

**Wynne** Planning



**339-377 FOREST ROAD  
BEXLEY**

**Statement of Environmental Effects**

**Proposed New Child Care Facility**

**July 2019**

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# Executive Summary

This document comprises a Statement of Environmental Effects (SEE) to accompany architectural plans for demolition of existing awning and shed structures, and construction of a centre-based child care facility with associated play areas and basement parking towards the southern corner of the site at 339-377 Forest Road, Bexley. The child care facility will cater for 80 children at maximum capacity.

The proposed built form will be two-storeys in height with dedicated basement car parking and a roof top level. It is noted that 32 car parking spaces including 2 accessible car parking spaces will be provided on site for use by the child care facility.

The proposal is permissible with development consent and performs favourably in relation to the relevant aims, objectives and development standards of the relevant environmental planning instruments and associated development control plan. In particular, it is noted:

- Architectural design and streetscape:** The style of the proposed child care facility has been sensitively designed regarding scale, bulk and form and will contribute positively to the present and future character of the Bexley area. The proposed child care centre has been designed to be in keeping with the existing and emerging character of the area, through a well-designed built form, and the proposal sits well alongside heritage items onsite and nearby. The proposal has been informed in this regard by a Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants, and included under separate cover.
- Height and FSR:** The proposed gross floor area of the child care facility is approximately 869m<sup>2</sup>. When considered alongside the other existing development onsite, with an existing GFA of approximately 3,324m<sup>2</sup>, this equates to a total of approximately 4,193m<sup>2</sup> of GFA across the site. This totals an FSR of 0.5:1 which complies with the 0.5:1 permitted under the LEP. Under Clause 4.3 of RLEP 2011 the maximum allowable height is 8.5m. The child care facility is proposed at 2 storeys plus roof top play space and with a maximum height of 12.27m. A Clause 4.6 variation request has been prepared for the proposal and is included in Appendix F. The clause 4.6 variation request outlines that the proposed development has been carefully designed in response to the opportunities and constraints of the subject site and its specific context in the Bexley locality and alongside existing development, including the heritage listed buildings, onsite. An architectural roof feature has been provided which doubles as a shade structure, and is provided under Clause 5.6 of the LEP which allows for *“development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3”*.
- Tree removal and Landscaping:** Landscape Plans have been prepared for the site by Zenith Landscape Designs and propose generous landscaping opportunities towards site boundaries as well as detailed outdoor play areas to the upper levels. Under RDCP 2011, 20% landscaping is required. The proposal includes a total of approximately 1,395m<sup>2</sup> of deep soil landscaped area, equating to 16.63% of the site. Nevertheless, this is considered appropriate given the



generous landscaping scheme proposed and as the variation results from the existing site context and built form.

- **Shadow, acoustics, views and amenity:** The site fronts Bayview Street to the south so there will be no unreasonable shadow impacts to surrounding neighbours. Similarly, the site has a north easterly frontage to Forest Road and so the proposal will benefit from direct solar access throughout the day, ensuring the proposal complies with relevant solar access requirements. The development has been designed to provide privacy between the childcare centre and surrounding neighbours through measures such as the internal layout, the building materials used, and screening devices which will control visual privacy and still allow natural light and ventilation. Generous building separation distances provided by the 2 street frontages assist in this regard. An Acoustic Report has been prepared by Acoustic Logic Consultancy and is attached under separate cover, the report has assessed the development in terms of acoustic amenity and concludes that the level of proposed noise emissions will be acceptable for the site.
- **Setbacks:** Building setbacks to the primary and secondary street frontages have been demonstrated to be appropriate for the site and contribute positively to the streetscape and overall building design.
- **Traffic, access and parking:** As demonstrated in the RDCP 2011 Compliance Table in Appendix D, the proposal complies with controls for access and parking. Vehicular access to the site will be provided via a driveway from Bayview Street to the basement level with 20 car parking spaces provided, including 2 accessible parking spaces. Another driveway will lead from Bayview Street to the ground floor level parking with 12 car parking spaces provided for use by the child care facility. Designated drop-off and pick-up is also proposed, as discussed in the Traffic Report. Pedestrians will be able to access the site via a pathway leading from the Bayview Street frontage to the main entry, with this entry separate from the vehicular access points. A Traffic and Parking Assessment has been prepared for the site by Hemanote Consultants and is attached under separate cover.
- **BCA and Accessibility:** The proposed facility will comply with the Building Code of Australia (BCA) and Australian Standards for accessibility and other relevant standards.
- **Proposed Operations and Signage:** The proposed operations onsite will include a maximum of 80 children in attendance supervised by up to 14 staff plus up to 2 additional staff (a cook and an administrative staff member), totalling a maximum of 16 staff onsite. Signage is not proposed under this application.
- **Social impact:** This report demonstrates that the proposal will not detrimentally affect the local sense of community or increase risk to public safety but will have a positive social impact, particularly through sensitive architectural design and provision of a use (child care) in an area with a growing population and subsequently a high demand for such services and facilities, and on a site well equipped to accommodate such a use while having negligible impact on other nearby uses.

Accordingly, in the circumstances of the case and given a lack of detrimental impacts, the proposal is considered appropriate and is submitted to Council for favourable consideration.



# 1

## Introduction

This document comprises a Statement of Environmental Effects (SEE) to accompany architectural plans for demolition of existing awning and shed structures, and construction of a centre-based child care facility with associated play areas and basement parking towards the southern corner of the site at 339-377 Forest Road, Bexley. The child care facility will cater for 80 children at maximum capacity.

The proposed built form will be two-storeys in height with dedicated basement car parking and a roof top level. It is noted that 32 car parking spaces including 2 accessible car parking spaces will be provided on site for use by the child care facility.

The report has been prepared on behalf of St Mary & St Mina Coptic Orthodox Church.

The aims are:

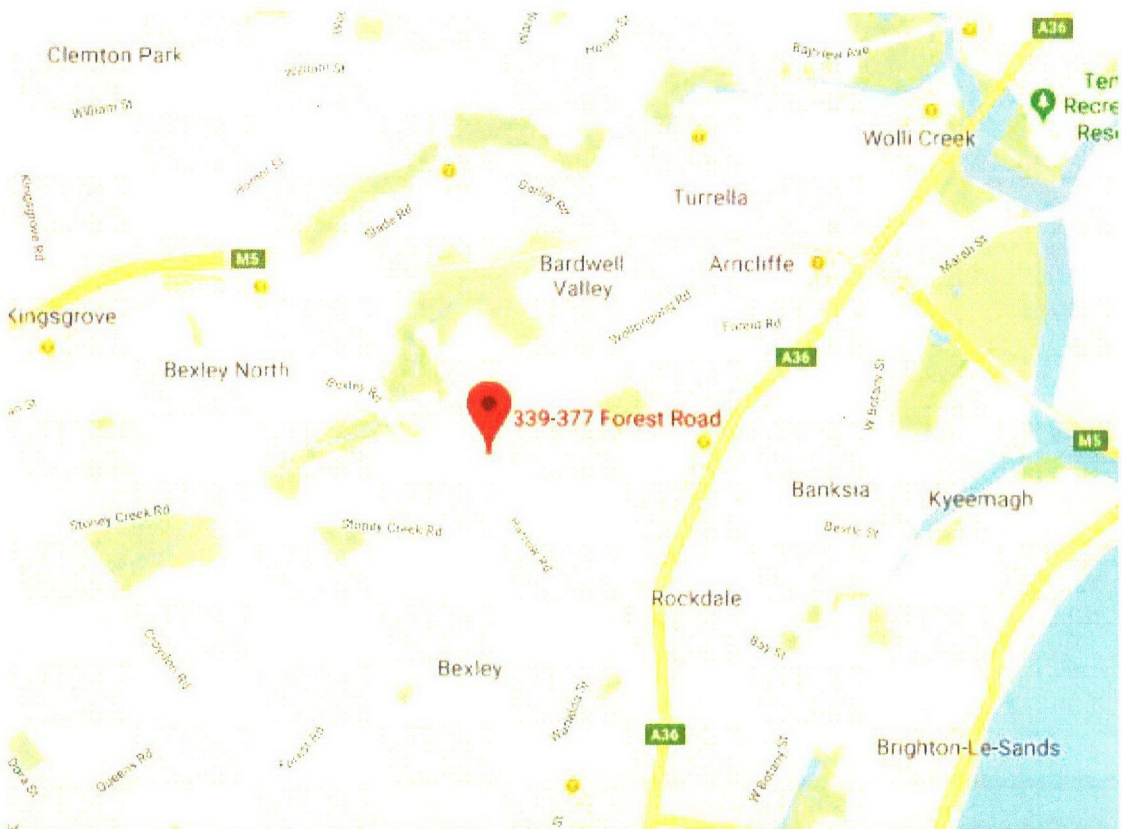
- To provide an assessment context by describing key elements of the site, the surrounding local environment, existing planning controls and relevant planning history;
- To describe the development proposal; and
- To assess the potential impacts and environmental effects of the proposed development of the subject site under section 4.15 of the Environmental Planning and Assessment Act 1979.



# 2 Context

## 2.1 Locational Context

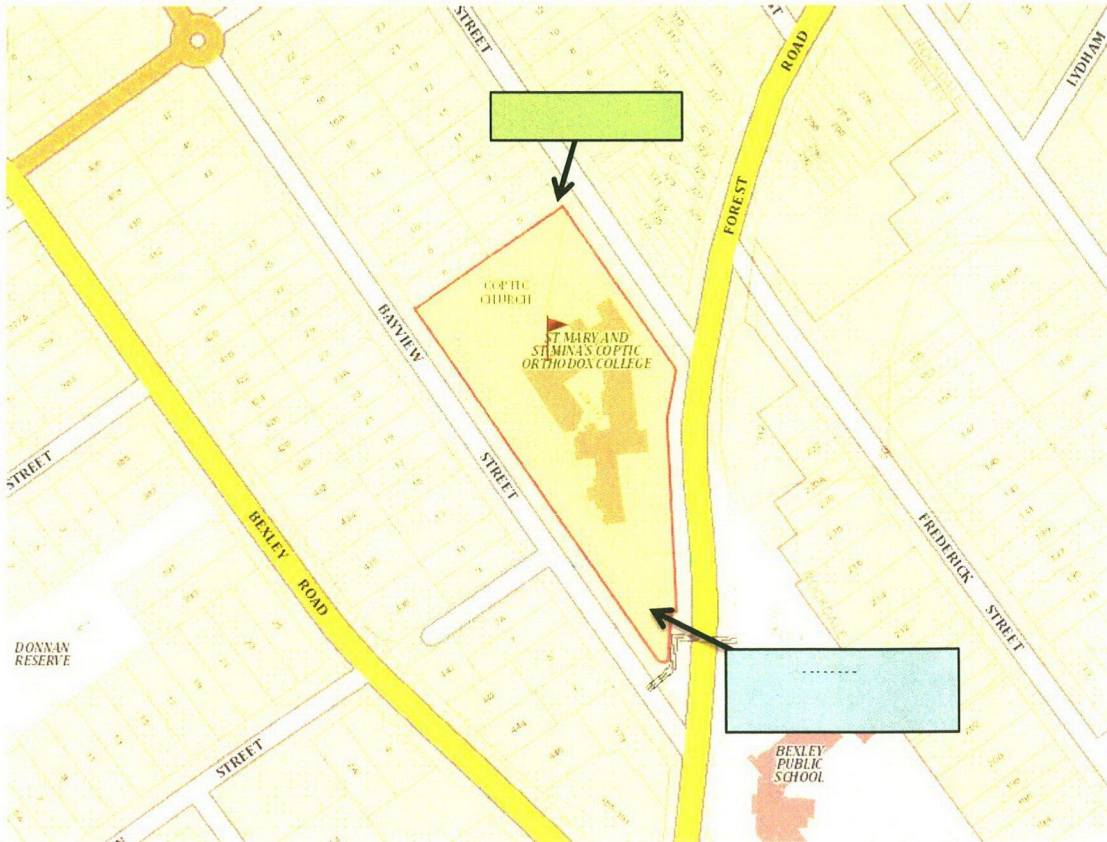
The subject site is located in Bexley within the Georges River Local Government Area (LGA) located to the south of the Sydney CBD. Surrounding areas include Bexley North, Bardwell Valley, Arncliffe, Banksia and Rockdale. Refer to the Figures 1-3 below.



Source: Google Maps

Figure 1: Regional Site Context

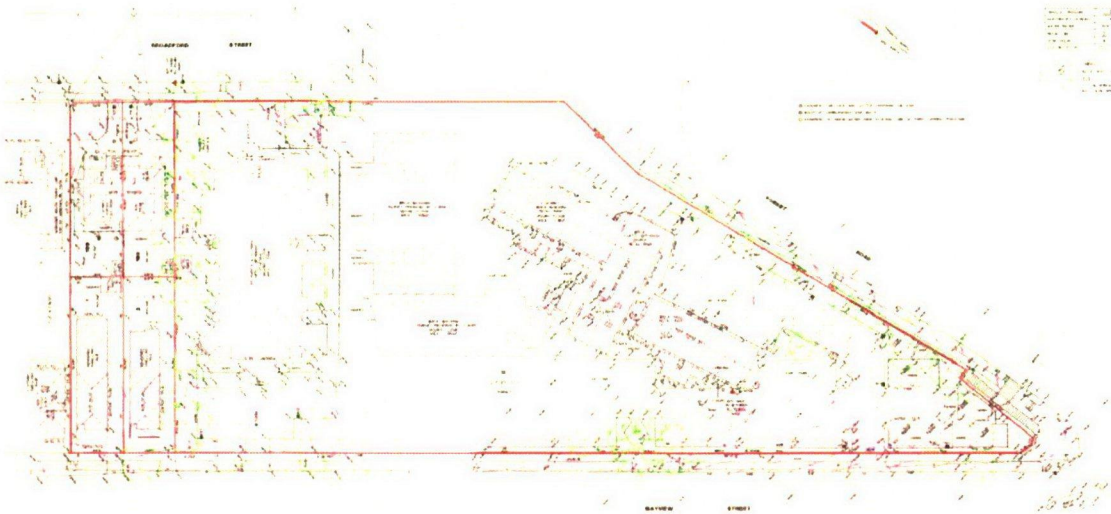






## 2.2 Site Description and Analysis

The subject site is legally identified as Lot 11 in DP 857373 and known as 339-377 Forest Road, Bexley. The site is irregular in shape, with an eastern frontage of 74.51m plus 18.4m to Forest Road, a north-eastern frontage of 75.68m to Broadford Street and a south-western frontage of 163.27m to Bayview Street. The total area of the subject site is 8,388m<sup>2</sup>. The proposed childcare centre will be located at the south-eastern corner of the lot having dual street frontages addressing Forest Road and Bayview Street.



Source: JRK Land Surveyors

Figure 4: Survey Plan Extract

A site analysis drawing has been prepared and is included with the architectural plans submitted under separate cover. The proposed development takes into consideration the site opportunities and constraints in its streetscape context. Refer to photos in Appendix A.

### 2.2.1 Surrounding Development

Key characteristics of the surrounding area include:

- The immediately surrounding area comprises of low density residential dwellings, including detached dwellings and dual occupancies. There are also commercial developments and educational establishment located in close proximity to the site. The subject site includes St. Mary Coptic Orthodox Cathedral and St. Mary and St. Mina's Coptic Orthodox College and associated car parking.
- Bexley town centre is located to the north of the site and along Forest Road which comprises of a variety of retail shops and premises, restaurants and cafes, such as:
  - Anna's Unique Hair Design;
  - Auslee Clothing & Alterations;
  - Mama's Café Patisserie;
  - Arthur's Pizza Bexley; and
  - Jan Crystal Enterprises.



- Shell petrol station with Coles Express and Ultra Tune Auto Service Centre are located approximately 85m northeast of the site opposite Forest Road.
- Bexley Public School is located approximately 70m southeast of the site opposite side of Forest Road and St Gabriel's Catholic School is located 550m southwest of the site.
- Albyn Cottage Child Care Centre is located approximately 220m southeast of the site.
- Bexley Community Centre is located approximately 140m southwest of the site.
- Parks in the surrounding area include Yambawoorra Reserve is located approximately 360m east of the site and Bexley Park is located approximately 840m southwest of the site.
- Rockdale Train Station and Town Centre are located approximately 1km southeast of the site.
- Bus stops are located nearby streets including Bexley Road and Harrow Road.

### 2.2.2 Existing Site Conditions

Key characteristics of the existing site include:

- **Existing development on site:** The subject site currently contains a 1-2 storey chapel, a college including a 3 storey brick building with metal roof, a brick Coptic Orthodox church with metal roof and a single storey brick hall with metal roof. A number of awnings are located towards the south-eastern corner (i.e. the location of the proposed child care centre), and numerous hardstand car parking spaces are located across the site.
- **Existing vegetation:** The site contains various trees, shrubs and grassed areas. Trees are planted along all boundaries as a landscape buffer that separates the site from major roads including Forest Road, Bayview Street and Broadford Street, as well as separating the site from adjacent properties along the north-western boundary of the site. Various street trees along these roads are also existing.
- **Vehicular and pedestrian access:** Primary vehicular access is currently available via two driveways located off Bayview Street leading to two existing individual gates (Gates 1-2). There is also a vehicular access located off Broadford Street leading to the existing Gate 3 (exit only). Pedestrian access ways to the site are also available via these gates and additional gates, such as pedestrian-only gates from Bayview Street and Forest Road. It is noted that there is an existing pedestrian bridge across Forest Road to the Council footpaths surrounding the subject site.
- **Topography:** The site is developed and so is relatively level, but is noted to fall approximately 2.6m from the site of the existing brick hall to the southern corner of the site (where the facility is proposed).



- **Views:** The site overlooks low density residential development, and commercial development surrounding the site. The site does not have outlooks or important views given its distance from the ocean and Sydney CBD.
- **Solar access/shadow and privacy:** The site has a northerly aspect to the Broadford Street frontage and an easterly aspect to the Forest Road frontage and a southerly aspect to the Bayview Street frontage. The subject building is suitably separated from existing development on the site to allow for privacy and minimise overlooking and overshadowing impacts.
- **Services, easements and other restrictions on title:** Services such as electricity, sewer and water are all available to the existing developments on the site and there are no other known services constraints affecting the development. The survey plan indicates the presence of various easements on adjacent sites however none are noted to be present on the subject site.
- **Surrounding noise sources:** The site adjoins a major road, being Forest Road and two local roads, being Bayview Street and Broadford Street, and is surrounded by residential development as well as commercial development and a school. The site is not within the immediate vicinity of any rail corridor so surrounding noise impacts are likely to result primarily from traffic along Forest Road.
- **Heritage:** The site is identified as a local heritage item (No. 1131), being *Original Bexley School buildings*. There is also another local heritage item (No. 1132), being *Bexley School of Arts*, located opposite Forest Road and the Pedestrian Bridge at Bexley, No. 330 Forest Road is also identified as a NSW heritage listed item. A full assessment of surrounding heritage items is provided in the Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants, and included under separate cover.
- **Other site constraints:** The site is affected by Class 5 acid sulfate soils. Council Pre DA notes stated that a contaminated site investigation might be required for the site. However given other applications across the site, for similar (educational) uses, and a lack of unreasonable impacts, the proposal is considered appropriate. Additional details can be submitted during the DA process if required. There are no other known site constraints such as flood or groundwater.



## 2.3 Pre-DA History

The recent development history for No 339-377 Forest Road, Bexley, as noted on Council's website, is as follows:

**Table 1: Previous (in the last 10 years) Development History Summary for site**

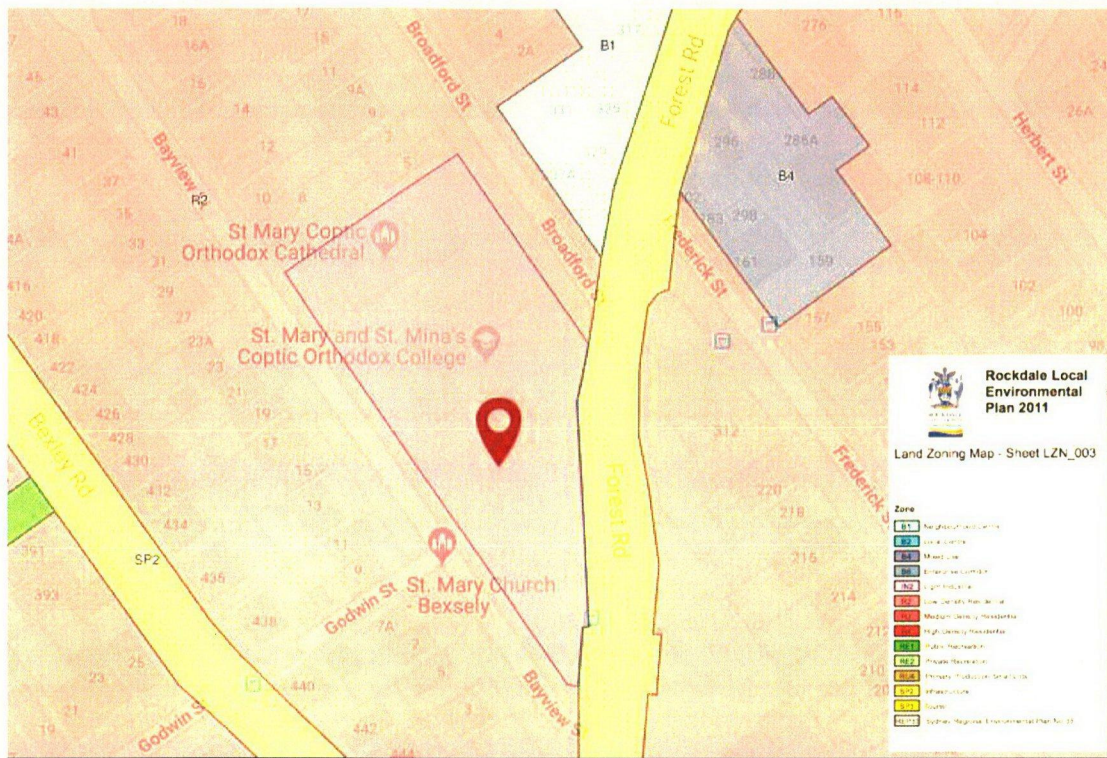
Application number	Description /details	Applicant	Lodged	Status	Determined
DA-2015/90	Addition of a vergola between the community hall and school building within the St. Mary and St. Mina Coptic Orthodox College and Cathedral site (originally Bexley School buildings)	Coptic Orthodox Church (NSW) Property Trust	11/09/2014	Finalised	Approved 21/10/2014
CC-2015/141	Construction of a vergola	Mr Tamer Mikhail	12/11/2017	Finalised	Approved by Private Certifier on 07/11/2014
BC-2013/28	Sunday school building	St Mary & St Mina Cathedral, Coptic Orthodox Church	15/10/2012	Determined	Refused by Delegated Authority on 26/09/2014
CC-2010/49	Erection of awning to existing shed located at Forest Road frontage	Ausegy Constructions & Development Pty Ltd	15/08/2009	Determined	Approved by Private Certifier on 12/08/2009
DA-2009/393	Erection of awning to existing shed located at Forest Road frontage	Ausegy Constructions & Development Pty Ltd	20/05/2009	Finalised	Approved by Delegated Authority on 15/07/2009

A pre DA meeting was held for the current proposal on 29 May 2018. Council's comments have informed the detailed design of the current proposal, and are addressed in detail in Appendix E of this report.

## 2.4 Planning Controls

The key relevant planning controls are Rockdale Local Environmental Plan 2011 (RLEP 2011) and Rockdale Development Control Plan 2011 (RDCP 2011). The subject site is located in the R2 – Low Density Residential zone under RLEP 2011. See zoning map extract in Figure 4 below.





Source: NSW Planning Portal

Figure 4: Zoning Map Extract

It is also noted that under the existing LEP the subject site:

- has a maximum floor space ratio (FSR) of 0.5:1;
- has a maximum building height of 8.5m;
- is affected by class 5 acid sulfate soils;
- is identified as a local heritage item (No. I131) being *Original Bexley School buildings*. There is also another local heritage item (No. I132), being *Bexley School of Arts*, located opposite the side of Forest Road;
- has a minimum lot size control for subdivision of 450m<sup>2</sup>;
- is not identified for land reservation acquisition;
- is not identified as a flood planning area;
- is not identified as having a minimum landscaped area control;
- is not identified on the Natural Resource – Biodiversity Map;
- is not identified on the Natural Resource – Wetlands Map;
- is not affected by foreshore building line;
- is not identified as having Active Street Frontages;
- is not affected by terrestrial biodiversity; and
- is not identified on the Design Excellence Map.



# 3 Proposal

## 3.1 Overview

This document comprises a Statement of Environmental Effects (SEE) to accompany architectural plans for demolition of existing awning and shed structures, and construction of a centre-based child care facility with associated play areas and basement parking towards the southern corner of the site at 339-377 Forest Road, Bexley. The child care facility will cater for 80 children at maximum capacity.

The basement level includes 20 parking spaces including 2 accessible parking spaces as well as an entry foyer, food preparation area, amenities and internal lift/stair access to upper levels. Entry to the basement level is via Bayview Street. 12 car parking spaces will be provided at ground floor level, as well as an entry foyer, reception, meeting room, amenities and internal lift/stair access to upper/basement levels.

The first floor level includes a 0-2 year old indoor play area, 2-3 year old indoor play area, 4-5 year old indoor play area, outdoor play area, reception, administrators office, parents lounge, office, staff room, food preparation area, cot room, amenities and internal lift/stair access to the roof top/lower levels. The roof top level includes a covered outdoor play area, storage, roof services, amenities and internal lift/stair access to the lower levels.

The architectural and landscape proposal plans accompany this SEE under separate cover.

## 3.2 Development Statistics

Table 1 below outlines the main numeric characteristics of the development.

**Table 1: Proposed Development Overview**

Item	Existing	Proposal
<b>Site area</b>	8,388m <sup>2</sup>	8,388m <sup>2</sup>
<b>Gross Floor Area</b>		
<b>Existing Buildings Subtotal</b>	<b>Approximately 3,324m<sup>2</sup></b>	<b>As existing</b>
<b>Child Care Facility</b>		
Basement (exc. parking)	-	130m <sup>2</sup>
Ground Floor	-	131m <sup>2</sup>
First Floor	-	586m <sup>2</sup>
Roof Top	-	22m <sup>2</sup>
<b>Calculable Subtotal (excluding basement)</b>	-	<b>869m<sup>2</sup></b>



Item	Existing	Proposal
<b>parking)</b>		
<b>Total</b>	<b>Approximately 3,324m<sup>2</sup></b>	<b>Approximately 4,193m<sup>2</sup></b>
<b>Floor Space Ratio (FSR)</b>	0.4:1	0.5:1
<b>Maximum Height</b>		
Existing Development Onsite	Approximately 7.7m-15.4m	As existing
Child Care Facility	-	11.7m-12.27m
<b>Landscaped Area</b>		
Total Landscaped Area	Approximately 1,433m <sup>2</sup> (17.08%)	Approximately 1,395m <sup>2</sup> (16.63%)
<b>Min. Primary street setback</b> (Forest Road)		
Existing Development Onsite	0.5m-0.92m (to be demolished) Approximately <sup>1</sup> 6m to existing development onsite	- As existing
Child Care Facility	-	0.71m-3m
<b>Min. Secondary street</b> <b>setback (north east –</b> <b>Broadford Street)</b>		
Existing Development Onsite	Approximately <sup>2</sup> 4m to existing development onsite	As existing
Child Care Facility	-	NA, behind existing building line
<b>Min. Secondary street</b> <b>setback (south west –</b> <b>Bayview Street)</b>		
Existing Development Onsite	0.99m-1.59m to awnings (to be demolished) Approximately <sup>3</sup> 12m to existing development onsite	- As existing
Child Care Facility	-	1.17m-3.02m
<b>Min. Side setback (north</b> <b>west)</b>		
Existing Development Onsite	Approximately <sup>4</sup> 6m to existing development onsite	As existing
Child Care Facility	-	NA, behind existing building line

<sup>1</sup> Estimated from SIXMaps

<sup>2</sup> Estimated from SIXMaps

<sup>3</sup> Estimated from SIXMaps

<sup>4</sup> Estimated from SIXMaps



Item	Existing	Proposal
<b>Parking spaces</b>		
<b>Existing – school and church</b>	Approximately 98 spaces (note: some of these spaces are inactive)	-
<b>Child Care Facility</b>		
Basement	-	20 spaces (inc. 2 accessible)
Ground floor	-	<u>12 spaces</u>
<b>Total child care spaces</b>	-	<b>32 spaces</b>
<b>Bike Parking Spaces</b>	-	8 at ground floor level

**Table 2: Proposed Child Care Centre – Key Statistics**

Child Care Centre								
Room No.	Age Group	No. of Children Proposed in Room	DEC Staff Ratio Requirement	No of Staff Provided	Indoor Play Space Requirement (@ 3.25 sq.m/child)	Indoor Play Space provided	Outdoor Play Space Requirement (@ 7 sq.m/child)	Outdoor Play Space Provided
1 0-2 year olds	0-2	20	1:4 = 5	5	65m <sup>2</sup>	71m <sup>2</sup>	140m <sup>2</sup>	611m <sup>2</sup>
2 2-3 year olds	2-3	30	1:5 = 6	6	97.5m <sup>2</sup>	100m <sup>2</sup>	210m <sup>2</sup>	
3 4-5 year olds	4-5	30	1:10 = 3	3	97.5m <sup>2</sup>	97.6m <sup>2</sup>	210m <sup>2</sup>	
<b>Total</b>		<b>80</b>	<b>14</b>	<b>14 Plus 2 not in play rooms</b>	<b>260m<sup>2</sup></b>	<b>268.6m<sup>2</sup></b>	<b>560m<sup>2</sup></b>	<b>611m<sup>2</sup></b>

### 3.3 Building Layout

The proposed development has been designed in response to careful consideration of the opportunities and constraints of the site. The proposed development seeks to achieve the objectives and satisfy the controls of the relevant SEPPs, LEP, DCP and the Child Care Planning Guidelines. The following discussion outlines the proposed layout.

This application is for a proposed centre-based child care facility, landscaped play areas with suitable facilities for various age groups and a basement parking level. The proposed layout for the subject site will be as follows:

#### Basement Floor Level:

- 20 car parking spaces including 2 accessible parking spaces;
- Entry foyer;



- Food preparation area;
- Amenities including 2 WCs, a disabled WC and storage;
- Internal lift/stair access to upper levels;
- Fire stair egress; and
- Basement entry via a ramp from Bayview Street.

#### **Ground Floor Level:**

- 12 car parking spaces and 8 bike parking spaces;
- Entry foyer;
- Reception;
- Meeting room;
- Amenities including disabled WC and storage;
- Internal lift/stair access to upper/basement levels; and
- Entry via a driveway from Bayview Street.

#### **First Floor Level:**

- 0-2 year old indoor play area:
  - Capacity for 20 kids (ages 0-2);
  - Associated bottle prep, nappy change and cot room;
  - Storage;
  - Access to the outdoor play space.
- 2-3 year old indoor play area:
  - Capacity for 30 kids (ages 2-3);
  - Associated toilet, nappy change and craft prep;
  - Storage;
  - Access to the outdoor play space.
- 4-5 year old indoor play area:
  - Capacity for 30 kids (ages 4-5);
  - Associated toilet and craft prep;
  - Storage;
  - Access to the outdoor play space.
- Outdoor play area:
  - Capacity for 7 kids.
- Reception;
- Administrators office;
- Parents lounge;
- Office;
- Staff room with kitchenette;
- Food preparation area;
- Amenities including WCs; and
- Internal lift/stair access to the roof top/lower levels.

#### **Roof Top Level:**

- Covered outdoor play area:
  - Capacity for 76 kids.
- Storage;
- Roof services;
- Amenities including a WC and disabled WC; and
- Internal lift/stair access to the lower levels.



The architectural plans of the proposed development are provided under separate cover.

### 3.4 Tree Removal and Landscaping

Landscaping proposed includes various trees and shrubs towards each boundary near the subject portion of the site. It is noted that some existing trees along the Forest Road frontage of the site and street trees in Bayview Street are to be retained and protected throughout the construction period and ongoing function of the proposed childcare centre. An Arboricultural Impact Assessment Report has been prepared by Jacksons Nature Works and is attached under a separate cover. The findings and recommendations within this report has informed the design of the proposal and its future construction.

Landscaping Plans have been produced for the site by Zenith Landscape Designs and are attached under separate cover. While tree removal is proposed, appropriate replanting is provided in the landscaping scheme. Key features of the proposed Landscaping Plans include:

- Ground floor level:
  - 24 new trees with a mature height of 6m or more to be planted across the site;
  - New small street trees planted along Bayview Street;
  - Raised planter over basement with screen hedging;
  - Native grasses along basement ramp;
  - Nature strip regraded and returfed as required;
  - Indigenous canopy trees, screen hedging and mass planted native understorey species planted in refurbished perimeter garden beds along Forest Road;
  - Mass planted native grasses and screen hedging towards corner of site; and
  - Accent plants and low groundcover to pedestrian entry.
- First floor outdoor play space:
  - Log elements for climbing/seating; and
  - Rubberised soft fall with inlay patterns.
- Roof outdoor play space:
  - Small planters with small native trees and groundcovers;
  - Play areas including a low mound, stepping logs and seating circle, bridge and sandpit; and
  - Selected artificial turf softfall.

### 3.5 Parking and Site Access

Vehicular access to the site will be provided via an exit and entry driveway from Bayview Street (via existing Gate 3) and via new Gate 4 which will provide basement access from the street. Pedestrian access will be provided via a separate pathway leading from the existing footpath along the Bayview Street frontage to the main entry. 20 car parking spaces including 2 accessible parking spaces will be provided at basement level and 12 parking spaces will be available at the ground floor level. Designated drop-off and pick-up is also proposed, as discussed in the Traffic Report.



A Traffic and Parking Assessment has been prepared for the site by Hemanote Consultants and is attached under separate cover. The report concludes that:

*"It can be concluded from the traffic and parking impact assessment that the proposed childcare centre to be located at 339 Forest Road, Bexley is adequate and will have no adverse impacts on current traffic or parking conditions."*

### 3.6 Stormwater

A stormwater plan has been prepared by NY Civil Engineering, and is included under separate cover. Key components of the stormwater design include the following:

- Pump out system from basement located towards the southern portion of the development;
- Stormwater will drain to Bayview Street from the proposed childcare building along the south western side boundary and connection to the existing kerb inlet pit is proposed;
- A 24.8m<sup>3</sup> OSD tank is provided below the basement ramp for the site; and
- Details of necessary works and stormwater drainage infrastructure are provided.

### 3.7 Services and Regulated Systems

All services are currently available and can be readily connected for the proposed development. All regulated systems including air conditioning will be appropriately installed, registered, operated and maintained in accordance with all relevant health standards and requirements.

### 3.8 Proposal Operations

An operational management plan has been prepared for the facility and is included under separate cover. Key details of the plan are provided below.

**Table 3: Proposed Operational Management Plan**

Item	Proposal
<b>Name of Business</b>	TBC – business name not yet confirmed.
<b>Type of Business and Vision</b>	<p>Centre-based child care facility.</p> <p>Key overall objectives are:</p> <ul style="list-style-type: none"> <li>• <i>"Provide state of the art new childcare facility to cater for children aged 6 weeks to 6 years.</i></li> <li>• <i>Offering an Early education, to encourage and sustain our Coptic ethos.</i></li> <li>• <i>Childcare to create synergies and compliment to the Coptic church and school.</i></li> <li>• <i>Offering additional facilities to the Church and school.</i></li> <li>• <i>Be a feeder to the school on campus.</i></li> </ul>



	<ul style="list-style-type: none"> <li>The Centre will be established under a Commercial banner to attract the Wider Community."</li> </ul>
<b>Layout on site</b>	<p>The proposed 2 storey childcare centre plus basement parking and roof top play area will consist of:</p> <ul style="list-style-type: none"> <li>Basement level parking, entry foyer, food preparation area and amenities;</li> <li>Ground floor level parking, entry foyer, reception, meeting room and amenities;</li> <li>Ground floor level parking, entry foyer, reception, meeting room and amenities;</li> <li>First floor level 0-2 year old indoor play area, 2-3 year old indoor play area, 4-5 year old indoor play area, outdoor play area, reception, administrators office, parents lounge, office, staff room, food preparation area, cot room and amenities; and</li> <li>Roof top level outdoor play area, storage, roof services and amenities.</li> </ul>
<b>No. of children and indoor and outdoor play areas</b>	<p>The proposed facility will aim to have 80 children at maximum daily capacity and will be providing care for children aged 0-5 years. There will be a total of 16 staff maximum.</p> <p>The table in Section 3.2 of this SEE shows a breakdown of the 80 children into age groups as well as staff allocation, and also shows a breakdown of indoor and outdoor play space. 14 staff are proposed in children's rooms with up to 2 additional staff proposed.</p> <p>The capacity of the facility is:</p> <p>0-2 years – 20 children 2-3 years – 30 children 4-5 years – 30 children</p>
<b>Number of parking spaces</b>	<p>The proposed facility provides 32 off-street parking spaces including 20 car spaces in the basement including 2 accessible and 12 at-grade car spaces.</p> <p>Designated drop-off and pick-up is also proposed, as discussed in the Traffic Report.</p>
<b>Neighbourhood Parking Policy</b>	<p>Refer Plan outlined in Drop off and Pick up – Traffic Generation, below.</p>
<b>Days and Hours of Operation</b>	<p>The facility's hours of operation will be 7:00am to 6:00pm, Monday to Friday.</p> <p>The centre will close on all public holidays and operate 52 weeks per year.</p>
<b>Vehicular Site Access – Weekdays and Weekends</b>	<p>Per the Traffic and Parking Assessment prepared for the site by Hemanote Consultants and attached under separate cover, vehicular access to the site will be as follows on weekdays and weekends:</p> <p><b>Gate 1 (in/out):</b> "an existing gate that only opens on the weekends for the existing church use and during special services and events such as funerals and weddings. This existing access driveway provides for one-way traffic entering the site only. This gate is closed during Mondays to Fridays."</p>



	<p><b>Gate 2 (in only):</b> <i>"a proposed gate that only opens on Mondays to Fridays during school zone hours between 8.00am to 9.30am and 2.30pm to 4pm. The proposed access driveway has a width of 3.6 metres and provides for one-way traffic entering the site only, which is compliant with AS2890.1:2004 – Table 3.2. This gate is closed on the weekends."</i></p> <p><b>Gate 3 (in/out):</b> <i>"a proposed gate that opens on Mondays to Fridays between 5.00am to 4.00pm and 6.00pm to 10.00pm. It is closed between 4.00pm to 6.00pm. It also opens on Saturdays between 6.00am to 10.00pm. The access driveway has a width of 6.2 metres and provides for two-way traffic, which is compliant with AS2890.1:2004 – Table 3.2. Additionally, this driveway will provide access for a waste collection truck (Small Rigid Vehicle – SRV), which is compliant with AS2890.2:2018."</i></p> <p><b>Gate 4 (in/out):</b> <i>"an existing driveway to be reconstructed and widened and its gate opens on weekdays and weekends, including the hours of operation of the proposed childcare centre. The existing access driveway will be widened to a width of 6.2 metres for two-way traffic flow, which is compliant with AS2890.1:2004. It provides access to the basement car parking spaces."</i></p> <p><b>Gate 5 (out only):</b> <i>"an existing gate located in Broadford Street and has an automatic gate which only opens as vehicles exit, via the use of a sensor. It only provides vehicular access to exit the site throughout the week."</i></p>
<b>Drop off and pick up – Traffic Generation</b>	<p>Traffic generation will be as follows, per the Traffic and Parking Assessment prepared for the site by Hemanote Consultants and attached under separate cover:</p> <p><i>"The Guide specifies the following traffic generation rates for childcare centres:</i></p> <ul style="list-style-type: none"> <li>• <i>0.8 peak period vehicle trips per child between 7.00am and 9.00am; and</i></li> <li>• <i>0.7 peak period vehicle trips per child between 4.00pm and 6.00pm.</i></li> </ul> <p><i>...The estimated peak period traffic generation is considered to be of low impact on existing flows on the surrounding road network. The traffic generated by the operation of the proposed childcare centre will not alter the current levels of service and additional traffic generated can be readily accommodated."</i></p>
<b>Staff Arrivals</b>	<p>Not all staff start work at the same time.</p> <p>Arrivals are usually staggered between the hours of 5am to 9am.</p> <p>Fulltime staff work for 11 hours a day. Part-time or casual staff work shifts as required.</p>
<b>Parent Arrivals and Drop Off</b>	<p>For drop off, parents usually arrive between 7am and 9am.</p> <p>For pickup, parents usually arrive between 4pm until 6pm.</p>



<b>Security on site</b>	<p>The children's rooms will have limited access, as any arrivals will need to be granted entry at reception and then gain access to the individual rooms via the main corridor leading to the rooms.</p> <p>Each staff member must undergo mandatory Working With Children Check before employment and access to children through the NSW Government's Commission for Children and Young People.</p> <p>The centre will have the following security measures in place:</p> <ul style="list-style-type: none"> <li>• Childproof fences and gates to building perimeter;</li> <li>• Security cameras and CCTV;</li> <li>• Securable windows and doors across the site.</li> </ul>
<b>Music and Noise Management</b>	<p>Throughout the day, staff may arrange music sessions for children's learning and for sleep times to create an ambient atmosphere as children settle throughout daily transitions. Music may be played a few times each day at a soothing volume to ensure children's comfort.</p> <p>Refer also indoor/outdoor play rules, below.</p>
<b>Hours and Details of Indoor/Outdoor Play</b>	<p>To minimise the noise effects of playing children to neighbouring houses outdoor play rules will be adhered to including:</p> <ul style="list-style-type: none"> <li>• Limiting the frequency of outdoor play in early hours (i.e. before 8am); and</li> <li>• Limiting the frequency of outdoor play the afternoon (i.e. after 5pm).</li> </ul> <p>A maximum of 7 children will be permitted on the first floor level outdoor play area. Play on the roof top play area will be staggered so that generally a maximum of 20-30 children will be present outdoors on the roof top at any given time. Appropriate acoustic fencing is proposed around the upper level play area in accordance with the Acoustic Report prepared for the site.</p> <p>Indoor play times will be monitored to limit noise and appropriate room sizes (20-30 children per room) will ensure no unreasonable acoustic impacts are introduced to the site or locality.</p>
<b>Food and Drink</b>	<p>Food and drinks will be delivered and prepared at the child care facility for storage and consumption.</p> <p>2 food preparation areas are available at the basement and first floor levels.</p>



<b>Deliveries</b>	<p>Food deliveries will be daily generally from a small van or truck and within child care facility hours, but these will generally be coordinated to be outside peak drop off or pick up times.</p> <p>With regard to deliveries, the Traffic and Parking Impact Assessment notes that the proposal will be appropriate.</p> <p>Cleaning and other general small equipment and consumables (for example: art and craft products, nappies, paper towels, stationery, staff room milk, tea and coffee) for the childcare centre will be purchased as required by centre staff and will generally be brought to the site by staff car or delivered by small vans and trucks. Deliveries of such items are likely to be in the order of up to 1 - 2 per week. Deliveries will generally be coordinated to coincide with non-drop off or pick up times as discussed above.</p>						
<b>Employees and Staff Type and Roles</b>  Baby Playroom (0 to 2 year room)  Toddler Playroom (2 to 3 years room)  Preschool Playroom (4 to 5 years room)  <b>Total (daily)</b>	20 children, 5 staff  30 children, 6 staff  30 children, 3 staff  <b>14 staff in playrooms, plus 1 cook and 1 administration staff member</b>  <b>Maximum 16 staff daily</b>						
<b>Waste Management</b>  Type of Waste and volume    Waste Storage    Collection	<p>The centre will generate limited waste including a small amount of food, nappies and cleaning consumables. A waste storage area is noted at the ground floor level of the development towards the western portion. The waste store area will be easily accessible from the facility and will allow for appropriate waste collection.</p> <p>See above. Storage in designated area at the ground floor level of the development towards the western portion, which will be secure and accessible only to staff.</p> <p>Bins will be emptied weekly. Gate 3 is of sufficient width to accommodate a waste collection truck entering the site and Gate 5 is wide enough for a truck leaving the site, and waste will be emptied onsite by private contractor.</p>						
<b>Relevant Government Regulations and Australian Standards</b>	<p>The following regulations will be complied with:</p> <table border="1"> <tr> <td>Education Care Services National and Regulation 2012</td><td>NSW Government</td></tr> <tr> <td>National Quality Framework</td><td>ACECQA</td></tr> <tr> <td>Ratios (0-2yrs 1:4; 2-3 yrs 1:5; 3-5 yrs 1:10)</td><td>Department of Education &amp; Communities</td></tr> </table>	Education Care Services National and Regulation 2012	NSW Government	National Quality Framework	ACECQA	Ratios (0-2yrs 1:4; 2-3 yrs 1:5; 3-5 yrs 1:10)	Department of Education & Communities
Education Care Services National and Regulation 2012	NSW Government						
National Quality Framework	ACECQA						
Ratios (0-2yrs 1:4; 2-3 yrs 1:5; 3-5 yrs 1:10)	Department of Education & Communities						



### **3.9 Signage**

No signage is proposed under this application.



## 4

## 4.15 Assessment

The following discussion provides a planning assessment having regard to the relevant matters for consideration under Section 4.15 of the Environmental Assessment Act, 1979.

#### 4.1 State Environmental Planning Policies

Appendix B contains an analysis of potentially relevant State Environmental Planning Policies (SEPPs). A summary discussion is included below.

##### State Environmental Planning Policy (Infrastructure) 2007

The site is located within proximity of a major road – Forest Road, which is identified in the Traffic Volume Maps (>40,000 AADT). However, the existing development does not demonstrate any unreasonable effects on surrounding amenity as a result of noise, and so any future development onsite should suitably be able to minimise potential noise impacts onsite. Given consideration to SEPP (Infrastructure) 2007, the proposed child care facility is unlikely to subject children, visitors or staff to unreasonable acoustic privacy or vibration impacts. Additionally, an Acoustic Report has been prepared for the site by Acoustic Logic Consultancy and is attached under separate cover. Given consideration to this affectation, the report provides various *“façade treatments to result in compliance with AS2021 and Development near Rail Corridors and Busy Roads – Interim Guideline.”*

The report concludes that:

*“Potential noise impacts on nearby residential properties from the operation of the proposed child care centre to be located at 339 Forest Road, Bexley have been assessed in this report.*

*The potential impacts have been assessed against the acoustic criteria of the Bayside Council Requirements (Rockdale DCP 2011).*

*Provided that the acoustic treatments set out in section 8 of this report are adopted, both noise emissions and noise intrusion from external sources will comply with the nominated criteria.”*

As such, an appropriate development is able to be proposed which mitigates potential acoustic impacts on future attendees.

##### State Environmental Planning Policy No 55—Remediation of Land

This SEPP contains planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected. Council Pre DA notes stated that a contaminated site investigation might be required for the site.



However given other applications across the site, for similar (educational) uses, and a lack of unreasonable impacts, the proposal is considered appropriate. Additional details can be submitted during the DA process if required.

### State Environmental Planning Policy No 64 – Advertising and Signage

No signage is proposed under this application.

### State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

This SEPP contains planning requirements relating to educational establishments, including child care facilities, as well as the Child Care Planning Guide. The proposal complies with all relevant requirements. Appendix B contains a detailed SEPP compliance table of key requirements. A summary of key controls is included below.

**Table 2: Child Care Planning Guide Summary Table**

Item	Requirement	Proposal	Compliance
<b>Site Selection and Location</b> Section 3.1	Should be located near compatible uses, near or within employment, centres, shops, with access to public transport, in areas with pedestrian connectivity	Site appropriately located near compatible uses including schools, parks and shops and located to avoid any risks.	✓
	Located to avoid risks		
<b>Building Orientation, Envelope and Design</b> Section 3.3	Where no setback controls, min setback to classified road of 10m, or where existing buildings within 50m, setback should be average of two closest buildings	NA - RDCP 2011 contains prevailing setback controls for the site, refer Appendix D.	NA
	Entry should be limited to one secure point	Separate pedestrian (to entry foyer) and vehicle access points (to ground floor level parking and to the basement) are considered appropriate and maximise safety for those entering/exiting the facility. Each entry allows ease of access, is directly accessible and visible from the street, and will be easily monitored such as through passive surveillance.	✓
		The retention of multiple existing entries/exits across the wider site is considered suitable given multiple uses are to operate on the site, and the safety and suitability of these entries has been supported by the Traffic Report prepared for the site by Hemanote Consultants and attached under separate cover.	



<b>Landscaping</b> Section 3.4	Appropriate planting should be provided	Appropriate planting is proposed within the site including functional screen planting throughout and to the roof top play area. Refer to landscape plans submitted under separate cover.	✓
	Car parking to be incorporated into the landscape design of the site.	Basement and at-grade parking proposed and integrated into overall design to ensure minimal visual intrusion is caused.	✓
<b>Visual and Acoustic Privacy</b> Section 3.5	Minimise overlooking	Designed to comply. Built form openings generally oriented away from neighbouring land uses, appropriate building separations proposed and screening devices and screen landscaping incorporated.	✓
	Acoustic report to be provided	An Acoustic Report has been prepared for this application.	✓
<b>Noise and Air Pollution</b> Section 3.6	Minimise noise impacts	Designed to comply.	✓
	Locate facility to avoid or minimise potential impact of external sources of air pollution	Facility located in appropriate residential zone, and so not in proximity to air pollution sources.	✓
<b>Hours of Operation</b> Section 3.7	Where predominant land use residential, hours of operation should be confined to 7am-7pm weekdays	Hours of operation are 7am – 6pm, Monday to Friday.	✓
	Where predominant land use mixed use or commercial, hours of operation to be assessed with respect to compatibility	Mixed use proposed, however operating times that are compatible with the residential zoning of the site are considered appropriate, refer above.	✓
<b>Traffic, Parking and Pedestrian Circulation</b> Section 3.8	Off-street parking to be provided at rates for child care facilities specified in relevant DCP.	Proposal complies. Refer to Section 4.4.6 and Traffic and Parking Impact Report attached under separate cover.	✓
	Provide a safe pedestrian environment	Complies. Separate pedestrian and vehicular access provided for safety. Refer to Section 4.4.6 and Traffic and Parking Impact Report attached under separate cover.	✓
<b>Indoor Space Requirements</b> Section 4.1	Each child to be provided with a minimum of 3.25m <sup>2</sup> unencumbered indoor space	Complies.	✓
<b>Hygiene Facilities</b> Section 4.2 & 4.3	There must be laundry facilities or access to laundry facilities	Appropriate laundry facilities to be provided.	✓
	Adequate toilet, washing and drying facilities required	Appropriate toilet, washing and drying facilities to be provided.	✓
<b>Ventilation and Natural Light</b> Section 4.4	To be well ventilated, with adequate natural light, be maintained at a temperature ensuring the safety and wellbeing of children	Complies.	✓



<b>Administrative Space</b> Section 4.5	Area for conducting administrative functions required	Administration/office space provided.	✓
<b>Nappy Change Facilities</b> Section 4.6	Facilities for nappy changing required for children who wear nappies	Nappy changing facilities are proposed.	✓
<b>Premises Designed to Facilitate Supervision</b> Section 4.7	Rooms and facilities designed to allow supervision while maintaining rights and dignity	Complies.	✓
<b>Outdoor Space Requirements</b> Section 4.9	Each child to be provided with 7m <sup>2</sup> unencumbered outdoor space	Complies.	✓
<b>Natural Environment and Shade</b> Section 4.10 & 4.11	Allow children to explore the natural environment and provide adequate shade	Outdoor play spaces appropriately designed. Refer to landscape plans submitted under separate cover. Roof top planters and natural play zone proposed.	✓
<b>Fencing</b> Section 4.12	Any outdoor space used by children to be enclosed by a fence or barrier	Complies.	✓
<b>Soil Assessment</b> Section 4.13	Assessment of soil required at a proposed site and in some cases sites already in use as part of an application for service approval	NA – Council Pre DA notes stated that a contaminated site investigation might be required for the site. However given other applications across the site, for similar (educational) uses, and a lack of unreasonable impacts, the proposal is considered appropriate. Additional details can be submitted during the DA process if required.	NA

## 4.2 Rockdale Local Environmental Plan 2011

The proposal is for a centre-based child care facility. A “*Centre-based child care facility*” is permissible within Zone R2 – Low Density Residential and the proposed development is therefore permissible under the LEP.

Appendix C contains a detailed LEP compliance table of key controls and the zone objectives. A summary table of key numeric controls is included below. This planning assessment also discusses the project’s response to other LEP items.

**Table 3: Rockdale Local Environmental Plan 2011 Compliance Table**

Item	Requirement/Identification	Proposal	Compliance
<b>Height</b> CI 4.3	Maximum of 8.5m	Max. 12.27m	Merit
CI 5.6	Architectural roof features	Refer clause 4.6 variation request in Appendix F of this report.  An architectural roof feature has been provided which doubles as a shade structure, and is provided	✓



		under Clause 5.6 of the LEP which allows for "development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3".	
<b>Floor space ratio</b> CI 4.4	0.5:1	0.5:1	✓
<b>Heritage Conservation</b> CI 5.10	The site is identified as a local heritage item (No. I131) being <i>Original Bexley School Buildings</i>	A Heritage Impact Statement has been prepared for the site by Weir Phillips Heritage and Planning Consultants, and is included under separate cover.	✓
<b>Acid Sulfate Soils</b> CI 6.1	Class 5 Acid Sulfate Soil	The proposed works will not unreasonably alter existing ground levels and that no significant disturbances will result. As such, it is considered that acid sulfate soils will not give rise to any adverse impacts.	✓

### 4.3 Rockdale Development Control Plan 2011

Appendix D contains a detailed DCP compliance table of key controls. A summary table of key controls is included below. This planning assessment also discusses the project's response to other DCP items.

**Table 4: Rockdale Development Control Plan 2011 Compliance Table**

Item	Requirement/Identification	Proposal	Compliance
<b>Heritage</b> Part 4.1.2 of RDCP 2011	Various requirements	A Heritage Impact Statement has been prepared for the site by Weir Phillips Heritage and Planning Consultants, and is included under separate cover.	✓
<b>Streetscape and Site Context</b> Part 4.2 of RDCP 2011	Various requirements	The proposal has been sensitively designed to respond appropriately to the character of the Bexley locality, particularly through an appropriate built form and generous landscaping treatment.	✓
<b>Landscape Planning and Design</b> Part 4.3.1 of RDCP 2011	Landscaped areas, as defined in Rockdale LEP, must be provided at the following rates : child care centres – 20%	The proposal includes a total of approximately 1,395m <sup>2</sup> of deep soil landscaped area, equating to 16.63% of the site. Nevertheless, this is considered appropriate given the generous landscaping scheme proposed and as the variation results from the existing site context and built form.	Merit



<b>Car Parking, Access and Movement</b> Part 4.6 of RDCP 2011	<b>Parking Rates</b> Development is to provide on-site parking in accordance with the following rates. 1 car space per 20 children 1 car space per 2 members of staff	80 children proposed and so 4 car spaces are required for that component.  Max. 16 staff are proposed and so 8 car spaces are required for that component.  12 spaces in total are required.  32 spaces in total are proposed to be allocated to the child care facility and so the proposal complies.	✓
	1 bicycle space per 10 children	80 children proposed and so 8 bicycle spaces are required. 8 bicycle parking spaces are provided at the ground floor level.	✓
	Various requirements	For dwelling houses (merit consideration given site is in R2 zone):  <ul style="list-style-type: none"> <li>2 storey max height in storeys. 2 storey plus roof top is considered appropriate for child care facility, particularly given existing built form on the subject site.</li> <li>Consistent with the prevailing setbacks in the street for street setback. Approx. 6m setback to existing development onsite and nil to development at south. So an average of 3m. 3m setbacks with minor encroachments to 0.71m towards southern portion considered appropriate and provides a suitable transition between approx. 6m setback to existing development onsite and nil to development at south.</li> <li>Secondary street setback of 1.5m. Generally 3m with minor encroachments to 1.17m is considered appropriate. Refer also discussion in Section 4.4.5.</li> </ul>	✓  Merit  Merit
<b>Child Care Centres</b> Part 6.1 of RDCP 2011	33% of spaces to be for children under 2 years old	NA, SEPP (Educational Establishments and Child Care Facilities) 2017 overrides this provision	NA
	Max. 50 children in residential zones	NA, SEPP (Educational Establishments and Child Care Facilities) 2017 overrides this provision	NA
	Various locational requirements	NA, SEPP (Educational Establishments and Child Care	NA



		Facilities) 2017 overrides this provision	
	Acoustic Report required	Refer Acoustic Report prepared for the site by Acoustic Logic and attached under separate cover.	✓
	Operational Management Plan required	A Plan of Management has been prepared and is included in Section 3 of this report.	✓
	Play spaces to be located at the ground floor level	NA, SEPP (Educational Establishments and Child Care Facilities) 2017 overrides this provision as discussed above. It is noted that the provisions of SEPP (Educational Establishments and Child Care Facilities) 2017 provide for site layout controls however do not preclude the delivery of above ground play areas. Council's controls, as discussed above, also allow for the provision of above ground facilities on certain sites.	NA

## 4.4 Built Environment

### 4.4.1 Site Context and Streetscape

The subject site is located in a low-density area with proximity to public transport, shops, schools, parks, churches and other local amenities and activities. The proposed child care facility has been sensitively designed regarding scale, bulk and form, composition of building elements, textures, materials, landscaping and colours in response to the residential setting and will contribute positively to the present and future character of the streetscape and broader locality.

The immediately surrounding area comprises of low density residential dwellings, including detached dwellings and dual occupancies. There are also commercial developments and educational establishment located in close proximity to the site. The subject site includes St. Mary Coptic Orthodox Cathedral and St. Mary and St. Mina's Coptic Orthodox College and associated car parking. The architectural styles of those developments vary from modern to traditional (including items of heritage significance). Consequently, there is a distinct absence of a uniform built-form typology, character, era, or scale. The proposed centre-based child care facility development has been designed to be in keeping with the existing and emerging character of the area, responding to the residential context of the locality while having no unreasonable impact on nearby residential development or the existing heritage items onsite. In this regard, it is particularly noted that the design has been informed by the Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants.

The proposed centre-based child care facility development consists of a two-storey form with basement parking and a roof top play area. There are indoor playrooms and outdoor, upper level play areas for different age groups, as well as administrative space and other facilities to maintain and operate the childcare centre.



Additionally, landscaping within the street frontage and around the boundaries of the site situates the built form within a landscaping setting. The landscaping features and play areas as proposed in the outdoor play areas allow children to explore and experience the natural environment. For additional detail, refer to Section 4.5.1 of this report along with the Landscape Plan attached under a separate cover.

The proposal's compatibility with the local area in terms of site context and streetscape contribution is noted. Additionally, the following assessment illustrates the proposal's alignment with the relevant objectives found within the Childcare Planning Guidelines.

- *“3.1 (C.2) Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.”* Comment: The proposed scheme responds appropriately to the subject site. The site has a unique shape and allows for generous separation distances with neighbouring dwellings. The site is of a generous size, practical proportions and has excellent access to sunlight and limited overshadowing to any adjacent development. Furthermore, the proposed child care facility presents a complimentary use to existing educational and religious facilities onsite.
- *3.2 (C.5) Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.* Comment: The low-scale residential area is respected in the moderated scale of the proposal and generous setbacks afforded these residential areas, and the proposed use is suitable for the residential zone while also presenting a form that is compatible with existing religious and educational establishments on the subject site. The proposal comprises of a contemporary form that is of a scale that remains respectful and coherent with surrounding developments. The proposal provides a two-storey contemporary centre with a roof top play area and minor built form that is of a comparable form and scale to the adjacent development, including heritage items on the site. The proposal has also been informed by the Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants.
- *3.3 (C.12) Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.* Comment: Refer discussion above, the proposal provides a two-storey contemporary centre with a roof top play area and minor built form that is of a comparable form and scale to the adjacent development, including heritage items on the site. The proposal has also been informed by the Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants. It is deemed therefore that an appropriate scale is achieved. Overshadowing impacts have been effectively managed to ensure residential amenity is respected and retained. Finally, privacy is maximised through the use of effective screening barriers and the considered orientation of the development. Refer to Section 4.4.7 for additional discussion concerning privacy.
- *3.3 (C.15) Objective: To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.* Comment: The proposal ensures articulation, modulation, and fenestration is effectively incorporated into the development. A combination of differing materials, recessed and pronounced forms, and distinct architectural elements ensures visual variation is achieved. It is noted that the



proposal involves a unique landuse and a contemporary form within the immediate streetscape and locality. Nonetheless, it has been sensitively designed to address the street well, respect the amenity of neighbouring dwellings, and present a scale that is appropriate particularly to the nearby heritage item.

As demonstrated in the RDCP 2011 Compliance Table in Appendix D, the proposed development is suitable for the site and generally complies with the relevant streetscape and locality controls.

#### 4.4.2 Height

Under Clause 4.3 of RLEP 2011 the maximum allowable height is 8.5m to the highest point of the development. The child care facility is proposed at 2 storeys plus roof top play space and with a maximum height of 12.27m. This presents a 44.35% variation to the maximum building height permissible. Note that the architectural roof feature is provided under Clause 5.6 and so is not subject to this clause 4.6 variation request, as discussed below.

A Clause 4.6 variation request has been prepared for the proposal and is included in Appendix F. The clause 4.6 variation request outlines that the proposed development has been carefully designed in response to the opportunities and constraints of the subject site and its specific context in the Bexley locality and alongside existing development, including the heritage listed buildings, onsite. The proposed maximum building height exceeds the maximum building height of 8.5m for a portion of the development only, with the roof top outdoor area proposed under 8.5m and the encroachment generally proposed towards the southern portion of the development. It is considered that the application, and in particular the proposed maximum building height should be supported for the following reasons (refer Appendix F for full clause 4.6 request):

- The non-compliance is limited in extent;
- The applicable controls relate to low density residential uses however existing uses onsite are for places of public worship and educational establishments;
- The proposal sits well alongside existing development onsite, including the heritage listed items;
- The proposal will not have any adverse impacts upon adjacent or nearby development;
- The proposal is consistent with all other key RLEP 2011 requirements;
- The proposal is consistent with the requirements of Clause 5.10 Heritage Conservation;
- The built form proposed will be compatible with the existing and desired built form of the locality;
- The built form proposed allows for a high level of amenity for children using the facility;



- The proposed development is considered to be in the public interest in that it is consistent with the objectives of Clause 4.3 Height of Buildings as discussed in Appendix F; and
- The proposed development is additionally considered to be in the public interest in that it is consistent with the objectives for development within the R2 – Low Density Residential zone as discussed in Appendix F.

An architectural roof feature has been provided which doubles as a shade structure, and is provided under Clause 5.6 of the LEP which allows for “*development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3*”. Pre DA discussion held with Council indicated that an architectural roof feature that doubled as a shade structure would be assessed against the controls of clause 5.6 of the DCP. The architectural roof feature aligns with the objectives of the control as follows:

(a) *to permit variations to maximum building height standards for roof features of visual interest, Comment: The architectural roof feature adds significant visual interest to the development when viewed from nearby development, the street, and other public areas.*

(b) *to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard. Comment: The building is subject to a clause 4.6 variation as discussed above and the only portion of the development subject to clause 5.6 is the architectural element.*

The architectural roof feature also aligns with the requirements of the control as follows:

*“Development consent must not be granted to any such development unless the consent authority is satisfied that:*

*(a) the architectural roof feature:*

*(i) comprises a decorative element on the uppermost portion of a building, and Comment: The architectural roof feature is a decorative element that adds significant visual interest to the development when viewed from nearby development, the street, and other public areas.*

*(ii) is not an advertising structure, and Comment: The architectural roof feature is not an advertising structure.*

*(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and Comment: The architectural roof feature does not comprise floor space.*

*(iv) will cause minimal overshadowing, and Comment: The architectural roof feature is of an appropriate design and suitably separated from other development so as to not cause unreasonable overshadowing.*

*(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.” Comment: No such elements are proposed to be contained in or supported by the roof feature.*

#### 4.4.3 Density

Under CI 4.4 of RLEP 2011 the maximum allowable FSR is 0.5:1. The proposed gross floor area of the child care facility is approximately 869m<sup>2</sup>. When considered alongside the other existing development onsite, with an existing GFA of



approximately 3,324m<sup>2</sup>, this equates to a total of approximately 4,193m<sup>2</sup> of GFA across the site. This totals an FSR of 0.5:1 which complies.

#### 4.4.4 Subdivision, Lot Size and Dimensions

The site is irregular in shape, with an eastern frontage of 74.51m plus 18.4m to Forest Road, a north-eastern frontage of 75.68m to Broadford Street and a south-western frontage of 163.27m to Bayview Street. The total area of the subject site is 8,388m<sup>2</sup>. The proposed childcare centre will be located at the south-eastern corner of the lot having dual street frontages addressing Forest Road and Bayview Street. This portion of the site is well-suited to the proposed childcare centre, and the built form responds well to the size, shape and topography of the site.

Under RDCP 2011: *"Sites other than corner sites need to have a minimum allotment width of 18m. The minimum dimensions (width or depth) of corner sites are 15m."* The eastern frontage of 74.51m plus 18.4m to Forest Road and south-western frontage of 163.27m to Bayview Street ensure the site easily complies in this regard.

#### 4.4.5 Setbacks

In regard to the primary and secondary street setbacks, the controls within the Childcare Planning Guidelines provide the following requirements in relation to street setbacks:

*"C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use."*

The proposal therefore is required to average the two setbacks either side of the subject site. As demonstrated in the RDCP 2011 Compliance Table in Appendix D, the proposal is generally consistent with front and secondary street setback controls for dwelling houses within the zone, which is the relevant setback requirement for child care facilities under RDCP 2011.

RDCP 2011 requires front setbacks to be consistent with the prevailing setbacks in the street, which is approximately 6m setback to existing development onsite and nil to development to the south. So an average of 3m is required. 3m setbacks with minor encroachments to 0.71m towards the southern portion is considered appropriate and provides a suitable transition between existing development onsite and the nil setbacks to development at south. Council provided comment on setbacks as originally proposed at the Pre DA stage, and the amended design ensures appropriate setbacks are now provided, with originally proposed nil northern boundary setbacks significantly increased.

Under RDCP 2011, a secondary street setback of 1.5m is required. Setbacks to Bayview Street of generally 3m with minor encroachments to 1.17m are considered appropriate in this regard. Council provided comment on setbacks as originally proposed at the Pre DA stage, and the amended design ensures appropriate setbacks are now provided, with setbacks to the southern boundary increased in accordance with council comment and recommended design.

On a merit basis the proposed street and secondary street setbacks are considered



appropriate, given they do not result in adverse impacts and are aligned with the relevant objectives contained within the Childcare Planning Guidelines as discussed below.

*3.3 (C12) Objective: "To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised."*

Comment: The proposed childcare centre will provide a unique and valued service to the locality and surrounding areas. The scale of the proposed childcare centre is reflective of this, and the setbacks proposed reflect the varied nature of setbacks in the locality which in turn result from various commercial, educational, religious and residential uses all within proximity of the site. The proposal has been designed to respect and reflect the setbacks of adjoining developments whilst appropriately addressing the corner allotment and achieving a functional, safe and efficient childcare centre design. Minor encroachments into the setback areas are considered negligible numerical variations only, and the irregular site shape is noted to provide a significant constraint. Minor encroachments into the setback areas still allow for significant privacy and amenity to neighbouring lots given building separation distances achieved through the site context.

*3.3 (C13) Objective: "To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context."* Comment: The form has been designed to respect and reflect the setbacks of the adjoining land uses, however varied setbacks are noted across the locality, reflecting the various land uses in proximity of the site. Appropriate setbacks have been achieved through provision of an articulated façade along the Forest Road and Bayview Street frontages that respond to and respect the street setbacks of the locality while appropriately defining the corner, which is not currently achieved. Minor setback encroachments do not impact on the proposal's ability to sit well within the residential and mixed use setting, particularly when the irregular lot shape is considered.

Overall the proposed scheme performs well in addressing both street frontages as follows:

- Generous and distinguished landscaping treatment covers both frontages and is incorporated in to both facades on the ground floor level, including the retention of trees along these frontages as viable and planting of new trees.
- The facades address both streets through the use of aesthetic elements with distinct material and colour use as well as large folded steel window boxes addressing each street and ensuring visual interest.
- Safe and efficient access is facilitated for vehicles and pedestrians at the Bayview Street frontage.
- No amenity impacts to neighbouring sites such as overshadowing or overlooking result from the street frontage setbacks, given the generous building separation distances these streets result in.
- The proposal provides openings, open spaces and outlooks over each street to enable passive surveillance and promote safety within the neighbourhood.

Accordingly, the proposed setbacks are considered suitable for the proposed built



form.

#### 4.4.6 Access, Servicing, Parking and Traffic

Vehicular access to the site will be provided via an exit and entry driveway from Bayview Street (via existing Gate 3) and via new Gate 4 which will provide basement access from the street. Pedestrian access will be provided via a separate pathway leading from the existing footpath along the Bayview Street frontage to the main entry. 20 car parking spaces including 2 accessible parking spaces will be provided at basement level and 12 parking spaces will be available at the ground floor level. Designated drop-off and pick-up is also proposed, as discussed in the Traffic Report.

A Traffic and Parking Assessment has been prepared for the site by Hemanote Consultants and is attached under separate cover. The report concludes that:

*"It can be concluded from the traffic and parking impact assessment that the proposed childcare centre to be located at 339 Forest Road, Bexley is adequate and will have no adverse impacts on current traffic or parking conditions."*

RDCP 2011 requires 1 parking space per 20 children, and given a capacity of 80 children is proposed, 4 on-site car parking spaces are required for that component. RDCP 2011 requires 1 parking space per 2 staff members, and given maximum 16 staff are proposed, 8 on-site car parking spaces are required for that component. In total, 12 car parks are required, and 32 on site car parking spaces are proposed in addition to the dedicated drop-off and pick-up which is also proposed, as discussed in the Traffic Report.

Also, the DCP requires 1 bicycle parking space per 10 children. 80 children are proposed to attend and so 8 bicycle spaces are required. 8 bicycle parking spaces are provided at the ground floor level.

Given a lack of unreasonable impacts and provision of appropriate site access and parking to the site, as well as separate and clearly defined pedestrian and vehicular access points, the proposal is considered appropriate. Refer also Traffic and Parking Impact Assessment, prepared for the site by Hemanote Consultants and attached under separate cover.

#### 4.4.7 Heritage

The site is identified as containing a local heritage item (No. I131) being *Original Bexley School buildings*. There is also another local heritage item (No. I132), being *Bexley School of Arts*, located opposite the side of Forest Road. The proposed development has been sensitively designed in terms of scale, proportions, composition and materiality to integrate with the existing and future desired character of the area while respecting the various heritage items on and adjoining the site. Discussions were held with Council at the PAD Meeting held on 29 May 2018 in regard to the heritage items on and surrounding the site and the proposal's relationship with them. The design has been informed by these discussions as well as the advice provided by Weir Phillips Heritage who prepared a HIS for the proposal that is attached under separate cover.

This statement has examined the impacts of the proposed child care facility on these surrounding heritage items, and concluded the following in respect to each of these



items:

*"This Heritage Impact Statement has been prepared in conjunction with a DA for a new building at No. 339-377 Forest Road. The existing buildings on the site will be retained and a modern education facility will be added to the southern tip of the site. The proposed building, by means of its contemporary appearance and use of modern materials, will make a positive contribution to the streetscape. The set back from the original building will maintain the existing view angles and visibility of the original Bexley Public School buildings from the street.*

*The site's traditional use as an education facility will be maintained and enhanced by the additional services provided by the new building.*

*The proposed materials, finishes, colours and articulation of the proposed building will not mimic or replicate the original building on site and are clearly indefinable as a high- quality addition to the site dating from the modern era. The neighbouring heritage listed items will not be impacted by the proposed works. The proposed works fulfil the objectives for works as set out by the Rockdale LEP 2011 and the Rockdale DCP 2011."*

Additionally, the proposal achieved the relevant objectives within Clause 5.10 Heritage Conservation of SSLEP 2015 as follows:

*"to conserve the environmental heritage of Rockdale."*

Comment: The proposal has been designed in a manner that is respectful of the surrounding heritage items to ensure that their significance is maintained. The proposal provides suitable separation distances to each heritage items and has been proposed at an appropriate scale and of an appropriate materiality to ensure no unreasonable impacts will arise to these heritage items.

*"to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views."*

Comment: The proposed child care facility has been sensitively designed and shaped by advice from Weir Phillips Heritage regarding the conservation of heritage significance for the heritage items onsite and surrounding the site. The proposed child care facility will not have significant impacts on these items as discussed throughout this report. Refer also to discussion above and the HIS attached under separate cover.

*"to conserve archaeological sites."*

Comment: The subject site has been previously developed. No impacts are anticipated, with no known archaeological significance present on the site.

*"to conserve Aboriginal objects and Aboriginal places of heritage significance."*

Comment: The subject site is not known to be identified as containing Aboriginal objects or being an Aboriginal place of heritage significance.

#### **4.4.8 Visual and Acoustic Privacy**

The proposed childcare centre is a contemporary development that has endeavoured to realise a safe, stimulating and spacious facility for children to learn, grow and enjoy. To achieve these goals, outdoor play areas have been dispersed on the first



floor and roof top of the proposed childcare centre. Site context and appropriate architectural design of these spaces ensures no unreasonable impacts to any adjacent lot will arise, particularly given the separation distances achieved as a result of Forest Road and Bayview Street.

The proposal is aligned with the relevant objectives within the Childcare Planning Guidelines as follows:

*3.5 (C20) Objective: "To protect the privacy and security of children attending the facility."* Comment: The proposal has been designed in a manner to ensure the privacy and safety of children within the facility is held with paramount importance. An appropriate landscaping treatment helps to ensure privacy is maximised, amenity is improved, and shading provided. Balustrading and wall construction further ensures privacy is achieved, and the provision of outdoor play areas at upper levels is particularly appropriate in ensuring a high level of privacy is achieved.

*3.5 (C22) Objective: "To minimise impacts on privacy of adjoining properties."* Comment: The proposed development generally complies with RDCP 2011 setback controls to provide adequate building separation, and the context, adjoining Bayview Street and Forest Road, ensures generous building separation distances are achieved to each adjacent property. The proposed development has also been carefully designed so as to reduce overlooking opportunities. Limited windows and doors on the ground floor level allow for pedestrian access and solar access whilst maintaining visual privacy, with larger windows provided to upper levels. Vertical battens are used to screen the facility, and the provision of these battens around the roof top play space ensures appropriate visual privacy is achieved. These measures minimise direct overlooking into the neighbouring dwellings however opportunities for passive surveillance to the streetscapes are retained.

*3.5 (C23) Objective: "To minimise impacts of child care facilities on the acoustic privacy of neighbouring residential developments."* Comment: Acoustic screening has been provided to upper level outdoor play areas as well as other acoustic treatments to these play areas, in accordance with the Acoustic Report, to ensure the development will have no unreasonable acoustic impact to any adjacent use.

As demonstrated in the RDCP 2011 Compliance Table in Appendix D, the proposal complies with the RDCP 2011 objectives and controls relating to visual privacy.

#### **4.4.9 Solar Access, Shadow and Ventilation**

As demonstrated in the RDCP 2011 Compliance Table in Appendix D, the proposal complies with the RDCP 2011 objectives and controls relating to solar access and overshadowing.

The building layout of the proposed child care facility allows for both indoor and outdoor play areas to take advantage of sunlight access. The outdoor play areas are oriented to take advantage of sunlight from the north and east, as are indoor play areas.

The child care centre has been designed and oriented to ensure that neighbouring dwellings retain direct sunlight as required at the winter solstice. In particular given



that the site is a corner lot, shadowing to the south (Bayview Street) will not create any unreasonable impact upon neighbouring dwellings or commercial development immediately to the south of the site. The site benefits from street boundaries to Bayview Street and Forest Road in this regard, which allow for generous separation distances and mitigate any potential impacts in this regard.

Refer to the accompanying Shadow Diagrams provided by Couvaras Architects, submitted under separate cover.

#### **4.4.10 Accessibility**

The proposed development will comply with the Building Code of Australia (BCA) and Australian Standards for accessibility and other relevant standards.

Vehicular access to the site will be provided via an entry/exit ramp from Bayview Street to the proposed basement level and another driveway to the at-grade parking spaces proposed. 20 car parking spaces including 2 accessible parking spaces will be provided at basement level and 12 parking spaces will be available at the ground floor level. A shared zone is located between those two accessible parking spaces and the spaces are provided adjacent to the proposed lift, ensuring safe and equitable access to the centre-based child care facility at the levels above.

Pedestrian access to the centre is to be via Bayview Street to the main entry. The pedestrian path from Bayview Street is separated from vehicular movement and will enable prams to pass each other ensuring safe and equitable access. The double storey (plus roof) child care centre is provided with a lift and stairs for access between each level.

#### **4.4.11 Health and Safety**

The proposed child care centre is located and designed to ensure health and safety will not be adversely impacted. The subject site is not adjacent to development subject to SEPP No. 33, is not adjacent to incompatible land uses, and is not located adjacent or within view of the entrance to injecting rooms, drug clinics, brothels or sex shops.

Car parking is located in the basement level and at-grade, and is separate from the centre-based child care centre facility located at the first floor level and at the roof top. Vehicular and pedestrian movements on site have been designed to ensure safe drop off and pick up of children. Pedestrian access is provided along Bayview Street and is separated from vehicular access.

#### **4.4.12 BCA**

The proposed development will comply with the Building Code of Australia (BCA) and Australian Standards for accessibility and other relevant standards.

#### **4.4.13 Proposed Operation and Design**

The proposed centre will be provided for 80 children at maximum capacity. RDCP 2011 indicates *"A maximum number of 50 children is permitted in a child care centre in residential zones, unless it can be demonstrated by the applicant that any*



*additional children will not result in unreasonable impact on the amenity of adjoining properties and/or streetscape."*

Nevertheless, the number and age of children to be accommodated is appropriate under Clause 26 of SEPP (Educational Establishments and Child Care Facilities) 2017, as the SEPP explicitly overrides the controls in DCP, whereby:

*"A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility: [...] (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 Guideline, or (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates)."*

Discussion with Council<sup>5</sup> has confirmed that the SEPP overrides the DCP in various instances. Similarly, the SEPP overrides DCP controls requiring that 33% of space must be provided for children under the age of 2 and regarding the location of child care facilities. Similarly, the DCP contains controls stating that: *"Child care centres are not to be located on sites with any boundary to classified roads or at busy intersections"* and *"Children under 2 years of age must be cared for on the ground floor of a building to facilitate ease of access and safety."* However as discussed above, SEPP (Educational Establishments and Child Care Facilities) 2017 overrides this provision. Additionally, the suitability of the site is confirmed in Sections 2 and 4 of this report and in Appendix B. Additionally, Council's Pre DA notes (refer Appendix E) do not raise any concerns with regard to proximity of the facility to Forest Road or the upper level play spaces, and so the proposal is considered appropriate in this regard.

The DCP also provides the following: *"An above ground floor child care centre may only be considered where there is no alternative location on the ground floor. It will be assessed on its merits with respect to child safety and/or impacts on residential amenity."* As above, SEPP (Educational Establishments and Child Care Facilities) 2017 overrides this provision. Additionally, appropriate child safety is provided for and the proposal successfully mitigates any potential impacts on residential amenity through appropriate design and generous building separation distances to nearby residential uses.

Furthermore, the development complies with the relevant objectives of the controls of the RDCP 2011 as discussed below:

- *"To encourage the provision of high quality child care centres which meets the needs of the community, including users of the facility and owners and users of surrounding land uses"* Comment: The centre will provide a high quality facility in terms of architectural design and amenity provided to children using the facility. No unreasonable impacts to adjoining uses will arise as a result of the facility, as discussed throughout this report.
- *"To encourage the provision of child care centres in commercial and residential developments"* Comment: The centre is provided in a residential zone and on a site with other compatible uses including educational establishments and places of public worship.

<sup>5</sup> Phone conversation with Pat Nash, 4 April 2019.



- *"To identify appropriate locations for the provision of child care centres, that are convenient to public transport nodes, as a key element in the development of sustainable communities"* Comment: The centre is provided on a site proximate Bexley town centre and is close to Rockdale train station, as well as being serviced by various bus routes. The centre is provided in a residential zone which will encourage active transport uses by those living nearby the facility, and on a site with other compatible uses including educational establishments and places of public worship which will facilitate trip chaining.
- *"To ensure that child care centres are appropriately located on sites where high levels of safety, security, environmental health and amenity for children are achieved"* Comment: The centre will provide a high level of safety and security for children attending the facility, and appropriate environmental health will be facilitated through appropriate design and an appropriate site, where it is particularly noted that other educational uses onsite do not demonstrate any unreasonable impacts in this regard. A high level of amenity including generous play areas, acoustic privacy and a high level of solar access to play areas will be provided.
- *"To minimise the adverse impacts associated with child care centres on adjoining properties and surrounding areas, such as those created by noise, traffic generation and on-street parking"* Comment: The site ensures generous separation distances are available between the facility and nearby properties, and the centre will provide adequate onsite parking to mitigate potential impacts on on-street parking.
- *"To ensure a safe environment for pedestrians, particularly children, motorists and cyclists around child care centres"* Comment: Existing pedestrian infrastructure such as footpaths and the pedestrian bridge are noted within the locality, and the design of the proposal provides separate pedestrian and vehicular entrances to the facility, to further minimise potential conflicts.
- *"To ensure the child care centre integrates with the character of the streetscape and local built form"* Comment: As discussed throughout this report, the facility has been sited and provided at a scale and form that integrates into the locality and mitigates any potential impacts to nearby land uses.
- *"To ensure that well designed spaces are provided that are safe and functional, and enable staff supervision of children at all times"* Comment: The centre will provide adequate indoor and outdoor play space for children as well as being suitably staffed (refer to Table 2 above), allowing the facility to provide appropriate management as well as providing a high level of safety and amenity for children.

Proposed operations are therefore considered appropriate given consideration to play and learning areas provided on the subject site, given consideration to the surrounding context of the locality, and given compliance with the SEPP. The facility is appropriately designed and proportioned to allow for 80 children to be suitably accommodated, while maximising onsite safety and mitigating any potential privacy or overlooking impacts. Refer also Operational Management Plan prepared for the site and attached under separate cover.

#### 4.4.14 Signage

No signage is proposed under this application.



#### 4.4.15 Unencumbered Play Spaces

The proposed centre-based child care facility will cater for 80 children at maximum capacity. In accordance with the SEPP (Educational Establishments and Child Care Facilities) 2017, each child is to be provided with a minimum 3.25m<sup>2</sup> unencumbered indoor space. The proposed development will provide a total area of 268.6m<sup>2</sup> of unencumbered indoor space, which equates to 3.36m<sup>2</sup> per child and so complies with the requirement.

In regard to unencumbered outdoor space, SEPP (Educational Establishments and Child Care Facilities) 2017 requires each child to be provided with a minimum 7m<sup>2</sup> unencumbered outdoor space. The proposed development will provide a total area of 611m<sup>2</sup> of unencumbered outdoor space, which equals to 7.64m<sup>2</sup> of space per child and complies with the requirement.

Given the lack of unreasonable impact on any neighbouring uses and the positive effects in terms of streetscape amenity, CPTED and the high level of amenity/functionality/versatility of play spaces that is achieved, the proposed development's play spaces are considered appropriate.

#### 4.4.16 Other Matters – Built Form

Other built form matters are assessed briefly in the table below.

Item	Assessment comment
Child Care Centre size and layout	<p>The proposed child care facility includes areas as follows:</p> <p>Indoor Play Area (Age 0-2): 71m<sup>2</sup>  Indoor Play Area (Age 2-3): 100m<sup>2</sup>  Indoor Play Area (Age 4-5): 97.6m<sup>2</sup>  Outdoor play area: 611m<sup>2</sup></p> <p>These floor areas are generous and will provide good amenity for the occupants.</p> <p>Refer to Section 3.3 for a more detailed breakdown of the layout of the child care facility, on site car parking and associated landscaping.</p>
Fencing	<p>Acoustic fencing will be installed in accordance with the recommendations of the Acoustic Report prepared for the site.</p> <p>Fencing will be appropriately proportioned so that children will not be able to climb over, under or through, and will consist of security fencing and/or acoustic fencing.</p>
Utilities	<p>All services are currently available for the existing buildings on the site and surrounding development and will be available to the proposal.</p>
Views	<p>No significant views are affected by the proposed development. Potential impacts on views to the heritage buildings existing onsite have been considered in the Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants, which is included under separate cover.</p>



Waste management	<p>Waste management will be according to Councils specifications for storage, bin size and collection. Refer to the RDCP 2011 Compliance Table in Appendix D.</p> <p>The garbage area located at the ground floor level is easily accessible from the proposed centre and will be used to store all waste generated by the facility. A SRV waste collection vehicle is able to enter the site via gate 3 and exit the site via gate 5, demonstrating that waste collection can safely and efficiently be conducted onsite.</p>
Construction Site Management	<p>All demolition, construction and deliveries to the site necessary for the carrying out of the development will be between specified restricted hours in accordance with conditions of consent.</p>

## 4.5 Natural Environment

### 4.5.1 Tree Removal and Landscaping

An Arboricultural Impact Assessment Report has been prepared by Jacksons Nature Works and is attached under separate cover. The findings and recommendations within this report has informed the design of the proposal and its future construction.

Landscaping proposed includes various trees and shrubs towards each boundary near the subject portion of the site. It is noted that some existing trees along the Forest Road frontage of the site and street trees in Bayview Street are to be retained and protected throughout the construction period and ongoing function of the proposed childcare centre. An Arboricultural Impact Assessment Report has been prepared by Jacksons Nature Works and is attached under a separate cover. The findings and recommendations within this report has informed the design of the proposal and its future construction.

Landscaping Plans have been produced for the site by Zenith Landscape Designs and are attached under separate cover. While tree removal is proposed, appropriate replanting is provided in the landscaping scheme. Key features of the proposed Landscaping Plans are provided in Section 3.4 of this report.

Under RDCP 2011, 20% landscaping is required. The proposal includes a total of approximately 1,395m<sup>2</sup> of deep soil landscaped area, equating to 16.63% of the site. Nevertheless, this is considered appropriate given the generous landscaping scheme proposed and as the variation results from the existing site context and built form. The proposal also aligns with the objectives of Section 4.3.1 of the DCP as follows:

- *To conserve significant natural features of the site, including existing mature trees and vegetation* Comment: Limited natural features are existing onsite and the variation results from an existing lack of landscaped areas given the site has been developed. Nevertheless, trees are retained where viable and new plantings are proposed surrounding the facility.
- *To protect and enhance indigenous wildlife populations and habitat through appropriate planting of indigenous vegetation species.* Comment: Limited natural features are existing onsite. New plantings are proposed surrounding



the facility, including indigenous species, and the variation to the landscaped area control does not unreasonably impact the ability of the proposal to meet this objective.

- *To promote energy efficiency, conserve natural resources and contribute to ecological sustainability* Comment: New plantings are proposed surrounding the facility which will provide shading and contribute to ecological sustainability.
- *To provide privacy and enhance environmental amenity* Comment: New plantings are proposed surrounding the facility which will provide vegetative screening and improve the amenity of the site when viewed from the street.
- *To enhance the existing streetscape and promote a scale and density of planting that is appropriate to the surrounding built form.* Comment: Refer discussion above, landscaping will provide vegetative screening and improve the amenity of the site when viewed from the street. 24 trees with a mature height of 6m or more are proposed for the site.
- *To enhance stormwater management and water quality by incorporating Water Sensitive Urban Design (WSUD) principles into the landscape design* Comment: Refer Landscape Plans prepared for the site by Zenith Landscape Designs. WSUD principles have been incorporated. It is noted that the variation results from the existing built form and hardstand areas onsite, which do not demonstrate any unreasonable impacts by way of urban runoff.
- *To apply the principles of Crime Prevention Through Environmental Design (CPTED)* Comment: Landscaping proposed clearly delineates public and private areas while also allowing for adequate sightlines and reducing opportunities for concealment.
- *To promote quality landscape design solutions that do not rely on high levels of maintenance* Comment: New plantings have been selected given the consideration to limit maintenance requirements.
- *To ensure that the location and use of swimming and spa pools does not have a detrimental impact on the amenity of private and public space* Comment: NA.

Landscaping as proposed for the site is therefore considered appropriate, particularly as it is a result of an existing variation and as a generous landscape scheme has been prepared for the proposal by Zenith Landscape Designs.

#### 4.5.2 Stormwater

A stormwater plan has been prepared by NY Civil Engineering, and is included under separate cover. Key components of the stormwater design are outlined in Section 3.6 of this report.

Stormwater management for the site will ensure there will be no unreasonable impacts in terms of urban runoff resulting from the proposal, and stormwater will be appropriately managed onsite.

#### 4.5.3 Ecologically Sustainable Building Design

The proposal has been designed to be energy efficient in terms of building materials and energy efficient appliances as discussed throughout this report.



#### 4.5.4 Landform, Cut and Fill

The proposal does not include significant excavation other than for one level of basement car parking. It is noted that stormwater from the development will be appropriately managed and that soil will be stabilised following completion of works.

#### 4.5.5 Other Matters – Natural Environment

Item	Assessment comment
Soil, erosion and sedimentation	The proposal will have minimal effect on erosion and sedimentation that may occur on the site as a result of construction. Refer also Sediment Control Plan and Details, prepared for the site by NY Civil Engineering and included with Stormwater Plans.
Acid sulfate soils	The subject site is noted to be affected by class 5 Acid Sulfate soils. Nevertheless, no unreasonable disturbance of soil will result from the proposal and accordingly, the proposal will have negligible effect in relation to acid sulfate soils.
Flora and fauna	The proposal will have no implications for threatened species, populations or ecological communities or their habitats.
Conservation of Land and Water Resources	The proposal will not have any effect on conserving and using valuable land resources such as productive agricultural land, mineral and extractive resources or water supply catchments.
Air and microclimate	There will be minimal potential for emissions of dust, particulates, odours, fumes, gases and pollutants as a result of construction that will occur on site. Therefore the proposal will not result in any air pollution.

#### 4.6 Social and Economic

The proposed development will result in a child care facility to provide for the care of 80 children at maximum capacity. The proposal also includes on site car parking spaces and upper level play areas. The site is in an accessible location, and is within walking distance of Bexley town centre, schools, parks and other local amenities and activities. The proposed child care facility has been designed in context with the local character and with consideration toward the needs of potential future residents in the locality, as well as providing a high level of amenity for future staff and children. The location of the child care facility on a site with other educational and religious institutions is particularly noted to be appropriate, and the facility has been designed so as to avoid any potential impacts to the heritage listed buildings onsite and nearby.

The proposed development has been designed to ensure it will not give rise to any unreasonable adverse environmental impacts on any nearby properties by way of overshadowing, noise, loss of privacy, or views. The proposal will contribute positively to the visual character and amenity of the local area and accordingly, the social impact of the proposal is considered to be a positive one.



## **4.7 Hazards**

As outlined in this report, there will be no unreasonable risks to people, property or the biophysical environment as a result from the proposed development. Notably there will be no issues in relation to geotechnical matters or acid sulfate soils. It is also noted that the site is not affected by bushfire. Council Pre DA notes stated that a contaminated site investigation might be required for the site. However given other applications across the site, for similar (educational) uses, and a lack of unreasonable impacts, the proposal is considered appropriate. Additional details can be submitted during the DA process if required.

## **4.8 Public Interest**

The proposal will not give rise to any unreasonable adverse environmental impacts on any nearby properties by way of overshadowing, noise, loss of privacy, or views. The proposed child care facility provides for an additional service and facility within a residential zoned area, however on a site with other educational and religious institutions, thereby avoiding potential impacts to residential uses nearby. The proposed development will fit in with the existing and emerging streetscape of the immediate locality, particularly through retention of existing development onsite, and new development proposed that is consistent in form and scale with the existing buildings, including those that are heritage listed. The proposal will contribute positively to the visual character and amenity of the local area, and cater to current demand for child care. It is therefore considered to be in the public interest.



# 5 Conclusion

This document comprises a Statement of Environmental Effects (SEE) to accompany architectural plans for demolition of existing awning and shed structures, and construction of a centre-based child care facility with associated play areas and basement parking towards the southern corner of the site at 339-377 Forest Road, Bexley. The child care facility will cater for 80 children at maximum capacity.

The proposed built form will be two-storeys in height with dedicated basement car parking and a roof top level. It is noted that 32 car parking spaces including 2 accessible car parking spaces will be provided on site.

The proposal meets the standards and controls of the relevant SEPPs and Council's planning controls. The proposal will provide an attractive and desirable development to meet the needs of the surrounding area whilst not unduly impacting on the existing neighbours or on heritage items onsite and adjacent.

The proposal is permissible with development consent and performs favourably in relation to the relevant aims, objectives and development standards of the relevant planning controls.

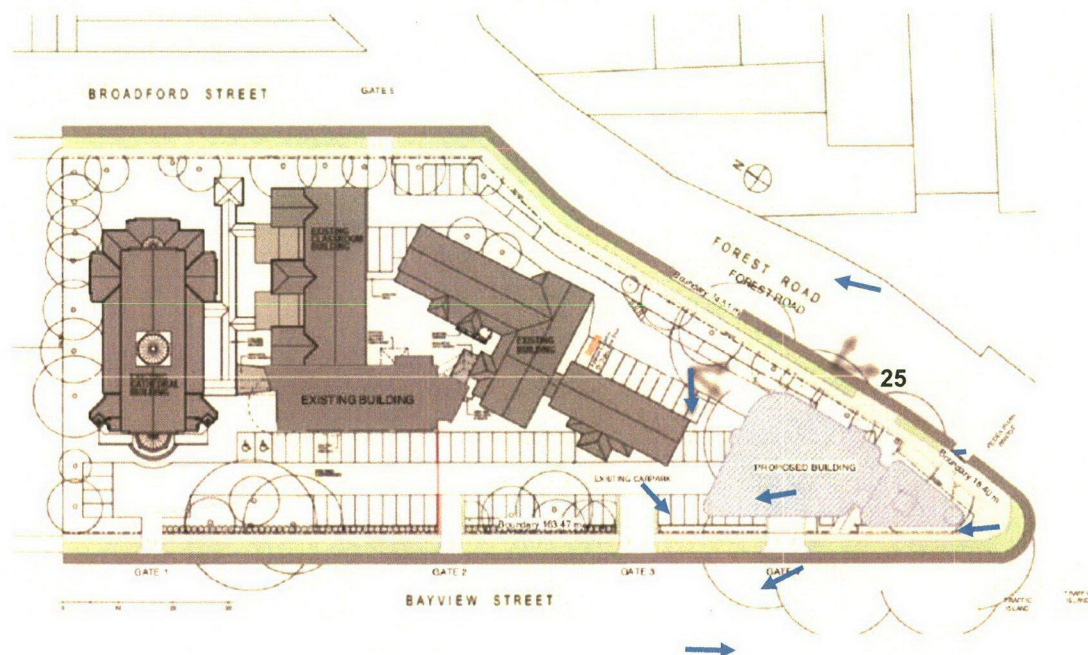
Accordingly, the proposal is considered appropriate and should be submitted to Council.



# APPENDICES



## Appendix A – Photos



## Photo Key







Photo 2: standing in front of the southern boundary of the subject site looking north.



Photo 3: standing in front of the southern boundary of the subject site looking along the western boundary on Bayview St.





Photo 4: standing in front of the car park entrance on Bayview St looking south east.



Photo 5: standing in front of the car park entrance on Bayview St looking east.





Photo 6: standing inside the car park entrance of the subject site looking south.



Photo 7: standing inside the car park entrance of the subject site looking south east.





Photo 8: standing inside the car park entrance of the subject site looking east.



Photo 9: standing inside the car park entrance of the subject site looking north.





Photo 10: standing inside the car park entrance of the subject site looking north west.



Photo 11: standing opposite the subject site on Bayview St looking east.





Photo 12: standing inside the car park entrance of the subject site looking south east.



Photo 13: standing inside the car park entrance of the subject site looking south.





Photo 14: standing in front of the western boundary on Bayview St looking south.



Photo 15: standing in front of the western boundary on Bayview St looking west.





Photo 16: standing in front of the western boundary on Bayview St looking north west.



Photo 17: standing in the car park of the subject site nearest the eastern boundary looking south east.





Photo 18: standing in the car park of the subject site nearest the eastern boundary looking south.



Photo 19: standing in the car park of the subject site nearest the eastern boundary looking south west.





Photo 20: standing in the car park of the subject site nearest the western boundary looking south.



Photo 21: standing in the car park of the subject site nearest the western boundary looking south east.





Photo 22: standing in the car park of the subject site nearest the western boundary looking east.



Photo 23: standing in front of the eastern boundary of the subject site on Forest Rd looking north.





Photo 24: standing in front of the eastern boundary of the subject site on Forest Rd looking east.



Photo 25: standing in front of the eastern boundary of the subject site on Forest Rd looking south.





Photo 26: standing opposite the subject site on Forest Rd looking south west.



Photo 27: standing opposite the subject site on Forest Rd looking west.





Photo 28: standing opposite the subject site on Forest Rd looking north west.



# Appendix B – SEPP Compliance Table

Planning Control/Objective	Assessment comment	Compliance
<b>B.1 SEPP 55 – Remediation of Land</b>		
SEPP No.55 – Remediation of Land contains planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.	Council Pre DA notes stated that a contaminated site investigation might be required for the site. However given other applications across the site, for similar (educational) uses, and a lack of unreasonable impacts, the proposal is considered appropriate. Additional details can be submitted during the DA process if required.	NA
<b>B.2 SEPP Infrastructure</b>		
<p>Clause 102 (<b>Impact of road noise or vibration on non-road development</b>) of the SEPP specifies acoustic requirements for centre-based child care facility developments in close proximity to road corridors.</p> <p>Clause 104 (<b>Traffic-generating development</b>) of the SEPP specifies that:  <i>"Before determining a development application for development to which this clause applies, the consent authority must:</i>  <i>(a) give written notice of the application to RMS within 7 days after the application is made, and</i>  <i>(b) take into consideration:</i>  <i>(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and</i>  <i>(ii) the accessibility of the site concerned, including:</i>  <i>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i></p>	<p>The site is located within proximity of a major road. As such, an Acoustic Report has been prepared for the site by Acoustic Logic Consultancy and is attached under separate cover. Given consideration to this affectation, the report provides various <i>"façade treatments to result in compliance with AS2021 and Development near Rail Corridors and Busy Roads – Interim Guideline."</i> As such, an appropriate development is able to be proposed which mitigates potential acoustic impacts on future attendees.</p> <p>Noted.</p> <p>Noted.</p> <p>The site has 3 street frontages and access to the proposed child care facility is via Bayview Street. A high level of accessibility is therefore available. Efficient movement of people will be facilitated by appropriate site access as supported in the Traffic and Parking Report</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>



<p>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</p> <p>(iii) any potential traffic safety, road congestion or parking implications of the development."</p>	<p>prepared for the site and attached under separate cover. The need to travel by car will be reduced through the siting of the proposal in an accessible area, such as by foot or bus. Trip chaining will be facilitated through co-location with the adjacent school. There will be no impact on the movement of freight as a result of this application.</p> <p>Any potential traffic safety, road congestion or parking implications of the development will be successfully mitigated, as supported in the Traffic and Parking Report prepared for the site and attached under separate cover.</p>	<p>✓</p>
<p><b>B.3 SEPP (Educational Establishments and Child Care Facilities) 2017</b></p>		
<p><b>Part 1 - Preliminary</b></p>		
<p><b>Aims of Policy</b></p> <p>The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by:</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 impact 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 delivered 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>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</p> <p>(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</p>	<p>Noted</p>	<p>✓</p>



(h) encouraging proponents of new developments 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.

## Part 2 – General

### Division 2 Site compatibility certificates

#### 15 Site compatibility certificates

(1) An application for a site compatibility certificate for the purpose of clause 16 may be made to the relevant planning panel:

- (a) by the owner of the land on which the development is proposed to be carried out, or
- (b) by any other person with the consent of the owner of that land.

(2) An application under this clause:

- (a) must be in writing in the form approved by the relevant planning panel, and
- (b) must be accompanied by:
  - (i) information demonstrating that the proposal is not inconsistent with the relevant district plan made under Part 3B of the Act (district plan), and
  - (ii) any other document or information required by the relevant planning panel to accompany the application, and

(c) must be accompanied by the fee, if any, prescribed by the regulations.

(3) The relevant planning panel may request further documents and information to be furnished in connection with an application under this clause.

(4) Within 7 days after the application is made, the relevant planning panel must provide a copy of the application to the council for the area in which the development concerned is proposed to be carried out, unless the relevant planning panel refuses, before those 7 days have elapsed, to issue a certificate.

(5) Subject to subclause (6), the relevant planning panel may determine the application by issuing a certificate or refusing to do so.

(6) The relevant planning panel must not issue a certificate unless the relevant planning panel:

- (a) has taken into account any comments received from the council within 21 days after the application for the certificate was made, and
- (b) is of the opinion that the development concerned is compatible with the surrounding land uses having regard to the following matters:

- (i) the existing uses and approved uses of land in the vicinity of the development,
- (ii) the impact that the development (including its bulk and scale) is likely to have on the existing uses, approved uses and uses that, in the opinion of the relevant planning panel, are likely to be the preferred future uses of that land,
- (iii) the services and infrastructure that are or will be available to meet the demands arising from the development, and

Noted

✓



(c) is of the opinion that the development concerned is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land, and

(d) is of the opinion that the development concerned is in the public interest, and will deliver social, economic and environmental benefits to the wider community, and

(e) is of the opinion that the development concerned is consistent with the relevant district plan.

(7) A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate.

(8) A certificate continues to apply to the land in respect of which it was issued despite any change in the ownership of that land.

(9) A certificate is valid for 5 years or any lesser period specified in the certificate.

(10) In this clause:

relevant planning panel means the following:

(a) a joint regional planning panel constituted under section 23G of the Act for the particular part of the State concerned,

(b) (by operation of Part 3 of the Greater Sydney Commission Act 2015) a Sydney planning panel constituted for the part of the Greater Sydney Region concerned.

Note. Part 3 of the Greater Sydney Commission Act 2015 provides that a Sydney planning panel constituted under that Part is taken to be a joint regional planning panel under and for the purposes of the Environmental Planning and Assessment Act 1979 and the instruments made under that Act (including this Policy).

### Part 3 - Early education and care facilities—specific development controls

#### 22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development

(1) This clause applies to development for the purpose of a centre-based child care facility if:

(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or

(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.

(2) The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.

(3) The consent authority must, within 7 days of receiving a development application for development to which this clause applies:

(a) forward a copy of the development application to the Regulatory Authority, and

(b) notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.

NA, proposal complies with these requirements as discussed throughout this report.

NA



<p>(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW).</p> <p>(5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subclause (3).</p> <p>Note. The effect of section 79B (11) of the Act is that if the Regulatory Authority fails to inform the consent authority of the decision concerning concurrence within the 28 day period, the consent authority may determine the development application without the concurrence of the Regulatory Authority and a development consent so granted is not voidable on that ground.</p> <p>(6) The consent authority must forward a copy of its determination of the development application to the Regulatory Authority within 7 days after making the determination.</p> <p>(7) In this clause: Regulatory Authority means the Regulatory Authority for New South Wales under the Children (Education and Care Services) National Law (NSW) (as declared by section 9 of the Children (Education and Care Services National Law Application) Act 2010).</p> <p>Note. Concurrence to development may be granted subject to conditions. A development consent subject to concurrence may be voidable if it is granted not subject to any conditions of the concurrence. (See section 79B of the Act.)</p>		
<p><b>23 Centre-based child care facility—matters for consideration by consent authorities</b> Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.</p>	<p>Noted. The provisions of the <i>Child Care Planning Guideline</i> have been taken into consideration under this proposal. Refer to Appendix B.4 below.</p>	<p>✓</p>
<p><b>24 Centre-based child care facility in Zone IN1 or IN2—additional matters for consideration by consent authorities</b> (1) The object of this clause is to minimise land use conflicts with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based child care facility on land in Zone IN1 General Industrial or Zone IN2 Light Industrial. (2) The consent authority must consider the following matters before determining a development application for development for the purpose of a centre-based child care facility on land in Zone IN1 General Industrial or Zone IN2 Light Industrial: (a) whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses, (b) whether the proposed development has the potential to restrict the operation of existing</p>	<p>NA – The proposed child care facility is not located within Zone IN1 or IN2.</p>	<p>NA</p>



<p>industrial land uses,</p> <p>(c) whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.</p> <p>(3) The matters referred to in subclause (2) are in addition to any other matter that the consent authority must consider before determining a development application for development for the purpose of a centre-based child care facility.</p>		
<p><b>25 Centre-based child care facility—non-discretionary development standards</b></p> <p>(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</p> <p>(2) The following are non-discretionary development standards for the purposes of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:</p> <p>(a) location—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) indoor or outdoor space</p> <p>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>(d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p> <p>(3) To remove doubt, this clause does not prevent a consent authority from:</p> <p>(a) refusing a development application in relation to a matter not specified in subclause (2), or</p> <p>(b) granting development consent even though any standard specified in subclause (2) is not complied with.</p>	<p>Noted.</p> <p>Noted.</p> <p>Designed to comply with these requirements.</p> <p>Noted. Site dimensions considered appropriate.</p> <p>NA. Site includes a heritage item and so relevant DCP controls apply.</p> <p>Noted.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>NA</p> <p>✓</p>
<p><b>26 Centre-based child care facility—development control plans</b></p> <p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters</p>	<p>Noted.</p>	<p>✓</p>



<p>(including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early childhood education and care facilities,</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in:</p> <p>(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or</p> <p>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p> <p>(2) This clause applies regardless of when the development control plan was made.</p>		
<b>27 Mobile child care—exempt development</b>	NA	NA
<b>28 Emergency relocation of early education and care facility—exempt development</b>	NA	NA
<b>29 Home-based child care—exempt development</b>	NA	NA
<b>30 Home-based child care—complying development</b>	NA	NA
<b>31 Out-of-school hours care at existing universities—complying development</b>	NA	NA
<b>32 Out-of-school hours care at existing TAFE establishments—complying development</b>	NA	NA
<b>Part 4 Schools—specific development controls</b>		
	NA – child care facility proposed	NA
<b>Part 5 Universities—specific development controls</b>		
	NA – child care facility proposed	NA
<b>Part 6 TAFE establishments—specific development controls</b>		
	NA – child care facility proposed	NA
<b>Part 7 General development controls</b>		
<p><b>57 Traffic-generating development</b></p> <p>(1) This clause applies to development for the purpose of an educational establishment:</p> <p>(a) that will result in the educational establishment being able to accommodate 50 or more additional students, and</p> <p>(b) that involves:</p> <p>(i) an enlargement or extension of existing premises, or</p> <p>(ii) new premises,</p> <p>on a site that has direct vehicular or pedestrian access to any road.</p> <p>(2) Before determining a development</p>	NA – child care facility proposed	NA



application for development to which this clause applies, the consent authority must:

- (a) give written notice of the application to Roads and Maritime Services (RMS) within 7 days after the application is made, and
- (b) take into consideration the matters referred to in subclause (3).

(3) The consent authority must take into consideration:

- (a) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and

(b) the accessibility of the site concerned, including:

- (i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
- (ii) the potential to minimise the need for travel by car, and

(c) any potential traffic safety, road congestion or parking implications of the development.

(4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.

## B.4 Child Care Planning Guideline

### Section 3.1

#### Site Selection and Location

##### Child Care Planning Guideline Section 3.1

For proposed developments in or adjacent to a residential zone, consider:

- the acoustic and privacy impacts of the proposed development on the residential properties
- the setbacks and siting of buildings within the residential context
- traffic and parking impacts of the proposal on residential amenity.

The proposal has been designed to minimise potential acoustic and privacy impacts to neighbouring developments. Refer Acoustic Report prepared for the site by Acoustic Logic Consultancy and attached under separate cover.

✓

Appropriate setbacks are provided, particularly given consideration to prevailing site opportunities and constraints including irregular lot shape and the need for the development to define and address the corner. Setbacks allow for adequate building separation to adjacent lots as well as to other existing development on the subject site.

✓

Traffic impacts of the proposal will be minimal, and potential parking impacts will be avoided through provision of onsite parking at the basement and ground floor level.

✓

Refer to Acoustic Report and Traffic Report submitted under separate cover.



<p><i>For proposed developments in commercial and industrial zones, consider:</i></p> <ul style="list-style-type: none"> <li>• <i>potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions</i></li> <li>• <i>the potential impact of the facility on the viability of existing commercial or industrial uses.</i></li> </ul>	<p>NA – proposal not in a commercial or industrial zone.</p>	<p>NA</p>
<p><i>For proposed developments in public or private recreation zones, consider:</i></p> <ul style="list-style-type: none"> <li>• <i>the compatibility of the proposal with the operations and nature of the community or private recreational facilities</i></li> <li>• <i>if the existing premises is licensed for alcohol or gambling</i></li> <li>• <i>if the use requires permanent or casual occupation of the premises or site</i></li> <li>• <i>the availability of on site parking</i></li> <li>• <i>compatibility of proposed hours of operation with surrounding uses, particularly residential uses</i></li> <li>• <i>the availability of appropriate and dedicated sanitation facilities for the development.</i></li> </ul>	<p>NA – proposal not located in public or private recreation zone</p>	<p>NA</p>
<p><i>For proposed developments on school, TAFE or university sites in Special Purpose zones, consider:</i></p> <ul style="list-style-type: none"> <li>• <i>the compatibility of the proposal with the operation of the institution and its users</i></li> <li>• <i>the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling</i></li> <li>• <i>proximity to sources of noise, such as places of entertainment or mechanical workshops</i></li> <li>• <i>proximity to odours, particularly at agricultural institutions</i></li> <li>• <i>previous uses of a premises such as scientific, medical or chemical laboratories, storage areas and the like.</i></li> </ul>	<p>NA – subject site not on these sites or within Special Purpose zones</p>	<p>NA</p>
<p><i>When selecting a site, ensure that:</i></p> <ul style="list-style-type: none"> <li>• <i>the location and surrounding uses are compatible with the proposed development or use</i></li> <li>• <i>the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</i></li> <li>• <i>there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed</i></li> </ul>	<p>As addressed in Section 2 and Section 4.4.1, the proposed child care facility is considered to be located upon a suitably compatible site. The lack of impacts to the existing school and cathedral building onsite further confirm that the site is appropriately located.</p> <p>The site is environmentally safe and is not subject to risks including flooding, land slips, bushfires and coastal hazards.</p> <p>It is not anticipated that hazardous materials remediation is needed. Council Pre DA notes stated that a contaminated site investigation might be required for the site. However given other applications across the site, for similar (educational) uses, and a lack of unreasonable impacts, the proposal is considered appropriate.</p>	<p>✓</p> <p>✓</p> <p>✓</p>



	Additional details can be submitted during the DA process if required.	
<ul style="list-style-type: none"> <li>the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> <li>size of street frontage, lot configuration, dimensions and overall size</li> <li>number of shared boundaries with residential properties</li> <li>the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</li> </ul> </li> </ul>	As discussed in Section 2 and Section 4.4.1, the site is appropriate for the development proposed. Particularly, the corner site minimises shared boundaries to residential sites and allows for vehicles and pedestrians to enter the site separately, and the lot configuration allows for potential visual and acoustic privacy issues to neighbouring properties to be appropriately minimised given significant building separation distances proposed. The large site ensures the scale of development as proposed can be appropriately accommodated. The site is not noted to contain areas of high environmental significance and the proposal has been designed to mitigate potential impacts on the heritage item onsite.	✓
<ul style="list-style-type: none"> <li>where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use</li> </ul>	NA	NA
<ul style="list-style-type: none"> <li>there are suitable drop off and pick up areas, and off and on street parking the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</li> </ul>	Parking is located onsite at ground floor level and in basement and so will have no unreasonable impact on streetscape amenity. The proposal easily exceeds parking rates required. Designated drop-off and pick-up is also proposed, as discussed in the Traffic Report, and will ensure safe pick up and drop off of children while minimising the proposal's impact on the surrounding street network and the availability of parking.	✓
<ul style="list-style-type: none"> <li>it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</li> </ul>	The proposed development is not located closely to incompatible social activities. The lack of impacts to the existing school and cathedral building onsite further confirm that the site is appropriately located.	✓
<p>A child care facility should be located:</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> <li>in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.</li> </ul>	The facility is proposed on the same site as a school and place of public worship and so is appropriate in this regard. Refer also to Section 2 of this report, the site is easily accessible from various employment and activity centres, including via bus. Forest Road, Broadford Street and Bayview Street are each provided with a footpath which enables pedestrian connectivity to the local community, and a pedestrian bridge is also adjacent the site across Bridge Road.	✓
<p>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <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</li> </ul> </li> </ul>	Site is not proximate to any of these uses.	✓



<ul style="list-style-type: none"> <li>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> <li>any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.</li> </ul>		
<b>Local Character, Streetscape and the Public Domain Interface</b>		
<b>Child Care Planning Guideline Section 3.2</b>		
<p><i>The proposed development should:</i></p> <ul style="list-style-type: none"> <li>contribute to the local area by being designed in character with the locality and existing streetscape</li> <li>reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>include design and architectural treatments that respond to and integrate with the existing streetscape</li> <li>use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>integrate car parking into the building and site landscaping design in residential areas.</li> </ul>	<p>The new development has been designed to appropriately retain the character of the streetscape through its appropriate bulk and scale, and through materials used. A contemporary, well-articulated built form is proposed that reflects its mixed/residential setting while appropriately responding to and sitting well alongside the existing heritage items onsite.</p> <p>The site is zoned R2 and the residential uses surrounding the site will not be unreasonably impacted by the proposal, while the site also reflects nearby multi storey commercial and residential developments and sits well alongside adjacent educational and religious land uses.</p> <p>The proposed development will sit well with the existing streetscape qualities, providing a contemporary yet appropriate development that defines the corner of Bayview Street and Forest Road.</p> <p>The design and architectural treatments of the proposed development respond to and integrate with the existing streetscape as discussed in Section 4.4.1 of this report. Particularly, the dark colour scheme and restrained design ensure the proposal will sit well alongside neighbouring development.</p> <p>The proposed landscaping and play areas will contribute appropriately to the amenity of the site and are appropriate for children's outdoor play including trees for shade and a natural play area.</p> <p>Car parking will be provided at the basement level and ground floor level, and so is well-integrated into the building while allowing for adequate landscaping opportunities towards the site boundaries.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
<p><i>Create a threshold with a clear transition between public and private realms, including:</i></p> <ul style="list-style-type: none"> <li>fencing to ensure safety for children</li> </ul>	<p>Appropriate fencing, provision of windows</p>	<p>✓</p>



<ul style="list-style-type: none"> <li>entering and leaving the facility</li> <li>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</li> <li>integrating existing and proposed landscaping with fencing.</li> </ul>	oriented towards the street and integration of landscaping into site planning allows for a clear transition between public and private spaces.	
On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.	Proposal includes separate vehicle and pedestrian entries to maximise safety, and the pedestrian entry (including foyer) will be clearly visible to maximise legibility.	✓
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: <ul style="list-style-type: none"> <li>clearly defined street access, pedestrian paths and building entries</li> <li>low fences and planting which delineate communal/ private open space from adjoining public open space</li> <li>minimal use of blank walls and high fences.</li> </ul>	<p>NA – proposal does not adjoin a public park, open space or bushland.</p> <p>However open space associated with nearby schools is noted proximate the site and the proposal ensures a compatible interface with these areas.</p>	NA
Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.	Permeable front fencing is proposed to remain as existing, given the modern metal railing fence is to be retained. The proposal has also considered the heritage provisions of the DCP as discussed in Appendix D.	✓
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.	Forest Road is a Classified Road. Upper level acoustic fencing is proposed to the roof top play area and is appropriate in this regard.	✓
<b>Building Orientation, Envelope and Design</b>		
<b>Child Care Planning Guideline Section 3.3</b>		
<p><b>Orient a development on a site and design the building layout to:</b></p> <ul style="list-style-type: none"> <li>ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> <li>facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</li> <li>placing play equipment away from common boundaries with residential properties</li> <li>locating outdoor play areas away from residential dwellings and other sensitive uses</li> </ul> </li> <li>optimise solar access to internal and</li> </ul>	<p>Outdoor play spaces are appropriately sited across the site, and door and window siting minimise potential overlooking impacts to adjoining properties. Significant building separation distances are noted to adjacent sites, and appropriate site design has ensured no such impacts will be introduced to any existing development remaining on the subject site.</p> <p>For additional discussion, refer to Section 4.4.7 of this report.</p> <p>The site has a significant northerly aspect, and playrooms and particularly outdoor play spaces</p>	<p>✓</p> <p>✓</p>



<p><i>external play areas</i></p> <ul style="list-style-type: none"> <li><i>avoid overshadowing of adjoining residential properties</i></li> <li><i>minimise cut and fill</i></li> <li><i>ensure buildings along the street frontage define the street by facing it</i></li> <li><i>ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</i></li> </ul>	<p>are oriented to the north and east to maximise solar access.</p> <p>The site context including the intersection of Bayview Street and Forest Road adjoining the site to the south ensures unreasonable overshadowing of adjoining properties is avoided.</p> <p>The site slopes towards the intersection of Bayview Street and Forest Road adjoining the site to the south, however the proposal has been designed with consideration to this topography and so the need for cut and fill is minimised. Basement level parking is proposed for the site as discussed throughout this report.</p> <p>Active uses including a meeting room, reception area, offices, outdoor play areas on balconies and playrooms face Bayview Street to the south west and Forest Road to the north east. The corner site is therefore appropriately defined.</p> <p>Appropriate measures will be taken to ensure outdoor play spaces at the first-floor level will be protected from wind and other conditions. Acoustic perimeter fencing and a roof top architectural roof feature that doubles as a shade structure will help in this regard.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
<p><i>The following matters may be considered to minimise the impacts of the proposal on local character:</i></p> <ul style="list-style-type: none"> <li><i>building height should be consistent with other buildings in the locality</i></li> <li><i>building height should respond to the scale and character of the street</i></li> <li><i>setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</i></li> <li><i>setbacks should provide adequate access for building maintenance</i></li> <li><i>setbacks to the street should be consistent with the existing character.</i></li> </ul>	<p>The building is predominantly two-storey with a partial three-storey element and roof top space, reflecting the multi-storey height of residential, commercial, educational and religious uses evident in the locality. Appropriate setbacks and multiple street frontages allow for adequate privacy to/from the site, and additionally allow for vegetative screening to be planted along boundaries. Setbacks proposed reflect those in the streetscape, and particularly those on lots adjacent the subject site, and so will sit well with the existing character of the locality.</p> <p>Refer to Section 4.4.1 of this report for further discussion regarding the proposal's compatibility with the local area.</p>	<p>✓</p>
<p><i>Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</i></p>	<p>NA - RDCP 2011 contains prevailing setback controls for the site, refer Appendix D.</p>	<p>NA</p>
<p><i>On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</i></p>	<p>NA – refer comment above, RDCP 2011 contains prevailing setback controls for the site and Forest Road is a classified road.</p>	<p>NA</p>



<p><i>On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</i></p>	<p>RDCP 2011 requires secondary street setbacks to be minimum 1.5m. Setbacks of 3m to Bayview Street therefore comply.</p> <p>Minor encroachments to minimum 1.17m present a variation however are considered appropriate given they are limited in extent and given a lack of unreasonable impacts. Refer Section 4.4.5 of this report for further discussion.</p>	<p>✓</p> <p>Merit</p>
<p><i>The built form of the development should contribute to the character of the local area, including how it:</i></p> <ul style="list-style-type: none"> <li><i>• respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</i></li> <li><i>• contributes to the identity of the place</i></li> <li><i>• retains and reinforces existing built form and vegetation where significant</i></li> <li><i>• considers heritage within the local neighbourhood including identified heritage items and conservation areas</i></li> <li><i>• responds to its natural environment including local landscape setting and climate.</i></li> </ul>	<p>The proposal includes demolition to minor development onsite including existing awning and shed structures, and the new form proposed suitably respects and responds to neighbouring built form and streetscape character including through the multi storey development pattern and the materials and external finishes employed. Appropriate primary and secondary setbacks that reflect the prevailing street setbacks along Forest Road further serve to ensure the development defines the corner site and sits well within the streetscape. The heritage value of the item onsite (Original Bexley School buildings) is also noted, and has been respected through an appropriate design that is supported by a Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants and included under separate cover.</p> <p>Refer also Section 4.4.1 of this report.</p>	<p>✓</p>
<p><i>Entry to the facility should be limited to one secure point which is:</i></p> <ul style="list-style-type: none"> <li><i>• located to allow ease of access, particularly for pedestrians</i></li> <li><i>• directly accessible from the street where possible</i></li> <li><i>• directly visible from the street frontage</i></li> <li><i>• easily monitored through natural or camera surveillance</i></li> <li><i>• not accessed through an outdoor play area.</i></li> <li><i>• in a mixed-use development, clearly defined and separate from entrances to other uses in the building.</i></li> </ul>	<p>Separate pedestrian (to entry foyer) and vehicle access points (to ground floor level parking and to the basement) are considered appropriate and maximise safety for those entering/exiting the facility. Each entry allows ease of access, is directly accessible and visible from the street, and will be easily monitored such as through passive surveillance.</p> <p>The retention of multiple existing entries/exits across the wider site is considered suitable given multiple uses are to operate on the site, and the safety and suitability of these entries has been supported by the Traffic Report prepared for the site by Hemanote Consultants and attached under separate cover.</p>	<p>✓</p>
<p><i>Accessible design can be achieved by:</i></p> <ul style="list-style-type: none"> <li><i>• providing accessibility to and within the building in accordance with all relevant legislation</i></li> <li><i>• 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</i></li> <li><i>• 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</i></li> <li><i>• minimising ramping by ensuring building</i></li> </ul>	<p>The proposal will satisfy accessibility requirements as necessary. It is particularly noted the development provides 2 accessible parking spaces and a lift is available.</p>	<p>✓</p>



entries and ground floors are well located relative to the level of the footpath.		
<b>Landscaping</b>		
<b>Child Care Planning Guideline Section 3.4</b>		
<p><i>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</i></p> <p><i>Use the existing landscape where feasible to provide a high quality landscaped area by:</i></p> <ul style="list-style-type: none"> <li>• reflecting and reinforcing the local context</li> <li>• incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</li> </ul>	<p>Appropriate planting is to be provided on site including various shrubs and trees that will reflect the locality and integrate well with fencing proposed. Screen planting is also proposed towards street frontages. Refer to landscape plans submitted under separate cover.</p>	✓
<p><i>Incorporate car parking into the landscape design of the site by:</i></p> <ul style="list-style-type: none"> <li>• planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</li> <li>• taking into account streetscape, local character and context when siting car parking areas within the front setback</li> <li>• using low level landscaping to soften and screen parking areas.</li> </ul>	<p>Car parking has been incorporated into the design, being located within the basement and ground floor levels and generally contained within the facility's footprint to ensure deep soil landscaping is achieved such as to site boundaries, and minimal impacts are caused to the locality in regard to unsightliness or traffic generation or on street parking loss.</p>	✓
<b>Acoustic Privacy</b>		
<b>Child Care Planning Guideline Section 3.5</b>		
<p><i>Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</i></p>	<p>The application is technically for a mixed use development given multiple uses are existing on the subject site. However given the nature of the proposal no residential balconies are proposed.</p>	NA
<p><i>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</i></p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitably locating pathways, windows and doors</li> <li>• permanent screening and landscape design.</li> </ul>	<p>Designed to comply. Outdoor play spaces and indoor play spaces have been located at the upper and roof top levels and effectively screened from public view through building design. Landscape and fencing provide screening to the ground floor level. Privacy screening to upper level windows and play spaces facing the street are particularly noted.</p>	✓
<p><i>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</i></p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitable location of pathways, windows and doors</li> <li>• landscape design and screening.</li> </ul>	<p>The context of the subject site and the design of the facility ensures that the proposal will not result in unreasonable overlooking of main internal living areas and private open spaces given generous building separation distances available. Generous vegetative screening is included to side boundaries.</p> <p>Refer also to Section 4.4.7 of this report.</p>	✓



<p>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:</p> <ul style="list-style-type: none"> <li>provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</li> <li>ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.</li> </ul>	<p>Given site context, the building does not immediately adjoin any residential accommodation. Nevertheless, the proximity of residential uses has been noted and the proposal has been designed to comply in accordance with the Acoustic Report prepared for the site by Acoustic Logic Consultancy.</p>	NA
<p>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> <li>identify an appropriate noise level for a child care facility located in residential and other zones</li> <li>determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</li> <li>determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</li> </ul>	<p>An Acoustic Report has been prepared for the site by Acoustic Logic Consultancy to address these acoustic matters and is submitted under separate cover. Appropriate acoustic fencing is proposed for the site including to the roof top play space.</p>	✓
<b>Air Pollution</b>		
<b>Child Care Planning Guideline Section 3.7</b>		
<p>Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> <li>creating physical separation between buildings and the noise source</li> <li>orienting the facility perpendicular to the noise source and where possible buffered by other uses</li> <li>using landscaping to reduce the perception of noise</li> <li>limiting the number and size of openings facing noise sources</li> <li>using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</li> <li>using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</li> <li>locating cot rooms, sleeping areas and play areas away from external noise sources.</li> </ul>	<p>The subject site is in a residential area and is within proximity of a major road. As such, suitable design solutions will be adopted to minimise the impacts of noise as discussed throughout this report.</p> <p>Screen planting along site boundaries and appropriate building setbacks attenuate potential noise impacts from vehicular movement. The cot room has been located away from external noise sources including the busy road as viable, and appropriate building materials will be used.</p> <p>An Acoustic Report has been prepared for the site by Acoustic Logic Consultancy to address these acoustic matters and is submitted under separate cover.</p>	✓



<p>An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> <li>• on industrial zoned land</li> <li>• where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</li> <li>• along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>• on a major or busy road</li> <li>• other land that is impacted by substantial external noise.</li> </ul>	<p>An Acoustic Report has been prepared for the site by Acoustic Logic Consultancy to address these acoustic matters and is submitted under separate cover. Additionally, appropriate design measures have been implemented to minimise potential acoustic impacts to the facility.</p>	✓
<p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	<p>The subject site is located in a residential zone and so is considered appropriate for the proposed use. It is also noted that comparable surrounding uses including educational establishments and places of public worship do not demonstrate any unreasonable impacts as a result of proximity to Forest Road.</p>	✓
<p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> <li>• creating an appropriate separation distance between</li> <li>• the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution</li> <li>• using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway</li> <li>• incorporating ventilation design into the design of the facility.</li> </ul>	<p>An air quality assessment report has been prepared for the proposal by Airsafe and is attached under separate cover. The report finds that the site is appropriate for the proposal.</p>	✓
<h2>Hours of Operation</h2>		
<h3>Child Care Planning Guideline Section 3.8</h3>		
<p>Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>	<p>Facility as proposed will open from 7am-6pm Monday to Friday and so is confined to the core hours required.</p>	✓



Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	<p>NA – subject site is located within a residentially zoned area.</p> <p>Nevertheless, the application is for a mixed use development given multiple uses are existing on the subject site. However given the compatible nature of the adjoining uses, including a school and place of public worship, the hours of operation as proposed are considered suitable and will have no unreasonable impact on these neighbouring uses.</p>	NA
<b>Traffic, Parking and Pedestrian Circulation</b>		
<b>Child Care Planning Guideline Section 3.8</b>		
<p><i>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.</i></p> <p><i>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</i></p> <p><i>Within 400 metres of a metropolitan train station:</i></p> <ul style="list-style-type: none"> <li>• 1 space per 10 children</li> <li>• 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</li> </ul> <p><i>In other areas:</i></p> <ul style="list-style-type: none"> <li>• 1 space per 4 children.</li> </ul> <p><i>A reduction in car parking rates may be considered where:</i></p> <ul style="list-style-type: none"> <li>• the proposal is an adaptive re-use of a heritage item</li> <li>• the site is in a B8 Metropolitan Zone or other high-density business or residential zone</li> <li>• the site is in proximity to high frequency and well connected public transport</li> <li>• the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks)</li> <li>• there is sufficient on street parking available at appropriate times within proximity of the site.</li> </ul>	<p>RDCP 2011 specifies car parking rates. Refer to Section 4.4.6 of this report.</p> <p>NA</p>	<p>✓</p> <p>NA</p>



<p><i>In commercial or industrial zones and mixed-use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</i></p>	<p>Subject site not in commercial or industrial zones. Nevertheless, the application is for a mixed use development given multiple uses are existing on the subject site. However given the compatible nature of the adjoining uses, including a school and place of public worship, timed on street parking as proposed is considered suitable.</p> <p>The adjacent school and place of public worship do not generate truck movements, and the comparable peak hours of the school are expected to offset to an extent through trip chaining or whereby parents dropping off school children might also drop off children attending child care.</p> <p>The safety and suitability of on street parking has also been supported by the Traffic Report prepared for the site by Hemanote Consultants and attached under separate cover.</p>	✓
<p><i>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. The study should also address any proposed variations to parking rates and demonstrate that:</i></p> <ul style="list-style-type: none"> <li><i>the amenity of the surrounding area will not be affected</i></li> <li><i>there will be no impacts on the safe operation of the surrounding road network.</i></li> </ul>	<p>A Traffic and Parking Assessment has been prepared for the site by Hemanote Consultants and is attached under separate cover. The report concludes that:</p> <p><i>"It can be concluded from the traffic and parking impact assessment that the proposed childcare centre to be located at 339 Forest Road, Bexley is adequate and will have no adverse impacts on current traffic or parking conditions."</i></p>	✓
<p><i>Alternate vehicular access should be provided where child care facilities are on sites fronting:</i></p> <ul style="list-style-type: none"> <li><i>a classified road</i></li> <li><i>roads which carry freight traffic or transport dangerous goods or hazardous materials.</i></li> </ul> <p><i>The alternate access must have regard to:</i></p> <ul style="list-style-type: none"> <li><i>the prevailing traffic conditions</i></li> <li><i>pedestrian and vehicle safety including bicycle movements</i></li> <li><i>the likely impact of the development on traffic.</i></li> </ul>	<p>The subject site fronts Forest Road, a classified road, however access via Bayview Street is considered an appropriate design alternative given the prevailing traffic conditions on this local street, the high level of pedestrian safety in the immediate vicinity of the site such as through footpath provision and traffic islands, and the fact that the proposal is not projected. To have any unreasonable impact on local traffic. Refer to the Traffic Report prepared for the site by Hemanote Consultants and is attached under separate cover. The report concludes that:</p> <p><i>"It can be concluded from the traffic and parking impact assessment that the proposed childcare centre to be located at 339 Forest Road, Bexley is adequate and will have no adverse impacts on current traffic or parking conditions."</i></p>	✓
<p><i>Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</i></p>	<p>NA, the site is not located on a cul-de-sac or narrow road.</p>	NA
<p><i>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</i></p> <ul style="list-style-type: none"> <li><i>separate pedestrian access from the car park to the facility</i></li> </ul>	<p>Separate pedestrian access from the vehicle driveways is provided at the ground floor level,</p>	✓



	and unobstructed pathways are provided to ensure safe pedestrian access is available throughout car parking areas at the basement level and ground floor level.	
<ul style="list-style-type: none"> <li>defined pedestrian crossings included within large car parking areas</li> </ul>	NA, pedestrian crossing not required given limited scope of basement and ground floor level parking. A suitable and safe path is provided to the facility's entry.	NA
<ul style="list-style-type: none"> <li>separate pedestrian and vehicle entries from the street for parents, children and visitors</li> </ul>	A separate pedestrian entry is provided. Further, the pedestrian path and vehicle parking entries will be clearly delineated for parents, children and visitors.	✓
<ul style="list-style-type: none"> <li>pedestrian paths that enable two prams to pass each other</li> </ul>	Pedestrian paths will have suitable areas where two prams will be able to pass each other.	✓
<ul style="list-style-type: none"> <li>delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> </ul>	Delivery and loading will be undertaken outside main drop-off/pick-up times. The pedestrian access to the development is from the street and so appropriately separated from vehicle parking onsite.	✓
<ul style="list-style-type: none"> <li>in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas</li> </ul>	NA – The subject site is not located in commercial or industrial zones.	NA
<ul style="list-style-type: none"> <li>vehicles can enter and leave the site in a forward direction.</li> </ul>	Vehicles will be able to enter and leave the site in a forward direction as a designated entry/exit driveway is provided.	✓
<p>Mixed use developments should include:</p> <ul style="list-style-type: none"> <li>driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks</li> <li>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 maneuvering areas used by vehicles accessing other parts of the site</li> <li>parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</li> </ul>	<p>The application is technically for a mixed use development given multiple uses are existing on the subject site. However given the compatible nature of other uses onsite (a school and place of public worship) trucks will generally not be accessing the site. Additionally, driveway access, manoeuvring areas and parking areas have been designed to maximise pedestrian safety across the site.</p> <p>Drop off and pick up zones that are exclusively available for use during the facility's operating hours are provided at the basement and ground floor levels, and these spaces are close to the main entrance and allow for access to the upper levels via lift.</p> <p>Parking is separated from other uses, grouped together and conveniently located near the foyers of the facility.</p>	✓
<p>Car parking design should:</p> <ul style="list-style-type: none"> <li>include a child safe fence to separate car parking areas from the building entrance and play areas</li> </ul>	Building entrance and car parking are separated and play areas and car parking on separate levels.	✓
<ul style="list-style-type: none"> <li>provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> </ul>	Designed as required, two accessible car spaces provided.	✓
<ul style="list-style-type: none"> <li>include wheelchair and pram accessible parking.</li> </ul>	Provided as required, with 2 accessible spaces.	✓



Indoor Space Requirements		
Child Care Planning Guideline Section 4.1		
Every child being educated and cared for within a facility must have a minimum of 3.25m <sup>2</sup> of unencumbered indoor space.	80 children x 3.25m <sup>2</sup> = 260m <sup>2</sup> required.  268.6m <sup>2</sup> proposed.	✓
Unencumbered indoor space excludes any of the following: <ul style="list-style-type: none"> <li>• passageway or thoroughfare (including door swings) used for circulation</li> <li>• toilet and hygiene facilities</li> <li>• nappy changing area or area for preparing bottles</li> <li>• area permanently set aside for the use or storage of cots</li> <li>• area permanently set aside for storage</li> <li>• area or room for staff or administration</li> <li>• kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen</li> <li>• on-site laundry</li> <li>• other space that is not suitable for children.</li> </ul>	Noted.	✓
All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.	Complies. Internal play spaces have been designed to maximise safety of children and facilitate supervision.	✓
When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.	NA	NA
Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated.	Noted. Rest areas will be provided within indoor play space and cot rooms. Refer Table 2 in this report for breakdown of children's ages to attend the facility.	✓
Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.	NA, verandahs are not included in indoor space calculations.	NA
Hygiene Facilities		
Child Care Planning Guideline Section 4.2 & 4.3		



<p><b>Laundry and Hygiene Facilities</b>  <i>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.</i></p>	<p>The child care facility will ensure appropriate laundry arrangements for dealing with soiled clothing, nappies and linen, including for storage prior to disposal or laundering. The laundry facility is located so as not to pose a risk to children.</p>	<p>✓</p>
<p><i>Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.</i></p>	<p>Noted.</p>	<p>✓</p>
<p><b>Toilet and Hygiene Facilities</b>  <i>A service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use with convenient access by the children.</i></p>	<p>Appropriate toilet, washing and drying facilities will be provided for use by children being educated and cared for on site, located and designed so as to enable safe use and convenient access by children. Toilet access is available directly from all indoor play areas.</p>	<p>✓</p>
<p><i>Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</i></p>	<p>Noted.</p>	<p>✓</p>
<p><b>Ventilation and Natural Light</b></p>		
<p><b>Child Care Planning Guideline Section 4.4</b></p>		
<p><i>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</i></p>	<p>Services will be well ventilated, with adequate natural light and be maintained at a temperature ensuring the safety and wellbeing of children.</p>	<p>✓</p>
<p><i>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.</i></p>	<p>Noted. Proposal to comply.</p>	<p>✓</p>
<p><b>Administrative Space</b></p>		
<p><b>Child Care Planning Guideline Section 4.5</b></p>		
<p><i>A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</i></p>	<p>A ground floor level reception area and meeting room and upper level reception area, information and brochure corner, parents lounge and appropriately sized administrator's office will provide opportunities for administrative functions, consultation and private conversations.</p>	<p>✓</p>
<p><b>Nappy Change Facilities</b></p>		
<p><b>Child Care Planning Guideline Section 4.6</b></p>		



<i>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</i>	Hygienic nappy change facilities have been provided in an area that prevents unsupervised access by children.	✓
<i>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</i>	Noted.	✓
<b>Premises Designed to Facilitate Supervision</b>		
<b>Child Care Planning Guideline Section 4.7</b>		
<i>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</i>	Appropriate opportunities for supervision are provided through the design of the facility.	✓
<i>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</i>	Noted. Proposal to comply.	✓
<b>Emergency and Evacuation Procedures</b>		
<b>Child Care Planning Guideline Section 4.8</b>		
<i>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</i>	Noted.	✓
<i>Regulation 97 sets out the detail for what those procedures must cover including:</i> <ul style="list-style-type: none"> <li><i>instructions for what must be done in the event of an emergency</i></li> <li><i>an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit</i></li> <li><i>a risk assessment to identify potential emergencies that are relevant to the service.</i></li> </ul>	Noted. Proposal to comply with Regulation 97.	✓
<i>Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.</i>  <i>Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:</i> <ul style="list-style-type: none"> <li><i>independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations</i></li> </ul>	<p>Fire stairs from lower and upper levels are provided in accordance with relevant standards.</p> <p>Safe evacuation points are noted proximate the site, and appropriate staff-children ratios will be adhered to at all times, ensuring safe and orderly evacuation will be possible in the event of an emergency.</p> <p>A new open fire stair is proposed north of the proposed facility to provide safe egress from the basement level.</p>	✓



- a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation.

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

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

## Outdoor Space Requirements

### Child Care Planning Guideline Section 4.9

An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m <sup>2</sup> of unencumbered outdoor space.	80 children x 7m <sup>2</sup> = 560m <sup>2</sup> required  611m <sup>2</sup> provided.	✓
Unencumbered outdoor space excludes any of the following: <ul style="list-style-type: none"> <li>• pathway or thoroughfare, except where used by children as part of the education and care program</li> <li>• car parking area</li> <li>• storage shed or other storage area</li> <li>• laundry</li> <li>• other space that is not suitable for children.</li> </ul>	Noted.	✓
When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.	Noted.	✓



Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.	NA – no swimming pools existing or proposed on site.	NA
A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.	Noted, calculated as outdoor space only.	✓
Where a covered space such as a verandah is to be included in outdoor space it should: <ul style="list-style-type: none"> <li>• be open on at least one third of its perimeter</li> <li>• have a clear height of 2.1 metres</li> <li>• have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter</li> <li>• have adequate flooring and roofing</li> <li>• be designed to provide adequate protection from the elements (refer to Figure 8).</li> </ul>	NA, a partially covered roof space is proposed as outdoor space however these provisions are considered to apply to verandahs given the need to provide appropriate fencing height to ensure acoustic privacy and child safety.  Appropriate design of the roof top play area ensures a high level of amenity will be available to children.	NA
<b>Natural Environment</b>		
<b>Child Care Planning Guideline Section 4.10</b>		
The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.	Outdoor play areas provide adequate opportunities for children to explore and experience the natural environment including trees in planters at the upper level and a natural play zone.	✓
Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space. Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which: <ul style="list-style-type: none"> <li>• are known to be poisonous, produce toxins or have toxic leaves or berries</li> <li>• have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches</li> </ul> The outdoor space should be designed to: <ul style="list-style-type: none"> <li>• provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment</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 facilitate interaction.</li> </ul>	The guidelines have informed the proposed outdoor spaces.  Generous and appropriate plantings are proposed in the Landscape Plans prepared for the site by Zenith Landscape Designs and attached under separate cover.	✓



## Shade

### Child Care Planning Guideline Section 4.11

<p><i>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</i></p>	<p>The guidelines have informed the proposed outdoor spaces.</p> <p>Generous and appropriate plantings are proposed in the Landscape Plans prepared for the site by Zenith Landscape Designs and attached under separate cover which will provide shade. An architectural roof feature, trees in planters and balcony overhangs will provide adequate shading to upper level play spaces.</p>	<p>✓</p>
<p><b>Solar access</b>  <i>Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year. Outdoor play areas should:</i></p> <ul style="list-style-type: none"> <li><i>have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered.</i></li> <li><i>provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area</i></li> <li><i>have evenly distributed shade structures over different activity spaces.</i></li> </ul>	<p>Refer discussion above. The proposed outdoor areas have been designed to comply with the requirements stipulated through strategically placed architectural roof features and trees.</p> <p>Refer to landscape plans, included under separate cover.</p>	<p>✓</p>
<p><b>Natural shade</b>  <i>Natural shade should be a major element in outdoor play areas. Trees with dense foliage and wide-spreading canopies provide the best protection. Existing stands of trees, particularly in rear setbacks, should be retained to provide shaded play areas. Species that suit local soil and climatic conditions and the character of the environment are recommended. Dense shrubs can also provide shade. They should be planted around the site perimeter so they don't obstruct supervision. Pruning shrubs on the underside may create shaded play nooks underneath. Planting for shade and solar access is enhanced by:</i></p> <ul style="list-style-type: none"> <li><i>placing appropriately scaled trees near the eastern and western elevations</i></li> <li><i>providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter.</i></li> </ul>	<p>Refer discussion above. The proposal has been informed and successfully addresses these guidelines.</p> <p>Refer to landscape plan, included under separate cover.</p>	<p>✓</p>



<p><b>Built shade structures</b>  <i>Built structures providing effective shade include:</i></p> <ul style="list-style-type: none"> <li>• permanent structures (pergolas, sails and verandahs)</li> <li>• demountable shade (marquees and tents)</li> <li>• adjustable systems (awnings)</li> <li>• shade sails.</li> </ul> <p><i>Shade structures should not create safety hazards. Support systems such as upright posts should be clearly visible with rounded edges or padding. Vertical barriers at the sides of shade structures should be designed to prevent children using them for climbing. Shade structures should allow adults to view and access the children's play areas, with a recommended head clearance of 2.1 metres. The floor area underneath the structure should be of a sufficient size and shape to allow children to gather or play actively.</i></p>	<p>Refer discussion above. Roof top architectural roof feature doubling as a shade structure will provide shading, as will the upper level overhang above the first floor balcony play area.</p> <p>Refer to attached Architectural plans under separate cover.</p>	✓
<b>Fencing</b>		
<b>Child Care Planning Guideline Section 4.12</b>		
<p><i>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.</i></p>	Designed to comply.	✓
<p><i>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.</i></p>	Noted.	NA
<p><i>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.</i></p>	Noted. Proposal to comply.	✓
<p><i>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 area. In general, fencing around outdoor spaces should:</i></p> <ul style="list-style-type: none"> <li>• prevent children climbing over, under or through fences</li> <li>• prevent people outside the facility from gaining access by climbing over, under or through the fence</li> <li>• not create a sense of enclosure.</li> </ul> <p><i>Design considerations for side and rear boundary fences could include:</i></p> <ul style="list-style-type: none"> <li>• being made from solid prefinished metal, timber or masonry</li> <li>• having a minimum height of 1.8 metres</li> <li>• having no rails or elements for climbing higher than 150mm from the ground.</li> </ul> <p><i>Fencing and gates should be designed to</i></p>	<p>Ground floor level open form metal fencing will be retained as existing and is appropriate. Upper level fencing has been designed to ensure acoustic privacy and child safety. The fencing proposed is adequately designed and located to ensure safety is maximised in regard to children remaining within the centre, and intruders being denied access. This has been achieved without creating an undesired sense of enclosure.</p> <p>NA, the proposal is sited on a corner with 2 street frontages and so no side or rear fencing is proposed.</p>	<p>✓</p> <p>NA</p>



ensure adequate sightlines for vehicles and pedestrian safety in accordance with 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 (refer to Figure 11).

## Soil Assessment

### Child Care Planning Guideline Section 4.13

<p><i>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</i></p>	<p>Noted. Soil assessment not provided given residential nature of area and as site has previously been developed with comparable educational uses.</p> <p>Council Pre DA notes stated that a contaminated site investigation might be required for the site. However given other applications across the site, for similar (educational) uses, and a lack of unreasonable impacts, the proposal is considered appropriate. Additional details can be submitted during the DA process if required.</p>	NA
<p><i>With every service application one of the following is required:</i></p> <ul style="list-style-type: none"> <li><i>a soil assessment for the site of the proposed education and care service premises</i></li> <li><i>if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken</i></li> <li><i>a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children.</i></li> </ul>	<p>Noted. Refer above.</p>	NA



# Appendix C – RLEP 2011 Compliance Table

Planning Control/Objective	Assessment comment	Compliance
<b>C.1 Permissible Landuse</b>		
Centre-based child care facilities are permissible in the R2 zone. (CI 2.1)	The subject site is located in Zone R2 – Low Density Residential under PLEP 2011. The proposal is for a “Centre-based child care facility” which is a permissible land use in the zone.	✓
<b>C.2 Zone Objectives</b>		
<i>To provide for the housing needs of the community within a low density residential environment.</i>	NA, proposal is for a child care facility which meets the day to day needs of residents as discussed below.	NA
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	The proposed childcare centre will provide a valuable service within a convenient and accessible setting.	✓
<i>To ensure that land uses are carried out in a context and setting that minimises impacts on the amenity of a low density residential environment.</i>	The proposed childcare centre has been designed sensitively to ensure impacts are minimised to the surrounding low density residential environment as discussed throughout this report.	✓
<b>C.3 Height</b>		
Maximum of 8.5m (CI 4.3)	Max. 12.27m  Refer clause 4.6 variation request in Appendix F of this report.  An architectural roof feature has been provided which doubles as a shade structure, and is provided under Clause 5.6 of the LEP which allows for “development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3”.	Merit  ✓
<b>C.4 Floor Space Ratio</b>		
Maximum of 0.5:1 (CI 4.4)	0.5:1 (4,193m <sup>2</sup> GFA across the site)	✓
<b>C.5 Exceptions to Development Standards</b>		



Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause. (Cl 4.6)	NA – proposal complies with all key development standards.	NA
<b>C.6 Heritage Conservation</b>		
Consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned. (Cl 5.10)	Subject site is identified as a local heritage item (No. I131), being <i>Original Bexley School buildings</i> , and the proposal has been sensitively designed to minimise any potential impacts on this heritage item.  A Heritage Impact Statement has been prepared for the site by Weir Phillips Heritage and Planning Consultants, and is included under separate cover.	✓
<u>Objectives</u>  The objectives of this clause are as follows:  (a) to conserve the environmental heritage of Rockdale,  (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,  (c) to conserve archaeological sites,  (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	The proposed child care centre has been appropriately designed to conserve the environmental heritage of Bayside LGA. Refer HIA prepared for the site and attached under separate cover.  The proposal has been designed appropriately through sensitive site design and building separation distances, as well as an appropriate scale and materiality, so it will not affect the associated fabric, settings and views, including when the item is seen from the street.  The subject site is not identified as having archaeological sensitivity.  The subject site is not identified as containing Aboriginal objects or being an Aboriginal place of heritage significance.	✓  ✓  NA  NA
<u>Requirement for consent:</u>  Development consent is required for any of the following:  (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):  (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area,  (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,	NA, no such works proposed.          NA, no such works proposed.	NA          NA



(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,	The subject site is not identified as having archaeological sensitivity.	NA
(d) disturbing or excavating an Aboriginal place of heritage significance,	The subject site is not identified as containing Aboriginal objects or being an Aboriginal place of heritage significance.	NA
(e) erecting a building on land: (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,	Development consent is sought.  The subject site is not identified as containing Aboriginal objects or being an Aboriginal place of heritage significance.	✓  NA
(f) subdividing land: (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.	NA – proposal is for a child care centre, no subdivision of land is proposed.	NA
<u>Effect of proposed development on heritage significance</u>  The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	The proposal has considered the effect of the proposed development on the local heritage item. It is noted that the proposed child care centre will only be located on the south-eastern corner of the site and will be appropriately separated from the heritage item, as well as being screened by adequate vegetation and landscaping. As such, there will be no unreasonable impact on the general built form and façade of the existing heritage item.  Refer HIA prepared for the site and attached under separate cover.	✓
<u>Heritage assessment</u>  The consent authority may, before granting consent to any development:  (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),  require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	Refer HIA prepared for the site and attached under separate cover.	✓
<u>Heritage conservation management plans</u>  The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.	Refer HIA prepared for the site and attached under separate cover.	✓
<u>Conservation incentives</u>  The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance,	Given the proposal exceeds the maximum HOB under the LEP, and generally meets the objectives set out in Clause 5.10(10), it is considered that the clause applies and the consent authority can approve the proposal based on this consideration.	✓



even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

## C.7 Acid Sulfate Soils

Where work is proposed on land that may be subject to acid sulfate soils. In such cases:

*"Development consent must not be granted under this clause for the carrying out of works unless:*

- (a) an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority, and*
- (b) the consent authority is satisfied that any disturbance of acid sulfate soils resulting from the works will be managed so as to minimise adverse impacts on natural waterbodies, wetlands, native vegetation, agriculture, fishing, aquaculture and urban and infrastructure activities."* (CI 6.1)

The subject site is identified as being subject to Class 5 acid sulfate soils. It is noted that the proposed works will not unreasonably alter existing ground levels and that no significant disturbances will result. As such, it is considered that acid sulfate soils will not give rise to any adverse impacts.

✓



# Appendix D – RDCP 2011

## Compliance Table

Planning Control/Objective	Assessment comment	Compliance
<b>D.1 Views and Vistas</b>		
<b>Part 4.1.1 of RDCP 2011</b>		
Development must consider any significant views to, from and across the site.	Limited views are available across the site and the appropriate siting of development ensures views to the heritage item will not be unreasonably impacted.	✓
Development must retain existing views to Botany Bay, and where possible enhance views through site planning and building design.	Refer discussion above.	✓
Development on highly visible sites, such as ridgelines, must be carefully designed so that it complements the character of the area and its skyline.	Refer discussion above.	✓
View corridors to landmarks and significant heritage items must be protected where possible. Applicants may be required to prepare photo montages of the proposed development to illustrate the impact on views.	<p>The appropriate siting of development ensures views to the heritage item will not be unreasonably impacted.</p> <p>A Heritage Impact Statement has been prepared for the site by Weir Phillips Heritage and Planning Consultants, and is included under separate cover. With regard to streetscape contribution and view corridors the report states:</p> <p><i>"The school while well-maintained makes a neutral contribution to the surrounding streetscapes. This is due to the increased v due to its appearance. This is largely due to privacy planting around the perimeter of the site.</i></p> <p><i>The State Heritage Inventory sheet for the subject property identifies that the buildings have aesthetic significance due to their prominent location on a bend in Forest Road. As demonstrated in <b>Figure 20</b> this view has been reduced by vegetation and planting along the eastern boundary of the site.</i></p> <p><i>The building is not visible from the junction of Forest Road and Bayview Street, refer to <b>Figure 25</b>.</i></p> <p><i>The principal view corridors towards the site are obtained</i></p>	✓



	<i>directly from Forest Road and Bayview Street. On approach the site is largely screened by adjoining buildings."</i>	
Building forms and setbacks permit views from public streets and open spaces. In particular, views from public open spaces to the bay and district are preserved.	Limited views are available across the site and the appropriate siting of development ensures views to the heritage item will not be unreasonably impacted.  A Heritage Impact Statement has been prepared for the site by Weir Phillips Heritage and Planning Consultants, and is included under separate cover. Refer discussion above.	✓
Roof forms on the low side of streets are well articulated to allow public views and add interest to the scenic outlook. Large, flat expansive roofs with vents, air conditioning units and similar structures are inappropriate.	Limited views are available across the site and the appropriate design of development of development avoids any unreasonable impacts.	✓
Building forms enable a sharing of views with surrounding residences, particularly from the main habitable rooms of surrounding residences.	Limited views are available across the site and the appropriate design of development of development avoids any unreasonable impacts.	✓
<b>D.2 Heritage</b>		
<b>Part 4.1.2 of RDCP 2011</b>		
<b>Requirement for Heritage Reports</b>		
A heritage impact statement prepared by a suitably qualified heritage consultant must be submitted with the lodgement of a development application that seeks consent for development of a heritage item that: a. demolishes or alters the building or work or its setting, or b. damages or moves the tree, or c. erects a building on the land that comprises the place, or d. subdivides the land on which the building, work, relic or tree is situated or that comprises the place.	A Heritage Impact Statement has been prepared for the site by Weir Phillips Heritage and Planning Consultants, and is included under separate cover.	✓
A heritage impact statement may be required for development adjacent to or within the vicinity of a heritage item.	Refer discussion above.	✓
If a conservation management plan or a heritage impact statement identifies the potential for significant archaeology then an archaeological assessment report may be required. The assessment must identify the archaeological opportunities and constraints for the proposed development.	NA, an Archaeological Assessment was not undertaken.	NA
<b>Development of Heritage Items</b>		
Any proposed development must conserve the setting of the heritage item and the significant views to and from the heritage item.	NA, development of the heritage item onsite, <i>Original Bexley School buildings</i> , is not proposed.  Nevertheless, the setting of the item and views to and from the item are conserved as discussed throughout this report and in the Heritage Impact Statement has been prepared for the site by Weir Phillips Heritage and Planning Consultants.	NA
Development of a heritage item must ensure that the scale, form, materials, finishes and fenestration of the new work does not have a negative impact upon the heritage significance of the item.	NA, development of the heritage item onsite, <i>Original Bexley School buildings</i> , is not proposed.	NA



	Nevertheless, a sensitive design of the proposal is achieved as discussed throughout this report and in the Heritage Impact Statement has been prepared for the site by Weir Phillips Heritage and Planning Consultants.	
Additions to a built heritage item must be located at the rear. Additions or alterations to the front are not permitted unless for the purpose of restoration or reconstruction.	NA, additions to the heritage item onsite, <i>Original Bexley School buildings</i> , are not proposed.	NA
Two storey additions to a single storey heritage item must be in the form of a pavilion or an extension at the rear which is not highly visible from the public domain. Second storey additions to the principal building form are not permitted; however rooms in the roof with rear facing dormer windows appropriate to the building style may be acceptable.	NA, refer discussion above.	NA
Original verandah roof forms must be maintained. Where the roof of a building is to be replaced it must be done using the same material and the separation between the main roof and any verandah roofs must be maintained.	NA, refer discussion above.	NA
Original face brick work or stone must not be rendered or painted.	NA, refer discussion above.	NA
Original finishes and materials must be retained. Some examples of original materials are: tessellated tiles on paths and verandah floors; front stair riser tiles; tuck pointed brickwork; rock-faced sandstone foundation walls; quoins with vermiculation; gable ends decorated with timber battens and shingles; timber or iron valences, posts, brackets and balustrades; slate roof tiles; terracotta Marseille roof tiles; leadlight glazing; spear headed iron picket fences. Reconstruction must only be undertaken where physical and/or documentary evidence provides adequate information regarding the original building detail.	NA, refer discussion above.	NA
Development of a heritage item must conserve original landscape features of significance such as original fences, sandstone retaining walls and sandstone walls. The original level of front yards must not be raised to the same height as the front verandah.	NA, refer discussion above.	NA
Where off street car parking is required elsewhere in this plan it may not be a requirement if the property is a heritage item and the provision of parking would have a detrimental impact upon the significance of the item.	The Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants states:  <i>"The additional off street parking has been incorporated into the design and will be located to the basement and ground floor level of the proposed building."</i>	✓
New garages are to be located behind the rear building line of the principal building form.	NA, refer discussion above.	NA
Satellite dishes, air conditioning units, solar collectors and water tanks must be located so as not to be visible from the public domain.	NA, refer discussion above.	NA
If an archaeological assessment identifies the potential for significant archaeology then the applicant must comply with the provisions of the Heritage Act 1977 and the National Parks and Wildlife Act 1974. The opportunities and constraints identified in the assessment must then inform the proposed development.	NA, an Archaeological Assessment was not undertaken.	NA
<b>Development In the Vicinity of Heritage Items</b>		



Any proposed development located adjacent to or nearby a heritage item must not have an adverse impact on the heritage item including its setting and curtilage.	<p>The Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants states:</p> <p><i>"The proposal meets this control. The proposed development will not negatively impact the setting of the pedestrian footbridge or the neighbouring school. As noted previously the school is located on the opposite side of Forest Road and largely obscured from view by a sound wall. This will not be altered as part of this development. The corner of the site will be activated by the proposed development, enhancing the setting of the pedestrian bridge."</i></p>	✓
<p>Development adjacent to a heritage item must be designed:</p> <p>a. to be of a similar scale and proportion so that the item or place of heritage significance is not dominated or overwhelmed, and</p> <p>b. to pay particular attention to the design elements such as the style and pitch of roofs, parapet walls, proportions of window and door openings and external materials and colours.</p>	<p>The Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants states:</p> <p><i>"Notwithstanding the concealed nature of the neighbouring school building, it is noted that the proposed building is consistent in scale and height as the neighbouring footbridge and school. The proposed building will not dominate or overwhelm the neighbouring heritage items."</i></p>	✓
Where new development is proposed adjacent to a heritage item in a street of buildings similar to the heritage item, then the new development must maintain the historic streetscape pattern.	<p>The Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants states:</p> <p><i>"Not applicable. The development is located within a school complex which is noted as not currently following the historic streetscape pattern."</i></p>	NA
<b>D.3 Water Management</b>		
<b>Part 4.1.3 of RDCP 2011</b>		
Development must comply with Council's Technical Specification – Stormwater Management which provides detail of drainage requirements for different development types. Consultation with Council is recommended.	Refer Stormwater Plans prepared for the site by NY Civil Engineering, and included under separate cover.	✓
Water Sensitive Urban Design (WSUD) principles are to be incorporated into the design of stormwater drainage, on-site retention and detention and landscaping and in the design of development.	Refer Stormwater Plans prepared for the site by NY Civil Engineering, and included under separate cover.	✓
Measures to control pollutants in stormwater discharge from development sites are to be included in any development. Refer to Council's Technical Specification - Stormwater Management for details of design criteria for pollutant control.	Refer Stormwater Plans prepared for the site by NY Civil Engineering, and included under separate cover.	✓



Runoff entering directly to waterways or bushland is to be treated to reduce erosion and sedimentation, nutrient and seed dispersal.	Refer Stormwater Plans prepared for the site by NY Civil Engineering, and included under separate cover.	✓
<b>D.4 Soil Management</b>		
<b>Part 4.1.4 of RDCP 2011</b>		
Development must minimise any soil loss from the site to reduce impacts of sedimentation on waterways.	Soil loss will be minimised, refer Construction Management Plan prepared the site and included under separate cover.	✓
Development that involves site disturbance is to provide an erosion and sediment control plan which details the proposed method of soil management and its implementation. Such details are to be in accordance with The Blue Book - <i>Managing Urban Stormwater: Soils &amp; Construction</i> by Landcom.	Refer Construction Management Plan prepared the site and included under separate cover.	✓
Development is to minimise site disturbance, including impacts on vegetation and significant trees and the need for cut and fill.	Refer Arborist Report and Construction Management Plan prepared the site and included under separate cover.	✓
<b>D.5 Contaminated Land</b>		
<b>Part 4.1.5 of RDCP 2011</b>		
Development on land that is or has previously been used for a purpose which is likely to have contaminated the site is to follow the procedures and guidelines contained in State Environmental Planning Policy 55 – Remediation of Land.	Council Pre DA notes stated that a contaminated site investigation might be required for the site. However given other applications across the site, for similar (educational) uses, and a lack of unreasonable impacts, the proposal is considered appropriate. Additional details can be submitted during the DA process if required.	NA
<b>D.6 Development on Sloping Sites</b>		
<b>Part 4.1.6 of RDCP 2011</b>		
The building footprint is designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.	NA, site is relatively flat and so building not required to be stepped.	NA
To minimise cut and fill on sloping sites and to encourage good quality internal environments, any habitable room of a dwelling must have at least one external wall entirely above existing ground level.	NA, site is not sloping.	NA
<b>D.7 Tree Preservation</b>		
<b>Part 4.1.7 of RDCP 2011</b>		
Council consent is required to undertake tree work including removing, pruning, cutting down, lopping, and ringbarking of any tree if the tree: is more than 3 metres tall, or has a circumference in excess of 300mm at a height of 1 metre above the ground.	Refer Arborist Report prepared the site by Jacksons Nature Works and included under separate cover. The report makes the following recommendations: "In consideration of the data collected recommendations are	✓



*provided for the removal or retention of trees including specific tree protection measures required to reduce the anticipated impacts from the proposed construction on those trees proposed to be retained.*

*The report specifically recommends:*

- *Remove the following trees on site: Tree 2, 3, 4, 5, 6, 7, 8, 13, 14, 21, 22 & 23;*
- *Retain the following street trees: Trees 9, 10 & 11;*
- *Retain the following trees on site: Tree 15, 16, 17, 18, & 20;*
- *Remove the following Exempt tree: Tree 19;*
- *Tree removal work shall be carried out by an experienced tree surgeon in accordance with Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal (2016);*
- *Install the following Tree Protection Measures around the retained trees: Tree protection measures shall be a temporary fence of chain wire panels 1.8 metres in height (or equivalent), supported by steel stakes or concrete blocks as required and fastened together and supported to prevent sideways movement. Existing boundary fences or walls are to be retained shall constitute part of the tree protection fence where appropriate. A sign is to be erected on the tree protection fences of the trees to be retained that the trees are covered by Council's tree preservation orders and that "No Access" is permitted into the tree protection zone;*
- *Trunk protection shall consist of a padding material such as hessian or thick carpet underlay wrapped around the trunk. Hardwood planks (50mm x 100mm or similar) shall be placed over the padding and around the trunk of the tree at 150mm centres. The planks shall be secured with 8-gauge wire or hoop steel at 300mm spacing. Trunk protection shall extend a minimum height of 2*



	<p>metres or to the maximum possible length permitted by the first branches – refer Annexure D, on the following trees: Tree 15, 16, 17, 18 &amp; 20;</p> <ul style="list-style-type: none"> <li>• That a Tree Management Plan be prepared as part of the Construction Certificate by a consulting arborist who holds the Diploma in Horticulture (Arboriculture), Level 5 or above under the Australian Qualification Framework;</li> <li>• An AQF Level 5 Project Arborist shall be engaged to supervise the building works and certify compliance with all Tree Protection Measures;</li> <li>• Our tree location plan can be found on Annexure B; &amp;</li> <li>• The Tree Impact Plan can be found on Annexure C.”</li> </ul>	
Council consent can be granted either by way of development consent or by a permit.	Noted.	✓
<p>You do not need Council's consent to cut down or prune a tree if:</p> <p>a. The tree is no higher than 3 metres and has a girth of no more than 300 mm at a height of 1 metre above the ground</p> <p>b. The tree is, in Council's opinion, dying or dead or has become dangerous. (If such a tree is cut down or pruned without Council's consent, you may have to satisfy Council that the tree was dying or dead or had become dangerous).</p> <p>c. The tree is a species declared to be a noxious weed under the Noxious Weeds Act 1993</p> <p>d. The tree is one of the following non-native trees: Angel's trumpet (<i>Datura suaveolens</i>), Coral tree (<i>Erythrina indica</i>), Lombardy poplar (<i>Populus nigra italica</i>), Rubber tree (<i>Ficus elastica</i>), Tree of heaven (<i>Ailanthus altissima</i>).</p> <p>e. The tree is a fruit tree which may be affected by fruit fly, as identified in the Plant Diseases Act 1924.</p>	Noted.	✓
Existing significant trees and vegetation are incorporated into proposed landscape treatment. An arborist report may be required for a development that impacts on the health of significant trees.	Refer Arborist Report prepared the site by Jacksons Nature Works and included under separate cover.	✓
Building setbacks preserve existing significant trees and vegetation and allow for new planting. Where significant mature trees and vegetation are to be retained, buildings are located at least 3.0m from the base of the tree to minimise root damage.	<p>Proposal has been designed in accordance with the recommendations contained in the Arborist Report.</p> <p>Refer Arborist Report prepared the site by Jacksons Nature Works and included under separate cover.</p>	✓
<b>D.8 Biodiversity</b>		
<b>Part 4.1.8 of RDCP 2011</b>		
Development is to be sited and designed to minimise and preferably avoid the	Proposal has been designed in	✓



impact on indigenous flora and fauna on the development site or on land adjacent to it.	accordance with the recommendations contained in the Arborist Report.  Refer Arborist Report prepared the site by Jacksons Nature Works and included under separate cover.	
The planting of indigenous plant species is encouraged (for list of suitable species, refer to Council's Technical Specification - Landscape.)	Appropriate planting is proposed. Refer Landscape Plans prepared the site by Zenith Landscape Designs and included under separate cover.	✓
Development abutting bushland, creeklines or wetland areas is to utilise local indigenous plant species to protect bushland and wildlife corridors, particularly those areas identified in Rockdale Bio-Links Study.	NA, site does not adjoin such areas.	NA
Council may require the submission of a Statement of Flora/ Fauna Impact (SFFI) for development in or adjacent to bushland or wetlands with respect to the impact on biodiversity.	NA, site does not adjoin such areas.	NA
Where development is to occur adjacent to the location of threatened species and endangered ecological communities, Council will undertake an "Assessment of Significance". If there is likely to be a significant impact on threatened species or endangered ecological communities, the applicant will be required to prepare a Species Impact Statement.	NA, site does not adjoin such areas.	NA
<b>D.9 Lot Size &amp; Site Consolidation</b>		
<b>Part 4.1.9 of RDCP 2011</b>		
<b>Child care centres</b>  Sites other than corner sites need to have a minimum allotment width of 18m. The minimum dimensions (width or depth) of corner sites are 15m.	The site is irregular in shape, with an eastern frontage of 74.51m plus 18.4m to Forest Road, a north-eastern frontage of 75.68m to Broadford Street and a south-western frontage of 163.27m to Bayview Street. The site therefore easily complies with this requirement.	✓
<b>D.10 Streetscape and Site Context</b>		
<b>Part 4.2 of RDCP 2011</b>		
<b>Site Context</b> Development is to respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, views and the patterns of development within the area.	The proposal has been sensitively designed to respond appropriately to the character of the Bexley locality, particularly through an appropriate built form and generous landscaping treatment.	✓
Development adjoining land use zone boundaries should provide a transition in form, considering elements such as height, scale, appearance and setbacks.	The proposal has been sensitively designed to respond appropriately to the character of the Bexley locality, particularly through an appropriate built form and generous landscaping treatment.	✓



Buildings addressing or bordering public open space must relate positively to it through the provision of windows, openings, access points and outlook. Overshadowing of public spaces must be minimised.	NA, site does not adjoin such areas.	NA
<b>Streetscape Character</b> The building design and use of materials, roof pitch and architectural features and styles must have regard to those of surrounding buildings to ensure a cohesive streetscape.	The proposal has been sensitively designed to respond appropriately to the character of the streetscape, particularly through an appropriate built form, 2-3 storey scale and suitable materiality and facade treatment that contributes to articulation.	✓
Building setbacks from the street boundary are to be consistent with prevailing setbacks of adjoining and nearby buildings.	Appropriate setbacks to Forest Road and Bayview Street are proposed as discussed throughout this report.	✓
Buildings on corner sites are to be articulated to address each street frontage and are to define prominent corners.	Appropriate building design ensures the proposal addresses both Forest Road and Bayview Street and appropriately defines the corner as discussed throughout this report.	✓
<b>Pedestrian Environment</b> Buildings are designed to overlook streets and other public areas to provide casual surveillance. Buildings adjacent to a public area must have at least one habitable room window with an outlook to that area.	Appropriate building design ensures the proposal addresses both Forest Road and Bayview Street and provides for passive surveillance opportunities.	✓
Pedestrian and cycle thoroughfares are reinforced as safe routes through: <ul style="list-style-type: none"> <li>• appropriate lighting</li> <li>• casual surveillance from the street</li> <li>• minimised opportunities for concealment</li> <li>• landscaping which allows clear sight-lines between buildings and the street</li> <li>• avoidance of blind corners.</li> </ul>	NA, thoroughfares not proposed.	NA
Site planning, buildings, fences, landscaping and other features clearly define public, common, semi-private and private space.	Appropriate building design ensures clear delineation between public and private spaces.	✓
Vehicle entries are discrete and minimise conflicts with pedestrians	The use of an existing crossover is considered appropriate in this regard and the new basement entry will ensure parking will have minimal visual impact while also appropriately separating pedestrians and vehicles to minimise potential conflicts.	✓
<b>Fencing</b> Sandstone fences and walls that are determined by Council to be significant and/or to represent important character elements for a locality are to be retained and if necessary repaired. Any modifications to existing stone fencing and walling are to utilise the same materials and construction technique.	NA, the site is bordered by a modern metal fence only.	NA
Front fences and walls are to enable surveillance of the street from the dwelling.	NA, the site is bordered by a modern metal fence and this fence is to be retained.	NA



Front fences are to be a maximum height of 1.2m above footpath level.	NA, the site is bordered by a modern metal fence and this fence is to be retained.	NA
Open construction front fences (with minimum 30% transparency) to a maximum height of 1.8 m may be considered, such consideration will have regard to the circumstances of the case. The solid portion in open construction fences is to be no higher than 600mm. Refer to the following diagram.	NA, the site is bordered by a modern metal fence and this fence is to be retained.	NA
New fences and walls are to be constructed of robust and durable materials which reduce the possibility of graffiti.	NA, the site is bordered by a modern metal fence and this fence is to be retained.	NA
For sloping streets, the height of fences and walls may be regularly stepped, such that there is an average height above footpath level of 1.2m.	NA, the site is not sloping.	NA
Fences should not be constructed in floodways. Where this is unavoidable fences are to be of open construction that will not restrict the flow of floodwaters.	NA, the site is bordered by a modern metal fence and this fence is to be retained.	NA
Gates must not encroach over the street alignment when opening or closing.	Appropriate gate will be provided to new vehicle entry.	✓
Side and rear fences are to have a maximum height of 1.8m on level sites or 1.8m measured from the low side where there is a difference in level either side of the boundary.	NA, the site is bordered by a modern metal fence and this fence is to be retained.	NA
Side fences between the street alignment and the front wall of the building are to be a maximum height of 1.2m or up to 1.8m if they are of open construction.	NA, the site is bordered by a modern metal fence and this fence is to be retained.	NA
For low and medium density residential development, where a vehicular entrance is proposed in conjunction with a fence of height greater than 1.2m, a 45 degree splay or its equivalent is provided either side of the entrance to ensure driver and pedestrian safety. The splays are to have minimum dimensions of 0.9m by 0.9m.	NA, proposal is for a child care facility only.	NA
Sheet metal fencing is not to be used at the street frontage or forward of the building line.	NA, the site is bordered by a modern metal fence and this fence is to be retained.	NA
<b>D.11 Landscape Planning and Design</b>		
<b>Part 4.3.1 of RDCP 2011</b>		
Development must comply with Council's Technical Specification - Landscape.	Noted. Refer Landscape Plans, prepared for the site by Zenith Landscape Designs and attached under separate cover.	✓
Council requires a Landscape Plan prepared by a qualified Landscape Architect to be included with development applications for all developments except single dwelling houses and secondary dwellings.	Noted. Refer Landscape Plans, prepared for the site by Zenith Landscape Designs and attached under separate cover.	✓



Significant existing trees and natural features such as rock formations should be retained and incorporated into the design of the development wherever possible.	<p>Noted. Refer Landscape Plans, prepared for the site by Zenith Landscape Designs and attached under separate cover.</p> <p>The site has been previously developed and so no rock formations are existing.</p> <p>Refer also Arborist Report prepared the site by Jacksons Nature Works and included under separate cover.</p>	✓
<p>The amount of hard surface area is to be minimised to reduce run-off by</p> <p>a. directing run-off from the overland flow of rainwater to pervious surfaces such as garden beds, and</p> <p>b. utilising semi-pervious paving materials wherever possible</p>	Noted. Refer Landscape Plans, prepared for the site by Zenith Landscape Designs and Stormwater Plans prepared for the site by NY Civil Engineering, both attached under separate cover.	✓
Landscape must relate to building scale and assist integration of the development with the existing street character.	Noted. Refer Landscape Plans, prepared for the site by Zenith Landscape Designs and attached under separate cover.	✓
<p>Planting design solutions are to:</p> <p>a. provide shaded areas in summer, especially to west facing windows and open car parking areas;</p> <p>b. provide screening for visually obtrusive land uses or building elements;</p> <p>c. provide vegetation and tree cover within large expanse of car parking areas;</p> <p>d. provide privacy between dwellings;</p> <p>e. not cause overshadowing of solar collectors on rooftops;</p> <p>f. incorporate plant species in locations and in densities appropriate for their expected size at maturity;</p> <p>g. rely primarily on plants that have a low water demand and nil or low fertilizer requirements; and</p> <p>h. use appropriate indigenous plant species wherever possible.</p>	Refer Landscape Plans, prepared for the site by Zenith Landscape Designs, attached under separate cover.	✓
Trees must be planted within properties to maximise tree cover.	Refer Landscape Plans, prepared for the site by Zenith Landscape Designs, attached under separate cover.	✓



Landscaped areas, as defined in Rockdale LEP, must be provided at the following rates :	Approximately 1,395m <sup>2</sup> of deep soil landscaped area, equating to 16.63% of the site, however is the result of existing site conditions.  Refer merit discussion in Section 4.5.1 of this report.	Merit														
<table><tr><th>Development/Building Type</th><th>Minimum landscaped area (of the site area)</th></tr><tr><td>Low and medium density residential</td><td>25%</td></tr><tr><td>Residential flat buildings</td><td>15%</td></tr><tr><td>Mixed use (with shoptop housing)</td><td>10%</td></tr><tr><td>Highway commercial</td><td>10%</td></tr><tr><td>Industrial</td><td>10%</td></tr><tr><td>Child care centres</td><td>20%</td></tr></table> <p><b>Note:</b> Landscaping above basement car park is not to be calculated as part of the landscaped area.</p>	Development/Building Type	Minimum landscaped area (of the site area)	Low and medium density residential	25%	Residential flat buildings	15%	Mixed use (with shoptop housing)	10%	Highway commercial	10%	Industrial	10%	Child care centres	20%		
Development/Building Type	Minimum landscaped area (of the site area)															
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Highway commercial	10%															
Industrial	10%															
Child care centres	20%															
At least 20% of the front setback area of a residential development is to be provided as landscaped area. If it is provided between driveways/pathways and side boundaries, it must have a minimum width of 1m.	NA, proposal is for a child care facility only.	NA														
Landscaped areas should adjoin the landscaped area of neighbouring properties so as to provide for a contiguous corridor of landscape and vegetation.	NA, proposal is works to the southern corner of the site only, with no neighbouring properties immediately adjacent.	NA														
Where a basement car park protrudes above ground level and is not wrapped in residential or retail uses, the walls are to be screened with appropriate treatments, such as planting.	NA, basement does not protrude significantly above ground level.	NA														
With the exception of development applications for single dwellings, street trees are to be provided in accordance with Council's Street Tree Masterplan.	Refer Landscape Plans, prepared for the site by Zenith Landscape Designs, attached under separate cover.	✓														
Council requires the footpath area adjacent to the site to be restored at the time of the development. This includes grading, trimming and the planting of suitable turf and trees.	Noted.	✓														
Development must comply with the streetscape requirements in relevant public domain plans, such as Wolli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual.	Noted.	✓														
<b>D.12 Equitable Access</b>																
<b>Part 4.5.2 of RDCP 2011</b>																
The siting, design and construction of premises available to the public are to ensure an appropriate level of accessibility, so that all people can enter and use the premises. Access is to meet the requirements of the Disability Discrimination Act, the relevant Australian standards and the Building Code of Australia.	Noted, appropriate accessibility including 2 accessible car parking spaces and lift access to each level is proposed.	✓														
An Access Report may be required to be submitted with a development application for development other than single dwellings and dual occupancies.	Refer comment above.	NA														
<b>D.13 Car Parking, Access &amp; Movement</b>																
<b>Part 4.6 of RDCP 2011</b>																



<p><b>Parking Rates</b></p> <p>Development is to provide on-site parking in accordance with the following rates.</p> <p>Where a parking rate has not been specified in the table, the RTA Guide to Traffic Generating Developments shall be used to calculate the parking requirements for the proposed development. Alternatively, a parking study may be used to determine the parking, subject to prior approval by Council.</p> <table><tr><th>Land Use</th><th>Vehicle</th><th>Bicycle</th><th>Motorcycle</th></tr><tr><td rowspan="3">Child Care Centres</td><td>• 1 space/ 20 children</td><td></td><td></td></tr><tr><td>• 1 space/2 members of staff (part or full time)</td><td>1 space/10 children</td><td></td></tr><tr><td>• 1 space/residential component</td><td></td><td></td></tr></table> <p><b>Note:</b> parking calculations that are not whole numbers are to be rounded up.</p>	Land Use	Vehicle	Bicycle	Motorcycle	Child Care Centres	• 1 space/ 20 children			• 1 space/2 members of staff (part or full time)	1 space/10 children		• 1 space/residential component			<p>80 children proposed and so 4 car spaces are required for that component.</p> <p>16 staff are proposed and so 8 car spaces are required for that component.</p> <p>12 spaces in total are required.</p> <p>32 spaces in total are proposed to be allocated to the child care facility and so the proposal complies.</p> <p>80 children proposed and so 8 bicycle spaces are required. 8 bicycle parking spaces are provided at the ground floor level.</p>	<p>✓</p> <p>✓</p>
Land Use	Vehicle	Bicycle	Motorcycle													
Child Care Centres	• 1 space/ 20 children															
	• 1 space/2 members of staff (part or full time)	1 space/10 children														
	• 1 space/residential component															
<p><b>Shared parking concession for mixed use development</b></p> <p>A shared parking concession allows parking to be shared within the development based on the temporal parking demand between uses. Assessing the parking requirement for a development using a shared parking concession aims to provide the development with a more efficient parking supply, which ultimately provides a more sustainable development.</p> <p>a. The applicant must provide justification for all temporal parking demand assumptions applied within the Shared Parking Register;</p> <p>b. All residential parking shall be freely accessible to residents at all times and not used for any other use on the site;</p> <p>c. All land uses and subsequent peak parking demand periods must be included within the Shared Parking Register;</p> <p>d. The minimum parking requirement as per the Shared Parking Register is the absolute minimum and should not necessarily be the acceptable minimum provided on-site. Consideration must be taken into account for future changes of use within the development and conservative variations within the peak times; and</p> <p>e. Council may request further information to justify the proposed developments parking assumptions used within the Shared Parking Register.</p> <p>f. Developments that use shared parking concessions to reduce the parking provision of a development may be restricted from the future Strata Title subdivision of the tenancies involved in the shared parking arrangements.</p> <p><b>Note:</b> An example template to be used by applicants who wish to apply for a shared parking concession is available in the <i>Technical Specification for Traffic, Parking, and Access</i>.</p>	<p>NA, concession not applied given above compliant parking rates.</p>	<p>NA</p>														
<p><b>Parking provisions for “change of use” developments</b></p> <p>Where a development involves a change of use that would generate a greater car parking requirement than the previous development, additional parking is required to be provided equivalent to the difference between the two parking requirements.</p> <p>This approach results in the calculation of a historical deficiency in parking that is then applied as a credit to the parking calculation for the new use.</p> <p>Additional parking requirements are exempt for all change of use development involving commercial uses on existing sites that are</p>	<p>NA, change of use not proposed.</p>	<p>NA</p>														



<p>less than 100m<sup>2</sup> GFA.</p> <p>Parking provisions for 'alterations and additions' to existing development</p> <p>Where a development involves alterations and additions, additional parking is required to be provided equivalent to the increase in gross floor area, number of seats, number of beds, or whichever specific unit upon which car parking demand is measured. This approach results in the calculation of a historical deficiency in parking that is then applied as a credit to the parking calculation for the expanded use.</p> <p>In the case of substantial alterations and additions that effectively involve the virtual reconstruction of a building, the historical deficiency will not be permitted to be credited to the parking calculation.</p> <p>Additional parking requirements are exempt for all alterations and additions development involving commercial uses on existing sites that increase gross floor area by not more than 80m<sup>2</sup>.</p> <p>Alterations and additions to existing premises in Bexley Town Centre will not be required to provide additional car parking provided the gross floor area of the premises is not increased by more than 75% and it is not otherwise possible to provide the parking on site.</p>	<p>Appropriate parking will be retained for adjacent uses in addition to parking provided for the child care facility.</p>	✓
<p><b>Car Park Location and Design</b></p> <p>Vehicle access points and parking areas are to be:</p> <ol style="list-style-type: none"> <li>easily accessible and recognisable to motorists</li> <li>located to minimise traffic hazards and the potential for vehicles to queue on public roads</li> <li>not located off the primary frontage of a development where a secondary frontage exists</li> <li>located to minimise the loss of on-street car parking and to minimise the number of access points. Multiple driveway crossings are not permitted.</li> <li>designed to minimise conflict with pedestrians, particularly in locations with heavy pedestrian traffic such as shopping centres.</li> </ol>	<p>Entries to parking areas will be easily identifiable and minimise potential hazards.</p> <p>Provision of multiple entries is appropriate given multiple entries exist and given the appropriate design and functionality of each entry point. Multiple uses are also served by the crossovers. The lack of unreasonable impacts of existing entries to the site is also noted in this regard.</p> <p>Basement and at-grade parking as proposed will minimise the potential for pedestrian/vehicle conflict.</p>	✓
<p>Car parking and service/delivery areas are to be located so that they do not visually dominate either the development or the public domain</p>	<p>Provision of basement parking is appropriate in this regard. Adequate design of at-grade parking and integration of such into the built form, as well as landscape treatments proposed towards both street boundaries, ensures ground floor level parking will not dominate the street. It is noted that existing at-grade parking on the site demonstrates no unreasonable impact in this regard.</p>	✓
<p>Carparking areas must be well lit, well laid out and facilitate convenient manoeuvring into and out of spaces and should have a legible circulation pattern with adequate signage.</p>	<p>Car parking areas are designed as such and all vehicles will be able to enter and exit the site in a forward direction.</p>	✓



<p>The following developments shall be designed with internal manoeuvring areas so that vehicles can enter and exit the site in a forward direction:</p> <ul style="list-style-type: none"> <li>a. developments of four or more dwellings</li> <li>b. child care centres</li> <li>c. developments with vehicle access from a classified road</li> <li>d. industrial development, and</li> <li>e. other street locations where Council considers it necessary.</li> </ul>	<p>Car parking areas are designed as such and all vehicles will be able to enter and exit the site in a forward direction.</p>	✓
<p>Basement car parking is to be:</p> <ul style="list-style-type: none"> <li>a. adequately ventilated, preferably through natural ventilation;</li> <li>b. located within the building footprint. Construction must be carried out in a way to enable deep soil planting to be provided on the site;</li> <li>c. located fully below natural ground level. Where site conditions mean that this is unachievable, the maximum basement projection above natural ground level is to be 1m at any point on the site, or in flood prone areas, to the minimum floor level required by Council;</li> <li>d. designed for safe and convenient pedestrian movement and to include separate pedestrian access points to the building that are clearly defined and easily negotiated; and</li> <li>e. provided with daylight where feasible.</li> </ul>	<p>Basement parking areas are designed as such including being adequately ventilated.</p> <p>The basement extends northward beyond the proposed footprint however this is appropriate given the existing area has been developed and so this does not impact the site's ability to provide deep soil landscaped areas.</p> <p>The basement is at an appropriate level to respond to the need to minimise visual impact and also comply with relevant flood considerations.</p> <p>Car parking areas are designed as such and all vehicles will be able to enter and exit the site in a forward direction. Appropriate design ensures potential conflict with pedestrians is avoided.</p>	✓
<p>The widths of access driveways shall comply with Council's Technical Specifications.</p>	<p>Designed to comply.</p>	✓
<p>For development on land fronting a Classified Road, the applicant must demonstrate that the development would not conflict with the traffic flow by reason of vehicles entering or leaving the site, or from parking congestion. Where available, all vehicular access to the land must be by way of a service lane or road other than the Classified Road.</p>	<p>Designed to comply. Refer Traffic Report prepared for the site by Hemanote Consultants and attached under separate cover.</p>	✓
<p>All car parking for residential flat buildings is to be provided within a basement car park, with the exception of any required accessible or visitor parking which may be provided at-grade.</p>	<p>NA, proposal is for a child care facility only.</p>	NA
<p>Mechanical parking systems may be supported subject to compliance with the requirements from Council's Technical Specifications.</p>	<p>NA, mechanical system not proposed.</p>	NA
<p>All visitor car parking must be clearly marked, and must not be behind a security shutter unless an intercom system is provided for access.</p>	<p>NA, proposal is for a child care facility only.</p>	NA
<p>Parking spaces for people with a disability are to be provided in close proximity to lifts or access points.</p>	<p>Designed to comply. 2 accessible spaces are provided near the lift at basement level.</p>	✓
<p>Garage doors must be treated as an integrated element of the building design.</p>	<p>Designed to comply. Basement entry integrated into overall design.</p>	✓



Where building uses will require the provision of loading facilities they are to be designed in such a way as to permit all loading and unloading to take place wholly within the site and prevent conflict with pedestrian and vehicular movement within or surrounding the site.	Refer to Operational Management Plan.	✓
<b>Pedestrian Access a&amp; Sustainable Transport</b> Pedestrian access within a development must be legible and separated from vehicular access wherever possible.	At-grade and basement parking has been designed to separate vehicles and pedestrians. Separate pedestrian entrance to Bayview Street is also proposed.	✓
Provide safe and convenient pedestrian access from car parking and other public areas, with well co-ordinated signage, lighting, security, direct paths of travel with stairs and disabled access ramps.	Refer discussion above. At-grade and basement parking has been designed to separate vehicles and pedestrians.	✓
Provide legible bicycle access between the cycle network and bicycle parking areas, which does not create conflict with pedestrian traffic.	Bicycles could enter the site via multiple entrances and appropriate sightlines are provided.	✓
All bicycle parking is to be secure and where provided within the public domain must be designed to minimise obstruction of pedestrian movement.	8 bicycle parking spaces are provided at the ground floor level.	✓
Design of bicycle parking is to cater to the various users of the development and their differing modes of bicycle parking required, such as: a. parking for employees or residents, and b. visitor parking, which is conveniently located preferably in areas which provide passive surveillance at ground level.	8 bicycle parking spaces are provided at the ground floor level and will be appropriately designed.	✓
Where bicycle parking is to be provided for residents in basement car parks, it is to be in the form of individual bicycle lockers or within a caged or gated secure area.	NA, proposal is for a child care facility only.	NA
Bicycle parking for non-residential development is to be provided as bike racks within publicly accessible areas or within the parking area.	8 bicycle parking spaces are provided at the ground floor level.	✓
New developments must maintain and enhance existing pedestrian, cycle and public transport networks including bus stops.	The proposal will not impact existing pedestrian, cycle and public transport networks.	✓
Design initiatives which promote sustainable transport are encouraged and can include: a. small car parking spaces b. dedicated communal or shared car spaces c. bicycle exchanges or communal bicycles d. dedicated and convenient motorcycle and scooter parking	The proposal's siting proximate existing pedestrian, cycle and public transport networks contributes to this. Trip chaining will be facilitated through siting alongside an existing school.	✓
Applicants of larger developments should liaise with Council and transport organisations regarding public transport opportunities such as shuttle bus services or new bus stops.	NA, proposal is for a child care facility only.	NA
Use ground surfaces throughout the pedestrian network that are slip-resistant, traversable by wheelchairs and indicate changes of grade by use of materials which provide a visual and tactile contrast.	Appropriate materials proposed.	✓



## D.14 Low & Medium Density Residential

### Part 5.1 of RDCP 2011

#### Various Controls

Development must comply with the height and setback requirements specified in the following table, provided that it satisfies all relevant controls in Part 4, such as solar access, landscape and vehicular access.

Refer to table

For dwelling houses (merit consideration given site is in R2 zone):		
<ul style="list-style-type: none"> <li>2 storey max height in storeys. 2 storey plus roof top is considered appropriate for child care facility, particularly given existing built form on the subject site.</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Consistent with the prevailing setbacks in the street for street setback. Approx. 6m setback to existing development onsite and nil to development at south. So an average of 3m. 3m setbacks with minor encroachments to 0.71m towards southern portion considered appropriate and provides a suitable transition between approx. 6m setback to existing development onsite and nil to development at south.</li> </ul>	Merit	
<ul style="list-style-type: none"> <li>Secondary street setback of 1.5m. Generally 3m with minor encroachments to 1.17m is considered appropriate. Refer also discussion in Section 4.4.5.</li> </ul>	Merit	
Building design and architectural style is to interpret and respond to the positive character of the locality, including the dominant patterns, textures and compositions of buildings.	Appropriate materials and facades proposed. Design has been informed by the Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants.	✓
Building articulation must respond to environmental conditions such as orientation, noise, breezes, privacy and views, through the use of appropriate sun shading devices, noise barriers, privacy screens, and the careful location of balconies, terraces and loggias.	Each play area receives suitable solar access given northerly orientations. Balconies are also oriented to the north, maximising solar access and minimising potential impacts to adjacent buildings.	✓
Large expanses of blank walls are to be avoided through the use of architectural design features, modelling and fenestration.	Appropriate articulation is proposed.	✓
For multi dwelling housing, the front dwelling must address the street and not present a blank side elevation to the street.	NA, proposal is for a child care facility only.	NA
Building heights should be sympathetic to the natural land form and topographical features of the site and to existing buildings in the immediate vicinity.	2-3 storey built form reflects the form evident onsite and on nearby lots.	✓
Staircases leading to the first floor should be internal.	Internal stair access proposed.	✓



Split level dwellings should be considered in situations where a two storey building will be out of character with adjoining and nearby properties. Alternatively, additional habitable space may be accommodated within the roof space.	NA, proposal is for a child care facility only.	NA
Supported porches, bay windows and balconies that are not enclosed or other design features that provide appropriate architectural benefit to the building may be provided forward of the building line up to a maximum distance of 1.2m into the front setback.	NA, proposal is for a child care facility only.	NA
Garages must be integrated with the overall design of the building in terms of height, form, materials, detailing and colour. They should not be a dominant feature of the building façade and detract from the streetscape.	NA, proposal is for a child care facility only. Basement entry is well integrated into design.	NA
Garages and carports are to be located a minimum distance of 300mm behind the front building line. The total width of the garage doors which address the street must be a maximum width of 6.3m or 40% of the site frontage width, whichever is lesser. Refer to the following diagram.	NA, proposal is for a child care facility only. Basement entry is well integrated into design.	NA
Roof forms are to respond to the local context, in particular scale and pitch.	An appropriate roof form is proposed, as discussed in this report.	✓
Attention must be given to the roof as an important architectural element in the street which can provide continuity and character.	An appropriate roof form is proposed, as discussed in this report.	✓
Mansard roofs are prohibited.	NA, mansard roof not proposed.	NA

## D.15 Child Care Centres

### Part 6.1 of RDCP 2011

<b>Provision of Child Care Places</b> Child care centres must provide a minimum of 33% of their child care spaces for children under the age of 2 years.	NA, SEPP (Educational Establishments and Child Care Facilities) 2017 overrides this provision as it provides that:  <i>"A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility: [...] (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 Guideline, or  (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates)."</i>	NA
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	Discussion with Council <sup>6</sup> has confirmed that the SEPP overrides the DCP in various instances.	
The breakdown of ages of the proposed number of children and the clarification in relation to group sizes are required to be provided with the Development Application.	These details are provided in Section 3 of this report.	✓
A maximum number of 50 children is permitted in a child care centre in residential zones, unless it can be demonstrated by the applicant that any additional children will not result in unreasonable impact on the amenity of adjoining properties and/or streetscape.	<p>NA, SEPP (Educational Establishments and Child Care Facilities) 2017 overrides this provision as it provides that:</p> <p><i>"A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility: [...] (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 Guideline, or</i></p> <p><i>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates)."</i></p> <p>Discussion with Council<sup>7</sup> has confirmed that the SEPP overrides the DCP in various instances.</p>	NA
<b>Location</b> In locating a new child care centre the following guideline should be considered:	NA, SEPP (Educational Establishments and Child Care Facilities) 2017 overrides this provision as discussed above. The suitability of the site is confirmed in Sections 2 and 4 of this report and in Appendix B.	NA

<sup>6</sup> Phone conversation with Pat Nash, 4 April 2019.

<sup>7</sup> Phone conversation with Pat Nash, 4 April 2019.



<p><b>Child care centre location guideline</b></p> <p><b>Child care centres are preferably located:</b></p> <ul style="list-style-type: none"> <li>• within or close to commercial/town centres/major places of employment;</li> <li>• near public transports;</li> <li>• in residential areas adjacent to commercial or mixed use developments;</li> <li>• close to schools, libraries, churches and other community facilities;</li> <li>• in/adjacent to public open space ;</li> <li>• on large corner sites or sites which adjoin no more than 2 residential properties;</li> <li>• within purpose built buildings for child care.</li> </ul> <p><b>Child care centres should not be located:</b></p> <p><b>Child care centres should not be located:</b></p> <ul style="list-style-type: none"> <li>• in close proximity to existing or approved child care centres in residential zones;</li> <li>• on the same street in residential zones, depending on the nature and length of the street, where another centre (including a centre that has been approved) already exists;</li> <li>• where there are unsatisfactory on street parking/traffic conditions or restrictions (for example, on bus stops, no standing areas, unsafe traffic volumes or with poor sight distances);</li> <li>• on narrow, one way, dead end roads or cul de sacs (unless the property has a double street frontage with a drive-through capability);</li> <li>• on sites with a boundary to Classified Roads;</li> <li>• on steep sites;</li> <li>• in view of the entrance to drug clinics, sex industry, adult entertainment premises and other such uses;</li> <li>• in/adjacent to industrial areas/contaminated sites or other similar site where health hazard may occur;</li> <li>• within 100 metres from high voltage transmission lines, pylons and electrical substations or any other electromagnetic radiation;</li> <li>• in flood risk areas.</li> </ul>		
<p>Centres in the vicinity of existing/approved centres must demonstrate that there are no negative cumulative impacts on;</p> <p>a. traffic movement, on street parking and pedestrian safety;</p> <p>b. noise; and</p> <p>c. residential streetscape.</p>	<p>NA, SEPP (Educational Establishments and Child Care Facilities) 2017 overrides this provision as discussed above. The suitability of the site is confirmed in Sections 2 and 4 of this report and in Appendix B.</p>	<p>NA</p>
<p>Child care centres should be located where there is maximum pedestrian safety, such as:</p> <p>a. foot ways adjacent to the site are wide enough for prams to pass;</p> <p>b. pedestrian access is segregated from any vehicular access to the site;</p> <p>c. dropped kerbs are provided for pram or wheelchair access where necessary;</p>	<p>NA, SEPP (Educational Establishments and Child Care Facilities) 2017 overrides this provision as discussed above. The suitability of the site is confirmed in Sections 2 and 4 of this report and</p>	<p>NA</p>



d. adequate pedestrian crossing facilities are provided to access the site from nearby train stations/bus stops.	in Appendix B.	
<p>Child care centres are not permitted on properties:</p> <p>a. subject to a high hazard 1% Annual Exceedance Probability (1 in 100 year) flood or high hazard overland flows; or</p> <p>b. subject to a 1% Annual Exceedance Probability (1 in 100 year) flood or overland flows that are not high hazard, unless there is an area within the development above the Probable Maximum Flood of sufficient size to comfortably accommodate all the children and staff.</p>	<p>NA, SEPP (Educational Establishments and Child Care Facilities) 2017 overrides this provision as discussed above.</p> <p>The suitability of the site is confirmed in Sections 2 and 4 of this report and in Appendix B.</p> <p>Council's Pre DA notes (refer Appendix E) do not raise any concerns with regard to flooding and so the proposal is considered appropriate in this regard.</p>	NA
Child care centres are not to be located on sites with any boundary to classified roads or at busy intersections.	<p>NA, SEPP (Educational Establishments and Child Care Facilities) 2017 overrides this provision as discussed above. The suitability of the site is confirmed in Sections 2 and 4 of this report and in Appendix B.</p> <p>Council's Pre DA notes (refer Appendix E) do not raise any concerns with regard to proximity of the facility to Forest Road and so the proposal is considered appropriate in this regard.</p>	NA
Council may consider a reduction in allotment width for a child care centre accommodating no more than 20 children. However, the applicant must demonstrate in the application that the required indoor/outdoor space, car parking and landscaping have been provided.	NA, variation not proposed.	NA
<p><b>Building Design</b></p> <p>Child care centres must be designed in character with the existing streetscape (ie buildings located in residential areas must maintain an appearance consistent with the nearby residential streetscape).</p>	Appropriate design including scale, articulation and materiality as well as generous building separation distances to nearby residential uses ensures the proposal sits well in the streetscape. Design has also been informed by the Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants, and so the proposal sits well alongside existing development on the site.	✓
In residential areas, child care centre development must observe the prevailing street setbacks and the side/rear setbacks required for a dwelling house. See Part 5.1 Low and medium density residential in this DCP.	Refer assessment against these controls, above.	✓
Children under 2 years of age must be cared for on the ground floor of a building to facilitate ease of access and safety.	<p>NA, SEPP (Educational Establishments and Child Care Facilities) 2017 overrides this provision as discussed above. The suitability of the layout onsite is confirmed in Sections 2 and 4 of this report and in Appendix B.</p> <p>Council's Pre DA notes (refer</p>	NA



	Appendix E) do not raise any concerns with regard to upper level play and learning areas for 2 year olds and so the proposal is considered appropriate in this regard. The control below also allows for above ground child care centres.	
An above ground floor child care centre may only be considered where there is no alternative location on the ground floor. It will be assessed on its merits with respect to child safety and/or impacts on residential amenity.	<p>NA, SEPP (Educational Establishments and Child Care Facilities) 2017 overrides this provision as discussed above. It is noted that the provisions of SEPP (Educational Establishments and Child Care Facilities) 2017 provide for site layout controls however do not preclude the delivery of above ground facilities.</p> <p>Nevertheless, as discussed throughout this report, appropriate child safety is provided for and the proposal successfully mitigates any potential impacts on residential amenity through appropriate design and building separation to nearby residential uses.</p>	NA
Building design is to provide linkages between indoor and outdoor spaces that enable uninterrupted lines of sight and visual interaction with the outside environment from each activity centre, providing a high degree of supervision throughout, both indoors and outdoors.	Proposal achieves this to upper level balcony as well as to roof top play space and appropriate supervision will be facilitated.	✓
Details are to be provided of all advertising structures that are proposed to be located on the site.	NA, signage not proposed.	NA
All new child care centres, building conversions and additions to existing premises must comply with the minimum access requirements outlined in Section 4.5.2 of this DCP.	Noted, refer assessment above.	✓
<b>Visual &amp; Acoustic Impact</b> Buildings must be orientated and designed to minimise potential impacts on the residential amenity of adjoining property with regards to visual privacy and noise. Adequate screening should be provided where balconies and decks cause privacy concerns for adjoining properties.	<p>Appropriate design and building separation distances ensure no unreasonable visual or acoustic impacts will arise.</p> <p>Refer also Acoustic Report prepared for the site by Acoustic Logic and attached under separate cover. The report concludes that:</p> <p><i>"Potential noise impacts on nearby residential properties from the operation of the proposed child care centre to be located at 339 Forest Road, Bexley have been assessed in this report.</i></p> <p><i>The potential impacts have been assessed against the acoustic criteria of the Bayside Council Requirements (Rockdale DCP 2011).</i></p> <p><i>Provided that the acoustic treatments set out in section 8 of</i></p>	✓



	<i>this report are adopted, both noise emissions and noise intrusion from external sources will comply with the nominated criteria."</i>	
A number of factors must be considered to ameliorate noise generation from child care centres. These include: a. layout and orientation of the building; b. erection of noise barriers; c. insulation of external noise sources (e.g. air conditioners); d. window glazing; e. fencing placement, design and materials.	Refer discussion above. Appropriate design and building separation distances ensure no unreasonable visual or acoustic impacts will arise.  Refer also Acoustic Report prepared for the site by Acoustic Logic and attached under separate cover.	✓
An Acoustic Report undertaken by a suitably qualified acoustic consultant is required for centres in/adjacent to residential zones. The report must demonstrate how the site planning and building design minimise noise impacts, and that noise levels (measured at any point on the boundary of the site between the centre and adjoining property over a 15-minute period) will not exceed 5dBA above the background level. The report should include recommended noise attenuation measures.	Refer Acoustic Report prepared for the site by Acoustic Logic and attached under separate cover.	✓
A Plan of Management is required for centres in/adjacent to residential zones indicating the hours and specifics of indoor/ outdoor play and how noise impacts upon neighbours will be minimised. The use of outdoor playing areas may be limited subject to site and adjoining property circumstances.	A Plan of Management has been prepared and is included in Section 3 of this report.	✓
All boundary fencing to play areas must provide sound insulation equal to a lapped timber fence.	Outdoor play areas proposed to upper levels only.	NA
Where the centre is affected by excessive noise, the centre must be designed to minimise the impact of that noise source, for example, using appropriate screening devices or locating sensitive areas (e.g. sleeping rooms) away from the source of noise.	Appropriate treatments proposed. Refer Acoustic Report prepared for the site by Acoustic Logic and attached under separate cover.	✓
Child care centres must be insulated according to AS 2021-2000 Acoustics Aircraft Noise Intrusion if it is located on land that exceeds 20 Australian Noise Exposure Forecast (ANEF) contours.	The Acoustic Report prepared for the site by Acoustic Logic and attached under separate cover has considered the need for the site to comply with AS 2021-2000.	✓
<b>Indoor &amp; Outdoor Space</b> The child care centre must comply with the minimum indoor space and the minimum outdoor space provisions as prescribed by the Children's Services Regulation 2004 and included in the following table:	The proposal complies as discussed in Appendix B.	✓



Extract from Children's Services Regulation 2004		
<b>Indoor Play Space</b> <p>A minimum of 3.25 square metres of unencumbered indoor play space* per child that is exclusively for the use of the children is to be provided.</p> <p><i>* Unencumbered space does not include items such as any passage ways or thoroughfares, door swing areas, kitchen, cot rooms, toilet or shower areas located within the building or any other facility such as cupboards and areas set aside for sleeping, staff and administration.</i></p>		
<b>Outdoor Areas</b> <p>A minimum of 7m<sup>2</sup> of useable outdoor play space* per child that is exclusively for the use of children is to be provided. However, in accordance with Best Practice Guidelines in Early Childhood Physical Environments a minimum rate of 15m<sup>2</sup> of useable outdoor space per child is recommended. Depending on the size and layout of the proposed child care centre it is encouraged to provide in excess of the minimum 7m<sup>2</sup>. This may however not be possible depending on the circumstances of the case.</p> <p><i>(* For the purposes of calculating useable outdoor space, items such as car parking, storage sheds and other fixed items which prevent children from using the space or that obstruct the view of staff supervising children using the space, are to be excluded.)</i></p>		
Indoor spaces and facilities such as office, staff room and nappy change area are to comply with the provisions of the Children's Services Regulation 2004.	The proposal complies.	✓
<p>The outdoor play spaces are to be:</p> <p>a. located at ground level and at the rear of the Centre;</p>	<p>NA, SEPP (Educational Establishments and Child Care Facilities) 2017 overrides this provision as discussed above. It is noted that the provisions of SEPP (Educational Establishments and Child Care Facilities) 2017 provide for site layout controls however do not preclude the delivery of above ground play areas. Council's controls, as discussed above, also allow for the provision of above ground facilities on certain sites.</p> <p>Nevertheless, as discussed throughout this report, appropriate child safety is provided for and the proposal successfully mitigates any potential impacts on residential amenity through appropriate design and building separation to nearby residential uses. An Acoustic Report prepared for the site by Acoustic Logic and attached under separate cover also supports the proposal in this regard. Above ground play areas are therefore considered appropriate.</p>	NA



b. located away from the main entrance of the child care centre, car parking area or vehicle circulation areas;	Upper level play space achieves this.	✓
c. located so as to have immediate access to toilets;	Toilets are provided in convenient locations on the upper level and roof top.	✓
d. located (where practicable) to the northern or north-eastern end of the site and not to the south of the building. It should be able to receive a minimum of 3 hours direct sunlight during the centre's operating hours;	Upper level play areas are provided with generous northern and north easterly aspects and so comply.	✓
e. of a design and layout that enables clear sight lines to all areas from other areas of the child care centre for easy supervision at all times;	Clear sightlines are available and so appropriate supervision will be facilitated.	✓
f. provided with adequate separation from the living/bedroom windows of surrounding dwellings;	Site context ensures no dwelling living/bedroom windows are immediately adjacent.	✓
g. adequately fenced on all sides. All gates are to be self-closing and child proof with child proof locks. All fencing to adjoining public spaces is to be a minimum height of 1800mm;	Upper level play areas provided with appropriate fencing.	✓
h. provided with a rainwater tank (minimum capacity of 2,000 litres) installed on site;	NA, OSD provided and stormwater connected to existing onsite.	NA
i. at least half the outdoor area is to be unencumbered and available for free vigorous play and is to include a variety of surfaces such as grass, sand, hard paving and mounding; and	Upper level play areas provided with generous unencumbered spaces.	✓
j. adequately shaded in accordance with Shade for Child Care Services published by the NSW Cancer Council and NSW Health Department. Physical shading devices are to provide sun protection to children and be integrated into the design of the building and the outdoor area.	Upper level provided with a generously proportioned architectural roof feature which will also provide shade.	✓
Sandpits are to be a minimum size of 12m <sup>2</sup> to allow a number of children to congregate at one time. They are to be surrounded by a ledge (minimum 800mm) for play and maintenance purposes.	Roof top sandpit proposed and provided with a ledge.	✓
Tree and shrub planting must not expose children to toxic, spiky or other hazardous plant species.	Proposal complies with appropriate plantings selected.	✓
<b>Parking &amp; Pedestrian Safety</b> Development must comply with the car parking, access and movement requirements contained in Part 4 General Principles for Development of this DCP.	Noted, Refer assessment of this Section above.	✓
All on-site parking arrangements must ensure the visual attributes of the streetscape are maintained, particularly having regard to the street character, existing landscaping, tree removal and number of vehicle crossings.	Parking is appropriately integrated into development including provision of basement parking not visible from the street. As discussed throughout this report the proposal contributes positively to streetscape character.  Provision of multiple crossings is appropriate given multiple entries exist and given the appropriate design and functionality of each entry point. Multiple uses are also served by the crossovers. The lack of unreasonable impacts of existing entries to the site is also noted in this regard.	✓



On-site vehicular movements must be separated from pedestrian access by safety fencing, gates or other means.	Basement and ground floor parking and upper level play areas achieves this.	✓
Where on-site parking and a drop off and pick up area can not be provided due to site constraints, adequate provision of on street parking and kerbside drop off and pick up must be demonstrated.	Appropriate onsite parking is provided.  Designated drop-off and pick-up is also proposed, as discussed in the Traffic Report.	✓
All applications for child care centres must be supported by a Traffic Report prepared by a suitably qualified traffic engineer/company addressing as a minimum the following factors: a. the prevailing traffic conditions b. the likely impact of the proposed development on existing traffic flows and the surrounding street system c. pedestrian and traffic safety d. justification of any variation to the parking requirements (if any proposed) and e. how impacts of drop-off and pick up will be accommodated.	A Traffic and Parking Assessment has been prepared for the site by Hemanote Consultants and is attached under separate cover. The report concludes that:  <i>"It can be concluded from the traffic and parking impact assessment that the proposed childcare centre to be located at 339 Forest Road, Bexley is adequate and will have no adverse impacts on current traffic or parking conditions."</i>	✓
The use of the kerb side parking lane may be permitted for set down and pick up of children subject to meeting the following criteria: a. the road carriageway has a minimum width of 12m; and  b. parking restrictions and/or traffic controls do not prevent the lawful use of the street for parking; and  c. the street is not a classified road; and d. the dedication of the on-street parking for set down and pick up does not extend beyond the side property boundaries of the site, and does not encroach within 10m of a corner of another street; and e. a Road Safety Audit (Stage 5 Audit) has been undertaken by an accredited auditor in accordance with AUSTROADS and the audit result is satisfactory; and  f. the parking is not used by staff or a resident.	Bayview Street has an approximate <sup>8</sup> width of 12m and so is appropriate.  Parking will remain available along the remainder of Bayview Street.  Bayview Street is not classified.  Dedicated parking appropriately sited in this regard.  A Traffic and Parking Assessment has been prepared for the site by Hemanote Consultants and is attached under separate cover. The report finds that the proposed drop off and pick up points are appropriate however a road safety audit was not conducted.  Dedicated 15 minute parking will not be used by staff.	✓  ✓  ✓  ✓  Merit  ✓
Traffic calming devices in heavily trafficked routes or places where there is potential of traffic hazards are to be provided at the cost of the applicant.	Existing traffic calming devices are already proximate the site.	NA
<b>Hours of Operation</b>  Specific hours of operation are required to be submitted with the Development Application.	The facility's hours of operation will be 7:00am to 6:00pm, Monday to Friday.  The centre will close on all public holidays and operate 52 weeks per year.	✓

<sup>8</sup> Estimated from SIXMaps.



	Refer also Section 3.8 of this report.	
In residential zones the hours of operation are limited to between 7 am and 7 pm, Monday to Friday. Extensions to the hours will only be considered where there will be minimal conflicts with surrounding properties, such as traffic and noise impact	Refer discussion above.	✓
<b>Dual Use – Child Care Centre/Residential Dwelling</b> If a residential component is included, the residence must be occupied by either the owner/operator or a member of staff.	NA, dual use with a residential component not proposed.	NA
The dual use of the site must not result in over development of the site to the detriment of the users of the site and the amenity of surrounding residential areas.	NA, dual use with a residential component not proposed.	NA
Where a residence forms part of the centre, private open space with a minimum 30 square metres and a minimum width of 6 metres is required to be designed to provide privacy for the exclusive use of the residents of the dwelling. This area can be provided as a ground level courtyard. Ideally, this private open space should be designed so that it receives 3 hours of sunlight between the hours of 9 am and 3 p.m. in midwinter.	NA, dual use with a residential component not proposed.	NA
The provision of one off-street parking space must be provided for exclusive use of the residents. This space may not be 'stacked'.	NA, dual use with a residential component not proposed.	NA
Separate access to the dwelling house must be provided.	NA, dual use with a residential component not proposed.	NA

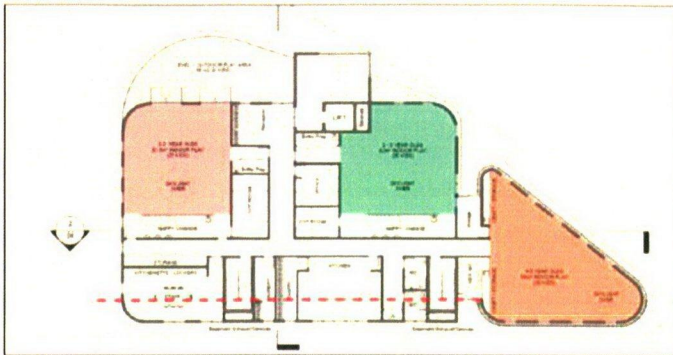


# Appendix E – Pre DA Notes Responses

Planning Control/Objective	Assessment comment
<b>E.1 Zoning and Permissibility</b>	
The subject site is zoned R2 – Low Density Residential under Rockdale LEP 2011. Centre-based child care facilities are permissible with consent. However, it is noted that the submitted plans indicate a bakery and uniform shop on the ground floor which appear to be a standalone structures with limited physical link to the child care centre above. It is understood that these elements are intended to be ancillary to other existing uses on the site. Nevertheless, permissibility of these components would need to be established by the applicant.	Bakery and uniform shop have been removed from proposal and are not shown on amended plans.
<b>E.2 Building Footprint</b>	
The footprint of the proposed basement level is excessive and is not supported because it precludes deep soil landscaping adjacent to the southern boundary and would be in close proximity to the existing trees growing adjacent to the northern side boundary.	The basement generally aligns with the extent of existing hardstand area over and so will not impact impact deep soil planting opportunities in this regard.  An Arborist Report has been prepared for the site by Jacksons Nature Works and is attached under separate cover. The report supports the proposal in terms of tree retention and protection.
Further, reference is made to the comments from Council's Landscape Architect who does not support removal of the existing trees adjacent to the northern side boundary on the basis that they make a positive contribution to the streetscape. During the course of the meeting it was noted that particular concern is raised with Tree 3 and Tree 4 ( <i>per Tree Management Plan prepared by Sydney Arbor Trees, dated February 2<sup>nd</sup> 2016</i> ) which are identified as having a high retention value and therefore must be retained and protected. The proposal would need re-designing to ensure this can occur. Any development application submitted must be accompanied by an Arborist Report.	An Arborist Report has been prepared for the site and is attached under separate cover. The report supports the proposal in terms of tree retention and protection.  24 replacement trees with a mature height of 6m or more are also to be planted across the site.
<b>E.3 Site Entry</b>	
The provision of Site Entry Option 1 (vehicular crossing on Bayview Street) is dependent on Council approving the removal of a number of trees in that location. It is understood that a development application is currently being assessed by Council which seeks consent for the removal of those trees. That application is undetermined at the time of preparing this correspondence.	An Arborist Report has been prepared for the site and is attached under separate cover. The report supports the proposal in terms of tree retention and protection.  24 replacement trees with a mature height of 6m or more are also to be planted across the site.
<b>E.4 Setbacks</b>	
The proposed building setbacks to the northern and southern boundaries is considered to be insufficient to adequately regulate the bulk and scale of the building and provide an appropriate relationship with the surrounding built form.	Appropriate setbacks are proposed, with originally proposed nil northern boundaries significantly increased and southern boundary increased in accordance with council comment, refer also discussion below.



The development must be setback further from the southern side boundary to provide a better relationship with the pattern of existing development on the opposite side of Bayview Street within the R2 – Low Density Residential zone. You may wish to consider the indicative setback shown below:



The fire stairs and 2-3 year olds indoor play area on the first floor plan must incorporate a greater setback from the northern boundary. Additionally, the fire stairs/lift should be better integrated into the overall design of the development.

An increased setback as indicated on council's indicative feedback has been provided and ensures the proposal more appropriately reflects the low-density residential nature of adjacent uses.

As discussed above, increased northern setbacks are proposed.

Fire stairs and the lift core have been reconfigured and are provided to the southern corner of the site, and are suitably integrated into the built form.

## E.5 Height of Building

The proposed development is subject to an 8.5m maximum building height in accordance with Clause 4.3 of Rockdale LEP 2011. Various parts of the proposed building appear to breach the maximum allowable height limit. Compliance with the building height development standard is strongly encouraged.

As clause 4.6 variation request has been prepared for the proposal and is included in Appendix F. The variation request demonstrates that no unreasonable impacts will arise as a result of the variation.

An architectural roof feature has been provided which doubles as a shade structure, and is provided under Clause 5.6 of the LEP which allows for *“development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3”*.

## E.6 Floor Space Ratio

The proposed development is subject to a maximum allowable floor space ratio of 0.5:1 in accordance with Clause 4.4 of Rockdale LEP 2011. The proposal must comply with this requirement. Further, the floor space ratio must be calculated across the entire site in accordance with the definition of *gross floor area* in the LEP.

FSR of 0.5:1 is proposed.

## E.7 Proposed Operations

Part 6.1(3) of Rockdale DCP 2011 restricts child care centres in residential zones to a maximum of 50 children, unless it can be demonstrated by the applicant that any additional children will not result in an unreasonable impact on the amenity of adjoining properties and/or the streetscape. The proposed child care centre contains more than 50, therefore exceeding the maximum. This non-compliance must be well justified to be supported by Council.

NA, the provisions of RDCP 2011 do not apply in this regard given SEPP (Educational Establishments and Child Care Facilities) 2017 provides that:

### **“26 Centre-based child care facility— development control plans**

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

(a) operational or management plans or arrangements (including hours of operation)”

Given the number of children a child care facility can



	<p>accommodate is directly attributable to (and controlled via) the operational or management plans or arrangements set up for the facility, the requirements of the RDCP 2011 are expressly excluded as a matter for consideration under this SEPP, which overrides any provisions of LEPs and DCPs.</p> <p>Nevertheless, this application has demonstrated the proposal will have no unreasonable impacts on the amenity of adjoining properties or on the streetscape, as discussed throughout the SEE.</p>
<b>E.8 Public Domain</b>	
<p>Part 6.1(18) of Rockdale DCP 2011 states that an above ground floor child care centre may only be considered where there is no alternative location on the ground floor. It will be assessed on its merits with respect to child safety and/or impacts on residential amenity. The current scheme which proposes a ground floor car parking interface with the public domain is questioned. This is discussed in greater detail in the heritage advice provided later in this report.</p>	<p>NA, the provisions of RDCP 2011 do not apply in this regard given SEPP (Educational Establishments and Child Care Facilities) 2017 provides that:</p> <p><b>“26 Centre-based child care facility—development control plans</b></p> <p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in:</p> <p>(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or</p> <p>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).”</p> <p>Given Section 3.3 of the Child Care Planning Guideline states the need to “ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions”, the requirements of the RDCP 2011 in relation to ground floor level play areas are expressly excluded as a matter for consideration under this SEPP, which overrides any provisions of LEPs and DCPs.</p> <p>Nevertheless, this application has demonstrated the proposal will have no unreasonable impacts on child safety or the residential amenity of adjoining properties, as discussed throughout the SEE. The proposal also sits well in the streetscape through a well-designed scheme and through provision of appropriate vegetative screening.</p>
<b>E.9 Acoustic Privacy</b>	
<p>The submitted acoustic report recommends the inclusion of a 1.8m high screen around the perimeter of the roof top play area to ensure that the applicable noise criteria can be achieved. This must be clearly documented on the architectural drawings, should a roof top play area be pursued.</p>	<p>Appropriate acoustic fencing has been incorporated into the design and is shown on elevations and sections as required.</p>



E.10 Pedestrian Access	
The landscape and architectural plans show alternate access to the child care centre from the drop off and pick up zone. Clarification is required on how safe pedestrian access to the site is provided. Ease of pedestrian access providing for prams and adequate separation from vehicular movement must be demonstrated on the plans.	Separate pedestrian access from the footpath along Bayview Street to the ground floor level is proposed, and will be well separated from the basement ramp and driveway entry/exit to the at-grade parking area.
E.11 Air Quality	
The site has a frontage to Forest Road which experiences a high traffic volume. It would be advised to have an air quality report prepared to assist in demonstrating that the site is suitable for the development and ensure that the amenity afforded to the child care centre is acceptable.	An air quality assessment report has been prepared for the proposal by Airsafe and is attached under separate cover. The report finds that the site is appropriate for the proposal.
E.12 Operational Plans & Parking Arrangement	
Any Development Application submitted must be accompanied by a comprehensive Operational Plan which describes all the approved uses on the site and how they relate to one another. A break-down of the existing/proposed on-site car parking arrangements for all existing and proposed uses on the site must be provided.	Refer Operational Management Plan in Section 3.8 of this report.
E.13 SEPP Compliance	
The proposal is subject to the requirements of clause 104 – Traffic generating development within State Environmental Planning Policy (Infrastructure) 2007 in that 50 or more parking spaces are proposed and the site has access to a classified road (Forest Road) within 90m.	Refer assessment against this SEPP in Appendix B.
The proposal must address the requirements of State Environmental Planning Policy No.55 – Remediation of Land. A stage 2 – Detailed Site Investigation is likely to be required at DA stage.	Given other applications across the site, for similar (educational) uses, and a lack of unreasonable impacts, the proposal is considered appropriate. Additional details can be submitted during the DA process if required.
E.14 Heritage	
The property at 339-377 Forest Road, Bexley is listed in Schedule 5 of the Rockdale Local Environmental Plan 2011 as Original Bexley School Buildings, item number I131, a heritage item of local significance. Opposite the property across Forest Road in the immediate vicinity is another heritage item – Bexley Primary School, item number I130.	Noted. The heritage value of the site is addressed in detail in the Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants, and included under separate cover.
Currently the corner of the subject site facing Forest Road and Bayview Street is an open area with some temporary structures. Historically this area was open and the school building have been visible from Forest Road. For a period between circa 1965 and 1990 there was a small building at the end of the earliest classroom building. This was removed and the area subsequently was given over to car parking and a Coptic Church was built at the northern end of the site.	Noted. The heritage value of the site is addressed in detail in the Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants, and included under separate cover.



#### Assessment

The building wall aligned with the corner of the site will strengthen the corner however it needs to be done in such a way that it carefully allows for the following:

- Views in to the site from Forest Road to the old school buildings.
- The corner built form of the proposed building is well located as currently that part of the site is degraded and makes no contribution to streetscape or the internal arrangement of the school site.
- The proposed modern aesthetic of the building is supported as it will be a building of its time. The building design does however need to be sympathetic with the existing significant buildings. Especially in relation to such things as heights, string courses, fenestration, solid to void ratios, bulk and materials.
- The exposed car park and large open undercroft alienates the building from the rest of the school site due to the large solid to void areas. The open car park with its coloured sticks is out of character with the solid masonry walls of the traditional buildings on the site.
- The proposed development shows an RL of 58.6 for its roof top however this does not include the structure of the roof or the building on top of the roof. The height of the stair wall is also not shown. It appears the building will be higher than the school building which has a pitched roof. The development should not be dominant in its relation to the old school buildings.
- The setback between the proposed building and the school building is small given the height of the proposed building. The angle/alignment of the building together with the open car park at its ground level emphasises the uncomfortable relationship between old and new in this location.
- The setting of the heritage buildings must be more carefully considered. The proposed basement car park around the school buildings has potential to cause damage to the fabric of the late nineteenth century and early 20th century school buildings. A dilapidation report of the existing buildings together with an engineer's report on what methods will be used to prevent damage to the structure of the buildings is required with the DA. Car space 29 should be removed from plans due to its close proximity to the building.
- The trees shown to be removed due to the possible extension to basement should be retained if the basement is not part of the DA. These are trees numbered 17, 18, 19, 20, 21, 22 and 23.

#### Information required for DA

- Heritage Impact statement.
- Long section through the site showing the proposed building in relation to the existing heritage listed school buildings.
- Long elevation from Bayview Street showing the proposed building in relation to the existing heritage listed school buildings.
- Long Elevation from Forest Road showing the proposed building in relation to the existing heritage listed school buildings.
- 3D perspective showing the school buildings.
- Details of the proposed boundary fence.
- RLs for roof of structure on the roof top.
- A dilapidation report of the existing buildings.
- An engineer's report on what methods will be used to prevent damage to the structure of the existing school buildings.

Noted. The heritage value of the site is addressed in detail in the Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants, and included under separate cover.

Views from Forest Road across the site will remain appropriate. The well located siting of the corner building and modern aesthetic are noted, and have been retained. A more restrained colour palette is proposed, with solid elements included at the ground level.

Appropriate design modifications including increased setbacks, a more restrained colour palette and changes to the built form ensure the development will not be dominant in relation to the old school buildings.

The proposal has been amended so the built form now sits parallel to the heritage items.

The heritage value of the site and potential impact of the proposal is addressed in detail in the Heritage Impact Statement prepared for the site by Weir Phillips Heritage and Planning Consultants, and included under separate cover.

An Arborist Report has been prepared for the site by Jacksons Nature Works and is included under separate cover.

A Heritage Impact Statement has been prepared for the site by Weir Phillips Heritage and Planning Consultants, and is included under separate cover.

Elevations showing the north east context, the north west context, and the south context are provided and the heritage items are now shown on plans and considered in detail.

The boundary fencing is proposed to be retained as existing.

The shade structure is shown on context elevations and sections.

The HIS prepared for the site contains an assessment of the integrity and condition of buildings onsite.

## E.15 Landscaping

Concern regarding removal of existing canopy trees along the boundary to Forest Road. These trees provide a natural screen, and significant amenity to the area. The proposal does not offer tree replacement. The removal of the trees and the minor canopy tree proposal shall be reviewed.

An Arborist Report has been prepared for the site by Jacksons Nature Works and is included under separate cover.

24 replacement trees with a mature height of 6m or more are also to be planted across the site.



<p>As per Rockdale DCP 2011 is required 20% of site to be landscaped, meaning deep soil. Landscaping above basement is not to be calculated as part of the landscaped area.</p>	<p>Approximately 1,395m<sup>2</sup> of landscaped area is retained across the site, offering opportunities for shade and privacy through vegetative screening and contributing to onsite amenity as well as that of the streetscape.</p> <p>This equates to 16.63% of the site, however is the result of existing site conditions.</p> <p>Refer merit discussion in Section 4.5.1 of this report.</p>
<p>Consider enlargement of planter box located on the south on the property along Bayview Street to a minimum width of 1,100mm to support the growth of trees to provide shade and amenity. Consider greater setbacks of the basement to provide planting in deep soil along boundaries.</p>	<p>Landscape Plans demonstrate that appropriate planting is available in these planters that will screen the built form and contribute to the visual amenity of the street.</p>
<p>Outdoor play areas on first level and roof top shall include planter boxes with screen planting to provide screening from roads. Planter boxes shall allow screen shrubs, roof top shall include shrubs and some small trees.</p>	<p>Landscape Plans demonstrate that appropriate planting is available in planters at the roof top that will include trees, sensory shrubs and groundcovers.</p>
<p>Planter boxes are only 500 mm wide, this will only support growth of small shrubs. Planter boxes constructed over a concrete slab shall be built in accordance with the requirements within Council's Landscape DCP.</p>	<p>Refer discussion above.</p>
<h2>E.16 Tree Preservation</h2>	
<p>As a result of this proposal a number of mature trees on this site will be directly impacted and may require to be removed. There is significant concern within the local community in regard to the preservation of the trees on this site and there is a petition calling for the protection of these trees.</p> <p>The applicant has submitted an Arborists report in regard to the trees in the vicinity of the proposed construction works which is dated 2 February 2016. In this report the Arborist has identified a number of trees that have low retention value and that two possibly three trees should be removed due to their current condition, rather than being the result of being in the footprint of the proposal. The Arborist also made note that the previous maintenance of these significant trees was not to standard and that the resultant condition of many of the trees now reflects this, and that many of these trees now require remedial pruning to bring them back to standard, and thus improve their retention value and amenity.</p> <p>Any future Development of this site will require the applicant to engage a Consultant Arborist with minimum AQF Level 5 qualifications in Arboriculture to provide an up to date report on the direct impacts of the proposed development on the trees on site in the form of an Arboricultural Impact Assessment Report and Tree Protection Plan. Information on the health and condition of the trees around this site has already been provided, however further information is now required.</p> <p>The report should also address the type of replacement trees and sites and should reflect the heritage status of the site, and include engineering techniques that will add to the ongoing retention value of the trees that are to be retained.</p> <p>There is also a current Development Application on this site (DA1997/49/F) in regard to the request to remove 10 trees from the site, and it has another Consultant Arborists report. This report refers to 63 trees on site and identifies four trees to be removed along the Bayview Street side.</p> <p>This PDA's Arborist report has numbered trees around the site on a different numbering system and has recommended two possibly three trees for removal along Forest Road, and a number more that are of Low Retention Value.</p>	<p>An updated Arborist Report (dated 15 March 2019) has been prepared for the site by Jacksons Nature Works and is included under separate cover.</p>
<h2>E.17 Environmental Health</h2>	



- The acoustic report shall assess the predicted sound power output from both the first floor outdoor play room and the rooftop playrooms. And propose any recommendations as necessary.
- Assess worst case, i.e. with 80 children talking at one time as opposed to 40.
- Submit details of daily itinerary including times allocated for outdoor play use.
- The fit out for the proposed kitchenette and commercial kitchen within the childcare centre shall be designed, constructed and operated in compliance with the requirements of the Food Act 2003, Food Regulations 2010 and the Australian Standards AS 46742004 'Design, Construction and Fit out of Food Premises'.

An Acoustic Report has been prepared for the site by Acoustic Logic and is attached under separate cover. The report assesses noise from all outdoor play areas and provides a list of recommended treatments.

Refer Operational Management Plan for management guidelines relating to noise management and outdoor play.

The food preparation areas have been designed in accordance with the relevant regulations, acts and standards.

## E.18 Development Engineer – Traffic & Parking

- The provided report must address the existing use and existing demand for parking. The report must detail the existing provided parking spaces and existing accessible parking spaces.
- Only one additional driveway can be supported on Bayview Street due to the existing southern driveway being utilised for the proposed basement. It is worth noting that there is an existing driveway for the subject site fronting the existing cathedral building.
- The circulation of parking is to be clarified as the architectural drawings vary from the traffic report drawings.
- A turning bay is to be provided within the basement and ground floor parking to allow for vehicles exiting the basement when all spaces are occupied.
- The basement access ramp must have a minimum 5% for 6m from the frontage boundary.
- Parallel parking spaces must be in accordance with figure 2.5 of AS2890.1:2004.

A Traffic and Parking Assessment has been prepared for the site by Hemanote Consultants and is attached under separate cover. The report concludes that:

*"It can be concluded from the traffic and parking impact assessment that the proposed childcare centre to be located at 339 Forest Road, Bexley is adequate and will have no adverse impacts on current traffic or parking conditions."*

The basement has been designed so that all vehicles can enter and leave in a forward direction.

The basement is provided at 5% for 6m from the site boundary.

No new parallel spaces are proposed under this application. Some existing parallel parks are proposed to be retained along the Forest Road frontage, however their retention as existing is considered appropriate.

## E.18 Development Engineer – Stormwater

- The stormwater management for the proposed development is to be in accordance with the requirements of DCP 4.1.3 and Rockdale Technical Specification – Stormwater Management. Detailed design plans including on site detention system, supporting calculations and design certification will be required to be submitted at the Development Application stage in accordance with requirements of DCP and Rockdale Technical Specification – Stormwater Management.
- Water Sensitive Urban Design controls apply to the site, refer to the Council targets listed in section 7 of the Technical Specifications.

Noted, refer Stormwater Plans prepared for the site by NY Civil Engineering and attached under separate cover.



# Appendix F – Clause 4.6 Variation – Building Height

## 1. Introduction

This Clause 4.6 variation relates to Clause 4.3 of Rockdale Local Environmental Plan 2011 (RLEP 2011) and the proposed child care facility at 339-377 Forest Road, Bexley. The subject site is zoned R2 – Low Density Residential.

Clause 4.3(2) states: *“The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.”* The Height of Buildings Map shows a maximum height of 8.5m being permissible for the site. The child care facility is proposed at 2 storeys plus roof top play space and with a maximum height of 12.27m. This presents a 44.35% variation to the maximum building height permissible. Note that an architectural roof feature is provided under Clause 5.6 and so is not subject to this clause 4.6 variation request. Clause 5.6 of the LEP allows for *“development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3”* and so this clause 4.6 variation relates only to the built form proposed, not the architectural roof element.

## 2. Clauses expressly excluded from the operation of Clause 4.6

Clause 4.6 of RLEP 2011 - Exceptions to development standards provides the opportunity for Council to vary the controls based on the merits of the application.

Clause 4.6(2) states: *“Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause”.*

Comment: The maximum building height standard is not expressly excluded from variation.

## 3. Circumstances where the standard is unreasonable or unnecessary

Clause 4.6(3a) of SSLEP 2015 states: *“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case”.*

Wehbe v. Pittwater Council [2007] NSWLEC 827 (21 December 2007) presented a case which set out five ways in which compliance with a development standard could be demonstrated as unreasonable or unnecessary. These are:

- *“if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)”*



- *“the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary”*
- *“the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable”*
- *“the development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable”*
- *“the zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary”*

The proposed Clause 4.6 variation is in alignment with the first of the above points. As discussed at Section 5 of this document, the proposal achieves the objectives of the development standard to be varied (Clause 4.3 Height of buildings). Accordingly, it is considered that strict compliance with Clause 4.3 would be unnecessary in that the objectives of this standard are achieved, and unreasonable in that strict compliance with Clause 4.3 would serve no purpose.

#### 4. Environmental planning grounds to justify contravening the development standard

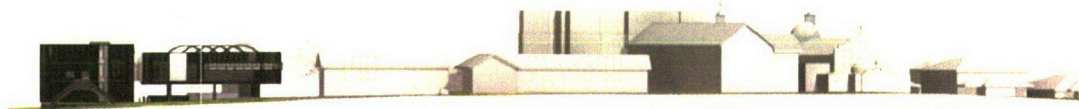
Clause 4.6(3b) of SSLEP 2015 states: *“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:” (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

The proposed development has been carefully designed in response to the opportunities and constraints of the subject site and its specific context in the Bexley locality and alongside existing development, including the heritage listed buildings, onsite. The proposed maximum building height exceeds the maximum building height of 8.5m for a portion of the development only, with the roof top outdoor area proposed under 8.5m and the encroachment generally proposed towards the southern portion of the development. It is considered that the application, and in particular the proposed maximum building height should be supported for the following reasons:

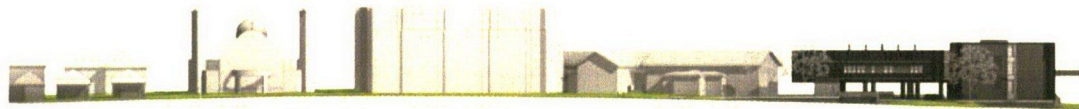
- **The non-compliance is limited in extent:** The non-compliance is limited to the southern portion of the roof only. It is also noted that the height of 12.27m is to the lift overrun which is a small element of the roof only, and that the remainder of the development sits below the 12.27m, with a significant portion sitting below 8.5m and so achieving compliance.
- **The applicable controls relate to low density residential uses however existing uses onsite are for places of public worship and educational establishments:** The site’s R2 zoning relates to a low density residential setting however the site including the place of public worship and educational establishment present different uses immediately adjacent the proposed child care facility. The facility, including a varied maximum building height, is therefore considered appropriate alongside these uses onsite and in proximity to other educational and commercial uses. Appropriate separation distances also ensure the proposal will not impact any residential uses near the child care facility.



- **The proposal sits well alongside existing development onsite, including the heritage listed items:** The proposal has been designed in accordance with advice received from Weir Phillips Heritage and Planning Consultants (refer Heritage Impact Statement, included under separate cover) and achieves a comparable bulk and scale to those other existing developments onsite, which are multi storey and also exceed the 8.5m height control. 6-7 storey residential uses are also noted to the north east of the site, and the development provides an appropriate scale given the varied building heights evident across the locality and the various zones proximate the site (including B1 and B4 business zones north east of the site. Refer North East and North West Context extracts below.



1. North East Context  
Scale 1 : 500



2. North West Context  
Scale 1 : 500

- **The proposal will not have any adverse impacts upon adjacent or nearby development:** The proposal does not give rise to any unreasonable adverse amenity or other environmental impacts as discussed throughout this document and the Statement of Environmental Effects and its appendices.

The proposal ensures amenity for the occupants of the proposed development and existing and potential future nearby development in terms of visual and acoustic privacy through the use of appropriate building setbacks and separation, building orientation, appropriate acoustic treatments, built form screening elements and landscape screening elements. Appropriate levels of solar access and ventilation are also provided to the proposed development. The proposal also benefits from the site context whereby Forest Road and Bayview Street provide significant building separation distances. Particularly, commercial uses immediately south of the development ensure there will be no unreasonable overshadowing impacts, and dwellings to the south west will not be impacted significantly as demonstrated on shadow diagrams included under separate cover.

Accordingly, the proposal is considered to be appropriate for the site and its context.

- **The proposal is consistent with all other key RLEP 2011 requirements:** As demonstrated throughout the Statement of Environmental Effects and appendices, the proposal is consistent with all other key RLEP 2011 requirements. The proposal is also consistent with the objectives of the R2 – Low density residential zone and the objectives of Clause 4.3 Height of buildings as demonstrated at Section 5 of this Clause 4.6 variation.
- **The proposal is consistent with the requirements of Clause 5.10 Heritage Conservation:** The proposal has been designed in accordance with advice received from Weir Phillips Heritage and Planning Consultants (refer Heritage Impact Statement, included under separate cover) and achieves an appropriate built form and



scale in responding to the heritage identification of the buildings onsite. The HIS concludes the following:

*"This Heritage Impact Statement has been prepared in conjunction with a DA for a new building at No. 339-377 Forest Road. The existing buildings on the site will be retained and a modern education facility will be added to the southern tip of the site. The proposed building, by means of its contemporary appearance and use of modern materials, will make a positive contribution to the streetscape. The set back from the original building will maintain the existing view angles and visibility of the original Bexley Public School buildings from the street.*

*The site's traditional use as an education facility will be maintained and enhanced by the additional services provided by the new building.*

*The proposed materials, finishes, colours and articulation of the proposed building will not mimic or replicate the original building on site and are clearly indefinable as a high- quality addition to the site dating from the modern era.*

*The neighbouring heritage listed items will not be impacted by the proposed works. The proposed works fulfil the objectives for works as set out by the Rockdale LEP 2011 and the Rockdale DCP 2011."*

Note also that Clause 5.10(10) Conservation Incentives provides that *"The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan."* Given the proposal exceeds the maximum HOB under the plan, and generally meets the objectives set out in Clause 5.10(10), it is considered that the clause applies and the consent authority can approve the proposal based on this consideration.

- **The built form proposed will be compatible with the existing and desired built form of the locality:** As discussed throughout the Statement of Environmental Effects, the proposal is considered to present an integrated architectural and landscape proposal consistent with the existing and desired built form of the locality and Bexley town centre, including the natural landscape qualities and the educational uses onsite, which will be enhanced by the proposal. The proposed development has been carefully designed in response to the specific constraints and opportunities of the subject site. It provides for a child care facility addressing both Forest Road and Bayview Street to create a more active street frontage, with suitable separation distances ensuring there will be no significant impact on residential uses located within proximity of the site. The delivery of a new child care facility will provide for the child care needs of the community in an area where such services are in demand.

A detailed discussion of the proposed development's compatibility with its specific site context is presented in section 4.4.1 Site Context and Streetscape of the Statement of Environmental Effects.

- **The built form proposed allows for a high level of amenity for children using the facility:** As discussed throughout the Statement of Environmental Effects, the provision of a high quality child care facility in proximity to Bexley town centre and on a site with other compatible educational and religious land uses is considered to be within the public interest, and the high level of amenity available to the development is achieved through the vertical configuration of the facility, which results in the variation. The use of the roof top as a play space and the need to provide lift access to this roof,



as well as service areas and shelter, create the variation, however the high level of amenity achieved including through architectural design of the play areas and the generous northerly aspect of the play space ensure the facility will offer a high level of amenity to future attendees.

## 5. Public Interest

Clause 4.6(4a(ii)) of SSLEP 2015 states: *"Development consent must not be granted for development that contravenes a development standard unless: (a(ii)) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out"*

The proposed development is considered to be in the public interest in that it is consistent with the objectives of Clause 4.3 Height of Buildings as discussed below:

Clause 4.3 objective	Assessment comment
<i>to establish the maximum limit within which buildings can be designed and floor space can be achieved</i>	The proposal is compliant with FSR requirements, and the architectural and landscape proposals are well integrated with the site's context and location within the Bexley locality.
<i>to permit building heights that encourage high quality urban form</i>	The proposed built form achieves a high quality urban form through addressing both street frontages and the use of architectural features including glass balustrades, vertical battens, concrete columns, and large folded steel window boxes to add visual interest and articulation to the proposal.
<i>to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain</i>	As discussed throughout the report, the proposal will not result in any unreasonable adverse impacts to adjoining and nearby properties in terms of shadowing or daylight access. An appropriate design and site context which provides for significant building separation distances particularly ensures no unreasonable impacts will result.
<i>to nominate heights that will provide an appropriate transition in built form and land use intensity</i>	The proposed development has been proposed at a height that reflects the varied prevailing height planes in the locality and onsite.

The proposed development is additionally considered to be in the public interest in that it is consistent with the objectives for development within the R2 – Low Density Residential zone as discussed below:

Zone Objectives	Comment
<i>To provide for the housing needs of the community within a low density residential environment.</i>	The proposal is for a child care facility however does not impact the ability of adjacent sites to achieve this objective.
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	The proposal is for a child care facility on a lot with other compatible educational and religious land uses existing, and so will provide a facility that meets the day to day needs of residents in an area where child care is in high demand.



*To ensure that land uses are carried out in a context and setting that minimises any impact on the character and amenity of the area.*

The proposed development has been proposed at a height and scale that reflects the varied prevailing height planes in the locality and onsite and that mitigates any potential impacts on the character or amenity of the locality.

## 6. Matters of significance for State or regional environmental planning

Clause 4.6(5a) of SSLEP 2015 states: *"In deciding whether to grant concurrence, the Secretary must consider: (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning,"*

The proposed contravention of Clause 4.3 Height of Buildings does not raise any matter or significance for State or regional environmental planning. Accordingly, the proposed Clause 4.6 variation is considered to comply with Clause 4.6(5a).

## 7. Public benefit

Clause 4.6(5b) of SSLEP 2015 states: *"In deciding whether to grant concurrence, the Secretary must consider:" (b) the public benefit of maintaining the development standard,"*

Given the specific context of the subject site located along Forest Road and on a site with various building heights existing, including heights well above the 8.5m generally permissible, the proposal's compliance with objectives of the zone and development standard, and the lack of unreasonable adverse environmental impacts, it is considered that there will be no public benefit to maintaining the development standard. The provision of a high quality child care facility in proximity to Bexley town centre and on a site with other compatible educational and religious land uses is also considered to be within the public interest, and the high level of amenity available to the development is achieved through the vertical configuration of the facility, which results in the variation.

Due to the specific and unique nature of the site and proposal, it is considered that the proposed Clause 4.6 variation will not provide a precedent for other development, and will not weaken the strength of Clause 4.3 Height of buildings.

## 8. Matters to be taken into consideration by the Secretary

Clause 4.6(5c) of SSLEP 2015 states: *"In deciding whether to grant concurrence, the Secretary must consider:" (c) any other matters required to be taken into consideration by the Secretary before granting concurrence."*

The proposal does not require any other matters to be taken into consideration by the Secretary.

## 9. Conclusion

This Clause 4.6 variation demonstrates that the non-compliance with the height of buildings standard does not cause unreasonable impacts to neighbouring development or when viewed from the streetscapes or adjacent development. The maximum building height proposed can be accommodated on site and has been proposed given consideration to prevailing height planes adjacent the site as well as the nearby heritage



buildings on the subject site. Accordingly Council's agreement is sought to the proposed variation to maximum building height.



**REPORTS AND PLANS UNDER SEPARATE COVER**

**Survey Plan**

**Architectural Proposal Plans**

**Landscape Plans**

**Stormwater Plans**

**Arborist Report**

**Traffic and Parking Impact Assessment Report**

**Air Quality Assessment Report**

**Heritage Report**

**Quantity Surveyor's Report**

**Acoustic Report**



2 March 2019

Patrick Nash  
Senior Development Assessment Planner  
Bayside Council  
Ref: DA2019/255

Dear Patrick,

**RE: RESPONSE LETTER  
DEVELOPMENT APPLICATION NO. DA2019/255  
PROPOSAL: DEMOLITION OF EXISTING STRUCTURES,  
CONSTRUCTION OF A PART TWO AND PART 3 STOREY CHILD CARE  
CENTRE WITH CAPACITY FOR 80 CHILDREN  
PROPERTY: 339-377 FOREST ROAD, BEXLEY**

We act on behalf of our client St Mary's and St Mina's Coptic Orthodox Church, in submitting this letter in relation to the above DA at No. 339-377 Forest Road, Bexley.

Following the submission of this Development Application, a letter was received from Council dated 5<sup>th</sup> December, 2019.

Our letter covers the following items:

1. Key changes to the proposed childcare centre design;
2. A response to items discussed within Council's letter;
3. A response to the key items raised in resident submissions; and
4. An updated Clause 4.6 variation request for height.



## 1. Key Changes to the Proposed Childcare Centre Design

The key proposed design changes are as follows:

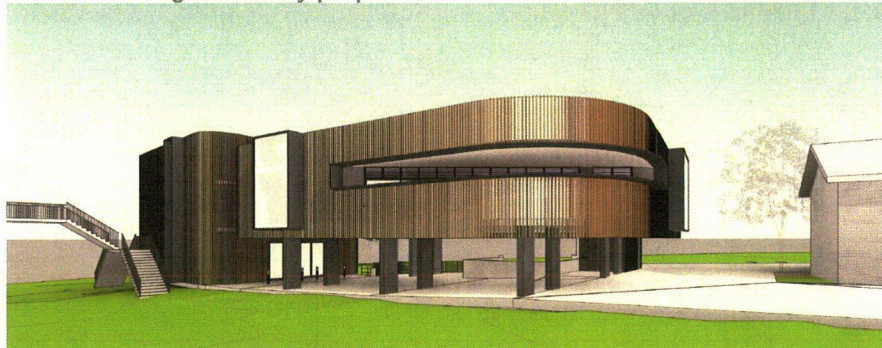
- **Reduction of the overall building bulk and scale.** In particular it is noted that both building forms have been reduced in height and the visual bulk of the aluminium battens has been reduced by thinning the building form. Refer plan extracts below:



Design as submitted



Amended design currently proposed



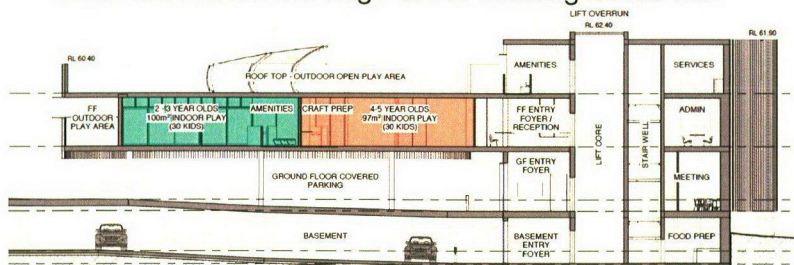
Design as submitted



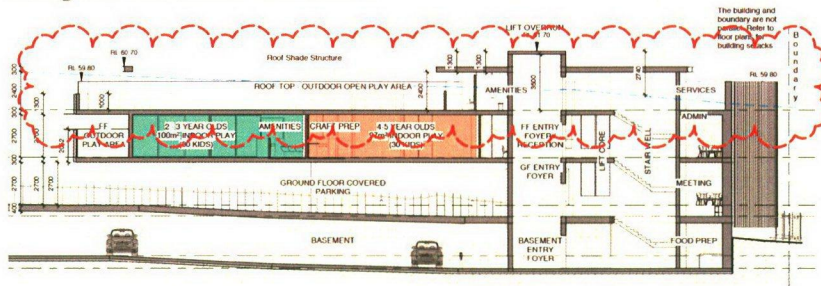
Amended design currently proposed



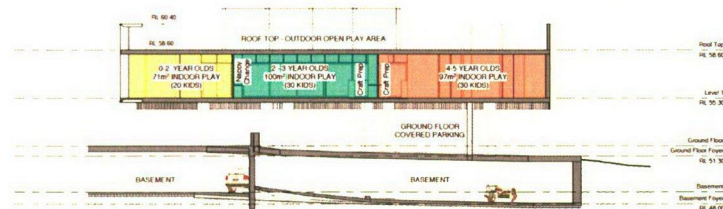
- **Reduction in Childcare Building Height:** The building has been substantially redesigned to reduce the overall maximum height, particularly at the Forest Rd and Bayview St intersection. Notably the height has been reduced in the following areas:
  - at the lift overrun **by 0.7m** from 11.67m (RL62.4) to 10.97m (RL61.7).
  - at the south-western corner (Forest Rd and Bayview St intersection) **by 2.1m** from 11.9m (RL61.9) to 9.8m (RL59.8).
  - at the roof form over the stairs and amenities area **by 1.2m**. This area has been set in from the edge of the building about 1m.



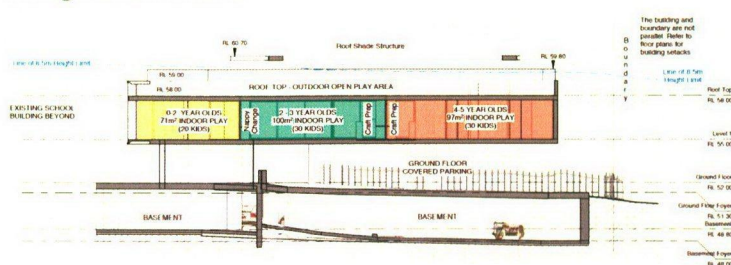
Design as submitted – Section 4



Amended design currently proposed – Section 4



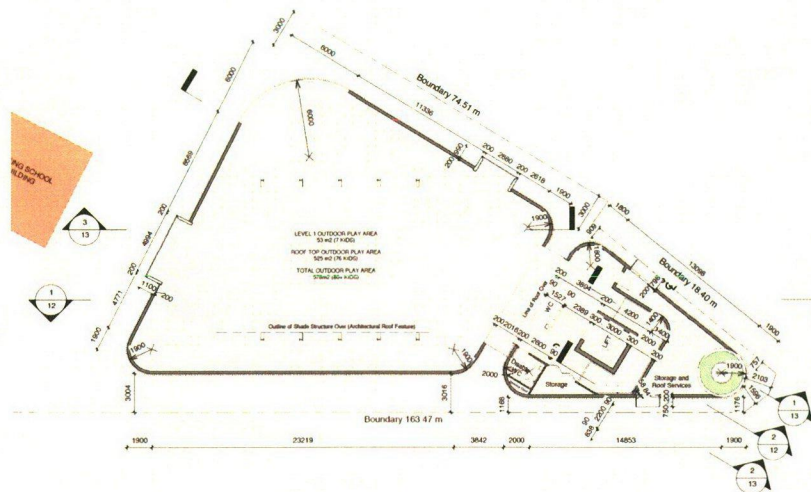
3. Section 7  
Design as submitted



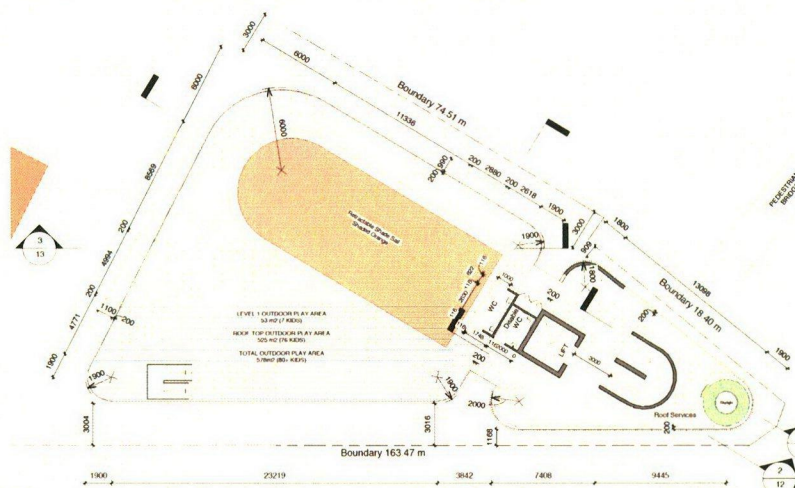
3. Section 7  
Amended design currently proposed



- **Changes to the rooftop feature/shade structure:** The architectural roof and shade feature has been removed and replaced with retractable roof shade structure within a steel frame as shown in the screenshots below.

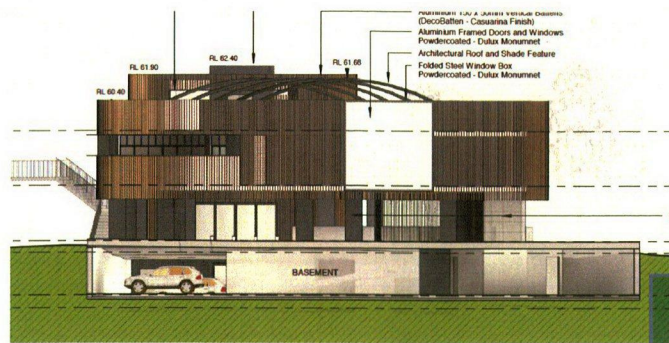


Design as submitted – Roof top plan – north elevation



Amended design currently proposed – Roof top plan

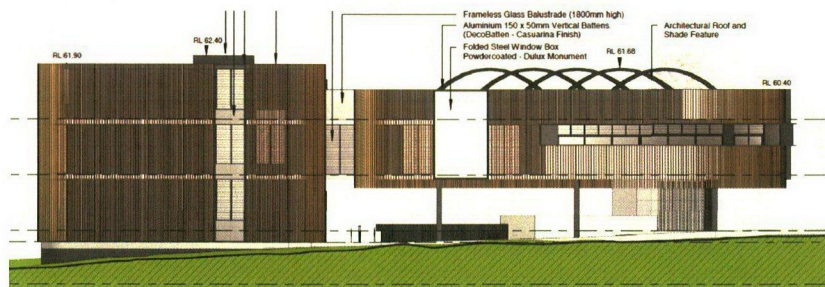




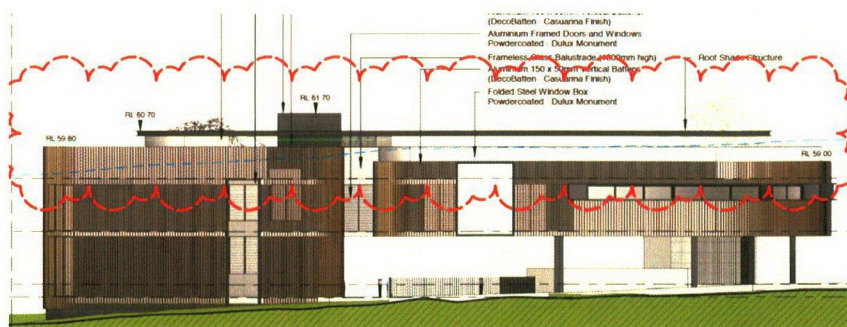
Design as submitted – north elevation



Amended design currently proposed – north elevation



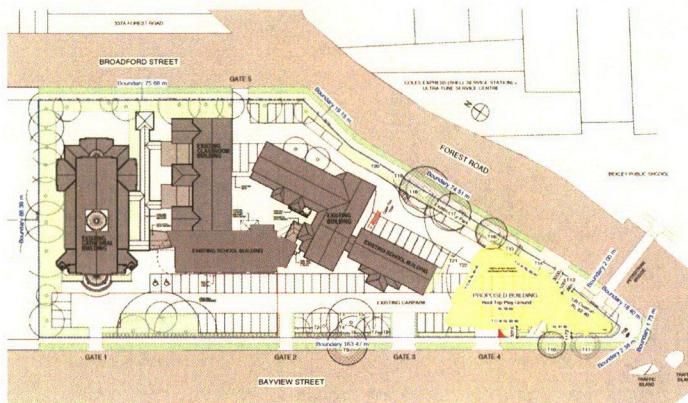
Design as submitted – east elevation



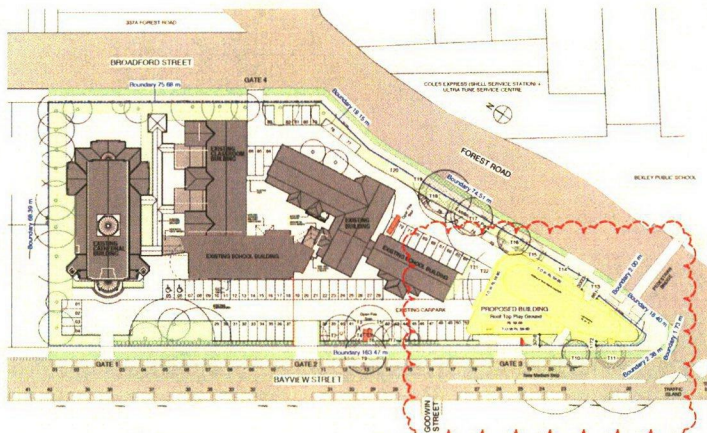
Amended design currently proposed – east elevation



- Reduction in Childcare GFA:** The existing GFA has been clarified across the whole site based on calculations made from approved plans. In this regard it is noted that existing buildings are 3,175 sqm in area. The Gross Floor Area (GFA) of the proposed Childcare Centre has been reduced by 41sq.m from 869sq.m to 828 sqm. Based on a site area of 8,388sq.m this results in a reduction of total FSR over the whole site from 0.48:1 to 0.477:1.
- Changes to site access arrangements:** As noted in the addendum Traffic and Parking Assessment prepared by Hermanote Consultants: *"The proposed access driveway originally located opposite Godwin Street has been deleted. The revised plans provide only one additional access driveway, labelled as 'Gate 2' on the revised site plan providing two-way access and is located away from Godwin Street."*



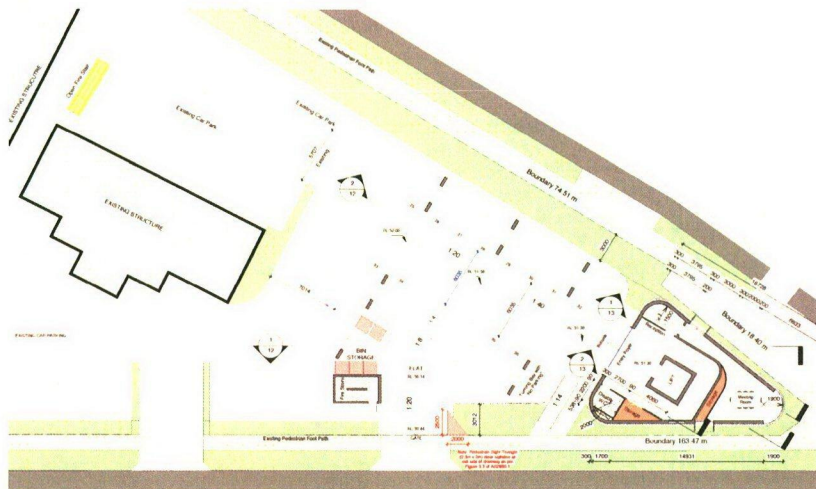
Design as submitted – site plan



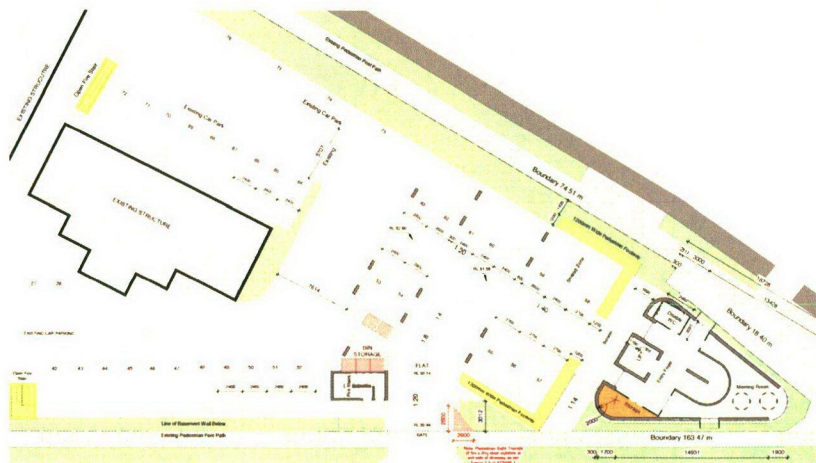
Amended design currently proposed – site plan



- Reconfiguration of parking arrangements:** As noted in the addendum Traffic and Parking Assessment prepared by Hermanote Consultants: *"The revised plans provide a total of 112 off-street car parking spaces, including 100 car spaces as per the previous development consent for the existing church and school and 12 new additional car spaces for the proposed childcare centre. Therefore, the approved 100 car spaces for the previous consent for the church and school will be fully retained. The proposed additional 12 car parking spaces for the childcare centre have been relocated to the ground level and are no longer in the basement."* Refer plan extracts below.



Design as submitted – ground floor plan



Amended design currently proposed – ground floor plan



## 2. Response to Council Letter dated 5<sup>th</sup> December 2019

### A. Car Parking

Council's letter dated 5<sup>th</sup> December 2019 discussed:

The proposed works will result in changes to the existing on-site car parking arrangements. Car parking is required to be calculated across the entire site for each of the uses in accordance with the relevant development consents. The required spaces must be identified on the plans. For example, there are the following conditions of consent within the latest modified approval of DA49/97 (Proposal – *Erection of a Church and reuse of the existing building to comprise a Primary School, English Chapel, community hall and car parking*):

7. 100 off-street parking spaces are to be provided in accordance with the details submitted on Drawing No. 13 as revised on 7 August 1997 and received by Council on 12 August 1997. These spaces are to be linemarked and made freely available to all staff, parishioners and visitors to the premises.

9. 58 stacked parking spaces are to be provided on site in accordance with the details submitted on Drawing No. 13 as revised on 7 August 1997 and received by Council on 12 August 1997. These spaces are to be used during peak attendance - feast days as set out in the Management Plan and on other occasions when demand for parking exceeds 140 spaces.

Council's Development Engineer has reviewed the proposal and provides the following comments:

- The proposed additional driveway annotated as "Gate 3" is not supported and shall be removed from the proposal due to on street issues and being located within a prohibited driveway location as per AS2890.1:2004. Only one additional driveway can be supported on Bayview Street due to the existing southern driveway being utilised for the proposed basement.
- The provided traffic report must address the existing uses and existing demand for parking on the site. The report must detail the existing approved parking spaces and existing accessible parking spaces and the impact the proposal will have on the existing site. 100 off street parking spaces must remain freely available at grade for the existing school and church uses on the site. This enforced through previous active development approvals applicable to the site. The proposal currently reduces the amount of at grade off-street parking available for the existing uses on the site (100 spaces down to approx. 80 spaces) which is not be supported.
- Safety concerns are raised regarding the proposed use of existing off street parking spaces on the site for school kiss and ride (parents drop off). These spaces are not designed for use as high turnover parking spaces and are not supported for parents drop off. Such a provision requires parking spaces designed larger to facilitate safe dropping off (user class 3 as per AS2890.1) and generally requires parallel parking spaces to provide safe children drop off. Considering the majority of the Bayview Street frontage is already signposted no parking during school times, off street drop off (kiss and ride) is not considered necessary and shall be deleted from the proposal.
- Details are to be provided with how the development complies with condition 9 of DA1997/49.



- All off street carpark spaces (existing and proposed) must be numbered, dimensioned and allocated with their respective use on the plans for assessment.
- A road safety audit is to be provided for the development prepared by an accredited road safety auditor as per RDCP2011.
- The basement is proposing excess parking than what is required for the proposed childcare centre under RDCP2011, only 12 off street car parking spaces are required. Excess parking in the basement for the childcare is not considered necessary for the proposal and shall be deleted. Parent drop off spaces (4 spaces) are to be indicated on the plans and are to be designed as user class 3 spaces as per AS2890.1. The remainder spaces (8) are to be allocated as staff parking spaces.
- Under design Criteria 3F of the "Child Care Planning Guideline", separate pedestrian access is to be provided from the car park to the centre entry without the need to walk through the vehicle aisle. This shall be in the provision of a 1200mm wide marked pedestrian footway that does not protrude into the required vehicular manoeuvring areas of the parking facility.
- A turning bay is to be provided within the basement.
- For the childcare centre, 1 accessible space is to be allocated for the parent drop off parking and 1 accessible space is to be allocated for staff.
- A geotechnical report is to be provided for the proposed development, including an assessment of the proposed excavation being close to existing buildings/structures.
- Details are to be provided regarding how the existing uses (church and school) and their operations on the site will be managed during construction of the development.

It appears as though the Operations Plan Monday to Friday would preclude the use of the at grade car parking immediately below the child care centre between 4pm – 6pm. This is because gates 2 and 3 are proposed to be closed during this period. Clarification is required.

The application was considered by the Bayside Traffic Development Advisory Committee who raised the following concerns:

- Queuing in Bayview Street and its impact on Forest Road traffic to access the childcare car park.
- A median island be provided from existing pedestrian refuge up to Godwin Street to prevent U-turns and limit the entry to the carpark to left in and left out movement only.

#### Comment:

An addendum Traffic and Parking Assessment has been provided under separate cover by Hermanote Consultants. The letter outlines all of the proposed changes with respect to parking and access. The letter also addresses the remaining items above.

The following is noted:

*"The revised plans provide a total of 112 off-street car parking spaces, including 100 car spaces as per the previous development consent for the existing church and school and 12 new additional car spaces for the*



*proposed childcare centre. Therefore, the approved 100 car spaces for the previous consent for the church and school will be fully retained.*

*The proposed additional 12 car parking spaces for the childcare centre have been relocated to the ground level and are no longer in the basement. These 12 car parking spaces include 8 car spaces for staff parking and 4 car spaces (minimum 2.6 metres wide as per user class 3 parking) for the drop-off and pick-up of children (including two accessible parking spaces and a shared area with a bollard), in accordance with Council's DCP requirements, AS280.1:2004 and AS2890.6:2009. All existing and proposed car parking spaces have been marked and numbered on the revised plans, indicating their intended use." The letter also outlines the proposed carpark layout and circulation, driveways and road safety and queuing on Bayview Street.*

A concept Construction Traffic Management Plan (CTMP) has also been prepared by Hemanote Consultants and is also submitted under separate cover. The plan explains how potential impacts will be managed acceptably during the construction period.

As requested, a Geotechnical Investigation Report has been prepared by Geo-Environmental Engineering and is submitted under separate cover. The report concludes:

*"Based on the results of the investigation, the proposed development is considered feasible. Additionally, GEE concludes that the existing rock formation can withstand the proposed loads to be imposed, and standard shoring works (provided they are designed by a structural engineer), will ensure the stability of the excavation and provide protection and support of the adjoining properties. The geotechnical issues associated with the proposed development have been addressed by the investigation and are discussed in this report. If, during construction, any conditions are encountered that vary significantly from those described or inferred in the above report, it is a condition of the report that we be advised so that those conditions, and the conclusions discussed in the report, can be reviewed and alternative recommendations assessed, if appropriate."*

## **B. Gross Floor Area**

Council's letter dated 5<sup>th</sup> December 2019 discussed:

More accurate information is required to substantiate the total amount of existing gross floor on the site. This might include the use of existing floor plans (i.e. – from previous approvals) or a surveyor undertaking an internal survey.

The level 1 outdoor play area is considered to constitute gross floor area, given that it is roofed and incorporates external walls all greater than 1.4m in height above the finished floor level.

### Comment:

The existing GFA has been clarified across the whole site based on calculations made from approved plans. These can be provided to Council if



required. In this regard it is noted that existing buildings are 3,175 sqm in area.

The Gross Floor Area (GFA) of the proposed Childcare Centre has been reduced by 41sq.m from 869sq.m to 828 sqm. Based on a site area of 8,388sq.m this results in a reduction of total FSR over the whole site from 0.48:1 to 0.477:1.

It is also noted that the rooftop open outdoor play area will now comprise a glass balustrade of 1.8m in height above floor level. The solid wall component will be only 1m in height. Given that the large open outdoor area is over 500sq.m and the majority of the surround will be transparent glass it is not considered that this area should constitute calculable floor area.

### C. Building Height

Council's letter dated 5<sup>th</sup> December 2019 discussed:

The proposed development is well above the 8.5m building height development standard contained within Rockdale LEP 2011. The elements in breach of the height limit would contribute in creating a large, bulky building with a high degree of prominence when viewed from various parts around the perimeter of the site, including from existing dwellings opposite the site in Bayview Street. The submitted clause 4.6 variation has been considered in the assessment of the application, but is not supported. Consistent with the advice provided at Pre-DA stage, compliance with the height limit is required.

Given the design concerns raised with the appearance of the undercroft car parking area at grade and the additional parking proposed for the child care centre beyond the DCP requirements, you may wish to investigate re-dispersing some of the floor area to the ground floor so as to reduce the height of the development.

#### Comment:

The building has been substantially redesigned to reduce the overall maximum height, particularly at the Forest Rd and Bayview St intersection. Notably the height has been reduced in the following areas:

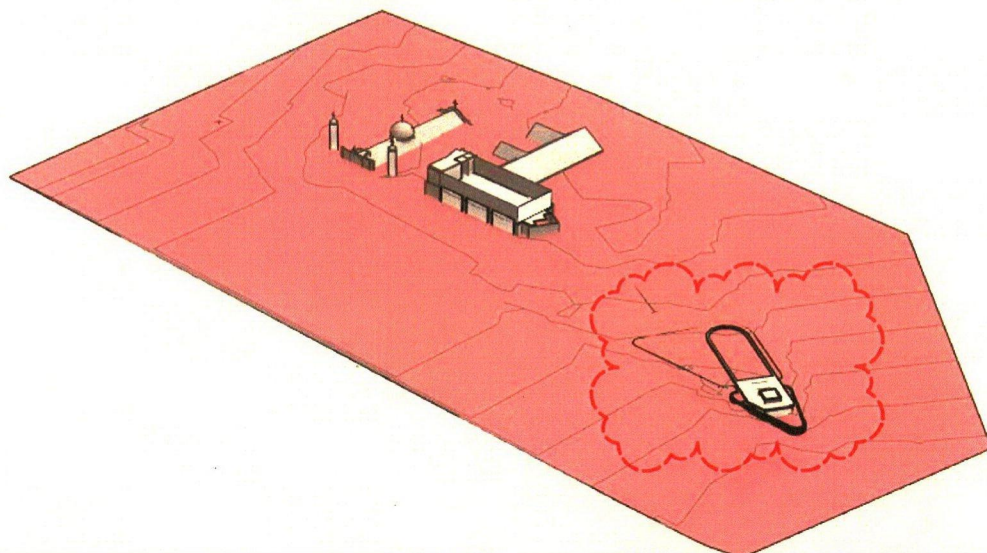
- at the lift overrun **by 0.7m** from 11.67m (RL62.4) to **10.97m** (RL61.7).
- at the south-western corner (Forest Rd and Bayview St intersection) **by 2.1m** from 11.9m (RL61.9) to **9.8m** (RL59.8).
- at the roof form over the stairs and amenities area **by 1.2m**. This area has been set in from the edge of the building about 1m.

A Clause 4.6 variation request has been prepared for the proposal and is included in Appendix A. The clause 4.6 variation request outlines that the proposed development has been carefully designed in response to the opportunities and constraints of the subject site and its specific context in the Bexley locality and alongside existing development, including the heritage



listed buildings, onsite. The proposed maximum building height exceeds the maximum building height of 8.5m for a small portion of the development only, with the roof top outdoor area generally proposed under 8.5m and the encroachment generally proposed towards the southern portion of the development and more centrally located than in the originally submitted drawings. It is considered that there are sufficient environmental planning grounds to justify breaching the height standard in this instance because:

- **The non-compliance is limited in extent and is less than the existing church and school non compliances.** It is noted that the maximum height of 10.97m is to the lift overrun which is a small element of the roof only, and that the remainder of the development sits well below this level. Other non compliant areas include part of the southern portion of the centre, some of which has been stepped back from the façade and the retractable shade sails and the steel frame. A significant portion of the main building form sits below 8.5m (achieving compliance). Refer to the height plane extract below:



Source: Couvaras Architects

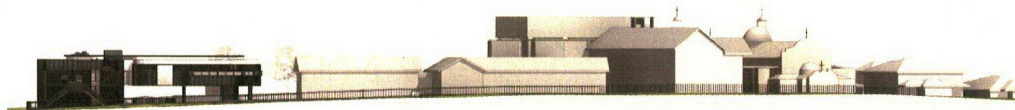
Figure 1: Height Plane Diagram Extract

- **The more visible areas of the height non compliance facing Forest Road and Bayview Street form an intrinsic part of the overall design aesthetic on the prominent street corner:** The screen wall facing the street towards the southern end of the building conceals the location of services and is a well designed feature element located on a prominent corner location. This provides positive street aesthetic and is appropriate given its corner location.
- **The lift and stairs provide important rooftop access:** The covered stair and lift access to the rooftop provide disabled access to the rooftop. This is considered to be a desirable outcome, particularly for staff or children who are disabled. The covered stair access are desirable as they provide all-



weather access to the rooftop playground. The playground located at this level is desirable as it reduces noise from the street.

- **Requiring full compliance would restrict rooftop use:** Requiring full compliance would prevent a minor covered rooftop area from being provided. This would in turn prevent the use of the rooftop on hot days, sunny days (due to glare, potential for sun burn), or rainy days. This is considered an undesirable outcome for children to be cared for on site and their health and wellbeing. Requiring full compliance would also prevent suitable balustrading from being provided, endangering those using the rooftop. This is considered to be highly undesirable.
- **The applicable controls relate to low density residential uses however existing uses onsite are for places of public worship and educational establishments:** The site's R2 zoning relates to a low density residential setting however the site including the place of public worship and educational establishment present different uses immediately adjacent the proposed child care facility. The facility, including a varied maximum building height, is therefore considered appropriate alongside these uses onsite and in proximity to other educational and commercial uses. Appropriate separation distances also ensure the proposal will not impact any residential uses near the child care facility.
- **The proposed variation sits well alongside existing development onsite, including the heritage listed items:** The proposal has been designed in accordance with advice received from Weir Phillips Heritage and Planning Consultants (refer Heritage Impact Statement, included under separate cover with the main application) and achieves a comparable bulk and scale to those other existing developments onsite, which are multi storey and also exceed the 8.5m height control.
- **The proposed variation results in a built form which is compatible with development in the wider site context:** The proposed variations do not prevent the proposed development from being compatible with and comparable to surrounding development on site (as discussed above) and development on surrounding lots. Context Elevations have been prepared and are provided with architectural plans under separate cover demonstrating the proposed development in the wider context of the site. Notably the building will provide a modern design resolution of the corner part of this site complex. This will be appropriate from an urban design perspective in the changing local area. Refer to Figures 2-4 below:

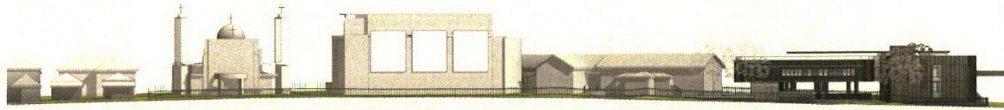


1. North East Context  
Scale 1:500

Source: Couvaras Architects

Figure 2: North Eastern Context Elevation Extract

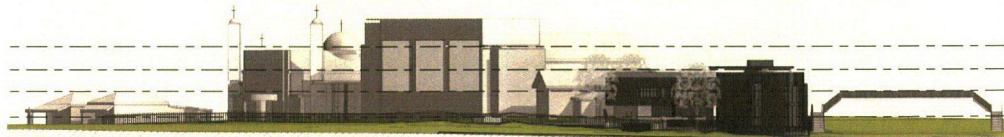




2. North West Context  
Scale 1 : 500

Source: Couvaras Architects

Figure 3: North Western Context Elevation Extract



3. South Context  
Scale 1 : 500

Source: Couvaras Architects

Figure 4: Southern Context Elevation Extract

Figures 2-4 above clearly demonstrate the appropriateness of the proposed building height in the wider site context. It is readily apparent that the proposed building height (including height variation) does not present as an anomaly in the wider locality. It is comparable to and compatible with surrounding development on site and surrounding. It is visibly lower in height and scale than existing development on site, and allows an appropriate transition to surrounding development. 6-7 storey residential uses are also noted to the north east of the site, and the development provides an appropriate scale given the varied building heights evident across the locality and the various zones proximate to the site (including B1 and B4 business zones north east of the site).

- The proposed variation will not have any adverse impacts upon adjacent or nearby development:** The proposal does not give rise to any unreasonable adverse amenity or other environmental impacts as discussed throughout this document and the Statement of Environmental Effects and its appendices. The proposal ensures amenity for the occupants of the proposed development and existing and potential future nearby development in terms of visual and acoustic privacy through the use of appropriate building setbacks and separation, building orientation, appropriate acoustic treatments, built form screening elements and landscape screening elements. Appropriate levels of solar access and ventilation are also provided to the proposed development. The proposal also benefits from the site context whereby Forest Road and Bayview Street provide significant building separation distances. Particularly, commercial uses immediately south of the development ensure there will be no unreasonable overshadowing impacts, and dwellings to the south west will not be impacted significantly as demonstrated on shadow diagrams included under separate cover. Accordingly, the proposal is considered to be appropriate for the site and its context.
- The proposed variation will not be readily apparent as a non-compliant element:** The proposed variation is well integrated with the overall



proposed development, and is well setback from site boundaries. These considerations as well as the appropriateness within the wider site context (as discussed above) ensure that the proposed variation will not present or be readily apparent as non-compliant elements.

- **The proposed variation does not prevent the achievement of the requirements of Clause 5.10 Heritage Conservation:** The proposal has been designed in accordance with advice received from Weir Phillips Heritage and Planning Consultants (refer Heritage Impact Statement, included under separate cover) and achieves an appropriate built form and scale in responding to the heritage identification of the buildings onsite. The HIS concludes the following:

*"This Heritage Impact Statement has been prepared in conjunction with a DA for a new building at No. 339-377 Forest Road. The existing buildings on the site will be retained and a modern education facility will be added to the southern tip of the site. The proposed building, by means of its contemporary appearance and use of modern materials, will make a positive contribution to the streetscape. The set back from the original building will maintain the existing view angles and visibility of the original Bexley Public School buildings from the street.*

*The site's traditional use as an education facility will be maintained and enhanced by the additional services provided by the new building.*

*The proposed materials, finishes, colours and articulation of the proposed building will not mimic or replicate the original building on site and are clearly indefinable as a high- quality addition to the site dating from the modern era.*

*The neighbouring heritage listed items will not be impacted by the proposed works. The proposed works fulfil the objectives for works as set out by the Rockdale LEP 2011 and the Rockdale DCP 2011."*

Note also that Clause 5.10(10) Conservation Incentives provides that *"The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan."* Given the proposal exceeds the maximum HOB under the plan, and generally meets the objectives set out in Clause 5.10(10), it is considered that the clause applies and the consent authority can approve the proposal based on this consideration.

- **The proposal is consistent with all other key RLEP 2011 requirements:** The proposal is consistent with all other key RLEP 2011 requirements. The proposal is also consistent with the objectives of the R2 – Low density residential zone and the objectives of Clause 4.3 Height of buildings as



demonstrated at Section 5 of this Clause 4.6 variation. The proposed height variation does not result in any other non compliances with RLEP 2011.

- **The built form including height variation proposed will be compatible with the existing and desired built form of the locality:** The proposal is considered to present an integrated architectural and landscape proposal consistent with the existing and desired built form of the locality and Bexley town centre, including the natural landscape qualities and the educational uses onsite, which will be enhanced by the proposal. The proposed development has been carefully designed in response to the specific constraints and opportunities of the subject site. It provides for a child care facility addressing both Forest Road and Bayview Street to create a more active street frontage, with suitable separation distances ensuring there will be no significant impact on residential uses located within proximity of the site. The delivery of a new child care facility will provide for the child care needs of the community in an area where such services are in demand. The proposed height variation is well integrated with the overall built form and will not present as a non compliant form (as discussed), and in turn will not prevent the proposal from being compatible with the existing and desired built form of the locality.
- **The non-compliant elements of the proposal satisfy the relevant matters outlined in section 1.3 of the Environmental Planning and Assessment Act 1979. This is outlined below:**
  - *“(c) to promote the orderly and economic use and development of land,”:* The design of the proposal has been carefully considered and the area of non-compliance will not present as a non compliant element given its quality design and integration with the overall built form. It results in a built form which is appropriate for the site and wider site context. The non-compliant areas promote the orderly use of land in that they will have no adverse environmental impacts on adjoining properties in terms of visual bulk and scale, overshadowing, privacy or loss of sunlight. By allowing the height breach the property owners will be facilitated in economically developing their land.
  - *“(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,”* The proposed variation is within the building footprint and will not contribute to impacts to flora or fauna. The proposed height breach will have no adverse implications for the management of the environment.
  - *“(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),”* The site is not known to contain any items of Aboriginal cultural heritage, and none are anticipated to be encountered given that the site has been previously cleared and developed. The height variation will not create any implications in relation to this. The proposal is supported by a Heritage Impact Statement and



satisfies the requirements of Clause 5.10 of RLEP 2011 (as previously discussed).

- *“(g) to promote good design and amenity of the built environment”.*  
Despite the height breach the proposed development is of high architectural merit. It has been sensitively designed and incorporates modulation, articulation and high-quality finishes. The proposed design is considerate in ensuring compatibility with adjacent and surrounding development and is presented appropriately when viewed from the streetscapes. The appropriate design ensures no unreasonable adverse environmental impacts will result from the proposed works, including in terms of privacy, view sharing, visual intrusion and overshadowing. Given that it will not result in any adverse impacts and will result in a building form that is visually appropriate for its context it will satisfy this object of the Act.

#### **D. Shading Device**

Council's letter dated 5<sup>th</sup> December 2019 discussed:

Details of the proposed shading device above the rooftop play area are required. It is noted that the shade feature is sought be considered as an architectural roof feature under clause 5.6 of Rockdale LEP 2011.

This aspect of the proposal does not satisfy objective (1)(b) in clause 5.6 as the majority of the roof of the child care centre is not contained within the maximum building height standard. In addition, once a shade sail device is provided to the curved framing elements shown on the current drawings, the visual interest of the structure will be compromised contrary to objective (1)(a) in clause 5.6.

#### Comment:

The shading device as previously proposed has been removed and therefore no architectural design feature is required.

Notably the proposed shade sails will be retractable within a steel structure. This structure will have a RL of 60.7 and will range from 9.2m to 10.5m above ground level.

#### **E. Front Fence**

Council's letter dated 5<sup>th</sup> December 2019 discussed:

The proposal involves significant excavation works that is likely to compromise the structural integrity of the existing wall/fence along the Bayview Street frontage. The design outcomes proposed with respect to the fence is required to be addressed.



Comment:

It is proposed that the fence will be rebuilt as is and will therefore not require significant excavation. Refer landscape and architectural plans under separate cover.

**F. Landscaping and extent of basement excavation**

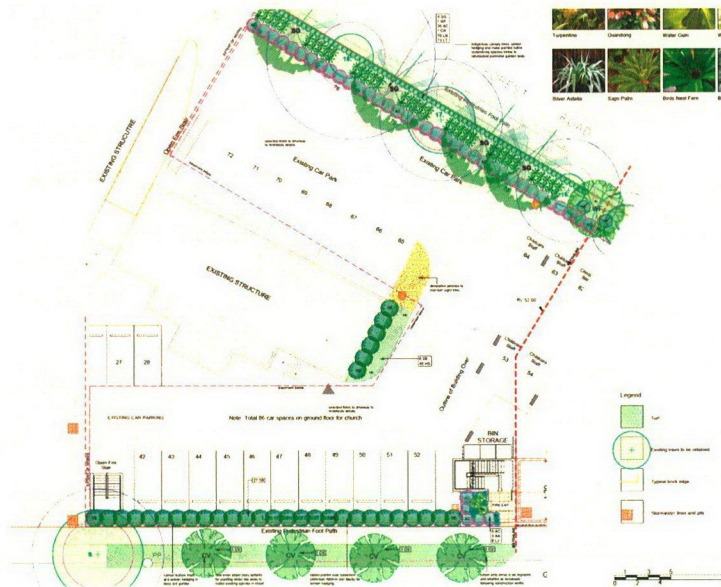
Council's letter dated 5<sup>th</sup> December 2019 discussed:

Improved compensatory tree planting is required along the Bayview Street frontage to offset the proposed tree removal.

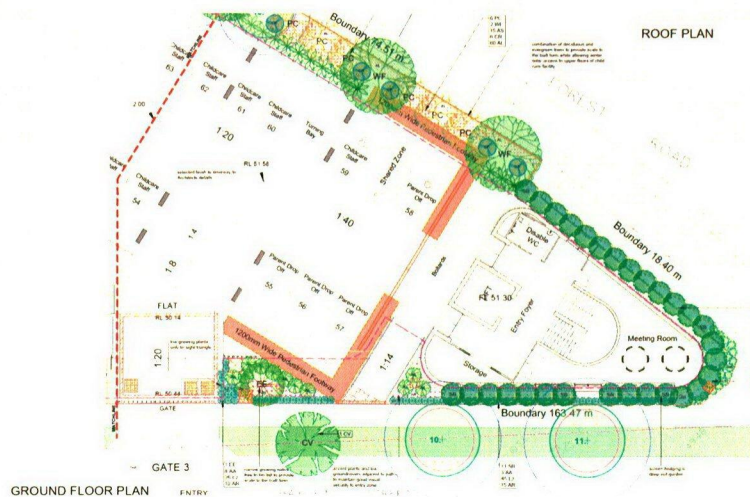
The footprint of the proposed basement level is considered to be excessive and denies the opportunity for deep soil planting along Bayview Street.

Comment:

These issues have been discussed further with council and have been resolved in the amended landscape plan. Refer plan extracts below:







## G. Environmental Health

Council's letter dated 5<sup>th</sup> December 2019 discussed:

The application was referred to Council's Environmental Health Officer who provided the following comments:

The acoustic report provided by Acoustic Logic dated 27 April 2019 for the proposed childcare premises requires additional information prior to any determination of this application:

- The acoustic report makes no reference that staff will be entering the premises in relation to hours of operation at 5am (Night time period\*) this may also include early drop off of children.
- No details of the mechanical ventilation / air conditioning, cool room motors and the alarm system which may impact on the surrounding residents.
- Details of the time and the number of proposed kids that will be playing in the outdoor/rooftop play area (time schedule) between the groups.
- Will the proposed childcare centre playtime (morning tea and lunchtime) be carried out at the same time as the current proposed school times. Will this have an additional noise impact towards residents as a result of extra 80 children on site?
- There are no details of the current equipment located on the outdoor/rooftop play area.
- Details of any amplified or speaker announcements for the proposed childcare centre (outdoor music).
- Possible noise amenity impact from the child care centre and discuss measures to mitigate the amenity disturbance towards surrounding residents.

Note: \* Night time period (10pm to 7am) is defined in the guidelines published by the NSW EPA. The night time period is the most sensitive time as it is the sleeping period for most residents.

In addition to the above:

It appears as though the acoustic report does not recommend treatments (Part 8 of the report) for the level 1 outdoor play area with respect to noise intrusion. Further, the traffic noise levels stated in Part 7.2.2 are from September 2016 and April 2017 which are outdated and cannot be relied upon.



Comment:

An updated acoustic report has been prepared to address these matters and is included under separate cover. It is also noted that the report concludes:

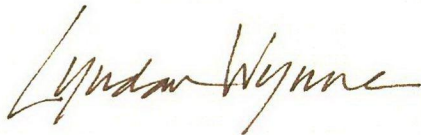
*"Potential noise impacts on nearby residential properties from the operation of the proposed childcare centre to be located at 339 Forest Road, Bexley have been assessed in this report. The potential impacts have been assessed against the acoustic criteria of the Bayside Council Requirements (Rockdale DCP 2011). Provided that the acoustic treatments set out in section 8 of this report are adopted, both noise emissions and noise intrusion from external sources will comply with the nominated criteria."*

3. A Response to the key items raised in resident submissions (Refer Appendix B)

These matters are addressed in Appendix B to this letter.

We trust this should now allow the assessment to continue and we look forward to a favorable outcome. Should you have any queries or wish to discuss the issues further please do not hesitate to call me on 0423 040 529.

Yours Faithfully



Lyndall Wynne  
BTP  
Director



# Appendix A: Amended Clause 4.6 Variation - Building Height

## A. Introduction

The proposal is for the demolition of existing awning and shed structures, and construction of a centre-based child care facility with associated play areas and basement parking at 339-377 Forest Road, Bexley.

The subject site is identified as having a maximum building height of 8.5m under clause 4.3(2) of Rockdale Local Environmental Plan 2011 (RLEP 2011) and as shown on the Height of Buildings Map.

The building has been substantially redesigned to reduce the overall maximum height, particularly at the Forest Rd and Bayview St intersection. Notably the height has been reduced in the following areas:

- at the lift overrun **by 0.7m** from 11.67m (RL62.4) to **10.97m** (RL61.7).
- at the south-western corner (Forest Rd and Bayview St intersection) **by 2.1m** from 11.9m (RL61.9) to **9.8m** (RL59.8).
- at the roof form over the stairs and amenities area **by 1.2m**. This area has been set in from the edge of the building about 1m.

Accordingly the proposed child care centre has a maximum building height of 10.97m please confirm and therefore presents a maximum numerical variation of 2.47m and 29% to the height development standard.

Clause 4.6 of the Rockdale LEP 2011, Exceptions to development standards provides opportunity for Council to vary the controls where the concurrence of the Secretary has been obtained and the written request adequately addresses the following four items:

- **Strict compliance is unreasonable and unnecessary:** The request must demonstrate that strict compliance with a numerical standard is unreasonable or unnecessary in the circumstances of the case;
- **Environmental planning grounds:** The request must show that there are sufficient environmental planning grounds to justify contravening the development standard;
- **Public interest:** The variation must demonstrate that the proposal would be in the public interest; and



- **Other matters:** The variation must address whether or not the contravention of the development standard raises any matters of significance for state or regional planning.

This document is a formal request for a variation to the maximum building height development standard under RLEP 2011. It has been prepared in accordance with the principles outlined in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (Initial Action).

## B. Strict Compliance Unreasonable and Unnecessary

Under Clause 4.6 (3)(a) of RLEP 2011 *“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case”*.

The Initial Action case is referable to the judgement of Preston CJ in *Wehbe v Pittwater Council* [2007] NSWLEC 827 (Wehbe) which sets out five ways of demonstrating that compliance with a development standard is unreasonable or unnecessary. Cases such as *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 and *Randwick Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 have confirmed that adopting the ‘Wehbe’ principles when assessing a clause 4.6 submission in respect of clause 4.6(3)(a) is an appropriate approach. It is necessary that the proposal meets one or more of the Wehbe principles (although the Wehbe principles are not the only basis upon which ‘unreasonable or unnecessary may be demonstrated).

Five ways from the Wehbe judgement of demonstrating that compliance with a development standard is unreasonable or unnecessary are:

1. *“if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)”*
2. *“the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary”*
3. *“the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable”*
4. *“the development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable”*



5. *"the zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary"*

For the purpose of this variation request, only the first of the Wehbe principles is relevant. Set out below is an extract from the judgement in Wehbe together with a response in relation to the subject application:

**Compliance with objectives of the standard:** *"The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard. The rationale is that development standards are not ends in themselves but means of achieving ends. .... The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."*<sup>1</sup>

Despite the breach of the maximum building height control, the proposal achieves the objectives for maximum building height in Clause 4.3 as outlined below.

Clause 4.3 Objective	Assessment Comment
<i>"to establish the maximum limit within which buildings can be designed and floor space can be achieved"</i>	The proposal is compliant with FSR requirements, and the architectural and landscape proposals are well integrated with the site's context and location within the Bexley locality. The proposed height has been provided in response to the wider site and surrounding contexts, presenting building heights which are lesser than existing surrounding buildings, and compatible with and comparable to the height, bulk and scale of existing built forms in the surrounding context. These considerations result in the appropriate provision and location of FSR and associated roof forms and lift overrun. The proposed development will achieve this objective to at least an equal degree than a proposal that complied with the standard would.
<i>"to permit building heights that encourage high quality urban form"</i>	The proposed built form achieves a high quality urban form through addressing both street frontages and the use of architectural features including glass balustrades, vertical battens, concrete columns, and large folded steel window boxes to add visual interest and articulation to the proposal. As discussed above, the proposed height has been provided in response to the wider site and surrounding contexts. The proposed height allows for the high quality urban form discussed. The proposed development will achieve this objective to at least an equal degree than a proposal that complied with the standard would.
<i>"to provide building heights that maintain satisfactory sky exposure and daylight to"</i>	"The proposal will not result in any unreasonable adverse impacts to adjoining and nearby properties in terms of shadowing or daylight access. An appropriate design and site context which provides for

<sup>1</sup> Preston CJ in Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe)



<i>buildings, key areas and the public domain"</i>	significant building separation distances particularly ensures no unreasonable impacts will result. The areas of height non compliance are well integrated with the overall built form and separated from site boundaries so as to avoid and minimise impacts in this regard. The proposed development will achieve this objective to at least an equal degree than a proposal that complied with the standard would.
<i>"to nominate heights that will provide an appropriate transition in built form and land use intensity"</i>	The proposed development has been proposed at a height that reflects the varied prevailing height planes in the locality and onsite. Context elevations have been provided with architectural plans under separate cover. These demonstrate the appropriateness of the proposed height, and the ability of the proposed height to transition between existing built forms on site as well as upon surrounding lots. The proposed development will achieve this objective to at least an equal degree than a proposal that complied with the standard would.

Despite the height breach the proposal also satisfies the R2 zone objectives:

<b>R2 Zone Objective</b>	<b>Assessment Comment</b>
<i>"To provide for the housing needs of the community within a low density residential environment."</i>	The proposal is for a child care facility however does not impact the ability of adjacent sites to achieve this objective. The proposed height does not prevent surrounding sites achieving this objective. The proposed development will achieve this objective to at least an equal degree than a proposal that complied with the standard would.
<i>"To enable other land uses that provide facilities or services to meet the day to day needs of residents."</i>	The proposal is for a child care facility on a lot with other compatible educational and religious land uses existing, and so will provide a facility that meets the day to day needs of residents in an area where child care is in high demand. The proposed height does not prevent surrounding sites achieving this objective. The proposed development will achieve this objective to at least an equal degree than a proposal that complied with the standard would.
<i>"To ensure that land uses are carried out in a context and setting that minimises any impact on the character and amenity of the area."</i>	The proposed development has been proposed at a height and scale that reflects the varied prevailing height planes in the locality and onsite and that mitigates any potential impacts on the character or amenity of the locality. As discussed, context elevations have been provided with architectural plans under separate cover. The proposed height has been provided in response to the wider site and surrounding contexts, presenting building heights which are lesser than existing surrounding buildings, and compatible with and comparable to the height, bulk and scale of existing built forms in the surrounding context. The proposed development will achieve this objective to at least an equal degree than a proposal that complied with the standard would.

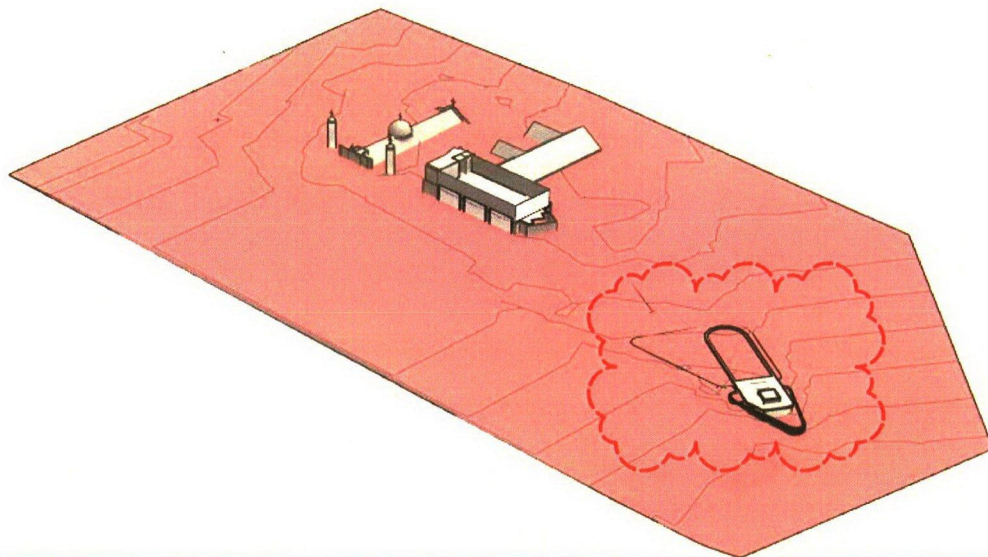
## C. Environmental Grounds

Under Clause 4.6 (3)(b) of RLEP 2011 *"Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: .....(b) that there are*



**sufficient environmental planning grounds to justify contravening the development standard”.**

- **The non-compliance is limited in extent and is less than the existing church and school non compliances.** It is noted that the maximum height of 10.97m is to the lift overrun which is a small element of the roof only, and that the remainder of the development sits well below this level. Other non compliant areas include part of the southern portion of the centre, some of which has been stepped back from the façade and the retractable shade sails and the steel frame. A significant portion of the main building form sits below 8.5m (achieving compliance). Refer to the height plane extract below:



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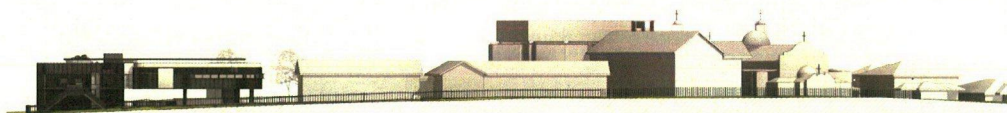
Figure 1: Height Plane Diagram Extract

- **The more visible areas of the height non compliance facing Forest Road and Bayview Street form an intrinsic part of the overall design aesthetic on the prominent street corner:** The screen wall facing the street towards the southern end of the building conceals the location of services and is a well designed feature element located on a prominent corner location. This provides positive street aesthetic and is appropriate given its corner location.
- **The lift and stairs provide important rooftop access:** The covered stair and lift access to the rooftop provide disabled access to the rooftop. This is considered to be a desirable outcome, particularly for staff or children who are disabled. The covered stair access are desirable as they provide all-weather access to the rooftop playground. The playground located at this level is desirable as it reduces noise from the street.
- **Requiring full compliance would restrict rooftop use:** Requiring full compliance would prevent a minor covered rooftop area from being provided. This would in turn prevent the use of the rooftop on hot days, sunny days



(due to glare, potential for sun burn), or rainy days. This is considered an undesirable outcome for children to be cared for on site and their health and wellbeing. Requiring full compliance would also prevent suitable balustrading from being provided, endangering those using the rooftop. This is considered to be highly undesirable.

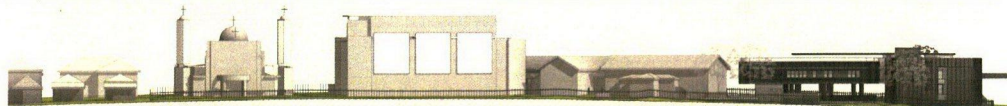
- **The applicable controls relate to low density residential uses however existing uses onsite are for places of public worship and educational establishments:** The site's R2 zoning relates to a low density residential setting however the site including the place of public worship and educational establishment present different uses immediately adjacent the proposed child care facility. The facility, including a varied maximum building height, is therefore considered appropriate alongside these uses onsite and in proximity to other educational and commercial uses. Appropriate separation distances also ensure the proposal will not impact any residential uses near the child care facility.
- **The proposed variation sits well alongside existing development onsite, including the heritage listed items:** The proposal has been designed in accordance with advice received from Weir Phillips Heritage and Planning Consultants (refer Heritage Impact Statement, included under separate cover with the main application) and achieves a comparable bulk and scale to those other existing developments onsite, which are multi storey and also exceed the 8.5m height control.
- **The proposed variation results in a built form which is compatible with development in the wider site context:** The proposed variations do not prevent the proposed development from being compatible with and comparable to surrounding development on site (as discussed above) and development on surrounding lots. Context Elevations have been prepared and are provided with architectural plans under separate cover demonstrating the proposed development in the wider context of the site. Notably the building will provide a modern design resolution of the corner part of this site complex. This will be appropriate from an urban design perspective in the changing local area. Refer to Figures 2-4 below:



1. North East Context  
Scale 1:500

Source: Couvaras Architects

Figure 2: North Eastern Context Elevation Extract

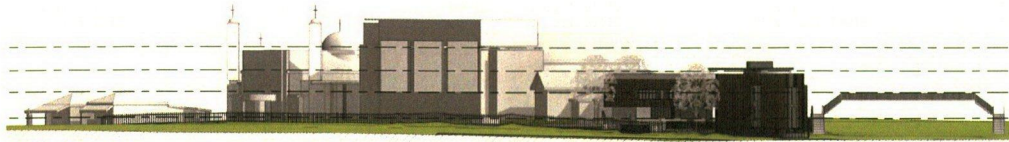


2. North West Context  
Scale 1:500

Source: Couvaras Architects

Figure 3: North Western Context Elevation Extract





3. South Context

Scale 1 : 500

Source: Couvaras Architects

Figure 4: Southern Context Elevation Extract

Figures 2-4 above clearly demonstrate the appropriateness of the proposed building height in the wider site context. It is readily apparent that the proposed building height (including height variation) does not present as an anomaly in the wider locality. It is comparable to and compatible with surrounding development on site and surrounding. It is visibly lower in height and scale than existing development on site, and allows an appropriate transition to surrounding development. 6-7 storey residential uses are also noted to the north east of the site, and the development provides an appropriate scale given the varied building heights evident across the locality and the various zones proximate to the site (including B1 and B4 business zones north east of the site).

- The proposed variation will not have any adverse impacts upon adjacent or nearby development:** The proposal does not give rise to any unreasonable adverse amenity or other environmental impacts as discussed throughout this document and the Statement of Environmental Effects and its appendices. The proposal ensures amenity for the occupants of the proposed development and existing and potential future nearby development in terms of visual and acoustic privacy through the use of appropriate building setbacks and separation, building orientation, appropriate acoustic treatments, built form screening elements and landscape screening elements. Appropriate levels of solar access and ventilation are also provided to the proposed development. The proposal also benefits from the site context whereby Forest Road and Bayview Street provide significant building separation distances. Particularly, commercial uses immediately south of the development ensure there will be no unreasonable overshadowing impacts, and dwellings to the south west will not be impacted significantly as demonstrated on shadow diagrams included under separate cover. Accordingly, the proposal is considered to be appropriate for the site and its context.
- The proposed variation will not be readily apparent as a non-compliant element:** The proposed variation is well integrated with the overall proposed development, and is well setback from site boundaries. These considerations as well as the appropriateness within the wider site context (as discussed above) ensure that the proposed variation will not present or be readily apparent as non-compliant elements.
- The proposed variation does not prevent the achievement of the requirements of Clause 5.10 Heritage Conservation:** The proposal has



been designed in accordance with advice received from Weir Phillips Heritage and Planning Consultants (refer Heritage Impact Statement, included under separate cover) and achieves an appropriate built form and scale in responding to the heritage identification of the buildings onsite. The HIS concludes the following:

*"This Heritage Impact Statement has been prepared in conjunction with a DA for a new building at No. 339-377 Forest Road. The existing buildings on the site will be retained and a modern education facility will be added to the southern tip of the site. The proposed building, by means of its contemporary appearance and use of modern materials, will make a positive contribution to the streetscape. The set back from the original building will maintain the existing view angles and visibility of the original Bexley Public School buildings from the street.*

*The site's traditional use as an education facility will be maintained and enhanced by the additional services provided by the new building.*

*The proposed materials, finishes, colours and articulation of the proposed building will not mimic or replicate the original building on site and are clearly indefinable as a high- quality addition to the site dating from the modern era.*

*The neighbouring heritage listed items will not be impacted by the proposed works. The proposed works fulfil the objectives for works as set out by the Rockdale LEP 2011 and the Rockdale DCP 2011."*

Note also that Clause 5.10(10) Conservation Incentives provides that *"The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan."* Given the proposal exceeds the maximum HOB under the plan, and generally meets the objectives set out in Clause 5.10(10), it is considered that the clause applies and the consent authority can approve the proposal based on this consideration.

- **The proposal is consistent with all other key RLEP 2011 requirements:** The proposal is consistent with all other key RLEP 2011 requirements. The proposal is also consistent with the objectives of the R2 – Low density residential zone and the objectives of Clause 4.3 Height of buildings as demonstrated at Section 5 of this Clause 4.6 variation. The proposed height variation does not result in any other non compliances with RLEP 2011.
- **The built form including height variation proposed will be compatible with the existing and desired built form of the locality:** The proposal is considered to present an integrated architectural and landscape proposal consistent with the existing and desired built form of the locality and Bexley town centre, including the natural landscape qualities and the educational



uses onsite, which will be enhanced by the proposal. The proposed development has been carefully designed in response to the specific constraints and opportunities of the subject site. It provides for a child care facility addressing both Forest Road and Bayview Street to create a more active street frontage, with suitable separation distances ensuring there will be no significant impact on residential uses located within proximity of the site. The delivery of a new child care facility will provide for the child care needs of the community in an area where such services are in demand. The proposed height variation is well integrated with the overall built form and will not present as a non compliant form (as discussed), and in turn will not prevent the proposal from being compatible with the existing and desired built form of the locality.

- **The non-compliant elements of the proposal satisfy the relevant matters outlined in section 1.3 of the Environmental Planning and Assessment Act 1979.** This is outlined below:
  - *“(c) to promote the orderly and economic use and development of land,”*: The design of the proposal has been carefully considered and the area of non-compliance will not present as a non compliant element given its quality design and integration with the overall built form. It results in a built form which is appropriate for the site and wider site context. The non-compliant areas promote the orderly use of land in that they will have no adverse environmental impacts on adjoining properties in terms of visual bulk and scale, overshadowing, privacy or loss of sunlight. By allowing the height breach the property owners will be facilitated in economically developing their land.
  - *“(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,”* The proposed variation is within the building footprint and will not contribute to impacts to flora or fauna. The proposed height breach will have no adverse implications for the management of the environment.
  - *“(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),”* The site is not known to contain any items of Aboriginal cultural heritage, and none are anticipated to be encountered given that the site has been previously cleared and developed. The height variation will not create any implications in relation to this. The proposal is supported by a Heritage Impact Statement and satisfies the requirements of Clause 5.10 of RLEP 2011 (as previously discussed).
  - *“(g) to promote good design and amenity of the built environment”*. Despite the height breach the proposed development is of high architectural merit. It has been sensitively designed and incorporates modulation, articulation and high-quality finishes. The proposed design is considerate in ensuring compatibility with adjacent and surrounding



development and is presented appropriately when viewed from the streetscapes. The appropriate design ensures no unreasonable adverse environmental impacts will result from the proposed works, including in terms of privacy, view sharing, visual intrusion and overshadowing. Given that it will not result in any adverse impacts and will result in a building form that is visually appropriate for its context it will satisfy this object of the Act.

## **D. Public Interest**

Under Clause 4.6 (4) of RLEP 2011 *“Development consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that: (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and (b) the concurrence of the Secretary has been obtained.”*

This Clause 4.6 variation request is in the public interest because it has been shown to be consistent with the objectives of the height development standard and the R2 zone.

It is understood that concurrence of the Secretary has been obtained.

## **E. Other Considerations**

Under Clause 4.6 (5) of RLEP 2011 *“In deciding whether to grant concurrence, the Secretary must consider: (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and (b) the public benefit of maintaining the development standard, and (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.”*

There is considered to be no public benefit in refusing the application (for the reasons stated above) so as to ensure that full compliance with the maximum building height control is achieved, as discussed above. The variation to the development standard does not raise any matters of state or regional significance.

It is understood that concurrence of the Secretary has been obtained.

## **F. Conclusion**

This submission demonstrates numerical compliance with Clause 4.3 of RLEP 2011 is unreasonable or unnecessary in the circumstances of the case because the proposal achieves both the objectives of the maximum building height clause and the



objectives of the R2 zone. This submission also demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard. Additionally, the proposal is considered to be in the public interest in that it achieves the objectives of Clause 4.3 and Zone R2 Low Density Residential under RLEP 2011.

A summary of the key arguments in support of the clause 4.6 variation is as follows:

- The proposal design is complementary to surrounding dwellings in the residential precinct and achieves:
  - the relevant objectives of clause 1.3 of the Environmental Planning and Assessment Act 1979;
  - the objectives for maximum building height in clause 4.3 of the LEP; and
  - the objectives of the R2 zone.
- The non-compliance is limited in extent;
- The applicable controls relate to low density residential uses however existing uses onsite are for places of public worship and educational establishments;
- The proposed variation sits well alongside existing development onsite, including the heritage listed items;
- The proposed variation results in a built form which is compatible with development in the wider site context;
- The proposed variation will not have any adverse impacts upon adjacent or nearby development;
- The proposed variation will not be readily apparent as a non-compliant element;
- The proposed variation does not prevent the achievement of the requirements of Clause 5.10 Heritage Conservation;
- The proposal is consistent with all other key RLEP 2011 requirements;
- The built form including height variation proposed will be compatible with the existing and desired built form of the locality;
- Requiring full compliance would restrict rooftop access;
- Requiring full compliance would restrict rooftop use.

It is notable that this submission demonstrates that both the objectives of the maximum building height and the zone objectives are achieved. Achieving these objectives is a higher level of satisfaction than that required in Clause 4.6(4)(ii), which only requires that the proposed development “will be in the public interest



because it is consistent with the objectives of the particular standard and the objectives for development within the zone..." In *Moskovich v Waverley Council* [2016] NSWLEC 1015, Commissioner Tuor makes the distinction between the different requirements between clauses 4.6(3) and 4.6(4) and notes the higher standard as being able to demonstrate the objectives of the standard and zone are "achieved".

Accordingly, in light of the above written request it is submitted that the Council will be satisfied that in this instance the development standard can be varied because this written request has addressed all of the necessary matters contained in clause 4.6(4) of the RLEP 2011. Relevantly compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and sufficient environmental planning grounds exist to justify a contravention of the development standard; and the proposed development will be in the public interest as it is consistent with the development standards and the zone.



# Appendix B: Response Resident Submissions

Letter 1	Comment
<p>We, the undersigned object to the removal of the trees on the Bayview Street side of the property 339-377 Forest Road, Bexley and the addition of two extra driveways in Bayview Street for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The original approval of the granting of this property was contingent on these trees being retained, and much was made of the fact that the development was going to be environmentally friendly. This is one of several attempts the St Mary and St Mina Church ("the Church") has made to remove those trees.</li> <li>2. Removing these 100+ year old trees would significantly change the environment of our street for the worse. Additionally, we understood that council was supportive of supporting environmental initiatives in the area, one of which is protecting significantly established greenery in landmark blocks such as that on the corner of Forest, Broadford and Bayview Streets. These trees also encourage native wildlife to the area including kookaburras which are a welcome sound in an increasingly busy street due to the existence of the Church. This is in opposition to Council's comment to "Work in partnership with the community, neighbouring Councils and other government agencies to help protect the natural environment"</li> </ol>	<p>The proposal has been amended to reduce the number of driveways to the site. Additional Bayview Street landscaping has also been proposed. Refer Amended landscape plans.</p>
<ol style="list-style-type: none"> <li>3. The traffic report wrongly suggests that all properties have off street parking. This is incorrect, many families in the vicinity of this proposal do not have off street parking. Adding driveways would again reduce available parking. There is insufficient parking already causing issues for the community on a daily basis. This has been regularly reported to Council and the local Police since the Church was granted access to the land.</li> </ol>	<p>Refer comment above. The driveways have been reduced as part of the amended application. The childcare centre will provide for all required parking spaces on site.</p>
<ol style="list-style-type: none"> <li>4. Clearway proposals are currently proposed by Council for Forest Rd, which will exacerbate residents' parking issues. This will mean that all parking spaces, along Forest Road bordering the Church, which have been accessed by the residents and Church attendees will be removed from 6am to 7pm Monday to Friday and 9am to 6pm on Saturdays, Sundays and Public Holidays. As a result, this will push a significant number of additional cars into parking into the residential streets of Bayview Street and Broadford Street, surrounding the Church.</li> </ol>	<p>Refer comment above.</p>
<ol style="list-style-type: none"> <li>5. The Church, on granting of the land, gave undertakings to be a considerate neighbour, unfortunately this has been proven to not be the case. The Church itself altered the property changing the character of the street significantly, and the only saving grace has been the trees breaking up the stark lines of that building. Removing them would severely alter this. The new school building has reduced the parking available in the grounds, and the parishioners have been consistently parking across driveways and on the nature strip of the street which severely impacts on the quality of life of the people of Bayview &amp; Broadford Streets.</li> </ol>	<p>The proposal has been amended to reduce the number of driveways to the site. Additional Bayview Street landscaping has also been proposed. Refer Amended landscape plans.</p>
<ol style="list-style-type: none"> <li>6. The noise that comes from the property is particularly disturbing, especially when the majority of people are trying to sleep late at night and early in the morning and church gatherings, whether official or unofficial often continue to midnight or later. The trees have an effect reducing this noise to some degree. Removing the trees would be cause for much complaint to council when the neighbours are woken at these odd hours. We and our neighbours would find it necessary to call council when this happens adding to the existing tension amongst residents caused by the church. Additionally, adding an 80-place childcare centre will only add to that noise and the disruption caused by school parents and Church attendees.</li> </ol>	<p>Refer comments above and also refer amended landscape plans. The childcare centre has no bearing on church activities and will operate according the stated operating hours.</p>
<ol style="list-style-type: none"> <li>7. Various Development Applications have been lodged by the church since September 2011 seeking to remove these trees. Councils own independent consultants report does not agree with the assessments lodged by the applicant then or now. Council has denied the removal of the trees and we object to the Church seeking once again to have them removed.</li> </ol>	<p>The proposal has been amended to reduce the number of driveways to the site. Additional Bayview Street landscaping has also been proposed. Refer Amended landscape plans.</p>
<ol style="list-style-type: none"> <li>8. The proposed centre on the corner of Bayview &amp; Forest were meant to be allocated to parking spaces. The buildings added, which operate as a commercial kitchen, were never approved but have also reduced the number of required parking spaces from the original Development Application. We would urge council to refer to the original Development Application commitments made by the Church, in relation to parking, and assess what has not been delivered by the Church and rectify that to ensure the Church is honouring its commitments.</li> </ol>	<p>The number of approved parking spaces on site for the church and school will remain and the childcare centre provides for all of its required spaces on site.</p>



<p>In summary, we strongly object to the removal of the trees and addition of two driveways referenced in <b>your reference DA-2019/255</b> as this continues to destroy the character, peace and aesthetic of the adjoining streets and area. We find this highly environmentally unfriendly and understand that the Church is, yet again, pushing for changes to service its own interests without any consideration whatsoever for the neighbouring residents. The 100-year old trees are a wonderful feature of the area and removing them would increase the noise level affecting residents, discourage native wildlife to the area and add to the already existing tensions between residents and the Church.</p>	Refer comments above.
<p><b>Letter 2</b></p>	
<p>I write regarding DA-2019/255 339-377 for Forest Road, Bexley and my objections to its Application are as follows.</p> <p>As the former Business Development Manager for a large childcare operator with 26 centres, part of my role was to analyse growth opportunities for the childcare market. Whilst I left this position over a year ago, and am no longer involved in the industry, the clear evidence of our analysis confirmed there was an oversupply of childcare providers in the St George area and existing childcare operators were struggling to survive.</p> <p>Currently there are 17 childcare centres in the immediate Bexley (postcode 2207) area – of those 11 currently have vacancies (source: Care for Kids) and most of the other centres have a very short wait of only one month.</p> <p>Given this I would question why Council would consider building another, 80 place centre in a crowded market, with other operators struggling to fill their vacancies.</p>	<p>Market feasibility is the responsibility of the childcare operator and should not affect the assessment of the DA. The church is satisfied that there is a market for their proposed centre.</p>
<p>At an information session hosted by St Mary &amp; St Mina's Board members this past weekend, we were advised that the Church intended to fundraise to build the centre, but then the childcare centre would be operated by a for-profit, private operator, one of the members of the Church, who operates other childcare centres. I would question whether the operation of a for-profit, private business is appropriate given that the Church was gifted the land by the State Government. Was it the intention at the time of that grant, that private businesses, with close links to the Church, operate a commercial enterprise on that premises?</p> <p>Additionally, at that meeting there was discussion, volunteered by the Church, that the St Mary and St Mina's School would be relocating off that current premises. I understand this is still in the discussion / negotiation stage. Given this, there is limited to no connection, or need for a childcare centre to support the families attending that school.</p>	<p>These matters are not relevant to the assessment of the current DA.</p>
<p>Finally, and most importantly, the introduction of yet another operational business, into a very crowded block of land which operates well beyond the originally approved hours, will bring further traffic chaos. There will be a reduction of parking spaces on Bayview Street to allow for more gates into the premises, and an increase in traffic, traffic infringements and impositions on the neighbours of the Church.</p> <p>In the original DA, the Church agreed to providing 130 car parking spaces within the grounds of the property. Subsequently this has been reduced to 100 car parking spaces, though the Church's DA, passed by Council. Practically, other structures have been constructed on the property reducing the parking to around 70-80 cars at any one time – pushing parishioners' cars, and those of their event visitors, into both Bayview and Broadford Streets.</p>	<p>Refer amended Traffic and Parking report. This report supports the development.</p>
<p>This leads me, as a 24-year resident of Bayview Street, to strongly question the need for the childcare centre, and express concern about the impact the expansion will have on the local environment and welfare of the local community.</p> <p>I remind Council that the Church originally purchased several properties neighbouring the Church, in an attempt to expand the Church's operations a number of years ago, and residents strongly objected due to the affect it would have on their quality of life. I reiterate those concerns again, and hope that Council can see the additional and unnecessary stress this would place on already congested, and unhappy, part of your community – as evidenced by the approximately 90 people from Broadford and Bayview Streets who signed the recent petition to this DA, which was lodged with Council.</p>	Refer comments above.
<p><b>Letter 3</b></p>	
<p>I would like to know the following information will the childcare parents be using the inside of the property to drop and park their cars Children of. Will this building be only used as a childcare centre? Will there be any activities happening in the centre after 6 pm after it closes?</p>	<p>The centre is proposed as a childcare centre. We understand this is its proposed use once constructed. Notably, any change to this would require consent.</p>



<b>Letter 4</b>	
<p>I am writing in regards to an objection development application - St Mary's and St Mina's Coptic Orthodox Church in development of a child care centre.</p> <p>My property is located directly opposite to St Mary's and St Mina's Coptic Orthodox Church and school (7A Bayview St). The parking situation on Bayview Street is distressing during school drop off hours but especially where there are events going on at the primary school and the church (which are extremely regular). With the influx of cars coming in and limited parking spaces (Bayview St and Godwid St), my wife and I have to deal with parked cars on illegally (No Stopping Zone) located on street corner of 7A Bayview St and Godwid St. When people cannot find any space near the Church, very often, they resolve parking outside my drive way where mine and my wife's cars cannot get out or in from our garage.</p> <p>This has become very routine on a weekly bases and frustrating for my family's way of living. A child care centre catering for 80 children means 80 more car spaces needed. Even though there will be a propose basement car park, I feel it is not enough with the current situation let alone future child care centre.</p> <p>I have many photos of cars parked on 'No Stopping zones' and my drive way (Godwin Street). Let me know if you like to view them.</p>	<p>The driveways have been reduced as part of the amended application. The childcare centre will provide for all required parking spaces on site.</p>
<b>Letter 5</b>	
<p>In addition to Maurice's photo's below here is further evidence of poor parking behaviours from church attendees obstructing my driveway in Bayview st Bexley.</p> <p>See Photo 1 below Appendix Table</p> <p>I also had two separate church attendees ask if they could park in my driveway while they attended church. I informed them that the church has parking available at Bexley state school. They said they were unaware of these arrangements.</p> <p>Due to the lack of onsite parking provided by the church, their meetings and events are having a negative impact on local residents. The church and school should not be granted any further building permissions to increase building capacity until adequate parking arrangements are provided and those arrangements are tested over time to ensure they meet the needs of the church/school attendees and do not have negative impacts on local residents.</p>	<p>The driveways have been reduced as part of the amended application. The childcare centre will provide for all required parking spaces on site.</p>
<p>Hi all.</p> <p>It's 9.50 pm on Sunday night and this is the state of our street (Bayview street, Bexley) in case anyone cares.</p> <p>This has been going on all week.</p> <p>It just keeps getting worse.</p> <p>If you look at the photos you will see a few problems</p> <ol style="list-style-type: none"> <li>1. Cars are double parked or on the grass</li> <li>2. Cars parked in or across driveways.</li> <li>3. All the parking spaces are full on church grounds hence cars parked in non parking spaces.</li> <li>4. Parking spaces on church grounds taken up with temp/permanent structures</li> <li>5. Every night this week there has been something on the site until late</li> <li>6. Please have some consideration for the community</li> </ol>	<p>The driveways have been reduced as part of the amended application. The childcare centre will provide for all required parking spaces on site.</p>



Photo 1



26 May 2020

Patrick Nash  
Senior Development Assessment Planner  
Bayside Council  
Ref: DA2019/255

Dear Patrick,

**RE: RESPONSE LETTER  
DEVELOPMENT APPLICATION NO. DA2019/255  
PROPOSAL: DEMOLITION OF EXISTING STRUCTURES,  
CONSTRUCTION OF A PART TWO AND PART 3 STOREY CHILD CARE  
CENTRE WITH CAPACITY FOR 80 CHILDREN  
PROPERTY: 339-377 FOREST ROAD, BEXLEY**

We act on behalf of our client St Mary's and St Mina's Coptic Orthodox Church, in submitting this letter in relation to the above DA at No. 339-377 Forest Road, Bexley.

Our letter provides a response to your email dated Friday 22 May 2020 and the subsequent email on 5<sup>th</sup> June 2020. It accompanies updated architectural plans, Operational Plan of Management and Traffic report. We are also submitting details of the parking lease agreement between Bexley Public School (Department of Education) and the St Mary's and St Mina's Coptic Orthodox Church. The documents and plans referred to above are submitted under separate cover.

## **1. Architectural plan updates**

### P. Nash comments/queries

*"Please integrate the following into the architectural plan set:*

- Demolition plan;*
- Front fence drawings for replacement/reinstated fence (can only see this on sheet 09); and*
- Colours and materials schedule (previously sheet 19)"*

### Response:

These matters have all been addressed in the updated architectural plan set.

## **2. Gate 2 Opening Times**

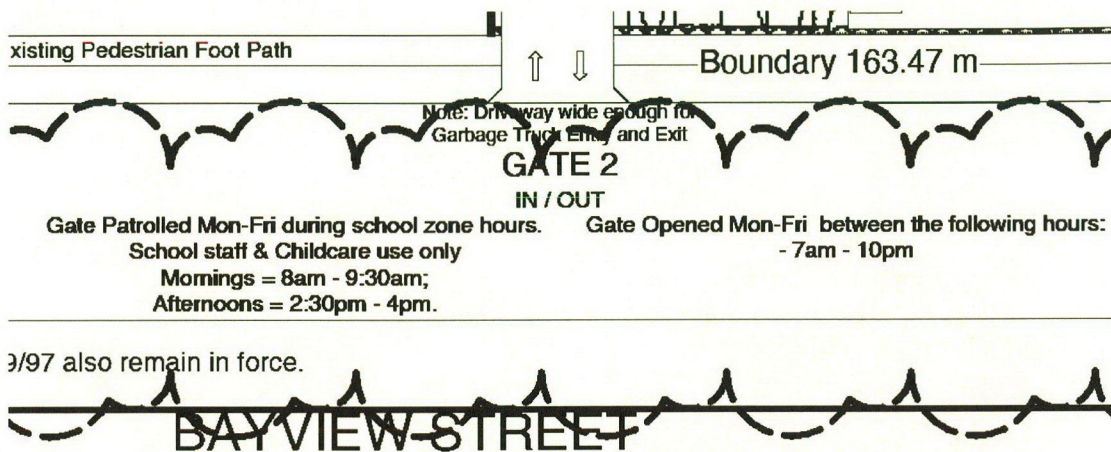
### P. Nash comments/queries

*"Looking at sheet 20, why would Gate 2 be closed 4pm to 6pm? Wouldn't this coincide with afternoon CCC pick up?"*



Response:

Gate 2 will be opened on Monday to Friday from 7am to 10pm and will be patrolled during "school zone" hours. Sheet 20 has been amended accordingly, (as also shown in the plan extract below):



Source: Couvaras Architects

Figure 1: Sheet 20 Extract

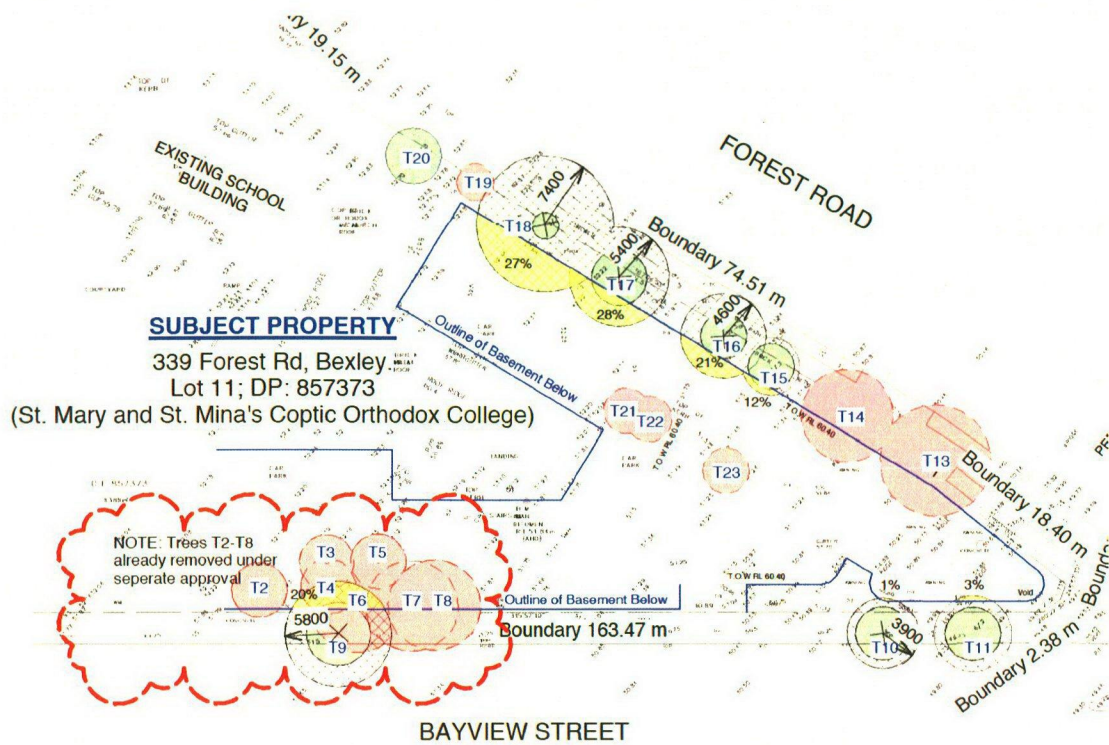
**3. Tree Removal**P. Nash comments/queries

*"Based on the latest aerials looks as though some of the tree removal has taken place (T2 – T8 removed?). As a result, Tree Management Plan sheet 17 needs updating".*

Response:

It is correct that some trees have been removed. This was done under a separate approval and accordingly sheet 17 of the architectural set has been updated to reflect this (refer plan extract on the following page).





## 1. Tree Management Plan

Scale 1 : 600



Source: Couvaras Architects

Figure 2: Sheet 17 Extract



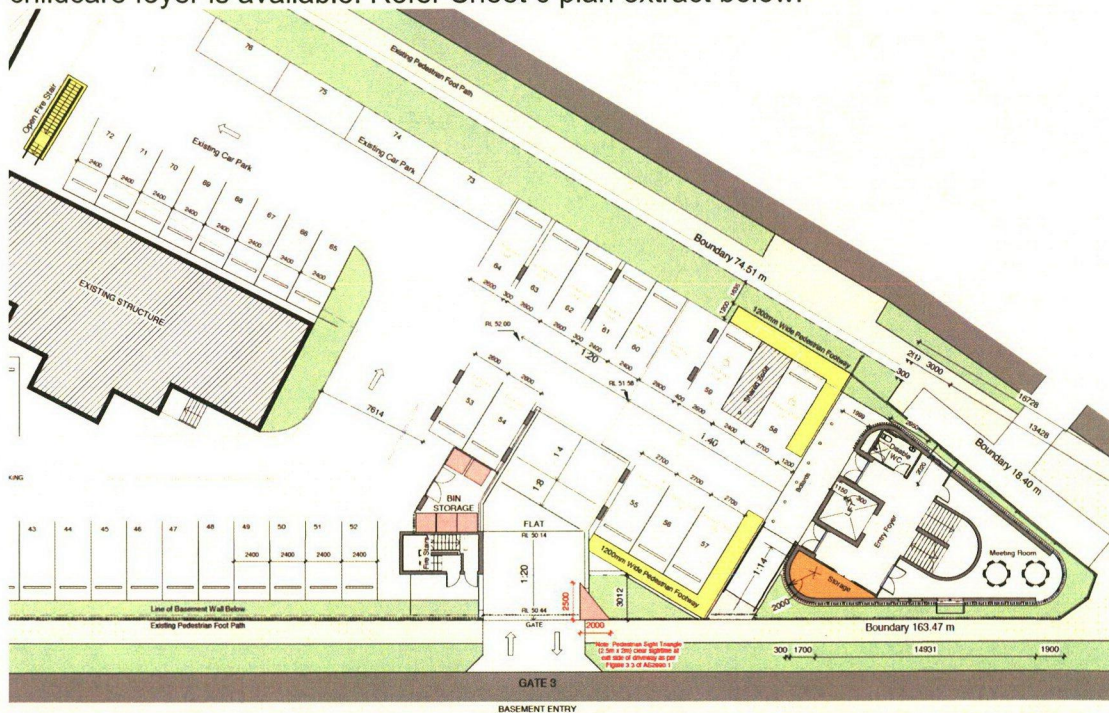
#### 4. Accessible Parking

##### P. Nash comments/queries

*"Access report needs updating/addressing with regards to the church basement parking arrangement which has no lift or accessible spaces".*

##### Response:

We noted that the current architectural plans do not propose any accessible parking spaces in the basement. All accessible spaces for the childcare (and the church) are provided at ground level close to the entries for church and childcare. It is also noted that, although not required for access compliance, lift access from the basement to childcare foyer is available. Refer Sheet 6 plan extract below.



Source: Couvaras Architects

Figure 3: Sheet 6 Extract



## 5. Landscaped Area

### P. Nash comments/queries

*"With regards to landscaped area. Is it 1395sqm or 1337sqm – there are two figures identified (one in the table one under the diagram) on sheet 15".*

### Response:

The landscaped area calculations have been checked and the correct figure has been stated on Sheet 15. It is 1,395.17 m<sup>2</sup>.

## 6. Hours of Operation

### Environmental health officer comments

*"The proposed childcare premises has the potential for noise to impact on the surround residents in relation to hours of operation (5am starts –Night time period\*) mechanical ventilation / air conditioning, cool room motors and the alarm system. The Statement of Environmental Effects prepared by Wynne Planning 'Proposed New Child Care Facility, 339-377 Forest Road, Bexley' dated July 2019, on Page 21 for Staff Arrivals states 'Arrivals are usually staggered between the hours of 5am to 9am'. This activity must be reflected in the acoustic report. There is a proposed gate that opens on Mondays to Fridays between 5:00am to 4:00pm and 6:00pm to 10:00pm."*

### Response:

As noted above under point 2 Gate 2 will be opened on Monday to Friday from 7am to 10pm and will be patrolled during "school zone" hours. Sheet 20 of the architectural set has been amended accordingly.

The Operational Management Plan has also been updated to reflect these details accordingly.

## 7. Outdoor Play Area

### Environmental health officer comments

*"Additional details in relation to proposed outdoor play times in line with the school's outdoor play times are required to be addressed in the acoustic report to identify the potentially cumulative noise impact on the surrounding amenity."*

*The type of equipment used in the outdoor play area is required to be specified and addressed in the acoustic report to assess any noise impacts from the equipment, as playground equipment can include drums, cymbals and other implements which may generate noise".*



Response:

It is noted that the School playtime is from 10:40am to 11:20am and 1:20-1:50pm. The childcare playtimes will be staggered outside of those hours.

The acoustic report is based on typical noise generation levels from a survey of childcare centres. The proposed childcare centre has been designed in accordance with those findings. Nevertheless it is also noted that the use of musical instruments at the proposed childcare centre will occur indoors and the types of equipment used outdoors will generally be either silent or very low noise generating. It is also noted that the acoustic barrier will assist in reducing noise travel.

The Operational Management Plan has also been updated to reflect these details.

## **8. Start Time**

Environmental health officer comments

*"Please describe how the staff arrival time (5am starts –Night time period\*) will not affect the amenity of the nearby residents. The Statement of Environmental Effects prepared by Wynne Planning 'Proposed New Child Care Facility, 339-377 Forest Road, Bexley' dated July 2019, on Page 21 for Staff Arrivals states 'Arrivals are usually staggered between the hours of 5am to 9am'".*

Response:

The start time will be 7am. The Operational Management Plan has also been updated to reflect these details.

## **9. Acoustic Treatment**

Environmental health officer comments

*"Show the recommended acoustic treatment masonry, glass on the roof top plan drawing".*

Response:

The architectural roof plan has been amended in the updated set to show the recommended acoustic treatment masonry and glass, as per the elevation drawings and acoustic report.



## 10. Engineering Comments

### Environmental health officer comments

*"The engineer has finalised his review. He can address most matters with conditions but requires to see the lease agreement identified in the traffic report (extract below)".*

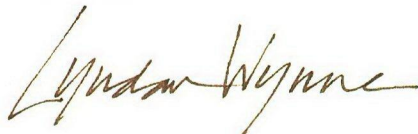
- The construction of the basement parking level will result in the temporary loss of 60 of the existing car parking spaces within the subject site, however, the church has a lease agreement with Bexley Public school (located on the opposite side of Forest Road) to utilise up to 65 car parking spaces within the school grounds on weekends (outside of school use) for parking, in order to compensate for the temporary loss of on-site parking during the initial period of the construction works. This arrangement will ensure that there will be no adverse impact on parking for neighboring residents and the current church congregation on weekends.
- On school weekdays, the drop-off and pick-up of school children will continue to take place within the existing and signposted on-street drop-off and pick-up zone located along the eastern side of Bayview Street. The proposed on-road Works Zone does not interfere with this existing on-street drop-off and pick-up zone. School teachers will utilise available parking and will be encourage to utilise public transport and carpooling, during the excavation stage, where possible. Once the basement construction has been completed, some of its parking spaces could be utilised subject to confirmation from the builder contractor. The area of the existing school playground will not be affected by the proposed excavation or

### Response:

The Lease agreement is attached under separate cover, as requested.

We trust this should now allow the assessment to continue and we look forward to a favorable outcome. Should you have any queries or wish to discuss the issues further please do not hesitate to call me on 0423 040 529.

Yours Faithfully



Lyndall Wynne  
BTP  
Director





# **339-377 FOREST ROAD BEXLEY**

**Updated Plan of Management**

**Proposed New Child Care Facility**

**June 2020**



## Plan of Management

The operations of the proposed child care facility are summarised in the Plan of Management, below.

**Table 1: Proposed Operational Management Plan**

Item	Proposal
<b>Name of Business</b>	TBC – business name not yet confirmed.
<b>Type of Business and Vision</b>	<p>Centre-based child care facility.</p> <p>Key overall objectives are:</p> <ul style="list-style-type: none"> <li>• <i>“Provide state of the art new childcare facility to cater for children aged 6 weeks to 6 years.</i></li> <li>• <i>Offering an Early education, to encourage and sustain our Coptic ethos.</i></li> <li>• <i>Childcare to create synergies and compliment to the Coptic church and school.</i></li> <li>• <i>Offering additional facilities to the Church and school.</i></li> <li>• <i>Be a feeder to the school on campus.</i></li> <li>• <i>The Centre will be established under a Commercial banner to attract the Wider Community.”</i></li> </ul>
<b>No. of children and indoor and outdoor play areas</b>	<p>The proposed facility will aim to have 80 children at maximum daily capacity and will be providing care for children aged 0-5 years. There will be a total of 16 staff maximum.</p> <p>The table in the SEE shows a breakdown of the 80 children into age groups as well as staff allocation, and also shows a breakdown of indoor and outdoor play space. 14 staff are proposed in children's rooms with up to 2 additional staff proposed.</p> <p>The capacity of the facility is:</p> <p><i>0-2 years – 20 children</i>  <i>2-3 years – 30 children</i>  <i>4-5 years – 30 children</i></p>
<b>Number of parking spaces</b>	<p>As noted in the updated Traffic and Parking report: “<i>The revised plans provide a total of 112 off-street car parking spaces, including 100 car spaces as per the previous development consent for the existing church and school and 12 new additional car spaces for the proposed childcare centre. Therefore, the approved 100 car spaces for the previous consent for the church and school will be fully retained.</i>”</p> <p>The proposed 12 parking spaces for the childcare will be located at ground level and will comprise:</p> <ul style="list-style-type: none"> <li>• 8 car spaces for staff parking; and</li> <li>• 4 car spaces for the drop-off and pick-up of children ((including two accessible parking spaces).</li> </ul>



<b>Neighbourhood Parking Policy</b>	As per the Traffic and Parking Assessment prepared for the site by Hemanote Consultants and attached under separate cover.
<b>Days and Hours of Operation</b>	<p>The facility's hours of operation will be 7:00am to 6:00pm, Monday to Friday.</p> <p>The centre will close on all public holidays and operate 52 weeks per year.</p>
<b>Vehicular Site Access – Weekdays and Weekends</b>	As per the Traffic and Parking Assessment prepared for the site by Hemanote Consultants and attached under separate cover.
<b>Drop off and pick up – Traffic Generation</b>	As per the Traffic and Parking Assessment prepared for the site by Hemanote Consultants and attached under separate cover.
<b>Staff Arrivals</b>	<p>Not all staff start work at the same time.</p> <p>Arrivals are usually staggered between the hours of 7am to 9am.</p> <p>Fulltime staff work for 11 hours a day. Part-time or casual staff work shifts as required.</p>
<b>Parent Arrivals and Drop Off</b>	<p>For drop off, parents usually arrive between 7am and 9am.</p> <p>For pickup, parents usually arrive between 4pm until 6pm.</p> <p>Gate 2 will be opened on Monday to Friday from 7am to 10pm and will be patrolled during "school zone" hours.</p>
<b>Security on site</b>	<p>The children's rooms will have limited access, as any arrivals will need to be granted entry at reception and then gain access to the individual rooms via the main corridor leading to the rooms.</p> <p>Each staff member must undergo mandatory Working With Children Check before employment and access to children through the NSW Government's Commission for Children and Young People.</p> <p>The centre will have the following security measures in place:</p> <ul style="list-style-type: none"> <li>• Childproof fences and gates to building perimeter;</li> <li>• Security cameras and CCTV;</li> <li>• Securable windows and doors across the site.</li> </ul>
<b>Music and Noise Management</b>	<p>Throughout the day, staff may arrange music sessions for children's learning and for sleep times to create an ambient atmosphere as children settle throughout daily transitions. Music may be played a few times indoors each day at a soothing volume to ensure children's comfort.</p> <p>Refer also indoor/outdoor play rules, below.</p>
<b>Hours and Details of Indoor/Outdoor Play</b>	<p>To minimise the noise effects of playing children to neighbouring houses outdoor play rules will be adhered to including:</p> <ul style="list-style-type: none"> <li>• Limiting the frequency of outdoor play in early hours</li> </ul>



	<p>(i.e. before 8am); and</p> <ul style="list-style-type: none"> <li>Limiting the frequency of outdoor play the afternoon (i.e. after 5pm).</li> </ul> <p>A maximum of 7 children will be permitted on the first floor level outdoor play area. Play on the roof top play area will be staggered so that generally a maximum of 20-30 children will be present outdoors on the roof top at any given time. Appropriate acoustic fencing is proposed around the upper level play area in accordance with the Acoustic Report prepared for the site.</p> <p>Indoor play times will be monitored to limit noise and appropriate room sizes (20-30 children per room) will ensure no unreasonable acoustic impacts are introduced to the site or locality.</p> <p>The acoustic report is based on typical noise generation levels from a survey of childcare centres. The proposed childcare centre has been designed in accordance with those findings. Nevertheless it is also noted that the use of musical instruments at the proposed childcare centre will occur indoors and the types of equipment used outdoors will generally be either silent or very low noise generating. It is also noted that the acoustic barrier will assist in reducing noise travel.</p>
<b>Food and Drink</b>	<p>Food and drinks will be delivered and prepared at the child care facility for storage and consumption.</p> <p>2 food preparation areas are available at the basement and first floor levels.</p>
<b>Deliveries</b>	<p>Food deliveries will be daily generally from a small van or truck and within child care facility hours, but these will generally be coordinated to be outside peak drop off or pick up times.</p> <p>With regard to deliveries, the Traffic and Parking Impact Assessment notes that the proposal will be appropriate.</p> <p>Cleaning and other general small equipment and consumables (for example: art and craft products, nappies, paper towels, stationery, staff room milk, tea and coffee) for the childcare centre will be purchased as required by centre staff and will generally be brought to the site by staff car or delivered by small vans and trucks. Deliveries of such items are likely to be in the order of up to 1 - 2 per week. Deliveries will generally be coordinated to coincide with non-drop off or pick up times as discussed above.</p>
<b>Employees and Staff Type and Roles</b>	
Baby Playroom (0 to 2 year room)	20 children, 5 staff
Toddler Playroom (2 to 3 years room)	30 children, 6 staff
Preschool Playroom (4 to 5 years room)	30 children, 3 staff
<b>Total (daily)</b>	<p><b>14 staff in playrooms, plus 1 cook and 1 administration staff member</b></p> <p><b>Maximum 16 staff daily</b></p>



<b>Waste Management</b>  Type of Waste and volume   Waste Storage   Collection	<p>The centre will generate limited waste including a small amount of food, nappies and cleaning consumables. A waste storage area is noted at the ground floor level of the development towards the western portion. The waste store area will be easily accessible from the facility and will allow for appropriate waste collection.</p> <p>See above. Storage in designated area at the ground floor level of the development towards the western portion, which will be secure and accessible only to staff.</p> <p>Bins will be emptied weekly. Gate 3 is of sufficient width to accommodate a waste collection truck entering the site and Gate 5 is wide enough for a truck leaving the site, and waste will be emptied onsite by private contractor.</p>						
<b>Relevant Government Regulations and Australian Standards</b>	<p>The following regulations will be complied with:</p> <table border="1"> <tr> <td>Education Care Services National and Regulation 2012</td><td>NSW Government</td></tr> <tr> <td>National Quality Framework</td><td>ACECQA</td></tr> <tr> <td>Ratios (0-2yrs 1:4; 2-3 yrs 1:5; 3-5 yrs 1:10)</td><td>Department of Education &amp; Communities</td></tr> </table>	Education Care Services National and Regulation 2012	NSW Government	National Quality Framework	ACECQA	Ratios (0-2yrs 1:4; 2-3 yrs 1:5; 3-5 yrs 1:10)	Department of Education & Communities
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