

**Appendix A SEPP Assessment tables**

**Chapter 3 - Education Establishments and Child Care Facilities**

Relevant Control	Compliance with Requirements	Compliance	
<b><i>Part 3 Early education and care facilities specific development controls.</i></b>			
<p><b>Requirement</b></p>	<p><b>3.22 Centre-based childcare facility -concurrence of Regulatory Authority required for certain development</b></p> <p>(1) This clause applies to development for the purpose of a centre-based childcare facility if:</p> <p>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or</p> <p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</p> <p>(2) The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.</p>	<p>There are 110 children to be placed within the childcare centre. A minimum of 357.5 square metres of indoor space would be required (Or 3.25 square metres per child). The centre is provided with 454.21 square metres of unencumbered indoor play space.</p> <p>At least 7 square metres of outdoor space per child is required. As such, at least 770 square metres of space would be required.</p> <p>There is 840.25 square metres of unencumbered outdoor play space provided within the centre.</p> <p>Compliance is achieved.</p> <p>Concurrence is not required if compliance is achieved.</p>	<p>Yes</p> <p>Yes</p>
	<p><b>3.23 Centre-based childcare facility—matters for consideration by consent authorities</b></p> <p>Before determining a development application for development for the purpose of a centre-based childcare</p>	<p>The Guideline has been used in the assessment of this development application.</p>	<p>Yes</p>

	<p>facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.</p>		
	<p><b>3.24 Centre-based childcare facility in certain zones - additional matters for consideration by consent authorities</b></p> <p>(1) The object of this section is to minimise land use conflicts with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based childcare facility on land in a prescribed zone.</p> <p>2) The consent authority must consider the following matters before determining a development application for development for the purpose of a centre-based child care facility on land in a prescribed zone—</p> <p>a) whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses,</p> <p>b) whether the proposed development has the potential to restrict the operation of existing industrial land uses,</p> <p>c) whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.</p> <p>(3) The matters referred to in subclause (2) are in addition to</p>	<p>The site is within a E4 General Industrial zone and therefore this section applies to ensure there is minimal land conflict.</p> <p>The subject site is located 350 metres from an existing sex services premises. Any new sex service premises would be required to be located more than 200m from a place of public worship, hospital, school, centre-based child care facility, community facility or recreation area as per Clause 6.8 of the CLEP 2021. Therefore, given the distance is more than 200m it is considered in have a</p>	<p>Yes</p> <p>Yes</p>

	<p>any other matter that the consent authority must consider before determining a development application for development for the purpose of a centre-based childcare facility.</p>	<p>reasonable level of separation.</p>	
	<p><b>3.25 Centre based child care facility floor space ratio</b></p> <p>(1) Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.</p> <p>(2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.</p>	<p>The Cumberland Local Environmental Plan 2021 sets a floor space ratio (FSR) for the site and does not specifically set out a maximum FSR for the centre based child car facility.</p> <p>The overall FSR for the development is 0.72:1 (permissible FSR is 1:1).</p>	<p>Yes</p>
	<p><b>3.26 Centre-based child care facility—non-discretionary development standards</b></p> <p>(1) The object of this clause is to identify development standards for particular matters relating to a centre-based childcare 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 childcare facility:</p>		

	<p>(a) <b>location</b>—the development may be located at any distance from an existing or proposed early education and care facility,</p>	<p>The site is located within a General Industry zone. At the time of assessing the application, and review of Google Maps the distance to the nearest child care centre is within 900m located at 46 Wellington Road, South Granville.</p>	<p>Yes</p>
	<p>(b) <b>indoor or outdoor space</b></p> <p>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p>	<p>There are 110 children to be placed within the childcare centre. A minimum of 357.5 square metres of indoor space would be required (Or 3.25 square metres per child). The centre is provided with 454.21 square metres of unencumbered indoor play space.</p> <p>At least 7 square metres of outdoor space per child is required. As such, at least 770 square metres of space would be required.</p> <p>There is 840.25 square metres of unencumbered outdoor play space provided within the centre.</p>	<p>Yes</p>
	<p>(c) <b>site area and site dimensions</b>—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p>	<p>Satisfactory.</p>	<p>Yes</p>

	<p>(d) <b>colour of building materials or shade structures</b>—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>The building materials and colours are determined as being satisfactory.</p>	<p>Yes</p>
	<p><b>3.27 Centre-based child care facility—development control plans</b></p> <p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early 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>The childcare centre is satisfactory.</p>	<p>Yes</p>

	<p>(i) the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i>, or</p> <p>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p> <p>(2) This section applies regardless of when the development control plan was made.</p>		
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## CHILD CARE PLANNING GUIDELINE 2021

The Guideline establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based child care facilities in NSW. Consent Authorities must consider Parts 2, 3 & 4 of the Guideline. An assessment against Parts 2, 3 & 4 of the Guideline is provided below:

### Part 2 - Design quality principles

The design quality principles establish the broad design context guide of all new proposals for child care facilities, regardless of whether they are stand alone, part of a mixed-use development, modifications or retrofits of existing buildings or seeking to occupy premises without incurring new building works.

Good design is integral to creating sustainable and liveable communities. There is growing appreciation of the significant role that good design can play in education with increasing evidence that learning outcomes are closely related to the quality of learning environments.

Factors such as air quality, ventilation, natural lighting, thermal comfort and acoustic performance have been shown to have a profound impact on learning, engagement, social interactions and competencies. They also contribute to wellbeing through creating a sense of belonging, self-esteem and confidence.

Principles	Comment
Principle 1: Context	<p>The proposal reflects the desired character of the existing precinct which lies within a general industrial area in South Granville.</p> <p>The proposal is considered to satisfy the objectives of the Cumberland LEP 2021 has s compliant building height and Floor Space Ratio as well as permissible land use.</p>

	<p>The design generally achieves an appropriate built form for the site and the building's purpose in terms of building alignments, proportions, type and the manipulation of building elements to ensure reasonable spatial separation is established between existing neighbouring buildings.</p> <p>The scale of the building is considered suitable.</p>
Principle 2: Built form	<p>The design generally achieves an appropriate built form for the site and the building's purpose in terms of building alignments, proportions, type and the manipulation of building elements to ensure reasonable spatial separation is established between existing neighbouring buildings.</p> <p>The scale of the building is considered suitable within the future desired character of its locality.</p>
Principle 3: Adaptive learning spaces	<p>Covered outdoor learning and play spaces have been created which are accessible to encourage the use of outdoor spaces.</p>
Principle 4: Sustainability	<p>The indoor play areas achieve cross ventilation with doors and windows.</p> <p>Appropriate shade structures within the outdoor play areas is achieved for the children.</p>
Principle 5: Landscape	<p>The proposed structure will present well to the street and to the locality.</p> <p>A landscape plan has been submitted and assessed as being satisfactory. The proposed landscaping at ground level will provide suitable visual amenity for the future building's occupants and suitable landscape setting for the streetscape is also proposed.</p>
Principle 6: Amenity	<p>Generally, the proposal is satisfactory and supported.</p> <p>It is determined that internal and external amenity is satisfactory.</p> <p>The centre provides all appropriate services and amenities including lift access to the first floor.</p>
Principle 7: Safety	<p>The proposal is satisfactory for the site.</p> <p>The building architecturally addresses the street and activates the frontage. The childcare centre is located 11metres from the front boundary and passive surveillance is provided by the front reception area windows and indoor play area to the northern side of the building. Equitable access is provided to both levels of the centre.</p>

### Part 3 - Matters for consideration.

The considerations give guidance to applicants on how to design a high-quality proposal that takes account of its surroundings and any potential environmental

impacts the development may cause and to be mindful of potential impacts that may arise from existing uses and conditions within a locality.

The matters support the design principles and must be considered by the consent authority when assessing a DA for a centre-based child care facility. Centre-based 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.

### Considerations

Numerous considerations prevail within the document “Child Care Planning Guideline” dated September 2021 with the development being compliant with the provisions specified at Control C1 to Control C37.

The development is compliant with all the relevant provisions that applies to the site.

- The subject site is located in a General Industrial zone land. The child care centre is located within the north-eastern corner of the site and is separated from the proposed warehouses on site, therefore there would be minimal conflict between the two uses on site. An Air Quality Report prepared by Zephyr Environmental was submitted for Council’s Consideration, the report concludes:

*“The assessment determined that the existing background air quality is consistent with the expected particulate matter and NOX concentrations in Sydney. A review of the industries allowed in the area, and the information from the site visit leads concludes that there are no industries that could not be effectively managed through good engineering practice, to ensure emission and ambient air quality standards are met at sensitive receptions, including the proposed childcare centre. The existing setback distance of the childcare centre from Ferndell Street is sufficient to avoid impacts from vehicle emissions, given the relatively low volume of traffic on Ferndell Street”.*

- The site does not front onto an arterial road or a classified road. Council’s Environment and Health staff have supported the development application subject to conditions.
- The site does not adjoin any residential development or zones.
- There are no known natural or artificial hazards situated on the site or adjoining to the site in the form of nearby service stations, waste transfer stations, landfill sites, service stations and intensive industry.
- The subject site is not located closely to an incompatible social activity. The adjoining site at 40 Ferndell Street is identified as a dessert shop known as ‘Exotic Cocktails’, a review of their menu identified only non-alcoholic beverages are served and is not a licensed premises serving alcohol. The subject site is located 350 metres from an existing sex services premises. Any new sex service premises would be required to be located more than 200m from a place of public worship, hospital, school, centre-based child care facility,



community facility or recreation area as per Clause 6.8 of the CLEP 2021. Therefore, given the distance is more than 200m it is considered in have a reasonable level of separation.

- The subject site is located near public transport being a bus stop with services to Auburn and Parramatta is located along the site's frontage with a second bus stop on the opposite side of Ferndell Street providing services to Bankstown, Sefton and Bass Hill.
- An acoustic report has been submitted with the development application which demonstrates that the development would be satisfactory in relation to noise impacts.
- The proposed hours of operation are 7 am to 6:30 pm Monday to Friday and are considered satisfactory
- The car parking requirements at Control C30 are complied with at a rate of 1 per 4 children. The proposal provides a surplus.
- Internal amenity, safety, acoustic outcomes are determined as being satisfactory.

#### Part 4 - Applying the National Regulations to development proposals.

Criteria	Comments		Compliance
<b>4.1 Indoor space requirements</b>			
(Regulation 107)	<b>Required:</b>	<b>Proposed</b>	
• Min. 3.25 sqm of unencumbered indoor space.	110 x 3.25 = 357.5square metres.	454.21 square metres	Yes
• Min. 0.3 cubic metres per child of external storage.	110 x 0.3 cubic metres = 33 cubic metres.	46.58 cubic metres	Yes
• Min. 0.2 cubic metres per child of internal storage.	110 x 0.2 cubic metres = 22 cubic metres.	58.17 cubic metres	Yes
<b>4.2 Laundry and hygiene facilities</b>			
(Regulation 106) On-site laundry facilities should contain:	Internal laundry provided and situated on the ground floor of the building.		Yes
• a washer or washers capable of dealing with the heavy requirements of the centre.			
• a dryer.			
• laundry sinks.			

<ul style="list-style-type: none"> <li>adequate storage for soiled items prior to cleaning.</li> </ul>		
<b>4.3 Toilet and hygiene facilities</b>		
<p>(Regulation 109) Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include:</p> <ul style="list-style-type: none"> <li>junior toilet pans, low level sinks and hand drying facilities for children.</li> <li>a sink and handwashing facilities in all bathrooms for adults.</li> <li>direct access from both activity rooms and outdoor play areas</li> <li>windows into bathrooms and cubicles without doors to allow supervision by staff.</li> <li>external windows in locations that prevent observation from neighbouring properties or from side boundaries.</li> </ul>	<p>Sufficient toilets, pans and sinks are provided on site.</p>	<p>Yes</p>
<b>4.4 Ventilation and natural light</b>		
<p>(Regulation 110) Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p> <p>Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the <b>National Construction Code</b>. Ceiling height requirements may be affected by the capacity of the facility.</p> <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</p>	<p>All outdoor play areas and the indoor playrooms are provided with sufficient direct and indirect day lighting and natural cross-ventilation.</p>	<p>Yes</p>

trusses, creating a sense of space and visual interest.		
<b>4.5 Administrative space</b>		
(Regulation 111) 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.	Provided on the ground floor level.	Yes
<b>4.6 Nappy change facilities</b>		
(Regulation 112) 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. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the <b>National Construction Code</b> .	Provided within the ground floor toilet facility servicing the 0-2 year old children.  Condition accordingly for compliance with the NCC requirement.	Yes
<b>4.7 Premises designed to facilitate supervision</b>		
(Regulation 115) 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.  Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the <b>National Construction Code</b> .	The architectural plans are showing the relevant facilities being provided.	Yes
<b>4.8 Emergency and evacuation procedures</b>		
(Regulation 97 & 168) Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for	Emergency evacuation plan provided - Standard conditions including fire-rated lift and moveable cots to be imposed requiring compliance with the Australian Standards. This will need	Yes

<p>what those procedures must cover including:</p> <ul style="list-style-type: none"> <li>instructions for what must be done in the event of an emergency.</li> <li>an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit.</li> <li>a risk assessment to identify potential emergencies that are relevant to the service.</li> </ul>	<p>to be demonstrated for the construction certificate stage.</p>	
<b>4.9 Outdoor space requirements</b>		
<p>(Regulation 108) Min. 7 square metres of unencumbered outdoor space per child.</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"> <li>be open on at least one third of its perimeter.</li> <li>have a clear height of 2.1 metres.</li> <li>have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter.</li> <li>have adequate flooring and roofing.</li> <li>be designed to provide adequate protection from the elements.</li> </ul>	<p>The centre requires 770 square metres of unencumbered outdoor area for 110 children.</p> <p>At least 840.25 square metres is provided.</p> <p>The play areas are proposed to the rear of the building on the ground floor provides adequate flooring materials and roofed areas.</p>	Yes
<b>4.10 Natural environment</b>		
<p>(Regulation 113) 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>Satisfactory.</p>	Yes
<b>4.11 Shade</b>		
<p>(Regulation 114) Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play</p>	<p>The outdoor areas are located to the front of the building on the ground floor and to the first floor feature shade devices/sails and retractable shade sails.</p>	Yes

<p>areas should be provided with controlled solar access throughout the year.</p> <p>Outdoor play areas should:</p> <ul style="list-style-type: none"> <li>• have year-round solar access to at least 30% of the ground area.</li> <li>• provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30% of the outdoor play area</li> <li>• have evenly distributed shade structures over different activity spaces.</li> </ul>	<p>At least 127.6 square metres of the first floor outdoor play area is covered which is 30.7% of the total two play areas., this will allow at least 30% of solar access and will also allow for 30.7% of the out door play area to provide shade.</p> <p>The ground floor outdoor space provides a retractable awning which will also allow solar access to this area, and areas of shade.</p> <p>There are 2 shade sails situated on the ground level outdoor play area and 4 shade sails situated on the first level play area. This occupies 207 square metres or 37%.</p>	<p>Yes</p>
<p><b>4.12 Fencing</b></p>		
<p>(Regulation 104) 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>The play areas barriers are satisfactory and improves the appearance of the centre.</p>	<p>Yes</p>
<p><b>4.13 Soil Assessment</b></p>		
<p>(Regulation 25) To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process.</p> <p>Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil.</p>	<p>A Targeted Detailed Site Investigation (TDSI) prepared by Geotechnical consultants Australia Pty Ltd dated 20th May 2024 Document No E23131-1-Rev A was submitted. The report identified some data gaps regarding the materials within the structures and land beneath the structures in the western portion of the premises. The report recommends that a Data Gap Investigation be conducted after the demolition of the existing structures.</p>	<p>Yes</p>

	<p>Council's EHU has reviewed the TDSI and raised not objections subject to conditions and provided that the recommendations of the report are undertaken and the results of a post demolition additional data gap investigation.</p> <p>As such, it is considered that the development application is satisfactory in relation to site contamination matters.</p>	
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