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# STATEMENT OF ENVIRONMENTAL EFFECTS

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DA FOR INCREASE OF CHILDREN IN CHILDCARE CENTRE  
32 SUNNY CRESCENT, PUNCHBOWL NSW





Planning  
Institute  
Australia



ABN: 30 605 941 482  
PHONE: (02) 8706 9797  
EMAIL: [info@planzone.com.au](mailto:info@planzone.com.au)  
WEB: [planzone.com.au](http://planzone.com.au)  
POST: PO Box 3, Liverpool NSW 1871

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## LEGISLATION CHECKLIST

STATE ENVIRONMENTAL PLANNING POLICY	APPLICABLE?
SEPP NO 65 - DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT	N/A
SEPP (BUILDING SUSTAINABILITY INDEX: BASIX) 2004	N/A
SEPP (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008	N/A
SEPP (BIODIVERSITY AND CONSERVATION) 2021	✓
SEPP HOUSING 2021	N/A
SEPP (INDUSTRY AND EMPLOYMENT) 2021	N/A
SEPP (PLANNING SYSTEMS) 2021	N/A
SEPP (PRECINCTS - CENTRAL RIVER CITY) 2021	N/A
SEPP (PRECINCTS - EASTERN HARBOUR CITY) 2021	N/A
SEPP (PRECINCTS - REGIONAL) 2021	N/A
SEPP (PRECINCTS - WESTERN PARKLAND CITY) 2021	N/A
SEPP (PRIMARY PRODUCTION) 2021	N/A
SEPP (RESILIENCE AND HAZARDS) 2021	✓
SEPP (RESOURCES AND ENERGY) 2021	N/A
SEPP (TRANSPORT AND INFRASTRUCTURE) 2021	✓



# 1 INTRODUCTION

This Statement of Environmental Effects has been prepared to accompany the Development application (DA) to City of Canterbury-Bankstown Council seeking consent for the increase landscaping area, slight reconfiguration of car parking spaces and increase the number of children to a maximum of 35 children at 32 Sunny Crescent, Punchbowl.

This Statement of Environmental Effects has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act, 1979* (the Act) and Part 3 of the *Environmental Planning and Assessment Regulation, 2021* (the Regulation), and provides the following:

- Identifies any environmental impacts of the development;
- Indicates how any environmental impacts of the development have been identified;
- Outlines the steps to be taken to protect the environment or to lessen the expected harm to the environment; and
- Considers any matters required to be indicated by any guidelines issued by the Planning Secretary.

The existing development is defined as 'centre-based childcare facilities' which is a permissible development on land zoned R2 Low Density Residential under the Canterbury-Bankstown Local Environmental Plan 2023. This application seeks DA consent to increase number of children from development consent DA-77/2006/1 – Use of the site condition (50) '*The Childcare Centre shall be limited to a maximum of thirty (30) children aged between three (3) to six (6) years of age*'. As assessed in this statement, the existing unencumbered indoor and outdoor space is sufficient to accommodate 35 children on-site.

The site is not impacted by any easements or other site constraints that would restrict the application or otherwise render the site unsuitable for the development and accordingly, the subject site will be in the local and wider public interest.

The DA is made pursuant to Part 4 of the Act and is not Integrated or Designated Development under the provisions of the Act. The development has a Capital Investment Value of less than \$30 million and the application is not one that requires determination by the Local Planning Panel by Ministerial Direction issued under Section 9.1 of the Act as detailed below:

DEVELOPMENT	TRIGGER	✓/✗
1. Conflict of Interest	N/A	✗
2. Contentious Development	The consideration of submissions cannot be made at the time of preparing this Statement.	✗
3. Departure from Development Standards	The DA does not seek consent for a departure from a development standard under Clause 4.6 of the LEP.	✗
4. Sensitive Development	(a) The DA is not designated development. (b) The DA does not seek consent for a residential flat building. (c) The DA does not seek consent for demolition of a heritage item. (d) The DA is not for a licensed premises. (e) The DA is not for a sex-services or restricted premises. (f) The DA does not propose to enter into a planning agreement.	✗

TABLE 1: LOCAL PLANNING PANEL MINISTERIAL DIRECTION CRITERIA

Accordingly, Council is the consent authority for the purpose of determining the DA unless submissions are received that would trigger a requirement for the application to be referred to the Local Planning Panel for determination.

## LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



This Statement of Environmental Effects undertakes an assessment of the proposal against the requirements and the matters for consideration under Sections 1.7, 4.15 and 4.46 of the Act and should be read in conjunction with the plans and documents accompanying the application:

- Traffic Impact Assessment prepared by Fernway engineering;
- Architectural Plans prepared by I Designers; and
- Survey Plan prepared by Geo Point Surveyors;

## 2 THE SITE AND SURROUNDS

**ADDRESS:** 32 Sunny Crescent, Punchbowl

**LEGAL DESCRIPTION:** Lot 24 DP 15551

**ORIENTATION:** The subject site is located on the midway of Sunny Crescent, Punchbowl as illustrated below.

**LOCATION MAP:**



FIGURE 1: LOCATION MAP

**AERIAL MAP:**

**LEGEND:**

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY





FIGURE 2: AERIAL PHOTO

**EXISTING IM-  
PROVEMENTS:**

The existing sites currently comprises of two storey childcare centre under approved consent DA-77/2006/1. A photomontage illustrating the site, existing structures and surrounding uses are provided in Figures 3 to 5:



FIGURE 3: VIEW OF THE SUBJECT SITE FROM SUNNY CRESCENT

**LEGEND:**

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



FIGURE 4: VIEW OF SUNNY CRESCENT LOOKING SOUTH



FIGURE 5: VIEW OF SUNNY CRESCENT LOOKING NORTHWEST

**EXISTING VEGETATION:**

The subject site consistent of vegetation and trees proposed to be retained.

**DIMENSIONS:**

The subject premise is located on the site which are irregular allotment with boundaries as follows:

**LEGEND:**

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY





BOUNDARY	BOUNDARY LENGTH
EASTERN FRONT	31.025 metres
NORTHERN SIDE	40.565.36 metres
SOUTHERN SIDE	39.315 metres

TABLE 2: SITE DIMENSIONS AND AREAS OF THE EXISTING LOTS

**PAST USES AND DEVELOPMENT HISTORY:**

A review of Council's online DA Tracking system has revealed previous development history at the subject sites listed below.

Application number	Description	Lodged Date	Decision Date	Decision
DA-1921/2002	Demolition of Existing Dwelling and Construction of an Attached Dual Occupancy with Torrens Title Subdivision	24/12/2002	08/07/2003	Surrendered
DA-77/2006	Demolition of Existing Structures and Construction of a New Thirty (30) Place Childcare Centre	03/02/2006	13/02/2007	Approved
DA-77/2006/1	Demolition of Existing Structures and Construction of a New Thirty (30) Place Childcare Centre - S96(1a)	20/08/2007	13/09/2007	Approved
CC-628/2007	Demolition of Existing Structures	27/09/2007	23/09/2007	Approved

**LEGEND:**

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



	and Construction of a New Thirty (30) Place Childcare Centre.			
SUB-144/2009	88E Instrument	09/10/2009	20/11/2009	Approved.

A review of NSW Historical Aerial imagery has indicated that the subject site was vacant as off 1943 and became low density residential scale zone from 1955's – 1965's where it remains development within low density residential zone.

## 2.1 CONTEXT AND SURROUNDS

The subject site is located within an area zoned R2 Low Density Residential under the *Canterbury-Bankstown Local Environmental Plan 2023*. The surrounding land uses immediately adjoining and opposite the site comprise of low-density residential dwellings as detailed in Table 3 and illustrated in the figures below.

ADDRESS	LOCATION	EXISTING IMPROVEMENTS	FIGURE NO.
29 James Street	Opposite to the north	Single storey residential	Figure 6
30 Sunny Crescent	Adjoining to the east	Single storey residential	Figure 7
34 Sunny Crescent	Adjoining to the west	Single storey residential	Figure 8

TABLE 3: SURROUNDS AND CONTEXT



SOURCE: GOOGLE STREET VIEW  
DATE ACCESSED: 01/11/2023.

FIGURE 6: VIEW OF SUBJECT SITE NORTH AT 29 JAMES STREET

LEGEND:  
✓ COMPLIES  
✗ DOES NOT COMPLY  
S SATISFACTORY



FIGURE 7: VIEW OF SUBJECT SITE ADJOINING EAST AT 30 SUNNY CRESCENT



FIGURE 8: VIEW OF SUBJECT SITE ADJOINING EAST AT 34 SUNNY CRESCENT





## 3 THE PROPOSAL

### 3.1 DEVELOPMENT AND BUILT FORM SNAPSHOT

<b>DESCRIPTION:</b>	The subject DA seeks consent for the increase landscaping area, slight reconfiguration of car parking spaces and increase the number of children to a maximum of 35 children at 32 Sunny Crescent, Punchbowl.
<b>DEFINED LAND USE:</b>	<p><b>Centre-based childcare facility</b> means.</p> <p>(a) a building or place used for the education and care of children that provides any one or more of the following—</p> <ul style="list-style-type: none"> <li>(i) long day care,</li> <li>(ii) occasional child care,</li> <li>(iii) out-of-school-hours care (including vacation care),</li> <li>(iv) preschool care, or</li> </ul> <p>(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),</p> <p><b>Note—</b> An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.</p>
<b>SITE AREA:</b>	605.3 m <sup>2</sup>
<b>DEMOLITION:</b>	The application does not seek demolition or internal changes to the existing approved consent DA-77/2006/1.
<b>GROSS FLOOR AREA:</b>	<p><b>MAXIMUM GFA:</b> 223.3 m<sup>2</sup></p> <p><b>PROPOSED:</b> No changes to existing approved consent DA-77/2006/1.</p>
<b>FLOOR SPACE RATIO:</b>	<p><b>STANDARD:</b> 0.5:1</p> <p><b>PROPOSED:</b> No changes to existing approved consent DA-77/2006/1.</p>
<b>BUILDING HEIGHT:</b>	<p><b>STANDARD:</b> 9 metres</p> <p><b>PROPOSED:</b> No changes to existing approved consent DA-77/2006/1.</p>
<b>FRONT SETBACK:</b>	No changes to existing approved consent DA-77/2006/1.
<b>REAR SETBACK:</b>	No changes to existing approved consent DA-77/2006/1.
<b>SIDE SETBACKS:</b>	No changes to existing approved consent DA-77/2006/1.
<b>CAR PARKING:</b>	No changes to existing approved consent DA-77/2006/1 for 4 car park spaces
<b>VEHICULAR ACCESS:</b>	Existing 2 driveway's facilitating off-street car parking space.
<b>LANDSCAPED AREA:</b>	No changes to existing approved consent DA-77/2006/1.

TABLE 4: DEVELOPMENT AND BUILT FORM SNAPSHOT

### 3.2 CHILDCARE FACILITY OPERATIONAL DETAILS

<b>GROUND FLOOR INTERNAL LAYOUT</b>	No changes to existing approved consent DA-
<b>LEGEND:</b>	
✓ COMPLIES	
✗ DOES NOT COMPLY	
S SATISFACTORY	





(REFER TO GROUND FLOOR PLANS):	77/2006/1.			
OUTDOOR PLAY AREA:	Total outdoor area: 248.4 m <sup>2</sup>			
	AGE/ROOM	AREA	CAPACITY	
	3-year-old to 6-year-olds	248.4m <sup>2</sup>	35 children	
	TOTAL:	248.4m <sup>2</sup>	35 CHILDREN	
STAFFING:	AGE GROUP	CAPACITY	STAFF: CHILD	STAFF
	3-year-old to 6-year-olds	35 children	1:11	4
			Total:	4
			Existing:	4
HOURS OF OPERATION:	DAY	HOURS OF OPERATION		
	Mondays to Fridays	7.00 am to 6.00 pm.		
		No changes to existing approved consent DA-77/2006/1.		
	Saturdays	Not operational.		
	Sundays	Not operational.		
	Public Holidays	Not operational.		
CAR PARKING:	No changes to existing approved consent DA-77/2006/1. 4 on-site car parking spaces to be retained.			
DELIVERIES/LOADING & UNLOADING:	No changes to existing approved consent DA-77/2006/1. Loading and unloading of deliveries will occur during the operational hours of the existing facility and outside of peak drop-off and pick-up times utilising the existing loading/bin collection space.			
WASTE MANAGEMENT:	No changes to existing approved consent DA-77/2006/1.			
SIGNAGE:	No changes to existing approved consent DA-77/2006/1.			
PEDESTRIAN ACCESS:	No changes to existing approved consent DA-77/2006/1.			
VEHICULAR ACCESS:	2 separate vehicular access is retained on the frontage end of the site that services on-site parking.			

TABLE 5: CHILDCARE CENTRE OPERATIONAL DATA

## 4 PLANNING FRAMEWORK

Section 4.15 of the Environmental Planning and Assessment Act, 1979 (the Act) prescribes the following matters to be into consideration in the assessment of the subject application, under the respective headings within Sections 5, 6 and 7 of this Statement:

- Section 1.7 - Significant effect on threatened species, populations or ecological communities, or their habitats;
- Section 4.15 - Evaluation:
  - Section 4.15 (1)(a)(i) - The provisions of any Environmental Planning Instrument;

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



- Section 4.15(1)(a)(ii) - The provisions of any exhibited Draft Environmental Planning Instruments;
- Section 4.15(1)(a)(iii) - The provisions of any Development Control Plan;
- Section 4.15 (1)(a)(iia) - The provisions of any Planning Agreement entered into under s7.4 or proposed Planning Agreement;
- Section 4.15 (1)(a)(iv) - The provisions of the Regulations;
- Section 4.15(1)(b) - The likely environmental impacts on both the natural and built environments, and social and economic impacts of the development;
- Section 4.15 (1)(c) - The suitability of the site for the development;
- Section 4.15(1)(d) - Any submissions made in accordance with the Act or the regulations; and
- Section 4.15(1)(e) - The public interest.
- Section 4.46 - Integrated Development.

## 5 SECTION 1.7 EVALUATION EP&A ACT, 1979

Section 1.7 of the Act prescribes matters for consideration in determining whether a development is likely to have a significant effect on threatened species, populations or ecological communities, or their habitats. The relevant provisions from the Act are discussed below.

### 5.1 BIODIVERSITY CONSERVATION ACT, 2016

The development is not *likely to significantly affect threatened species* as required to be considered under Part 7 of the *Biodiversity Conservation Act, 2016*.

### 5.2 FISHERIES MANAGEMENT ACT, 1994

The development is not *likely to significantly affect threatened species, population or ecological community* as required to be considered under Part 7A of the *Fisheries Management Act, 1994*.

## 6 SECTION 4.15 EVALUATION EP&A ACT, 1979

### 6.1 SECTION 4.15(1)(A) OF THE EP&A ACT, 1979

#### (i) SECTION 4.15(1)(A)(I)

THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

The following environmental planning instruments are applicable to this DA as discussed below:

- State Environmental Planning Policy (Biodiversity and conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021; and
- Canterbury-Bankstown Local Environmental Plan 2023.

### STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

CHAPTERS	APPLICABLE?
<b>CURRENT VERSION FOR 2 MARCH 2023</b>	
CHAPTER 2: VEGETATION IN NON-RURAL AREAS	✓
CHAPTER 3: KOALA HABITAT PROTECTION 2020	N/A
CHAPTER 4: KOALA HABITAT PROTECTION 2021	N/A
CHAPTER 5: RIVER MURRAY LANDS	N/A
CHAPTER 6: WATER CATCHMENTS	✓
CHAPTER 7-12: REPEALED	N/A

#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



TABLE 6: BIODIVERSITY &amp; CONSERVATION SEPP APPLICABLE CHAPTERS

**CHAPTER 2: VEGETATION IN NON-RURAL AREAS**

Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (the Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The site is zoned R2 Low Density Residential. The application proposes no removal of existing trees. The site does not contain any existing vegetation of significance or native vegetation.

**CHAPTER 6: WATER CATCHMENTS**

An assessment of the development against the relevant matters in Chapter 6 of the Biodiversity & Conservation SEPP is provided in the table below:

SECT.	BIODIVERSITY & CONSERVATION SEPP CHAPTER 6 ASSESSMENT		✓/✗
PART 6.1: PRELIMINARY			
6.1	<i>Land to which Chapter applies</i>	The subject site is located within the Georges River Catchment.	✓
6.2	<i>Definitions</i>	Noted.	✓
6.3	<i>Relationship with other environmental planning instruments</i>	The development is permissible with consent.	✓
6.4	<i>Maps</i>	Noted.	✓
PART 6.2 DEVELOPMENT IN REGULATED CATCHMENTS			
DIVISION 1 PRELIMINARY			
6.5	<i>Definitions</i>	Noted	✓
DIVISION 2 CONTROLS ON DEVELOPMENT GENERALLY			
6.6	<i>Water quality and quantity</i>	The application will have a neutral effect on the quality of water entering any nearby waterway and will have no impact on water flow in any nearby natural waterbody.	✓
6.7	<i>Aquatic ecology</i>	The application will not have any direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation or aquatic reserves.	✓
6.8	<i>Flooding</i>	The subject site is not identified as flood prone.	✓
6.9	<i>Recreation and public access</i>	The application will not have any impact on recreational land uses in the regulated catchment. The development will not have any impact on public access to and around foreshores.	✓
6.10	<i>Total catchment management</i>	The application is not likely to have an adverse environmental impact on any adjacent or downstream local government area.	✓

## LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



SECT. BIODIVERSITY & CONSERVATION SEPP CHAPTER 6 ASSESSMENT			✓/✗
<b>DIVISION 3 CONTROLS ON DEVELOPMENT IN SPECIFIC AREAS</b>			
6.11	<i>Land within 100m of natural waterbody</i>	The subject site is not land within 100m of a natural waterbody.	N/A
6.12	<i>Riverine Scenic Areas</i>	The subject site is not land in a Riverine Scenic Area.	N/A
6.13	<i>Hawkesbury-Nepean conservation area sub-catchments</i>	The subject site is not land in a Hawkesbury-Nepean conservation area sub-catchment.	N/A
6.14	<i>Temporary use of land in Sydney Harbour Catchment</i>	The subject site is not land in the Sydney Harbour Catchment.	N/A
<b>DIVISION 4 CONTROLS ON DEVELOPMENT FOR SPECIFIC PURPOSES</b>			
6.15	<i>Aquaculture</i>	N/A	N/A
6.16	<i>Artificial waterbodies</i>	N/A	N/A
6.17	<i>Heavy and hazardous industries</i>	N/A	N/A
6.18	<i>Marinas</i>	N/A	N/A
6.19	<i>Moorings</i>	N/A	N/A
6.20	<i>On-site domestic sewerage systems</i>	N/A	N/A
6.21	<i>Stormwater management</i>	N/A	N/A
6.22	<i>Waste or resource management facilities</i>	N/A	N/A
6.23	<i>Demolition on certain land</i>	A local environmental plan that adopts the Standard Instrument applies to the land.	N/A
<b>PART 6.3 FORESHORES AND WATERWAYS AREA</b>			
<b>DIVISION 1 PRELIMINARY</b>			
6.24	<i>Application of Part</i>	This Part is not applicable as the land is not in and does not abut the Foreshores and Waterways Area.	N/A
<b>PART 6.4 HERITAGE CONSERVATION IN SYDNEY HARBOUR</b>			
6.51	<i>Application of Part</i>	This Part is not applicable as the land is not land located in the Sydney Harbour catchment.	N/A
<b>PART 6.5 SYDNEY DRINKING WATER CATCHMENT</b>			
6.58	<i>Objectives of Part</i>	This Part is not applicable as the land is not land located in the Sydney Drinking Water Catchment.	N/A

TABLE 7: BIODIVERSITY & CONSERVATION SEPP CHAPTER 6 ASSESSMENT

## CHAPTER 13: STRATEGIC CONSERVATION PLANNING

An assessment of the development against the relevant matters in Chapter 13 of the Biodiversity & Conservation SEPP is provided in the table below”:

LEGEND:  
 ✓ COMPLIES  
 ✗ DOES NOT COMPLY  
 S SATISFACTORY

STATEMENT OF ENVIRONMENTAL EFFECTS  
 DA FOR INCREASE OF CHILDREN IN CHILDCARE CENTRE  
 32 SUNNY CRESCENT, PUNCHBOWL





SECT. BIODIVERSITY & CONSERVATION SEPP CHAPTER 13 ASSESSMENT ✓/*		
<b>PART 13.1: PRELIMINARY</b>		
13.1	<i>Land to which Chapter applies</i>	The subject site is located on land to which the Chapter applies. ✓
<b>PART 13.2: DEVELOPMENT CONTROLS—GENERAL</b>		
13.6	<i>Koala fences and fauna crossings</i>	The application does not involve the erection, maintenance or application of a fauna crossing or koala fence. N/A
<b>PART 13.3: DEVELOPMENT CONTROLS—AVOIDED LAND</b>		
13.7	<i>Preservation of native vegetation on avoided land</i>	The subject site is not identified as “avoided land”. N/A
<b>PART 13.4: DEVELOPMENT CONTROLS—STRATEGIC CONSERVATION AREA</b>		
13.11	<i>Preservation of native vegetation in strategic conservation area</i>	The subject site is not identified as being located within a “strategic conservation area”. N/A
<b>PART 13.5: DEVELOPMENT ON CERTIFIED URBAN CAPABLE LAND</b>		
13.15	<i>Asset protection zones</i>	The application does not involve an asset protection zone on certified urban capable land. N/A
<b>PART 13.6: MISCELLANEOUS</b>		
13.17	<i>Relevant acquisition authority</i>	Noted. N/A
13.18	<i>Clearing for construction and maintenance of fences and farm tracks</i>	The subject site is not identified as being “avoided land” or “land in a strategic conservation area”. N/A

TABLE 8: BIODIVERSITY & CONSERVATION SEPP CHAPTER 13 ASSESSMENT

## STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

CHAPTERS	APPLICABLE?
<b>CURRENT VERSION FOR 21 NOVEMBER 2022</b>	
CHAPTER 2: COASTAL MANAGEMENT	N/A
CHAPTER 3: HAZARDOUS AND OFFENSIVE DEVELOPMENT	N/A
CHAPTER 4: REMEDIATION OF LAND	✓

TABLE 9: RESILIENCE & HAZARDS SEPP APPLICABLE CHAPTERS

## CHAPTER 4: REMEDIATION OF LAND

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Resilience

### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY

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DA FOR INCREASE OF CHILDREN IN CHILDCARE CENTRE  
32 SUNNY CRESCENT, PUNCHBOWL



& Hazards SEPP) contains planning controls for the remediation of contaminated land and states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.

The history of land uses for the site has been considered as an indicator for potential contamination of the site. NSW Historical Aerial Imagery indicates that the subject site has been a residential building since 1950s and remains today within residential zone. Therefore, there is no reason to suspect that the site may be contaminated. Existing approved consent DA-77/2006/1 addresses the contamination concerns relevant to subject site.

Council can be satisfied of its obligations under Section 4.6, Chapter 4 of the Resilience & Hazards SEPP that the application appropriately considers the potential for the site to be contaminated and conclude that the site is suitable for the proposed use without the need for any remediation.

## STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

CHAPTERS	APPLICABLE?
<b>CURRENT VERSION FOR 24 FEBRUARY 2023</b>	
CHAPTER 2: INFRASTRUCTURE	✓
CHAPTER 3: EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES	✓
CHAPTER 4: MAJOR INFRASTRUCTURE CORRIDORS	N/A
CHAPTER 5: THREE PORTS - PORT BOTANY, PORT KEMBLA & NEWCASTLE	N/A

TABLE 10: TRANSPORT & INFRASTRUCTURE SEPP APPLICABLE CHAPTERS

### CHAPTER 2: INFRASTRUCTURE

#### PART 2.3 - DIVISION 5 - ELECTRICITY TRANSMISSION OR DISTRIBUTION

#### SECTION 2.48: DETERMINATION OF DEVELOPMENT APPLICATIONS - OTHER DEVELOPMENT

Section 2.48 in Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the Transport & Infrastructure SEPP) identifies triggers which require the local electricity supply authority to be given written notice of a DA (or application) as identified below:

SECT.	TRANSPORT & INFRASTRUCTURE SEPP ELECTRICITY REFERRAL TRIGGERS	✓/✗
(1)(a)	<i>The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower.</i>	N/A
(1)(b)	<i>Development carried out-</i> <i>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i> <i>(ii) immediately adjacent to an electricity substation, or</i> <i>(iii) within 5m of an exposed overhead electricity power line.</i>	N/A
1(c)	<i>installation of a swimming pool any part of which is-</i> <i>(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</i> <i>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool.</i>	N/A
(1)(d)	<i>Development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</i>	N/A

TABLE 10: TRANSPORT & INFRASTRUCTURE SEPP ELECTRICITY REFERRAL TRIGGERS

#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



Given the above, the local electricity supply authority is not required to be given notice of the DA.

### PART 2.3 - DIVISION 15 - RAILWAYS

SECT.	TRANSPORT & INFRASTRUCTURE SEPP - RAILWAYS PROVISIONS		✓/✗
2.98	<i>Development Adjacent to Rail Corridors</i>	Is the land in or adjacent to a rail corridor?	N/A
2.99	<i>Excavation in, above, Below or adjacent to Rail Corridors</i>	Does the development involve at least 2 metres excavation below ground level within, below or above a rail corridor, or within 25 metres of a rail corridor?	N/A
2.100	<i>Impact of Rail Noise or Vibration on Non-Rail Development</i>	Is the development for any of the following purposes that is on land in or adjacent to a rail corridor: (a) residential accommodation, (b) a place of public worship, (c) a hospital, (d) an educational establishment or centre-based child care facility.	N/A

TABLE 11: TRANSPORT & INFRASTRUCTURE SEPP - RAILWAYS PROVISIONS

### PART 2.3 - DIVISION 17 - ROADS AND TRAFFIC

SECT.	TRANSPORT & INFRASTRUCTURE SEPP - ROADS & TRAFFIC PROVISIONS		✓/✗
2.119	<i>Development with frontage to classified road</i>	Does the site have a frontage to a Classified or Regional Road?	N/A
	(a) where practicable and safe, is vehicular access to the land is provided by a road other than the classified road?		N/A
	(b) Will the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land?		N/A
	(c) Is the development is of a type that is sensitive to traffic noise or vehicle emissions?		N/A
2.120	<i>Impact of road noise or vibration on non-road development</i>	Does the street have an AADT exceeding 20,000 vehicles?	✓
	Is the development for any of the following? (a) residential accommodation, (b) a place of public worship, (c) a hospital, (d) an educational establishment or centre-based child care facility.		✗
2.122	<i>Traffic generating development</i>	Is the development a traffic generating development specified in Column 1 of the Table to Schedule 3?	✗

TABLE 12: TRANSPORT & INFRASTRUCTURE SEPP - ROADS AND TRAFFIC PROVISIONS

## CHAPTER 3: EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES

The existing development has been assessed against the Transport & Infrastructure SEPP and

#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



accompanying *Childcare Guidelines* and *National Regulations* which contains development controls for the siting, amenity, configuration and environment of Centre Based Child Care Facilities development proposals. The SEPP aims, amongst other commitments, 'to streamline the planning system for education and childcare facilities including changes to exempt and complying development'.

SEPP (TRANSPORT AND INFRASTRUCTURE) 2021			
SECT	CONTROL	PROPOSED	✓/✗
<b>PART 2.3 - EARLY CHILDHOOD EDUCATION AND CARE FACILITIES - SPECIFIC DEVELOPMENT CONTROLS</b>			
<b>3.22</b>	<b>Centre-based childcare - concurrence of Regulatory Authority required for certain development</b> <i>This clause applies to development for the purpose of centre-based childcare if:</i> (a) <i>the floor area of the building or place does not comply with clause 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or</i> (b) <i>the outdoor space requirements for the building or place do not comply with clause 108 (outdoor unencumbered space requirements) of those Regulations.</i>	The proposal complies with the indoor and outdoor unencumbered space requirements of the Education and Care Services National Regulations.  Refer to assessment within this statement for further details.	✓
<b>3.23</b>	<b>Centre-based child care - matters for consideration by consent authorities</b> <i>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.</i>	The provisions of the <i>Child Care Planning Guideline</i> have been taken into consideration for this application.	✓
<b>3.24</b>	<b>Centre-based child care in Zone IN1 or IN2 - additional matters for consideration by consent authorities</b>	The subject site is zoned R2 Low Density Residential and so this Clause does not apply to the site.	N/A
<b>3.25</b>	<b>Centre-based child care facility - floor space ratio</b> (1) <i>Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.</i> (2) <i>This clause does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.</i>	No changes to the approved development consent DA-77/2006/1.	✓
<b>3.26 (2)</b>	<b>Centre-based child care - non-discretionary development standards</b> <b>(a) Location</b> <i>The development may be located at any distance from an existing or proposed early childhood education and care facility.</i>	No changes to the approved development consent DA-77/2006/1.	✓
<b>3.26 (2)</b>	<b>(b) Indoor or outdoor space</b> <i>for development to which clause 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</i>	Refer to Child Care Facility Operational detailing indoor and outdoor unencumbered outdoor space.	✓

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY





SEPP (TRANSPORT AND INFRASTRUCTURE) 2021			
SECT	CONTROL	PROPOSED	✓/✖
	<i>complies with the requirements of those clauses, or</i>		
3.26 (2)	<b>(c) Site area, site coverage and site dimensions</b> <i>The development may be located on a site of any size, cover any part of the site and have any length of street frontage or any allotment depth.</i>	Noted. The site area, site coverage and site dimensions are appropriate for child care facility.	✓
3.26 (2)	<b>(d) Colour of building materials or shade structures</b> <i>The development may be of any colour or colour scheme unless it is a heritage item or in a heritage conservation area.</i>	The subject site is not identified as a Heritage Item nor located in a Heritage Conversation Area.  No changes to the approved development consent DA-77/2006/1.	✓
3.26 (3)	<b>To remove doubt, this clause does not prevent a consent authority from:</b> (a) <i>refusing a development application in relation to a matter not specified in subclause (2), or</i> (b) <i>granting development consent even though any standard specified in subclause (2) is not complied with.</i>	Noted.	✓
3.27	<b>Centre-based child care - development control plans</b> (1) <i>A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of centre-based child care:</i> (a) <i>glazed areas,</i> (b) <i>operational or management plans or arrangements (including hours of operation),</i> (c) <i>demonstrated need or demand for child care services,</i> (d) <i>proximity of facility to other early childhood education and care facilities,</i> (e) <i>fencing,</i> (f) <i>laundry and hygiene facilities,</i> (g) <i>indoor space requirements,</i> (h) <i>outdoor space requirements (including natural environment and shade),</i> (i) <i>toilet and hygiene facilities,</i> (j) <i>ventilation and natural light,</i> (k) <i>administrative space,</i> (l) <i>nappy change facilities,</i> (m) <i>any matter provided for in the Child Care Planning Guideline,</i> (n) <i>any other matter relating to development for the purpose of centre-based child care for which provision is made by or under the Children (Education and Care Services) National Law (NSW) or the Children (Education and Care Services)</i>	No changes to the approved development consent DA-77/2006/1.	✓

LEGEND:

- ✓ COMPLIES
- ✖ DOES NOT COMPLY
- S SATISFACTORY



SEPP (TRANSPORT AND INFRASTRUCTURE) 2021			
SECT	CONTROL	PROPOSED	✓/✗
Supplementary Provisions Act 2011. (2) This clause applies regardless of when the development control plan was made.			
3.28	Mobile child care - exempt development	N/A	N/A
3.29	Temporary emergency relocation of early education and child care facility—exempt development	N/A	N/A
3.30	Home-based child care-exempt development Development carried out by or on behalf of any person for the purpose of home-based child care is exempt development for the purposes of this Policy if it is not carried out on bush fire prone land.	No changes to the approved development consent DA-77/2006/1.	N/A
3.31	Home-based childcare-complying development	No changes to the approved development consent DA-77/2006/1.	N/A
3.32	Out-of-school hours care at existing universities-complying development	N/A	N/A
3.33	Out-of-school hours care at existing TAFE establishments-complying development	N/A	N/A

TABLE 13: TRANSPORT & INFRASTRUCTURE SEPP COMPLIANCE TABLE

## CHILDCARE PLANNING GUIDELINE

An assessment against the Childcare Planning Guideline is provided below:

CHILDCARE PLANNING GUIDELINE COMPLIANCE TABLE			
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗
<b>PART 2 - DESIGN QUALITY PRINCIPLES</b>			
P1 - P7	<b>Principle 1 - Context</b> <b>Principle 2 - Built Form</b> <b>Principle 3 - Adaptive learning spaces</b> <b>Principle 4 - Sustainability</b> <b>Principle 5 - Landscape</b> <b>Principle 6 - Amenity</b> <b>Principle 7 - Safety</b>	<p>No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient outdoor and indoor unencumbered space. The amended increase in landscape area shall accommodate sufficient outdoor area of 35 children proposed.</p> <p>The existing development responds to the surrounding context by optimising nearby transportation and will enhance the qualities and identity of the adjacent sites, streetscapes and neighbourhood.</p> <p>The layout for the Centre has inclusive learning spaces to cater for all children and different modes of learning. This is achieved by having sufficient indoor and outdoor spaces for child interaction and learning.</p> <p>Landscaping is integrated with the existing development and</p>	✓

**LEGEND:**

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



CHILDCARE PLANNING GUIDELINE COMPLIANCE TABLE			
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗
		<p>contributes to the amenity of the site. The outdoor play area and the playground area offers opportunities for interaction and learning by providing diversity in function and use, age-appropriateness and amenity such as solar access and shade devices.</p> <p>The existing Centre will maintain the efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility as approved under consent DA-77/2006/1.</p> <p>The existing Centre will optimise the use of the built and natural environment for learning and play. The development will not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The proposal includes openings on the street facing façade that will overlook the street and public domain which will activate the street frontage and provide opportunity for surveillance and increased security.</p> <p>The existing built form is constructed from durable materials that will require low levels of maintenance and ensure the development continues to appear cared for and safe for children.</p>	

## PART 3 - MATTERS FOR CONSIDERATION

### 3.1 SITE SELECTION AND LOCATION

**Objective: To ensure that appropriate zone considerations are assessed when selecting a site.**

<b>C1</b>	<p>For proposed developments in or adjacent to a residential zone, particularly if that zone is for low density residential uses consider:</p> <ul style="list-style-type: none"> <li>the acoustic and privacy impacts of the proposed development on the residential properties</li> <li>the setbacks and siting of buildings within the residential context</li> <li>visual amenity impacts (e.g. additional building bulk and overshadowing, local character)</li> <li>traffic and parking impacts of the proposal on residential amenity and road safety</li> </ul>	<p>The site is located in a R2 Low Density Residential zone. No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.</p>	✓
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**Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.**

<b>C2</b>	<p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> <li>the location and surrounding uses are compatible with the proposed development or use</li> <li>the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</li> </ul>	<p>No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient</p>	✓
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#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



CHILDCARE PLANNING GUIDELINE COMPLIANCE TABLE			
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗
	<ul style="list-style-type: none"> <li>there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed</li> <li>the characteristics of the site are suitable for the scale and type of development proposed having regard to:               <ul style="list-style-type: none"> <li>length of street frontage, lot configuration, dimensions and overall size</li> <li>number of shared boundaries with residential properties</li> </ul> </li> <li>the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</li> <li>where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use.</li> <li>Where the proposal relates to any heritage item, the development should retain its historic character and conserve significant fabric, setting or layout of the item.</li> <li>there are suitable and safe drop off and pick up areas, and off and on street parking</li> <li>the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use</li> <li>the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities</li> </ul> <p>it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</p>	unencumbered space.	
<b>Objective: To ensure that sites for child care facilities are appropriately located.</b>			
C3	<p>A child care facility should be located:</p> <ul style="list-style-type: none"> <li>near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> <li>near or within employment areas, town centres, business centres, shops</li> <li>with access to public transport including rail, buses, ferries</li> <li>in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.</li> </ul>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓
<b>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</b>			
C4	<p>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <li>proximity to:               <ul style="list-style-type: none"> <li>heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>LPG tanks or service stations</li> <li>water cooling and water warming systems</li> <li>odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses</li> <li>extractive industries, intensive agriculture, agricultural spraying activities</li> </ul> </li> </ul>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	N/A

**LEGEND:**

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY





## CHILDCARE PLANNING GUIDELINE COMPLIANCE TABLE

REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗
	<ul style="list-style-type: none"> <li>any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.</li> </ul>		

### 3.2 LOCAL CHARACTER, STREETScape AND THE PUBLIC DOMAIN INTERFACE

**Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.**

<b>C5</b>	<p>The proposed development should:</p> <ul style="list-style-type: none"> <li>contribute to the local area by being designed in such a way to respond to the character of the locality and existing streetscape</li> <li>reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>recognise and respond to predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>include design and architectural treatments that respond to and integrate with the existing streetscape and local character</li> <li>use landscaping to positively contribute to the streetscape and neighbouring and neighbourhood amenity</li> </ul> <p>integrate car parking into the building and site landscaping design in residential areas</p>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓
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**Objective: To ensure clear delineation between the child care facility and public spaces.**

<b>C6</b>	<p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>fencing to ensure safety for children entering and leaving the facility</li> <li>windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</li> <li>integrating existing and proposed landscaping with fencing.</li> </ul>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓
<b>C7</b>	<p>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>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓
<b>C8</b>	<p>Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> <li>clearly defined street access, pedestrian paths and building entries</li> <li>low fences and planting which delineate communal/ private open space from adjoining public open space</li> <li>minimal use of blank walls and high fences.</li> </ul>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	N/A

**Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.**

<b>C9</b>	<p>Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓
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#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



## CHILDCARE PLANNING GUIDELINE COMPLIANCE TABLE

REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗
C10	<i>High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</i>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓

### 3.3 BUILDING ORIENTATION, ENVELOPE AND BUILDING DESIGN AND ACCESSIBILITY

**Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.**

C11	<p><i>Orient a development on a site and design the building layout to:</i></p> <ul style="list-style-type: none"> <li>• ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by:</li> <li>• facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</li> <li>• placing play equipment away from common boundaries with residential properties</li> <li>• locating outdoor play areas away from residential dwellings and other sensitive uses</li> <li>• optimise solar access to internal and external play areas</li> <li>• avoid overshadowing of adjoining residential properties</li> <li>• minimise cut and fill</li> <li>• ensure buildings along the street frontage define the street by facing it</li> <li>• ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul>	<p>The subject site benefits from good orientation, wherein the existing built form and outdoor spaces allow for visual privacy and minimal noise impacts to the adjoining neighbours whilst achieving optimal solar access.</p> <p>No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.</p>	✓
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**Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.**

C12	<p><i>The following matters may be considered to minimise the impacts of the proposal on local character:</i></p> <ul style="list-style-type: none"> <li>• building height should be consistent with other buildings in the locality</li> <li>• building height should respond to the scale and character of the street</li> <li>• setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>• setbacks should provide adequate access for building maintenance</li> <li>• setbacks to the street should be consistent with the existing character.</li> </ul>	<p>The development is adjoined by residential properties on all the sides.</p> <p>No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.</p>	✓
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**Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.**

C13	<i>Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</i>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓
C14	<i>On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</i>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓

#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



CHILDCARE PLANNING GUIDELINE COMPLIANCE TABLE			
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗

**Objective: To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.**

<b>C15</b>	<p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> <li>• respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</li> <li>• contributes to the identity of the place</li> <li>• retains and reinforces existing built form and vegetation where significant</li> <li>• considers heritage within the local neighbourhood including identified heritage items and conservation areas</li> <li>• responds to its natural environment including local landscape setting and climate</li> <li>• contributes to the identity of place.</li> </ul>	The existing built form contributes to the character of the area, including physical context with adjacent built forms and streetscape.	
		No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓

**Objective: To ensure that buildings are designed to create safe environments for all users.**

<b>C16</b>	<p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>• located to allow ease of access, particularly for pedestrians</li> <li>• directly accessible from the street where possible</li> <li>• directly visible from the street frontage</li> <li>• easily monitored through natural or camera surveillance</li> <li>• not accessed through an outdoor play area.</li> </ul> <p>in a mixed-use development, clearly defined and separate from entrances to other uses in the building.</p>	The site is not identified as a heritage item, is not located within the vicinity of any heritage items and is not located within a Heritage Conservation Area.	✓
		No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓

**Objective: To ensure that child care facilities are designed to be accessible by all potential users.**

<b>C17</b>	<p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• providing accessibility to and within the building in accordance with all relevant legislation</li> <li>• linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry</li> <li>• providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</li> <li>• minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul> <p>Note: The National Construction Code and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	
			✓

### 3.4 LANDSCAPING

**Objective: To provide landscape design that contributes to the streetscape and amenity.**

<b>C18</b>	<p>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> <li>• reflecting and reinforcing the local context</li> <li>• incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities</li> </ul>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓
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#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



CHILDCARE PLANNING GUIDELINE COMPLIANCE TABLE			
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗
	into landscaping.		
<b>C19</b>	<p><i>Incorporate car parking into the landscape design of the site by:</i></p> <ul style="list-style-type: none"> <li><i>planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</i></li> <li><i>taking into account streetscape, local character and context when siting car parking areas within the front setback</i></li> <li><i>using low level landscaping to soften and screen parking areas.</i></li> </ul>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓
<b>3.5 VISUAL AND ACOUSTIC PRIVACY</b>			
<b>Objective: To protect the privacy and security of children attending the facility.</b>			
<b>C20</b>	Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	The existing Centre is not a mixed-use development.	✓
<b>C21</b>	<p><i>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</i></p> <ul style="list-style-type: none"> <li><i>appropriate site and building layout</i></li> <li><i>suitably locating pathways, windows and doors</i></li> <li><i>permanent screening and landscape design.</i></li> </ul>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓
<b>Objective: To minimise impacts on privacy of adjoining properties.</b>			
<b>C22</b>	<p><i>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</i></p> <ul style="list-style-type: none"> <li><i>appropriate site and building layout</i></li> <li><i>suitable location of pathways, windows and doors</i></li> <li><i>landscape design and screening.</i></li> </ul>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓
<b>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</b>			
<b>C23</b>	<p><i>A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</i></p> <ul style="list-style-type: none"> <li><i>provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</i></li> <li><i>ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.</i></li> </ul>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓
<b>C24</b>	<p><i>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</i></p> <ul style="list-style-type: none"> <li><i>identify an appropriate noise level for a child care facility located in residential and other zones</i></li> <li><i>determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</i></li> <li><i>determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</i></li> </ul>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓
<b>3.6 NOISE AND AIR POLLUTION</b>			
<b>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</b>			
<b>C25</b>	<p><i>Adopt design solutions to minimise the impacts of noise, such as:</i></p> <ul style="list-style-type: none"> <li><i>creating physical separation between buildings and</i></li> </ul>	No changes to the approved development consent DA-77/2006/1	✓

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



CHILDCARE PLANNING GUIDELINE COMPLIANCE TABLE			
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗
	<p><i>the noise source</i></p> <ul style="list-style-type: none"> <li>• <i>orienting the facility perpendicular to the noise source and where possible buffered by other uses</i></li> <li>• <i>using landscaping to reduce the perception of noise</i></li> <li>• <i>limiting the number and size of openings facing noise sources</i></li> <li>• <i>using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</i></li> <li>• <i>using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</i></li> <li>• <i>locating cot rooms, sleeping areas and play areas away from external noise sources.</i></li> </ul>	only for increase of children accommodated by sufficient unencumbered space.	
<b>C26</b>	<p>An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> <li>• on industrial zoned land</li> <li>• where the ANEF contour is between 20 and 25, consistent with AS 2021 - 2000</li> <li>• along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>• on a major or busy road</li> <li>• other land that is impacted by substantial external noise.</li> </ul>	<p>No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.</p> <p>The site is not situated in a industrial zone ✗</p> <p>The site is situated within ANEF contour ✗</p> <p>The site is not situated within a mass transit corridor ✗</p> <p>The site is not situated on major road ✗</p> <p>The site is not situated on land impacted by substantial external noise ✗</p>	<p>✓</p>
<p><b>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</b></p>			
<b>C27</b>	<p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓
<b>C28</b>	<p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> <li>• creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution</li> <li>• using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway</li> <li>• incorporating ventilation design into the design of the facility.</li> </ul>	No changes to the approved development consent DA-77/2006/1 only for increase of children accommodated by sufficient unencumbered space.	✓

**LEGEND:**

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY





CHILDCARE PLANNING GUIDELINE COMPLIANCE TABLE													
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗										
3.7 HOURS OF OPERATION													
Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.													
C29	Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7:00am to 7:00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	<div>The existing hours of operation are as follows:</div> <table><tr><th>DAY</th><th>HOURS</th></tr><tr><td>Mon - Fri</td><td>7.00 am to 6.00 pm</td></tr><tr><td>Sat</td><td>Not Operation</td></tr><tr><td>Sun</td><td>Not Operation</td></tr><tr><td>Public Holiday</td><td>Not Operation</td></tr></table>	DAY	HOURS	Mon - Fri	7.00 am to 6.00 pm	Sat	Not Operation	Sun	Not Operation	Public Holiday	Not Operation	✓
DAY	HOURS												
Mon - Fri	7.00 am to 6.00 pm												
Sat	Not Operation												
Sun	Not Operation												
Public Holiday	Not Operation												
C30	Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	The existing Centre is located in R2 Low Density Residential zone.	✓										
3.8 TRAFFIC, PARKING AND PEDESTRIAN CIRCULATION													
Objective: To provide parking that satisfies the needs of users and demand generated by the centre and to minimise conflicts between pedestrians and vehicles.													
C31	<div>Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</div> <div>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</div> <div>Within 400 metres of a railway or Metro station within Greater Sydney:</div> <ul style="list-style-type: none"><li>• 1 space per 10 children</li><li>• 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</li></ul> <div>In other areas:</div> <ul style="list-style-type: none"><li>• 1 space per 4 children.</li></ul> <div>A reduction in car parking rates may be considered where:</div> <ul style="list-style-type: none"><li>• the proposal is an adaptive reuse of a heritage item</li><li>• the site is in a B8 Metropolitan Zone or other high-density business or residential zone</li><li>• the site is in proximity to high frequency and well connected public transport</li><li>• the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, public or commercially operated car parks)</li><li>• there is sufficient on street parking available at appropriate times within proximity of the site.</li></ul>	No changes to the approved development consent DA-77/2006/1.	✓										
C32	In commercial or industrial zones and mixed-use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	No changes to the approved development consent DA-77/2006/1	✓										
C33	A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:	No changes to the approved development consent DA-77/2006/1	✓										

**LEGEND:**

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



CHILDCARE PLANNING GUIDELINE COMPLIANCE TABLE			
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗
	<ul style="list-style-type: none"> <li>the amenity of the surrounding area will not be affected</li> <li>there will be no impacts on the safe operation of the surrounding road network.</li> </ul>		
<b>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</b>			
C33	<p>Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> <li>a classified road</li> <li>roads which carry freight traffic or transport dangerous goods or hazardous materials.</li> </ul> <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> <li>the prevailing traffic conditions</li> <li>pedestrian and vehicle safety including bicycle movements</li> <li>the likely impact of the development on traffic.</li> </ul>	Not applicable as the subject site fronts a local road.	N/A
C35	Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	N/A	N/A
<b>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</b>			
C36	<p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> <li>separate pedestrian access from the car park to the facility</li> <li>defined pedestrian crossings and defined/ separate paths included within large car parking areas</li> <li>separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>pedestrian paths that enable two prams to pass each other</li> <li>delivery, loading and vehicle turnaround areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> <li>in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas</li> <li>vehicles can enter and leave the site in a forward direction.</li> </ul>	No changes to the approved development consent DA-77/2006/1.	✓
C37	<p>Mixed use developments should include:</p> <ul style="list-style-type: none"> <li>driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks</li> <li>drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site</li> <li>parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</li> </ul>	The existing Centre is located in a R2 Low Density Residential zone. So, this clause is not applicable.	N/A
C38	<p>Car parking design should:</p> <ul style="list-style-type: none"> <li>include a child safe fence to separate car parking areas from the building entrance and play areas</li> <li>provide clearly marked accessible parking as close as possible to the primary entrance to the building in</li> </ul>	No changes to the approved development consent DA-77/2006/1.	✓

**LEGEND:**

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



CHILDCARE PLANNING GUIDELINE COMPLIANCE TABLE			
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗
	accordance with appropriate Australian Standards		
	• include wheelchair and pram accessible parking.		

TABLE 14: CHILD CARE PLANNING GUIDELINES COMPLIANCE TABLE

## EDUCATION AND CARE SERVICES NATIONAL REGULATIONS

The following table provides an assessment of the proposal against the provisions of the *Education and Care Services National Regulations*:

NATIONAL REGULATIONS COMPLIANCE TABLE			
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗

### PART 4. APPLYING THE NATIONAL REGULATIONS TO DEVELOPMENT PROPOSALS

#### DIVISION 1 CENTRE-BASED SERVICES AND FAMILY DAY CARE SERVICES

4.1

Indoor Space requirements

Regulation 107

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.

If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.

Design guidance

Verandahs as indoor space:

For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space (refer to Figure 1).

Storage:

Storage areas including joinery units are not to be included in the calculation of indoor space. To achieve a functional unencumbered area free of clutter, storage areas need to be considered when designing and calculating the spatial requirements of the facility. It is recommended that a childcare facility provide:

- a minimum of 0.3m<sup>3</sup> per child of external storage space
- a minimum of 0.2m<sup>3</sup> per child of internal storage space.

Storage does not need to be in a separate room or screened, and there should be a mixture of safe shelving and storage that children can access independently.

Storage of items such as prams, bikes and scooters should be located adjacent to the building entrance.

Where an external laundry service is used, storage and collection points for soiled items should be in an area with separate external access, away from children. This will prevent clothes being carried through public areas and reduce danger to children during drop off and collection of laundry.

Laundry and hygiene facilities

Regulation 106

Education and Care Services National Regulations

Design guidance

Laundry and hygiene facilities are a key consideration for education and care service premises. The type of laundry facilities provided must be appropriate to the age of children accommodated.

On site laundry:

AGE

NO. OF CHILDREN

REQUIRED AREA (M<sup>2</sup>)

EXISTING AREA (M<sup>2</sup>)

3 >

35 children

113.75 m<sup>2</sup>

114.0 m<sup>2</sup>

As detailed above, the calculation of the unencumbered indoor spaces has been undertaken in accordance with the specific requirement. All playrooms comply with and exceed the minimum required areas.

✓

4.2

No changes to the approved development consent DA-77/2006/1.

✓

#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



NATIONAL REGULATIONS COMPLIANCE TABLE			
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗
	<p><i>On site laundry facilities should contain:</i></p> <ul style="list-style-type: none"> <li>• a washer or washers capable of dealing with the heavy requirements of the facility</li> <li>• a dryer</li> <li>• laundry sinks</li> <li>• adequate storage for soiled items prior to cleaning</li> <li>• an on-site laundry cannot be calculated as useable unencumbered play space for children (refer to Figure 2).</li> </ul> <p><u>External laundry service:</u></p> <p>A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.</p>		
4.3	<p><b>Toilet and hygiene facilities</b></p> <p>Regulation 109</p> <p>Education and Care Services National Regulations</p> <p><b>Design guidance</b></p> <p>Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants (refer to Figure 3). Design considerations could include:</p> <ul style="list-style-type: none"> <li>• junior toilet pans, low level sinks and hand drying facilities for children</li> <li>• a sink and handwashing facilities in all bathrooms for adults</li> <li>• direct access from both activity rooms and outdoor play areas</li> <li>• windows into bathrooms and cubicles without doors to allow adequate supervision by staff</li> <li>• external windows in locations that prevent observation from neighbouring properties or from side boundaries.</li> </ul>	No changes to the approved development consent DA-77/2006/1.	✓
4.4	<p><b>Ventilation and natural light</b></p> <p>Regulation 110</p> <p>Education and Care Services National Regulations</p> <p><b>Design guidance</b></p> <p><u>Ventilation:</u></p> <p>Good ventilation can be achieved through a mixture of natural cross ventilation and air conditioning. Encouraging natural ventilation is the basis of sustainable design; however, there will be circumstances where mechanical ventilation will be essential to creating ambient temperatures within a facility.</p> <p>To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.</p> <p><u>Natural light:</u></p> <p>Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions.</p> <p>Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:</p> <ul style="list-style-type: none"> <li>• providing windows facing different orientations</li> <li>• using skylights as appropriate</li> </ul>	No changes to the approved development consent DA-77/2006/1.	✓

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



NATIONAL REGULATIONS COMPLIANCE TABLE			
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗
	<ul style="list-style-type: none"> <li>ceiling heights.</li> </ul> <p>Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.</p>		
4.5	<p><b>Administrative space</b></p> <p>Regulation 111</p> <p>Education and Care Services National Regulations</p> <p><b>Design guidance</b></p> <p>Design considerations could include closing doors for privacy and glass partitions to ensure supervision.</p> <p>When designing administrative spaces, consideration should be given to functions which can share spaces and those which cannot (refer Figure 4).</p> <p>Administrative spaces should be designed to ensure equitable use by parents and children at the facility. A reception desk may be designed to have a portion of it at a lower level for children or people in a wheelchair.</p>	No changes to the approved development consent DA-77/2006/1.	✓
4.6	<p><b>Nappy change facilities</b></p> <p>Regulation 112</p> <p>Education and Care Services National Regulations</p> <p><b>Design guidance</b></p> <p>In circumstances where nappy change facilities must be provided, design considerations should include:</p> <ul style="list-style-type: none"> <li>properly constructed nappy changing bench or benches</li> <li>a bench type baby bath within one metre from the nappy change bench</li> <li>the provision of dedicated hand cleansing facilities for adults in the immediate vicinity of the nappy change area</li> <li>a space to store steps</li> <li>positioning to enable adequate supervision of the activity and play areas.</li> </ul>	No changes to the approved development consent DA-77/2006/1.	✓
4.7	<p><b>Premises designed to facilitate supervision</b></p> <p>Regulation 115</p> <p>Education and Care Services National Regulations</p> <p><b>Design guidance</b></p> <p>Design considerations should include:</p> <ul style="list-style-type: none"> <li>solid walls in children's toilet cubicles (but no doors) to provide dignity whilst enabling supervision</li> <li>locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties</li> <li>avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children</li> <li>avoiding multi-level rooms which compromise, or require additional staffing, to ensure adequate supervision. If multi-level spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities (refer to Figures 5, 6 and 7).</li> </ul>	No changes to the approved development consent DA-77/2006/1.	✓
4.8	<p><b>Emergency and evacuation procedures</b></p> <p>Regulations 97 and 168</p> <p>Education and Care Services National Regulations</p> <p><b>Design guidance</b></p> <p>Facility design and features should provide for the safe and managed evacuation of children and staff from the</p>	No changes to the approved development consent DA-77/2006/1.	✓

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY





NATIONAL REGULATIONS COMPLIANCE TABLE			
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗
	<p>facility in the event of a fire or other emergency.</p> <p>Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:</p> <ul style="list-style-type: none"> <li>• independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations</li> <li>• a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation.</li> </ul> <p>An emergency and evaluation plan should be submitted with a DA and should consider::</p> <ul style="list-style-type: none"> <li>• the mobility of children and how this is to be accommodated during an evacuation</li> <li>• the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings</li> <li>• how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.</li> </ul>		

## PART B. EXTERNAL PHYSICAL ENVIRONMENT

4.9	<p><b>Outdoor space requirements</b></p> <p>Regulation 108</p> <p>Education and Care Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space.</p> <p><b>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</b></p> <p><b>Design guidance</b></p> <p>Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play (refer to Figure 9 and 10).</p> <p>When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.</p> <p><u>Verandahs (covered outdoor space) as outdoor space:</u></p> <p>Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> <li>• be open on at least one third of its perimeter</li> <li>• have a clear height of 2.1 metres</li> <li>• have a wall height of less than 1.4 metres where a wall with an opening forms verandah perimeter</li> <li>• have adequate flooring and roofing</li> <li>• be designed to provide adequate protection from the elements (refer to Figure 8).</li> </ul> <p><u>Simulated outdoor environments:</u></p> <p>Proponents should aim to provide the requisite amount of unencumbered outdoor space in all development applications.</p> <p>A service approval will only be granted in exceptional circumstances when outdoor space requirements are not met. For an exemption to be granted, the preferred alternate solution is that indoor space be designed as a</p>	<p>The application provides an unencumbered space for outdoor area equating to 248.4m<sup>2</sup></p> <p>The calculation of the unencumbered outdoor spaces has been undertaken in accordance with the specific requirements.</p> <p>The existing Child Care facility will provide a total outdoor play area that can accommodate a maximum of 35 children at any one time.</p> <p>Under the requirements of the <i>Education and Care Services National Regulations</i>, the approved provider of an education and care service must ensure that for each child being educated and cared for by the service, the education and care service premises has at least 7m<sup>2</sup> of unencumbered outdoor space.</p> <p>The application proposes an unencumbered space for outdoor areas equating to 248.4m<sup>2</sup>, this will result in each child receiving more than 7m<sup>2</sup> of unencumbered outdoor play space. The proposed application of the landscaping provides opportunity to accommodate 35 children.</p>	✓

### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



NATIONAL REGULATIONS COMPLIANCE TABLE			
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗
	<p><i>simulated outdoor environment.</i></p> <p><i>Simulated outdoor space must be provided in addition to indoor space and cannot be counted twice when calculating areas.</i></p> <p><i>Simulated outdoor environments are internal spaces that have all the features and experiences and qualities of an outdoor space. They should promote the same learning outcomes that are developed during outdoor play. Simulated outdoor environments should have:</i></p> <ul style="list-style-type: none"> <li><i>• more access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of the sky and clouds and movement outside the facility</i></li> <li><i>• skylights to give a sense of the external climate</i></li> <li><i>• a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment</i></li> <li><i>• sand pits and water play areas</i></li> <li><i>• furniture made of logs and stepping logs</i></li> <li><i>• dense indoor planting and green vegetated walls</i></li> <li><i>• climbing frames, walking and/or bike tracks</i></li> <li><i>• vegetable gardens and gardening tubs.</i></li> </ul>		
	<p><b>Natural environment</b></p> <p>Regulation 113</p> <p>Education and Care Services National Regulations</p> <p><b>Design guidance</b></p> <p><i>Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space.</i></p> <p><i>Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health and safety of the centre's occupants, such as those which:</i></p> <ul style="list-style-type: none"> <li><i>• are known to be poisonous, produce toxins or have toxic leaves or berries</i></li> <li><i>• have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches.</i></li> </ul> <p><i>The outdoor space should be designed to:</i></p> <ul style="list-style-type: none"> <li><i>• provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment</i></li> <li><i>• ensure adequate supervision and minimise opportunities for bullying and antisocial behaviour</i></li> <li><i>• enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction.</i></li> </ul>	No changes to the approved development consent DA-77/2006/1.	
4.10			✓
	<p><b>Shade</b></p> <p>Regulation 114</p> <p>Education and Care Services National Regulations</p> <p><b>Design guidance</b></p> <p><i>Providing the correct balance of sunlight and shade to play areas is important for the health and wellbeing of children and staff. Combining built and natural shade will often be the best option.</i></p> <p><u>Solar access:</u></p> <p><i>Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year. Outdoor play areas should:</i></p> <ul style="list-style-type: none"> <li><i>• adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade</i></li> </ul>	No changes to the approved development consent DA-77/2006/1.	
4.11			✓

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



NATIONAL REGULATIONS COMPLIANCE TABLE			
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗
	<p>structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area</p> <ul style="list-style-type: none"> <li>• have evenly distributed shade structures over different activity spaces.</li> </ul> <p><u>Natural shade:</u></p> <p>Natural shade should be a major element in outdoor play areas. Trees with dense foliage and wide-spreading canopies provide the best protection. Existing stands of trees, particularly in rear setbacks, should be retained to provide shaded play areas. Species that suit local soil and climatic conditions and the character of the environment are recommended.</p> <p>Dense shrubs can also provide shade. They should be planted around the site perimeter so they don't obstruct supervision. Pruning shrubs on the underside may create shaded play nooks underneath.</p> <p>Planting for shade and solar access is enhanced by:</p> <ul style="list-style-type: none"> <li>• placing appropriately scaled trees near the eastern and western elevations</li> <li>• providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter.</li> </ul> <p><u>Built shade structures:</u></p> <p>Built structures providing effective shade include:</p> <ul style="list-style-type: none"> <li>• permanent structures (pergolas, sails and verandahs)</li> <li>• demountable shade (marquees and tents)</li> <li>• adjustable systems (awnings)</li> <li>• shade sails.</li> </ul> <p>Shade structures should not create safety hazards. Support systems such as upright posts should be clearly visible with rounded edges or padding. Vertical barriers at the sides of shade structures should be designed to prevent children using them for climbing. Shade structures should allow adults to view and access the children's play areas, with a recommended head clearance of 2.1 metres. The floor area underneath the structure should be of a sufficient size and shape to allow children to gather or play actively.</p>		
4.12	<p><b>Fencing</b></p> <p>Regulation 104</p> <p>Education and Care Services National Regulations</p> <p><b>Design guidance</b></p> <p>Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding area. In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> <li>• prevent children climbing over, under or through fences</li> <li>• prevent people outside the facility from gaining access by climbing over, under or through the fence</li> <li>• not create a sense of enclosure</li> </ul> <p>Design considerations for side and rear boundary fences should include:</p> <ul style="list-style-type: none"> <li>• being made from solid prefinished metal, timber or masonry</li> <li>• having a minimum height of 1.8 metres</li> <li>• having no rails or elements for climbing higher than 150mm from the ground.</li> </ul> <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards, Austroads and Transport for NSW traffic management guidance. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems (refer</p>	<p>No changes to the approved development consent DA-77/2006/1.</p>	✓

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



NATIONAL REGULATIONS COMPLIANCE TABLE			
REF	CONTROL/REQUIREMENT	PROPOSED	✓/✗
	to Figure 11).		
	<b>Soil assessment</b> Regulation 25 Education and Care Services National Regulations <b>Design Guidance</b> To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process. Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil. This includes sites with or without buildings and existing approved children's services where: <ul style="list-style-type: none"> <li>the application is to alter or extend the premises</li> <li>the alteration or extension requires earthworks or deep excavations (exceeding a depth of one metre)</li> <li>the works are going to take place in an area used for children's outdoor play or will be used for children's outdoor play after the work is completed</li> <li>a soil assessment has not been undertaken at the children's service.</li> </ul> Minor landscaping, creation of sand pits, movement of play equipment and so on do not qualify as earthworks and do not require a soil assessment. An assessment of soil for a children's service approval application may require three levels of investigation: <ul style="list-style-type: none"> <li>Stage 1 - Preliminary investigation (with or without soil sampling)</li> <li>Stage 2 - Detailed site investigation</li> <li>Stage 3 - Site specific human health risk assessment.</li> </ul>	No changes to the approved development consent DA-77/2006/1.	
4.13			✓

TABLE 15: NATIONAL REGULATIONS COMPLIANCE TABLE

## CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

Canterbury-Bankstown Local Environmental Plan 2023 (the LEP) is the principal environmental planning instrument that applies to the land and contains the development standards for application of the subject site. An assessment pursuant to the applicable sections of the LEP is provided below.

CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	REQUIREMENT	PROPOSED	✓/✗
<b>PART 1 - PRELIMINARY</b>			
1.2	Aims of Plan	The existing development achieves the aims of the LEP in the following ways: (a) The proposed application manages the growth that contributes to the sustainability of Canterbury-Bankstown; (d) The proposed application will create development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown; (f) The proposed application will allow for child care facility to accommodate the changing needs and growth of the population; (k) The proposed application shall not generate excessive traffic usage that impacts traffic	✓

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	REQUIREMENT	PROPOSED	✓/✗
		activities; (i) The proposed development is not subject to environmental hazards; and	
1.4	Definitions are contained in the dictionary	The proposed development is defined as 'child-based childcare facilities'.	✓
<b>PART 2 - PERMITTED OR PROHIBITED DEVELOPMENT</b>			
2.2	Zoning of Land	The site is zoned R2 Low Density Residential.	✓
2.3	Zone Objectives and Land Use Table	<b>LAND USE TABLE:</b> 'Child-based childcare facilities' is permissible in the zone with consent. <b>OBJECTIVES:</b> The proposed development achieves the objectives of the zone, as it provides for the child care services for needs of the community within a low-density residential environment.	✓
2.5	Additional permitted uses for particular land	The site is not afforded with additional permitted uses under Schedule 1.	N/A
2.6	Subdivision – consent requirements	The application does not seek consent for subdivision.	N/A
2.7	Demolition requires development consent	The application does not seek consent for demolition of any structures.	✓
<b>PART 4 - PRINCIPAL DEVELOPMENT STANDARDS</b>			
4.1	Minimum subdivision lot size	N/A	N/A
4.3	Height of buildings	<b>STANDARD:</b> 8.5 metres <b>PROPOSED:</b> No changes to the approved development consent DA-77/2006/1.	✓
4.4	Floor Space Ratio	<b>STANDARD:</b> 0.5:1 <b>PROPOSED:</b> No changes to the approved development consent DA-77/2006/1.	✓
4.5	Calculation of floor space ratio and site area	Noted. FSR and site area have been calculated according to this provision.	✓
4.6	Exceptions to development standards	The application does not seek consent for exceptions to development standards.	N/A
<b>PART 5 - MISCELLANEOUS PROVISIONS</b>			
5.1	Relevant acquisition authority	The site is not identified as being reserved for acquisition on the <i>Land Reserved for Acquisition Map</i> .	N/A
5.1A	Development on land intended to be acquired for a public purpose	The site is not identified as being reserved for acquisition on the <i>Land Reserved for Acquisition Map</i> .	N/A
5.3	Development near zone boundaries	The development is permissible on the land and does not rely on a zone near the boundaries.	N/A
5.4	Controls relating to miscellaneous permissible uses	The proposed development is not for any of the development types listed in this Clause.	N/A
5.6	Architectural Roof	The development complies with the maximum height	N/A

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY





CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023				
CL	REQUIREMENT		PROPOSED	✓/✗
	Features		of buildings development standard.	
5.7	Development Below Mean High Water Mark		The site is not situated below the mean high-water mark.	N/A
5.10	Heritage Conservation		The site is not identified as a heritage item, is not located within the vicinity of any heritage items and is not located within a Heritage Conservation Area.	
	Heritage Item:	✗		
	Conservation Area:	✗		
	In vicinity of item or area:	✗	The site is not identified as an archaeological site.	✓
	Archaeological Site:	✗		
	Aboriginal Heritage:	✗	There are no known Aboriginal sites in or near the subject site and no known Aboriginal places declared in or near the site.	
5.11	Bushfire reduction	hazard	The application does not seek consent for the purpose of Bushfire hazard reduction.	N/A
5.21	Flood Planning		The subject site is not mapped as being in a <i>Flood Planning Area</i> or <i>Flood Prone Land</i> .	N/A
<b>PART 6 – ADDITIONAL LOCAL PROVISIONS</b>				
6.1	Acid sulfate soils		The site is not mapped as being potentially affected by Acid Sulfate Soils on the <i>Acid Sulfate Soils Map</i> .	N/A
6.2	Earthworks		The application does not seek earthworks.	N/A
6.3	Stormwater management and water sensitive design		The application does not seek changes to stormwater design under approved development consent DA-77/2006/1.	N/A
6.7	Development in areas subject to potential airport noise		The site is not mapped as <i>Foreshore Building Line</i> on the <i>Foreshore Building Line Map</i> .	N/A
6.8	Airspace operations		Given the nature of the proposal, it is unlikely to affect the flight paths of any aircraft.	N/A
6.13	Special provisions for centre-based childcare facilities		The subject site is not located fronting classified road or cul-de-sac.	✓

TABLE 16: CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023 COMPLIANCE TABLE

(ii) SECTION 4.15(1)(A)(II)

THE PROVISIONS OF ANY PUBLICLY EXHIBITED DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

**DRAFT CONSOLIDATED CANTERBURY BANKSTOWN LEP 2020**

Council has publicly exhibited *Draft Canterbury Bankstown Local Environmental Plan 2020* which is intended to consolidate the existing *Bankstown Local Environmental Plan 2015* and *Canterbury Local Environmental Plan 2012*. The Draft LEP Amendments are relevant to the subject application and the subject site however, the existing development standards and provisions discussed in Table 16 will remain largely unchanged in the Draft LEP.

Accordingly, the proposal is considered acceptable having regard to the provisions of the Draft EPI's under Section 4.15(1)(a)(ii) of the Act.

(iii) SECTION 4.15(1)(A)(III)

THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

**CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023**

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



Canterbury-Bankstown Development Control Plan 2023 (the DCP) contains objectives and development controls for development on land within the boundaries of the former Canterbury Local Government Area. An assessment against the applicable sections of the DCP is provided below.

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
<b>CHAPTER 2 – SITE CONSIDERATIONS</b>			
2.1-2.4	<b>Various controls</b>	<p>The subject site integrates and acknowledges the principles of the subject site's constraints; however, deemed unnecessary considering the nature of works for:</p> <ul style="list-style-type: none"> <li>🔗 Sites analysis plan.</li> <li>🔗 Flood risk management plan.</li> <li>🔗 Tree management plan.</li> <li>🔗 Pipeline corridors.</li> </ul> <p>This Statement further assess these considerations and their application to the proposed site.</p>	✓
<b>CHAPTER 3 – GENERAL REQUIREMENTS</b>			
<b>CHAPTER 3.1 – DEVELOPMENT ENGINEERING STANDARDS</b>			
2	<b>Civil Engineering Requirements</b>	N/A, No changes to the approved development consent DA-77/2006/1.	✓
3	<b>Storm-water Drainage Systems</b>	<p>The existing stormwater plans will be retained to facilitate storm-water run-off.</p> <p>No changes to the approved development consent DA-77/2006/1.</p>	✓
4	<b>On-site Detention Systems</b>	The applications does not seek on-site detention system.	N/A
<b>CHAPTER 3.2 – PARKING</b>			
<b>SECTION 2 – OFF STREET PARKING RATES</b>			
<b>Development controls</b>	<b>2.1-2.6</b>	<p>In accordance with Councils off-street parking schedule, 1 car space for every 4 children is required (1.25 rounded down to the nearest whole number as outlined in the DCP).</p> <p>As such, a Traffic Impact Assessment prepared by Fernway seeks dispensation of relative 1 car parking space as part of this proposal.</p>	✓
<b>2.7</b>	<b>Accessible off-street parking rates</b>	No changes to the approved development consent DA-77/2006/1.	✓
<b>SECTION 3 – DESIGN AND LAYOUT</b>			

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
<b>PARKING LOCATION</b>			
3.1	<b><i>Car parking and delivery area entries</i></b>	No changes to the approved development consent DA-77/2006/1.	✓
3.2	<b><i>Access parking</i></b>	No changes to the approved development consent DA-77/2006/1.	✓
3.3	<b><i>Above ground parking</i></b>	No changes to the approved development consent DA-77/2006/1.	✓
<b>ALTERNATE PARKING ARRANGEMENTS</b>			
3.4 – 3.7	<b><i>Various controls</i></b>	No changes to the approved development consent DA-77/2006/1.	✓
<b>ACCESS DRIVEWAY WIDTH AND DESIGN</b>			
3.8-3.12	<b><i>Various controls</i></b>	No changes to the approved development consent DA-77/2006/1.	✓
<b>LOADING AND UNLOADING FACILITIES</b>			
3.13	<b><i>Loading/unloading arrangements</i></b>	No changes to the approved development consent DA-77/2006/1.	✓
3.14	<b><i>Rear lane access</i></b>	No changes to the approved development consent DA-77/2006/1.	✓
3.15	<b><i>Loading dock design</i></b>	No changes to the approved development consent DA-77/2006/1.	✓
<b>SAFETY AND SECURITY</b>			
3.18	<b><i>Driveway length</i></b>	No changes to the approved development consent DA-77/2006/1.	✓
<b>SIGHT DISTANCE REQUIREMENT</b>			
3.19	<b><i>Sight Lines</i></b>	No changes to the approved development consent DA-77/2006/1.	✓
<b>PEDESTRIAN ACCESS</b>			
3.20	<b><i>Separate pedestrian access</i></b>	No changes to the approved development consent DA-77/2006/1.	✓
3.21	<b><i>Lifts and stair lobbies</i></b>	No changes to the approved development consent DA-77/2006/1.	✓



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
3.22	<i>Split-level/ multi-level car parks</i>	No changes to the approved development consent DA-77/2006/1.	✓

#### VISITOR PARKING

3.30	<i>Visitor parking location behind security grills</i>	No changes to the approved development consent DA-77/2006/1.	✓
3.31	<i>Marking and sign-post</i>	No changes to the approved development consent DA-77/2006/1.	✓
3.32	<i>Visitor parking location</i>	No changes to the approved development consent DA-77/2006/1.	✓

#### CHAPTER 3.3 - WASTE MANAGEMENT

##### SECTION 6 – SPECIFIC USES

6.1-6.6	<i>Various controls</i>	No changes to the approved development consent DA-77/2006/1.	✓
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#### CHAPTER 3.4 SUSTAINABLE DEVELOPMENT

Section 2	<i>Water conservation</i>	No changes to the approved development consent DA-77/2006/1.	✓
Section 3	<i>Energy Minimisation</i>	N/A	✓

#### CHAPTER 3.6 SIGNS

##### SECTION 2 – LOCATION AND DESIGN

##### SIGNS IN R2, R3 AND R4

2.1	<i>Various controls</i>	No changes to the approved development consent DA-77/2006/1.	✓
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#### CHAPTER 3.7 LANDSCAPE

Section 2	<i>Landscaping Design</i>	No changes to the approved development consent DA-77/2006/1.	✓
Section 3	<i>Biodiversity</i>	The subject site is not located within biodiversity area.	✓

#### CHAPTER 4 – HERITAGE

#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
Various controls		<p>The subject site is not;</p> <ul style="list-style-type: none"><li>✗ The site is not identified as a heritage item,</li><li>✗ is not located within the vicinity of any heritage items and</li><li>✗ is not located within a Heritage Conservation Area.</li></ul> <p>Furthermore, the site is not;</p> <ul style="list-style-type: none"><li>✗ Identified as an archaeological site.</li><li>✗ There are no known Aboriginal sites in or near the subject site and no Aboriginal places declared in or near the site.</li></ul>	✓
CHAPTER 10 – OTHER DEVELOPMENT			
Section 2	Traffic Management	No changes to the approved development consent DA-77/2006/1.	✓
Section 3	Site layout and building envelopes	No changes to the approved development consent DA-77/2006/1.	
Section 4	Building design and energy efficiency	No changes to the approved development consent DA-77/2006/1.	
Section 5	Acoustic privacy	No changes to the approved development consent DA-77/2006/1.	
Section 6	Open space and landscape	<p>The existing outdoor unincumbered area is sufficient to accommodate 35 children in accordance with Education and Care Services National Regulations.</p> <p>No further changes to the approved development consent DA-77/2006/1.</p>	
Section 7	Safety and security	No changes to the approved development consent DA-77/2006/1.	
Section 8	Site facilities	No changes to the approved development consent DA-77/2006/1.	

TABLE 17: CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023 COMPLIANCE TABLE

(iii) SECTION 4.15(1)(A)(IIIA)

THE PROVISIONS OF ANY PLANNING AGREEMENT ENTERED INTO UNDER S7.4

There are no known Planning Agreements entered into under Section 7.4 and no draft Planning Agreements are proposed to be entered into under Section 7.4 for this proposed development.

(iv) SECTION 4.15(1)(A)(IV)

THE PROVISIONS OF THE REGULATIONS

**ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION, 2021**

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY





Pursuant to Section 4.15(1)(A)(iv) of the Act, the following additional matters are required to be taken into consideration (where relevant) for a DA:

SEC.	MATTER FOR CONSIDERATION	✓/✗
29	<i>Residential apartment development</i>	✗
61(1)	<i>In the case of a DA for the demolition of a building, the provisions of AS 2601</i>	✗
61(2)	<i>Any subdivision order made under Schedule 7 to the Act</i>	✗
61(3)	<i>The Dark Sky Planning Guideline</i>	✗
61(4)	<i>Medium Density Design Guide for DA for manor house or multi dwelling housing (terraces)</i>	✗
61(6)	<i>Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre</i>	✗
61	<i>Fire safety and other considerations</i>	✗
63	<i>Considerations for erection of temporary structures</i>	✗
64	<i>Consent authority may require buildings to be upgraded</i>	✗

TABLE 18: MATTERS FOR CONSIDERATION UNDER THE EP&A REGULATION, 2021

## 6.2 SECTION 4.15(1)(B) OF THE EP&A ACT, 1979

*THE LIKELY IMPACTS OF THAT DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY*

The subject Development Application seeks consent for the increase landscaping area, slight reconfiguration of car parking spaces and increase the number of children to a maximum of 35 children at 32 Sunny Crescent, Punchbowl.

An assessment of the proposal against the provisions prescribed in the relevant and applicable State Environmental Planning Policies, *Canterbury-Bankstown Local Environmental Plan 2023* and *Canterbury-Bankstown Development Control Plan 2023* has been provided throughout this Statement detailing the proposal's likely environmental impacts on both the natural and built environments, and social and economic impacts in the locality. A further and summarised assessment of these matters is provided below.

### 6.2.1 SITING, DESIGN AND THE BUILT FORM

The proposed application has been sited and designed to ensure that the built form will be consistent with the desired future character for the locality, whilst also respecting the required indoor and outdoor spacing required.

The existing building has been appropriately sited and taking into consideration site opportunities such as outlook, solar access, natural ventilation and visual and acoustic privacy whilst also responding to the constraints of the site. The landscaping application is to include an additional outdoor unencumbered landscaping area so that 35 children have sufficient play area.

As demonstrated in this Statement, the overall existing built form is consistent with the building envelope controls for development within the precinct prescribed under the *Canterbury-Bankstown Local Environmental Plan 2023* and the *Canterbury-Bankstown Development Control Plan 2023*.

### 6.2.2 PRIVACY

The development will not create any adverse privacy impacts for adjoining properties.

#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



The assessment provided within this Statement details the potential for any visual and acoustic privacy impacts along with mitigation measures that would ensure that the application is acceptable and would have acceptable impacts on adjoining properties. Overall, the existing orientation, landscaping and building setbacks/height ensure no overlooking on neighbouring properties. No changes to the approved development consent DA-77/2006/1.

### 6.2.3 SOLAR ACCESS AND OVERSHADOWING

The orientation of the building allows for the existing development and any future dwellings on to achieve suitable levels of solar access. No changes to the approved development consent DA-77/2006/1.

### 6.2.4 TREE REMOVAL, LANDSCAPING, FLORA & FAUNA

The subject site proposes no removal of existing vegetation or trees.

Vegetation and tree retention is proposed as part of the proposed development as shown in the Traffic Impact Assessment prepared by Fernway engineering; Architectural Plans prepared by I Design that will revegetate the site and provide visual screening, shading and existing urban canopy.

Given the above and as demonstrated in the assessment provided within this Statement, no significant impact on flora and fauna is envisaged as a result of the development. No changes to the approved development consent DA-77/2006/1.

### 6.2.5 TRAFFIC & PARKING

The proposed development will have acceptable impacts on the existing traffic movements in the area. No changes to the staff that would require additional parking under approved development consent DA-77/2006/1.

The overall development proposes 3 parking spaces and 1 accessible parking spaces to be retained a dispensation of 1 car parking space in accordance with Council's car parking requirements under the DCP.

Refer to Traffic Impact Statement addressing this variation sought.

### 6.2.6 UTILITIES/INFRASTRUCTURE

The augmentation and provision of new and additional utilities and infrastructure will be necessary as a result of the proposal. Any such requirements will be borne by the person acting on any consent granted.

### 6.2.7 NATIONAL CONSTRUCTION CODE/BUILDING CODE OF AUSTRALIA

The design of the development has had regard to achieving compliance with the National Construction Code (NCC)/Building Code of Australia (BCA). Compliance with the NCC/BCA will be addressed in detail at the Construction Certificate stage.

### 6.2.8 HERITAGE IMPACTS

The site is not identified as a heritage item, is not located within the vicinity of any



heritage items and is not located within a Heritage Conservation Area. There are no known Aboriginal sites in or near the subject site and no known Aboriginal places declared in or near the site. The site is not identified as an archaeological site..

### 6.2.9 SOCIAL IMPACTS

The proposed development will provide a positive social impact for the local and wider community. The following discussion provides an assessment of the potential social impacts the proposed development is anticipated to have on the local community:

<b>COMMUNITY STRUCTURE:</b>	The existing development provides a land use that will provide childcare facilities or services to meet the day to day needs of workers and residents in the area.
<b>INFRASTRUCTURE:</b>	Considering the scale of the development and infrastructure works, the development is not considered to pose any significant impacts or strain on the capacity of existing infrastructure.
<b>RESIDENTIAL AMENITY:</b>	The proposed application does not create additional amenity concerns.
<b>SAFETY AND SECURITY:</b>	The development under DA-77/2006/1 has been designed having regard to the Crime Prevention Through Environmental Design principles.

### 6.2.10 ECONOMIC IMPACTS

The proposed development will generate some short-term economic benefits for the local and wider community via the creation of construction related employment opportunities. The proposed application will also result in positive long term economic impacts on the local and wider community by retaining and promoting employment opportunities for the local and wider community.

### 6.2.11 WASTE MINIMISATION/MANAGEMENT

A bin storage room is proposed within the basement that will allow for the storage of the required number of bins. No changes to the approved development consent DA-77/2006/1.

### 6.2.12 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN - CPTED

The proposed development will not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. An assessment of the proposed development having regard to the CPTED principles is provided below:

<b>SURVEILLANCE:</b>	The proposal includes openings on the street facing façade that will overlook the street and public domain which will activate the street frontage and provide opportunity for casual surveillance and increased security.
<b>ACCESS CONTROL:</b>	The development includes clearly defined boundaries and fencing that will ensure unintended access is avoided and controlled access to the property is achieved.
<b>TERRITORIAL REINFORCEMENT:</b>	The natural topography of the site-built form and boundary fencing will provide clear boundary delineation between the public and private domains creating territorial reinforcement.



<b>SPACE MANAGEMENT AND MAINTENANCE:</b>	The built form will be constructed from durable materials that will require low levels of maintenance and ensure the development continues to appear cared for. Furthermore, boundary fencing proposed around the site and provision of external lighting and surveillance cameras will avoid any potential for graffiti and vandalism.
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### 6.2.13 CONSTRUCTION IMPACTS

Whilst there is expected to be some impacts during construction of the development, the impacts are not anticipated to be excessive and can be suitably controlled by the imposition of conditions on any consent granted for the proposal.

### 6.2.14 ESD & THE CUMULATIVE IMPACT

The proposal is not expected to have any cumulative impacts. The proposal is not considered to inhibit the ability of future generations to use or develop the subject site.

## 6.3 SECTION 4.15(1)(C) OF THE EP&A ACT, 1979

### *THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT.*

The subject DA seeks consent for the increase landscaping area, slight reconfiguration of car parking spaces and increase the number of children to a maximum of 35 children on the site.

The use of the site is defined as a “*Centre-based Childcare Facility*” and is located on land zoned R2 Low Density Residential under the *Canterbury-Bankstown Local Environmental Plan 2023*. The proposed development is permissible pursuant to the provisions applying to the land under *Canterbury-Bankstown Local Environmental Plan 2023* and achieves the objectives of the zone as it proposes a “*Centre-based Child Care facility*” which is a compatible use in the zone that will serve the needs of people who live in, work in and visit the local area; and it encourages employment opportunities in an accessible location.

The assessment of the application contained within this Statement outlines how the proposal complies with Council's requirements for the siting, location and design of the proposed development. When completed, the application will have minimal impact on the locality and amenity of surrounding properties and will integrate with the character of existing developments in the streetscape.

The site is not impacted by any easements or other site constraints that would restrict the proposed development or otherwise render the site unsuitable for the proposed development. The augmentation and provision of new and additional utilities and infrastructure will be necessary as a result of the proposal and will be borne by the person acting on any consent granted to ensure that the development will be appropriately serviced.

In view of the above and having regard to the assessment of the development contained within this Statement, it is concluded that the site is suitable for the development.

## 6.4 SECTION 4.15(1)(D) OF THE EP&A ACT, 1979

### *ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS.*

The consideration of submissions cannot be made at the time of preparing this Statement.

## 6.5 SECTION 4.15(1)(E) OF THE EP&A ACT, 1979

#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



#### THE PUBLIC INTEREST.

The use of the site is defined as a “*Centre-based Childcare Facility*” and is located on land zoned R2 Low Density Residential zone under the *Canterbury-Bankstown Local Environmental Plan 2023*. The proposed development is permissible pursuant to the provisions applying to the land under *Canterbury-Bankstown Local Environmental Plan 2023*.

The application is consistent with the objectives of the R2 Low Density Residential zone and development consent DA-77/2006/1 as it remains use of a “*Centre-based Child Care facility*” which is a compatible use in the zone that will serve the needs of people who live in, work in and visit the local area; and it encourages employment opportunities in an accessible location.

The development will allow for the orderly and economic use and development of land and is acceptable having regard to the applicable State and Council planning controls. The proposed application satisfies the client’s requirements, is acceptable having regard to the applicable State and Council planning controls and will not result in any unacceptable impacts on the locality and when completed, will have minimal impact on the locality and amenity of surrounding residents and will complement the character of existing developments in the streetscape.

The proposed centre will provide a need for the local and wider community and will result in positive social and economic impacts on the local and wider community as discussed within this Statement.

In view of the above and having regard to the assessment of the development contained within this Statement, the development is considered to be in the public interest.

## 7 SECTION 4.46 EVALUATION EP&A ACT, 1979

Section 4.46 of the Act details requirements for development that requires a separate approval under other environmental planning instrument or related legislation known as “*integrated development*”. An assessment as to whether any of the triggers for integrated development are met is provided below:

EPI OR ACT	✓/✗	EPI OR ACT	✓/✗
<i>Fisheries Management Act 1994</i>	✗	<i>Protection of the Environment Operations Act 1997</i>	✗
<i>Heritage Act 1977</i>	✗	<i>Roads Act 1993</i>	✗
<i>Mines Subsidence Compensation Act 1961</i>	✗	<i>Rural Fires Act 1997</i>	✗
<i>Mining Act 1992</i>	✗	<i>Water Management Act 1912</i>	✗
<i>National Parks &amp; Wildlife Act 1974</i>	✗	<i>Water Management Act 2000</i>	✗
<i>Petroleum (Onshore Act) 1991</i>	✗		

TABLE 19: INTEGRATED DEVELOPMENT TRIGGERS

## 8 CONCLUSION

The DA seeks consent for the increase landscaping area, slight reconfiguration of car parking spaces and increase the number of children to a maximum of 35 children at 32 Sunny Crescent, Punchbowl.

The development has been assessed pursuant to the matters for consideration prescribed in Sections 1.7, 4.15 and 4.46 of the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2021*. The proposed development is not Designated Development or Integrated Development and so the application can be dealt with in the usual manner.

LEGEND:  
 ✓ COMPLIES  
 ✗ DOES NOT COMPLY  
 S SATISFACTORY





This Statement provides an assessment of the proposed development against the relevant planning instruments including:

- State Environmental Planning Policy (Biodiversity and conservation) 2021;
- Child Care Planning Guidelines;
- Education and Care Services National Regulations;
- Children Services Regulations 2004;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- Canterbury-Bankstown Local Environmental Plan 2023; and
- Canterbury-Bankstown Development Control Plan 2023.

The development is defined as a “*Centre-based Child Care Facility*” and is located on land zoned R2 Low Density Residential under the *Canterbury-Bankstown Local Environmental Plan 2023*. The proposed development is permissible pursuant to the provisions applying to the land under *Canterbury-Bankstown Local Environmental Plan 2023* and the proposal achieves the objectives of the land use zone as it proposes use of a “*Centre-based Child Care facility*” which is a compatible use in the zone that will serve the needs of people who live in, work in and visit the local area; and it encourages employment opportunities in an accessible location.

The proposed development is considered acceptable having regard to the applicable State and Council planning controls and contributes positively to the locality and is complementary to adjoining uses. The subject site is situated in an area surrounded by complementary residential buildings and uses, making the location ideal for the development to support local parents.

During construction and upon completion, the proposed development will have minimal impact on the locality and amenity of surrounding residents as demonstrated by the assessment provided within this Statement and the accompanying plans and documents. The completed development will be compatible with the character of existing developments in the streetscape and will complement and integrate with the desired future character of the local area and wider Canterbury-Bankstown precinct.

The site is not impacted by any easements or other site constraints that would restrict the proposed development or otherwise render the site unsuitable for the proposed development.

This Statement demonstrates that the development will allow for the orderly and economic use and development of the land; that the subject site is suitable for the proposed development; and that the proposed development will be in the local and wider public interest.

In view of the above and having regard to the assessment provided throughout this Statement, the development is considered worthy of Council’s approval.

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY