

Relevant Control	Compliance with Requirements	Compliance
Part 3 Early education and care facilities specific development controls.		
Requirement	<p>3.22 Centre-based childcare facility -concurrence of Regulatory Authority required for certain development</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>(3) The consent authority must, within 7 days of receiving a development application for development to which this clause applies:</p> <p>(a) forward a copy of the development application to</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>

	<p>the Regulatory Authority, and</p> <p>(b) notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.</p> <p>(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW).</p> <p>(5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subclause (3).</p> <p><u>Note.</u></p> <p><i>The effect of section 4.13(11) of the Act is that if the Regulatory Authority fails to inform the consent authority of the decision concerning concurrence within the 28 day period, the consent authority may determine the development application without the concurrence of the Regulatory Authority and a development consent so granted is not voidable on that ground.</i></p> <p>(6) The consent authority must forward a copy of its determination of the development application to the Regulatory Authority within 7</p>	
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	<p>days after making the determination.</p> <p>(7) In this clause:</p> <p>Regulatory Authority means the Regulatory Authority for New South Wales under the Children (Education and Care Services) National Law (NSW) (as declared by section 9 of the Children (Education and Care Services National Law Application) Act 2010).</p> <p><u>Note.</u></p> <p><i>Concurrence to development may be granted subject to conditions. A development consent subject to concurrence may be voidable if it is granted not subject to any conditions of the concurrence. (See section 4.13 of the Act.)</i></p>		
	<p>3.23 Centre-based childcare facility—matters for consideration by consent authorities</p> <p>Before determining a development application for development for the purpose of a centre-based childcare 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>The Guideline has been used in the assessment of the development application (refer to assessment below).</p>	Yes
	<p>3.24 Centre-based childcare facility in certain zones - additional matters for consideration by consent authorities</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</p>	<p>The site is within E3 Productivity Support Zone which is considered suitable to support a childcare centre.</p> <p>The proposed location of the child care centre will not pose a health or safety risk to</p>	Yes

	<p>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> <ul style="list-style-type: none"> • whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses, • whether the proposed development has the potential to restrict the operation of existing industrial land uses, • whether the location of the proposed development will pose a health or safety risk to children, visitors or staff. <p>(3) The matters referred to in subclause (2) are in addition to any other matter that the consent authority must consider before determining a development application for development for the purpose of a centre-based childcare facility.</p>	<p>children, visitors or staff. The child care centre is separated from the other uses on the site and is located on level 3 of the building.</p>	
	<p>3.25 Centre based child care facility floor space ratio</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>The Cumberland Local Environmental Plan 2021 does not set a floor space ratio for a centre base child care facility and is not located within an R2 Low Density Residential zone.</p>	<p>Yes</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>However, the overall development complies with the FSR prescribed for the site.</p>	
	<p>3.26 Centre-based child care facility—non-discretionary development standards</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) 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 (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</p>	<p>The site is located within a Productivity Support zone. At the time of assessing the application, the distance to the nearest child care centre within the vicinity of the subject site is located approximately 1.5km away.</p> <p>The indoor and outdoor unencumbered space complies.</p>	<p>Yes</p> <p>Yes</p>

	<p>unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>(d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p> <p>(3) To remove doubt, this clause does not prevent a consent authority from:</p> <p>(a) refusing a development application in relation to a matter not specified in subclause (2), or</p> <p>(b) granting development consent even though any standard specified in subclause (2) is not complied with.</p>	<p>Noted.</p> <p>The building materials and colours are determined as being satisfactory.</p>	<p>Noted.</p> <p>Yes</p>
	<p>3.27 Centre-based child care facility—development control plans</p>	<p>The childcare centre is satisfactory. A detailed assessment against</p>	<p>Yes</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> <ul style="list-style-type: none"> (a) operational or management plans or arrangements (including hours of operation), (b) demonstrated need or demand for child care services, (c) proximity of facility to other early education and care facilities, (d) any matter relating to development for the purpose of a centre-based child care facility contained in— <ul style="list-style-type: none"> (i) the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i>, or (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates). <p>(2) This section applies regardless of when the development control plan was made.</p>	<p>the relevant policies and DCP are contained in Attachment 11.</p>	
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Child Care Planning Guideline

The Guideline establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based childcare 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 childcare 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 is reflective of the general character of the locality in which the subject site is zoned E3 Productivity Support and to the east of the site is an R2 low-density residential zone.</p> <p>The proposal is considered to satisfy the objectives of the Cumberland LEP 2021 in terms of the permissible land use. The context of the building is appropriate for its location given the future desired character defined by the Cumberland LEP 2021.</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 building and residential buildings to the east of Hampstead Road.</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>

Principle 3 - Adaptive learning spaces.	Covered outdoor learning and play spaces have been created which are accessible to encourage the use of outdoor areas.
Principle 4 - Sustainability.	<p>The indoor play areas all have openings.</p> <p>The doors to play areas will allow views to the external areas.</p> <p>Appropriate shade within play areas is achieved for the children.</p>
Principle 5 - Landscape.	A landscape plan has been submitted and assessed as being satisfactory. The proposed landscaping on the podium will provide suitable visual amenity for the future building's occupants and suitable landscape setting for the streetscape is also proposed.
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 connecting the basement with the third level.</p>
Principle 7 - Safety.	The building architecturally addresses the street.

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 development application for a childcare facility. Childcare 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.

Criteria	Comments	Compliance
3.1 Site selection and location.		

<p>C1. For proposed developments in or adjacent to a residential zone, particularly if that zone is for low density residential uses consider:</p> <ul style="list-style-type: none"> the setbacks and siting of buildings within the residential context. visual amenity impacts (e.g. additional building bulk and overshadowing, local character). traffic and parking impacts of the proposal on residential amenity and road safety. <p>For proposed developments in commercial and industrial zones, consider:</p> <ul style="list-style-type: none"> potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions. the potential impact of the facility on the viability of existing commercial or industrial uses. 	<p>The acoustic and privacy impacts are satisfactory for the locality, in particular the residential development on the eastern side of Hampstead Road.</p> <p>Given the location of the site, privacy and shadowing are not considered to be issues.</p> <p>The child care centres is located on the third floor of the mixed use development and is well setback from Hampstead Road, no issues arise on the safety and wellbeing of the children,</p> <p>The development provides for an adequate supply of onsite car parking to support the centre.</p>	<p>Yes</p>
<p>C2. 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 	<p>The subject site is zoned E3 Productivity Support Zone under the CLEP 2021. The proposed development is permissible within the zone and considered as being acceptable to the locality.</p> <p>The site is considered environmentally safe through compliance with conditions and compliance with the plan of</p>	<p>Yes</p>

<p>general proximity, and whether hazardous materials remediation is needed.</p> <ul style="list-style-type: none"> the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> length 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 premises, the interior and exterior spaces are suitable for the proposed use. Where the proposal relates to any heritage item, the development should retain its historic character and conserve significant fabric, setting or layout of the item. there are suitable and safe drop off and pick up areas, and off and on street parking. the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use. the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are 	<p>management and evacuation plan.</p> <p>The site is not located in an area where there is incompatible social uses.</p>	
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<p>limited pedestrian crossing facilities.</p> <ul style="list-style-type: none"> 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><u>C3.</u> A childcare 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 community, businesses, shops, services and the like. 	<p>The site is within 12 metres of a Public park (open space) and within the vicinity of a number of employment uses.</p>	<p>Yes</p>
<p><u>C4.</u> A childcare facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> proximity to: <ul style="list-style-type: none"> heavy or hazardous industry, waste transfer depots or landfill sites. Liquefied Petroleum Gas (LPG) tanks or service stations. water cooling and water warming systems. 	<p>The site is not located close to any of the listed land uses. The proposal does not seek works for the purpose of a potentially hazardous or offensive industry.</p>	<p>Yes</p>

[illegible]

<ul style="list-style-type: none"> • integrate car parking into the building and site landscaping design in residential areas. • in R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence, except when good design solutions can be achieved. 	<p>reduce visual impacts to adjoining properties.</p> <p>All car parking is provided within a basement car park. The car park is consistent with the required planning controls.</p> <p>The child care centre is not located within an R2 Low Density Residential zone.</p>	<p>Yes</p> <p>N/A</p>
<p>C6. 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 a connection between the facility and the community. • integrating existing and proposed landscaping with fencing. 	<p>The provisions stated are complied with, the child care centre is located on the third floor and is considered satisfactory.</p>	<p>Yes</p>
<p>C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>The childcare centre is located on the third level, signage will be provided to improve legibility for visitors needing to access the child care centre.</p>	<p>N/A</p>
<p>C8 Where development adjoins public parks, open space or bushland, the facility should provide an appealing</p>	<p>The provisions are not relevant.</p>	<p>N/A</p>

<p>streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries. • low fences and planting which delineate communal/private open space from adjoining public open space. • minimal use of blank walls and high fences. 		
<p>C9. Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	Not applicable to this application.	N/A
<p>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.</p>	This is not required for the development given its location.	N/A
3.3 Building orientation, envelope and design.		
<p>C11. 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: <ul style="list-style-type: none"> - 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. 	The orientation of the development is satisfactory.	Yes

<ul style="list-style-type: none"> - 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. • ensure buildings along the street frontage define the street by facing it. • ensure where a childcare facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>There are no concerns raised in relation to shadowing or solar access and privacy to adjoining properties.</p> <p>The position of the play areas supporting the centre are satisfactory.</p>	<p>Yes</p> <p>Yes</p>
<p><u>C12.</u></p> <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 childcare facility. • setbacks should provide adequate access for building maintenance. • setbacks to the street should be consistent with the existing character. 	<p>The overall height of building at 28.75 metres (highest part). A detailed assessment of the building height is made in the main body of the report.</p> <p>Front and side setbacks are considered acceptable and generally consistent with the concept approval application for the site.</p> <p>This is achieved.</p> <p>A street setback of 0m-4.4m is identified for the building consistent with the concept approval for the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Where a Local Environmental Plan or Development Control Plan do not specify a floor space ratio for the R2 Low Density Residential zone, a floor space ratio of 0.5:1 is to apply to a childcare facility in the R2 zone.	<p>site. The setback is acceptable for the locality.</p> <p>The site is not located within an R2 Low Density zone.</p>	N/A
<p>C13.</p> <p>Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>	The centre based childcare centre facility is to be setback over 30 metres from the street which is satisfactory.	Yes
<p>C14.</p> <p>On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	Not applicable.	N/A
<p>C15. 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. 	The child care centre is locate along the northern part of the site. The car parking servicing the childcare centre is clearly marked and close to lift access that leads to the child care centre.	Yes
<p>C16.</p> <p>Accessible design can be achieved by:</p>	The comments provided above under C15 are relevant to this Part.	Yes

<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 floors are well located relative to the level of the footpath. <p>Note: The National Construction Code and the Disability (Access to Premises - Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>		
3.4 Landscaping.		
<p>C17. Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</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>Proposed landscaping is considered satisfactory.</p> <p>Screen planting proposed along the common boundaries is provided.</p>	<p>Yes</p> <p>Yes</p>
<p>C18.</p>		

<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, pedestrian safety and context when siting car parking areas within the front setback. using low level landscaping to soften and screen parking areas. into landscaping. 	<p>The car park basement area is situated underground within a basement.</p> <p>There are no concerns in relation to car parking.</p> <p>There is no at grade car parking proposed for the centre.</p>	Yes
3.5 Visual and acoustic privacy.		
<p><u>C19</u></p> <p>Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	<p>The balconies shown on the plans are consistent with the outcomes of the provision and will not overlook into the child care centre.</p>	Yes.
<p><u>C20.</u></p> <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 centre has been designed to ensure visual privacy is maintained between properties and tenancies within the site.</p> <p>Visual privacy is generally considered to be satisfactory.</p>	Yes
<p><u>C21</u></p> <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. 	<p>Satisfactory outcomes are achieved. In this regard, the position of windows, accessways, the outdoor terrace is satisfactory and offer no privacy issues.</p>	Yes

<ul style="list-style-type: none"> • suitable location of pathways, windows and doors. • landscape design and screening. 		
<p><u>C22.</u> 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>The acoustic report submitted for consideration and reviewed by Council's Senior Environmental Health Officer and considered to be satisfactory.</p>	<p>Yes</p>
<p><u>C23.</u> 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>The acoustic report accompanied with the application is adequate.</p>	<p>Yes</p>
3.6 Noise and air pollution.		
<p><u>C24.</u> Adopt design solutions to minimise the impacts of noise, such as:</p>	<p>The site is not directly along a classified road.</p>	<p>Yes</p>

<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>There are no direct noise sources impacting the centre within the locality.</p> <p>The applicant is using a mix of solid and glazed materials for the building. The materials to be used are consistent with the stated outcome of this Part.</p> <p>The proposed cot rooms are located towards the front of the building facing Bristol Street. A roof element will assist in screening direct vehicle noise from the roof.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><u>C25</u> 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. • 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 site is not situated on land close to any known airport.</p> <p>As stated earlier, the acoustic report accompanied with the proposal is adequate.</p>	<p>Yes</p>
<p><u>C26</u></p>		

Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	Satisfactory.	Yes
<p><u>C27</u></p> <p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution. • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway. • incorporating ventilation design into the design of the facility. 	Not applicable.	N/A
3.7 Hours of operation.		
<p><u>C28.</u></p> <p>Hours of operation 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</p>	The applicant expects the centre to operate Monday to Friday 7 am to 6 pm with a maximum of 18 staff.	Yes

adjacent to non-residential land uses.		
<p><u>C29</u></p> <p>Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	<p>The hours of operation proposed for the locality accounting for location within a mixed use development are assessed as being acceptable. In this regard:</p> <p>The hours of operation range from 7 am to 6 pm Monday to Friday.</p> <p>No hours of operations are proposed across weekends or public holidays.</p>	Yes
3.8 Traffic, parking and pedestrian circulation.		
<p><u>C30.</u></p> <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>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400 metres of a railway or Metro station within Greater Sydney:</p> <ul style="list-style-type: none"> • 1 space per 10 children. • 1 space per 2 staff. <p>In other areas: 1 space per 4 children</p> <p>Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</p>	<p>The centre will require at least twenty- seven (27) car parking spaces to support 106 children.</p> <p>The applicant car parking spaces situated within a basement car park to support the centre which is adequate and will be conditioned to comply.</p>	Yes
<p><u>C31</u></p> <p>In commercial or industrial zones and mixed use developments, on</p>	<p>The child care centre is separated from the loading</p>	Yes

street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	areas and is situated on the ground floor. The location of the child care centre parking is satisfactory.	
<p><u>C32.</u></p> <p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses, to optimise the safety and convenience of the parking area(s) 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. 	<p>The application is accompanied by a Parking and Traffic Impact Assessment, which has been assessed by Council's Senior Development Engineer and considered to be satisfactory.</p>	Yes
<p><u>C33</u></p> <p>Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> a classified road. roads which carry freight traffic or transport dangerous goods or hazardous materials. The alternate access must have regard to: the prevailing traffic conditions. pedestrian and vehicle safety including bicycle movements. the likely impact of the development on traffic. 	<p>The site is not located on a Classified Road. The vehicular access for the childcare is satisfactory. the immediate locality. TfNSW did not raise any objections to the proposal.</p>	Yes
<p><u>C34</u></p> <p>Child care facilities proposed within cul-de-sacs or via 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.</p>	<p>The centre is not situated within a cul de sac.</p> <p>The provision is not relevant to the development application.</p>	N/A

<p><u>C35.</u> 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 and defined/ separate paths 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, loading and vehicle turnaround areas located away from the main pedestrian access to the building and in clearly designated, separate facilities. • minimise the number of locations where pedestrians and vehicles cross each other. • vehicles can enter and leave the site in a forward direction. • clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations. 	<p>The pedestrian access is separate from vehicular access and considered to be appropriate for the centre.</p>	<p>Yes</p>
<p><u>C36</u> Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks. 	<p>As stated earlier the childcare carparking is located in the basement level marked C2 and is separated from the loading areas.</p>	<p>Yes</p>

<ul style="list-style-type: none"> • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site. • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 		
<p><u>C37.</u> Car parking design should:</p> <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>Basement car parking layout is considered satisfactory to support the centre.</p>	<p>Yes</p>

Part 4 - Applying the National Regulations Assessment sheet

Criteria	Comments		Compliance
4.1 Indoor space requirements			
(Regulation 107)	Required:	Proposed	
<ul style="list-style-type: none">Min. 3.25 sqm of unencumbered indoor space.	3.25 sqm x 106 = 344.5sqm.	350 sqm.	Yes
<ul style="list-style-type: none">Min. 0.3 cubic metres per child of external storage.	106 x 0.3 = 31.8 cubic metres.	80.71cubic metres.	Yes
<ul style="list-style-type: none">Min. 0.2 cubic metres per child of internal storage	106 x 0.2 = 21.2 cubic metres.	52.64 cubic metres.	Yes
4.2 Laundry and hygiene facilities			
(Regulation 106)			
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 centre.a dryer.laundry sinks.adequate storage for soiled items prior to cleaning.	Internal laundry has been provided floor and is suitably sized to provide adequate facilities.		Yes
4.3 Toilet and hygiene facilities			
(Regulation 109)			
Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include: <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.	Sufficient toilets, pans and sinks are provided on site and their location corresponds with the design age group play area.		Yes

<ul style="list-style-type: none"> 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. 		
4.4 Ventilation and natural light		
<p>(Regulation 110)</p> <p>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 National Construction Code. 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 trusses, creating a sense of space and visual interest.</p>	<p>All play areas are provided with sufficient direct and indirect daylighting.</p> <p>Ceiling heights are satisfactory being 3m.</p>	<p>Yes</p> <p>Yes</p>
4.5 Administrative space		
<p>(Regulation 111)</p> <p>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.</p>	<p>The main administration areas for the facility are located on the same level as the child care. This includes a staff room, administration room, kitchen and associated utilities.</p>	<p>Yes</p>

4.6 Nappy change facilities		
(Regulation 112)		
<p>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.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p>	<p>There are four nappy change tables provided for the to support the 0-2 year old rooms and one nappy change to support the 2-3 year old room.</p>	Yes
4.7 Premises designed to facilitate supervision		
(Regulation 115)		
<p>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.</p> <p>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p>	<p>This is achieved across all rooms and play areas, with a condition verifying that sufficient glazing is provided for supervision of children sleeping in the cot rooms.</p>	Yes, Subject to a condition.
4.8 Emergency and evacuation procedures		
(Regulation 97 & 168)		
<p>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 what those</p>	<p>An evacuation plan is provided with the application.</p> <p>A condition will be required addressing evacuation procedures in greater detail.</p>	Yes

<p>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. 		
4.9 Outdoor space requirements		
<p>(Regulation 108)</p> <p>Min. 7 sq m of unencumbered outdoor space per child.</p> <p>Where a covered space such as a veranda 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 2.1m. • have a wall height of less than 1.4m where a wall with an opening form the perimeter. • have adequate flooring and roofing. • be designed to provide adequate protection from the elements. 	<p>The development application is proposing a maximum of 106 children for the centre, and therefore requires a total of 742 square metres of unencumbered outdoor area. The proposal provides 796 square metres of unencumbered outdoor area.</p>	Yes
4.10 Natural environment		
<p>(Regulation 113)</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>This is satisfactory.</p>	Yes
4.11 Shade		
<p>(Regulation 114)</p> <p>Controlled exposure to daylight for limited periods is essential</p>		

<p>as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year.</p> <p>Outdoor play areas should:</p> <ul style="list-style-type: none"> • have year-round solar access to at least 30% of the ground area. • 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. • have evenly distributed shade structures over different activity spaces. 	<p>The proposal provides for both covered and uncovered outdoor spaces on the third floor.</p> <p>Shade is provided to 314 square metres (39% of the unencumbered outdoor area).</p> <p>The solar access is distributed evenly throughout the day on the 21st of June.</p>	Yes
4.12 Fencing		
<p>(Regulation 104)</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>The barriers are satisfactory.</p>	Yes
4.13 Soil Assessment		
<p>(Regulation 25)</p> <p>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>With every service application one of the following is required:</p>	<p>The application was referred to Council's Senior Environmental Health Officer who advised that:</p> <p><i>A detailed site investigation has been carried out and a report prepared by Sullivan Environmental Sciences with reference SES_617 Rev 01 dated 7 November 2024.</i></p> <p><i>A remedial action plan has been prepared by Sullivan Environmental Sciences with</i></p>	Yes

<ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises. • if a soil assessment for the site of the proposed child care facility has previously specifying when the soil assessment was undertaken. • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. <p>Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil.</p> <p><i>Minor landscaping, creation of sand pits, movement of play equipment and so on do not qualify as earthworks and do not require a soil assessment.</i></p>	<p><i>reference SES_617 dated 7 November 2024.</i></p> <p><i>The proposed remedial Action is the following.</i></p> <ul style="list-style-type: none"> - <i>Decommission the redundant USTs and infrastructure; and</i> - <i>Delineate localised areas of contaminated soil, excavate and transport the contaminated soils offsite to a licenced landfill for disposal.</i> - <i>address asbestos and lead impacted surface and subsurface soils.</i> <p><i>There will be proposed back filling, air monitoring, during the remediation process – this will need to be conditioned.</i></p>	
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