



# Statement of Environmental Effects

CHILD CARE FACILITY

169 WESTON STREET,  
PANANIA

JUNE 2025



## QUALITY ASSURANCE

**PROJECT:** *Statement of Environmental Effects – 36 Place CCF*

**ADDRESS:** *169 Weston Street, Panania*

**LOT/DP:** *Lot 54 in DP35211*

**AUTHOR:** *Think Planners Pty Ltd*

## Document Management

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

Coal Mine Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
SEPP (Industry and Employment) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	No
SEPP (Planning Systems) 2021	No
SEPP (Precincts – Eastern Harbour City) 2021	No
SEPP (Precincts – Regional) 2021	No
SEPP (Precincts – Western Parkland City) 2021	No
SEPP (Biodiversity and Conservation) 2021	No

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## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application that seeks to demolish all existing structures in-order to construct a small-scale 2 storey 'Centre-Based Child Care Facility' at 169 Weston Street, Panania.

The child care facility is to accommodate a total of 36 child care places with parking for 7 vehicles within a basement level.

The key aspects of the proposal are provided below:

### Centre-Based Child Care Facility:

The proposed center-based child care facility has been designed to accord with the overarching design criteria outlines in the Child Care Planning Guidelines.

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

- *The design responding to the context of the surrounding area by proposing an attractive two storey-built form designed to appear as a large dwelling house in-order to be consistent with the existing low residential character within the subject area.*
- *Appropriate landscape embellishment to ensure the landscape character of the site is respected.*
- *The proposed built form has been designed commensurate with the existing low density residential character of the immediate locality and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

The 'Child Care Facility' will operate with a maximum capacity of 36 places with the following age groups:

- 0-2 years: 10 places
- 2-3 years: 14 places; and
- 3-5 years: 12 places.

The facility provides a total of 117.05m<sup>2</sup> or 3.25m<sup>2</sup> of unencumbered indoor play area per child and 261.5m<sup>2</sup> or 7.26m<sup>2</sup> of unencumbered outdoor play area per child in accordance with the Education and Care Services National Regulations 2012.

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

- Indoor Playroom 01: 39.02m<sup>2</sup> in area allocated to kids in the 3-5 year group
- Indoor Playroom 02: 45.53m<sup>2</sup> in area allocated to kids in the 2-3 year group
- Indoor Playroom 03: 32.50m<sup>2</sup> in area allocated to kids in the 0-2 year group

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

- Outdoor Play Area 1 (Ground Floor): 185.7m<sup>2</sup>
- Outdoor Play Area 2 (First Floor): 75.8m<sup>2</sup>

The facility will operate between 7am to 6pm Monday – Friday (excluding public holidays) and provide a total of 8 teachers with the following breakdown of teachers as per the Education and Care Service National Regulation 2012.

- 0-2 years: 3 teachers
- 2-3 years: 3 teachers and
- 3-5 years: 2 teachers.

### **Parking**

The development proposes 7 car parking spaces within the basement car park with 4 staff car parking spaces including 1 car parking space within a stacked parking arrangement and 3 visitor/parent car parking spaces including an accessible car parking space. The development also provides 2 bicycle parking spaces within the basement level.

Access to the parking areas is proposed via a new double width vehicle crossover, driveway and graded ramp from Weston Street.

### **Signage**

No signage is proposed as part of this application; however it is anticipated that signage will be subject to future DAs.

Residing within walking distance to Panania Town Centre, the development site is located on the south side of Dennis Street, approximately 50m eastwards from the intersection of Hinemoa Street and Weston Street, Panania. The development site is also within proximity to essential services within the town centre itself, educational establishment, Panania Library and Knowledge Centre, places of public worship and local parks.



The locality is also serviced by public transportation with Panania Train Station within a 350m walking radius and bus stops with services to East Hills and Bankstown within a 65m walking radius from the development site.

The site itself can be best described as an irregular shaped north-south oriented mid-block land parcel with a frontage of 21.945m to Weston Street, an average site depth of 41.5175m, resulting in a total site area of 639.4m<sup>2</sup>. The site slopes north to north-west at approximately 5% gradient and as such indicating that the site is suitable to accommodate the proposed 36 place child care facility. It is noted that the development has been designed to follow the natural contours of the site to minimise excessive cut and fill.

At present, the development site currently accommodates a single storey dwelling house addressing Weston Street, noting that all physical structures are to be demolished in-order to accommodate the proposed 36 place child care facility.

The subject site is zoned R3 Medium Density under the Canterbury-Bankstown Local Environmental Plan 2023. '*Child Care Facilities*' are permissible within the R3 zone; however, it is noted that the current application is pursuant to Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. The child care facility has been designed to comply with key planning requirements under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, Canterbury-Bankstown Local Environmental Plan 2023, Canterbury-Bankstown Development Control Plan 2023, Child Care Planning Guidelines and Children's (Education and Care Services) Supplementary Care Provisions 2012.

Residing within an established residential estate, and despite the immediate localities R3 – Medium Density Residential zoning, the predominantly built form along Weston Street comprises older style single storey dwelling house interspersed with more contemporary larger two storey dwelling houses.

As such the development proposes a contemporary built form designed to appear as a large two storey dwelling house set within a landscape setting in-order to be consistent with the existing built form character along the southern side of Weston Street.

The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This includes the siting and orientation of the building combined with the two story built form complying with the prescribed height and setback provisions to ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.

Parking is to also be located within the basement level to minimise the impact of vehicle traffic to and from the site.

Furthermore, the use of blank walls to the western elevation and a combination of blank walls and acoustic treatment to side walls/privacy screen to the eastern elevation at the first floor combined with the acoustic fencing will not only mitigate potential privacy impacts to adjoining properties but also to protect the noise intrusion into the child care facility. Finally, an Operational Management Plan which is to accompany this application will manage outdoor play times and the number of children accessing outdoor area at any one time.

The development seeks to utilise the land in accordance with the zoning and take advantage of its size and location within an established residential estate, local schools, commercial opportunities and public transportation.

The development also aims to provide an attractive double storey building set within a landscape setting that not only addresses its frontage but will play a positive role in increasing valuable child care places within Panania.

Consideration have been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

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



## SITE & LOCALITY DESCRIPTION

### *SUBJECT SITE*

Residing within walking distance to Panania Town Centre and Train Station, the development site is located on the southern side of Weston Street, approximately 45m eastwards from the intersection of Weston Street and Hinemoa Street, Panania.

The site itself can be best described as an irregular shaped north-south oriented mid-block land parcel with a frontage of 21.945m to Weston Street, an average site depth of 41.5175m, resulting in a total site area of 639.4m<sup>2</sup>. The site slopes north to north-west at approximately 5% gradient and as such indicating that the site is suitable to accommodate the proposed 36 place child care facility. It is noted that the development has been designed to follow the natural contours of the site to minimise excessive cut and fill.

An older style single storey dwelling with and associated structures currently resides within the subject site as illustrated by Photograph 1 below.

**Photograph 1: Shows the subject site (169 Weston St), as viewed from Weston St looking southwards**





The subject site bounds R2 – Low Density Housing zoning land parcels accommodating low density housing to its western and southern boundaries and R3 – Medium Density Housing zoning land parcels also accommodating low density housing to the east and Weston Street separating the site from reserve and railway lines to the north, as demonstrated via an aerial map extract below.

**Figure 1: Aerial Map of Subject Site (Source: Near Map)**



 Development Site

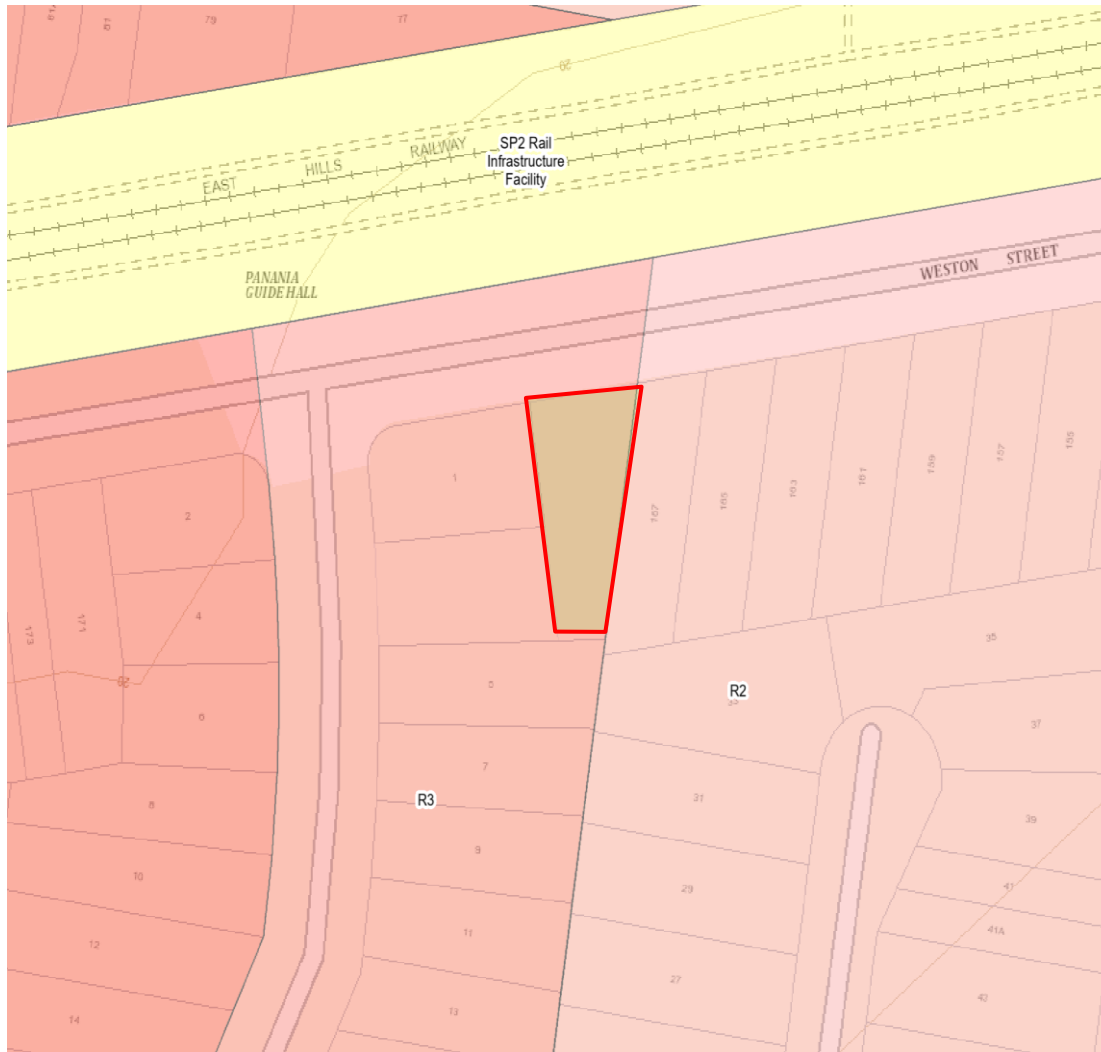
### ZONING CONTROL

As illustrated by Council's zoning map overleaf, the subject site is zoned R3 Medium density Residential under the provisions of the Canterbury-Bankstown Local Environmental Plan 2023.

'Centre-Based Child Care Facilities' are permissible with consent within the B4 Zone; however, the current application is pursuant to Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.



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



 Development Site

### BUILT FORM ANALYSIS

Residing within an established residential estate, and despite the immediate localities R3 – Medium Density Residential zoning, the predominantly built form along Weston Street comprises older style single storey dwelling house interspersed with more contemporary larger two storey dwelling houses.

As such the development proposes a contemporary built form designed to appear as a large two storey dwelling house set within a landscape setting in-order to be consistent with the existing built form character along the southern side of Weston Street.

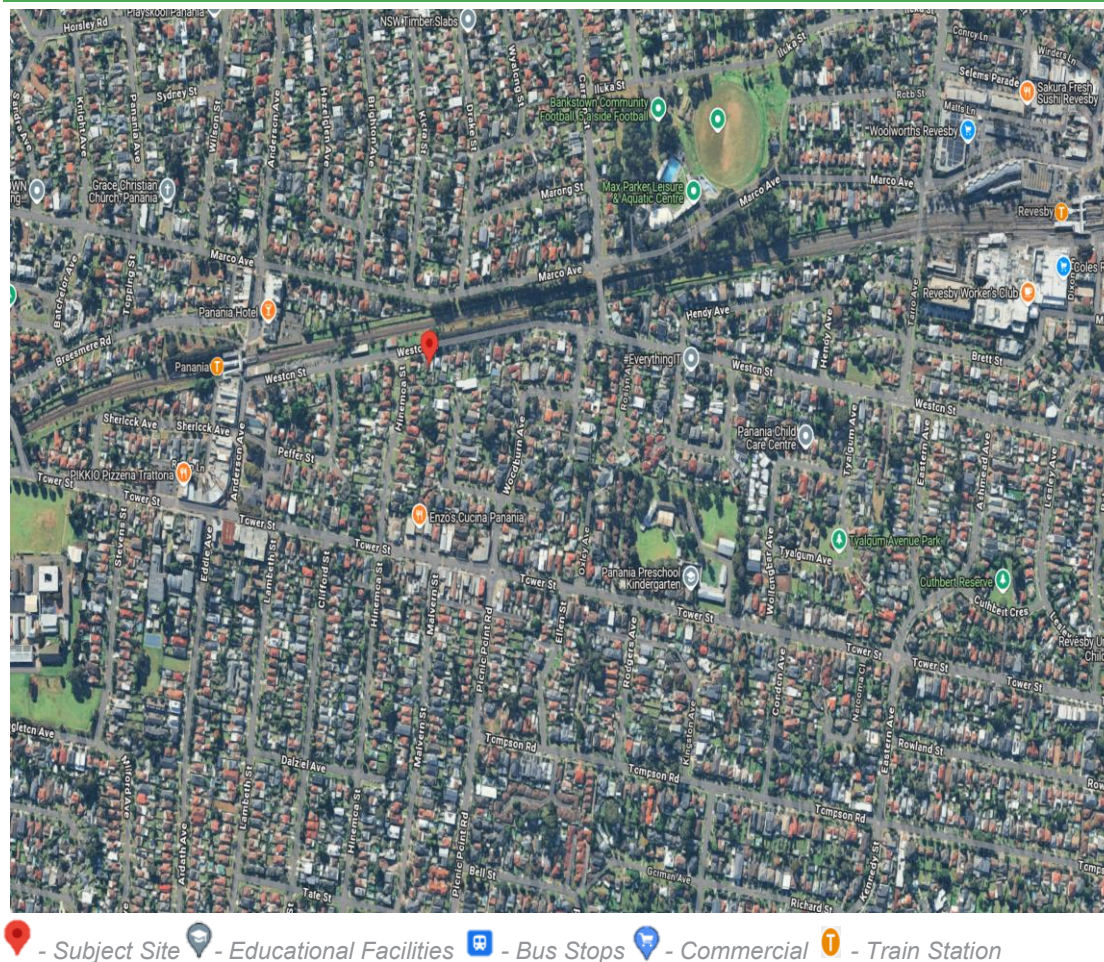


## BROADER SUBJECT AREA ANALYSIS

Residing eastwards from the eastern edges of Panania Town Centre, the development site is within walking distance to essential services within the town centre itself, educational establishment, Panania Library and Knowledge Centre, places of public worship and local parks. The development site is also within a short car trip to Revesby Town Centre and Town Centre. The locality is also serviced by public transportation with Panania Train Station within a 350m walking radius and bus stops with services to East Hills and Bankstown within a 65m walking radius from the development site.

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

**Figure 3: Broader Locality Map (Source: Google Maps)**



The development aims to provide an attractive 2 storey building set within a landscape setting that not only addresses its frontage but will play a positive role in increasing valuable child care places within Panania by 36 additional places.

Photographs are provided overleaf that gives context to the locality.



Photograph 2: Shows the existing streetscape along Weston St looking eastwards



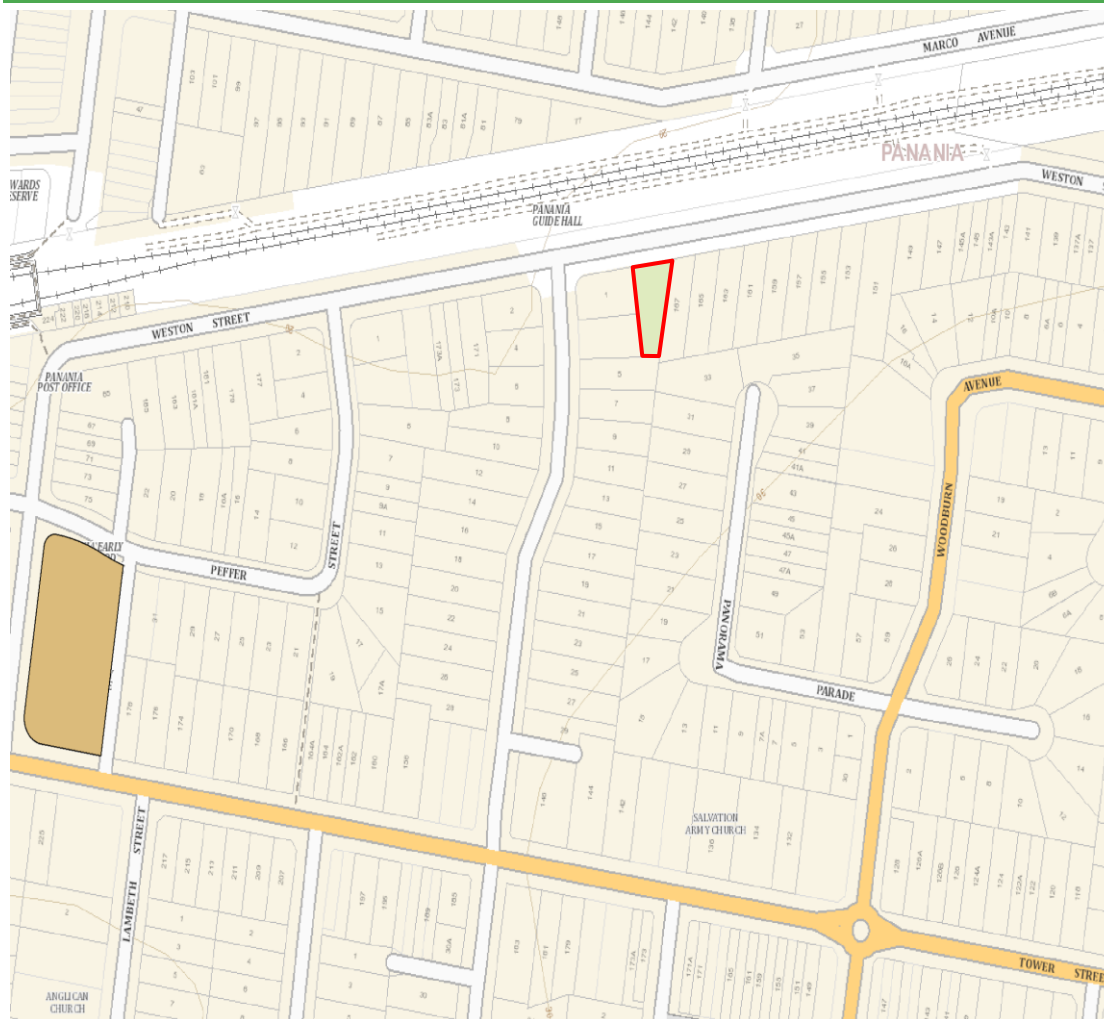
Photograph 3: Shows the existing streetscape along Weston St looking westwards



## HERITAGE

The site is not identified as a heritage item, it is not located within a heritage conservation area however there is a local heritage item located within proximity to the subject site as illustrated by the heritage extract map below.

**Figure 4: Heritage Map Extract (Source: NSW Planning Portal Spatial Viewer)**



 Development Site

The local heritage item is sufficiently separated from the development site with existing built forms and road networks provide adequate buffer between the subject site and the local heritage item, noting that the two storey building complies with the prescribed height control.

As such no further heritage studies is considered necessary noting that the development site is not burdened by any heritage restrictions.



## DESCRIPTION OF PROPOSAL

The current application proposes to demolish all existing structures in-order to construct a two storey 'Centre-Based Child Care Facility' at 169 Weston Street, Panania.

The child care facility is to accommodate a total of 36 child care places with parking for 7 vehicles within a basement level.

The key aspects of the proposal are provided below:

### Centre-Based Child Care Facility:

The proposed center-based child care facility has been designed to accord with the overarching design criteria outlines in the Child Care Planning Guidelines.

The internal areas will consist of 3 separate indoor playrooms and 2 separate outdoor play areas over two levels and administrative areas including staff rooms and offices, kitchen, laundry, storerooms and amenities.

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

- *The design responding to the context of the surrounding area by proposing an attractive two storey-built form designed to appear as a large dwelling house in-order to be consistent with the existing low residential character within the subject area.*
- *Appropriate landscape embellishment to ensure the landscape character of the site is respected.*
- *The proposed built form has been designed commensurate with the existing low density residential character of the immediate locality and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

The '*Child Care Facility*' will operate with a maximum capacity of 36 places with the following age groups:

- 0-2 years: 10 places
- 2-3 years: 14 places; and
- 3-5 years: 12 places.

The facility provides a total of 117.05m<sup>2</sup> or 3.25m<sup>2</sup> of unencumbered indoor play area per child and 261.5m<sup>2</sup> or 7.26m<sup>2</sup> of unencumbered outdoor play area per child in accordance with the Education and Care Services National Regulations 2012.

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

- Indoor Playroom 01: 39.02m<sup>2</sup> in area allocated to kids in the 3-5 year group
- Indoor Playroom 02: 45.53m<sup>2</sup> in area allocated to kids in the 2-3 year group
- Indoor Playroom 03: 32.50m<sup>2</sup> in area allocated to kids in the 0-2 year group

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

- Outdoor Play Area 1 (Ground Floor): 185.7m<sup>2</sup>
- Outdoor Play Area 2 (First Floor): 75.8m<sup>2</sup>

The facility will operate between 7am to 6pm Monday – Friday (excluding public holidays) and provide a total of 8 teachers with the following breakdown of teachers as per the Education and Care Service National Regulation 2012.

- 0-2 years: 3 teachers
- 2-3 years: 3 teachers and
- 3-5 years: 2 teachers.

### **Parking**

The development proposes 7 car parking spaces within the basement car park with 4 staff car parking spaces including 1 car parking space within a stacked parking arrangement and 3 visitor/parent car parking spaces including an accessible car parking space.

The development also provides 2 bicycle parking spaces within the basement level.

Access to the parking areas is proposed via a new double width vehicle crossover, driveway and graded ramp from Weston Street.

## Signage

No signage is proposed as part of this application; however it is anticipated that signage will be subject to future DAs.

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

Level	Inclusion
Basement Level	<p><b>Access</b></p> <p><u>Vehicle</u></p> <p>The basement level is designed and sized to provide sufficient parking while ensuring appropriate deep soil planting can be provided on the site.</p> <p>Vehicular access to the basement level is provided via a graded access ramp from the ground floor via Weston Street.</p> <p>The basement level includes internal circulation areas with turning areas to permit vehicles to enter and exit the basement level in a forward direction.</p> <p><b>Parking</b></p> <p>A total of 7 car parking spaces within the basement level with the following breakdown:</p> <ul style="list-style-type: none"> <li>- 4 x staff parking spaces including 1 within a stacked parking arrangement</li> <li>- 3 x visitor parking spaces including an accessible car parking space</li> </ul> <p>The development also includes 2 x bicycle parking spaces within the basement level.</p> <p><b>Service</b></p> <ul style="list-style-type: none"> <li>- Bin room / waste collection</li> <li>- Plant room</li> </ul> <p>Lift core and stairwell.</p>
Ground Floor	<p><b>Access</b></p> <p><u>Vehicle:</u></p> <p>New double width vehicle cross-over, driveway and graded ramp situated towards the north-eastern portion of the site from Western Street.</p>

#### Pedestrian:

Pedestrian pathway is to run along the north-western portion of site providing access to graded ramp to the main entry to of the child care facility and also operates as a egress path to the outdoor play area to the rear of the site .

#### Child Care Facility

The child care facility comprises of the following:

- Main entry point.
- Internal hallway
- Reception area and waiting area
- Administrative areas associated with the child care facility within the ground floor includes the following:
  - Reception desk
  - Administration/meeting room
  - Kitchen
  - Accessible toilet
- A total of 2 x unencumbered indoor play area with a total area of 84.61m<sup>2</sup> and comprising of:
  - Indoor Play Room 1: accommodating indoor play room for kids in the 3-5 age group and including a total of 12 kids with a total unencumbered indoor play area of 39.023m<sup>2</sup> with direct access to storage cupboard with access to the WC via Indoor Play Room 2 and also direct access to the outdoor play area.
  - Indoor Play Room 2: accommodating indoor play room for kids in the 2-3 age group and including a total of 14 kids with a total unencumbered indoor play area of 45.53m<sup>2</sup> with direct access to storage cupboard, craft area, toilet and outdoor play area
- Outdoor Play Area 1 with a total area of 185.7m<sup>2</sup>
- Outdoor storage area.

Lift core and fire isolated stairwells.	
<b>First Floor</b>	<p><b><u>Child Care Facility</u></b></p> <p>Child care facility comprises of the following within the first floor:</p> <ul style="list-style-type: none"> <li>- Administrative areas associated with the child care facility within the first floor includes the following: <ul style="list-style-type: none"> <li>▪ Laundry</li> <li>▪ Staff/meeting room</li> <li>▪ Accessible toilet</li> </ul> </li> <li>- A total of 32.5m<sup>2</sup> of unencumbered indoor play area comprising of: <ul style="list-style-type: none"> <li>▪ Play Room 3: accommodating indoor play room for kids in the 0-2 age group and including a total of 10 kids with a total unencumbered indoor play area of 32.5m<sup>2</sup> with direct access to bottle preparation station, cot room, toilet with nappy change station and direct access to Outdoor Play Area 2.</li> </ul> </li> <li>- Outdoor Play Area 2 with 75.80m<sup>2</sup> in area</li> <li>- Outdoor storage area.</li> </ul>
	Lift core and 2 x stairwells.

The relevant architectural plans for the proposal have been prepared by bdaa while supporting reports and documents dealing with matters such as traffic and parking, noise, contamination, drainage and landscaping.

The development seeks to utilise the land in accordance with the zoning and take advantage of its size and location within an established residential estate, local schools, commercial opportunities and public transportation.

At the completion of the project, the development will increase valuable child care places within Panania by 36 additional places.

## PLANNING CONTROLS

### STATUTORY CONTROLS

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Canterbury-Bankstown Local Environmental Plan 2023

### POLICY CONTROLS

The applicable policy control documents are: -

- Canterbury-Bankstown Development Control Plan 2023
- Childcare Planning Guidelines
- Education and Care Service National Regulations 2012



## CONSIDERATION OF PLANNING CONTROLS

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

### STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

Introduced on 1 July 2004, BASIX is an integral part of the NSW planning system. It assists in reducing potable water consumption and greenhouse gas emissions from new homes built in NSW.

This SEPP came into effect on 1 October 2023 and incorporated the provision of the now repealed State Environmental Planning Policy (BASIX) 2004.

The Sustainable Building SEPP encourages the design and construction of more sustainable buildings across NSW. It applies to a range of development types, including residential and commercial developments.

Chapter 2 of the SEPP contains controls for the standards for residential development – BASIX and is not applicable to this development.

Chapter 3 of the SEPP contains controls for the Standards for non-residential development. As the proposal is not for the erection of a new building greater than \$5 million or an alteration that has a capital investment value of over \$10 million, rather construction of a child care facility and hence a BASIX report is not required.

Refer to detailed discussion overleaf regarding the application of Chapter 3.

Clause 3.1 Application of Chapter	Response
(1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—	No, the proposed development is not for an erection of a new building that has a capital investment value over \$5 million.
(a) the erection of a new building, if the development has a capital investment value of \$5 million or more, or	
(b) alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more.	

(2) This chapter does not apply to the following development-	
<p>(a) development that is permitted with or without consent or that is exempt or complying development under—</p> <p>(i) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or</p> <p>(ii) State Environmental Planning Policy (Resources and Energy) 2021, Chapter 2, or</p> <p>(iii) State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 5,</p>	<p>The development is not permitted or permitted without consent under relevant SEPPs.</p>
<p>(b) development on land wholly in any of the following zones—</p> <p>(i) Zones RU1, RU2 or RU3,</p> <p>(ii) Zone E5,</p> <p>(iii) Zone IN3,</p> <p>(iv) Zones C1, C2 or C3,</p> <p>(v) Zones W1, W2, W3 or W4,</p>	<p>The subject site is within a prescribed zone, however as the development is not for the purpose of a new building of over 5 million and therefore this chapter will not apply to the proposed development.</p>
<p>(c) development for the purposes of residential care facilities.</p>	<p>The development is for the purpose of other than residential care facilities. However as noted above, the development is not for the purpose of a new building with a capital investment value of over 5 million and therefore this chapter will not apply to the proposed development.</p>

A Section J Report will be provided at C.C. stage.

### **STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS)**

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

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

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

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

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

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

Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	X	
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	X	
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?		X
acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation		
Is the site listed on Council's Contaminated land database?		X
Is the site subject to EPA clean-up order or other EPA restrictions?		X
Has the site been the subject of known pollution incidents or illegal dumping?		X
Does the site adjoin any contaminated land/previously contaminated land?		X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?		NA.

A review of aerial photographs indicates that the development site has historically been utilised for residential purposes with no known potentially contaminating activities being conducted on the site. As such no further contamination investigation is considered necessary.

### STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

This SEPP includes the framework to protect and manage the natural environment within NSW. It aims to establish a planning framework that through supporting the environment delivers community health, overall wellbeing, along with economic and cultural security. It addresses amongst other matters water catchments, waterways, and urban bushland.

It applies to a broad range of infrastructure with the table below identifying relevant chapters to this Development Application:

Chapter	Title	Applicable
2	<i>Vegetation in non-rural areas</i>	Yes
3	<i>Koala habitat Protection 2020</i>	No
4	<i>Koala habitat protection 2021</i>	No
5	<i>River Murray lands</i>	No
6	<i>Water catchments</i>	No- Site not mapped in Georges River Catchment
13	<i>Strategic conservation planning</i>	No

Chapter 2 of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application. This chapter seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The subject site is within a well-established residential area, having historically been used for urban purposes, noting no trees are to be removed with an existing street trees is to be retained.

The proposal provides landscaping embellishment work which will improve and enhance the subject site from what currently exists and will positively contribute to the cohesiveness and visual appreciation of the area whilst provides relief from the built form and softening the impact of the development.

### *STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021*

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

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

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

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

### *STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021*

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

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

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

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

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

The development site is not located within proximity to a classified road and as a result it is not necessary to consider the provisions of this chapter that requires a consent authority to consider the impact of arterial roads on buildings used for residential purposes.

This chapter identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'.

The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements. Therefore, concurrence from the RMS is not required.

Chapter 3 of the SEPP contains planning provisions from the former Education and Childcare SEPP for child-care centres, schools, TAFEs and Universities.

SEPP	Comment
<p>3 Aims of Policy</p> <p><b>The aims of this Policy are as follows:</b></p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p> <p>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impacts as exempt development), and,</p> <p>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivery and to minimise impacts on surrounding areas, and</p> <p>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p> <p>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p>	<p>The proposal will result in an addition of valuable child care places within Panania.</p>



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

(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and

(h) encouraging proponent of new development or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

### 3.3 Interpretation

*centre-based child care facility* means:

(a) building or place used for the education and care of children that provides any one or more of the following:

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

- (i) long day care,
- (ii) occasional child care,
- (iii) out-of-school-hours care (including vacation care)
- (iv) preschool care, or

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW),

but does not include:

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

- religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

### Part 3 Early education and care facilities – specific development controls

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

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

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

#### 3.25 Centre-based child care facility – floor space ratio

(1) Development consent must not be granted for the purpose of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.

N/A – subject site is zoned R3 – Medium Density Residential.

#### 3.26 Centre-based child care facility – non-discretionary development standards

(1) The objective of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevents the consent authority from requiring more onerous standards for those matters.

(2) The following are non-discretionary development standards for the purpose of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purpose of a centre-based child care facility:

- (a) location - the development may be located at any distance from an existing or proposed early education and care facility,
- (b) indoor or outdoor space
  - (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

There are no restrictions relevant to the proposed development.

The centre-based child care facility provides 117.05m<sup>2</sup> or 3.25m<sup>2</sup> of unencumbered play space and 261.5m<sup>2</sup> or 7.26m<sup>2</sup> of unencumbered outdoor play space which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.

- (ii) outdoor space for the development complies with the requirements of those regulations, or for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies – the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

Indoor play space required = 3.25m<sup>2</sup> for each child  
Outdoor place space required = 7m<sup>2</sup> for each child

Noted, with the development complying with site frontage requirements under the DCP.

- (c) site area and site dimensions – the development may be located on a site of any size and have any length of street frontage or any allotment depth,
- (d) colour of building materials or shade structures – the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.

There are no restrictions relevant to the proposed development.

### 3.27 Centre-based child care facility – development control plans

(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, numbers of the like, of children) does not apply to development for the purpose of a centre-based child care facility:

- (a) operational or management plans or arrangements (including hours of operation),
- (b) demonstrated need or demand for child care services,
- (c) proximity of facility to other early childhood education and care facilities,
- (d) any matter relating to development for the purpose of a centre-based child care facility contained in:
  - (i) the design principles set out in Part 2 of the *Child Care Planning Guidelines*, or
  - (ii) the matters for consideration set out in Part 2 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

Clause 26 of Part 3.3 of the Transport and Infrastructure SEPP 2021 stipulates that any provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, number or the like, of children) does not apply to development for the purpose of a centre-based child care facility.

As such the minimum ratio requirement under the DCP is not considered a relevant matter.

## CHILD CARE PLANNING GUIDELINE

Under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, the *Child Care Planning Guideline* is to be taken into consideration when undertaking a development for a centre-based child care facility.

The planning guideline also takes precedence over a *Development Control Plan*, with some exceptions, where the two overlap in relation to a child care facility.

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

The Guideline underwent minor revisions in 2021 however the provisions are largely the same.

SEPP	Comment
<b>Objectives</b> The planning objectives of this Guidelines are to:	
<ul style="list-style-type: none"> <li>promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations</li> </ul>	<p>The development results in a high quality centre-based child care facility designed to comply with the requirements of the National Regulations.</p>
<ul style="list-style-type: none"> <li>ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses</li> </ul>	<p>The centre-based child care facility has been designed as a double storey building designed to appear as a contemporary two storey dwelling house in-order to be consistent with the existing low density residential built form character along the southern side of Weston Street.</p> <p>The front setback is also to be also landscaped to minimise the impact of hard surfaces whilst integrating the proposal within the context of the site and its surrounds.</p>
<ul style="list-style-type: none"> <li>minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment</li> </ul>	<p>The development has been designed to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing.</p> <p>This is addressed in detail further within this table</p>

## Part 2 Design Quality Principles

### Principle 1 – Context

*Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*

*Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.*

*Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.*

The child care facility is compatible in scale and design with the existing residential streetscape along Weston Street, noting compliance with Council's height provision.

The design scheme has undertaken conscious effort to minimise adverse impacts on social, economic, health and environmental conditions.

Combined with compliance to height and setback provisions will ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.

The site is within proximity to:

- Educational facilities including,
  - Tower Street Public School
  - East Hills Girls High School
  - East Hills Boys High School
- Panania Town Centre
- Revesby Town Centre
- The locality is serviced by public transportation with local bus stops with services between East Hills and Bankstown (Route 923 & 924) within a 70m walking radius and Lakemba Train Station within a 350m walking radius from the subject site.
- Arterial roads including:
  - The River Road

### Principle 2 – Built form

*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.*

*Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.*

*Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*

The centre-based child care facility has been designed as a double storey building set within a landscaped designed to appear as a contemporary two storey dwelling house in-order to be consistent with the existing low density residential built form character along the southern side of Weston Street.

The development proposes a highly articulated built form with a variety of materials, colours and textures.

*Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.*

### **Principle 3 - Adaptive learning spaces**

*Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use.*

*This is achieved through site layout, building design, and learning spaces fit-out.*

The play spaces have been designed to provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.

*Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.*

### **Principle 4- Sustainability**

*Sustainable design combines positive environmental, social and economic outcomes.*

*This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.*

*Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.*

The proposed facility has been designed to achieve cross ventilation and adequate natural light access.

Development provides windows facing different orientation with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.

### **Principle 5 - Landscape**

*Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.*

*Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.*

The development proposes appropriate landscape embellishment works that will contribute to the local context, noting an existing trees including is to be retained.

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

Refer to attached Landscaping Plan for detail.



*Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.*

#### **Principle 6 - Amenity**

*Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.*

*Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.*

*Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.*

As previously discussed, the development provides well designed indoor and outdoor play areas, access to sunlight and natural ventilation and visual and acoustic privacy.

The development also proposes adequate storage, service areas and accessibility for all.

#### **Principle 7 - Safety**

*Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.*

*Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).*

*Well designed vehicular parking and access minimise traffic safety risks on children and staff.*

The development proposes a design that will optimise safety for children.

Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

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

The proposed development incorporates an active façade that will permit casual surveillance to the common areas within the development site.

The proposed facility has been designed with temperature control to avoid extremes in temperature.

## Part 3 Early education and care facilities – specific development controls

### 3.1 Site selection and location

**C1 – For proposed development in or adjacent to a residential zone, consider:**

- **the acoustic and privacy impacts of the proposed development on the residential properties**

An Environmental Noise Assessment prepared by Day Design Pty Ltd and accompanies this application.

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

The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This includes the siting and orientation of the building combined with the two story built form complying with the prescribed height and setback provisions to ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter. Parking is to also be located within the basement level to minimise the acoustic impact of vehicle traffic moving to and from the site.

Furthermore, the use of blank walls to the western elevation and a combination of blank walls and acoustic treatment to side walls/privacy screen to the eastern elevation at the first floor combined with the acoustic fencing will not only mitigate potential privacy impacts to adjoining properties but also to protect the noise intrusion into the child care facility. Finally, an Operational Management Plan which is to accompany this application will manage outdoor play times and the number of children accessing outdoor area at any one time.

- **the setback and siting of buildings within the residential context**
- **visual amenity impacts (e.g. additional building bulk and overshadowing, local character)**

Complies with setback requirements under the DCP.

The child care facility has been sited, oriented and designed to comply with the height and setback provisions will ensure adjoining properties will

<ul style="list-style-type: none"> <li>• <b>traffic and parking impacts of the proposal on residential amenity</b></li> </ul>	<p>continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.</p> <p>Parking is provided within a basement level to minimise impact to the streetscape.</p> <p>A Traffic Report Prepared by Hemanote Consulting has bound that the development is supportable on traffic and parking grounds.</p>
<b>C2 – When selecting a site, ensure that:</b>	
<ul style="list-style-type: none"> <li>• <b>the location and surrounding uses are compatible with the proposed development or use</b></li> <li>• <b>the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards</b></li> <li>• <b>there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed</b></li> <li>• <b>the characteristics of the site are suitable for the scale and type of development proposed having regards to:</b> <ul style="list-style-type: none"> <li>- <b>size of street frontage, lot configuration, dimensions and overall size</b></li> <li>- <b>Number of shared boundaries with residential properties</b></li> <li>- <b>will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</b></li> </ul> </li> <li>• <b>where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use</b></li> <li>• <b>there are suitable drop off and pick up areas, and off and on street parking</b></li> </ul>	<p>Centre-based child care facilities are a permissible and compatible land use within the R3 – Low Density Residential Zone.</p> <p>Site is not identified as being affected by flooding, land slip, bushfires, coastal hazards and other environmental hazards.</p> <p>A review of aerial photographs indicates that the development site has historically been utilised for residential purposes with no known potentially contaminating activities being conducted on the site. As such no further contamination investigation is considered necessary.</p> <p>The site, which has a total site area of 639.4m2 is of a sufficient size and width to accommodate the proposed 36 place centre-based child care facility.</p> <p>The centre-based child care facility has been designed as a double storey building set within a landscaped designed to appear as a contemporary two storey dwelling house in-order to be consistent with the existing low density residential built form character along the southern side of Weston Street.</p> <p>The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas.</p> <p>N/A. Development proposes to undertake the development of a new centre-based child care facility.</p> <p>The development provides car parking spaces in-accordance with the Canterbury - Bankstown DCP 2023, noting appropriate car parking spaces are</p>

<ul style="list-style-type: none"> <li>the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</li> <li>not located closely to incompatible social activities and uses such as restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises</li> </ul>	<p>provided within the basement level to permit the drop off and pick up of children.</p> <p>Vehicular access to the site is via Weston Street which has the capacity to accommodate the proposed 36 place child care facility.</p> <p>Subject site not located closely to incompatible social activities and uses.</p>
<p><b>C3 – A child care facility should be located;</b></p> <ul style="list-style-type: none"> <li>near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> <li>near or within employment areas, town centres, business centres, shops</li> <li>with access to public transport including rail, buses, ferries</li> </ul>	<p>Within walking distance to Panania Town Centre, the development site is located in wider proximity to parks and places of public worship.</p> <p>The locality is also serviced by public transportation with Panania Train Station within a 350m walking radius and bus stops with services to East Hills and Bankstown within a 65m walking radius from the development site.</p>
<p><b>C4 – A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</b></p> <ul style="list-style-type: none"> <li>proximity to <ul style="list-style-type: none"> <li>heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>LPG tanks or service stations</li> <li>water cooling and water warming systems</li> <li>odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses</li> <li>extractive industries, intensive agriculture, agricultural spraying activities</li> </ul> </li> <li>any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site</li> </ul>	<p>The subject site is not located within proximity to any identified environmental hazard.</p> <p>A review of aerial photographs indicates that the development site has historically been utilised for residential purposes with no known potentially contaminating activities being conducted on the</p>

site. As such no further contamination investigation is considered necessary.

### 3.2 Local character, streetscape and the public domain interface

#### C5 – The proposed development should:

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

The centre-based child care facility has been designed as a double storey building set within a landscaped designed to appear as a contemporary two storey dwelling house in-order to be consistent with the existing low density residential built form character along the southern side of Weston Street, noting development complies with prescribed height control under the LEP.

Appropriate landscaping is to be provided between the building and the street edge. Refer to attached Landscape Plan for detail.

The front setbacks are to be also landscaped where appropriate to minimise the impact of hard surfaces whilst integrating the proposal within the context of the site and its surrounds.

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

- fencing to ensure safety for children entering and leaving the facility
- windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community
- integrating existing and proposed landscaping with fencing

Proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain.

The proposed development incorporates an active façade that will permit casual surveillance to Weston Street and internal driveways and pathways.

Proposed landscaping works seeks to soften the built form whilst also seeking to integrate the development with the site's residential context.

#### C7 – On sites with multiple buildings and /or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitor and children by changes in materials, plant species and colours

The site does not contain multiple buildings or entries.

The primary entry point is designed to be clearly visible and legible from Weston Street.

**C8 – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:**

- **clearly defined street access, pedestrian paths and building entries**
- **low fences and planting which delineate communal/private open space from adjoining public open space**
- **minimal use of blank walls and high fences**

The development site does not adjoin public parks, open space or bushlands, however, has been designed to provide clearly defined street access, pedestrian paths and building entries.

Fencing and landscape works will contribute towards delineate communal/private open space from the public domain.

The development incorporates architectural features and articulation to provide an attractive form that appropriately Weston Street.

**C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.**

Development proposes appropriate fencing that is consistent with fencing within the precinct and with comparable child care facility within the wider Canterbury-Bankstown Local Government Area.

**Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.**

Not applicable, the subject site is not listed as a heritage item and is not within a conservation area.

**C10 – High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.**

Subject site does not front a classified road; however, the development is to incorporate appropriate acoustic fencing as per the Environmental Noise Assessment that accompanies this application.

### 3.3 Building orientation, envelope and design

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

- **ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by;**
  - **facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties**

The two storey centre-based child care facility ensure that the visual privacy and minimises overlooking impacts on neighbours by appropriately siting and orientation of the building whilst also being compliant with height and setback provisions with parking to be provided within the basement level.

<ul style="list-style-type: none"> <li>- placing play equipment away from common boundaries within residential properties</li> <li>- locating outdoor play areas away from residential dwellings and other sensitive uses</li> </ul>	<p>The use of acoustic barriers will not only mitigate potential privacy and acoustic impacts to adjoining properties but also to protect the noise intrusion to the child care facility. Finally, an Operational Management Plan which is to accompany this application will manage outdoor play times and the number of children accessing outdoor area at any one time.</p>
<ul style="list-style-type: none"> <li>• optimise solar access to internal and external play areas</li> <li>• avoid overshadowing of adjoining residential properties</li> </ul>	<p>A Noise Impact Assessment has been prepared by Rodney Stevens, which has found that the proposed 36 place child care facility complies with noise criteria provided that the noise control measures recommended is implemented.</p> <p>The internal and external play areas associated with the child care facility have been oriented and designed to maximise solar access.</p> <p>The proposed centre-based child care facility has been designed to reduce the potential for overshadowing of neighbouring properties, including compliance with height and setback provisions. Refer to attached shadow diagram for more detail.</p>
<ul style="list-style-type: none"> <li>• ensure buildings along the street frontage define the street by facing it</li> <li>• ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions</li> </ul>	<p>It is considered that appropriate solar access is to be provided on site and for neighbouring properties. Refer to attached shadow diagrams for more detail.</p> <p>Development proposes an attractive contemporary two storey building designed to adequately address Weston Street.</p> <p>Complies.</p>

**C12 – The following matters may be considered to minimise the impacts of the proposal on local character:**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• building height should be consistent with other buildings in the locality</li> <li>• building height should respond to the scale and character of the street</li> <li>• setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>• setbacks should provide adequate access for building maintenance</li> </ul> | <p>The centre-based child care facility has been designed as a double storey building set within a landscaped designed to appear as a contemporary two storey dwelling house in-order to be consistent with the existing low density residential built form character along the southern side of Weston Street, noting compliance with height provision.</p> |
|--|--|

<ul style="list-style-type: none"> <li>setbacks to the street should be consistent with the existing character</li> </ul>	<p>The proposal has also been designed to comply with the setback provision under the Canterbury-Bankstown DCP 2023.</p>
<p><b>C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</b></p>	<p>Proposal has been designed to comply with prescribed setback controls under the Canterbury-Bankstown DCP 2023.</p>
<p><b>C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.</b></p>	<p>The development has been designed to comply with setback requirements under the Canterbury-Bankstown DCP 2023.</p>
<p><b>C15 – Entry to the facility should be limited to one secure point which is:</b></p> <ul style="list-style-type: none"> <li>located to allow ease of access, particularly for pedestrians</li> <li>directly accessible from the street where possible</li> <li>directly visible from the street frontage</li> <li>easily monitored through natural or camera surveillance</li> <li>not accessible through an outdoor play area</li> <li>in a mixed-use development, clearly defined and separate from entrances to other uses in the building</li> </ul>	<p>The proposed centre-based child care facility provides a primary entry point from Weston Street.</p> <p>The pedestrian entry point is visible from the street frontage, permits ease of access and directly accessible from Weston Street</p>
<p><b>C16 – Accessible design can be achieved by:</b></p> <ul style="list-style-type: none"> <li>providing accessibility to and within the building in accordance with all relevant legislation</li> <li>linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry</li> <li>providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</li> </ul>	<p>Development has been designed to be accessible to and within the building in accordance with all relevant legislation, with direct equitable pedestrian access provided to the primary entry point of the child care facility via Weston Street. Furthermore, lift core provides access to both levels from the basement.</p> <p>Designed to comply.</p> <p>Development provides appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance via a graded pedestrian pathway from Weston Street.</p>



- minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.

### 3.4 Landscaping

**C17 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.**

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

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

The development proposes appropriate landscape embellishment works within the immediate residential context, noting existing trees including a street tree and an existing tree to the rear of the site are to be retained.

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

Refer to attached Landscaping Plan for detail.

**C18 – Incorporate car parking into the landscape design of the site by:**

- planting shade tree in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings
- taking into account streetscape, local character and context when siting car parking areas within the front setback

Development proposes all car parking within a basement, nevertheless the development proposes appropriate landscape embellishment works that will improve and enhance the subject site whilst helping to integrate the proposal within the context of the site and immediate medium density surroundings.

Refer to attached Landscaping Plan for detail.

### 3.5 Visual and acoustic privacy

**C19 – Open balconies in mixed use development should not overlook facilities nor overhang outdoor play spaces.**

The proposal is not part of a mixed-use development. Not applicable

**C20 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:**

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

Development has been designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public area via appropriate site and building layout with fencing and landscaping to mitigate potential privacy issues.

**C21 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:**

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

Complies, the centre-based child care facility is designed to minimise direct overlooking of main internal living areas and private open space in adjoining developments.

**C22 – A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:**

- provide an acoustic fence along any boundary where the adjoining property contains a residential use (An acoustic fence is one that is a solid, gap free fencing)
- ensure that mechanical plant or equipment is screened by soil, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure

Development proposes appropriate acoustic fencing along the site's boundaries to minimise acoustic impacts to neighbouring properties as per the Environmental Noise Assessment and Architectural Plans.

The Environmental Noise Assessment has found that the proposed 36 place child care facility complies with noise criteria provided that the noise control measures recommended is implemented.

**C23 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:**

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

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

### 3.6 Noise and air pollution

Child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise impacts. Other noisy environments such as industrial areas and substations may impact on the amenity and well-being of the children and staff.

The location of child care facilities should be selected to avoid or minimise the potential impact of external sources of significant noise.

**C24 – Adopt design solution to minimise the impacts of noise, such as:**

- creating physical separation between buildings and the noise source
- orienting the facility perpendicular to the noise source and where possible buffered by other uses
- using landscaping to reduce the perception of noise
- limiting the number and size of opening facing noise sources
- using double or acoustic glazing, acoustic louvers or enclosed balconies (wintergardens)
- using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits
- locating cot rooms, sleeping areas and play areas away from external noise sources

The subject site is not located near major roads, rail lines, beneath flight paths or other noisy environments. It is noted that appropriate design/ measures have been undertaken including appropriate setbacks, use of landscaping and acoustic fencing to minimise acoustic impacts to neighbouring properties.

An Environmental Noise Assessment has been prepared by Rodney Stevens Acoustics and accompanies this application. The Noise Impact Assessment has found that the proposed 36 place child care facility complies with noise criteria provided that the noise control measures recommended is implemented.

**C25 – An acoustic repost should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:**

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

The subject site is not located on industrial land, where an ANEF contours is between 20 and 25, along a railway or mass transit corridor, on a major or busy road or other land that is impacted by substantial external noise. It is noted that appropriate design/measures have been undertaken including appropriate setbacks, use of landscaping and acoustic fencing to minimise acoustic impacts to neighbouring properties.

An Environmental Noise Assessment has been prepared by Rodney Stevens Acoustics and accompanies this application. The Noise Impact Assessment has found that the proposed 36 place child care facility complies with noise criteria provided that the noise control measures recommended is implemented.

<b>C26 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development</b>	Complies.
<b>C27 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.</b>	The subject site is not located near a major road or industrial development.
<b>3.7 Hours of operation</b>	
<b>C28 – Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays</b>	The child care facility is to operate between 7:00am to 6:00pm Monday to Friday.
<b>C29 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses</b>	Subject site is not located within a mixed-use are. Not applicable.
<b>3.8 Traffic, parking and pedestrian circulation</b>	
<b>C30 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</b>	The Development has regard with the car parking requirements under the Canterbury-Bankstown DCP 2023.
<p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rate:</p> <p>Within 400m of a metropolitan train station:</p> <ul style="list-style-type: none"> <li>• 1 space per 10 children</li> <li>• 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space.</li> </ul> <p>In other areas:</p> <ul style="list-style-type: none"> <li>• 1 space per 4 children</li> </ul>	
<b>C31 – In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of</b>	Site not located on a commercial or industrial zone. Not applicable.

vehicular movement or potential conflicts with truck and large vehicles.

**C32 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised and demonstrate that**

- the amenity of the surrounding area will not be affected
- there will be no impacts on the safe operation of the surrounding road network

A Traffic Report has been prepared and accompanies this application. The report has found that the development is supportable on traffic and parking grounds.

**C33 – Alternate vehicular access should be provided where child care facilities are on site fronting;**

- a classified road
- roads which carry freight traffic or transport dangerous goods or hazardous materials

No applicable as the site does not front a classified road or a road which carries freight traffic or transport dangerous goods or hazardous materials.

The alternate access must have regard to the prevailing traffic conditions

- pedestrian and vehicle safety including bicycle movements
- the likely impact of the development on traffic

**C34 – Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the sider locality in times of emergency.**

Development site is not within a cul-de-sac or narrow lanes or road. Not applicable.

**C35 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment;**

- separate pedestrian access from the car park to the facility
- defined pedestrian crossings including within large car parking areas
- separate pedestrian and vehicle entries from the street for parents, children and visitors
- delivery and loading areas located away from the main pedestrian access

Development provides separate pedestrian and vehicular access.

Vehicles can enter and exit the site in a forward direction. Refer to swept path diagrams for more detail.

- to the building and in clearly designated, separate facilities
- vehicles can enter and leave the site in a forward direction

**C36 Mixed use developments should include:**

- driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks
  - drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site
  - parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.
- N/A.

**C37 – Car parking design should:**

- include a child safe fence to separate car parking areas from the building entrance to play areas
  - provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards
  - include wheelchair and pram accessible parking
- Car parking area is sufficiently separated from the building entrance and outdoor play area.
- Accessible car parking space designed in accordance with Australian Standard is clearly marked and situated near the entry point.

**Part 4 Applying the National Regulations to development proposals**

**4.1 Indoor space requirements**

**Regulation 107**

**Education and Care Services National Regulations**

Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.

The proposal provides 3.25m<sup>2</sup> of indoor play space per child.

The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.

**Design Guidance**

**Verandas as indoor space**

For a veranda to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather.

N/A – veranda is not included as unencumbered indoor space.

It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space.

**Design Guidance**

**Storage**

It is recommended that a child care facility provide;

- a minimum of 0.3m<sup>3</sup> per child of external storage space
- a minimum of 0.2m<sup>3</sup> per child of internal storage space

The proposal provides appropriate internal and external storage areas.

## 4.2 Laundry and hygiene facilities

**Regulation 106**

**Education and Care Services National Regulations**

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

On site laundry facilities are provided.

Laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.

Designed to comply.

Child care facilities must also comply with the requirements for laundry facilities that are contained in the *National Construction Code*.

Laundry designed to comply with relevant requirements under the National Construction Code.

**Design Guidance**

**On site laundry**

On site laundry facilities should contain:

- a washer or washers capable of dealing with heavy requirements of the facility
- a dryer
- laundry sinks
- adequate storage for soiled items prior to cleaning
- an on-site laundry cannot be calculated as usable unencumbered play space for children

Designed to comply.

#### 4.3 Toilet and hygiene facilities

**Regulation 109**

**Education and Care Services National Regulations**

Adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Toilet facilities for both the children and staff are provided.

Child care facilities must comply with the requirements for sanitary facilities that are contained in the *National Construction Code*.

Sanitary facilities designed to comply with relevant requirements under the *National Construction Code*.

#### 4.4 Ventilation and natural light

**Regulation 110**

**Education and Care Services National Regulations**

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

The proposed facility has been designed to achieve cross ventilation, receive and have adequate natural light and be temperature controlled to avoid extremes in temperature.

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

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

**Design Guidance**

**Natural light**

When designing child care facilities consideration should be given to:

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

Development provides windows facing different orientation with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.

#### 4.5 Administrative space

**Regulation 111**

**Education and Care Services National Regulations**

Services must provide adequate area or areas for the purpose of conducting the administrative functions of the services, consulting with parents of children and conducting private conversations.

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



#### 4.6 Nappy change facilities

##### *Regulation 112*

##### *Education and Care Services National Regulations*

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

Nappy change facilities are provided for the facility for kids aged between 0-2 and 2-3.

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

Complies.

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

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

##### *Design Guidance*

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

Designed to comply.

- Properly constructed nappy changing bench or benches
- A bench type baby bath within one metre form the nappy change bench
- The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area

#### 4.7 Premises designed to facilitate supervision

##### *Regulation 115*

##### *Education and Care Services National Regulations*

**Centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regards to the needs to maintain their right and dignity.**

The proposed layout ensure that hidden corners are avoided and that supervision views are maximised throughout the development.

**Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the *National Construction Code*.**

Comply.

#### 4.8 Emergency and evacuation procedures

##### *Regulations 97 and 168*

##### *Education and Care Services National Regulations*

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

The proposed child care facility has been designed and incorporate features that provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.

Regulation 97 sets out the detail for what those procedures must cover including;

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service

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

##### *Design Guidance*

An emergency and evacuation plan should be submitted with a DA and should consider:

- the mobility of children and how this is to be accommodated during an evacuation
- the location of a safe congregation / assembly point, away from the evacuated building, busy road and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings
- how children will be supervised during the evacuation and at the
- congregation/assembly, relative to the capacity of the facility and governing child-to-staff ratios

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

#### 4.9 Outdoor space requirements

##### *Regulations 108*

##### *Education and Care Services National Regulations*

Every child being educated and cared for within a facility must have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space.

The proposal provides 7.26<sup>2</sup> of unencumbered outdoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline. Exploration and leaning within the outdoor play

<p>A veranda that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p>	<p>area will be maximised with the use of facilities such as the outdoor play equipment.</p> <p>Not applicable.</p>
<p><b>Design Guidance</b> Calculating unencumbered space for outdoor areas should not include areas of dense hedges or planting along boundaries which are designed for landscaping purpose and not for children's play.</p>	<p>Complies, no areas of dense hedges or planting along boundaries are used to calculate unencumbered space for outdoor areas.</p>
<p><b>4.10 Natural environment</b></p>	
<p><b>Regulations 113</b> <b>Education and Care Services National Regulations</b> The approved provider of a centre-based service must ensure that the outdoor space allow children to explore and experience the natural environment</p>	<p>Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.</p>
<p><b>Design Guidance</b> Shrubs and trees selected for the play space must be safe for children.</p> <p>Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:</p> <ul style="list-style-type: none"> <li>are known to be poisonous, produce toxins or have toxic leave or berries</li> <li>have seed pods or stone fruit, attract bees, have thrones, spikes or prickly foliage or drop branches</li> </ul> <p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> <li>provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment</li> <li>Assist supervision and minimise opportunities for bullying and antisocial behaviour</li> <li>enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilities interaction</li> </ul>	<p>Noted, refer to attached landscape plan for detail.</p>
<p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> <li>provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment</li> <li>Assist supervision and minimise opportunities for bullying and antisocial behaviour</li> <li>enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilities interaction</li> </ul>	<p>The outdoor space has been designed to provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.</p>

- sand pits and water play areas
- furniture made of logs and stepped logs
- climbing frames, walking and/or bike tracks

#### 4.11 Shade

**Regulations 114**  
**Education and Care Services National Regulations**

Outdoor play areas should:

- have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m<sup>2</sup>) of the 7.0m<sup>2</sup> of outdoor space per child required.
- adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area
- have evenly distributed shade structures over different activity spaces.

Complies. Refer to architectural plans for more detail.

>30% of the outdoor play area is provided with adequate shade, noting appropriate natural and built shade structures are incorporated into the design of the child care facility that will contribute towards protecting children from overexposure to ultraviolet radiation from the sun. Refer to architectural plans for more detail.

A large covered outdoor shade area as well as large tree canopies are illustrated on the plans.

#### 4.12 Fencing

**Regulations 104**  
**Education and Care Services National Regulations**

Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.

This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.

Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the *National Construction Code*.

Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Local Government Area.

Designed to comply.

#### *Design Guidance*

**Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding areas. In general, fencing around outdoor play areas should:**

- prevent children climbing over, under or through fencing
- prevent people outside the facility from gaining access by climbing over, under or through the fencing
- not create a sense of enclosure.

**Design consideration for side and rear boundary fences could include:**

- being made from solid prefinished metal, timber or masonry
- Having a minimum height of 1.8m
- having no rails or elements for climbing higher than 150mm from the ground

Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Local Government Area.

Fencing has been undertaken in accordance with the accompanying Acoustic Assessment.

**Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines.**

Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

**Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.**

Designed to comply.

### **4.13 Soil assessment**

#### *Regulations 25*

***Education and Care Services National Regulations Subclause(d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purpose as part of an application for serviced approval.***

A review of aerial photographs indicates that the development site has historically been utilised for residential purposes with no known potentially contaminating activities being conducted on the site. As such no further contamination investigation is considered necessary.

## EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)

In preparing this development application and in the design development of the proposal, regard has been had to not only the relevant Canterbury-Bankstown City Council controls and guidelines, but also to the Education and Care Services National Regulations 2012 (National Regulations).

It is noted that the National Regulations provide exhaustive controls and requirements in addition to that of local government and includes: -

- licensing and approvals processes, including documentation requirements;
- facilities and equipment requirements;
- staffing requirements;
- child number requirements;
- operational requirements;
- administrative requirements;
- probity check requirements; and
- various miscellaneous requirements.

It is noted that a large portion of the controls have been addressed in Chapter 3 Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the Child Care Guidelines, and therefore, only the relevant controls will be addressed in the table below:

Clause	Controls	Comment	Complies
<b>Part 4.3 Physical Environment</b>			
<b>Division 1 Centre-Based Services and Family Day Care Services</b>			
<b>104</b>	Fencing	Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.	Yes
<b>106</b>	Laundry and hygiene facilities	A laundry facility is available on the premises of the proposed centre-based child care facility.	Yes
<b>107</b>	Space requirements – indoor space	The proposed centre-based child care facility provides 3.25m <sup>2</sup> of unencumbered indoor play space per child as shown on the submitted architectural plans.	Yes
<b>108</b>	Space requirements – outdoor space	The proposed centre-based child care facility provides 7.26m <sup>2</sup> of unencumbered outdoor play space per child as shown on the submitted architectural plans. There is no simulated outdoor space.	Yes



109	Toilet and hygiene facilities	Age-appropriate toilet and washing facilities are provided.	Yes
110	Ventilation and natural light	The facility will receive adequate ventilation and natural light, as addressed in the SEPP and Child Care Guidelines previously within this statement.	Yes
<b>Division 2 Additional Requirements for Centre-Based Services</b>			
111	Administrative space	An administration room is located within the proposed Child Care Facility.	Yes
112	Nappy change facilities	A nappy change facility is provided by the proposed centre-based child care facility.	Yes
113	Outdoor space – natural environment	As addressed earlier in this statement, the development provides outdoor spaces that permit children to explore and experience the natural environment.	Yes
114	Outdoor space – shade	<p>The proposed centre-based child care facility has provided adequate shading.</p> <p>Refer to attached architectural plans for detail.</p>	Yes
<b>Part 4.4 Staffing Requirements</b>			
123	Staff to child ratio	<p>Clause 123 provides minimum staff requirements for child care facilities in <u><b>Australia:</b></u></p> <p>0-2 Years – 1 employee per 4 children  2-3 Years – 1 employee per 5 children  3-6 Years – 1 employee per 11 children</p> <p>It is noted that Clause 271 overrides the ratio for the 3-6 age group for facilities in <u><b>New South Wales.</b></u> Therefore the ratios for the proposed facility are as follows:</p> <p>0-2 Years – 1 employee per 4 children  2-3 Years – 1 employee per 5 children  3-6 Years – 1 employee per 10 children</p> <p>The breakdown of children ratio within the proposed centre-based child care facility is as follows:</p> <p>0-2 Years – 10 children (2.5 staff)  2-3 Years – 14 children (2.8 staff)  3-5 Years – 12 children (1.2 staff)</p>	Yes

Total: 6.5 (7) staff educators.

The development provides a total of 7 educators. Complies.

### Part 7.3 New South Wales – Special Provisions

<b>271</b>	Educators to child ratios – (1) children aged 36 months or more but less than 6 years	(1) Regulation 123 (1)(c) applies as modified by this section. (2) The educator to child ratio for children aged 36 months or more but less than 6 years of age is 1 educator to 10 children.	Yes
This is addressed in the section above.			

Each of the relevant requirements contained in the Regulation have been considered and responded to in the design of the proposal.

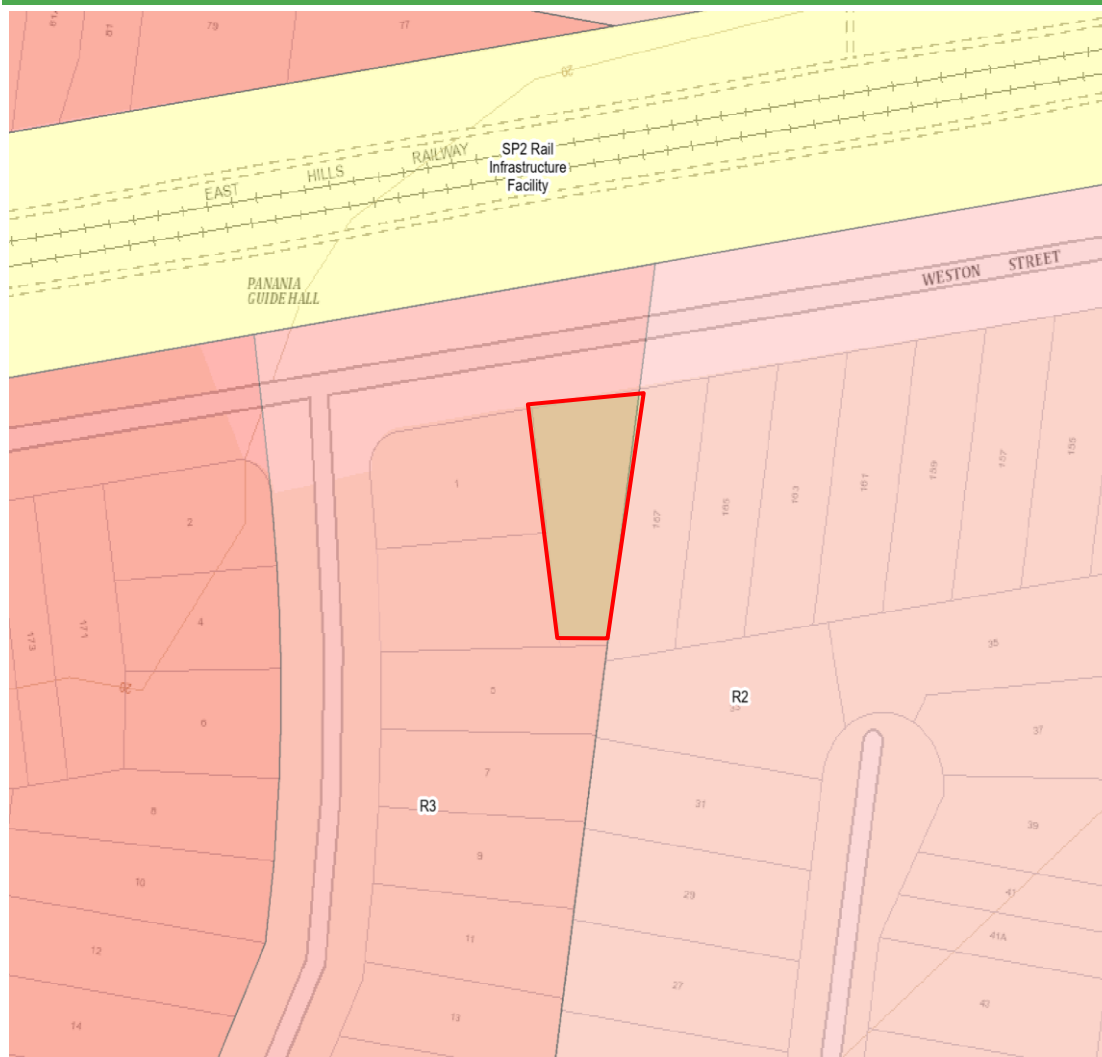
Separate licensing approval of the proposal will be sought prior to occupation and running of the Child Care Facility.



## CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

As illustrated by Council's zoning map below, the subject site is zoned R3 Medium Density Residential under the provisions of the Canterbury-Bankstown Local Environmental Plan 2023.

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



Development Site

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

***centre-based child care facilities means:***

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

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

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

The proposed development provides a centre-based child care facility that will serve the needs of people who live and work in the local area, and also provide employment opportunities for local residents.

The use as a centre-based child care facility will foster a sense of community given the nature of such community based land uses.

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

Canterbury-Bankstown Local Environmental Plan 2023 – Compliance Table			
Relevant Clause	Control	Comment	Complies
<b>Zoning</b>	R3 –Medium Density Residential	'Centre Based Child Care Facilities' are permissible with Council consent in the R3 – Zone.	Yes
<b>Part 2 Permitted or Prohibited Development</b>			
<b>2.3</b>	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R3 – Medium density Zone and will provide valuable child care services to meet the day to day needs of local residents within Bankstown.	Yes
<b>2.6</b>	Subdivision – Consent Requirements	No subdivision is proposed as part of the current application.	N/A
<b>2.7</b>	Demolition Requires Consent	Council consent is sought for the demolition of all existing structures on site.	Yes
<b>Part 4 Principal Development Standards</b>			
<b>4.3</b>	Height of Buildings: 9m	<p>The development site is subject to a maximum building height of 9m under the Canterbury Bankstown Local Environmental Plan 2023.</p> <p>The development proposes a two storey building with no part of the building encroaching the prescribed 9m height limit. Refer to attached architectural plans for detail.</p>	Yes
<b>4.4</b>	Floor Space Ratio: 0.5:1	The development site is subject to a maximum FSR of 0.5:1 under the Canterbury Bankstown Local Environmental Plan 2023.	Yes

The development proposes a maximum FSR of 0.40:1.

## Part 5 Miscellaneous Provisions

**5.10** Heritage Subject site is not listed as a heritage item and is not within a conservation area. N/A

There are heritage items within the broader locality, but they are sufficiently separated from the development site noting existing built forms and road networks provide adequate buffer between the subject site and the local heritage items.

As such no further heritage studies is considered necessary noting that the development site is not burdened by any heritage restrictions.

**5.21** Flood planning The site is not identified as being affected by flooding, however the development has been designed to permit stormwater runoff to pass unobstructed over the site. Yes

Refer to attached Stormwater Management Plan for more detail.

## Part 6 Additional Local Provisions

**6.1** Acid sulfate soils The subject site is not identified as being affected by Acid Sulfate Soils. N/A

**6.2** Earthworks This application seeks Council consent for the excavation of the site as per the attached plans. Yes

It is considered that the proposed excavation, particularly for the basement level will have minimal adverse environmental or amenity impact.

The development has been designed to follow the natural contours of the site to minimise excessive cut and fill.

The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.



		<p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies. It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p> <p>Refer to attached Erosion and Sediment Control Plan that accompanies this report for detail.</p>	
<b>6.3</b>	Stormwater management and water sensitive urban design	<p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p> <p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>See attached Stormwater Management Plan for detail.</p>	Yes
<b>6.4</b>	Biodiversity	Subject site is not identified as 'Biodiversity' on the Natural Resources-Biodiversity Map.	N/A
<b>6.5</b>	Riparian land and watercourses	Subject site is not identified as 'Riparian Land and Waterways' on the Natural Resources - Riparian Land and Waterways Map.	N/A
<b>6.7</b>	Development in areas subject to aircraft noise	The site is not identified on the Bankstown Airport or Sydney Airport ANEF maps.	N/A
<b>6.8</b>	Airspace operations	The development will have no impact on airspace operations.	N/A

<b>6.9</b>	Essential services	The development site is well serviced by electricity, water and sewer and the required utility clearances will be obtained prior to work commencing on site.	Yes
<b>6.10</b>	Active street frontages	Not applicable – as the subject site is not identified as “Active Street Frontage” on the Active Street Frontages Map.	N/A
<b>6.13</b>	Special provision for centre-based child care facilities	Comply – as vehicular access to the land is not from a classified road, cul-de-sac or a road where the carriageway between kerbs is less than 10m.	Yes
<b>6.15</b>	Design excellence	<p>Not applicable to the current proposal.</p> <p>However, it is noted that the development proposes a contemporary two storey childcare facility designed to appear as a large residential dwelling set within a landscape setting that will achieve a high standard of architectural design and materials that will be consistent with the existing low density character of the subject area.</p> <p>It is noted that the proposal exhibits design excellence and embodies the matters prescribed in Clause 7.13 (4)(a) – (xi).</p>	N/A

## CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

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

Canterbury - Bankstown Development Control Plan 2023			
Clause	Controls	Comment	Complies
Chapter 2 – Site Considerations			
Chapter 2.1	Site Analysis	A Site Analysis has been prepared for the proposal and is attached as part of this application.	Yes
Chapter 2.2	Flood Risk Management	<p>Development is not identified as being affected by flooding.</p> <p>The development however has been designed to permit stormwater runoff to pass unobstructed over the site. Refer to attached Stormwater Management Plan for more detail.</p>	N/A
Chapter 2.3	Tree Management	No trees are to be removed as part of this application, noting that the development proposes to introduce high quality landscape embellishment works within a low to medium density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds.	N/A
Chapter 3 – General Requirements			
Chapter 3.2	Parking	<p><b>Section 2 – Off-Street Parking Rates</b></p> <p>For child care facilities – the DCP has prescribed the following parking rates:</p> <ul style="list-style-type: none"> <li>- 1 space per 4 kids and 2 additional car spaces for the exclusive use of any associated dwellings</li> </ul> <p>The development proposes a 36 places child care facility with no associated dwelling and as such is required to provide a total of 9 car parking spaces.</p> <p>The development proposes a total of 7 car parking spaces within a basement level with 2 additional parking on-street, noting</p>	On Merit

its proximity to Panania Train Station and Bus stops.

### Section 3 – Design and Layout

#### Parking Location & Sight Distance Requirement

Parking is to be provided within a basement level, which is becoming more common for newer more modern child care facilities. Furthermore, providing parking within the basement level will also positively contribute towards minimising impacts of excessive hard surfaces to the streetscape.

Yes

The development proposes a new vehicular crossover towards the north-easter side of the site's frontage along Weston Street. Adequate site distance is provided, particularly for egressing drivers, noting that the driveway is in accordance with AS 2890.1 and AS 2890.6.

The proposed ingress and egress manoeuvring arrangements at the driveway will be satisfactory, as confirmed by the swept path assessment for B85 and B99 vehicles.

The existing regular gaps in the traffic flow along Weston Street will allow vehicles to ingress and egress the proposed driveway without any undue difficulty and delay. Refer to attached Traffic Report for more detail.

In terms of accessible parking, the development provides 1 accessible car parking spaces located adjacent to the lift core, with direct interrupted access provided between the accessible car parking space and the lift core.

#### Alternate Parking Arrangements

In terms of tandem parking spaces, it is limited to 1 x long-stay staff parking, noting tandem staff parking is considered appropriate for staff use for child care facilities due to predictable schedules where staff members typically have predictable work hours.

Yes

With the more permanent staff, such as the teachers likely to park all day or a good part of the day with very low turnover.

Accordingly, the tandem parking spaces for child care facility staff is reasonable.

Access Driveway Width and Design

The proposed driveway will provide for the shortest and most direct access to the basement car parking area.

Yes

The proposed car parking layout is expected to operate satisfactorily, with all parking spaces, aisle widths, ramp grades / transitions and height clearances to be provided in accordance with the requirements of AS2890.1 and 6.

Parking bays are provided at 2.4 x 5.4m for staff, and 2.7 x 5.4m for visitor spaces with 6.2m wide aisle width, in accordance with AS2890.1. As such there will be adequate manoeuvring areas within the carpark for set-down and pick-up activities, with all vehicles able to enter and exist the site in a forward direction.

Minimum Headroom Dimensions

Comply.

Yes

Loading and Unloading Facilities

Waste pick-up will occur kerbside.

Yes

Other small service vehicles (e.g., deliveries, courier activity, maintenance and service personnel, etc.) will be able to use the available visitor parking space.

Pedestrian Access

Complies – separate pedestrian and vehicular access to the site.

Yes

Bicycle Parking

The DCP prescribes 1 bicycle space per 4 staff. With the development proposing a total of 70 staff, the proposal is to provide 1.75 (2) bicycle parking spaces.

Yes

The development proposes a total of 2 bicycle parking spaces within the basement level.

		<p><u>Visitor Parking</u></p> <p>The parking scheme comprises of separate visitor and staff parking, noting that both visitor and staff parking are appropriate marked and signposted, with the visitor parking located closer to the lift core within the basement level.</p>	Yes
		<p><u>Basement Parking</u></p> <p>Parking is to be provided within a basement level, which is becoming more common for newer more modern child care facilities.</p> <p>Basement parking is to be appropriately ventilated.</p> <p>The access point to the basement is appropriately integrated into the overall buildings design, thus ensuring that the proposed built form does not detract from the streetscape character along Weston Street.</p> <p>2 x bicycle parking is provided within the basement level as per the DCP.</p> <p>The basement level is designed and sized to provide sufficient parking while ensuring appropriate deep soil planting can be provided on the site.</p>	Yes
<b>Chapter 3.3</b>	Waste Management	<p>Development provides an enclosed waste room in the basement with bins to be wheeled to the kerbside to Weston Street which will be consistent with the surrounding residential developments and is normal for neighbourhood child care centre of this nature.</p> <p>All commercial waste and recycling services will be provided by a licensed waste contractor.</p>	Yes
<b>Chapter 3.4</b>	Sustainable Development	<p>The childcare facility has been oriented, sited and designed to achieve good natural light, ventilation and will install low energy consumption appliances.</p>	Yes
<b>Chapter 3.5</b>	Subdivision	<p>No subdivision proposed.</p>	N/A
<b>Chapter 3.6</b>	Signs	<p>No signage is proposed as part of this application. It is anticipated that signage</p>	N/A

		associated with the child care facility will be subject to future DAs.	
<b>Chapter 3.7</b>	Landscape	<p>Proposed landscaping works seek to soften the built form whilst also seeking to integrate the development with the site's medium density context. The landscaping plan is to also incorporate planting that is indigenous to the immediate area and will be utilised as part of learning programmes within the centre to assist with attending children understanding the benefits of utilising local native plantings.</p> <p>The development provides setbacks to from the basement level to the boundaries that will allow for appropriate deep soil and drainage, and so that the development will not impact upon vegetation on neighbouring properties. Refer to attached Landscape Plan that accompanies this application for more detail.</p>	Yes
<b>Chapter 4 – Heritage</b>			
		<p>Subject site is not listed as a heritage item and is not within a conservation area.</p> <p>There are heritage items within the broader locality, but they are sufficiently separated from the development site noting existing built forms and road networks provide adequate buffer between the subject site and the local heritage items.</p> <p>As such no further heritage studies is considered necessary noting that the development site is not burdened by any heritage restrictions.</p>	N/A
<b>Chapter 10 – Other Development</b>			
<b>Chapter 10.1</b>	Child Care Centres	<b><u>Section 2 – Traffic Management</u></b>	
		A Traffic Report which accompanies this application and has found that the current development is considered supportable in terms of traffic and parking planning grounds. Refer to attached Traffic Report for more detail.	Yes



### **Section 3 – Site Layout and Building Envelopes**

#### **Development Control**

##### **Storey Limit**

**3.1** The development proposes a maximum of 2 storeys, noting that the DCP limits child care facilities to 2 storeys.

Yes

**3.3** The DCP also states that activities for children aged 0-2 years must solely be located on the first storey (ground floor) of a building to ensure the safe evacuation of children during emergencies.

On merit

Development provides 0-2 age group within the first floor. Refer to discussion at the end of this table for more information.

Furthermore, the proposed child care facility has been designed and incorporate features that provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.

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

##### **Setbacks**

**3.4** The DCP prescribes a front setback of 5.5m for child care facilities within R3 zoned land.

Yes

The development provides a primary front setback of 5.7m from the primary building line to Weston Street. Complies.

The DCP prescribes a side setback of 1.5m for child care facilities within R3 zoned land.

The development provides a minimum side setback of 1.5m from the primary building line to both side boundaries. Complies.

**3.8** The outdoor play areas within both the ground floor and within Level 1 have been designed to avoid living areas or bedroom of an adjoining dwelling, road and

Yes

driveway that may have noise impact and potential noise or pollution sources.

This is achieved via the incorporation of landscaping, boundary fencing and acoustic fencing provided at the ground floor and acoustic fencing along the first floor outdoor play area.

The incorporation of acoustic barriers combined with the Plan of Management, will manage outdoor and the general operation of the facility, to minimise privacy impacts to adjoining properties.

#### Access

The child care facility has been designed to provide adequate access consistent with the Building Code of Australia and Australian Standard 1428 Part 1 to 4 – Design for Access and Mobility.

Yes

#### Car Park

It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site.

Yes

The proposed parking area and ancillary driveway will not contribute to the creation of traffic hazards.

The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site.

### **Section 4 – Building Design and Energy Efficiency**

#### Energy Efficiency

The child care facility has been oriented and sited to maximise natural light whilst the design scheme encourages natural cross-ventilation.

Yes

#### Access to Sunlight

The facility has openings and the outdoor play area oriented to receive adequate sunlight.

Yes

The development is appropriate scaled in terms of height and bulk, noting compliance to height provisions, and is sufficiently setback from its boundaries and therefore will not result in excessive overshadowing of neighbouring properties.

Shadow diagrams demonstrate that adjoining properties will continue to receive a minimum of 3 hours of interrupted sunlight at mid-winter.

#### Building Design

As per the DCP, as the development proposes a 36 place child care facility designed to appear as a contemporary two storey dwelling house in-order to be consistent with the existing low density residential built form character along the southern side of Weston Street.

Yes

The architectural elements include the incorporation of horizontal and vertical elements, incorporation of stepped alignment of walls, articulation of the front façade, varied window placement and a combination of colours and materials which provide relief to the built form.

The development provides an active frontage to Weston Street.

#### Roof Design

The development proposes an appropriate gabled roof design which presents a suitable contemporary form and good quality materials and finishes.

Yes

#### Front Fences

N/A – no front fence scheme is proposed as part of this application.

N/A

### **Section 5 – Acoustic Privacy**

The proposed two storey child care facility has been designed to minimise privacy impacts on neighbouring properties.

Yes

This is achieved via the siting and orientation of the building combined with compliance to height and setback provisions.

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

This includes the siting and orientation of the building combined with the two story built form complying with the prescribed height and setback provisions to ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.

Parking is to also be located within the basement level to minimise the acoustic impact of vehicle traffic moving to and from the site. Furthermore, the use of blank walls to the western elevation and a combination of blank walls and acoustic treatment to side walls/privacy screen to the eastern elevation at the first floor combined with the acoustic fencing will not only mitigate potential privacy impacts to adjoining properties but also to protect the noise intrusion into the child care facility. Finally, an Operational Management Plan which is to accompany this application will manage outdoor play times and the number of children accessing outdoor area at any one time.

An Environmental Impact Assessment has been prepared by Rodney Stevens Acoustics and accompanies this application. The Noise Impact Assessment has found that the proposed 36 place child care facility complies with noise criteria provided that the noise control measures recommended is implemented.

**5.3** DCP stipulates that the maximum height for noise attenuation walls and fences along the boundary of the site is 2m.

Minor  
Variation.

Comply - the proposed noise attenuative fencing that is to wrap around the ground floor outdoor play area is 1.8m in height with Perspex 45-degree angle cantilevered.

## **Section 6 – Open Space and Landscape**

### **Outdoor Play Areas**

**6.1** The outdoor play areas have been designed to permit supervision from within the child care facility. Yes

**6.2** The outdoor play areas is relatively flat with shading provided in accordance the shading requirements under the child care planning guideline. Furthermore, the surface treatment is in accordance with best practice guidelines in early childhood environments. Yes

**6.3** The outdoor play area do not include: On Merit – see discussion at end of table

- Driveway, parking area, drying area or other service area, undercroft area, balcony;
- Deep soil zones;

However the 0-2 age group outdoor play area is provided within the first floor – refer to discussion at the end of this table for more information.

**6.4 – 6.6** N/A – outdoor play areas do not contain retaining walls. N/A

### **Landscape and Deep Soil Zones**

A Landscape Plan has been prepared and accompanies this application. Yes

The development, with the exception of access arrangements (vehicular crossover and driveway & pedestrian pathways) provides a 2m wide landscaping setback to the front setback. Furthermore, where appropriate the development also provides a minimum 1.5m wide deep soil zones (with the exception of pedestrian pathway along the side boundaries) around the perimeter of the outdoor play area.

## **Section 7 – Safety and Security**

The proposed two storey child care facility provides the primary entry point and windows within the front elevation to address Weston Street. Yes

The street number will be visible from the street to ensure that it is easily identified from the public domain.

The outdoor play areas are separated from the car parking arrangements including vehicle access points and basement parking area.

The development is to incorporate appropriate fencing along its side and rear boundaries in accordance with the DCP.

The development has been designed to be accessible to and from the street level and within the building itself in accordance with all relevant legislation, with direct equitable pedestrian access provided via Weston Street.

Furthermore, a lift core provides access to all levels from the basement.

All appropriate fire protection has been provided in accordance with the relevant standards.

An Evacuation Plan has been prepared and accompanies this application.

#### **Section 8 – Site Facilities**

Comply – waste storage areas, storage of goods and materials are not visible from the public domain.

Yes

### ***DISCUSSION ON FIRST FLOOR OUTDOOR PLAY AREA & SECTION 6 OF CB CITY DCP 2023***

*The DCP sets out:*

#### ***Objectives***

*O1 To provide appropriate landscaping and outdoor play areas in child care facilities.  
O2 To provide useable open space on the street frontage for canopy trees and deep soil zones.*

*O3 To provide landscaping that softens the appearance of buildings, car parks and service areas.*

*O4 To provide useable private open space to dwellings that form part of child care facilities.*

*O5 To provide children with access to natural environments by way of trees, gardens and natural grass.*

*Development controls*

*Outdoor play areas*

*6.1 The location of outdoor play areas must allow supervision from within the child care facility.*

*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.*

*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 height of the floor level is more than 300mm above the ground level (existing).*

The proposal is consistent with the above but varies 6.3(c) in that the first floor accommodates an outdoor play area- being an above ground terrace with an outdoor play area. Despite the variation the proposal is considered consistent with the objectives as follows:

*O1 To provide appropriate landscaping and outdoor play areas in child care facilities.*

Note: This is achieved as the ground floor and first floor incorporates natural elements as shown on the landscape plans.

*O2 To provide useable open space on the street frontage for canopy trees and deep soil zones.*

Note: This is achieved.

*O3 To provide landscaping that softens the appearance of buildings, car parks and service areas.*



Note: This is achieved.

*O4 To provide useable private open space to dwellings that form part of child care facilities.*

Note: This is not relevant.

*O5 To provide children with access to natural environments by way of trees, gardens and natural grass.*

Note: This is achieved as the ground floor and first floor incorporates natural elements as shown on the landscape plans.

In relation to other matters of visual and acoustic privacy it is noted that:

- The first floor outdoor play area is incorporated into the development itself and will present as if it is part of the overall building design and therefore will not be highly visible from both the first elevation and from the rear boundary. Furthermore, development incorporates blank walls to its eastern elevation with 1.8m barrier to the front elevation to the outdoor play area which will mitigate potential privacy and acoustic impacts to neighbouring properties as confirmed by the acoustic report.
- An Operational Management Plan which is to accompany this application will manage outdoor play times and the number of children accessing outdoor area at any one time, which will further contribute towards managing potential noise impacts to adjoining properties, noting that the accompanying Environmental Noise Assessment concludes that provided the noise recommendations made in Section 8.0 of the report are implemented, the level of noise emitted by the proposed Child Care Facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultants' Guideline for Child Care Centres Acoustic Assessment and the Environmental Protection Authority's NSW Road Noise Policy, and is considered acceptable.
- The facility has been designed to incorporate features that provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency. This includes the preparation of an Emergency and Evaluation Plan prepared in accordance with Regulation 97.

On the basis of the above, and noting the R3 medium density zoning, the provision of an outdoor play area within the first floor is considered acceptable and worth of Council support

## CONCLUSION

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent.

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.