

Statement of Environmental Effects

SUBDIVISION & CCF

3 MEMORY AVENUE,
CROOKWELL

30 MAY 2025



QUALITY ASSURANCE

PROJECT:	<i>Statement of Environmental Effects: Subdivision and CCF</i>
ADDRESS:	<i>3 Memory Avenue, Crookwell</i>
LOT/DP:	<i>Lot 2 DP702788</i>
COUNCIL:	<i>Upper Lachlan Shire Council</i>
AUTHOR:	<i>Think Planners Pty Ltd</i>

Document Management

<i>Prepared by:</i>	<i>Purpose of Issue:</i>	<i>Date:</i>
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<i>Brad Delapierre</i>	<i>Update for RFI Response</i>	<i>30 May 2025</i>

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

Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No

Concurrence

SEPP (Industry and Employment) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	No
SEPP (Planning Systems) 2021	No
SEPP (Precincts—Central River City) 2021	No
SEPP (Precincts—Eastern Harbour City) 2021	No
SEPP (Precincts—Regional) 2021	No
SEPP (Precincts—Western Parkland City) 2021	No
SEPP (Biodiversity and Conservation) 2021	No

CONTENTS

EXECUTIVE SUMMARY	5
SITE & LOCALITY DESCRIPTION	10
SUBJECT SITE	10
HERITAGE	16
DESCRIPTION OF PROPOSAL	17
KEY PLANNING CONTROLS	24
STATUTORY CONTROLS	24
POLICY CONTROLS	24
CONSIDERATION OF PLANNING CONTROLS	25
STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022	25
STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS)	25
STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021	26
STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021	29
STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021	29
CHILD CARE PLANNING GUIDELINE	34
EDUCATION AND CARE SERVICES NATIONAL REGULATIONS (NATIONAL REGULATIONS)	54
UPPER LACHLAN LOCAL ENVIRONMENTAL PLAN 2010	56
UPPER LACHLAN DEVELOPMENT CONTROL PLAN 2010	62
CONCLUSION	70

TABLE OF FIGURES

Figure 1: Aerial Map Extract of Subject Site (Six Maps).	10
Figure 2: Zoning Map Extract (Source: NSW Planning Portal).....	11
Figure 3: Aerial Map Extract of the Subject Area (Source: Google Maps).....	13
Photograph 1: Shows the existing subject site, viewed from Memory Avenue.	14
Photograph 2: Shows the existing site as viewed from McIntosh Road.	14
Photograph 3: Shows the recent residential subdivision on the southern side of McIntosh Road.	15
Photograph 4: Shows the streetscape of the recent residential subdivision of the land to the south of McIntosh Road.....	15
Figure 4: Heritage Map Extract (Source: NSW Planning Portal).	16
Figure 5: Zoning Map Extract (Source: NSW Planning Portal).....	56

EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application that is seeking approval for the subdivision of the site to create 19 residential lots and one additional lot for a proposed child care facility. This application also seeks approval for the construction of single storey '*Centre-Based Child Care Facility*' on the resulting 'lot 4' of the subdivision, at 3 Memory Avenue Crookwell.

The development is to be undertaken in three stages, as outlined below:

Stage 1:

- Involves the creation of four lots located off McIntosh Road. Lots 1 to 3 are proposed residential lots while Lot 4 will accommodate the new childcare centre.
- This stage includes tree removal, earthworks and drainage to the area identified as 'stage 1' in the staging plan.
- This stage also includes upgrades to the road reserve of McIntosh Road, as detailed on the Civil Engineering Plans.

Stage 2:

- Construction of a 92 place centre based child care centre on proposed lot 4.,

Stage 3

- Involves the creation of roads located off Prell Street and Memory Avenue.
- This stage includes tree removal, earthworks and drainage to the area identified as 'stage 2' in the staging plan.
- This stage also includes upgrades to Memory Avenue, Prell Street and Pine Avenue to a 7.0m wide carriageway with rolling top kerb and gutter on both sides of the road and a 1.2m wide footpath on one side of the road.

It is requested that Council provide flexibility in the staging of the proposal and allow stage 2 or 3 to proceed following the completion of stage 1.

Subdivision

This application proposes a 1 into 20 lot Torrens Title Subdivision in two stages. The subdivision seeks to create 19 low density residential lots with areas ranging from 801m² to 2,595.58m². The development also seeks to create 1 additional lot for the proposed child care facility, with an area of 2,050m².

The subdivision works includes tree removal, earthworks and drainage, which are to occur in stages as outlined above.

As outlined above, the proposed subdivision includes road upgrades to Memory Avenue, Prell Street, and Pine Avenue. The proposed road cross-section will provide a 7.0m wide carriageway and a 1.2m wide footpath on one side of the road. The development also includes upgrades to the road reserve of McIntosh Road. As the various stages of the sub-division progress, the footpath will connect to existing pedestrian facilities in the immediate vicinity of the site. Please refer to the civil plans for details.

Centre-Based Child Care Facility:

The child care facility is to accommodate a total of 92 child care places with at-grade parking for 23 vehicles. The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlines in the Child Care Planning Guidelines.

The development will consist of 6 separate indoor play rooms and a shared outdoor play area. Administrative areas including the staff room, office, meeting room and reception are provided at the front of the site.

The proposal will operate with a maximum capacity of 92 places with the following age groups:

- 0-2 years: 24 places;
- 2-3 years: 28 places; and
- 3-6 years: 40 places.

The facility provides a total of 307.5m² or 3.34m² of unencumbered indoor play area per child and 650m² or 7.07m² of unencumbered outdoor play area per child in accordance with the Education and Care Services National Regulations. Hours of operation will be 7:00am to 6:00pm Monday to Friday with the facility to provide a total of 16 educators. It is noted that onsite centre administration is carried out by staff member not required to be looking after children early in the morning and later in the afternoon and that a cook arrives at 10am to prepare lunch etc and leaves at 2pm when the centres spaces are not required by guardians.

The proposed built 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 a single storey form, which is compatible with the existing low density streetscape rhythm and built form pattern within the locality.*
- *Appropriate landscape embellishment to ensure the landscape character of the site is respected.*

- *The proposed built form has been designed commensurate with the low density residential character of the immediate locality and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning spaces 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.*

Parking:

The proposal has provided a total of 23 spaces within the at-grade parking area, with the following breakdown:

- 10 x staff car parking spaces.
- 13 x visitor car parking spaces (including 1 accessible car parking space).

Vehicular access for the future childcare centre is proposed to be provided off McIntosh Road with separate entry and exit driveways. The entry driveway connects to the western end of the internal car park aisle while the eastern end of the car park aisle connects to the exit driveway. The entry driveway is proposed to be located near the site's western boundary, while the exit driveway is proposed near the site's eastern boundary. Both driveways are proposed to be 3.6m wide.

Residing within an established residential estate, the development site is an irregular shaped land parcel, with a frontages to Memory Avenue to the north, Pine Avenue to the east, Prell Avenue to the east and south and McIntosh Road to the south. The site has an area of approximately 2.1ha. The site is currently occupied by a single storey dwelling and vegetation.

Located within an established residential area, the site adjoins 1-2 storey dwellings on large lots of varying ages and styles. The site is separated by McIntosh Road from a new residential subdivision, containing contemporary 1-2 storey dwelling houses, with several lots still under construction. The site is separated by Pine Avenue from Crookwell Cemetery to the east.

The site is within proximity to Crookwell Public School and Crookwell High School, as well as Crookwell local centre, which provides employment opportunities as well as essential services for residents within the locality.

The subject site is zoned R2 Low Density Residential and is subject to a minimum lot size of 800m² under the Upper Lachlan Local Environmental Plan (LEP) 2010.

The subdivision has been designed to comply with the LEP, with all proposed lots exceeding 800m² in area. The subdivision development will also provide road reserve

upgrades in accordance with the DCP requirements. The subdivision proposes cut and fill works to facilitate the future development of the lots, noting that retaining walls do not exceed 1m in height. Finally, the subdivision development incorporates drainage in accordance with Council's requirements.

'*Child Care Facilities*' are permissible within the R2 zone; however, it is noted that the current application is pursuant to Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. The child care facility has been designed to comply with key planning requirements under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, Upper Lachlan Local Environmental Plan 2010, Upper Lachlan Development Control Plan 2010, Child Care Planning Guidelines and Children's (Education and Care Services) Supplementary Care Provisions.

The locality comprises of a mixture of older stock housing on larger lots, and contemporary dwellings within recent subdivisions. The child care development is to deliver a modern single storey built form that has been designed to commensurate with the existing low density residential character within the immediate locality.

The child care facility design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. The development proposes a single storey development on a large site, which will reduce the perceived bulk and scale of the development, as well as minimising potential overshadowing, visual privacy and acoustic impacts on adjoining properties.

The at-grade parking area is screened from the street and adjoining properties through the provision of landscaped setbacks and side boundary fencing, which are designed to minimise the impact of vehicle traffic to and from the site, and to integrate the parking area with the established residential streetscape.

Additionally, the operation of the proposed child care facility will be operated in accordance with a Plan of Management, which includes noise mitigation management measures which will be implemented during the operation of the facility.

The development seeks to utilise the land in accordance with the zoning and take advantage of its size and location within an established residential estate, educational establishments and Crookwell Local Centre. The development also aims to provide an attractive single storey building within a landscape setting that not only addresses its frontages but will play a positive role in increasing valuable child care places within Crookwell.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts. As detailed further in this statement the development concept is consistent with the

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

SITE & LOCALITY DESCRIPTION

The development site is legally known as Lot 2 DP702788, but is more commonly known as 3 Memory Avenue, Crookwell.


SUBJECT SITE

Residing within an established residential estate, the development site is an irregular shaped land parcel, with a frontages to Memory Avenue to the north, Pine Avenue to the east, Prell Avenue to the east and south and McIntosh Road to the south. The site has an area of approximately 2.1ha. The development site is relatively flat, and as such, it is proposed to provide cut/fill and retaining walls to accommodate the development.

The site is currently occupied by a single storey dwelling and vegetation. The existing site is illustrated by the aerial extract provided below.

Figure 1: Aerial Map Extract of Subject Site (Six Maps).



 - Subject Site

Built Form Analysis

Located within an established residential area, the site adjoins 1-2 storey dwellings on large lots of varying ages and styles. The site is separated by McIntosh Road from a new residential subdivision, containing contemporary 1-2 storey dwelling houses, with several lots still under construction. The site is separated by Pine Avenue from Crookwell Cemetery to the east.

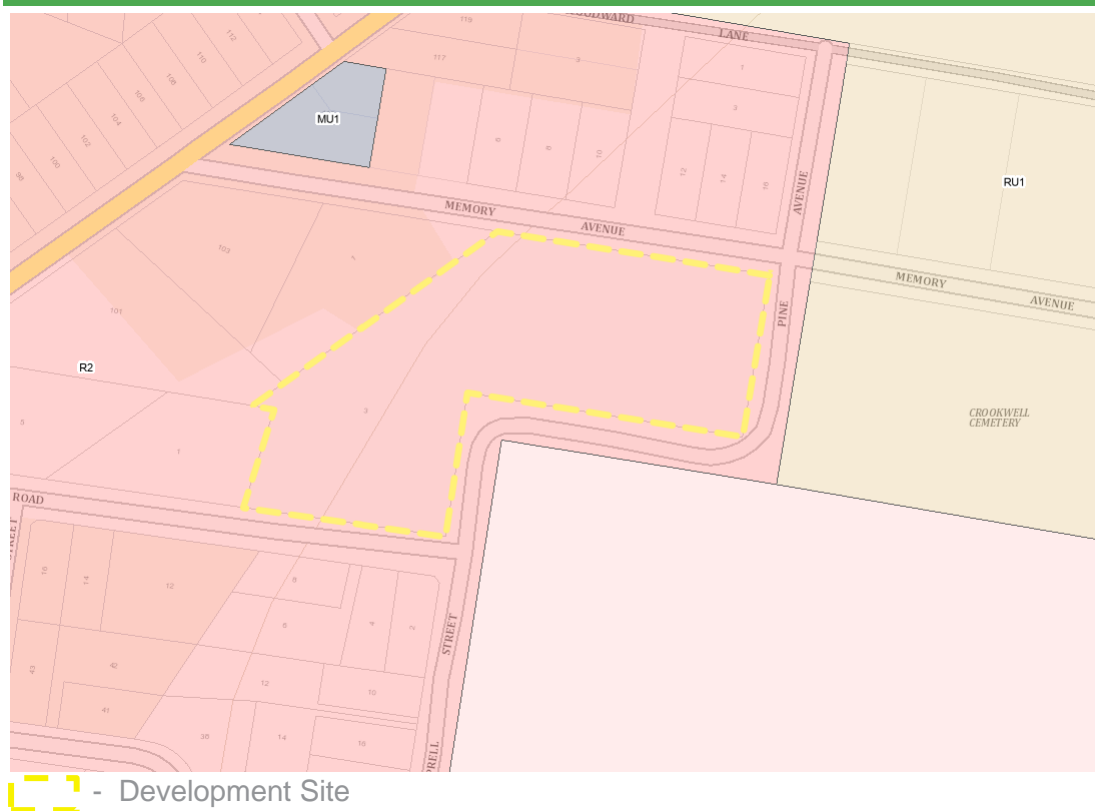
The locality comprises of a mixture of older stock housing on larger lots, and contemporary dwellings within recent subdivisions.

The current development is to deliver a modern single storey built form that has been designed to commensurate with the low density residential character within the immediate locality.

Zoning

As illustrated by Council's zoning map extract below, the subject site is zoned R2 Low Residential Density and is permitted a maximum building height limit of 9m under the provisions of the Upper Lachlan Local Environmental Plan 2010.

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



Subject Area Analysis

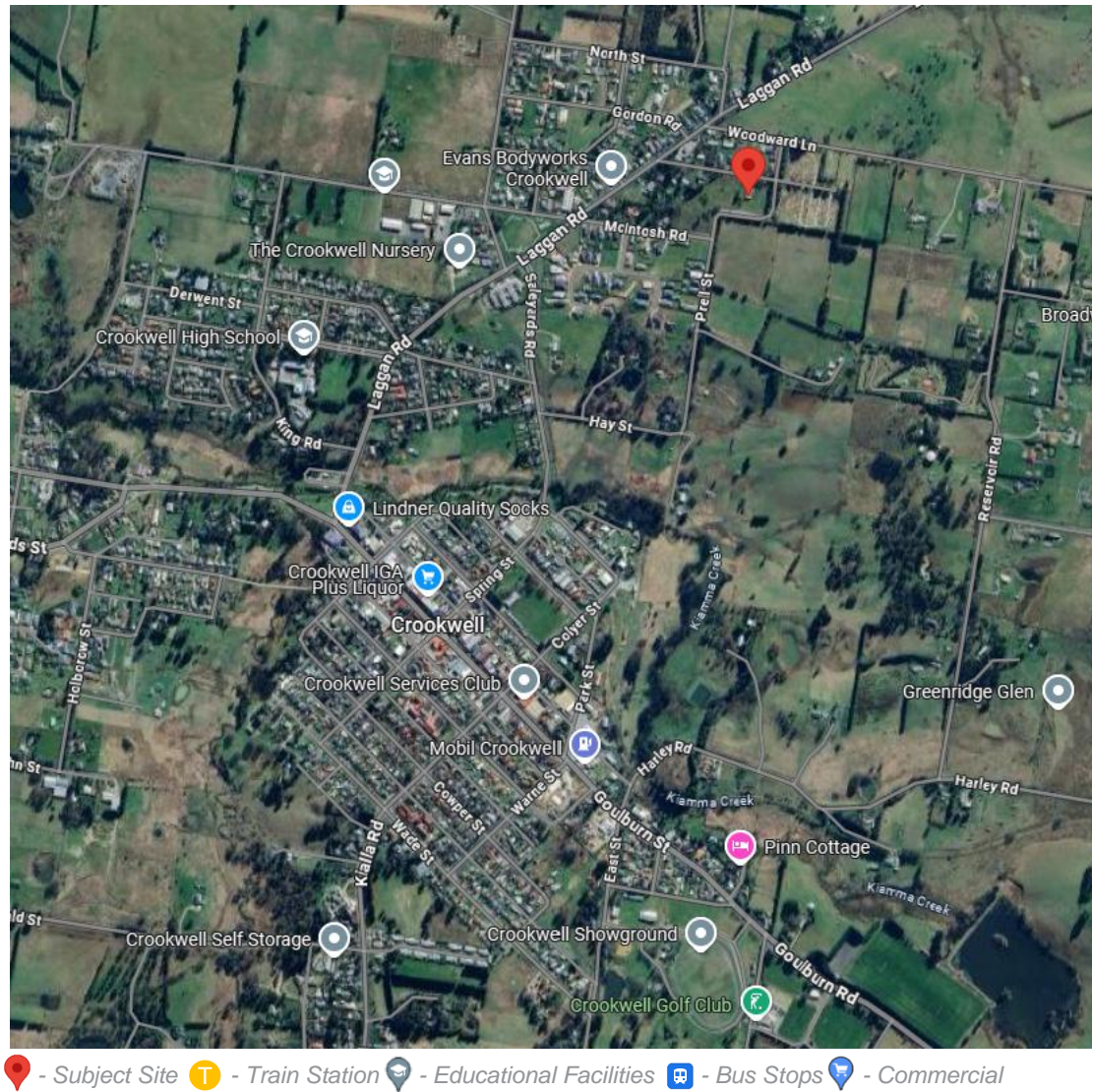
The site is within proximity to Crookwell Public School and Crookwell High School, as well as Crookwell local centre, which provides employment opportunities as well as essential services for residents within the locality.

The amenities within proximity of the site are summarised below:

- Educational facilities including,
 - Crookwell Public School
 - Crookwell High School
 - St Mary's Catholic Primary School
- The site is a short driving distance from Crookwell local centre.
- Arterial roads including,
 - Laggan Road.
 - Goulburn Road.

An analysis of the development site within its subject area is illustrated by an aerial map extract overleaf.

Figure 3: Aerial Map Extract of the Subject Area (Source: Google Maps).



The development will play a positive and valuable role in increasing child care places within Crookwell by 92 additional places. Photographs provided within the following pages, which provide context to the locality and also the relationship of the development site with adjoining developments.

Photograph 1: Shows the existing subject site, viewed from Memory Avenue.



Photograph 2: Shows the existing site as viewed from McIntosh Road.



Photograph 3: Shows the recent residential subdivision on the southern side of McIntosh Road.



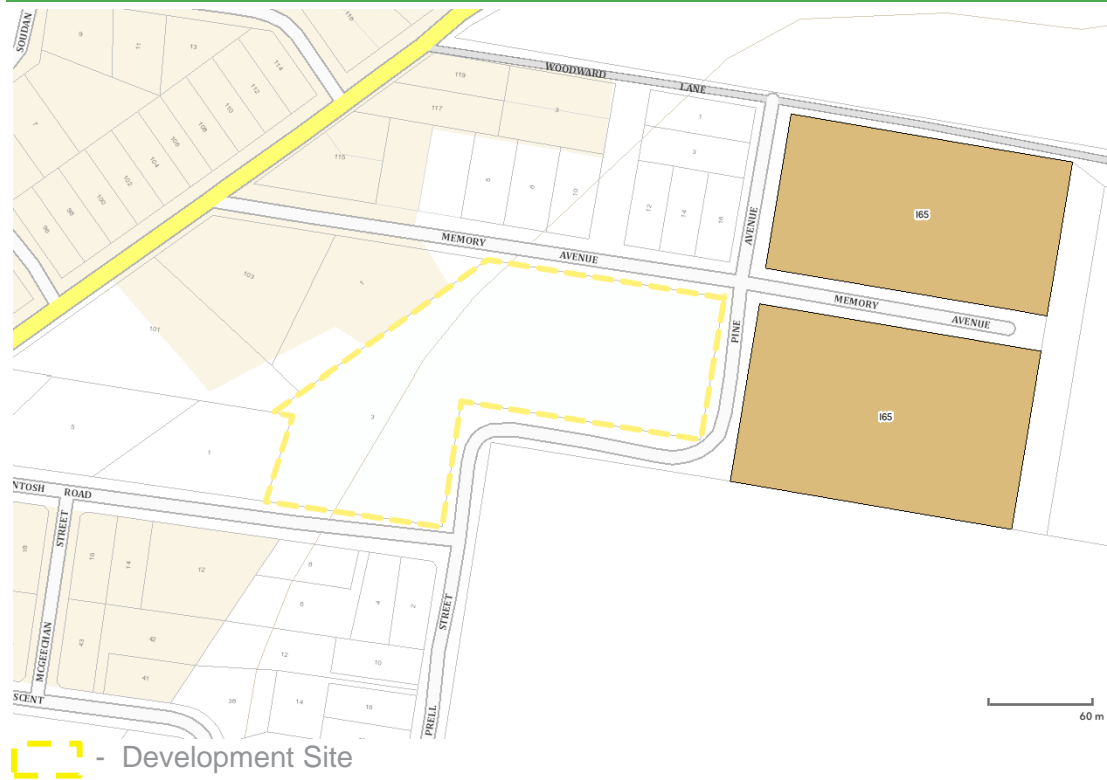
Photograph 4: Shows the streetscape of the recent residential subdivision of the land to the south of McIntosh Road.



HERITAGE

The site is not identified as a local heritage item, nor is it within a heritage conservation area. The site is separated by Pine Avenue from a local heritage item (I65 – Crookwell General Cemetery) as illustrated by a heritage map extract below.

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



The subject site is separated from the heritage item by Pine Avenue, which will provide an appropriate buffer between the development site and the item to mitigate any potential impacts.

As a result, the subject site will not have any associated heritage restriction and subsequently any further heritage investigation is not deemed to be necessary.

DESCRIPTION OF PROPOSAL

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- 2-3 years: 28 places; and
- 3-6 years: 40 places.

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The proposed built 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 a single storey form, which is compatible with the existing low density streetscape rhythm and built form pattern within the locality.*
- *Appropriate landscape embellishment to ensure the landscape character of the site is respected.*

- *The proposed built form has been designed commensurate with the low density residential character of the immediate locality and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning spaces 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.*

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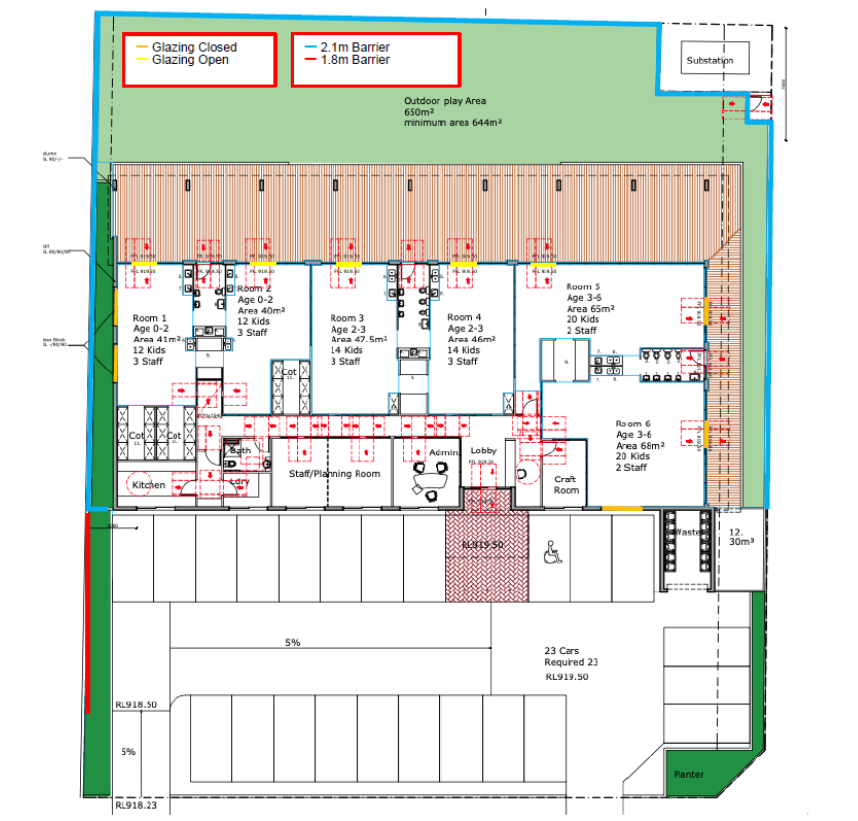
Vehicular access for the future childcare centre is proposed to be provided off McIntosh Road with separate entry and exit driveways. The entry driveway connects to the western end of the internal car park aisle while the eastern end of the car park aisle connects to the exit driveway. The entry driveway is proposed to be located near the site's western boundary, while the exit driveway is proposed near the site's eastern boundary. Both driveways are proposed to be 3.6m wide.

Acoustic Barriers

The development proposes the following acoustic barriers:

- 1.8m barrier in the front portion of the western boundary, adjacent to the at-grade car park.
- 2.1m barriers for the remainder of the side and rear boundaries.

The acoustic barriers are shown in the diagram below:



Waste

Waste storage facilities are located in a designated bin room located at the ground floor level and bins will be presented to the street for collection on waste collection day.

Waste collection is requested to be via Council.

Please refer to the Waste Management Plan prepared for this application for details.

Signage

No signage is proposed as part of this development application.

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

Level	Inclusions
Ground Floor	<p>Access</p> <p><u>Vehicle</u></p> <p>Vehicular access for the future childcare centre is proposed to be provided off McIntosh Road with separate 3.6m wide entry and exit driveways.</p>

Pedestrian

The development provides an accessible building entry, with an accessible parking space provided adjacent to the front building entry.

Parking

The proposal has provided a total of 23 spaces within the at-grade parking area, with the following breakdown:

- 10 x staff car parking spaces.
- 13 x visitor car parking spaces (including 1 accessible car parking space).

Landscaping is provided within the front, side and rear setbacks.

A bulky waste and bin storage area is provided adjacent to the at-grade parking area.

Child Care Facility

Child care facility comprises of the following within the ground floor:

- A building at the front of the site contains the primary entry point/foyer and reception, staff/planning room, admin room, craft room, kitchen, laundry and accessible WC.
- A total of 6 x unencumbered indoor play areas with a total area of 307.5m² with the following breakdown:
 - o Play Room 1: 0-2 Age Kids Room accommodating a total of 12 kids with 41m² of floor area and includes direct access to bottle preparation station, craft bench, storage cupboard, cot room, shared toilet/nappy change station and outdoor play area via a transition area.
 - o Play Room 2: 0-2 Age Kids Room accommodating a total of 12 kids with 40m² of floor area and includes direct access to bottle preparation station, craft bench, storage cupboard, cot room, shared toilet/nappy change station and outdoor play area via a transition area.
 - o Play Room 3: 2-3 Age Kids Room accommodating a total of 14 kids with 47.5m² of floor area and includes direct access to bottle preparation station, cot room, craft bench, storage cupboard, shared toilet/nappy change station and outdoor play area via a transition area.
 - o Play Room 4: 2-3 Age Kids Room accommodating a total of 14 kids with 46m² of floor area and includes direct access to bottle preparation station, cot room, craft bench, storage cupboard, shared toilet/nappy change station and outdoor play area via a transition area.
 - o Play Room 5: 3-5 Age Kids Room accommodating a total of 20 kids with 65m² of floor area and includes direct access to bottle preparation station, craft bench, storage cupboard, toilet/nappy change station and outdoor play area via a transition area.
 - o Play Room 6: 3-5 Age Kids Room accommodating a total of 20 kids with 68m² of floor area and includes direct access to bottle preparation station, craft bench, storage cupboard, shared toilet/nappy change station and outdoor play area via a transition area.
- Transition area between the indoor and outdoor play areas.
- 650m² of unencumbered outdoor play area.
- Indoor storage.
- Outdoor storage.

The relevant architectural plans for the proposal have been prepared by Faubourg 24, while supporting reports and documents have been prepared by relevant sub consultants dealing with matters such as traffic and parking, acoustic, drainage and landscaping.

The child care facility design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. The development proposes a single storey development on a large site, which will reduce the perceived bulk and scale of the development, as well as minimising potential overshadowing, visual privacy and acoustic impacts on adjoining properties.

Additionally, the operation of the proposed child care facility will be operated in accordance with a Plan of Management, which includes noise mitigation management measures which will be implemented during the operation of the facility.

The development seeks to utilise the land in accordance with the zoning and take advantage of its size and location within an established residential estate, educational establishments and Crookwell Local Centre. The development also aims to provide an attractive single storey building within a landscape setting that not only addresses its frontages but will play a positive role in increasing valuable child care places within Crookwell.

KEY 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.
- Upper Lachlan Local Environmental Plan 2010.

POLICY CONTROLS

The applicable policy control documents are: -

- Upper Lachlan Development Control Plan 2010.
- Childcare Planning Guidelines.
- Education and Care Service National Regulations.

CONSIDERATION OF PLANNING CONTROLS

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

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

Chapter 2 of the SEPP contains controls for the standards for residential development BASIX and is not applicable to this development. BASIX is to be provided as part of the future applications for the residential development of the created lots.

Chapter 3 of the SEPP contains controls for the Standards for non-residential development. This application proposes a new child care facility, however, the estimated development cost of the child care facility is less than \$5 million, and therefore, this chapter does not apply.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS)

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

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

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

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

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

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

Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	X	
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	X	

Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?	X
acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	
Is the site listed on Council's Contaminated land database?	X
Is the site subject to EPA clean-up order or other EPA restrictions?	X
Has the site been the subject of known pollution incidents or illegal dumping?	X
Does the site adjoin any contaminated land/previously contaminated land?	X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	X

A Preliminary Site Investigation has been undertaken for the proposal by Martens & Associates Pty Ltd. Please refer to the report for details. It is noted that a Detailed Site Investigation (DSI) is currently being prepared and will be submitted under separate cover.

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.

This application is supported by a Prescribed Ecological Actions Report prepared Abel Ecology. The report provides the following Conclusion and Recommendations:

None of the three thresholds are triggered as follows:

1. Area of clearing

2. Biodiversity Land Map – clearing or prescribed biodiversity impacts

3. Five Part Tests

The proposal doesn't trigger entry into the BOS. Therefore, a Biodiversity Development Assessment Report (BDAR) is not required.

There is unlikely to be a significant impact on relevant matters of MNES or the environment of Commonwealth land. Accordingly, the proposal has not been referred to the Australian Government under the EPBC Act.

The proposal is not expected to have any indirect impacts on the ecology of surrounding properties.

To meet the principles of ecologically sustainable development, the objects of the EP&A Act and the objects of the BC Act, we recommend that the following conditions are added to the consent:

- Prior to the start of tree clearing, a pre-clearance survey should be undertaken by a suitably qualified Fauna Spotter Catcher/Project Ecologist to identify and relocate any protected animals that may be impacted by the works.*

Reason: to reduce the risk of harm to “protected animals” as defined by Schedule 5 of the Biodiversity Conservation Act 2016.

- Three (3) nest boxes must be installed for each tree hollow removed. The number of tree hollows removed is to be confirmed by the pre-clearance survey conducted by the appointed Fauna Spotter Catcher/Project Ecologist. They must be installed within the property or adjacent location with landholder permission, in accordance with the guidance provided in Appendix A of the Prescribed Ecological Actions Report. In the absence of trees, nest boxes may be installed onto poles on the site. Installation does not need to be supervised by a project ecologist; however a project ecologist must review the locations and confirm they have been installed correctly.*

Reason: to mitigate the impacts of habitat removal and to provide breeding habitat for native fauna.

- Where possible, any future landscaping should use species from PCT 3347: Southern Tableland Creekflat Ribbon Gum Forest, as detailed in Appendix B of the Prescribed Ecological Actions Report. Reason: To provide foraging habitat for native fauna.*

The development is to be undertaken in accordance with the recommendations of the report. Please refer to the report for details.

The proposal is to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds and will assist with mitigating privacy impacts to neighbouring properties.

Chapter 6 of the SEPP includes requirements for water catchments, with the subject site being within the Sydney Drinking Water Catchment. The proposal will have no detrimental impact on aquatic ecology, flooding, recreation and public access or total catchment management. No further consideration is necessary.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

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

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

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

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

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

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

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

The development site is not located adjacent to a classified road.

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 overleaf provides discussions against the relevant provisions of Chapter 3 of the SEPP.

SEPP	Comment
3.1 Aims of Policy 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	The proposal will result in an addition of valuable child care places within Crookwell.
(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 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:
 - (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),

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

but does not include:

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

Part 3.3 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 have 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 FSR controls under the Upper Lachlan LEP 2010, and so, the site is subject to FSR controls under the SEPP as it's zoned R2 Low Density Residential.

The development site has an FSR of less than 0.5:1.

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.

Noted.

(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,

There are no restrictions relevant to the proposed development.

(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

The centre-based child care facility provides 307.5m² or at least 3.25m² of unencumbered play space and 650m² or at least 7m² of unencumbered outdoor play space which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.

(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 applies – the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

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, Noted.
- (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.

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: Noted.

- (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 the SEPP the *Child Care Planning Guideline* (CCPG) 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.

SEPP	Comment
Objectives The planning objectives of this Guidelines are to:	
<ul style="list-style-type: none"> promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations 	The development results in a high quality centre-based child care facility designed to comply with the requirements of the National Regulations.
<ul style="list-style-type: none"> ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses 	The centre-based child care facility has been designed to be compatible with the anticipated/evolving residential built character within the immediate locality.
<ul style="list-style-type: none"> minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment 	The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This is addressed in detail further within this table.
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:	
<ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties 	An acoustic report prepared by Rodney Stevens Acoustics confirms that the acoustic criteria will be achieved subject to noise control measures The development is to incorporate the recommendations made in the report, including the provision of acoustic barriers and operational noise management strategies. Furthermore, the design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of visual privacy. The

	<p>development proposes a single storey development, with boundary fencing and landscaped setbacks, which will adequately mitigate visual privacy issues.</p> <p>The single storey form of the development will ensure adjoining properties will continue to receive adequate levels of solar access at mid-winter.</p>
<ul style="list-style-type: none"> the setback and siting of buildings within the residential context 	<p>The development provides setbacks in accordance with the Upper Lachlan DCP. See the DCP assessment table provided later in this report.</p>
<ul style="list-style-type: none"> traffic and parking impacts of the proposal on residential amenity 	<p>The at-grade parking area is screened from the street and adjoining properties through the provision of landscaped setbacks and side boundary fencing, which are designed to minimise the impact of vehicle traffic to and from the site, and to integrate the parking area with the established residential streetscape.</p> <p>A Traffic Report which accompanies this application has found that the proposal will not result in any unacceptable traffic, parking or site access implications.</p>

C2 – When selecting a site, ensure that:

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| <ul style="list-style-type: none"> - the location and surrounding uses are compatible with the proposed development or use | <p>Centre-based child care facilities are a permissible and compatible land use within the R2 Low Density Residential zone.</p> |
| <ul style="list-style-type: none"> - the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards | <p>The site is not identified as being affected by flooding, land slip, bushfires, coastal hazards and other environmental hazards.</p> |
| <ul style="list-style-type: none"> - there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed | <p>Refer to the discussion under the SEPP (Resilience and Hazards) 2021.</p> |
| <ul style="list-style-type: none"> - the characteristics of the site are suitable for the scale and type of development proposed having regards to: <ul style="list-style-type: none"> - size of street frontage, lot configuration, dimensions and overall size - Number of shared boundaries with residential properties - will have no adverse environmental impacts on the surrounding area, particularly in | <p>The child care site (lot 4), which has an area of 2,050m² is a large land parcel that is of sufficient size and width to accommodate the proposed centre-based child care facility, including outdoor and indoor play areas in accordance with the National Guidelines as well as building setbacks in accordance with the requirements of the Upper Lachlan DCP.</p> <p>The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas.</p> |

<p>sensitive environmental or cultural areas</p> <ul style="list-style-type: none"> - where the proposal is to occupy or retrofit an existing premise, the interior and exterior spaces are suitable for the proposed use - there are suitable drop off and pick up areas, and off and on street parking - the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use - not located closely to incompatible social activities and uses such as restricted premises, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises 	<p>N/A. The development proposes to undertake the development of a new centre-based child care facility.</p> <p>The development provides 23 car parking spaces in accordance with the DCP, noting appropriate drop off and pick up areas are provided within the at-grade car park. Refer to the attached Traffic Report for detail.</p> <p>The subject site does not front a classified or arterial road, noting that McIntosh Road is considered appropriate and safe for the proposed use. Refer to the attached Traffic Report for detail.</p> <p>The subject site not located closely to incompatible social activities and uses.</p>
<p>C3 – A child care facility should be located:</p> <ul style="list-style-type: none"> • 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 	<p>The amenities within proximity of the site are summarised below:</p> <ul style="list-style-type: none"> • Educational facilities including, <ul style="list-style-type: none"> ○ Crookwell Public School ○ Crookwell High School ○ St Mary's Catholic Primary School • The site is a short driving distance from Crookwell local centre. • Arterial roads including, <ul style="list-style-type: none"> ○ Laggan Road. ○ Goulburn Road.
<p>C4 – A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> • proximity to: <ul style="list-style-type: none"> - heavy or hazardous industry, waste transfer depots or landfill sites 	<p>The subject site is not located within proximity to any identified environmental hazards or industrial land uses, service stations etc.</p>

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

Refer to the discussion under the SEPP (Resilience and Hazards) 2021.

3.2 Local character, streetscape and the public domain interface

C5 – The proposed development should:

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

The centre-based child care facility has been designed to appear as a contemporary single storey building within a landscape setting, compatible with the evolving built form character within the immediate locality.

The setbacks of the building in conjunction with the proposed landscaping ensures that it will not be a highly visual element.

The child care facility and landscape setting result in a positive aesthetic.

This is achieved through providing a built form which has good proportions and a balanced composition of elements.

The child care facility uses building materials and landscaping which is aesthetically pleasing, and which blends with the existing neighbourhood through non-intrusive architectural elements with soft and hard landscaping which will have a positive impact on the quality and character of the neighbourhood.

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

- fencing to ensure safety for children entering and leaving the facility
- windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and

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

The proposed development incorporates an active façade which will permit casual surveillance towards McIntosh Road as well as the driveway areas and common areas on-site.

<p>connection between the facility and the community</p> <ul style="list-style-type: none"> integrating existing and proposed landscaping with fencing 	<p>Proposed landscaping works seek to soften the built form and fencing and also seek to integrate the development with the site's residential context.</p>
<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; The primary entry point is designed to be clearly visible and legible from the street level.</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 low fences and planting which delineate communal/private open space from adjoining public open space minimal use of blank walls and high fences 	<p>The subject site does not adjoin a public park, open space or bushland; however, the development continues to provide clearly defined street access, pedestrian paths and building entries.</p> <p>Fencing and landscape works will contribute towards delineating communal/private open space from the public domain.</p> <p>The development incorporates architectural features and articulation with minimal blank walls facing the street frontage, to provide an attractive single storey built form to McIntosh Road.</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>Noted.</p> <p>The site is not identified as a heritage item, it is not located within a heritage conservation area, and there are no heritage items within the locality which are likely to be impacted by the proposal. See the earlier discussion for details.</p>
<p>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.</p>	<p>The site is not adjacent to a classified road.</p>

3.3 Building orientation, envelope and design

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

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by; - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries within residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses | <p>The proposed single storey child care facility has been designed and sited to address its frontage whilst also complying with the prescribed setback controls under the Upper Lachlan DCP and the Child Care Planning Guidelines to minimise privacy impacts on neighbouring properties.</p> <p>An acoustic report prepared by Rodney Stevens Acoustics confirms that the acoustic criteria will be achieved subject to noise control measures.</p> <p>The development is to incorporate the recommendations made in the report, including the provision of acoustic barriers and management of outdoor play time.</p> <p>Furthermore, the design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of visual privacy. The development proposes a single storey development, with boundary fencing and landscaped setbacks, which will adequately mitigate visual privacy issues.</p> |
| <ul style="list-style-type: none"> • optimise solar access to internal and external play areas | <p>The indoor play areas are provided with north facing windows, and the outdoor play area has a northern orientation.</p> |
| <ul style="list-style-type: none"> • avoid overshadowing of adjoining residential properties | <p>The single storey form of the development will ensure adjoining properties will continue to receive adequate levels of solar access at mid-winter.</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 development proposes an attractive contemporary single storey building, designed to adequately address its frontage to McIntosh Road.</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.</p> |

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**

The development proposes to erect a single storey building, compliant with the maximum building height provision under the Upper Lachlan LEP, noting that the development has been designed to be compatible with the anticipated/evolving residential character along McIntosh Street and adjoining roads.

The development proposes setbacks which comply with the Upper Lachlan DCP. Refer to the DCP assessment table later in this report for detail.

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

N/A, the site does not front a classified road.

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

The development has been designed to comply with the setback requirements under the Upper Lachlan DCP.

C15 – The built form of the development should contribute to the character of the local area, including how it:

- **respect and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage**
- **contributes to the identity of the place**
- **retains and reinforces existing built form and vegetation where significant**
- **considers heritage within the local neighbourhood including identified heritage items and conservation areas**
- **responds to its natural environment including local landscape setting and climate**
- **contributes to the identify of place**
-

The centre-based child care facility has been designed to appear as a contemporary single storey built form within a landscape setting to be compatible with the residential character along McIntosh Road, in terms of the building scale and bulk.

Landscape embellishment works are to be undertaken within the front setback to minimise the impact of hard surfaces on the streetscape.

The site is not identified as a heritage item, it is not located within a heritage conservation area, and there are no heritage items within the locality which are likely to be impacted by the proposal.

C16 – 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
- directly visible from the street frontage
- easily monitored through natural or camera surveillance
- not accessible through an outdoor play area

The proposed centre-based child care facility provides a primary entry point from McIntosh Road.

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

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

C17 – 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.

The development has been designed to be accessible from the street to the entry and to the areas within the building, in accordance with all relevant legislation. Direct equitable pedestrian access is provided via McIntosh Road, noting that the proposal is accompanied by an Access Report.

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

The development provides an appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance.

3.4 Landscaping

C18 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.

Appropriate landscape embellishment works within a residential area are proposed.

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

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

Refer to the attached Landscaping Plan for detail.

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

C19 – 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
- using low level landscaping to soften and screen parking areas

The at-grade parking area is screened from the street and adjoining properties through the provision of landscaped setbacks and side boundary fencing, which are designed to minimise the impact of vehicle traffic to and from the site, and to integrate the parking area with the established residential streetscape.

Refer to the attached Landscaping Plan for detail.

3.5 Visual and acoustic privacy

C20 – 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.

C21 – 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

The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of visual privacy. The development proposes a single storey development, with boundary fencing and landscaped setbacks, which will adequately mitigate visual privacy issues.

C22 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:

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

Complies, the centre-based child care facility is designed to minimise direct overlooking of main internal living areas and private open space in adjoining developments, noting the single storey form and provision of boundary fencing and landscaping.

C23 – 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

An acoustic report prepared for the application confirms that the acoustic criteria will be achieved subject to noise control measures.

As per the recommendations of the report, the development proposes the following acoustic barriers:

- 1.8m barrier in the front portion of the western boundary, adjacent to the at-grade car park.
- 2.1m barriers for the remainder of the side and rear boundaries.

Refer to the acoustic report for details.

C24

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

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

An acoustic report prepared for the application confirms that the acoustic criteria will be achieved subject to noise control measures.

Refer to the acoustic report for details.

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.

C25 – 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

Appropriate design/ measures have been undertaken including appropriate setbacks, use of landscaping and acoustic screens to minimise acoustic impacts to neighbouring properties.

Refer to the acoustic report which accompanies this application for detail.

- 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

C26 – An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:

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

The site is not located on industrial zoned land, in the ANEF contour, along a railway or mass transit corridor, on a major or busy road, or on land impacted by substantial external noise. Nonetheless, an acoustic report has been prepared for the application which confirms appropriate noise levels within the facility.

C27 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development

Complies.

C28 – 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.

An air quality report is not considered necessary for the site, given that the site is adequately separated from major roads and industrial activity.

3.7 Hours of operation

C29 – Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays

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

C30 – 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	The subject site is not located within a mixed-use area. Not applicable.
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3.8 Traffic, parking and pedestrian circulation

C31 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land. 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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 1 space per 4 children 	Parking is provided in accordance with the Upper Lachlan DCP. Refer to the DCP assessment table provided later in this report for details.
C32 – In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicular movement or potential conflicts with truck and large vehicles.	The site not located in a commercial or industrial zone. Not applicable.
C33 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised and demonstrate that: <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network 	The at-grade parking area is screened from the street and adjoining properties through the provision of landscaped setbacks and side boundary fencing, which are designed to minimise the impact of vehicle traffic to and from the site, and to integrate the parking area with the established residential streetscape. A Traffic Report which accompanies this application has found that the proposal will not result in any unacceptable traffic, parking or site access implications.
C34 – Alternate vehicular access should be provided where child care facilities are on site fronting:	

<ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials <p>The alternate access must have regard to the prevailing traffic conditions:</p> <ul style="list-style-type: none"> • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic 	<p>Not applicable as the site does not front a classified road or a road which carries freight traffic or transport dangerous goods or hazardous materials.</p>
<p>C35 – Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p>The development site is not within a cul-de-sac or narrow lanes or road. Not applicable.</p>
<p>C36 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • 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 • pedestrian paths that enable two prams to pass each other • vehicles can enter and leave the site in a forward direction 	<p>The development provides separate pedestrian and vehicular access.</p> <p>Vehicles can enter and exit the site in a forward direction.</p>
<p>C38 – Car parking design should:</p> <ul style="list-style-type: none"> • include a child safe fence to separate car parking areas from the building entrance to play areas • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards include wheelchair and pram accessible parking 	<p>The car parking area is sufficiently separated from the building entrance and outdoor play area.</p> <p>An accessible car parking space, designed in accordance with Australian Standard is clearly marked and situated near the entry point.</p>

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 at least 3.25m² 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.

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*.

The laundry is 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*.

The sanitary facilities are 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 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, ventilation and minimum ceiling heights are 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

The development provides windows facing different orientations and 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 consultations.

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 are 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:

- Properly constructed nappy changing bench or benches
- A bench type baby bath

Designed to comply.

- The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area
- A space to store steps 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*.

Complies.

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 development incorporates 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:

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

- 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

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 at least 7m² of unencumbered outdoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.

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

Design Guidance

Calculating unencumbered space for outdoor areas should not include areas of dense hedges or planting along boundaries 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 learning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

Design Guidance

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

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

Noted, refer to the attached landscape plan for detail.

The outdoor space should be designed to:

- provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment
- Assist supervision and minimise opportunities for bullying and antisocial behaviour
- enhance outdoor learning, socialisation and recreation
- sand pits and water play areas
- dense indoor planting and green vegetated walls
- climbing frames, walking and/or bike tracks

The outdoor spaces have been 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.

4.11 Shade

Regulations 114

Education and Care Services National Regulations

The approved provider of a centre-based service must ensure that the outdoor space includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

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.

The development proposes fencing in accordance with the acoustic report.

Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the <i>National Construction Code</i> .	Designed to comply.
<p><i>Design Guidance</i></p> <p>Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding areas. In general, fencing around outdoor play areas should:</p> <ul style="list-style-type: none"> • prevent children climbing over, under or through fencing • prevent people outside the facility from gaining access by climbing over, under or through the fencing <p>Design consideration for side and rear boundary fences could include:</p> <ul style="list-style-type: none"> • 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 <p>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.</p> <p>Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.</p>	<p>The development proposes appropriate fencing which creates a secure and safe environment for children and controls access to dangerous areas. Furthermore, the proposed fencing has been provided in accordance with the acoustic report.</p> <p>Side fencing has been provided in accordance with the acoustic report.</p> <p>Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.</p> <p>Designed to comply.</p>
4.13 Soil assessment	
<p><i>Regulations 25</i> <i>Education and Care Services National Regulations</i></p> <p>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.</p>	<p>There is no information that would indicate that the site is contaminated. Based on the available information there is nothing to warrant further investigation in relation to contamination at this stage.</p>

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS (NATIONAL REGULATIONS)

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

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			
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 at least 3.25m ² of unencumbered indoor play space per child as shown on the submitted plans.	Yes
108	Space requirements-outdoor space	The proposed centre-based child care facility provides at least 7m ² of unencumbered outdoor play space per child as shown on the submitted plans.	Yes

109	Toilet and hygiene facilities	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 Guidelines earlier in this report.	Yes
111	Administrative space	An administration room is located within the proposed Child Care Facility.	Yes
112	Nappy change facilities	A nappy changing facility is provided in the proposed child care facility.	Yes
113	Outdoor space-natural environment	As addressed in detail earlier in this report, the development provides outdoor spaces that allow children to explore and experience the natural environment.	
114	Outdoor space-shade	The proposed centre-based child care facility has provided adequate shading. See attached plans for detail.	Yes

Part 4.4 Staffing Requirements

123	Educator to child ratios	<p>Clause 123 provides minimum staff requirements for child care facilities in Australia.</p> <p>It is noted that clause 271 overrides the ratio for the 3-5 age group for facilities in NSW. Therefore, the ratios for the proposed facility are as follows:</p> <ul style="list-style-type: none"> - 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>The breakdown of children ratio within the proposed centre-based child care facility is as follows:</p> <ul style="list-style-type: none"> - 0-2 Years – 24 children (6 staff) - 2-3 Years – 28 children (6 staff) - 3-5 Years – 40 children (4 staff) <p>Therefore 16 educators are required, and 16 staff will be onsite when the centre is operating at full capacity.</p>	Yes
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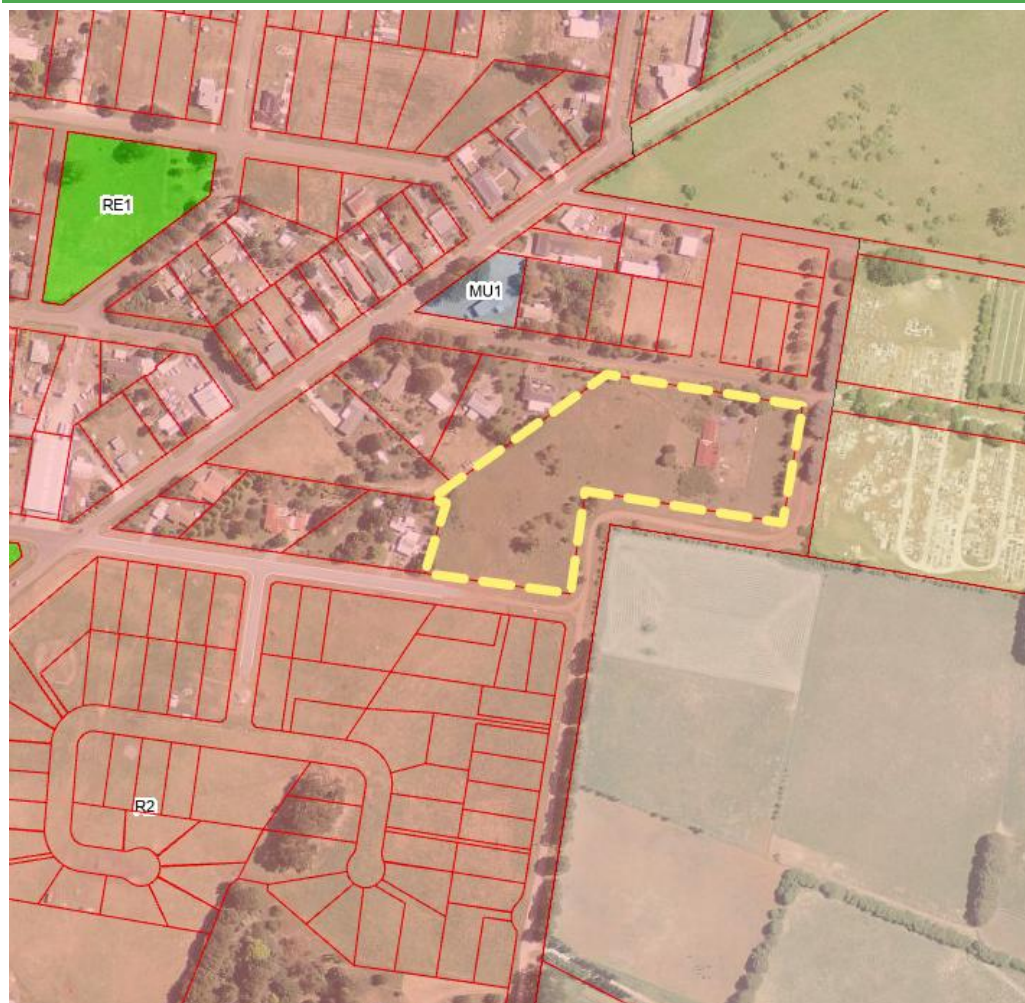
Part 7.3 New South Wales-specific provisions

271	<p>Educator to child ratios— (1) <i>Regulation 123(1)(c) applies as modified by this section.</i></p> <p>children aged 36 months or more but less than 6 years (2) <i>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.</i></p> <p>This is addressed in the section above.</p>	Yes
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UPPER LACHLAN LOCAL ENVIRONMENTAL PLAN 2010

As outlined below, the subject site is zoned R2 Low Residential Density under the provisions of the Upper Lachlan Local Environmental Plan 2010.

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



 - Development Site

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

centre-based child care facilities means:

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

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

- To provide for the housing needs of the community within a low density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To facilitate the orderly and economic development of land for residential purposes and associated urban activities.*
- To facilitate and promote the effective provision of affordable and suitable housing for varying household needs and community preferences.*
- To conserve and enhance buildings, landscape features and streetscape features that contribute to the character and identity of village areas.*

- To conserve, link and enhance the quality of potentially valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors, and to reduce land degradation affecting the assets.
- To maintain the built integrity of the area by enabling development that complements existing heritage buildings and features.

The proposed 1 into 20 lots Torrens Title subdivision of the site will create 19 residential lots, which will provide for the housing needs of the community within a low density residential environment. The proposed child care facility lot will allow for the construction of a child care facility. The proposed centre-based child care facility will serve the needs of people who live and work in the local area, and also provide employment opportunities for local residents. The use as a centre-based child care facility will foster a sense of community given the nature of such community based land uses.

The table in the following page provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Upper Lachlan Local Environmental Plan 2010			
Clause	Control	Comment	Complies
Zoning	R2 Low Density Residential	'Subdivision' and 'Centre Based Child Care Facilities' are permissible with Council consent in the R2 Zone	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone objectives and Land Use Table	<p>The proposal is consistent with the zone objectives of the R2 Low Density Residential zone.</p> <p>The proposed 1 into 20 lots Torrens Title subdivision of the site will create 19 residential lots, which will provide for the housing needs of the community within a low density residential environment. The proposed child care facility lot will allow for the construction of a child care facility. The proposed centre-based child care facility will serve the needs of people who live and work in the local area, and also provide employment opportunities for local residents. The use as a centre-based child care facility will foster a sense of community given the nature of such community based land uses.</p>	Yes

Part 4 Principal Development Standards			
4.1	Minimum subdivision lot size	<p>The site is prescribed a minimum subdivision lot size of 800m² under the Upper Lachlan Local Environmental Plan 2010.</p> <p>All proposed lots have an area of greater than 800m² and comply with this control.</p>	Yes
4.3	Height of buildings	Not adopted.	N/A
4.4	Floor space ratio	Not adopted.	N/A
Part 5 Miscellaneous Provisions Principal Development Standards			
5.10	Heritage conservation	<p>The site is not identified as a local heritage item, nor is it within a heritage conservation area. The site is separated by Pine Avenue from a local heritage item (I65 – Crookwell General Cemetery). The subject site is separated from the heritage item by Pine Avenue, which will provide an appropriate buffer between the development site and the item to mitigate any potential impacts.</p> <p>As a result, the subject site will not have any associated heritage restriction and subsequently any further heritage investigation is not deemed to be necessary.</p>	N/A
5.21	Flood planning	The site is not identified as flood prone land.	N/A
Part 6 Local Provisions			
6.2	Biodiversity	<p>The subject site is identified as 'Sensitive Land' on the Natural Resources Sensitivity- Biodiversity Map.</p> <p>The development is accompanied by a Prescribed Ecological Actions Report prepared by Abel Ecology, which confirms that the development is designed, sited and will be managed to avoid any adverse environmental impact. Please refer to the report for details.</p>	Yes

6.3	Land	The subject site is not identified on the Natural Resources Sensitivity- Land Map.	N/A
6.4	Water	<p>The subject site is identified as 'Sensitive Land' on the Natural Resources Sensitivity- Water Map.</p> <p>The development is accompanied by a Prescribed Ecological Actions Report prepared by Abel Ecology, which confirms that the development is designed, sited and will be managed to avoid any adverse environmental impact.</p>	Yes
6.5	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.</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>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>	
6.9	Essential Services	Essential services are currently provided to the site, noting that the land is currently used for residential accommodation.	Yes
6.12	Airspace operations	The development will not impact upon airspace operations of the Crookwell Airport.	N/A
6.13	Development in areas subject to airport noise	The site is sufficiently separated from Crookwell Airport and will not be adversely affected by noise impacts.	N/A

UPPER LACHLAN DEVELOPMENT CONTROL PLAN 2010

All relevant Council controls have been identified and considered in the following compliance table, noting that a number of provisions are of limited relevance given the nature of the development proposed being a centre-based child care facility.

UPPER LACHLAN DEVELOPMENT CONTROL PLAN 2010			
Clause	Controls	Comments	Complies
4. General Development Controls			
4.1	Matters for Consideration		
	4.1.1 Matters for consideration (General)	Does not apply to the R2 zone.	N/A
	4.1.2 Matters for consideration (Subdivision)	(1) Does not apply to the R2 zone.	N/A
		(2) The subdivision plan and this report clearly outlines the following:	Yes
		<ul style="list-style-type: none"> - The primary purpose for which each allotment to be created is intended to be used. - Whether any allotment to be created is intended to be used primarily for the purpose of a dwelling. - This application does not seek consent for the erection of any dwelling houses, this is to be undertaken via a future development application. It is noted that the proposed child care facility is detailed on the architectural plans. 	
4.2	Environment		
	4.2.1 Tree and vegetation preservation	<p>This application is supported by a Prescribed Ecological Actions Report prepared Abel Ecology. The report provides the following Conclusion and Recommendations:</p> <p><i>None of the three thresholds are triggered as follows:</i></p> <ol style="list-style-type: none"> 1. Area of clearing 2. Biodiversity Land Map – clearing or prescribed biodiversity impacts 3. Five Part Tests <p><i>The proposal doesn't trigger entry into the BOS. Therefore, a Biodiversity Development Assessment Report (BDAR) is not required.</i></p> <p><i>There is unlikely to be a significant impact on relevant matters of MNES or the environment of Commonwealth land. Accordingly, the</i></p>	Yes

Clause	Controls	Comments	Complies
		<p>proposal has not been referred to the Australian Government under the EPBC Act. The proposal is not expected to have any indirect impacts on the ecology of surrounding properties.</p> <p>To meet the principles of ecologically sustainable development, the objects of the EP&A Act and the objects of the BC Act, we recommend that the following conditions are added to the consent:</p> <ul style="list-style-type: none"> • Prior to the start of tree clearing, a pre-clearance survey should undertaken by a suitably qualified Fauna Spotter Catcher/Project Ecologist to identify and relocate any protected animals that may be impacted by the works. <p>Reason: to reduce the risk of harm to “protected animals” as defined by Schedule 5 of the Biodiversity Conservation Act 2016.</p> <ul style="list-style-type: none"> • Three (3) nest boxes must be installed for each tree hollow removed. The number of tree hollows removed is to be confirmed by the pre-clearance survey conducted by the appointed Fauna Spotter Catcher/Project Ecologist. They must be installed within the property or adjacent location with landholder permission, in accordance with the guidance provided in Appendix A of the Prescribed Ecological Actions Report. In the absence of trees, nest boxes may be installed onto poles on the site. Installation does not need to be supervised by a project ecologist; however a project ecologist must review the locations and confirm they have been installed correctly. <p>Reason: to mitigate the impacts of habitat removal and to provide breeding habitat for native fauna.</p> <ul style="list-style-type: none"> • Where possible, any future landscaping should use species from PCT 3347: Southern Tableland Creekflat Ribbon Gum Forest, as detailed in Appendix B of the Prescribed Ecological Actions Report. Reason: To provide foraging habitat for native fauna. <p>The development is to be undertaken in accordance with the recommendations of the report. Please refer to the report for details.</p>	
	4.2.2 Waterways, water bodies and wetlands & 4.2.3 Riparian corridors	<p>The application is accompanied by an Ecological report. Please refer to the report for details. Additionally, the application is accompanied by a stormwater management</p>	Yes

Clause	Controls	Comments	Complies
		plan, which addressed the discharge of water. Refer to the plan for details.	
	4.2.4 Groundwater	The development is accompanied by a Preliminary Site Investigation. Given the nature of the proposal, the development is not likely to impact the water quality of groundwater systems.	Yes
	4.2.5 Well Head Protection Plans	N/A.	N/A
	4.2.6 Biodiversity management	Refer to the discussion under clause 4.2.1 above.	Yes
	4.2.7 Bushfire risk management	The site is not identified as bush fire prone land.	N/A
4.3	Design		
	4.3.1 Solar access	This application does not propose the erection of any new dwellings, however, it is noted that the proposed subdivision layout will allow for adequate access to sunlight for future dwellings. The child care facility receives adequate sunlight access, as addressed earlier in this report.	N/A
	4.3.2 Landscaping	<p>It is noted that this application does not propose the erection of dwelling houses. The subdivision plan includes a streetscape plan, indicating that 1 street tree is to be provided per lot, as part of this subdivision application.</p> <p>The child care facility is accompanied by a landscape plan, illustrating the provision of high quality landscaping in the front, side and rear setback areas. Landscape screening is provided for the at-grade parking area.</p>	Yes
	4.3.3 Disability standards for access	The child care facility is accompanied by an access report demonstrating compliance.	Yes
	4.3.4 Crime Prevention Through Environmental Design	<p>The safer by design theory has been appropriately applied at the design stage, with the following elements to be incorporated into the design scheme:</p> <ul style="list-style-type: none"> The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain. 	Yes

Clause	Controls	Comments	Complies
		<ul style="list-style-type: none"> The proposed development incorporates an active façade which will permit casual surveillance towards the street frontages as well as the driveway areas and common areas on-site. The child care development has direct address to McIntosh Road. The development provides a clear pathway from street that leads to a door with clear glazing and there are additional windows and openings to the primary street to enable casual surveillance to the street. Access to the parking area will be secured via a security system that limits out of hours use. The primary entry point to the child care facility is to have swipe card or fob locking mechanism such that it is locked at all times and only openable by authorised persons- i.e. staff and the parents/guardians of children. Security systems are provided within the car park, including CCTV monitoring key areas. All lighting will meet minimum Australia and New Zealand Lighting Standards. Lighting objectives relevant to crime and fear reduction are outlined in Australian lighting standard AS/NZS 1158 for pedestrian areas. 	
4.4	Heritage 4.4.1 European (non-Indigenous) heritage conservation	<p>The site is not identified as a local heritage item, nor is it within a heritage conservation area. The site is separated by Pine Avenue from a local heritage item (I65 – Crookwell General Cemetery). The subject site is separated from the heritage item by Pine Avenue, which will provide an appropriate buffer between the development site and the item to mitigate any potential impacts.</p> <p>As a result, the subject site will not have any associated heritage restriction and subsequently any further heritage investigation is not deemed to be necessary.</p>	Yes

Clause	Controls	Comments	Complies
	4.4.2 Indigenous heritage and archaeology	<p>The subject site is currently used for residential accommodation, and is not considered likely to contain indigenous heritage or archaeological values. Furthermore, the site is not identified as within a place of aboriginal significance, as identified in figure 11 of the DCP.</p> <p>Works are to follow the unexpected heritage finds protocol if unexpected finds arise.</p>	N/A
4.5	Flooding and Stormwater		
	4.5.1 Flood affected lands	The site is not flood affected land.	N/A
	4.5.2 Stormwater management	The application is accompanied by a stormwater management plan. Refer to the plan for details.	Yes
	4.5.3 Impacts on drinking water catchments	The site is not located within the Sydney Drinking Water Catchment.	N/A
	4.5.4 Overland Flow Paths	The site is not affected by overland flow paths.	N/A
4.6	Traffic and Car Parking		
	4.6.1 Vehicular access and parking	<p>The development provide car parking in accordance with the DCP requirements, as outlined in the traffic report prepared for the application by MLA Transport Planning:</p> <p>For childcare centres, the DCP prescribes a parking rate of one space per two employees plus on-site set down/drop off area.</p> <p>On this basis, the proposed childcare centre (with 20-22 staff) is required to provide 11 car parking spaces for staff plus additional car parking spaces for parents.</p> <p>The DCP does not stipulate the quantity of parent parking spaces.</p> <p>However, it is noted that the previous <i>Guide to Traffic Generating Developments</i> suggested a childcare centre parking rate of one car space for every four children in attendance. This includes parking for both staff and parents.</p> <p>On this basis, the proposed childcare centre (with 92 children) is required to provide 23</p>	Yes

Clause	Controls	Comments	Complies
		<p>car parking spaces for staff and parents.</p> <p>In light of this, it is proposed to provide 23 car parking spaces comprising 10 staff spaces and 13 parent spaces.</p> <p>A further discussion on parking is provided at the end of this table.</p> <p>The development proposes 1 accessible parking spaces for the facility, adjacent to the entry.</p> <p>Please refer to the traffic report for details regarding car park layout design, trip generation and traffic impacts.</p>	
5. Residential Development			
5.1	Subdivision	The subdivision complies with the minimum lot size provision of the LEP.	Yes
		The subdivision responds to the unique site characteristics via the proposed lot layouts and earthworks, and creates legible and interconnected movement networks through road reserve upgrades.	Yes
		All lots have direct access to a public road.	N/A
		No access via a right of carriageway is proposed.	N/A
		The subdivision has been designed to minimise the need for earthworks, and to respond to environmental features.	Yes
		The subdivision layout has been carefully designed to integrate with the surrounding urban environment, noting all lots meet the minimum lot size requirement, and all lots are provided with a frontage to a public road.	Yes
		The lot design will allow for adequate solar access.	Yes
		The development will provide adequate infrastructure which is efficient and minimises impacts to the environment. Refer to the civil plans for details.	Yes
			Yes

Clause	Controls	Comments	Complies
		The development proposes road reserve upgrades, the planting of street trees, and the provision of adequate stormwater infrastructure.	
5.2	Residential	This application does not propose the erection of residential accommodation, noting that this is to be facilitated via a future Development Application.	N/A
		Given that this DCP does not provide built form controls for child care facilities, the child care facility has been designed to comply with the requirements for dwelling houses where applicable, given the R2 zoning of the site. The key controls are addressed below.	Merit-test
		Height (8.5m & 2 storeys): The child care facility has a maximum height of less than 8.5m measured from the natural ground level, and is single storey in height.	Yes
		Setbacks (6m): The child care facility is setback greater than 6m from the street, as required for new residential areas.	Yes
		Side and rear setbacks (900mm and 3m): The development achieves side setbacks of 900mm and a rear setback of 3m. Complies.	Yes
9. Special Development Types			
9.8	Child Care Centres Fronting classified roads	The site does not front a classified road, and as such, this clause does not apply to the development.	N/A
10. Engineering Requirements			
10.1	Utility Services	Essential services are currently provided to the site, noting that the land is currently used for residential accommodation.	Yes
10.2	Roads	Road construction is to be undertaken in accordance with the DCP requirements. Refer to the Civil Plans for details.	Yes
10.3	Easements	Easements are provided on site in accordance with the Section 88B instrument.	Yes

PARKING PROVISION

The childcare centre is proposed to be provided with 23 parking spaces. As outlined, in the DCP section of the report, there is no absolute certainty on the number of parking spaces that should be provided for this component of the development. The following table outlines the development exceeds the requirements of the DCP and complies with rates contained in state government documents. Given this it is considered that adequate parking is provided for this component of the development.

Document Ref.	Parking Requirement	No. Car Spaces Required	Parking Provided	No. Car Parks +Over/(under)	Meets Requirement (Y✓/N✗)
LEP (ULSC)	N/A	N/A			
DCP (ULSC)	1 space per 2 employees plus on-site set down/drop off area	9	23	+14	✓
Child Care Planning Guideline (September 2021)	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	9	23	+14	✓
Child Care Planning Guideline (September 2021)	C30 Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates: 1 space per 4 children	23	23	-	✓
RTA Guide for Traffic Generating Developments (2002)	1 space per 4 children	23	23	-	✓
RMS Validation Trip Generation Surveys Child Care Centres**	1 car space per 6 children (centres with 70 to 100 children)***	16	23	+7	✓

*<https://www.acecqa.gov.au/nqf/educator-to-child-ratios>

**Roads and Maritime Services Validation Trip Generation Surveys Child Care Centres Analysis Report (Sep 2015) [TEF Consulting] published by NSW Roads & Maritime Services

***Section 4.2 Results of the regression analysis, pg.45.

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.