



Statement of Environmental Effects

Hills Academy Early Learning Centre
Child care centre – 124 places

49-51 North Rocks Road & 2 Speers Road, North Rocks

February 2017

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Project No.	CC160139
Author	MC /LW
Checked	LW
Approved	LW

Rev No.	Status	Date	Comments
1	Final	06/02/2017	

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APPENDICES

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1 Introduction

This report has been prepared on behalf of Capital Building Solutions.

This application seeks development consent for a child care centre with 124 spaces.

A detailed description of the proposal is provided at Section 3.0.

Development plans are included in the Appendix A to this report.

This report has determined that the development proposal, including supporting special consultant reports, is largely compliant with relevant State and the various Hills Shire Council Planning Instruments.

It should be noted that the site now falls within Parramatta City Council Local Government Area, however The Hills Shire Council Planning controls are still applicable. Notwithstanding this, the application is also largely compliant with the requirements of Parramatta City for similar Child Care Centres.

2 Site Analysis

2.1 Site Description

The proposed development is across three sites, the real property description and addresses are:

- 49 North Rocks Road, North Rocks (Lot 12 DP 22931);
- 51 North Rocks Road, North Rocks (Lot 13 DP 22931); and
- 2 Speers Road, North Rocks (Lot 118 DP 23173).

The site is located within a medium density residential area as shown in Figure 1 below. The site currently contains three dwellings and associated vegetation and buildings.



Figure 1: Aerial Photo of Site

2.2 The Locality

The locality of North Rocks is characterised by a mix of residential, general industrial, recreation and infrastructure developments. As shown in Figure 2, the predominant developments surrounding the site are medium-high density residential development, including the following:

- North – Medium density residential development on the opposite side of Jean Street and Speers Road;
- East – Medium density residential development on the opposite side of Speers Road;
- South – Medium density residential development including townhouse developments on the opposite side of North Rocks Road; and
- West – Medium density residential development and the construction of the high density 'Darling Mills North Rocks' precinct located on the corner of North Rocks Road and James Ruse Drive (less than 200m from the site).



Figure 2: Aerial Photo of Locality

2.3 Infrastructure

The site is serviced by water, sewer, telecommunication and power services.

The site is located in close proximity to Northmead Shopping Plaza and a range of community facilities, parks, recreation areas and schools are all within walking distance to the site. The area is well serviced by public transport, including bus stops on either side of North Rocks Road approximately 50m from the subject site.

2.4 Photographs

The following photographs show the site and surrounding development.



Photo 1: View of site — 49 and 51 North Rocks Road.



Photo 2: View of site 2 Speers Road looking southeast.



Photo 3: View looking west on North Rocks Road, showing site to the north (right).



Photo 4: View looking northeast on North Rocks Road.



Photo 5: View looking northwest on Speers Road, showing site to the west (left).

3 Proposal in Detail

3.1 Demolition

As the proposal is for a purpose built child care centre, it is proposed to demolish all structures across the three sites. Where possible, materials will be salvaged for recycling and reuse during the demolition process. The remaining waste will be transported to a recognised waste facility.

A waste management plan is included in Appendix B.

3.2 Proposed Development

The application seeks development consent for a child care centre within a new purpose built facility. The proposed child care centre will have facilities to accommodate 124 children and 24 staff (maximum required at any one time). The proposal also includes associated car parking and landscaped open space areas.

New Building

The new building and child care centre plans are included in Appendix A and will include the following facilities:

Basement Level

- Site access driveway from rear of site in Speers Road.

Lower Ground Floor

- 1 x outdoor play area;
- 2 x 3-5 year play area for 30 children each (60 children in total) with associated toilet and storage facilities in each area;
- Outdoor play spaces 420.2m² proposed;
- Waste room, plant and other service areas;
- Laundry
- 24 car parking spaces and bike storage;
- Lift access.

Ground Floor

- Forecourt and foyer for arrival and departure of parents;
- Administration room;
- C.Z. Program room and associated storage facilities;
- Parents room;
- Toilet and facilities;
- Kitchen;
- Library;
- 3 x 0-2 year nursery for 8 children each (24 children in total) with associated cot room, nappy change and storage facilities in each area;
- 2 x 2-3 year play area for 25 and 15 children, respectively (40 in total) with associated nappy change and storage facilities in each area;
- 2 x outdoor play areas totalling 453.16m²;
- Pram room;
- Lift access.

First Floor

- Staff room;
- Staff offices;
- Staff terrace;

- Staff toilet;
- Observation room / area;
- C.Z. program room with associated storage facilities;
- Lift access.

Figures 3, 4 and 5 below show extracts of the DA plans for the proposed development.



Figure 4: Lower Ground Floor plan extract



Figure 5: Ground Floor plan extract



Figure 6: First Floor plan extract

Operational details

The breakdown of the number of children to occupy the premises is as follows:

Age Range	Number of Children
0-2 yrs	24
2-3 yrs	40
3-5 yrs	60
Total	124

Cot spaces supplied within the premises have capacity for 12 cots. The proposed operational hours are 7.00am to 6.00pm, Monday to Friday. The number of staff working from the premises is proposed to be at 24 at any one time. A plan of management has been prepared to guide the operation of the centre and is included in Appendix I.

Access

There are two primary access points to the site, via North Rocks Road for pedestrians and via Speers Road for vehicles. From the lower ground floor a lift will take clients to the ground and first floors, as required. There is also internal stair access across all floors. Ramp access has also been provided across the site and between play areas.

As mentioned above vehicle access to the lower ground floor will provide parking for 24 cars, 2 of which are accessible car spaces. Five (5) spaces are also set aside for drop off and pick up of children.

Appropriate entry points, signage and coverage will be provided to the centre. The plan of management for the centre will detail how the entry and exist will operate, refer to Appendix I.

Signage

Signage will be integrated with the building design and will assist the public with identifying the use of the development in an unobtrusive manner. The proposed signage will include the centre logo, hours of operation and contact information. The proposed location of the sign is shown on the plans included in Appendix A, however detail of the sign content will be subject to a separate application.

4 Statutory Matters

4.1 State Environmental Planning Policies

SEPP No. 55 – Remediation of Land

Clause 7 of State Environmental Planning Policy No.55 – Remediation of Land requires the consent authority to consider whether land is contaminated during the development application process.

The site has a history of residential usage and we have not been advised by the client of any potential site contamination that would restrict the use of the site for a child care centre.

SEPP No. 64 – Advertising & Signage

Clause 8 of SEPP 64 states:

"A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1."

The development plans in Appendix A include details of sign location and size but not content. A separate application will be submitted for the signage for the child care centre.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is located within the Sydney Harbour Catchment (SHC), therefore the provisions of this plan apply to the development. An assessment of the proposal against the matter for consideration was undertaken, refer to Table 1 below. It is considered that the proposed development is consistent with the SREP objectives and matters for consideration.

Table 1: Assessment of Matters for Consideration under SREP (SHC) 2005

MATTERS FOR CONSIDERATION	ASSESSMENT
21 Biodiversity, ecological and Environmental protection	The proposal is located within an existing developed area. The proposed development is low scale in nature, and will not have a negative impact on water quality through use of appropriate water management controls. The development will have no impact on terrestrial or aquatic species.
22 Public Access to, and use of, Foreshore and waterways	The subject site is not adjacent to the foreshore or waterways, as such it will not impact access to the foreshore. This clause is not applicable to the development.
23 Maintenance of a working harbour	The subject site is not adjacent to the foreshore or the working harbour. As such it will not impact the working harbour. This clause is not applicable to the development.
24 Interrelationship of waterway and foreshore uses	The subject site is not adjacent to the foreshore or waterways, as such it will not impact access to the foreshore. This clause is not applicable to the development.

MATTERS FOR CONSIDERATION	ASSESSMENT
25 Foreshore and waterways scenic quality	The proposed development was designed with consideration of the medium density residential nature of the area. It is relatively low scale with similar scale to surrounding development. The proposed development is not visible from the foreshore or islands.
26 Maintenance, protection and enhancement of views	The development will not impact views to or from the waterfront, any public places, landmarks and heritage items.
27 Boat storage facilities	The proposed development is not on the waterfront and does not propose a boatshed. This clause is not applicable to the development.

Foreshores and Waterways Development Control Plan (DCP) is the associated non-statutory document in support of the Sydney Harbour REP. Criteria in relation to landscape character, design guidelines for land-based development have been reviewed. It is considered that the proposal supports these criteria as it is not located on any clifflines or shorelines, will not be visible from the water, has generally been cleared of remnant vegetation and is an appropriate scale, built form and design.

4.2 Regional Strategies

The subject land is included in the Sydney Metropolitan area and is part of "A plan for Growing Sydney". The site is within an existing urban area, located on the edge of the Global Economic Corridor. The proposed reuse of this site is consistent with the strategy and continued development of this locality.

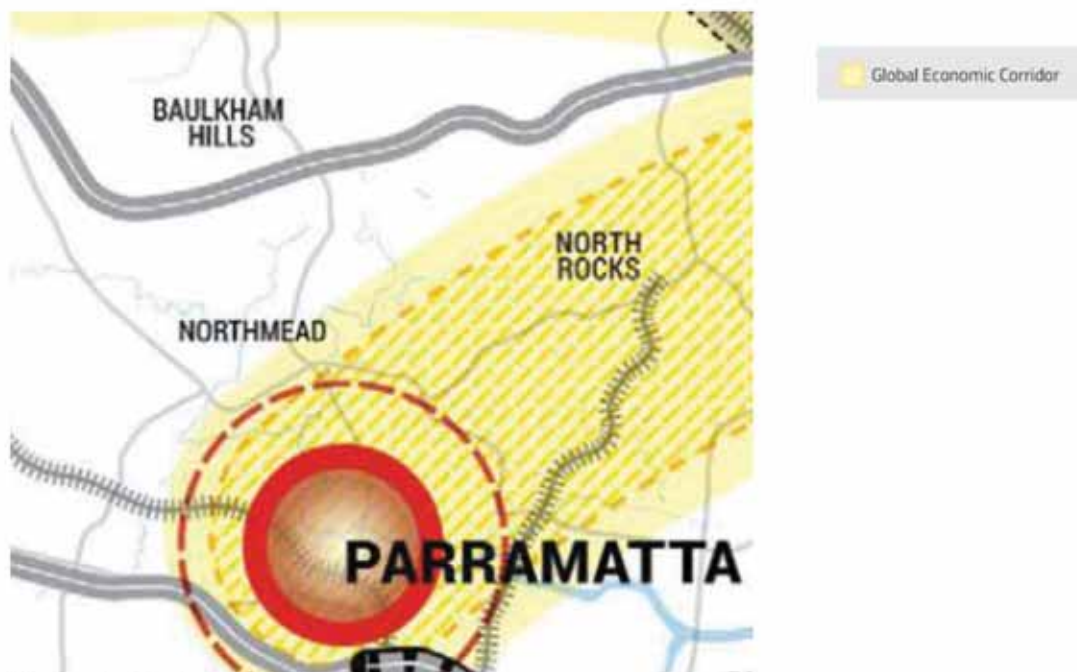


Figure 7: Regional Strategy

4.3 Local Environmental Plans

The Hills Shire Council LEP 2012

Under the provisions of The Hills LEP the site is zoned R3 – Medium Density Residential as shown in Figure 8 below.

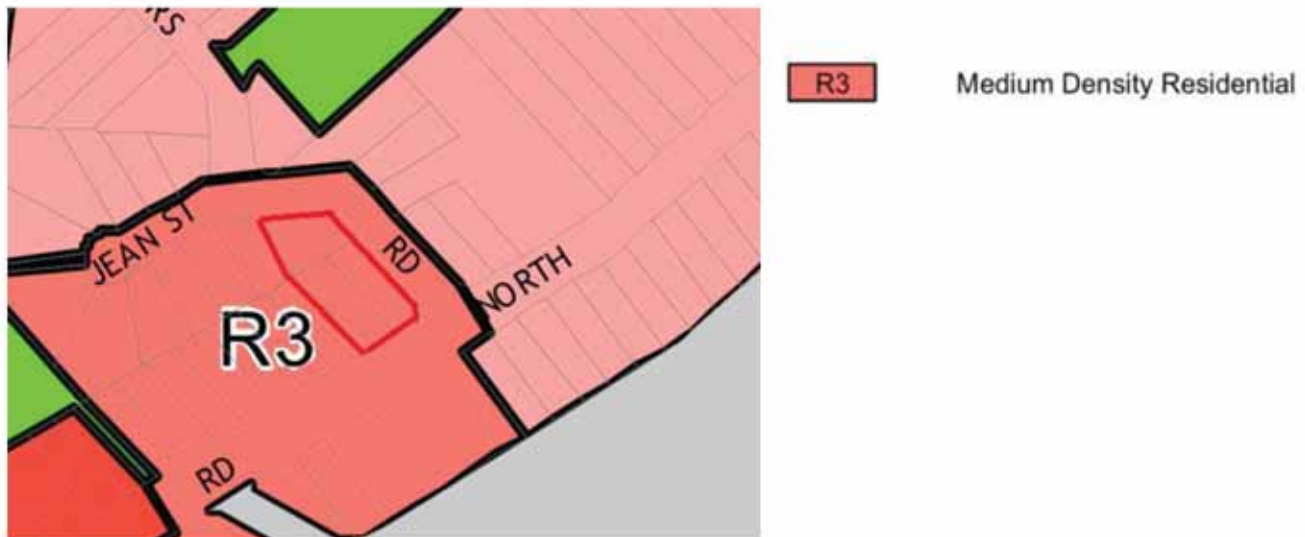


Figure 8: Extract from Land Zoning Map

The zone objectives are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage medium density residential development in locations that are close to population centres and public transport routes.

The proposed development can be defined as a child care centre and is permissible subject to development consent.

The proposal is considered to be consistent with the zone objectives for the following reasons:

- The child care centre will provide additional child care spaces to service the local community;
- The centre will provide additional employment opportunities before and after construction;
- The site is well serviced by public transport to meet the day to day needs of clients; and
- The proposed building is consistent with nearby developments in terms of height, access and design.

Other Relevant Clauses

Clause 4.3 Height of Buildings

This clause identifies maximum building heights in conjunction with the building height map, an extract of which is shown in Figure 9 below. Figure 9 shows that the maximum building height for this site is 9.0m, and the majority of the built form is below this maximum height. The building at its highest point is 9.65m high above natural ground level for a small section of the built form, which is partially non-compliant with Clause 4.3. A Clause 4.6 submission is therefore required to request a variation to the proposed height, please refer to section below relating to Clause 4.6 and Appendix K for further details.

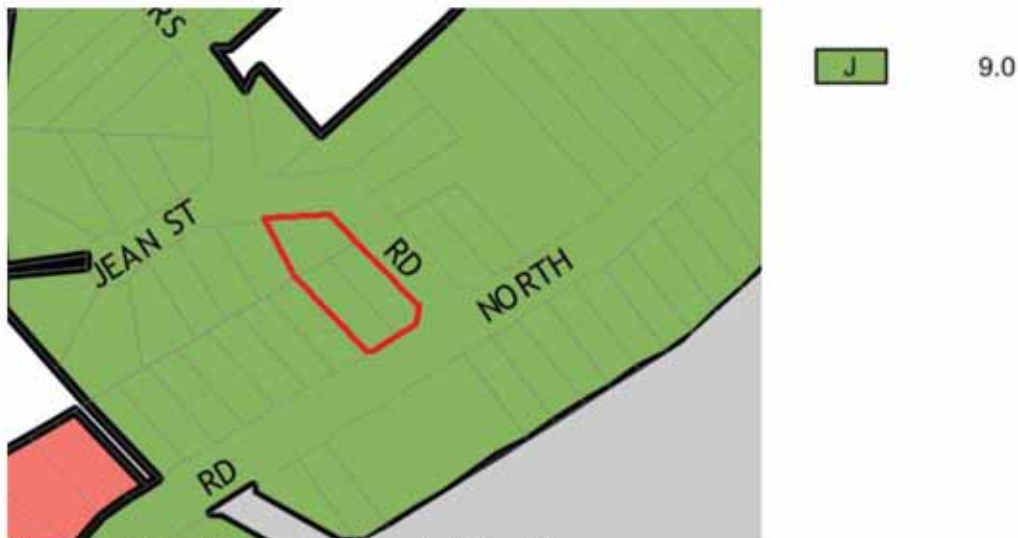


Figure 9: Extract from Height of Building Map.

Clause 4.4 Floor Space ratio

This clause identifies maximum floor space ratio in conjunction with the floor space ratio map, an extract of which is shown in Figure 10 below. Figure 10 shows that no minimum Floor Space Ratio has been adopted for the site, therefore the clause is not applicable.



Figure 10: Extract from Floor Space Ratio Map.

Clause 4.6 Exceptions to development standards

Clause 4.6 allows Council to vary development standards where better outcomes can be achieved. As shown above, the height of buildings standards require approval to be varied from 9m to permit 9.65m for a small portion of the built form in accordance with clause 4.6.

Under sub-clause (3) of Clause 4.6 the variations are required to be justified. The Department of Planning and Environment have prepared advice as to what is required to be considered to address the variations under Clause 4.6. This justification is included in Appendix K, which provides adequate consideration of the issues and showing that the proposal is a better outcome for the minor variation proposed.

Clause 5.9 Preservation of trees or vegetation

The design of the child care centre includes where possible the retention of existing trees and vegetation on the site. The landscape plan shows the trees to be retained and landscaping and planting to replace those that will be removed. Refer to Appendix C for details of the landscaping which is consistent with the advice given by the arborist upon reviewing and completing their respective report for this development proposal. The Arborist report is included in Appendix L.

4.4 Development Control Plans**The Hills Development Control Plan –**

Our assessment of the proposal confirms that the proposal largely satisfies Council's relevant development controls as shown in Table 2 below.

Table 2: Development Control Matrix

DEVELOPMENT CONTROL	COMPLIANCE / COMMENT
Part A Introduction	Noted and complies
Part B Land Use / Zones	
Section 1 Rural	Not applicable.
Section 2 Residential	
1. Introduction	
1.1 Land to which this section of the plan applies	Noted, applied to proposed development where applicable.
1.2 Aims and objectives of this section	Proposal meets the objectives of this section by: <ul style="list-style-type: none"> Proposing a high quality architecturally designed centre consistent with the streetscape and surrounding development; Retaining significant vegetation on the site where possible; Creating an ecologically sustainable centre; and Meeting the objectives of the zone in which the centre is located (refer to Section 4.3 above).
2. Objectives and Development Controls	
2.1 Development control map sheets	Noted and not applicable to this site.
2.2 Site specific development controls	Not applicable.
2.3 Restricted development areas	Not applicable.
2.4 Site analysis	A site analysis has been included in the architectural plans in Appendix A. The proposed centre has been designed taking into account the landscape and slope of the site and is consistent with the character of the area.
2.5 Streetscape and character	The proposal has been designed to be consistent with the streetscape and character. The use of modular design allows the proposal to replicate small dwellings / studios. This ensures that the proposal does not overshadow or create a bulk and scale which is not in keeping with the locality.
2.6 Bush fire hazard management	Not applicable.
2.7 Geotechnical site stability	Not applicable – is not included on the Landslide Risk mapping within The Hills LEP 2012.
2.8 Bushland and biodiversity	Not applicable.

DEVELOPMENT CONTROL	COMPLIANCE / COMMENT																											
2.9 Erosion and sediment control	An erosion and sediment control plan has been prepared and is included in Appendix E.																											
2.10 Heritage	Not applicable.																											
2.11 Signage	Refer to Part C Section 2 Signage below. A plan showing the proposed location of signage for the child care centre is included in Appendix A. The detail of future signage will be included in a future application.																											
2.12 Stormwater management	A stormwater management plan and details are included on the engineering plans included in Appendix E and the Concept Design Report included in Appendix M.																											
2.13 Subdivision	Not applicable.																											
2.14 Dwellings	Not all the provisions of this section are relevant to the proposal. Those that are relevant are discussed below.																											
2.14.1 Building Setbacks	<div>Front Setback</div> <table><tr><th>Control</th><th>Setback</th><th>Compliance</th></tr><tr><td>Non classified roads</td><td>10m</td><td>Not applicable</td></tr><tr><td>Corner - Primary - Secondary</td><td>6m 4m</td><td>6m complies Mostly 4m, 2.2m is the minimum – non compliant</td></tr></table> <div>Side Boundary</div> <table><tr><th>Control – Height</th><th>Setback</th><th>Compliance</th></tr><tr><td>1 or 2 storeys</td><td>900mm</td><td>900mm 1 storey / 1500mm for 2 storey component - complies</td></tr><tr><td>3 storey</td><td>1500mm</td><td>Not applicable</td></tr></table> <div>Rear Boundary</div> <table><tr><th>Control – Height</th><th>Setback</th><th>Compliance</th></tr><tr><td>1 storey element of dwelling</td><td>4m</td><td>6m complies</td></tr><tr><td>2-3 storey elements of dwelling</td><td>6m</td><td>6m complies</td></tr></table> <p>The secondary frontage includes minor variations to the setback, of 2.2m compared with required 4m. The variation should be supported as the impacts of development on adjoining neighbours will be minimal, the slope of the site limits development options and existing development already significantly protrudes within this setback area, similar to other development in the locality.</p>	Control	Setback	Compliance	Non classified roads	10m	Not applicable	Corner - Primary - Secondary	6m 4m	6m complies Mostly 4m, 2.2m is the minimum – non compliant	Control – Height	Setback	Compliance	1 or 2 storeys	900mm	900mm 1 storey / 1500mm for 2 storey component - complies	3 storey	1500mm	Not applicable	Control – Height	Setback	Compliance	1 storey element of dwelling	4m	6m complies	2-3 storey elements of dwelling	6m	6m complies
Control	Setback	Compliance																										
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3 storey	1500mm	Not applicable																										
Control – Height	Setback	Compliance																										
1 storey element of dwelling	4m	6m complies																										
2-3 storey elements of dwelling	6m	6m complies																										
2.14.2 Site Coverage	The proposal includes a site coverage of 80%, however, due to the slope, modular design and the need to create landscaped outside areas, the																											

DEVELOPMENT CONTROL	COMPLIANCE / COMMENT
	<p>apparent site coverage is really 44%, which generally meets the control of 45%.</p> <p>The variation to the control should be agreed due to the design of the proposal, which is in keeping with the medium density nature of the locality using modular elements and landscaping which will reduce the impacts of the built form along boundaries and within setback areas.</p>
2.14.3 Building Height	Refer to LEP section above.
2.14.4 Private Open Space	Not applicable.
2.14.5 Landscaping and Open Space	<p>The minimum requirement for landscaping in a residential area is 40%. This proposal includes 48% of the site as landscaped open space areas.</p> <p>A landscape plan has been prepared and is included in Appendix C.</p>
2.14.6 Dwelling design and construction	Not applicable.
2.14.7 Cut and Fill	The extent of cut and fill is shown on the architectural plans included in Appendix A.
2.14.8 Building Materials	<p>Appropriate materials and colours have been chosen to be consistent with the surrounding area and be durable, non-reflective and sustainable. A schedule of external finishes is included in Appendix A.</p>
2.14.9 Privacy – Visual and Acoustic	<p>The site has been chosen due to the limited impact on surrounding residential development. An acoustic report has been prepared and included in Appendix G which details the provisions included in the design to limit noise impacts on neighbours or other noise receptors. In addition, the centre has been designed to avoid overlooking of adjoining residences or their private open space.</p>
2.14.10 Solar Access	There will not be significant overshadowing of adjoining development. Refer to shadow diagrams included in Appendix A.
2.14.11 Ventilation	<p>Not applicable. Refer to section below specifically relating to child care centres.</p> <p>The proposal has however been designed to maximise natural ventilation.</p>
2.14.12 Lighting	The proposal has been designed to maximise natural light.
2.14.13 On-Site Sewage Management	Not applicable.
2.14.14 Car Parking and Vehicular Access	<p>Car parking has been provided on site for the proposal. A car parking and traffic assessment has been prepared and is included in Appendix D. This report shows compliance or justification of any non-compliances with the parking provisions included in Part C. Refer to the comments below in this regard.</p>
2.14.15 Access and Surveillance	Not applicable. Refer to section below in relation to child care centres.
2.15 Fencing	<p>Front fence, only located on a small portion of the frontage, is predominantly 1.2m, masonry construction, with a glass acoustic barrier to 1.8m. This provides security but the visual appearance of a lower fence.</p>

DEVELOPMENT CONTROL	COMPLIANCE / COMMENT
	Side and rear boundary fencing will be 1.2m to 1.8m as shown on the Plans included in Appendix A. Due to the number of allotments included in the proposal, consideration has been given to the treatment of the fencing surrounding the proposal and uses landscaping and glass elements to reduce the visual impacts of the fencing and to be consistent with other adjoining development.
2.16 Waste management	A waste management plan has been prepared in accordance with the applicable development controls for child care centres and is included in Appendix B.
2.17 Services	The site is serviced by appropriate services.
2.18 Swimming Pools	Not applicable.
3. Information Required for a Development Application	
3.1 Dwellings and additions / alterations to an existing dwelling	Not applicable.
3.2 Subdivision applications / small lot housing under Clause 4.1B	Not applicable.
4. References	Not applicable.
Appendices	Not applicable
Section 3 Dual Occupancy	Not applicable.
Section 4 Multi dwelling housing	Not applicable.
Section 5 Residential Flat Buildings	Not applicable.
Section 6 Business	
1. Introduction	
1.1 Land to which this Section of the Plan Applies	Applies where applicable and not inconsistent with other relevant sections of the DCP.
1.2 Aims and Objectives of this Section of the DCP	Noted. Proposal complies with aims and objectives where applicable.
1.3 Hierarchy of Centres	Not applicable.
2. Objectives and Development Controls	
2.1 Precinct Plans	Not applicable.
2.2 Site Analysis	Site analysis included in Appendix A.
2.3 Development Sites	Site is appropriate for a child care centre. Appropriate services are available, stormwater, car parking, access and other issues have been considered and addressed in other sections of this table and SEE.
2.4 Floor Space Ratio	Refer to LEP section above.
2.5 Setbacks	Refer to Residential section above for setbacks.
2.6 Building Height	Refer to LEP section and residential sections above for height.
2.7 Building Design and Materials	Appropriate materials and finishes are proposed and details are included in Appendix A.
2.8 Signage	Refer to Part C below.
2.9 Hours of Operation	Refer to section below relating to child care centres.
2.10 Energy Efficiency	Energy Efficient measures have been included in the design. Refer to report included in Appendix J.
2.11 Biodiversity	Not applicable.
2.12 Erosion and Sediment Control	Erosion and sediment control plan is included in Appendix E.

DEVELOPMENT CONTROL	COMPLIANCE / COMMENT
2.13 Fencing, Landscaping and Tree Preservation	Fencing – Refer to residential section above and child care section below. Landscaping – A landscaping plan has been prepared and is included in Appendix C. Tree Preservation – It is proposed to retain as many trees as possible on site. Refer to landscaping plan for details of tree retention and replacement as required.
2.14 Terminus Street Car Park	Not applicable.
2.15 Vehicular Access	A traffic and car parking report has been prepared and is included in Appendix D.
2.16 Car Parking	A traffic and car parking report has been prepared and is included in Appendix D. Also refer to Part C below.
2.17 Bicycle Parking	A traffic and car parking report (including reference to bicycles) has been prepared and is included in Appendix D.
2.18 Loading Facilities	A traffic and car parking report (including reference to any loading requirements) has been prepared and is included in Appendix D.
2.19 Pedestrian Access and Movement	Pedestrian access and movement has been considered in the accessibility report included in Appendix H.
2.20 Parenting Facilities	Not applicable.
2.21 Stormwater Management	A stormwater management plan has been prepared and is included in Appendix E. Also refer to the Concept Design Report included in Appendix M
2.22 Waste Management – Storage and Facilities	A waste management plan has been prepared and is included in Appendix B.
2.23 Waste Management Planning	A waste management plan has been prepared and is included in Appendix B.
2.24 Heritage	Not applicable.
2.25 Developer Contributions	Noted.
2.26 Site Investigation	No site investigation was considered necessary, the previous use of residential has no adverse impacts on the proposed child care centre.
2.27 Pollution Control	Not applicable.
2.28 Bulky Goods Premises - Additional Controls	Not applicable.
2.29 Wrights Road, Kellyville Local Centre	Not applicable.
2.30 Kentwell Avenue and Castle Street, Castle Hill	Not applicable.
2.31 488-494 Old Northern Road, Dural	Not applicable.
2.32 Site at Rmb104, Rmb104a, Rmb105 Windsor Road and Part 1-3 Wilkins Avenue, Beaumont Hills	Not applicable.
2.33 11-13 Solent Circuit, Baulkham Hills	Not applicable.
3 Information Required for a Development Application	
3.1 Occupation / Change of Use for Internal Alterations	Not applicable.
3.2 New Developments, Extensions or Redevelopment of Existing Sites	Noted.
Appendix A - Precinct Plan Maps	Not applicable.
Appendix B - Norwest Business Park	Not applicable.

DEVELOPMENT CONTROL	COMPLIANCE / COMMENT
Appendix C - Bella Vista Precinct	Not applicable.
Appendix D - Bella Vista Photo Montages	Not applicable.
Appendix E - Child Care Centres	
E1.1 Land to which this Appendix Applies	Noted. Child care centres are an applicable use within the R3 Medium Density zone.
E1.2 Aims and Objectives of this Appendix	<p>The proposal meets these objectives by:</p> <ul style="list-style-type: none"> • Providing a high quality purpose built facility; • Meeting the needs of the local area by providing additional child care places; • Providing an architecturally designed facility that includes innovative design and integration between the built and natural environment; • Including sustainable design and materials; • Providing adequate car parking, access and drop off points, including bike parking; and • Meeting the Department of Family and Community Services requirements for child care centres.
E1.3 Role of the State Government	Noted.
E1.4 Department of Community Services	Noted. Plans have been prepared in accordance with the requirements of Community Services.
E1.5 Development Application Process	Noted.
E2 Objectives and Development Controls	
E2.1 Site Requirements	<p>Complies with minimum lot size, the site is 2,093m². Complies with minimum site width, the site is 31m. The centre is stand alone and does not have frontage to a classified road.</p> <p>The constraints to site location listed in this section of the DCP have been considered in selecting this site for a child care centre and none of them pose a significant issue to future use.</p>
E2.2 Site Analysis	<p>A site analysis plan has been prepared and is included in Appendix A.</p> <p>A social impact assessment has been prepared and is included in Appendix F.</p> <p>Shadow diagrams have been prepared and are included in Appendix A.</p> <p>The proposed centre has been designed considering surrounding development and uses and will not have any significant adverse impacts, including overshadowing.</p>
E2.3 Hours of Operation	<p>Restricted to Monday to Friday 7.00am to 6.00pm. Operating hours are not proposed outside of these times.</p> <p>The plan of management included in Appendix I details the potential for any functions or events that may be held outside of these hours if applicable.</p> <p>A noise / acoustic assessment has been prepared and is included in Appendix I.</p>
E2.4 Setbacks	<p>Refer to residential section above for setback details. Car parking areas setback from front boundary is 5m. The proposed car parking area is on the lower ground level; therefore, this will not cause any visual impacts to the front of the site.</p>

DEVELOPMENT CONTROL	COMPLIANCE / COMMENT
	For details of setbacks refer to plans included in Appendix A and landscaping plans included in Appendix C.
E2.5 Indoor Areas	<p>Minimum indoor play space – 3.25m² per child. Refer to Table 3 below for compliance with this provision. The indoor and outdoor play spaces have been designed to work for adequate supervision of each space.</p> <p>Indoor play spaces have been designed along the boundaries to be used for low noise generating purposes or appropriate noise attenuation measure have been used.</p> <p>The slope of the site means that the play areas are stepped down the slope. The indoor and outdoor play spaces have been designed to be on the same level to assist with accessibility.</p> <p>Where buildings are more than two levels (including basement car park) the upper level is only used for staff.</p> <p>Appropriate facilities, such as storage, nappy change areas, toilets and the like have been included in the indoor play spaces in accordance with the applicable Regulations.</p>
E2.6 External Play Areas	<p>Minimum external play space – 7m² per child. Refer to Table 3 below for compliance with this provision. Shade and play equipment has been designed to comply with relevant standards and requirements.</p> <p>The external play areas have been designed over two levels due to the sloping nature of the site. The areas have been purposely designed for different age groups and levels. Appropriate barriers and fencing has been included to address the safety of children. Details of the play spaces have been included on the plans included in Appendix A.</p>
E2.7 Building Heights	<p>The building has been designed at mostly two storey to fit within the neighbouring development.</p> <p>As parts of the centre are two storey, shadow diagrams have been prepared and are included in Appendix A.</p> <p>For other comments on building height refer to Section 4.3 above that includes consideration of the LEP provisions.</p>
E2.8 Building Design and Streetscape	<p>Refer to section above that discusses how the proposal fits within the existing streetscape and relates to surrounding development.</p> <p>The proposal has been purpose designed for child care and in keeping with the residential nature of the area. Unlike other centres it has been designed in a modular fashion to limit impacts on surrounding development and residents.</p> <p>The access points to the centre and the natural surveillance provided will contribute to the safety of the centre and surrounding development.</p> <p>Appropriate fencing and lighting has been proposed</p>

DEVELOPMENT CONTROL	COMPLIANCE / COMMENT
	to delineate ownership and eliminate opportunities for criminal behaviour. The centre has been designed considering access and the Building Code of Australia. A report has been prepared and is included in Appendix H.
E2.9 Building Materials	Refer to comments above in the residential section on building materials. A schedule of external materials, colours and finishes is included in Appendix A.
E2.10 Privacy – Visual and Acoustic	The building has been designed to ensure the visual and acoustic privacy of adjoining development and residents. Appropriate fencing and landscaping has been provided to screen visual elements and other acoustic treatments to reduce noise. An acoustic report has been prepared and is included in Appendix G.
E2.11 Dual Use Developments (Where Applicable)	Not applicable.
E2.12 Vehicular Access and Parking	Refer to comments in Parking Section below. Due to the slope of the site, a basement car parking area has been proposed, this will not only work with the slope of the site but ensure that equitable access is provided. This in addition reduces the potential for noise and visual impacts on the neighbours. Appropriate parking has been provided for staff, accessible spaces, parents with prams and drop-off and pick-up. Details of the parking and justification for DCP variations is included in the traffic and parking report included in Appendix D. Further detail on the proposed basement car park is shown in the additional information section below.
E2.13 Landscaping	Appropriate landscaping has been proposed for the children's play areas, screening for boundaries and neighbours and to retain any existing vegetation where possible. A landscaping plan has been prepared and is included in Appendix C.
E2.14 Fencing	The front and rear fencing meets the requirements of the DCP. The side and rear boundaries will have 1.2m to 1.8m high fencing which has been designed to be sympathetic with the neighbours and street frontages. The play areas within the site have also been appropriately fenced as required to ensure the safety of children. Details of the fencing are included in the plans in Appendix A.
E2.15 Lighting	Appropriate lighting is proposed to be included in the development in accordance with the relevant standards and to mitigate any potential obtrusive lighting effects. Details of the lighting proposed are included in the plans in Appendix A.
E2.16 Bush Fire Hazard Management	The site is not bush fire prone, therefore this section is not applicable.
E2.17 On Site Sewage Management	Not applicable.

DEVELOPMENT CONTROL	COMPLIANCE / COMMENT
E2.18 Stormwater Management	Refer to other sections of this DCP table. A stormwater management plan has been prepared and is included in Appendix E. Also refer to the Concept Design Report included in Appendix M.
E2.19 Bushland and Biodiversity	There is no habitat or threatened species on or within close proximity to the site, it is generally residential in nature. No further studies are required or applicable to the proposal.
E2.20 Food Preparation Facilities	A kitchen for food preparation is proposed. It has been designed to comply with appropriate standards and requirements. Details are included in Appendix A.
E2.21 Erosion and Sediment Control	Refer to other sections of this DCP table. An erosion and sediment control plan has been prepared and is included in Appendix E.
E2.22 Waste Management - Storage and Facilities	Refer to other sections of this DCP table. A waste management plan has been prepared and is included in Appendix B.
E2.23 Waste Management Planning	Refer to other sections of this DCP table. A waste management plan has been prepared and is included in Appendix B.
E3 Information Required for A Development Application	Noted and applicable information has been provided.
Section 7 Industrial	Not applicable.
Part C General Development	
Section 1 Parking	
1. Introduction	
1.1 Land to which This Section of the Plan Applies	Applicable to this site and proposal.
1.2 Aims and Objectives of this Section of the DCP	Appropriate parking, access and circulation has been provided for this proposal.
2. Objectives and Development Controls	
2.1 General Parking Requirements	<p>The parking required for this proposal is: <i>1 space per employee plus 1 space per 6 children enrolled for visitors and/or parent parking and a set down area</i></p> <p>This means under the DCP 45 car spaces are required to be provided on the site. The proposal only includes 24 spaces on site. Justification for the variation is included in the traffic and parking report included in Appendix D.</p> <p>The car parking is limited to only persons using the centre or staff and is provided with direct access to the centre for parents and carers.</p> <p>In addition, the centre is located on a public transport route and within a high – medium density residential area. Many of the children will be dropped off by parents who can walk to the centre or have taken a bus on their way to / from work.</p> <p>Part of the car parking area has been set aside for short term drop-off and pick-up spaces.</p> <p>In addition, there are a number of on-street spaces that could be used surrounding the site, with three</p>

DEVELOPMENT CONTROL	COMPLIANCE / COMMENT
	street frontages. These could be used in peak times if required, but their need is unlikely.
2.2 Parking for Disabled Persons and Parents with Prams	The DCP requires 3% of spaces to be accessible for schools, so this has been used as a guide here. Based on 24 spaces to be provided, 3% is equivalent to 0.7 spaces, however 2 accessible spaces have been provided. These are shown on the plans included in Appendix A and discussed in the traffic and parking report included in Appendix D.
2.3 Bicycle Parking	There are no specific bicycle parking requirements for child care centres. However, eight (8) spaces have been provided for employees and parents / carers. The spaces / storage areas have been provided in a well-lit section of the car parking area. Appropriate shower and change facilities have been provided for the staff.
2.4 Motorcycle Parking	No motorcycle parking is required as part of this development.
2.5 Carwash Bays	Not applicable.
2.6 Set Down Areas	Five (5) car spaces have been identified as short term spaces for drop-off and pick-up of children. Unlike schools it is not appropriate to have a drive through system as all parents and carers need to sign their children in and out of care.
2.7 Car Park Design and Layout	The car park has been designed in accordance with relevant standards and Council policies. Refer to plans in Appendix A and traffic and car parking report in Appendix D.
2.8 Landscaping	No landscaping is proposed for the car park as it is in the basement.
2.9 Loading and Delivery Requirements	No specific loading and delivery space has been provided. The servicing of the centre for deliveries will be organised outside of peak periods so to limit conflict with car spaces.
2.10 Access Driveways	The access driveway to the proposal has been designed in accordance with appropriate standards and Council guidelines.
3. References	Noted
Section 2 Signage	Not applicable – separate application will be submitted for signage on the site.
Section 3 Landscaping	
1. Introduction	
1.1 Land to which this Section of the Plan Applies	Noted, section is applicable.
1.2 Aims and Objectives of this Section of the DCP	The proposed landscaping meets the objectives of this section and the character of the local area.
2. Background Information	
2.1 Why are Landscape Plans Necessary?	Noted.
2.2 Threatened Species	Not applicable.
2.3 Noxious Species	Noted.
2.4 Tree Management Provisions	Noted, any tree that is required to be removed as part of this application is shown on the plans. An arborist report is included in Appendix L.
3. Objectives and Development Controls	

DEVELOPMENT CONTROL	COMPLIANCE / COMMENT
3.1 General Planning and Design Controls	Proposed landscaping has been designed in accordance with these controls. Refer to landscape plans included in Appendix C.
3.2 Protection of Trees and Understorey	As many trees as possible will be retained on the site, wherever possible. The existing vegetation is not part of natural vegetation and has been planted as part of the historical residential development in the area.
3.3 Development Adjacent to Bushland Areas	Not applicable.
3.4 Street Trees and Streetscape	Noted.
3.5 Drainage and On-Site Detention	Noted. Stormwater plans have taken this into consideration. Refer to Appendix E. Also refer to the Concept Design Report included in Appendix M
3.6 Landscape Construction Standards	Noted. Refer to landscape plans in Appendix C.
3.7 Water Conservation and Irrigation	Rainwater tanks are proposed. The landscaping will be managed as appropriate and where possible drought tolerant plants will be used. Refer to landscape plans in Appendix C for details.
3.8 Maintenance	Landscaping will be maintained as part of the centre management.
3.9 Subdivisions	Not applicable.
3.10 Business and Industrial Development	Not applicable.
3.11 Residential Development	Not applicable.
3.12 Car Parking	Not applicable – car parking is in basement.
3.13 Tennis Courts	Not applicable.
3.14 Heritage	Not applicable.
Section 4 Heritage	Not applicable.
Section 5 Telecommunications Facilities	Not applicable.
Section 6 Flood Controlled Land	Not applicable.
Part D Site Specific	Not applicable.

Additional Details

Children's (Education and Care Services) Supplementary Provisions Regulation 2012

The above regulation has been considered in the design of the proposed child care centre and Table 3 below considers the provisions of the regulation and compliance of the centre.

Table 3: Compliance with Children's (Education and Care Services) Supplementary Provisions Regulation 2012

DEVELOPMENT CONTROL	COMMENT	COMPLIES
Part 3 Facilities and equipment requirements		
Division 1 Facilities		
28 Space requirements—centre based education and care services		
(1) Staff, consultation and sleeping rooms	The centre has administration areas, staff room and facilities and cot rooms for each areas of 0-2 years olds.	Yes

DEVELOPMENT CONTROL	COMMENT	COMPLIES																								
(2) 3.25m ² of unencumbered indoor play space per child	See table below <table> <tr> <th>AGE</th><th>REQ</th><th>AREA</th></tr> <tr> <td>0-2 Rm 1</td><td>8 x 3.25 m² 26 m²</td><td>28.17 m²</td></tr> <tr> <td>0-2 Rm 2</td><td>8 x 3.25 m² 26 m²</td><td>28.17 m²</td></tr> <tr> <td>0-2 Rm 3</td><td>8 x 3.25 m² 26 m²</td><td>27.34 m²</td></tr> <tr> <td>2-3 Rm 1</td><td>25 x 3.25 m² 81.25 m²</td><td>81.89 m²</td></tr> <tr> <td>2-3 Rm 2</td><td>15 x 3.25 m² 48.75 m²</td><td>53.12 m²</td></tr> <tr> <td>3-5 Rm 1</td><td>30 x 3.25 m² 97.5 m²</td><td>97.74 m²</td></tr> <tr> <td>3-5 Rm 2</td><td>30 x 3.25 m² 97.5 m²</td><td>98.95 m²</td></tr> </table>	AGE	REQ	AREA	0-2 Rm 1	8 x 3.25 m ² 26 m ²	28.17 m ²	0-2 Rm 2	8 x 3.25 m ² 26 m ²	28.17 m ²	0-2 Rm 3	8 x 3.25 m ² 26 m ²	27.34 m ²	2-3 Rm 1	25 x 3.25 m ² 81.25 m ²	81.89 m ²	2-3 Rm 2	15 x 3.25 m ² 48.75 m ²	53.12 m ²	3-5 Rm 1	30 x 3.25 m ² 97.5 m ²	97.74 m ²	3-5 Rm 2	30 x 3.25 m ² 97.5 m ²	98.95 m ²	Yes
AGE	REQ	AREA																								
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3-5 Rm 2	30 x 3.25 m ² 97.5 m ²	98.95 m ²																								
(3) Calculation of indoor space	Noted	Yes																								
(4) 7m ² of useable outdoor play space per child	See table below <table> <tr> <th>AGE</th><th>REQ</th><th>AREA</th></tr> <tr> <td>0-2</td><td>24 x 7 m²</td><td rowspan="4">453.16 m²</td></tr> <tr> <td>2-3</td><td>168 m²</td></tr> <tr> <td>Ground</td><td>40 x 7 m² 280 m²</td></tr> <tr> <td></td><td>Total - 448 m²</td></tr> <tr> <td>3-5</td><td>60 x 7 m²</td><td rowspan="2">420.2 m²</td></tr> <tr> <td>Lower ground</td><td>420 m²</td></tr> </table>	AGE	REQ	AREA	0-2	24 x 7 m ²	453.16 m ²	2-3	168 m ²	Ground	40 x 7 m ² 280 m ²		Total - 448 m ²	3-5	60 x 7 m ²	420.2 m ²	Lower ground	420 m ²	Yes							
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3-5	60 x 7 m ²	420.2 m ²																								
Lower ground	420 m ²																									
(5) Calculation of outdoor space	Noted	Yes																								
(6) Adequate shade	Appropriate and adequate shading has been provided.	Yes																								
(7) Indoor / Outdoor space variation	Not required	N/A																								
(8) Natural light and ventilation	The proposal has been specifically designed to ensure adequate natural light and ventilation to all play spaces.	Yes																								
29 Laundry	A laundry has been provided.	Yes																								
30 Craft preparation facilities—centre based or mobile education and care service	Appropriate facilities have been provided for preparation and storage of craft.	Yes																								
31 Food preparation facilities	A kitchen has been provided.	Yes																								
32 Toilets and washing facilities	Appropriate toilets and washing facilities have been provided.	Yes																								
33 Nappy change facilities	Nappy change areas are provided for each area as required.	Yes																								
34 Sleeping facilities	Cot rooms are provided for ages 0-2 and other facilities will be provided as required.	Yes																								
35 Storage facilities	Appropriate storage areas have been provided.	Yes																								
36 Swimming pools	Not applicable.	N/A																								
37 Venue management plans—mobile education and care services	Not applicable.	N/A																								

DEVELOPMENT CONTROL	COMMENT	COMPLIES								
Division 2 Equipment (38-41)	Appropriate equipment in the form of telephone, play equipment, first aid and fire safety will be provided as required and in accordance with relevant standard and regulations.	Yes								
Division 3 General										
42 Ventilation, light and heating	Appropriate ventilation, light and heating will be provided.	Yes								
43 Hot water	Appropriate controls will be used on hot water outlets.	Yes								
44 Fencing	All outdoor play spaces, including access to the spaces, are appropriately fenced.	Yes								
45 Glass	Appropriate glazing is proposed.	Yes								
46 Cleanliness, maintenance and repairs	The centre will be appropriately maintained and repaired – refer to plan of management in Appendix I.	Yes								
47 Safe environment—centre based or mobile education and care service	Noted and centre will comply.	Yes								
48 Repair of premises	Noted and centre will comply.	Yes								
Part 4 Staffing requirements	<div>Minimum staff requirements<table><tr><th>AGE</th><th>REQ</th></tr><tr><td>0-2 years 1 employee / 4 children</td><td>24 / 4 6 employees</td></tr><tr><td>2-3 years 1 employee / 8 children</td><td>40 / 8 5 employees</td></tr><tr><td>3-5 years 1 employee / 10 children</td><td>60/10 6 employees</td></tr></table></div> <div>17 staff are required. 24 staff are proposed. Of the additional staff, a cook will be employed.</div>	AGE	REQ	0-2 years 1 employee / 4 children	24 / 4 6 employees	2-3 years 1 employee / 8 children	40 / 8 5 employees	3-5 years 1 employee / 10 children	60/10 6 employees	Yes
AGE	REQ									
0-2 years 1 employee / 4 children	24 / 4 6 employees									
2-3 years 1 employee / 8 children	40 / 8 5 employees									
3-5 years 1 employee / 10 children	60/10 6 employees									

Basement Car Parking Additional Justification

The Hills Development Control Plan does not permit basement car parking for child care centres unless they are within a mixed use development. The objectives of the development control are:

- (i) To ensure that the parking demand generated by the development is accommodated on site
- (ii) To ensure that the development considers the design of parking for disabled persons and parents with prams

The proposed car parking meets the above objectives, by providing parking on site and with sufficient lift access to the centre from the parking level.

Further, a back ground paper written in 2006 identified that basement car parking was not suitable for child care centres for the following reasons:

- Basement parking not suitable in rural and residential areas as they are not reflective of the character of the area;
- They are usually required where a development is too intensive for the site; and
- They present issues for ease of access for users of the site.

These reasons are not really relevant to this site, because:

- The design is reflective of the medium density nature of the area and the trend to provide streetscape appeal over the dominance of car parking;
- The basement car parking is required due to the slope of the site, not the over development; and
- Given the nature of this site, basement car parking would provide better ease of access to the centre than at grade parking.

In addition, there have been at least four (4) centres previously approved with basement car parking within The Hills local government area including:

- 23-25 John Street, Baulkham Hills (72 children)
- 1 Kers Road, Castle Hill (66 children)
- 764 Pennant Hills Road / 23 Moseley Street), Carlingford (78 children)
- 230 Old Northern Road, Castle Hill - partial basement (64 children)

Reference is made to the Land and Environment Court considerations in *Peter McNamee v Baulkham Hills (2006) NSWLEC 379* where one of the above development applications (2701/2005/HA) for a child care centre in Carlingford, was subject to an appeal which was upheld by the court. The reasons for the successful appeal included:

It is considered that the proposed development provides a substantially better built form outcome, through a lower bulk and scale and high quality landscaping.

McNamee directed that the likely future character of the area, being medium density, be considered. In this case the use of basement car parking would be consistent with multi-dwelling development and would improve streetscape and visual impacts. The proposal here is consistent with the desired future character of the area and provides similar density to that of nearby medium density development.

The proposed site is significantly sloped and providing at grade car parking for the centre is not a feasible option, nor the best use of the site considering appropriate design in a medium density zone.

4.5 Water Management Act 2000

Under Part 3 of Chapter 3 a person must obtain a permit for water use approval, water management work approval or activity approval.

No building works are proposed in close proximity to a water course and the integrated approval of Office of Water is not required in this instance.

4.6 Rural Fires Act 1997 & Planning for Bushfire Protection

The subject site is not located within a designated bushfire prone area. The application will therefore not require referral to the NSW RFS for concurrence.

4.7 Threatened Species Conservation Act 1995

The TSC Act aims to conserve biological diversity and promote ecologically sustainable development. This is to be achieved by preventing the extinction and promoting the recovery of threatened species, populations and ecological communities

The site does not form part of an ecological corridor and is not identified as 'critical habitat'. Accordingly, a seven-part test is not warranted in this instance.

4.8 Environment Protection Biodiversity Conservation Act 1999

There are no known nationally listed threatened species that may be affected by the proposal. Therefore, referral of the proposal to the Commonwealth Minister for the Environment is not required.

5 Section 79(C) Assessment

5.1 (a)(i) - The Provisions of any Environmental Planning Instrument

As outlined in Section 4.0 the proposal has been prepared in light of the relevant environmental planning instruments.

5.2 (a)(iii) The Provisions of any Development Control Plan

The proposal has been prepared having regard for relevant DCP requirements, refer Section 4.0.

5.3 (b) The Likely Impacts of That Development

Environmental Responsibility and Land Capability

Ecological Values

No significant or threatened vegetation exists on the subject site.

Scenic Values

The proposed development is within an existing medium density residential zone; the building has been architecturally designed to fit within the streetscape. The proposed development is consistent with nearby developments in the area.

Acoustic Impact

An acoustic report has been prepared that considers the impact of the child care centre on surrounding development as well as the impact of North Rocks Road on the centre. No adverse impacts have been identified. Refer to report included in Appendix G.

Tree Preservation and Management

No significant vegetation exists on the subject site. Some trees require removal; however, the environmentally sensitive design will allow for some existing trees to be retained.

Refer to Appendix C for landscape plans which show how existing and replacement vegetation have been incorporated in the design. An arborist assessment and report is also included in Appendix L

Erosion Prevention and Sediment Control

An erosion and sediment control plan has been prepared and is included in Appendix E.

Energy Efficiency / Sustainability

The proposal has been designed to be sustainable through energy efficient design and construction. Refer to report included in Appendix J.

Overshadowing

The proposed development will not cause any overshadowing to open spaces and will only have a minor impact on neighbouring residential properties in the late afternoon. Refer to shadow diagrams included in Appendix A.

Privacy

The proposed development is sympathetic to the adjoining residential property at 47 North Rocks Road and has taken appropriate measures to ensure that communal and outdoor play areas do not overlook any residential development.

Appropriate fencing to retain the privacy of the children is also proposed.

Social Impact & Economic Impact

The proposed child care centre aims to address the need for additional child care spaces, as well as complement recent growth and development in the North Rocks area. The site is well serviced by public transport and will provide ongoing employment opportunities during and after construction.

Heritage

There are no known European heritage items on or near the site.

An AHIMS search has been completed and there are no known Aboriginal objects or Aboriginal places recorded on or near the site.

The site has already been heavily disturbed and it is unlikely that any archaeological evidence will be present.

Infrastructure and On-site Services

The site is serviced by power, telecommunications, sewer and water.

The Stormwater Management Plan provides details on proposed stormwater drainage (refer Appendix E). Also refer to the Concept Design Report included in Appendix M

Transport, Access, Parking and Servicing

As outlined in Section 3.2 24 car parking spaces will be provided.

There are two primary access points to the site, via North Rocks Road for pedestrians and via Speers Road for vehicles.

The proposed development will not cause any adverse traffic or parking issues and is well serviced by public transport. There are bus stops on either side of North Rocks Road, within 50m of the site.

The Traffic and Parking Report discusses potential issues that may result due to the development (refer Appendix D).

Amenity

The proposal will not cause any inappropriate impacts for neighbours and is consistent with the nearby developments in the area.

The proposal uses an integrated architectural and landscaping design which will make a positive contribution to the desired streetscape and amenity of the area.

5.4 (c) The Suitability of the Site for the Development

The Statement of Environmental Effects has determined that there are no constraints that would restrict the development proposed. The site is therefore suitable for the development proposed.

5.5 (e) Public Interest

The public interest is best served by promoting sustainable development that is rational, orderly and economic. The proposal will generate positive social, environmental and economic benefits.

Accordingly, the proposal is considered to be in the public interest.

6 Conclusion

The Statement of Environmental Effects has been prepared having regards for the requirements of section 79C of the Environmental Planning and Assessment Act, 1979. It is considered that the proposal represents the most suitable use of the land and will complement recent growth and development in the area. The central location of the site to a range of community facilities and transport, as well as the need for additional child care spaces in the area further justifies this proposal.

Our assessment of the proposal confirms:

- Additional employment during and after construction;
- The design works well with nearby developments and the streetscape along Speers Road North Rocks Road;
- No adverse impacts are anticipated on the adjoining medium residential area; and
- The centre will provide much needed additional spaces for child care within the local area.

The proposal represents rational, orderly, economic and sustainable use of the land. Provided the consent authority is satisfied with the building design, the proposed development is considered appropriate.

**Appendix A
Development Plans**

**Appendix B
Waste Management Plan**

**Appendix C
Landscape Plan**

**Appendix D
Traffic and Parking Report**

Appendix E
Stormwater Management Plans

**Appendix F
Social Impact Assessment**

**Appendix G
Acoustic Report**

**Appendix H
Access Report**

Appendix I
Operational Plan / Plan of Management

**Appendix J
ESD Report**

**Appendix K
Clause 4.6 Submission**

Objection to a Development Standard – Building Height

Location of Property - Lots 12 & 13 DP 22931 and Lot 118 DP 23173, located at 49-51 North Rocks Road and 2 Speers Road, North Rocks

Proposed Development – A 124 place child care centre.

Development Standard to which the Objection Relates

Building height under Clause 4.3 Height of buildings within The Hills Local Environmental Plan (LEP) 2012.

What are the Objectives of the Development Standard?

The objectives of Clause 4.3 relating to building height are:

- (a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,
- (b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

State the Numeric Value of the Development Standard

The height of buildings map within The Hills LEP 2012 identifies a maximum building height for this site of 9m.

State the Proposed Numeric Value of the Development

The child care centre is proposed to have a maximum height of 9.65m for a small section of the proposal, the remainder of the centre will remain under the 9m height limit.

State the % Variation of the Proposed Development to the Development Standard

The percentage variation is 7.2% to the maximum permissible on the height of buildings map.

Reason for the Proposed Variation

The proposed variation to the maximum height is required for the following reasons:

- The slope of the site, means a portion of the roof is over the height limit;
- The design includes a setback from the boundaries for the upper levels, which means a small variation in height provides for better design balance and reduces potential for impacts on adjoining sites; and
- As the centre is catering for more than 100 children the internal ceiling height is increased.

Reason why Strict Compliance is Unreasonable or Unnecessary in this Instance.

The strict compliance is unnecessary and unreasonable in this instance as the variation is relatively minor and due to the slope of the site and setback from the boundary adverse impacts are limited. Further, the design is in character with the zone and of a similar height to neighbouring properties. Only a portion of the upper level on one part of the site is above the 9m height limit.

The variation will not create any significant overshadowing or privacy issue. The portion of the building above the height plane is located to the edge of the site, setback from the boundary, facing Speers Road and represents a minor 450mm non-compliance. The proposal is a good design for the land form of the site and achieves an appropriate outcome without over-developing the site.

The images below show the location of the height variation in relation to the site and neighbours.

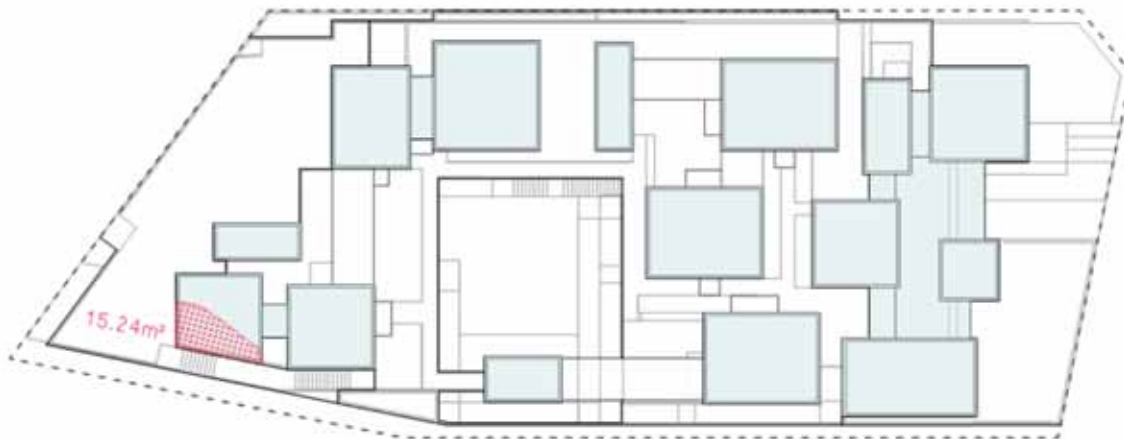


Image 1 – shows only 2.25% of roof area is impacted

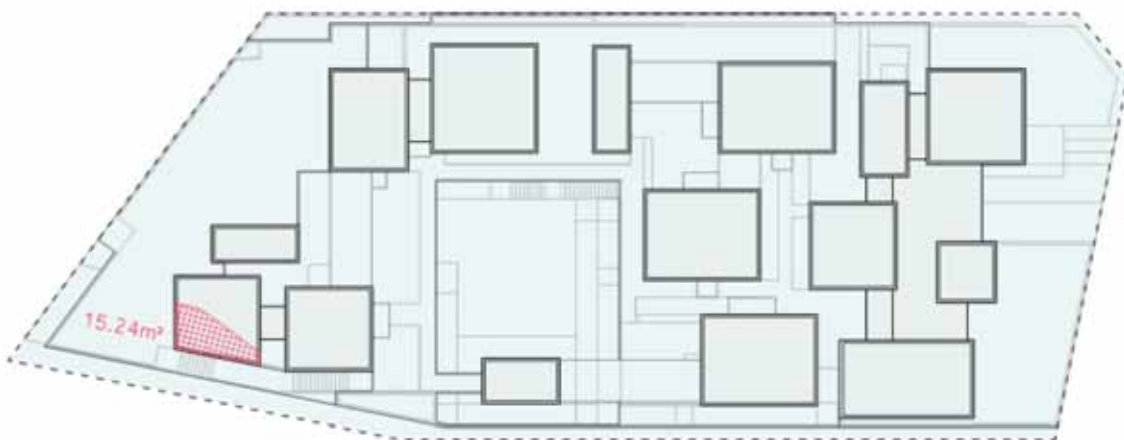


Image 2 – shows only 0.73% of site area is impacted

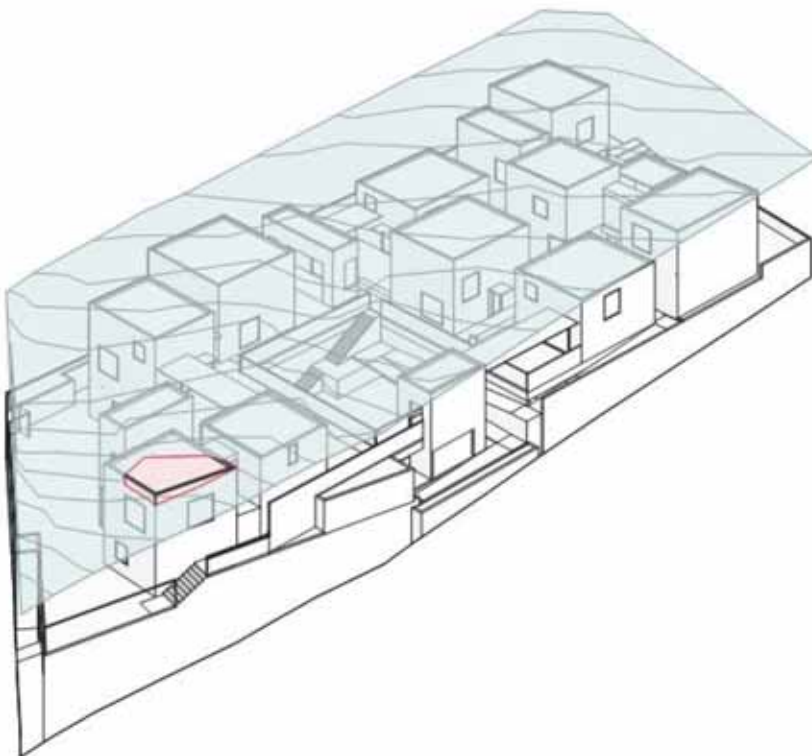


Image 3 – Height Plane diagram showing minor variation, mainly due to site slope

Specific reasons include:

- The variation in height is due to the slope of the site;
- The variation only represents a small portion of one of the roof areas on one module;
- The level is setback from the boundary;
- The bulk and scale of the building is not excessive due to the design excellence and does not visually dominate the streetscape;
- There will be no significant view loss for residents located in adjacent properties;
- No significant overshadowing or privacy impacts will be created by the variation to the development standard;
- The height is consistent with other low to medium density development within the vicinity of the site; and
- The proposed development is considered to be consistent with the objectives of Clause 4.3 and the zone objectives as detailed above.

Sufficient Environmental Planning grounds to Justify Contravention of Development Standard

As shown in the information provided above, there is adequate planning rationalisation provided to justify the variation, including:

- The building is not significantly higher than buildings within the vicinity of the site and only a small portion of the building exceeds the proposed height limit of 9m due to the slope of the site;
- The building is well designed and will be an asset to the area providing much needed child care;
- The development will not result in significant overshadowing, view loss or privacy issues due to the proposed height variation; and
- The development complies with Clause 4.3 and zone objectives as detailed above.

Therefore, in this regard it should be supported.

Is the Development and the Proposed Variation in the Public Interest?

The proposed development meets the objectives of what the zone, the height limit and proposed child care centres. The proposal is located on a sloping site and has been designed to have minimal impact on adjoining properties and the public domain. This has resulted in a small variation to the proposed height as detailed above. This small variation is minor compared to the improved design and services to be provided by the proposed development.

Appendix L
Arborist Report and Information

Appendix M
Concept Design Report