



Proposal

s4.55(2) Modification Application to DA-114/2016 seeking to:
increase the number of children from 29 to 45.

Statement of Environmental Effects

Applicant

Mr Joe Wakim

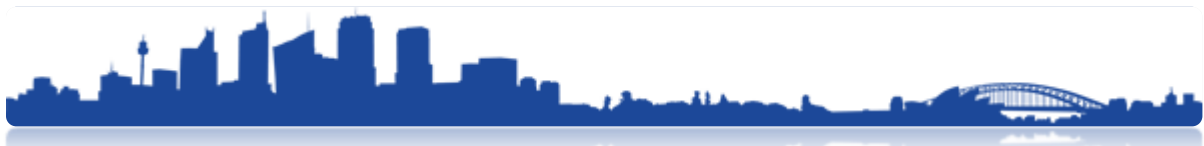
Site Address

Lot 1, DP 513745, No. 23 Curtis Road,
CHESTER HILL NSW 2162

Date

11 June 2019

AMENDED: 12 July 2019





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Statement of Environmental Effects

1. INTRODUCTION

The following Statement of Environmental Effects (SEE) is to be read in conjunction with the submitted s4.55(2) Modification Application to DA-114/2016 seeking to: increase the number of children from 29 to 45, at Lot 1, DP 513745, No. 23 Curtis Road, Chester Hill NSW 2162 (the site).

Applicant	Mr Joe Wakim
Development Site	Lot 1, DP 513745, No. 23 Curtis Road, Chester Hill NSW 2162
Proposal	s4.55(2) Modification Application to DA-114/2016 seeking to: increase the number of children from 29 to 45.
Zoning	R2 - Low Density Residential
Planning Instruments	<p>Canterbury Bankstown Council</p> <ul style="list-style-type: none">• Bankstown Local Environmental Plan (BLEP) 2015;• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017; and• Education and Care Services National Regulations.
Existing Development	Childcare Centre

2. EXECUTIVE SUMMARY

The proposed s4.55(2) Modification, seeking Council consent to increase the number of children from 29 to 45 has been considered in the following Statement of Environmental Effects (SEE) against the relevant statutes of both Canterbury Bankstown Council and State Government inclusive of the Environmental Planning and Assessment Act 1979, Bankstown Local Environmental Plan (BLEP) 2015, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017; and Education and Care Services National Regulations.

The proposed modification is deemed worthy of support.

3. SITE DESCRIPTION

The subject site is identified as Lot 1, DP 513745, 23 Curtis Road, Chester Hill. The irregular, corner shaped site has a primary northern frontage to Curtis Road with a width of 21.92m, a secondary eastern street frontage to Lakeview Avenue of 22.3m and a total site area comprising of 1,065.95m².





The site is located on the south-western side of the T-intersection (Curtis Road and Miller Road) between Curtis Road and Larkview Avenue in Chester Hill.

The site did contain a single storey brick and fibro dwelling with a substantial rear extension.

The total gross floor area of the existing dwelling was approximately 309m². The dwelling was setback 8.0m from the front northern boundary of Curtis Road and 4.0m from the eastern secondary boundary of Larkview Avenue.

The property falls to the street and also to the rear southern boundary. The area slopes towards the west along Curtis Road. The site contains a couple of existing trees within the rear yard located along the edge of the southern boundary.

A street tree exists immediately to the east of the property within the Larkview Avenue road reserve.

An active secondary bus stop exists within the Curtis Road reserve in front of the property. A pedestrian footpath also aligns the northern site boundary along Curtis Road and continues further to the east and west.

The site is surrounded by predominantly single storey detached dwellings of fibro and brick veneer construction. To the west, the site is adjoined by a similarly large residential village containing single storey residential dwellings.

A small Council reserve adjoins the site to the south-east. Major landmarks in the immediate vicinity include the:

- Villawood Immigration Detention Centre and National Archives Building to the west;
- Chester Hill High School to the north;
- Chester Hill Bowling Club to the east; and
- Villawood Industrial precinct to the south-west.

The following Development Application has been approved on the above mentioned subject allotment:

- DA-114/2016 - Demolition of existing structures and construction of a single storey twenty-nine (29) place childcare centre.





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Figure 1: Aerial view of site and locality - 23 Curtis Road, Chester Hill (Source: Nearmaps 2019)



Figure 2: Aerial view of site - 23 Curtis Road, Chester Hill (Source: Nearmaps 2019)





Figure 3: Streetscape view - 23 Curtis Road, Chester Hill (Source: Nearmaps 2019)

4. Background

The following is a table outlining recent development application history pertinent to the above mentioned subject allotment:

Application No.	Comment
CC-742/2017	Demolition of existing structures and construction of a single storey twenty-nine (29) place childcare centre
DA-114/2016/1	Demolition of existing structures and construction of a single storey twenty-nine (29) place childcare centre S96(2). Amendment: Increase number of children from 29 to 40 and replacement of window with sliding door on south elevation.
DA-114/2016	Demolition of existing structures and construction of a single storey twenty-nine (29) place childcare centre
DA-1104/2014	Alterations to existing dwelling for use as a forty (40) place childcare centre

Historical Development Application

This application follows a similar development application which was lodged with Council in the latter half of 2014 for alterations to the existing dwelling to accommodate a 40 place child care centre. The application (1104/2014) was ultimately refused by Council following a number of re-submissions by the applicant which failed to adequately demonstrate general compliance with Council's requirements.

The amended proposal was presented to the DCU Meeting on 10 December 2015. Generally, the revised proposal was acknowledged as being a much more suitable design and use of the site. Notwithstanding this, a number of recommendations and discussion points were provided in the minutes. This application was favourably determined by Council on 15 June 2016.

Historical Modification Application(s)





A total of three (3) modification applications have been lodged since the consent of the original Development Application, including the following:

- *The relocation of the adjustable clothes drying line to the Waste Storage Room and air conditioning unit area to protect the children from the clothes line folding and closing unexpectedly;*
- *The replacement of the side (western) window with an aluminium sliding door equivalent in width and same head height to open out to the extended playground area; and*
- *The increase of the number of children from twenty-nine (29) to forty (40) children. The total internal area of the classrooms is 213.15m² sufficient for sixty-five (65) children and the external area is 281.05m² sufficient for forty (40) children.*

This application was withdrawn by the applicant as it couldn't satisfy the minimum provisions of the Development Control Plan at the time.

5. RELEVANT PLANNING CONTROLS

Environmental Planning and Assessment Act 1979

Part 4 Development assessment and consent
Division 4.9 Post-consent provisions

4.55 Modification of consents – generally (cf previous s 96)

(2) Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

Proposal: This s4.55(2) Modification Application to DA-114/2016 seeks Council's favourable determination toward increasing the Childcare Centre number of children from 29 to 45. It is deemed and satisfied that the development, to which the consent as modified relates, is substantially the same development as the development for which consent was originally granted as Child Care Centre.





(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Proposal: The proposed s4.55(2) Modification Application to DA-114/2016 seeking Council's favourable determination toward increasing the Childcare Centre number of children from 29 to 45, will also affect and seek to amend Condition No. 2 - Approved Plans + Design Changes; Condition No. 7 - Maximum number of children (29); and Condition No. 8 - Maximum number of 4 staff. The conditions have been reproduced below:

2) Development shall take place in accordance with Development Application No.DA-114/2016, submitted by Josh Owen, accompanied by the following development plans affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval:

The development plans are as follows:

<i>Title</i>	<i>Date</i>	<i>Issue</i>	<i>Drawing No.</i>	<i>Prepared By</i>
<i>Site Plan</i>	<i>16.02.2016</i>	<i>A</i>	<i>A301</i>	<i>A2 Concepts</i>
<i>Ground Floor Plan</i>	<i>16.02.2016</i>	<i>A</i>	<i>A302</i>	<i>A2 Concepts</i>
<i>Sections</i>	<i>16.02.2016</i>	<i>A</i>	<i>A304</i>	<i>A2 Concepts</i>
<i>Elevations</i>	<i>16.02.2016</i>	<i>A</i>	<i>A305</i>	<i>A2 Concepts</i>
<i>Car Manoeuvring</i>	<i>11.05.2016</i>	<i>D</i>	<i>CM-02</i>	<i>Far West Consulting</i>

The development plans shall be amended as follows:

a) The parking arrangements on the development plans shall be in accordance with the 'car manoeuvring Site/Ground floor plan', dated 11/05/2016, issue D, prepared by Far West Consulting Engineers. All plans submitted for consideration of a Construction Certificate shall include this amendment.

b) The vehicle parking spaces labelled 'parent parking no.5' on the approved plan shall be amended to have a width of 2.9 metre to ensure compliance with AS 2890.1:2004.

7) The premises is restricted to a maximum of twenty nine (29) children at any one time.

8) A maximum of four (4) staff shall be conducting work at the premises at any given time.





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

The table below considers the proposed modification against the relevant provisions of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017:

Chapter 1 Preliminary Division 1 Consultation and notification

Clause	Requirement	Proposed Modification	Complies
10 Consultation with Councils - development with impacts on council-related infrastructure or services	(1) This clause applies to development carried out by or on behalf of a public authority that this Policy provides may be carried out without development consent	The approved and modified Childcare Centre is not carried out on behalf of a public authority.	Yes



Figure 4: Zoning map of site + locality view - 23 Curtis Road, Chester Hill
(Source: NSW Planning Portal 2019)

Chapter 2 Approvals and certificates

Part 3 Early education and care facilities - specific development controls

Part 3.3 Assessment

Clause	Requirement	Proposed Modification	Complies
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22 Centre-based child care facility - concurrence of Regulatory Authority required for certain development	(1) This clause applies to development for the purpose of a centre-based child care facility if:	The increase of the number of children from twenty-nine (29) to forty-five (45) children.	Yes
	(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> , or	The total internal area of the classrooms is 147.83m ² $147.83\text{m}^2 / 3.25\text{m}^2 = 45$ children	Yes Refer to Note 1
	(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.	The external area is 317.25m ² $317.25\text{m}^2 / 7\text{m}^2 = 45$ children	Yes Refer to Note 1
	(2) The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.	Refer to Appendix 1. Stamped approved architectural plans.	Yes

Note 1: The below is an extract of the *Education and Care Services National Regulations* identifying the minimum requirement of indoor / outdoor space per child:

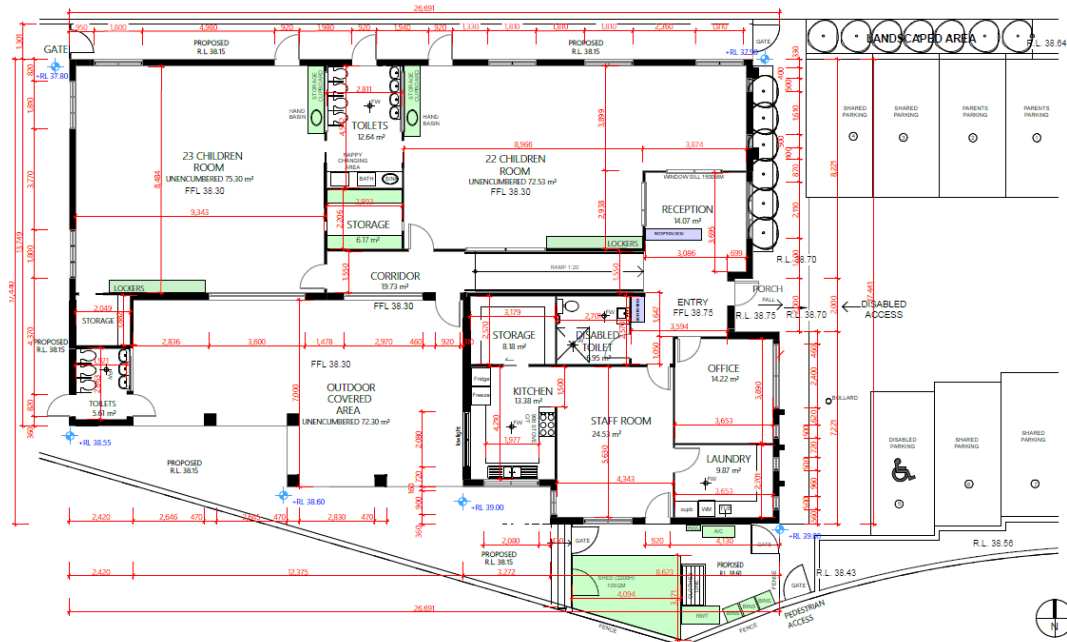
107 Space requirements - indoor space

(2) *The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.*

108 Space requirements - outdoor space

(2) *The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.*





23 Centre-based child care facility - matters for consideration by consent authorities	Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.	The site has been approved for the purpose of a Childcare Centre	Yes
25 Centre-based child care facility - non-discretionary development standards	(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters. (2) The following are non-discretionary development standards for the purposes	The proposed modification does not seek onerous standards. Noted	Yes Yes





	<p>of section 4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:</p> <p>(a) location - the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) indoor or outdoor space</p> <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</p>	<p>The Childcare has already been approved.</p> <p>It is considered that there is sufficient indoor space to increase the capacity of the childcare centre from 29 children to 45 children.</p> <p>The proposed modification complies with regulation 107 and 108, providing a total internal area of 147.83m² and an external area of 317.25m².</p> <p>Refer to above</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>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>(3) To remove doubt, this clause does not prevent a consent authority from:</p>	<p>Childcare approved, no modification to this clause sought.</p> <p>Colours, materials and finishes of Childcare approved, no modification to this clause sought.</p> <p>The subject site is not identified to be a Heritage Item.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>26 Centre-based child care facility - development control plans</p>	<p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to</p>	<p>The childcare centre has been approved. A management plan was submitted and approved with the development application; no modification to this clause is sought.</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>





	other early education and care facilities, (d) any matter relating to development for the purpose of a centre-based child care facility contained in:	Noted	Yes
	(i) the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i> , or	Noted	Yes
	(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).	Noted	Yes
	(2) This clause applies regardless of when the development control plan was made.	Noted	Yes

Education and Care Services National Regulations

Chapter 4 Operational requirements

Part 4.3 Physical environment

Division 1 Centre-based services and family day care services

Clause	Requirement	Proposed Modification	Complies
103 Premises, furniture and equipment to be safe, clean and in good repair	(1) The approved provider of an education and care service must ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair.	The childcare centre provider will ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair.	Yes
	(2) This regulation does not apply to a part of a family	N/A	N/A





	day care residence that is not used to provide a family day care service.		
104 Fencing	<p>(1) The approved provider of an education and care service must ensure that any outdoor space used by children at the education and care service premises is 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>(2) This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age.</p> <p>(3) This regulation does not apply in respect of a family day care residence or a family day care venue if all the children being educated and cared for at that residence or venue as part of a family day care service are over preschool age.</p>	<p>The approved childcare centre was favourably determined with the inclusion of an Acoustic Report.</p> <p>The outdoor space used by children at the education and care service premises is enclosed by a fence that is of a height and design that children cannot go through, over or under it.</p> <p>N/A</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>
105 Furniture, materials and equipment	The approved provider of an education and care service must ensure that each child being educated and cared for by the education and care service has access to sufficient furniture, materials and developmentally appropriate equipment suitable for the education and care of that child.	The approved childcare centre will ensure that each child has access to sufficient furniture, materials and developmentally appropriate equipment suitable for the education and care of that child.	Yes





<p>106 Laundry and hygiene facilities</p>	<p>(1) The approved provider of an education and care service must ensure that the service has -</p> <p>(a) laundry facilities or access to laundry facilities; or</p> <p>(b) other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering - that are adequate and appropriate for the needs of the service.</p> <p>(2) The approved provider of the service must ensure that laundry and hygienic facilities are located and maintained in a way that does not pose a risk to children.</p>	<p>Laundry facilities have been approved on the original DA, no changes proposed.</p> <p>Arrangements have been approved for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal.</p> <p>The approved laundry and hygienic facilities are located and maintained in a way that does not pose a risk to children. No changes proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>107 Space requirements - indoor space</p>	<p>(1) This regulation does not apply in respect of a family day care residence.</p> <p>(2) The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.</p> <p>(3) In calculating the area of unencumbered indoor space -</p>	<p>Noted.</p> <p>The proposed amendment seeks to increase the approved 29 children spaces to 45. The internal floor area equates to 147.83m².</p> <p>$147.83\text{m}^2 / 3.25\text{m}^2 = 45$ children</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>





	<p>(a) the following areas are to be excluded -</p> <p>(i) any passageway or thoroughfare (including door swings);</p> <p>(ii) any toilet and hygiene facilities;</p> <p>(iii) any nappy changing area or area for preparing bottles;</p> <p>(iv) any area permanently set aside for the use or storage of cots;</p> <p>(v) any area permanently set aside for storage;</p> <p>(vi) any area or room for staff or administration;</p> <p>(vii) any other space that is not suitable for children;</p> <p>(b) the area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as part of an educational program provided by the service.</p> <p>(4) The area of a verandah may be included in calculating the area of indoor space only with the written approval of the Regulatory Authority.</p> <p>(5) A verandah that is included in calculating the area of outdoor space cannot be included in calculating the area of indoor space.</p> <p>(6) In this regulation a reference to a child does not include -</p> <p>(a) a child being educated</p>	<p>The following areas have been excluded from the total internal indoor space:</p> <p>(i) any passageway or thoroughfare (including door swings);</p> <p>(ii) any toilet and hygiene facilities;</p> <p>(iii) any nappy changing area or area for preparing bottles;</p> <p>(iv) any area permanently set aside for the use or storage of cots;</p> <p>(v) any area permanently set aside for storage;</p> <p>(vi) any area or room for staff or administration;</p> <p>(vii) any other space that is not suitable for children;</p> <p>The area of the kitchen has been excluded.</p> <p>The area of the verandah / patio / porch / balcony / terrace has not be included in calculating the area of indoor space.</p> <p>The verandah has been included in calculating the area of outdoor space.</p> <p>Noted</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>or cared for in an emergency in the circumstances set out in regulation 123(5); or</p> <p>(b) an additional child being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6).</p>	Noted	Yes
108 Space requirements - outdoor space	<p>(1) This regulation does not apply in respect of a family day care residence.</p> <p>(2) The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.</p> <p>(3) In calculating the area of unencumbered outdoor space required, the following areas are to be excluded -</p> <p>(a) any pathway or thoroughfare, except where used by children as part of the education and care program;</p> <p>(b) any car parking area;</p> <p>(c) any storage shed or other storage area;</p> <p>(d) any other space that is not suitable for children.</p>	<p>Proposed modification seeks an increase from 29 to 45 children spaces.</p> <p>The external area is 317.25m²</p> <p>$317.25\text{m}^2 / 7\text{m}^2 = 45$ children</p> <p>The following areas have been excluded from the outdoor unencumbered outdoor space:</p> <p>any pathway or thoroughfare, except where used by children as part of the education and care program;</p> <p>any car parking area;</p> <p>any storage shed or other storage area;</p> <p>any other space that is not suitable for children.</p> <p>The area of the verandah / patio / porch / balcony / terrace has not be included in calculating the area of indoor space. The verandah has been included in calculating the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>





	<p>(4) A verandah that is included in calculating the area of indoor space cannot be included in calculating the area of outdoor space.</p> <p>(5) An area of unencumbered indoor space may be included in calculating the outdoor space of a service that provides education and care to children over preschool age if</p>	<p>area of outdoor space.</p> <p>Noted</p>	<p>Yes</p>
109 Toilet and hygiene facilities	<p>The approved provider of an education and care service must ensure that -</p> <p>(a) 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</p> <p>(b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p>	<p>The modification does not seek to amend the approved developmentally and age-appropriate toilet, washing and drying facilities, for use by children being educated and cared for.</p> <p>The approved childcare centre location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p>	<p>Yes</p> <p>Yes</p>
110 Ventilation and natural light	<p>The approved provider of an education and care service must ensure that the indoor spaces used by children at the education and care service premises—</p> <p>(a) are well ventilated; and</p> <p>(b) have adequate natural light; and</p>	<p>The approved childcare centre is:</p> <p>well ventilated; and</p> <p>has adequate natural light; and</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>





	(c) are maintained at a temperature that ensures the safety and wellbeing of children.	will be maintained at a temperature that ensures the safety and wellbeing of children.	Yes
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Division 2 Additional requirements for centre-based services

Clause	Requirement	Proposed Modification	Complies
111 Administrative space	The approved provider of a centre-based service must ensure that an adequate area or areas are available at the education and care service premises for the purposes of -	The approved child care centre will ensure as part of the approved development application for the purposes of:	Yes
	(a) conducting the administrative functions of the service; and	conducting the administrative functions of the service; and	Yes
	(b) consulting with parents of children; and	consulting with parents of children; and	Yes
	(c) conducting private conversations.	conducting private conversations.	Yes
112 Nappy change facilities	(1) This regulation applies if a centre-based service educates and cares for children who wear nappies.	The approved childcare centre will educate and care for children who wear nappies.	Yes
	(2) The approved provider of the service must ensure that adequate and appropriate hygienic facilities are provided for nappy changing.	Adequate and appropriate hygienic facilities have been approved for nappy changing areas.	Yes
	(3) Without limiting sub-regulation (2), the approved provider of the service must ensure that the following are provided -		
	(a) if any of the children are	At least 1 properly	Yes





	<p>under 3 years of age, at least 1 properly constructed nappy changing bench; and</p> <p>(b) hand cleansing facilities for adults in the immediate vicinity of the nappy change area.</p> <p>(4) The approved provider of the service must ensure that nappy change facilities are designed, located and maintained in a way that prevents unsupervised access by children.</p>	<p>constructed nappy changing bench has been approved; and</p> <p>hand cleansing facilities for adults in the immediate vicinity of the nappy change area will be provided.</p> <p>The approved child care centre will ensure that nappy change facilities are designed, located and maintained in a way that prevents unsupervised access by children.</p>	<p>Yes</p> <p>Yes</p>
113 Outdoor space - natural environment	The approved provider of a centre-based service must ensure that the outdoor spaces provided at the education and care service premises allow children to explore and experience the natural environment.	The approved provider will ensure that the outdoor spaces provided will allow children to explore and experience the natural environment, including a vegetable patch / garden and sandpit.	Yes
114 Outdoor space - shade	The approved provider of a centre-based service must ensure that outdoor spaces provided at the education and care service premises include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	The approved provider will ensure that outdoor spaces provided include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	Yes
115 Premises designed to facilitate supervision	The approved provider of a centre-based service must ensure that the education and care service premises (including toilets and nappy change facilities) are designed and maintained in a way that facilitates supervision of children at all	No modification sought to the approved (toilets and nappy change facilities) which are to be designed and maintained in a way that facilitates supervision of children at all times	Yes





	times that they are being educated and cared for by the service, having regard to the need to maintain the rights and dignity of the children.		
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Part 4.4 Staffing arrangements

Division 3 Minimum number of educators and family day care co-ordinators required

Clause	Requirement	Proposed Modification	Complies
121 Application of Division 3	(1) This Division prescribes the minimum number of educators required to educate and care for children at an education and care service for the purposes of section 169(1) and (3) of the Law.	Four (4) Educators	Yes Refer to Note 2
	(2) Division 4 sets out the minimum qualifications for educators and Division 5 sets out how many educators are to be early childhood teachers.	Noted	Yes
122 Educators must be working directly with children to be included in ratios	An educator cannot be included in calculating the educator to child ratio of a centre-based service unless the educator is working directly with children at the service.	Noted	Yes
123 Educator to child ratio - centre-based services	(1) The minimum number of educators required to educate and care for children at a centre-based service is to be calculated in accordance with the following ratios -		
	(a) for children from birth	N/A	N/A





	to 24 months of age - 1 educator to 4 children;		
	(b) for children over 24 months and less than 36 months of age - 1 educator to 5 children;	Room 1 = 22 children 2 Educators	Yes
	(c) for children aged 36 months of age or over (not including children over preschool age) - 1 educator to 11 children;	Room 2 = 23 children 2 Educators	Yes
	(d) for children over preschool age, 1 educator to 15 children.	N/A	N/A
	(2) If children being educated and cared for at a centre-based service are of mixed ages the minimum number of educators for the children must meet the requirements of sub-regulation (1) at all times.	N/A	N/A
	(3) If an early childhood teacher is required under Division 5 to be in attendance at a centre-based service, subject to regulation 122 that teacher is counted as an educator at the service for the purposes of this regulation.	N/A	N/A
	(4) If a centre-based service is required under regulation 130 or 131 to have access to an early childhood teacher for a period, subject to regulation 122 that teacher is counted as an educator at the service for the purposes of this regulation.	N/A	N/A





	(5) In sub-regulations (1) and (2) a reference to children does not include a child who is, or 2 or more children from the same family who are, educated and cared for at a centre-based service in an emergency for a period of not more than 2 consecutive days on which the service operates.	N/A	N/A
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Education and Care Services National Regulations

Division 3 Minimum number of educators and family day care co-ordinators required

123 Educator to child ratios - centre-based services

(1) The minimum number of educators required to educate and care for children at a centre-based service is to be calculated in accordance with the following ratios-

- (a) for children from birth to 24 months of age - 1 educator to 4 children;*
- (b) for children over 24 months and less than 36 months of age - 1 educator to 5 children;*
- (c) for children aged 36 months of age or over (not including children over preschool age) - 1 educator to 11 children;*
- (d) for children over preschool age, 1 educator to 15 children.*

(2) If children being educated and cared for at a centre-based service are of mixed ages the minimum number of educators for the children must meet the requirements of sub-regulation (1) at all times.

Proposed:

Children	Required	Proposed	Complies
birth to 24 months of age	1 educator to 4 children	N/A	N/A
children over 24 months and less than 36 months of age	1 educator to 5 children	Room 1 = 22 children 4 Educators	Yes
children aged 36 months of age or over (not including children over preschool age)	1 educator to 11 children	Room 2 = 23 children 2 Educators	Yes





Bankstown Local Environmental Plan 2015

The subject site is within Zone R2 - Low Density Residential under the provisions of Bankstown Local Environmental Plan 2015 (BLEP 2013). The proposed development falls within the definition of '*Centre-based child care facilities*' development and is permissible with the consent of Council, viz:

centre-based child care facility means:

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

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

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

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

but does not include:

- (c) a building or place used for home-based child care or school-based child care, or*
- (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or*
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*





Figure 5: Zoning map of site + locality view - 23 Curtis Road, Chester Hill
(Source: NSW Planning Portal 2019)

The objectives of the Zone R2 - Low Density Residential under the provisions of Bankstown Local Environmental Plan 2015 (BLEP 2015) are as follows:

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

The proposed modifications to the approved Childcare Centre do not seek to contravene the objectives of the R2 zone, but rather further enhance them.

The following is a brief assessment against the minimum requirements of the Bankstown Local Environmental Plan 2015:

Part 4 Principal development standards

Clause	Requirement	Proposed Modification	Complies
4.1B Minimum lot sizes and special	(2) Despite any other provision of this Plan, development consent must	No proposed modification sought to clause 4.1B.	Yes





provisions for certain dwellings	not be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone unless: (a) the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table, and (b) the width of the lot at the front building line is equal to or greater than the width specified for that purpose and shown opposite in Column 4 of the table. 20.0m		
4.3 Height of buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	No proposed modification sought to the approved Building Height.	Yes
4.4 Floor space ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	No proposed modification sought to the approved floor space ratio.	Yes

Part 5 Miscellaneous provisions

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):	The subject allotment site is not identified as a Heritage Item and neither is it located within a Heritage Conservation area.	Yes
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	(i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area,		
5.11 Bush fire hazard reduction	Bush fire hazard reduction work authorised by the <i>Rural Fires Act 1997</i> may be carried out on any land without development consent.	The subject allotment site is not located and or affected by Bushfire Prone Land.	

Part 6 Additional local provisions

6.1 Acid sulfate soils	N/A
6.2 Earthworks	N/A
6.3 Flood planning	N/A
6.4 Biodiversity	N/A

The proposed modifications are considered to be in compliance with the above mentioned controls of the Bankstown Local Environmental Plan (BLEP) 2015.

(c) *it has notified the application in accordance with:*

(i) the regulations, if the regulations so require, or

Proposal: The proposed modification will be neighbour notified to the immediate surrounding owners in accordance with the controls Canterbury Bankstown Council.

(ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Proposal: Understanding the statue and hierarchy of legislation, the modifications have been considered against the provisions of the:

1. Environmental Planning and Assessment Act 1979;
2. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
3. Education and Care Services National Regulations;
4. Bankstown Local Environmental Plan (BLEP) 2015;
5. Bankstown Development Control Plan 2015.





An assessment has been considered against the above four (4) statutes, listed elsewhere in this report. The following is an assessment against the provisions of the Bankstown Development Control Plan 2015. The proposed modification does not seek any amendments to the approved child care centre, except for the increase of children from 29 to 45. The predominant aspect of the proposal, pertinent to the DCP is the affectation of on-site car parking.

Note: The Development Application was approved against the consideration of Bankstown Council Development Control Plan 2005 – Part D10 – Child Care Centres and Part D8 – Parking, including the RTA ‘Guide to Traffic Generating Developments – Section 3 Land Use Traffic Generation’.

Bankstown Development Control Plan 2015

Bankstown Development Control Plan 2015, Section 3 - Site Layout and Building Envelopes, Development Controls for car parking states the following:

Car parks

3.13 The minimum number of car parking spaces required for child care centres is 1 car space per employee (stack parking is permitted) and 2 additional car spaces for the exclusive use of any associated dwelling.

3.14 The siting and design of car parks and driveways must ensure the safe movements of people and vehicles to and from child care centres.

The approved Development Application supported a Childcare Centre with twenty-nine (29) children, 2 to 6 years of age. The proposed modification seeks to only amend the approval of children from 29 to 45 2 to 6 years of age.

Access to the premises will remain as approved from Curtis Road with eight (8) on site car parking spaces.

The hours of operation are to remain as approved, no modification proposed to hours of operation:

Childcare Centre: 7:00am to 6:00pm – Monday to Friday

Number of Employees

Age	Ratio	No. of Children Approved	Proposed Modification / Amendment	Complies
0 to 2 years of age	1:4	N/A	N/A	N/A
2 to 3 years of age	1:5	9	Room 1 = 22 children	Yes





			4 Educators	
3 to 6 years of age	1:11	10	Room 2 = 23 children 2 Educators	Yes

The proposed modification seeks to allocate 22 places for children between 2 to 3 years of age and 23 places for children between 3 to 6 years of age. Therefore the number of staff required is as follows:

$$22 \times 0.2 + 23 \times 0.09 = 4.4 + 2.0 = 6 \text{ (Total number of staff working at any time).}$$

However, as per the original approval it is assumed that the number of staff required is likely to be 5 primary care staff plus part time cook / administration staff, based on the Children (Education and Care Services), Supplementary Provision Regulation 2012.

The traffic generation of the proposed childcare development can be estimated by using the RTA "Guide to Traffic Generating Developments" Section 3 – Land Use Traffic Generation (October 2002).

The guidelines are based on extensive surveys of a wide range of land uses as per table 3.6 of the above mentioned, and nominates the following traffic generation rates which are applicable to the proposed modification:

Centre Type	Peak Vehicle Trips / Child		
	7:00 - 9:00am	2:30 - 4:00pm	4:00 - 6:00pm
Pre-School	1.4	0.8	-
Long Day Care	0.8	0.3	0.7
Before / After Care	0.5	0.2	0.7

Based on the above table, the following calculation is for the modified 45 children places, Long Day Care Centre:

$$\begin{array}{ll} 45 \text{ children} \times 0.8 = 36 & \text{trips from 7:00 to 9:00am} \\ 45 \text{ children} \times 0.3 = 13.5 & \text{trips from 2:30 to 4:00pm} \\ 45 \text{ children} \times 0.7 = 31.5 & \text{trips from 4:00 to 6:00pm} \end{array}$$

It should be noted that the guidelines are based over a period of 1.5 to 2.0 hours. It is understood that not all drops and pick-ups will occur in the peak time. Therefore the trips can be halved to give a total of 19 first trips, 7 second trips and 16 third trips.

Note: Applying the traffic generation guideline rates to the existing residential dwelling (6.5 x 1) on the site yields a traffic generation potential of 7 daily trips.

As stated above, one car space is required per employee. There is the need for six (6) primary care staff including part time cook and administration staff. Therefore a total of six (6) car parking spaces will be required on site.





The proposal does not seek to modify the approved eight (8) car parking spaces on site, relevant to the Childcare Centre.

Based on the Guide for Traffic Generating Developments, one space is required for every four (4) children in attendance. The proposed development seeks to amend the approved 29 children spaces to forty-five (45) children spaces, therefore requiring 10.5 car parking spaces.

Allowance may be made on merit for on street car parking spaces at a rate of 1 space per 6m on street within 500 metres from the childcare centre, which is clear of parking restrictions and driveways.

It is in our professional opinion that the approved eight (8) off street car parking spaces will be sufficient to accommodate the staff, parents and the functionality of the centre.

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Proposal: Upon the completion of neighbour notification, should there be any submissions for or against the proposed modification; a detailed response on behalf of the applicant will be prepared for Council.

Conclusion

It is considered that the proposed development is consistent with the current strategy of Canterbury / Bankstown Council. Council's DCP requirements and good planning principles have been incorporated in the modification of the approved Childcare Centre.

As such it is considered that the proposed modification seeking an increase from 29 to 45 children places at Lot 1, DP 513745, No. 23 Curtis Road, CHESTER HILL NSW 2162, is worthy of support.

Regards

Tony Ristevski

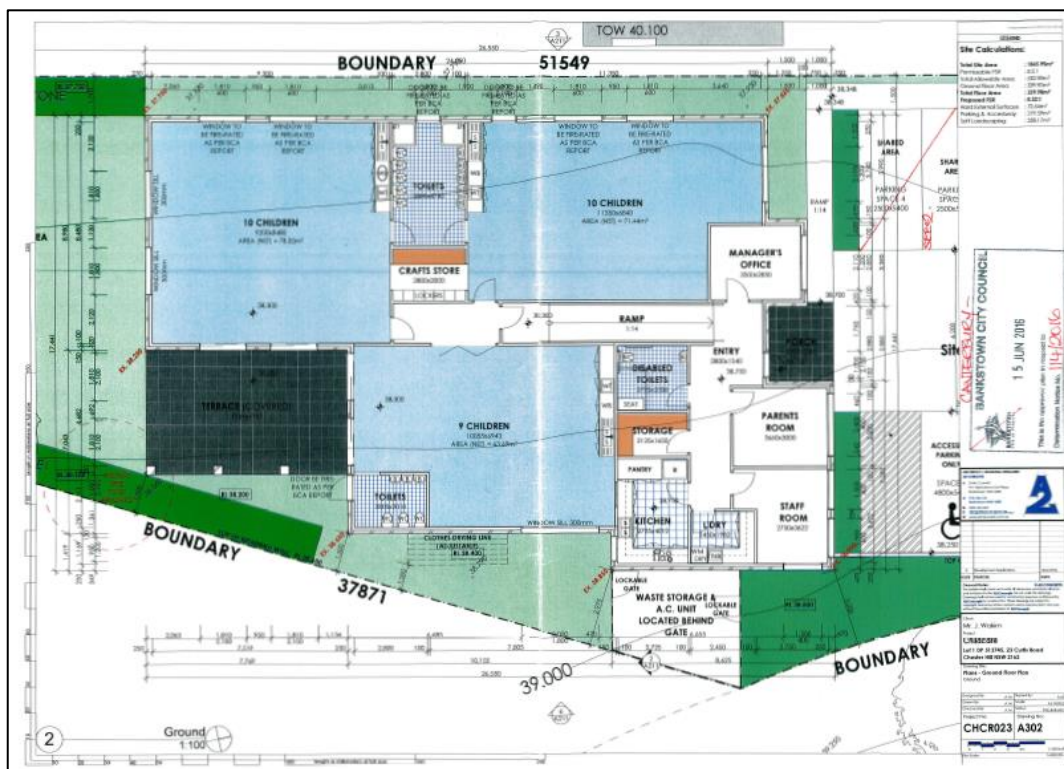
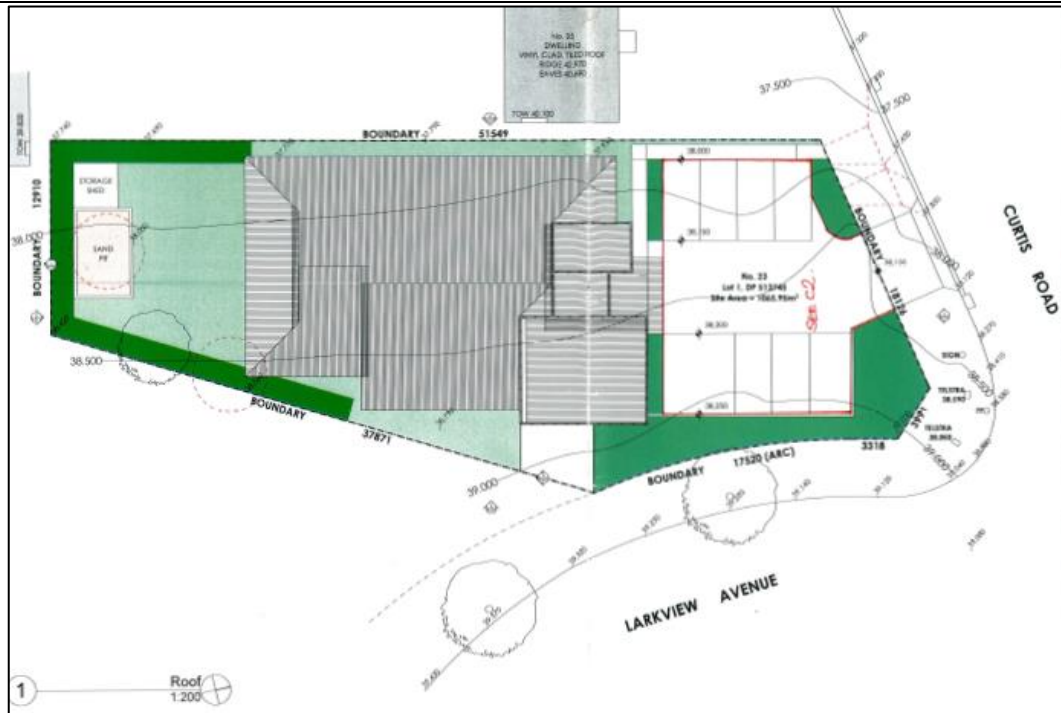
Appendix 1 - Stamped Approved Architectural Plans





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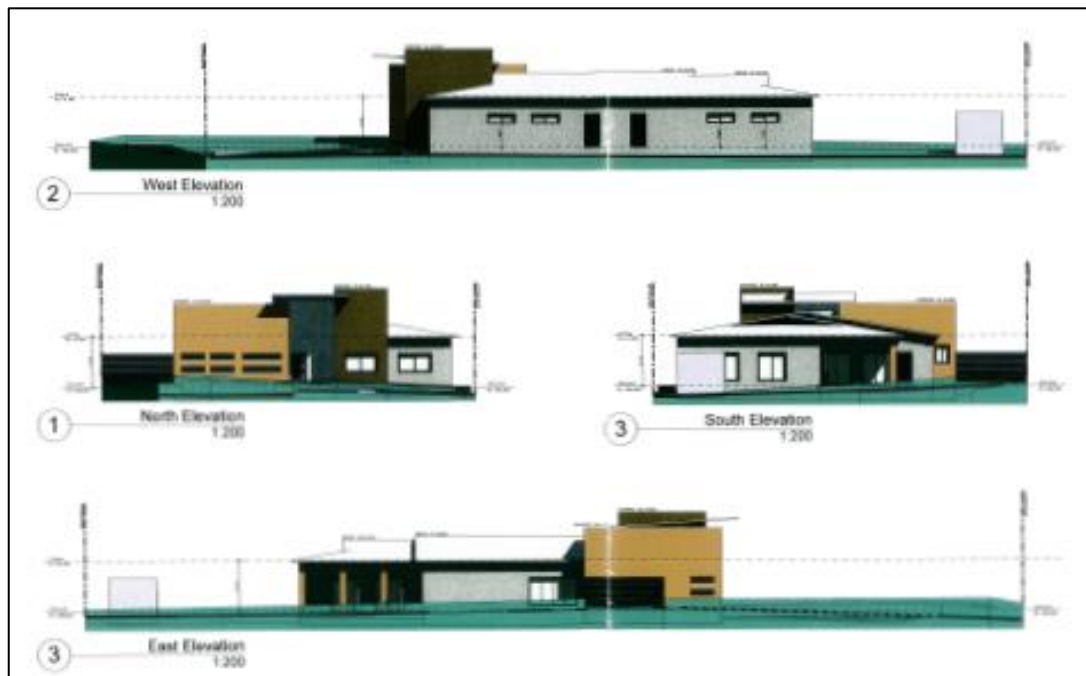
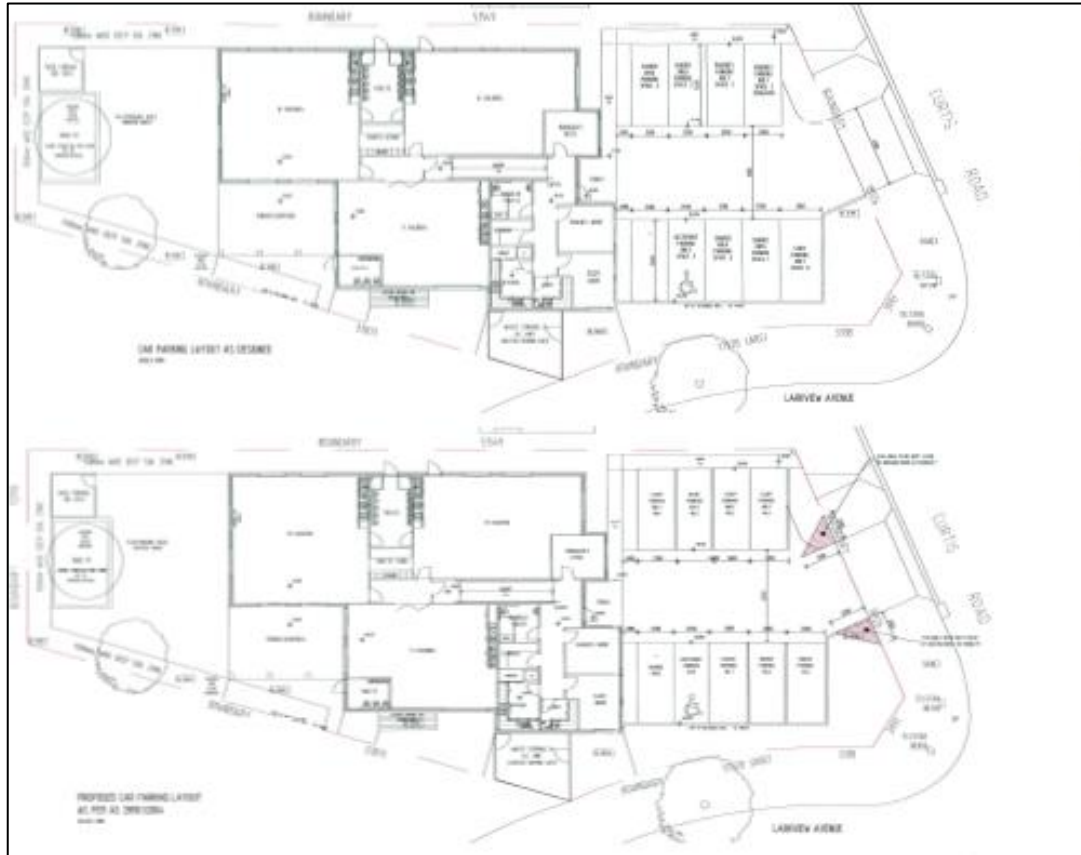




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