Boys High School, Lakemba Mosque, and St Therese Catholic Church and Primary School. There is a scattering of public open space in the surrounding area and the site is within proximity to bus stops on Yerrick Road, and is approximately 1.5km and 2km from the town centres of Lakemba and Belmore, respectively.</p>	<p>Yes</p>
<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>The development site is not located near any of the listed hazards. It is entirely surrounded by residential properties.</p> <p>None.</p>	<p>Yes</p> <p>Yes</p>
<p>3.2 Local Character, streetscape and the public domain interface</p> <p>C5 The proposed development should:</p>	<p>The proposal has been</p>	<p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<ul style="list-style-type: none"> contribute to the local area by being designed in character with the locality and existing streetscape build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place reflect the predominant form of surrounding land uses, particularly in low density residential areas recognise predominant streetscape qualities, such as building form, scale, materials and colours include design and architectural treatments that respond to and integrate with the existing streetscape and local character. use landscaping to positively contribute to the streetscape and neighbouring amenity integrate car parking into the building and site landscaping design in residential areas. 	<p>designed to complement the residential setting, provides suitable setbacks to adjoining properties, will provide landscaping visible from the street and parking is provided on site at within a Ground Level parking area enclosed and not visible to the street.</p> <p>The proposal is entirely compatible with buildings in the locality incorporating architectural elements consistent with the proposal, i.e. 2 storey, face brick, residential scale and rhythm, and deep soil landscaping to the street frontages and side/rear boundaries, as outlined in the site description under Section 2 of this report.</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 windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community integrating existing and proposed landscaping with fencing. 	<p>Fencing will ensure the safety and security of children.</p> <p>The design provides windows overlooking the street.</p> <p>Refer to accompanying Landscape Plans.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>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.</p>	<p>Separate vehicular and pedestrian entrances are provided.</p>	<p>Yes</p>
<p>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.</p>	<p>No fencing proposed to frontage of the site – open landscaping to be provided.</p> <p>Potential for shield wall behind a hydrant booster is indicated on the plans on the Benaroon Road side of the site.</p>	<p>Yes</p>
<p>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.</p>	<p>Development site does not adjoin classified road.</p>	<p>N/A</p>
<p>3.3 Building orientation, envelope and design</p> <p>C11 Orient a development on a site and design the building layout to:</p>	<p>No windows are proposed to the side/rear elevations of the building, only solid walls.</p>	<p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<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 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>The outdoor play area at the First Floor is setback approximately 7.35m to the site's south-western boundary and will be edged at this location by a 1.8m high privacy and acoustic screen.</p> <p>The Ground Floor outdoor play will be located area is located at existing ground level and will be bordered by a 2.1m high acoustic screen as well as deep soil landscaping (hedges).</p> <p>The building has excellent solar access and cross ventilation, has acceptable overshadowing impacts on neighbouring properties (as outlined in Section 4.2 of this report), integrates well with its presentation to each street frontage and has approximately weather protection for the future occupants.</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 development is two storeys in height and is below the maximum LEP HOB limit of 8.5m which is compatible with surrounding development, including a variety of 1 and 2 storeys.</p> <p>The proposed setbacks allow for adequate privacy and separation and are consistent with DCP requirements.</p> <p>Provided.</p> <p>The front setback is consistent with the predominant building line to the street and consistent with character in providing a landscaped setback.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<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>	<p>The front setback is consistent with the predominant building line to the street, which is in the order of 5 to 5.5m.</p>	<p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	Complies with DCP setback requirements. Refer to Table 4 below.	Yes
C15 Entry to the facility should be limited to one secure point which is: <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. 	<p>The front entrance is from Benaroon Road. The entry is clearly defined and visible, accessible (directly from street), could be easily monitored (both passive and CCTV surveillance); and not accessed through outdoor play area.</p> <p>Development site is not in a mixed-use area.</p>	<p>Yes</p> <p>N/A</p>
C16 Accessible design can be achieved by: <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>Accessible path of travel is provided from the street. A lift is provided to access the upper First Floor.</p> <p>Prams and wheelchairs will be able to access all parts of the site.</p> <p>A continuous path of travel to and within the building is possible via the lifts provided.</p> <p>Site is flat and ramping is easily minimised.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.4 Landscaping C17 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by: <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. 	<p>Landscaping is provided to all boundaries and is not relied on for outdoor play calculations – refer to Landscape Plan.</p> <p>No existing significant trees or natural site features at the site, proposed landscaping will improve streetscape presentation.</p>	<p>Yes</p> <p>Yes</p>
C18 Incorporate car parking into the landscape design of the site by: <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, pedestrian safety and context 	Not applicable. The car park is underground.	N/A

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>when siting car parking areas within the front setback</p> <ul style="list-style-type: none"> using low level landscaping to soften and screen parking areas. 		
<p>3.5 Visual and acoustic privacy</p> <p>C19 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	Not application – mixed use development not proposed.	N/A
<p>C20 Minimise direct overlooking of indoor and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> appropriate site and building layout suitable location of pathways, windows and doors permanent screening and landscape design 	The proposed indoor and outdoor areas do not adjoin any public area.	N/A
<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. 	No windows are proposed along either side elevation. The Ground Floor play area is bounded by parts of the building, acoustic barriers and landscape screening. There are no viewing opportunities into the play areas (internal or external) from adjoining properties which all contain single storey development.	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>Will comply as per Acoustic recommendations. Refer to Acoustic Report prepared by <i>Day Design</i>.</p> <p>As is typical at DA stage, mechanical plant has not yet been selected. Once it is, a detail acoustic assessment will be required, at Construction Certificate stage.</p>	<p>Yes</p> <p>Will comply at CC</p>
<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. 	Refer to accompanying Acoustic Report prepared by <i>Day Design</i> .	Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>C24 Adopt design solutions to minimise 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>Refer to accompanying Acoustic Report prepared by <i>Day Design</i>.</p> <p>Design solutions include no openings to side boundaries, acoustic screening and edge landscaping.</p>	Yes
<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 	The development site is not located in any of the listed locations.	N/A
<p>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.</p>	The development site is not located on a major road and the adjacent industrial development contains low impact uses.	Yes
<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 	As above. It is also noted that the proposed cot room is positioned within playroom 1 and with no exposure or outlook towards the adjacent industrial zone. Outdoor play areas are appropriately separate from the industrial zone and adjacent street frontages by 1.8m metal slat fencing that is set behind landscaping.	Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>major source of air pollution</p> <ul style="list-style-type: none"> • 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. 		
<p>3.7 Hours of operation</p> <p>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.</p>	<p>The hours of operation of the centre are 7am – 7pm (Monday to Friday).</p> <p>Use of the premises after hours or on weekends will be only for staff and cleaning operation.</p>	Yes
<p>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.</p>	<p>The development site is not in a commercial or mixed-use area.</p>	N/A
<p>3.8 Traffic, parking and pedestrian circulation</p> <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 • 1 space per 2 staff. <p>Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</p> <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children. 	<p>The proposal complies with the car parking requirements under the Canterbury DCP 2012.</p>	Yes
<p>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.</p>	<p>Not in commercial or industrial zone, Nor a mixed-use development.</p>	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</p>	<p>Refer to accompanying Traffic Report prepared by <i>Stanbury Traffic Planning</i>.</p>	Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
any proposed variations to parking rates and demonstrate that: <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. 		
C33 Alternate vehicular access should be provided where child care facilities are on sites fronting: <ul style="list-style-type: none"> a classified road roads which carry freight traffic or transport dangerous goods or hazardous materials. The alternate access must have regard to: <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. 	The development site does not front either type of road listed.	N/A
C34 Child care facilities proposed within cul-de-sacs or via 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.	Development site is not within a cul-de-sac or narrow road/lane.	N/A
C35 The following design solutions may be incorporated into a development to help provide a safe pedestrian environment: <ul style="list-style-type: none"> separate pedestrian access from the car park to the facility defined pedestrian crossings and defined/separate paths 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, loading and vehicle turnaround areas located away from the main pedestrian access to the building and in clearly designated, separate facilities minimise the number of locations where pedestrians and vehicles cross each other 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 clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations. 	<p>Separate path provided;</p> <p>Small car park only;</p> <p>Separate vehicle and pedestrian access provided;</p> <p>Double width path and 1:25 grade; Vehicular access is separate from pedestrian entrance;</p> <p>Achieved;</p> <p>N/A;</p> <p>Achieved, confirmed by Traffic Report;</p> <p>Achieved, supported by Traffic Report.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
C37 Mixed use developments should include: <ul style="list-style-type: none"> driveway access, manoeuvring areas and 	Proposal is not a mixed-use development.	N/A

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>parking areas for the facility that are separate to parking and manoeuvring areas used by trucks</p> <ul style="list-style-type: none"> drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 		
<p>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>Parking is separate to these areas within centre;</p> <p>Located close to pedestrian path and entrance;</p> <p>Located at Ground Level with accessible path of travel to building entrance and Ground Floor Level. Lift access is available to First Floor.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4. Applying the National Regulations to development proposals		
<p>4.1 Indoor space requirements</p> <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. (72x3.25m² = 234m²)</p> <p><i>Design Guidance:</i> <u>Verandah as indoor space:</u> Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.</p> <p><u>Storage:</u> 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 (72x0.3m³ = 21.6m³) a minimum of 0.2m³ per child of internal 	<p>Total outdoor play area: 234m²</p> <p>Outdoor play space has been calculated in accordance with the unencumbered guidelines of this Guideline and provided in excess of the minimum requirements. In addition, areas have been provided to ensure each individual play areas receive the required area per child – this breakdown is included on the Architectural Plans.</p> <p>External storage: 26.60m³</p> <p>Internal storage: 42.75m³</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES

Provision	Proposal	Complies
storage space ($72 \times 0.2\text{m}^3 = 14.4\text{m}^3$)	In addition, areas have been provided to ensure each individual play areas receive the required storage per child – this breakdown is included on the Architectural Plans.	
4.2 Laundry and hygiene facilities Regulation 106 Education and Care Services National Regulations There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children. Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code. <i>Design Guidance:</i> <u>On site laundry</u> On site laundry facilities should contain: <ul style="list-style-type: none"> a washer or washers capable of dealing with the heavy requirements of the facility a dryer laundry sinks adequate storage for soiled items prior to cleaning 	<p>On site laundry facilities are provided and these are separated from areas accessed by children.</p> <p>Designed to accommodate all listed items.</p>	<p>Yes</p> <p>Yes</p>
4.3 Toilet and hygiene facilities Regulation 109 Education and Care Services National Regulations 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. Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.	<p>Sufficient toilet facilities are provided at each level for staff and children.</p> <p>Sanitary facilities have been designed to comply with the NCC.</p>	<p>Yes</p> <p>Yes</p>
4.4 Ventilation and natural light Regulation 110 Education and Care Services National	The proposed facility has been	Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>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>	<p>designed to achieve cross ventilation, receive and have adequate natural light and be temperature controlled to avoid extremes in temperature.</p> <p>Light and ventilation and minimum ceiling heights designed to comply with relevant requirements under the National Construction Code</p>	Yes
<p>4.5 Administrative space</p> <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>	<p>Adequate areas have been provided for conducting of administrative tasks and meetings.</p>	Yes
<p>4.6 Nappy change facilities</p> <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>	<p>Nappy change facilities are provided within Indoor Play Room #1 for 0-2 years.</p> <p>Design to comply with NCC.</p>	<p>Yes</p> <p>Yes</p>
<p>4.7 Premises designed to facilitate supervision</p> <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>	<p>Good supervision is available through the centre whilst also maintaining sufficient privacy.</p> <p>Designed to comply with NCC.</p>	<p>Yes</p> <p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
4.8 Emergency and evacuation procedures Regulations 97 and 168 Education and Care Services National Regulations Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including: <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. 	<p>The proposed child care facility has been designed to facilitate safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.</p> <p>An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 at CC stage.</p>	<p>Yes</p> <p>Will comply</p>
4.9 Outdoor space requirements Regulation 108 Education and Care Services National Regulations An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m ² of unencumbered outdoor space. (72x7m ² = 504m ²) If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP. A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa. <i>Design Guidance</i> Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play. When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered. <u>Verandahs as outdoor space</u> Where a covered space such as a verandah is to be included in outdoor space it should: <ul style="list-style-type: none"> • be open on at least one third of its perimeter • have a clear height of 2.1 metres • have a wall height of less than 1.4 metres 	<p>Outdoor play space has been calculated in accordance with the unencumbered guidelines of this Guideline and provided in excess of the minimum requirements, as previously outlined.</p> <p>N/A</p> <p>Noted.</p> <p>The proposal includes open style verandahs that easily comply with these requirements. Refer to plans.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>where a wall with an opening forms the perimeter</p> <ul style="list-style-type: none"> have adequate flooring and roofing be designed to provide adequate protection from the elements. 		
<p>4.10 Natural environment</p> <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 safely explore and experience the natural environment.</p>	<p>Quality educational and sensory environmental will be provide to the outdoor play areas to facilitate exploration and experience the natural environment – refer to details on accompanying Landscape Plan prepared by <i>Greenscape Landscape Architect + Design</i>.</p>	Yes
<p>4.11 Shade</p> <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><i>Design Guidance</i> <u>Solar access and sun protection</u></p> <p>Outdoor play areas should:</p> <ul style="list-style-type: none"> have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required. adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30%of the outdoor play area have evenly distributed shade structures over different activity spaces. <p><u>Natural shade</u></p> <p>Natural shade should be a major element in outdoor play areas. Trees with dense foliage and wide-spreading canopies provide the best</p>	<p>Suitable shade structures – both built and natural are incorporated into the centre design to ensure protection from overexposure to ultraviolet radiation from the sun.</p> <p>The shadow diagrams and view from sun diagrams accompanying the application demonstrate sufficient solar and shade access.</p> <p>30% of outdoor play area = 151.20m².</p> <ul style="list-style-type: none"> 11:30am (winter) – 160m² 2:30pm (winter) – 163m² <p>Shade is the result of both built elements (building) and landscaping (trees and vegetation at Ground Floor).</p> <p>As above.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>protection. Existing stands of trees, particularly in rear setbacks, should be retained to provide shaded play areas. Species that suit local soil and climatic conditions and the character of the environment are recommended.</p> <p><u>Built shade structures</u></p> <p>Built structures providing effective shade include:</p> <ul style="list-style-type: none"> • permanent structures (pergolas, sails and verandahs) • demountable shade (marquees and tents) • adjustable systems (awnings) • shade sails. 	As above.	
<p>4.12 Fencing</p> <p>Regulation 104 Education and Care Services National Regulations</p> <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>	<p>The proposed development will include sufficient fencing located on the edge of outdoor spaces and bordered by landscaping at the ground level</p> <p>Design to comply with NCC.</p>	<p>Yes</p> <p>Yes</p>
<p>4.13 Soil assessment</p> <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 	<p>Refer to the submitted Preliminary Site Investigation and Geotechnical Reports.</p> <p>As above.</p>	Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>been undertaken, a statement to that effect specifying when the soil assessment was undertaken</p> <ul style="list-style-type: none"> 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. 		

4.1.3 State Environmental Planning Policy (Industry and Employment) 2021

On March 1, 2022 SEPP (Industry and Employment) 2021 replaced 2 former SEPPs, including State Environmental Planning Policy No. 64 (Advertising and Signage) which is now covered under Chapter 3 of the SEPP.

The proposal includes the provision a "signage area" only for future business identification. This is located the front facade presenting to Benaroon Road near the building entrance. Future signage will be addressed via a separate development application (if required).

4.1.4 Canterbury Local Environmental Plan 2012

Under the LEP the subject site is located within the *R3 – Medium Density Residential* zone. Amongst other things *centre-based childcare facilities* are permissible with consent from Council. The proposal involves the construction of centre-based child care facility. Accordingly, the proposal is identified as being permitted with consent from Council.

The objectives of the R3 – Medium Density Residential Zone are as follows:

- To provide for the housing needs of the community within a medium density residential environment.*
- To provide a variety of housing types within a medium density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal will be consistent with the 3rd zoning objective as it will provide a valuable service that meets the day-to-day needs of nearby residents.

A review of relevant LEP maps indicates that the site does not contain a heritage item and is not located in a conservation area. Nor is the site mapped for flooding, acid sulfate soils or environmentally sensitive land.

Provided at Table 3 is a consideration of the development standards contained within the LEP that are applicable to the site and the proposed development.

TABLE 3: RELEVANT PROVISIONS OF CANTERBURY LEP 2012		
Provision	Proposal	Complies
4.3 Building Height Maximum 8.5m	8.5m	Yes

TABLE 3: RELEVANT PROVISIONS OF CANTERBURY LEP 2012		
Provision	Proposal	Complies
4.4 Floor Space Ratio Site Area of 984.60m ² FSR of 0.5:1 = maximum GFA of 492.30m ² .	As identified on the accompanying GFA calculation diagrams, the proposal will provide a total gross floor area of 449.70m ² which results in an FSR of 0.46:1.	Yes
4.6 Exceptions to Development Standards Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	Not Applicable – proposal complies with all relevant development standards.	N/A
5.10 Heritage Conservation (2) Requirement for consent Development consent is required for any of the following— (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.	Not applicable – site is not identified as / or adjoining heritage item.	N/A
7.6 Environmentally Significant Land (2) Before determining an application to carry out development on environmentally significant land, the consent authority must consider such	Not applicable. The site is not identified as environmentally significant land, nor does it	N/A

TABLE 3: RELEVANT PROVISIONS OF CANTERBURY LEP 2012		
Provision	Proposal	Complies
of the following as are relevant— (a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location, (b) the importance of the vegetation in that particular location to native fauna, (c) the sensitivity of the land and the effect of clearing vegetation, (d) the relative stability of the bed and banks of any waterbody that may be affected by the development, whether on the site, upstream or downstream, (e) the effect of the development on water quality, stream flow and the functions of aquatic ecosystems (such as habitat and connectivity), (f) the effect of the development on public access to, and use of, any waterbody and its foreshores.	adjoin such land.	
7.7 Acid Sulfate Soils The site is not identified as containing Acid Sulfate Soils.	Not applicable.	N/A

In light of the above, the proposed development is identified as being permitted with consent from Council and compliant with the applicable LEP provisions.

4.1.5 Draft Canterbury Bankstown Consolidated Local Environmental Plan

The Draft Canterbury Bankstown Consolidated LEP has been designed to harmonise the separate LEPs of Canterbury and Bankstown and is currently with the Department of Planning for review and finalisation, although it is noted that the Canterbury Bankstown Local Planning Panel resolved to adopt the draft LEP and forward it to the NSW Department of Planning & Environment approximately 2½ years ago.

Under the exhibited Draft LEP the following core provisions remains the same as the existing Canterbury LEP provisions:

- R3 Medium Density Zone;
- Maximum Floor Space Ratio of 0.5:1;
- Maximum building height of 8.5m.

It can therefore be concluded that the proposal is consistent with all draft foreshadowed LEP provisions.

It is noted that the Draft Canterbury Bankstown DCP has been adopted by Council and will come into force upon gazettal of the new LEP, however, a draft DCP is not a matter for consideration for assessment of the subject application as specified by Section 4.15 of the EP&A Act, 1979.

4.1.6 Canterbury Development Control Plan 2012

A response to the relevant provisions of the Canterbury DCP 2012 as they apply to the subject site and the proposed development are provided in Table 4 below.

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY DCP 2012		
Provision	Proposal	Complies
PART B – GENERAL CONTROLS		
B1 Transport and Parking		
<u>B1.3 Parking Provision Rates</u> <u>Car Parking</u> 1 space per 2 staff. Minimum 2 spaces per child care centre.	13 staff = 7 spaces Visitor = min. 2 Total required: Min. 9 spaces. Proposed: 13 spaces	Yes
Bicycle Parking Staff: Minimum 1 space per 4 staff.	13 staff = 4 spaces Proposed = 4 spaces	Yes
B4 Accessible and Adaptable Design		
All development must comply with the following: a. All Australian Standards relevant to accessibility; b. The Building Code of Australia access requirements; and c. The Disability Discrimination Act 1992.	Refer to the submitted Access Report.	Yes
B9 Waste		
<u>B9.2 Waste Management Plan (Demolition and Construction)</u> Submit a waste management plan in relation to the waste that will be generated in the demolition and construction phase. The plan identifies how the generation of waste will be minimised, and how recycling and reuse of those wastes will be maximised.	Refer to the submitted waste management plan.	Yes
<u>B9.3 Waste Management (ongoing)</u> Council provides waste and recycling collection for separately titled properties (including strata titles) to non-residential development as per the following (see rates in B9.4 for the residential components of developments):	Refer to the submitted waste management plan – private contractor will be used.	N/A
PART F – SPECIFIC LAND USES AND SPECIFIC SITES		
F2 Child Care Centres		
<u>F2.2 Compliance with Licensing Requirements</u> <ul style="list-style-type: none"> Before submitting a development application, it is recommended that applicants contact the relevant licensing authority (NSW Department of Education and Communities) to determine the requirements for licensing so that these can be incorporated into the design of the 	As outlined in Tables 1 and 2, the proposal exceeds the minimum indoor and outdoor requirements.	Yes

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY DCP 2012		
Provision	Proposal	Complies
<p>child care centre. Applicants will be required to lodge a statement with the development application that the proposal will comply with the Education and Care Services National Regulation and the National Quality Standard.</p> <p><u>F2.3 Location and Demand Analysis Controls</u></p> <p><u>F2.4 Minimum Dimensions Controls</u> The minimum required site frontage for a child care centre development is 20m.</p> <p><u>F2.5 Residential Zones</u></p> <ul style="list-style-type: none"> Child care centres are not permitted to contain a residential component. Child care centres located in a residential zone must be residential in external appearance and finishes and must be consistent with the nearby residential streetscape. Child care centres in residential zones are limited to a maximum of 40 children. <p><u>F2.6 Car Parking</u> Refer to Part B1 – Transport and Parking of this DCP for parking provision rates for child care centres.</p> <p>All car parking is to be behind the front building line.</p> <p>All parking and manoeuvring areas are to be suitably signposted, drained and line marked.</p> <p>Suitably signposted parking is to be provided on the street immediately in front of the centre, and on the same side of the street as the centre, for the dropping off and picking up of children. This may require the identification and signposting of 10 minute time restricted parking for 2 hours during peak periods (7.00-9.00am and 4.00-6.00pm).</p> <p>The number of drop off/pick up spaces is to be in accordance with the following table: Drop off spaces (40+ capacity) – Min. 3</p>	<p>As outlined in Table 1, Clause 3.26 and 3.27 of the SEPP sets aside any local planning controls that seek to restrict the location of a proposed child care centre.</p> <p>Clause 3.26 of the SEPP sets aside minimum site area requirements.</p> <p>None proposed.</p> <p>The proposal will be constructed of residential building materials (face brick, cement render and metal roofs) and will connected building pavilions, consistent with the local residential character.</p> <p>Not applicable (overridden by Clause 3.27 of the SEPP).</p> <p>As outlined above, the proposal achieves compliant parking.</p> <p>Basement parking proposed.</p> <p>As proposed – refer to basement plan.</p> <p>Noted. Council may impose a suitable consent condition, although compliant parking is provided within the basement parking level.</p> <p>As above.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>-</p> <p>-</p>

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY DCP 2012		
Provision	Proposal	Complies
<p><u>F2.7 Facilities and Layout</u> Provide space and facilities, and design the internal and external layout, in accordance with the National Quality Framework and any associated requirements of the licensing authority.</p>	As proposed – refer to Tables 1 and 2.	Yes
<p><u>F2.8 Open Space</u> Provide external open space that promotes a variety of learning, play and other developmental experiences.</p>	Refer to the submitted Landscape Plans which include various elements to engage with general for active, creative and passive recreation.	Yes
Design and construct external open space that is safe, healthy and attractive, provide visual quality to the development, and screen activities to protect neighbour's amenity.	As above. Privacy screens, acoustic barriers and landscaping proposed, as outlined earlier.	Yes
Provide a landscape proposal, prepared by a qualified landscape architect or persons with expertise in landscape design for children, that complies with the National Quality Framework for children's centres.	Refer to the submitted Landscape Plans.	Yes
Where practical take advantage of existing site conditions, identifying both desirable and undesirable elements, and emphasise the natural rather than man-made environment.	The site does not contain and natural attributes that could be integrated into the landscape/building design.	Yes
Ensure that the external areas are free from contamination (including lead contamination).	Site has history of residential use and will be majority cleared following basement excavation. Refer to the submitted Preliminary Site Investigation Report.	Yes
The outdoor play space must not be occupied by any motor vehicles during operating hours.	Complies.	Yes
Outdoor play areas between the front alignment of the building and the street will not be supported.	None proposed.	Yes
<p><u>F2.9 Landscape Plan Requirements</u> A landscape plan is required for development of a new child care centre and may be required for alterations and additions to an existing child care centre. Include the following in the landscape plan:</p>	Refer to the submitted Landscape Plans.	Yes
<p>(a) Boundary security fencing minimum 1.8m high and that is non-climbable;</p>	1.8m metal palisade fencing set behind frontage landscaping proposed.	Yes

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY DCP 2012		
Provision	Proposal	Complies
(b) Covered veranda and 50% of external ground area shaded;	Proposal complies with shadowing requirements of the Guidelines (Table 2).	N/A
(c) Disability access and ease of access from outdoor areas to toilets;	Disabled access compliant - refer to the submitted Access Report.	Yes
(d) An outdoor area for babies, separate from outdoor area for older children;	As proposed - refer to the plans.	Yes
(e) Conceptual delineation of spaces into activity zones;	Refer to the submitted Landscape Plans.	Yes
(f) Sandpit and shade structure, and access to sandpit for maintenance vehicles;	Refer to the submitted Landscape Plans.	Yes
(g) Outdoor storage areas, shed, waste storage and handling facilities;	Refer to the submitted architectural and Landscape Plans.	Yes
(h) Garden bed layout with planting details, surface materials, and soft fall areas; and	Refer to the submitted Landscape Plans.	Yes
(i) Water play areas and a tap.	Refer to the submitted Landscape Plans.	Yes
Note: Refer to Part B of this DCP for recommended Child Care Centre Planting Guide.	Noted.	
<u>F2.10 Staffing</u> Staff ratios are to be in accordance with the National Quality Framework, details of staffing are to be included with the development application, including staff that will meet the needs of children with special needs and children from a culturally and linguistically diverse background.	Complies – refer to Table 1.	Yes
<u>F2.11 Accessibility</u> The building must provide for access for people with a disability, by a continuous path of travel from the street and or parking area into and within every room and outdoor area used by children and staff. Access should be designed in accordance with AS 1428.1 Design for Access and Mobility, and in all respects comply with Part D of the Building Code of Australia.	Complies – refer to Access Report.	Yes
<u>F2.12 Operating Hours</u> Where a child care centre is located in a residential zone, operating hours will be restricted to: Monday – Friday 7.00am – 7.00pm (excluding public holidays).	The proposal includes operation of Monday – Friday 7.00am – 7.00pm (excluding public holidays).	Yes
<u>Visual and Acoustic Privacy</u> Locate sleep rooms and play areas away	Adequately separated by solid walls	Yes

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY DCP 2012		
Provision	Proposal	Complies
from undesirable noise sources. The impacts of noise can be further reduced by barriers such as solid fencing and double-glazing.	and the adjacent outdoor play space – refer to plans.	
An acoustic report from a suitably qualified acoustic engineer is to be provided with a development application for a new child care centre and is to include measures to minimise noise impacts on neighbouring properties:	An Acoustic Report has been submitted by Day Design.	
(a) Orientating the child care centre to have regard to neighbouring property layout, including locating playgrounds and playroom windows and doorways away from neighbouring bedrooms;	The proposal has its primary orientation to the adjacent street frontages. The side/rear elevations do not contain any windows and the outdoor play spaces are bordered by privacy and/or acoustic screens and landscaping where there is an interface with an adjoining residential property.	Yes
(b) Using double-glazing where necessary;	Refer to Acoustic Report recommendations.	Yes
(c) Planting hedges along fence lines to create a play ground buffer zone; and	As proposed, refer to Landscape Plans.	Yes
(d) Include fencing that minimises noise transmission and loss of privacy (such as lapped and capped timber fencing, cement block, brick).	1.8m colorbond fences proposed to the south-east and south-west boundaries.	Yes

Considering the above and considering the context, surrounding development and site attributes/ constraints, the proposal has been demonstrated to achieve a high level of compliance with the applicable DCP provisions and results in a development form that is reasonably expected at the site.

4.2 Impacts on Natural & Built Environment (Section 4.15(1)(b))

Natural Environment

The proposal seeks to redevelop the site to contain child care centre and in doing so will incorporate appropriate construction methodology to minimise runoff and siltation beyond the site.

The site is not mapped as environmentally significant land and does not contain any significant flora or fauna.

The Landscape scheme for the development will provide high quality landscaping including a range of native shrubs, grasses, hard and soft surfaces and canopy tree planting. Overall, the proposed Landscape scheme, incorporating suitable screening vegetation to side boundaries and ground covers in a highly integrated landscape improvement for the site, compatible with the area and suitable to the needs of the proposed land use, including quality, safe and educational play spaces.

Considering the above, the proposal will not give rise to significant impacts on the natural environment and will provide a net improvement to the natural features of the site.

Built Environment

The proposal does not give rise to any material impacts on the built environment as detailed below in relation to discussion on privacy, overshadowing, views as well as social and economic impacts.

Views

There are no significant views of iconic buildings, natural landscape or otherwise 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.

Aural and visual privacy

It is proposed that the facility will provide 72 childcare places and operate from 7am to 7pm Monday to Friday. No operation is sought on weekends or public holidays, beyond staff and cleaning operations.

The plans and operational details have been reviewed by an Acoustic Consultant *Day Design* and an Acoustic Report has been submitted with the application. With respect to the noise emission arising from the development, the report recommends the following measures:

Acoustic Fencing: To be constructed along all of the boundaries of the outdoor play areas, as follows:

- 2.1m high barrier along the south-western portion of the ground floor outdoor play area and 1.8m high screen to a portion of Pettit Avenue (set in from the property boundary by 2m);
- 1.8m high barrier along the southern edge of the first floor outdoor play areas above the FGL;
- 2.1m high barrier at ground level above the proposed driveway entrance.

In addition, the Acoustic Report recommends fence height and construction, and is detailed on the Architectural Plans prepared by *Art Made Architects*.

Mechanical plant: Air conditioning units will be centrally located on the building roof.

Noise Management Plan: To be prepared and should include the following key operational instructions:

- Provide copy to staff and parents;
- Provide details of Centre Manager to neighbours;
- Facilitate small group play when outdoors;
- Crying children tended to quickly and relocated indoors;
- All windows and doors to indoor play rooms should be closed during use.

The above recommended components to the Noise Management Plan and designation of “quiet play area” are included within the accompanying Plan of Management (POM) prepared by *Avenue Town Planning*.

The Acoustic Report concludes that subject to implementing the noise control recommendations, the facility can be constructed and operations managed to meet the acoustic criteria relevant to the development.

In light of the above and taking into consideration all recommendations from the Acoustic Assessment, the proposal has been designed to respond to the site context and provide

appropriate privacy and amenity to the child care facility as well as to safeguard the privacy of the adjoining properties.

The building has been designed without any side or rear facing windows. The elevated outdoor play area has a setback of 7.35m to the south-eastern boundary and the adjoining residential property at No. 76 Benaroon Road contains outbuildings and a driveway adjacent to the subject site, meaning that the distance between the elevated outdoor play area and useable portion of private open space is in the order of 12m. south-eastern edge of the upper outdoor play area has limited width adjacent to No. 76 (approximately 5.6m) and will be edged with 1.8m high privacy and acoustic screens. At the ground floor level, outdoor play space will be bordered by 2.1m high acoustic fencing to preserve residential amenity. Landscape screen planting will be provided between the acoustic barriers and site boundaries where a 1.8m metal fence is proposed.

As evident on the Landscape Plan, the Ground Level outdoor play area will not give rise to significant noise impacts when considering the building arrangement on the site and primary orientation towards Petit Avenue.

As such, the proposal is considered acceptable in terms of aural and visual privacy impacts on adjoining development and the amenity of future residents.

Overshadowing

The shadow diagrams submitted with the application detail the extent of shadow cast by the proposed works. In addition, accompanying view from sun diagrams assist in demonstrating the level of solar access resulting from the proposed development.

The submitted shadow diagrams detail the shadow cast at mid-winter. The adjoining property to the south (No. 76) will be impacted whereas all other properties will not result in significant additional shadow (the properties to the rear will experience minor and acceptable shadowing impacts on their rear portion of their backyard spaces in the morning period only). The shadowing impacts on No. 76 is acceptable because the proposed shadowing to the private open space area and east or west facing living area windows on that dwelling are consumed by the buildings that exist on that site.

The proposed overshadowing is considered entirely reasonable for redevelopment of the site considering the development is compliant with the FSR and building height maximums for the site and has generous boundary setbacks, particularly to No. 76 which is majority 7.35m and is significantly more than what would be achieved for a common 2 storey dwelling house development on No. 78.

External Appearance

The proposed development reflects a contemporary 2 storey building with connected pavilion elements, facebrick and rendered built form. Whilst internally the building has a single floorplate, the development has been cleverly designed to respond to local character and presents as 3 connected pavilions, which is reflective of the rhythm of residential developments on each parcel that forms the development site and that of the surrounding site.

The proposed pavilions are angled to reflect the development site front boundary alignment and this assists with modulating the façade presentation. The connecting parts of the building between the pavilions will comprise visually permeable building elements that allow for my degree of solar penetration visual movement in the facade and reduced building bulk as a result.

Parking is located at basement level and this benefits streetscape appearance and reduced congestion in the street. There is direct access from a pedestrian path from the street to the building entrance for safe movement of visitors and staff.

The proposed palette of materials includes brickwork, concrete render (painted light grey or dark grey), aluminium windows and doors and metal roof elements. The proposed building style and finishes are compatible with the treatment of built form seen in the wider area.

The building entrance (both pedestrian and vehicular) are clearly defined and address Benaroon Road. The building is limited in density, efficient in layout and allows for good supervision from within indoor and outdoor play areas.

The building is well sited providing suitable setbacks that are consistent with adjoining properties and will be embellished with landscaping.

Figure 18 is a CGI of the development as it will present to Petit Avenue. Overall, the proposed development will contribute a quality development that is residential in nature whilst also reflecting the child care land use. It is both compatible and sufficiently sympathetic within its R3 Zone context.



Figure 17: 3D view of the proposed development

Social and Economic Impacts

The proposal will redevelop the site to provide a child care centre that is compatible with the residential side setting and is a service that is demand in the area. It will provide a service for local residents to access and will create employment opportunities. It will therefore result in positive social impacts.

In addition, the proposal will create construction and operational related benefits to the economy.

4.3 The Suitability of the Site (Section 4.15(1)(C))

The proposal is permissible with consent in the *R3 – Medium Density Residential* zone that applies the site and is consistent with the intention of the zone as a land use that provides *facilities or services to meet the day to day needs of residents*.

As detailed in the submitted Flood Risk Management Report, the proposed development is designed with a ground level FFL of 27.40mAHD, which is consistent with the required freeboard level.

In the absence of any natural or built environmental impacts as detailed above, the development is suitable at the site.

4.4 The Public Interest (Section 4.15(1)(e))

The proposed use is permissible with development consent, is consistent with zone objectives and complies with all relevant aspects of the SEPP, LEP, DCP and Guidelines, unless identified and appropriate justification has been provided. Accordingly, the proposed development is in the public interest and worthy of Council's support.

5 CONCLUSION

This Statement of Environmental Effects has detailed the specifics of the site and its context and outlines the proposal to construct a 2 storey centre-based child care facility to accommodate 72 children and 13 parking spaces.

The application has been considered in accordance with the matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal is permissible with consent from Council and complies with all relevant LEP provisions.

In addition, the proposal has been assessed with regard to the relevant planning controls that apply to the site and proposed development. The proposal will result in acceptable and compatible development, will have no significant adverse environmental impact on the locality.

As detailed in this Statement, the proposed development will not give rise to any unacceptable impacts on the natural and built environment and will positively contribute to the local streetscape appearance and residential character. The proposal will provide a high amenity environment and the provision of high quality child care services and in doing so, result in acceptable / minimum impacts in terms of privacy and overshadowing for surrounding properties.

The proposal is therefore suitable for the site and in the interest of the public and it is requested that Council determine the application favourably.

Annexure A

Plan of Management

PLAN OF MANAGEMENT

78-80A Benaroon Road, Lakemba

Child Care Centre

December 2022

1 INTRODUCTION & OBJECTIVES

This Plan of Management provides guidelines and management practices for the day to day operation of the child care centre including the use of indoor and outdoor areas, and carparking.

This Plan has the following aims for the child care centre:

- a. To operate in a manner that is consistent with good management;
- b. To operate in a way that has regard to the surrounding residential neighbourhood and streets;
- c. To take a proactive role in being a responsible neighbour/tenant within the surrounding residential area; and
- d. Operates in a manner so as not to disturb the surrounding residential area.

This plan of management is designed to provide Council, the operators of the premises and the adjoining residents with clear guidelines that are to be employed to ensure that the proposed operation will not result in any significant or unreasonable impacts on the surrounding properties.

Prior to commencing work in the Centre, all staff will be made familiar with this Plan of Management, during their employment induction. Once made familiar all staff required to sign a register stating they have been acquainted with the Plan. The register is to be kept with this plan.

The sections describe the operational arrangements of the child care centre.

2 LICENSING

The child care centre will be operated in accordance with all relevant statutory requirements.

In this regard, the licensing procedure and proposed facilities and equipment requirement, staffing requirements, child number requirements, operational requirements, administrative requirements, probity checks, miscellaneous and record keeping will be in strict accordance with the Education and Care Services National Law Act 2010, the Children (Education and Care Services National Law Application) Act 2010 and the Education and Care Services National Regulations, or as described by the license given to the site operation.

3 OPERATIONAL DETAILS

The operational arrangements are detailed as follows:

- a. **Operating Hours:** The hours of operation of the centre are 7am – 7pm (Monday to Friday). Use of the premises after hours or on weekends will be only for staff and cleaning operation.
- b. **Operating Capacity:** A total of 72 children under 6 years are proposed within the following age groups:
 - 0-2 years – 12 children
 - 2-3 years – 20 children
 - 3-5 years – 40 children

Each child is provided with at least 3.25m² indoor play space and at least 7m² outdoor play space, as required by the regulations. The layout of the building, especially the play spaces and toilets are designed to allow easy access, functionality and constant supervision of children.

c. Staff: Based on the proposed centre capacity identified above, the following staff are required:

- 0-2 years (12) – 2 staff (ratio of 1:4)
- 2-3 years (20) – 4 staff (ratio of 1:5)
- 3-5 years (40) – 4 staff (ratio of 1:10)

Each staff member must undergo a mandatory Working With Children Check before employment and access to children through the NSW Government's Commission for Children and Young People.

d. Parking:

- A total of 13 parking spaces will be provided on site;
- Deliveries will occur outside of peak drop off and pick up times when a visitor parking space would be available.

4 OPERATIONAL MANAGEMENT MEASURES

Provided below is a summary of the operational measures that will be employed to mitigate impacts on neighbours and clientele of the centre.

(i) Supervision and Management of Children

- There must be a compliant number of staff in accordance with license granted to the premises.
- The suitable number of staff shall be present at all times depending on the number of children and their age within the centre (indoors and outdoors).
- Staff must be positioned to allow for the supervision of children at all times.
- All children will be divided into groups to meet allowable numbers of children in outdoor play areas during free play. These groupings can rotate on a daily and or weekly basis according to staff programs/planning and documentation.
- Daily routines such as group times, transitions, eating, sleeping and resting, toileting, bathing, dressing, and undressing, and even arriving and leaving occur at particular parts of the day and provides qualified trained staff with valuable information about the child's development. The proposed routines for each respective age groups allows for flexibility according to variables such as weather, culture, children's/family's needs & interests, mixed ages, planned experiences and or spontaneity.

(ii) Noise Management

- The acoustic barriers indicated on the approved architectural plans shall be maintained in perpetuity and kept in a sound condition.
- The child care centre management shall implement a noise management plan that should include, but not limited to the following:
 - ensuring full staff and parents are provided with a copy of the noise management plan and its implications for them during their time at the centre;
 - neighbours should be provided with the name and contact details of the centres manager, and an invitation to contact that person at anytime the centre is operating;
 - Children should play in small groups when outside, and encouraged by educators to engage in play in facilitate friendships between children;
 - crying children should be comforted as quickly as possible and moved indoors;
 - all windows and doors of the indoor playrooms should be closed during noisy activities, such as when amplified music is being played.
- Staff and parents will be instructed in the importance of being a "good neighbour" to assist in controlling privacy and noise levels, in particular noise levels from outdoor play areas.

(iii) Traffic Management

Peak times for arrival of families/children and staff are anticipated to be between 7am-9am each week day morning and 4pm-6pm each week day afternoon.

The following traffic and parking parameters are to be implemented:

- Staff members who drive to the site are to occupy designated on-site staff parking spaces, in preference to parking on-street;
- Staff are only permitted to park in the designated staff parking spaces;
- Parent / visitors who drive to the site are to occupy designated on-site visitor parking spaces, in preference to parking on-street;
- In the unlikely event that staff or parent / visitors are required to park on-street, parking should as close as possible to the subject site and avoid frontages of the nearby residential properties;
- The Neighbourhood Parking Policy should be provided to all staff and parents / guardians at the time of employment and enrolment, respectively.

(iv) Security and Access Management

The following matters are to be enforced:

- Entry to/from the centre is to be controlled by electronic means and/or supervised by staff during the peak drop-off and pick-up periods;
- All fences, gates and accessible windows will contain childproof locks and internal back to base alarms, as necessary.
- Security cameras are encouraged at the centre entrance and in key areas of the building.

(v) Site Servicing

The child care centre is likely to necessitate regular servicing with respect to the collection of refuse. Refuse is proposed to be contained within bins accommodated within a bin storage room situated within the basement. These bins are to be collected by private contractor and from within the basement.

Minor deliveries associated with the centre operation are expected to be undertaken by vans and utilities. Such servicing activities are proposed to be accommodated within single visitor passenger vehicle parking spaces located within the basement parking area. These activities are to be undertaken between 10:00am and 2:00pm, thereby being outside of the peak child set-down / pick-up periods of the centre.

Collection of waste will be twice per week by private contractor. Bins will be wheeled to the kerb by staff and/or contractors for collection and returned to the storage area once emptied.

(vi) Cleaning and Maintenance

The premises is to be kept clean and tidy by staff. The premises, including furniture, fittings, utensils, cots and cot linen will be kept in good repair, clean, healthy, and free from vermin.

(vii) Essential Services – Fire Safety

The premises are inspected annually for the maintenance of the essential services of the building to the appropriate standards and compliance certification issued accordingly.

(viii) Maintenance

Required exits and egress paths are clear, and free of locks and obstructions. A maintenance person is to be engaged to monitor adherence to these aspects of the plan of management. Before the premises are occupied, an evacuation plan would be prepared and certified by the principle certifying authority.

- Management will conduct training of every new employee on:
- The duties of each work position
- Safety measures and procedures
- Emergency and evacuation procedures

(ix) Emergency Management

The purpose of this section is to provide a framework for the development of a specific emergency and evacuation procedures practices and guidelines of the centre. The operators are responsible for review, amending and adjusting this procedure prior to initial commencement of the child care centre operation and on an annual basis.

The Education and care Services National Regulations 2011 define an emergency in relation to an education and care services as any situation or event that poses an imminent or service risk to the persons at the service premises e.g. flood, fire or a situation that requires the service premises to be locked down. The relevant legislation and standards include but are not limited to:

- Education and care services National Law Act 2010, Education and Care Services National Regulations 2011: Regulation 97,98,168(2) National Quality Standard, Quality Area 2: Children's Health and Safety, Standard 2.3: Each child is protected; Element 2.3.3 – Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, Occupational Health and Safety Act 2004.

Procedures

The approved provider is responsible for:

- Ensuring that plans to effectively manage incidents and emergencies are developed in consultation with the relevant authorities, practised, implemented and regularly reviewed.
- Conducting a risk management assessment to identify potential emergencies that the service may encounter (Regulation 97(2))
- Developing instructions for what must be done in the event of an emergency (Regulation 97(1)(a))
- Developing an emergency and evacuation floor plan (Regulation 97(1)(b)).
- Ensuring that the emergency and evacuation procedures are rehearsed at least once every 3 months by all at the service (Regulation 97(3)(a)).
- Ensuring that the rehearsals of the emergency and evacuation floor plan and instructions are displayed in a prominent position near each exit at the service premises (Regulation 97(4)).
- Ensuring that those working at, or attending the service, have access to a phone or similar for immediate communication with parents/guardians and emergency services (Regulation 98), and that phone numbers of emergency services are displayed in each room of the service, near the phone.
- Identifying potential onsite hazards and taking action to manage and minimise risk.
- Ensuring the location of first aid kits, fire extinguishers and other emergency equipment are clearly signposted.
- Ensuring all emergency equipment is maintained on a regular basis in accordance with requirements specified by regulations, such as the Australian Standards Building Code of Australia e.g. fire extinguishers, smoke detectors, evacuation kits, sprinkler system and alarm or duress system.
- Providing a fully equipped portable first aid kit.
- Developing a regular training schedule for staff to ensure that they are able to deal with emergency situation e.g. first aid, emergency management and WHS training.
- Regularly reviewing, evaluating and updating emergency management plans and developing procedures to debrief staff following emergency incident.

- Conducting spot checks of documentation and practices to ensure all requirements of the policy are being complied with.
- Notifying Regulatory Authority within 7 days of an incident that required the service to be closed. Reporting incident to work cover NSW.
- Identifying staff and children requiring additional assistance in the event of emergency and ensuring that emergency contact details are provided on each child's enrolment.
- Ensuring that attendance record is maintained to account for all children and staff and visitors to the centre including arrival and departure time.

The Nominated Supervisor is responsible for:

- Ensuring that the emergency and evacuation floor plan is displayed in prominent positions and that all parents/guardians, volunteers, contact staff are briefed and aware of the procedures.
- Ensuring children are adequately supervised at all times and protected from hazards and harm.
- Ensuring evacuation plan is followed in the event of an emergency.
- Testing alarms and communication system regularly.
- Informing regulatory authorities including work cover NSW of any notifiable incident.

Service supervisors and other educators are responsible for:

- Implementing the procedures and responsibilities in this policy and the service's Emergency Evacuation Plan.
- Supervising the children in their care.
- Providing support to children before and during the emergency.
- Checking the attendance record is completed at the beginning of each day
- Checking emergency procedures is displayed in prominent location.
- Rehearsing emergency evacuation procedures with the children at least once every 3 months and documenting them.
- Providing feedback regarding the effectiveness of emergency and evacuation procedures.
- Completing the Incident, Injury, Trauma and illness record.
- Informing the Nominated Supervisor and/or Manager of the incidents.
- Attending first aid, emergency management and WHS training.

Parents / guardians are responsible for:

- Familiarising themselves with the service's emergency and evacuation policy and procedures.
- Ensuring they complete the attendance record on delivery and collection of their children.
- Providing emergency contact details on their child's enrolment form and ensuring this is kept up to date.
- Reinforcing the service's emergency and evacuation procedures with their child.

Role of Educator / supervisors during Evacuation procedure:

- Immediately when alarm sound educators will return to the group with which they are working if it is safe to do so.
- Educators are to ensure that sign in/out rolls and emergency contact lists remain in the vicinity of that particular group of children.
- After the alarm has been raised, group children and evacuate through the nearest exit to the designated safe area.
- Primary carer to call roll and settle children.
- Supervise and reassure children.
- Supervisors to ring 000 as soon as possible.
- Use red phone to alert staff.
- Check toilets, kitchen classrooms cot room and laundry and staff room
- Follow children and other to safe designated area.
- Supervise and reassure the children.
- Complete the written record detailing the evacuation.

5 COMPLAINT HANDLING PROCESS

This Plan of Management and the below complaints recording log is to be kept on site at all times. Any complaints made are to be recorded as follows and are to be made available to Council staff for review upon their request.

Complaints are to be followed up within 48 hours of the complaint being made and all reasonable efforts shall be made by the centre management to resolve the complaint and to avoid similar future complaints.

Complaints Log			
Date	Time	Nature of Complaint	Action Taken

Complaints Log			
Date	Time	Nature of Complaint	Action Taken

6 REVIEW PROCESS TO CONTINUOUSLY IMPROVE

In the event a complaint is continually recorded and resolved in a simple operation manner, this Plan of Management is to be updated to incorporate this management process to avoid further disturbance and complaints.

7 UNDERSTANDING OF THE OPERATOR

I the licensee have read and understand this Operational Plan of Management.

SIGN & DATE