

Statement of Environmental Effects

CHILD CARE FACILITY

16-18 UPPER STREET,
NORTH TAMWORTH

8 SEPTEMBER 2023



QUALITY ASSURANCE

PROJECT:	<i>Statement of Environmental Effects: CCF</i>
ADDRESS:	<i>16-18 Upper Street, North Tamworth</i>
LOT/DP:	<i>B/DP356592 & 5A/DP366364</i>
COUNCIL:	<i>Tamworth Regional Council</i>
AUTHOR:	<i>Think Planners Pty Ltd</i>

Document Management

<i>Prepared by:</i>	<i>Purpose of Issue:</i>	<i>Date:</i>
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Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No

Concurrence

SEPP (Industry and Employment) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	No
SEPP (Planning Systems) 2021	No
SEPP (Precincts—Central River City) 2021	No
SEPP (Precincts—Eastern Harbour City) 2021	No
SEPP (Precincts—Regional) 2021	No
SEPP (Precincts—Western Parkland City) 2021	No
SEPP (Biodiversity and Conservation) 2021	No

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application that proposes to demolish all existing structures and amalgamate the subject allotments in order to construct a 1-2 storey 120 place 'child care facility' at 16-18 Upper Street, North Tamworth. It is noted that the design has responded to the site topography such that a 2 storey form is presented to the street and a single storey form at the rear of the site.

A brief description of the proposed child care facility is provided below.

Child Care Facility:

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

The internal areas will consist of 4 indoor play rooms over 2 levels, sleeping rooms, administrative areas including staff rooms and offices, kitchen, laundry, storerooms and amenities. The facility will also accommodate outdoor play areas on both levels.

The purpose built 'Child Care Facility' will operate with a maximum capacity of 120 places with the following age groups:

- 0-2 years: 15 places;
- 2-3 years: 35 places; and
- 3-5 years: 70 places.

The unencumbered indoor play area for the 0-2 and 2-3 age group and outdoor play areas are located on the ground floor, and the unencumbered indoor play area associated with the 3-5 age group and associated outdoor play areas are to be located on the first floor.

The facility provides a total of 413m² or at least 3.25m² of unencumbered indoor play area per child and 877m² or at least 7m² of unencumbered outdoor play area per child. The facility will be run by 19 staff and the operating hours are proposed to be 7am to 6pm Monday – Friday (excluding public holidays).

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

- *The design responding to the context of the surrounding area by proposing an attractive built form appropriate with the established residential area.*
- *Appropriate landscape embellishment works to ensure that landscape character of the site and immediate locality is respected.*

- *The proposed built form has been designed commensurate with the existing one-two storey residential character of the immediate locality.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

A total of 24 car parking spaces at-grade, comprised of:

- 19 staff parking spaces.
- 5 visitor parking spaces including an accessible car parking space.

The carparking area includes internal circulation areas with turning areas to allow vehicles to enter and exit the parking area in a forward direction.

Residing in an established residential estate within proximity to Tamworth Train Station and commercial precinct, the development site is located on the north eastern side of Upper Street, approximately 90m north west from the intersection of Darling Street and Upper Street, North Tamworth. The development site is also within proximity to Tamworth Hospital, Tamara Private Hospital, Tamworth Correctional Centre and Tamworth Town Centre. Local Bus stop with services to Tamworth, East Tamworth and Oxley Vale is within a 400m walking radius from the development site.

The subject site once amalgamated will have a frontage of 41.07m to Upper Street, an average depth of approximately 50.29m, and a site area of 2,064m². The site slopes from the northern rear corner of the site downwards towards the southern corner of the site frontage. The site has a fall of approximately 4m across the diagonal site length of approximately 65m, resulting in a gradient of approximately 6%.

The site has been designed to respond to the topography of the site, with the building to be located in the lower front portion of the site, and the parking area proposed within the rear of the site recessed into the slope of the site, resulting in a semi-basement level. This design element lowers the height and bulk of the development at the rear. It is further noted that the front portion of the upper level is designed to appear as an attic with dormer windows, which further reduces the perceived height and scale of the development when viewed from the street.

The subject site is zoned R1 General Residential under Tamworth Regional Local Environmental Plan 2010. 'Centre-Based Child Care Facilities' are permissible with consent in the R1 General Residential Zone. The child care facility has been designed to comply with key planning requirements under the recently published State Environmental Planning Policy (Transport and Infrastructure) 2021, Tamworth Local Environmental Plan 2010, Tamworth Development Control Plan 2010, Child Care

Planning Guidelines and Children's (Education and Care Services) Supplementary Care Provisions 2012.

The proposal will provide a valuable role in increasing child care places within North Tamworth. Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts. As detailed further in this statement the development concept is consistent with the planning principles and controls applying to the site and represents an efficient use of well-located land.

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

SITE AND LOCALITY

LEGAL DESCRIPTION

The subject land parcels are legally described as Lot B in DP356592 & Lot 5A in DP366364 but is more commonly known as 16-18 Upper Street, Tamworth North

SUBJECT SITE

Residing within an established residential estate within proximity to Tamworth Train Station and commercial precinct, the development site is located on the north eastern side of Upper Street, approximately 90m north west from the intersection of Darling Street and Upper Street, North Tamworth. The subject site once amalgamated will have a frontage of 41.07m to Upper Street, an average depth of approximately 50.29m, and a site area of 2,064m². The site slopes from the northern rear corner of the site, downwards towards the southern corner of the site frontage. The site has a fall of approximately 4m across the diagonal site length of approximately 65m, resulting in a gradient of approximately 6%.

The site currently accommodates two older style single storey rendered brick dwellings and associated structures, as illustrated by a photograph extract below.

Photograph 1: Shows the subject site as viewed from Gorman St looking eastwards



The subject site bounds older style single storey dwellings to its north eastern boundary, single storey villas to its south eastern boundary, and a single storey detached dual occupancy to its north western boundary. Upper Street separates the site from single storey dwelling houses to the south west.

An aerial map extract is provided below to demonstrate the site and its relationship with adjoining properties.

Figure 1: Aerial Map Extract of Subject Site (Six Maps).



The subject block is zoned R1 General Residential, which permits a wide range of housing types, including dwelling houses, multi dwelling housing, and residential flat buildings.

As such, the wider locality comprises of a mix of 1-2 storey dwelling houses, dual occupancies, villas, and older style walk-up 2 storey residential flat buildings.

The proposed development is to provide a child care facility compatible with the existing built form along Upper Street.

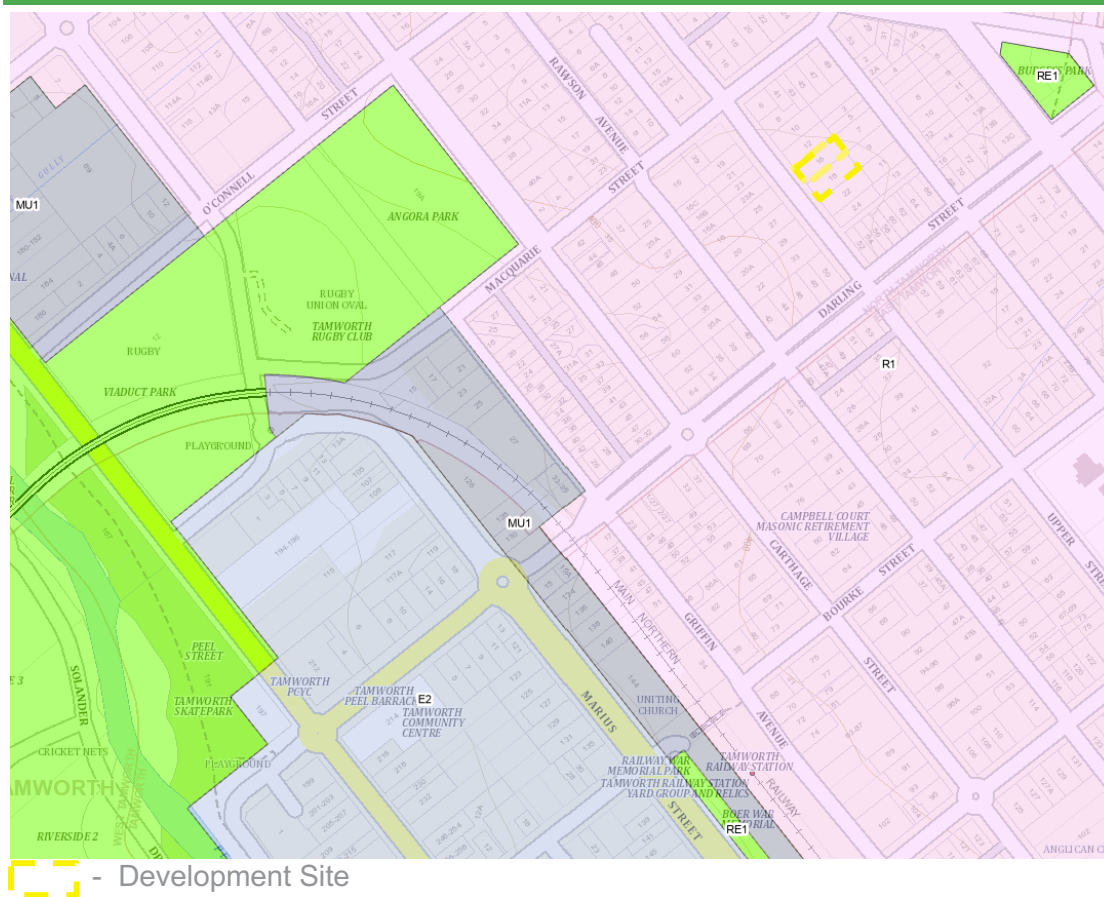
ZONING

As evident in the zoning map extract provided below, the subject site is zoned R1 General Residential under the Tamworth Regional Local Environmental Plan 2010. 'Child Care Facilities' are permissible with Council consent within the R1 Zone.

The map also illustrates the proximity of the site to MU1 Mixed Use and E2 Commercial Centre zones, noting that the business zones generate a higher demand of child care services in the locality.

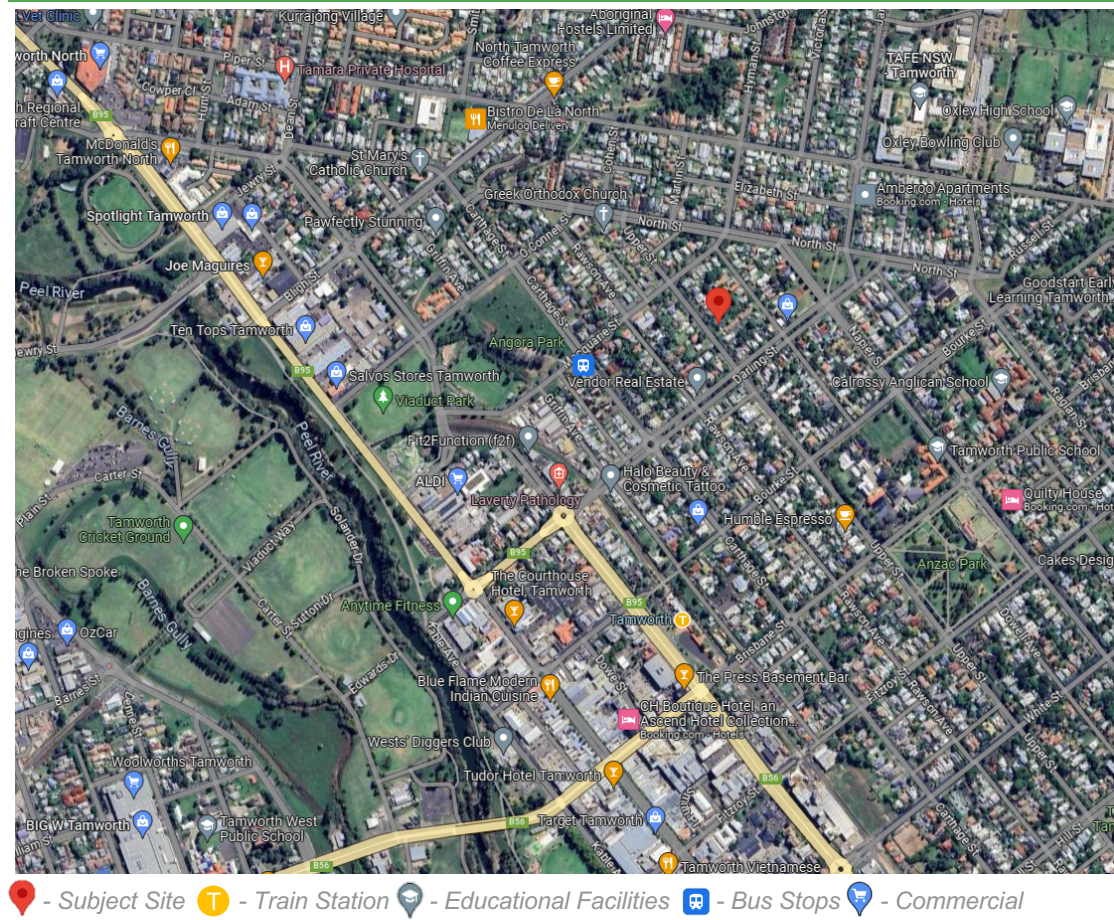
The will proposal will provide a valuable role in increasing valuable child care places within North Tamworth and meets the zone objectives.

Figure 2: Zoning Map Extract (Source: NSW Planning Portal).



A wider aerial map extract is provided below, which demonstrates the subject site in relation to infrastructure and services.

Figure 3: Aerial Map Extract of the Subject Area (Source: Google Maps).



Photographs are provided overleaf and within the following pages, which give context to the site and surrounding locality.



Photograph 2: Shows the villa development adjoining the sites south eastern boundary (20 Upper Street, North Tamworth).



Photograph 3: Shows an older style two storey walk-up RFB located on the south western side of Upper Street (12-14 Macquarie Street, North Tamworth).





Photograph 4: Shows the existing streetscape of Upper Street, viewing north westwards.



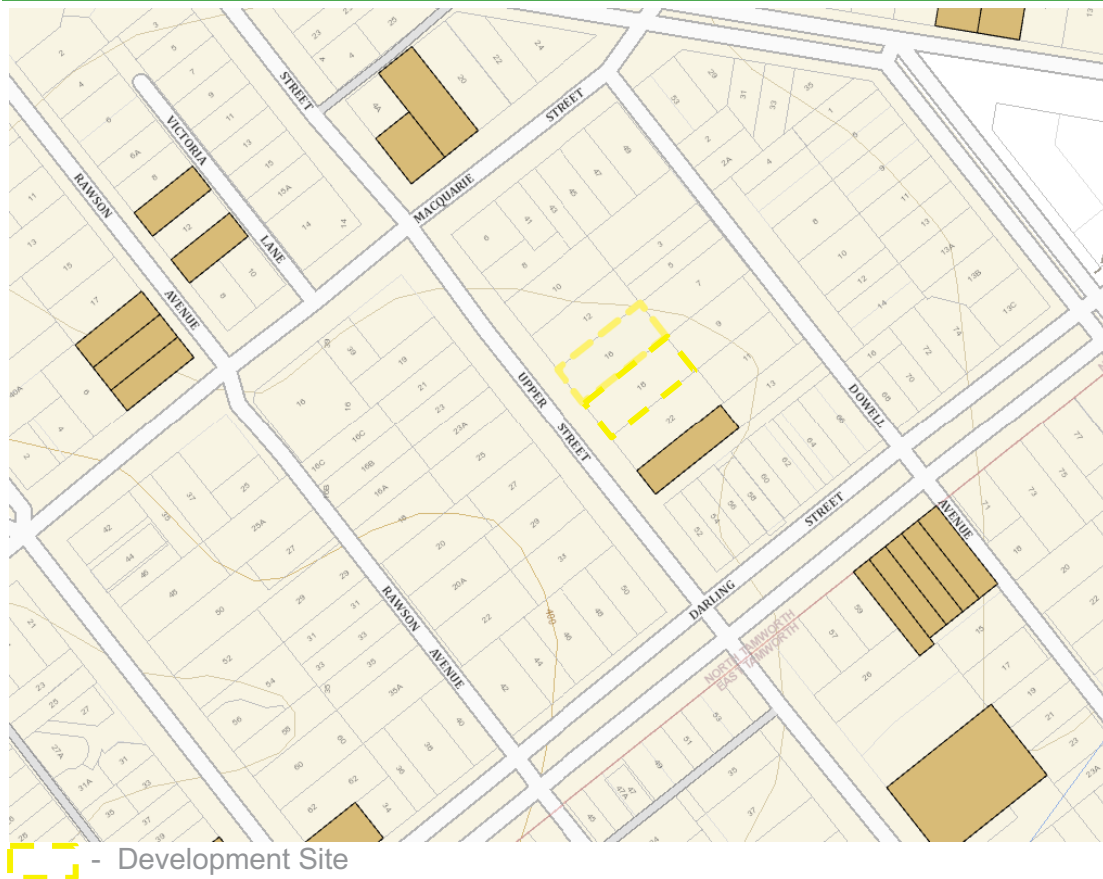
Photograph 5: Shows the existing streetscape of Upper Street, viewing south eastwards.



HERITAGE

The site is not identified as a heritage item, nor it is not located within a heritage conservation area. However, there are heritage items within vicinity of the development site as illustrated by the heritage extract map below.

Figure 4: Heritage Map Extract (Source: NSW Planning Portal).



The local heritage items are sufficiently separated from the development site noting existing built forms and road networks provide adequate buffer between the subject site and the local heritage items.

As such no further heritage studies is considered necessary noting that the development site is not burdened by any heritage restrictions.

FLOOD PLANNING MAP & AUSTRALIAN NOISE EXPOSURE FORECAST MAP

The parent allotment is not affected by flooding or affected by ANEF associated with Tamworth Regional Airport, as demonstrated by the map extract below.

Figure 5: Flood Planning Map & Australian Noise Exposure Forecast Map Sheet CL3_004C (Source: Tamworth Regional LEP 2010)



BUSHFIRE PRONE LAND

The Bushfire Land Map extract below indicates that the subject site is not identified as containing bushfire prone land.

Figure 6: Bushfire Prone Land Map Extract (Source: NSW Planning Portal).



DESCRIPTION OF PROPOSAL

This Statement of Environmental Effects has been prepared in support of a Development Application that proposes to demolish all existing structures and amalgamate the subject allotments in order to construct a 2 storey 120 place 'child care facility' at 16-18 Upper Street, North Tamworth.

A brief description of the proposed child care facility is provided below.

Child Care Facility:

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

The internal areas will consist of 4 indoor play rooms over 2 levels, sleeping rooms, administrative areas including staff rooms and offices, kitchen, laundry, storerooms and amenities. The facility will also accommodate outdoor play areas on both levels.

The purpose built 'Child Care Facility' will operate with a maximum capacity of 120 places with the following age groups:

- 0-2 years: 15 places;
- 2-3 years: 35 places; and
- 3-5 years: 70 places.

The unencumbered indoor play area for the 0-2 and 2-3 age group and outdoor play areas are located on the ground floor with the unencumbered indoor play area associated with the 3-5 age group and associated outdoor play area to be located on the first floor.

The facility provides a total of 413m² or at least 3.25m² of unencumbered indoor play area per child and 877m² or at least 7m² of unencumbered outdoor play area per child.

The facility will be run by 19 staff and the operating hours are proposed to be 7am to 6pm Monday – Friday (excluding public holidays).

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

- *The design responding to the context of the surrounding area by proposing an attractive built form appropriate with the established residential area.*
- *Appropriate landscape embellishment works to ensure that landscape character of the site and immediate locality is respected.*
- *The proposed built form has been designed commensurate with the existing one-two storey residential character of the immediate locality.*

- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

Parking

A total of 24 car parking spaces at-grade, comprised of:

- 19 staff parking spaces.
- 5 visitor parking spaces including an accessible car parking space.

The carparking area includes internal circulation areas with turning areas to allow vehicles to enter and exit the parking area in a forward direction.

Tree Protection

An Arboricultural Impact Assessment and Management Plan has been prepared Horticultural Management Services, which states the following:

Subject to Council process, approval is recommended for the removal of Ten-(10) trees, shrubs and weed species trees numbered 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 based on their individual location to the proposed Childcare Centre building envelope, considered excavations, proposed driveway and parking area construction, landscape works and considered impacts/scope of works within the required development site.

Signage

No signage is proposed as part of this development application.

Acoustic Barriers

An acoustic report has been prepared by RCA Australia, which states the following:

All boundary fences separating the child care centre from next door neighbours are to be 2.1m tall, with the exception of the fence that separates the child care centre driveway from 20 Upper Street, which may be 1.8 m. Internal fences on the attic level are to be 1.8 m on the north, north-east and south east sides. The fences on the south-west side of the attic play area (facing the main building) can be 1.5 m. All fences must be solid without gaps from floor level to the design height.

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

Level	Inclusions
Ground Floor	Access <u>Vehicle</u> Access to the at-grade parking area is via a new double width vehicle crossover and driveway situated along the south eastern side of the site and accessed via Upper Street. <u>Pedestrian</u> Primary pedestrian access to the site via a centrally located pedestrian pathway from Upper Street. A secondary graded pathway provides access from Upper Street. Access to the site is in accordance with the BCA Report that accompanies this application. Parking A total of 24 car parking spaces at-grade, comprised of: • 19 staff parking spaces. • 5 visitor parking spaces including an accessible car parking space. The carparking area includes internal circulation areas with turning areas to allow vehicles to enter and exit the parking area in a forward direction. Landscaping A total of 646m² or 31% of the site area. Landscaping will be provided along the site's front, side and rear setbacks in accordance with the attached Landscape Plan. Child Care Facility Child care facility comprises of the following within the ground floor: - Primary entry point and foyer - Digital sign-in - Office - Accessible WC - Staff room - Lift core and internal stairwell - Unencumbered indoor play areas as follows: ○ Indoor Playroom 1: accommodating a total of 15 children in the 0-2 age group with a total unencumbered indoor area of 60m² and includes a craft station. The room has direct access to the cot room, toilets and the Outdoor Play Area via transition area. ○ Indoor Playroom 2: accommodating a total of 35 children in the 2-3 age group with a total unencumbered indoor area of 120m² and includes a craft station. The room has

	direct access to toilets and the Outdoor Play Area. - The development proposes 2 separate outdoor play areas on this level: - o 0-2 year old OPA: 111m² of unencumbered outdoor play area. - o 2-3 year old OPA: 255m² of unencumbered outdoor play area. - Outdoor storage areas. Separate bin storage area, and 2 x fire escape stairwells.
First Floor	Child Care Facility Child care facility comprises of the following within the first floor: - Contains the staff/administration related areas within the first floor including - Foyer - Kitchen - Laundry - Accessible WC - Lift core and internal stairwell - Indoor Playroom 3: accommodating a total of 35 children in the 3-5 age group with a total unencumbered indoor area of 117m² and includes a craft station. The room has direct access to the shared toilets and the Outdoor Play Area. - Indoor Playroom 4: accommodating a total of 35 children in the 3-5 age group with a total unencumbered indoor area of 116m² and includes a craft station. The room has direct access to the shared toilets and the Outdoor Play Area. - The development proposes 2 separate outdoor play areas on this level: - o 3-5 year old OPA: 255m² of unencumbered outdoor play area. - o 3-5 year old OPA: 256m² of unencumbered outdoor play area. - Outdoor storage areas. 2 x fire escape stairwells.

The relevant architectural plans for the proposal have been prepared by Baini Design while supporting reports and documents have been prepared by relevant sub consultants dealing with matters such as traffic and parking, acoustic, drainage and landscaping.

The proposal will provide a valuable role in increasing valuable child care places within North Tamworth.

PLANNING CONTROLS

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

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS)

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

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

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

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

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

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

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

oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	
Is the site listed on Council's Contaminated land database?	X
Is the site subject to EPA clean-up order or other EPA restrictions?	X
Has the site been the subject of known pollution incidents or illegal dumping?	X
Does the site adjoin any contaminated land/previously contaminated land?	X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	NA.

A Preliminary Site Investigation has been prepared for the application by Environmental Consulting Services, which concludes the following:

Based on the findings of this investigation, ECS concludes that the Site is considered suitable for proposed development. However, the following management controls should be implemented during the development process:

- *Soils excavated during construction activities, that are surplus to Site needs, must be classified and disposed of at a permitted receiving facility;*
- *A hazardous material survey should be undertaken of the improvements on the Site. Asbestos material must be removed from the structures prior to demolition and disposed of in accordance with all current and relevant regulations. Following the removal of asbestos materials a clearance certificate should be obtained; and*
- *An unexpected finds protocol should be prepared and implemented during the development.*

The development is to be undertaken in accordance with the recommendations made in the report, and therefore, is deemed appropriate with regards to site contamination.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

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

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)
- Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)
- SEPP No 19—Bushland in Urban Areas (SEPP 19)
- SEPP No 50—Canal Estate Development (SEPP 50)
- SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)
- Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)
- Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP).

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

This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

An Arboricultural Impact Assessment and Management Plan has been prepared Horticultural Management Services, which states the following:

Subject to Council process, approval is recommended for the removal of Ten-(10) trees, shrubs and weed species trees numbered 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 based on their individual location to the proposed Childcare Centre building envelope, considered excavations, proposed driveway and parking area construction, landscape works and considered impacts/scope of works within the required development site.

The proposal is to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds.

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

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

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

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

Chapter 3 – Advertising and signage' contains planning provisions from within the former SEPP 64 for advertising and signage in NSW.

Signage is not proposed as part of this application; however it is anticipated that signage will be subject to subsequent applications.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

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

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

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

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

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

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

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

Chapter 3 – contains planning provisions from the former Education and Childcare SEPP for child-care centres, schools, TAFEs and Universities. The table below provides discussions against the relevant provisions of Chapter 3 of the SEPP.

SEPP	Comment
3.1 Aims of Chapter The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by— (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to	The proposal will result in an addition of valuable child care places within North Tamworth.

improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and

(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and

(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and

(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and

(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and

(h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

3.3 Interpretation

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—

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

- (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.*

Part 3.3 Early education and care facilities – specific development controls

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

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

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

3.25 Centre-based child care facility—floor space ratio

(1) Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.

Not applicable, the site is not zoned R2 Low Density Residential.

(2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.

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

(1) The object of this section is to identify development standards for particular matters relating to a centre-based child care facility

that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.

(2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility—

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

(b) indoor or outdoor space

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

The centre-based child care facility provides 413m² or at least 3.25m² of unencumbered indoor play space and 877m² or at least 7m² of unencumbered outdoor play space per child which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations, which requires 3.25m² of unencumbered indoor play space and 7m² of unencumbered outdoor play space.

(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the *Children (Education and Care Services) Supplementary Provisions Regulation 2012* applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

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

(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. Noted.

(3) To remove doubt, this section does not prevent a consent authority from—

(a) refusing a development application in relation to a matter not specified in subsection (2), or

(b) granting development consent even though any standard specified in subsection (2) is not complied with.

3.27 Centre-based child care facility—development control plans

(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of Noted.

children) does not apply to development for the purpose of a centre-based child care facility—

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

(2) This section applies regardless of when the development control plan was made.

CHILD CARE PLANNING GUIDELINE 2021

Under the State Environmental Planning Policy (Transport and Infrastructure) 2021, the Child Care Planning Guideline is to be taken into consideration when undertaking a development for a centre-based child care facility. The planning guideline also takes precedence over a Development Control Plan, with some exceptions, where the two overlap in relation to a child care facility. The table below provides detail on the relevant development standards relevant to the current proposal.

<i>Child Care Planning Guideline</i>	<i>Comment</i>
Objectives	
The planning objectives of this Guidelines are to:	
• promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations	The development results in a high quality centre-based child care facility designed to comply with the requirements of the National Regulations.
• ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses	The site has been designed to respond to the topography of the site, with the building to be located in the lower front portion of the site, and the parking area proposed within the rear of the site recessed into the slope of the site, resulting in a semi-basement level. This design element lowers the height and bulk of the development at the rear. It is further noted that the front portion of the upper level is designed to appear as an attic with dormer windows, which further reduces the perceived height and scale of the development when viewed from the street.

• minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment	Finally, the development proposes a high quality landscaped setting, in-order to be consistent with the existing residential character within the subject area. The development has been designed to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This is addressed in detail further within this table
Part 3 Matters for consideration	
3.1 Site selection and location	
C1 – For proposed development in or adjacent to a residential zone, consider: • the acoustic and privacy impacts of the proposed development on the residential properties • the setback and siting of buildings within the residential context • traffic and parking impacts of the proposal on residential amenity	
The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy and acoustic impacts. This is achieved by the siting and orientation of the proposed building within the lower front portion of the site, with generous setbacks proposed to the side and rear boundaries. The development is to also incorporate acoustic treatments in accordance with the Acoustic Report will contribute towards mitigating potential noise impacts to adjoining properties. Noise Impact Assessment which accompanies this application has found that proposed child care facility is deemed to not cause “Offensive Noise” to neighbouring residences providing the noise control measures recommended within the report are implemented. Complies with setback requirements under the DCP. The attached Traffic Report demonstrates that the development will not result in unacceptable traffic and parking impacts on the amenity of neighbouring properties. Refer to attached Traffic Report for detail.	
C2 – When selecting a site, ensure that: • the location and surrounding uses are compatible with the proposed development or use	
Centre-based child care facilities are a permissible and compatible land use within the R1 General Residential Zone.	

- | | |
|--|---|
| <ul style="list-style-type: none"> • the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards | <p>Site is not identified as being affected by flooding, land slip, bushfires, coastal hazards and other environmental hazards.</p> |
| <ul style="list-style-type: none"> • there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed | <p>See the discussion under the SEPP (Resilience and Hazards) 2021 for details.</p> |
| <ul style="list-style-type: none"> • the characteristics of the site are suitable for the scale and type of development proposed having regards to <ul style="list-style-type: none"> - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas | <p>The subject site once amalgamated will have an area of 2,064m², which is of a sufficient size and width to accommodate the proposed centre-based child care facility.</p> <p>The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas. This has been addressed</p> |
| <ul style="list-style-type: none"> • where the proposal is to occupy or retrofit an existing premise, the interior and exterior spaces are suitable for the proposed use | <p>The development proposes to undertake the development of a centre-based child care facility within R1 zoned land parcel. Not applicable.</p> |
| <ul style="list-style-type: none"> • there are suitable drop off and pick up areas, and off and on street parking | <p>The development provides car parking spaces in-accordance with the DCP, noting appropriate car parking spaces are provided to permit the drop off and pick up of children within the parking area.</p> |
| <ul style="list-style-type: none"> • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use | <p>The development proposes a vehicle access point from Upper Street, which is considered appropriate and safe for the proposed use. Refer to attached Traffic Report for detail</p> |
| <ul style="list-style-type: none"> • not located closely to incompatible social activities and uses such as restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises | <p>The subject site not located closely to incompatible social activities and uses.</p> |

C3 – A child care facility should be located:

- **near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship**
- **near or within employment areas, town centres, business centres, shops**
- **with access to public transport including rail, buses, ferries**

Residing within an established residential estate within proximity to Tamworth Train Station and commercial precinct, the development site is located is within proximity to employment opportunities, essential services and public infrastructure. The development site is also within proximity to Tamworth Hospital, Tamara Private Hospital, Tamworth Correctional Centre and Tamworth Town Centre. Local Bus stop with services to Tamworth, East Tamworth and Oxley Vale is within a 400m walking radius from the development site.

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

- **proximity to**
 - **heavy or hazardous industry, waste transfer depots or landfill sites**
 - **LPG tanks or service stations**
 - **water cooling and water warming systems**
 - **odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses**
 - **extractive industries, intensive agriculture, agricultural spraying activities**
- **any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site**

The subject site is not located within proximity to any identified environmental hazard.

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

3.2 Local character, streetscape and the public domain interface

C5 – The proposed development should:

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

The site has been designed to respond to the topography of the site, with the building to be located in the lower front portion of the site, and the parking area proposed within the rear of the site recessed into the slope of the site, resulting in a semi-basement level. This design element lowers the height and bulk of the development at the rear. It is further noted that the front portion of the upper level is designed to appear as an attic with dormer windows, which further reduces the perceived height and scale of the development when viewed from the street.

The development has been designed to address its frontage whilst proposing a contemporary building that will positively contribute to the streetscape along Upper Street.

Finally, the development proposes a high quality landscaped setting, in-order to be consistent with the existing residential character within the subject area.

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

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

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

The child care facility incorporates an active façade that will permit casual surveillance to Upper Street and to the common areas within the development site.

Proposed landscaping works seek to soften the built form and fencing and also seek to integrate the development with the site's residential context.

C7 – On sites with multiple buildings and /or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitor and children by changes in materials, plant species and colours

The site does not contain multiple buildings or entries; The primary entry point associated with the child care facility has been designed to be clearly visible and legible from the public domain.

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

- | | |
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| <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries | <p>The subject site does not adjoin a public park, open space or bushland however the development provides clearly defined street access, pedestrian paths and building entries.</p> |
| <ul style="list-style-type: none"> • low fences and planting which delineate communal/private open space from adjoining public open space | <p>Fencing and landscape works will contribute towards delineating communal/private open space from the public domain.</p> |
| <ul style="list-style-type: none"> • minimal use of blank walls and high fences | <p>The development incorporates architectural features and articulation to provide a contemporary 2 storey built form that appropriately addresses Upper Street.</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.

The development proposes appropriate fencing that is consistent with fencing within the precinct and with comparable child care facility within the wider Tamworth Regional Local Government Area.

The development site is not listed as a heritage item and is not within a conservation area.

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

The subject site does not front a classified road; however, the development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Local Government Area.

3.3 Building orientation, envelope and design

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

- | | |
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| <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by; | <p>The proposed centre-based child care facility has been designed and sited to address Upper Street, whilst also designed to comply with the prescribed setback controls under the Tamworth Regional DCP 2010 and the Child Care Planning Guidelines.</p> |
|---|--|

- facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries within residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses	The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy and acoustic impacts. This is achieved by the siting and orientation of the proposed building within the lower front portion of the site, with generous setbacks proposed to the side and rear boundaries. The development is to also incorporate acoustic treatments in accordance with the Acoustic Report will contribute towards mitigating potential noise impacts to adjoining properties. Noise Impact Assessment which accompanies this application has found that proposed child care facility is deemed to not cause “Offensive Noise” to neighbouring residences providing the noise control measures recommended within the report are implemented.
• optimise solar access to internal and external play areas	The centre-based child care facility is oriented to the north, including the external play area to maximise solar access.
• avoid overshadowing of adjoining residential properties	The proposed centre-based child care facility has been designed to reduce the potential for overshadowing of neighbouring properties, including compliance with setback provisions. It is considered that appropriate solar access is to be provided on site and for neighbouring properties and this is supported by the attached shadow diagrams. It is considered that appropriate solar access is to be provided on site and for neighbouring properties and this is supported by the attached shadow diagrams.
• 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 climate conditions	Development proposes an attractive contemporary 2 storey building designed to adequately address its frontage. Outdoor play areas designed to protect children from the sun via the incorporation of appropriate shading devices and other climate conditions.
C12 – The following matters may be considered to minimise the impacts of the proposal on local character: • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street	The development proposes a 2 storey building that is consistent and compatible with the existing residential built form character within the subject area.

• 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	The development is consistent with setback requirements under the Tamworth Regional DCP 2010 and the Child Care Planning Guidelines.
C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.	N/A.
C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.	The development has been designed to comply with setback requirements under Tamworth Regional DCP 2010.
C15 – The built form of the development should contribute to the character of the local area, including how it: • respect and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas • responds to its natural environment including local landscape setting and climate • contributes to the identify of place	The site has been designed to respond to the topography of the site, with the building to be located in the lower front portion of the site, and the parking area proposed within the rear of the site recessed into the slope of the site, resulting in a semi-basement level. This design element lowers the height and bulk of the development at the rear. It is further noted that the front portion of the upper level is designed to appear as an attic with dormer windows, which further reduces the perceived height and scale of the development when viewed from the street. Finally, the development proposes a high quality landscaped setting, in-order to be consistent with the existing residential character within the subject area. The site is not identified as a heritage item and it is not located within a heritage conservation area.

C16 – Entry to the facility should be limited to one secure point which is:

- located to allow ease of access, particularly for pedestrians
- directly accessible from the street where possible
- directly visible from the street frontage
- easily monitored through natural or camera surveillance
- not accessible through an outdoor play area

The proposed centre-based child care facility provides a primary entry point from Upper Street.

The pedestrian entry point is visible from the street frontage, permits ease of access and directly accessible from the street level.

Access to the site is in accordance with the Access Report that accompanies this application.

C17 – Accessible design can be achieved by:

- 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.

The development has been designed to be accessible to and within the building in accordance with all relevant legislation, with direct equitable pedestrian access provided via Upper Street. Furthermore, lift core provides access to the first floor from the ground floor.

Access to the site is in accordance with the Access Report that accompanies this application

The development provides an appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance

3.4 Landscaping

C18 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.

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

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

An Arboricultural Impact Assessment and Management Plan has been prepared Horticultural Management Services, which states the following:

Subject to Council process, approval is recommended for the removal of Ten-(10) trees, shrubs and weed species trees numbered 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 based on their individual location to the proposed Childcare Centre building envelope, considered excavations, proposed driveway and parking area construction, landscape works and considered impacts/scope of works within the required development site.

New replacement plantings are to be provided to offset the removal of trees.

The proposal is to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds.

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

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

C19 – Incorporate car parking into the landscape design of the site by:

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

Landscaping is provided between Upper Street and the at-grade parking to minimise the impact of hard surface to the street space.

Refer to attached Landscaping Plan for detail.

3.5 Visual and Acoustic privacy

C20 – Open balconies in mixed use development should not overlook facilities nor overhang outdoor play spaces.

Sufficient separation and setbacks are provided.

C21 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:

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

Complies, the centre-based child care facility is designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public areas via appropriate site and building layout, generous setbacks at the ground and first floors, minimising windows from the upper levels facing the side boundaries, the use of acoustic barriers/fencing and landscape works to side and rear boundaries.

Furthermore, landscape embellishment works are to be located along the site's side and rear boundaries to minimise privacy impacts to neighbouring properties.

C22 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:

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

Complies, the centre-based child care facility is designed to minimise direct overlooking of main internal living areas and private open space in adjoining developments, noting the siting and orientation of the facility combined with generous setbacks to adjoining residential properties.

C23 – A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:

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

The development proposes appropriate acoustic fencing along the site boundaries to mitigate potential noise impacts to adjoining properties, in accordance with the accompanying Acoustic Report.

3.6 Noise and air pollution

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

C25 – Adopt design solution to minimise the impacts of noise, such as:

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

The subject site is not located near major roads, rail lines, beneath flight paths or other noisy environments.

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

An Acoustic Report accompanies the development application demonstrating that the acoustic impact of the development on adjoining properties is satisfactory.

C26 – An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:

- on industrial zoned land where an ANEF contours is between 20 and 25, consistent with AS 2021 – 2000
- along a railway or mass transit corridor, as defined by *State Environmental*

The subject site is not located on industrial land, where an ANEF contours is between 20 and 25, along a railway or mass transit corridor, on a major or busy road or other land that is impacted by substantial external noise.

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

Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise	An Acoustic Report accompanies the development application demonstrating that the acoustic impact of the development on adjoining properties is satisfactory.
C27 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development	Complies.
C28 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.	The subject site is not located near a major road or industrial development.
3.7 Hours of operation	
C29 – Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays	The child care facility is to operate between 7am to 6pm Monday to Friday.
C30 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses	Noted.
3.8 Traffic, parking and pedestrian circulation	
C31 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.	The Development has regard with the car parking requirements under the Tamworth Regional Development Control Plan 2010.
Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rate:	
Within 400m of a metropolitan train station:	
• 1 space per 10 children	

• 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space. In other areas: • 1 space per 4 children	
C32 – 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 vehicular movement or potential conflicts with truck and large vehicles.	The site is not located on a commercial or industrial zone. Not applicable.
C33 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised and demonstrate that • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network	A Traffic Report has been prepared that demonstrates that development will not result in unacceptable traffic and parking impacts on the amenity of neighbouring properties.
C34 – Alternate vehicular access should be provided where child care facilities are on site fronting; • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials The alternate access must have regard to the prevailing traffic conditions • pedestrian and vehicle safety including bicycle movements the likely impact of the development on traffic	Not applicable as the site does not front a classified road or a road which carries freight traffic or transport dangerous goods or hazardous materials.
C35 – Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the sider locality in times of emergency.	The development site is not within a cul-de-sac or narrow lanes or road. Not applicable.

C36 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment;

- **separate pedestrian access from the car park to the facility** The development provides separate pedestrian and vehicular access.
- **defined pedestrian crossings including within large car parking areas** Vehicles can enter and exit the site in a forward direction.
- **separate pedestrian and vehicle entries from the street for parents, children and visitors**
- **pedestrian paths that enable two prams to pass each other**
- **delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities**
- **vehicles can enter and leave the site in a forward direction**

C38 – Car parking design should:

- **include a child safe fence to separate car parking areas from the building entrance to play areas** The car parking area is sufficiently separated from the building entrance and outdoor play area.
- **provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards** An accessible car parking space designed in accordance with Australian Standard is clearly marked and situated near the entry point.
- **include wheelchair and pram accessible parking**

4. Applying the National Regulations to development proposals

4.1 Indoor space requirements

Regulation 107

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.

The proposal provides at least 3.25m² of indoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.

Design Guidance

Verandas as indoor space

For a veranda to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space.

No veranda is to be included as unencumbered indoor space. Not applicable.

Design Guidance

Storage

It is recommended that a child care facility provide;

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

The proposal provides appropriate internal and external storage areas.

4.2 Laundry and hygiene facilities

Regulation 106

Education and Care Services National Regulations

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

On site laundry facilities are provided.

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

Designed to comply.

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

The laundry is designed to comply with relevant requirements under the National Construction Code.

Design Guidance

On site laundry

On site laundry facilities should contain: Designed to comply.

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

4.3 Toilet and hygiene facilities

Regulation 109

Education and Care Services National Regulations

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

Toilet facilities for both the children and staff are provided.

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

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

4.4 Ventilation and natural light

Regulation 110

Education and Care Services National Regulations

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

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

Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the

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

National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.

Design Guidance

Natural light

When designing child care facilities consideration should be given to:

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

The development provides windows facing different orientations, with the proposed ceiling heights proportional to the room size to ensure natural lighting is available to activity spaces.

4.5 Administrative space

Regulation 111

Education and Care Services National Regulations

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

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

4.6 Nappy change facilities

Regulation 112

Education and Care Services National Regulations

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

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

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

Complies.

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

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

Design Guidance

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

- Properly constructed nappy changing bench or benches
- A bench type baby bath within one metre form the nappy change bench
- The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area
- A space to store steps positioning to enable supervision of the activity and play areas

Designed to comply.

4.7 Premises designed to facilitate supervision

Regulation 115

Education and Care Services National Regulations

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

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

Complies.

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

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.

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

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

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy

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

of which is displayed in a prominent position near each exit

- a risk assessment to identify potential emergencies that are relevant to the service

Design Guidance

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

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

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

4.9 Outdoor Space Requirements

Regulations 108

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 7m² of unencumbered outdoor space.

The proposal provides at least 7m² of unencumbered outdoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline. Exploration and learning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

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

Not applicable.

Design Guidance

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

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

4.10 Natural Environment

Regulations 113

Education and Care Services National Regulations

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

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

Design Guidance

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

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

Noted, refer to attached landscape plan for detail.

The outdoor space should be designed to:

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

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

4.11 Shade

Regulations 114

Education and Care Services National Regulations

The approved provider of a centre-based service must ensure that the outdoor space includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

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

4.12 Fencing

Regulations 104

Education and Care Services National Regulations

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

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

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

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

Designed to comply.

Design Guidance

Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding areas. In general, fencing around outdoor play areas should:

- prevent children climbing over, under or through fencing
- prevent people outside the facility from gaining access by climbing over, under or through the fencing

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

- not create a sense of enclosure.

Design consideration for side and rear boundary fences could include:

Designed to comply.

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

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

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

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

Designed to comply.

4.13 Soil Assessment

Regulations 25

Education and Care Services National Regulations

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

See the discussion under the SEPP (Resilience and Hazards) 2021 for details.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)

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

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

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

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

Clause	Controls	Comment	Complies
Part 4.3 Physical Environment			
104	Fencing	Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.	Yes
106	Laundry and hygiene facilities	A laundry facility is available on the premises of the proposed centre-based child care facility.	Yes
107	Space requirements-indoor space	The proposed centre-based child care facility provides at least 3.25m ² of unencumbered indoor play space per child as shown on the submitted plans.	Yes
108	Space requirements-outdoor space	The proposed centre-based child care facility provides at least 7m ² of unencumbered outdoor play space per child as shown on the submitted plans.	Yes
109	Toilet and hygiene facilities	Appropriate toilet and washing facilities are provided.	Yes
110	Ventilation and natural light	The facility will receive adequate ventilation and natural light, as addressed in the SEPP and Guidelines earlier in this report.	Yes
111	Administrative space	An administration room is located within the proposed Child Care Facility.	Yes
112	Nappy change facilities	A nappy changing facility is provided by the proposed centre-based child care facility.	Yes

113	Outdoor space-natural environment	As addressed in detail earlier in this report, the development provides outdoor spaces that allow children to explore and experience the natural environment.	
114	Outdoor space-shade	The proposed centre-based child care facility has provided adequate shading. See attached plans for detail.	Yes
Part 4.4 Staffing Requirements			
123	Educator to child ratios	Clause 123 provides minimum staff requirements for child care facilities in Australia. It is noted that clause 271 overrides the ratio for the 3-5 age group for facilities in NSW. Therefore, the ratios for the proposed facility are as follows: - 0-2 Years – 1 employee per 4 children - 2-3 Years – 1 employee per 5 children - 3-5 Years – 1 employee per 10 children The breakdown of children ratio within the proposed centre-based child care facility is as follows: - 0-2 Years – 15 children (3.75 (4) staff) - 2-3 Years – 35 children (7 staff) - 3-5 Years – 70 children (7 staff) Therefore 18 staff are required, and 19 staff are proposed.	Yes
Part 7.3 New South Wales-specific provisions			
271	Educator to child ratios— children aged 36 months or more but less than 6 years	(1) Regulation 123(1)(c) applies as modified by this section. (2) The educator to child ratio for children aged 36 months or more but less than 6 years of age is 1 educator to 10 children. This is addressed in the section above.	Yes

TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010

As outlined below, the subject site is zoned R1 General Residential under the provisions of Tamworth Regional Local Environmental Plan 2010.

'Child Care Facilities' are permissible with Council consent within the R1 General Residential Zone.

Figure 7: Zoning Map Extract (Source: NSW Planning Portal).



 - Development Site

Centre-Based Child Care Facilities are permissible with consent within the subject site and the proposal is consistent with the definition contained within the LEP:

***centre-based child care facilities* 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), but does not include*
- (c) a building or place used for home-based child care or school-based child care, or*
- (d) an office of a family day care services (within the meaning 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 lesson or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

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

- *To provide for the housing needs of the community.*
- *To provide a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is to provide a centre-based child care facility within North Tamworth that will provide valuable child care and employment opportunities to people who live and work in the local area.

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

The table below provides details on the development standards relevant to the current proposal as well as other relevant provisions contained within the LEP.

Tamworth Regional Local Environmental Plan 2010			
Clause	Control	Comment	Complies
Zoning	R1 General Residential	Centre-based child care facilities are permissible with Council consent within the R1 General Residential Zone.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone objectives and land use table	The proposal is consistent with the zone objectives of the R1 Zone and will provide valuable child care places.	Yes
2.6	Subdivision requirements – consent	Amalgamation is proposed and consent is sought.	Yes
2.7	Demolition requires consent	Council consent is sought for the demolition of the existing structures on site in accordance with the submitted Demolition Plan.	Yes
Part 4 Principal Development Standards			
4.3	Height of buildings	No height provisions are adopted.	N/A
4.4	Floor space ratio	The subject site is not subject to an FSR provision.	N/A
Part 5 Miscellaneous Provisions			
5.10	Heritage conservation	The site is not identified as a heritage item, nor it is not located within a heritage conservation area. However, there are heritage items within vicinity of the development site. The local heritage items are sufficiently separated from the development site noting existing built forms and road networks provide adequate buffer between the subject site and the local heritage items. As such no further heritage studies is considered necessary noting that the development site is not burdened by any heritage restrictions.	N/A
5.21	Flood planning	The development site is not identified as being affected by flooding. Not applicable.	N/A

Part 7 Additional Local Provisions

7.1	Earthworks	This application seeks Council consent for minor excavation of the site as per the attached plans. It is considered that the proposed excavation will have minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area. The proposed excavation work is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.	Yes
7.6	Development in flight path	The proposed development will have no impact on the operation of the Tamworth Airport.	N/A
7.7	Development in areas subject to aircraft noise	The development is it not located near Tamworth Airport, nor is it identified as having an ANEF contour of 20 or greater as per the Flood Planning Map, Australian Noise Exposure Forecast Map.	N/A

TAMWORTH REGIONAL DEVELOPMENT CONTROL PLAN 2010

An assessment against the key controls contained in the DCP can be found in the table below.

Tamworth Regional Development Control Plan 2010			
Clause	Controls	Comment	Complies
Step 2: Types of Development			
Commercial and Retail Development Controls			
Building Setbacks:		<u>Child Care Facility</u>	
-	No minimum setbacks are specified	The Child Care Guidelines states that where development for a child care facility is to be undertaken within a residential area, the relevant residential setback controls apply: The DCP prescribes a front setback of 4.5m and the side and rear setback in accordance with BCA within R1 zoned land parcels. The proposed child care facility is provided with a front setback of 4.5m to Upper Street, as well as generous side and rear setbacks to both the ground and first floor. The development meets the BCA requirements.	Yes
-	Side and rear setbacks must meet BCA requirements		
Outdoor Lighting		The outdoor lighting of the child care facility has been designed to comply with AS/NZS 11583.1 where appropriate.	Yes
Outdoor signage		No signage is proposed as part of this application. Signage will be subject to future DAs.	N/A
Design		The building is articulated via the use of different colours, arrangement of elements and varying of materials. The development proposes a modern child care facility design to achieve a good presentation to the public domain set within a landscape setting to ensure compatibility along Upper Street. Large expansive blank walls are avoided. Roofing materials are non-reflective.	Yes

Post Supported Verandahs and Balcones and Under Awning Support Posts	These elements have been designed to complement and enhance the character of the proposed buildings.	Yes
Utilities and Services	To be provided as per the DCP.	Yes
Traffic and Access	The at-grade car parking area of both the child care facility have been designed to permit vehicles to enter and exit the site in a forward direction.	Yes
	The car parking area have been designed to minimise conflict between pedestrian, customer vehicles and delivery vehicles. This includes direct pedestrian access to the child care facility from Upper Street.	Yes
	Due to the nature of the land use, no specific loading areas are required to be provided. The designated car parking area provides parking spaces for vehicles including vans.	Yes
	Driveways have been designed to comply with AS 2890.1 Parking Facilities.	Yes
	Parking - Child Care Facility: 1 space for every 5 children. The child care facility proposed to accommodate a total of 120 child care places which equates to 24 car parking spaces. The development provides a total of 24 car parking spaces at-grade for the child care facility. Complies.	Yes
Landscaping	Appropriate landscaping is to be provided within the proposed at-grade car parking area. Refer to attached Landscape Plan for details.	Yes

Step 3: General Development Specifications		
Other Types of Development Control		
Bushfire Prone Land	The development site is not identified as being affected by bushfire. Not applicable.	N/A
Environmental Controls		
Soil and Erosion Control	This application seeks Council consent for minor excavation of the site as per the attached plans noting the parking area parking area. It is considered that the proposed excavation will have minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area. The proposed excavation work is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies. Refer to Erosion and Sediment Control Plan that accompanies this report for detail.	Yes
Vegetation	An Arboricultural Impact Assessment and Management Plan has been prepared Horticultural Management Services, which states the following: <i>Subject to Council process, approval is recommended for the removal of Ten-(10) trees, shrubs and weed species trees numbered 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 based on their individual location to the proposed Childcare Centre building envelope, considered excavations, proposed driveway and parking area construction, landscape works and considered impacts/scope of works within the required development site.</i> New replacement plantings are to be provided to offset the removal of trees.	Yes

	The proposal is to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds. The landscape treatment will also soften the built form and assist with maintaining privacy to neighbouring properties. The landscaping plan also incorporates planting that is indigenous to the immediate area and will be utilised as part of learning programmes within the centre to assist with attending children understanding the benefits of utilising local native plantings.	
Waste Management	Complies. Refer to the attached Waste Management Plan for detail.	Yes
Noise	An Acoustic Report accompanies this application.	Yes
Step 3: Discretionary Development Specifications		
Residential Standards		
Solar Access	The Child Care Facility has been designed to maximise solar access to neighbouring properties. This is achieved via the siting, orientation of the building whilst also complying and delivering generous setbacks.	Yes
Parking	All parking is to be provided within the at-grade parking area. The proposal is to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds.	Yes
Landscaping	An Arboricultural Impact Assessment and Management Plan has been prepared Horticultural Management Services, which states the following: <i>Subject to Council process, approval is recommended for the removal of Ten-(10) trees, shrubs and weed species trees</i>	Yes

numbered 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 based on their individual location to the proposed Childcare Centre building envelope, considered excavations, proposed driveway and parking area construction, landscape works and considered impacts/scope of works within the required development site.

New replacement plantings are to be provided to offset the removal of trees.

The proposal is to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds.

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

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

Commercial / Retail Standards

Design Principles	The child care building is to be articulated via the use of different colours, arrangement of elements and varying of materials. The development proposed a modern child care facility design to achieve a good presentation to the public domain, with a high quality landscape setting proposed to ensure compatibility along Upper Street. Large expansive blank walls are voided.	Yes
Parking and Access	Off-street parking is provided in accordance with the DCP. The parking areas have been designed to permit all vehicles to enter and exit the site in a forward direction.	Yes

Other Development Standards		
Outdoor Advertising Signage	Signage is not proposed as part of this application. However, it is expected that signage will be subject to future DAs.	N/A
Standards for Flood Affected Land		
	The development site is not identified as being affected by flooding.	N/A
Environmental Standards		
Vegetation	An Arboricultural Impact Assessment and Management Plan has been prepared Horticultural Management Services, which states the following: <i>Subject to Council process, approval is recommended for the removal of Ten-(10) trees, shrubs and weed species trees numbered 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 based on their individual location to the proposed Childcare Centre building envelope, considered excavations, proposed driveway and parking area construction, landscape works and considered impacts/scope of works within the required development site.</i> New replacement plantings are to be provided to offset the removal of trees. The proposal is to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds. The landscape treatment will also soften the built form and assist with maintaining privacy to neighbouring properties. The landscaping plan also incorporates planting that is indigenous to the immediate area and will be utilised as part of learning programmed within the centre to assist with attending children understanding the benefits of utilising local native plantings.	Yes

CONCLUSION

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

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

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