

1. Environmental Planning and Assessment Act 1979

1.1 Section 4.15 'Heads of Consideration'

Heads of Consideration	Comment	Complies
a. The provisions of: (i) Any environmental planning instrument (EPI)	The proposal is consistent with the relevant EPIs, including the State Environmental Planning Policy (Transport and Infrastructure) 2021 and Blacktown Local Environmental Plan 2015. The proposed development is a permissible land use in the R4 High Density Residential zone and satisfies the zone objectives outlined under Blacktown Local Environmental Plan 2015.	Yes
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	N/A	N/A
(iii) Any development control plan (DCP)	Blacktown Development Control Plan 2015 applies to the site. The proposed development is compliant with the numerical controls of this Plan except for the cut (excavation) requirement for the proposed basement car parking, and the requirement to limit child care facilities to the ground floor. The proposed variation has been discussed in the Summary report (Section 8.2) and assessed to be acceptable, given that the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the child care centre guideline prevails over the DCP.	No, but acceptable in the circumstances
(iii a) Any Planning Agreement	N/A	N/A
(iv) The regulations	The proposal is considered to be consistent with the relevant controls under Education and Care Services National Regulations 2011 as detailed in the following sections below. The proposed child care centre development will also be required to obtain a licence to operate from the NSW Department of Education who will also ensure that the development addresses the regulations.	Yes
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	It is considered the likely impacts of the development including noise, traffic and parking have been satisfactorily addressed and appropriate conditions have also been included where necessary as part of the consent. In view of the above it is considered that the proposed development will not have any unfavourable social, economic or environmental impacts.	Yes
c. The suitability of the site for the development	The site is zoned R4 High Density Residential and child care centres are permissible with consent.	Yes

Heads of Consideration	Comment	Complies
	The site is located within 170 m from Our Lady of Lourdes Primary School, and 630 m from Meadows Public School. It is also approximately 250 m from Best Road Reserve, consistent with Blacktown Child Care Centre Guide 2016. The design of the child care centre is consistent with the desired residential character for the area. The proposal is considered satisfactory in maintaining the general amenity of surrounding developments.	
d. Any submissions made in accordance with this Act, or the regulations	The application was notified by letter to 66 property owners and occupiers in the locality for 14 days, from 25 November and 9 December 2022. The proposal was also made accessible on Council's website under the Development Register section. A notification sign was also erected on the site. No submissions were received.	Yes
e. The public interest	The proposed development is considered in the public interest as it will provide additional capacity to meet the growing demand for child care places in this area.	Yes

2. State Environmental Planning Policy (Resilience and Hazards) 2021

Summary comment	Complies
<p>State Environmental Planning Policy (Resilience and hazards) 2021 aims to 'provide a State-wide planning approach to the remediation of contaminated land'. Chapter 4 and specifically Clause 4.6 requires a consent authority to determine if the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of development consent.</p> <p>The land is currently used for general residential purposes, with potential asbestos contamination. Subject to the preparation of a Hazardous Materials Survey prior to demolition of any onsite structures, site remediation measures and provision of a site validation report, the site can be made suitable for the proposed use. This is as confirmed by the applicant's Preliminary Site Investigation Report prepared by EI Australia dated 15 September 2022 (pages 32 and 33). Conditions for the preparation of the Hazardous Materials Survey, site remediation and site validation have been included in the conditions of consent.</p>	Yes, subject to conditions

3. State Environmental Planning Policy (Transport and Infrastructure) 2021

Summary comment		
We have assessed the development application against the relevant provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 in the table below.		
Principle	Control	Comment
Part 3 Early education and care facilities—specific development controls		
22 Centre-based child care	Development applications that do not comply with the unencumbered indoor and outdoor	Complies

Principle	Control	Comment
Part 3 Early education and care facilities—specific development controls		
facility— concurrence of Regulatory Authority required for certain development	<p>space requirements of the NQF will require the concurrence of the Secretary of the Department of Education.</p> <p>Clauses 107 and 108 of the Education and Care Services National Regulations contains strict space requirements for child care facilities:</p> <ul style="list-style-type: none"> at least 3.25 m² of unencumbered indoor space must be provided for each child; at least 7.0 m² of unencumbered outdoor space must be provided for each child. 	<ul style="list-style-type: none"> 20 children between 0-2 year old 30 children between 2-3 year old 90 children between 3-5 year old <p>Total: 140 children</p> <p>Indoor space 140 × 3.25 = 455 m² required 499 m² will be provided over 3 floors</p> <p>Outdoor space 140 × 7 = 980 m² required 1,043 m² will be provided over 3 floors</p>
23 Centre-based child care facility—matters for consideration by consent authorities	Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.	Complies The development satisfactorily addresses the applicable provisions of the Child Care Planning Guideline. See the assessment below.
25 Centre-based child care facility—non-discretionary development standards	<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 4.15(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</p>	<p>Noted</p> <p>Noted</p> <p>Complies Clause 107 and 108 of Early education and care facilities requires minimum 3.25 m² of unencumbered indoor space and 7 m² of unencumbered outdoor space for each child. The proposed development will provide at least 3.25 m² of unencumbered indoor space and 7 m² of unencumbered outdoor space for each child over 3 floors.</p> <p>Complies The development proposal will provide at least 3.25 m² indoor play</p>

Principle	Control	Comment
Part 3 Early education and care facilities—specific development controls		
	<p>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>area and 7 m² useable outdoor play space per child in accordance with the space requirements under clause 28 of the Education and Care Services National Regulations and Supplementary Regulations 2012 over 3 floors.</p> <p>Noted</p> <p>Noted</p> <p>The site does not contain a heritage item and is not in a heritage conservation area.</p> <p>Noted</p>
26 Centre-based child care facility—development control plan	<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>a) operational or management plans or arrangements (including hours of operation)</p> <p>b) demonstrated need or demand for child care services</p>	<p>Noted</p> <p>A Plan of Management is provided and contains the relevant operational requirements, outlining the operator and staff responsibilities to maintain general neighbouring amenity, waste disposal, and acoustic measures. The proposed hours of operation being 7am – 6pm Monday – Friday – is considered to be consistent with other childcare centre operation and is unlikely to be a nuisance for the surrounding residential properties if proper management techniques are adhered to.</p> <p>There is a demand for child care centres as the area is mainly residential.</p>

Principle	Control	Comment
Part 3 Early education and care facilities—specific development controls		
	<p>c) proximity of facility to other early 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>	<p>The nearest child care centre is Milestones Early Learning which is located 350m to the north-east.</p> <p>The application has been assessed against the relevant controls under Blacktown Development Control Plan 2015 and it complies with the all relevant matters excepting cut (excavation) and limitation to facilitate a child care centre only on the ground floor. See assessment further below and as discussed in section 8.2 of the Summary Report.</p> <p>Noted</p>

4. Child Care Planning Guideline 2017 (document dated September 2021)

Principle	Control	Comment	Compliance
Part 2 Design quality principles			
Principle 1 – Context	<p>Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.</p> <p>Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities</p>	<p>The proposal has been designed to be in keeping with in surrounding neighbourhood. The childcare centre will also provide benefit to many young families.</p> <p>The site is located within a walkable distance from public transport; 160m from a bus stop for routes 702, 705 and 711 to Seven Hills and Blacktown Railway stations, with services arriving every 10 – 20 minutes.</p>	Yes
Principle 2 - Built form	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.</p> <p>Good design achieves an appropriate built form for a site and the building's purpose in terms of building</p>	<p>The proposed child care centre is 10.7 m high, in a high density residential zoned area with a maximum building height of 20m. The proposed building setbacks are in keeping with the surrounding low-density developments. The designated locations of the upper</p>	Yes

Principle	Control	Comment	Compliance
	<p>alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p> <p>Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.</p>	<p>floors' outdoor play areas are toward the street, so have considered the adjoining neighbours' amenity.</p> <p>Seven Hills - Toongabbie RSL Club is located opposite on William Street, which is also a recently approved 3-storey building with basement car parking, at 11.4m in height.</p> <p>The childcare centre addresses both street frontages</p>	
Principle 3 - Adaptive learning spaces	<p>Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out.</p> <p>Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction</p>	<p>The proposal includes both indoor and outdoor spaces for each age group and provides learning areas that are accessible and designed to maximise surveillance of the play areas</p>	Yes
Principle 4- Sustainability	<p>This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs.</p> <p>Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p> <p>Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.</p>	<p>The childcare centre proposes activity rooms that will enjoy maximum ventilation and sunlight from all directions.</p> <p>Deep soil zones will be provided along the rear boundary in the outdoor play area. Planting and vegetation will be provided all around the building perimeter.</p>	Yes
Principle 5 - Landscape	<p>Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape</p>	<p>A landscape plan has been submitted with the application which illustrates that landscaping and planting can be provided along all setbacks to the site boundaries, consistent with the character of the streetscape and neighbourhood. Additional street trees are also capable to be provided by the</p>	Yes

Principle	Control	Comment	Compliance
	<p>character of the streetscape and neighbourhood.</p> <p>Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks</p>	development which will be reiterated in the consent conditions.	
Principle 6 - Amenity	<p>Good design positively influences internal and external amenity for children, staff and neighbours.</p> <p>Achieving good amenity contributes to positive learning environments and the well-being of students and staff. Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.</p> <p>Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.</p>	The proposed child care centre includes adequate indoor and outdoor areas with suitable sunlight, services, storage and ventilation.	Yes
Principle 7 - Safety	<p>Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.</p>	<p>The indoor and outdoor areas have been designed to allow for good surveillance across the facility. The submitted landscape plan demonstrates the use of vegetation and landscaping that can be easily maintained.</p> <p>An emergency evacuation diagram was submitted with the application which will assist in the operational measure of the child care centre. A consent condition will be imposed prior to the occupation certificate to ensure a detailed preparation of emergency and evacuation procedures in accordance with clauses 97 and 168 of the Education and Care Services National Regulations 2011.</p>	Yes

Part 3 Matters for consideration

The matters support the design principles and must be considered by the consent authority when assessing a DA for a child care facility. Child care facilities can be developed in a broad range of locations and need to be flexible in how they respond to the requirements and challenges this brings.

3.1 Site selection and location – C1	For proposed developments in or adjacent to a residential zone, consider:	An Acoustic report was submitted with the application which concludes the proposed development can comply with all the noise guidelines. A condition will	Yes, subject to conditions
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Principle	Control	Comment	Compliance
	<ul style="list-style-type: none"> 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 	<p>be imposed requiring the applicant to comply with the report's recommendations. Council's Environmental Health Officer also has assessed the proposal to be satisfactory, subject to the recommendations being included as conditions which have been imposed accordingly.</p> <p>The proposed child care centre's building setbacks and siting will be consistent with the surrounding residential properties.</p> <p>The proposal will provide the required car parking spaces in accordance with the requirements of Blacktown Development Control Plan 2015 which is 24 spaces for parents and 20 spaces for staff. The traffic report submitted with the application concludes that traffic generated by the parents and staff to be acceptable and is not expected to adversely impact upon the safety or operation of the surrounding road network.</p>	
3.1 Site selection and location – C2	<p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> the location and surrounding uses are compatible with the proposed development or use the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed the characteristics of the site are suitable for the scale and type of development proposed having regard to: - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas where the proposal is to occupy or retrofit an existing dwelling, the 	<p>The site is located in a high-density residential zone that is in transition with a mix of low and high density residential and private recreational zoned land which contains the local RSL Club. The proposed development is permissible in the R4 zone.</p> <p>The site is not affected by flooding, land slip or bushfire.</p> <p>Please refer to the above assessment against State Environmental Planning Policy (Resilience and Hazards) 2021</p> <p>The subject site is considered suitable for a 3-storey child care centre, given the zoning and the characteristics of the neighbourhood.</p> <p>The proposal provides adequate car parking spaces within the site, in accordance with Blacktown Development Control Plan 2015.</p>	Yes

Principle	Control	Comment	Compliance
	<p>interior and exterior spaces are suitable for the proposed use</p> <ul style="list-style-type: none"> 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 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. 	<p>N/A</p> <p>The basement car parking is designated for drop off and pick up areas with off street car parking provisions</p> <p>The site is located on a local road and on a corner bend. Council's Traffic Officer has confirmed the site to be suitable for the proposed use.</p> <p>The site is located opposite the Seven Hills – Toongabbie RSL Club building. However, the Club's main pedestrian and carparking entrance is 230m away from the proposed child care centre. It is considered that patrons entering and leaving the Club will be unlikely to disrupt the child care centre.</p> <p>There is a secondary car parking entry and exit for the Club on William Street which is unlikely to clash with the traffic flow to be generated for the proposed use.</p> <p>The proposed operation hours of the child care centre will also be outside the peak hours of the RSL Club. Council's Traffic Engineer has reviewed the proposal and raised no objection with respect to traffic, road safety and parking provisions.</p> <p>Based on the above considerations, the proposal is considered to be appropriate for the site.</p>	
3.1 Site selection and location – C3	<p>A child care facility should be located:</p> <ul style="list-style-type: none"> near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship near or within employment areas, town centres, business centres, shops with access to public transport including rail, buses, ferries in areas with pedestrian connectivity to the local 	<p>The proposal is near compatible social uses given that No. 10 Olive Street, opposite the subject site is Our Lady of Lourdes Primary School. The site is also approximately 250 m from Best Road Reserve (to the south-east).</p> <p>The northern side of the site is a local centre along Prospect Highway and around the Seven Hills Railway Station</p> <p>The site is located 750m walking distance to Seven Hills Railway Station, and bus stops are available along Olive Street and Best Road.</p> <p>Based on the above, the site has good pedestrian connectivity to the local community, businesses, shops and services.</p>	Yes

Principle	Control	Comment	Compliance
	community, businesses, shops, services and the like.		
3.1 Site selection and location – C4	<p>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from proximity to:</p> <ul style="list-style-type: none"> heavy or hazardous industry, waste transfer depots or landfill sites LPG tanks or service stations water cooling and water warming systems odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses 	<p>The proposal is located within a residential area with the RSL club nearby (where alcohol use is regulated) and is therefore not considered to pose a negative risk to the proposed users of this development.</p> <p>The site is not within close proximity of hazardous land use.</p>	Yes
3.2 Local character, streetscape and the public domain interface – C5	<p>The proposed development should:</p> <ul style="list-style-type: none"> contribute to the local area by being designed in character with the locality and existing streetscape reflect the predominant form of surrounding land uses, particularly in low density residential areas recognise predominant streetscape qualities, such as building form, scale, materials and colours include design and architectural treatments that respond to and integrate with the existing streetscape use landscaping to positively contribute to the streetscape and neighbouring amenity integrate car parking into the building and site landscaping design in residential areas. 	<p>The proposed development is compatible with the desired as well as the existing character of the area in the view of built form, height, bulk, scale, setbacks, material and finishes and landscaped areas.</p> <p>The building and the landscape areas respond to and integrate with the existing streetscape. The proposed design and building materials will integrate well with the surrounding existing buildings, and is suitable for a corner site.</p> <p>The side and front setbacks of the car park are proposed to be landscaped, and the basement car parking is suitably screened and located from the street not to be a dominant feature of the proposed building.</p>	Yes
3.2 Local character, streetscape and the public domain interface – C6	<p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> fencing to ensure safety for children entering and leaving the facility windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community 	<p>A 1.2m fence is mostly proposed along the street frontages, with the exceptions of 1.4m high fence on part of William Street, but which is setback from the street boundary and screened by landscaping (see Dwg No. 33 – fencing details in attachment 5).</p> <p>Staff rooms and reception area face towards the street and have access to windows for natural surveillance to the driveway and street.</p>	Yes

Principle	Control	Comment	Compliance
	<ul style="list-style-type: none"> integrating existing and proposed landscaping with fencing. 	Landscaping will be provided along boundary fencing of the outdoor area, front boundary and car park.	
3.2 Local character, streetscape and the public domain interface – C10	High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	The site does not adjoin a classified road.	N/A
3.3 Building orientation, envelope and design – C11	<p>Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses optimise solar access to internal and external play areas avoid overshadowing of adjoining residential properties minimise cut and fill 	<p>The childcare centre proposes high windows (with 1.5m sill height from the floor level) along the building walls facing the adjoining neighbouring properties.</p> <p>The proposed outdoor areas on all floors are projected away from the adjoining neighbouring properties.</p> <p>Acoustic barriers are proposed to reduce the impacts to the neighbours.</p> <p>The outdoor play areas are orientated along the eastern and southern aspects of the property, whereas the internal play areas are orientated to the northern and north-western aspects. Adequate solar access is achieved throughout the day.</p> <p>The proposed overshadowing impacts will fall onto the property itself and onto the streets, therefore does not result in unreasonable overshadowing of adjoining residential properties.</p> <p>As the proposal includes provision of a basement car parking with waste storage rooms and an onsite stormwater detention tank, the maximum cut allowed at 900mm by Blacktown Development Control Plan 2015 is not complied with.</p> <p>However, a basement car parking will allow for staff parking and a drop off and pick up area within the site instead of on the street which usually is likely to impact traffic flow and street parking availability, and the proposed onsite detention tank is considered an appropriate location as it is on the lower end of the site slope. The proposed waste storage rooms in the basement area will also be more</p>	No, for the proposed cut but satisfactory in the circumstances and subject to conditions

Principle	Control	Comment	Compliance
	<ul style="list-style-type: none"> ensure buildings along the street frontage define the street by facing it ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>secured with no amenity impacts to be created to the surrounding neighbours. A condition is recommended for a dilapidation report to be undertaken to ensure that the excavation works do not affect the adjoining properties and public domain (ie. kerb and road).</p> <p>The proposed designated entry for visitors and drivers is from Olive Street.</p> <p>The proposed elevated outdoor areas are unlikely to be affected by damaging winds. Awnings are proposed along the transition areas between the indoor and outdoor sections.</p>	
3.3 Building orientation, envelope and design – C12	<p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> building height should be consistent with other buildings in the locality building height should respond to the scale and character of the street setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility setbacks should provide adequate access for building maintenance setbacks to the street should be consistent with the existing character. 	<p>The proposed building height is in keeping with the desired height allowance on this site at 20m. It also considers the R2 zoned areas on the western side of Olive Street, and is of similar height to the RSL Club on the southern side of William Street.</p> <p>For setback assessments, please refer to the next section below.</p>	Yes
3.3 Building orientation, envelope and design – C14	On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house	<p>The adjoining side and rear properties comprise of detached dwelling houses. The required side and rear setbacks according to Blacktown Development Control Plan 2015 are 1.5 m and 3 m respectively.</p> <p>The proposed side and rear building setbacks are 2 m and 6 m respectively.</p> <p>To increase privacy to the adjoining neighbours, high sill windows are proposed along these setbacks, except for 1 window on the first floor facing the eastern boundary. However, this window is setback 12 m from the eastern boundary line.</p> <p>Side setbacks are required at 1.5 m, and the proposal will provide a minimum of 2 m along the northern boundary and 6 m along the eastern boundary. The 3rd storey also has provided a minimum of 6 m setback</p>	Yes

Principle	Control	Comment	Compliance
		<p>from the northern boundary as well as the eastern boundary.</p> <p>The required rear boundary setback for a corner lot is 3 m, which has been provided by the proposal at 6 m, and 12 m on the upper floor.</p> <p>Also, to note is the minimum requirement of 9 m street setback and 3 m secondary street setback, which has been provided by the proposal at 9 m and 3 m respectively.</p>	
3.3 Building orientation, envelope and design – C15	<p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas • responds to its natural environment including local landscape setting and climate • contributes to the identity of place. 	<p>The proposed built form is considered compatible with the desired character of the area which is in transition to a high-density residential area.</p> <p>The primary and secondary street frontages are landscaped within the setback areas, and a higher fence along William Street to screen the outdoor play area is set back and softened with vegetation.</p> <p>The main outdoor play areas on all floors are projected onto the streets to minimise noise impacts.</p> <p>The main and only pedestrian entrance is from Olive Street. The proposed vehicular entry is also from Olive Street. There is a direct and designated pedestrian entrance from Olive Street, as well as a safe pedestrian walkway in the basement parking.</p> <p>The child care centre operator should encourage the pick up and drop off to be in the basement parking and to reserve the pedestrian entrance and walkway on the ground floor for pick up and drop off of children who access the child care centre by foot. This requirement will be reiterated in the Plan of Management to be revised and submitted for Council's records, as a consent condition.</p>	Yes, subject to conditions
3.3 Building orientation, envelope and design – C16	<p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>A main pedestrian entrance is a direct access which is clearly delineated from Olive Street with a continuous ramp for disability and pram use.</p> <p>A main vehicular access is also provided from Olive Street for car drop off and pick up including a lift access to the child care facilities.</p> <p>The above 2 main access are not directly accessible from any outdoor play area.</p> <p>The submitted Plan of Management has indicated that staff will be monitoring the car park during the pick up and drop off hours.</p> <p>It is recommended that lift access to the first and second floors of the facilities to</p>	Yes, subject to conditions

Principle	Control	Comment	Compliance
		be accessible only by the facility staff, for improved safety and limiting access by the public.	
3.3 Building orientation, envelope and design – C17	<p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floor are well located relative to the level of the footpath. 	As above.	Yes
3.4 Landscaping – C18	<p>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high-quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>Appropriate planting and landscaping are proposed along the side boundaries. Screen planting has not been included in calculations of unencumbered outdoor space.</p> <p>Additional street tree planting will be required and conditioned accordingly.</p>	Yes
3.4 Landscaping – C19	<p>Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas. 	<p>Adequate landscaping has been provided along the northern boundary of the driveway ramp, and the front setback will be landscaped throughout (except the pedestrian walkway and the vehicular ramp).</p> <p>N/A</p>	Yes

Principle	Control	Comment	Compliance
3.5 Visual and acoustic privacy – C21	<p>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 	<p>The building is adequately set back from all boundaries, and any overlooking and noise impacts from the play areas is unlikely to be unacceptable. The ground floor outdoor play area will be enclosed by a 2.4 m acoustic barrier along the adjoining neighbouring properties. A 1.8 m high fence along William Street is proposed to screen the outdoor play area (set back 2 m and landscaped).</p>	Yes
3.5 Visual and acoustic privacy – C22	<p>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	<p>Discussed above and considered satisfactory.</p>	Yes
3.5 Visual and acoustic privacy – C23	<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"> • 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) • 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. 	<p>2.4 m high acoustic fences on the northern and eastern boundaries are recommended in the acoustic report.</p> <p>Mechanical plant will be assessed further by an acoustic consultant as indicated in the acoustic report.</p>	Yes, subject to conditions
3.5 Visual and acoustic privacy – C24	<p>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	<p>An acoustic report has been submitted with the application which concludes the proposed development will not have negative or non-compliant impacts on surrounding buildings subject to compliance with the recommendations of the acoustic consultant.</p> <p>Our environmental health officer has reviewed the proposal and the acoustic report and has no objections and provided conditions of consent.</p>	Yes, subject to conditions
3.6 Noise and air pollution – C25	<p>Adopt design solutions to minimise the impacts of noise, such as:</p>	<p>The submitted acoustic report provides recommendations for the appropriate window glazing, acoustic fencing material and height, material rating for</p>	Yes, to be conditioned as per recommendation

Principle	Control	Comment	Compliance
	<ul style="list-style-type: none"> creating physical separation between buildings and the noise source • orienting the facility perpendicular to the noise source and where possible buffered by other uses. using landscaping to reduce the perception of noise limiting the number and size of openings facing noise sources using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits locating cot rooms, sleeping areas and play areas away from external noise sources. 	<p>noise insulation and restricted hours of the outdoor play area use.</p> <p>The proposed rooms will be satisfactorily set back from the adjoining properties.</p> <p>Landscaping is proposed along the front and side boundaries</p> <p>The proposed cot room will be located away from frequent noise sources such as the kitchen and the play area.</p>	of the acoustic report.
3.6 Noise and air pollution – C26	<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"> on industrial zoned land where the ANEF contour is between 20 and 25, consistent with AS 2021 - 2000 along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 on a major or busy road other land that is impacted by substantial external noise. 	<p>The acoustic report has considered the appropriate noise levels and recommended noise attenuation measures based on surrounding developments. The proposal is not located within close proximity of frequent or heavy noise generating uses.</p>	Yes
3.7 Hours of operation – C29	<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>	7 am to 6 pm Monday to Friday.	Yes
3.8 Traffic, parking and pedestrian circulation – C31	<p>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.</p>	<p>Off street car parking is provided in accordance with the requirement of Blacktown Development Control Plan 2015. The breakdown for the car parking requirements is in the DCP table below. A car parking space for cook is not included in the car parking requirements and provisions as the application has not confirmed to</p>	Yes

Principle	Control	Comment	Compliance
		necessitate one. A consent condition will be imposed to reiterate this.	
3.8 Traffic, parking and pedestrian circulation – C33	<p>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:</p> <ul style="list-style-type: none"> the amenity of the surrounding area will not be affected there will be no impacts on the safe operation of the surrounding road network. 	A Traffic and Parking Impact Assessment Report prepared by Hematote Consultants and dated September 2022 was submitted with the application and concludes that proposed on-site parking provisions of 44 spaces comply with Council's requirements and that the existing local road network will not be negatively impacted by the proposal, in terms of vehicle movement and parking.	Yes
3.8 Traffic, parking and pedestrian circulation – C35	Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	Safe vehicular basement access is proposed from Olive Street, which will be approximately 18m away from the intersection with William Street.	Yes
3.8 Traffic, parking and pedestrian circulation – C36	<p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> separate pedestrian access from the car park to the facility defined pedestrian crossings included within large car parking areas separate pedestrian and vehicle entries from the street for parents, children and visitors pedestrian paths that enable two prams to pass each other delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities 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 vehicles can enter and leave the site in a forward direction. 	<p>A driveway access into the basement parking and a separate pedestrian access will be provided from Olive Street.</p> <p>Designated pedestrian walkway is also provided in the basement car parking, including a direct access from the disabled car parking space to the lift.</p> <p>Provided</p> <p>A loading bay is not proposed or required in the basement car parking. All vehicles can enter and exit in a forward direction.</p> <p>N/A</p> <p>Yes</p>	Yes
3.8 Traffic, parking and	Car parking design should:	The proposed car parking will be in 2 basement levels, separate from the	Yes

Principle	Control	Comment	Compliance
pedestrian circulation – C38	<ul style="list-style-type: none"> include a child safe fence to separate car parking areas from the building entrance and play areas provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards include wheelchair and pram accessible parking. 	<p>children's play areas or the building entrance.</p> <p>The car parking spaces in the basement will be line-marked according to the relevant standards as required by the consent condition. Adequate disability provisions will be provided as discussed previously.</p>	

4 Applying the National Regulations

To demonstrate that the development is designed to achieve the requirements of Part 4.3 Physical Environment of the Education and Care Services National Regulations

4.1 Indoor space requirements	<p>Regulation 107 requires every child being educated and cared for within a facility must have a minimum of 3.25 m² of unencumbered indoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> passageway or thoroughfare (including door swings) used for circulation toilet and hygiene facilities nappy changing area or area for preparing bottles area permanently set aside for the use or storage of cots area permanently set aside for storage area or room for staff or administration kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen on-site laundry other space that is not suitable for children. 	<p>The proposed development will provide a minimum of 3.25 m² of unencumbered indoor space for each child excluding these areas over 3 floors of indoor activity areas.</p>	Yes
	<p>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</p>	<p>1 sleeping area-cot room has been provided.</p>	Yes
	<p>Verandahs</p> <p>Verandahs may be included when calculating indoor space with the</p>	<p>Verandahs have been excluded in the calculations and the provision complies.</p>	Yes

Principle	Control	Comment	Compliance
	written approval from the regulatory authority.		
	Storage areas Storage areas including joinery units are not to be included in the calculation of indoor space. It is recommended that a child care facility provide: <ul style="list-style-type: none"> a minimum of 0.3m³ per child of external storage space a minimum of 0.2m³ per child of internal storage space. 	The storage areas are not included in calculation of indoor space. External storage <ul style="list-style-type: none"> Requirement = $140 \times 0.3 = 42 \text{ m}^3$ Provided: 67.06 m³ combined in the basement, ground, first and second floors Internal storage <ul style="list-style-type: none"> Requirement = $34 \times 0.2 = 28 \text{ m}^3$ Provided: 49.15 m³ in the ground, first and second floors. 	Yes
4.2 Laundry and hygiene facilities	Regulation 106 Education and Care Services National Regulations: There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.	A laundry room is provided on the ground floor, separate from the children's play areas.	Yes
	Onsite laundry On site laundry facilities should contain: <ul style="list-style-type: none"> a washer or washers capable of dealing with the heavy requirements of the facility a dryer laundry sinks adequate storage for soiled items prior to cleaning an onsite laundry cannot be calculated as usable unencumbered play space for children (refer to Figure 2). 	Provided	Yes
	External laundry service A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards	N/A	N/A
4.3 Toilet and hygiene facilities	Regulation 109 Education and Care Services National Regulations A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being	Toilet and hand washing facilities will be provided for each group and separate from staff facilities. External windows in the proposed toilets and bathrooms will not be in direct line of sight from the	Yes

Principle	Control	Comment	Compliance
	<p>educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p> <ul style="list-style-type: none"> • junior toilet pans, low level sinks and hand drying facilities for children • a sink and handwashing facilities in all bathrooms for adults • direct access from both activity rooms and outdoor play areas • windows into bathrooms and cubicles without doors to allow supervision by staff • external windows in locations that prevent observation from neighbouring properties or from side boundaries. 	neighbouring properties or the public domain.	
4.4 Ventilation and natural light	<p>Regulation 110 Education and Care Services National Regulations. Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p>	The proposed child care centre has been designed to receive natural light and ventilation. The childcare centre will achieve natural ventilation from the window openings which are provided with different orientations.	Yes
	<p>Ventilation</p> <p>To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.</p>	Complies	Yes
	<p>Natural light</p> <p>When designing child care facilities consideration should be given to:</p> <ul style="list-style-type: none"> • providing windows facing different orientations • using skylights as appropriate • ceiling heights. <p>Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.</p>	Complies	Yes

Principle	Control	Comment	Compliance
4.5 Administrative space	Regulation 111 Education and Care Services National Regulations 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.	Adequate office and staff room will be provided on the ground floor to perform the listed functions.	Yes
4.6 Nappy change facilities	Regulation 112 Education and Care Services National Regulations Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.	Two nappy changing rooms are provided in the 0-2 years and 2-3 years' indoor play rooms accessed through the bathrooms.	Yes
4.7 Premises designed to facilitate supervision	Regulation 115 Education and Care Services National Regulations 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.	The design of the floor plans will enable staff in the internal areas to also provide supervision of the indoor and outdoor play areas.	Yes
	Design considerations should include:		Yes
	<ul style="list-style-type: none"> solid walls in children's toilet cubicles (but no doors) to provide dignity whilst enabling supervision 	Provided and addressed	
	<ul style="list-style-type: none"> locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties 	Provided and addressed	
	<ul style="list-style-type: none"> avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children 	There is no hidden corner without windows where supervision is poor	
	<ul style="list-style-type: none"> avoiding multi-level rooms which compromise, or require additional staffing, to ensure proper supervision. If multilevel spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities 	No multi- level rooms proposed	

Principle	Control	Comment	Compliance
4.8 Emergency and evacuation procedures	<p>Regulations 97 and 168 Education and Care Services National Regulations</p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service 	<p>An evacuation diagram has been provided for all floors and which are referenced in the Plan of Management. A more detailed evacuation procedure will be prepared according to regulations 97 and 168 as required by the consent condition.</p>	<p>Yes, and will be reiterated in the conditions</p>
4.9 Outdoor space requirements	<p>Regulation 108 Education and Care Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0 m² of unencumbered outdoor space.</p> <p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> • pathway or thoroughfare, except where used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children. 	<p>A minimum area of 7 m² of unencumbered outdoor space will be provided for each child excluding these areas over 3 floors.</p>	<p>Yes</p>
	<p>Verandahs as outdoor space</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p> <p>Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> • be open on at least one third of its perimeter • have a clear height of 2.1 metres • have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements 	<p>The proposed verandahs are part of the outdoor areas and comply with the listed 4 criteria as specified.</p>	<p>Yes</p>

Principle	Control	Comment	Compliance
4.10 Natural environment	<p>Regulation 113 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p> <p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> 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 assist supervision and minimise opportunities for bullying and antisocial behaviour enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction. 	<p>A variety of tactile surfaces across the outdoor play areas will be provided, including – sand pit area, undercover alfresco and natural shades, shade sails, synthetic grass, bike tracks, vegetable gardens, timber decks and a space for mobile equipment.</p> <p>These will be checked at the licencing stage by the child care centre regulator.</p>	Yes
4.11 Shade	<p>Regulation 114 Education and Care Services National Regulations</p> <p>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.</p>	Shaded areas within the outdoor verandahs are proposed.	Yes
	<p>Solar access</p> <p>Outdoor play areas should:</p> <ul style="list-style-type: none"> 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. 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 have evenly distributed shade structures over different activity spaces. 	<p>More than 30% of all outdoor play area will receive solar access during a day at midwinter, and there is no more than 60% of the outdoor areas that are covered.</p> <p>Shades and trees are provided on the ground floor's outdoor play areas. Awnings will also cover the first and second floors' outdoor play areas.</p> <p>The plans indicate the following percentages of shaded areas:</p> <p>Ground floor: 42%</p> <p>First floor: 62%</p> <p>Second floor: 39%</p> <p>The proposal is considered to have distributed the shade structures evenly over different activity areas.</p>	Yes
	<p>Natural shade</p> <p>Planting for shade and solar access is enhanced by:</p>	Tree planting is proposed within the outdoor play areas to provide natural shades from the sun. Shaded areas are	Yes

Principle	Control	Comment	Compliance
	<ul style="list-style-type: none"> placing appropriately scaled trees near the eastern and western elevations providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter. 	distributed evenly in the outdoor play areas.	
	<p>Built shade structures</p> <p>Built structures providing effective shade include:</p> <ul style="list-style-type: none"> permanent structures (pergolas, sails and verandahs) demountable shade (marquees and tents) adjustable systems (awnings) shade sails. <p>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.</p> <p>Shade structures should allow adults to view and access the children's play areas, with a recommended head clearance of 2.1 m.</p> <p>The floor area underneath the structure should be of a sufficient size and shape to allow children to gather or play actively.</p>	<p>There is no proposed shade sail structure or demountable shade areas. Permanent shade structures have been provided as awnings.</p>	Yes
4.12 Fencing	<p>Regulation 104 Education and Care Services National Regulations</p> <p>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.</p> <p>In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> prevent children climbing over, under or through fences prevent people outside the facility from gaining access by climbing over, under or through the fence not create a sense of enclosure. <p>Design considerations for side and rear boundary fences could include:</p> <ul style="list-style-type: none"> being made from solid prefinished metal, timber or masonry having a minimum height of 1.8 m 	<p>The outdoor play area on the ground floor will be enclosed and limited to the rear boundary. The upper floors' outdoor play areas will include balcony walls and barrier at 1.4 m. The proposed outdoor play area on the 2nd floor will be glass balustrades to reduce a sense of enclosure.</p>	Yes

Principle	Control	Comment	Compliance
	<ul style="list-style-type: none"> having no rails or elements for climbing higher than 150 mm from the ground. 		
4.13 Soil assessment	<p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p> <ul style="list-style-type: none"> a soil assessment for the site of the proposed education and care service premises. 	A soil assessment will not be required as the site has been used for residential purposes.	N/A

5. Blacktown Local Environmental Plan 2015

Summary comment		Complies
We have assessed the DA against the relevant provisions and it is compliant with all matters under Blacktown Local Environmental Plans 2015.		Yes
4.3 Height of building - 20m	Maximum height of the building is 10.7m.	Yes

6. Blacktown Development Control Plan 2015

Summary comment

We have assessed the DA against the relevant general and child care centre provisions as listed in the below table.

DCP requirement		Proposal	Complies
Section 8.3.5 Building setbacks – front	9m in R4 residential zone	Front setback 9m	Yes
Section 8.3.5 Building setbacks – side and rear	Side 1 m Rear 1m	2 m 6 m	Yes
Section 8.3.5 Building setbacks – corner secondary	3 metres	3m	Yes

DCP requirement		Proposal	Complies
Section 8.3.5 Landscape setback	2 m front landscaped setback 1m perimeter landscaping	9 m landscaped setback to front building line 1m perimeter landscaping	Yes
Section 1.7 Cut and Fill	Cut 900 mm Fill 600 mm	6.7 m N/A	No, but acceptable in the circumstances as previously discussed
Section 8.3.6 Building height and design	Maximum 2 storeys Child care facilities on ground floor	<p>The proposal is for 3 storeys. However, the 1st objective of this section also initiates a building design that is consistent with the desired character of the area. The site is zoned R4 – High Density Residential with a maximum building height of 20 m. The DCP's intended requirements are for child care centre developments in R2 – Low Density Residential with a maximum building height of 9 m, which is considered unsuitable to be imposed on this particular site.</p> <p>Part 3 Clause 11 of the SEPP (Transport and Infrastructure) 2021 includes design considerations for above ground floor play areas, therefore suggesting that child care centre facilities can indeed be provided on a floor other than the ground floor. In this instance, clause 3.27 of the SEPP confirms that this particular DCP requirements do not apply as the proposal addresses the matters for considerations set out in Part 3 of the regulatory requirements (which refers to Education and Care Services National Regulations 2011).</p>	No but acceptable in the circumstances
Car parking	1 space per employee, plus 1 space per 6 children or part thereof for parents and visitors 1 parking space shall be for designated for the cook	<p>20 staff = 20 spaces provided.</p> <p>140 children = 23.3 spaces (24 spaces provided).</p> <p>Total 44 spaces provided.</p> <p>A designated cook is not specified on the plan nor confirmed to be necessary by the applicant. As such, the above calculation and the required car parking spaces will not include a cook and this limitation will be reiterated in the consent conditions.</p>	Yes, and consent conditions will reiterate that there is no designated parking to be provided for a cook.

7. Blacktown Local Strategic Planning Statement

Summary comment	Complies
<p>The Blacktown Local Strategic Planning Statement outlines a planning vision for the City over the next 20 years to 2041. The Blacktown Local Strategic Planning Statement contains 18 Local Planning Priorities based on themes of Infrastructure and collaboration, Liveability, Productivity, Sustainability and Implementation.</p> <p>The development application is consistent with the following priorities:</p> <ul style="list-style-type: none">• LPP3: Providing services and social infrastructure to meet peoples changing needs.	Yes

8. Central City District Plan 2018

Summary comment	Complies
<p>While the Act does not require consideration of District Plans in the assessment of development applications, the development application is consistent with the following overarching planning priorities of the Central City District Plan:</p> <p>Liveability</p> <ul style="list-style-type: none">• Contributing to the provision of services to meet communities' changing needs.	Yes