

12 Segars Avenue Padstow NSW 2211

MAXIMUS DEVELOPMENTS AUSTRALIA

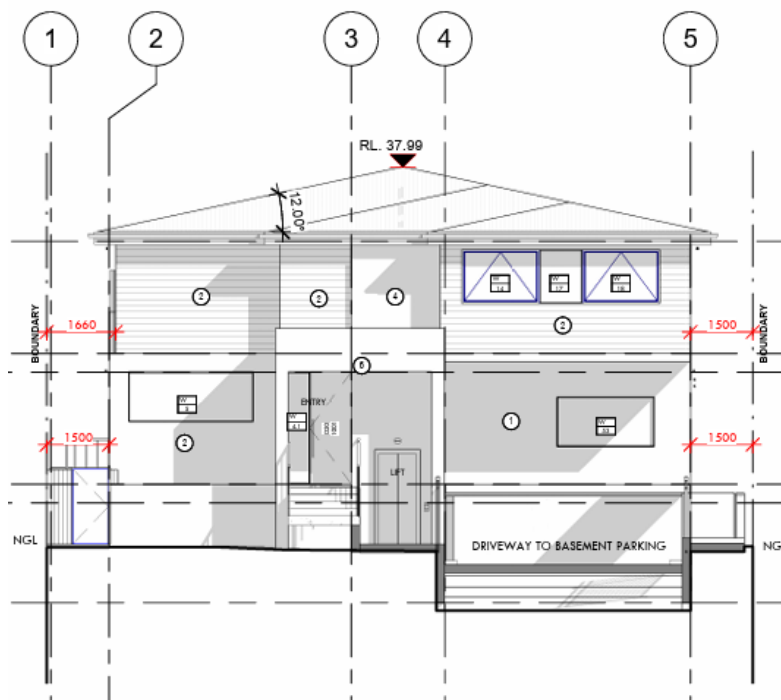
TOWN PLANNING / URBAN DESIGN / PROJECT MANAGEMENT

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STATEMENT OF ENVIRONMENTAL EFFECTS

12 SEGARS AVENUE PADSTOW

**DEMOLITION OF EXISTING AND CONSTRUCTION OF CENTRE BASED CHILD CARE
FACILITY FOR FORTY-FOUR (44) CHILDREN**



PROJECT DETAILS

Legal Description	Lot 28 DP 20572	Property Address	12 Segars Avenue, Padstow NSW 2211
Project Reference	2024-945		
Date	13 May 2025	Revision	A
Client		Land Owner	

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BPlan (Hons) UNSW, MUDD UNSW, Grad Cert (Project Management) UTS

Principal – Maximus Developments Australia

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PROPOSAL

The proposal seeks development consent via a development application (DA) for the demolition of existing and construction of centre based child care facility for forty-four (44) children on land known as 12 Segars Avenue, Padstow NSW 2211. This Statement of Environmental Effects (SEE) has been prepared in accordance with the Statutory considerations of Schedule 7 of the Environmental Planning and Assessment Regulation 2021 (as amended). A site inspection has occurred of the site and the immediate surrounding area in preparation of this planning report. Based on an analysis of the surrounding area there is a high demand for centre based child care facilities within the area to service the local population.

Report Summary

Table 1.1: Strategic Context

Strategic Direction	Authority	Proposal meets objectives and spirit of plan
A Plan for Growing Sydney	NSW Department of Planning	Yes
Canterbury-Bankstown Community Strategic Plan 2028	City of Canterbury-Bankstown	Yes
Canterbury-Bankstown Local Environmental Plan 2023	City of Canterbury-Bankstown	Yes

Table 1.2: Evaluation Planning considerations

Planning Considerations	Compliance
State Environmental Planning Policies (SEPP's)	Yes
Canterbury-Bankstown Local Environmental Plan 2023	Yes
Canterbury-Bankstown Development Control Plan 2023	Yes

Table 1.3: Key Impacts and Considerations

Consideration	Comment	Compliance
Character, bulk and scale	The proposed centre based child care facility adopts a contemporary built form which is considered to be compatible with the surrounding residential character which comprises of a mixture dwelling houses and a school to the south. The proposed character, bulk and scale is considered to be appropriate for the use and site which is considered to be a similar form to that of a dwelling house.	Yes
Car parking	Compliant car parking provided is to be provided site in accordance with Council requirements whereby car parking and bicycle spaces are fully contained within the basement level. A traffic report accompanies this development application in support of the proposal in relation to car parking access.	Yes
Trees and landscaping	No significant trees are located on site. The proposal seeks to provide high quality landscaping, shrubs and trees to embellish the site to accompany the built form and play areas within the setbacks. A landscape plan has been prepared indicating the extent of the landscape works in high levels of detail and quality within the setbacks to embellish the site.	Yes
Overshadowing / Solar access	The proposal provides reasonable levels of solar access to adjoining properties.	Yes
Stormwater	The proposal is to drain to the street in accordance with Councils requirements. The site is affected by overland flow whereby the proposal has been designed with appropriate considerations and levels. Stormwater plans accompany this development application in support of the proposal.	Yes
Privacy	The proposal is not considered to result in any unreasonable privacy impacts given that the play areas are appropriately treated in relation to adjoining properties and public domain.	Yes
Acoustic	The proposal is not considered to result in any unreasonable acoustic impacts given the sitting and design of the proposal and location of play	Yes

	areas. A noise impact assessment accompanies this application in support of the proposed use.	
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Research Background

The proposal has taken in consideration with the Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000 (as amended), State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry And Employment) 2021, Canterbury-Bankstown Local Environmental Plan 2023 and Canterbury-Bankstown Development Control Plan 2023 (as amended).

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PART B: Statutory Considerations

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PART A: SITE DESCRIPTION AND PROPOSAL

Description of subject site

The subject site is legally described as Lot and is known as 12 Segars Avenue, Padstow NSW 2211. The site is forms an irregular shaped allotment with a total site area of 602.2sqm. A dwelling house is centrally located on site. The site is zoned R3 Medium Density Residential within the Canterbury Bankstown Local Environmental Plan 2023.

[illegible]

An aerial photograph of a residential neighborhood with white lot lines overlaid. The map shows several streets: Gloucester Ave running diagonally from the top left to the bottom right, Sagers Ave running diagonally from the top right to the bottom right, and a street labeled '1/107' on the left. Numerous lots are numbered with black text. A red square marker is placed on lot 12, which is located between Gloucester Ave and Sagers Ave, east of lot 10. Other visible features include houses with various roof colors, swimming pools, a large blue and green sports field in the bottom right, and several trees.

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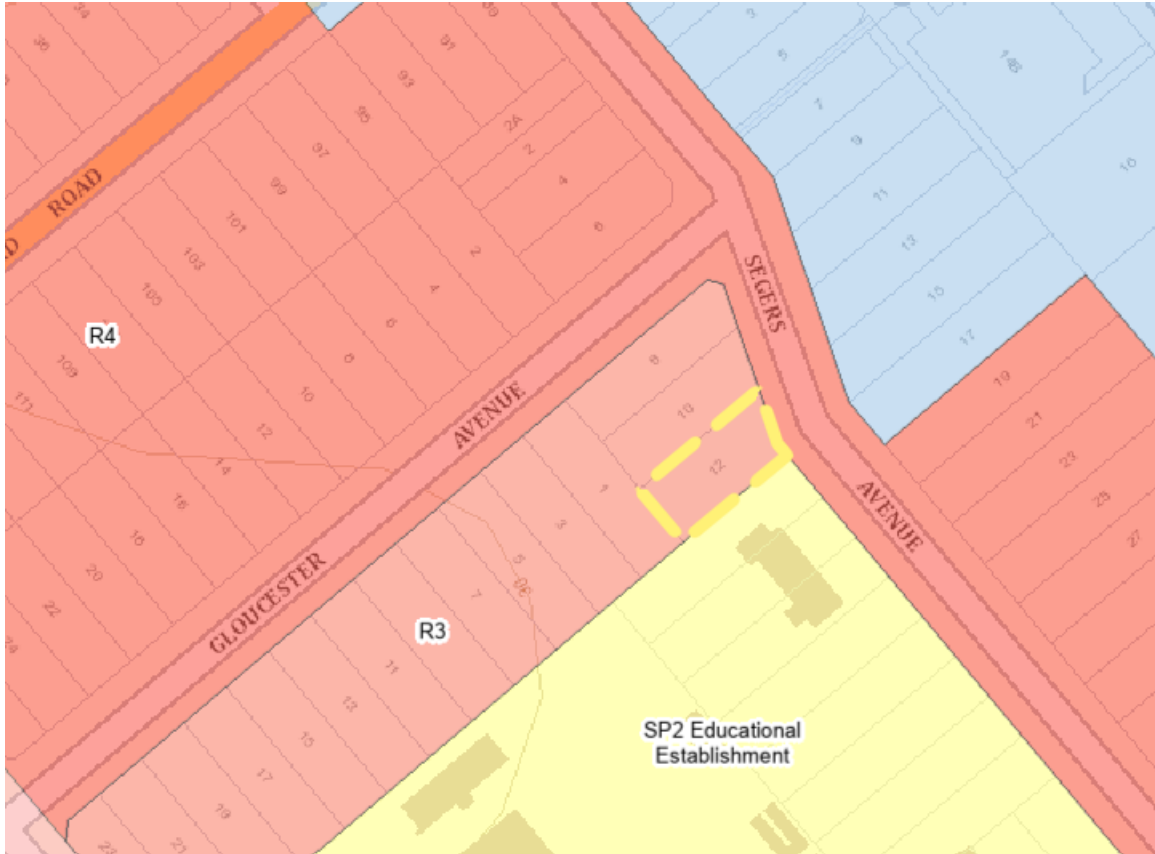


Fig 3. Zoning Extract of subject site which is zoned R3 Low Density Residential under the Canterbury-Bankstown Local Environmental Plan 2023 (Source Department of Planning, NSW Planning Portal 2025).

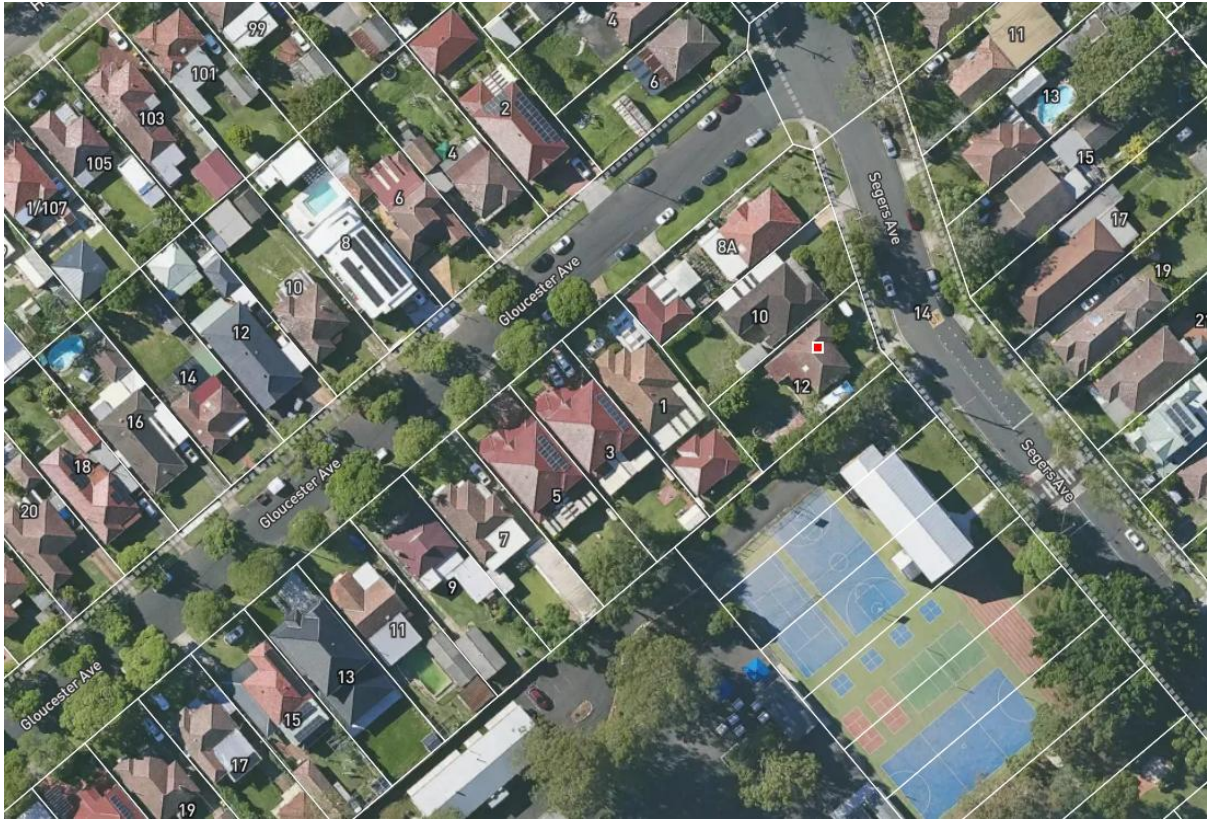
Surrounding Context

The immediate surrounding context is of a residential nature comprising of a mixture of and older established dwelling houses. The surrounding building typologies generally comprise of a masonry construction with pitched roofs. An educational facility is located to the south of the site. The immediate surrounding areas comprise of R3, R4, SP2 and E1.

Description of proposal

The proposal seeks development consent for the demolition of existing and construction of new centre based child care facility on land known as 12 Segars Avenue, Padstow NSW. In detail, the proposal is described as follows;

Demolition of existing dwelling house and Construction of centre based child care facility
as DES



Basement: access ramp parallel driveway entry, eleven (11) car parking spaces; including one (1) accessible space, fire stairs, lift, store rooms

Ground floor: Central pedestrian entry to entry, foyer, reception waiting area, internal stair, lift playroom (0-2 years for 11 spaces,) outdoor play area at rear, service and admin rooms, lift, and stairs,

First floor: playroom (2-3 years for 13 spaces), playroom (4-6 years for 21 spaces), outdoor play at rear, kitchen, staff meeting room, outdoor storage.

Table 5: Key summary of proposal

Criterion	Proposed
Number of children	
0-2 years	10
2-3 years	13
3-6 years	21
Total	44
Number of staff	
0-2 years	3 (1 educator to 4 children)
2-3 years	3 (1 educator to 5 children)
3-6 years	2 (1 educator to 10 children)
Total	8
Hours of operation	7.00am – 6.00pm Monday to Friday, closed Saturday and Sunday.
Unencumbered indoor play area	Indoor: 149.6sqm
Unencumbered outdoor play area	Outdoor: 353.42sqm

PART B: STATUTORY CONSIDERATIONS

PART 4 DIVISION 4.3 SECTION 4.15 (1)(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

The proposal has been considered against Section 1.3 Objects of the Act as per below;

Table 6: Objects of the Act

Object Reference	Object	Comment	Satisfies objective
(a)	To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	To the proposal is considered not to result in any adverse impacts in relation to natural and other resources.	Yes
(b)	To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal is not considered to be contrary to any economic, environmental and social considerations.	Yes
(c)	To promote the orderly and economic use and development of land	The proposal results in results in orderly economic use of which forms a permissible use as a <i>centre based child care facility</i> within the R2 Low Density Residential Zone.	Yes
(d)	To promote the delivery and maintenance of affordable housing,	N/A	-
(e)	To protect the environment, including the conservation of threatened and other species of native animals and	Replacement trees proposed on site to	Yes

	plants, ecological communities and their habitats	replenish the tree canopy and embellish the site. Refer to landscape plan for further detail.	
(f)	To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site is not affected by European or Aboriginal cultural heritage. An interim heritage order does not apply to the site.	Yes
(g)	To promote good design and amenity of the built environment	The proposal adopts a contemporary two storey built form which is compatible with the immediate surrounding area and zoning.	Yes
(h)	To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	Noted.	Yes
(i)	To provide increased opportunity for community participation in environmental planning and assessment.	To be notified in accordance with the provisions of the Canterbury Bankstown Community Engagement Strategy.	Yes

As per the table above, the proposal is considered to reasonably satisfy the underlying intent of the Objects of the Act.

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2021 (AS AMENDED)

The application has been prepared in accordance with the Statutory requirements within Schedule 7 and is considered to be acceptable and sufficient for the purposes of assessment.

STATE ENVIRONMENTAL PLANNING POLICIES

The proposal has been considered in accordance with the key considerations of the following applicable State Environmental Planning Policies (SEPP's) as follows;

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021,

The site does not contain any significant trees within the property or Council road reserve. The proposal seeks significant tree and plant embellishment on site as per the tree and plant schedule as indicated on the accompanying landscape plans.

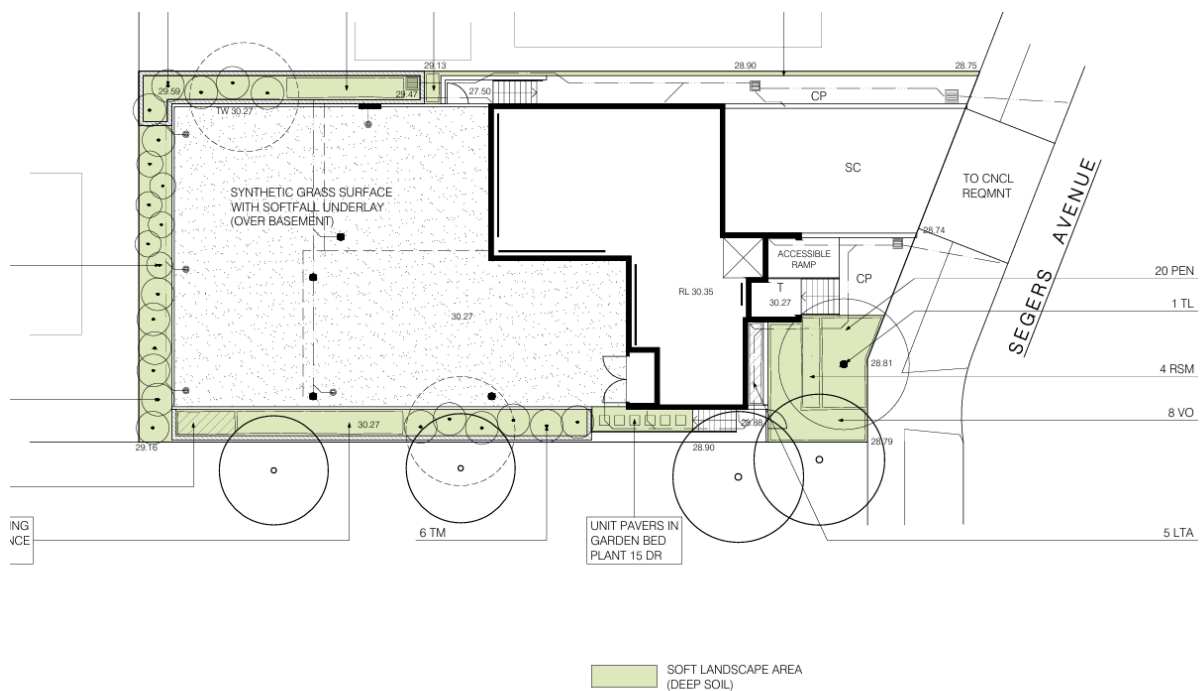


Fig.4 Extract of proposed tree and plant schedule (Source: Michael Sui Landscape Architects, 2024).

Given the above, the proposal is considered to result in an improvement over the existing condition with suitable tree replacement and canopy embellishment which is suitable

for the proposed use and comparative the scale of the development. A high quality landscape solution is proposed to accompany the built form which is considered to be acceptable.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

The subject site has been historically used for residential purposes and is currently occupied by a dwelling house. The immediate surrounding area comprises of residential uses and are also unlikely result in contamination spreading onto the subject site. A Stage 1 and Stage 2 assessment report accompanies this application.

In this regard, due consideration has been applied in relation to the provisions of the SEPP. The subject site is therefore considered to be suitable to accommodate the centre based child care facility.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The proposal has been considered in accordance with the relevant considerations of the SEPP in particular with respect to the requirements for the purposes of a centre based child care facility.

Table 7: Part 3.3 Early Education and Care Facilities – specific development controls

Control	Requirement	Proposal	Complies
3.22 Centre-based child care facility— concurrence of Regulatory Authority required for certain development	(1) This section applies to development for the purpose of a centre-based child care facility if— (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services	The proposal seeks forty-four (44) children which comply with the Regulatory Requirements. Indoor: 149.8sqm Outdoor: 353.42sqm	Yes

	<p>National Regulations, or (b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</p> <p>(2) The consent authority must not grant development consent to development to which this section applies except with the concurrence of the Regulatory Authority.</p> <p>(3) The consent authority must, within 7 days of receiving a development application for development to which this section applies—</p> <p>(a) forward a copy of the development application to the Regulatory Authority, and</p> <p>(b) notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the</p>		
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	<p>date it received the development application.</p> <p>(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW).</p> <p>(5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subsection (3).</p> <p>Note—</p> <p>The effect of section 4.13(11) of the Act is that if the Regulatory Authority fails to inform the consent authority of the decision concerning concurrence within the 28 day period, the consent authority may determine the</p>		
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	<p>development application without the concurrence of the Regulatory Authority and a development consent so granted is not voidable on that ground.</p> <p>(6) The consent authority must forward a copy of its determination of the development application to the Regulatory Authority within 7 days after making the determination.</p> <p>(7) In this section—Regulatory Authority means the Regulatory Authority for New South Wales under the Children (Education and Care Services) National Law (NSW) (as declared by section 9 of the Children (Education and Care Services National Law Application) Act 2010).</p> <p>Note—Concurrence to development may be granted subject to conditions. A development consent subject to concurrence may be voidable if it is</p>		
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	granted not subject to any conditions of the concurrence. (See section 4.13 of the Act.)		
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 Guideline, in relation to the proposed development.	The proposal has been considered in accordance with the considerations within the Child Care Planning Guideline.	Yes
3.26 Centre-based child care facility—non-discretionary development standards	(1) The object of this section is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters. (2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in	The proposal has been considered in this accordance with this clause. In instances where this clause prevails, this is noted within the report.	Yes

	<p>relation to the carrying out of development for the purposes of a centre-based child care facility—</p> <p>(a) location—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) indoor or outdoor space</p> <p>(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</p> <p>(ii) for development to which clause 28 (unencumbered</p>		
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	<p>indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(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,</p> <p>(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.</p>		
	<p>(3) To remove doubt, this section does not prevent a consent authority from—</p> <p>(a) refusing a development application in</p>	Noted.	Yes

	relation to a matter not specified in subsection (2), or (b) granting development consent even though any standard specified in subsection (2) is not complied with.		
3.27 Centre-based child care facility—development control plans	(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility— (a) operational or management plans or arrangements (including hours of operation), (b) demonstrated need or demand for child care services, (c) proximity of facility to other early education and care facilities, (d) any matter relating to development for the purpose of a	The proposal has been considered in this accordance with this clause. In instances where this clause prevails, this is noted within the report.	Yes

	<p>centre-based child care facility contained in—</p> <p>(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or</p> <p>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p> <p>(2) This section applies regardless of when the development control plan was made.</p>		
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Child Care Planning Guideline

The guideline includes provisions relating to child care facilities and aims to standardise child care facility controls in NSW. Below is an assessment of the relevant provisions under the guidelines.

Table 8: Child Care Planning Guideline

Control	Proposal	Complies
3.1 Site selection and locations	The proposal has adopted an appropriate layout and built form in consideration of the immediate surrounding area which is zoned R2 Low Density Residential.	Yes

Control	Proposal	Complies
<p><i>Objective: Ensure appropriate zone considerations.</i></p> <p>C1 Developments in or adjacent to residential zones, consider:</p>		
<ul style="list-style-type: none"> Acoustic and privacy impacts of the proposed development on the residential properties 	<p>The proposal has been designed with privacy and acoustic considerations whereby child play areas are all located on the ground and first floor at the rear. Acoustic treatment is incorporated within the design to minimise impacts to adjoining properties.</p>	Yes
<ul style="list-style-type: none"> Setbacks and siting of buildings within the residential context. 	<p>The proposal adopts setbacks which are considered to be compatible with the immediate surrounding area.</p>	Yes
<ul style="list-style-type: none"> Traffic and parking impacts of the proposal on residential amenity 	<p>A traffic impact study accompanies this development application in support of the proposal.</p>	Yes
<p><i>Objective: Ensure that the site selected is suitable for the use.</i></p> <p>C2 When selecting a site, ensure:</p>		
<ul style="list-style-type: none"> the location and surrounding uses are compatible with the proposed development use 	<p>The site is considered to be suitable for the proposed child care facility given the proposed built form which is considered to be compatible with the</p>	Yes

Control	Proposal	Complies
<ul style="list-style-type: none"> the site is environmentally safe 	<p>immediate surrounding residential area.</p> <p>A preliminary site investigation (PSI) and Details Stage Investigation (DSI) accompanies this application in support of the proposal.</p>	Yes
<ul style="list-style-type: none"> there are no potential contaminants on the land, in the building, or general proximity and whether remediation is needed 	As above.	Yes
<ul style="list-style-type: none"> the characteristics of the site are suitable for the scale and type of development proposed having regard to size of street frontage, number of shared boundaries with residential properties, the development will not have adverse environmental or cultural areas 	The proposed centre based child care facility is consistent with the character of the area envisaged in Council's controls which adopts a two storey built form with adequate modulations and setbacks as not to detract from the environment or cultural areas.	Yes
<ul style="list-style-type: none"> the interior and exterior spaces are suitable for the proposed use in the occupation or retrofit of an existing premises, 	The proposal includes the indoor and outdoor spaces designed in accordance with childcare planning guidelines	Yes
<ul style="list-style-type: none"> there are suitable drop off and pick up areas 	The proposal includes a basement car park designed in accordance with Australian Standards and ensures the safe movement of vehicles and pedestrians of which are line marked.	Yes
<ul style="list-style-type: none"> there are suitable off and street car parking 		

Control	Proposal	Complies
<ul style="list-style-type: none"> the type of adjoining road is appropriate and safe for the proposed use it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services. 	<p>Segers Avenue forms a local road and is considered safe and suitable for the proposed centre.</p> <p>The site is not located in proximity to any incompatible uses as stated within the clause criterion.</p>	<p>Yes</p> <p>Yes</p>
<p>Objective: Ensure sites are appropriately located</p> <p>C3 A child care facility should be located near compatible social uses, employment areas, town centres, business centres, shops, with access to public transport, and in areas with pedestrian connectivity.</p>	<p>The site is appropriately located near compatible land uses and public transport. Further that compliant levels of car parking are provided on site.</p>	<p>Yes</p>
<p>Objective: Ensure sites do not incur risks from environmental, health, or safety hazards</p> <p>C4 A child care facility should be located to avoid risks to children, staff or visitors</p>	<p>There are no noise, odour, dust or waste generating uses in the immediate surrounding area within the visual catchment. As such, the site is considered appropriate for the proposed use.</p>	<p>Yes</p>
<p>3.2 Local character streetscape and the public domain interface</p> <p>Objective: Ensure the child care facility is compatible with the</p>	<p>The proposal is considered to be compatible by way of form,</p>	<p>Yes</p>

Control	Proposal	Complies
<p>character and surrounding streetscape.</p> <p>C5 The proposal should contribute to the area by being designed in character with the locality and existing streetscape.</p>	<p>setbacks, height, FSR and materials.</p> <p>The proposed centre comprises a high quality design that enhances the streetscape and will be compatible within the residential area which adopts a two storey built form results in a built form which commensurate with the of the visual catchment.</p>	Yes
<p>C6 Create a threshold with a clear transition between public and private space</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 visitors and children by changes in materials, plant species and colours.</p>	<p>The proposal incorporates a landscape buffer with high quality embellishment to create a positive transition between the site and public domain.</p> <p>One single entry is to be centrally located on site which incorporates a mixture of contemporary materials and finishes.</p>	<p>Yes</p> <p>Yes</p>
<p>Objective: Ensure front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain</p>	<p>The proposed front fence is setback from the street and contains landscape embellishment between this and the front boundary. This is not considered to detract from the streetscape.</p>	Yes
<p>C9 Front fences within the front setback should be constructed of</p>	<p>As stated above, the proposed front fence is setback from the street and contains landscape</p>	Yes

Control	Proposal	Complies
visually permeable materials and treatments	embellishment between this and the front boundary. This is not considered to detract from the streetscape and is well integrated with the remainder of the building in regards to materials and design.	
<p>3.3 Building orientation envelope and design</p> <p><i>Objective: Respond to the streetscape and site, while optimising solar access and shade</i></p> <p>C11 Orient a development on a site and design the layout to:</p> <ul style="list-style-type: none"> • Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours • Optimise solar access to internal and external play areas • Avoid overshadowing of adjoining properties • Minimise cut and fill 	<p>The proposal adopts a reasonable built form and is compatible with the surrounding area. The proposal seeks a recessed first floor building footprint to optimise solar access and shade into the design where possible.</p> <p>The windows have been designed to be orientated to the front (east) and rear (west) to minimise impacts. Acoustic measures have been incorporated within the design.</p> <p>The proposal seek to maximise northern solar orientation.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Proposal	Complies
<ul style="list-style-type: none"> Ensure buildings define the street by facing it 		Yes
<ul style="list-style-type: none"> Ensure outdoor play areas are protected from wind and other climatic conditions. 	Outdoor areas contain partially covered areas and have been designed to provide part weather protection whilst maximising northern solar penetration.	Yes
<p>Objective: Ensure that the scale of the child care facility is compatible with adjoining development and impact is minimised</p> <p>C12 Minimise the impact of the proposal on local character.</p>	<p>The proposal comprises a two storey scale, residential features, landscaping, and articulation to provide a suitable streetscape.</p>	Yes
<p>Objective: Ensure setbacks from the boundary are consistent with the predominant development in the immediate context</p> <p>C13 Consistent with prevailing front setbacks</p> <p>C14 Consistent with prevailing side and rear setbacks</p>	<p>The proposal adopts setbacks which are considered to be generally consistent with the immediate context given the R2 Low Density Residential Zoning.</p> <p>The proposal is consistent with Council's setback provisions given that the allotment forms a standard single aspect allotment.</p> <p>1,500mm min side setbacks proposed. Single storey built form to rear with recessed first floor.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Objective: Ensure that the built form, articulation and scale relates to its context and building are well designed to contribute to an area's character</p>	<p>The proposal adopts a comparable form in relation to height, setbacks, FSR and articulation to positively contribute to the streetscape.</p>	Yes

Control	Proposal	Complies
C15 Built form should relate to the character of the local area	The design of the proposed facility is considered to be compatible with the existing residential character of the area.	Yes
Objective: Ensure buildings are designed to create safe environments	The proposal has been designed to separate both pedestrian and vehicular movements and located play areas in logical locations to maximise natural passive surveillance.	Yes
C16 Entry to the facility should be limited to one secure point which is:		
<ul style="list-style-type: none"> Located to allow ease of access for pedestrians 	The entry point is centrally located which is direct to and from the street.	Yes
<ul style="list-style-type: none"> Directly accessible from the street where possible 	As above with clear sight lines to and from the street.	Yes
<ul style="list-style-type: none"> Directly visible from the street frontage 	The entry is directly visible from the street and pathway design has created clear way finding.	Yes
<ul style="list-style-type: none"> Easily monitored through natural or camera surveillance 	This can be monitored naturally in addition to camera surveillance.	Yes
<ul style="list-style-type: none"> Not accessed through an outdoor play area 	Entry access is not via an outdoor play area.	Yes
Objective: Ensure that facilities are designed to be accessible	The proposal incorporates accessible design elements.	Yes

Control	Proposal	Complies
C17 Accessible design		
3.4 Landscaping Objective: Provide landscape design that contributes to the streetscape and amenity	Landscaping is provided within the front and rear setbacks to embellish the site. This provides screening and visual amenity to and from the property.	Yes
C18 Provide a high quality landscaped area	A high quality landscape plan accompanies the proposal with adequate landscaping embellishment proposed within the front and rear setbacks.	Yes
C19 Incorporate car parking into the landscape design of the site	All car parking are located within the basement and is separated from other landscaped areas.	Yes
3.5 Privacy and security of children Objective: Protect the privacy and security of children attending the facility.	The proposal incorporates adequate privacy measures which have been achieved through a carefully designed layout to create spatial separation, protection and screening.	Yes
C21 Minimise direct overlooking of indoor and outdoor play spaces from public areas through: <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 	The layout includes appropriate window placement, wall heights and plant screening.	Yes

Control	Proposal	Complies
<p>Objective: To minimise impacts on privacy of adjoining properties</p> <p>C22 Minimise overlooking of adjoining living areas and private open spaces through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	<p>The proposal has been designed to minimise impacts to adjoining properties though a responsive layout.</p> <p>The layout includes appropriate window placement, wall heights and plant screening. Windows along the side elevations are minimal and are treated. Further landscaping embellishment reduces visual privacy impacts to and from the site.</p>	<p>Yes</p> <p>Yes</p>
<p>Objective: Minimise impact of facilities on the acoustic privacy of neighbouring residents</p> <p>C23 Alterations located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> • Provide an acoustic fence along any boundary where the adjoining property contains a residential use. • Ensure that mechanical plant or equipment is screened to reduce noise levels. <p>C24 Acoustic report should be prepared a suitably qualified professional</p>	<p>The layout has been designed to minimise acoustic impacts with recommendations within the acoustic report being incorporated within the design.</p> <p>An acoustic fence is proposed along the boundaries to minimise impacts to adjoining properties.</p> <p>Plant machinery is to be suitable industry standards as not to generate any adverse noise amenity.</p> <p>An acoustic report accompanies this development application of which is support of the proposal.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Proposal	Complies
<p>3.6 Noise and air pollution</p> <p>Objective: Ensure outside noise levels are minimised</p>		
<p>C25 Adopt design solutions to minimise the impacts of noise</p> <p>C26 Noise attenuation measures for child care facilities in noisy areas</p>	<p>Recommendations of acoustic report incorporated within the proposal.</p> <p>As above.</p>	<p>Yes</p> <p>Yes</p>
<p>Objective: Ensure air quality is acceptable when facilities are proposed to external sources of pollution</p>	<p>To be accordance with industry requirements.</p>	<p>Yes</p>
<p>C27 Locate child care facilities which avoid or minimise the potential impact of external sources of air pollution</p> <p>C28 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.</p>	<p>To be accordance with industry requirements.</p> <p>The site is located on a local road and is not impacted by any immediate industrial development or major road in relation to air quality.</p>	<p>Yes</p> <p>Yes</p>
<p>3.7 Hours of operation</p> <p>Objective: Minimise the impact of the facility on the amenity of neighbouring residents</p>	<p>The proposal seeks standard hours of operation common for Centre Based Child Care Facilities.</p>	<p>Yes</p>

Control	Proposal	Complies
C29 Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7am to 7pm weekdays.	The proposal seeks hours of operation for 7.00am – 6.00pm Monday to Friday. Closed on Saturday and Sundays.	Yes
3.8 Traffic, parking and pedestrian circulation Objective: Provide parking that satisfies the needs of users and demand generated by the centre C31 Off street car parking should be provided at the rate specified by the DCP.	The proposal has sought a logical pedestrian and vehicular layout. The proposal complies with the DCP requirement as addressed further within this report. Car parking is fully contained on site.	Yes Yes
C33 Traffic and parking study should be prepared to support the proposal	A detailed Traffic and Parking Assessment Report is submitted with this application in support of the proposal.	Yes
Objective: Provide a safe and connected environment for pedestrians both on and around the site C36 Provide a safe pedestrian environment	The proposal adopts separated vehicular and pedestrian movements whereby such areas are shared within the basement, pedestrian access is line marked. As above.	Yes Yes
C38 Car parking design should:		

Control	Proposal	Complies
<ul style="list-style-type: none"> • Include a child safe fence to separate the car parking area from the building entrance and play areas • Provide clearly marked accessible car parking as close as possible to the primary entrance • Include wheelchair and pram accessible parking 	<p>The proposal incorporates a design which separated car parking area and play areas.</p> <p>Car parking is line marked within the basement.</p> <p>Accessible space provided within basement level.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4.1 Indoor space requirements</p> <p>Minimum 3.25sqm unencumbered indoor space</p>	<p>The proposal seeks an indoor unencumbered space of 149.8sqm. This complies with the requirements.</p>	<p>Yes</p>
<p>0.3 cubic metres of external storage space per child</p> <p>0.2 cubic metres of internal storage space per child</p>	<p>More than 0.3 cubic metres provided in external storage per child.</p> <p>More than 0.2 cubic metres provided in internal storage per child in overhead storage in playrooms 1, 2 and 3.</p>	<p>Yes</p> <p>Yes</p>
<p>4.2 Laundry and hygiene facilities</p> <p>There must be laundry facilities or access to laundry facilities and should contain washer, dryer, sink, and storage for soiled items.</p>	<p>Provided on site located on the first floor.</p>	<p>Yes</p>
<p>4.3 Toilet and hygiene facilities</p>	<p>Toilet and hyenic facilities provided within each playroom.</p>	<p>Yes</p>

Control	Proposal	Complies
4.4 Ventilation and natural light	The proposal contains suitable light and ventilation and has been designed to maximise northern solar access.	Yes
4.5 Administrative space	Adequate administrative space located on the first floor and central ground floor lobby.	Yes
4.6 Nappy change facilities	Adequate nappy change facilities provided on site.	Yes
4.7 Premises designed to facilitate supervision	The proposed layout contains clear levels of sight lines from the halls to the play rooms.	Yes
4.8 Emergency evacuation and procedures	The proposal contains a direct pathway centrally located on site. Access is available along the side boundaries. Details are further contained within the Plan of Management.	Yes
4.9 Outdoor space requirement Minimum 7sqm unencumbered outdoor space	353.42sqm of outdoor play area is provided which is capable of accommodating 44 children. These spaces also comply with outdoor covered spaces within the criterion of this clause.	Yes
4.10 Natural environment	Outdoor environments have been designed to be in a natural landscape with native rocks, natural materials and native landscaping.	Yes
4.11 Shade	Shade structures provided in the form of verandahs, shade structures and additional tree canopies.	Yes

Control	Proposal	Complies
4.12 Fencing	Adequate fencing provided being at least 1.8m in height with non-climbable zones	Yes
4.13 Soil assessment	A Stage 1 Preliminary Site Investigation and Detailed Site Investigation accompanies this development application.	Yes

In this regard, given the above the proposal is considered to satisfy the requirements of the SEPP.

CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2012 (AS AMENDED)

The proposal has been considered against the following provisions.

Section 1.2 Aims of the Plan

The proposal has been considered in accordance with the relevant aims (in bold) as follows;

1.2 Aims of Plan

(1) This Plan aims to make local environmental planning provisions for land in Canterbury-Bankstown in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(a) to manage growth in a way that contributes to the sustainability of Canterbury-Bankstown,

(b) to protect landforms and enhance vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Canterbury-Bankstown,

(c) to identify, conserve and protect the Aboriginal, natural, cultural and built heritage of Canterbury-Bankstown,

- (d) to provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown,*
- (e) to restrict development on land that is sensitive to urban and natural hazards,*
- (f) to provide a range of residential accommodation to meet the changing needs of the population,*
- (g) to provide a range of business and industrial opportunities to encourage local employment and economic growth and retain industrial areas,*
- (h) to create vibrant town centres by focusing employment and residential uses around existing centres and public transport,*
- (i) to provide a range of recreational and community service opportunities and open spaces to meet the needs of residents of and visitors to Canterbury-Bankstown,*
- (j) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,*
- (k) to ensure activities that may generate intensive car usage and traffic are located near public transport that runs frequently to reduce dependence on cars and road traffic,*
- (l) to consider the cumulative impact of development on the health of the natural environment and waterways and on the capacity of infrastructure and the road network,*
- (m) to support healthy living and enhance the quality of life and the social well-being and amenity of the community,*
- (n) to ensure development is accompanied by appropriate infrastructure,*
- (o) to promote ecologically sustainable development.*

Comment: The proposal seeks development consent for a centre based child care facility which is considered to promote employment opportunities for the existing and future residents of Canterbury-Bankstown whereby this proposal will generate employment through the construction and ongoing use. The proposed built form adopts a compatible built form similar to a two storey dwelling house which is considered to form a reasonable outcome for the site given the dimensions, size and context. The design provides high level of detail and articulation to create visual interest whilst providing reasonable levels of solar access to adjoining properties given the orientation of the site. The proposal seeks to provide high quality of landscaping embellishment to

improve the site in terms of amenity and visual amenity. In this regard, given the above the proposal is considered to reasonably satisfy the Aims of the Plan.

The proposal seeks development consent for a centre based child care facility which is defined within the Standard Instrument and LEP Dictionary as follows;

“centre-based child care facility 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))”

Comment: The proposal meets the above definition whereby the use will cater for (i) long day care given the hours of operation sought being 7.00am – 6.00pm Monday to Friday.

The proposal adequately satisfies the underlying R3 Medium Density Residential Zone objectives as follows;

• To provide for the housing needs of the community within a medium density residential environment.

Comment: The proposal does not relate to residential accommodation. However, it is considered that the proposed use for a centre based child care facility would provide an opportunity to service the nearby residential population.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment: The proposal seeks development consent for a centre based child care facility which forms a permissible use in the zone. This use is considered to provide a service to the local area which in turn will likely be utilised by the local community and surrounding residential area. In this regard, the proposal is considered to adequately satisfy this objective.

- ***To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.***

Comment: The proposal seeks development consent for a centre based child care facility which is considered to result in a compatible use with the immediate surrounding properties.

- ***To allow for development that provides a suitable visual transition between high density residential areas and low density residential areas.***

Comment: The proposal seeks a two storey built form which is envisaged within the R3 Medium Density Residential Zone. The proposal adopts visual cues similar to a dwelling house.

- ***To ensure suitable landscaping in the medium density residential environment.***

Comment: The proposal seeks to provide a high level of quality landscaping within the front and rear setbacks to embellish the site.

- ***To minimise conflict between land uses within this zone and land uses within adjoining zones.***

Comment: The proposal results in good levels of amenity to adjoining properties. There are no unreasonable acoustic impacts generated by the proposal as this is supported by the accompanying acoustic report. The proposal has been designed to minimise privacy impacts to adjoining properties. Reasonable levels of solar access are achieved to adjoining properties given the east-west orientation of the site.

- ***To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.***

Comment: As stated previously, the proposal does not relate to housing however the proposed use is considered to be an accessible location which is close to public transport such as buses.

- ***To promote a high standard of urban design and local amenity.***

Comment: The proposal has been designed to comply with requirements of SEPP's and LEP. The proposal seeks a relatively high level of compliance with the DCP. This results in a high standard design which achieves a quality urban design outcome and provides acceptable level of amenity to adjoining properties.

Given the above, the proposal is considered to be consistent with the R3 Medium Density Residential Zone objectives.

Table 9: Canterbury-Bankstown Local Environmental Plan 2023

Control	Requirement	Proposal	Complies
2.7 – Demolition	Demolition requires consent.	Consent sought for minor demolition of the existing dwelling house, outbuilding and ancillary structures.	Yes
Land Use Table	Zoning: R3 Medium Density Residential	Centre based child care facility forms a permissible prescribed use within the zone with development consent. Development consent is sought forming this development application.	Yes
4.3 Height of buildings	8.5m	Below 8.5m RL37.99 (max)	Yes
4.4 Floor Space Ratio	Site area = 602.2sqm 0.5:1 301sqm (max)	0.44:1 266.26sqm	Yes
4.5 Calculation of Floor Space Ratio and Site Area	Calculation to be undertaken as per defined for floor space ratio and site area.	Calculated as per definition clause.	Yes
5.10 Heritage conservation	Heritage preservation	The site is not listed as heritage item under and State or Local Heritage Register. An Interim Heritage Order	Yes

		does not apply to the site.	
6.1 Acid sulphate soils	Objectives to be satisfied Class 5: Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	The site is classified as Class 5 Acid sulfate soils. The extent of the works are not considered to affect the watertable.	Yes
6.2 Earthworks	Objectives to be satisfied	The proposal seeks cut and fill commensurate with other developments with basements in the locality.	Yes
6.4 Stormwater	Objectives relating to stormwater to be satisfied (1) The objective of this clause is to avoid or minimise the adverse impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland, waterways and ground water systems.	The proposal seeks to drain to the street in accordance with Council's controls to the front of the site.	Yes
6.6 Essential Services	Objectives relating to essential	Essential services such as water, electricity, disposal	Yes

	<p>services to be satisfied;</p> <p>(a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) waste management, (f) suitable vehicular access.</p>	<p>of sewerage, drainage and suitable vehicular access provided in accordance with the requirements of this clause.</p>	
<p>Clause 6.13 Special Provisions for centre-based child care facilities</p>	<p>Development consent must not be granted for the purposes of centre-based child care facilities in Area 1 if the vehicular access to the land is from— (a) a classified road, or (b) a cul-de-sac road or a road where the carriageway between kerbs is less than 10m.</p>	<p>The site is not located on a classified road and is not located within a cul-de sac road with a carriageway between kerbs is less than 10m. Provisions of the SEPP prevails.</p>	<p>Yes</p>

The proposal complies with the permissibility, zone objectives, Development Standard and considerations under the Canterbury Bankstown Local Environmental Plan 2023.

PART 4 DIVISION 4.3 SECTION 4.15 (1)(A)(II) ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT/ DEVELOPMENT CONTROL PLAN

CANTERBURY BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

Chapter 2.1 Site Analysis

The proposal has been designed in consideration with the; site size, dimensions, orientation and immediate surrounding built forms. The design of the proposal has sought design cues of a two storey dwelling house whereby a driveway and central pedestrian entry are separate, outdoor play areas are located to the rear and window placements have been off or are treated to minimise privacy impacts to adjoining properties. Further to the above;

The proposal has been designed in accordance with key considerations of Crime Prevention Through Environmental Design whereby;

- The design incorporates clean sight lines to and from the street which increases opportunities for natural passive surveillance.
- The internal layout incorporates clear sight lines within the building to improve natural surveillance.
- The proposal incorporates staff areas on the first floor which create opportunities for natural surveillance to the street and play areas in the front setback and rear setback.
- Cameras to be located on premises at key locations such as entrance along side boundaries and within the basement.
- The proposal is to be well illuminated along entries and basement to create improve surveillance.
- The premises are to be locked outside of operation hours with the operational hours being 7.00am – 6.00pm Monday to Friday, closed on Saturday and Sunday.
- Security systems are to be in place such as buzzers at the entry. The entry areas also include glazing near the doorways to allow to opportunities for staff to view the entry before opening the door.
- Appropriate tree and shrub planting (maturity height) proposed as not to obscure sight lines.

Given the above, the proposal is considered to reasonably satisfy the requirements of this subsection.

Chapter 2.2 Flood Risk Management

A concept stormwater plan accompanies this development application. The proposal incorporates an OSD tank within the basement level. Surface runoff and roof waters are to drain to the front of the site. Refer to stormwater plan for additional details.

Chapter 2.3 Tree Management

A landscape plan accompanies this development application. The proposal has sought to provide landscaping embellishment within the front and rear setbacks with an appropriate mixture of species with varying heights and canopy spreads. In this regard, this is considered to result in a reasonable design solution. Given the above, the proposal is considered to result in a reasonable design outcome.

Chapter 3.1 Engineering Standards

The proposal has been designed in accordance with the relevant civil, stormwater drainage systems and on site detention requirements contained within this subsection. Refer to concept stormwater plans. In this regard, the proposal is considered to reasonably satisfy the requirements of this subsection.

Chapter 3.2 Parking

A traffic impact assessment accompanies this application. The proposal has been considered in accordance with the key provisions as indicated below;

Table 10: Car Parking

Clause	Control	Proposal	Complies
	Off-street parking rates	The proposal provides eleven (11) car parking spaces within the basement.	Yes
	2.1 Development must use the Off-Street Parking Schedule to calculate the amount of car, bicycle and service vehicle parking spaces that are required on the site.		
	44 children at a rate of 1 space per 4 children = 11 car spaces		
	Bicycle spaces at a rate of 1 space per 4 staff	Two (2) bicycle parking spaces provided within basement.	Yes
	Total staff = 8		

	<p>2.2 In calculating the total number of car parking spaces required for development, these must be:</p> <p>(a) rounded down if the fraction of the total calculation is less than half (0.5) a space;</p> <p>or</p> <p>(b) rounded up if the fraction of the total calculation is equal or more than half (0.5) a space; and</p> <p>(c) must include a room that is capable of being converted to a bedroom.</p>	Noted.	Yes
	<p>2.3 Development comprising more than one land use must provide the combined parking requirement based on the individual rates of parking for each land use identified in the Off-Street Parking Schedule</p>	Single land use as a centre based child care facility.	Yes
	<p>2.4 Car parking (and associated space such as access aisles) in excess of the Off-Street Parking Schedule will be</p>	The proposal does not seek any additional car parking spaces which would be calculated in floor space.	Yes

	counted as gross floor area		
	2.5 Development not included in the Off-Street Parking Schedule must submit a parking study for Council's consideration. A qualified traffic consultant must prepare the parking study.	Centre based childcare facility is included within the Table.	Yes
B1.3.2 Accessible Parking Rate	BCA Class 9 C5. In a development containing more than 10 spaces, provide 1 (one) accessible parking space for every 25 spaces designed and constructed in accordance with AS 2890.1.	One (1) accessible space provided within basement on site.	Yes
	Accessible off-street parking rates 2.7 Accessible parking is required to be designed and constructed in accordance with the following rates: 1 accessible parking space per 50 parking spaces for staff;	One (1) accessible space provided on site.	Yes

	<p>1 accessible parking space for visitors per 50 parking spaces where a car park has less than 500 spaces;</p> <p>1 additional accessible parking space per 100 parking spaces above 500 spaces for visitors</p>		
Section 3 – Design and Layout	<p>Parking location</p> <p>3.1 Development must not locate entries to car parking or delivery areas:</p> <p>(a) close to intersections and signalised junctions;</p> <p>(b) on crests or curves;</p> <p>(c) where adequate sight distance is not available;</p> <p>(d) opposite parking entries of other buildings that generate a large amount of traffic (unless separated by a raised median island);</p> <p>(e) where right turning traffic entering may obstruct through traffic;</p> <p>(f) where vehicles entering might interfere with</p>	<p>Driveway entry located furthest away from intersection and logically located.</p>	Yes

	operations of bus stops, taxi ranks, loading zones or pedestrian crossings; or (g) where there are obstructions which may prevent drivers from having a clear view of pedestrians and vehicles.		
	3.2 Parking areas for people with disabilities should be close to an entrance to development. Access from the parking area to the development should be by ramps or lifts where there are separate levels.	Accessible space located close to lift at entry.	Yes
	3.4 Council may consider tandem parking in the following situations: (a) Industrial development where the users of the car parking will almost all be Employees (b) High density residential flat buildings, shop top housing and mixed use development if the parking users reside in the same dwelling or the employees	The use forms a centre based child care facility whereby the use southern side (stacked) spaces form staff spaces.	Yes, acceptable on merit.

	work in the same premises. (c) Tandem parking for a maximum of two vehicles is permissible in dwelling houses, dual occupancies, attached dwellings, secondary dwellings, semi-detached dwellings, multi dwelling housing and multi dwelling housing (terraces) if the parking users reside in the same dwelling		
	3.5 Tandem parking is not permitted where a high proportion of the users of the car park are visitors or customers.	Tandem parking appropriately located with the allocation of staff and visitor parking. Visitor parking is located close to the aisle.	Yes
	3.7 Mechanical parking devices, including car lifts, will not be supported.	No car lift is proposed.	Yes
	Access driveway width and design 3.8 The location of driveways to properties should allow the shortest, most direct access over the nature strip from the road.	The proposed driveway incorporates the most logical and direct route to the street.	Yes
	3.9 The appropriate driveway width is dependent on the	The proposal seeks a two way driveway width to allow the passing of vehicles	Yes

	type of parking facility, whether entry and exit points are combined or separate, the frontage road type and the number of parking spaces served by the access facility.		
	Minimum headroom dimensions 3.12 Clear headroom dimension is necessary to make sure that vehicles are clear of mechanical or service obstructions such as fire sprinklers, lighting fixtures and signs. Following minimum headroom dimension has to be maintained in all development. Min headroom Cars and light vans: 2.4m People with disabilities: 2.3m	Min head room proposed at 2.4m.	Yes
	3.17 Service vehicles are to enter and leave the site in a forward direction.	Service vehicles can enter and exit in a forward direction.	Yes
	Safety and security 3.18 Sloping ramps from car parks, garages and other	Car park has been appropriately located and designed.	Yes

	communal areas are to have at least one full car length of level driveway before they intersect pavements and carriageways.		
	Sight distance requirement 3.19 For all development, adequate sight distance must be provided for vehicles exiting driveways. Clear sight lines are to be provided at the street boundary to ensure adequate visibility between vehicles on the driveway and pedestrians on the footway and vehicles on the roadway.	Adequate sight lines provided.	Yes
	Pedestrian access 3.20 Parking areas should be designed so that through-traffic is excluded, and pedestrian entrances and exits are separate from vehicular entrances and exits.	Pedestrian access is separated from vehicular access and is logically designed and located.	Yes
	3.21 Lifts and stair lobbies should be prominently marked to help users find them and to	Lifts and stair lobbies are to be marked and centrally located on site.	Yes

	increase personal security.		
	3.22 In split-level/multi-level car parks, a stairway should be located at the split-level, to provide pedestrian access between these levels and eliminate pedestrians having to use vehicular ramps.	A single level car park is proposed forming the basement level directly below the building footprint.	Yes
	Bicycle parking 3.25 For non-residential development that requires over ten staff bicycle parking spaces, provide one shower and change room per ten staff bicycle parking spaces.	The proposal requires two (2) bicycle spaces. A shower and change room is not required.	Yes
	3.26 Provide a mix of bicycle storage facilities to cater for short and long stay parking	Bicycle storage provided within the basement.	Yes
	3.27 Bicycle racks or stands placed in open public areas that provide only means to lock one wheel of a bicycle to a fixture is not an acceptable secure arrangement. Devices requiring a wheel to be removed are also not acceptable	Bicycle storage within basement with appropriate configuration.	Yes

	<p>3.28 Development must incorporate the following elements into the design and location of bicycle parking:</p> <p>(a) all facilities are clearly visible and as close as possible to the main entrances/exits to the street and within the building;</p> <p>(b) short-stay and visitor parking is at-grade and floor and wall-mounted rails are acceptable;</p> <p>(c) long-stay and resident parking is on the uppermost level of a basement car park;</p> <p>(d) a safe path of travel between bicycle parking and the main entrances/exits is clearly marked;</p> <p>(e) bicycle facilities are not to hinder vehicle and pedestrian movements, or contribute to the likelihood of injury to passing pedestrians;</p> <p>(f) access paths to bicycle parking are a minimum of</p>	<p>Adequate bicycle facilities provided and located on site.</p>	<p>Yesa</p>
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	1.5m wide for oneway access path to allow the passage of a pedestrian pushing a bicycle; and (g) standardised information signs are to be used to give directions to bicycle parking areas.		
	3.29 Bicycle parking facilities are to be well lit to minimise theft, vandalism, reduce pedestrian hazard and to improve safety of the cyclists.	Bicycle parking located within basement to be well lit.	Yes
	Visitor parking 3.30 Visitor spaces must not be located behind security grills and must be easily accessible.	This control generally relates to commercial/shoptop. The nature of the proposal results in secure basement parking on site during the hours of operation.	Yes
	3.31 Clearly mark and signpost visitor parking, and locate on the ground floor where possible, so that it is easy to find and access.	Visitor parking to be sign posted.	Yes
	3.32 Visitor parking should be located near the main pedestrian entrance to the building and can be located in front of the	Visitor car parking spaces located near lift and staircase centrally on site.	Yes

	building alignment, but not encroach upon the front setback areas.		
	Basement parking 3.33 Provide ventilation to basement parking. Location and details of mechanical ventilation design must be outlined in applications to Council.	Services located within store area.	Yes
	3.34 Design and integrate basement parking so as not to accentuate the scale or bulk of a building, or detract from the streetscape or front setback character.	The basement is contained within the building footprint above with the exception along the rear, this however does not detract from the streetscape and is no visible from the public domain.	Yes
	3.37 Provide secure bicycle parking at basement level which is easily accessible from ground level, from apartments and other uses within the development.	Bicycle parking located within the basement level.	Yes
	3.38 Keep all loading docks, parking areas and driveways clear of goods and do not use for storage, including garbage storage, so that	Loading to be undertaken in vans which can be accommodated within the standard car parking spaces.	Yes

	free movement is available at all times.		
	3.39 Locate and design so that impacts such as noise, exhaust fumes and headlight glare, are minimised on adjoining residential uses or residential zoned land.	Services are integrated with the building. Headlight glare is not considered to be unreasonable given the location of the driveway and basement ramp. Further that headlight glare would be minimal given the hours of operation sought which operate during daylight hours.	Yes
	3.40 Optimise opportunities for deep soil, active street frontages, and good streetscape design, and minimise loss of street parking.	Deep soil areas provided within the front setback. The proposal seeks a two way driveway to facilitate appropriate vehicular access.	Yes

In this regard, the proposal is considered to reasonably satisfy the car parking requirements, pedestrian safety and vehicular movement considerations within this subsection.

Chapter 3.3 Waste Management

A waste management plan accompanies this development application in support of the application in relation to the construction and ongoing waste management of the proposal. Council's controls do not specifically specify the waste generation for a centre based child care facility however the proposal seeks to provide 3 x 240L garbage bins and 3 x 240L recycling bins which are to be placed for kerbside collection and removal by the Child Care Centre Manager. Waste is to be collected by a waste contractor. The proposal seeks to incorporate a bin storage area behind the front building line.

The location and layout of the bin storage area is considered to be reasonable and practical with direct access to the street. The bin storage area has been design with

similar materials and architectural cues as the remainder of the building. In this regard, the proposal results in a reasonable solution and outcome in relation to waste management and servicing. This results in a reasonable and practical outcome.

Chapter 3.4 Sustainable Development

The proposal seeks the utilisation to of durable materials to prolong the life cycle of the building. Refer to the schedule of materials and finishes.

Chapter 3.6 Signs

No signage is proposed as part of this development application.

Chapter 10.1 Centre-Based Child Care Facilities

The proposal has been considered in accordance with fine grain controls for centre based child care facilities as per below;

Table 10: Centre-Based Child Care Facilities

Clause	Control	Proposal	Complies
Traffic management (environmental capacity)	2.1 Development for the purpose of child care facilities must not result in a street in the vicinity of the site to exceed the environmental capacity maximum. If the environmental capacity maximum is already exceeded, the development must maintain the existing level of absolute delay of that street.	The proposal seeks the construction of a purpose built child care facility. The proposal seeks to provide all the prescribed necessary car parking on site. A traffic report accompanies this development application.	Yes
Traffic management (level of service)	2.2 Development for the purpose of child care facilities must not result in a street intersection in the vicinity of the site to have a level of service below Level B. If the existing level of service is below Level B, the development must maintain the existing level of absolute delay of that street intersection.	The site is located on a local Road and is not within an street intersection with a service level B.	Yes

	<p>Traffic impact studies</p> <p>2.3 For the purpose of clauses 2.1 and 2.2, development applications must submit a Traffic Impact Study based on the RTA Guide to Traffic Generating Developments to determine:</p> <p>Existing conditions</p> <p>(a) Existing volumes and environmental capacity of streets adjacent to the development.</p> <p>(b) Existing volumes and level of service of street intersections in the vicinity of the development.</p> <p>(c) Existing public transport services in the vicinity of the development.</p> <p>(d) Existing clearway and peak period parking restrictions that apply to streets adjacent to the development.</p> <p>(e) Existing proposals for improvements to the adjacent road system</p> <p>Proposed conditions</p> <p>(f) The proposed amount of traffic generation and trip distribution of the development.</p> <p>(g) The proposed parking provision of the development.</p> <p>(h) The proposed safety and efficiency of access between the development and the adjacent road network.</p> <p>(i) The proposed safety and efficiency of the set-down and pick-up areas, service areas and car parks.</p> <p>(j) The impact of the proposed generated traffic on the environmental capacity of</p>	<p>Traffic report accompanies this development application in support of the proposal.</p>	<p>Yes</p>
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	<p>streets adjacent to the development.</p> <p>(k) The impact of the proposed generated traffic on the level of service of street intersections in the vicinity of the development.</p> <p>(l) The impact of the proposed generated traffic on road safety and traffic noise.</p> <p>(m) The impact of the proposed generated traffic on other major traffic generating development in close proximity.</p> <p>(n) Whether the development must take certain measures to reduce the impact of the proposed generated traffic to an acceptable level. Measures may include a reduction in child care places or the installation of public traffic management devices at the applicant's expense</p>		
Section 3 – site layout and building envelopes	<p>Storey limit</p> <p>3.1 The storey limit for child care facilities is two storeys.</p>	<p>The proposal seeks a maximum of two storeys. The proposal also is compliant with the height of building within the CBLEP 2023.</p>	Yes
	<p>3.2 Child care facilities in the business zones must solely locate on the first storey (i.e. the ground floor) or the second storey of a building to ensure the safe evacuation of children during emergencies.</p>	<p>The site is located within R3 Medium Density Residential Zone.</p>	N/A
	<p>3.3 Facilities or activities for children aged 0–2 years must solely locate on the first storey (i.e. the ground floor) of a building to ensure the safe evacuation of children during emergencies.</p>	<p>The proposal seeks to locate the 0-2 playroom for 11 children are located on the ground floor.</p>	Yes

	<p>Setbacks</p> <p>3.4 The minimum setback for child care facilities in Zone R2 Low Density Residential and Zone R3 Medium Density Residential is:</p> <p>(a) 5.5m to the primary street frontage;</p> <p>(b) 3m to the secondary street frontage;</p> <p>(c) 1.5m to the side boundary; and</p> <p>(d) the basement level must not project beyond the ground floor perimeter of the child care facility.</p>	<p>The proposal seeks a front setback of 6.28m min which is compatible with the streetscape.</p>	Yes
	<p>3.7 Council may require development that adjoins land in the business zones, industrial zones or rail corridors to have greater setbacks to protect the amenity of children and staff from air and noise pollutants</p>	<p>The site does not adjoin any business zone, industrial zone or rail corridor.</p>	Yes
	<p>3.8 Child care facilities must ensure the siting of outdoor areas (such as a balcony or deck) and outdoor play areas avoids:</p> <p>(a) a living area or bedroom of an adjoining dwelling;</p> <p>(b) areas forward of the front building line;</p> <p>(c) a road and driveway that may have noise or a possible pollution impact on children;</p> <p>(d) any other potential noise or pollution source; and</p> <p>(e) any potential traffic hazard locations where an out-of-control vehicle may injure children</p>	<p>The proposal does not include an outdoor play area at the front.</p>	Yes
	<p>Access</p> <p>3.9 Child care facilities must be easily accessible to people with disabilities and must comply</p>	<p>The proposal has been designed to comply with the BCA and AS</p>	Yes

	with the Building Code of Australia and Australian Standard AS 1428.1–2021, Design for access and mobility	regarding access and mobility. This includes measures integrated in the design to facilitate access into and within the site.	
	Car parks 3.10 The siting and design of car parks and driveways must ensure the safe movements of people and vehicles to and from child care facilities	The proposed driveway is situated away from the central pedestrian pathway. The proposal incorporates clear site lines for vehicle and pedestrian safety.	Yes
Section 4 – Building Design and Energy Efficiency	Energy efficiency 4.1 Child care facilities must make efficient use of natural resources and optimise amenity in the design, construction and occupation of buildings and facilities, such as: (a) good orientation and natural light to rooms and play areas (b) limiting building depth to provide natural cross-ventilation and natural light; (c) minimal use of mechanical ventilation; (d) use of sun shading devices; (e) preventing UV factor to open areas; and (f) ensuring the development adapts to the existing topography by avoiding excessive cut and fill	The proposal has been designed to maximise the orientation of the site with good levels of solar penetration into the building. The proposal has been designed with levels of natural cross-ventilation and light.	Yes
	Access to sunlight 4.2 The design of buildings should achieve a northern orientation to maximise solar access	The proposal has been designed to maximise the northern solar aspect into the	Yes

		building and outdoor play areas.	
	<p>4.3 The design of buildings must ensure that:</p> <p>(a) At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice.</p> <p>Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</p> <p>(b) A minimum 50% of the required private open space for a dwelling that adjoins a development receives at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected private open space.</p>	<p>The proposal provides reasonable levels of solar access given the east-west orientation of the site to the southern adjoining property. Solar access and vertical shadow diagrams have been provided.</p>	Yes
	<p>4.5 Child care facilities with more than 29 children in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential must locate in a purpose-built facility. The external building design must give the appearance of a dwelling house.</p>	<p>The proposal seeks to provide services to forty-four (44) children. The proposal has been designed similar to a contemporary dwelling house. The visual cues include centrally located entry, basement and driveway entry along one site, window and balcony treatment along the front façade,</p>	Yes

		modulation and window placement.	
	<p>4.6 Development for the purpose of new buildings must incorporate architectural elements to articulate the building form and avoid large expanses of blank walls. Architectural elements may include but not be limited to:</p> <p>(a) Defining the base, middle or top of a building using different materials and colours.</p> <p>(b) Incorporating horizontal or vertical elements such as recessed walls or banding.</p> <p>(c) Incorporating recessed or partially recessed balconies within the building wall</p> <p>(d) Defining the window openings, fenestration, balustrade design, building entrances, and doors.</p> <p>(e) Using sun shading devices.</p> <p>(f) Any other architectural feature to the satisfaction of Council.</p>	<p>The proposal has been designed with appropriate articulation along the horizontal and vertical planes. The proposal adopts design cues which are similar to that of modern contemporary dwelling house. The design of the proposal comprises of varying design elements to provide visual interest and articulation. In this regard, the proposal is considered to reasonably satisfy the provisions of this clause.</p>	Yes
	<p>4.7 Development for the purpose of new buildings must provide active frontages to the streets and must orientate buildings and pedestrian entrances to the streets.</p>	<p>The proposal has been designed to provide a direct active street frontage and clear sightlines to Segers Avenue.</p>	Yes
	<p>Roof design</p> <p>4.9 Development for the purpose of new buildings must have roof designs that:</p> <p>(a) unify separate or attached buildings with a contemporary architectural appearance; and</p> <p>(b) combine good quality materials and finishes.</p>	<p>The proposed roof design adopts varying roof pitches which provides articulation and visual breaks. The roof comprises of high quality</p>	Yes

		contemporary finishes.	
	Front fences 4.10 The maximum fence height for front fences is 1.8m.	1.8m high open metal grill.	Yes
	4.11 The external appearance of a front fence along the front boundary of the site must ensure: (a) the section of the front fence that comprises solid construction (not including pillars) does not exceed a fence height of 1m above ground level (existing); and (b) the remaining height of the front fence comprises open style construction such as spaced timber pickets or wrought iron that enhance and unify the building design.	The presentation to the street visually presents as an open style front fence.	Yes
	4.12 Council does not allow the following types of front fences: (a) chain wire, metal sheeting, brushwood, and electric fences; and (b) noise attenuation walls	The proposal does not seek the construction of (a) chain wire, metal sheeting, brushwood, and electric fences; and (b) noise attenuation walls along the front boundary.	Yes
Section 5 – Acoustic Privacy	Acoustic privacy 5.1 Air conditioning, mechanical ventilation or any other continuous noise source must not exceed the ambient level at any specified boundary by more than 5dB(A).	Air conditioning and similar is not to exceed 5dB(A). A condition of consent can be imposed to this effect.	Yes
	5.2 The location and design of child care facilities must consider the projection of noise from various activities to avoid any adverse impacts on the residential amenity of	An acoustic report accompanies this development application. The recommendations of the acoustic	Yes

	<p>adjoining land.</p> <p>For the purpose of this clause, Council requires development applications to submit an Acoustic Report prepared by a suitably qualified acoustic consultant to determine:</p> <p>(a) existing noise levels at the identified sensitive receiver locations;</p> <p>(b) likely noise levels to emanate from the child care facility at the identified sensitive receiver locations;</p> <p>(c) whether the development must apply measures to ensure the noise of children playing in outdoor areas does not exceed 10dB(A) above the background noise level;</p> <p>(d) whether the location and setbacks of the development are sufficient to protect the acoustic privacy of adjacent dwellings;</p> <p>(e) whether the location of outdoor areas should avoid living areas and bedrooms of adjacent dwellings;</p> <p>(f) whether the development must install certain noise attenuation measures to protect the acoustic privacy of adjacent dwellings.</p> <p>The Acoustic Report must measure the noise readings over a 15 minute period and must provide details of all modelling assumptions including source noise data, noise monitoring positions, receiver heights and locations, prevailing meteorological</p>	<p>report have been incorporated within the design and on-going use.</p>	
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	conditions during the monitoring, confirmation of the methodology adopted along with a copy of the model input and output data		
	5.3 The maximum height for noise attenuation walls and fences along the boundary of the site is 2m	The height proposed is consistent with the recommendations contained within the acoustic report.	Yes
Section 6 – Open Space and Landscape	6.1 The location of outdoor play areas must allow supervision from within the child care facility	The outdoor play areas contain a direct line of sight between indoor rooms on both the ground and first floor.	Yes
	6.2 Outdoor play areas must: (a) locate on a land gradient that is predominantly flat; (b) provide access to shade, particularly between 9.30am and 3.00pm during summer months. This may be in the form of a shade structure or natural shade from trees; (c) consider the surface treatment in accordance with best practice guidelines in early childhood environments.	Outdoor play areas on both levels are flat have adequate shading between 9.30am and 3.00pm during summer. The shading provided is a mixture of shading built forms and natural landscape shading.	Yes
	6.3 Outdoor play areas do not include: (a) a driveway, parking area, drying area or other service area, undercroft area, balcony and the like; or (b) deep soil zones; or (c) within residential zones, any above ground terrace, deck or verandah where the	Outdoor play area at rear first floor balcony which is appropriately sited and designe.	Yes, however acceptable on merit.

	height of the floor level is more than 300mm above the ground level (existing).		
	6.4 Outdoor play areas must avoid retaining walls where possible.	The outdoor play areas do not contain retaining walls.	Yes
	6.5 The maximum height for retaining walls in outdoor play areas is 300mm above the ground level (existing), and must incorporate a safety fence or the like to prevent accidental falls.	As above, the outdoor play area does not contain any retaining walls.	Yes
	6.6 Retaining walls on the boundary of the site must be masonry construction.	No retaining walls proposed along the boundary.	Yes
	Landscape and deep soil zones 6.7 Development applications must submit a detailed landscape plan prepared by a qualified landscape architect consistent with Council's Landscape Guide.	A landscape plan accompanies this development application. Refer to landscape plan for further detail.	Yes
	6.8 Child care facilities in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential must provide: (a) a minimum 2m wide deep soil zone along the primary street frontage and secondary street frontage of the site; and (b) a minimum 1.5m wide deep soil zone around the perimeter of the outdoor play area, to act as a buffer to the fence, provide spatial separation to neighbouring properties and enhance the aesthetic quality of the space	The proposal seeks a deep zone for the majority of the front setback. No play area is located within the front setback which is considered to result in a compatible interface to the street.	Yes
	6.9 Council will determine the minimum width for deep soil zones for child care facilities in zones other than Zone R2 Low Density Residential, Zone R3	The proposal seeks to provide an appropriate deep soil width within the front	Yes

	Medium Density Residential and Zone R4 High Density Residential based on the setbacks of the street and the surrounding buildings.	and rear setbacks which are capable of accommodating meaningful landscaped area.	
	Private open space 6.10 Where a child care facility forms part of a dwelling house, the development must provide a minimum 80m ² of private open space for the exclusive use of the dwelling house.	The child care facility does not form part of a dwelling house.	Yes
Safety and Security	Safety and security 7.1 The front door and at least one window to buildings must face the street to enable natural surveillance	The proposal has been designed to include both street facing windows on the ground and first floor levels which allow for passive natural surveillance.	Yes
	7.2 The street number of buildings must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.	The street number is clearly identified at the front of the property.	Yes
	7.3 Child care facilities must separate the car park and any outdoor play area with a safety fence and gates.	The proposal has been designed with an underground basement car park and outdoor play areas are located to the rear. These outdoor play areas has been designed with safety fences and	Yes

		gates regarding access.	
	7.4 Child care facilities with more than 15 children must erect (at the expense of the applicant) an unscaleable 1.8m high lapped timber fence or the like along the side and rear boundaries of the site	The proposal seeks a 2.1m high fence along the rear outdoor play area. The first floor play area also contains a high fence. The proposed fences are not scalable and satisfy the safety intention of this clause.	Yes
	7.5 Child care facilities must provide safe access for children and people with disabilities, and fire protection and evacuation requirements.	The proposal complies with the applicable construction and access standards.	Yes
	7.6 Child care facilities in existing buildings must remove any existing contamination such as lead based paints and asbestos insulation	The proposal seeks the construction of a purpose built child care facility.	Yes
Section 8 – Site Facilities	Building design (utilities and building services) 8.1 The location and design of utilities and building services (such as plant rooms, hydrants, equipment and the like) must be shown on the plans.	Services can be located within the basement storage.	Yes
	8.2 Utilities and building services are to be integrated into the building design and concealed from public view.	Building services are integrated into the design.	Yes
	8.3 Child care facilities must ensure the following facilities are not visible to the street or any nearby public open spaces: (a) waste storage areas; (b) storage of goods and materials; and (c) any clothes drying areas.	Waste storage areas are located within the basement.	Yes

	Building design (substations) 8.4 The location and design of substations must be shown on the plans	A substation is not required.	Yes
	8.5 Substations should locate underground. Where not possible, substations are to be integrated into the building design and concealed from public view.	As above.	Yes
	8.6 Substations must not locate forward of the front building line.	As above.	Yes
	Food premises 8.7 The design, construction, and operation of kitchens and food premises must comply with: (a) Food Act 2003; (b) Food Regulation 2010; (c) FSANZ Food Standards Code; and (d) Australian Standard AS 4674–2004, Design, construction and fitout of food premises	The proposed kitchen is designed and to be constructed and operated in accordance with this clause.	Yes

Given the above the proposal achieves a relatively high level of compliance. The proposal satisfies the considerations of the above and results in a reasonable planning outcome.

Chapter 10.4 Non Residential Land Uses

Section 5 – Other non-residential development

Table 11: Non-residential development

The proposal has been considered in accordance with the provisions below;

Clause	Control	Proposed	Complies
	5.1 In determining development applications that relate to land	The design is considered to be appropriate for the site and immediate context. This has	Yes

	<p>within Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential, Council must take into consideration the following matters:</p> <p>(a) whether any proposed building is compatible with the height, scale, siting and character of existing residential development within the adjoining residential zone;</p> <p>(b) whether any goods, plant, equipment and other material used in carrying out the proposed development will be stored or suitably screened from residential development;</p> <p>(c) whether the proposed development will maintain reasonable solar access to residential development between the hours of 8.00am and 4.00pm at the midwinter solstice;</p>	<p>been addressed earlier within the report under Chapter 10.1 for Centre Based Childcare Facilities.</p>	
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	<p>(d) whether noise generation from fixed sources or motor vehicles associated with the proposed development will be effectively insulated or otherwise minimised;</p> <p>(e) whether the proposed development will otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting, fumes, gases, smoke, dust or odours, or the like; and</p> <p>(f) whether any windows or balconies facing residential areas will be treated to avoid overlooking of private yard space or windows in residences</p>		
	<p>5.2 The non-residential component of buildings that adjoin residential zones in the former Canterbury Local Government Area should comply with</p>	<p>It is noted that that this clause is not consistent with that regarding setbacks for centre based childcare facilities which prescribes a setback of 1.5m as previously</p>	<p>Yes</p>

	the Building Height Plane as shown in Figure 5a	addressed within this report. The proposal complies with this setback.	
Section 6 – Site Facilities	Building design (utilities and building services) 6.1 The location and design of utilities and building services (such as plant rooms, hydrants, equipment and the like) must be shown on the plans.	Utilities and services integrated with the design.	Yes
	6.2 Utilities and building services are to be integrated into the building design and concealed from public view.	Utilities and services integrated with the design.	Yes
	Building design (substations) 6.3 The location and design of substations must be shown on the plans.	Not proposed as part of application.	N/A
	6.4 Substations should locate underground. Where not possible, substations are to be integrated into the building design and concealed from public view.	Not proposed as part of application.	N/A
	6.5 Substations must not locate forward of the front building line.	Not proposed as part of application.	N/A

	<p>Food premises</p> <p>6.6 The design, construction, and operation of a food premises must comply with:</p> <p>(a) Food Act 2003;</p> <p>(b) Food Regulation 2010;</p> <p>(c) FSANZ Food Standards Code; and</p> <p>(d) Australian Standard AS 4674–2004, Design, construction and fit-out of food premises.</p>	To comply with standards as a condition of consent.	Yes
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SECTION 4.15 EVALUATION (3A)

(3A) Development control plans If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria

Comment: In relation to the above, the proposal is considered to seeks minor variations to the CBDP. Despite this numerical departure, the proposal is considered to satisfy the underlying objectives of the controls and does not result in any unacceptable impacts. It is further noted that the proposal adequately satisfies the requirements of the

applicable SEPP's and Development Standards and Considerations within the Canterbury Bankstown Local Environmental Plan 2023.

PART 4 DIVISION 4.3 SECTION 4.15 (1)(B) THE LIKELY IMPACTS OF THAT DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY

Natural Environment Impacts

As previously discussed, the proposal seeks demolition of existing and construction of a centre based child care facility. The proposal seeks high quality landscape embellishment and has been designed with appropriate amenity and form. In this regard, no unacceptable unreasonable natural environmental impacts are generated by this proposal.

Built Environment Impacts

The proposal is also considered to satisfy and meet the key objectives and intent and requirements of the planning controls and adopts a contemporary built form for this use which is compatible with the surrounding environment. In this regard, the proposal is not considered to result in any unacceptable unreasonable adverse built environment impacts.

Economic Impacts

The proposal is not considered to result in any unacceptable economic impacts given the proposed use as a centre based child care facility purpose of which forms a permissible use within the R3 Medium Density Residential Zone. The proposed use is considered form a reasonable outcome and generates economic activity with regards to construction works, direct employment in relation to operation such as staff and additional employment activity such as for; cleaners, waste contractors, gardeners and associated services.

Social Impacts

The proposal seeks to development consent for centre based child care facility. The proposal is not considered to result in any unacceptable social impacts by virtue of the design of the proposal and is compatible with the immediate surrounding context and aligns with the residential character of the area. The design has considered impacts to adjoining properties whereby windows have been offset and treated and acoustic screens placed along the boundaries. The hours of operation are considered to be

reasonable and commensurate with that of other centre based child care facilities within metropolitan Sydney.

PART 4 DIVISION 4.3 SECTION 4.15 (1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Suitability of the site

The proposal is considered to be suitable for the subject site and forms a permissible use within the Canterbury Bankstown Local Environmental Plan 2023. The proposal is considered to be appropriate as the proposal adequately satisfies and does not offend the underlying objectives of the applicable planning controls as stated within this report.

PART 4 DIVISION 4.3 SECTION 4.15 (1)(E) THE PUBLIC INTEREST

Public Interest

The proposed centre based childcare facility is considered to be in the public interest for the reasons contained within this report. The proposal forms a permissible use and achieves compliance with the CB LEP Development Standards. As previously stated the proposal adequately satisfies the underlying planning objectives of the controls and results in a reasonable planning outcome for the site with no material adverse impacts to the immediate adjoining area. The proposal is considered to service a high demand need of the locality and facilitate in the creation of direct and indirect employment opportunities.

PART C: CONCLUSION

The proposal is considered to be appropriate as the considerations against the Statutory provisions have been met. The proposal satisfies the Environmental Planning and Assessment Act 1979 (as amended), Environmental Planning and Assessment Regulation 2000 (as amended), State Environmental Planning Policy (Biodiversity And Conservation) 2021, State Environmental Planning Policy (Resilience And Hazards) 2021, State Environmental Planning Policy (Transport And Infrastructure) 2021, State Environmental Planning Policy (Industry And Employment) 2021, Canterbury Bankstown Local Environmental Plan 2023 and Canterbury Bankstown Development Control Plan 2023.

Kind regards,

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Principal

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