

208 Victoria Road Punchbowl NSW 2196

MAXIMUS DEVELOPMENTS AUSTRALIA

TOWN PLANNING / URBAN DESIGN / PROJECT MANAGEMENT

12/2 Mowbray Street Sylvania NSW 2224 / 0411 697 051 / mark@maximusda.com.au /
www.maximusda.com.au

STATEMENT OF ENVIRONMENTAL EFFECTS

208 VICTORIA ROAD PUNCHBOWL NSW 2196

DEMOLITION OF EXISTING AND CONSTRUCTION OF CENTRE BASED CHILD CARE FACILITY FOR SEVENTY-SIX (76) CHILDREN



PROJECT DETAILS

Legal Description	Lot 48 DP 7136	Property Address	208 Victoria Road Punchbowl NSW 2196
Project Reference	2023-898		
Date	25 Oct 2023	Revision	C
Client	Design Building Group	Land Owner	Future Masters

Mark Raymundo
BPlan (Hons) UNSW, MUDD UNSW, Grad Cert (Project Management) UTS
Principal – Maximus Developments Australia

Disclaimer: The content contained within this report is copyright of Maximus Developments Australia. No unauthorised copying of this document may occur without the written expressed consent of the Author. Contents contained within are subject to the Copyright Act (as amended).

PROPOSAL

The proposal seeks development consent via a development application (DA) for the demolition of existing and construction of centre based child care facility on land known as 208 Victoria Road, Punchbowl NSW 2196. This Statement of Environmental Effects (SEE) has been prepared in accordance with the Statutory considerations of Schedule 1 of the Environmental Planning and Assessment Regulation 2000 (as amended). A site inspection has occurred of the site and the immediate surrounding area in preparation of this planning report. Based on an analysis of the surrounding area there is a high demand for centre based child care facilities within the area to service the local population.

This Statement of Environmental Effects (SEE) is to be read in conjunction with the following accompanying supplementary documentation as listed below;

Table 1: List of supplementary documentation

Document	Author	Reference	Date
Access Report	Fahrenheit Global	ADR2021.219C	June 2023
Architectural Plans	Design Building Group	DA-1001-DA8002 Rev A	04/04/2023
Landscape Plans	Outside In Design Group	L01-/ Rev J	21.09.23
Plan of Management	Maximus Developments Australia	2023-898	24 October 2023
Noise Impact Assessment	Rodney Stevens Acoustics	210699R1 Rev 3	16 October 2023
Preliminary Geotechnical Assessment	EIAustralia	E25415.G01 Rev 1	12 October 2023
Preliminary Site Investigation	EIAustralia	E25415.E01 Rev 1	11 October 2023
QS Detailed Cost Report	Archi-QS	DCR23.0029	24/05/2023
Stormwater Plans	John Ramanous and Associates	2280 S1-4 Rev F	24.10.2023
Stormwater System Report	City of Canterbury Bankstown	WS-SIA-1699/2021	26 Aug 2021
Survey	ECS Surveying	16044 Rev 01	27/8/21
Traffic Impact Assessment	TTPP	21325 V04	25 October 2023
Waste Management Report	Loka Consulting Engineers	21NL190-WMP5	11 th October 2023

Report Summary

Table 2.1: Strategic Context

Strategic Direction	Authority	Proposal meets objectives and spirit of plan
A Plan for Growing Sydney	NSW Department of Planning	Yes
Canterbury-Bankstown Community Strategic Plan 2028	City of Canterbury-Bankstown	Yes
Canterbury-Bankstown Local Environmental Plan 2023	City of Canterbury-Bankstown	Yes

Table 2.2: Evaluation Planning considerations

Planning Considerations	Compliance
State Environmental Planning Policies (SEPP's)	Yes
Canterbury-Bankstown Local Environmental Plan 2023	Yes
Canterbury-Bankstown Development Control Plan 2023	Yes

Table 3.3: Key Impacts and Considerations

Consideration	Comment	Compliance
Character, bulk and scale	The proposed centre based child care facility adopts a contemporary built form which is considered to be compatible with the surrounding residential character which comprises of a mixture of residential flat buildings and dwelling houses. The proposed character, bulk and scale is considered to be appropriate for the use and site which is considered to be a similar form to that of a dwelling house.	Yes
Car parking	Compliant car parking provided is to be provided site in accordance with Council requirements whereby car parking and bicycle spaces are fully contained within the basement level. A traffic report accompanies this development application in support of the proposal in relation to car parking access.	Yes
Trees and landscaping	No significant trees are located on site. The proposal seeks to provide high quality landscaping, shrubs and trees to embellish the site to accompany the built form and play areas within the setbacks. A landscape plan has been prepared indicating the extent of the landscape works in high levels of detail and quality.	Yes
Overshadowing / Solar access	The proposal provides reasonable levels of solar access to adjoining residential properties given the west (front) to east (rear) orientation of the site. The proposal has been designed to provide high levels of solar access to the adjoining southern property.	Yes
Stormwater	The proposal is to drain to the street in accordance with Councils requirements. The site is affected by overland flow whereby the proposal has been designed with	Yes

	appropriate considerations and levels. Stormwater plans accompany this development application in support of the proposal.	
Privacy	The proposal is not considered to result in any unreasonable privacy impacts given that the play areas are appropriately treated in relation to adjoining properties and public domain.	Yes
Acoustic	The proposal is not considered to result in any unreasonable acoustic impacts given the sitting and design of the proposal and location of play areas. A noise impact assessment accompanies this application in support of the proposal.	Yes

Research Background

The proposal has taken in consideration with the Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000 (as amended), State Environmental Planning Policy (Biodiversity and Conservation) 2021, 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 (as amended).

CONTENTS

- PART A:** Site Description and Proposal
- PART B:** Statutory Considerations
- PART C:** Conclusion

PART A: SITE DESCRIPTION AND PROPOSAL

Description of subject site

The subject site is legally described as Lot 48 DP 7136 and is known as 208 Victoria Road, Punchbowl NSW 2196. The site forms a rectangular shaped allotment and is dimensioned as follows; 18.29m along the western frontage to Victoria Road, Punchbowl, 56.54m along the southern side boundary, 18.29m along the rear eastern boundary, 56.28m along the northern side boundary with a total site area of 1,031sqm. The site falls from rear (high) to front (low) with an average fall of 790mm approx. The site is zoned R3 Medium Density Residential under the Canterbury Bankstown Local Environmental Plan 2023. The site is affected by an overland flow path. Two (2) street trees are located in front Council road reserve. Victoria Road, Punchbowl forms a local Road.



Fig.1 Photograph of subject site (208 Victoria Road, Punchbowl) viewed from Victoria Road, Punchbowl (Source: Maximus Developments Australia, 2023).

208 Victoria Road Punchbowl NSW 2196

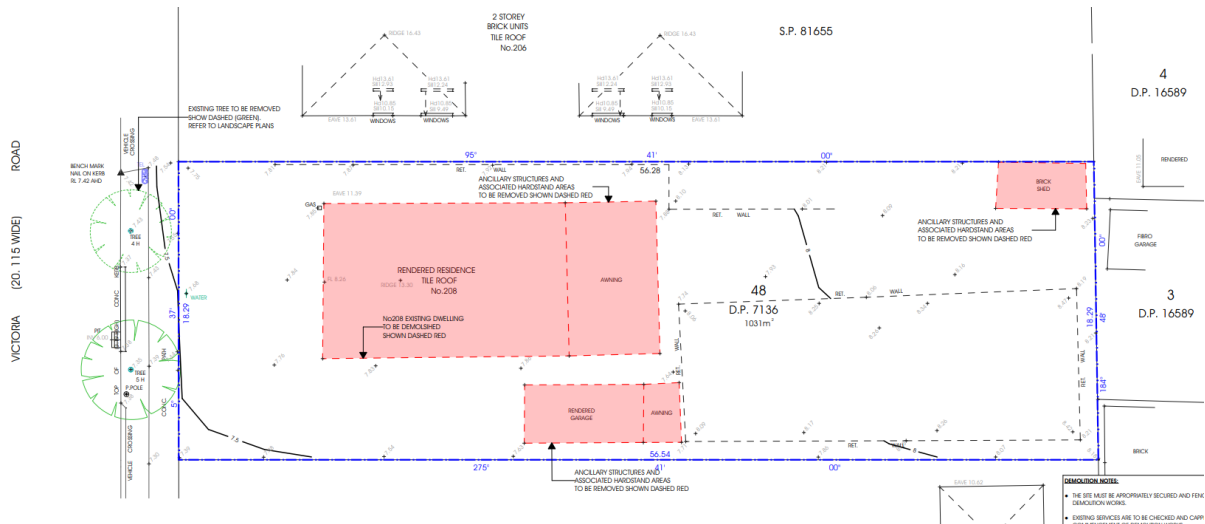


Fig.2 Extract of demolition plan of subject site (208 Victoria Road, Punchbowl) (Source: Design Building Group, 2023).

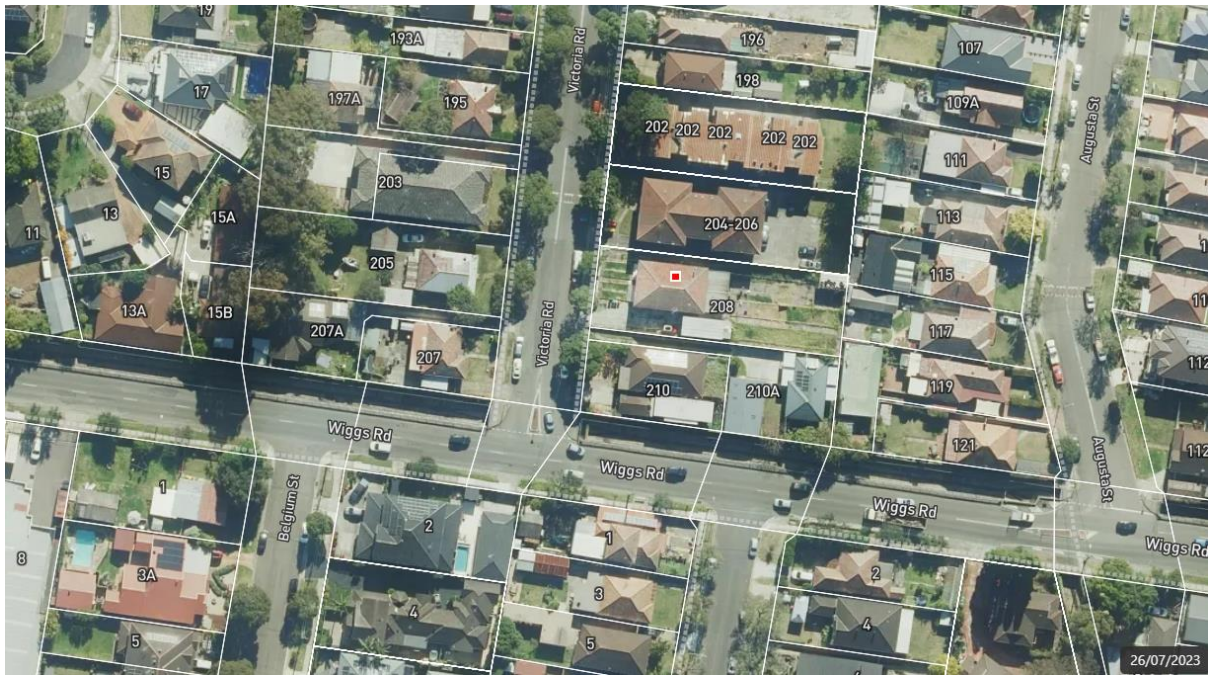


Fig 3. Aerial extract: Subject site (208 Victoria Road, Punchbowl) and surrounding area (Nearmap, July, 2023).



Fig 4. Zoning Extract of subject site which is zoned R3 Medium Density Residential under the Canterbury-Bankstown Local Environmental Plan 2023 (Source Department of Planning, NSW Planning Portal 2023).

Surrounding Context

The immediate surrounding context is of a residential nature comprising of a mixture of older established residential flat buildings and older established dwelling houses. The surrounding building typologies generally comprise of a masonry construction with pitched roofs. For the purposes of this report, the adjoining surrounding built forms are described below;

Table 4: Description of Adjoining Properties

Address	Built Form
210 Victoria Road, Punchbowl	Single storey dwelling house
208 Victoria Road, Punchbowl (Subject site)	Single storey dwelling house
204-206 Victoria Road, Punchbowl	Two storey residential flat building
200-202 Victoria Road, Punchbowl	Two storey residential flat building
195 Victoria Road, Punchbowl	Single storey dwelling house
197-199 Victoria Road, Punchbowl	Single storey dwelling house
203 Victoria Road, Punchbowl	Two storey residential flat building
205 Victoria Road, Punchbowl	Single storey dwelling house
207 Victoria Road, Punchbowl	Single storey dwelling house
207A Victoria Road, Punchbowl	Single storey dwelling house



Fig.5 Photograph of adjoining two storey residential flat building at No. 204-206 Victoria Road, Punchbowl adjoining the site to the north (Source: Maximus Developments Australia, 2023).



Fig.6 Photograph of subject site (208 Victoria Road, Punchbowl) viewed from Victoria Road, Punchbowl with a single storey dwelling house at No.210 Victoria Road, Punchbowl adjoining the south (Source: Maximus Developments Australia, 2023).



Fig. 7 Photograph of single storey dwelling house at No.210 Victoria Road, Punchbowl adjoining the south with culvert parallel with Wiggs Road, Punchbowl (Source: Maximus Developments Australia, 2023).

Site History

Council's records indicate that the site has been historically used for residential purposes. Currently a dwelling house is located within the front western part of the site, a detached garage is located along the western side boundary and a detached shed is located within the rear north-east corner. Development consent was previously granted for childcare centre accommodating thirty (30) children.

Design considerations

The proposal has been designed to fit in with the immediate surrounding area and present to the streetscape similar to an infill dwelling house or dual occupancy. The proposal has been designed with a larger ground floor building footprint and smaller first floor building footprint to minimise solar access impacts to the adjoining southern property.

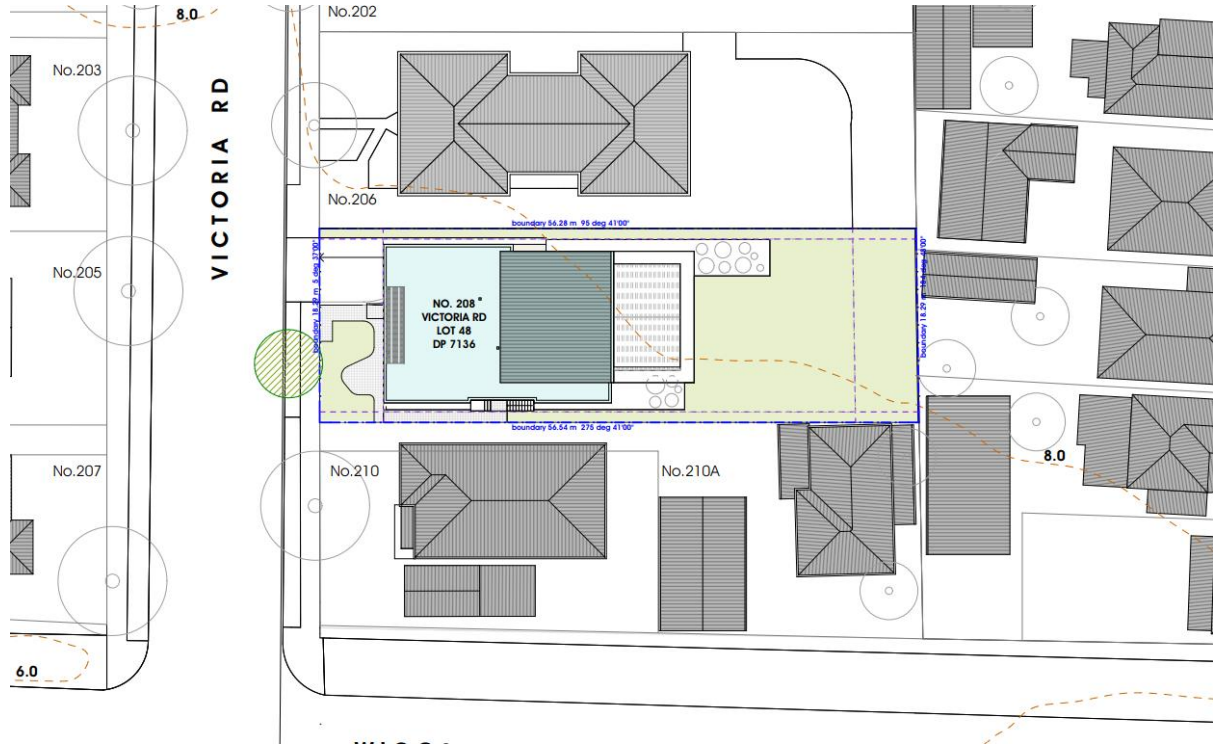


Fig.8 Extract of site plan (Source: Design Building Group, 2023).

The surrounding built forms were taken into consideration as to result in a form which presented lower than that of the adjoining built forms and lower than the maximum height of building permitted of 8.5m. The proposal incorporates modulations and articulation along the vertical and horizontal plans to add visual interest and form.



Fig.9 Extract of western street elevation fronting Victoria Road, Punchbowl (Source: Design Building Group, 2023).

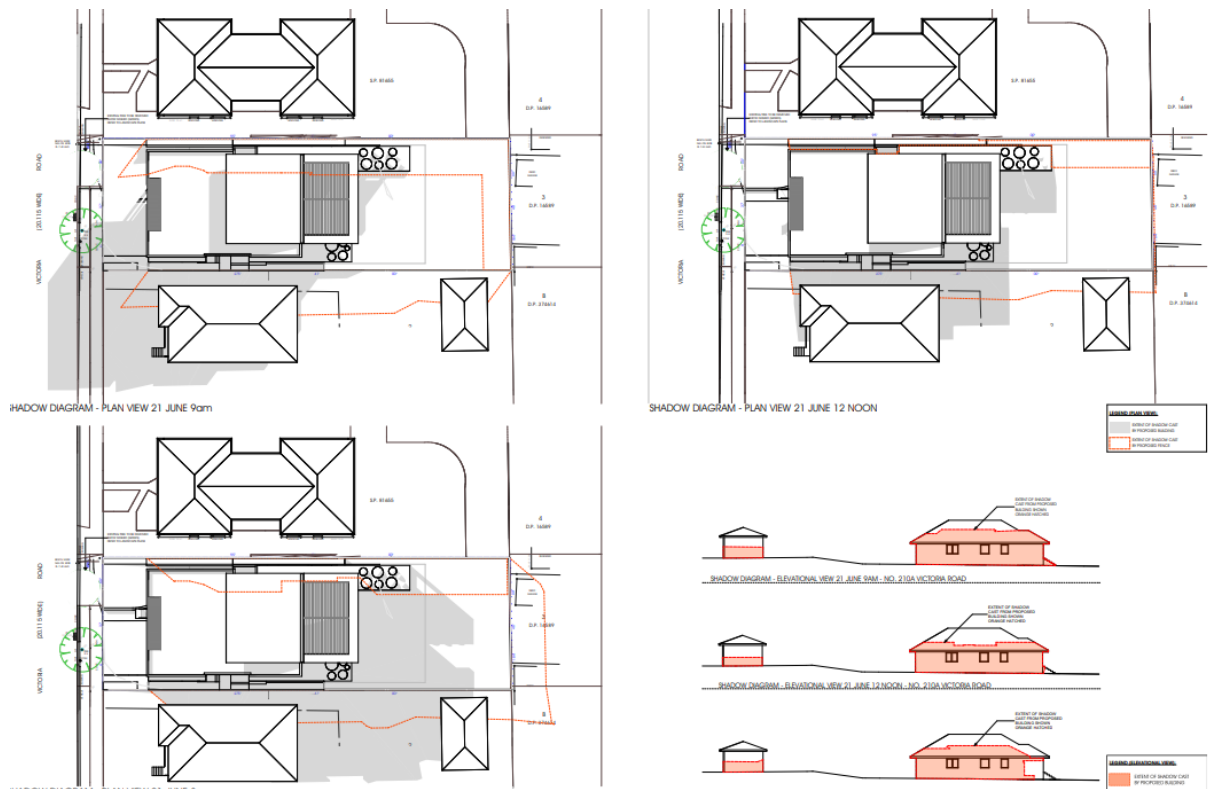


Fig.10 The proposal has been designed to provide reasonable levels of solar access to adjoining properties by proposing a centrally positioned and smaller first floor building footprint. It is noted that it is always difficult to retain solar access to adjoining properties due south on an west to east allotment (Source: Design Building Group, 2023).

Description of proposal

The proposal seeks development consent for the demolition of existing and construction of new centre based child care facility on land known as 208 Victoria Road, Punchbowl NSW 2196. In detail, the proposal is described as follows;

Demolition of existing dwelling house and ancillary structures and removal of one (1) street tree to facilitate the driveway access. Construction of centre based child care facility as depicted below;

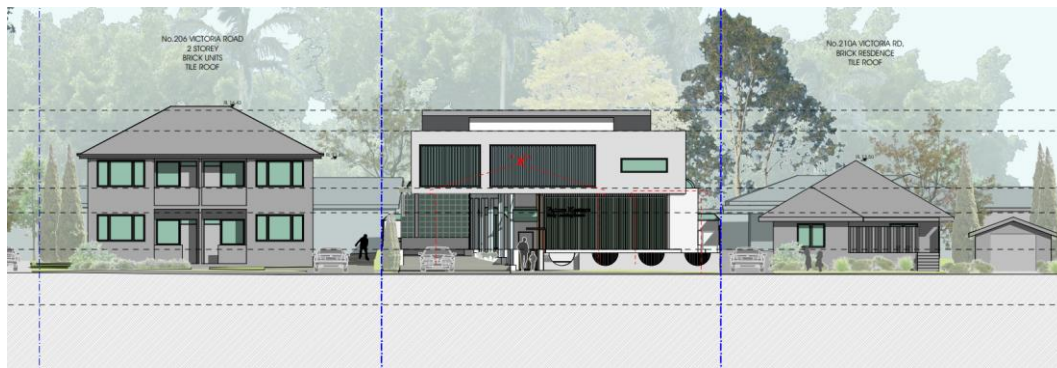


Fig.11 Extract of western street elevation fronting Victoria Road, Punchbowl (Source: Design Building Group, 2023).



Fig.12 Extract of rear east elevation (Source: Design Building Group, 2023).



Fig.13 Extract of northern side elevation (Source: Design Building Group, 2023).



Fig.14 Extract of southern side elevation (Source: Design Building Group, 2023).

Basement: access ramp parallel with northern side boundary, twenty (20) car parking spaces; thirteen (13) staff spaces, seven (7) visitor spaces including one (1) accessible space, five (5) bicycle spaces, two (2) fire stairs, lift, store rooms and electrical cupboard.

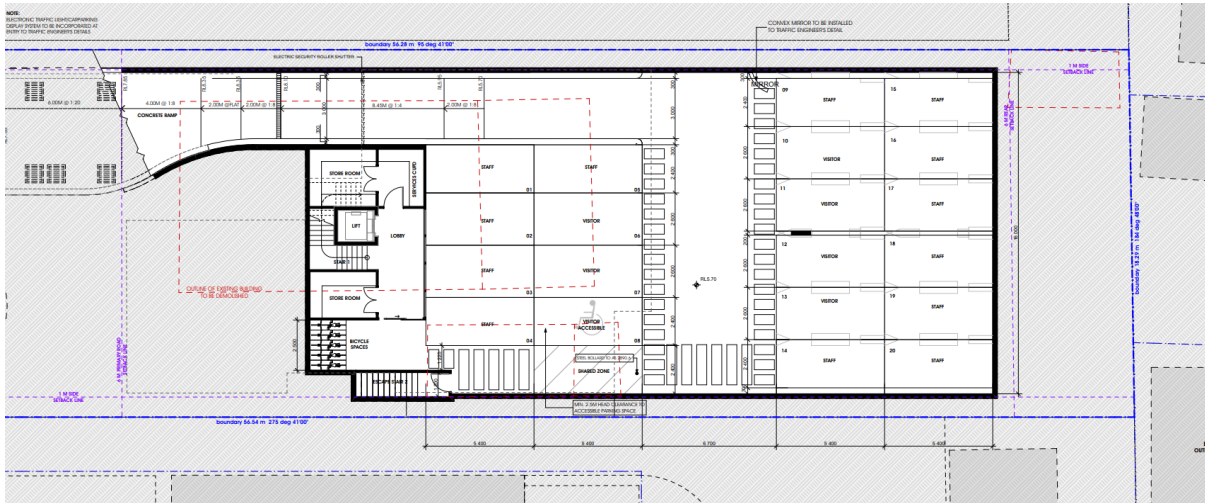


Fig.15 Extract of proposed basement level (Source: Design Building Group, 2023).

Ground floor: Central pedestrian entry to entry, foyer, reception waiting area, internal stair, lift playroom 1 (2-3 years for 20 spaces), playroom 2 (2-3 years for 20 spaces), playroom 3 (3-6 years for 20 spaces) outdoor play area at rear, parent meeting room, toilet, nappy change, ambulant toilet, internal storage, external storage, external bin storage and fencing.

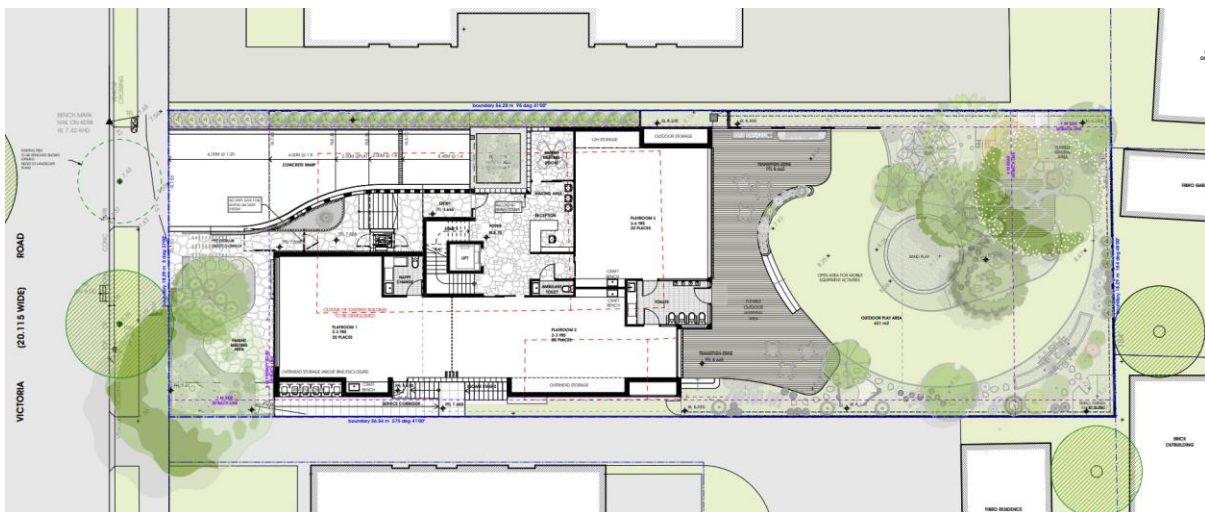


Fig.16 Extract of proposed ground floor level (Source: Design Building Group, 2023).

First floor: staff room, staff break out room, director/managers room, foyer, staff toilet, accessible toilet, kitchen, cool room, laundry, front terrace, playroom 4 (0-2 years for 16 spaces), nappy change, cot room, bottle prep, outdoor deck, outdoor storage and outdoor play area at rear.

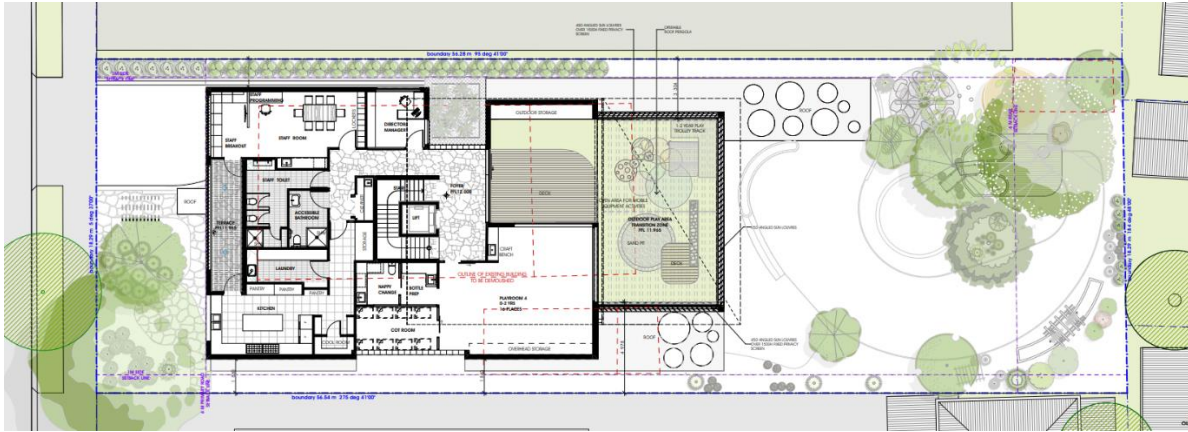


Fig.17 Extract of proposed first floor level (Source: Design Building Group, 2023).

Table 5: Key summary of proposal

Criterion	Proposed
Number of children	
0-2 years	16
2-3 years	40
3-6 years	20
Total	76
Number of staff	
0-2 years	4 (1 educator to 4 children)
2-3 years	8 (1 educator to 5 children)
3-6 years	2 (1 educator to 10 children)
Total	14
Hours of operation	7.00am – 6.00pm Monday to Friday, closed Saturday and Sunday.
Unencumbered indoor play area	Indoor: 247.87sqm
Unencumbered outdoor play area	Outdoor: 532sqm

PART B: STATUTORY CONSIDERATIONS**PART 4 DIVISION 4.3 SECTION 4.15 (1)(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT****ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)**

The proposal has been considered against Section 1.3 Objects of the Act as per below;

Table 6: Objects of the Act

Object Reference	Object	Comment	Satisfies objective
(a)	To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	To the proposal is considered not to result in any adverse impacts in relation to natural and other resources.	Yes
(b)	To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal is not considered to be contrary to any economic, environmental and social considerations.	Yes
(c)	To promote the orderly and economic use and development of land	The proposal results in results in orderly economic use of which forms a permissible use as a <i>centre based child care facility</i> within the R3 Medium Density Residential Zone.	Yes
(d)	To promote the delivery and maintenance of affordable housing,	N/A	-
(e)	To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	Replacement trees proposed on site to replenish the tree canopy and embellish the site. Refer to landscape plan for further detail.	Yes
(f)	To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site is not affected by European or Aboriginal cultural heritage. An interim heritage order does not apply to the site.	Yes
(g)	To promote good design and amenity of the built environment	The proposal adopts a	Yes

		contemporary two storey built form which is compatible with the immediate surrounding area and zoning.	
(h)	To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	Noted.	Yes
(i)	To provide increased opportunity for community participation in environmental planning and assessment.	To be notified in accordance with the provisions of the Canterbury Bankstown Community Engagement Strategy.	Yes

As per the table above, the proposal is considered to reasonably satisfy the underlying intent of the Objects of the Act.

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2000 (AS AMENDED)

The application has been prepared in accordance with the Statutory requirements within Schedule 1 and is considered to be acceptable and sufficient for the purposes of assessment.

STATE ENVIRONMENTAL PLANNING POLICIES

The proposal has been considered in accordance with the key considerations of the following applicable State Environmental Planning Policies (SEPP's) as follows;

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021,

The site does not contain any significant trees within the property. Two (2) Council street trees are located within the road reserve with one (1) tree within the north-west corner to be removed and one (1) tree within the south-west corner to be retained. The proposal seeks significant tree and plant embellishment on site as per the tree and plant schedule as indicated on the accompanying landscape plans.

COMMON NAME	HSR	WINDFALL	PROVIDE	QTY	
Nelson Lorain Aspen	25L	12.00m	4.0m	1	
Lemon Myrtle	25L	5.0m	4.0m	1	
Coast Banksia	75L	8.00m	5.0m	3	
Spurred Gum	75L	4.0m	2.5m	1	
Carrot Wood	75L	8.00m	5.0m	1	
Grevillea	75L	5m	3.5m	3	
Crage Myrtle	45L	6m	3.0m	2	
Flameless Aspen	75L	2.5m	0.80m	1	
White Apple	75L	2.5m	0.40m	3	
Elm	45L	10m	10.0m	1	
COMMON NAME	HSR	WINDFALL	PROVIDE	QTY	
Impatiens Groundswell	200mm	1.0m	2.0m	5	
Ginger	200mm	1.2m	1.2m	4	
Widgee Berry	200mm	0.70m	1.2m	1	
Black Cardwell Maroon Banksia	200mm	0.80m	0.80m	7	
Apple Berry	200mm	0.70m	0.70m	1	
Seaside Daisy	200mm	0.2m	1.0m	1	
Seaweed	140mm	0.20m	0.20m	6	
Silver Sparax	200mm	0.80m	0.75m	13	
Australian Sparax Laxwood	200mm	0.80m	0.80m	5	
Lilium Compact Rose Laxwood	200mm	0.80m	0.80m	5	
COMMON NAME	HSR	WINDFALL	PROVIDE	QTY	
Blue Bush	140mm	0.40m	1.0m	15	
Cherry Pink Bush	200mm	0.45m	0.45m	16	
Shiny White Lightbulb	140mm			3	
Pleasant Fruit	200mm	1.0 2m	2.0m	2	
Mint Bush / Native Orange	200mm	1.0 2m	1.0m	2	
Tussock Blue Rosemary	200mm	0.80m	1.0m	1	
Common Sage	200mm	0.45m	0.80m	2	
Native Lily Pili	200mm	0.4m	1.5m	23	
New Zealand Sparax	200mm	0.20m	1.0m	1	
Lemon Thyme	200mm	0.2m	0.45m	3	
Low Coast Rosemary	200mm	0.20m	0.45m	6	
Blackish Green Tree	75L	2.5m	1.0m	2	
COMMON NAME	HSR	WINDFALL	PROVIDE	QTY	
Native Ribwort	140mm	0.20m	1.0m	1000mm	4
Clashin V Swain Oak	140mm	0.20m	1.0m	450mm	64
Dillweiss	200mm	0.20m	1.0m	500mm	8
Little Blue Star Creeper	140mm	0.15m	1.0m	350mm	118
Australian Violet	100mm	0.10m	1.0m	900mm	2



Fig.18 Extract of proposed tree and plant schedule (Source: Outside In Design Group, 2023).

Given the above, the proposal is considered to result in an improvement over the existing condition with suitable tree replacement and canopy embellishment which is suitable for the proposed use and comparative the scale of the development. A high quality landscape solution is proposed to accompany the built form which is considered to be acceptable.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

The subject site has been historically used for residential purposes and is currently occupied by a dwelling house. The immediate surrounding area comprises of residential uses and are also unlikely result in contamination spreading onto the subject site. It is noted that Council previously granted development consent for a centre based child care facility on site. A Preliminary Site Investigation prepared by EI Australia accompanies this application whereby soil samples were undertaken for testing. It is noted that;

- The site history was determined from a desktop study, which found the historic use to be largely residential in nature. Since the 1940s to date. The surrounding area has largely been residential, with some industrial activities occurring to the east. Currently these activities include retail and general office uses, however historic records indicate former quarrying and operation of a dry cleaner to have occurred in the inferred up-hydraulic gradient location. Exact details of all commercial activities were difficult to define, and significant mobilisation of contaminants may migrate to the current site.
- The site was occupied by a single-storey rendered brick dwelling with a fibre board garage on the southern boundary, and an additional brick structure in the north-eastern corner. Both structures were in poor condition, with significant deterioration of building materials observed.
- The site and neighbouring properties were free of statutory notices and licensing agreements issued under the *Contaminated Land Management Act 1997* and *Protection of the Environment Operations Act 1997*. The site was not included on the *List of NSW Contaminated Sites Notified to the EPA*. However, one NSW contaminated site notified to EPA (Punchbowl Laundry) was identified within 500 m (450m north-east to the site) of the site.
- Limited soil sampling and analysis were conducted at three test bore locations (BH01 to BH03) across the site. The stratigraphy at the site is characterised as fill (up to 0.8 m thick) overlying natural clay.
- Laboratory results for soil samples were below the adopted human health and ecological based SILs.
- One potential ACM fragment was observed within the proposed basement footprint. No other asbestos was observed or identified through laboratory analyses in the other borehole samples, however, it should be anticipated that once building ground slabs and pavements are removed and during waste classification, the underlying fill soils should be further assessed for asbestos waste classification purposes.
- No investigation of soils immediately beneath existing building structures was undertaken in this PSI.

Based on the findings of this PSI, and with consideration of the Statement of Limitations (**Section 12**), EI conclude that a potential risk of contamination has been identified, and a Detailed Site Investigation (DSI) is warranted.

Based on the findings of this PSI, the following recommendations have been made:

- A hazardous materials survey (HMS) should be undertaken to confirm the presence of any hazardous materials within the existing building structures, and include methods to effectively remove the material to ensure no residual impacts remain.
- A Stage 2 Detailed Site Investigation (DSI) should be undertaken, in order to appropriately define the nature, extent, and degree of any contamination that may exist in both soils and groundwater, and to evaluate the actual risk posed by the potential contaminants of concern to human health and the environment. It is recommended that the DSI be undertaken after demolition, so that intrusive investigation can be completed across the entire site without access restrictions.

Given the above, the proposal is considered to be suitable for the proposed use however a further Stage 2 DSI is required whereby the DSI is to be undertaken after demolition due to the location of the existing structures.

In this regard, due consideration has been applied in relation to the provisions of the SEPP. The subject site is therefore considered to be suitable to accommodate the centre based child care facility.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

The proposal has been considered in accordance with the relevant provisions within the SEPP. The proposal seeks business identification signage for one (1) sign which states “Future Masters Child Care Centre” located on the ground floor parapet which is located on the western wall above the 2-3 year old play room. This is of a plain and simple legible font which is not illuminated with clear black lettering. No other signage is proposed. This has been designed to be clear and uncluttered with a direct aspect to Victoria Road, Punchbowl.



Fig.19 Extract of proposed montage indicating proposed business identification signage (Source: Design Building Group, 2023).

Part 3.6 Granting of consent to signage

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—

- (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

3.1 Aims, objectives etc

(1) This Chapter aims—

- (a) to ensure that signage (including advertising)—
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

(2) This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.

1 Character of the area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

Comment: The proposal seeks one (1) business identification sign which is located along the western front elevation. This sign is viewable from the Street and is not considered to be inconsistent with similar signage for other centre based child care facilities within the locality. The size and scale of the signage is not considered to detract from the presentation to the street.

2 Special areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

Comment: The proposed signage is not considered to detract from the heritage conservation area. The proposed signage is a simple design with a white background and text which is clean and uncluttered.

3 Views and vistas

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

Comment: The signage is not considered to dominate the skyline or affect any views whereby the signage is located below the first floor level and does not obstruct any other neighbouring signage.

4 Streetscape, setting or landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

Comment: The proposed signage is considered to be appropriate and proportionate to the building and streetscape. One (1) sign is proposed which is considered to be reasonable and uncluttered which are commensurate of that of other signs for centre based child care facilities within the locality.

5 Site and building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

Comment: The proposed signage size and scale is considered to be appropriate and proportionate to the proposed building and streetscape.

6 Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

Comment: As per Australian Standards.

7 Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

Comment: The proposed signage is not proposed to be illuminated.

8 Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

Comment: The proposed signage will not interfere with the pedestrian and vehicular safety given its location and height clearance.

Given the above, the proposed signage is considered to satisfy the requirements of the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The proposal has been considered in accordance with the relevant considerations of the SEPP in particular with respect to the requirements for the purposes of a centre based child care facility.

Table 7: Part 3.3 Early Education and Care Facilities – specific development controls

Control	Requirement	Proposal	Complies
3.22 Centre-based child care facility— concurrence of Regulatory Authority required for certain development	<p>(1) This section applies to development for the purpose of a centre-based child care facility if—</p> <p>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or</p> <p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</p> <p>(2) The consent authority must not grant development consent to development to which this section applies except with the concurrence of the Regulatory Authority.</p> <p>(3) The consent authority must, within 7 days of receiving a development application for development to which this section applies—</p> <p>(a) forward a copy of the development application to the Regulatory Authority, and</p>	<p>The proposal seeks seventy-six (76) children which comply with the Regulatory Requirements.</p> <p>Indoor: 247.87sqm</p> <p>Outdoor: 532sqm</p>	Yes

	<p>(b) notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.</p> <p>(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW).</p> <p>(5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subsection (3).</p> <p>Note— The effect of section 4.13(11) of the Act is that if the Regulatory Authority fails to inform the consent authority of the decision concerning concurrence within the 28 day period, the consent authority may determine the development application without the concurrence of the Regulatory Authority and a development consent so granted is not voidable on that ground.</p> <p>(6) The consent authority must</p>		
--	---	--	--

	<p>forward a copy of its determination of the development application to the Regulatory Authority within 7 days after making the determination.</p> <p>(7) In this section— Regulatory Authority means the Regulatory Authority for New South Wales under the Children (Education and Care Services) National Law (NSW) (as declared by section 9 of the Children (Education and Care Services National Law Application) Act 2010).</p> <p>Note— Concurrence to development may be granted subject to conditions. A development consent subject to concurrence may be voidable if it is granted not subject to any conditions of the concurrence. (See section 4.13 of the Act.)</p>		
3.23 Centre-based child care facility—matters for consideration by consent authorities	<p>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.</p>	<p>The proposal has been considered in accordance with the considerations within the Child Care Planning Guideline.</p>	Yes
3.26 Centre-based child care facility—non-discretionary development standards	<p>(1) The object of this section is to identify development standards for particular matters relating to a centre-</p>	<p>The proposal has been considered in this accordance with this clause. In instances where this clause prevails, this is</p>	Yes

	<p>based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</p> <p>(2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility—</p> <p>(a) location—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) indoor or outdoor space</p> <p>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services)</p>	<p>noted within the report.</p>	
--	--	---------------------------------	--

	<p>Supplementary Provisions Regulation 2012 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) To remove doubt, this section does not prevent a consent authority from—</p> <p>(a) refusing a development application in relation to a matter not specified in subsection (2), or</p> <p>(b) granting development consent even though any standard specified in subsection (2) is not complied with.</p>	Noted.	Yes
3.27 Centre-based child care facility—development control plans	<p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not</p>	The proposal has been considered in this accordance with this clause. In instances where this clause prevails, this is noted within the report.	Yes

	<p>apply to development for the purpose of a centre-based child care facility—</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early education and care facilities,</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in—</p> <p>(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or</p> <p>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p> <p>(2) This section applies regardless of when the development control plan was made.</p>		
--	---	--	--

Child Care Planning Guideline

The guideline includes provisions relating to child care facilities and aims to standardise child care facility controls in NSW. Below is an assessment of the relevant provisions under the guidelines.

Table 8: Child Care Planning Guideline

Control	Proposal	Complies
<p>3.1 Site selection and locations</p> <p><i>Objective: Ensure appropriate zone considerations.</i></p> <p>C1 Developments in or adjacent to residential zones, consider:</p>	<p>The proposal has adopted an appropriate layout and built form in consideration of the immediate surrounding area which is zoned R3 Medium Density Residential.</p>	<p>Yes</p>
<ul style="list-style-type: none"> Acoustic and privacy impacts of the proposed development on the residential properties 	<p>The proposal has been designed with privacy and acoustic considerations whereby child play areas are all located on the ground and first floor at the rear. Acoustic treatment is incorporated within the design to minimise impacts to adjoining properties.</p>	<p>Yes</p>
<ul style="list-style-type: none"> Setbacks and siting of buildings within the residential context. 	<p>The proposal adopts setbacks which are considered to be compatible with the immediate surrounding area.</p>	<p>Yes</p>
<ul style="list-style-type: none"> Traffic and parking impacts of the proposal on residential amenity 	<p>A traffic impact study accompanies this development application in support of the proposal.</p>	<p>Yes</p>

Control	Proposal	Complies
<p>Objective: Ensure that the site selected is suitable for the use.</p> <p>C2 When selecting a site, ensure:</p> <ul style="list-style-type: none"> • the location and surrounding uses are compatible with the proposed development use • the site is environmentally safe • there are no potential contaminants on the land, in the building, or general proximity and whether remediation is needed • the characteristics of the site are suitable for the scale and type of development proposed having regard to size of street frontage, number of shared boundaries with residential properties, the development will not have adverse environmental or cultural areas 	<p>The site is considered to be suitable for the proposed child care facility given the proposed built form which is considered to be compatible with the immediate surrounding residential area.</p> <p>A preliminary site investigation (PSI) accompanies this application in support of the proposal.</p> <p>As above.</p> <p>The proposed centre based child care facility is consistent with the character of the area envisaged in Council's controls which adopts a single storey built form with adequate modulations and setbacks as not to detract from the environment or cultural areas.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> • the interior and exterior spaces are suitable for the proposed use in the occupation or retrofit of an existing premises, • there are suitable drop off and pick up areas • there are suitable off and street car parking • the type of adjoining road is appropriate and safe for the proposed use 	<p>The proposal includes the indoor and outdoor spaces designed in accordance with childcare planning guidelines</p> <p>The proposal includes a basement car park designed in accordance with Australian Standards and ensures the safe movement of vehicles and pedestrians of which are line marked.</p> <p>Victoria Road forms a local road and is considered safe and suitable for the proposed centre.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Proposal	Complies
<ul style="list-style-type: none"> 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. 	<p>The site is not located in proximity to any incompatible uses as stated within the clause criterion.</p>	<p>Yes</p>
<p>Objective: Ensure sites are appropriately located</p> <p>C3 A child care facility should be located near compatible social uses, employment areas, town centres, business centres, shops, with access to public transport, and in areas with pedestrian connectivity.</p>	<p>The site is appropriately located near compatible land uses and public transport. Further that compliant levels of car parking are provided on site.</p>	<p>Yes</p>
<p>Objective: Ensure sites do not incur risks from environmental, health, or safety hazards</p> <p>C4 A child care facility should be located to avoid risks to children, staff or visitors</p>	<p>There are no noise, odour, dust or waste generating uses in the immediate surrounding area within the visual catchment. As such, the site is considered appropriate for the proposed use.</p>	<p>Yes</p>
<p>3.2 Local character streetscape and the public domain interface</p> <p>Objective: Ensure the child care facility is compatible with the character and surrounding streetscape.</p> <p>C5 The proposal should contribute to the area by being designed in character with the locality and existing streetscape.</p>	<p>The proposal is considered to be compatible by way of form, setbacks, height, FSR and materials.</p> <p>The proposed centre comprises a high quality design that enhances the streetscape and will be compatible within the residential area which adopts a two storey built form results in a built form which commensurate with the of the visual catchment.</p>	<p>Yes</p> <p>Yes</p>

Control	Proposal	Complies
<p>C6 Create a threshold with a clear transition between public and private space</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>The proposal incorporates a landscape buffer with high quality embellishment to create a positive transition between the site and public domain.</p> <p>One single entry is to be centrally located on site which incorporates a mixture of contemporary materials and finishes.</p>	<p>Yes</p> <p>Yes</p>
<p>Objective: Ensure front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain</p>	<p>The proposed front fence is setback from the street and contains landscape embellishment between this and the front boundary. This is not considered to detract from the streetscape.</p>	<p>Yes</p>
<p>C9 Front fences within the front setback should be constructed of visually permeable materials and treatments</p>	<p>As stated above, the proposed front fence is setback from the street and contains landscape embellishment between this and the front boundary. This is not considered to detract from the streetscape and is well integrated with the remainder of the building in regards to materials and design.</p>	<p>Yes</p>
<p>3.3 Building orientation envelope and design</p> <p>Objective: Respond to the streetscape and site, while optimising solar access and shade</p> <p>C11 Orient a development on a site and design the layout to:</p> <ul style="list-style-type: none"> Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours 	<p>The proposal adopts a reasonable built form and is compatible with the surrounding area. The proposal seeks a recessed first floor building footprint to optimise solar access and shade into the design where possible.</p> <p>The windows have been designed to be orientated to the front (west) and rear (east) to minimise impacts. Acoustic measures have been incorporated within the design.</p>	<p>Yes</p> <p>Yes</p>

Control	Proposal	Complies
<ul style="list-style-type: none"> • Optimise solar access to internal and external play areas • Avoid overshadowing of adjoining properties • Minimise cut and fill • Ensure buildings define the street by facing it 		<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> • Ensure outdoor play areas are protected from wind and other climatic conditions. 	<p>Outdoor areas contain partially covered areas and have been designed to provide part weather protection whilst maximising northern solar penetration.</p>	<p>Yes</p>
<p>Objective: Ensure that the scale of the child care facility is compatible with adjoining development and impact is minimised</p> <p>C12 Minimise the impact of the proposal on local character.</p>	<p>The proposal comprises a single storey scale, residential features, landscaping, and articulation to provide a suitable streetscape.</p>	<p>Yes</p>
<p>Objective: Ensure setbacks from the boundary are consistent with the predominant development in the immediate context</p> <p>C13 Consistent with prevailing front setbacks</p> <p>C14 Consistent with prevailing side and rear setbacks</p>	<p>The proposal adopts setbacks which are considered to be generally consistent with the immediate context given the R3 Medium Density Residential Zoning.</p> <p>The proposal is consistent with Council's setback provisions given that the allotment forms a standard single aspect allotment.</p> <p>The proposal seeks a side setback of 1,000mm along the northern and southern side elevations along the ground floor. 1,500m setback along the first floor northern boundary and 1,800mm setback from the southern boundary. The proposal significantly exceeds the minimum rear setback requirement of 6m (min). This is considered to be relatively consistent with the surrounding built form.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Proposal	Complies
<p>Objective: Ensure that the built form, articulation and scale relates to its context and building are well designed to contribute to an area's character</p> <p>C15 Built form should relate to the character of the local area</p>	<p>The proposal adopts a comparable form in relation to height, setbacks, FSR and articulation to positively contribute to the streetscape.</p> <p>The design of the proposed facility is considered to be compatible with the existing residential character of the area.</p>	<p>Yes</p> <p>Yes</p>
<p>Objective: Ensure buildings are designed to create safe environments</p> <p>C16 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 for pedestrians • Directly accessible from the street where possible 	<p>The proposal has been designed to separate both pedestrian and vehicular movements and located play areas in logical locations to maximise natural passive surveillance.</p> <p>The entry point is centrally located which is direct to and from the street.</p> <p>As above with clear sight lines to and from the street.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> • Directly visible from the street frontage • Easily monitored through natural or camera surveillance • Not accessed through an outdoor play area 	<p>The entry is directly visible from the street and pathway design has created clear way finding.</p> <p>This can be monitored naturally in addition to camera surveillance.</p> <p>Entry access is not via an outdoor play area.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Objective: Ensure that facilities are designed to be accessible</p> <p>C17 Accessible design</p>	<p>The proposal incorporates accessible design and is accompanied by an access report.</p>	<p>Yes</p>
<p>3.4 Landscaping</p>		

Control	Proposal	Complies
Objective: Provide landscape design that contributes to the streetscape and amenity	Landscaping is provided within the front and rear setbacks to embellish the site, this provides screening and visual amenity to and from the property.	Yes
C18 Provide a high quality landscaped area	A high quality landscape plan accompanies the proposal with adequate landscaping embellishment proposed within the front and rear setbacks.	Yes
C19 Incorporate car parking into the landscape design of the site	All car parking is located within the basement and is separate from other landscaped areas.	Yes
<p>3.5 Privacy and security of children</p> <p>Objective: Protect the privacy and security of children attending the facility.</p> <p>C21 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 • suitably locating pathways, windows and doors • permanent screening and landscape design. 	<p>The proposal incorporates adequate privacy measures which have been achieved through a carefully designed layout to create spatial separation, protection and screening.</p> <p>The layout includes appropriate window placement, wall heights and plant screening.</p>	<p>Yes</p> <p>Yes</p>
<p>Objective: To minimise impacts on privacy of adjoining properties</p> <p>C22 Minimise overlooking of adjoining living areas and private open spaces through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	<p>The proposal has been designed to minimise impacts to adjoining properties through a responsive layout.</p> <p>The layout includes appropriate window placement, wall heights and plant screening. Windows along the side elevations are minimal and are treated. Further landscaping embellishment reduces visual privacy impacts to and from the site.</p>	<p>Yes</p> <p>Yes</p>

Control	Proposal	Complies
<p>Objective: Minimise impact of facilities on the acoustic privacy of neighbouring residents</p> <p>C23 Alterations 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. • Ensure that mechanical plant or equipment is screened to reduce noise levels. <p>C24 Acoustic report should be prepared a suitably qualified professional</p>	<p>The layout has been designed to minimise acoustic impacts with recommendations within the acoustic report being incorporated within the design.</p> <p>An acoustic fence is proposed along the boundaries to minimise impacts to adjoining properties.</p> <p>Plant machinery is to be suitable industry standards as not to generate any adverse noise amenity.</p> <p>An acoustic report accompanies this development application of which is support of the proposal.</p>	<p>Yes</p> <p>Yes</p>
<p>3.6 Noise and air pollution</p> <p>Objective: Ensure outside noise levels are minimised</p>		
<p>C25 Adopt design solutions to minimise the impacts of noise</p> <p>C26 Noise attenuation measures for child care facilities in noisy areas</p>	<p>Recommendations of acoustic report incorporated within the proposal.</p> <p>As above.</p>	<p>Yes</p> <p>Yes</p>
<p>Objective: Ensure air quality is acceptable when facilities are proposed to external sources of pollution</p>	<p>To be accordance with industry requirements.</p>	<p>Yes</p>
<p>C27 Locate child care facilities which avoid or minimise the potential impact of external sources of air pollution</p> <p>C28 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child</p>	<p>To be accordance with industry requirements.</p> <p>The site is located on a local road and is not impacted by any immediate industrial development or major road in relation to air quality.</p>	<p>Yes</p> <p>Yes</p>

Control	Proposal	Complies
care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.		
3.7 Hours of operation Objective: Minimise the impact of the facility on the amenity of neighbouring residents	The proposal seeks standard hours of operation common for Centre Based Child Care Facilities.	Yes
C29 Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7am to 7pm weekdays.	The proposal seeks hours of operation for 7.00am – 6.00pm Monday to Friday. Closed on Saturday and Sundays.	Yes
3.8 Traffic, parking and pedestrian circulation Objective: Provide parking that satisfies the needs of users and demand generated by the centre	The proposal has sought a logical pedestrian and vehicular layout.	Yes
C31 Off street car parking should be provided at the rate specified by the DCP.	The proposal complies with the DCP requirement as addressed further within this report.	Yes
C33 Traffic and parking study should be prepared to support the proposal	A detailed Traffic and Parking Assessment Report is submitted with this application in support of the proposal.	Yes
Objective: Provide a safe and connected environment for pedestrians both on and around the site	The proposal adopts separated vehicular and pedestrian movements whereby such areas are shared within the basement, pedestrian access is line marked.	Yes
C36 Provide a safe pedestrian environment	As above.	Yes
C38 Car parking design should:		

Control	Proposal	Complies
<ul style="list-style-type: none"> • Include a child safe fence to separate the car parking area from the building entrance and play areas • Provide clearly marked accessible car parking as close as possible to the primary entrance • Include wheelchair and pram accessible parking 	<p>The proposal incorporates a design which separated car parking area and play areas.</p> <p>Car parking is line marked within the basement.</p> <p>Accessible space provided within basement level.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4.1 Indoor space requirements</p> <p>Minimum 3.25sqm unencumbered indoor space</p>	<p>The proposal seeks an indoor unencumbered space of 247.87sqm. This complies with the requirements.</p>	<p>Yes</p>
<p>0.3 cubic metres of external storage space per child</p> <p>0.2 cubic metres of internal storage space per child</p>	<p>More than 0.3 cubic metres provided in external storage per child.</p> <p>More than 0.2 cubic metres provided in internal storage per child in overhead storage in playrooms 1, 2, 3 and 4.</p>	<p>Yes</p> <p>Yes</p>
<p>4.2 Laundry and hygiene facilities</p> <p>There must be laundry facilities or access to laundry facilities and should contain washer, dryer, sink, and storage for soiled items.</p>	<p>Provided on site located on the first floor.</p>	<p>Yes</p>
<p>4.3 Toilet and hygiene facilities</p>	<p>Toilet and hyenic facilities provided within each playroom.</p>	<p>Yes</p>
<p>4.4 Ventilation and natural light</p>	<p>The proposal contains suitable light and ventilation and has been designed to maximise northern solar access.</p>	<p>Yes</p>
<p>4.5 Administrative space</p>	<p>Adequate administrative space located on the first floor and central ground floor lobby.</p>	<p>Yes</p>
<p>4.6 Nappy change facilities</p>	<p>Adequate nappy change facilities provided on site.</p>	<p>Yes</p>

Control	Proposal	Complies
4.7 Premises designed to facilitate supervision	The proposed layout contains clear levels of sight lines from the halls to the play rooms.	Yes
4.8 Emergency evacuation and procedures	The proposal contains a direct pathway centrally located on site. Access is available along the side boundaries. Details are further contained within the Plan of Management.	Yes
4.9 Outdoor space requirement Minimum 7sqm unencumbered outdoor space	532.79sqm of outdoor play area is provided which is capable of accommodating 76 children. These spaces also comply with outdoor covered spaces within the criterion of this clause.	Yes
4.10 Natural environment	Outdoor environments have been designed to be in a natural landscape with native rocks, natural materials and native landscaping.	Yes
4.11 Shade	Shade structures provided in the form of verandahs, shade structures and additional tree canopies.	Yes
4.12 Fencing	Adequate fencing provided being at least 1.8m in height with non-climbable zones	Yes
4.13 Soil assessment	A Stage 1 Preliminary Site Investigation accompanies this development application.	Yes

In this regard, given the above the proposal is considered to satisfy the requirements of the SEPP.

CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2012 (AS AMENDED)

The proposal has been considered against the following provisions.

Section 1.2 Aims of the Plan

The proposal has been considered in accordance with the relevant aims (in bold) as follows:

1.2 Aims of Plan

(1) This Plan aims to make local environmental planning provisions for land in Canterbury-Bankstown in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

(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.

Comment: The proposal seeks development consent for a centre based child care facility which is considered to promote employment opportunities for the existing and future residents of Canterbury-Bankstown whereby this proposal will generate employment through the construction and ongoing use. The proposed built form adopts a compatible built form similar to a two storey dwelling house which is considered to form a reasonable outcome for the site given the dimensions, size and context. The design provides high level of detail and articulation to create visual interest whilst providing reasonable levels of solar access to adjoining properties given the orientation of

the site. The proposal seeks to provide high quality of landscaping embellishment to improve the site in terms of amenity and visual amenity. In this regard, given the above the proposal is considered to reasonably satisfy the Aims of the Plan.

The proposal seeks development consent for a centre based child care facility which is defined within the Standard Instrument and LEP Dictionary as follows;

“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))”

Comment: The proposal meets the above definition whereby the use will cater for (i) long day care given the hours of operation sought being 7.00am – 6.00pm Monday to Friday.

The proposal adequately satisfies the underlying R3 Medium Density Residential Zone objectives as follows;

• To provide for the housing needs of the community within a medium density residential environment.

Comment: The proposal does not relate to residential accommodation. However, it is considered that the proposed use for a centre based child care facility would provide an opportunity to service the nearby residential population.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment: The proposal seeks development consent for a centre based child care facility which forms a permissible use in the zone. This use is considered to provide a service to the local area which in turn will likely be utilised by the local community and surrounding residential area. In this regard, the proposal is considered to adequately satisfy this objective.

• 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.

Comment: The proposal seeks development consent for a centre based child care facility which is considered to result in a compatible use with the immediate surrounding properties. It is noted a high level of compliance regarding the controls has been achieved.

• To allow for development that provides a suitable visual transition between high density residential areas and low density residential areas.

Comment: The proposal seeks a two storey built form which is envisaged within the R3 Medium Density Residential Zone. The proposal adopts visual cues similar to a dwelling house.

- **To ensure suitable landscaping in the medium density residential environment.**

Comment: The proposal seeks to provide a high level of quality landscaping within the front and rear setbacks to embellish the site.

- **To minimise conflict between land uses within this zone and land uses within adjoining zones.**

Comment: The proposal results in good levels of amenity to adjoining properties. There are no unreasonable acoustic impacts generated by the proposal as this is supported by the accompanying acoustic report. The proposal has been designed to minimise privacy impacts to adjoining properties. Reasonable levels of solar access are archived to adjoining properties given the east-west orientation of the site.

- **To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.**

Comment: As stated previously, the proposal does not relate to housing however the proposed use is considered to be an accessible location which is close to public transport such as buses.

- **To promote a high standard of urban design and local amenity.**

Comment: The proposal has been designed to comply with requirements of SEPP's and LEP. The proposal seeks a relatively high level of compliance with the DCP. This results in a high standard design which achieves a quality urban design outcome and provides acceptable level of amenity to adjoining properties.

Given the above, the proposal is considered to be consistent with the R3 Medium Density Residential Zone objectives.

Table 9: Canterbury-Bankstown Local Environmental Plan 2023

Control	Requirement	Proposal	Complies
2.7 – Demolition	Demolition requires consent.	Consent sought for minor demolition of the existing dwelling house, outbuilding and ancillary structures.	Yes
Land Use Table	Zoning: R3 Medium Density Residential	Centre based child care facility forms a permissible prescribed use within the zone with development consent. Development consent is sought forming this	Yes

		development application.	
4.3 Height of buildings	8.5m	8.5m RL16.21	Yes
4.4 Floor Space Ratio	Site area = 1,031sqm 0.5:1 515.4sqm (max)	0.47:1 480.07sqm	Yes
4.4A Floor Space Ratio	Site area = 1,031sqm 0.5:1 515.4sqm (max)	0.47:1 480.07sqm	Yes
4.5 Calculation of Floor Space Ratio and Site Area	Calculation to be undertaken as per defined for floor space ratio and site area.	Calculated as per definition clause.	Yes
5.10 Heritage conservation	Heritage preservation	The site is not listed as heritage item under and State or Local Heritage Register. An Interim Heritage Order does not apply to the site.	Yes
6.1 Acid sulphate soils	Objectives to be satisfied Class 5: Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	The site is classified as Class 5 Acid sulfate soils. The extent of the works are not considered to affect the watertable.	Yes
6.2 Earthworks	Objectives to be satisfied	The proposal seeks cut and fill commensurate with other developments with basements in the locality.	Yes
6.4 Stormwater	Objectives relating to stormwater to be satisfied Zone R3: (1) The objective of this clause is to avoid or minimise the adverse impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland,	The proposal seeks to drain to the street in accordance with Council's controls to the front of the site.	Yes

	waterways and ground water systems.		
6.6 Essential Services	Objectives relating to essential services to be satisfied; (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) waste management, (f) suitable vehicular access.	Essential services such as water, electricity, disposal of sewerage, drainage and suitable vehicular access provided in accordance with the requirements of this clause.	Yes
Clause 6.13 Special Provisions for centre-based 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.	The site is not located on a classified road and is not located within a cul-de sac road with a carriageway between kerbs is less than 10m.	Yes

The proposal complies with the permissibility, zone objectives, Development Standard and considerations under the Canterbury Bankstown Local Environmental Plan 2023.

PART 4 DIVISION 4.3 SECTION 4.15 (1)(A)(II) ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT/ DEVELOPMENT CONTROL PLAN

CANTERBURY BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

Chapter 2.1 Site Analysis

The proposal has been designed in consideration with the site size, dimensions, orientation and immediate surrounding built forms. The design of the proposal has sought design cues of a dwelling house whereby a driveway and central pedestrian entry are separate, outdoor play areas are located to the rear and window placements have been off or are treated to minimise privacy impacts to adjoining properties. Further to the above;

The proposal has been designed in accordance with key considerations of Crime Prevention Through Environmental Design whereby;

- The design incorporates clean sight lines to and from the street which increases opportunities for natural passive surveillance.
- The internal layout incorporates clear sight lines within the building to improve natural surveillance.
- The proposal incorporates staff areas on the first floor which create opportunities for natural surveillance to the street and play areas in the front setback and rear setback.
- Cameras to be located on premises at key locations such as entrance along side boundaries and within the basement.
- The proposal is to be well illuminated along entries and basement to create improve surveillance.
- The premises are to be locked outside of operation hours with the operational hours being 7.00am – 6.00pm Monday to Friday, closed on Saturday and Sunday.
- Security systems are to be in place such as buzzers at the entry. The entry areas also include glazing near the doorways to allow to opportunities for staff to view the entry before opening the door.
- Appropriate tree and shrub planting (maturity height) proposed as not to obscure sight lines.

Given the above, the proposal is considered to reasonably satisfy the requirements of this subsection.

Chapter 2.2 Flood Risk Management

A concept stormwater plan accompanies this development application. The proposal incorporates an OSD tank within the basement level. Surface runoff and roof waters are to drain to the front of the site. The site has an estimated 100 year ARI floor level of RL8.2 AHD. The proposal seeks a ground floor RL of RL8.70 which satisfies this requirement. In this regard the requirements of this subsection have been reasonably satisfied and the proposal has been designed appropriate for the site.

Chapter 2.3 Tree Management

In regards to street trees, the proposal seeks to retain and protect the street tree within the Council reserve in the front south-west corner. The proposal requires the removal of the street tree within the Council reserve in the north-west corner to facilitate double width driveway access at the frontage. Further that existing infrastructure within the Council reserve limits opportunities for meaningful replacement tree planting in this reserve. It is noted however that additional landscaping embellishment is proposed within the front setback and rear setback to create a soft interface to the streetscape.

A landscape plan accompanies this development application. The proposal has sought to provide landscaping embellishment within the front and rear setbacks with an appropriate mixture of species with varying heights and canopy spreads. This provides natural shading along the northern, eastern and southern boundaries and does not conflict with the location of the shade structure or play equipment centrally located within the rear yards. In this regard, this is considered to result in a reasonable design solution. Given the above, the proposal is considered to result in a reasonable design outcome.

Chapter 3.1 Engineering Standards

The proposal has been designed in accordance with the relevant civil, stormwater drainage systems and on site detention requirements contained within this subsection. Refer to concept stormwater plans. In this regard, the proposal is considered to reasonably satisfy the requirements of this subsection.

Chapter 3.2 Parking

A traffic impact assessment prepared by TPP accompanies this application. The proposal provides a total of thirteen (13) car spaces of which eight (8) are for staff parking, five (5) for visitor parking including an accessible space and three (3) bicycle spaces located within the basement level. The proposal has been considered in accordance with the key provisions as indicated below;

Table 10: Car Parking

Clause	Control	Proposal	Complies
	<p>Off-street parking rates</p> <p>2.1 Development must use the Off-Street Parking Schedule to calculate the amount of car, bicycle and service vehicle parking spaces that are required on the site.</p> <p>76 children at a rate of 1 space per 4 children = 19 car spaces</p> <p>Bicycle spaces at a rate of 1 space per 4 staff</p> <p>Total staff = 14</p>	<p>The proposal provides twenty (20) car parking spaces.</p> <p>Five (5) bicycle parking spaces provided.</p>	<p>Yes</p> <p>Yes</p>
	<p>2.2 In calculating the total number of car parking spaces required for development, these must be:</p> <p>(a) rounded down if the fraction of the total calculation is less than half (0.5) a space;</p> <p>or</p> <p>(b) rounded up if the fraction of the total calculation is equal or more than half (0.5) a space; and</p> <p>(c) must include a room that is capable of being converted to a bedroom.</p>	<p>Noted.</p>	<p>Yes</p>

	2.3 Development comprising more than one land use must provide the combined parking requirement based on the individual rates of parking for each land use identified in the Off-Street Parking Schedule	Single land use as a centre based child care facility.	Yes
	2.4 Car parking (and associated space such as access aisles) in excess of the Off-Street Parking Schedule will be counted as gross floor area	The proposal does not seek any additional car parking spaces which would be calculated in floor space.	Yes
	2.5 Development not included in the Off-Street Parking Schedule must submit a parking study for Council's consideration. A qualified traffic consultant must prepare the parking study.	Centre based childcare facility is included within the Table.	Yes
B1.3.2 Accessible Parking Rate	BCA Class 9 C5. In a development containing more than 10 spaces, provide 1 (one) accessible parking space for every 25 spaces designed and constructed in accordance with AS 2890.1.	One (1) accessible space provided within basement on site.	Yes
	Accessible off-street parking rates 2.7 Accessible parking is required to be designed and constructed in accordance with the following rates: 1 accessible parking space per 50 parking spaces for staff;	One (1) accessible space provided on site.	Yes

	<p>1 accessible parking space for visitors per 50 parking spaces where a car park has less than 500 spaces;</p> <p>1 additional accessible parking space per 100 parking spaces above 500 spaces for visitors</p>		
Section 3 – Design and Layout	<p>Parking location</p> <p>3.1 Development must not locate entries to car parking or delivery areas:</p> <p>(a) close to intersections and signalised junctions;</p> <p>(b) on crests or curves;</p> <p>(c) where adequate sight distance is not available;</p> <p>(d) opposite parking entries of other buildings that generate a large amount of traffic (unless separated by a raised median island);</p> <p>(e) where right turning traffic entering may obstruct through traffic;</p> <p>(f) where vehicles entering might interfere with operations of bus stops, taxi ranks, loading zones or pedestrian crossings;</p> <p>or</p> <p>(g) where there are obstructions which may prevent drivers from having a clear view of pedestrians and vehicles.</p>	<p>Driveway entry located furthest away from intersection.</p>	<p>Yes</p>
	<p>3.2 Parking areas for people with disabilities should be close to an entrance to development.</p>	<p>Accessible space located close to lift.</p>	<p>Yes</p>

	Access from the parking area to the development should be by ramps or lifts where there are separate levels.		
	<p>3.4 Council may consider tandem parking in the following situations:</p> <p>(a) Industrial development where the users of the car parking will almost all be Employees (b) High density residential flat buildings, shop top housing and mixed use development if the parking users reside in the same dwelling or the employees work in the same premises.</p> <p>(c) Tandem parking for a maximum of two vehicles is permissible in dwelling houses, dual occupancies, attached dwellings, secondary dwellings, semi-detached dwellings, multi dwelling housing and multi dwelling housing (terraces) if the parking users reside in the same dwelling</p>	The use forms a centre based child care facility whereby the use rear (stacked) spaces form staff spaces.	Yes, acceptable on merit.
	3.5 Tandem parking is not permitted where a high proportion of the users of the car park are visitors or customers.	Tandem parking appropriately located with the allocation of staff and visitor parking. Visitor parking is located close to the aisle.	Yes
	3.7 Mechanical parking devices, including car lifts, will not be supported.	No car lift is proposed.	Yes
	<p>Access driveway width and design</p> <p>3.8 The location of driveways to properties should allow the shortest, most direct access</p>	The proposed driveway incorporates the most logical and direct route to the street.	Yes

	over the nature strip from the road.		
	3.9 The appropriate driveway width is dependent on the type of parking facility, whether entry and exit points are combined or separate, the frontage road type and the number of parking spaces served by the access facility.	The proposal seeks a two way driveway width to allow the passing of vehicles	Yes
	Minimum headroom dimensions 3.12 Clear headroom dimension is necessary to make sure that vehicles are clear of mechanical or service obstructions such as fire sprinklers, lighting fixtures and signs. Following minimum headroom dimension has to be maintained in all development. Min headroom Cars and light vans: 2.4m People with disabilities: 2.3m	Min head room proposed at 2.5m.	Yes
	3.17 Service vehicles are to enter and leave the site in a forward direction.	Service vehicles can enter and exit in a forward direction. A passing bay is located within the basement to facilitate manoeuvrability.	Yes
	Safety and security 3.18 Sloping ramps from car parks, garages and other communal areas are to have at least one full car length of level driveway before they intersect pavements and carriageways.	Car park and garages have been appropriately located and designed.	Yes
	Sight distance requirement	Adequate sight lines provided.	Yes

	<p>3.19 For all development, adequate sight distance must be provided for vehicles exiting driveways. Clear sight lines are to be provided at the street boundary to ensure adequate visibility between vehicles on the driveway and pedestrians on the footway and vehicles on the roadway.</p>		
	<p>Pedestrian access 3.20 Parking areas should be designed so that through-traffic is excluded, and pedestrian entrances and exits are separate from vehicular entrances and exits.</p>	<p>Pedestrian access forms a shared zoned and is line marked.</p>	<p>Yes</p>
	<p>3.21 Lifts and stair lobbies should be prominently marked to help users find them and to increase personal security.</p>	<p>Lifts and stair lobbies are to be marked.</p>	<p>Yes</p>
	<p>3.22 In split-level/multi-level car parks, a stairway should be located at the split-level, to provide pedestrian access between these levels and eliminate pedestrians having to use vehicular ramps.</p>	<p>A single level car park is proposed.</p>	<p>Yes</p>
	<p>Bicycle parking 3.25 For non-residential development that requires over ten staff bicycle parking spaces, provide one shower and change room per ten staff bicycle parking spaces.</p>	<p>The proposal requires five (5) bicycle spaces. A shower and change room is not required.</p>	<p>Yes</p>

	3.26 Provide a mix of bicycle storage facilities to cater for short and long stay parking	Bicycle storage provided within the basement.	Yes
	3.27 Bicycle racks or stands placed in open public areas that provide only means to lock one wheel of a bicycle to a fixture is not an acceptable secure arrangement. Devices requiring a wheel to be removed are also not acceptable		
	3.28 Development must incorporate the following elements into the design and location of bicycle parking: (a) all facilities are clearly visible and as close as possible to the main entrances/exits to the street and within the building; (b) short-stay and visitor parking is at-grade and floor and wall-mounted rails are acceptable; (c) long-stay and resident parking is on the uppermost level of a basement car park; (d) a safe path of travel between bicycle parking and the main entrances/exits is clearly marked; (e) bicycle facilities are not to hinder vehicle and pedestrian movements, or contribute to the likelihood of injury to passing pedestrians; (f) access paths to bicycle parking are a minimum of 1.5m	Adequate bicycle facilities provided and located on site.	Yes

	wide for oneway access path to allow the passage of a pedestrian pushing a bicycle; and (g) standardised information signs are to be used to give directions to bicycle parking areas.		
	3.29 Bicycle parking facilities are to be well lit to minimise theft, vandalism, reduce pedestrian hazard and to improve safety of the cyclists.	Bicycle parking located within basement to be well lit.	Yes
	Visitor parking 3.30 Visitor spaces must not be located behind security grills and must be easily accessible.	This control generally relates to commercial/shoptop. The nature of the proposal results in secure basement parking on site during the hours of operation.	Yes
	3.31 Clearly mark and signpost visitor parking, and locate on the ground floor where possible, so that it is easy to find and access.	Visitor parking to be sign posted.	Yes
	3.32 Visitor parking should be located near the main pedestrian entrance to the building and can be located in front of the building alignment, but not encroach upon the front setback areas.	Visitor car parking spaces located near lift and staircase centrally on site.	Yes
	Basement parking 3.33 Provide ventilation to basement parking. Location and details of mechanical ventilation design must be outlined in applications to Council.	Services located within store area.	Yes
	3.34 Design and integrate basement	The basement is contained within the	Yes

	parking so as not to accentuate the scale or bulk of a building, or detract from the streetscape or front setback character.	building footprint above with the exception along the rear, this however does not detract from the streetscape and is no visible from the public domain.	
	3.37 Provide secure bicycle parking at basement level which is easily accessible from ground level, from apartments and other uses within the development.	Bicycle parking located within the basement level.	Yes
	3.38 Keep all loading docks, parking areas and driveways clear of goods and do not use for storage, including garbage storage, so that free movement is available at all times.	Loading area provided within basement. Garbage areas located along southern side boundary.	Yes
	3.39 Locate and design so that impacts such as noise, exhaust fumes and headlight glare, are minimised on adjoining residential uses or residential zoned land.	Services are integrated with the building. Headlight glare is not considered to be unreasonable given the location of the driveway and basement ramp. Further that headlight glare would be minimal given the hours of operation sought.	Yes
	3.40 Optimise opportunities for deep soil, active street frontages, and good streetscape design, and minimise loss of street parking.	Deep soil areas provided within the front setback. The proposal seeks a two way driveway to facilitate appropriate vehicular access.	Yes

In this regard, the proposal is considered to reasonably satisfy the car parking requirements, pedestrian safety and vehicular movement considerations within this subsection.

Chapter 3.3 Waste Management

A waste management plan prepared by Loka Consulting Engineers accompanies this development application in support of the application in relation to the construction and ongoing waste management of the proposal. Council's controls do not specifically specify the waste

generation for a centre based child care facility however the proposal seeks to provide 3 x 240L garbage bins and 3 x 240L recycling bins which are to be placed for kerbside collection and removal by the Child Care Centre Manager. Waste is to be collected by a waste contractor. The proposal seeks to incorporate a bin storage area located along the southern side boundary which is screened from the streetscape.

The location and layout of the bin storage area is considered to be reasonable and practical with direct access to the street. The bin storage area has been design with similar materials and architectural cues as the remainder of the building. In this regard, the proposal results in a reasonable solution and outcome in relation to waste management and servicing. This results in a reasonable and practical outcome.

Chapter 3.4 Sustainable Development

The proposal seeks the utilisation to of durable materials to prolong the life cycle of the building. Refer to the schedule of materials and finishes.

Chapter 3.6 Signs

It is noted that consideration for signage have been previously considered under SEPP State Environmental Planning Policy (Industry And Employment) 2021 of which are replicated within the DCP. The proposal seeks one (1) business identification sign which faces the street. This is non-illuminated and is not considered to detract from the surrounding area given the design, style and scale of the signage in relation the proposed built form for a centre based child care facility.

Chapter 10.1 Centre-Based Child Care Facilities

The proposal has been considered in accordance with fine grain controls for centre based child care facilities as per below;

Table 10: Centre-Based Child Care Facilities

Clause	Control	Proposal	Complies
Traffic management (environmental capacity)	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.	The proposal seeks the construction of a purpose built child care facility. The proposal seeks to provide all the prescribed necessary car parking on site. A traffic report accompanies this development application.	Yes
Traffic management (level of service)	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	The site is located on a local Road and is not within an street intersection with a service level B.	Yes

	absolute delay of that street intersection.		
	<p>Traffic impact studies</p> <p>2.3 For the purpose of clauses 2.1 and 2.2, development applications must submit a Traffic Impact Study based on the RTA Guide to Traffic Generating Developments to determine:</p> <p>Existing conditions</p> <p>(a) Existing volumes and environmental capacity of streets adjacent to the development.</p> <p>(b) Existing volumes and level of service of street intersections in the vicinity of the development.</p> <p>(c) Existing public transport services in the vicinity of the development.</p> <p>(d) Existing clearway and peak period parking restrictions that apply to streets adjacent to the development.</p> <p>(e) Existing proposals for improvements to the adjacent road system</p> <p>Proposed conditions</p> <p>(f) The proposed amount of traffic generation and trip distribution of the development.</p> <p>(g) The proposed parking provision of the development.</p> <p>(h) The proposed safety and efficiency of access between the development and the adjacent road network.</p> <p>(i) The proposed safety and efficiency of the set-down and pick-up areas, service areas and car parks.</p> <p>(j) The impact of the proposed generated traffic on the environmental capacity of streets adjacent to the development.</p> <p>(k) The impact of the proposed generated traffic on the level of service of street intersections in the vicinity of the development.</p> <p>(l) The impact of the proposed generated traffic on road safety and traffic noise.</p> <p>(m) The impact of the proposed generated traffic on other major traffic generating development in close proximity.</p>	Traffic report accompanies this development application in support of the proposal.	Yes

	(n) Whether the development must take certain measures to reduce the impact of the proposed generated traffic to an acceptable level. Measures may include a reduction in child care places or the installation of public traffic management devices at the applicant's expense		
Section 3 – site layout and building envelopes	Storey limit 3.1 The storey limit for child care facilities is two storeys.	The proposal seeks a maximum of two storeys. The proposal also is compliant with the height of building within the CBLEP 2023.	Yes
	3.2 Child care facilities in the business zones must solely locate on the first storey (i.e. the ground floor) or the second storey of a building to ensure the safe evacuation of children during emergencies.	The site is located within R3 Medium Density Residential.	N/A
	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.	The proposal seeks to locate the 0-2 playroom for 16 children on the first floor. Despite this variation, there is appropriate staffing levels and appropriate access via a lift and staircase. The proposal is considered to be compliant with the applicable building standards.	Yes, acceptable on planning merit.
	Setbacks 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.	The proposal seeks a front setback of 6m at the solid wall. The basement seeks to extend past the setbacks of the built form above to accommodate car parking and turning areas. The proposal seeks a ground side setback of 1m and a first floor side setback ranging from 1.5m - 1.8m. No material impacts arise from this variation.	Yes, acceptable on planning merit.

	<p>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</p>	<p>The site adjoins R3 Medium Density Residential.</p>	<p>Yes</p>
	<p>3.8 Child care facilities must ensure the siting of outdoor areas (such as a balcony or deck) and outdoor play areas avoids:</p> <ul style="list-style-type: none"> (a) a living area or bedroom of an adjoining dwelling; (b) areas forward of the front building line; (c) a road and driveway that may have noise or a possible pollution impact on children; (d) any other potential noise or pollution source; and (e) any potential traffic hazard locations where an out-of-control vehicle may injure children 	<p>The proposal incorporates a balcony on the front faces the street and does not result in any adverse impacts. The rear terrace is acoustically treated and does not result in any privacy impacts to adjoining properties. The proposal is considered to satisfy the criterion of this clause.</p>	<p>Yes</p>
	<p>Access</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>The proposal has been designed to comply with the BCA and AS regarding access and mobility. This includes measures integrated in the design to facilitate access into and within the site.</p>	<p>Yes</p>
	<p>Car parks</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>The proposed driveway is situated away from the central pedestrian pathway. The proposal incorporates clear site lines for vehicle and pedestrian safety.</p>	<p>Yes</p>
<p>Section 4 – Building Design and Energy Efficiency</p>	<p>Energy efficiency</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> <ul style="list-style-type: none"> (a) good orientation and natural light to rooms and play areas (b) limiting building depth to provide natural cross-ventilation and natural light; 	<p>The proposal has been designed to maximise the orientation of the site with good levels of solar penetration into the building. The proposal has been designed with levels of natural cross-ventilation and light.</p>	<p>Yes</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>Access to sunlight</p> <p>4.2 The design of buildings should achieve a northern orientation to maximise solar access</p>	<p>The proposal has been designed to maximise the northern solar aspect into the building and outdoor play areas.</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>(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.</p>	<p>The proposal provides reasonable levels of solar access given the east-west orientation of the site to the southern adjoining property. Solar access and vertical shadow diagrams have been provided. No solar access would be achieved to No. 210A Victoria road (which is located to the south) given that the dwelling forms a single storey built form and the relatively short allotment depth. The only way that solar access would be facilitated would be limiting the proposal to a single storey which is not reasonable given that Council's controls permit a height limit of 8.5m and storey limit of two.</p>	<p>Yes</p>
	<p>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.</p>	<p>The proposal seeks to provide services to seventy-six (76) children. The proposal has been designed similar to a contemporary dwelling house. The</p>	<p>Yes</p>

		visual cues include centrally located entry, basement and driveway entry along one site, window and balcony treatment along the front façade, modulation and window placement.	
	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 been designed with appropriate articulation along the horizontal and vertical planes. The proposal adopts design cues which are similar to that of modern contemporary dwelling house. The design of the proposal comprises of varying design elements to provide visual interest and articulation. In this regard, the proposal is considered to reasonably satisfy the provisions of this clause.	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.	The proposal has been designed to provide a direct active street frontage and clear sightlines to Victoria Road.	Yes
	Roof design 4.9 Development for the purpose of new buildings must have roof designs that: (a) unify separate or attached buildings with a contemporary architectural appearance; and (b) combine good quality materials and finishes.	The proposed roof design adopts varying roof pitches which provides articulation and visual breaks. The roof comprises of high quality contemporary finishes.	Yes
	Front fences 4.10 The maximum fence height for front fences is 1.8m.	The proposal seeks a maximum front fence height of 1m.	Yes
	4.11 The external appearance of a front fence along the front boundary of the site must ensure:	The proposed masonry front fence comprises of architectural cut	Yes

	<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>outs which complement the remainder of the built form. It is noted that this front fence does not serve as barrier to any play area. The presentation to the street visually presents as an open style front fence.</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>The proposal does not seek the construction of (a) chain wire, metal sheeting, brushwood, and electric fences; and (b) noise attenuation walls along the front boundary.</p>	Yes
Section 5 – Acoustic Privacy	<p>Acoustic privacy</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>Air conditioning and similar is not to exceed 5dB(A). A condition of consent can be imposed to this effect.</p>	Yes
	<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>(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</p>	<p>An acoustic report accompanies this development application. The recommendations of the acoustic report have been incorporated within the design and on-going use.</p>	Yes

	<p>the acoustic privacy of adjacent dwellings; (e) whether the location of outdoor areas should avoid living areas and bedrooms of adjacent dwellings; (f) whether the development must install certain noise attenuation measures to protect the acoustic privacy of adjacent dwellings. The Acoustic Report must measure the noise readings over a 15 minute period and must provide details of all modelling assumptions including source noise data, noise monitoring positions, receiver heights and locations, prevailing meteorological conditions during the monitoring, confirmation of the methodology adopted along with a copy of the model input and output data</p>		
	<p>5.3 The maximum height for noise attenuation walls and fences along the boundary of the site is 2m</p>	<p>The proposal seeks a maximum height of 2.1m along the side and rear boundaries which are considered to be reasonable and result in a minor variation. The height proposed is consistent with the recommendations contained within the acoustic report.</p>	<p>Yes</p>
<p>Section 6 – Open Space and Landscape</p>	<p>6.1 The location of outdoor play areas must allow supervision from within the child care facility</p>	<p>The outdoor play areas contain a direct line of sight between indoor rooms on both the ground and first floor.</p>	<p>Yes</p>
	<p>6.2 Outdoor play areas must: (a) locate on a land gradient that is predominantly flat; (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; (c) consider the surface treatment in accordance with best practice guidelines in early</p>	<p>Outdoor play areas on both levels are predominantly flat have adequate shading between 9.30am and 3.00pm during summer. The shading provided is a mixture of shading built forms and natural landscape shading.</p>	<p>Yes</p>

	childhood environments.		
	<p>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 (b) deep soil zones; or (c) 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).</p>	<p>The outdoor play areas exclude the criteria within this clause in relation to clauses (a) and (b). The proposal seeks to provide a smaller first floor outdoor play area at the rear of the building. This is located more than 300mm above ground level however is compliant with the applicable setbacks and has been designed to be appropriately acoustically treated. An acoustic report accompanies this application in support of the proposal.</p>	<p>No, however acceptable on merit.</p>
	<p>6.4 Outdoor play areas must avoid retaining walls where possible.</p>	<p>The outdoor play areas do not contain retaining walls.</p>	<p>Yes</p>
	<p>6.5 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.</p>	<p>As above, the outdoor play area does not contain any retaining walls.</p>	<p>Yes</p>
	<p>6.6 Retaining walls on the boundary of the site must be masonry construction.</p>	<p>No retaining walls proposed along the boundary.</p>	<p>Yes</p>
	<p>Landscape and deep soil zones 6.7 Development applications must submit a detailed landscape plan prepared by a qualified landscape architect consistent with Council's Landscape Guide.</p>	<p>A landscape plan accompanies this development application. Refer to landscape plan for further detail.</p>	<p>Yes</p>
	<p>6.8 Child care facilities in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential must provide: (a) a minimum 2m wide deep soil zone along the primary street frontage and secondary street frontage of the site; and (b) a minimum 1.5m wide deep soil zone around the perimeter of the outdoor play</p>	<p>The proposal seeks a deep zone for the majority of the front setback. No play area is located within the front setback which is considered to result in a compatible interface to the street.</p>	<p>Yes</p>

	area, to act as a buffer to the fence, provide spatial separation to neighbouring properties and enhance the aesthetic quality of the space		
	6.9 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.	The proposal seeks to provide an appropriate deep soil width within the front and rear setbacks which are capable of accommodating meaningful landscaped area.	Yes
	Private open space 6.10 Where a child care facility forms part of a dwelling house, the development must provide a minimum 80m ² of private open space for the exclusive use of the dwelling house.	The child care facility does not form part of a dwelling house.	Yes
Safety and Security	Safety and security 7.1 The front door and at least one window to buildings must face the street to enable natural surveillance	The proposal has been designed to include both street facing windows on the ground and first floor levels.	Yes
	7.2 The street number of buildings must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.	The street number is clearly identified at the front of the property.	Yes
	7.3 Child care facilities must separate the car park and any outdoor play area with a safety fence and gates.	The proposal has been designed with an underground basement car park and outdoor play areas are located to the rear. These outdoor play areas has been designed with safety fences and gates regarding access.	Yes
	7.4 Child care facilities with more than 15 children must erect (at the expense of the applicant) an unscaleable 1.8m high lapped timber fence or the like along the side and rear boundaries of the site	The proposal seeks a 2.1m high fence along the rear outdoor play area. The first floor play area also contains a high fence. The proposed fences are not scalable and satisfy the safety intention of this clause.	Yes

	7.5 Child care facilities must provide safe access for children and people with disabilities, and fire protection and evacuation requirements.	The proposal complies with the applicable construction and access standards. An access report accompanies this application.	Yes
	7.6 Child care facilities in existing buildings must remove any existing contamination such as lead based paints and asbestos insulation	The proposal seeks the construction of a purpose built child care facility.	Yes
Section 8 – Site Facilities	Building design (utilities and building services) 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.	Services can be located within the basement storage.	Yes
	8.2 Utilities and building services are to be integrated into the building design and concealed from public view.	Building services are integrated into the design.	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.	Waste storage areas are concealed by a wall nib along the front façade. Storage areas are located behind the building line along the northern side elevation. There are no outdoor clothes drying areas proposed.	Yes
	Building design (substations) 8.4 The location and design of substations must be shown on the plans	A substation is not required.	Yes
	8.5 Substations should locate underground. Where not possible, substations are to be integrated into the building design and concealed from public view.	As above.	Yes
	8.6 Substations must not locate forward of the front building line.	As above.	Yes
	Food premises 8.7 The design, construction, and operation of kitchens and food premises must comply with: (a) Food Act 2003; (b) Food Regulation 2010; (c) FSANZ Food Standards Code; and (d) Australian Standard AS 4674–2004, Design, construction and fitout of food	The proposed kitchen is designed and to be constructed and operated in accordance with this clause.	Yes

	premises		
--	----------	--	--

Given the above the proposal achieves a relatively high level of compliance. The proposal satisfies the considerations of the above and results in a reasonable planning outcome.

Chapter 10.4

Section 5 – Other non-residential development

Table 11: Non-residential development

Clause	Control	Proposed	Complies
	<p>5.1 In determining development applications that relate to land within Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential, Council must take into consideration the following matters:</p> <p>(a) whether any proposed building is compatible with the height, scale, siting and character of existing residential development within the adjoining residential zone;</p> <p>(b) whether any goods, plant, equipment and other material used in carrying out the proposed development will be stored or suitably screened from residential development;</p> <p>(c) whether the proposed development will maintain reasonable solar access to residential development between the hours of</p>	<p>The design is considered to be appropriate for the site and immediate context. This has been addressed earlier within the report under Chapter 10.1 for Centre Based Childcare Facilities.</p>	<p>Yes</p>

	<p>8.00am and 4.00pm at the midwinter solstice;</p> <p>(d) whether noise generation from fixed sources or motor vehicles associated with the proposed development will be effectively insulated or otherwise minimised;</p> <p>(e) whether the proposed development will otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting, fumes, gases, smoke, dust or odours, or the like;</p> <p>and</p> <p>(f) whether any windows or balconies facing residential areas will be treated to avoid overlooking of private yard space or windows in residences</p>		
	<p>5.2 The non-residential component of buildings that adjoin residential zones in the former Canterbury Local Government Area should comply with the Building Height Plane as shown in Figure 5a</p>	<p>It is noted that that this clause is not consistent with that regarding setbacks for centre based childcare facilities which prescribes a setback of 1.5m as previously addressed within this report.</p>	<p>Yes</p>
<p>Section 6 – Site Facilities</p>	<p>Building design (utilities and building services)</p> <p>6.1 The location and design of utilities and building services (such as plant rooms, hydrants,</p>	<p>Utilities and services integrated with the design.</p>	<p>Yes</p>

	equipment and the like) must be shown on the plans.		
	6.2 Utilities and building services are to be integrated into the building design and concealed from public view.	Utilities and services integrated with the design.	Yes
	Building design (substations) 6.3 The location and design of substations must be shown on the plans.	Not proposed.	N/A
	6.4 Substations should locate underground. Where not possible, substations are to be integrated into the building design and concealed from public view.	Not proposed.	N/A
	6.5 Substations must not locate forward of the front building line.	Not proposed.	N/A
	Food premises 6.6 The design, construction, and operation of a food premises must comply with: (a) Food Act 2003; (b) Food Regulation 2010; (c) FSANZ Food Standards Code; and (d) Australian Standard AS 4674–2004, Design, construction and fitout of food premises.	To comply with standards.	Yes

SECTION 4.15 EVALUATION (3A)

(3A) Development control plans If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in

*applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
(c) may consider those provisions only in connection with the assessment of that development application.*

In this subsection, standards include performance criteria

Comment: In relation to the above, the proposal is considered to seeks minor variations to the DCP. Despite this numerical departure, the proposal is considered to satisfy the objectives of the controls and does not result in any unacceptable impacts. It is further noted that the proposal adequately satisfies the requirements of the applicable SEPP's and Development Standards and Considerations within the Canterbury Bankstown Local Environmental Plan 2023.

PART 4 DIVISION 4.3 SECTION 4.15 (1)(B) THE LIKELY IMPACTS OF THAT DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY

Natural Environment Impacts

As previously discussed, the proposal seeks demolition of existing and construction of a centre based child care facility. The proposal seeks high quality landscape embellishment and has been designed with an appropriate finished floor level and stormwater disposal. In this regard, no unacceptable unreasonable natural environmental impacts are generated by this proposal.

Built Environment Impacts

The proposal is also considered to satisfy and meet the key objectives and intent and requirements of the planning controls and adopts a contemporary built form for this use which is compatible with the surrounding environment. In this regard, the proposal is not considered to result in any unacceptable unreasonable adverse built environment impacts.

Economic Impacts

The proposal is not considered to result in any unacceptable economic impacts given the proposed use as a centre based child care facility purpose of which forms a permissible use within the zone. The proposed use is considered form a reasonable outcome and generates economic activity with regards to construction works, direct employment in relation to operation such as staff and additional employment activity such as for cleaners, waste contractors, gardeners and the like.

Social Impacts

The proposal seeks to development consent for centre based child care facility. The proposal is not considered to result in any unacceptable social impacts by virtue of the design of the proposal and is compatible with the immediate surrounding context and aligns with the residential character of the area. The design has considered impacts to adjoining properties whereby windows have been offset and treated and acoustic screens placed along the boundaries. The hours of operation are considered to be reasonable and commensurate with that of other centre based child care facilities within metropolitan Sydney.

PART 4 DIVISION 4.3 SECTION 4.15 (1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Suitability of the site

The proposal is considered to be suitable for the subject site and forms a permissible use within the Canterbury Bankstown Local Environmental Plan 2023. The proposal is considered to be appropriate as the proposal adequately satisfies and does not offend the underlying objectives of the applicable planning controls as stated within this report.

PART 4 DIVISION 4.3 SECTION 4.15 (1)(E) THE PUBLIC INTEREST

Public Interest

The proposed development is considered to be in the public interest for the reasons contained within this report. As previously stated the proposal adequately satisfies the underlying planning objectives of the controls and results in a reasonable planning outcome for the site with no material adverse impacts to the immediate adjoining area.

PART C: CONCLUSION

The proposal is considered to be appropriate as the considerations against the Statutory provisions have been met. The proposal satisfies the Environmental Planning and Assessment Act 1979 (as amended), Environmental Planning and Assessment Regulation 2000 (as amended), State Environmental Planning Policy (Biodiversity And Conservation) 2021, 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.

Kind regards,

Mark Raymundo

BPlan (Hons) UNSW, MUDD UNSW,

Grad Cert (Project Management) UTS, Certificate Real Estate Practice TAFE

Principal

Maximus Developments Australia