

# Statement of Environmental Effects

CHILD CARE CENTRE

86 THE AVENUE,  
BANKSTOWN

11 JULY 2024



## QUALITY ASSURANCE

**PROJECT:** *Statement of Environmental Effects – 68 Place CCF*

**ADDRESS:** *86 The Avenue, Bankstown*

**LOT/DP:** *Lot 47, Section A in DP110163*

**AUTHOR:** *Think Planners Pty Ltd*

## Document Management

<i>Prepared by:</i>	<i>Purpose of Issue:</i>	<i>Date:</i>
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<i>Jonathon Wood</i>	<i>Submission Issue</i>	<i>11<sup>th</sup> July 2024</i>

## Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Coal Mine Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
SEPP (Industry and Employment) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	Yes- Concurrence from DOE re Use of Outdoor Space as Indoor Space to L1
SEPP (Planning Systems) 2021	No
SEPP (Precincts – Eastern Harbour City) 2021	No
SEPP (Precincts – Regional) 2021	No
SEPP (Precincts – Western Parkland City) 2021	No
SEPP (Biodiversity and Conservation) 2021	No

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## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application that seeks to demolish all existing structures in-order to construct a 2 storey 'Centre-Based Child Care Facility' at 68 The Avenue, Bankstown.

The child care facility is to accommodate a total of 68 child care places with parking for 17 vehicles within a basement level. The key aspects of the proposal are provided below:

### Centre-Based Child Care Facility:

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

The internal areas will consist of 4 separate indoor playrooms including a cot room for kids in the 0-2 age group with 3 separate outdoor play areas over two levels and outdoor play areas and administrative areas including staff room, office, kitchen, laundry and storerooms.

The 'Child Care Facility' will operate with a maximum capacity of 68 places with the following age groups:

- 0-2 years: 8 places;
- 2-3 years: 20 places; and
- 3-6 years: 40 places.

The facility provides a total of 229.92m<sup>2</sup> or 3.38m<sup>2</sup> of unencumbered indoor play area per child and 476.0m<sup>2</sup> or 7.0m<sup>2</sup> of unencumbered outdoor play area per child in accordance with the Education and Care Services National Regulations 2012.

Breakdown of unencumbered indoor play area per age group is provided below:

- Indoor Playroom 01: 26.79m<sup>2</sup> in area allocated to kids in the 0-2 year group
- Indoor Playroom 02: 53.33m<sup>2</sup> in area allocated to kids in the 2-3 year group
- Indoor Playroom 03: 137.1m<sup>2</sup> in area allocated to kids in the 3-6 year group
- Indoor Playroom 04: 12.69m<sup>2</sup> in area using part of the elevated outdoor play area.

Breakdown of unencumbered outdoor play area per age group is provided below:

- Outdoor Play Area 1: 41.0m<sup>2</sup>
- Outdoor Play Area 2: 364.0m<sup>2</sup>
- Outdoor Play Area 3: 71.0m<sup>2</sup>

The facility will operate between 7am to 6pm Monday – Friday (excluding public holidays) and provide a total of 10 teachers with the following breakdown of teachers as per the Education and Care Service National Regulation 2012.

- 0-2 years: 2 teachers;
- 2-3 years: 4 teachers and
- 3-6 years: 4 teachers.

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

- *The design responding to the context of the surrounding area by proposing an attractive and large two storey-built form, which is consistent with the existing low residential character within the subject area.*
- *Appropriate landscape embellishment to ensure the landscape character of the site is respected.*
- *The proposed built form has been designed commensurate with the existing low density residential character of the immediate locality and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

### **Signage**

No signage is proposed as part of this application; however it is anticipated that signage will be subject to future DAs.

### **Parking**

The development proposes 17 car parking spaces within the basement car park with 8 staff car parking spaces including 4 within a stacked parking arrangement and 9 visitor/parent car parking spaces including an accessible car parking space. The development also provides a dedicated service bay area and bicycle parking spaces (3) within the basement level.

Access to the parking areas is proposed via a new double width vehicle crossover, driveway and graded ramp from The Avenue.

Residing within an established residential estate within proximity to Wattawa Heights Public School, the development site is located on the western side of The Avenue, approximately 200m south from the intersection of The Avenue and Glassop Street, Bankstown.

The development site is also within walking distance to a local neighbourhood shop along Marion Street and along Glassop Street, local parks and reserves. The development site is also within a short trip to both Yagoona Town Station and Train Station and Bankstown Town Centre and Train Station. Finally, local bus stops with services between Auburn and Bankstown (Route 911) is within an 300m walking radius from the development site.

The site itself can be best described as a rectangular shaped east-west orientated mid-block land parcel with a frontage of 15.235m to The Avenue and an average site depth of 78.5m, resulting in a total site area of 1,195.1m<sup>2</sup>.

At present, the development site currently accommodates an older style single storey dwelling house addressing The Avenue, noting that all physical structures are to be demolished in-order to accommodate the proposed 68 place child care facility.

The subject site is zoned R2 Low Density under the Canterbury-Bankstown Local Environmental Plan 2023. '*Child Care Facilities*' are permissible within the R2 zone; however, it is noted that the current application is pursuant to Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. The child care facility has been designed to comply with key planning requirements under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, Canterbury-Bankstown Local Environmental Plan 2023, Canterbury-Bankstown Development Control Plan 2023, Child Care Planning Guidelines and Children's (Education and Care Services) Supplementary Care Provisions 2012.

The development site resides within an established residential estate with older style single storey dwelling house interspersed by larger modern two storey dwelling houses and multi dwelling housing developments. Considering the current demand for housing within suburbs in proximity to public transport, commercial centres and schools, it is anticipated that the built form within the immediate locality towards larger contemporary two storey dwelling houses and duplexes. This is evident with neighbouring property to the site's immediate northern side boundary (84 The Avenue, Bankstown) and direct opposite the development site (81 The Avenue, Bankstown) been redeveloped to large architectural designed dwelling houses. As such, the proposed modern two storey dwelling house will be compatible and consistent with the existing low density residential character along The Avenue and adjoining streets.

The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This includes the siting and orientation of the building combined with the two story built form complying with the prescribed height and setback provisions to ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter. Parking is to also be located within the basement level to minimise the impact of vehicle traffic to and from the site.

Furthermore, the use of blank walls combined with fixed windows along with glass block highlighted windows to the site elevations, management of outdoor play area and the incorporation of acoustic barriers to both the ground floor and first floor outdoor play area will not only mitigate potential privacy impacts to adjoining properties but also to protect the noise intrusion into the child care facility.

The development seeks to utilise the land in accordance with the zoning and take advantage of its size and location within an established residential estate, local schools, commercial opportunities and public transportation.

The development also aims to provide an attractive double storey building set within a landscape setting that not only addresses its frontage but will play a positive role in increasing valuable child care places within Bankstown.

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

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

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



## SITE & LOCALITY DESCRIPTION

The subject site is legally described as Lot 47, Section A in DP110163, though is more commonly known as 86 The Avenue, Bankstown.

### *SUBJECT SITE*

Residing within an established residential estate within proximity to Wattawa Heights Public School, the development site is located on the western side of The Avenue, approximately 200m south from the intersection of The Avenue and Glassop Street, Bankstown.

The site itself can be best described as a rectangular shaped east-west orientated mid-block land parcel with a frontage of 15.235m to The Avenue and an average site depth of 78.5m, resulting in a total site area of 1,195.1m<sup>2</sup>.

An older style single-storey dwelling with and associated structures currently resides within the subject site as illustrated by Photograph 1 below.

**Photograph 1: Shows the existing subject site, as viewed from The Avenue looking westwards**



The subject site bounds dwelling houses of mixed ages, sizes and architectural forms to its northern and southern boundaries and a mix of dwelling house and duplex to its western boundaries with The Avenue separating the site from low density houses to the east, as demonstrated via an aerial map extract below.

**Figure 1: Aerial Map of Subject Site (Source: Near Map)**



 Development Site

## ZONING CONTROL

As illustrated by Council's zoning map overleaf, the subject site is zoned R2 Low Density Residential under the provisions of the Canterbury-Bankstown Local Environmental Plan 2023. '*Centre-Based Child Care Facilities*' are permissible with consent within the B4 Zone; however, the current application is pursuant to Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.



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



 Development Site

### BUILT FORM ANALYSIS

The development site resides within an established residential estate with older style single storey dwelling house interspersed by larger modern two storey dwelling houses and multi dwelling housing developments. Considering the current demand for housing within suburbs in proximity to public transport, commercial centres and schools, it is anticipated that the built form within the immediate locality towards larger contemporary two storey dwelling houses and duplexes.

This is evident with neighbouring property to the site's immediate northern side boundary (84 The Avenue, Bankstown) and direct opposite the development site (81 The Avenue, Bankstown) been redeveloped to large architectural designed dwelling houses. This is illustrated by Photograph 2 and 3 in the following page.

As such, the proposed modern two storey dwelling house will be compatible and consistent with the existing low density residential character along The Avenue and adjoining streets.





**Photograph 2: Shows subject site and adjoining 2 storey dwelling, viewed from The Ave looking westwards**



**Photograph 3: Shows large 2 storey dwelling, viewed from the subject site looking eastwards**



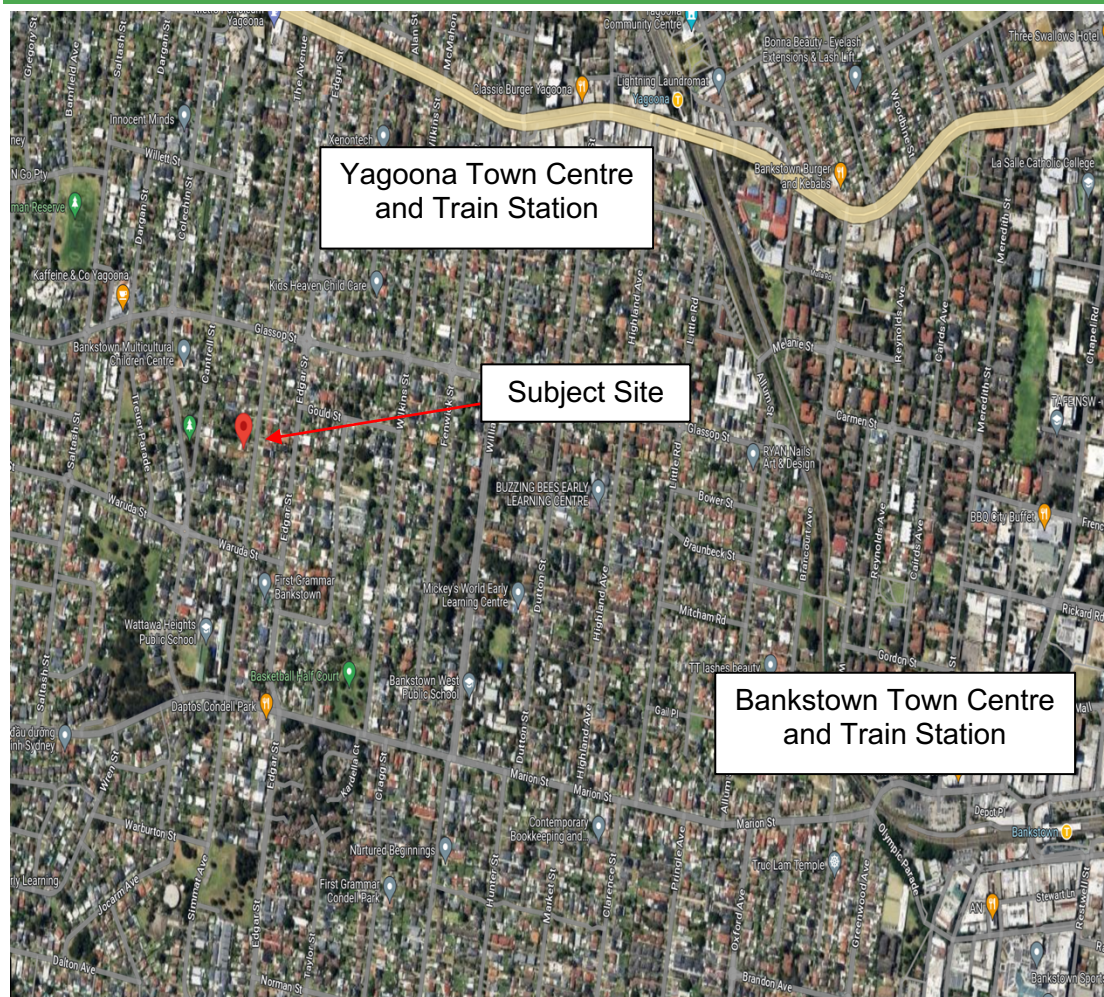


## BROADER SUBJECT AREA ANALYSIS

The development site is within walking distance to a local neighbourhood shop along Marion Street and along Glassop Street, Wattawa Heights Public School local parks and reserves.

The development site is also within a short trip to both Yagoona Town Station and Train Station and Bankstown Town Centre and Train Station. Finally, local bus stops with services between Auburn and Bankstown (Route 911) is within an 300m walking radius from the development site. An analysis of the development site within its subject area is illustrated by an aerial map extract below.

**Figure 3: Aerial Map Extract of Subject Site (Google Maps)**



The development aims to provide an attractive double storey building set within a landscape setting that not only addresses its frontage but will play a positive role in increasing valuable child care places within Bankstown by 68 additional places.

Photographs are provided overleaf that gives context to the locality.





Photograph 4: Shows the existing streetscape along The Avenue looking northwards



Photograph 5: Shows the existing streetscape along The Avenue looking southwards

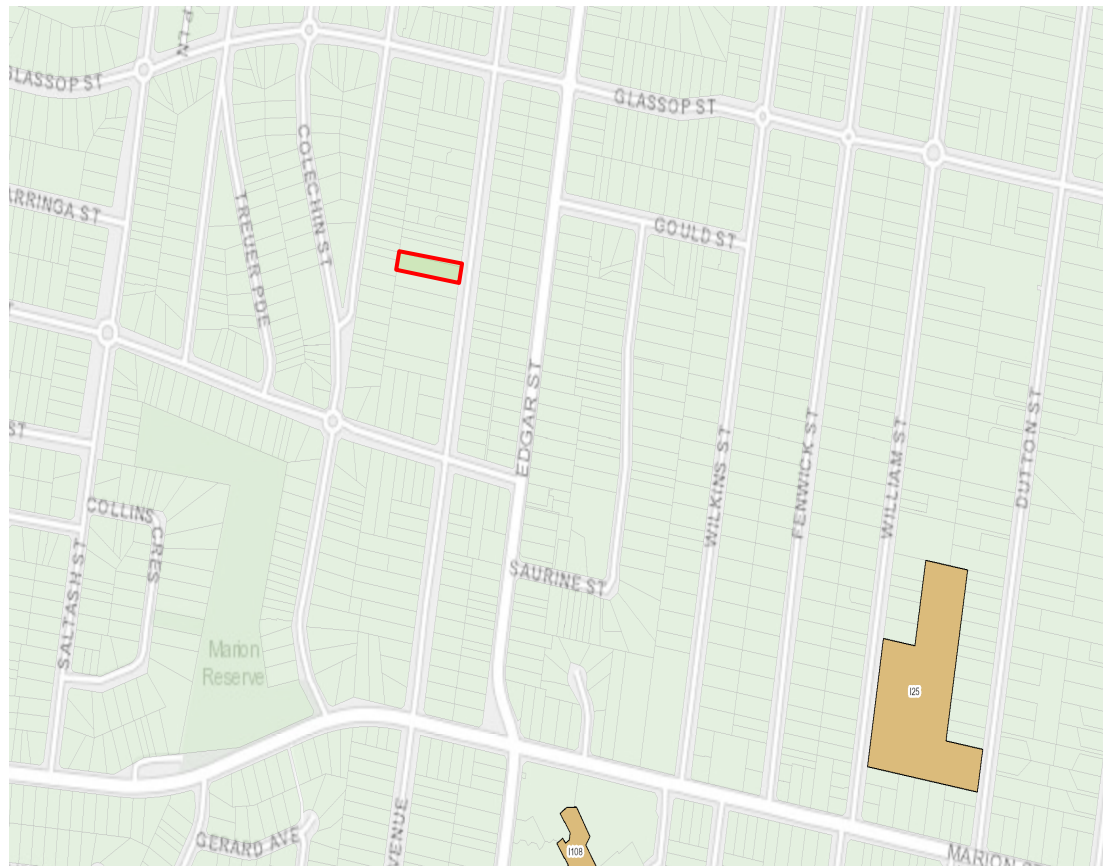




## HERITAGE

The site is not identified as a heritage item, it is not located within a heritage conservation area however there are 2 local heritage items located within the broader locality as illustrated by the heritage extract map below.

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



 Development Site

The local heritage items are sufficiently separated from the development site with existing built forms and road networks provide adequate buffer between the subject site and the local heritage item, noting that the two storey building complies with the prescribed height control.

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

## DESCRIPTION OF PROPOSAL

The current application proposes to demolish all existing structures in-order to construct a two storey 'Centre-Based Child Care Facility' at 86 The Avenue, Bankstown.

The child care facility is to accommodate a total of 68 child care places with parking for 17 vehicles within a basement level.

The key aspects of the proposal are provided below:

### Centre-Based Child Care Facility:

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

The internal areas will consist of 4 separate indoor playrooms including a cot room for kids in the 0-2 age group with 3 separate outdoor play areas over two levels and outdoor play areas and administrative areas including staff room, office, kitchen, laundry and storerooms.

The 'Child Care Facility' will operate with a maximum capacity of 68 places with the following age groups:

- 0-2 years: 8 places;
- 2-3 years: 20 places; and
- 3-6 years: 40 places.

The facility provides a total of 229.92m<sup>2</sup> or 3.38m<sup>2</sup> of unencumbered indoor play area per child and 476.0m<sup>2</sup> or 7.0m<sup>2</sup> of unencumbered outdoor play area per child in accordance with the Education and Care Services National Regulations 2012.

Breakdown of unencumbered indoor play area per age group is provided below:

- 0-2 years: 26.79m<sup>2</sup>
- 2-3 years: 75.0m<sup>2</sup>
- 3-6 years: 137.1m<sup>2</sup>

Breakdown of unencumbered outdoor play area per age group is provided below:

- Outdoor Play Area 1: 41.0m<sup>2</sup>
- Outdoor Play Area 2: 364.0m<sup>2</sup>
- Outdoor Play Area 3: 71.0m<sup>2</sup>



The facility will operate between 7am to 6pm Monday – Friday (excluding public holidays) and provide a total of 10 teachers with the following breakdown of teachers as per the Education and Care Service National Regulation 2012.

- 0-2 years: 2 teachers;
- 2-3 years: 4 teachers and
- 3-6 years: 4 teachers.

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

- *The design responding to the context of the surrounding area by proposing an attractive and large two storey-built form, which is consistent with the existing low residential character within the subject area.*
- *Appropriate landscape embellishment to ensure the landscape character of the site is respected.*
- *The proposed built form has been designed commensurate with the existing low density residential character of the immediate locality and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

### **Signage**

No signage is proposed as part of this application; however it is anticipated that signage will be subject to future DAs.

### **Parking**

The development proposes 17 car parking spaces within the basement car park with 8 staff car parking spaces including 4 within a stacked parking arrangement and 9 visitor/parent car parking spaces including an accessible car parking space. The development also provides a dedicated service bay area and bicycle parking spaces (3) within the basement level.

Access to the parking areas is proposed via a new double width vehicle crossover, driveway and graded ramp from The Avenue.

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

Level	Inclusion
Basement Level	<p><b>Access</b></p> <p><u>Vehicle</u></p> <p>The basement level is designed and sized to provide sufficient parking while ensuring appropriate deep soil planting can be provided on the site.</p> <p>Vehicular access to the basement level is provided via a graded access ramp from the ground floor via Ther Avenue.</p> <p>The basement level includes internal circulation areas with turning areas to permit vehicles to enter and exit the basement level in a forward direction.</p> <p><b>Parking</b></p> <p>A total of 17 car parking spaces within the basement level with the following breakdown:</p> <ul style="list-style-type: none"> <li>- 8 x staff parking spaces including 4 within a stacked parking arrangement</li> <li>- 9 x visitor parking spaces including an accessible car parking space</li> </ul> <p>The parking arrangement has been designed where the staff and visitor parking are sufficiently separated within the basement level.</p> <p>The development also includes 3 x bicycle parking spaces and an allocated service bay area.</p> <p><b><u>Child Care Facility</u></b></p> <p>The child care facility component within the basement level comprises of the following:</p> <ul style="list-style-type: none"> <li>- Administrative areas: <ul style="list-style-type: none"> <li>▪ Laundry</li> </ul> </li> </ul> <p><b>Service</b></p> <ul style="list-style-type: none"> <li>- A storage room</li> <li>- Electrical cupboard</li> </ul> <p>Lift core and 2 x fire isolated stairwells.</p>

## Ground Floor

### Access

#### Vehicle

New double width vehicle cross-over, driveway and graded ramp situated towards the south-eastern portion of the site from The Avenue.

#### Pedestrian:

A graded pedestrian pathway from The Avenue provides direct access to the primary entry point of the child care facility. The pathway also runs along the site's northern boundary and provides access to enclosed garbage room, access to secondary entry to the facility and egress to The Avenue from emergency exit gate.

A secondary graded pedestrian pathway that run along the site's southern boundary from The Avenue that provides egress from the stairwell egress.

### Child Care Facility

The child care facility comprises of the following:

- Main entry point.
- Internal hallway
- Sign-in kiosk
- Administrative areas associated with the child care facility includes the following:
  - Kitchen
  - Accessible bathroom
- A total of 3 x unencumbered indoor play area with a total area of 163.89m<sup>2</sup> and comprising of:
  - Indoor Play Room 1: accommodating indoor play room for kids in the 0-2 age group and including a total of 8 kids with a total unencumbered indoor play area of 26.79m<sup>2</sup> with direct access to lockers, storage cupboard, cot room, bottle preparation room, bathroom/nappy change room and Outdoor Play Area 1.
  - Indoor Play Room 2: accommodating indoor play room for kids in the 3-6 age group and including a total of 20 kids with a total unencumbered indoor play area of 70.23m<sup>2</sup> with direct access to lockers, storage cupboard and craft sink.

	<p>Access to storage room and toilet via hallway between Indoor Play Room 2 and 3, noting access to the Outdoor Play Area 2 via the 3-6 age toilets and 3-6 age indoor play room.</p> <ul style="list-style-type: none"> <li>▪ Indoor Play Room 3: accommodating indoor play room for kids in the 3-6 age group and including a total of 20 kids with a total unencumbered indoor play area of 66.87m<sup>2</sup> with direct access to lockers, craft sink and Outdoor Play 2. Access to storage room and toilet via hallway between Indoor Play Room 2 and 3.</li> </ul> <ul style="list-style-type: none"> <li>- A total of 2 x unencumbered outdoor play area with a total area of 405.0m<sup>2</sup> and comprising of: <ul style="list-style-type: none"> <li>▪ Outdoor Play Room 1: accommodating kids in the 0-2 age group with a total unencumbered outdoor play area of 41.0m<sup>2</sup>.</li> <li>▪ Outdoor Play Room 2: accommodating kids in the 3-6 age group with a total unencumbered outdoor play area of 364m<sup>2</sup>.</li> </ul> </li> <li>- Outdoor storage area</li> </ul> <p><b>Service</b></p> <ul style="list-style-type: none"> <li>- Service rooms.</li> <li>- Enclosed garbage store room.</li> </ul> <p>Lift core and 2 x fire isolated stairwells.</p>
<p><b>First Floor</b></p>	<p><b><u>Child Care Facility</u></b></p> <p>Child care facility comprises of the following within the first floor.</p> <ul style="list-style-type: none"> <li>- Contains the staff/administration related areas including: <ul style="list-style-type: none"> <li>- <ul style="list-style-type: none"> <li>▪ Office</li> <li>▪ Staff room with Juliet balcony fronting The Avenue</li> <li>▪ Access WC</li> </ul> </li> </ul> </li> </ul>



- A total of 66.02m<sup>2</sup> of unencumbered indoor play area comprising of:
  - Play Room 4: accommodating indoor play room for kids in the 2-3 age group and including a total of 20 kids with a total unencumbered indoor play area of 53.33m<sup>2</sup> with direct access to lockers, storage cupboards, toilet with nappy change station and Outdoor Play 3.
  - Unencumbered Play Room 4: total indoor play area of 12.69m<sup>2</sup> with direct access from Play Room 4. Also provides direct access to Outdoor Play Area 3.
- Outdoor Play Area 3 with 75.0m<sup>2</sup> in area
- Outdoor storage area.

Lift core and 2 x fire isolated stairwells.

The relevant architectural plans for the proposal have been prepared by Envision Building Design while supporting reports and documents dealing with matters such as traffic and parking, noise, contamination, drainage and landscaping.

This includes the siting and orientation of the building combined with the two story built form complying with the prescribed height and setback provisions to ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter. Parking is to also be located within the basement level to minimise the impact of vehicle traffic to and from the site.

Furthermore, the use of blank walls combined with fixed windows along with glass block highlighted windows to the site elevations, management of outdoor play area and the incorporation of acoustic barriers to both the ground floor and first floor outdoor play area will not only mitigate potential privacy impacts to adjoining properties but also to protect the noise intrusion into the child care facility.

The development seeks to utilise the land in accordance with the zoning and take advantage of its size and location within an established residential estate, local schools, commercial opportunities and public transportation.

At the completion of the project, the development will increase valuable child care places within Bankstown by 68 additional places.

## PLANNING CONTROLS

### *STATUTORY CONTROLS*

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Canterbury-Bankstown Local Environmental Plan 2023

### *POLICY CONTROLS*

The applicable policy control documents are: -

- Canterbury-Bankstown Development Control Plan 2023
- Childcare Planning Guidelines
- Education and Care Service National Regulations 2012

## CONSIDERATION OF PLANNING CONTROLS

A summary of the compliance of the proposal with the relevant planning controls is provided below.

### STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

Introduced on 1 July 2004, BASIX is an integral part of the NSW planning system. It assists in reducing potable water consumption and greenhouse gas emissions from new homes built in NSW.

This SEPP came into effect on 1 October 2023 and incorporated the provision of the now repealed State Environmental Planning Policy (BASIX) 2004.

The Sustainable Building SEPP encourages the design and construction of more sustainable buildings across NSW. It applies to a range of development types, including residential and commercial developments.

Chapter 2 of the SEPP contains controls for the standards for residential development – BASIX and is not applicable to this development.

Chapter 3 of the SEPP contains controls for the Standards for non-residential development. As the proposal is not for the erection of a new building greater than \$5 million or an alteration that has a capital investment value of over \$10 million, rather construction of a child care facility and hence a BASIX report is not required.

Refer to detailed discussion overleaf regarding the application of Chapter 3.

Clause 3.1 Application of Chapter	Response
<p>(1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—</p> <p>(a) the erection of a new building, if the development has a capital investment value of \$5 million or more, or</p> <p>(b) alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more.</p>	<p>No, the proposed development is not for an erection of a new building that has a capital investment value over \$5 million.</p>

<b>(2) This chapter does not apply to the following development-</b>	
<b>(a) development that is permitted with or without consent or that is exempt or complying development under—</b>	The development is not permitted or permitted without consent under relevant SEPPs.
(i) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or	
(ii) State Environmental Planning Policy (Resources and Energy) 2021, Chapter 2, or	
(iii) State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 5,	
<b>(b) development on land wholly in any of the following zones—</b>	The subject site is within a prescribed zone, however as the development is not for the purpose of a new building of over 5 million and therefore this chapter will not apply to the proposed development.
(i) Zones RU1, RU2 or RU3,	
(ii) Zone E5,	
(iii) Zone IN3,	
(iv) Zones C1, C2 or C3,	
(v) Zones W1, W2, W3 or W4,	
<b>(c) development for the purposes of residential care facilities.</b>	The development is for the purpose of other than residential care facilities. However as noted above, the development is not for the purpose of a new building with a capital investment value of over 5 million and therefore this chapter will not apply to the proposed development.

A Section J Report will be provided at C.C. stage.

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

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

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

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

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

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

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

Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	X	
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	X	
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?		X
acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation		
Is the site listed on Council's Contaminated land database?		X
Is the site subject to EPA clean-up order or other EPA restrictions?		X
Has the site been the subject of known pollution incidents or illegal dumping?		X
Does the site adjoin any contaminated land/previously contaminated land?		X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?		NA.



A Combined Preliminary Site Investigation & Detailed Site Investigation undertaken by Raw Earth has found that the soil conditions encountered at the site indicate that the site is not currently for the intended redevelopment into a proposed childcare with basement parking due to asbestos contamination being identified in and atop soils at BH02. Based on the findings of this report, Raw Earth offers the following recommendations which will assist in ensuring legislative requirements are adhered to moving forward:

- Considering the known ACM contamination in BHO2, the affected area should be delineated and a Remediation Action Plan (RAP) for that area should be developed to ensure the contamination is managed suitably.
- The hazardous material identified in the existing primary dwelling should be managed in accordance with 'S00215, Hazardous Materials Survey' undertaken by REE in December of 2023.
- Classify any soil to be excavated as part of the proposed development needs to be classified in accordance with NSW Environmental Protection Authority, Waste Classification Guidelines Part 1: Classifying Waste. This should be done as an in-situ assessment – to pre classify soils prior to excavation works to eliminate the need for onsite stockpiling of soils prior to waste classification sampling.
- Due to the soil conditions encountered during the investigation, an environmental scientist should be consulted to determine whether excavated soil as part of the proposed development including service trenches will pass the ENM analysis for beneficial reuse in accordance with NSW EPA, the excavated natural material order, 2014 or VENM in accordance with the Protection of the Environment Operations Act 1997 (POEO Act).

The area affected by asbestos can be appropriately remediated as per the Remediation Action Plan which will ensure that the site is suitable for the intended redevelopment into a child care facility with basement parking.

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

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

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)
- Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)

- SEPP No 19—Bushland in Urban Areas (SEPP 19)
- SEPP No 50—Canal Estate Development (SEPP 50)
- SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)
- Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)
- Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP).

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

The subject site is within a well-established residential area, having historically been used for urban purposes.

The development proposes to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds. The landscape treatment will also soften the built form and assist with maintaining privacy to neighbouring properties.

### *STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021*

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

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

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

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

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

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

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

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

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

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

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

This chapter identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as ‘traffic generating development’.

The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements. Therefore, concurrence from the RMS is not required.

Chapter 3 of the SEPP contains planning provisions from the former Education and Childcare SEPP for child-care centres, schools, TAFEs and Universities.

SEPP	Comment
<p>3 Aims of Policy</p> <p>The aims of this Policy are as follows:</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p> <p>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impacts as exempt development), and,</p> <p>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivery and to minimise impacts on surrounding areas, and</p> <p>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p> <p>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services,</p> <p>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</p> <p>(h) encouraging proponent of new development or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</p>	<p>The proposal will result in an addition of valuable child care places within Bankstown.</p>



### 3.3 Interpretation

*centre-based child care facility means:*

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

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

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

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

but does not include:

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

## Part 3 Early education and care facilities – specific development controls

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

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the *Child*

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

*Care Planning Guidelines*, in relation to the proposed development.

### 3.25 Centre-based child care facility – floor space ratio

(1) Development consent must not be granted for the purpose 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.

The development is subject to a maximum FSR of 0.5:1 under the Canterbury Bankstown Local Environmental Plan 2023. The development proposes a maximum FSR of 0.39:1 and therefore complies with both FSR controls under the LEP and also with Part 3, Section 3.23 of the SEPP (Transport and Infrastructure) 2021.

### 3.26 Centre-based child care facility – non-discretionary development standards

(1) The objective of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevents the consent authority from requiring more onerous standards for those matters.

(2) The following are non-discretionary development standards for the purpose of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purpose of a centre-based child care facility:

- (a) location - the development may be located at any distance from an existing or proposed early education and care facility,
- (b) indoor or outdoor space
  - (i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies – the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or
  - (ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies – the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

There are no restrictions relevant to the proposed development.

The centre-based child care facility provides 229.92m<sup>2</sup> or 3.38m<sup>2</sup> of unencumbered play space and 476.0m<sup>2</sup> or 7.0m<sup>2</sup> of unencumbered outdoor play space which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations. It is noted that concurrence will be required because the proposal incorporates the provision of part of the first floor outdoor space as indoor space as per 107(4) and it is noted that the verandah area nominated as indoor space has not been included in outdoor space that complies with 107(5).

Indoor play space required = 3.25m<sup>2</sup> for each child  
Outdoor play space required = 7m<sup>2</sup> for each child

- (c) site area and site dimensions – the development may be located on a site of any size and have any length of street frontage or any allotment depth,
- (d) colour of building materials or shade structures – the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.

Noted, with the development complying with site frontage requirements under the DCP.

### 3.27 Centre-based child care facility – development control plans

There are no restrictions relevant to the proposed development.

(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, numbers of the like, of children) does not apply to development for the purpose of a centre-based child care facility:

- (a) operational or management plans or arrangements (including hours of operation),
- (b) demonstrated need or demand for child care services,
- (c) proximity of facility to other early childhood education and care facilities,
- (d) any matter relating to development for the purpose of a centre-based child care facility contained in:
  - (i) the design principles set out in Part 2 of the *Child Care Planning Guidelines*, or
  - (ii) the matters for consideration set out in Part 2 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

Clause 26 of Part 3.3 of the Transport and Infrastructure SEPP 2021 stipulates that any provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, number or the like, of children) does not apply to development for the purpose of a centre-based child care facility.

As such the minimum ratio requirement under the DCP is not considered a relevant matter.

## CHILD CARE PLANNING GUIDELINE

Under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, the *Child Care Planning Guideline* is to be taken into consideration when undertaking a development for a centre-based child care facility.

The planning guideline also takes precedence over a *Development Control Plan*, with some exceptions, where the two overlap in relation to a child care facility.

The table below provides detail on the relevant development standards relevant to the current proposal.

The Guideline underwent minor revisions in 2021 however the provisions are largely the same.

SEPP	Comment
<b>Objectives</b> The planning objectives of this Guidelines are to:	
<ul style="list-style-type: none"> <li>promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations</li> </ul>	The development results in a high quality centre-based child care facility designed to comply with the requirements of the National Regulations.
<ul style="list-style-type: none"> <li>ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses</li> </ul>	The centre-based child care facility has been designed as a double storey building set within a landscaped setting in-order to be consistent with the existing low density character along The Avenue.  The front setback is also to be also landscaped to minimise the impact of hard surfaces whilst integrating the proposal within the context of the site and its surrounds.
<ul style="list-style-type: none"> <li>minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment</li> </ul>	The development has been designed to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing.  This is addressed in detail further within this table
<b>Part 2 Design Quality Principles</b>	
<b>Principle 1 – Context</b> <i>Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they</i>	
	The child care facility is compatible in scale and design with the existing low density residential streetscape along The Avenue.



*create when combined. It also includes social, economic, health and environmental conditions.*

*Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.*

*Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.*

The design scheme has undertaken conscious effort to minimise adverse impacts on social, economic, health and environmental conditions.

Combined with compliance to height and setback provisions will ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.

The site is within proximity to:

- Educational facilities including,
  - Wattawa Heights Public School
  - Bankstown West Public School
- Bankstown Town Centre
- Yagoona Town Centre
- Local bus stops with services between Auburn and Bankstown (Route 911) is within an 300m walking radius from the development site.
- Arterial roads including:
  - Hume Highway
  - Marion Street

## **Principle 2 – Built form**

*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.*

*Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.*

*Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*

*Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.*

The development proposes a two storey building that is consistent and compatible with the existing low density built form along The Avenue.

The development proposes a highly articulated built form with a variety of materials, colours and textures.

## **Principle 3 - Adaptive learning spaces**

*Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and*

The play spaces have been designed to provide a variety of experience that facilitate the development of cognitive and physical skills,

*associated infrastructure that are fit-for-purpose, enjoyable and easy to use.*

*This is achieved through site layout, building design, and learning spaces fit-out.*

*Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.*

provide opportunities for social interaction and appreciation of the natural environment.

#### **Principle 4- Sustainability**

*Sustainable design combines positive environmental, social and economic outcomes.*

*This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.*

*Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.*

The proposed facility has been designed to achieve cross ventilation and adequate natural light access.

Development provides windows facing different orientation with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.

#### **Principle 5 - Landscape**

*Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.*

*Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.*

*Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.*

The development proposes appropriate landscape embellishment works that will contribute to the local context.

The landscaping plan incorporates planting that comprise a mix of trees, shrubs and grasses. Refer to attached Landscaping Plan for detail.

The development provides setbacks to from the basement level to the boundaries that will allow for appropriate deep soil and drainage, and so that the development will not impact upon vegetation on neighbouring properties.

#### Principle 6 - Amenity

*Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.*

*Good amenity combines appropriate and 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.*

*Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.*

As previously discussed, the development provides well designed indoor and outdoor play areas, access to sunlight and natural ventilation and visual and acoustic privacy.

The development also proposes adequate storage, service areas and accessibility for all.

#### Principle 7 - Safety

*Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.*

*Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).*

*Well designed vehicular parking and access minimise traffic safety risks on children and staff.*

The development proposes a design that will optimise safety for children.

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

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

The proposed development incorporates an active façade that will permit casual surveillance to the common areas within the development site.

The proposed facility has been designed with temperature control to avoid extremes in temperature.

### Part 3 Early education and care facilities – specific development controls

#### 3.1 Site selection and location

**C1 – For proposed development in or adjacent to a residential zone, consider:**

- **the acoustic and privacy impacts of the proposed development on the residential properties**

A DA Acoustic Assessment has been prepared by Renzo Tonin & Associates and accompanies this application.

The report has found that the operational noise from the project to the potentially most affected residential receiver locations around the site was assessed and compliance with the noise emission goals can be achieved provide the recommendation in Section 7 of the report are adopted.

The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This includes the siting and orientation of the building combined with the two story built form complying with the prescribed height and setback provisions to ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter. Parking is to also be located within the basement level to minimise the acoustic impact of vehicle traffic moving to and from the site.

Furthermore, the use of blank walls combined with fixed windows along with glass block highlighted windows to the site elevations, management of outdoor play area and the incorporation of acoustic barriers to both the ground floor and first floor outdoor play area will not only mitigate potential privacy impacts to adjoining properties but also to protect the noise intrusion into the child care facility.

Finally, an Operational Management Plan which is to accompany this application will manage outdoor play times and the number of children accessing outdoor area at any one time.

- **the setback and siting of buildings within the residential context**

Complies with setback requirements under the DCP.
- **visual amenity impacts (e.g. additional building bulk and overshadowing, local character)**

The child care facility has been sited, oriented and designed to comply with the height and setback provisions will ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.
- **traffic and parking impacts of the proposal on residential amenity**

Parking is provided within a basement level to minimise impact to the streetscape.

Transport and Parking Assessment prepared by Transport Strategies which accompanies this application has found that the proposed development will generate an additional 35 vehicle trips during the AM Peak and 22 vehicle trips



during the PM Peak and will have minimal impacts on the surrounding road network.

The report concludes that the proposed development is supported on traffic planning grounds.

**C2 – When selecting a site, ensure that:**

- **the location and surrounding uses are compatible with the proposed development or use**

Centre-based child care facilities are a permissible and compatible land use within the R2 – Low Density Residential Zone.
- **the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards**

Site is not identified as being affected by flooding, land slip, bushfires, coastal hazards and other environmental hazards.
- **there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed**

The development site with suitable remediation works as per the Remediation Action Plan can be appropriately remediated and therefore make the site suitable for the intended redevelopment into a child care facility with basement parking. Refer to attached Combined Preliminary Site Investigation & Detailed Site Investigation for more detail.
- **the characteristics of the site are suitable for the scale and type of development proposed having regards to:**
  - **size of street frontage, lot configuration, dimensions and overall size**

The site, which has a total site area of 1,195m<sup>2</sup> is of a sufficient size and width to accommodate the proposed 68 place centre-based child care facility.
  - **Number of shared boundaries with residential properties**

The development is to provide a contemporary 2 storey built form designed to be consistent with the existing low density character along The Avenue.
  - **will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas**

The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas.
- **where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use**

N/A. Development proposes to undertake the development of a new centre-based child care facility.
- **there are suitable drop off and pick up areas, and off and on street parking**

The development provides car parking spaces in accordance with the Canterbury - Bankstown DCP 2023, noting appropriate car parking spaces are provided within the basement level to permit the drop off and pick up of children. Refer to attached Transport and Parking Impact Assessment which accompanies this application for more detail.

- **the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use**  
Vehicular access to the site is via The Avenue which has the capacity to accommodate the proposed 68 place child care facility. Refer to attached Transport and Parking Impact Assessment for detail.
- **not located closely to incompatible social activities and uses such as restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises**  
Subject site not located closely to incompatible social activities and uses.

**C3 – A child care facility should be located;**

- **near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship**  
Within walking distance to a local primary school, the development site is located in wider proximity to established town centres & train station, parks and places of public worship.
- **near or within employment areas, town centres, business centres, shops**  
Local bus stops with services between Auburn and Bankstown (Route 911) is within an 300m walking radius from the development site.
- **with access to public transport including rail, buses, ferries**

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

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

The subject site is not located within proximity to any identified environmental hazard.
- **any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site**  
The development site with suitable remediation works as per the Remediation Action Plan can be appropriately remediated and therefore make the site suitable for the intended redevelopment into a child care facility with basement parking.

Refer to attached Combined Preliminary Site Investigation & Detailed Site Investigation for more detail.

### 3.2 Local character, streetscape and the public domain interface

#### C5 – The proposed development should:

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

The centre-based child care facility proposes a modern two storey building that will be consistent and compatible with the existing low density characteristics along The Avenue, noting development complies with prescribed height control under the LEP.

Appropriate landscaping is to be provided between the building and the street edge. Refer to attached Landscape Plan for detail.

The front setbacks are to be also landscaped where appropriate to minimise the impact of hard surfaces whilst integrating the proposal within the context of the site and its surrounds.

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

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

Proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain.

The proposed development incorporates an active façade that will permit casual surveillance to The Avenue, and internal driveways and pathways.

Proposed landscaping works seeks to soften the built form whilst also seeking to integrate the development with the site's residential context.

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

The site does not contain multiple buildings or entries.

The primary entry point is designed to be clearly visible and legible from The Avenue.

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

- clearly defined street access, pedestrian paths and building entries
- low fences and planting which delineate communal/private open space from adjoining public open space
- minimal use of blank walls and high fences

The development site does not adjoin public parks, open space or bushlands, however, has been designed to provide clearly defined street access, pedestrian paths and building entries.

Fencing and landscape works will contribute towards delineate communal/private open space from the public domain.

The development incorporates architectural features and articulation to provide an attractive form that appropriately The Avenue.

**C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.**

Development proposes appropriate fencing that is consistent with fencing within the precinct and with comparable child care facility within the wider Canterbury-Bankstown Local Government Area.

**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.**

Not applicable, the subject site is not listed as a heritage item and is not within a conservation area.

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

Subject site does not front a classified road; however, the development is to incorporate appropriate acoustic fencing as per the DA Acoustic Assessment that accompanies this application.

### 3.3 Building orientation, envelope and design

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

- ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by;
  - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties
  - placing play equipment away from common boundaries within residential properties

The two storey centre-based child care facility ensure that the visual privacy and minimises overlooking impacts on neighbours by appropriately siting and orientation of the building whilst also being compliant with height and setback provisions with parking to be provided within the basement level.

<ul style="list-style-type: none"> <li>- <b>locating outdoor play areas away from residential dwellings and other sensitive uses</b></li> </ul>	<p>The use of acoustic barriers will not only mitigate potential privacy and acoustic impacts to adjoining properties but also to protect the noise intrusion to the child care facility.</p>
	<p>Finally, an Operational Management Plan which is to accompany this application will manage outdoor play times and the number of children accessing outdoor area at any one time.</p>
	<p>A DA Acoustic Assessment has been prepared by Renzo Tonin &amp; Associates and accompanies this application. The report has found that the operational noise from the project to the potentially most affected residential receiver locations around the site was assessed and compliance with the noise emission goals can be achieved provide the recommendation in Section 7 of the report are adopted.</p>
<ul style="list-style-type: none"> <li>• <b>optimise solar access to internal and external play areas</b></li> </ul>	<p>The internal and external play areas associated with the child care facility have been oriented and designed to maximise solar access.</p>
<ul style="list-style-type: none"> <li>• <b>avoid overshadowing of adjoining residential properties</b></li> </ul>	<p>The proposed centre-based child care facility has been designed to reduce the potential for overshadowing of neighbouring properties, including compliance with height and setback provisions. Refer to attached shadow diagram for more detail.</p>
	<p>It is considered that appropriate solar access is to be provided on site and for neighbouring properties. Refer to attached shadow diagrams for more detail.</p>
<ul style="list-style-type: none"> <li>• <b>ensure buildings along the street frontage define the street by facing it</b></li> </ul>	<p>Development proposes an attractive contemporary two storey building designed to adequately address The Avenue.</p>
<ul style="list-style-type: none"> <li>• <b>ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions</b></li> </ul>	<p>Complies.</p>
<p><b>C12 – The following matters may be considered to minimise the impacts of the proposal on local character:</b></p>	
<ul style="list-style-type: none"> <li>• <b>building height should be consistent with other buildings in the locality</b></li> <li>• <b>building height should respond to the scale and character of the street</b></li> </ul>	<p>Development proposes a two storey building that is consistent and compatible with the existing low density built form character along The Avenue.</p>



<ul style="list-style-type: none"> <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 proposal has also been designed to comply with the setback provision under the Canterbury-Bankstown DCP 2023.</p>
<p><b>C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</b></p>	<p>Proposal has been designed to comply with prescribed setback controls under the Canterbury-Bankstown DCP 2023.</p>
<p><b>C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.</b></p>	<p>The development has been designed to comply with setback requirements under the Canterbury-Bankstown DCP 2023.</p>
<p><b>C15 – Entry to the facility should be limited to one secure point which is:</b></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 accessible through an outdoor play area</li> <li>• in a mixed-use development, clearly defined and separate from entrances to other uses in the building</li> </ul>	<p>The proposed centre-based child care facility provides a primary entry point from The Avenue.</p> <p>The pedestrian entry point is visible from the street frontage, permits ease of access and directly accessible from The Avenue.</p>
<p><b>C16 – Accessible design can be achieved by:</b></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> </ul>	<p>Development has been designed to be accessible to and within the building in accordance with all relevant legislation, with direct equitable pedestrian access provided to the primary entry point of the child care facility via The Avenue. Furthermore, lift core provides access to both levels from the basement.</p> <p>Access to the site is in accordance with the Access Report that accompanies this application.</p>

- **providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible**
- **minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.**

Development provides appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance via a graded pedestrian pathway from The Avenue.

### 3.4 Landscaping

**C17 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.**

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

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

The development proposes appropriate landscape embellishment works within the immediate low density residential context.

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

Refer to attached Landscaping Plan for detail.

**C18 – Incorporate car parking into the landscape design of the site by:**

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

Development proposes all car parking within a basement, nevertheless the development proposes appropriate landscape embellishment works that will improve and enhance the subject site whilst helping to integrate the proposal within the context of the site and immediate low density surroundings.

Refer to attached Landscaping Plan for detail.

### 3.5 Visual and acoustic privacy

**C19 – Open balconies in mixed use development should not overlook facilities nor overhang outdoor play spaces.**

The proposal is not part of a mixed-use development. Not applicable

**C20 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:**

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

Development has been designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public area via appropriate site and building layout with fencing and landscaping to mitigate potential privacy issues.

Potential noise impacts associated with the outdoor play area is mitigated by acoustic fencing and treatment as set out in the Acoustic Assessment which accompanies this application.

Furthermore, an Operational Management Plan will manage outdoor play times and the number of children accessing outdoor area at any one time to further mitigate potential noise to neighbouring properties.

**C21 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:**

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

Complies, the centre-based child care facility is designed to minimise direct overlooking of main internal living areas and private open space in adjoining developments, noting that the facility is to be appropriately treated through the combination of blank walls and acoustic barriers.

**C22 – A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:**

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

Development proposes appropriate acoustic fencing along the site's side boundaries to minimise acoustic impacts to neighbouring properties as per the Acoustic Assessment and Architectural Plans.

A DA Acoustic Assessment has been prepared by Renzo Tonin & Associates and accompanies this application. The report has found that the operational noise from the project to the potentially most affected residential receiver locations around the site was assessed and compliance with the noise emission goals can be achieved provide the recommendation in Section 7 of the report are adopted.

**C23 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:**

- identify an appropriate noise level for a child care facility located in residential and other zones
- determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use
- determine the appropriate height of any acoustic fence to enable the noise criteria to be met

A DA Acoustic Assessment has been prepared by Renzo Tonin & Associates and accompanies this application. The report has found that the operational noise from the project to the potentially most affected residential receiver locations around the site was assessed and compliance with the noise emission goals can be achieved provide the recommendation in Section 7 of the report are adopted.

### 3.6 Noise and air pollution

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

**C24 – Adopt design solution to minimise the impacts of noise, such as:**

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

The subject site is not located near major roads, rail lines, beneath flight paths or other noisy environments. It is noted that appropriate design/ measures have been undertaken including appropriate setbacks, use of landscaping and acoustic fencing to minimise acoustic impacts to neighbouring properties.

A DA Acoustic Assessment has been prepared by Renzo Tonin & Associates and accompanies this application. The report has found that the operational noise from the project to the potentially most affected residential receiver locations around the site was assessed and compliance with the noise emission goals can be achieved provide the recommendation in Section 7 of the report are adopted.

**C25 – An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:**

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

- on industrial zoned land where an ANEF contours is between 20 and 25, consistent with AS 2021 – 2000
- along a railway or mass transit corridor, as defined by *State Environmental Planning Policy (Infrastructure) 2007*
- on a major or busy road
- other land that is impacted by substantial external noise

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

A DA Acoustic Assessment prepared by Renzo Tonin & Associates has found that reasonable controls can be incorporated into the building envelope design, to ensure a suitable level of internal acoustic amenity can be achieved for children and staff. The building, orientation and location of external play areas will also ensure compliance with the noise criteria recommended for outdoor play/active areas.

The report also found that the operational noise from the project to the potentially most affected residential receiver locations around the site was assessed and compliance with the noise emission goals can be achieved provide the recommendation in Section 7 of the report are adopted.

**C26 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development**

Complies.

**C27 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.**

The subject site is not located near a major road or industrial development.

### 3.7 Hours of operation

**C28 – Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays**

The child care facility is to operate between 7:00am to 6:00pm Monday to Friday.

**C29 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses**

Subject site is not located within a mixed-use are. Not applicable.



### 3.8 Traffic, parking and pedestrian circulation

**C30 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.**

The Development has regard with the car parking requirements under the Canterbury-Bankstown DCP 2023.

Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rate:

Within 400m of a metropolitan train station:

- 1 space per 10 children
- 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space.

In other areas:

- 1 space per 4 children

**C31 – In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicular movement or potential conflicts with truck and large vehicles.**

Site not located on a commercial or industrial zone. Not applicable.

**C32 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised and demonstrate that**

- the amenity of the surrounding area will not be affected
- there will be no impacts on the safe operation of the surrounding road network

Transport and Parking Assessment prepared by Transport Strategies which accompanies this application has found that the proposed development will generate an additional 35 vehicle trips during the AM Peak and 22 vehicle trips during the PM Peak and will have minimal impacts on the surrounding road network.

The report concludes that the proposed development is supported on traffic planning grounds.

Refer to attached Traffic and Parking Assessment for more detail.

**C33 – Alternate vehicular access should be provided where child care facilities are on site fronting;**

- a classified road
- roads which carry freight traffic or transport dangerous goods or hazardous materials

No applicable as the site does not front a classified road or a road which carries freight traffic or transport dangerous goods or hazardous materials.

The alternate access must have regard to the prevailing traffic conditions

- pedestrian and vehicle safety including bicycle movements
- the likely impact of the development on traffic

**C34 – Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the sider locality in times of emergency.**

Development site is not within a cul-de-sac or narrow lanes or road. Not applicable.

**C35 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment;**

- separate pedestrian access from the car park to the facility
- defined pedestrian crossings including within large car parking areas
- separate pedestrian and vehicle entries from the street for parents, children and visitors
- delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities
- vehicles can enter and leave the site in a forward direction

Development provides separate pedestrian and vehicular access.

Vehicles can enter and exit the site in a forward direction. Refer to swept path diagrams within the attached Traffic and Parking Assessment for more detail.

**C36 Mixed use developments should include:**

N/A.

- driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks
- drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site
- parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.

**C37 – Car parking design should:**

- include a child safe fence to separate car parking areas from the building entrance to play areas
- provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards
- include wheelchair and pram accessible parking

Car parking area is sufficiently separated from the building entrance and outdoor play area.

Accessible car parking space designed in accordance with Australian Standard is clearly marked and situated near the entry point.

**Part 4 Applying the National Regulations to development proposals**

**4.1 Indoor space requirements**

**Regulation 107**

**Education and Care Services National Regulations**

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

The proposal provides 3.38m<sup>2</sup> of indoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.

**Design Guidance**

**Verandas as indoor space**

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

A veranda within the first floor is included as unencumbered indoor space, noting that its openings can fully close if required.

**Design Guidance**

**Storage**

It is recommended that a child care 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

The proposal provides appropriate internal and external storage areas.

**4.2 Laundry and hygiene facilities**

**Regulation 106**

**Education and Care Services National Regulations**

There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen,

On site laundry facilities are provided.

including hygienic facilities for storage prior to their disposal or laundering.

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

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

#### *Design Guidance*

##### *On site laundry*

On site laundry facilities should contain:

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

### 4.3 Toilet and hygiene facilities

#### *Regulation 109*

##### *Education and Care Services National Regulations*

Adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Toilet facilities for both the children and staff are provided.

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

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

### 4.4 Ventilation and natural light

#### *Regulation 110*

##### *Education and Care Services National Regulations*

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

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

<p>Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the <i>National Construction Code</i>. Ceiling height requirements may be affected by the capacity of the facility.</p>	<p>Light and ventilation and minimum ceiling heights designed to comply with relevant requirements under the National Construction Code.</p>
<p><b>Design Guidance</b>  <b>Natural light</b>  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> <li>• ceiling heights</li> </ul>	
<p><b>4.5 Administrative space</b></p>	
<p><b>Regulation 111</b>  <b>Education and Care Services National Regulations</b>  Services must provide adequate area or areas for the purpose of conducting the administrative functions of the services, consulting with parents of children and conducting private conversations.</p>	
<p><b>4.6 Nappy change facilities</b></p>	
<p><b>Regulation 112</b>  <b>Education and Care Services National Regulations</b></p> <p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.</p> <p>All nappy changing facilities should be designed and located in an area that prevents unsupervised access to children.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the <i>National Construction Code</i>.</p>	
<p><b>Design Guidance</b>  In circumstances where nappy change facilities must be provided, design considerations could include;</p>	<p>Adequate space for administrative tasks being conducted on site are proposed within the office, staff and meeting rooms.</p> <p>Nappy change facilities are provided for the facility for kids aged between 0-2 and 2-3.</p> <p>Complies.</p> <p>Nappy changing, and bathing facilities designed to comply with relevant requirements under the National Construction Code.</p> <p>Designed to comply.</p>



- Properly constructed nappy changing bench or benches
- A bench type baby bath within one metre form the nappy change bench
- The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area

#### 4.7 Premises designed to facilitate supervision

##### *Regulation 115*

##### *Education and Care Services National Regulations*

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

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

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

Comply.

#### 4.8 Emergency and evacuation procedures

##### *Regulations 97 and 168*

##### *Education and Care Services National Regulations*

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

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

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

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service

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

##### *Design Guidance*

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

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

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

#### 4.9 Outdoor space requirements

##### *Regulations 108*

##### *Education and Care Services National Regulations*

**Every child being educated and cared for within a facility must have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space.**

The proposal provides 7.0m<sup>2</sup> of unencumbered outdoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline. Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

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

Not applicable.

##### *Design Guidance*

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

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

#### 4.10 Natural environment

##### *Regulations 113*

##### *Education and Care Services National Regulations*

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

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

#### **Design Guidance**

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

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

Noted, refer to attached landscape plan for detail.

The outdoor space should be designed to:

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

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

### **4.11 Shade**

**Regulations 114**  
**Education and Care Services National**  
**Regulations**

Outdoor play areas should:

- have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m<sup>2</sup>) of the 7.0m<sup>2</sup> of outdoor space per child required.
- adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area

Complies. Refer to architectural plans for detail.

31.6% of the outdoor play area is provided with adequate shade, noting appropriate natural and built shade structures are incorporated into the design of the child care facility that will contribute towards protecting children from overexposure to ultraviolet radiation from the sun.

- **have evenly distributed shade structures over different activity spaces.**

A large covered outdoor shade area as well as large tree canopies are illustrated on the plans.

#### 4.12 Fencing

##### **Regulations 104**

##### **Education and Care Services National Regulations**

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

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

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

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

Designed to comply.

##### **Design Guidance**

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

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

- prevent children climbing over, under or through fencing
- prevent people outside the facility from gaining access by climbing over, under or through the fencing
- not create a sense of enclosure.

**Design consideration for side and rear boundary fences could include:**

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

Fencing has been undertaken in accordance with the accompanying Acoustic Assessment.

Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines.	Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.
Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.	Designed to comply.

#### 4.13 Soil assessment

<p><i>Regulations 25</i></p> <p><i>Education and Care Services National Regulations</i></p> <p><b>Subclause(d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purpose as part of an application for serviced approval.</b></p>	<p>The development site with suitable remediation works as per the Remediation Action Plan can be appropriately remediated and therefore make the site suitable for the intended redevelopment into a child care facility with basement parking.</p> <p>Refer to attached Combined Preliminary Site Investigation &amp; Detailed Site Investigation for more detail.</p>
<p><i>Design Guidance</i></p> <p><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.</b></p> <p><b>An assessment of soil for a children's service approval application may require three levels of investigation:</b></p> <p><b>Stage 1 – Preliminary investigation (with or without soil sampling)</b></p> <p><b>Stage 2- Detailed site investigation</b></p> <p><b>Stage 3 – Site specific human health risk assessment</b></p>	<p>A Combined Preliminary Site Investigation &amp; Detailed Site Investigation has been prepared and accompanies this application.</p>



### *DISCUSSION ON OUTDOOR PLAY AREA AT FIRST FLOOR*

The CCPG provides as follows at C5 Dot Point 8:

- *in R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence, except when good design solutions can be achieved.*

The design has evolved through the process in response to the CCPG and the way in which the proposal adopts a good design outcome is because:

- The first floor outdoor play area is located towards the middle of the building floor plate, contained within the building footprint established by the ground floor and is recessed to the site's northern side elevation. Furthermore, development incorporates 1000mm masonry wall & 800mm fixed batten on top & 1440mm Perspex acoustic barrier in front along both side elevation which will mitigate potential privacy and acoustic impacts to neighbouring properties.
- The first floor outdoor play area will not be visible from both the front elevation nor from the rear boundary.

Therefore, the amended scheme satisfies the provisions of C5 Dot Point 8 and I also note that:

- 2 storey development is permitted in the R2 zone;
- The proposal is compliant with the height control;
- The proposal is compliant with the setback controls;

On that basis the first floor outdoor play area satisfies the provisions of the CCPG.

## EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)

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

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

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

It is noted that a large portion of the controls have been addressed in Chapter 3 Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the Child Care Guidelines, and therefore, only the relevant controls will be addressed in the table below:

Clause	Controls	Comment	Complies
<b>Part 4.3 Physical Environment</b>			
<b>Division 1 Centre-Based Services and Family Day Care Services</b>			
<b>104</b>	Fencing	Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.	Yes
<b>106</b>	Laundry and hygiene facilities	A laundry facility is available on the premises of the proposed centre-based child care facility.	Yes
<b>107</b>	Space requirements – indoor space	The proposed centre-based child care facility provides 3.38m <sup>2</sup> of unencumbered indoor play space per child as shown on the submitted architectural plans. It is noted that concurrence will be required because the proposal incorporates the provision of part of the first floor outdoor space as indoor space as per 107(4) and it is noted that the verandah area nominated as indoor space has not been included in outdoor space that complies with 107(5).	Yes

108	Space requirements – outdoor space	The proposed centre-based child care facility provides 7.0m <sup>2</sup> of unencumbered outdoor play space per child as shown on the submitted architectural plans. See simulated outdoor space discussion.	Yes
109	Toilet and hygiene facilities	Age-appropriate toilet and washing facilities are provided.	Yes
110	Ventilation and natural light	The facility will receive adequate ventilation and natural light, as addressed in the SEPP and Child Care Guidelines previously within this statement.	Yes
<b>Division 2 Additional Requirements for Centre-Based Services</b>			
111	Administrative space	An administration room is located within the proposed Child Care Facility.	Yes
112	Nappy change facilities	A nappy change facility is provided by the proposed centre-based child care facility.	Yes
113	Outdoor space – natural environment	As addressed earlier in this statement, the development provides outdoor spaces that permit children to explore and experience the natural environment.	Yes
114	Outdoor space – shade	The proposed centre-based child care facility has provided adequate shading.  Refer to attached architectural plans for detail.	Yes
<b>Part 4.4 Staffing Requirements</b>			
123	Staff to child ratio	<p>Clause 123 provides minimum staff requirements for child care facilities in <u><b>Australia:</b></u></p> <p>0-2 Years – 1 employee per 4 children  2-3 Years – 1 employee per 5 children  3-6 Years – 1 employee per 11 children</p> <p>It is noted that Clause 271 overrides the ratio for the 3-6 age group for facilities in <u><b>New South Wales.</b></u> Therefore the ratios for the proposed facility are as follows:</p> <p>0-2 Years – 1 employee per 4 children  2-3 Years – 1 employee per 5 children  3-6 Years – 1 employee per 10 children</p>	Yes

The breakdown of children ratio within the proposed centre-based child care facility is as follows:

0-2 Years – 8 children (2 staff)  
2-3 Years – 20 children (4 staff)  
3-6 Years – 40 children (4 staff)  
Total: 10 staff educators.

The development provides a total of 10 educators. Complies.

### Part 7.3 New South Wales – Special Provisions

<b>271</b>	Educators to child ratios – (1) children aged 36 months or more but less than 6 years	(1) Regulation 123 (1)(c) applies as modified by this section. (2) The educator to child ratio for children aged 36 months or more but less than 6 years of age is 1 educator to 10 children.	Yes
This is addressed in the section above.			

Each of the relevant requirements contained in the Regulation have been considered and responded to in the design of the proposal.

Separate licensing approval of the proposal will be sought prior to occupation and running of the Child Care Facility.



## CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

As illustrated by Council's zoning map below, the subject site is zoned R2 Low Density Residential under the provisions of the Canterbury-Bankstown Local Environmental Plan 2023.

Figure 5: Zoning Map Extract (Source: NSW Government Planning Portal)



 Development Site

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

***centre-based child care facilities*** means:

- (a) a building or place used for the education and care of children that provides any one or more of the following:
  - (i) long day care,
  - (ii) occasional child care,
  - (iii) Out-of-school-hours care (including vacation care),
  - (iv) Preschool care, or

- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW), but does not include*
- (c) a building or place used for home-based child care or school-based child care, or*
- (d) an office of a family day care services (within the meaning of the Children (Education and Care Services) National Law (NSW), or*
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
- (g) a service that is concerned primarily with providing lesson or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

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

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

The proposed development provides a centre-based child care facility that will serve the needs of people who live and work in the local area, and also provide employment opportunities for local residents.

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

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



Canterbury-Bankstown Local Environmental Plan 2023 – Compliance Table			
Relevant Clause	Control	Comment	Complies
<b>Zoning</b>	R2 – Low Density Residential	<i>‘Centre Based Child Care Facilities’</i> are permissible with Council consent in the R2 – Zone	Yes
<b>Part 2 Permitted or Prohibited Development</b>			
<b>2.3</b>	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R2 – Low Density Zone and will provide valuable child care services to meet the day to day needs of local residents within Bankstown.	Yes
<b>2.6</b>	Subdivision – Consent Requirements	No subdivision is proposed as part of the current application.	N/A
<b>2.7</b>	Demolition Requires Consent	Council consent is sought for the demolition of all existing structures on site.	Yes
<b>Part 4 Principal Development Standards</b>			
<b>4.3</b>	Height of Buildings: 9m	<p>The development site is subject to a maximum building height of 9m under the Canterbury Bankstown Local Environmental Plan 2023.</p> <p>The development proposes a two storey building with a maximum building height of &lt;9m. Complies.</p> <p>Refer to attached architectural plans for detail.</p>	Yes
<b>4.4</b>	Floor Space Ratio: 0.5:1	<p>The development site is subject to a maximum FSR of 0.5:1 under the Canterbury Bankstown Local Environmental Plan 2023.</p> <p>The development proposes a maximum FSR of 0.39:1.</p> <p>FSR calculations have been undertaken in accordance with Clause 4.5.</p>	Yes
<b>Part 5 Miscellaneous Provisions</b>			
<b>5.10</b>	Heritage	Subject site is not listed as a heritage item and is not within a conservation area.	N/A

		<p>There are heritage items within the broader locality, but they are sufficiently separated from the development site noting existing built forms and road networks provide adequate buffer between the subject site and the local heritage items.</p> <p>As such no further heritage studies is considered necessary noting that the development site is not burdened by any heritage restrictions.</p>	
5.21	Flood planning	<p>Council have identified that the development site is subject to stormwater inundation from overland flow path during large storm events.</p> <p>The development has been designed to permit stormwater runoff to pass unobstructed over the site. Refer to attached Stormwater Management Plan for more detail.</p>	Yes
<b>Part 6 Additional Local Provisions</b>			
6.1	Acid sulfate soils	<p>The subject site is not identified as being affected by Acid Sulfate Soils.</p>	N/A
6.2	Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation, particularly for the basement level will have minimal adverse environmental or amenity impact.</p> <p>The development has been designed to follow the natural contours of the site to minimise excessive cut and fill.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p>	Yes

		<p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies. It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p> <p>Refer to attached Erosion and Sediment Control Plan that accompanies this report for detail.</p>	
<b>6.3</b>	Stormwater management and water sensitive urban design	<p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p> <p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>See attached Stormwater Management Plan for detail.</p>	Yes
<b>6.4</b>	Biodiversity	Subject site is not identified as 'Biodiversity' on the Natural Resources-Biodiversity Map.	N/A
<b>6.5</b>	Riparian land and watercourses	Subject site is not identified as 'Riparian Land and Waterways' on the Natural Resources - Riparian Land and Waterways Map.	N/A
<b>6.7</b>	Development in areas subject to aircraft noise	The site is not identified on the Bankstown Airport or Sydney Airport ANEF maps.	N/A
<b>6.8</b>	Airspace operations	The development will have no impact on airspace operations.	N/A
<b>6.9</b>	Essential services	The development site is well serviced by electricity, water and sewer and the required utility clearances will be obtained prior to works commencing on site.	Yes

<b>6.10</b>	Active street frontages	Not applicable – as the subject site is not identified as “Active Street Frontage” on the Active Street Frontages Map.	N/A
<b>6.13</b>	Special provision for centre-based child care facilities	Comply – as vehicular access to the land is not from a classified road, cul-de-sac or a road where the carriageway between kerbs is less than 10m.	Yes
<b>6.15</b>	Design excellence	<p>Not applicable to the current proposal.</p> <p>However, it is noted that the development proposes a contemporary two storey childcare facility set within a landscape setting that will achieve a high standard of architectural design and materials that will be consistent with the existing low density character of the subject area.</p> <p>It is noted that the proposal exhibits design excellence and embodies the matters prescribed in Clause 7.13 (4)(a) – (xi).</p>	N/A

## CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

The table below provides detail on the provisions relevant to the current proposal.

Canterbury - Bankstown Development Control Plan 2012			
Clause	Controls	Comment	Complies
Chapter 2 – Site Considerations			
Chapter 2.1	Site Analysis	A Site Analysis has been prepared for the proposal and is attached as part of this application.	Yes
Chapter 2.2	Flood Risk Management	<p>Council have identified that the development site is subject to stormwater inundation from overland flow path during large storm events.</p> <p>The development has been designed to permit stormwater runoff to pass unobstructed over the site. Refer to attached Stormwater Management Plan for more detail.</p>	N/A
Chapter 2.3	Tree Management	No trees are to be removed as part of this application, noting that the development proposes to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds.	N/A
Chapter 3 – General Requirements			
Chapter 3.2	Parking	<p><b>Section 2 – Off-Street Parking Rates</b></p> <p>For child care facilities – the DCP has prescribed the following parking rates:</p> <ul style="list-style-type: none"> <li>- 1 space per 4 kids and 2 additional car spaces for the exclusive use of any associated dwellings</li> </ul> <p>The development proposes a 68 places child care facility with no associated dwelling and as such is required to provide a total of 17 car parking spaces.</p>	Yes

The development proposes a total of 17 car parking spaces within a basement level and as such the development comply with Council parking requirements for child care facilities.

Refer to attached Traffic and Parking Impact Assessment for more detail.

### Section 3 – Design and Layout

#### Parking Location & Sight Distance Requirement

Parking is to be provided within a basement level, which is becoming more common for newer more modern child care facilities. Furthermore, providing parking within the basement level will also positively contribute towards minimising impacts of excessive hard surfaces to the streetscape.

Yes

The development proposes a new vehicular crossover towards the southeastern side of the site's frontage along The Avenue. Adequate site distance is provided, particularly for egressing drivers, noting that the driveway is in accordance with AS 2890.1 and AS 2890.6.

The proposed ingress and egress manoeuvring arrangements at the driveway will be satisfactory, as confirmed by the swept path assessment for B85 and B99 vehicles. The existing regular gaps in the traffic flow along The Avenue will allow vehicles to ingress and egress the proposed driveway without any undue difficulty and delay.

In terms of accessible parking, the development provides 1 accessible car parking spaces located adjacent to the lift core, with direct interrupted access provided between the accessible car parking space and the lift core.

#### Alternate Parking Arrangements

In terms of tandem parking spaces, they are considered appropriate for staff use for child care facilities due to predictable schedules where staff members typically have predictable work hours.

Yes



With the more permanent staff, such as the teachers likely to park all day or a good part of the day with very low turnover.

Accordingly, the tandem parking spaces for child care facility staff is reasonable.

Furthermore, with the development providing separate staff and visitor parking will avoid potential conflict between staff and visitor parking.

Access Driveway Width and Design

The proposed driveway will provide for the shortest and most direct access to the basement car parking area.

Yes

The proposed car parking layout is expected to operate satisfactorily, with all parking spaces, aisle widths, ramp grades / transitions and height clearances to be provided in accordance with the requirements of AS2890.1 and 6.

Parking bays are provided at 2.4 x 5.4m for staff, and 2.7 x 5.4m for visitor spaces with 6.2m wide aisle width, in accordance with AS2890.1. As such there will be adequate manoeuvring areas within the carpark for set-down and pick-up activities, with all vehicles able to enter and exist the site in a forward direction.

Minimum Headroom Dimensions

Comply – basement level provides minimum headroom of 2.2 at the entrance, 2.3m at OSD and 2.9-3.3m for the remainder of the carpark.

Yes

Loading and Unloading Facilities

Development provides a service bay which can accommodate up to 6.35m long private waste vehicle within the basement level.

Yes

As per the swept path diagrams, appropriate service vehicles can enter and exist the site in a forward direction.

Other small service vehicles (e.g., deliveries, courier activity, maintenance and service personnel, etc.) will be able to use the available visitor parking space.

Pedestrian Access

Complies – separate pedestrian and vehicular access to the site. Yes

Bicycle Parking

The DCP prescribes 1 bicycle space per 4 staff. With the development proposing a total of 10 staff, the proposal is to provide 2.5 (3) bicycle parking spaces. Yes

The development proposes a total of 3 bicycle parking spaces within the basement level with dimensions of 0.5 x 1.8m for staff, designed in accordance with AS2890.3.

Visitor Parking

The parking scheme comprises of separate visitor and staff parking, noting that both visitor and staff parking are appropriate marked and signposted, with the visitor parking located closer to the lift core within the basement level. Yes

Basement Parking

Parking is to be provided within a basement level, which is becoming more common for newer more modern child care facilities. Yes

Basement parking is to be appropriately ventilated.

The access point to the basement is appropriately integrated into the overall buildings design, thus ensuring that the proposed built form does not detract from the streetscape character along The Avenue.

Secured bicycle parking is provided within the basement level as per the DCP.

The basement level is designed and sized to provide sufficient parking while ensuring appropriate deep soil planting can be provided on the site.

<b>Chapter 3.3</b>	Waste Management	<p>Development provides an enclosed waste room at the ground floor with a graded pedestrian pathway that will provide direct access for bins to be located to the nominated collection point to the kerbside along the site's frontage to The Avenue which will be consistent with the surrounding low-density residential developments and is normal for neighbourhood child care centre of this nature.</p> <p>All commercial waste and recycling services will be provided by a licensed waste contractor.</p> <p>The waste collection truck will schedule collection out of the site's operational hours to reduce any risk from the truck and bin movements to the site buildings and their occupants/staff. The collection of waste and/or any recycling is to occur before 8am and after 4pm on workdays to minimise noise disturbance to the occupants/staff.</p> <p>With reference to various other side occupancies, the ideal waste collection time will be estimated to be between 6am and 7.30am.</p> <p>Refer to attached Waste Management Plan for more detail.</p>	Yes
<b>Chapter 3.4</b>	Sustainable Development	The childcare facility has been oriented, sited and designed to achieve good natural light, ventilation and will install low energy consumption appliances.	Yes
<b>Chapter 3.5</b>	Subdivision	No subdivision is proposed as part of this application.	N/A
<b>Chapter 3.6</b>	Signs	No signage is proposed as part of this application. It is anticipated that signage associated with the child care facility will be subject to future DAs.	N/A
<b>Chapter 3.7</b>	Landscape	Proposed landscaping works seek to soften the built form whilst also seeking to integrate the development with the site's low density context.	Yes

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

The development provides setbacks to from the basement level to the boundaries that will allow for appropriate deep soil and drainage, and so that the development will not impact upon vegetation on neighbouring properties.

Refer to attached Landscape Plan that accompanies this application for more detail.

#### Chapter 4 – Heritage

Subject site is not listed as a heritage item and is not within a conservation area. N/A

There are heritage items within the broader locality, but they are sufficiently separated from the development site noting existing built forms and road networks provide adequate buffer between the subject site and the local heritage items.

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

#### Chapter 10 – Other Development

##### Chapter 10.1 Child Care Centres

##### Section 2 – Traffic Management

A Transport and Parking Assessment prepared by Transport Strategies support this application and concludes that the current development is considered supportable in terms of traffic planning grounds. Yes

The report also found that the proposed development will generate an additional 35 vehicle trips during the AM Peak and 22 vehicle trips during the PM Peak and will have minimal impacts on the surrounding road network.

Refer to attached Transport and Parking Assessment for more detail.

### **Section 3 – Site Layout and Building Envelopes**

#### **Development Control**

##### **Storey Limit**

**3.1** The development proposes a maximum of 2 storeys, noting that the DCP limits child care facilities to 2 storeys. Yes

**3.3** The DCP also states that activities for children aged 0-2 years must solely be located on the first storey (ground floor) of a building to ensure the safe evacuation of children during emergencies. Yes

Complies - the 0-2 indoor and outdoor play areas are located on the ground floor. Yes

Furthermore, the proposed child care facility has been designed and incorporate features that provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.

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

##### **Setbacks**

The DCP prescribes a front setback of 5.5m for child care facilities within R2 zoned land. Yes

The development provides a primary front setback of >5.5m from the primary building line to The Avenue. Complies.

The DCP prescribes a side setback of 1.5m for child care facilities within R2 zoned land. Yes

The development provides a minimum side setback of 1.5m from the primary building line to both side boundaries. Complies.

Furthermore, the basement level does not project beyond the ground floor perimeter of the child care facility.

**3.8** The outdoor play areas within both the ground floor and within Level 1 have been designed to avoid living areas or bedroom of an adjoining dwelling, road and driveway that may have noise impact and potential noise or pollution sources. Yes

This is achieved via the incorporation of landscaping, boundary fencing and acoustic fencing provided at the ground floor and acoustic fencing along the first floor outdoor play area.

The incorporation of acoustic barriers combined with the Plan of Management, will manage outdoor and the general operation of the facility, to minimise privacy impacts to adjoining properties.

#### Access

The child care facility has been designed to provide adequate access consistent with the Building Code of Australia and Australian Standard 1428 Part 1 to 4 – Design for Access and Mobility. Yes

Refer to Access Report that accompanies this application.

#### Car Park

It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site. Yes

The proposed parking area and ancillary driveway will not contribute to the creation of traffic hazards.

The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site.



#### Section 4 – Building Design and Energy Efficiency

##### Energy Efficiency

The child care facility has been oriented and sited to maximise natural light whilst the design scheme encourages natural cross-ventilation. Yes

##### Access to Sunlight

The facility has openings and the outdoor play area oriented to receive adequate sunlight. Yes

The development is appropriately scaled in terms of height and bulk, noting compliance to height provisions, and is sufficiently setback from its boundaries and therefore will not result in excessive overshadowing of neighbouring properties.

Shadow diagrams demonstrate that adjoining properties will continue to receive a minimum of 3 hours of interrupted sunlight at mid-winter.

##### Building Design

As per the DCP, as the development proposes a 68 place child care facility designed as a contemporary two storey built form within a landscape setting that will be consistent with the existing and emerging residential built form character along The Avenue. Yes

The architectural elements include the incorporation of horizontal and vertical elements, incorporation of stepped alignment of walls, articulation of the front façade, varied window placement and a combination of colours and materials which provide relief to the built form.

The development provides an active frontage to The Avenue.

##### Roof Design

The development proposes an appropriate gabled roof design which presents a suitable contemporary form and good quality materials and finishes. Yes

Front Fences

N/A – no front fence scheme is proposed as part of this application.

N/A

**Section 5 – Acoustic Privacy**

The proposed two storey child care facility has been designed to minimise privacy impacts on neighbouring properties.

Yes

This is achieved via the siting and orientation of the building combined with compliance to height and setback provisions.

The design scheme has also undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing.

This includes the siting and orientation of the building combined with the two story built form complying with the prescribed height and setback provisions to ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.

Parking is to also be located within the basement level to minimise the acoustic impact of vehicle traffic moving to and from the site.

Furthermore, the use of blank walls combined with fixed windows along with glass block highlighted windows to the site elevations, management of outdoor play area and the incorporation of acoustic barriers to both the ground floor and first floor outdoor play area will not only mitigate potential privacy impacts to adjoining properties but also to protect the noise intrusion into the child care facility.

A DA Acoustic Assessment has been prepared by Renzo Tonin & Associates and accompanies this application.

The report has found that the operational noise from the project to the potentially most affected residential receiver locations around the site was assessed and compliance with the noise emission

goals can be achieved provide the recommendation in Section 7 of the report are adopted.

**5.3** DCP stipulates that the maximum height for noise attenuation walls and fences along the boundary of the site is 2m. Yes

Comply - the proposed noise attenuative fencing that is to wrap around the ground floor outdoor play area is 1.84m in height with Perspex 51-degree angle cantilevered on retaining wall.

## **Section 6 – Open Space and Landscape**

### Outdoor Play Areas

**6.1** The outdoor play areas have been designed to permit supervision from within the child care facility. Yes

**6.2** The outdoor play areas is relatively flat with shading provided in accordance the shading requirements under the child care planning guideline. Yes

Furthermore, the surface treatment is in accordance with best practice guidelines in early childhood environments.

**6.3** The child care facility does not include the following: Yes

- Driveway, parking area, drying area or other service area, undercroft area, balcony;
- Deep soil zones;
- Within residential zones

**6.4 – 6.6** N/A – no retaining walls are proposed. N/A

### Landscape and Deep Soil Zones

A Landscape Plan has been prepared and accompanies this application. Yes

The development, with the exception of access arrangements (vehicular crossover and driveway & pedestrian pathways) provides a 2m wide landscaping setback to the front setback.

Furthermore, where appropriate the development also provides a minimum 1.5m wide deep soil zones (with the exception of pedestrian pathway along the side boundaries) around the perimeter of the outdoor play area.

#### **Section 7 – Safety and Security**

The proposed two storey child care facility provides the primary entry point and windows within the front elevation to address The Avenue. Yes

The street number will be visible from the street to ensure that it is easily identified from the public domain.

The outdoor play areas are separated from the car parking arrangements including vehicle access points and basement parking area.

The development is to incorporate appropriate fencing along its side and rear boundaries in accordance with the DCP.

The development has been designed to be accessible to and from the street level and within the building itself in accordance with all relevant legislation, with direct equitable pedestrian access provided via The Avenue.

Furthermore, a lift core provides access to all levels from the basement.

All appropriate fire protection has been provided in accordance with the relevant standards.

An Evacuation Plan has been prepared and accompanies this application.

#### **Section 8 – Site Facilities**

Comply – waste storage areas, storage of goods and materials are not visible from the public domain. Yes

## *DISCUSSION ON FIRST FLOOR OUTDOOR PLAY AREA & SECTION 6 OF CB CITY DCP 2023*

*The DCP sets out:*

### *Objectives*

*O1 To provide appropriate landscaping and outdoor play areas in child care facilities.  
O2 To provide useable open space on the street frontage for canopy trees and deep soil zones.*

*O3 To provide landscaping that softens the appearance of buildings, car parks and service areas.*

*O4 To provide useable private open space to dwellings that form part of child care facilities.*

*O5 To provide children with access to natural environments by way of trees, gardens and natural grass.*

### *Development controls*

#### *Outdoor play areas*

*6.1 The location of outdoor play areas must allow supervision from within the child care facility.*

*6.2 Outdoor play areas must:*

- (a) locate on a land gradient that is predominantly flat;*
- (b) provide access to shade, particularly between 9.30am and 3.00pm during summer months. This may be in the form of a shade structure or natural shade from trees;*
- (c) consider the surface treatment in accordance with best practice guidelines in early childhood environments.*

*6.3 Outdoor play areas do not include:*

- (a) a driveway, parking area, drying area or other service area, undercroft area, balcony and the like; or*
- (b) deep soil zones; or*
- (c) within residential zones, any above ground terrace, deck or verandah where the height of the floor level is more than 300mm above the ground level (existing).*

The proposal is consistent with the above but varies 6.3(c) in that the first floor accommodates an outdoor play area- being an above ground terrace with an outdoor play area. Despite the variation the proposal is considered consistent with the objectives as follows:

*O1 To provide appropriate landscaping and outdoor play areas in child care facilities.*

Note: This is achieved as the ground floor and first floor incorporates natural elements as shown on the landscape plans.

*O2 To provide useable open space on the street frontage for canopy trees and deep soil zones.*

Note: This is achieved.

*O3 To provide landscaping that softens the appearance of buildings, car parks and service areas.*

Note: This is achieved.

*O4 To provide useable private open space to dwellings that form part of child care facilities.*

Note: This is not relevant.

*O5 To provide children with access to natural environments by way of trees, gardens and natural grass.*

Note: This is achieved as the ground floor and first floor incorporates natural elements as shown on the landscape plans.

In relation to other matters of visual and acoustic privacy it is noted that:

- The first floor outdoor play area is located towards the middle of the building floor plate, contained within the building footprint established by the ground floor and is recessed to the site's northern side elevation. Furthermore, development incorporates 1000mm masonry wall & 800mm fixed batten on top & 1440mm Perspex acoustic barrier in front along both side elevation which will mitigate potential privacy and acoustic impacts to neighbouring properties.
- The first floor outdoor play area will not be visible from both the front elevation nor from the rear boundary.
- An Operational Management Plan which is to accompany this application will manage outdoor play times and the number of children accessing outdoor area at any one time, which will further contribute towards managing potential noise impacts to adjoining properties, noting that an Acoustic Assessment concludes



that the operational noise from the project to the potentially most affected residential receiver locations around the site was assessed and compliance with the noise emission goals can be achieved provide the recommendation in Section 7 of the report are adopted.

- The facility has been designed to incorporate features that provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency. This includes the preparation of an Emergency and Evaluation Plan prepared in accordance with Regulation 97 and design guidance contained within this Guideline and is attached as part of the overall DA package.

Considering that the first floor outdoor play area will not be visible from The Avenue, and that the development limits children within the first floor to the older age group (2-3 age group) with the 0-2 age group indoor and outdoor play area contained on the ground floor, and also considering that the development is to adopt an Emergency Evaluation Plan combined with design element which will mitigate potential acoustic and privacy impacts including an Operational Management Plan, the provision of providing a outdoor play area within the first floor is considered acceptable and worth of Council support

## CONCLUSION

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

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

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