



## Statement of Environmental Effects

**Proposal:** Demolition of Existing Dwelling; Construction of New Building  
For use as Childcare Centre (46 Children)

**Address:** No. 32 Bagdad Street, Regents Park NSW 2143

**To:** Canterbury Bankstown Council

**Date:** October 2023; revised April 2024; revised October 2024



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## 1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared to accompany the Development Application to **Canterbury Bankstown Council** that seeks consent for the **proposed demolition of existing dwelling and construction of new single-storey building with basement parking for use as 46-place child care centre at No. 32 Bagdad Street, Regents Park NSW 2143 / Lot B in DP 361957.**

The subject site is not identified as a heritage item or within a heritage conservation area. The proposal is designed such as to remain sympathetic to the existing streetscape and will have negligible impact on the amenity of the locality.

This Statement of Environmental Effects addresses the merits of the proposal with reference to the matters for consideration under the following legislation:

- Section 4.15 of the *Environmental Planning and Assessment Act, 1979*;
- *Environmental Planning and Assessment Regulation 2021*;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- Childcare Planning Guideline;
- Canterbury Bankstown Local Environmental Plan 2023;
- Canterbury Bankstown Development Control Plan 2023.

This Statement should be read in conjunction with the following plans and supporting documents accompanying this DA, including but not limited to:

Document	Prepared by
Architectural plans	Boris Grgurevic & Associates Pty Ltd
Survey plan	C & A Surveyors
Acoustic Report	Acoustic Noise & Vibration Solutions P/L
Parking & Traffic Impact Assessment Report	Hemanote Consultants P/L
Landscape Plan	Michael Siu Landscape Architects

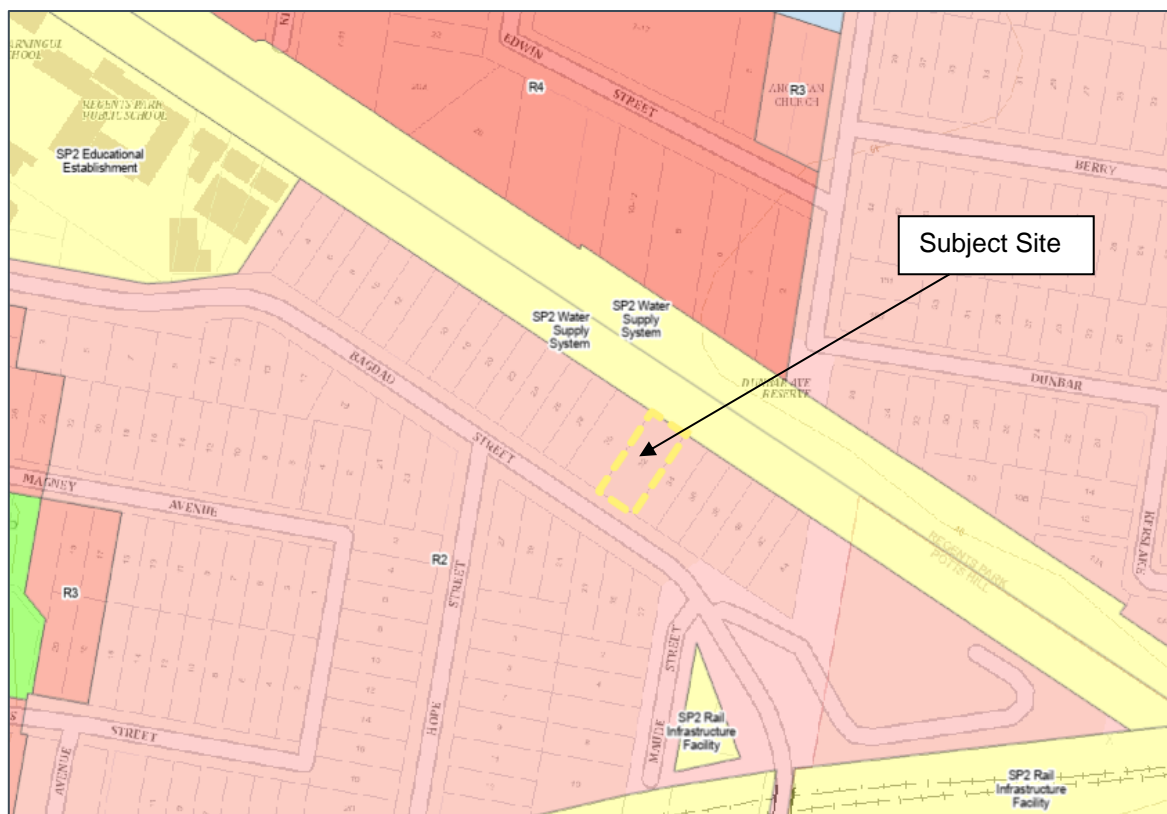
## 2.0 THE SITE AND SURROUNDS

### 2.1 Legal Description

The subject site is a regularly-shaped allotment on the northeastern side of Bagdad Street. It has a lot width of 18.29m and a lot depth of 42.67m for a total **site area of 777.8sqm**. The site is legally described as **Lot B in DP 361957**. Onsite stands a single-storey clad dwelling with tile roofing. It has a slight gradient wherein the frontage is approximately 2m lower than the rear portion of the lot.

### 2.2 Location

The subject site is located at **No. 32 Bagdad Street, Regents Park NSW 2143**. It is within **Zone R2 - Low Density Residential** and falls within the jurisdiction of the **Canterbury Bankstown Council** local government area shown in Figures 1 to 3 below with its general context to the precinct and surrounds. Surrounding land uses are generally single and double storey, residential structures.



**Figure 1:** Map illustrating the location of the subject site  
(Source: NSW Planning Portal)





**Figure 2:** An aerial map illustrating the site and immediate surrounds.  
(Source: Stash Property App)



**Figure 3:** Existing front façade (Source: realestate.com)

## 3.0 THE PROPOSAL

### 3.1 Description

This DA seeks approval for the **proposed demolition of existing dwelling and construction of new single-storey building with basement parking for use as 46-place child care centre at No. 32 Bagdad Street, Regents Park NSW 2143 / Lot B in DP 361957.**

The proposed Plan details are shown below:

#### INDOOR & OUTDOOR PLAY AREA CALCULATIONS

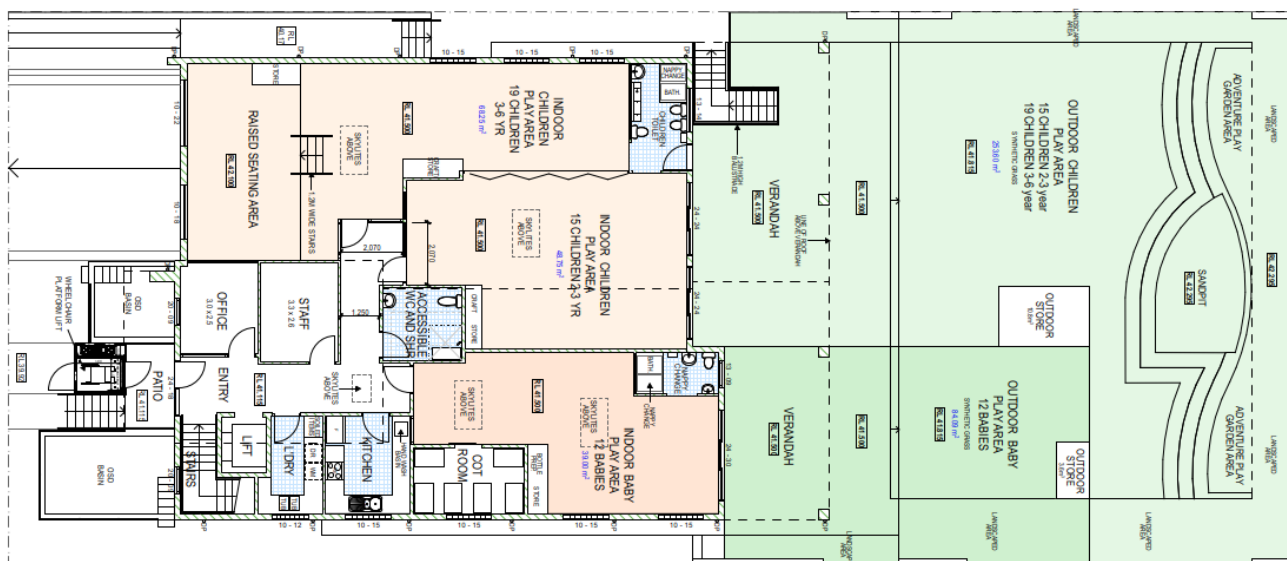
##### INDOOR AREA REQ.: 3.25M<sup>2</sup>/CHILD

AGE GROUP	NO. OF CHILDREN	MIN. AREA REQ.	PROPOSED INDOOR PLAY AREA UNENCUMBERED AREA PROVIDED
0-2 YEARS	12	39.00M <sup>2</sup>	39.00M <sup>2</sup>
2-3 YEARS	15	48.75M <sup>2</sup>	48.75M <sup>2</sup>
3-6 YEARS	19	61.75M <sup>2</sup>	68.25M <sup>2</sup>
TOTAL	46	149.50M <sup>2</sup>	156.00M <sup>2</sup>

##### OUTDOOR AREA REQ.: 7.0M<sup>2</sup>/CHILD

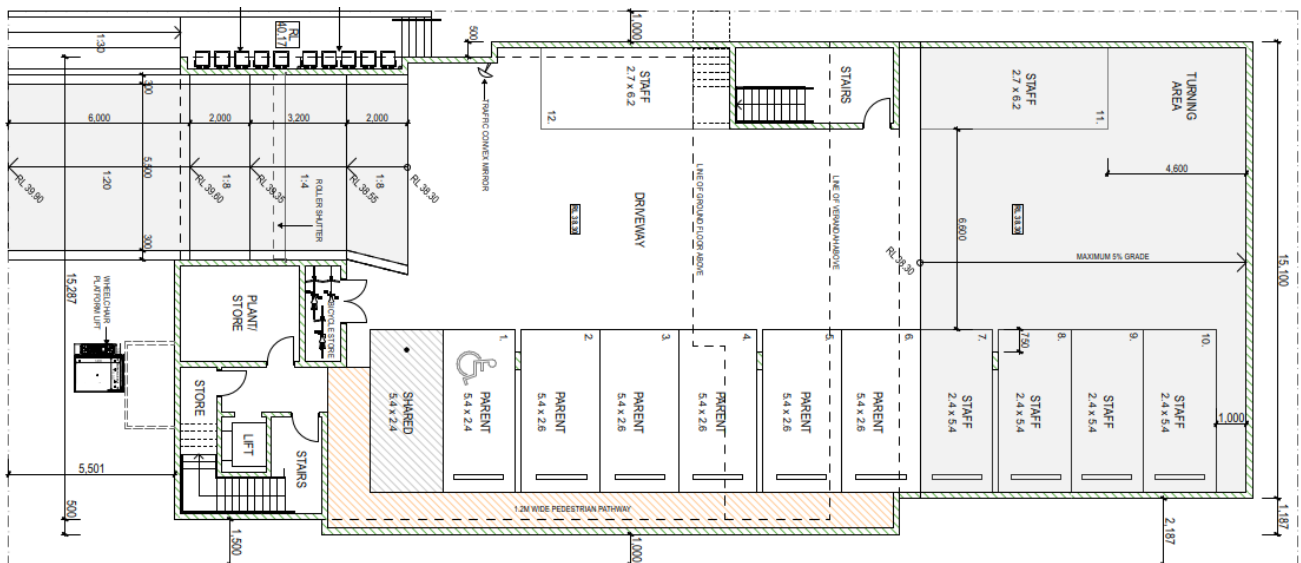
AGE GROUP	NO. OF CHILDREN	MIN. AREA REQ.	PROPOSED OUTDOOR PLAY AREA UNENCUMBERED AREA PROVIDED
0-2 YEARS	12	84.00M <sup>2</sup>	84.09M <sup>2</sup>
2-3 YEARS	15	105.00M <sup>2</sup>	105.00M <sup>2</sup>
3-6 YEARS	19	133.00M <sup>2</sup>	148.60M <sup>2</sup>
TOTAL	46	322.00M <sup>2</sup>	337.69M <sup>2</sup>

**Table 1: Area Distribution Details**



**Figure 4: Ground Floor Plan**





**Figure 5: Basement Parking Plan**

### Amenity Impacts:

The proposal will not impart unreasonably negative impacts upon the subject locality. The proposal will promote an example of an environmentally-sensitive contemporary development to the existing established residential precinct. The proposal is designed to have nil impact to bulk, scale and character of the locality. Further assessment and consideration of the applicable planning controls are carried out within this report.



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

### 4.1. Section 4.15(1)(a) of the EP&A Act, 1979

*(i) Section 4.15 (1)(a)(i) The provisions of any Environmental Planning Instrument*

#### **State Environmental Planning Policy (Transport and Infrastructure) 2021.**

State Environmental Planning Policy (Transport and Infrastructure) 2021, came into effect on December 2021 and applies to the subject proposal. Some of the key aims of the SEPP, particularly Chapter 3, as it relates to child care facilities, include:

- improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and
- simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and
- establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and
- 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
- providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and
- 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
- encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

An assessment of the proposed modifications is made against the *State Environmental Planning Policy (Transport and Infrastructure) 2021* and is provided in Table 2 below.

<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b> <b>Chapter 3 Educational establishments and child care facilities</b> <b>Part 3.3 Early education and care facilities—specific development controls</b>		
Reference to the SEPP	Comments	Compliance
<p><b>3.22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development</b></p> <p>(1) This section applies to development for the purpose of a centre-based child care facility if—</p> <p>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i>, or</p> <p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</p> <p>(2) The consent authority must not grant development consent to development to which this section applies except with the concurrence of the Regulatory Authority.</p> <p>(3) The consent authority must, within 7 days of receiving a development application for development to which this section applies—</p> <p>(a) forward a copy of the development application to the Regulatory Authority, and</p> <p>(b) notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.</p> <p>(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the <i>Children (Education and Care Services) National Law (NSW)</i>.</p> <p>(5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination</p>	<p>This clause <b>does not apply</b> to this proposal given that it complies with Regulation 107 and Regulation 108 of the Education and Care Services National Regulations, as computed below:</p> <p><u>Indoor Play Area</u> <u>(3.25sqm/child):</u></p> <p>Total Min. Required Indoor Play Area for 46 children = 149.5sqm. minimum</p> <p>Proposed Indoor Play Area = 156.0sqm</p> <p><u>Outdoor Play Area</u> <u>(7.0sqm/child):</u></p> <p>Total Min. Required Outdoor Play Area for 46 children = 322.0 sqm. minimum</p> <p>Proposed Outdoor Play Area = 337.69 sqm</p>	Not applicable

within 28 days after receiving a copy of the development application under subsection (3).		
<p><b>Education and Care Services National Regulations (2011 SI 653)</b> (Link: <a href="https://legislation.nsw.gov.au/view/html/inforce/current/si-2011-0653#ch.4-pt.4.3-div.1">https://legislation.nsw.gov.au/view/html/inforce/current/si-2011-0653#ch.4-pt.4.3-div.1</a>)</p> <p><b>107 Space requirements—indoor space</b></p> <p>(1) This regulation does not apply in respect of a family day care residence.</p> <p>(2) The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has <u>at least 3.25 square metres of unencumbered indoor space</u>.</p> <p><b>108 Space requirements—outdoor space</b></p> <p>(1) This regulation does not apply in respect of a family day care residence.</p> <p>(2) The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has <u>at least 7 square metres of unencumbered outdoor space</u>.</p>	Reference to above Section 3.22.	
<p><b>3.23 Centre-based child care facility—matters for consideration by consent authorities</b></p> <p>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the <i>Child Care Planning Guideline</i>, in relation to the proposed development.</p>	Refer to discussion in the succeeding table below.	
<p><b>3.24 Centre-based child care facility in certain zones—additional matters for consideration by consent authorities</b></p> <p>(1) The object of this section is to minimise land use conflicts with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based child care facility on land in a prescribed zone.</p> <p>(2) The consent authority must consider the following matters before determining a development application</p>	The subject site is within Zone R2 – Low Density Residential, which is not a prescribed zone for this provision.	Not applicable

<p>for development for the purpose of a centre-based child care facility on land in a prescribed zone—</p> <p>(a) whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses,</p> <p>(b) whether the proposed development has the potential to restrict the operation of existing industrial land uses,</p> <p>(c) whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.</p> <p>(3) The matters referred to in subsection (2) are in addition to any other matter that the consent authority must consider before determining a development application for development for the purpose of a centre-based child care facility.</p>		
<p><b>3.25 Centre-based child care facility—floor space ratio</b></p> <p>(1) Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.</p> <p>(2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.</p>	<p>The subject site will have an <b>FSR of 0.31:1</b> with the proposed development, given the following information:</p> <p>Lot Area = 777.8sqm</p> <p>Ground floor = 244.6sqm</p>	<p>Yes</p>
<p><b>3.26 Centre-based child care facility—non-discretionary development standards</b></p> <p>(1) The object of this section is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</p> <p>(2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility—</p>	<p>Noted, proposal complies with regulations 107 and 108, as discussed above.</p>	<p>Yes</p>



<p>(a) <b>location</b>—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) <b>indoor or outdoor space</b></p> <p>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <a href="#">Education and Care Services National Regulations</a> applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the <a href="#">Children (Education and Care Services) Supplementary Provisions Regulation 2012</a> applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(c) <b>site area and site dimensions</b>—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>(d) <b>colour of building materials or shade structures</b>—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p> <p>(3) To remove doubt, this section does not prevent a consent authority from—</p> <p>(a) refusing a development application in relation to a matter not specified in subsection (2), or</p> <p>(b) granting development consent even though any standard specified in subsection (2) is not complied with.</p>		
<p><b>3.27 Centre-based child care facility—development control plans</b></p> <p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of</p>	Noted	

<p>children) does not apply to development for the purpose of a centre-based child care facility—</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early education and care facilities,</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in—</p> <p>(i) the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i>, or</p> <p>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p> <p>(2) This section applies regardless of when the development control plan was made.</p>		
<p><b>3.29 Temporary emergency relocation of early education and child care facility—exempt development</b></p> <p>(1) Development for the purpose of an early education and care facility is exempt development for the purposes of this Chapter if—</p> <p>(a) the building or place to be used for the development already exists, and</p> <p>(b) the development—</p> <p>(i) is necessary to enable an early education and care facility to be temporarily relocated following, or in anticipation of, an emergency, and</p> <p>(ii) meets the standards specified for the development in this section.</p> <p><b>Note—</b></p> <p>Exempt development must also comply with the general requirements in section 3.16.</p> <p>(2) The standards for the development are as follows—</p>	<p>Noted.</p>	

<p>(a) the development must be carried out within, and the period of the temporary use must not exceed, 12 months, starting from the date on which a service approval to operate the relocated early education and care facility is granted,</p> <p>(b) the development must not be on any of the following land—</p> <p>(i) land within a flood control lot,</p> <p>(ii) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2,</p> <p>(iii) land that is significantly contaminated land within the meaning of the <a href="#">Contaminated Land Management Act 1997</a>,</p> <p>(iv) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by a coastline hazard, a coastal hazard or a coastal erosion hazard,</p> <p>(v) bush fire prone land,</p> <p>(c) the premises on which the development is carried out—</p> <p>(i) must provide or have convenient access to adequate sanitary facilities for use by staff and children attending the service, and</p> <p>(ii) must not be located within 200 metres (measured from the closest boundary of the lot on which the development is proposed) from any restricted premises, sex services premises, pub or registered club.</p> <p>(3) In this section—</p> <p><b>emergency</b> means an emergency due to an actual or imminent occurrence (such as fire, flood, storm, earthquake, explosion, terrorist act, accident, epidemic or warlike action) which endangers, or threatens to endanger, the safety or health of persons in the early education and care facility or destroys or damages, or threatens to destroy or damage, the facility.</p>		
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**Table 2 – Relevant Clauses of SEPP (Transport and Infrastructure) 2021**

As per Clause 3.23 of the SEPP, “before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the **Child Care Planning Guideline**, in relation to the proposed development.” Accordingly, Table 3 below addresses the relevant and applicable provisions of the Guideline

Childcare Planning Guideline		
Design Principle	Comments	Compliance
<b>Part 2- Design Quality Principles</b>		
<b>Principle 1 - Context</b>  Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they 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 socioeconomic makeup of the facility users and surrounding communities.	The proposal achieves good design that responds and contributes to its context, including the key natural and built features of the local area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions; and is a well-designed facility that responds to and enhances the qualities and identity of the area including the adjacent residential, streetscapes and neighbourhood. The proposal takes advantage of its context by optimising nearby transport, public facilities and centres.	Yes
<b>Principle 2 - Built form</b>  Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area	The proposed development provides an appropriate built form that defines the public domain and contributes to the character of streetscape including its	Yes



<p>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.</p> <p>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.</p> <p>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.</p>	<p>views and vistas and provides internal amenity and outlook.</p> <p>The proposal is an example of a contemporary facility design that is distinctive and unique to support standard and innovative methods to child care and learning, while simultaneously achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public domain.</p>	
<p><b>Principle 3 - Adaptive learning spaces</b></p> <p>Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and 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.</p> <p>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</p>	<p>The proposal has also been responsively designed, via its layout, to deliver spaces that are robust and adaptable for different modes of learning and catering for all students (e.g., high level of barrier-free accessibility to and through-out the facility). The contiguous design of internal and outdoor spaces, as well as the connectivity between the separate (age-based) internal areas, also contribute to a centre that will deliver high quality child care spaces.</p>	<p>Yes</p>

settings, technology and opportunities for interaction.		
<p><b>Principle 4- Sustainability</b></p> <p>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.</p> <p>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</p>	<p>The proposed new building has been designed to deliver a high degree of sustainability to achieve positive environmental, social and economic outcomes.</p> <p>For instance, the centre will have adequate fenestrations that will allow natural light and natural ventilation into its internal spaces, thereby minimizing the need for additional artificial lighting or mechanical ventilation. Building materials to be used will likewise be durable to ensure long-lasting performance at an optimal level of the built structure, which translates to reduced operational costs.</p>	Yes
<p><b>Principle 5 - Landscape</b></p> <p>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.</p> <p>Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.</p>	<p>The proposal involves the provision of approximately 139.06sqm of landscaped area or 16% of the 777.8 sqm lot, consisting of 88.45sqm to the rear and 50.61sqm to the front of the dwelling. These areas are deemed sufficient in the context of the subject site.</p> <p>The provision of suitable deep-soil zones ensure that suitable and adequate landscaping will be provided. In particular, the landscape design enables a total of 337.69sqm outdoor play areas to be functional while at the same time enhancing these learning spaces with natural features on the</p>	Yes

<p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p>	<p>boundary perimeter. Furthermore, the landscape design also ensures that the proposed development will maintain and enhance the environmental performance of the subject site in its local context.</p>	
<p><b>Principle 6 - Amenity</b></p> <p>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.</p> <p>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.</p> <p>Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise</p>	<p>Refer to commentary provided in Principles 2 through 5, inclusive, that provides examples of how the proposed development will deliver positive amenity outcomes for children, staff, neighbours, and the locality in general.</p> <p>The proposal achieves good amenity through 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; and facilities provide comfortable, diverse and attractive spaces to learn and play.</p>	<p>Yes</p>
<p><b>Principle 7 - Safety</b></p> <p>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</p>	<p>The proposed site plan has been prepared having regard to the appropriateness of plantings/specimens and the potential exposure of children to these plantings, from a safety viewpoint</p> <p>In terms of CPTED principles, the proposal incorporates suitable controlled access to the facility together with adequate passive surveillance to the</p>	<p>Yes</p>

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).	street/ access driveway from staff and administrative areas at the front of the premises. In addition, appropriate landscaping and fencing within the building line also ensure good passive surveillance and access control, respectively.	
<b><u>Part 3- Matters for consideration</u></b>		
<b>Considerations</b>	<b>Comments</b>	<b>Compliance</b>
<b>3.1 Site Selection and Location</b>  According to the child care planning guideline, not all sites will be suitable for child care facilities. This Guideline aims to help proponents choose a suitable site for a new service or facility. The most important question for each applicant is: Is the neighbourhood a good “fit” for the proposal?	The site is suitably zoned R2-low density residential. The proposal complies with the building height requirements under the DCP and is supported by the submitted Acoustic Report and Parking and Traffic Reports prepared by suitably qualified consultants confirming that the proposal will not result in any significant adverse acoustic or traffic impacts. Additionally, the proposed building setbacks are generally consistent with the existing dwelling and the nearby properties. Accordingly, the site is considered suitable for the proposal.	Yes
<b>3.2 Local Character, streetscape and the public domain interface</b>  C5. The proposed development should:  <ul style="list-style-type: none"> <li>Contribute to the local area by being designed in character</li> </ul>	The proposed new building is considered to be compatible with the local character and surrounding streetscape, by virtue of:  <ul style="list-style-type: none"> <li>The character, scale, building form, materials and colours, and the front façade treatment etc. will be remain</li> </ul>	Yes



<p>with the locality and existing streetscape</p> <ul style="list-style-type: none"> <li>• reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>• Recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>• Include design and architectural treatments that respond to and integrate with the existing streetscape</li> <li>• use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>• Integrate car parking into the building and site landscaping design in residential areas.</li> </ul>	<p>relatively consistent to and compatible with the existing mix of single and double storey dwellings within the immediate locality of the site.</p> <ul style="list-style-type: none"> <li>• The building height, bulk and scale are commensurate with the existing character of single and double storey residential dwellings.</li> <li>• The proposed building line, side and rear setbacks are consistent with the adjacent dwellings.</li> <li>• Landscaping will be utilised throughout the site, including the front setback area and along the perimeter of the site to respond to the landscape character of the area.</li> <li>• Off-street parking will be well integrated into the site via the proposed basement parking, so that it is not obtrusive to the streetscape.</li> <li>• Retention of deep soil landscaping within the front setback and at the rear of the dwelling.</li> </ul>	
<p>C6. Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>• Fencing to ensure safety for children entering and leaving the facility</li> <li>• windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</li> <li>• integrating existing and proposed landscaping with fencing.</li> </ul>	<ul style="list-style-type: none"> <li>• The landscaping is designed in such that it will reinforce the transition between public and private realms whilst still providing visual permeability through open design.</li> <li>• Security/safety doors are also provided at the entry threshold.</li> <li>• Windows from the office/meeting area, foyer and play room allow passive surveillance to the street.</li> </ul>	Yes
<p><b>3.3 Building orientation, envelope and design</b></p> <p>C12. The following matters may be considered to minimise the</p>	<ul style="list-style-type: none"> <li>• The proposal is designed to comply with the local building height controls whilst minimising any potential</li> </ul>	Yes

<p>impacts of the proposal on local character</p> <ul style="list-style-type: none"> <li>• building height should be consistent with other buildings in the locality</li> <li>• building height should respond to the scale and character of the street</li> <li>• setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>• setbacks should provide adequate access for building maintenance</li> <li>• setbacks to the street should be consistent with the existing character.</li> </ul>	<p>adverse overshadowing or amenity impacts.</p> <ul style="list-style-type: none"> <li>• The proposed setbacks from the property boundaries will generally comply with Canterbury Bankstown DCP requirements.</li> <li>• The proposal is considered to achieve compatibility with the desired future built form character of the locality and this section of Bagdad Street, noting that the built structure will remain to be a single-storey with basement structure within the Zone R2.</li> </ul>	
<p>C14. On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house</p>	<p>As required.</p>	<p>Yes</p>
<p><b>3.4 Landscaping</b></p> <p>According to the Childcare planning guideline, landscaping of child care facilities can play an important role in integrating facilities into the surrounding streetscape and context. Good integration of facilities benefits neighbours and future residents.</p>	<p>As discussed in the Design quality principle number 5 above, the proposal provides appropriate amounts of deep soil landscaping conducive to excellent outdoor play area amenity in addition to preserving the existing neighborhood character and streetscape.</p>	<p>Yes</p>
<p><b>3.5 Visual and acoustic privacy</b></p> <p>C21. Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitably locating pathways, windows and doors</li> </ul>	<p>The proposal is designed to ensure no adverse visual or acoustic privacy impacts to adjoining properties. In addition to the existing boundary fence, treatments such as window placements, screenings and/or glass blocks and implementation of the recommendations of the submitted Acoustic report ensure that any potential adverse impacts on</p>	<p>Yes</p>

<ul style="list-style-type: none"> <li>• permanent screening and landscape design</li> </ul>	the visual and acoustic privacy of the adjoining properties are minimized.	
<p>C22. Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitable location of pathways, windows and doors</li> <li>• landscape design and screening.</li> </ul>	The proposal is designed to ensure no adverse visual or acoustic privacy impacts to adjoining properties. In addition to the existing boundary fence, treatments such as window placements, seals and/or glass blocks, implementation of the recommendations of the submitted Acoustic report prepared by Acoustic Noise & Vibration Solutions P/L ensure that any potential adverse impacts on the visual and acoustic privacy of the adjoining properties are minimized.	Yes
<p><b>3.6 Noise and Air Pollution</b></p> <p>C25. Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> <li>• creating physical separation between buildings and the noise source</li> <li>• orienting the facility perpendicular to the noise source and where possible buffered by other uses</li> <li>• using landscaping to reduce the perception of noise</li> <li>• limiting the number and size of openings facing noise sources</li> <li>• using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</li> <li>• using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</li> <li>• locating cot rooms, sleeping areas and play areas away from external noise sources</li> </ul>	The proposal is accompanied by the Acoustic Report prepared by Acoustic Noise & Vibration Solutions P/L which provides suitable noise control recommendations to ensure that outside noise levels are minimised to acceptable levels during operation. These recommendations are to be implemented accordingly.	Yes

<p>C26. An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> <li>• on industrial zoned land</li> <li>• where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</li> <li>• along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>• on a major or busy road</li> <li>• other land that is impacted by substantial external noise</li> </ul>	<p>Noted and provided</p> <p>Refer to acoustic report prepared by: Acoustic Noise &amp; Vibration Solutions P/L</p>	<p>Yes</p>
<p><b>3.7 Hours of Operation</b></p> <p>C29. Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to nonresidential land uses.</p>	<p>The proposed childcare centre will have the following hours of operations:</p> <ul style="list-style-type: none"> <li>• Monday to Friday: 7:00am to 6:00pm</li> <li>• Saturday, Sunday &amp; Public Holidays: Closed</li> </ul> <p>Children will mainly be dropped off in the morning and picked up in the afternoon.</p>	<p>Considered Satisfactory</p>
<p><b>3.8 Traffic, parking and pedestrian circulation</b></p> <p>C31. Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p>	<p>The Canterbury Bankstown Development Control Plan 2023, Chapter 3 – General Requirements requires the provision of a minimum of 12 car spaces and 3 bicycle spaces.</p> <p>The proposal is providing the following spaces:</p> <ul style="list-style-type: none"> <li>• 12 x car parking spaces; and</li> <li>• 3 x bicycle storage spaces</li> </ul>	<p>Yes</p>



	It is thus deemed that the parking requirement for the proposed development will be met and achieved.	
<p>C33. A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> <li>the amenity of the surrounding area will not be affected</li> <li>there will be no impacts on the safe operation of the surrounding road network.</li> </ul>	<p>Proposed childcare centre will have basement parking consisting of 6 visitor/parent parking spaces, 6 staff member parking and 3 bicycle parking spaces which are deemed adequate to meet the parking demands of the subject development with negligible impact on the amenities of the locality and the adjoining properties. Refer to the submitted Traffic and Parking Impact Assessment Report and Addendum Traffic and Parking Statement prepared by Hemanote Consultants Pty Ltd for details.</p>	Yes
<p>C38. Car parking design should:</p> <ul style="list-style-type: none"> <li>include a child safe fence to separate car parking areas from the building entrance and play areas</li> <li>provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> <li>include wheelchair and pram accessible parking.</li> </ul>	As required	Yes
<b>Part 4 - Applying the National Regulations to development proposals</b>		
<b>Considerations</b>	<b>Comments</b>	<b>Compliance</b>
<p><b>4.1 Indoor Space Requirements</b></p> <p>Storage: It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> <li>a minimum of 0.3m<sup>3</sup> per child of external storage space</li> </ul>	<p>Adequate indoor and outdoor storage spaces are provided, as indicated in the submitted plans.</p>	Yes

<ul style="list-style-type: none"> <li>a minimum of 0.2m<sup>3</sup> per child of internal storage space.</li> </ul>		
<p><b>4.2 Laundry and hygiene facilities</b></p> <p>On site laundry facilities should contain:</p> <ul style="list-style-type: none"> <li>a washer or washers capable of dealing with the heavy requirements of the facility</li> <li>a dryer</li> <li>laundry sinks</li> <li>adequate storage for soiled items prior to cleaning</li> </ul> <p>an on-site laundry cannot be calculated as usable unencumbered play space for children</p>	Laundry facilities provided as required.	Yes
<p><b>4.3 Toilet and hygiene facilities</b></p> <p>Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants.</p> <p>Design considerations could include:</p> <ul style="list-style-type: none"> <li>junior toilet pans, low level sinks and hand drying facilities for children</li> <li>a sink and handwashing facilities in all bathrooms for adults</li> <li>direct access from both activity rooms and outdoor play areas</li> <li>windows into bathrooms and cubicles without doors to allow supervision by staff</li> <li>external windows in locations that prevent observation from neighbouring properties or from side boundaries</li> </ul>	Refer to details shown on submitted architectural plans.	Yes

<p><b>4.4 Ventilation and natural light</b></p> <ul style="list-style-type: none"> <li>• Good ventilation can be achieved through a mixture of natural cross ventilation and air conditioning.</li> <li>• It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.</li> </ul>	<p>The proposed child care centre provides good ventilation through a mix of both natural cross ventilation and air conditioning.</p>	<p>Yes</p>
<p><b>4.5 Administrative space</b></p> <p>A child care centre is required to provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations</p>	<p>Provided as required</p>	<p>Yes</p>
<p><b>4.6 Nappy change facilities</b></p> <p>In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> <li>• properly constructed nappy changing bench or benches</li> <li>• a bench type baby bath within one metre from the nappy change bench</li> <li>• the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area</li> <li>• a space to store steps</li> <li>• positioning to enable supervision of the activity and play areas.</li> </ul>	<p>Nappy change facilities provided as required.</p>	<p>Yes</p>
<p><b>4.7 Premises designed to facilitate supervision</b></p> <p>A centre-based service must ensure that the rooms and facilities within the premises</p>	<p>The proposed centre has been designed to facilitate suitable supervision throughout, via:</p> <ul style="list-style-type: none"> <li>• Simple room layouts without hidden corners</li> </ul>	<p>Yes</p>

(including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity	<ul style="list-style-type: none"> <li>• Windows/glazed doors overlooking outdoor play areas from indoor activity rooms</li> <li>• Windows into indoor activity rooms</li> </ul>	
<b>4.8 Emergency and evacuation procedures</b>	<p>Procedures for emergency and evacuation as per Regulations 97 and 168.</p> <p>Emergency and Evacuation Plan to be displayed in a prominent position near each exit.</p>	For compliance.
<b>4.11 Shade</b>	Adequate shade sails are to be installed onsite, as indicated in the submitted plans.	Yes

**Table 3 – Child Care Planning Guideline**

## Canterbury Bankstown Local Environmental Plan 2023 (CBLEP)

The subject site is identified to be located within the jurisdiction of the CBLEP and as such is impacted by the planning laws prescribed within the said planning instrument. An assessment is made against the relevant sections of the CBLEP.

<b>Canterbury Bankstown Local Environmental Plan 2023</b>		
<b>Reference to Part of LEP</b>	<b>Development Standard</b>	<b>Notes</b>
<b>2.1 Land use zoning</b>	<p>Site is zoned <b><u>R2 - Low Density Residential</u></b></p> <p><b>3 Permitted with consent</b></p> <p>Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; <b>Centre-based child care facilities</b>; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses;</p>	<p>Complies</p> <p>Proposed use is permitted within the zone.</p>

	Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture	
<b>4.3 Height of buildings</b>	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. <b>Max. HOB – 9.0m</b>	Complies  The proposed single-storey with basement parking child care centre will have a maximum building height of approximately 5m above the existing ground level.
<b>4.4 Floor space ratio</b>	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. <b>Max. FSR – 0.5:1</b>	Complies  The subject building will have a total floor area of 256sqm which is equivalent to an FSR of 0.33:1 for the 777.8sqm lot.
<b>6.13 Special provisions for centre-based child care facilities</b>	Development consent must not be granted for the purposes of centre-based child care facilities in Area 1 if the vehicular access to the land is from— (a) a classified road, or (b) a cul-de-sac road or a road where the carriageway between kerbs is less than 10m.	Complies  Bagdad Street has a carriageway width of at least 10, as measured from the edges of the kerbs.

**Table 4: CBLEP Compliance Table**

*ii) Section 4.15(1)(a)(ii)*

*The provisions of any publicly exhibited Draft Environmental Planning Instruments*

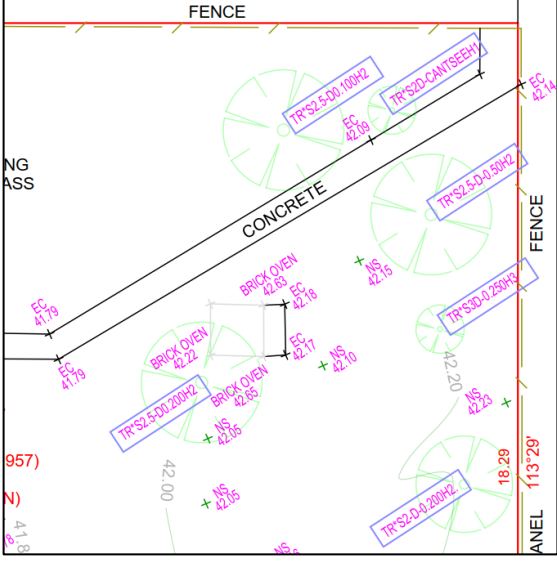
At the time of writing this Statement, there were no current draft LEP relevant to the subject site.

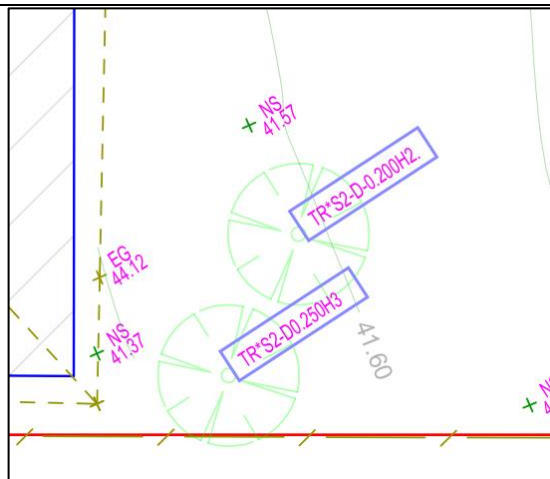
*(iii) 4.15(1)(a)(iii)*

*The provisions of any Development Control Plan*

**Canterbury Bankstown Development Control Plan 2023 (CBDCP)**



Canterbury Bankstown Development Control Plan 2023		
Refence to Part of DCP	Development Control	Assessment
<b>Chapter 2 Site Considerations</b> <b>2.3 Tree Management</b>		
SECTION 2–TREE MANAGEMENT	<p><b>Works requiring a permit</b></p> <p>2.1 A person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy, lop or otherwise remove a substantial part of any prescribed tree defined in clause 2.3 or carry out excavation and earthworks within the tree protection zone except with a permit from Council and subject to any conditions specified in the permit.</p> <p>2.2 Development consent is required to remove any tree: (a) located on a site listed as a heritage item in Schedule 5 of the Canterbury Bankstown Local Environmental Plan 2023; or (b) located on land included on the Biodiversity Map under the Canterbury Bankstown Local Environmental Plan 2023.</p> 	<p>The existing trees to the rear of the site are proposed to be removed. However, these are non-significant trees with heights ranging from 2-3m only and are not vulnerable nor endangered.</p>



Source: Submitted Survey Plan



Source: <https://www.realestate.com.au/sold/property-house-nsw-regents+park-138343327>

### Chapter 3 General Requirements 3.1 Development Engineering Standards

SECTION 3— STORMWATER DRAINAGE SYSTEMS	<b>Disposal of stormwater runoff</b>  3.2 Site stormwater drainage systems should be designed to flow under gravity, and be connected to Council's stormwater drainage system at the	Complies  All roof water will be managed in accordance
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	<p>nearest suitable location or CDL benefiting the site. Site drainage design should follow the natural fall of the catchment to a pipeline connection point that has been designed for the runoff. Catchment redirections may be permitted subject to compliance with requirements outlined below.</p> <p>A separate approval to connect to Council's stormwater drainage system must be obtained from Council. Permission to carry out the works must be obtained by applying for the relevant Work Permit.</p> <p>The final number of drainage outlets will be determined by Council through the WP process and the Storm Water Connection Plan Approval.</p>	with the submitted Stormwater Plans.
<b>3.2 Parking</b>		
SECTION 2–OFF-STREET PARKING RATES	2.1 Development must use the Off-Street Parking Schedule to calculate the amount of car, bicycle and service vehicle parking spaces that are required on the site.	<p>Complies</p> <p>Please refer to above discussion within Table 3 – Child Care Planning Guideline</p>
<b>3.3 Waste Management</b>		
SECTION 6–SPECIFIC USES	<p><b>Boarding houses*, centre-based child care centres, educational establishments and places of public worship</b></p> <p>6.1 Development must provide bin storage and separation facilities.</p> <p>6.2 Development must provide an appropriate and efficient waste storage system that considers:</p> <ul style="list-style-type: none"> <li>(a) the volume of waste generated on-site;</li> <li>(b) the number of bins required for the development and bin size; and</li> <li>(c) waste and recycling collection frequencies.</li> </ul> <p>6.3 Bin storage areas are to integrate with the overall design and functionality of development and are to locate within the building envelope to enable these areas to be screened from view from the public domain.</p> <p>6.4 The location of the bin storage area must not adversely impact on the streetscape, building presentation or amenity of any adjoining dwellings.</p>	<p>Complies</p> <p>Waste storage area is indicated in the submitted Plans. Waste collection will be on the kerbside. Waste will be collected in accordance with the submitted Waste Management Plan.</p>

	<p>6.5 An on-site collection point is to be nominated for development. The location of the collection point must allow collection vehicles to enter and exit the site in a forward direction and allow all vehicle movements to comply with the Australian Standard AS 2890.2. The location of the collection point must ensure waste servicing does not impact on any access points, internal roads and car parking areas.</p> <p>6.6 Waste generation rates are to be calculated in accordance with the rates provided in the applicable Waste Design for New Developments Guide.</p>	
<b>3.4 Sustainable Development</b>		
SECTION 2– WATER CONSERVATION	<p>2.1 Proposals for new development with a gross floor area less than 5,000m<sup>2</sup> and proposals for extensions to existing developments below 5,000m<sup>2</sup> seeking to expand by 50% or more of the existing floor area must comply with Requirement W1.</p> <p><b>Requirement W1: Use of water efficient fixtures</b></p> <p>2.3 The following requirement is mandatory and must be incorporated into the building design: All taps, showerheads, toilet suites (cisterns, urinals) used in the development must be rated to at least 4 stars under the National Water Efficient Labelling and Standards (WELS) Scheme (refer below).</p> <p><b>National water conservation rating and labelling scheme</b></p> <p>The Water Efficient Labelling and Standards (WELS) Scheme is administered by the NSW and Australian Government and is designed to make more efficient use of Australia's potable water supply.</p> <p>The following star ratings are required for compliance with this DCP:</p> <ul style="list-style-type: none"> <li>(a) shower heads 3 stars – 8 litres or less per minute;</li> <li>(b) basins taps 6 stars – 4.5 litres or less per minute;</li> <li>(c) toilet cisterns 4 stars – 4 litres or less per flush.</li> </ul>	<p>For compliance</p> <p>Appropriate water-efficient fixtures are to be installed in the proposed building.</p>

SECTION 3– ENERGY MINIMISATION	<p>3.1 Proposals for new development where the total gross floor area is below 5,000m<sup>2</sup> ; and extensions to existing uses below 5,000m<sup>2</sup> that involve an increase in 50% or more of the existing gross floor area must comply with Requirements E1 and E2.</p> <p><b>Requirement E1: Energy efficient building design</b></p> <p>3.2 The design and orientation of buildings must maximise solar access and natural lighting by:</p> <p>(a) Orientating the building so that its longest side is on the east west axis (where possible).</p> <p>(b) Maximising the number of windows on the northern face of the building and minimising glazed areas on the eastern and western walls of the building (i.e. providing for most of the glazed areas on the northern face of the building).</p> <p>(c) Fitting warehouses with skylights to 10% of the roof area.</p> <p>(d) Considering and including where feasible the following features: skylights, clerestory windows, light wells, light tubes, atriums and similar features.</p> <p><b>Requirement E2: Energy efficient hot water systems</b></p> <p>3.3 Development must incorporate a hot water heating system that is energy rated to at least 4 stars. The preferred system is either a gas boosted solar system, or a 5 star gas system, with appropriate insulation to the tank and pipes (refer to box for a list of different types of water heaters that have a rating of 4 stars or higher).</p>	<p>Complies</p> <p>The proposed building will follow the generally north-south orientation of the allotment.</p> <p>For compliance</p> <p>Appropriate hot water heating system will be installed onsite.</p>
<b>3.7 Landscape</b>		
SECTION 2– LANDSCAPE DESIGN	<p>Objectives</p> <p>O1 To integrate the landscape design with the overall design of the development.</p> <p>O2 To promote the retention and planting of large and medium size trees, and the healthy growth of trees in urban areas.</p> <p>O3 To provide deep soil zones to manage urban heat and water, and to allow for and support healthy plant and tree growth.</p> <p>O4 To contribute to the quality and amenity of communal open space, podiums and courtyards.</p>	<p>Complies</p> <p>Refer to the submitted Landscape Plan for details.</p>



<b>Chapter 10 Other Development</b> <b>10.1 Centre-Based Child Care Facilities</b>		
<b>SECTION 2– TRAFFIC MANAGEMENT</b>	<p><b>Traffic management (environmental capacity)</b></p> <p>2.1 Development for the purpose of child care facilities must not result in a street in the vicinity of the site to exceed the environmental capacity maximum. If the environmental capacity maximum is already exceeded, the development must maintain the existing level of absolute delay of that street.</p> <p><b>Traffic management (level of service)</b></p> <p>2.2 Development for the purpose of child care facilities must not result in a street intersection in the vicinity of the site to have a level of service below Level B. If the existing level of service is below Level B, the development must maintain the existing level of absolute delay of that street intersection.</p> <p><b>Traffic impact studies</b></p> <p>2.3 For the purpose of clauses 2.1 and 2.2, development applications must submit a Traffic Impact Study based on the RTA Guide to Traffic Generating Developments to determine: Existing conditions (a) Existing volumes and environmental capacity of streets adjacent to the development. (b) Existing volumes and level of service of street intersections in the vicinity of the development. (c) Existing public transport services in the vicinity of the development. (d) Existing clearway and peak period parking restrictions that apply to streets adjacent to the development. (e) Existing proposals for improvements to the adjacent road system.</p>	<p>A Traffic and Parking Impact Assessment and Addendum Traffic &amp; Parking Statement prepared by Hemanote Consultants Pty Ltd are submitted with this Application. These documents conclude that the proposed child care centre will not adversely impact on the existing traffic or parking conditions in its immediate locality.</p>
	<p><b>Storey limit</b></p> <p>3.1 The storey limit for child care facilities is two storeys.</p> <p>3.2 Child care facilities in the business zones must solely locate on the first storey (i.e. the ground floor) or the second storey of a building to ensure the safe evacuation of children during emergencies.</p> <p>3.3 Facilities or activities for children aged 0–2 years must solely locate on the first storey (i.e. the ground floor) of a building to ensure the safe evacuation of children during emergencies.</p>	<p>Complies</p> <p>Proposed structure is a single storey building with basement parking.</p>

	<p><b>Setbacks</b></p> <p>3.4 The minimum setback for child care facilities in Zone R2 Low Density Residential and Zone R3 Medium Density Residential is: (a) 5.5m to the primary street frontage; (b) 3m to the secondary street frontage; (c) 1.5m to the side boundary; and (d) the basement level must not project beyond the ground floor perimeter of the child care facility.</p> <p>3.8 Child care facilities must ensure the siting of outdoor areas (such as a balcony or deck) and outdoor play areas avoids: (a) a living area or bedroom of an adjoining dwelling; (b) areas forward of the front building line; (c) a road and driveway that may have noise or a possible pollution impact on children; (d) any other potential noise or pollution source; and (e) any potential traffic hazard locations where an out-of-control vehicle may injure children.</p>	<p>Non-compliant for the basement</p> <p>The proposed childcare centre will have the following setbacks:</p> <p>a) Front: 5.5m b) Side: - G/F – 1.5m - Basement – 1.0m c) Rear: - G/F – 19m - Basement – 1.5m</p> <p>The Applicant is seeking Council's merit-based assessment for the basement's setback non-compliance given that:</p> <p>a) The setback of the basement will have nil impact on the streetscape, bulk, scale and massing of the area;</p> <p>b) Fire separation is still achieved;</p> <p>c) The parking provision is deemed to address the projected car spaces needs during the operation of the proposed child care centre. Additionally, it will allow a layout that will optimize the use of the area while assuring compliance with Australian standard requirements;</p> <p>d) The proposed basement will be built in accordance with proper engineering design standards that will ensure negligible impact on the environment;</p> <p>e) Site is not contaminated nor affected by acid sulfate soils. It is also deemed that environmental impact of</p>
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	<p><b>Access</b></p> <p>3.9 Child care facilities must be easily accessible to people with disabilities and must comply with the Building Code of Australia and Australian Standard AS 1428.1–2021, Design for access and mobility.</p> <p><b>Car parks</b></p> <p>3.10 The siting and design of car parks and driveways must ensure the safe movements of people and vehicles to and from child care facilities.</p>	<p>the basement will negligible.</p> <p>Complies</p> <p>Site is designed in accordance with AS1428.1-2021 Design for access and mobility. Please refer to the submitted Access Report prepared by Ergon Consulting for details.</p> <p>Complies</p> <p>Carpark and driveway are designed accordingly.</p>
<p><b>SECTION 4– BUILDING DESIGN AND ENERGY EFFICIENCY</b></p>	<p><b>Energy efficiency</b></p> <p>4.1 Child care facilities must make efficient use of natural resources and optimise amenity in the design, construction and occupation of buildings and facilities, such as:</p> <ul style="list-style-type: none"> <li>(a) good orientation and natural light to rooms and play areas;</li> <li>(b) limiting building depth to provide natural cross-ventilation and natural light;</li> <li>(c) minimal use of mechanical ventilation;</li> <li>(d) use of sun shading devices;</li> <li>(e) preventing UV factor to open areas; and</li> <li>(f) ensuring the development adapts to the existing topography by avoiding excessive cut and fill.</li> </ul> <p><b>Access to sunlight</b></p> <p>4.2 The design of buildings should achieve a northern orientation to maximise solar access.</p> <p>4.3 The design of buildings must ensure that:</p> <ul style="list-style-type: none"> <li>(a) At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</li> <li>(b) A minimum 50% of the required private open space for a dwelling that adjoins a development receives at least three hours of sunlight between</li> </ul>	<p>Complies</p> <p>Proposed child care centre is designed to ensure the efficient use of energy and natural resources while optimizing the amenity of its users.</p> <p>Complies</p> <p>The proposed structure is a single-storey structure with basement parking which is deemed to have minimal added adverse impact to the solar access of the adjoining properties as compared with the current existing dwelling onsite.</p>

	<p>9.00am and 5.00pm at the equinox. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected private open space.</p> <p><b>Building design</b></p> <p>4.5 Child care facilities with more than 29 children in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential must locate in a purpose-built facility. The external building design must give the appearance of a dwelling house.</p> <p>4.6 Development for the purpose of new buildings must incorporate architectural elements to articulate the building form and avoid large expanses of blank walls. Architectural elements may include but not be limited to:</p> <ul style="list-style-type: none"> <li>(a) Defining the base, middle or top of a building using different materials and colours.</li> <li>(b) Incorporating horizontal or vertical elements such as recessed walls or banding.</li> <li>(c) Incorporating recessed or partially recessed balconies within the building wall.</li> <li>(d) Defining the window openings, fenestration, balustrade design, building entrances, and doors.</li> <li>(e) Using sun shading devices.</li> <li>(f) Any other architectural feature to the satisfaction of Council.</li> </ul> <p>4.7 Development for the purpose of new buildings must provide active frontages to the streets and must orientate buildings and pedestrian entrances to the streets.</p> <p><b>Roof design</b></p> <p>4.9 Development for the purpose of new buildings must have roof designs that:</p> <ul style="list-style-type: none"> <li>(a) unify separate or attached buildings with a contemporary architectural appearance; and</li> <li>(b) combine good quality materials and finishes.</li> </ul> <p><b>Front fences</b></p> <p>4.10 The maximum fence height for front fences is 1.8m.</p> <p>4.11 The external appearance of a front fence along the front boundary of the site must ensure:</p>	<p>Complies</p> <p>Proposed is an architect-designed, purpose-built structure for use as child care centre. It has an external design that incorporates architectural elements, fenestrations and materials and colours that present as a cohesive dwelling when viewed from Bagdad Street.</p>                <p>Complies</p> <p>Roof design, materials and finish present as an architecturally contemporary structure.</p>       <p>Not relevant</p> <p>None proposed.</p>
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	<p>(a) the section of the front fence that comprises solid construction (not including pillars) does not exceed a fence height of 1m above ground level (existing); and (b) the remaining height of the front fence comprises open style construction such as spaced timber pickets or wrought iron that enhance and unify the building design.</p> <p>4.12 Council does not allow the following types of front fences: (a) chain wire, metal sheeting, brushwood, and electric fences; and (b) noise attenuation walls.</p>	
<p><b>SECTION 5– ACOUSTIC PRIVACY</b></p>	<p><b>Acoustic privacy</b></p> <p>5.1 Air conditioning, mechanical ventilation or any other continuous noise source must not exceed the ambient level at any specified boundary by more than 5dB(A).</p> <p>5.2 The location and design of child care facilities must consider the projection of noise from various activities to avoid any adverse impacts on the residential amenity of adjoining land.</p> <p>For the purpose of this clause, Council requires development applications to submit an Acoustic Report prepared by a suitably qualified acoustic consultant to determine:</p> <p>(a) existing noise levels at the identified sensitive receiver locations;</p> <p>(b) likely noise levels to emanate from the child care facility at the identified sensitive receiver locations;</p> <p>(c) whether the development must apply measures to ensure the noise of children playing in outdoor areas does not exceed 10dB(A) above the background noise level;</p> <p>(d) whether the location and setbacks of the development are sufficient to protect the acoustic privacy of adjacent dwellings;</p> <p>(e) whether the location of outdoor areas should avoid living areas and bedrooms of adjacent dwellings; and</p> <p>(f) whether the development must install certain noise attenuation measures to protect the acoustic privacy of adjacent dwellings.</p> <p>The Acoustic Report must measure the noise readings over a 15 minute period and must provide details of all modelling assumptions including source noise data, noise monitoring positions, receiver heights and locations, prevailing meteorological conditions during the</p>	<p>Please refer to the submitted Acoustic Report prepared by Acoustic Noise and Vibration Solutions P/L.</p>



	<p>monitoring, confirmation of the methodology adopted along with a copy of the model input and output data.</p> <p>5.3 The maximum height for noise attenuation walls and fences along the boundary of the site is 2m.</p>	
<b>SECTION 6—OPEN SPACE AND LANDSCAPE</b>	<p><b>Outdoor play areas</b></p> <p>6.1 The location of outdoor play areas must allow supervision from within the child care facility.</p> <p>6.2 Outdoor play areas must:</p> <ul style="list-style-type: none"> <li>(a) locate on a land gradient that is predominantly flat;</li> <li>(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;</li> <li>(c) consider the surface treatment in accordance with best practice guidelines in early childhood environments.</li> </ul> <p>6.3 Outdoor play areas do not include:</p> <ul style="list-style-type: none"> <li>(a) a driveway, parking area, drying area or other service area, undercroft area, balcony and the like; or</li> <li>(b) deep soil zones; or</li> <li>(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).</li> </ul> <p>6.4 Outdoor play areas must avoid retaining walls where possible.</p> <p>6.5 The maximum height for retaining walls in outdoor play areas is 300mm above the ground level (existing), and must incorporate a safety fence or the like to prevent accidental falls.</p> <p>6.6 Retaining walls on the boundary of the site must be masonry construction. Landscape and deep soil zones</p> <p>6.7 Development applications must submit a detailed landscape plan prepared by a qualified landscape architect consistent with Council's Landscape Guide.</p> <p>6.8 Child care facilities in Zone R2 Low Density Residential, Zone R3 Medium Density</p>	<p>Complies</p> <p>The outdoor play area is predominantly flat and partly includes a verandah that will have a finished floor level that is 300mm lower than the outdoor ground level. Sail shade structures will be installed as indicated in the submitted plans. Please refer to the submitted architectural and landscape plans for other details.</p> <p>Please refer to Table 6 below for detailed discussion regarding the landscape coverage of the front setback.</p>


	<p>Residential and Zone R4 High Density Residential must provide:</p> <p>(a) a minimum 2m wide deep soil zone along the primary street frontage and secondary street frontage of the site; and</p> <p>(b) a minimum 1.5m wide deep soil zone around the perimeter of the outdoor play area, to act as a buffer to the fence, provide spatial separation to neighbouring properties and enhance the aesthetic quality of the space.</p> <p>6.9 Council will determine the minimum width for deep soil zones for child care facilities in zones other than Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential based on the setbacks of the street and the surrounding buildings.</p>	
<p><b>SECTION 7– SAFETY AND SECURITY</b></p>	<p><b>Safety and security</b></p> <p>7.1 The front door and at least one window to buildings must face the street to enable natural surveillance.</p> <p>7.2 The street number of buildings must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.</p> <p>7.3 Child care facilities must separate the car park and any outdoor play area with a safety fence and gates.</p> <p>7.4 Child care facilities with more than 15 children must erect (at the expense of the applicant) an unscaleable 1.8m high lapped timber fence or the like along the side and rear boundaries of the site.</p> <p>7.5 Child care facilities must provide safe access for children and people with disabilities, and fire protection and evacuation requirements.</p> <p>7.6 Child care facilities in existing buildings must remove any existing contamination such as lead based paints and asbestos insulation.</p>	<p>Not applicable – no fence proposed.</p>
<p><b>SECTION 8– SITE FACILITIES</b></p>	<p><b>Building design (utilities and building services)</b></p> <p>8.1 The location and design of utilities and building services (such as plant rooms, hydrants,</p>	

	<p>equipment and the like) must be shown on the plans.</p> <p>8.2 Utilities and building services are to be integrated into the building design and concealed from public view.</p> <p>8.3 Child care facilities must ensure the following facilities are not visible to the street or any nearby public open spaces:</p> <ul style="list-style-type: none"> <li>(a) waste storage areas;</li> <li>(b) storage of goods and materials; and</li> <li>(c) any clothes drying areas.</li> </ul> <p><b>Food premises</b></p> <p>8.7 The design, construction, and operation of kitchens and food premises must comply with:</p> <ul style="list-style-type: none"> <li>(a) Food Act 2003;</li> <li>(b) Food Regulation 2010;</li> <li>(c) FSANZ Food Standards Code; and</li> <li>(d) Australian Standard AS 4674–2004, Design, construction and fitout of food premises.</li> </ul>	<p>Please refer to the submitted Architectural Plans.</p>
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**Table 5: CBDCP Compliance Table**

**Table 6: Variation Sought to DCP Development Standards**

Development Control		Assessment	
Chapter 5 Residential Accommodation  5.1 Former Bankstown LGA	Section 2 – Dwelling houses		
	2.29 Development must landscape the following areas on the site by way of trees and shrubs with preference given to native vegetation endemic to Canterbury-Bankstown (refer to the Landscape Guide for a list of suitable species):  (a) a minimum 45% of the area between the dwelling house and the primary street frontage; and  (b) a minimum 45% of the area between the dwelling house and the secondary street frontage; and  (c) plant at least one 75 litre tree between the dwelling house and the primary street frontage (refer to the Landscape Guide for a list of suitable trees in Canterbury Bankstown); and  (d) for development in the foreshore protection area (refer to map in Appendix 1), plant native trees with a mature height greater than 12 metres adjacent to the waterbody.  <b>Assessment:</b>  The landscape requirement indicated in this chapter of the DCP is specified for Dwelling houses. The subject proposal is for a child care centre, whose landscape requirement is indicated in Chapter 10.1 of the DCP. See below for discussion.  Based on the above, <u>this landscape requirement is not applicable to the proposed</u> , noting that the difference in front setback landscape coverage requirement may be attributable to legislative requirements for child care centres which are not necessarily required for dwelling houses. These include the provision of disabled access facilities, onsite stormwater detention, and significantly more parking spaces requirements.		
Chapter 10 Other Development  10.1 Child Care Centres	The development proposal seeks approval for the following landscape coverage:		
	The following table illustrates the proposed extent of the variations being sought:		
	Control	Proposed	Variation
	Landscape and deep soil zones		

	<p>6.7 Development applications must submit a detailed landscape plan prepared by a qualified landscape architect consistent with Council's Landscape Guide.</p>	<p>A Landscape Plan prepared by Michael Siu Landscape Architects (RLA No. 663) is submitted with this application.</p>	<p>Complies</p>
	<p>6.8 Child care facilities in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential must provide:</p> <p>(a) a minimum 2m wide deep soil zone along the primary street frontage and secondary street frontage of the site; and</p> <p>(b) a minimum 1.5m wide deep soil zone around the perimeter of the outdoor play area, to act as a buffer to the fence, provide spatial separation to neighbouring properties and enhance the aesthetic quality of the space.</p>	 <p>For childcare centres, the landscape requirement within the front setback is a minimum of 2m wide deep soil zone. This is provided within the proposed front setback, as shown in the Site Plan detail above (encircled), measuring approximately 2.65m x 2.75m.</p>	<p>Complies</p>
	<p><b>Objectives of control Section 6 – Open Space and Landscape of the CBDCP:</b></p> <p><i>01 To provide appropriate landscaping and outdoor play areas in child care facilities.</i></p> <p><i>02 To provide useable open space on the street frontage for canopy trees and deep soil zones.</i></p> <p><i>03 To provide landscaping that softens the appearance of buildings, car parks and service areas.</i></p> <p><i>04 To provide useable private open space to dwellings that form part of child care facilities.</i></p> <p><i>05 To provide children with access to natural environments by way of trees, gardens and natural grass.</i></p>		



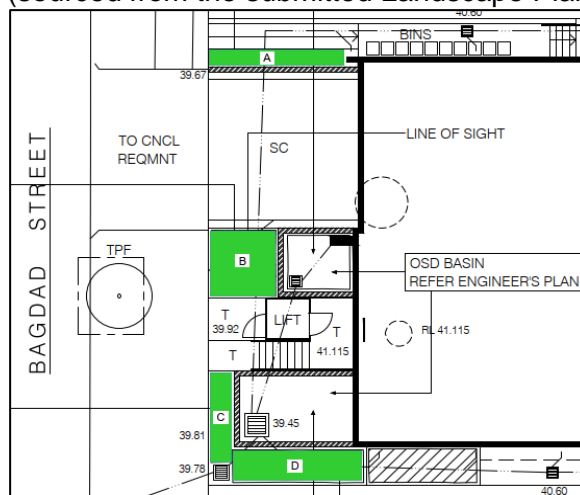
## Assessment:

### Landscaped area within the front setback

The proposed child care centre will have a total landscaped area within the site's front setback of at least 50.61sqm, excluding the OSD basin. There is a deep soil area measuring approximately 2.75m x 2.65m which is compliant with the indicated requirement of Chapter 10.1 – Child Care Centre, Control 6.8 of the DCP.

With that noted, the proposed is considered suitable for the following:

- The street frontage landscape coverage requirement for a Dwelling House (as indicated in Chapter 5 of the CBDP) is not applicable to this proposal, being that of a child care centre.
- The other legislative requirements for the child care centre significantly limits the provision of landscaping within the front setback space, as compared with dwelling houses. These requirements include the provision of disabled access and onsite stormwater detention (OSD) structures. Parking provision requirements may potentially impact this also.
- The OSD will feature landscape treatments such as pebbles and mulch which may present as faux landscape coverage.
- Suitable plantings are nominated within the front setback. These will soften the site's presentation when viewed from the road and thus will have minimal adverse impact on the streetscape.
- The front setback plantings include the following, as shown below (sourced from the submitted Landscape Plan):



- A - 8 x Dichondra 'Silver falls'
- B - 8 x Myoporum parvifolium
- C - 8 x Dietes grandiflora
- D - 4 x Viburnum odoratissimum

For the reasons outlined above, the proposed front setback landscaped area is deemed to satisfactorily address the above objectives. Proposed child care centre does not result in any undue unreasonable adverse impact to the site and adjoining premises.

**Table 6: Variation Sought to CBDP Requirements**

Pursuant to Section 3.42 of the *Environmental Planning and Assessment Act 1979 (The Act)*:

### **3.42 Purpose and status of development control plans** (cf previous s 74BA)

*(1) The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development—*

- (a) giving effect to the aims of any environmental planning instrument that applies to the development,*
- (b) facilitating development that is permissible under any such instrument,*
- (c) achieving the objectives of land zones under any such instrument.*

*The provisions of a development control plan made for that purpose are not statutory requirements.*

In accordance with Section 3.42 (1) of the Act, the proposal is designed and assessed with the SDCP guideline in consideration. The proposal is permissible in the subject zone and meets the prescribed principal development standards of the SLEP.

*iiia) Section 4.15(1)(a)(iiia)*

*The provisions of any Planning Agreement entered into under Section 7.4*

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

### **4.2. Section 4.15(1)(c) of the EP&A Act, 1979**

*The suitability of the site for the development.*

The subject Development Application seeks consent for **proposed demolition of existing dwelling and construction of new single-storey building with basement parking for use as 46-place child care centre at No. 32 Bagdad Street, Regents Park NSW 2143 / Lot B in DP 361957.**

The proposal is permissible on the land pursuant to the R2 - Low Density Residential zoning provisions applying to the land, and the proposal achieves the objectives of the zone. The local surrounding area is characterized by generally single and double storey, residential structures.

The proposal will not increase adverse impacts upon the subject site or adjoining properties way of visual privacy, unreasonably excessive overshadowing or acoustic privacy. The proposal will therefore have minimal impact on the locality and amenity of surrounding land uses. The proposed development will be in keeping with the desired future character of the said zone.

It is evident from the above and the assessment provided within this Statement that the subject site is suitable for the proposal.

### 4.3. Section 4.15(1)(e) of the EP&A Act, 1979

*The public interest.*

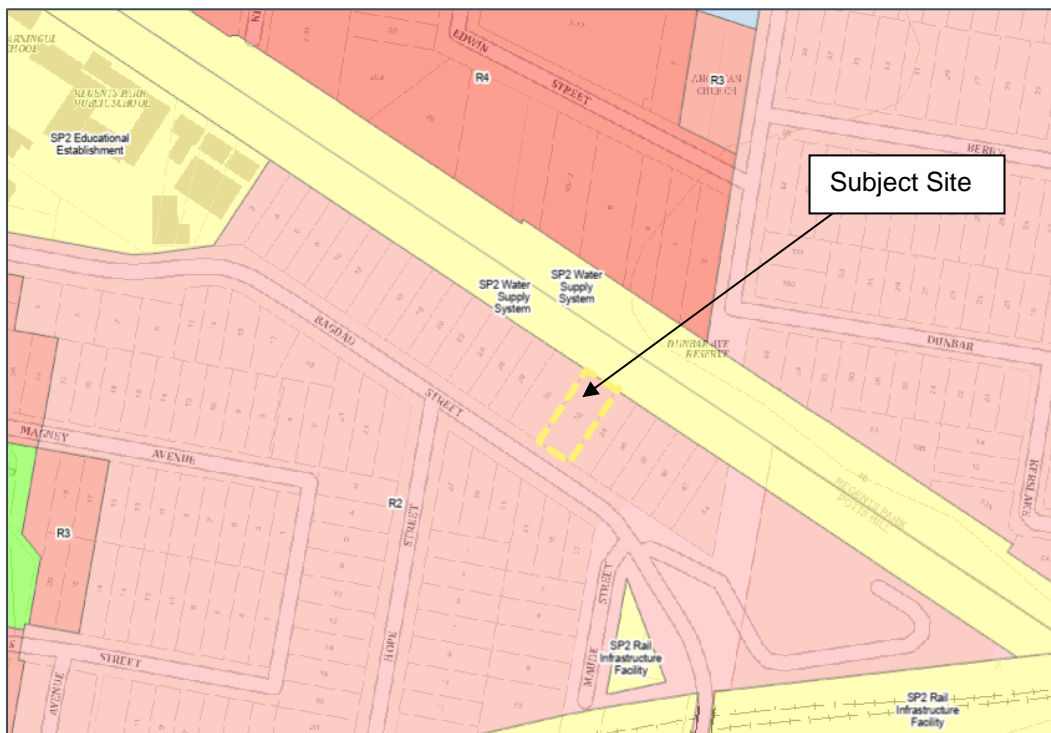
The proposed development satisfies the client's requirements, and Council's planning controls and as such will not result in any unacceptable impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

## 5.0 CONCLUSION

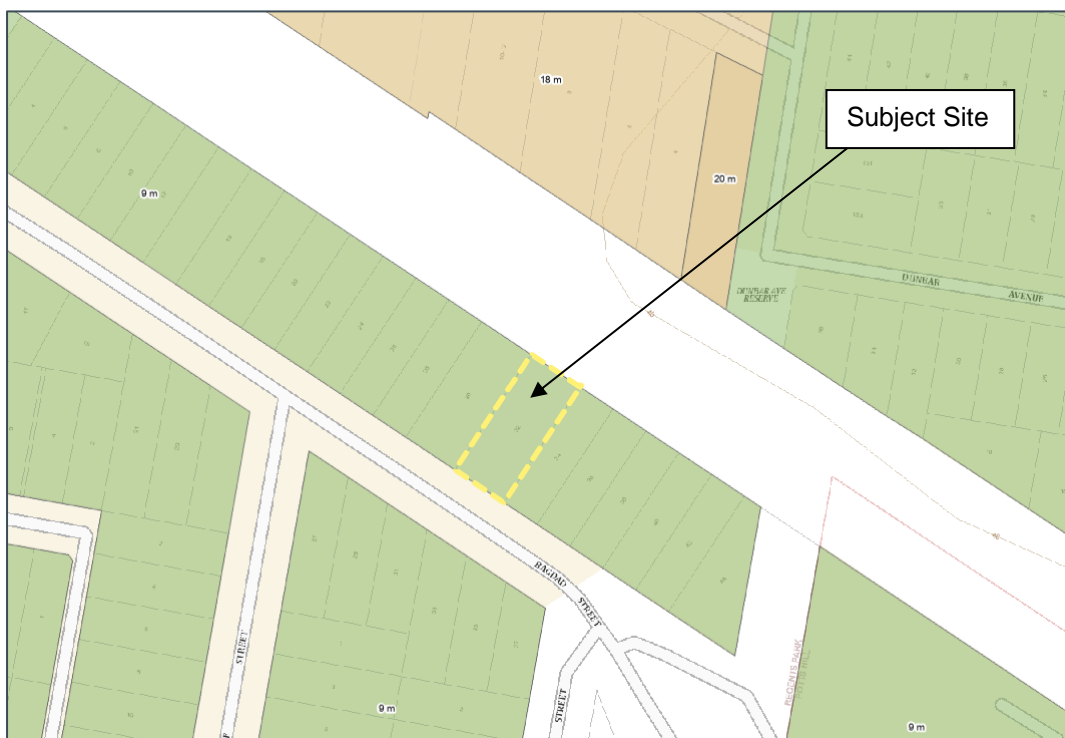
The **proposed demolition of existing dwelling and construction of new single-storey building with basement parking for use as 46-place child care centre at No. 32 Bagdad Street, Regents Park NSW 2143 / Lot B in DP 361957** generally complies with the principal development standards of the CBLEP, CBDP. The proposal demonstrates that there will be nil to negligible adverse environmental, social or economic impacts as a result of the proposal.

The site is not subject to any constraints or planning controls that would render it unsuitable for the proposed development. Further, the proposal is designed in consideration with site compatibility with regards to the character of the local area and streetscape. The proposal does not give rise to any significant adverse amenity impacts on either adjoining or nearby properties, nor the public domain.

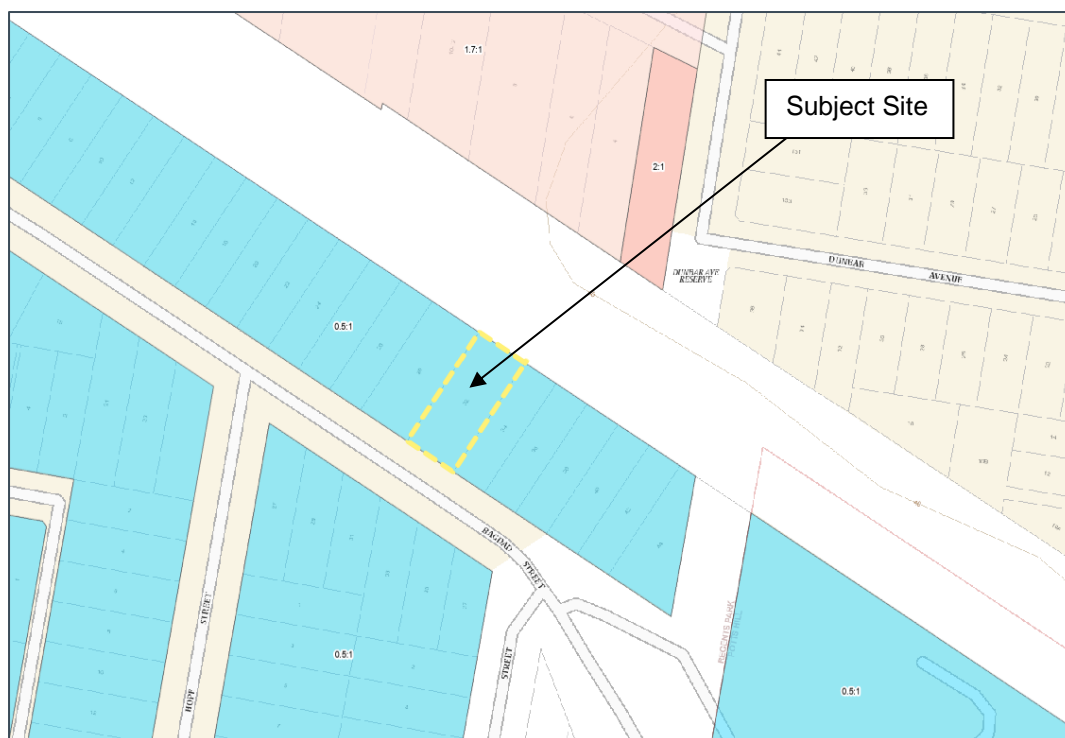
## 6.0 APPENDIX 1 – CANTERBURY BANKSTOWN LEP MAPS



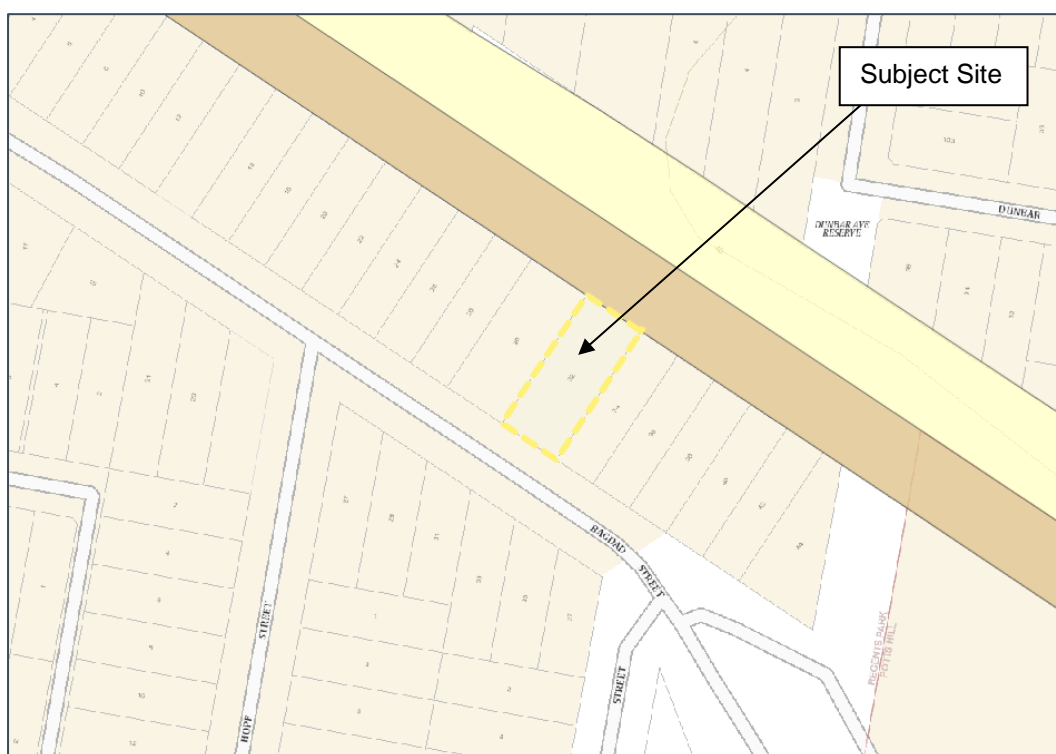
Land Zoning Map - Sheet LZN\_017 – Zone R2 - Low Density Residential



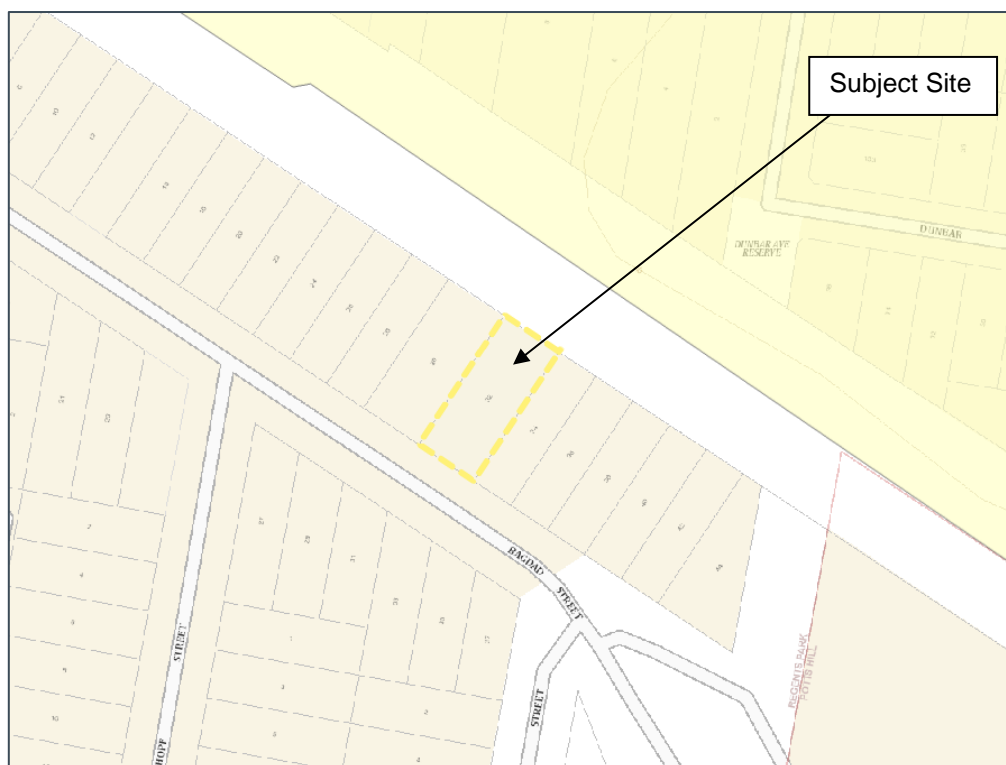
Height of Buildings Map – Max. HOB – 9.0m



Floor Space Ratio Map – Max. FSR 0.5:1



Heritage Map - Not Affected but Bounded at the Rear



Acid Sulfate Soils – Not Affected