



STATEMENT OF ENVIRONMENTAL EFFECTS

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

39 CARNATION AVENUE | BANKSTOWN

CLIENT: INVENTORY INTERIORS PTY LTD
REF: 22151
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1 INTRODUCTION

This Statement of Environmental Effects is to accompany a development application to Canterbury Bankstown Council seeking consent for the demolition of the existing structures, tree removal and the construction of a 2 storey centre-based childcare centre over basement parking, at No. 39 Carnation Avenue, Bankstown.

The centre will cater for 40 children between the ages of 0-6 years old, 6 staff and will accommodate 10 parking spaces for staff and visitors of the centre. Parking is located at basement level and accessed from Carnation Avenue. Operation of the centre will be 7am to 6pm Monday to Friday, the facility will be closed on weekends or public holidays, beyond ancillary tasks associated with staff management and cleaning operations.

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

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

This Statement of Environmental Effects is supplemented by the following:

1. Land Survey – Prepared by *SurvTech*;
2. Architectural Plans – Prepared by *Art Made Architects*;
3. Landscape Plans – Prepared by *Earth Matters Consulting*;
4. Arborist Report – Prepared by *Redgum Horticultural*;
5. Stormwater Drainage – Prepared by *Greenview Consulting*;
6. Acoustic Report – Prepared by *Day Design Pty Ltd*;
7. BCA & Access Report – Prepared by *Ergon Consulting*;
8. Traffic Report & Swept Paths – Prepared by *Traffix*;
9. Quantity Surveyor's Report – Prepared by *Property & Building Consultants*;
10. Preliminary Site Investigation & Geotechnical Report – Prepared by *JK Environments*; and
11. Waste Management Plan – Prepared by *Dickens Solutions*; and
12. Plan of Management – Prepared by *Avenue Town Planning*.

The proposed development has a construction cost of \$1,330,332.96.

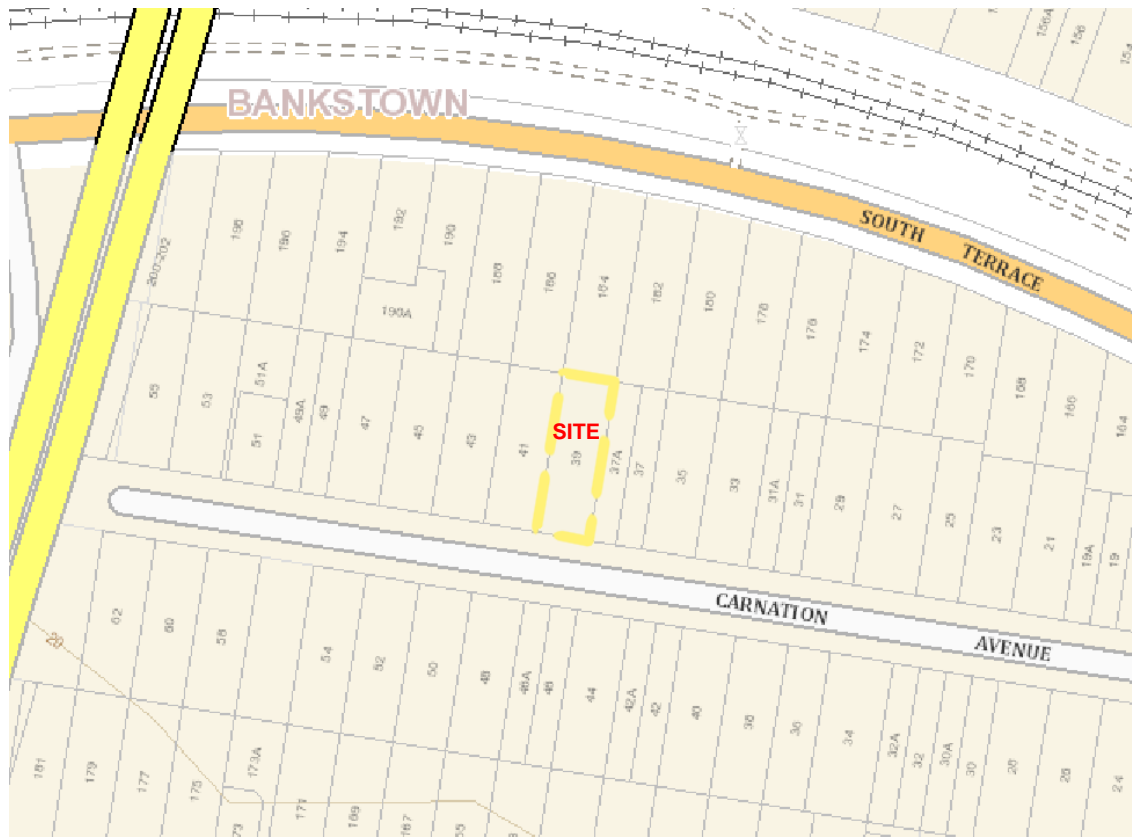
The remaining parts of this Statement of Environmental Effects evaluates the subject site and its context (Section 2), site history (Section 3) details the proposed works (Section 4) and provides an assessment of the proposed development with consideration to the relevant statutory planning framework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

This Statement concludes that the development is permitted with consent and results in a building form and use of the site that following appropriate management and operation is suitable and anticipated by the permitted planning controls for a centre-based child care facility within the R2 – Low Density Residential Zone. In addition, this statement concludes that the development will have acceptable impacts on the natural and built environment and is recommended for approval.

2 SUBJECT SITE AND ADJOINING DEVELOPMENT

2.1 Site Analysis

The development site comprises a single, regular shaped allotment identified as No. 39 Carnation Avenue, Bankstown, with legal description of Lot 72 in DP 7672. The site location is shown in Figure 1.



dwelling, with a scattering of more recently constructed single dwellings and dual occupancies also present.

Photographs of the site are illustrated in Figures 2-4.



Figure 2: Subject site (Source: Wiseberry)



Figure 3: Subject site – backyard (Source: Wiseberry)



Figure 4: Street frontage of the subject site and the existing street tree

2.2 Adjoining Properties

Development surrounding the site comprises low-density residential development, generally of older style construction. An aerial photograph of the site surrounds is provided in Figure 5.



Figure 5: Site Location [Source: SixMaps]

Surrounding the site on all sides is traditional, low-density residential development with dwellings facing their primary street and backyard spaces behind, which commonly align with neighbouring backyard spaces.

To the east of the site, No. 37A & B Carnation Avenue contains a recently completed two storey attached dual occupancy development. As can be seen in Figure 5, the immediately adjacent dwelling to the subject site (No. 37A) a pergola structure at the rear of its building that extends into the backyard space. The street view of No. 37A & B is shown in Figure 6.



Figure 6: No. 37A & B Carnation Avenue

Located to the west of the subject site is No. 41 Carnation Avenue, which contains an older style single storey dwelling house of similar construction and appearance to the dwelling on the subject site. A street view of this property is provided at Figure 7.



Figure 7: No. 41 Carnation Avenue

As can be seen in Figure 5, adjoining the northern boundary of the subject site is No. 184 South Terrace, which contains an older style single storey dwelling house with a backyard space, including canopy tree, located adjacent to the backyard of the subject site.

Located on the opposite side of Carnation Avenue is a recently completed attached dual occupancy development as well as a number of older style single storey dwelling houses. Photographs of these properties are provided at Figures 8 to 10.



Figure 8: No. 44 Carnation Avenue

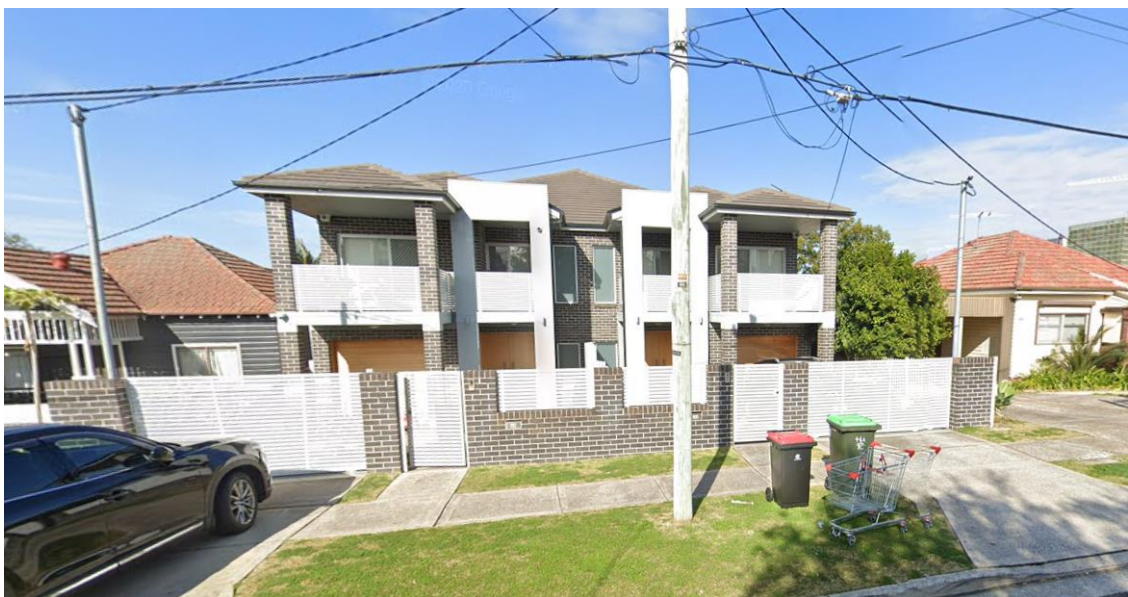


Figure 9: No. 46A & B Carnation Avenue



Figure 10: No. 48 Carnation Avenue

3 PROPOSED DEVELOPMENT

The proposal seeks consent for the demolition of the structures, tree removal and construction of a 2 storey, centre-based childcare facility accommodating 40 children and 10 basement parking spaces at No. 39 Carnation Avenue, Bankstown.

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

3.1 Demolition

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

3.2 Child Care Centre

The proposal involves the construction of a two-storey centre-based childcare facility with external play area and a basement level of parking accessed from Carnation Avenue. The centre will cater for a total of 40 children and 6 staff (inclusive of a manager), as follows:

Age	No. of children	Staff Ratio	Staff provision
0-2 years	8	1:4 (cl. 123(1) of Regs)	2 educators
2-3 years	12	1:5 (cl. 123(1) of Regs)	2 educators
3-5 years	20	1:10 (cl. 271(2) of Regs)	2 educators
Total	40		6

The hours of operation of the centre are 7am – 6pm Monday to Friday. Use of the premises after hours or on weekends will be only for staff and cleaning operation.

Basement, Ground & First Floors

A dual width driveway is proposed within the southern portion of the site frontage to Carnation Avenue which will access the proposed basement parking level. The car park footprint covers the central and rear portions of the site and a total of 10 parking spaces are proposed, including 4 staff parking spaces and 6 visitor parking spaces (inclusive of an accessible compliant visitor parking space). A bin store, laundry room, lift access and fire stairs are provided within the basement level also.

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

As shown in Figure 11 over page, the ground floor is designed with built form located at the front and rear of the property, with a centralised outdoor play area between the building elements. The building entrance contains a foyer with reception desk, lift and stair access from the basement below, an accessible compliant bathroom and playroom 1, which will cater for 8 children in the age group of 0-2 years.

Playroom 2 is located at the rear of the property and with side and rear boundary setbacks of 1.5 metres, which will be landscaped. This playroom accommodates 20 children in the age group of 3-5 years. The room has north facing glass block windows for neighbour privacy and also benefits from a centrally located skylights.

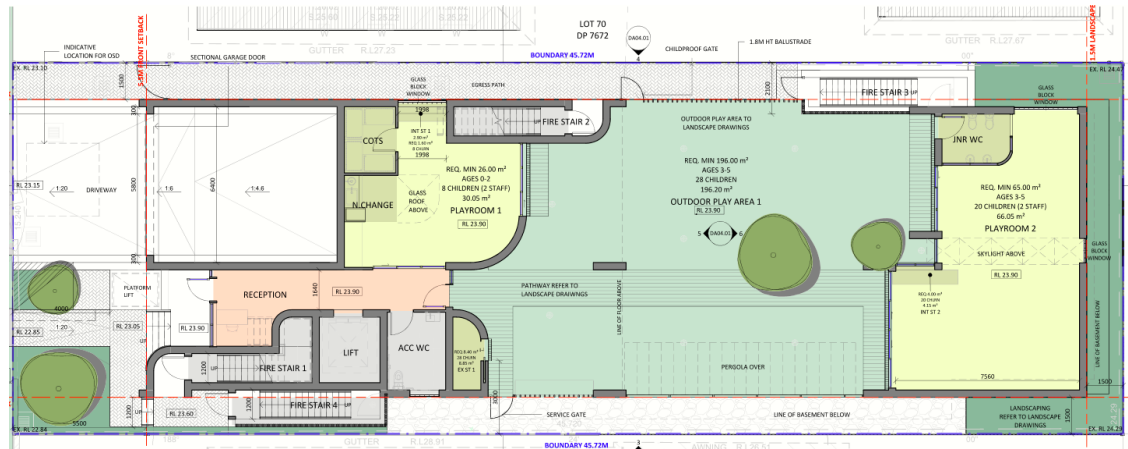


Figure 11: Extract of proposed ground level

The proposed first floor is focused towards the southern half of the site with no built form or outdoor play area proposed within the rear half of the property. Playroom 3 is to accommodate 12 children in the 2-3 year old age group and an outdoor play area towards the street frontage of the floor. Bordering the building sides are proposed ancillary spaces including a kitchen, bathrooms and nappy change room, a staff room, accessible compliant bathroom, office/meeting room, a lift and fire exit stairs. The first floor does not contain any side facing windows, with only street facing and rear facing windows proposed. The outdoor play area is majority open to the sky.

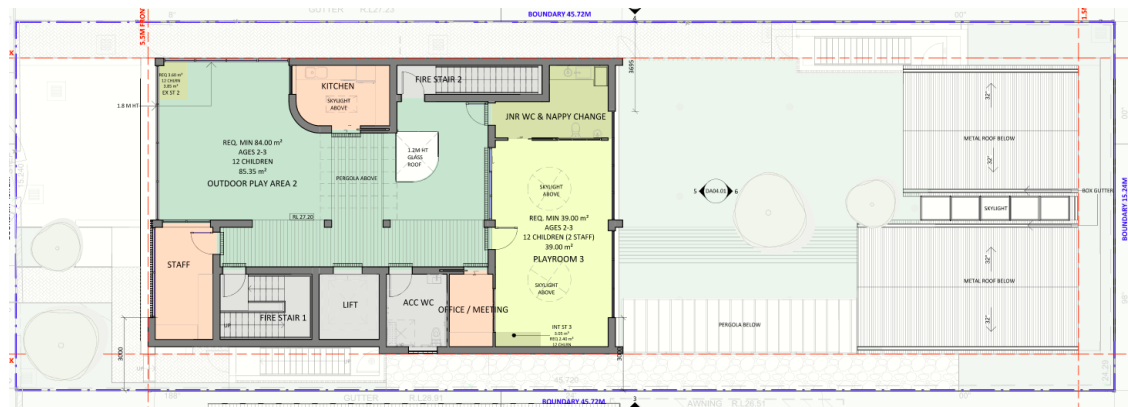


Figure 12: Extract of proposed first floor level

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

The sides of the ground floor outdoor play area will be bordered by 1.8m high fence as well as an acoustic barrier to 2.1m in height set within the site, adjacent to the eastern side of the ground floor play area. The first floor play area is bordered by a 1.8m high acoustic barrier (although only a 1.5m high fence is required for acoustic attenuation purposes). These design features, together with the defensive side facing elevations of the proposal (i.e. no side facing windows) will protect the visual and acoustic privacy of the adjoining residential neighbours.

3.3 External Presentation

The building has been designed to present a residential scale and streetscape appearance in terms of 2 storey height, street setbacks, materials and landscaping. The proposal includes quality landscape treatment to the site frontage to soften the built form, and provides basement parking to locate all parking below street level.

The external treatment of the building is well described on the materials schedule provided with the architectural drawing set. The proposed palette of materials includes bagged masonry, light grey cladding, dark grey coloured aluminium doors and windows, colorbond roofing and timber decks for parts of the open space. The external treatment of the proposal is represented in the 3D view provided at Figure 13.



Figure 13: 3D view of the proposal – street frontage

3.4 Landscaping

The site does not contain any trees or natural features that are worthy of retention. One existing street tree is required for removal to accommodate the proposed basement access. Details of the proposed landscaping are provided on the submitted Landscape Plan prepared by *Earth Matters Consulting* and features appropriate planting including native species and canopy trees. New feature planting is provided within the front setback and along the rear boundary, with planting in pots adjacent to the eastern boundary. The ground floor play area is also designed with a combination of hard and soft landscape features.

The outdoor play areas provide a variety of surfaces and experiences for use and education of children, incorporating appropriate sun access and shadowing.

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

3.5 Traffic and Parking

A total of 10 parking spaces are required to accommodate the parking requirements of the proposed centre, which will include 40 child care placements and 6 staff. Parking has been provided within the proposed basement level.

A Traffic and Parking Impact Assessment Report prepared by *Traffix* has been submitted with the application. This report has considered the proposed design in light of the site dimensions, traffic capacity of the locality, and traffic generation of the development.

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

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

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

3.6 Stormwater

Details of the stormwater design are provided on the accompanying Hydraulics Design prepared by *Greenview Consulting*. Stormwater collected by the development will be connected and diverted to an OSD system that is located below the driveway and has a volume of 7.22m³. Overflow will be connected to the street by gravity.

4 STATUTORY PLANNING ASSESSMENT

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

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

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

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021;
- Canterbury Bankstown Local Environmental Plan 2023; and
- Canterbury Bankstown Development Control Plan 2023.

4.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

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

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

Assessment for the potential for site contamination is undertaken in the submitted Preliminary Site Investigation Report prepared by JK Environments. The report contains recommendations relating to a site remediation because of elevated zinc and copper levels and the presence of asbestos. The report also concludes that the site can be made suitable for the proposed child care use subject to a Detailed Site Investigation, Remediation Action Plan and Asbestos Management Plan.

As such, the requirements of Chapter 4 of SEPP (Resilience and Hazards) 2021 are sufficiently satisfied to enable the granting of development consent, subject to conditions.

4.1.2 State Environmental Planning Policy (Transport & Infrastructure) 2021

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

Chapter 3 (Educational Establishments and child care facilities) of the SEPP contains those provisions from the former Education SEPP as they relate to child care centres. The SEPP provisions set out a range of overarching controls and guidelines for centre-based child care facilities, as discussed below.

The proposed development meets the definition of centre-based child care facility which is defined the SEPP as:

centre-based child care facility means:

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

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

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

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

TABLE 1: RESPONSE TO CHAPTER 3 OF SEPP (TRANSPORT & INFRASTRUCTURE)		
Provision	Proposal	Complies
Part 3.3 Early Education and care facilities – specific development controls		
3.23 Centre-based child care facility – matters for consideration by consent authorities Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guidelines, in relation to the proposed development.	Refer to Table 2 below for consideration under Child Care Centre Guidelines.	Yes
3.26 Centre-based child care facility – non-discretionary development standards The object of this section is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevents the consent authority from requiring more onerous standards for those matters. The following are non-discretionary development standards for the purpose of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purpose of a centre-based child care facility-		
(a) location the development may be located at any distance from an existing or proposed early education and care facility,	Noted – no locational restrictions.	-
(b) indoor or outdoor space <ul style="list-style-type: none"> i. for development to which regulation 107 (indoor unencumbered space 	For proposed 40 place centre: Indoor play space required =	Yes

TABLE 1: RESPONSE TO CHAPTER 3 OF SEPP (TRANSPORT & INFRASTRUCTURE)		
Provision	Proposal	Complies
Part 3.3 Early Education and care facilities – specific development controls		
<p>requirements) or 108 (outdoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> applies – the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>ii. for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2012</i> applies – the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(c) site area and site dimensions – the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>(d) colour of building materials or shade structures – the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p>	<p>3.25m² per child, ie. 130m²</p> <p>Unencumbered indoor play space provided: 135.10m²</p> <p>Outdoor place space required = 7m² per child ie. 280m².</p> <p>Unencumbered outdoor play area provided: 281.55m².</p> <p>Each play area provides more than the requisite areas for each individual play area per child group. Refer to Architectural Plans for breakdown.</p> <p>Noted – no site area or dimension restrictions.</p> <p>Site is not a State or local heritage item – as such no restriction on colour scheme.</p>	<p>-</p> <p>Yes</p>
3.27 Centre-based child care facility – development control plans		
<p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:</p> <p>a. operational or management plans or arrangements (including hours of operation),</p> <p>b. demonstrated need or demand for child care services,</p> <p>c. proximity of facility to other early childhood education and care facilities,</p> <p>d. any matter relating to development for the purpose of a centre-based child care facility contained in:</p> <p>i. the design principles set out in</p>	<p>The SEPP overrides provisions under the CBDCP, including any provisions relating to capacity restrictions or age ratios.</p>	<p>Noted</p>

TABLE 1: RESPONSE TO CHAPTER 3 OF SEPP (TRANSPORT & INFRASTRUCTURE)		
Provision	Proposal	Complies
Part 3.3 Early Education and care facilities – specific development controls		
Part 2 of the <i>Child Care Planning Guidelines</i> , or ii. the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).		

Child Care Planning Guidelines (September 2021)

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

In accordance with Clause 3.23 of the SEPP referred above, consideration of the Child Care Guidelines must be provided by the consent authority when assessing a development application for a centre based child care facility. It also determines this Guideline will take precedence over a Development Control Plan (DCP), with some exceptions, where the two overlap in relation to a child care facility.

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

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
3.1 Site Selection and location		
C1 For proposed developments in or adjacent to a residential zone, consider:	Site is within R2 – Low Density Zone.	
<ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties 	An Acoustic Report is provided, and measures have been incorporated to minimise acoustic impacts. Privacy has been considered during the design process and is addressed at Section 4.2 of this report.	Yes
<ul style="list-style-type: none"> the setbacks and siting of buildings within the residential context 	Complies with DCP setbacks and is consistent with the setbacks of the properties adjoining the site and the required setbacks for residential development.	Yes
<ul style="list-style-type: none"> visual amenity impacts (eg. Additional building bulk and overshadowing, local character) 	The proposal is entirely compatible in bulk, scale, and character with adjoining and nearby residential development. Acceptable shadow impacts will result, as outlined at	Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<ul style="list-style-type: none"> traffic and parking impacts of the proposal on residential amenity. 	<p>Section 4.2 of this report.</p> <p>A Traffic Report is submitted with the development application.</p>	Yes
<p>C2 When selecting a site, ensure that:</p> <ul style="list-style-type: none"> the location and surrounding uses are compatible with the proposed development or use the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> length of street frontage, lot configuration, dimensions and overall size; and number of shared boundaries with residential properties. the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use there are suitable drop off and pick up areas, and off and on street parking. the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use. 	<p>Centre-based child care facilities are a permissible and compatible land use within the R2 Low Density Residential Zone.</p> <p>Site is not identified as being affected by land slope, bushfires, coastal hazards or other environmental hazards.</p> <p>Site remediation will be required, in accordance with the submitted report prepared by JK Environments.</p> <p>The site is has sufficient dimensions and land area to accommodate the proposed land use and provide compliant FSR, building height and setbacks within a development that responds well to its boundary interfaces, and is considerate of neighbouring uses.</p> <p>The site is not identified as being within a sensitive environmental or cultural area and will be managed so as not to facilitate any impacts for surrounding properties.</p> <p>New development proposed.</p> <p>Provided. Refer to plans.</p> <p>As outlined in the submitted Traffic Report, Carnation Avenue is suitable for safe access / egress and use of the site for the proposed land use.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<ul style="list-style-type: none"> the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities. it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	<p>Achieved.</p> <p>Yes. Development site is not surrounded by incompatible uses, being residential uses.</p>	<p>Yes</p> <p>Yes</p>
<p>C3 A child care facility should be located:</p> <ul style="list-style-type: none"> near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship near or within employment areas, town centres, business centres, shops with access to public transport including rail, buses, ferries in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>The site is near to Bankstown Town Centre, schools and Place of Public Worship. There is a scattering of public open space in the surrounding area and the site is within walking distance of Bankstown Railway Station.</p>	<p>Yes</p>
<p>C4 A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> proximity to: <ul style="list-style-type: none"> heavy or hazardous industry, waste transfer depots or landfill sites; LPG tanks or service stations; water cooling and water warming systems; odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses. extractive industries, intensive agriculture, agricultural spraying activities. Any other identified environmental hazard or risk relevant to the site and / or existing buildings within the site. 	<p>The development site is not located near any of the listed hazards. It is entirely surrounded by residential properties.</p> <p>None.</p>	<p>Yes</p> <p>Yes</p>
<p>3.2 Local Character, streetscape and the public domain interface</p> <p>C5 The proposed development should:</p> <ul style="list-style-type: none"> contribute to the local area by being designed in character with the locality and existing streetscape build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place reflect the predominant form of surrounding land uses, particularly in low 	<p>The proposal has been designed to complement the residential setting, provides suitable setbacks to adjoining properties, will provide landscaping visible from the street and parking is provided on site at within a basement</p>	<p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>density residential areas</p> <ul style="list-style-type: none"> recognise predominant streetscape qualities, such as building form, scale, materials and colours include design and architectural treatments that respond to and integrate with the existing streetscape and local character. use landscaping to positively contribute to the streetscape and neighbouring amenity integrate car parking into the building and site landscaping design in residential areas. 	<p>level parking area.</p> <p>The proposal is compatible with buildings in the locality incorporating architectural elements consistent with the proposal, i.e. 1 and 2 storey height, bagged masonry, cladding, residential scale and rhythm, and deep soil landscaping to the street frontage and side/rear boundaries, as outlined in the site description under Section 2 of this report.</p>	
<p>C6 Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> fencing to ensure safety for children entering and leaving the facility windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community integrating existing and proposed landscaping with fencing. 	<p>Fencing will ensure the safety and security of children.</p> <p>The design provides windows overlooking the street.</p> <p>Refer to accompanying Landscape Plans.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>Separate vehicular and pedestrian entrances are provided.</p>	<p>Yes</p>
<p>C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>No fencing proposed to frontage of the site – open landscaping to be provided.</p>	<p>Yes</p>
<p>C10 High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	<p>Development site does not adjoin classified road.</p>	<p>N/A</p>
<p>3.3 Building orientation, envelope and design</p> <p>C11 Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties; 	<p>No windows are proposed to the side elevations of the building, only solid walls.</p> <p>The outdoor play area at the First Floor is setback approximately 5.5m from the street frontage and will be edged at its sides by a 1.8m high privacy and acoustic</p>	<p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<ul style="list-style-type: none"> placing play equipment away from common boundaries with residential properties; locating outdoor play areas away from residential dwellings and other sensitive uses optimise solar access to internal and external play areas avoid overshadowing of adjoining residential properties minimise cut and fill ensure buildings along the street frontage define the street by facing it ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>screen.</p> <p>The Ground Floor outdoor play will be located area is located at existing ground level and will be bordered by a 1.8m to 2.1m high acoustic screen.</p> <p>The building has excellent solar access and cross ventilation, has acceptable overshadowing impacts on neighbouring properties (as outlined in Section 4.2 of this report), integrates will with its presentation to each street frontage and has approximately weather protection for the future occupants.</p>	
<p>C12 The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> building height should be consistent with other buildings in the locality building height should respond to the scale and character of the street 	<p>The proposed development is two storeys in height and I below the maximum LEP HOB limit of 9m which is compatible with surrounding development, including a variety of 1 and 2 storeys.</p>	Yes
<ul style="list-style-type: none"> setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility 	<p>The proposed setbacks allow for adequate privacy and separation and are consistent with DCP requirements.</p>	Yes
<ul style="list-style-type: none"> setbacks should provide adequate access for building maintenance 	<p>Provided.</p>	Yes
<ul style="list-style-type: none"> setbacks to the street should be consistent with the existing character. 	<p>The front setback is consistent with the predominant building line to the street and consistent with character in providing a landscaped setback.</p>	Yes
<p>C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>	<p>The front setback is compliant with the DCP requirement of 5.5m.</p>	Yes
<p>C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>Complies with DCP setback requirements. Refer to Table 4 below.</p>	Yes
<p>C15 Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> located to allow ease of access, particularly for pedestrians 	<p>The front entrance is from Carnation Avenue. The entry is</p>	Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<ul style="list-style-type: none"> directly accessible from the street where possible directly visible from the street frontage easily monitored through natural or camera surveillance not accessed through an outdoor play area. in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>clearly defined and visible, accessible (directly from the street), could be easily monitored (both passive and CCTV surveillance); and not accessed through outdoor play area.</p> <p>Development site is not in a mixed-use area.</p>	N/A
<p>C16 Accessible design can be achieved by:</p> <ul style="list-style-type: none"> providing accessibility to and within the building in accordance with all relevant legislation linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	<p>Accessibility is achieved via the proposed platform lift within the site frontage. Internally, a lift provides access to all floors. Prams and wheelchairs will be able to access all parts of the site.</p> <p>A continuous path of travel to and within the building is possible via the lifts provided.</p> <p>Site is flat and ramping is easily minimised.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3.4 Landscaping</p> <p>C17 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> reflecting and reinforcing the local context incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>Landscaping is provided to boundaries and is not relied on for outdoor play calculations – refer to Landscape Plan.</p> <p>No existing significant trees or natural site features at the site, proposed landscaping will improve streetscape presentation.</p>	<p>Yes</p> <p>Yes</p>
<p>C18 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings taking into account streetscape, local character, pedestrian safety and context when siting car parking areas within the front setback using low level landscaping to soften and screen parking areas. 	<p>Not applicable. The car park is underground.</p>	N/A
<p>3.5 Visual and acoustic privacy</p> <p>C19 Open balconies in mixed use developments should not overlook facilities nor</p>	<p>Not application – mixed use development not proposed.</p>	N/A

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
overhang outdoor play spaces.		
<p>C20 Minimise direct overlooking of indoor and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • permanent screening and landscape design 	The proposed indoor and outdoor areas do not adjoin any public area.	N/A
<p>C21 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	No windows are proposed along either side elevation. The Ground Floor play area is bounded by parts of the building, acoustic barriers and landscape screening. There are no viewing opportunities into the play areas (internal or external) from adjoining properties which all contain single storey development.	Yes
<p>C22 A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>Will comply as per Acoustic recommendations. Refer to Acoustic Report prepared by <i>Day Design</i>.</p> <p>As is typical at DA stage, mechanical plant has not yet been selected. Once it is, a detail acoustic assessment will be required, at Construction Certificate stage.</p>	<p>Yes</p> <p>Will comply at CC</p>
<p>C23 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	Refer to accompanying Acoustic Report prepared by <i>Day Design</i> .	Yes
<p>C24 Adopt design solutions to minimise impacts of noise, such as:</p> <ul style="list-style-type: none"> • creating physical separation between buildings and the noise source • orienting the facility perpendicular to the noise source and where possible buffered by other uses • using landscaping to reduce the 	<p>Refer to accompanying Acoustic Report prepared by <i>Day Design</i>.</p> <p>Design solutions include no openings to side boundaries, acoustic screening and edge</p>	Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>perception of noise</p> <ul style="list-style-type: none"> limiting the number and size of openings facing noise sources using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits locating cot rooms, sleeping areas and play areas away from external noise sources. 	landscaping.	
<p>C25 An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> on industrial zoned land where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 on a major or busy road other land that is impacted by substantial external noise 	The development site is not located in any of the listed locations.	N/A
<p>C26 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	The development site is not located on a major road and the adjacent industrial development contains low impact uses.	Yes
<p>C27 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway incorporating ventilation design into the design of the facility. 	Not applicable.	N/A

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
3.7 Hours of operation C28 Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	The hours of operation of the centre are 7am – 6pm (Monday to Friday). Use of the premises after hours or on weekends will be only for staff and cleaning operation.	Yes
C29 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	The development site is not in a commercial or mixed-use area.	N/A
3.8 Traffic, parking and pedestrian circulation C30 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land. Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates: Within 400 metres of a metropolitan train station: • 1 space per 10 children • 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. In other areas: • 1 space per 4 children.	The proposal complies with the car parking requirements under the CBDCP 2023.	Yes
C31 In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	Not in commercial or industrial zone, Nor a mixed-use development.	N/A
C32 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that: • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network.	Refer to accompanying Traffic Report prepared by <i>Traffix</i> .	Yes
C33 Alternate vehicular access should be provided where child care facilities are on sites	The development site does not front either type of road listed.	N/A

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
fronting: <ul style="list-style-type: none"> a classified road roads which carry freight traffic or transport dangerous goods or hazardous materials. The alternate access must have regard to: <ul style="list-style-type: none"> the prevailing traffic conditions pedestrian and vehicle safety including bicycle movements the likely impact of the development on traffic. 		
C34 Child care facilities proposed within cul-de-sacs or via narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	Development site is not within a cul-de-sac or narrow road/lane.	N/A
C35 The following design solutions may be incorporated into a development to help provide a safe pedestrian environment: <ul style="list-style-type: none"> separate pedestrian access from the car park to the facility defined pedestrian crossings and defined/separate paths included within large car parking areas separate pedestrian and vehicle entries from the street for parents, children and visitors pedestrian paths that enable two prams to pass each other delivery, loading and vehicle turnaround areas located away from the main pedestrian access to the building and in clearly designated, separate facilities minimise the number of locations where pedestrians and vehicles cross each other in commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas vehicles can enter and leave the site in a forward direction clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations. 	<p>Separate path provided;</p> <p>Small car park only;</p> <p>Separate vehicle and pedestrian access provided;</p> <p>Double width path and 1:25 grade;</p> <p>Vehicular access is separate from pedestrian entrance;</p> <p>Achieved;</p> <p>N/A;</p> <p>Achieved, confirmed by Traffic Report;</p> <p>Achieved, supported by Traffic Report.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
C37 Mixed use developments should include: <ul style="list-style-type: none"> driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same 	Proposal is not a mixed-use development.	N/A

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site</p> <ul style="list-style-type: none"> parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 		
<p>C37 Car parking design should:</p> <ul style="list-style-type: none"> include a child safe fence to separate car parking areas from the building entrance and play areas provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards include wheelchair and pram accessible parking. 	<p>Parking is separate to these areas within centre;</p> <p>Located close to pedestrian path and entrance;</p> <p>Located at Ground Level with accessible path of travel to building entrance and Ground Floor Level. Lift access is available internally.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4. Applying the National Regulations to development proposals		
<p>4.1 Indoor space requirements</p> <p>Regulation 107 Education and Care Services National Regulations</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space. (40x3.25m² = 130m²)</p> <p><i>Design Guidance:</i> <u>Verandah as indoor space:</u> Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.</p> <p><u>Storage:</u> It is recommended that a child care facility provide;</p> <ul style="list-style-type: none"> a minimum of 0.3m³ per child of external storage space (40x0.3m³ = 12.00m³) a minimum of 0.2m³ per child of internal storage space (40x0.2m³ = 8.00m³) 	<p>Total indoor play area: 135.10m²</p> <p>Outdoor play space has been calculated in accordance with the unencumbered guidelines of this Guideline and provided in excess of the minimum requirements. In addition, areas have been provided to ensure each individual play areas receive the required area per child – this breakdown is included on the Architectural Plans.</p> <p>External storage: 12.65m³</p> <p>Internal storage: 10.10m³</p> <p>In addition, areas have been provided to ensure each individual play areas receive the required storage per child – this breakdown is included on the Architectural Plans.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES

Provision	Proposal	Complies
4.2 Laundry and hygiene facilities Regulation 106 Education and Care Services National Regulations There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children. Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code. <i>Design Guidance:</i> <u>On site laundry</u> On site laundry facilities should contain: <ul style="list-style-type: none"> a washer or washers capable of dealing with the heavy requirements of the facility a dryer laundry sinks adequate storage for soiled items prior to cleaning 	<p>On site laundry facilities are provided and these are separated from areas accessed by children.</p> <p>Designed to accommodate all listed items.</p>	<p>Yes</p> <p>Yes</p>
4.3 Toilet and hygiene facilities Regulation 109 Education and Care Services National Regulations A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children. Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.	<p>Sufficient toilet facilities are provided at each level for staff and children.</p> <p>Sanitary facilities have been designed to comply with the NCC.</p>	<p>Yes</p> <p>Yes</p>
4.4 Ventilation and natural light Regulation 110 Education and Care Services National Regulations Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height	<p>The proposed facility has been designed to achieve cross ventilation, receive and have adequate natural light and be temperature controlled to avoid extremes in temperature. Light and ventilation and minimum ceiling heights</p>	<p>Yes</p> <p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.	designed to comply with relevant requirements under the National Construction Code.	
4.5 Administrative space Regulation 111 Education and Care Services National Regulations A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.	Adequate areas have been provided for conducting of administrative tasks and meetings.	Yes
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. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.	Nappy change facilities are provided within Indoor Play Room #1 for 0-2 years. Design to comply with NCC.	Yes Yes
4.7 Premises designed to facilitate supervision Regulation 115 Education and Care Services National Regulations A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity. Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.	Good supervision is available through the centre whilst also maintaining sufficient privacy. Designed to comply with NCC.	Yes Yes
4.8 Emergency and evacuation procedures Regulations 97 and 168 Education and Care Services National		

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>Regulations</p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> instructions for what must be done in the event of an emergency an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit a risk assessment to identify potential emergencies that are relevant to the service. 	<p>The proposed child care facility has been designed to facilitate safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.</p> <p>An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 at CC stage.</p>	<p>Yes</p> <p>Will comply</p>
<p>4.9 Outdoor space requirements</p> <p>Regulation 108 Education and Care Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space. (72x7m² = 504m²)</p> <p>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p> <p><i>Design Guidance</i> Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play. When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.</p> <p><u>Verandahs as outdoor space</u> Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> be open on at least one third of its perimeter have a clear height of 2.1 metres have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter have adequate flooring and roofing be designed to provide adequate 	<p>Outdoor play space has been calculated in accordance with the unencumbered guidelines of this Guideline and provided in excess of the minimum requirements, as previously outlined.</p> <p>N/A</p> <p>Noted.</p> <p>The proposal includes open style verandahs that easily comply with these requirements. Refer to plans.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES

[illegible]

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p><u>Built shade structures</u></p> <p>Built structures providing effective shade include:</p> <ul style="list-style-type: none"> • permanent structures (pergolas, sails and verandahs) • demountable shade (marquees and tents) • adjustable systems (awnings) • shade sails. 	As above.	Yes
<p>4.12 Fencing</p> <p>Regulation 104 Education and Care Services National Regulations</p> <p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.</p> <p>Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p>	<p>The proposed development will include sufficient fencing located on the edge of outdoor spaces and bordered by landscaping at the ground level.</p> <p>Design to comply with NCC.</p>	<p>Yes</p> <p>Yes</p>
<p>4.13 Soil assessment</p> <p>Regulation 25 Education and Care Services National Regulations</p> <p>Subclause (d) of Regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be 	<p>Refer to the submitted Preliminary Site Investigation Report.</p> <p>As above.</p>	<p>Yes</p> <p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
contaminated in a way that poses an unacceptable risk to the health of children.		

4.1.3 State Environmental Planning Policy (Industry and Employment) 2021

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

Future signage will be addressed via a separate development application (if required).

4.1.4 Canterbury Bankstown Local Environmental Plan 2023

Under the LEP the subject site is located within the *R2 – Low Density Residential* zone. Amongst other things *centre-based childcare facilities* are permissible with consent from Council. The proposal involves the construction of centre-based child care facility. Accordingly, the proposal is identified as being permitted with consent from Council.

The objectives of the R2 – Low Density Residential Zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.*
- *To ensure suitable landscaping in the low density residential environment.*
- *To minimise and manage traffic and parking impacts.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To promote a high standard of urban design and local amenity.*

Other than the first zoning objective above, the proposal will be consistent with all remaining zoning objectives as it will provide a valuable service that meets the day-to-day needs of nearby residents and is designed in response to neighbouring amenity, local landscape character, it minimises and manages traffic and parking impacts, will not unreasonably conflict with neighbouring uses and is of a high standard of architectural design.

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

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

TABLE 3: RELEVANT PROVISIONS OF CANTERBURY BANKSTOWN LEP 2023		
Provision	Proposal	Complies
4.3 Building Height Maximum 9m	Well below the height limit, as shown on the sections and elevations.	Yes
4.4 Floor Space Ratio Site Area of 696.773m ² FSR of 0.5:1 = maximum GFA of 348.39m ² .	As identified on the accompanying GFA calculation diagrams, the proposal will provide a total gross floor area of 268.20m ² which results in an FSR of 0.38:1.	Yes
4.6 Exceptions to Development Standards Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	Not Applicable – proposal complies with all relevant development standards.	N/A
5.10 Heritage Conservation (2) Requirement for consent Development consent is required for any of the following— (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.	Not applicable – site is not identified as / or adjoining heritage item.	N/A
6.13 Special provisions for centre-based		

TABLE 3: RELEVANT PROVISIONS OF CANTERBURY BANKSTOWN LEP 2023		
Provision	Proposal	Complies
child care facilities Development consent must not be granted for the purposes of centre-based child care facilities in Area 1 if the vehicular access to the land is from— (a) a classified road, or (b) a cul-de-sac road or a road where the carriageway between kerbs is less than 10m.	N/A Carnation Avenue has a carriageway width of 8m.	N/A Refer to Clause 4.6 variation at Annexure A
7.6 Environmentally Significant Land (2) Before determining an application to carry out development on environmentally significant land, the consent authority must consider such of the following as are relevant— (a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location, (b) the importance of the vegetation in that particular location to native fauna, (c) the sensitivity of the land and the effect of clearing vegetation, (d) the relative stability of the bed and banks of any waterbody that may be affected by the development, whether on the site, upstream or downstream, (e) the effect of the development on water quality, stream flow and the functions of aquatic ecosystems (such as habitat and connectivity), (f) the effect of the development on public access to, and use of, any waterbody and its foreshores.	Not applicable. The site is not identified as environmentally significant land, nor does it adjoin such land.	N/A
7.7 Acid Sulfate Soils The site is not identified as containing Acid Sulfate Soils.	Not applicable.	N/A

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

4.1.5 Canterbury Bankstown Development Control Plan 2023

A response to the relevant provisions of the Bankstown Canterbury DCP 2023 as they apply to the subject site and the proposed development are provided in Table 4.

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY BANKSTOWN DCP 2023		
Provision	Proposal	Complies
Chapter 3 – General Requirements		
3.1 Development Engineering Standards		
<i>Various requirements</i>	Refer to the submission prepared by Greenview Consulting.	Yes
3.2 Parking		
Vehicles: 1 car space per 4 children	40 children = 10 parking spaces Proposed = 10 spaces, including 1	Yes

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY BANKSTOWN DCP 2023		
Provision	Proposal	Complies
<u>Bicycles:</u> 1 space per 4 staff	accessible compliant parking space adjacent to the lift. 6 staff = 2 (1.5) spaces Sufficient room is proposed at ground level and/or at basement level to accommodate bicycle parking.	Yes
3.3 Waste Management		
<i>Various requirements</i>	Refer to the submitted WMP prepared by Dickens Solutions.	Yes
3.6 Signs		
Signs in Zones R2, R3 and R4 2.1 Business identification signs must comply with the following controls: (a) Council permits only one sign per site; (b) the total sign area must not exceed 1.2m x 0.6m; (c) the sign is to be located on or behind the building line; (d) the sign is to be located at or below the awning level. Where there is no awning to the building, the sign is solely permitted below the window sill of the second storey windows; (e) if the sign is painted or attached to a building, the sign must not screen windows and other significant architectural features of the building; (f) the sign is to be non-illuminated.	None proposed.	N/A
Chapter 10 Other Development		
10.1 Centre Based Child Care Facilities		
<u>SECTION 2 – TRAFFIC MANAGEMENT</u>		
<u>Traffic management (environmental capacity)</u> 2.1 Development for the purpose of child care facilities must not result in a street in the vicinity of the site to exceed the environmental capacity maximum. If the environmental capacity maximum is already exceeded, the development must maintain the existing level of absolute delay of that street.	Refer to the submitted Traffic Report – the site and locality is assessed as carrying low traffic capacity with good intersection performance.	Yes
<u>Traffic management (level of service)</u> 2.2 Development for the purpose of child care facilities must not result in a street intersection in the vicinity of the site to have a level of service below Level B. If the existing level of service is below Level B, the development must maintain the existing level of absolute delay of that street intersection.	Noted, as above.	Yes
<u>Traffic impact studies</u> 2.3 For the purpose of clauses 2.1 and 2.2, development applications must submit a Traffic Impact Study based on the RTA Guide	Refer to the submitted Traffic Report.	Yes

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY BANKSTOWN DCP 2023

Provision	Proposal	Complies
to Traffic Generating Developments to determine:		
<i>Existing conditions</i>		
a. Existing volumes and environmental capacity of streets adjacent to the development.	Noted, as above.	Yes
b. Existing volumes and level of service of street intersections in the vicinity of the development.		
c. Existing public transport services in the vicinity of the development.		
d. Existing clearway and peak period parking restrictions that apply to streets adjacent to the development.		
e. Existing proposals for improvements to the adjacent road system.		
<i>Proposed conditions</i>		
(g) The proposed amount of traffic generation and trip distribution of the development.	Noted, as above.	Yes
(h) The proposed parking provision of the development.		
(i) The proposed safety and efficiency of access between the development and the adjacent road network.		
(j) The proposed safety and efficiency of the set-down and pick-up areas, service areas and car parks.		
(k) The impact of the proposed generated traffic on the environmental capacity of streets adjacent to the development.		
(l) The impact of the proposed generated traffic on the level of service of street intersections in the vicinity of the development.		
(m) The impact of the proposed generated traffic on road safety and traffic noise.		
(n) The impact of the proposed generated traffic on other major traffic generating development in close proximity.		
(o) Whether the development must take certain measures to reduce the impact of the proposed generated traffic to an acceptable level. Measures may include a reduction in child care places or the installation of public traffic management devices at the applicant's expense.		
SECTION 3 – SITE LAYOUT AND BUILDING ENVELOPES		
<i>Development controls - Storey limit</i>		
3.1 The storey limit for child care facilities is two storeys.	Max. 2 storeys proposed.	Yes
3.2 Child care facilities in the business zones must solely locate on the first storey (i.e. the	Not applicable.	N/A

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY BANKSTOWN DCP 2023

Provision	Proposal	Complies
ground floor) or the second storey of a building to ensure the safe evacuation of children during emergencies.		
3.3 Facilities or activities for children aged 0-2 years must solely locate on the first storey (i.e. the ground floor) of a building to ensure the safe evacuation of children during emergencies.	Ground floor location proposed for 0-2 year old children.	Yes
<u>Setbacks</u> 3.4 The minimum setback for child care facilities in Zone R2 Low Density Residential and Zone R3 Medium Density Residential is: (a) 5.5m to the primary street frontage; (b) 3m to the secondary street frontage; (c) 1.5m to the side boundary; and (d) the basement level must not project beyond the ground floor perimeter of the child care facility.	5.5m proposed. N/A 1.5m proposed. The basement projects beyond the building footprint (predominantly at the eastern side), however, the proposal includes landscaping in pots to achieve a soft, landscaped edge and transition to the neighbours, and the size of the basement has been minimised as much as possible whilst achieving compliance with the geometrical requirements of AS2890. In addition, as shown in section, the basement is located entirely below ground level and on this basis, the proposed basement footprint will not be externally visible. Despite the variation proposed, the development complies with the relevant objectives of the control and is therefore deemed to be acceptable.	Yes N/A Yes On-merit
3.7 Council may require development that adjoins land in the business zones, industrial zones or rail corridors to have greater setbacks to protect the amenity of children and staff from air and noise pollutants.	N/A	N/A
3.8 Child care facilities must ensure the siting of outdoor areas (such as a balcony or deck) and outdoor play areas avoids: (a) a living area or bedroom of an adjoining dwelling;	Ground floor spaces are bordered by fencing and therefore not able to look onto the neighbouring properties. Similarly, the upper floor does not have any side facing windows and the north facing windows have opaque glazing to 1.6m high above the FFL. The upper floor south facing space	Yes

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY BANKSTOWN DCP 2023		
Provision	Proposal	Complies
<p>(b) areas forward of the front building line;</p> <p>(c) a road and driveway that may have noise or a possible pollution impact on children;</p> <p>(d) any other potential noise or pollution source; and</p> <p>(e) any potential traffic hazard locations where an out-of-control vehicle may injure children.</p>	<p>does not look onto an adjoining dwelling.</p> <p>Set behind the 5.5m building line.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<p><u>Access</u></p> <p>3.9 Child care facilities must be easily accessible to people with disabilities and must comply with the Building Code of Australia and Australian Standard AS 1428.1–2021, Design for access and mobility.</p>	<p>Refer to the submitted Access Report.</p>	<p>Yes</p>
<p><u>Car parks</u></p> <p>3.10 The siting and design of car parks and driveways must ensure the safe movements of people and vehicles to and from child care facilities.</p>	<p>Clear sightlines and vehicle movements available.</p>	<p>Yes</p>
<p><u>SECTION 4 – BUILDING DESIGN AND ENERGY EFFICIENCY</u></p>		<p>Yes</p>
<p><u>Energy efficiency</u></p> <p>4.1 Child care facilities must make efficient use of natural resources and optimise amenity in the design, construction and occupation of buildings and facilities, such as:</p> <p>(a) good orientation and natural light to rooms and play areas;</p> <p>(b) limiting building depth to provide natural cross-ventilation and natural light;</p> <p>(c) minimal use of mechanical ventilation;</p> <p>(d) use of sun shading devices;</p> <p>(e) preventing UV factor to open areas; and</p> <p>(f) ensuring the development adapts to the existing topography by avoiding excessive cut and fill.</p>	<p>High levels of solar access and cross ventilation will be available.</p> <p>As above.</p> <p>Noted.</p> <p>Shading is detailed on the plans and complies with the CCC Guidelines.</p> <p>Limited to the proposed basement.</p>	<p>Yes</p> <p>-</p> <p>Yes</p> <p>Yes</p>
<p><u>Access to sunlight</u></p> <p>4.2 The design of buildings should achieve a northern orientation to maximise solar access.</p>	<p>Solar access and shading is detailed on the plans and complies with the CCC Guidelines.</p>	<p>Yes</p>
<p>4.3 The design of buildings must ensure that:</p> <p>(a) At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</p>	<p>Easily compliant – refer to the submitted sun-eye view diagrams.</p>	<p>Yes</p>

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY BANKSTOWN DCP 2023		
Provision	Proposal	Complies
(b) A minimum 50% of the required private open space for a dwelling that adjoins a development receives at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected private open space.	Easily compliant – refer to the submitted sun-eye view diagrams.	Yes
<u>Building design</u> 4.4 Child care facilities with 29 children or less in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential may locate in: (a) an existing dwelling house; or (b) a purpose-built facility provided the external building design gives the appearance of a dwelling house.	N/A	N/A
4.5 Child care facilities with more than 29 children in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential must locate in a purpose-built facility. The external building design must give the appearance of a dwelling house.	Purpose-built facility proposed with a contemporary residential dwelling appearance.	Yes
4.6 Development for the purpose of new buildings must incorporate architectural elements to articulate the building form and avoid large expanses of blank walls. Architectural elements may include but not be limited to: (a) Defining the base, middle or top of a building using different materials and colours. (b) Incorporating horizontal or vertical elements such as recessed walls or banding. (c) Incorporating recessed or partially recessed balconies within the building wall. (d) Defining the window openings, fenestration, balustrade design, building entrances, and doors. (e) Using sun shading devices. (f) Any other architectural feature to the satisfaction of Council.	The proposal has visual interesting and architecturally designed form that is intended to serve its inherent, functional purpose whilst respecting the low-density residential character.	Yes
4.7 Development for the purpose of new buildings must provide active frontages to the streets and must orientate buildings and pedestrian entrances to the streets.	Active frontage proposed with building entrance directly visible from the street.	Yes
4.8 Development for the purpose of new buildings on corner sites must: (a) present each street facade as a main street facade;	N/A	N/A

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY BANKSTOWN DCP 2023		
Provision	Proposal	Complies
<p>(b) incorporate architectural features to emphasise the corner address; and</p> <p>(c) ensure the corner element is in proportion with the scale and articulation of the development.</p> <p><u>Roof design</u></p> <p>4.9 Development for the purpose of new buildings must have roof designs that:</p> <p>(a) unify separate or attached buildings with a contemporary architectural appearance; and</p> <p>(a) combine good quality materials and finishes.</p> <p><u>Front fences</u></p> <p>4.10 The maximum fence height for front fences is 1.8m.</p> <p>4.11 The external appearance of a front fence along the front boundary of the site must ensure:</p> <p>(a) the section of the front fence that comprises solid construction (not including pillars) does not exceed a fence height of 1m above ground level (existing); and</p> <p>(b) the remaining height of the front fence comprises open style construction such as spaced timber pickets or wrought iron that enhance and unify the building design.</p> <p>4.12 Council does not allow the following types of front fences:</p> <p>(a) chain wire, metal sheeting, brushwood, and electric fences; and</p> <p>(b) noise attenuation walls.</p> <p><u>SECTION 5 – ACOUSTIC PRIVACY</u></p> <p><u>Acoustic privacy</u></p> <p>5.1 Air conditioning, mechanical ventilation or any other continuous noise source must not exceed the ambient level at any specified boundary by more than 5dB(A).</p> <p>5.2 The location and design of child care facilities must consider the projection of noise from various activities to avoid any adverse impacts on the residential amenity of adjoining land.</p> <p>For the purpose of this clause, Council requires development applications to submit an Acoustic Report prepared by a suitably qualified acoustic consultant to determine:</p> <p>(a) existing noise levels at the identified sensitive receiver locations;</p>	<p>As proposed.</p> <p>As proposed.</p> <p>None proposed.</p> <p>As above.</p> <p>As above.</p> <p>None proposed.</p> <p>None proposed.</p> <p>Noted.</p> <p>Noted and designed accordingly. Refer to the submitted Acoustic Report.</p> <p>Refer to the submitted Acoustic Report.</p>	<p>Yes</p> <p>Yes</p> <p>-</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY BANKSTOWN DCP 2023		
Provision	Proposal	Complies
<p>(b) likely noise levels to emanate from the child care facility at the identified sensitive receiver locations;</p> <p>(c) whether the development must apply measures to ensure the noise of children playing in outdoor areas does not exceed 10dB(A) above the background noise level;</p> <p>(d) whether the location and setbacks of the development are sufficient to protect the acoustic privacy of adjacent dwellings;</p> <p>(e) whether the location of outdoor areas should avoid living areas and bedrooms of adjacent dwellings; and</p> <p>(f) whether the development must install certain noise attenuation measures to protect the acoustic privacy of adjacent dwellings.</p> <p>The Acoustic Report must measure the noise readings over a 15 minute period and must provide details of all modelling assumptions including source noise data, noise monitoring positions, receiver heights and locations, prevailing meteorological conditions during the monitoring, confirmation of the methodology adopted along with a copy of the model input and output data.</p>	Noted.	-
5.3 The maximum height for noise attenuation walls and fences along the boundary of the site is 2m.	1.8m max. height adjacent to any boundary.	Yes
<u>SECTION 6 – OPEN SPACE AND LANDSCAPE</u>		Yes
<u>Outdoor play areas</u>		
6.1 The location of outdoor play areas must allow supervision from within the child care facility.	Direct and clear supervision available.	Yes
6.2 Outdoor play areas must:		
(a) locate on a land gradient that is predominantly flat;	Flat gradient existing and proposed.	Yes
(b) provide access to shade, particularly between 9.30am and 3.00pm during summer months. This may be in the form of a shade structure or natural shade from trees;	Complies with the CCC Guidelines - refer to plans.	Yes
(c) consider the surface treatment in accordance with best practice guidelines in early childhood environments.	Noted.	Yes
6.3 Outdoor play areas do not include:		
(a) a driveway, parking area, drying area or other service area, undercroft area, balcony and the like; or	These spaces have been excluded from the outdoor play areas.	Yes
(b) deep soil zones; or	Deep soil areas are separate.	Yes

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY BANKSTOWN DCP 2023		
Provision	Proposal	Complies
(c) <i>within residential zones, any above ground terrace, deck or verandah where the height of the floor level is more than 300mm above the ground level (existing).</i>	Proposed first floor play area is enclosed at the sides and does not take the form of a terrace, deck or verandah.	Yes
6.4 <i>Outdoor play areas must avoid retaining walls where possible.</i>	None proposed.	Yes
6.5 <i>The maximum height for retaining walls in outdoor play areas is 300mm above the ground level (existing), and must incorporate a safety fence or the like to prevent accidental falls.</i>	None proposed.	Yes
6.6 <i>Retaining walls on the boundary of the site must be masonry construction.</i>	Noted.	-
<i>Landscape and deep soil zones</i> 6.7 <i>Development applications must submit a detailed landscape plan prepared by a qualified landscape architect consistent with Council's Landscape Guide.</i>	Landscape Plans provided with the application.	Yes
6.8 <i>Child care facilities in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential must provide:</i>		
(a) <i>a minimum 2m wide deep soil zone along the primary street frontage and secondary street frontage of the site; and</i>	3.95m proposed to Carnation Avenue.	Yes
(b) <i>a minimum 1.5m wide deep soil zone around the perimeter of the outdoor play area, to act as a buffer to the fence, provide spatial separation to neighbouring properties and enhance the aesthetic quality of the space.</i>	Deep soil isn't possible whilst accommodating the proposed basement. To offset this non-compliance, planting in pots has been provided in select areas and deep soil planting is provided to the rear portion of the site boundaries.	On-merit
6.9 <i>Council will determine the minimum width for deep soil zones for child care facilities in zones other than Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential based on the setbacks of the street and the surrounding buildings.</i>	N/A	N/A
<u>SECTION 7-SAFETY AND SECURITY</u>		
<u>Safety and security</u>		
7.1 <i>The front door and at least one window to buildings must face the street to enable natural surveillance.</i>	Complies – direct physical and visual connection between the CCC entrance and street is proposed.	Yes
7.2 <i>The street number of buildings must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the</i>	Noted.	Yes

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY BANKSTOWN DCP 2023		
Provision	Proposal	Complies
building.		
7.3 Child care facilities must separate the car park and any outdoor play area with a safety fence and gates.	Separate spaces proposed.	Yes
7.4 Child care facilities with more than 15 children must erect (at the expense of the applicant) an unscalable 1.8m high lapped timber fence or the like along the side and rear boundaries of the site.	Noted.	-
7.5 Child care facilities must provide safe access for children and people with disabilities, and fire protection and evacuation requirements.	Noted – refer to the submitted POM.	Yes
7.6 Child care facilities in existing buildings must remove any existing contamination such as lead based paints and asbestos insulation.	N/A	N/A
<u>SECTION 8 – SITE FACILITIES</u>		
<i>Building design (utilities and building services)</i>		
8.1 The location and design of utilities and building services (such as plant rooms, hydrants, equipment and the like) must be shown on the plans.	Noted – refer to plans.	Yes
8.2 Utilities and building services are to be integrated into the building design and concealed from public view.	Noted – refer to plans.	Yes
8.3 Child care facilities must ensure the following facilities are not visible to the street or any nearby public open spaces: (a) waste storage areas; (b) storage of goods and materials; and (c) any clothes drying areas.	Basement location proposed. Basement location proposed. Basement location proposed.	Yes Yes Yes
<i>Building design (substations)</i>		
8.4 The location and design of substations must be shown on the plans.	Noted.	-
8.5 Substations should locate underground. Where not possible, substations are to be integrated into the building design and concealed from public view.	Noted.	-
8.6 Substations must not be located forward of the front building line.	Noted.	-
<i>Food premises</i>		
8.7 The design, construction, and operation of kitchens and food premises must comply with: (a) Food Act 2003; (b) Food Regulation 2010;	Compliance with the relevant standard will be achieved and confirmed at the CC stage, noting	Yes

TABLE 4: RELEVANT PROVISIONS OF CANTERBURY BANKSTOWN DCP 2023		
Provision	Proposal	Complies
(c) <i>FSANZ Food Standards Code; and</i> (d) <i>Australian Standard AS 4674-2004, Design, construction and fitout of food premises.</i>	that meals will not be prepared on-site, but instead, each child will be responsible for bringing food for each day of attendance.	

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

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

Natural Environment

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

The site is not mapped as environmentally significant land and does not contain any significant flora or fauna. The proposal includes removal of the existing tree to enable basement access, however, it will be suitably replaced.

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

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

Built Environment

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

Views

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

Aural and visual privacy

It is proposed that the facility will provide 40 childcare places and operate from 7am to 6pm Monday to Friday. No operation is sought on weekends or public holidays, beyond staff and cleaning operations.

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

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

- Ground floor – 1.8m high barrier around the active spaces of the site/building and a separate 2.1m high acoustic screen along the eastern side of the play area, although set within the site;
- First floor – minimum 1.5m high barrier surrounding the upper floor play area (although 1.8m proposed);
- 1.2m high barrier at ground level for the side of the site frontage.

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

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

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

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

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

In light of the above and taking into consideration all recommendations from the Acoustic Assessment, the proposal has been designed to respond to the site context and provide appropriate privacy and amenity to the child care facility as well as to safeguard the privacy of the adjoining properties.

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

Overshadowing

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

The submitted shadow diagrams detail the shadow cast at mid-winter. The subject site and neighbouring properties have desirable north-south axis and this avoids any unreasonable overshadowing of an adjoining private open space area or north facing living room window.

External Appearance

The proposed development reflects a contemporary 2 storey building with commonly found residential building finishes and overall form. The building is oriented internally and/or to the street frontage, and created an appropriate response to the local low-density residential character.

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

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

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

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

Figure 14 contains a CGI of the development as it will present to Carnation Avenue. Overall, the proposed development will contribute a quality development that is residential in nature whilst also reflecting the child care land use. It is both compatible and sufficiently sympathetic within its R2 Zone context.



Figure 14: Photomontage of the proposed development

Social and Economic Impacts

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

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

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

The proposal is permissible with consent in the *R2 – Low Density Residential* zone that applies the site and is consistent with the intention of the zone as a land use that provides *facilities or services to meet the day to day needs of residents*.

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

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

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

5 CONCLUSION

This Statement of Environmental Effects has detailed the specifics of the site and its context and outlines the proposal to construct a 2 storey centre-based child care facility to accommodate 40 children and 10 parking spaces.

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

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

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

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

Annexure A

Clause 4.6 Variation – Clause 6.13 of CBLEP 2023

CLAUSE 4.6 VARIATION

CLAUSE 6.13 SPECIAL PROVISIONS FOR CHILD CARE CENTRES

ADDRESS: 39 Carnation Avenue, Bankstown

1. Introduction

This Clause 4.6 Variation Request is to accompany a development application seeking consent for the demolition of the existing structures, tree removal and the construction of a 2 storey centre-based childcare centre over basement parking, at No. 39 Carnation Avenue, Bankstown.

This variation request relates to Clause 6.13 of Canterbury Bankstown LEP 2023, which requires a 10m wide road between kerbs for sites located within Area 1. The site is located within Area 1 and Carnation Avenue has a useable road width of approximately 8m. The proposal therefore seeks a 2m variation, which represents a 20% variation of the standard.

It is noted that the EP&A Act, 1979, defines a *development standard* as follows (emphasis added):

Development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

- a. the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- b. the proportion or percentage of the area of a site which a building or work may occupy,*
- c. the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
- d. the cubic content or floor space of a building,*
- e. the intensity or density of the use of any land, building or work,*
- f. the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
- g. the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
- h. the volume, nature and type of traffic generated by the development,*
- i. road patterns.*
- j. drainage,*
- k. the carrying out of earthworks,*
- l. the effects of development on patterns of wind, sunlight, daylight or shadows,*
- m. the provision of services, facilities and amenities demanded by development,*
- n. the emission of pollution and means for its prevention or control or mitigation, and*
- o. such other matters as may be prescribed.***

Clause 6.13 therefore meets the definition of a development standard and is accessible via Clause 4.6 of the LEP. Further, Clause 4.6(8) identifies the relevant CBLEP provisions which cannot be varied and Clause 6.13 is not identified.

The remaining sections of this variation request detail the development standard, the extent of the proposed departure and provide a detailed assessment with regard to the statutory tests

contained within Clause 4.6 of CBLEP 2023, as well as having regard to relevant caselaw which assists in the application of Clause 4.6.

This variation request concludes that the application of the development standard is unreasonable and unnecessary in the circumstances and details that there are sufficient environmental planning grounds advanced to support the application of flexibility in the circumstances. In addition, this variation request demonstrates that the proposal is in the public interest because it is consistent with the objectives of the standard and the zone within which the site is located.

2. What is the name of the environmental planning instrument that applies to the land?

Canterbury Bankstown Local Environmental Plan 2023.

3. What is the zoning of the land and what are the objectives of the zone?

Zone R2 - Low Density Residential

Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.*
- *To ensure suitable landscaping in the low density residential environment.*
- *To minimise and manage traffic and parking impacts.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To promote a high standard of urban design and local amenity.*
- *To encourage employment opportunities on Canterbury Road and in accessible locations.*

4. Identify the Development Standard to which this Clause 4.6 Variation applies?

Clause 6.13 Special Provisions for Centre Based Child Care Centres.

5. Is the standard expressly excluded from operation of Clause 4.6

Clause 4.3 is not identified as being expressly excluded from operation of 4.6 as it is not identified at Clause 4.6(6) or (8) of the LEP.

6. What are the objectives of the development standard?

There are no specific objectives identified to support the development standard contained at Clause 6.13 of CBLEP. On this basis, the LEP objectives become relevant, which are:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to manage growth in a way that contributes to the sustainability of Canterbury-Bankstown,*
- (b) to protect landforms and enhance vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Canterbury-Bankstown,*
- (c) to identify, conserve and protect the Aboriginal, natural, cultural and built heritage of Canterbury-Bankstown,*
- (d) to provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown,*
- (e) to restrict development on land that is sensitive to urban and natural hazards,*
- (f) to provide a range of residential accommodation to meet the changing needs of the population,*
- (g) to provide a range of business and industrial opportunities to encourage local employment and economic growth and retain industrial areas,*
- (h) to create vibrant town centres by focusing employment and residential uses around existing centres and public transport,*
- (i) to provide a range of recreational and community service opportunities and open spaces to meet the needs of residents of and visitors to Canterbury-Bankstown,*
- (j) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,*
- (k) to ensure activities that may generate intensive car usage and traffic are located near public transport that runs frequently to reduce dependence on cars and road traffic,*
- (l) to consider the cumulative impact of development on the health of the natural environment and waterways and on the capacity of infrastructure and the road network,*
- (m) to support healthy living and enhance the quality of life and the social well-being and amenity of the community,*
- (n) to ensure development is accompanied by appropriate infrastructure,*
- (o) to promote ecologically sustainable development.*

7. What is the numeric value of the development standard in the environmental planning instrument?

Clause 6.13 of the LEP requires a minimum width between the road kerbs of 10m.

8. How do the existing and proposed numeric values relate to the development standard? What is the percentage variation (between the proposal and the environmental planning instrument)?

Carnation Avenue has a useable road width of approximately 8m. The proposal therefore seeks a 2m variation, which represents a 20% variation of the standard.

9. How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?

The NSW Land and Environment Court in *Four2Five Pty LTD v Ashfield Council* [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSWLEC 827. The court provided five tests as follows that can be used as prompts to answer the above question. These are:

- i. by showing that the **objectives of the development standard are achieved notwithstanding noncompliance with the development standard**;
- ii. by establishing that the **underlying objective or purpose is not relevant to the development, such that compliance is unnecessary**;
- iii. by establishing that the **underlying purpose is defeated or thwarted if compliance is required, such that compliance becomes unreasonable**;
- iv. by illustrating that the Council itself has granted development consent that departs from the standard, and arguing from this that the development standard has been '**virtually abandoned or destroyed**,' rendering it unnecessary and unreasonable;
- v. by establishing that the zoning area of the proposed development was 'unreasonable or inappropriate' such that the **development standard which is appropriate to that zoning is no longer reasonable or necessary** for the particular area. Preston CJ has explained that the focus of this reason is that the zoning of the land in question is unreasonable or inappropriate, rather than the standard being inappropriate in that zone.

Note: These five tests are not exhaustive of the ways in which a variation request might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. It is not necessary to establish all of the ways. It may be sufficient to establish only one way, although if more ways are applicable, it can demonstrate that compliance is unreasonable or unnecessary in more than one way.

It is considered that, the proposal satisfies the first test in *Wehbe v Pittwater Council* [2007] NSWLEC 827 as the objectives of the standard are achieved notwithstanding the non-compliance with the standard. Refer to discussion below relating to compliance with the objectives of the development standard.

10. Are there sufficient environmental planning grounds to justify contravening the development standard?

In considering whether there are sufficient environmental planning grounds to support the proposed road width non-compliance, the following principles are relied on.

In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ further clarified the correct approach in the consideration of clause 4.6 requests. Preston CJ confirms that the clause does not require that a development that contravenes a development standard must have a neutral or better environmental planning outcome than one that does not.

The decision of Acting Commissioner Philip Clay in *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 supports the notion that there is no such numerical limitation on the size of a variation to a development standard such as building height or FSR exists under the Standard Instrument clause 4.6 wording.

Additionally, it is noted that 'cl 4.6 is as much a part of [an LEP] as the clauses with development standards. Planning is not other than orderly simply because there is reliance on cl 4.6 for an appropriate planning outcome' (at [73]).

Finally, the tests in cl4.6(4)(a)(i) and cl4.6(4)(a)(ii) requires that the consent authority must be directly satisfied (or satisfied in fact) about the matter. In respect of Clause cl4.6(4)(a)(ii) the development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out.

With regard to the above, it is our view that there are sufficient environmental planning grounds to support the proposed non-compliance for the following reasons:

- a. The submitted Traffic Report prepared by Traffix confirms that the 8m street width is sufficient to accommodate the proposal without impacting on the safe and functional operation of the street, including 2-way passing of vehicles;
- b. The development is otherwise compliant with parking requirements of the DCP and core planning controls, as outlined in the submitted Statement of Environmental Effects;
- c. There is no benefit to be served by not allowing for the proposed child care centre because of the street width. However, conversely, there would be a disbenefit to the community related to a missed opportunity to provide additional, high-quality child care, which is in high demand; and
- d. The proposal achieves important LEP objectives, including:
 - (d) *to provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown,*
 - (j) *to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,*
 - (m) *to support healthy living and enhance the quality of life and the social well-being and amenity of the community,.*

The development standard is not accompanied by any specific objectives, however, the proposal is generally consistent with the LEP objectives and, as confirmed in the submitted Traffic Report, the street width is capable of accommodating the proposal without impacting on road safety or functionality.

In addition to the above, the proposal is consistent with the objectives of the zone, as detailed below.

Table 1: Compliance with the objectives of the R2 Zone	
Objective	Response
<ul style="list-style-type: none"><i>To provide for the housing needs of the community within a low density residential environment.</i>	Not applicable.
<ul style="list-style-type: none"><i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	The child care centre will assist in meeting the day to day needs for existing services, which is also in growing demand in the locality.
<ul style="list-style-type: none"><i>To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.</i>	<p>The proposal has been designed with a form and appearance that is consistent with low-density residential development, including its height, setbacks, landscape frontage and materials/ finishes.</p> <p>The amenity of the neighbouring properties will be protected through the use of defensive side elevations, acoustic screens and minimised overall building height, which will have no overshadowing</p>

Table 1: Compliance with the objectives of the R2 Zone	
Objective	Response
	impacts on adjoining primary areas of private open space or north-facing living room windows.
<ul style="list-style-type: none">• <i>To ensure suitable landscaping in the low density residential environment.</i>	Landscaping is provided to the front and rear portions of the site.
<ul style="list-style-type: none">• <i>To minimise and manage traffic and parking impacts.</i>	As outlined in the submitted Traffic Report, the proposal achieves compliant parking and will have acceptable impacts on local traffic generation and intersection performance. Importantly, it is noted that the 8m width between the kerbs of Carnation Avenue allows for unobstructed, 2 way flow of vehicles.
<ul style="list-style-type: none">• <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	Not applicable.
<ul style="list-style-type: none">• <i>To promote a high standard of urban design and local amenity.</i>	The proposal has been designed with a form and appearance that is consistent with low-density residential development, including its height, setbacks, landscape frontage and materials/ finishes. It achieves a high standard of design and appearance in the context of surrounding and nearby development.

11. The concurrence of the Secretary has been obtained

Clause 4.6(4)(b) requires that a development consent cannot be granted to a development that contravenes a development standard unless the concurrence of the Secretary of the Department of Planning, Industry and the Environment (DPIE) has been obtained. As outlined in the DPIE's Planning Circular PS 20-002 dated 5 May 2020, the consent authority may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under Clause 4.6, subject to the conditions in the table attached to the Circular. The conditions are not applicable to the road width development standard and the Secretary's concurrence can therefore be assumed.

12. Matters of significance for State or Regional Environmental Planning.

The proposed variation to Clause 6.13 of the LEP is considered to be minor and does not raise any matters of significance for State or regional environmental planning.

13. The public benefit of maintaining compliance with the Development Standard

This variation request demonstrates that the proposed variation is consistent with the relevant objectives, and that insistence on strict compliance would be unreasonable unnecessary in the circumstances. As also demonstrated in this variation request, there are no unreasonable impacts that will result from the contravention and to the contrary, the proposed variation will accommodate an appropriate and in-demand land-use on the site.

On this basis, there is no public benefit in maintaining strict compliance with the development standard. The proposal's consistency with the relevant zone objectives and development standard objectives deems that the subject application is in the public interests.

14. Conclusion

In light of the above, the proposal is demonstrated to satisfy the statutory tests of Clause 4.6 of CBLEP 2023. The proposed development departs from the road width requirements of Clause 6.13 of the LEP, however, there is no adverse impact on traffic or parking provision within Carnation Avenue.

The proposal represents an appropriate built form outcome that is in the public interest as it is consistent with the objectives of the R2 zone and is within the public interest.

In satisfaction of the statutory tests of Clause 4.6 of CBLEP 2023, it is requested that Council support the variation as proposed.

Annexure B

Plan of Management

PLAN OF MANAGEMENT

39 CARNATION AVENUE, BANKSTOWN

Child Care Centre

August 2023

1 INTRODUCTION & OBJECTIVES

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

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

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

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

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

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

2 LICENSING

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

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

3 OPERATIONAL DETAILS

The operational arrangements are detailed as follows:

- a. **Operating Hours:** The hours of operation of the centre are 7am – 6pm (Monday to Friday). Use of the premises after hours or on weekends will be only for staff and cleaning operation.
- b. **Operating Capacity:** A total of 40 children under 6 years are proposed within the following age groups:
 - 0-2 years – 8 children
 - 2-3 years – 12 children
 - 3-5 years – 20 children

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

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

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

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

d. Parking:

- A total of 10 parking spaces will be provided on site;
- Deliveries will occur outside of peak drop off and pick up times when a visitor parking space would be available.

4 OPERATIONAL MANAGEMENT MEASURES

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

(i) Supervision and Management of Children

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

(ii) Noise Management

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

(iii) Traffic Management

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

The following traffic and parking parameters are to be implemented:

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

(iv) Security and Access Management

The following matters are to be enforced:

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

(v) Site Servicing

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

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

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

(vi) Cleaning and Maintenance

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

(vii) Essential Services – Fire Safety

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

(viii) Maintenance

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

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

(ix) Emergency Management

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

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

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

Procedures

The approved provider is responsible for:

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

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

The Nominated Supervisor is responsible for:

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

Service supervisors and other educators are responsible for:

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

Parents / guardians are responsible for:

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

Role of Educator / supervisors during Evacuation procedure:

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

5 COMPLAINT HANDLING PROCESS

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

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

Complaints Log			
Date	Time	Nature of Complaint	Action Taken

Complaints Log			
Date	Time	Nature of Complaint	Action Taken

6 REVIEW PROCESS TO CONTINUOUSLY IMPROVE

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

7 UNDERSTANDING OF THE OPERATOR

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

SIGN & DATE