



**PARRAMATTA DESIGN EXCELLENCE ADVISORY PANEL
PROJECT OVERVIEW REPORT**

Property Address:	14 Windermere Avenue, Northmead
DA Number:	DA/964/2022
Applicant:	Janssen Group
Architect:	Jake Janssen
Assessment officer:	Matthieu Santoso

1. PROJECT DESCRIPTION:

The proposal seeks the approval of an 88 Place centre-based childcare.

Specifically, the proposed works comprise the following:

Works

- Demolition of the existing dwelling;
- Tree Removal;
- Construction of a 3 storey Centre-Based Childcare Centre as follows:
 - **Lower Ground Floor:**
 - Two indoor play areas for 0-2 & 2-3 Y/O
 - Cot room & Nappy change areas
 - Accessible bathroom
 - 353m² of outdoor play area
 - **Ground Floor:**
 - Administrative spaces and office
 - Kitchen, cool room & laundry
 - Staff room & Storeroom
 - 22 Car parking spaces (1 being accessible)
 - Bin storage room
 - **First Floor:**
 - Indoor play areas for 3-6 Y/O
 - Two children's bathrooms & accessible bathroom
 - Plant room & storage room
 - 274m² of outdoor play area

Use

- Maximum capacity of 88 children with the following age breakdown:
 - 0-2 years – 20 places (minimum 5 staff required)
 - 2-3 years – 30 places (minimum 6 staff required)
 - 3-5 years – 38 places (minimum 4 staff required)
- A total of 17 educators have been provided under this proposal.
- The proposed hours of operation are to be 7:00am to 6:00pm, Monday to Friday (excluding public holidays).



Figure 1: Photomontage of proposed development as seen Windermere Avenue.



Figure 2: Proposed finishes.



Figure 3: Zoning Map

2. RELEVANT BACKGROUND:

7/12/2022	➤ Application Lodged.
-----------	-----------------------

CONTEXT:

The subject site is legally described as Lots 35 in DP 8884 otherwise known as 14 Windermere Avenue, Northmead. The site is a rectangular midblock located along Windermere Avenue, accessible via Windsor Road, William Street or Caprera Road.

The subject site is a large, regularly shaped corner allotment with a slope towards the South of 5.86m over a distance of 69.02m

The subject site has the following area and dimensions:

Area – 1322 square metres
Frontage – 20.115 metres
East – 65.835 metres
West – 65.835 metres
South – 20.115 metres

The subject site currently accommodates a single storey dwelling houses with detached garages. It is located within an established residential area characterised by single and double storey residential dwellings, as well as multi dwelling and commercial developments located directly to the North of the site.

3. ZONING:

The site is located within an R2 Low Density Residential Zone pursuant to Parramatta (former the Hills) Local Environmental Plan 2012 under which Centre-Based Child Care Centres are permissible on the site and in the surrounding locality. To the North of the site lies an R3 medium density residential zone in which multiple multi dwelling developments are located in.

4. RELEVANT STATUTORY CONTROLS:

The proposal has been assessed in accordance with the provisions of the following relevant planning documents:

- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental planning Policy (Resilience & Hazards) 2021
- Parramatta (former The Hills) Local Environmental Plan 2012; and
- The Hills Development Control Plan 2012.

5. COMPLIANCE AGAINST DEVELOPMENT STANDARDS/CONTROLS:

5.1 State Environmental Planning Policy (Transport & Infrastructure) 2021

Development standard	Compliance
Clause 22 – Centre based Childcare Facility – Concurrence Does the floor area of the building or place comply with Regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations?	Yes - The proposal will provide 310.3m ² of indoor play space, and 627m ² of outdoor play space. The

<p>Required – $88 \times 3.25\text{m}^2 = 286\text{m}^2$</p> <p>Does the outdoor space requirements for the building or place comply with Regulation 108 of the Education and Care Services National Regulations?</p> <p>Required – $72 \times 7\text{m}^2 = 616\text{m}^2$</p>	<p>proposal complies with the quantum of both indoor and outdoor play space.</p>
<p>Clause 23 – Matters for Consideration.</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 <i>Child Care Planning Guideline</i>, in relation to the proposed development.</p>	<p>Yes – The applicable provisions of the Child Care Planning Guideline have been considered and an assessment against the matters for consideration are provided in the table below.</p>
<p>Clause 26 – Non- Discretionary Development Standards</p> <ul style="list-style-type: none"> a) Location b) Indoor or Outdoor space c) Site Area & Site Dimensions d) Colour of building materials or shade structures 	<p>Yes – The non-discretionary development standards subject of this clause including location, indoor and outdoor space in excess of the regulations, site area and dimensions, and building materials and finishes have been considered satisfactory during the assessment of the application.</p>
<p>Clause 27 – Centre-based childcare facility —development control plans</p> <ul style="list-style-type: none"> (a) operational or management plans or arrangements (including hours of operation), (b) demonstrated need or demand for childcare 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 childcare facility contained in: <ul style="list-style-type: none"> i) the design principles set out in Part 2 of the Child Care Planning Guideline, or ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates). 	<p>Yes - The provisions contained in The Hills Development Control Plan 2012 pertaining to this clause have not been applied when assessing the proposed development.</p>

CHILDCARE PLANNING GUIDELINE 2017

The Guideline identifies issues that must be taken into consideration when assessing the proposal for a Childcare Centre. It also refers to the application of the *National Regulations for Childcare Centres*. The table below responds to each consideration raised in the Guideline. The assessment against the National Regulations is addressed in a separate table.

Provisions	Comment	Complies
Part 2 – Design Quality Principles		
Principle 1 – Context	<p>The subject site is considered an appropriate location for the proposed childcare centre for the following reasons:</p> <ul style="list-style-type: none"> • The site has adequate vehicular access via Windermere Avenue. The site also provides pedestrian access from the designated car parking spaces to the building. • The site is within close proximity to public transport and employment and business nodes. The is located within 190 m distance to multiple bus stops services by bus routes 600, 601, 603 and 614, which connects the site with Parramatta CBD. • The site is not a battle-axe allotment or located in a cul-de-sac and is not adjacent to an arterial road. • The proposal is not within proximity to any intensive, offensive and hazardous land uses. The predominant land uses within the surrounding locality generally comprises residential uses. 	Yes
Principle 2 – Built Form	The proposed childcare centre has a built form that is not compatible with the predominant building typology within the locality, which is residential dwellings, and older style walk-up residential flat buildings.	Yes
Principle 3 – Adaptive Learning Spaces	The proposed indoor and outdoor play areas are considered not to be suitable with the “underground” 0-2 years indoor playroom which will be considered to have no access to sunlight.	No
Principles 4 – Sustainability	As a result of the lower ground floor being predominantly enclosed and underground, the indoor play spaces on that level will not receive any natural light or cross ventilation.	No

Principle 5 – Landscape	The play areas have suitable landscaping on the ground floor. However, Council's landscape officer has requested the addition of screen planting along all rear and side boundaries of the property.	Yes, through submission of amended plans
Principle 6 – Amenity	The proposal will need further assessment in regard to the internal amenity for staff and children. However, the visual and acoustic amenity impacts to adjoining properties is minimal.	TBD
Principle 7 – Safety	The childcare centre is considered to provide sufficient safety and security. It has clearly defined public and private spaces with controlled access for parents and children.	Yes
Part 3 – Matters for Consideration		
3.1 Site selection and location	Yes – the subject site is located in an area that would be able to sustain a new Child Care Centre.	
3.2 Local character, streetscape and the public domain interface	Yes – The proposed childcare centre has a built form that is compatible with the predominant building typology within the locality, comprising residential dwellings and older style walk-up residential flat buildings..	
3.3 Building orientation, envelope and design	Yes – The subject site is located within the R2 Low Density Residential zone, so the development has been assessed against the single dwelling building envelope controls found within Part B Section 2 of the Hills Development Control Plan 2012. In that regard, the proposal generally complies with the required setbacks.	
3.4 Landscaping	Yes – The provided landscape elements to the outdoor play areas are considered to be suitable.	
3.5 Visual and Acoustic Privacy	No – Council's landscape officer has requested the addition of a landscape buffer towards the rear property boundary in order to protect the amenity of adjoining residents.	
3.6 Noise and air pollution	Yes – the subject site is not located within proximity to any uses that could potential cause air quality impacts to the centre.	
Part 4 – Applying the National Regulations to Development Proposals (Checklist)		
Controls	Proposed	Compliance
4.1 Indoor space requirements		
Regulation 107 Every child being educated and cared for within a facility must have a minimum of 3.25m ² of unencumbered indoor space.	Required – 286m ² Provided – 310.3m ²	Yes
Verandas' as indoor space For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather.	The application does not rely on verandahs as indoor space.	N/A

<p>Storage</p> <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. 	<p>17.6m² of indoor storage is required with 34.56m² being provided.</p> <p>26.4m² of outdoor storage is required with 35.69m² being provided.</p>	<p>Yes</p>
<p>4.2 Laundry and hygiene facilities</p>		
<p>Regulation 106 There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen</p>	<p>A laundry room is provided. This room is contained so as not to pose a risk to children.</p>	<p>Yes</p>

4.3 Toilet and hygiene facilities		
<p>Regulation 109 A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p>	Satisfactory toilet and hygiene facilities have been provided for use by children attending the CCC.	Yes
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>	As a result of the lower ground floor being predominantly enclosed, the indoor play spaces on that level will not receive any natural light or cross ventilation.	No
4.5 Administrative space		
<p>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.</p>	Suitable amenity has been provided.	Yes
4.6 Nappy change facilities		
<p>Regulation 112 Childcare 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>	As the CCC will accommodate children that wear nappies, nappy change facilities are provided in all children's bathrooms.	Yes
4.7 Premises designed to facilitate supervision		
<p>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.</p>	Supervision to children occupied areas is considered to be suitable.	Yes

4.8 Emergency and evacuation procedures		
<p>Regulations 97 and 168 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. 	No emergency evacuation plan provided.	No
4.9 Outdoor space requirements		
<p>Regulation 108 An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7m² of unencumbered outdoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p>	Required – 616m ² Provided – 627m ²	Yes
4.10 Natural environment		
<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. Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space.</p>	The play areas have suitable landscaping elements.	Yes
4.11 Shade		
<p>Regulation 114 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>	<p>The proposal provides for satisfactory shaded areas around the perimeter of the CCC. The shade structure allows for monitoring of the children from within the CCC.</p> <p>The shaded areas are evenly distributed throughout the CCC.</p>	Yes

4.12 Fencing		
<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>Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p>	<p>The outdoor play area is enclosed by a minimum of 1.8m boundary fencing. Council's landscape officers have also requested the addition of vegetative landscape screening towards the rear property boundary.</p>	<p>Yes</p>
4.13 Soil Assessment		
<p>Regulation 25 Education and Care Services National Regulations Subclause (d) of regulation 2 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. 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 services premises; • If a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken; and • 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>A review of Council's records indicates that the site does not contain potential for contamination and was deemed to be satisfactory.</p>	<p>Yes</p>

5.2 Parramatta (former The Hills) Local Environmental Plan 2012

Development Standard	Control	Proposal	Complies
Land Use Zone	R2 Low Density Residential	Centre-based Child Care Centres permitted.	Yes
Clause 4.3 – Height of Buildings	9m	9.67m. Note: a ridgeline of 72.8 AHD was compared against the NGL below at 63.13 AHD.	No
Clause 4.6 – Variation of Development Standards		A Clause 4.6 statement was not provided.	No

5.3 The Hills Development Control Plan 2012

COMPLIANCE WITH THE HILLS DEVELOPMENT CONTROL PLAN 2012

PART B SECTION 6 BUSINESS		
CONTROL	PROPOSED	COMPLIANCE
2.34 Centre Based Child Care Facilities – Additional Controls		
(a) Other relevant Sections of the DCP (i.e. Part B Section 2 – Residential) should be consulted with regards to setbacks, depending on the nature and location of the development.	The proposal does not satisfactorily address all matter pertaining to Part B – Section 2 – Residential	No
(d) Consideration is to be given to the Building Code of Australia with regards to the fire resistance of walls of the child care centre (and the openings on the walls) facing side and rear boundaries.	Conditions are to be imposed to ensure that the development is compliant with NCC requirements should the DA be approved.	Noted
(e) Setbacks for childcare centre car parking areas: Residential zones Minimum 5 metre setback from the front property boundary.	Parking is located 2.84m from the front boundary.	No
(f) The front setback areas are to include landscaping with a minimum width of two metres to screen vehicles from view from the street and surrounding properties.	Planting has been provided between the front boundary and parking spaces to a distance of 2.84m & 3.45m.	Yes
(g) Side boundary setbacks to car parking areas are to be in accordance with Part C Section 1- Parking and the relevant Sections of the Development Control Plan as outlined in (a) above.	Suitable	Yes
(h) The location of external child play areas in the front setback area is not permitted.	No external play areas are located forward of the building.	Yes
(j) Landscaping along the primary and secondary frontages is to include a combination of ground covers, large	The proposal does not adequately address all	No

trees, shrubs, and grass planting and is to provide high-quality landscaping for the development. Landscaping shall be established prior to the occupation of the building.	landscaping requirements. See landscape comments.	
(k) Trees and shrubs shall be provided alongside and rear boundaries to screen outdoor play areas	The proposal does not adequately address all landscaping requirements. See landscape comments.	No
(l) Food preparation areas in a child care centre must comply with: <ul style="list-style-type: none"> • Food Act 2003; • Children's Services Regulation 2004; • Food Safety Standards; and • Australian Standard 4674-2004 – Design, Construction and Fit-out of Food Premises. • Premises are required to register with: NSW Food Authority and The Hills Shire Council. 	Council's Environmental Health Officer has no objection to the proposal.	Yes
PART C SECTION 1 PARKING		
CONTROL	PROPOSED	COMPLIANCE
2.1.1. General		
(a) Number of required parking spaces and associated conditions must be provided in accordance with Table 1. Any part spaces must be rounded up to the nearest whole number. Child Care Centres: 1 space per employee plus 1 space per 6 children enrolled for visitors and/or parent parking	THDCP 2012 requires 1 space per 6 children and 1 space per staff member. Maximum 17 staff members proposed, Minimum 17 spaces required for staff. Minimum 15 spaces required for parents/visitors. A total of 22 car parking spaces is proposed.	No, a shortfall of 10 car parking space
(b) All car parking spaces must be provided onsite.	All parking spaces would be provided on-site.	Yes
(e) Car parking for childcare centres must be situated in a convenient location, allowing for safe movement of children to and from the centre.	It is noted that the car parking for the childcare centre is situated in a convenient location.	Yes
2.2 Parking for Disables Parsons and Parents with Prams		
(a) A proportion of the total parking spaces required shall be provided for disabled persons in accordance with Table 2. Retail/Commercial: 2% of total car parking	2% of 32 = 4 (rounded up to nearest whole number 1 space provided.	No
(b) A continuous, accessible path of travel in accordance with AS 1428.1 shall be provided between each parking space and an accessible entrance to the building or to a wheelchair accessible lift.	Noted.	Noted

2.6. Set Down Areas		
(c) The following forms of development should provide set down areas for cars: <ul style="list-style-type: none"> • Educational establishments. • Shopping centres. • Community centres. • Libraries. • Entertainment facilities. • Child Care Centres. • Recreational facilities. • Transport terminals and interchanges. 	Council is currently awaiting comments from Council's traffic engineers.	TBD
2.7. Car Park Design and Layout		
2.7.1 General		
(a) The layout of the car park should facilitate ease of access and egress of vehicles through the parking area at all times without congestion.	Council is currently awaiting comments from Council's traffic engineers.	TBD
(b) For all development other than single dwelling houses and dual occupancies, vehicles must enter and exit the site in a forward direction.	The proposed double driveway would ensure vehicles exit the site in a forward direction.	Yes
(e) Provisions within this section are in accordance with AS 2590.1 –1993 Parking Facilities – Part 1 Off Street Car Parking. For further design requirements for car park design and layout please refer to the Australian Standard.	Noted.	Noted
2.7.2 Parking Dimensions		
(a) The minimum car parking dimensions required for right angle parking shall be provided in accordance with Table 4. Tenant , employee and commuter parking, universities (generally parking all day): 2.4m x 5.4m Short-term town centre parking, shopping centres, supermarkets, hospitals & medical centres (generally short-term parking and where children & goods can be expected to be loaded into the vehicles): 2.6m x 5.4m	The proposal achieves the minimum car parking dimensions.	Yes
(d) All parking spaces shall be designed to ensure they can be accessed by a maximum 3-point combined manoeuvre, i.e. 1 movement to enter the space and 2 movements to leave, or 2 movements to enter and 1 to leave.	It is noted that swept paths have not been provided with the submitted documentation.	TBD
(f) At blind aisles the end spaces should be made one metre wider than the adjacent spaces. (See Figure 3).	The proposed basement layout ensure vehicles would leave in a forward direction.	Yes

Otherwise, provision should be made for cars to turn round at the end of aisles and allow vehicles to exit in a forward direction		
(g) Spaces adjacent to obstructions must be 300mm wider on the side of the obstruction.	Spaces adjacent to obstructions would be 300mm wider on the side of the obstruction.	Yes
(i) Basement parking areas should be setback the same distance as the building above.	A basement is not proposed.	N/A
2.8 Landscaping		
(a) Outdoor parking areas are to be provided with two-metre-wide landscaping strips: <ul style="list-style-type: none"> • Between rows served by different aisles. • Between spaces at a rate of one in every ten car parking spaces. 	Landscaping has been provided towards the side and front boundaries in lieu of between parking spaces.	No
(b) Outdoor parking areas are to be screened by a minimum of two metre wide landscaping strips. Such landscaping is to be of a mature and dense nature and be designed according to Part C Section 3 – Landscaping of this DCP.	0.7m of landscaping has been provided to the Western side boundary with 1.52m being provided to the Eastern side boundary.	No
(c) Driveways are to be screened by a minimum of two-metre-wide landscaping strip on either side.	Landscape strips of 6.8m & 5.1m have been provided adjoining the driveway.	No
PART B SECTION 2 RESIDENTIAL		
STANDARD	PROPOSED	COMPLIANCE
2.3 Restricted Development Areas RDA's must be accurately plotted on the Site Plan and any development proposed within the RDA must be clearly identified. Development is to be limited at specified environmentally sensitive locations as identified on the locality maps for this Section of the DCP (Part B Section 2). Additional site-specific controls apply to land adjoining Heritage Park (See Appendix C). Check Map Sheets for detail.	No RDAs are located on site.	N/A
2.4 Site Analysis Development should be designed to respect the streetscape and site constraints such as topography, drainage, soil, landscapes, flora, fauna, drainage and bushfire hazard.	The proposed development would not be inconsistent with the prevailing low-density character when viewed from the street. The exceedance in height to the rear portion of the site attributes to excessive bulk and scale that cannot be supported.	No

<p>Development on land adjoining bushland reserves should prevent any impact on the reserves.</p>		
<p>2.5 Streetscape & Character The proposed development must:</p> <p>Contribute to an attractive residential environment with clear character and identity.</p> <p>Address the street and boundaries to the site.</p> <p>Retain, complement and sensitively harmonise with any heritage item or conservation area in the vicinity that are identified in Council's Local Environmental Plan; and</p> <p>Provide building setbacks that progressively increase as wall heights increase to reduce bulk and overshadowing.</p> <p>Additional site-specific controls apply to Hunterford Estate, Oatlands and Gilroy College (see Appendix C).</p>	<p>The proposal is likely to contribute to an attractive residential environment for the following reasons:</p> <ul style="list-style-type: none"> - A setback of 10m has been upheld. - Landscape buffers have been provided between the street domain and parking spaces located forward of the building. - The proposal seeks the use of a neutral colour palette in their material choice. 	<p>Yes</p>
<p>2.9 Erosion and Sediment Control An Erosion and Sediment Control Plan (ESCP) is required to be submitted in accordance with "Managing Urban Stormwater – Soils and Construction", produced by the NSW Department of Housing.</p>	<p>An ESCP was prepared and submitted for assessment.</p>	<p>Yes</p>
<p>2.10 Heritage Views to and from significant items of natural or cultural heritage should not be impeded by development.</p> <p>If the development is within the Rouse Hill Development Area, SREP No. 19 will also apply.</p> <p>All developments must address and comply with the provisions of Part C Section 4 – Heritage where:</p> <p>The development site is listed in of LEP 2012 Part 1 of Schedule 5 or is within a Heritage Conservation Area</p>	<p>The subject site is not a heritage item or located within an HCA.</p>	<p>N/A</p>

<p>under LEP 2012 Part 2 of Schedule 5; or</p> <p>The development site adjoins a site listed in Schedule 5 of LEP 2012 or adjoins a conservation area under LEP 2012; or</p> <p>The development site is, or adjoins a site, listed in any Draft LEP or Heritage Study that identifies potential heritage items or sites.</p>		
<p>2.12 Stormwater Management Concentrated stormwater flow must be connected to Council's drainage system.</p> <p>Check 88B Instrument whether OSD is required, and whether the subject lot has legal rights to connect to drainage easements.</p> <p>On Rural land, discharge points from tank overflows etc should not cause erosion or impact on adjoining properties.</p>	<p>Council is currently awaiting comments from Council's development engineers.</p>	<p>TBD</p>
<p>2.14.1 Dwellings – Building Setbacks Site specific controls apply to land adjoining Heritage Park facing Old Castle Hill Road. Hunterford Estate in Oatlands and Gilroy College Target Site (Refer to Appendix C – Precinct Plan Maps and Site-Specific Controls). Classified Road: 10m Other Road: 10m or as depicted on DCP Maps 1-4 Where the predominant setback pattern of the street exceeds the above requirements, the setbacks of three (3) adjoining dwellings either side of the proposed dwelling will apply.</p>	<p>Control = 10m Proposed = 10m It is noted that the Childcare Centre Guidelines seek to ensure that the proposed childcare centre has a front setback equivalent to the average of the two nearest adjacent buildings. To this degree, the proposed front setback is considered acceptable.</p>	<p>Yes</p>
<p>Corner Setbacks Minimum 6 metres for the primary frontage and 4 metres to a secondary road frontage.</p>	<p>The subject site is not a corner allotment.</p>	<p>N/A</p>

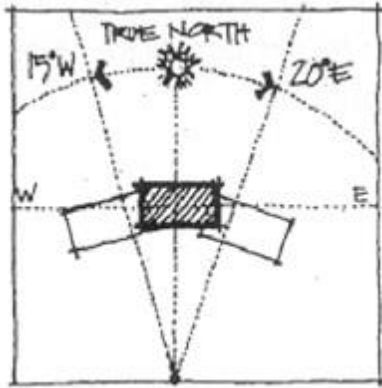
<p>Side Setback</p> <table border="1"> <thead> <tr> <th>Height of building</th> <th>Distance of wall to boundary line</th> <th>Distance to eave to boundary line</th> </tr> </thead> <tbody> <tr> <td>1 or 2 storeys</td> <td>900mm</td> <td>675mm</td> </tr> <tr> <td>3 storeys</td> <td>1500mm</td> <td>1175mm</td> </tr> </tbody> </table>	Height of building	Distance of wall to boundary line	Distance to eave to boundary line	1 or 2 storeys	900mm	675mm	3 storeys	1500mm	1175mm	<p>Side setbacks = 2m / 1.52m 3.15m / 2m to the proposed third storey element.</p>	<p>Yes</p>
Height of building	Distance of wall to boundary line	Distance to eave to boundary line									
1 or 2 storeys	900mm	675mm									
3 storeys	1500mm	1175mm									
<p>Rear Setback</p> <table border="1"> <thead> <tr> <th>Height of building</th> <th>Setback</th> </tr> </thead> <tbody> <tr> <td>1 storey element of dwelling</td> <td>4m</td> </tr> <tr> <td>2-3 storey elements of dwelling</td> <td>6m</td> </tr> </tbody> </table>	Height of building	Setback	1 storey element of dwelling	4m	2-3 storey elements of dwelling	6m	<p>Rear setback = LGF: 8.7m GF: 13.1m FF: 12.4m</p>	<p>Yes</p>			
Height of building	Setback										
1 storey element of dwelling	4m										
2-3 storey elements of dwelling	6m										
<p>2.14.2 Site Coverage The maximum site coverage permitted is 60% (793.2m²) with the exception of land zoned E4 and land identified in the Map Sheets by pink shading, where the maximum site coverage is 30%.</p> <p>Dwelling building footprint is to be no more than 45% (594.9m²) of the site coverage, with the exception of land shaded pink on Map Sheets 1-42.</p>	<p>Site coverage = 925.46m² Dwelling footprint = 646.36m²</p>	<p>No</p>									
<p>2.14.3 Building Height LEP 2012 4.3 Height of buildings (1) The objectives of this clause are as follows: (a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape. (b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas. (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<p>9.67m.</p> <p>Note: a ridgeline of 72.8 AHD was compared against the NGL below at 63.13 AHD.</p>	<p>No</p>									
<p>2.14.5 Landscaping Site specific controls apply to Hunterford Estate in Oatlands, Gilroy College and residential development at the corner of Old Windsor Road and Seven Hills Road, Baulkham Hills</p>	<p>Landscaping = 351.65m²</p>	<p>No</p>									

<p>(Refer to Appendix C – Precinct Plan Maps and Site Specific Controls).</p> <p>All setback and car parking areas are to be landscaped and maintained in accordance with the provisions of Part C Section 3 – Landscaping.</p> <p>A Minimum 40% (528.8m²) landscaped area is required with the exception of land zoned E4, where the minimum is 70%.</p> <p>Note: Landscaped area does not include any paved or built upon area such as driveways, tennis courts, patios/decks, outbuildings or pools.</p>		
<p>2.14.7 Cut and Fill Maximum 600mm of filling without a concealed dropped edge beam.</p> <p>Maximum of 1.5 metres with a concealed dropped edge beam.</p> <p>Excavation in excess of 1 metre may be permitted, subject to there being no adverse effect on the adjoining owners and the submission of structural engineer's details of retaining walls with the Development Application, or alternatively, a separate Development Application is to be submitted.</p>	<p>Council is currently awaiting comments from Council's development engineers.</p>	<p>TBD</p>
<p>2.14.8 Building Materials Materials to be compatible with surrounding developments. A schedule of external materials and colours is required.</p>	<p>The proposed colours sought for the materials are considered compatible with the surrounding developments.</p>	<p>Yes</p>
<p>2.14.9 Visual and Acoustic Privacy Site specific controls apply to Hunterford Estate in Oatlands and Gilroy College Target Site (Refer to Appendix C – Precinct Plan Maps and Site-Specific Controls).</p> <p>Buildings are to be designed to ensure maximum protection of privacy. Where appropriate consideration should be given to:</p> <p>using windows that are narrow, translucent or obscured or, in the case of bathrooms, have windowsills a</p>	<p>The proposed development has been designed to ensure protection of privacy to and from the internal play area.</p> <p>Given that adequate setbacks have been provided, it is unlikely that the proposal would result in overlooking impacts to and from neighbouring properties.</p> <p>An acoustic report was submitted as part of this application, and it is noted that there is no objection to the potential noise transmission within the surrounding area. It is further noted that operation hours would be between 7am-6pm and as such would not impact</p>	<p>Yes</p>

<p>minimum of 1.5 metres above the upper storey floor level; and</p> <p>ensuring that windows that face directly to the windows, balconies or yards of adjoining dwellings are appropriately screened.</p> <p>First floor balconies will not be permitted where they overlook living areas of adjacent dwellings.</p> <p>Windows should be placed to minimise direct viewing between dwellings.</p> <p>Dwellings are to be designed to limit the potential for noise transmission to the living and sleeping areas of adjacent existing and future developments.</p> <p>Careful consideration should be given to the location of air-conditioning systems, swimming pools and the like to minimise the impact on the amenity of adjoining properties.</p> <p>Private open space areas and driveways are to be designed to minimise noise impacts.</p> <p>Dwellings that adjoin classified roads are to be designed to ensure acceptable internal noise levels, based on Environmental Protection Authority – Environmental Criteria for Road Traffic Noise and Australian Standard 3671 – Road Traffic Noise Intrusion – Building Siting and Construction.</p>	<p>sleeping areas of adjacent and future developments.</p> <p>The proposed driveways are located at the front of the site and does not adjoin a classified road.</p>	
<p>2.14.10 Solar Access</p> <p>At least 50% of the required private open space within the subject property and that on adjoining properties, is to receive direct sunlight for a minimum of 4 hours between 9am and 3pm on 21 June.</p> <p>Living areas of dwellings shall be orientated to the north wherever possible.</p>	<p>Shadow diagrams submitted denote that most of the rear facing open play areas will be subjugated to shadows. Furthermore, the below ground nature of indoor playrooms within the lower ground floor entail that no natural sunlight will be received to these spaces.</p>	<p>No</p>

Maximise the amount of direct sunlight available to clothes drying areas.

Where possible, orient buildings 30 degrees east and 20 degrees west of true north. This is illustrated in the following diagrams:



Where winter solar access is not optimum consider the use of double-glazing or high-performance glass.

Windows should have suitable shading or other solar control to avoid summer overheating.

Consider the use of horizontal shading devices (for north facing windows) including eaves, verandahs, pergolas, awnings and external horizontal blinds to allow low winter sun whilst providing shade from high summer sun.

West facing windows can cause excess heat in summer. If suitable, minimise the size of east and west facing windows, or consider external vertical shading devices such as vertical blinds, blade walls and thick vegetation.

Shading elements are to be integrated into the overall elevation design.

2.14.11

Ventilation

Maximise ventilation and consider fans, louvered windows and seals.

The lower ground floor plan fails to demonstrate cross ventilation to the indoor play rooms to this floor.

No

2.14.12

Lighting

Lighting to comply with BCA and maximise natural lighting

Noted.

Noted

<p>2.14.14 Car Parking and Vehicular Access Car parking is to be provided in accordance with Part C Section 1 – Parking. Driveways and parking areas should enable the opportunity for landscape screening and be convenient and safe.</p> <p>At least one car parking space must be provided behind the front building line.</p> <p>Single garages: Minimum 5.5m x 3.0m.</p> <p>Double garages: Minimum 5.5m x 5.0m.</p>	<p>The proposal fails to provide 32 car spaces with only 22 being provided.</p> <p>Proposed: 11 Staff 11 Visitor/Parents</p>	<p>No</p>
<p>2.14.15 Access and Surveillance (a) Site planning and dwelling design is to allow general observation of the street, the site and the approaches to the dwelling entry from the inside of each dwelling. (b) Access to dwellings is to be direct and without unnecessary barriers. For example, use ramps instead of stairs/steps, consider the height and length of handrails and eliminate changes in level between ground surfaces. (c) Stairs and ramps are to have reasonable gradients and non slip even surfaces. Refer to Australian Standard 1428.1 - 2001 Design for Access and Mobility and supplementary AS 1428.2 - 1992.</p>	<p>The proposed building envelope provides suitable passive surveillance.</p>	<p>Yes</p>
<p>2.15 Fencing Site specific fencing controls apply to land adjoining Heritage Park and at the corner of Old Windsor Road and Seven Hills Road, Baulkham Hills (Refer to Appendix C– Precinct Plan Maps and Site Specific Controls).</p> <p>Any boundary fencing shall be subject to the requirements of the Dividing Fences Act 1991.</p> <p>Front fencing is to be consistent with the height, scale, and style of existing fencing in the street. Where there are no existing front fences, front fences are not supported.</p>	<p>Fencing proposed is considered to be suitable. Council’s landscape officer has requested the addition of a landscape buffer to be located along the rear property boundary.</p>	<p>To be amended.</p>

<p>Where front fencing over 1.2 metres in height is proposed, this shall be of open style.</p> <p>Any fencing in the front setback over 1.2m in height shall be setback from the front boundary a minimum of 500mm to allow opportunities for landscaping to soften the impact of the fence.</p> <p>Consideration will be given to fencing on secondary road frontage setbacks, subject to there being no adverse effect on the immediate area and on traffic visibility and be of a design to incorporate features such as landscaping bays or a variation/combination of materials.</p> <p>Side and rear boundary fencing should be a maximum of 1.8 metres in height.</p>		
<p>2.16 Waste Management</p> <p>Adequate storage for waste materials must be provided on site.</p> <p>All waste storage areas must be screened from view from any adjoining property or public place.</p> <p>Bin storage space is to be:</p> <p>incorporated into the landscape design of each dwelling; and</p> <p>adequate for one 240 litre garbage bin and one 240 litre recycling bin per dwelling.</p> <p>Location of the bin storage space must allow the bins to be wheeled to the street kerb over flat or ramped surfaces with a maximum grade of 7% and not over steps, landscape edging or gutters or through the dwelling.</p>	<p>An adequate storage and waste management plan has been provided as part of this application.</p>	<p>Yes</p>
<p>2.17 Services</p> <p>Ensure sufficient water supply and disposal of sewage measures are available.</p>	<p>Yes</p>	<p>Yes</p>

All water, gas, power and communication services are to be located underground.		
PART C SECTION 3 LANDSCAPING		
CONTROL	PROPOSED	COMPLIANCE
3.1. General Planning and Design Controls		
(a) The landscaping of any site should have regard to the natural environment of the location and be consistent with landscaping character of the area.	Council's Landscape Officer has reviewed the application and notes that the submitted design does not sufficiently address all landscape matters. See landscape comments.	No
(b) Landscaped areas shall have a minimum width of two metres		
(h) For all planting on slab and planter boxes allow the following minimum soil depths: <ul style="list-style-type: none"> • 1.2m for large trees, 1m for medium trees and 800mm for small trees. • 500-600mm for shrubs • 200-450mm for groundcovers; and • 200mm for turf. 		

PUBLIC NOTIFICATION

The Development Application was on advertisement from 16th of December 2022 to the 11th of January 2023. At the time of writing, 32 submissions have been received.

REFERRAL COMMENTS

Development Engineer

Awaiting Comments.

Traffic

Awaiting Comments.

Landscape

Comments received – additional information required.

1. A revised Stormwater Drainage Plan to provide an alternative configuration of the OSD tank within the rear setback to utilise space under the proposed decking in order to achieve greater deep soil area within other areas of the rear setback.
2. The following information should be addressed in a revised Landscape Plan:
 - Show Tree No. 18 to be removed and replaced with the same species in a 100 ltr container to be planted within deep soil zone with a minimum setback of 3 metres from the outside enclosing wall of the proposed building (including the upper level overhang) and at least 2m from any proposed drainage line.
 - Additional canopy tree planting to the rear setback (if revised stormwater design provides additional deep soil).
 - Dense screen planting, utilising a native species, to the entire perimeter of the 'Outdoor' Play space is required in accordance with the requirements of Clause 5.2.3.2 of Council's DCP

- Deletion of the species *Duranta* 'Sheena's Gold' due to its unsuitability for this type of development, and replaced with a native species.
- Clarification of 'native' species within the Planting Schedule is required.
- All landscape plans are to be prepared by a professionally qualified landscape architect or landscape designer only and must be at 1:100 or 1:200 scale.

Acoustic

Comments received - supportive.

Waste

Comments received - supportive.

Food

Comments received – supportive.

General Environmental Health

Comments received – supportive

Social

Comments received

City Strategy (Social/Cultural) does not support the approval of DA/964/2022 in its current form, due to the following concerns:

- The delivery of a split-level childcare centre is not supported due to implications for safety and access to natural play elements. It is recommended that the ground floor where the entrance is located, be used for indoor and outdoor play spaces. The first floor is recommended to be used for administrative and storage purposes only.
- With 88 childcare places being proposed, limited consideration has been given to the layout design and the sizes of indoor and outdoor play spaces.
- Locating indoor and outdoor play spaces on lower ground and first levels increases safety risks in the case of an emergency evacuation and does not support effective supervision.
- The development does not provide adequate shade in outdoor play space on the first level to give protection from ultraviolet radiation.
- The development proposes the removal of a large number of trees on site. Council officers are concerned that the proposed development does not provide adequate natural elements and shade which contribute to positive developmental outcomes for children.

If this development application is approved, City Strategy (Social/Cultural) provides the following recommendations as conditions of consent:

That the applicant avoids locating indoor and outdoor play spaces on the lower ground and first levels to improve safety for children and facilitate child supervision. As per Parramatta DCP 5.2.3.2, above ground levels should only be used for storage and staff facilities.

That the applicant reviews the number of childcare places and provides justification as the proposed number of places is above the Parramatta DCP 2011 requirement.

That the applicant considers the childcare place mix to increase the provision of 0 – 2 years old places to meet the population's needs. This should not be achieved through an increase in the total number of places, but a revision of the age breakdown for the proposed places.

That the applicant updates the layout of the childcare centre and ensures it demonstrates a safe and suitable environment to deliver a best practice facility. See section 3.3 to 3.5 for examples.

That the applicant provides adequate shade in the outdoor play space on the first level to meet the minimum covered area requirement in Child Care Planning Guideline and give protection from ultraviolet radiation.

That applicant provides adequate natural elements and shade which contribute to positive developmental outcomes for children.

That the design of pedestrian walkways should ensure that adequate barriers are provided between the footpath and carpark to prevent unsupervised access.

SUMMARY OF ISSUES

- The proposed corridor located on the first floor element creates unnecessary requirements for supervision.
- Proposal exceeds 9m height limit.
- Parking Spaces do not meet minimum requirements under the Hills Development Control Plan 2012.
- The lower ground indoor play areas do not have side windows and are located below ground. As such, there is considered to be limited sunlight access and cross ventilation to this space.

Matthieu Santoso
Development Assessment Officer
15/02/2023