

STATEMENT OF ENVIRONMENTAL EFFECTS

8 ROBERTSON ROAD CHESTER HILL

Proposal: Demolition of existing structures, relocation of sewer and construction of a 2-storey centre-based childcare facility for 70 children over a basement

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Note:

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1. Executive Summary

This Statement of Environmental Effects has been prepared for submission to Canterbury Bankstown Council (CBC) for a development that is proposing the “*demolition of Existing Structures, relocation of sewer main construction of a 2 storey Centre-based child care facility with 70 children over basement*”. The development site is located at 8 Robertson Road Chester Hill, legally known as Lot 2 DP 444821.

The subject site is zoned R2 Low Density Residential pursuant to the Canterbury Bankstown Local Environmental Plan (CBLEP) 2023. Centre-based child care facility is a permissible use in the R2 zone. This Statement of Environmental Effects provides a detailed assessment against the relevant development standards and the relevant development guidelines that are applicable to the site in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act).

2. Site and Locality

The subject site is identified as 8 Robertson Road Chester Hill, legally known as Lot 2 DP 444821. The subject site is zoned R2 Low Density Residential pursuant to the Canterbury Bankstown Local Environmental Plan (CBLEP) 2023.

The site is benefited by a detached dwelling with associated outbuildings and a pool. The site is regular shaped allotment with an area of 1201.14m² and a frontage of 17.069m to Robertson Road a northern and southern side boundary of 70.840m and a western rear boundary of 17.069m.

The site is in a residential area, which currently has a predominant streetscape character of low-density residential development, with predominately a variety of either single and two storey detached dwellings. Located to the east and west of the subject site are existing dwellings. The site is established in a primarily R2 – Low Density residential area.



Figure 1: Aerial view of the site identified as 8 Robertson Road Chester Hill



Figure 2: Zoning Map of the area - (Source NSW Planning Maps)

3. Proposed Development

The proposed development consists of:

“demolition of Existing Structures, relocation of sewer main construction of a 2 storey Centre-based child care facility with 70 children over basement”. Details of the proposal are as follows;

- Structure is 2 storeys in height.
- Vehicular access to the site is off Robertson Road
- Basement parking proposed to comprise of 20 car spaces with one allocated for disabled parking and 4 tandem spaces for staff. The basement also provides bin storage, fire stairs and general stairs and a lift
- The Ground floor area consists of the entrance into a foyer and reception area, an office and bathroom and lift. Upon further entrance is a hallway and ramp along the north elevation, the hallway leads to an indoor play area in the south elevation allocated for 15 children aged 0-2, which will also be equipped with a cot room. Located behind this room is an outdoor area, further to this is an additional indoor play

area allocated for 35 children aged 3-5 with toilets. This room leads to a covered alfresco area. Located to the rear of the ground floor is an outdoor play area. The two indoor areas equate to 166.7m² and the outdoor areas at 428.78m².

- e) The First floor consists of a staff room, laundry, bathroom, storage room and lift, further to this is a setback kitchen leading to a balcony on the eastern elevation overlooking Robertson Road. The door to the kitchen will be foxed with child proof latches. On the north elevation is a reading area and opposite to this on the south elevation is an indoor play area for 10 children aged 2-3 with attached toilets. This indoor section leads to an outdoor area with a covered walkway on the north elevation. This outdoor area leads to an additional indoor play area for 10 children aged 2-3 with attached toilets. The indoor play areas have a combined space of 86.97m² and the outdoor are is 140.02m².
- f) The centre will cater for a total of 70 children with the following break down;
 - 0–2-year-old children x 15
 - 2–3-year-old children x 20
 - 3–5-year-old children x 35
- g) The staff to children ratios comply with the national regulations and include 4 staff for the 15 children aged 0-2 which complies with the ratio of 1:4, 4 staff for the 20 children aged 2-3 which complies with the ratio of 1:5 and 4 staff for the 35 children aged 3-5 which equates to a ratio of 1:10.
- h) Hours of operation are proposed from 7:00am to 6:00pm Monday to Friday.
- i) Access to the centre will be via a lift from the proposed basement.
- j) Access to the centre will be via a lift in the basement or front street entry.



Figure 3: Proposed front elevation

4. Site Constraints

Site Constraint	Yes/No
• Bushfire	No
• Flooding	No
• Heritage Items	No
• Aboriginal heritage	No
• Environmentally Significant Land	No
• Threatened Species/ Flora/ Habitat/Critical Communities	No
• Acid Sulphate Soils	No
• Flight Paths	No
• Railway Noise	No
• Road Noise/ Classified Road	No

5. Section 4.15 Planning Assessment

The following planning instruments have been considered in the planning assessment of the subject Development Proposal

- State Environmental Planning Policy (Transport & Infrastructure) 2021 – Chapter 3 Educational Establishments and Child Care Facilities
- Child Care Planning Guidelines
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Waterway Catchment
- State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4, Remediation of Land
- Canterbury Bankstown Local Environmental Plan (CBLEP) 2023
- Canterbury Bankstown Development Control Plan (CBDCP) 2023

a) State Environmental Planning Policy (Transport & Infrastructure) 2021 – Chapter 3 Educational Establishments and Child Care Facilities

Part 3.3 Early education and care facilities—specific development controls

Standard	Required/Permitted	Provided	Compliance
Notes	Note 1. A service approval is required to operate an early education and care facility that is an education and care service to which the <i>Children (Education and Care Services) National Law (NSW)</i> applies or a State regulated education and care service to which the <i>Children (Education and Care Services) Supplementary Provisions Act 2011</i> applies. Approved services are subject to various operational requirements under that legislation, including requirements for the physical environment of the approved service. Note 2. Complying development controls specifically for school-based child care are provided for in section 3.41.	Noted – Appropriate licensing will be sought after determination	Can comply
3.22 Centre-based childcare facility—concurrence of Regulatory Authority required for certain development	(1) This section applies to development for the purpose of a centre-based child care facility if— (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or (b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations	The proposal complies with the required indoor and outdoor space per child. Refer to assessment below	Yes
	(2) The consent authority must not grant development consent to development to which this section applies except with the concurrence of the Regulatory Authority.	Noted	Noted
	(3) The consent authority must, within 7 days of receiving a development application for development to which this section applies— (a) forward a copy of the development application to the Regulatory Authority, and (b) notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.	Noted	Noted
	(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW)	Noted	Noted

	(5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subsection (3). Note— The effect of section 4.13(11) of the Act is that if the Regulatory Authority fails to inform the consent authority of the decision concerning concurrence within the 28-day period, the consent authority may determine the development application without the concurrence of the Regulatory Authority and a development consent so granted is not voidable on that ground.	Noted	Noted
	(6) The consent authority must forward a copy of its determination of the development application to the Regulatory Authority within 7 days after making the determination.	Noted	Noted
	(7) In this section— Regulatory Authority means the Regulatory Authority for New South Wales under the Children (Education and Care Services) National Law (NSW) (as declared by section 9 of the Children (Education and Care Services National Law Application) Act 2010). Note— Concurrence to development may be granted subject to conditions. A development consent subject to concurrence may be voidable if it is granted not subject to any conditions of the concurrence. (See section 4.13 of the Act.)	Noted	Noted
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 <i>Child Care Planning Guideline</i> , in relation to the proposed development.	Proposal is designed to be consistent with the guideline	Yes
3.24 Centre-based child care facility in certain zones – additional matters for consideration by consent authorities.	(1) The object of this section is to minimise land use conflicts with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based child care facility on land in a prescribed zone. (2) In this section – prescribed zone means any of the following land use zones— (a) Zone E4 General Industrial, (b) Zone E5 Heavy Industrial,	N/A	N/A

	(c) Zone IN1 General Industrial, (d) Zone IN2 Heavy Industrial.		
	(2) The consent authority must consider the following matters before determining a development application for development for the purpose of a centre-based child care facility on land in a prescribed zone— (a) whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses, (b) whether the proposed development has the potential to restrict the operation of existing industrial land uses, (c) whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.	N/A	N/A
	(3) The matters referred to in subsection (2) are in addition to any other matter that the consent authority must consider before determining a development application for development for the purpose of a centre-based child care facility	N/A	N/A
	(4) In this section – prescribed zone means any of the following land use zones— (a) Zone E4 General Industrial, (b) Zone E5 Heavy Industrial, (c) Zone IN1 General Industrial, (d) Zone IN2 Heavy Industrial.	N/A	N/A
3.25 Centre-based child care facility – floor space ratio	(1) Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.	N/A	N/A
	(2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.	N/A	N/A
3.26 Centre-based child care facility – non-discretionary development standards	(1) The object of this section is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.	Noted	Noted
	(2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility— (a) location —the development may be located at any distance from an existing or proposed early education and care facility,	Noted	Noted

	(b) indoor or outdoor space i. for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or ii. for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause, (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.	The proposed development complies with Clause 107 of the National Regulations The proposed development complies with Clause 108 of the National Regulations Noted Noted	Yes Yes Noted Noted
	(3) To remove doubt, this section does not prevent a consent authority from— (a) refusing a development application in relation to a matter not specified in subsection (2), or (b) granting development consent even though any standard specified in subsection (2) is not complied with.	Noted	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 ages, age ratios, groupings, numbers or 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 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 <i>Child Care Planning Guideline</i>, or ii. the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that	Noted	Noted

	Guideline (other than those concerning building height, side and rear setbacks or car parking rates).		
	(2) This section applies regardless of when the development control plan was made.	Noted	Noted
3.28 Mobile child care – exempt development	(1) Development for the purpose of mobile child care is exempt development for the purposes of this Chapter if it meets the standards specified for the development in subsections (2)–(4). Note— Exempt development must also comply with the general requirements in section 3.16.	N/A	N/A
	(2) The development must not be on any of the following land— (a) land within a flood control lot, (b) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, (c) land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997, (d) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by a coastline hazard, a coastal hazard or a coastal erosion hazard, (e) bush fire prone land.	N/A	N/A
	(3) The premises on which the development is carried out – (a) must provide or have convenient access to adequate sanitary facilities for use by staff and children attending the service, and (b) must not be located within 200 metres (measured from the closest boundary of the lot on which the development is proposed) from any restricted premises, sex services premises, pub or registered club.	N/A	N/A
	(4) If the development involves the erection of a temporary structure, it— (a) must not restrict any car parking required to be provided by a condition of a development consent applying to the land or any vehicular or pedestrian access to or from the land unless that parking and access is on land owned, controlled or managed by a council or public authority and that council or public authority has given its written consent to the temporary use of the land for the erection of the temporary structure, and (b) must not redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and (c) must be erected on a surface that is sufficiently firm and level to sustain the structure while in use, and	N/A	N/A

	(d) must meet any development standard for the erection of a temporary structure imposed by a local environmental plan applying to the land that sets a separation distance to a side or rear boundary with adjoining land that is under different ownership. Note— In addition to the requirements set out in this Chapter in relation to exempt development, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.		
	(5) Subsection (4)(d) does not apply in respect of adjoining land that is owned by the council or other public authority if the council or public authority has consented in writing to the development standard not applying.	N/A	N/A
	(6) In this section – education and care service mean a service that provides care (other than residential care) or care and education, whether directly or indirectly, for one or more children under the age of 6 years who do not ordinarily attend school (disregarding any children who are related to the person providing the care). mobile child care means an education and care service that visits premises, an area or a place for the purpose of providing child care, but does not include any of the following— (a) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, (b) a service involving medical or clinical care provided by a hospital, (c) a service that is concerned primarily with the provision of private tutoring, or lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity.	Noted	Noted
3.29 Temporary emergency relocation of early education and child care facility – exempt development	(1) Development for the purpose of an early education and care facility is exempt development for the purposes of this Chapter if— (a) the building or place to be used for the development already exists, and (b) the development— i. is necessary to enable an early education and care facility to be temporarily relocated following, or in anticipation of, an emergency, and	Noted	Noted

	ii. meets the standards specified for the development in this section. Note— Exempt development must also comply with the general requirements in section 3.16.		
	(2) The standards for the development are as follows – (a) the development must be carried out within, and the period of the temporary use must not exceed, 12 months, starting from the date on which a service approval to operate the relocated early education and care facility is granted, (b) the development must not be on any of the following land— i. land within a flood control lot, ii. land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, iii. land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997, iv. land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by a coastline hazard, a coastal hazard or a coastal erosion hazard, v. bush fire prone land, (c) the premises on which the development is carried out— i. must provide or have convenient access to adequate sanitary facilities for use by staff and children attending the service, and ii. must not be located within 200 metres (measured from the closest boundary of the lot on which the development is proposed) from any restricted premises, sex services premises, pub or registered club.	Noted	Noted
	(3) In this section – emergency means an emergency due to an actual or imminent occurrence (such as fire, flood, storm, earthquake, explosion, terrorist act, accident, epidemic or warlike action) which endangers, or threatens to endanger, the safety or health of persons in the early education and care facility or destroys or damages, or threatens to destroy or damage, the facility.	Noted	Noted
3.30 Home-based child care – complying development	Development carried out by or on behalf of any person for the purpose of home-based child care is exempt development for the purposes of this Chapter if it is not carried out on bush fire prone land. Note 1—	N/A	N/A

	No standards are specified for this development. However, exempt development must comply with the general requirements in section 3.16. Note 2— The elements that must comprise this type of development are specified in the definition for this development in the Standard Instrument (see also the note to section 3.3(1) of this Chapter). If all the elements are not present, the development is not development to which this section applies.		
3.31 Home-based child care – complying development	(1) Development carried out by or on behalf of any person for the purpose of home-based child care is complying development for the purposes of this Chapter if it complies with this section. Note— Complying development must also comply with the general requirements in section 3.18 (other than section 3.18(2)(c)).	N/A	N/A
	(2) The use of the dwelling used for home-based child care (the dwelling) as a dwelling must be permitted, with or without development consent, under an environmental planning instrument applying to the land on which the development is carried out.	N/A	N/A
	(3) If the development is carried out on bush fire prone land, the following standards also apply— (a) an asset protection zone that is not on a slope exceeding 18 degrees and that is in accordance with <i>Planning for Bush Fire Protection</i> must be established for the dwelling, (b) a bush fire emergency management and evacuation plan must be prepared in accordance with the following— i. Development Planning A guide to developing a Bush Fire Emergency Management and Evacuation Plan, published by the NSW Rural Fire Service in December 2014 ii. AS 3745—2010, Planning for emergencies in facilities, (c) any associated access way is on land that is— i. not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ), or Note— See section 3.19 in relation to when land is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ). ii. Grasslands (d) the lot on which the development is carried out (the relevant lot) must have direct access to a public road or a road vested in or maintained by the council, (e) there must be— i. a reticulated water supply connection to the	N/A	N/A

	relevant lot and a fire hydrant within 70m of the part of the development carried out on bush fire prone land, or ii. a 10,000 L capacity water tank on the relevant lot, (f) mains electricity must be connected to the relevant lot, (g) reticulated or bottled gas on the relevant lot must be installed and maintained in accordance with AS/NZS 1596:2014, <i>The storage and handling of LP Gas</i> and the requirements of relevant authorities (such as the requirement that metal piping must be used), (h) any gas cylinders on the relevant lot that are within 10m of a dwelling must— i. have the release valves directed away from the dwelling, and ii. be enclosed on the hazard side of the installation, and iii. have metal connections to and from the cylinders, (i) there must be no polymer sheathed flexible gas supply lines to gas meters adjacent to any dwelling on the relevant lot or an adjoining lot. Note— The requirements relating to the construction of buildings in bush fire prone areas set out in the <i>Building Code of Australia</i> also apply		
	(4) Section 3.18(2)(c) does not apply to complying development under this section.		
3.32 Out-of-school hours care at existing universities – complying development	(1) Development carried out by or on behalf of any person for the purpose of out-of-school hours care (including vacation care) for primary school children is complying development for the purposes of this Chapter if it complies with this section. Note— Complying development must also comply with the general requirements in section 3.18. i.	N/A	N/A
	(2) The standards specified for the development are as follows— (a) the development must be carried out in an existing building within the boundaries of an existing university, (b) the development must not involve new building works, (c) the building— i. must not be located on bush fire prone land, and ii. must not be located on land within a flood control lot, (d) the building's premises must not be licensed to sell alcohol or to operate gaming machines, (e) the premises on which the development is carried out—		

	ii. must have a floor area that complies with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, and iii. must have outdoor space that complies with regulation 108 (outdoor unencumbered space requirements) of those Regulations, and iv. must have a dedicated entrance, and v. must have exclusive access to, and use of, on-site, age appropriate (K–Year 6) sanitary facilities during hours of operation, and vi. must have a documented and accessible emergency and fire evacuation plan, and vii. must not be located within or adjacent to any building in which is located any restricted premises, sex services premises, pub or registered club.		
	(3) Nothing in this section authorises the carrying out of development in contravention of any existing condition of the development consent currently operating (other than a complying development certificate) that applies to any part of the university, relating to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management, landscaping or student or staff numbers.	N/A	N/A
3.33 Out-of-school hours care at existing TAFE establishments – complying development	(1) Development carried out by or on behalf of any person for the purpose of out-of-school hours care (including vacation care) for primary school children is complying development for the purposes of this Chapter if it complies with this section. Note— Complying development must also comply with the general requirements in section 3.18.	N/A	N/A
	(2) (The standards specified for the development are as follows— (a) the development must be carried out in an existing building within the boundaries of an existing TAFE establishment, (b) the development must not involve new building works, (c) the building— i. must not be located on bush fire prone land, and ii. must not be located on land within a flood control lot (d) the building's premises must not be licensed to sell alcohol or to operate gaming machines, (e) the premises on which the development is carried out—	N/A	N/A

	i. must have a floor area that complies with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, and ii. must have outdoor space that complies with regulation 108 (outdoor unencumbered space requirements) of those Regulations, and iii. must have a dedicated entrance, and iv. must have exclusive access to, and use of, on-site, age appropriate (K–Year 6) sanitary facilities during hours of operation, and v. must have a documented and accessible emergency and fire evacuation plan, and vi. must not be located within or adjacent to any building in which is located any restricted premises, sex services premises, pub or registered club.		
	(3) Nothing in this section authorises the carrying out of development in contravention of any existing condition of the development consent currently operating (other than a complying development certificate) that applies to any part of the TAFE establishment, relating to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management, landscaping or student or staff numbers	N/A	N/A

b) Child Care Planning Guidelines 2021

Criteria	Comments	Compliance
3.1 Site selection and location	The location of the premises is considered ideal. The proposal involves a purpose-built centre, 2 storeys in height, with the appearance of a 2-storey structure from the street, in line with the envisaged and existing streetscape character.	Yes
C1 For proposed developments in or adjacent to a residential zone, particularly if that zone is for low density residential uses, consider: - the acoustic and privacy impacts of the proposed development on the residential properties - the setbacks and siting of buildings within the residential context - visual amenity impacts (e.g. additional building bulk and overshadowing, local character) - traffic and parking impacts of the proposal on residential amenity and road safety	The proposal retains the predominant dwelling setbacks and maintains a dwelling appearance from the street. The proposal will not have any adverse impacts in terms of overshadowing or privacy. The application is accompanied by a traffic and acoustic report that support the application.	
For proposed developments in commercial and industrial zones, consider: potential impacts on the health, safety and wellbeing of children, staff and	N/A	N/A

visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions - the potential impact of the facility on the viability of existing commercial or industrial uses For proposed developments in public or private recreation zones, consider: - the compatibility of the proposal with the operations and nature of the community or private recreational facilities - if the existing premises is licensed for alcohol or gambling - if the use requires permanent or casual occupation of the premises or site - the availability of on-site parking - compatibility of proposed hours of operation with surrounding uses, particularly residential uses - the availability of appropriate and dedicated sanitation facilities for the development For proposed developments on school, TAFE or university sites in Special Purpose zones consider: - the compatibility of the proposal with the operation of the institution and its users - the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling - proximity to sources of noise, such as places of entertainment or mechanical workshops - proximity to odours, particularly at agricultural institutions - previous uses of a premises such as scientific, medical or chemical laboratories, storage areas and the like.	N/A N/A	N/A N/A
C2 When selecting a site, ensure that: - the location and surrounding uses are compatible with the proposed development or use - the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards - there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed - the characteristics of the site are suitable	The site is considered appropriate in a residential zone. The site is not impacted by any adverse affectations including flooding, bushfire, landslip or coastal hazards. The site is appropriately dimensions for the scale of centre. Only 70 children are proposed to be cared for in this facility which is a small-scale facility for a residential zone The premises is designed for the safe access and egress of visitors and staff from the site inclusive of pedestrians walking to the premises. The site adjoins a local road with an appropriate level of traffic.	Yes

for the scale and type of development proposed having regard to: ○ length of street frontage, lot configuration, dimensions and overall size ○ number if shared boundaries with residential properties • the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use. Where the proposal relates to any heritage item, the development should retain its historic character and conserve significant fabric, setting or layout of the item. • there are suitable and safe drop off and pick up areas, and off and on street parking • the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use • the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.		
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 • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like	Site is appropriately located.	Yes
C4 A child care facility should be located to avoid	Site is not located adjacent to an identified hazardous or contaminating activity	Yes

risks to children, staff or visitors and adverse environmental conditions arising from: - proximity to - heavy or hazardous industry, waste transfer depots or landfill sites - Liquefied Petroleum Gas (LPG) tanks or service stations - Water cooling and water 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.		
3.2 Local character, streetscape and the public domain interface C5 The proposed development should: - contribute to the local area by being designed in such a way to respond to the character of the locality and existing streetscape - build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place - reflect the predominant form of surrounding land uses, particularly in low density residential areas - recognise and respond to predominant streetscape qualities, such as building form, scale, materials and colours - include design and architectural treatments that respond to and integrate with the existing streetscape and local character - use landscaping to positively contribute to the streetscape and neighbouring and neighbourhood amenity - integrate car parking into the building and site landscaping design in residential areas - in R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence, except when good design solutions can be achieved.	The premises is designed to complement the existing residential character, which predominately takes the form of single and 2 storey dwellings. The proposal retains a consistent setback from the front, side and rear that blend in harmoniously with the adjoining residential area. Appropriate landscape screening is proposed along the side, front and rear boundaries. Outdoor play areas are appropriately screened and located and provides a colour scheme for the building that is suitable for the R2 Low Density Zone. The outdoor area on the first floor has been strategically positioned and is not located to the rear of the site to avoid any issues regarding amenity.	Yes
C6 Create a threshold with a clear transition between public and private realms, including:	Premises is appropriately designed to ensure safety of children and visitors, and is designed to limit privacy impacts on adjoining premises. Active use rooms have	Yes

- 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 a connection between the facility and the community - integrating existing and proposed landscaping with fencing.	been provided with windows that face Robertson Road to encourage passive surveillance.	
C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours	N/A	N/A
C8 Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions: - clearly defined street access, pedestrian paths and building entries - low fences and planting which delineate communal/private open space from adjoining public open space - minimal use of blank walls and high fences.	N/A	N/A
C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.	Fencing is satisfactory	Yes
C10 High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	N/A	N/A
3.2 Building orientation, envelope, building design and accessibility	The layout of the premises is designed with due consideration to solar access, ensuring outdoor spaces are designed to limit the detrimental acoustic impacts on adjoining properties, limits cut and fill by utilising existing building envelope.	Yes
C11 Orientate a development on a site and design the building layout to: - ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries with residential properties		

○ locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill • ensure buildings along the street frontage define the street by facing it • ensure where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.		
C12 The following matters may be considered to minimise the impacts of the proposal on local character: • 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 • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character. Where a Local Environmental or Development Control Plan do not specify a floor space ratio for the R2 Low Density Residential zone, a floor space ratio of 0.5:1 is to apply to a child care facility in a R2 zone.	Proposed premises is two storey and is a small-scale premises consisting of 70 children. Side, front and rear setbacks are consistent with the required dwelling setbacks of the DCP. The premises retains a two-storey appearance thus limiting the bulk and scale impacts on the street and surrounding properties. An FSR of 0.35:1 is proposed or 422.74m²	Yes
C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	The proposal complies with the required DCP setback of 5.5m for dwellings in a residential zone. A front setback of 6.5m has been proposed.	Yes
C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	The proposal complies with the required DCP setbacks of 1.5m for centres in a residential zone. The facility is setback a minimum 1.5m from the side boundaries and rear boundary.	Yes
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	Entrance to the facility faces the street, and is limited to one direct access	Yes

camera surveillance - not accessed through an outdoor play area. - in a mixed-use development, clearly defined and separate from entrances to other uses in the building.		
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. Note: The National Construction Code and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.	The facility is designed to cater for access for people with a disability, with the provision of a chair lift at the entrance to the premises, along with suitable access within the premises and ramps on each level.	Yes
3.4 Landscaping C17 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.	Extensive landscaping is provided throughout the facility	Yes
C18 Incorporate carparking into the landscape design of the site by: - planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings - taking into account streetscape, local character, pedestrian safety and context when siting car parking areas within the front setback - using low level landscaping to soften and screen parking areas. Acoustic privacy involves reducing sound transmission between activity rooms and outdoor play areas of the child care facility and its neighbours. Design and site layout are the main ways of reducing acoustic impacts for example:	Parking appropriately located within a basement and screened from the street. Appropriate acoustic attenuation is proposed	Yes

• site context and orientation of the building • building design including the location of public and private open spaces and the arrangement of internal spaces • physical relationship to surrounding uses building separation and providing physical barriers between the outdoor areas and the noise receivers		
C19 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	N/A	N/A
C20 Minimise direct overlooking of indoor rooms and outdoor place spaces from public areas through: • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design	Building layout is considered appropriate to alleviate overlooking to public areas	Yes
C21 Minimise direct overlooking of the main internal living areas and private open spaces in adjoining developments through: • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening.	Building is a two-storey form, which limits overlooking on adjoining areas. All side windows are designed for the low-use or non-habitable rooms	Yes
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 fence • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.	The acoustic report prepared for the application recommends the provision of an acoustic barrier along the boundaries of the outdoor play areas and along the southern boundary next to the driveway. It is recommended that an additional 2.4-metre-high sound barrier wall be constructed within the premises near the northern boundary of the main outdoor play area. This barrier wall may not be built along the boundary since Council allows a maximum 2-metre-high wall along the boundaries. The existing or 1.8 metre solid fence is acceptable.	Yes
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 acoustic report prepared by DK Acoustics accompanies the application. The report concluded; <i>Provided the noise control recommendations in Section 5 of this report are implemented, the level of noise emitted by the proposal will comply with the noise limits required by Council, detailed in Section 3 of this report. Standard building construction will be acoustically acceptable to reduce the noise emission from the playrooms and to reduce the external noise intrusion within the playrooms to meet the noise criteria in Section 3</i>	Yes

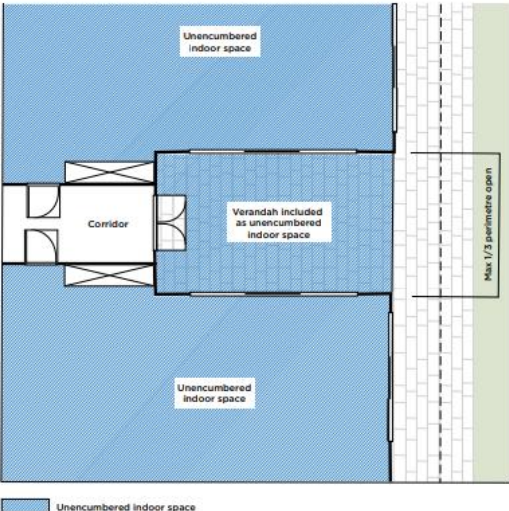
determine the appropriate height of any acoustic fence to enable the noise criteria to be met.		
3.6 Noise and air pollution C24 Adopt design solutions to minimise the impacts of noise, such as: - creating physical separation between buildings and the noise source - orienting the facility perpendicular 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 openings facing noise sources - using double or acoustic glazing, acoustic louvres 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	All recommendations of the acoustic assessment will be adopted into the design and provisions noise management implementations for the facility.	Yes
C25 An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations: - on industrial zoned land - where the ANEF contour is between 20 and 25 - along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 - on a major or busy road - other land that is impacted by substantial external noise	N/A	N/A
C26 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	N/A	N/A
C27 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.	N/A	N/A

The air quality assessment report should evaluate design considerations to minimise air pollution such as: • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility.		
3.7 Hours of operation C28 Hours of operation where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	The premises will operate from 7am to 6pm Monday to Friday	Yes
C29 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	N/A	N/A
3.8 Traffic, parking and pedestrian circulation Providing suitable parking arrangements for staff, parents and visitors will facilitate a quality environment and convenience for users. Car parking rates are generally measured as a function of capacity, that is, spaces per number of children and staff. The capacity of a facility will be determined by several factors dictated by compliance with requirements under the National Quality Framework. These include: • the amount of unencumbered space provided within a facility • the reigning staff / child ratio provisions. Where basement car parking is provided, design should aim to: • locate car park entries behind the building line • integrate entries with the overall building façade. Design options include ventilation grills, louvres, screening devices, 'hit and miss' brickwork and similar cladding finishes • minimise visual prominence. This can be done by stepping car park levels or using split levels on sloping sites	The premises caters for 20 spaces, 12 staff spaces, 8 visitor spaces inclusive of 1 disabled space. The amount of parking is considered appropriate to meet the demand generated by the centre. The application is accompanied by a TIA, prepared by Loka consulting which demonstrates the number of parking spaces provided is satisfactory in this instance. Basement parking behind the building line and underneath the building. Basement is well integrated to the design and is setback behind the facades. The basement caters for the required parking for the facility and meets the DCP requirements	Satisfactory on merit

direct visitors to this parking to minimise on-street parking. Bicycle parking should be provided suitable for the context and user needs of the centre.		
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. Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates: Within 400 metres of a railway or Metro station within Greater Sydney: 1 space per 10 children 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space In other areas: 1 space per 4 children A reduction in car parking rates may be considered where: - The proposal is an adaptive reuse of a heritage item - the site is in a B8 Metropolitan Zone or other high-density business or residential zone - the site is in proximity to high frequency and well-connected public transport - the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, public or commercially operated car parks) - there is sufficient on street parking available at appropriate times within proximity of the site.	The premises caters for 20 spaces, 8 for visitors and 12 for staff, inclusive of 1 disabled space, the amount of parking corresponds to the minimum number of children proposed and the number of staff required in accordance with the Canterbury Bankstown DCP.	Yes
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 vehicle movement or potential conflicts with trucks and large vehicles.	N/A	N/A
C32 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses, to optimise the safety and convenience of the parking area(s) and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and	A traffic report is prepared and submitted with the application. The report is prepared by Loka Consulting	Yes

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		
C33 Alternative vehicular access should be provided where child care facilities are on sites fronting: - a classified road - roads which carry freight traffic or transport dangerous goods or hazardous materials The alternative access must have regard to: - the prevailing traffic conditions - pedestrian and vehicle safety including bicycle movements - the likely impact of the development on traffic	N/A	N/A
C34 Child care facilities proposed within cul-de-sacs or via narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	N/A	N/A
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 and defined/ separate paths included within large car parking areas - separate pedestrian and vehicle entries from the street for parents, children and visitors - pedestrian paths that enable two prams to pass each other - delivery, loading and vehicle turnaround areas located away from the main pedestrian access to the building and in clearly designated, separate facilities - minimise the number of locations where pedestrians and vehicles cross each other - in commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas	Access for pedestrians via a lift from the car park is provided. Separate pedestrian access is provided from the basement to the stairs at the rear of the basement as well for safety.	Yes

- vehicles can enter and leave the site in a forward direction - clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations.		
C36 Mixed use developments should include: - 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	N/A	N/A
C37 Car Parking design should: - include a child safe fence to separate car parking areas from the building entrance and play areas - provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards - include wheelchair and pram accessible parking.	Parking area is appropriately designed to comply with the appropriate AS, the application makes provision for a disabled car spaces and provides access via a chair lift. The subject premises is designed to be accessible for all people.	Yes
A. Internal physical environment		
4.1 Indoor space requirements Regulation 107 Education and Care Services National Regulations Every child being educated and cared for within a facility must have a minimum of 3.25m ² of unencumbered indoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the Education SEPP Unencumbered indoor space excludes any of the following: - passageway or thoroughfare (including door swings) used for circulation - toilet and hygiene facilities - nappy changing area or area for preparing bottles	Based on the 70 children proposed a total indoor unencumbered area of 227.5m ² is required. The premises caters for 253.67m ² . The indoor play area is exclusive of any passageway or any other facilities that will make the play area encumbered.	Yes

• area permanently set aside for the use or storage of cots • area permanently set aside for storage • area or room for staff or administration • kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen • on-site laundry • other space that is not suitable for children.		
Verandahs may be included when calculating indoor space with the written approval from the regulatory authority. Design guidance Verandahs as indoor space For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space (refer to Figure 1).  Figure 1 An outdoor verandah can be included as unencumbered indoor space with written approval. In spatial calculations this can only be counted once.	N/A	N/A
Storage Storage areas including joinery units are not to be included in the calculation of indoor space. To achieve a functional unencumbered area free of clutter, storage areas need to be considered when designing and calculating the spatial requirements of the facility. It is recommended that a child care facility provide: • a minimum of 0.3m³ per child of external storage space	Storage both internally and externally complies. A minimum 19.80m³ of internal storage provided. A minimum 22.40m³ of external storage provided.	Yes

a minimum of 0.2m³ per child of internal storage space.		
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. The laundry and hygienic facilities must be located and maintained in a way that is not accessible by, and does not pose a risk to, children. Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code. Design guidance Laundry and hygiene facilities are a key consideration for education and care service premises. The type of laundry facilities provided must be appropriate to the age of children accommodated. On site laundry On site laundry facilities should contain: - a washer or washers capable of dealing with the 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 useable unencumbered play space for children (refer to Figure 2). External laundry service A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.	The premises provides for adequate and accessible laundry facilities at the ground floor. The laundry is of an appropriate size and location to cater for the number of children within the facility.	Yes
4.3 Toilet and hygiene facilities Regulation 109 Education and Care Services National Regulations A service must ensure that 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. Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.	Appropriate toilet facilities are provided for children and employees.	Yes

Design guidance Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants (refer to Figure 3). Design considerations could include: • junior toilet pans, low level sinks and hand drying facilities for children • a sink and handwashing facilities in all bathrooms for adults • direct access from both activity rooms and outdoor play areas • windows into bathrooms and cubicles without doors to allow adequate supervision by staff • external windows in locations that prevent observation from neighbouring properties or from side boundaries		
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. 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. When designing child care facilities consideration should be given to: • providing windows facing different orientations • using skylights as appropriate • ceiling heights Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.	Outdoor and indoor areas are appropriately ventilated and have good access to solar access, which limits the need for artificial lighting.	Yes
4.5 Administrative space Regulation 111 Education and Care Services National Regulations A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.	An admin area is provided at the front of the premises.	Yes

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. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code In circumstances where nappy change facilities must be provided, design considerations should include: - properly constructed nappy changing bench or benches - a bench type baby bath within one metre from the nappy change bench - the provision of dedicated hand cleansing facilities for adults in the immediate vicinity of the nappy change area - a space to store steps - positioning to enable adequate supervision of the activity and play areas.	Bathroom facilities are provided that cater for nappy changing facilities. The children catered for in the premises are between 0-5 years old, therefore toilets in accordance with nappy change rooms and tables have been provided.	Yes
4.7 Premises designed to facilitate supervision Regulation 115 Education and Care Services National Regulations A 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 adequate supervision of children at all times, having regard to the need to maintain their rights and dignity. Design considerations should include: - solid walls in children's toilet cubicles (but no doors) to provide dignity whilst enabling supervision - locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties - avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children - avoiding multi-level rooms which compromise, or require additional staffing, to ensure adequate supervision.	Surveillance of the bathroom facilities is possible through the provision of internal windows for the children's facilities.	Yes

If multi-level spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities (refer to Figures 5, 6 and 7).		
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 an education and care service must have, including procedures for emergency and evacuation. 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.	A detailed POM is provided that details emergency access and egress from the facility.	Yes
Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example: • independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations • child appropriate handrails and barriers if shared fire stairs are utilised • a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation	N/A	N/A
For all child care facilities, 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 roads 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 point, relative to the capacity of the facility and governing	Evacuation plan is provided with the application.	Yes

child-to-staff ratios.		
4.9 Outdoor space requirements Regulation 108 Education and Care Services National Regulations An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m ² of unencumbered outdoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the Education SEPP. Unencumbered outdoor space excludes any of the following: • pathway or thoroughfare, except were used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children	Based on the 70 children a total of 490m ² of unencumbered outdoor space is required. The proposal provides for 568.8m ² .	Yes
Verandahs (covered outdoor space) as outdoor space Where a covered space such as a verandah is to be included in outdoor space it should: • be open on at least one third of its perimeter • have a clear height of 2.1 metres • have a wall height of less than 1.4 metres where a wall with an opening form the verandah perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements (refer to Figure 8)	N/A	N/A

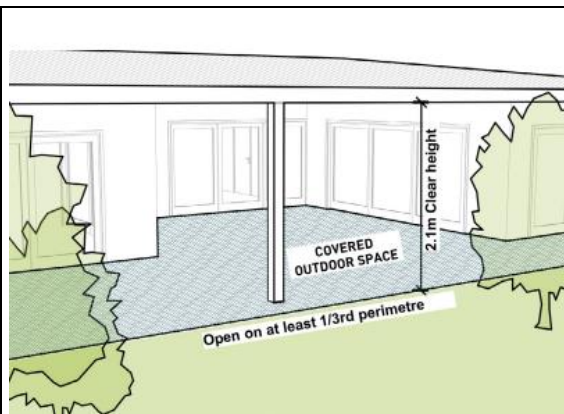
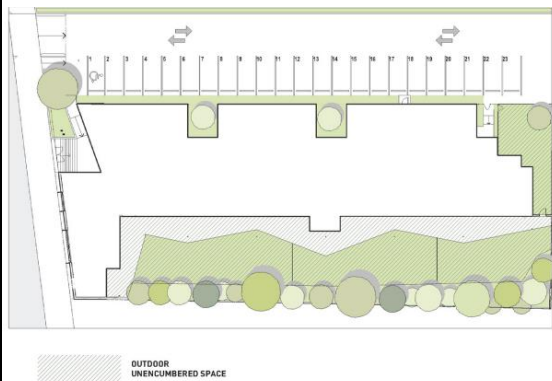


Figure 8 Covered areas such as verandahs can be included in outdoor space calculations



Figure 9 Dense planting along boundaries and other areas not suitable for children should be excluded when calculating outdoor unencumbered space.

Figure 10 Areas to be included when calculating outdoor unencumbered space.



Stimulated outdoor areas

Simulated outdoor environments should have:

- more access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of the sky and clouds and movement outside the facility
- skylights to give a sense of the external climate
- a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment
- sand pits and water play areas
- furniture made of logs and stepping logs
- dense indoor planting and green vegetated walls
- climbing frames, walking and/or bike tracks

N/A

N/A

vegetable gardens and gardening tubs.		
4.10 Natural Environment Regulation 113 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that the outdoor spaces allow children to safely explore and experience the natural environment. Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health and safety of the centre's occupants, such as those which: - are known to be poisonous, produce toxins or have toxic leaves or berries - have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches.	A variety of facilities are provided in the outdoor play space to encourage exploration of the outdoor space in a safe manner.	Yes
The outdoor space should be designed to: - provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment - ensure adequate 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 facilitate interaction	A uniquely designed outdoor play area is provided that caters for a range of facilities to encourage a variety of different activities for the passive and active recreation of the children being cared for.	Yes
4.11 Shade Regulation 114 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun. Solar access and sun protection 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	Outdoor play areas will be able to cater for a minimum 2 hours of play for the children. The POM provided with the application details the play schedule of the children. Shaded areas are provided for the outdoor play area, in the form of the outdoor verandah.	

over different activity spaces		
Natural Shade Planting for shade and solar access is enhanced by: • placing appropriately scaled trees near the eastern and western elevations • providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter.	Proposal utilises surrounding and existing vegetation to provide adequate shade for the children.	Yes
Built shade structures Built structures providing effective shade include: • permanent structures (pergolas, sails and verandahs) • demountable shade (marquees and tents) • adjustable systems (awnings) • shade sails.	Shade structures proposed in outdoor play areas	Yes
4.12 Fencing Regulation 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. In general, fencing around outdoor spaces should: • prevent children climbing over, under or through fences • prevent people outside the facility from gaining access by climbing over, under or through the fence • not create a sense of enclosure • if the outdoor space is being fenced internally, then the fence must be at least 1.2m high	Side gates provided and all play areas adequately enclosed.	Yes
Design considerations for side and rear boundary fences should include: • being made from solid prefinished metal, timber or masonry • having a minimum height of 1.8 metres	Fencing around the side and rear boundaries proposed with a minimum height of 1.8m	

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An assessment of soil for a children's service approval application may require three levels of investigation: • Stage 1 - Preliminary investigation (with or without soil sampling) • Stage 2 - Detailed site investigation Stage 3 – Site specific human health risk assessment.	DSI provided	Yes
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c) State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Water Way Catchment

The subject land is located within the Georges River Catchments and as such State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Waterway Catchment applies to the application. The SEPP generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

The proposed development involves the construction of a child care centre and is unlikely to have a detrimental impact on the environmental quality of the Georges River Catchment and thus is consistent with the relevant objectives of the SEPP.

d) State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4, Remediation of Land

In accordance with Clause 4.6(1) Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Due to the existing and surrounding residential uses there is nothing to indicate that the site would be affected by soil contamination. The site has been used for residential purposes for a prolonged and extended period of time, therefore would unlikely contain contaminated land.

With consideration to the above mentioned points it is considered subject to the implementations of the recommendations above the site. Based on the conclusions above it is considered that the site will be made suitable for the proposed development and land use and has adequately addressed Clause 4.6(1) of the SEPP.

e) Canterbury Bankstown Local Environmental Plan (CBLEP) 2023

(i) Zoning

The subject site is zoned R2-Low Density Residential, pursuant to the CBLEP 2023.



Figure 4: Zoning Map – (Source NSW Planning Maps)

(ii) Permissibility

The development proposes the *Demolition of Existing Structures, relocation of sewer main construction of a 2 storey Centre-based child care facility with 70 children over basement*”.

The proposal involves the construction of centre-based child-care facility. This element of the proposal is best defined as a “*Centre-based child care facility*”. Centre-based child care facilities are permissible with consent in the R2 Zone, as indicated in the extract from the CBLEP 2023 below.

3 Permitted with consent

*Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; **Centre-based child care facilities**; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Oyster aquaculture;*

Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture

Having regard to the above, the development is permissible, pursuant to the applicable EPI and can be proposed.

(iii) Objectives of the Zone

The objectives of the zone are as follows:

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

Comment: The proposal limits the amenity impact on adjoining properties. The proposal provides for appropriate acoustic attenuation measures to limit detrimental impacts on surrounding residents. The development enables a land use that provides facilities and services to meet the day to day needs of residents. Provision of a centre-based child care facility within close proximity to a number of educational establishments and a local business centre is a strategic location where the child care can work harmoniously with the surrounding infrastructure uses and surrounding residents. This is consistent with the applicable objectives of the R2 zone.

(iv) Summary of the Development Standards Applicable under the CBLEP 2023

Development Provision	Requirement	Proposed
2.6 Subdivision – Consent Requirements	Subdivision requires Development Consent	N/A
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Complies. The applicant will be seeking consent for demolition of existing structures as part of this DA.
4.1B – Minimum lot size	20m	N/A – Not applicable overridden by the SEPP
4.3 Height of Buildings	Max Height 9m	Complies Height of building is 8.255m

4.4(2a)(i) Floor Space Ratio	Max FSR 0.4:1 or 480.4m ²	Complies An FSR of 0.35:1 is proposed or 422.74m ²
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f) Canterbury Bankstown Development Control Plan CBDPC 2023

An assessment against the applicable guidelines of the CBDPC 2023, specifically Chapter 3.2 – Parking and Chapter 10.1 – Child Care Centres is provided below

CBDPC 2023 Chapter 3.2- Parking		
Control	Required	Complies
Child Care Centres	1 car space per 4 children	Based on the 70 children proposed a total of 17.5, which is 18 when rounded up is required. 20 car spaces are being proposed.

CBDPC 2023 Chapter 10.1- Child Care Centres		
Control	Required	Complies
2.1–2.3 Traffic Management	Centre must not result in road exceeding environmental capacity	The traffic report prepared for the application indicates that the level of service at the surrounding road network will remain at a good level of service at peak times.
3.1 – 3.13 – Site Layout and Building Envelopes	Number children consistent with the child care guidelines. SEPP overrides site controls regarding lot size, frontage and number of children. Centre is 2 storeys in height. Setbacks is 5.5m primary setback, provide a minimum 1.5m side setback	Yes
4.1-4.12 – Building Design and Energy Efficiency	Proposal has been designed to be consistent with the existing residential character of the area, has optimised solar access	Yes
5.1-5.3 – Acoustic Privacy	An acoustic report and POM accompany the application. Hours of operation are Monday – Friday 7am-6pm. Please refer to the Environmental Noise Impact Assessment prepared by Acoustic Works with regards to the acoustic attenuation measures imposed.	Yes
6.1-6.9 – Landscaping	Landscaping will be appropriately designed providing appropriate	Yes

	shade and provide for adequate outdoor play areas that are level and provides for easy supervision	
7.1-7.6 – Safety and Security	Centre has been appropriately designed to enable passive and casual surveillance. Access and egress from the centre is appropriate and safe.	Yes
8.1 – 8.7 – Site facilities and services	Proposal will comply with the relevant food legislation and provides adequate waste facilities	Yes

g) Section 4.15(1)(a)(iii) –Any Planning Agreement or Draft Planning Agreement

There is no planning agreement or draft planning agreement applying to the site.

h) Section 4.15(1)(a)(iv) –The Regulations

The applicable provisions of the *Environmental Planning and Assessment Regulation 2021* has been considered in the assessment of this application and it is considered the proposal is consistent with the EP&A Regulation 2021.

i) Section 4.15(1)(b) – The Likely Impacts of the Development

It is considered that the proposal will have limited impacts on the existing and future character of the locality. The proposal provides for a development that will easily cater for a suitable development that will not compromise the amenity of the surrounding locality. The proposal provides for a lot size that will easily cater for a suitable number of children proposed and has demonstrated it can accommodate a built form and design that is consistent with the objectives and intent of the current development standards under the SEPP (Transport and Infrastructure), the relevant regulations and child care guidelines, CBLEP 2023 and relevant guidelines of the CBDP 2023.

j) Section 4.15(1)(c) – The Suitability of the Site for the Development

The subject development is permissible in the zone and the proposal satisfies the key planning controls for site as detailed above and is generally considered to be suitable for the site.

6. Conclusion

The application has been assessed against the relevant provisions of the EP&A Act 1979, applicable development standards of the SEPP (Transport and Infrastructure) and the CBLEP 2023 and guidelines contained within the Child Care Guidelines and the CBDP 2023. It is considered the development proposing the “*demolition of Existing Structures, relocation of sewer main construction of a 2 storey Centre-based child care facility with 70 children over basement*” at 8 Robertson Road Chester Hill, legally known as Lot 2 DP 444821 is a suitable form of development consistent with the development standards applicable to the site and is a development form that is consistent with the existing and future character of the area.

The proposal provides for a development that is consistent with the prevailing subdivision pattern and predominant building form in the immediate locality and is consistent with the objectives of the R2 Low – Density zone applicable to the site.