

Statement of Environmental Effects

CHILD CARE FACILITY

10 BEN BULLEN PLACE
GOULBURN

6 DECEMBER 2024



QUALITY ASSURANCE

PROJECT: Statement of Environmental Effects – 99 place child care facility

ARCHITECT: Greenscape

ADDRESS: Lot 156 in DP248976, No.10 Ben Bullen Place, Goulburn

COUNCIL: Goulburn Mulwaree Council

AUTHOR: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
November 2024	Draft Issue	Draft	SK	JW
6 December 2024	Final Issue	Final	SK/JW	JW

Integrated Development (under S.4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Coal Mine Subsidence Compensation Act 207	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	No
SEPP (Planning Systems) 2021	No
SEPP (Precincts – Central River City) 2021	No
SEPP (Precincts – Easter 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 proposes to construct a single storey x 99 place 'Centre-Based Child Care Facility' with a total of 20 car parking spaces at-grade at 10 Ben Bullen Place, Goulburn.

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 a single outdoor play area and six indoor play areas, cot room, office, foyer, staff room, kitchen, amenities, at grade parking and associated landscaping works.

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

- *The design responding to the context of the surrounding area by proposing an attractive single storey-built form set within a landscaping setting, consistent with its immediate low density context*
- *Appropriate landscape embellishment works to ensure that landscape character of the site is respected.*
- *The proposed built form has been designed commensurate with a low density residential character of the immediate locality.*
- *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.*

The 'child care facility' will operate with a maximum of 99 places with the following breakdown of the age groups:

- 0-2 years: 24 kids
- 2-3 years: 35 kids
- 3-5 years: 40 kids

The facility provides a total of 328.02m² or 3.31m² of unencumbered indoor play area per child and 754.91m² or 7.63m² 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: 83.7m²
- 2-3 years: 114.13m²
- 3-6 years: 130.19m²

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

- 0-2 years: 170.13m²
- 2-5 years: 584.78m²

There facility will operate between 7:00am to 6:30pm Monday – Friday (excluding public holidays) and provide a total of 17 teachers with the following breakdown of teachers as per the Education and Care Service National Regulation 2012.

- 0-2 years: 6 teachers
- 2-3 years: 7 teachers and
- 3-6 years: 4 teachers.

Parking:

The proposal has provided a total of 20 car parking spaces at-grade comprising of:

- 11 parents / visitor car parking spaces including an accessible car parking space
- 9 staff car parking spaces

Access to the parking area is via a proposed two-way driveway from the bulb of an existing cul-de-sac (Ben Bullen Place).

Signage:

No signage is proposed as part of this application. The development however does propose a façade signage and signage within front fence feature, noting the actual contexts of the signage will be subject to future DAs.

Within the subject site, historical subdivision patterns have resulted in the delivery of modest sized residential lots and the subject site – a large vacant square land parcel with a frontage of 45.72m to Ben Bullen Place and a total site area of 2,090m². The site is also within walking distance of Bradfordville Public School, Bradfordville Shopping Centre, Thoroughgood Park and a local sportsfield and a short car trip and bus ride to an industrial precinct, Charles Sturt University, Goulburn Campus and Goulburn Town Centre. Bus stop with the Kenmore Loop (822) is within a 200m walking radius from the subject site.

All neighbouring properties have been development with the subject site remaining undeveloped and detracting from the existing built form character and pattern within the immediate locality whilst also representing undercapitalisation of valuable residential zoned land parcels.

The current development will not only permit the site to be developed to its full zoning potential but will present a contemporary single storey built form that will deliver an attractive build form designed to commensurate with neighbouring residential developments, noting that the development site is relatively flat with a fall from the northern portion of the site towards the southern portion of the site, a fall of approximately 0.6m, indicating that the site is suitable to accommodate the proposed single storey 99 place child care facility.

The development site is zoned R2 – Low Density Residential under Goulburn Mulwaree Local Environmental Plan 2009. ‘Centre based child care facilities’ are permissible with consent within the R2 Zone, however, is pursuant to Part 3.3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. The child care facility has also been designed to comply with key planning requirements under Part 3.3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, Goulburn Mulwaree Local Environmental Plan 2009, Goulburn Mulwaree Development Control Plan 2009, Child Care Planning Guidelines and Children’s (Education and Care Services) Supplementary Care Provisions 2012.

Residing within a R2 – Low Density Residential Zoned residential estate, the predominant built form comprises of older style single storey residential dwellings of mixed architectural styles and ages. As such, the proposed single storey built form has been designed in terms of its form and presentation to be compatible with the existing low density residential built form character within the immediate locality, including neighbouring properties.

Furthermore, 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 its single storey built form that complies 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.

Considering the subject building’s single storey form and compliance with setback controls including generous building separation to the site’s northern and southern side boundaries (>6.2m setback) and northern boundary (5.1m) combined with acoustic fencing and landscaping along the site and rear boundaries that will positively contribute towards minimising potential privacy and acoustic impacts to neighbouring properties.

Furthermore, potential noise impacts associated with the operation of the proposed child care facility will be mitigated via an Operational Management Plan that is to manage outdoor play times and the number of children accessing outdoor area at any one time.

The development seeks to utilise a large underutilised vacant land in accordance with the zoning and take advantage of its size and location within close proximity to local commercial areas, places of public worship and public transportation in-terms of a local bus stop servicing the Kenmore Loop.

The development will also deliver a contemporary single storey built form that will be compatible with the existing low density streetscape character along Ben Bullen Place whilst also increasing valuable child care places within Goulburn.

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, 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 AND LOCALITY DESCRIPTION

The development site is legally known as Lot 156 in DP248976, but is more commonly known as 10 Ben Bullen Place, Goulburn.

Within the subject site, historical subdivision patterns have resulted in the delivery of modest sized residential lots and the subject site – a large vacant square land parcel with a frontage of 45.72m to Ben Bullen Place and a total site area of 2,090m². The development site also bounds single storey residential dwellings to its northern, western and southern boundaries. An aerial map extract is provided below for context of the subject site. It is noted that there is an unauthorised driveway in the north-eastern corner of the site from 26 Bradford Drive to a shed that will be removed by this proposal however that site has access to Bradford Drive.

Image 1: Aerial Map of Subject Site (Source: Six Maps)



 Subject Site

As illustrated via aerial extract in the previous page, all neighbouring properties have been development with the subject site remaining undeveloped and detracting from the existing built form character and pattern within the immediate locality whilst also representing undercapitalisation of valuable residential zoned land parcels The current development will not only permit the site to be developed to its full zoning potential but will present a contemporary single storey built form that will deliver an attractive build form designed to commensurate with neighbouring residential developments, noting that the development site is relatively flat with a fall from the northern portion of the site towards the southern portion of the site, a fall of approximately 0.6m, indicating that the site is suitable to accommodate the proposed single storey 99 place child care facility.

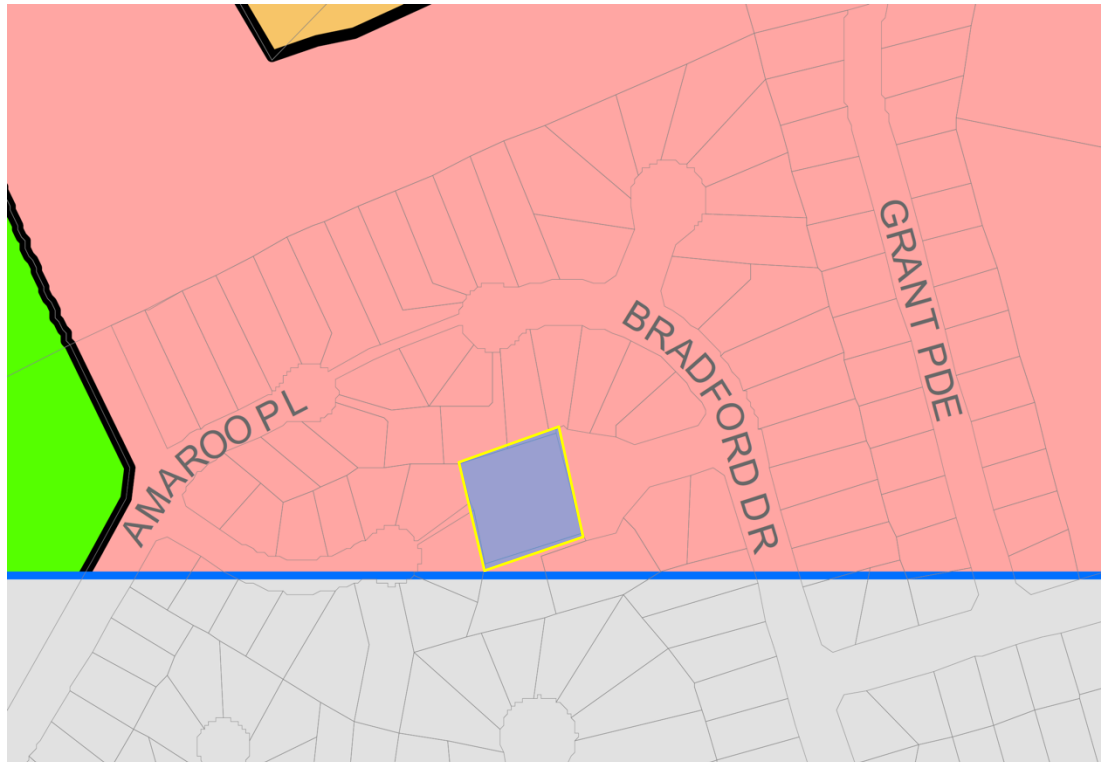
The proposal has also been designed to ensure that the proposal is clear of the easement for water with no building on top of this- noting the carpark is located over it however this does not prevent access for maintenance and the like.



ZONING

As illustrated by Council's zoning map extract below, the development site is zoned R2 – Low Density Residential under the Goulburn Mulwaree Local Environmental Plan 2009. 'Centre Based Child Care Facilities' are permissible with consent within the R2 General Residential Zone, however, is pursuant to Part 3.3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

Image 2: Zoning Map Sheet LZN_001C Extract (Source: Goulburn Mulwaree LEP 2009)



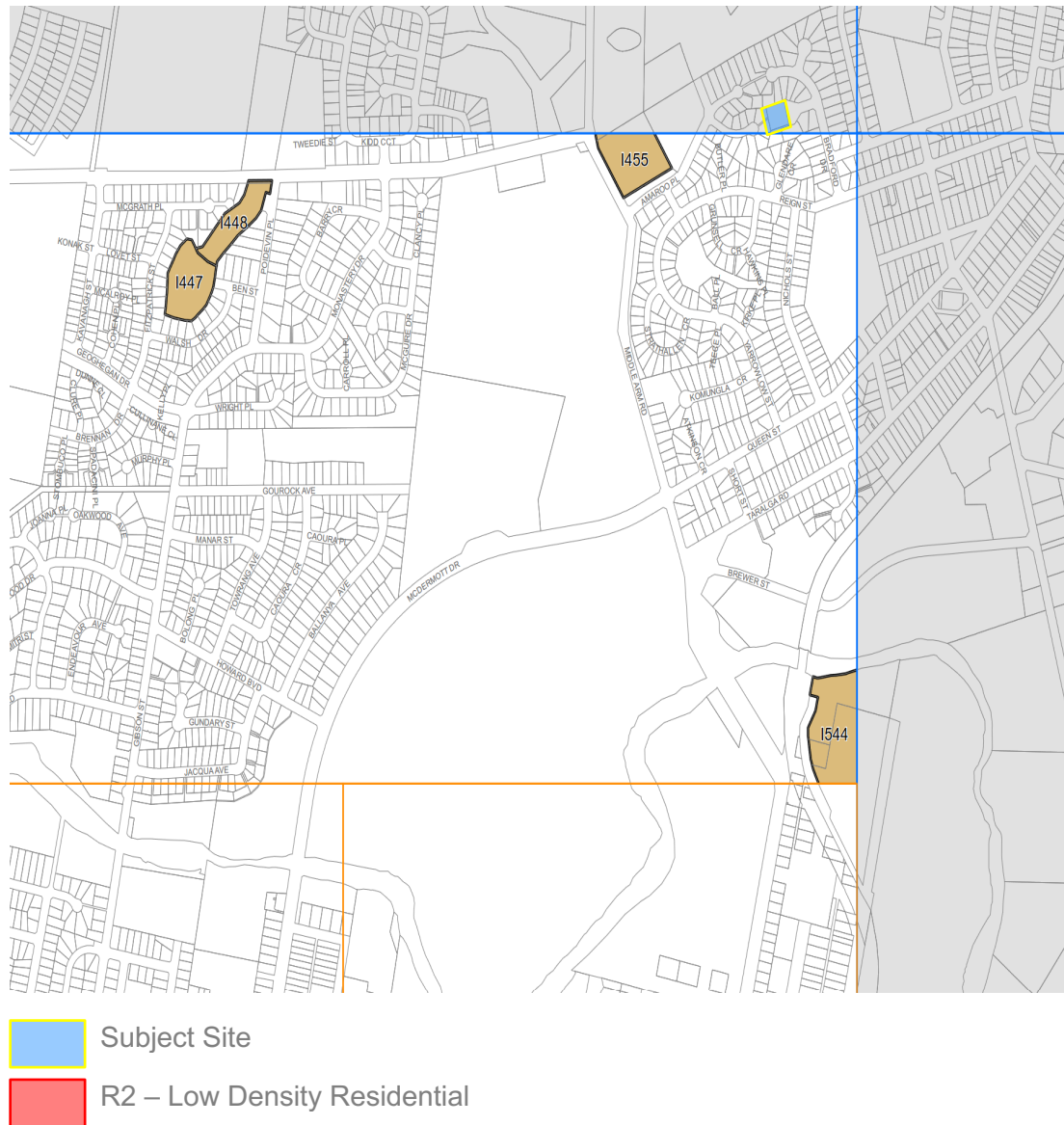
- Subject Site
- R2 – Low Density Residential



HERITAGE

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

Image 3: Heritage Map Sheet HER_001D Extract (Source: Goulburn Mulwaree LEP 2009)



The local heritage items are sufficiently separated from the development site.

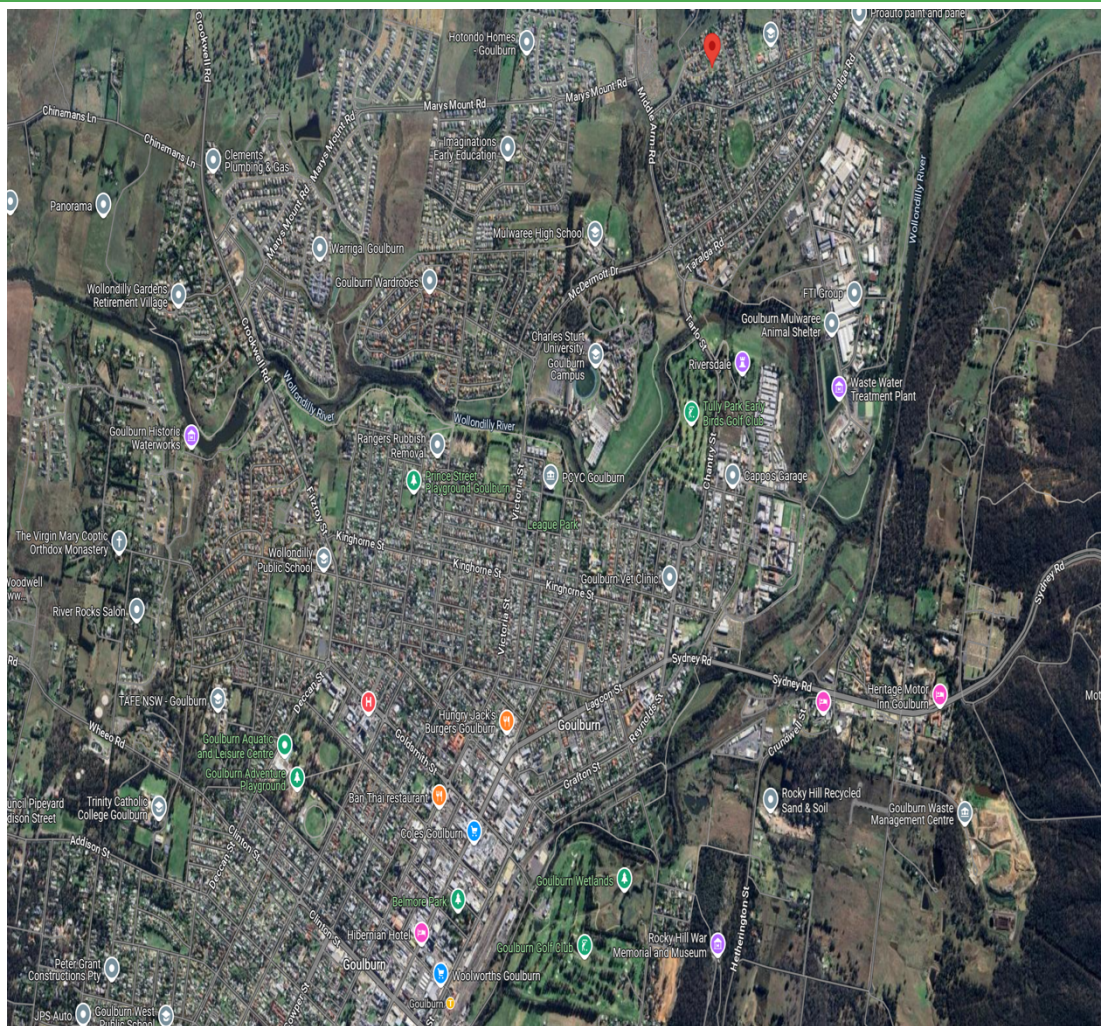
As such, the current proposal will not have any impact on the heritage curtilage of those heritage items, and therefore is not subject to any heritage restriction nor is any future heritage investigation considered necessary.

Broader Locality Analysis

The site is within walking distance of Bradfordville Public School, Bradfordville Shopping Centre, Thoroughgood Park and a local sportsfield and a short car trip and bus ride to an industrial precinct, Charles Sturt University, Goulburn Campus and Goulburn Town Centre. Bus stop with the Kenmore Loop (822) is within a 200m walking radius from the subject site.

The below broad aerial image demonstrates the location of the site in a broader context.

Image 3: Broader Locality Map Extract (Source: Google Maps)



📍 - Subject Site
 ● - Train Station
 🎓 - Educational Facilities
 🚏 - Bus Stops
 🏪 - Commercial

Photographs are provided in the following page that give context to the locality and also the relationship of the development site with adjoining developments.



Photograph 1: Shows the subject site as viewed from Ben Bullen PI looing westwards



Photograph 2: Shows the existing streetscape along Ben Bullen PI looing eastwards



DESCRIPTION OF PROPOSAL

This Development Application is seeking consent to construct a single storey x 99 place 'Centre-Based Child Care Facility' with a total of 20 car parking space within a large vacant land parcel at 10 Ben Bullen Place, Goulburn.

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 a single outdoor play area and six indoor play areas, cot room, office, foyer, staff room, kitchen, amenities, at grade parking and associated landscaping works.

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

- *The design responding to the context of the surrounding area by proposing an attractive single storey-built form set within a landscaping setting, consistent with its immediate low density context*
- *Appropriate landscape embellishment works to ensure that landscape character of the site is respected.*
- *The proposed built form has been designed commensurate with a low density residential character of the immediate locality.*
- *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.*

The 'child care facility' will operate with a maximum of 99 places with the following breakdown of the age groups:

- 0-2 years: 24 kids
- 2-3 years: 35 kids
- 3-5 years: 40 kids

The facility provides a total of 328.02m² or 3.31m² of unencumbered indoor play area per child and 754.91m² or 7.63m² 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:

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- 3-6 years: 130.19m²

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

- 0-2 years: 170.13m²
- 2-5 years: 584.78m²

There facility will operate between 7:00am to 6:30pm Monday – Friday (excluding public holidays) and provide a total of 17 teachers with the following breakdown of teachers as per the Education and Care Service National Regulation 2012.

- 0-2 years: 6 teachers
- 2-3 years: 7 teachers and
- 3-6 years: 4 teachers.

Parking:

The proposal has provided a total of 20 car parking spaces at-grade comprising of:

- 11 parents / visitor car parking spaces including an accessible car parking space
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Access to the parking area is via a proposed two-way driveway from the bulb of an existing cul-de-sac (Ben Bullen Place).

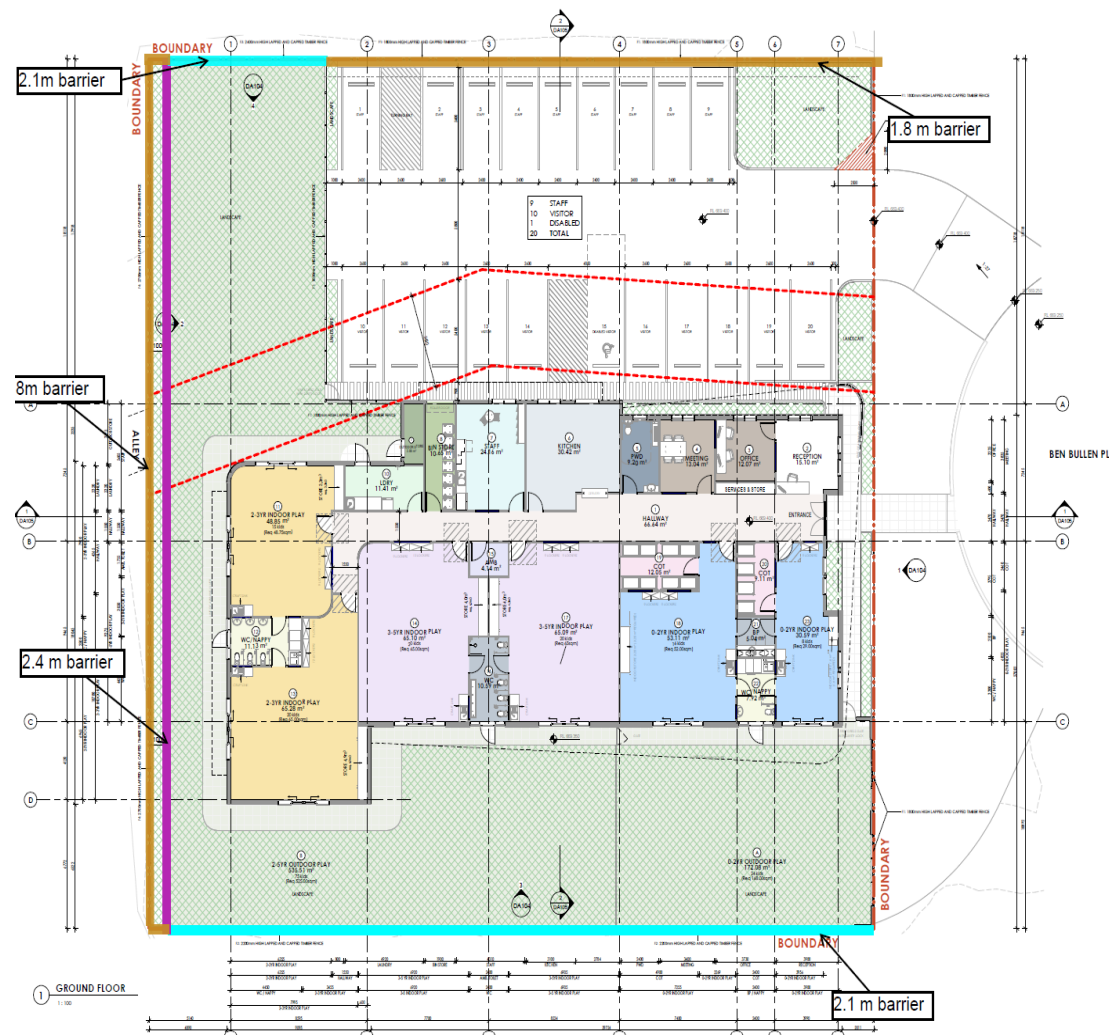
Signage:

No signage is proposed as part of this application. The development however does propose a façade signage and signage within front fence feature, noting the actual contexts of the signage will be subject to future DAs.

Acoustic Barriers:

Acoustic barriers are to be provided in accordance with the accompanying Acoustic Report prepared by Day Design Pty Ltd, including 2.1m – 1.8m barrier along the northern boundary, 1.8m boundary barrier with a 2.4m barrier behind to the western boundary and a 2.1m boundary barrier to the southern boundary as illustrated by Image 4 below.

Image 4: Acoustic barriers extract



A brief description of the various aspects of the proposal is provided below.

Level	Inclusion
Ground Floor	<p>Access</p> <p><u>Vehicle:</u></p> <p>Vehicle access is via the existing driveway access to an at-grade carpark via the bulb of an existing cul-de-sac (Ben Bullen Place).</p> <p><u>Child Care Facility:</u></p> <p>Direct access to the main entry point of the child care facility via a graded driveway situated towards the central portion of the site from Ben Bullen Place, Goulburn.</p>

Parking

A total of 20 spaces are provided at-grade with the following breakdown:-

- 9 x staff car parking space
- 11 visitor car parking space including an accessible car parking space

Child Care Facility

Child care facility comprises of the following:

- Main entry point to the child care facility via graded pedestrian pathway from Ben Bullen Place.
- Internal hallway
- Administrative areas including:
 - o Reception area
 - o Office
 - o Meeting room
 - o Powder room
 - o Kitchen
 - o Staff room including kitchenette
 - o Accessible bathroom
 - o Laundry
 - o Service & store cupboard
- A total of 6 x unencumbered indoor play areas with a total area of 328.02m² with the following breakdown:
 - o Indoor Play Room 1: 0-2 Age Kids Room
- accommodating a total of 8 kids with 30.59m² of floor area and includes direct access to lockers (total of 9 lockers), indoor storage cupboard, craft sink, cot room, shared bottle preparation station and shared WC/Nappy change station with Play Room 2 and also access to the 0-2 Outdoor Play Area.
 - o Indoor Play Room 2: 0-2 Age Kids Room
- accommodating a total of 16 kids with 53.11m² of floor area and includes direct access to lockers (total of 18 lockers), indoor storage cupboard, craft sink, shared bottle preparation station and shared WC/Nappy change station with Play Room 1 and also access to the 0-2 Outdoor Play Area.
 - o Indoor Play Room 3: 3-5 Age Kids Room
- accommodating a total of 20 kids with 65.09m² of floor area and includes direct access to lockers (total of 18 lockers), indoor storage cupboard, craft sink, shared WC with Play Room 4 and also access to the 2-5 Outdoor Play Area.

- Indoor Play Room 4: 3-5 Age Kids Room
- accommodating a total of 20 kids with 65.10m² of floor area and includes direct access to lockers (total of 21 lockers), indoor storage cupboard, craft sink, shared WC with Play Room 3 and also access to the 2-5 Outdoor Play Area.
- Indoor Play Room 5: 2-3 Age Kids Room
- accommodating a total of 20 kids with 65.28m² of floor area and includes direct access to lockers (total of 21 lockers), indoor storage cupboard, craft sink, shared WC with nappy change station with Play Room 6 and 2-5 Outdoor Play Area.
- Indoor Play Room 6: 2-3 Age Kids Room
- accommodating a total of 15 kids with 48.85m² of floor area and includes direct access to lockers (total of 18 lockers), indoor storage cupboard, craft sink, shared WC with nappy change station with Play Room 5 and 2-5 Outdoor Play Area.
- A total of 2 x designated unencumbered outdoor play areas with a total area of 728.92m² with the following breakdown:
 - Outdoor Play Area 1: allocated to a total of 24 kids in the 0-2 age group with 170.13m² of floor area.
 - Outdoor Play Area 2: allocated to a total of 75 kids in the 2-5 age group with 558.79m² of floor area.
- External store room

Landscaping

Landscape embellishment works including in-front of the at-grade carparking area and strategically placed planters.

Service

Service areas including

- Enclosed bin room with direct intern and also second direct access to the car park

The relevant architectural plans for the proposal have been prepared by Greenscape whilst supporting reports and documents have been prepared by relevant sub consultants dealing with matters such as traffic and parking, noise, drainage and landscaping.

Furthermore, 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 its single storey built form that complies 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.

Considering the subject building's single storey form and compliance with setback controls including generous building separation to the site's northern and southern side boundaries (>6.2m setback) and northern boundary (5.1m) combined with acoustic fencing and landscaping along the site and rear boundaries that will positively contribute towards minimising potential privacy and acoustic impacts to neighbouring properties.

Furthermore, potential noise impacts associated with the operation of the proposed child care facility will be mitigated via an Operational Management Plan that is to manage outdoor play times and the number of children accessing outdoor area at any one time.

The development seeks to utilise a large underutilised vacant land in accordance with the zoning and take advantage of its size and location within close proximity to local commercial areas, places of public worship and public transportation in-terms of a local bus stop servicing the Kenmore Loop.

The development will also deliver a contemporary single storey built form that will be compatible with the existing low density streetscape character along Ben Bullen Place whilst also increasing valuable child care places within Goulburn.

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 (Transport and Infrastructure) 2021
- Goulburn Mulwaree Local Environmental Plan 2009

POLICY CONTROLS

The applicable policy control documents include:

- Goulburn Mulwaree Development Control Plan 2009
- Childcare Planning Guidelines
- Education and Care Services National Regulations 2012

CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

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 and hence a BASIX report is not required. Please see below for detailed discussion 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>
<p>(2) This chapter does not apply to the following development-</p> <p>(a) development that is permitted with or without consent or that is exempt or complying development under—</p> <p>(i) State Environmental Planning Policy (Exempt and</p>	<p>The development is not permitted or permitted without consent under relevant SEPPs.</p>

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) development on land wholly in any of the following zones— N/A

- (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,

(c) development for the purposes of residential care facilities. N/A

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

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 overleaf 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? 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		X
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 preliminary site investigation has been prepared for the subject site by Neo Consulting who found, based on the site investigation and analytical results – the potential for significant contamination of soil to be low. The report also found that the site is suitable for the proposed development and NEPM 2013 Residential (A) land use, provided the recommendations in the report are undertaken:

- Any soils requiring excavation, onsite reuse and/or removal must be classified in accordance with “Waste Classification Guidelines Part 1: Classifying Waste” NSW EPA (2014); and
- A site specific ‘Unexpected Finds Protocol’ is to be made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered.

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 vacant and predominantly void of vegetation, noting that the development proposes to introduce high quality landscape embellishment works within the existing residential character along Bun Bullen Place that will not only reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds, but will also improve the landscaping presentation to the street level then what currently exists.

The landscape treatment will also soften the built form and assist with maintaining privacy to neighbouring properties. Refer to attached Landscape Plan for detail.

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.

No signage is proposed as part of this application. The development however does propose a façade signage and signage within front fence feature, noting the actual contexts of the signage will be subject to future DAs.

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.

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.

The table below provides discussions against the relevant provisions of Chapter 3 of the SEPP.

SEPP	Comment
3.1 Aims The aims of this Policy are as follows: (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and (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, (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 (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 (e) providing for consultation with relevant public authorities about certain development	<p>The proposal will result in an addition of valuable child care places within Goulburn.</p>

during the assessment process or prior to development commencing, and

(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services,

(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

(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.

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:

long day care,
occasional child care,
out-of-school-hours care (including vacation care)
preschool care, or
an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW),

but does not include:

- a building or place used for home-based child care or school-based child care, or
- an office of a family day care services (within the meanings of the Children (Education and Care Services) National Law (NSW), or
- a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

- 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

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

- 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
- 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 3.3 Early education and care facilities – specific development controls

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

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the *Child Care Planning Guidelines*, in relation to the proposed development.

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

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 site is not subject to any FSR control, noting that the development proposes a FSR of 0.27:1.

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

There are no restrictions relevant to the proposed development.

- (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,

The centre-based child care facility provides 328.02m² or 3.31m² of unencumbered play space and 754.91 or 7.63m² of unencumbered outdoor play space which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.

Indoor play space required = 3.25m² for each child

Outdoor place space required = 7m² 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, the proposal complies.

There are no restrictions relevant to the proposed development.

Noted.

3.27 Centre-based child care facility – development control plans

(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).

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
Objectives The planning objectives of this Guidelines are to:	
<ul style="list-style-type: none"> <i>promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations</i> 	<p>The development results in a high quality centre-based child care facility designed to comply with the requirements of the National Regulations.</p>
<ul style="list-style-type: none"> <i>ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses</i> 	<p>The centre-based child care facility proposes a contemporary single storey built form that will be consistent and compatible with the existing low density character within the immediate locality.</p> <p>The primary front setback to Ben Bullen Place, landscaping between the staff parking and the rear of the building and along the side setbacks are landscaped to provide an attractive setting for the child care facility, along with ensuring the amenity of surrounding neighbours is protected/ enhanced.</p>
<ul style="list-style-type: none"> <i>minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment</i> 	<p>The development has been designed to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing, as discussed in detail further within this statement.</p>

Part 2 Design Quality Principles

Principle 1 – Context

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 socio-economic makeup of the facility users and surrounding communities.

The child care facility is compatible in scale and design with the existing low density residential built form that surrounds the development site, noting that the large site is currently vacant and detracting from the existing streetscape character along Ben Bullen Place.

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 close proximity to Bradfordville Shopping Centre, local primary school and industrial precinct.

This ensures that the site takes advantage of its local context and provides a child care centre in an appropriate location.

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 contemporary single storey built form that is considered to be consistent and compatible with the existing low density built form character within the immediate locality.

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 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.

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

The subject site is within a well-established residential area, noting that the proposed landscape embellishment works will significantly improvement in the landscaping arrangement on site than at present, which is vacant, void of any vegetation and detracting from the existing streetscape character along Ben Bullen Place.

The landscaping plan incorporates planting that comprise a mix of trees, shrubs and grasses.

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

canopy, habitat values and preserving green networks.

Refer to attached Landscaping Plan for detail.

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.

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**

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

This is achieved by the siting and orientation of the proposed single storey building with complying and generous side and rear setbacks combined with compliance to the height provision.

Considering the subject building's single storey form, compliance with setback controls and the use of acoustic barriers along the site side and rear boundaries combined with landscaping will contribute towards minimising potential privacy and acoustic impacts to neighbouring properties.

Potential noise impacts associated with the operation of the proposed child care facility will be mitigated via an Operational Management Plan that is to manage outdoor play times and the number of children accessing outdoor area at any one time.

Environmental Noise Impact Assessment which accompanies this application has found that, providing the noise control recommendations made in Section 8.0 of the report are implemented, the level of noise emitted by the proposed Child Care Facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultants' *Guideline for Child Care Centres Acoustic Assessment* and the Environmental Protection Authority's *NSW Road Noise Policy* and therefore is considered acceptable.

- **the setback and siting of buildings within the residential context**
- **traffic and parking impacts of the proposal on residential amenity**

Complies with setback requirements under the DCP.

Traffic and Parking Impact Assessment prepared by McLaren has found that proposed child care facility is fully supportable in terms of its traffic and parking impacts, noting that the impacts of the traffic generation have been modelled using SIDRA INTERSECTION 9.1, indicate that there will be no adverse impact to the performance of the intersections as a result of the generated traffic.

Refer to attached Traffic and Parking Impact Assessment for detail.

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 permissible and compatible land use within the R2 – Low 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 land slope, flooding, 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**

A preliminary site investigation has been prepared for the subject site by Neo Consulting who found, based on the site investigation and analytical results – the potential for significant contamination of soil to be low. The report also found that the site is suitable for the proposed development and NEPM 2013 Residential (A) land use, provided the recommendations in the report are undertaken
- **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 as an area of 2,090m² and can best be described as a large land parcel that is of a sufficient size to accommodate the proposed centre-based child care facility.
 - **number of shared boundaries with residential properties**

The development is to provide a contemporary single storey built form designed to be consistent with the existing low density character within the immediate locality.
 - **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 20 car parking spaces, with 11 including an accessible car parking space provided for parents dropping off children.

The DCP does not provide parking rates for parents / visitor for the drop off and pick up areas, rather stipulates that set down/drop off area are to be provided. With an absence of parent / visitor parking rates, the accompanying Traffic and Parking Impact Assessment has based visitor parking requirement of the development on queueing analysis:

 - An 8-minute 16-second average length of stay for each parking space during the PM peak hour (i.e. a parent uses a

parking space for approximately 8-minutes 16-seconds to pick-up their child)

- This is the average afternoon service time recorded within *Validation Trip Generation Survey, Child Care Centres, Analysis Report* by TEF Consulting commissioned by the RMS

- Afternoon peak hour traffic generation of 80 trips (40 in, 40 out) is used.

By applying conventional queuing theory, it has been determined that 11 spaces can adequately accommodate the 98th percentile demand of child care centre visitors in the PM peak period

The development proposes a total of 11 car parking space for parent / visitor, satisfying the peak demand for the proposed use and therefore ensuring suitable drop off and pick up can occur onsite. Refer to accompanying Traffic and Parking Impact Assessment for detailed calculations for the queueing analysis.

- **the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use**

Ben Bullen Place has been identified as an unclassified local road that ends in a cul-de-sac, noting no objections was raised by the accompanying Traffic and Parking Impact Assessment on its use for the proposed child care facility, noting an 8.8m (approximate) wide carriageway facilitates traffic flow in both directions. It is also worth noting that the proposed 6m wide two-way vehicular crossover and driveway achieves the relevant clauses and objectives of AS28901.1:2004 and AS2890.6:2022.

- **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 is 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**
- **near or within employment areas, town centres, business centres, shops**
- **with access to public transport including rail, buses, ferries**

The subject site is located near Bradfordville Commercial Precinct, Bradfordville Public School, local parks and public transport opportunities.

In addition, it is near adjacent industrial precinct areas and provides appropriate child care places for both workers and residents.

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**
- **any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site**

The subject site is not located within proximity to any identified environmental hazard.

A preliminary site investigation has been prepared for the subject site by Neo Consulting who found, based on the site investigation and analytical results – the potential for significant contamination of soil to be low. The report also found that the site is suitable for the proposed development and NEPM 2013 Residential (A) land use, provided the recommendations in the report are undertaken.

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**

The centre-based child care facility has been designed be consistent and compatible with the existing low density characteristics within the immediate locality.

<ul style="list-style-type: none"> • 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 • First floor play areas only permitted where 'good design' is demonstrated. 	<p>Appropriate landscaping is to be provided between the building and the street edge. Refer to attached Landscape Plan for detail.</p> <p>The primary front setback to Ben Bullen Place is to be landscaped to minimise the impact of hard surfaces whilst integrating the proposal within the context of the site and its surrounds.</p> <p>Complies, refer to attached plans</p> <p>N/A – development proposes a single storey child care facility.</p>
<p>C6 – Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> • fencing to ensure safety for children entering and leaving the facility • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community • integrating existing and proposed landscaping with fencing 	
<p>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</p>	<p>The site does not contain multiple buildings or entries.</p> <p>The primary entry point is designed to be clearly visible and legible from Ben Bullen Place.</p>
<p>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:</p> <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries 	

<ul style="list-style-type: none"> • low fences and planting which delineate communal/private open space from adjoining public open space • minimal use of blank walls and high fences 	<p>Fencing and landscape works will contribute towards delineate communal/private open space from the public domain.</p> <p>Development incorporates architectural features and articulation to provide an attractive single storey built form that appropriately addresses Ben Bullen Place. .</p>
<p>C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</p> <p>Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>Development proposes appropriate fencing that is consistent with fencing within the precinct and with comparable child care facility within the wider Local Government Area.</p> <p>N/A - The site is not identified as a heritage item nor is not located within a heritage conservation area or adjacent to a heritage item.</p>
<p>C10 – High solid acoustic fencing may be used when shielding the facility from noise on classified roads.</p> <p>The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	<p>Noted – Refer to Acoustic Report for more detail.</p> <p>Comply.</p>
<p>3.3 Building orientation, envelope and design</p>	
<p>C11 – Orient a development on a site and design the building layout to</p> <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by; <ul style="list-style-type: none"> - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries within residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses 	<p>The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy and acoustic impacts. This is achieved by the siting and orientation of the proposed single storey building with complying and generous side and rear setbacks combined with compliance to the height provision.</p> <p>Considering the subject building's single storey form, compliance with setback controls and the use of acoustic barriers along the site side and rear boundaries combined with landscaping will contribute towards minimising potential privacy and acoustic impacts to neighbouring properties.</p>

	<p>Potential noise impacts associated with the operation of the proposed child care facility will be mitigated via an Operational Management Plan that is to manage outdoor play times and the number of children accessing outdoor area at any one time.</p> <p>The development is to incorporate appropriate noise mitigation measures including acoustic fencing in accordance with the attached Environmental Noise Assessment to minimise noise impacts from children playing, noting that an Operational Management Plan is to manage outdoor play times and the number of children accessing outdoor area at any one time. Refer to attached acoustic report and Plan of Management for additional details.</p>
<ul style="list-style-type: none"> • optimise solar access to internal and external play areas 	<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"> • avoid overshadowing of adjoining residential properties 	<p>The proposed centre-based child care facility has been designed to reduce the potential for overshadowing of neighbouring properties, including the building's single storey form and compliance with height and setback provisions.</p> <p>It is considered that appropriate solar access is to be provided on site and for neighbouring properties and this is supported by the attached shadow diagrams.</p>
<ul style="list-style-type: none"> • ensure buildings along the street frontage define the street by facing it 	<p>The proposed development is an attractive contemporary single storey child care facility has been designed to address Ben Bullen Place.</p>
<ul style="list-style-type: none"> • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions 	<p>N/A – all indoor and outdoor play areas are contained within the ground floor.</p>
<p>C12 – The following matters may be considered to minimise the impacts of the proposal on local character:</p>	
<ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility 	<p>Development proposes a single storey building that is consistent and compatible with the existing low density built form character within the subject area.</p>

- setbacks should provide adequate access for building maintenance
- setbacks to the street should be consistent with the existing character

C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.

Proposal has been designed to comply with prescribed setback controls under the DCP.

C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.

Proposal has been designed to comply with prescribed setback controls under the DCP.

C15 – Entry to the facility should be limited to one secure point which is:

- located to allow ease of access, particularly for pedestrians
- directly accessible from the street where possible
- directly visible from the street frontage
- easily monitored through natural or camera surveillance
- not accessible through an outdoor play area

The child care facility provides direct and clear primary entry point from Ben Bullen Place.

The pedestrian entry point is visible from the street frontage, permits ease of access and directly accessible from the street level.

Access to the site is in accordance with the Access Report that accompanies this application.

C16 – Accessible design can be achieved by:

- providing accessibility to and within the building in accordance with all relevant legislation
- linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry
- providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible
- minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.

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 points of the child care facility via a graded pathway from Ben Bullen Place.

Access to the site is in accordance with the Access Report that accompanies this application.

Development provides appropriate continuous path of travel to and within the building, including access between the street entry points and main building entrances via a graded pedestrian pathway from Ben Bullen Place.

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 subject site is within a well-established residential area, noting that the proposed landscape embellishment works will significantly improve in the landscaping arrangement on site than at present, which is vacant, void of any vegetation and detracting from the existing streetscape character along Ben Bullen Place.

A high quality landscape strategy has been provided to ensure that the building and at-grade car park sit within an attractive landscape setting. This also ensures that significant areas of deep soil are retained that assists in both natural drainage functions, but also the retention of trees and space for new plantings.

The landscaping plan incorporates planting that can 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**

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 its surrounding, notion that at present, the site is vacant, void of any vegetation and detracting from the existing streetscape character along Ben Bullen Place.

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 layout and building design, use of landscaping and location of car park.

This in addition to the fencing combined with landscaping will ensure that direct overlooking is not possible from public areas.

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

The proposal is single storey, with fencing and landscaping provided that ensures there is no possibility of direct overlooking of neighbouring properties, including their living areas and private open space.

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 soil, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure

Development proposes appropriate acoustic fencing/barriers in accordance with the accompanying Environmental Noise Assessment to mitigate potential noise impacts to adjoining properties.

The Environmental Noise Assessment has found that the childcare facility complies with the relevant assessment requirements.

Refer to the attached Environmental Noise Assessment for more detail.

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

An Environmental Noise Assessment accompanies the development application demonstrating compliance with the requirements.

- determine the appropriate height of any acoustic fence to enable the noise criteria to be met

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 screens to minimise acoustic impacts to neighbouring properties.

Environmental Noise Assessment prepared by Day Design Pty Ltd which accompanies this application has found that the childcare facility complies with the relevant assessment requirements. Refer to the attached Environmental Noise Assessment for more detail.

C25 – An acoustic repost 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:

- 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

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.

It is noted that appropriate design/ measures have been undertaken including appropriate setbacks, use of landscaping and acoustic barriers to

<ul style="list-style-type: none"> • other land that is impacted by substantial external noise 	<p>minimise acoustic impacts to neighbouring properties.</p> <p>An Environmental Noise Assessment prepared by Day Design Pty Ltd which accompanies this application has found that provided the noise control recommendations made in Section 8.0 of the report are implemented, the intrusive noise levels will meet the noise level requirements of the NSW Department of Planning and Environment's <i>Child Care Planning Guidelines</i> and the Association of Australasian Acoustical Consultants' <i>Guideline for Child Care Centres Acoustic Assessment</i>, and be considered acceptable.</p> <p>Refer to the Environmental Noise Assessment that accompanies this application for detail.</p>
<p>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</p>	<p>Complies.</p>
<p>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.</p>	<p>The subject site is not located near a major road or industrial development.</p>
<p>3.7 Hours of operation</p>	
<p>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</p>	<p>The child care facility is to operate between 7:00am to 6:00pm Monday to Friday.</p>
<p>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</p>	<p>Subject site is not located within a mixed-use area. Not applicable.</p>
<p>3.8 Traffic, parking and pedestrian circulation</p>	
<p>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.</p>	<p>The Development has regard with the car parking requirements under the DCP. Refer to discussion against the DCP for more information.</p>

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.

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

Traffic and Parking Impact Assessment prepared by McLaren has found that proposed child care facility is fully supportable in terms of its traffic and parking impacts, noting that the impacts of the traffic generation have been modelled using SIDRA INTERSECTION 9.1, indicate that there will be no adverse impact to the performance of the intersections as a result of the generated traffic.

Refer to attached Traffic and Parking Impact Assessment for 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

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.

Ben Bullen Place has been identified as an unclassified local road that ends in a cul-de-sac, noting no objections was raised by the accompanying Traffic and Parking Impact Assessment on its use for the proposed child care facility, noting an 8.8m (approximate) wide carriageway facilitates traffic flow in both directions. It is also worth noting that the proposed 6m wide two-way vehicular crossover and driveway achieves the relevant clauses and objectives of AS28901.1:2004 and AS2890.6:2022.

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 provided separate pedestrian and vehicular access from Ben Bullen Place.

Vehicles can enter and exit the main parking area in a forward direction. Refer to swept path diagrams 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 the play areas
 - provides clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards including wheelchair and pram access parking
- Car parking area is sufficiently separated from the building entrances 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 3.25m² of unencumbered indoor space.

The proposal provides 3.31m² 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.

No veranda is to be included as unencumbered indoor space. Not applicable.

Design Guidance

Storage

It is recommended that a child care facility provide;

- a minimum of 0.3m³ per child of external storage space
 - a minimum of 0.2m³ per child of internal storage space
- The proposal provides appropriate internal and external storage areas as shown on the attached plans.

4.2 Laundry and hygiene facilities

Regulation 106

Education and Care Services National Regulations

There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering.

On site laundry facilities are provided.

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.

Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the *National Construction Code*. Ceiling height requirements may be affected by the capacity of the facility.

Light and ventilation and minimum ceiling heights designed to comply with relevant requirements under the National Construction Code.

Design Guidance

Natural light

When designing child care facilities consideration should be given to:

- providing windows facing different orientations
- using skylights as appropriate ceiling heights

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.

4.5 Administrative space

Regulation 111

Education and Care Services National Regulations

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.

Adequate space for administrative tasks being conducted on site are proposed within the office, staff and meeting rooms.

4.6 Nappy change facilities

Regulation 112

Education and Care Services National Regulations

Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.

Nappy change facilities are provided for the facility for kids aged between 0-2.

All nappy changing facilities should be designed and located in an area that prevents unsupervised access to children.

Complies.

Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the *National Construction Code*.

Nappy changing, and bathing facilities designed to comply with relevant requirements under the National Construction Code.

Design Guidance

In circumstances where nappy change facilities must be provided, design considerations could include;

Designed to comply.

- 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
- A space to store step positioning to enable supervision of the activity and play areas

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:

- 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

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

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 7.0m² of unencumbered outdoor space.

The proposal provides 7.63m² 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:

Noted, refer to attached landscape plan for detail.

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

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 facilities interaction
- sand pits and water play areas
- dense indoor planting and green vegetated walls
- 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 2.1m²) of the 7.0m² 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
- have evenly distributed shade structures over different activity spaces.

Complies- see solar diagrams in the attached plans.

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.

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

Side fencing has been undertaken in accordance with the Childcare Acoustic Assessment by Day Design.

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

Regulations 25

Education and Care Services National Regulations
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.

A preliminary site investigation has been prepared for the subject site by Neo Consulting who found, based on the site investigation and analytical results – the potential for significant contamination of soil to be low. The report also found that the site is suitable for the proposed development and NEPM 2013 Residential (A) land use, provided the recommendations in the report are undertaken

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 Goulburn Mulwaree 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
Part 4.3 Physical Environment			
Division 1 Centre-Based Services and Family Day Care Services			
104	Fencing	Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.	Yes
106	Laundry and hygiene facilities	A laundry facility is available on the premises of the proposed centre-based child care facility.	Yes
107	Space requirements – indoor space	The proposed centre-based child care facility provides 3.31m ² of unencumbered indoor play space per child as shown on the submitted architectural plans.	Yes
108	Space requirements – outdoor space	The proposed centre-based child care facility provides 7.63m ² of unencumbered outdoor play space per child as shown on the submitted architectural plans.	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
Division 2 Additional Requirements for Centre-Based Services			
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
Part 4.4 Staffing Requirements			
123	Staff to child ratio	<p>Clause 123 provides minimum staff requirements for child care facilities in <u>Australia:</u></p> <p>0-2 Years – 1 employee per 4 children 2-3 Years – 1 employee per 5 children 3-5 Years – 1 employee per 11 children</p> <p>It is noted that Clause 271 overrides the ratio for the 3-5 age group for facilities in <u>New South Wales.</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 3-5 Years – 1 employee per 10 children</p> <p>The breakdown of children ratio within the proposed centre-based child care facility is as follows:</p> <p>0-2 Years – 24 children (6 staff) 2-3 Years – 35 children (7 staff) 3-6 Years – 40 children (4 staff)</p> <p>Total: 17 staff. 17 teaching staff to be provided.</p>	Yes

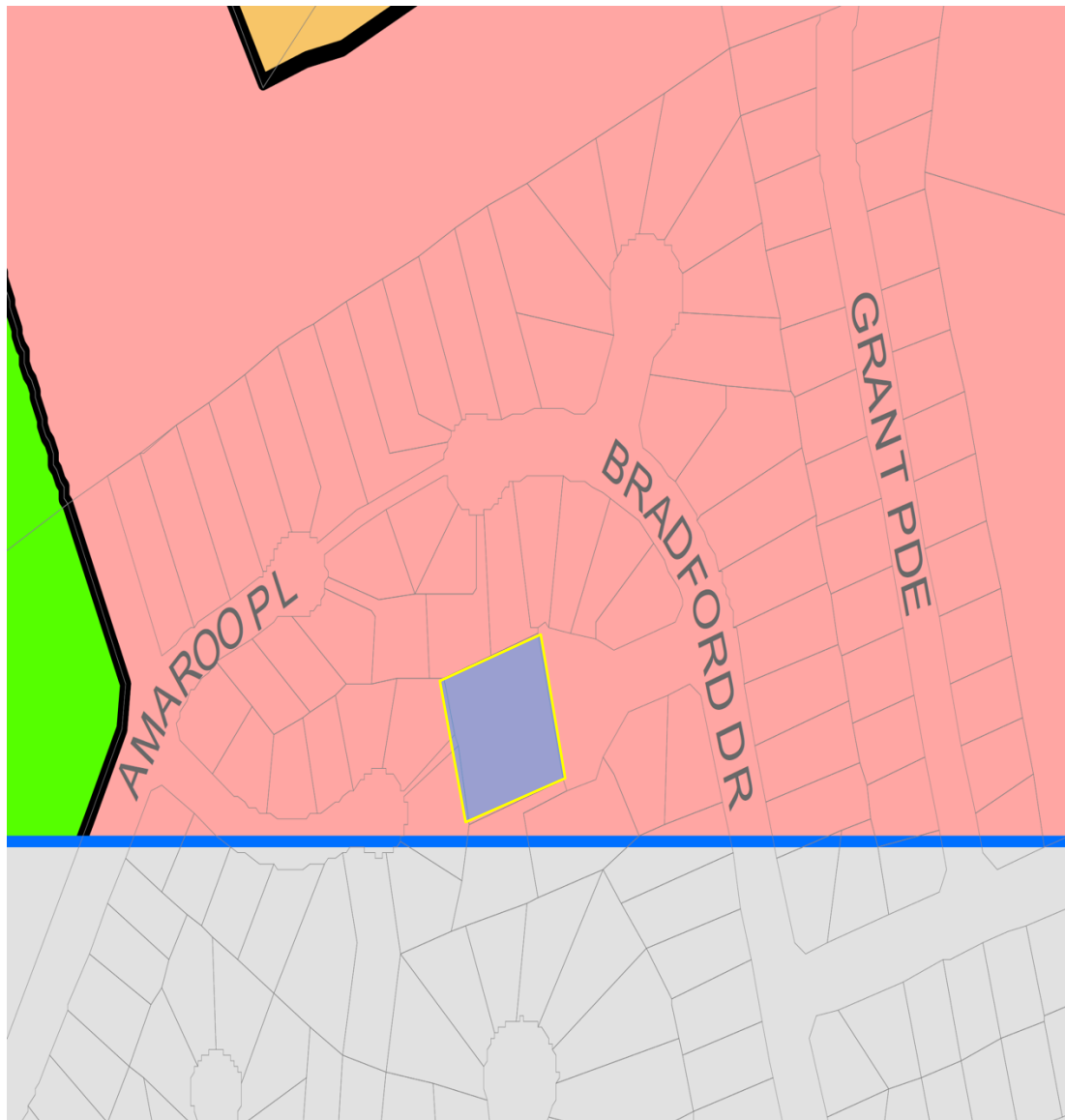
Part 7.3 New South Wales – Special Provisions



271	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.	

GOULBURN MULWAREE LOCAL ENVIRONMENTAL PLAN 2009

The development site is zoned R2 – Low Density Residential under the Goulburn Mulwaree Local Environmental Plan 2009. *'Child Care Facilities'* are permissible with consent within the R2 Zone.

Image 5: Zoning Map Sheet LZN_001C Extract (Source: Goulburn Mulwaree LEP 2009)



-  Subject Site
-  R2 – Low Density Residential

'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 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 maintain the economic strength of commercial centres by limiting the retailing of food and clothing.*

The centre-based child care facility has been designed to commensurate with the existing low density residential character of the immediate locality.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant provisions.

Goulburn Mulwaree Local Environmental Plan 2009			
Clause	Controls	Comments	Complies
Zoning	R2 Low Density Residential	'Child Care Centres' are permissible with Council consent in the R2 Low Density Residential Zone.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R2 Low Density Residential and will appropriately fulfil the subject site's zoning potential and will provide a much needed and well-located service for the local community.	Yes
2.6	Subdivision – Consent Requirements	No subdivision is proposed.	N/A
2.7	Demolition requires development consent	The subject site is currently vacant and void of any man-made structures. As such no demolition works is required to be undertake as part of this application.	N/A
Part 4 Principal Development Standards			
4.3	Height of building: N/A	No height control applies.	N/A
4.4	Floor space ratio: N/A	No FSR control applies.	N/A
Part 5 Miscellaneous Provision			
5.10	Heritage Conservation	<p>The site is not identified as a heritage item or is it located within a heritage conservation area however there are local heritage within the broader locality.</p> <p>The local heritage items are sufficiently separated from the development site.</p> <p>As such, the current proposal will not have any impact on the heritage curtilage of those heritage items, and therefore is not subject to any heritage restriction nor is any future heritage investigation considered necessary.</p>	N/A
5.21	Flood Planning	The development site is not identified as being flood prone land.	N/A

Clause	Controls	Comments	Complies
Part 7 Additional Local Provision			
7.1A	Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact and is required to provide an appropriate ground level for the child care centre.</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> <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.</p> <p>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>	Yes
7.2	Terrestrial biodiversity	N/A – The development site is not identified as ‘ <i>Biodiversity</i> ’ on the Terrestrial Biodiversity Map.	N/A
7.5	Active street	N/A – The development site is not identified as ‘ <i>Active Street Frontage</i> ’ on the Active Street Frontage Map.	N/A

GOULBURN MULWARRE DEVELOPMENT CONTROL PLAN 2009

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

Goulburn Mulwaree Development Control Plan 2009 - Compliance Table			
Clause	Controls	Comment	Complies
2 Plan Objectives			
2.2	Locality Objectives – Goulburn City	<p><u>2.2.2 Locality Characteristics</u></p> <p>As per Figure 2-1: Goulburn Locality Precincts, the development site is located <u>outside of</u> the Goulburn City locality area.</p>	N/A
3 General Development Controls			
3.1	Indigenous Heritage and Archaeology	The site is highly disturbed and is not identified as potentially containing Indigenous Archaeology.	N/A
3.2	European (non-indigenous) heritage conservation	<p>The site is not identified as a heritage item or is it located within a heritage conservation area however there are local heritage within the broader locality.</p> <p>The local heritage items are sufficiently separated from the development site.</p> <p>As such, the current proposal will not have any impact on the heritage curtilage of those heritage items, and therefore is not subject to any heritage restriction nor is any future heritage investigation considered necessary.</p>	N/A
3.5	Landscaping	<p>The development proposes appropriate landscape embellishment works that will improve and enhance the subject site then what currently exists whilst helping to integrate the proposal within the context of the site and its surroundings.</p> <p>Refer to attached Landscaping Plan for detail.</p>	Yes
3.6	Vehicular Access and Parking	<p>The development provides access for parking from Ben Bullen Place.</p> <p>The design of the parking areas allows for appropriate access for occupants, visitors and service vehicles, whilst ensuring the safety of pedestrians and other road users. Refer to attached Traffic and Parking Impact Assessment for more details.</p>	Yes

	<p>Child Care Facility 1 space per 2 employees plus set down/drop off area</p> <p>As per the Childcare National Regulations, the proposed 9 place child care facility is to provide 17 staff and there is required to provide 8.5 (9) staff car parking spaces plus set down/drop off area.</p> <p>The development proposes a total of 20 carparking spaces including 9 dedicated staff parking spaces and 11 parents / visitor parking spaces including an accessible car parking space.</p> <p>The DCP does not provide parking raters for parents / visitor for the drop off and pick up areas, rather stipulates that set down/drop off area are to be provided. With an absence of parent / visitor parking rates, the accompanying Traffic and Parking Impact Assessment has based visitor parking requirement of the development on queueing analysis:</p> <ul style="list-style-type: none"> - An 8-minute 16-second average length of stay for each parking space during the PM peak hour (i.e. a parent uses a parking space for approximately 8-minutes 16-seconds to pick-up their child) <ul style="list-style-type: none"> ▪ This is the average afternoon service time recorded within <i>Validation Trip Generation Survey, Child Care Centres, Analysis Report</i> by TEF Consulting commissioned by the RMS - Afternoon peak hour traffic generation of 80 trips (40 in, 40 out) is used. <p>By applying conventional queuing theory, it has been determined that 11 spaces can adequately accommodate the 98th percentile demand of child care centre visitors in the PM peak period</p> <p>The development proposes a total of 11 car parking space for parent / visitor, satisfying the peak demand for the proposed use and therefore ensuring suitable drop off and pick up can occur onsite.</p> <p>Refer to accompanying Traffic and Parking Impact Assessment for detailed calculations for the queueing analysis.</p>	<p>On Merit</p>
<p>3.7</p> <p>Crime Prevention through Environmental Design</p>	<p>The proposed development will activate the site and contribute to the passive surveillance of the public domain.</p>	<p>Yes</p>

		<p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area. No areas for concealment or entrapment are created by the proposal.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposal incorporates design elements including clearly defined and controlled access points as well as clearly defined public and private spaces, adequate lighting and fencing in order to minimise opportunity for criminal activity.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	
3.8	Flood Affected Lands	The development site is not identified as being flood prone land.	N/A
3.9	Tree and Vegetation Preservation	<p>The subject site is vacant and predominantly void of vegetation, noting that the development proposes to introduce high quality landscape embellishment works within the existing residential character along Bun Bullen Place that will not only reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds, but will also improve the landscaping presentation to the street level then what currently exists.</p> <p>The landscape treatment will also soften the built form and assist with maintaining privacy to neighbouring properties.</p> <p>Refer to attached Landscape Plan for detail.</p>	Yes
3.10	Dry Salinity	Due to the nature and location of the site, it is not likely to be affected by Saline Soils. Not relevant.	N/A
3.11	Waterbody and Wetland Protection	Not relevant.	N/A
3.12	Groundwater	Due to the nature of the proposal: construction of a child care facility, the development will not impact upon existing groundwater.	N/A

A Stormwater Management Plan has been prepared and accompanies this application.			
3.14	Biodiversity Management	The subject site is not located within a riparian corridor, regional corridor, key fish habitat, or within areas of high/medium conservation valued areas. Not relevant.	N/A
3.14	Stormwater Pollution	<p>It is considered that the proposed development will not adversely affect or impact upon drainage or stormwater flows in the area.</p> <p>All stormwater is to be appropriately managed with stormwater drainage being designed in accordance with Council's requirements, where possible. A Stormwater Management Plan has been prepared and accompanies this application.</p>	Yes
3.15	Impacts on Drinking Water Catchments	Considering the nature of the development – child care facility and that the proposal will be accompanied by a Stormwater Management Plan; the development is not likely to impact on drinking water catchments.	N/A
3.16	Bushfire Risk Management	The development site is not identified as containing bushfire prone land. Not applicable.	N/A
4 Principal Development Controls – Urban			
		<p>With the DCP not containing any specific control for child care facilities, the current application is to utilise relevant building envelope controls under Part 4.1 Residential Development to provide guidance on what would constitute appropriate building envelope that is deemed to be compatible within a residential context:</p> <ul style="list-style-type: none"> - Number of storeys: DCP prescribes a maximum number of 2 storeys for dwellings – noting that the development proposes a single storey dwelling that complies with the height control. - Solar Access: DCP requires that the principle living space of adjoining dwelling receive at least 3 hours of sunlight between 9am and 3pm on 21 June. <p>The proposed single storey child care facility has been designed to reduce the potential for overshadowing of neighbouring properties as shown on the shadow diagrams appropriate solar access is afforded to adjoining properties.</p>	N/A

- Setback: DCP prescribes the following setbacks:

- - Rear Setback: 6m
 - Side: 1m
 - Front: 4.5m

The development provides the following setbacks:

- Rear setback: 5.140m

The proposed rear setback does not technically comply with the rear setback for dwelling houses. However considering the single storey form of the proposed development, the minor nature of the non-compliance and that the development is to provide acoustic barriers along the rear boundary combine with landscaping and a second 2.4m high acoustic barrier behind to ensure the privacy of neighbouring property are maintained despite the non-compliance.

Considering the encroachment to the rear setback will not result in additional privacy or overshadowing impacts to neighbouring properties, the non-compliance is considered acceptable and worthy of Council support.

- Side: >1m
- Front: 2m

Considering that the large site predominantly occupies the majority of the bulb of a cul-de-sac and therefore will not have any impact on the existing setback pattern along Ben Bullen Place and that an existing reserve in-front of the site provides sufficient front setback between the primary building line and Ben Bullen Place. As such, the non-compliance is considered acceptable and worthy of Council support.

- Hours of operation is in accordance with the child care guidelines: 7:00am till 6:00pm Monday – Friday (excluding public holidays).

The development site is of sufficient size to accommodate the proposed child care facility.

		<p>The development will not lead to isolating neighbouring land parcels.</p> <p>All key controls relating to child care facilities have been addressed under the State Environmental Planning Policy (Transport and Infrastructure) 2021, Child Care Planning Guidelines and Children's (Education and Care Services) Supplementary Care Provisions 2012.</p>	
4.1.4	Cut and fill	<p>The proposal has been designed to minimise the amount of cut and fill required, whilst also providing a built form that is appropriate considering the context of the site and the surrounding area.</p> <p>An Erosion and Sediment Control Plan accompanies the development application and appropriate erosion and sediment control measures such as the use of sediment fencing will be undertaken to minimise erosion during the demolition and construction phase of the proposal</p>	Yes
6 Special Development Types			
6.4	Advertising and Signage	Signage is not proposed as part of the current application, noting signage will be part of future DAs.	N/A

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.