



# Statement of Environmental Effects

CHILD CARE FACILITY  
14 WINDERMERE AVENUE  
NORTHMEAD

23 NOVEMBER 2022



Quality Assurance	
PROJECT:	Child Care Facility
ADDRESS:	14 Windermere Avenue, Northmead NSW 2152
Lot/DP:	Lot 35 DP 8884
COUNCIL:	City of Parramatta
AUTHOR:	Think Planners Pty Ltd

Document Management		
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Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?	
Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No

Concurrence	
SEPP (Biodiversity and Conservation) 2021	No
SEPP (Industry and Employment) 2021	No
SEPP (Planning Systems) 2021	No
SEPP (Precincts – Central River City) 2021	No
SEPP (Precincts – Eastern Harbour City) 2021	No
SEPP (Precincts – Regional) 2021	No
SEPP (Precincts – Western Parkland City) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	No

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## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a development application for the demolition of existing structures, tree removal, and the construction of a three-storey, 88-place '*Centre-Based Child Care Facility*' with internal carpark, pursuant to the State Environmental Planning Policy (Transport and Infrastructure) 2021 at 14 Windermere Avenue, Northmead.

The purpose built three-storey '*Child Care Facility*' will operate with a maximum capacity of 88 places with the following age groups:

- 0-2 years: 20 places;
- 2-3 years: 30 places; and
- 3-6 years: 38 places.

The proposed facility will be separated into four indoor play areas, split across the first floor and the sunken lower ground floor owing to the site topography. Two separate outdoor play areas are also proposed, with one on the lower ground floor and the other elevated on the first floor.

The facility provides a total of 310.3m<sup>2</sup> of unencumbered indoor play area (3.33m<sup>2</sup> per child), with a total of 627m<sup>2</sup> or 7.13m<sup>2</sup> of unencumbered outdoor play area per child.

In addition to the play areas, the proposed facility will also include a large cot room, two separate children's bathrooms, a large kitchen and laundry, and administrative areas including the lobby, reception, staff room and Director's Office.

The development proposes twenty-two (22) car parking spaces divided across the ground floor internal car park, and within the front setback but set behind a 3.5m landscape buffer. This includes eleven (11) staff car parking spaces, and an additional 11 x visitor/parent car parking spaces including an accessible car parking space. Access to the site will be provided via a double width driveway to Windermere Avenue located centrally on the site, connecting directly to the internal parking area.

There will be a minimum of 17 educators on site and the operating hours are proposed to be 7am to 6pm Monday – Friday (excluding public holidays). It is noted that there is generally a 30-minute shoulder period for staff arrivals and departures for set up and pack down.

Situated within an established residential area, the subject site is located on the southern side of Windermere Avenue. The land parcel can best be described as a regular-shaped allotment that has a primary frontage of 20m to Windermere Avenue, and a depth of approximately 66m, that results in a total site area of 1324.4m<sup>2</sup>.

An older, single-storey brick and tile dwelling is currently located on the subject site, with an array of smaller detached sheds and garages also located along the eastern boundary line. The site is predominately grassed with upward of fifteen (15) trees scattered across the site, some of which are proposed to be retained as part of the proposal.

The subject area features two distinct typologies north and south of Windermere Avenue; a low density setting on the southern side, with older, high-density multi-unit housing on the northern side. Overall, the streetscape is well established with consistent front setbacks and low maintenance front garden settings.

The subject site is zoned R2 Low Density Residential with a maximum height limit of 9m under the Parramatta (Former The Hills) Local Environmental Plan 2012. *'Centre-based Child Care Facilities'* are permissible with consent within the R2 Zone. The development seeks to utilise the land in accordance with the zoning and take advantage of its size and location within an established residential area. The proposed childcare facility will positively contribute towards meeting the needs of the residents of Northmead in regards to childcare.

The childcare facility has been designed to comply with key planning requirements under the State Environmental Planning Policy (Transport and Infrastructure) 2021, Parramatta (Former The Hills) Local Environmental Plan 2012, The Hills Development Control Plan 2010, Child Care Planning Guidelines and Children's (Education and Care Services) Supplementary Care Provisions 2012.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

As detailed further in this statement, the development concept is consistent with the planning principles and controls applying to the site and represents an efficient use of well-located land.

Therefore, having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land that will contribute towards providing valuable child care services, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

## SITE AND LOCALITY

### SUBJECT SITE

The subject site is legally described as Lot 35 DP 8884, though more commonly known as 14 Windermere Avenue, Northmead.

Situated within an established residential area, the subject site is located on the southern side of Windermere Avenue. The land parcel can best be described as a regular-shaped allotment that has a primary frontage of 20m to Windermere Avenue, and a depth of approximately 66m, that results in a total site area of 1324.4m<sup>2</sup>.

The site has a relatively consistent fall on the site from the front (north) to the rear (south) of approximately 5.5 metres. An older, single-storey brick and tile dwelling is currently located on the subject site, with an array of smaller detached sheds and garages also located along the eastern boundary line. The site is predominately grassed with upward of fifteen (15) trees scattered across the site, some of which are proposed to be retained as part of the proposal.

The existing site setting has been demonstrated in the photograph below.

**Photograph 1: Existing dwelling on the subject site (14 Windermere Avenue)**



## SUBJECT AREA

The site is located within an established residential area, however, Windermere Avenue has two distinct typologies north and south of the residential avenue. On the southern side, dwelling typology is reflective of a low-density setting, dominated by a built form of single and two-storey residential dwellings on modest lots. Conversely, directly opposite the subject site and scattered along Windermere Avenue, exist an array of large multi-unit housing developments of varying age.

As such, the proposed facility has been designed to appear as a large, modern two-storey built form set within a landscape setting, in keeping with the projected higher-scale, but low density character of the southern side of Windermere Avenue. Given the overall size and zoning of the subject allotment, the existing dwelling on site is effectively an underutilisation of the potential of the site. An aerial photograph is provided below and which shows the development site in its current context.

**Figure 1: Aerial Map Extract of Subject Site (SixMaps).**



 - Subject Site

Photographs are provided below and overleaf to give context to the development site and its surrounding area.



Photograph 2: Neighbouring Dwelling to the West (12 Windermere Avenue)



Photograph 3: Neighbouring Dwelling to the East (16 Windermere Avenue)



**Photograph 4: Multi-Unit Residential Dwellings Opposite the Subject Site**



**Photograph 5: Shows the streetscape of Windermere Avenue, Northmead (East)**



Photograph 6: Shows the streetscape of Windermere Avenue, Northmead (West)



## BROADER LOCALITY

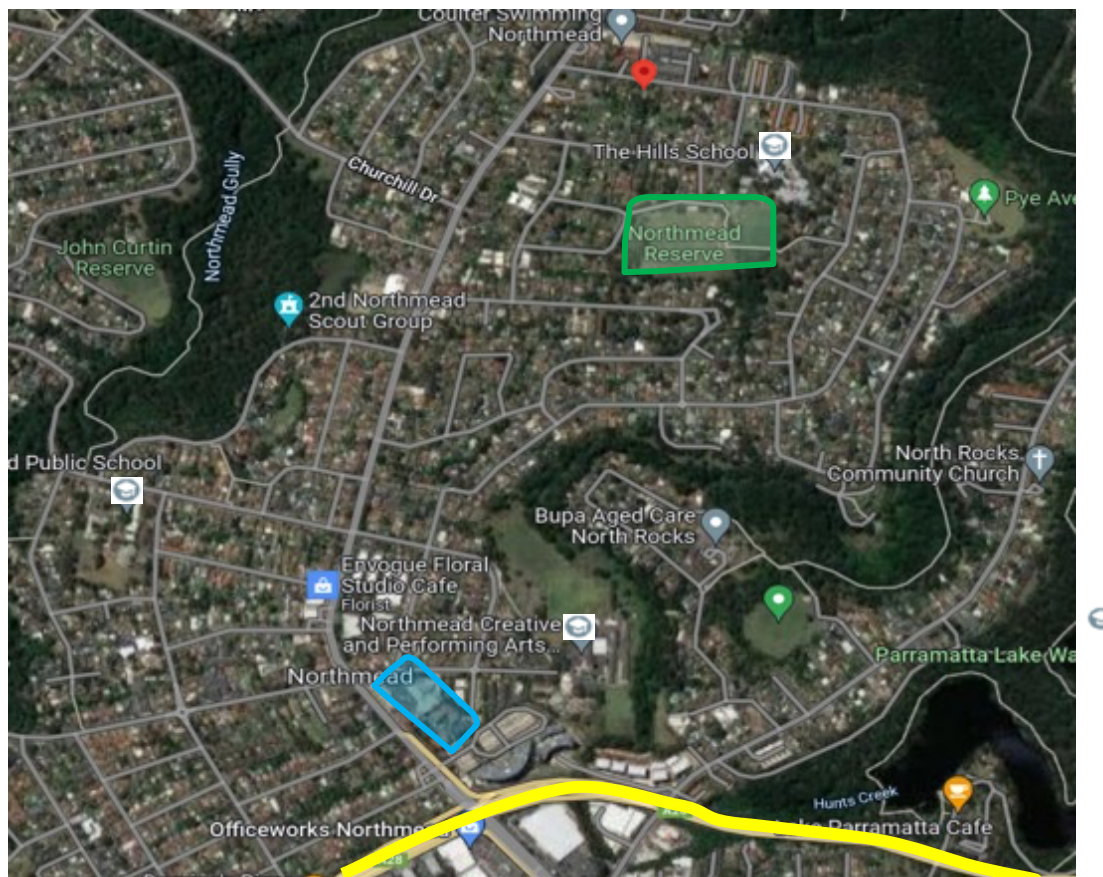
The broader locality is established residential, with the subject site surrounded by a mix of low and high-density residential typologies. The site is ideal to accommodate a childcare facility due to it being located:

- In an established residential area,
- In the vicinity of a high school,
- In close proximity to Northmead Reserve to the south and open space recreation further to the east.
- In the vicinity of three primary schools,
- Close to Northmead Shopping Village,

Various other employment and recreational opportunities are also located within commuting distance to the north and south of the subject area. In regards to transport, bus stops with services into Parramatta (600) and Rouse Hill/Pennant Hills (600/601) are also located within a 200m radius of the site. The locality is serviced by major roadways including Windsor Road, Old Windsor Road (A40), and the M2 Motorway, that are all located in close proximity of the subject site.

The below aerial photograph demonstrates the sites location in a broader locality.

**Figure 2: Aerial Map Extract of the Broader Locality (Source: Google Maps)**



 Subject Site  Educational Establishments  Key Arterial Roads  Shopping Centre  Parks/Open Space

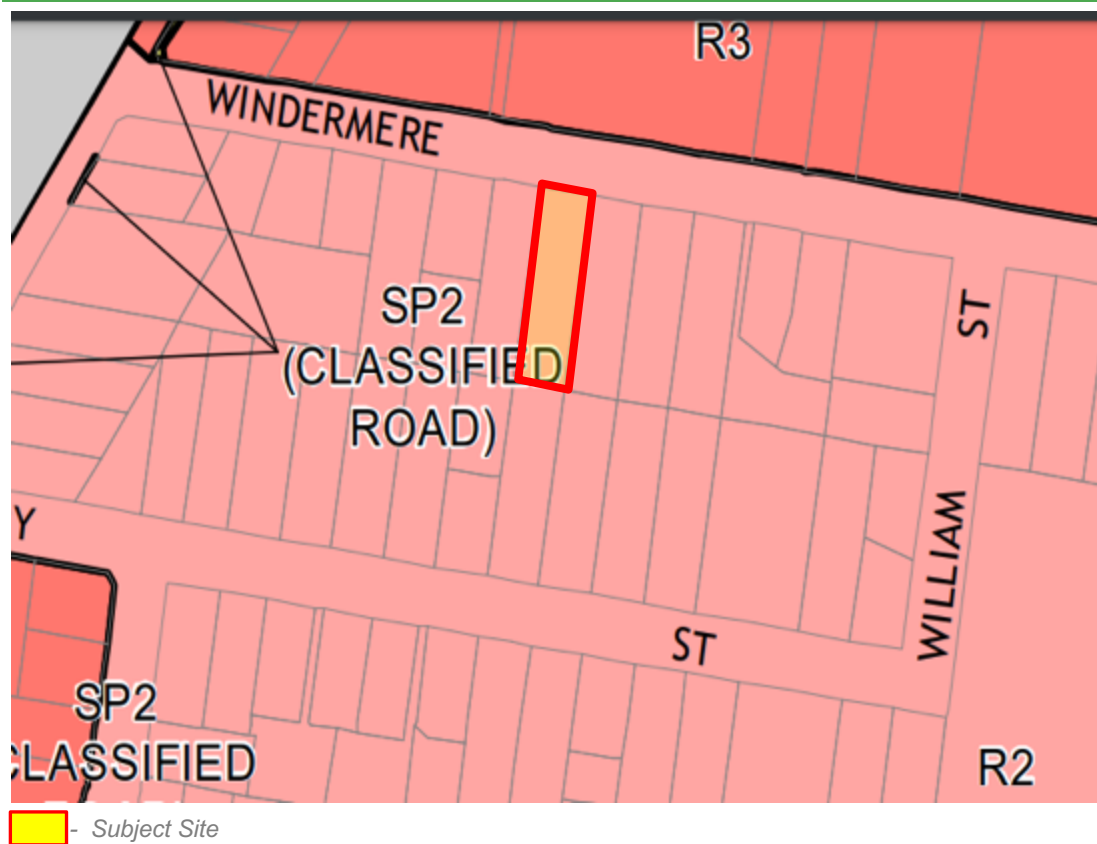
## ZONING CONTROL

As evident via zoning map extract, the subject site is zoned R2 Low Density Residential.

**‘Centre-Based Child Care Facilities’** are permissible with consent within the R2 Zone, with the site subject to a maximum building height of 9m under the Parramatta (Former The Hills) Local Environmental Plan 2012.

The current application is made pursuant to the State Environmental Planning Policy (Transport and Infrastructure) 2021.

**Figure 3: Zoning Map Extract (Source: Parramatta (Former The Hills) LEP 2012)**



The development aims to utilise the land in accordance with the zoning and provide employment opportunities, and services to the existing and future population of the area.

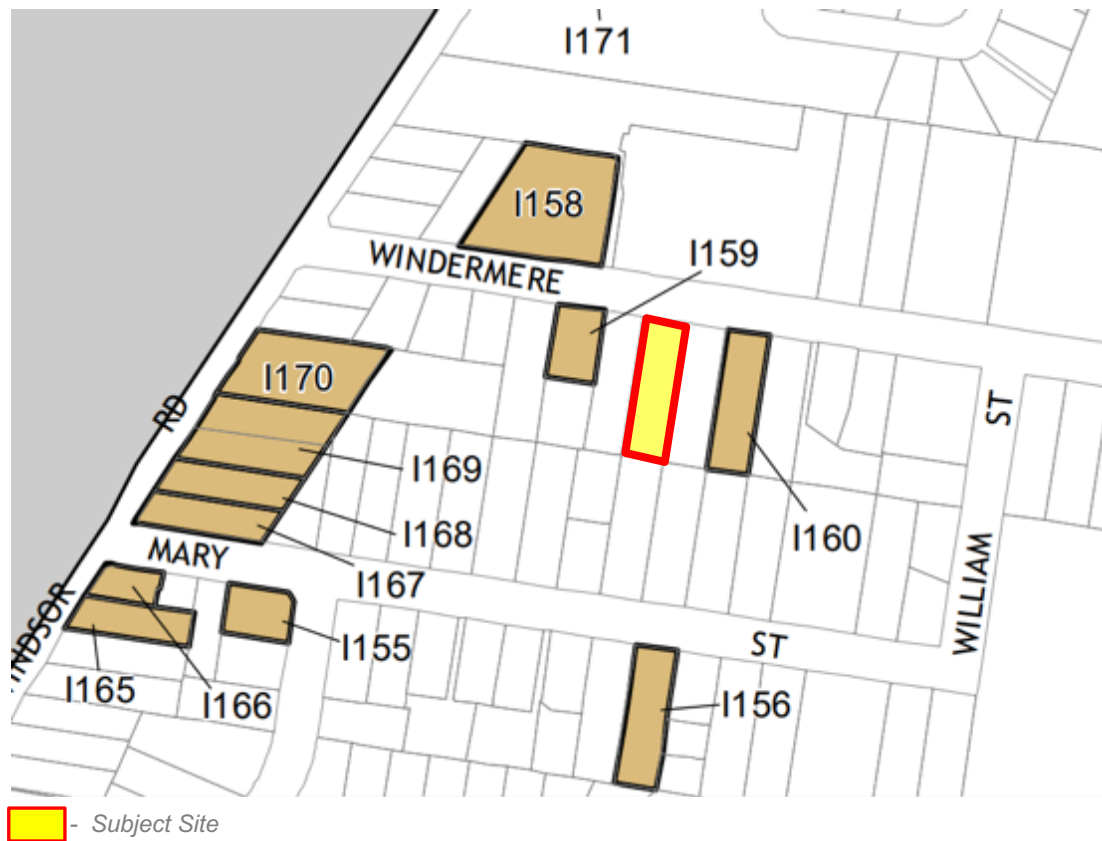
## HERITAGE

The subject site is not identified as a heritage-listed item and it is not within a heritage conservation area as demonstrated below via heritage map extract.

Whilst Local Heritage Items I159 and I160 (10 & 18 Windermere Avenue) are in the vicinity, the heritage significance of these residence's stem from the dwellings themselves, noting that the proposal will not affect the heritage curtilage of the heritage item.

As a result, the subject site will not have any associated heritage restrictions however this will be a matter for assessment by Council.

**Figure 4: Heritage Map Extract (Source: Parramatta (Former The Hills) LEP 2012)**



## DESCRIPTION OF PROPOSAL

This Development Application is for the demolition of existing structures, tree removal, and the construction of a three-storey, 88-place 'Centre-Based Child Care Facility' with internal carpark, pursuant to the State Environmental Planning Policy (Transport and Infrastructure) 2021 at 14 Windermere Avenue, Northmead.

### Child Care Facility:

The purpose built three-storey 'Child Care Facility' will operate with a maximum capacity of 88 places with the following age groups:

- 0-2 years: 20 places;
- 2-3 years: 30 places; and
- 3-6 years: 38 places.

The proposed facility will be divided into four indoor play areas, split across the first floor and the sunken lower ground floor. Two separate outdoor play areas are also proposed, with one on the lower ground floor and the other elevated on the first floor.

The facility provides a total of 310.3m<sup>2</sup> of unencumbered indoor play area, with the following breakdown:

- 0-2 years: 70m<sup>2</sup> (3.50m<sup>2</sup> per child)
- 2-3 years: 100m<sup>2</sup> (3.33m<sup>2</sup> per child), and
- 3-6 years: 165m<sup>2</sup> (4.30m<sup>2</sup> per child).

The facility provides a total of 627m<sup>2</sup> or 7.13m<sup>2</sup> of unencumbered outdoor play area per child. In addition to the play areas, the proposed facility will also include the following:

### Lower Ground Floor:

- Two, large indoor play areas, for 0-2 years and 2-3 years,
- A large cot room, with access direct from the 0-2 play area, and a large nappy change area that links between both indoor play areas,
- A separate accessible bathroom, and
- 353m<sup>2</sup> of outdoor play area, approximately 30% of which is shaded/covered.

### Ground Floor:

- Administrative areas including the lobby, reception, and Director's Office,
- Large kitchen area, cool room and laundry,
- A staff room and store room,
- A separate accessible bathroom, and
- Car parking area (see *Car Parking* later in this section of the report).

*First Floor:*

- Two, large indoor play areas, for children of 3-6 years of age,
- Two children's bathrooms, and a separate accessible bathroom,
- Plant room and additional storage space, and
- 274m<sup>2</sup> of outdoor play area, with direct access off each indoor play space.

An internal stairwell and lift core traverses across all three levels, providing access through to the car parking area via the lobby. An external fire egress stairwell has also been included on the western side of the proposed facility.

Seventeen (17) staff will run the facility and the operating hours are proposed to be 7am to 6pm Monday – Friday (excluding public holidays). It is noted that there is generally a 30-minute shoulder period for staff arrivals and departures for set up and pack down.

The proposed centre-based childcare facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines as follows:

- *The design responding to the context of the surrounding area by proposing an attractive and large single storey-built form that is consistent with the low residential character within the subject area*
- *Appropriate replacement and landscape embellishment to ensure the landscape character of the site is respected.*
- *The proposed built form has been designed commensurate with the low-density residential character of the site and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

Ultimately, any proposal upon the subject site is likely to raise concerns to adjoining properties in regards to acoustics, privacy and overshadowing considering the existing use on site is a low density residential.

However, the overall design scheme has undertaken conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. The siting and orientation of the proposed building, combined with compliance to height and setback controls, will ensure that potential amenity impacts to neighbouring properties in terms of privacy and acoustic impacts is minimised.

A perspective of the proposed facility is provided overleaf to assist in conceptualising the proposed design. Whilst a three-storey structure, the proposal utilises the grade of the site to ensure a two-storey appearance when viewed from the streetscape.



Figure 5: Perspective – Proposed Development – Street View



Car Parking:

All car parking is proposed to be located on the ground floor, shared between an internal car parking within the building footprint, and within the front setback.

The development proposes twenty-two (22) car parking spaces with the following breakdown:

- Eleven (11) car spaces for staff parking, and
- 11 x visitor/parent car parking spaces, one of which will be a dedicated accessible car parking space.

Access to the site will be provided via a double width driveway to Windermere Avenue. The driveway is to be located centrally on the site connecting directly to the internal parking area.

A lift core and internal stairwell, via the internal lobby, will provide access to both the lower ground floor and first floor.

Signage:

No signage is proposed as part of this development application.

Waste Collection:

Waste collection will occur from the street frontage by a private contractor with bins wheeled to the street on collection day.

Landscape Works:

The application is accompanied by an Arborist Report that outlines why it is deemed reasonable to remove the identified trees from site as indicated on the provided Demolition Plan.

In addition, a detailed Landscape Concept Plan accompanies the development application. To offset the removal of the existing vegetation, the proposal is to include additional tree species planted as part of the overall development. Combined with a range of other plantings that provides for vegetation along Windermere Avenue, the overall landscape concept will create a positive street edge in addition to screening neighbouring properties and the side boundaries.

Acoustic Treatment:

The development proposal has been reviewed to present a suitable outcome with regard to potential acoustic impacts. Acoustic mitigation is proposed primarily through operational management, limiting outdoor play to designated timeframes as per the recommended Noise Management Plan.

Whilst acoustic barriers are incorporated into the proposal, these are of standard residential fencing height. The barriers will be stepped across the site to meet noise mitigation targets, in addition to considering sight lines and amenity impacts in regards to appearance. A list of the proposed acoustic barrier (fencing) heights are detailed below:

- Perimeter Lower Ground Floor: 1.8 metre height from finished floor level (FFL),
- Eastern/Western Boundaries: 1.5 metre height from FFL, and
- Perimeter First Floor Outdoor Play Area: 1.39 metre from FFL.
- 

Considering the above, and the other acoustic measures proposed, the proposal demonstrates suitable design outcomes with regard to acoustics that are a key consideration for childcare centre developments.

Summary:

The relevant architectural plans for the proposal have been prepared by Janssen Designs, while supporting reports and documents have been prepared by relevant sub consultants dealing with matters such as traffic and parking, acoustic, drainage and landscaping.

The development seeks to utilise the land in accordance with the zoning and take advantage of its size and location within an established residential estate. The development will play a positive role in increasing valuable childcare places within Northmead and the wider Parramatta area by 88 places.

## PLANNING CONTROLS

### STATUTORY CONTROLS

The relevant statutory planning controls include:

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport And Infrastructure) 2021
- Parramatta (Former The Hills) Local Environmental Plan 2012
- Draft Parramatta Local Environmental Plan 2020

### POLICY CONTROLS

The applicable policy control document is:

- The Hills Development Control Plan 2012;
- Childcare Planning Guidelines; and
- Education and Care Service National Regulations 2012

## CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

### STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of three now repealed SEPPs being:

- State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy No 33—Hazardous and Offensive Development; and
- State Environmental Planning Policy No 55—Remediation of Land.

Chapter 2 of the SEPP contains controls for coastal management and is not applicable to this development.

Chapter 3 of the SEPP contains controls for Hazardous and Offensive Development. This development is not for Hazardous and Offensive development and accordingly this chapter is not applicable to this development.

Chapter 4 of the SEPP contains a state wide planning framework for the remediation of contaminated land and to minimise the risk of harm.

The following table overleaf considers the risk of the site being contaminated:

Matter for consideration	Yes	No	Comment
Does the application involve re-development of the site or a change of land use?	X		Yes – change of use from an existing residential use to a commercial childcare facility.
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	X		Yes – childcare usage.
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?  acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation		X	A Preliminary Site Investigation has been undertaken by Geotechnical Consultants Australia that indicates the site was developed into a residential use in 1943 with no other change in land use.
Is the site listed on Council's Contaminated land database?		X	
Is the site subject to EPA clean-up order or other EPA restrictions?		X	
Has the site been the subject of known pollution incidents or illegal dumping?		X	
Does the site adjoin any contaminated land/previously contaminated land?		X	
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	X		The Preliminary Site Investigation undertaken by Geotechnical Consultants Australia considers that the potential for significant contamination of soil to be low (Pg. 16), and subject to undertaking the recommendations of the report, no further assessment regarding soil contamination is required.

Refer to the attached Preliminary Site Investigation undertaken by Geotechnical Consultants Australia (E22129-1) for further detail regarding the above.

## STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

This SEPP also came into effect on 1 March 2022 and incorporated the provisions of eleven now repealed SEPP's, with below applicable to the site:

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)

Chapter 2 of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application. This chapter seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The application seeks approval to clear a portion of the site of existing mature vegetation, shrubbery and undergrowth, including the removal of three (3) large trees that are impacted by the proposal. The trees are considered established, of mature height, and a native to the surrounding landscape. A large street tree is also proposed to be removed to make way for the proposed central driveway access.

Based on the nature of the existing vegetation on site, the provisions of the SEPP apply. To address this, the application is accompanied by an Arborist Report that outlines why it is appropriate to remove the subject trees from the site based on varying degrees of condition and health and their relationship to the proposed development.

Additionally, neighbouring vegetation will be protected and the design of the proposed structure has been carried out to limit impact to trees on adjoining properties in terms of encroachment to root zones and the like.

To offset the removal of the existing vegetation, the proposal is to include additional tree species planted as part of the overall development. Combined with a range of other plantings that provides for vegetation along Windermere Avenue, the overall landscape concept will create a positive street edge in addition to screening neighbouring properties and the side boundaries.

The detailed Landscape Concept Plan also details how the proposed landscape works will reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds. The introduction high quality landscape embellishment works within a low-density residential context will ultimately provide a better outcome than what is currently experienced on site.

Chapter 4 – contains the land-use planning and assessment framework from the former Koala SEPP 2021 for koala habitat within Metropolitan Sydney and the Central Coast and applies to all zones except RU1, RU2 and RU3 in the short term. The site is not identified as containing koala habitat and accordingly this chapter is not applicable to this development.

Chapter 10 – contains the provisions from the former Sydney Harbour Catchment SREP to manage and improve environmental outcomes for Sydney Harbour and its tributaries.

Despite the site not being located on the foreshore or adjacent to a waterway, the development site is still subject to the broad planning principles contained within the SREP. The Sydney Harbour Catchment Planning Principles must be considered and achieved, where possible, in the carrying out of development within the catchment. The relevant principles include:

- *Protect and improve hydrological, ecological and geomorphologic processes;*
- *Consider cumulative impacts of development within the catchment;*
- *Improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and*
- *Protect and rehabilitate riparian corridors and remnant vegetation.*

The proposed development does not detract from the above listed principles given the nature of the development and the environmental safeguards proposed, including the detailed drainage concept and erosion and sediment controls that will be in place throughout the construction phase of the development.

**STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021**

This SEPP came into effect on 1 March 2022 and incorporated the provisions of four now repealed SEPP's, with below applicable to the site:

- State Environmental Planning Policy (Infrastructure) 2007; and
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Chapter 2 contains the planning rules and controls from the former Infrastructure SEPP for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.

Division 5 (Subdivision 2) relates to development in or electricity transmission or distribution networks

In accordance with this chapter, particularly Clause 2.48, it is anticipated that Council will not refer the application to an electricity supply authority, as building works are not likely to occur within 5m of an exposed overhead electricity power line (supply line >5m from the proposed structure).

Division 15 relates to Development in or adjacent to rail corridors and interim rail corridors

There are no rail or light rail corridors within a one-kilometre radius of the subject site. The closest rail line is located over 3km radius south and west of the subject site at Parramatta/Toongabbie. As such, Division 15 is not applicable.

Division 17 relates to Development in or adjacent to road corridors and road reservations

The following table discussed the requirements of Division 17.

Clause	Response
<p><b>2.116 Development other than road facilities on public roads</b></p> <p>(1) Development may be carried out with consent on a public road that is unzoned land for any purpose that may be carried out (either with or without consent) on land adjoining the road.</p> <p>(2) Development for any purpose may be carried out by a public authority without consent on a public road that is unzoned land.</p>	<p>The development is not proposed on part of a public road that is to be reclassified as part of this application. Accordingly, no further consideration of this clause is required.</p>



**2.117 Highway service centres in road corridors**

(1) Development for the purpose of a highway service centre may be carried out in a road corridor for a freeway, main road or tollway only with consent

The development is not proposed in a road corridor. Accordingly, no further consideration of this clause is required.

**2.118 Development on proposed classified road**

(1) Consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land is declared to be a classified road) may be granted only with the concurrence of TfNSW—

- (a) subdivision that results in the creation of an additional lot with dwelling entitlements,
- (b) development with a capital investment value greater than \$185,000,
- (c) development for the purpose of dwellings that are, or any other building that is, to be held under strata title.

The development site is not located on a proposed classified road. Accordingly, no further consideration of this clause is required.

**2.119 Development with frontage to classified road**

(1) The objectives of this section are—

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
  - (i) the design of the vehicular access to the land,
  - (ii) the emission of smoke or dust from the development, or
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Windermere Avenue is not listed on the *Schedule of Classified Road and Unclassified Regional Roads* as published by Transport for NSW (in accordance with Section 163 of the Roads Act 1993). The closest classified road is Windsor Road located an approximate 170m radius from the subject site. Accordingly, no further consideration of this clause is required.

**2.120 Impact of road noise or vibration on non-road development**

(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—

- (a) residential accommodation,
- (b) a place of public worship,
- (c) a hospital,
- (d) an educational establishment or centre-based child care facility.

(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The subject site is not adjacent to a freeway, tollway or a transit way, however Windsor Road is an approximate 170m radius from the subject site and listed as a *Classified Road*. However, this portion of Windsor Road is not identified as having an annual average daily traffic volume of more than 20,000 vehicles (*based on the traffic volume data published on the website of TfNSW*). Accordingly, no further consideration of this clause is required.

**2.121 Excavation in or immediately adjacent to corridors**

(1) This section applies to development that involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of any of the following roads or road projects (as described in Schedule 2).

The proposal is not located in or immediately adjacent to a corridor. Accordingly, no further consideration of this clause is required.

**2.122 Traffic-generating development**

(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—

- (a) new premises of the relevant size or capacity, or
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

The development does not meet the land use requirement (or general threshold requirements) outlined in Schedule 3 and accordingly a referral to RMS is not required.

Chapter 3 of the SEPP contains planning provisions from the former Education and Childcare SEPP for child-care centres, schools, TAFEs and Universities. The SEPP was introduced to facilitate the effective delivery of educational establishments and early education and care facilities across the State of NSW. The table below provides discussions against the relevant provisions of the SEPP:

SEPP	Comment
<p><b>3 Aims of Chapter</b></p>	
<p>The aims of this Policy are as follows:</p>	
<ul style="list-style-type: none"> <li>(a) <b>improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</b></li> <li>(b) <b>simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impacts as exempt development), and,</b></li> <li>(c) <b>establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivery and to minimise impacts on surrounding areas, and</b></li> <li>(d) <b>allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area),</b></li> <li>(e) <b>providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</b></li> <li>(f) <b>aligning the NSW planning framework with the National Quality Framework that regulates early education and care services,</b></li> <li>(g) <b>ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</b></li> <li>(h) <b>encouraging proponent of new development or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</b></li> </ul>	<p>The proposal will result in an addition of valuable childcare places within Northmead and the wider Parramatta LGA.</p>

### 3.3 Interpretation

**centre-based child care facility means:**

- (a) a building or place used for the education and care of children that provides any one or more of the following:
  - (i) long day care,
  - (ii) occasional child care,
  - (iii) out-of-school-hours care (including vacation care)
  - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW),

but does not include:

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care services (within the meanings of the Children (Education and Care Services) National Law (NSW), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

The proposed centre-based childcare facility is consistent with the definition contained within the SEPP.

Part 3.3 Early education and care facilities – specific development controls

3.2: Centre-based child care facility—concurrence of Regulatory Authority required for certain development

- 1) This section applies to development for the purpose of a centre-based child care facility if—
  - 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
  - b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.
- 2) The consent authority must not grant development consent to development to which this section applies except with the concurrence of the Regulatory Authority.

The proposed development complies with both Clauses 107 & 108 of the Regulations and therefore does not require concurrence from the Regulatory Authority.

3.23: Centre-based child care facility – matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the *Child Care Planning Guidelines*, in relation to the proposed development.

Applicable provisions under the Child Care Planning Guidelines have been addressed later within this Statement – see next Section.

3.25: Centre-based child care facility—floor space ratio

- 1) Development consent must not be granted for the purposes of a centre-based childcare 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.
- 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 childcare facility.

The proposed purpose-built centre-based childcare facility will have an FSR of 0.49:1, below the 0.5:1 to provision.

N/A.

3.26 Centre-based child care facility – non-discretionary development standards

- 1) The objective of this clause is to identify development standards for particular matters relating to a centre-based childcare facility that, if complied with, prevents the consent authority from requiring more onerous standards for those matters.

2) The following are non-discretionary development standards for the purpose of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purpose of a centre-based child care facility:

a) location – the development may be located at any distance from an existing or proposed early education and care facility,

There are no restrictions relevant to the proposed development.

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 unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or

The centre-based childcare facility provides 310m<sup>2</sup> or 3.5m<sup>2</sup> per child of unencumbered indoor play space, and 627m<sup>2</sup> or 7.13m<sup>2</sup> per child of unencumbered outdoor play space, which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.

(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,

Indoor play space required = 3.25m<sup>2</sup> for each child

Outdoor place space required = 7m<sup>2</sup> for each child

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,

The site is able to accommodate a childcare centre on the site having regard to this provision.

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.

Noted – nil provision applies in this instance, as the site is not a State or local heritage item or in a heritage conservation area.

**3.27: Centre-based child care facility – development control plans**

- 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 age, age ratios, grouping, numbers of the like, of children) does not apply to development for the purpose of a centre-based child care facility:
- 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 childhood education and care facilities,
  - d) any matter relating to development for the purpose of a centre-based child care facility contained in:
    - (i) the design principles set out in Part 2 of the *Child Care Planning Guidelines*, or
    - (ii) the matters for consideration set out in Part 2 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).

The Hills DCP 2012 does not stipulate specific controls in relation to a) – d) as outlined to the left.

## CHILD CARE PLANNING GUIDELINE

Under the State Environmental Planning Policy (Transport and Infrastructure) 2021, the *Child Care Planning Guideline* is to be taken into consideration when undertaking a development for a centre-based childcare facility.

The planning guideline also takes precedence over a *Development Control Plan*, with some exceptions, where the two overlap in relation to a childcare facility.

The table below provides detail on the relevant development standards relevant to the current proposal.

SEPP	Comment
<p><b>Objectives</b> The planning objectives of this Guidelines are to:</p> <ul style="list-style-type: none"> <li>• promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations</li> <li>• ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses</li> <li>• minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment</li> </ul>	<p>The development results in a high quality centre-based child care facility designed to comply with the requirements of the <i>Education and Care Service National Regulations</i>.</p> <p>The childcare facility proposes a modern two-storey structure, however is designed to be compatible in scale with the existing low-density streetscape of the southern side of Windermere Avenue. Due to the proposed siting on site, and utilising the grade of the site to hide the lower ground floor, it is considered the proposal will seamlessly integrate with the existing residential context. The additional landscape embellishment works will also complement and align the proposal with the existing and evolving character within the immediate locality.</p> <p>The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing.</p> <p>The childcare facility has been sited, orientated and designed so that the lower ground floor is stepped, and therefore, below grade of the adjoining properties. As such, the proposal uses natural grade to mitigate privacy concerns to the eastern and western boundaries. Additionally, the openings from both the indoor and outdoor play areas generally steer towards the greatest setback, the rear boundary, minimising acoustic impacts to direct neighbours (east and west).</p> <p>The majority of activity spaces are to be split between the lower ground floor and first floor, with only car parking and administrative functions on the ground floor, also assisting to minimise the opportunity for acoustic and visual intrusion, and cross-viewing.</p>



An Environmental Noise Impact Assessment has been prepared by Day Design, which demonstrates the acoustic impact of the development on adjacent properties. The report concludes the following;

*“Calculations show that, provided the noise control recommendations made in Section 8 of this report are implemented, the level of noise emitted by the proposed child care centre .... will meet the acceptable noise level requirements.” (Page 41)*

All requirements of Section 8 have been included in the design, or can be conditioned as part of Development Consent. This includes the Noise Management Plan, outdoor play controls and the required glazing.

The development has minimised glazing to the eastern and western boundaries to mitigate potential privacy impacts to neighbouring properties. Glazing is primarily included to the street and rear of the site, and as such, any direct cross-viewing is likely to be minimal.

A compliance with height and setback provisions also ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.

### Part 3 Early education and care facilities – specific development controls

#### 3.1 Site selection and location

##### **C1 – For proposed development in or adjacent to a residential zone, consider:**

- **the acoustic and privacy impacts of the proposed development on the residential properties**

An Environmental Noise Impact Assessment has been prepared by Day Design, which demonstrates the acoustic impact of the development on adjacent properties. The report concludes the following;

*“Calculations show that, provided the noise control recommendations made in Section 8 of this report are implemented, the level of noise emitted by the proposed child care centre .... will meet the acceptable noise level requirements.” (Page 41)*

Furthermore, the development has minimised glazing to the eastern and western boundaries to mitigate potential privacy impacts to neighbouring properties. Glazing is primarily included to the street and rear of the site, and as such, any direct cross-viewing is likely to be minimal.

The majority of activity spaces are to be spread across both the lower ground floor, and first floor, with only administrative functions on the ground floor, also assisting to minimise the opportunity for acoustic and visual intrusion, and cross-viewing.

<ul style="list-style-type: none"> <li>• <b>the setback and siting of buildings within the residential context</b></li> <li>• <b>traffic and parking impacts of the proposal on residential amenity</b></li> </ul>	<p>The proposal complies with setback requirements under the DCP for dwelling houses.</p> <p>Parking is to be shared between an integrated, ground level car parking area, and outdoor parking within the front setback. A Traffic and Parking Impact Assessment Report has been prepared by McLaren Engineering. Refer to the <i>Car Parking</i> section of this report for a detailed analysis of the proposed car parking provisions on site. The DCP section of this report also discusses the linkage and relationship between the proposed landscaping and car parking, and minimal impacts on residential amenity.</p>
<p><b>C2 – When selecting a site, ensure that:</b></p> <ul style="list-style-type: none"> <li>• <b>the location and surrounding uses are compatible with the proposed development or use</b></li> <li>• <b>the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards</b></li> <li>• <b>there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed</b></li> <li>• <b>the characteristics of the site are suitable for the scale and type of development proposed having regards to:</b> <ul style="list-style-type: none"> <li>- <b>size of street frontage, lot configuration, dimensions and overall size</b></li> <li>- <b>Number of shared boundaries with residential properties</b></li> <li>- <b>will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</b></li> </ul> </li> </ul>	<p>Centre-based childcare facilities are a permissible and a compatible land use within the R2 Low Density Residential zone. Considering the large allotment size, and close proximity of the site to associated land uses (including schools and residential), the location of the proposal is considered suitable.</p> <p>The site is not identified as being affected by flooding, landslip, bushfires, coastal hazards or any other environmental hazards.</p> <p>The development site has historically been used for residential purposes, however, a preliminary site investigation in regards to potential contaminants has still been undertaken. See SEPP (Resilience and Hazards) 2021 for a further assessment, including reference to the provided Preliminary Site Investigation by Geotechnical Consultants Australia.</p> <p>The site has an area of 1324m<sup>2</sup> and can best be described as a large, regular shaped land parcel that is of a sufficient size and width to accommodate the proposed centre-based childcare facility.</p> <p>The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas.</p> <p>Given the existing use is low density residential, any new use on the subject site is likely to increase neighbouring concerns regarding privacy from the adjoining premises. However, to mitigate this, the building has been designed to minimise impacts to adjoining properties as far as a practicable with minimal glazing on the external walls, and standard fencing/acoustic barriers. Combined, these features will work to mitigate visual privacy impacts.</p>

<ul style="list-style-type: none"> <li>• <b>where the proposal is to occupy or retrofit an existing premise, the interior and exterior spaces are suitable for the proposed use</b></li> </ul>	<p>N/A. Development proposes to undertake the development of a new centre-based childcare facility.</p>
<ul style="list-style-type: none"> <li>• <b>there are suitable drop off and pick up areas, and off and on street parking</b></li> </ul>	<p>The Traffic and Parking Impact Assessment Report prepared by McLaren Engineering assesses the potential parking and traffic implications associated with the proposed childcare centre. Refer to attached Report for detail.</p>
<ul style="list-style-type: none"> <li>• <b>the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</b></li> </ul>	<p>The subject site does not front a classified or arterial road, noting Windermere Avenue is considered an appropriate and safe residential road for the proposed use. Refer to the Traffic and Parking Impact Assessment Report prepared by McLaren Engineering for further detail.</p>
<ul style="list-style-type: none"> <li>• <b>not located closely to incompatible social activities and uses such as restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises</b></li> </ul>	<p>Subject site not located closely to incompatible social activities and uses.</p>

**C3 – A child care facility should be located:**

<ul style="list-style-type: none"> <li>• <b>near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</b></li> </ul>	<p>Refer to Broader Locality section of this Report, with the subject site located within the vicinity of an array of compatible social land uses.</p>
<ul style="list-style-type: none"> <li>• <b>near or within employment areas, town centres, business centres, shops</b></li> </ul>	<p>As per above.</p>
<ul style="list-style-type: none"> <li>• <b>with access to public transport including rail, buses, ferries</b></li> </ul>	<p>As per above.</p>
<ul style="list-style-type: none"> <li>• <b>in areas with pedestrian connectivity to the local community, businesses, shops, services and the like</b></li> </ul>	<p>The site is ideally located with pedestrian connectivity to essential facilities, or utilising public transport to the wider Parramatta city centre. Furthermore, the site is ideally located near established residential development and as such is likely be in walking distance for many future users of the proposed facility.</p>

**C4 – A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:**

- **proximity to:**
  - **heavy or hazardous industry, waste transfer depots or landfill sites**
  - **LPG tanks or service stations**
  - **water cooling and water warming systems**
  - **odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses**
- **any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site**

The subject site is not located within proximity to any identified environmental hazard.

The site is zoned R2 Low-Density Residential, and considering the area is deemed appropriate for residential usage, this would also be consistent for that of a child care in relation to a lack of odour or noise generating industries.

The development site has historically been used for residential purposes only. However, for clarity, a Preliminary Site Investigation by Geotechnical Consultants Australia has been undertaken. The results of the investigation indicate that no known potential contaminants were located on site during their initial investigations. Refer to SEPP (Resilience and Hazards) 2021 for further discussion.

### 3.2 Local character, streetscape and the public domain interface

**C5 – The proposed development should:**

- **contribute to the local area by being designed in character with the locality and existing streetscape**
- **reflect the predominant form of surrounding land uses, particularly in low density residential areas**
- **recognise predominant streetscape qualities, such as building form, scale, materials and colours**

The development proposes a modern three-storey building, however the overall scale will be minimised from Windermere Avenue due to the siting of the structure, with the lower ground floor located below street grade. As such, the proposed facility has been designed to be compatible with the existing low-density character of the southern side of Windermere Avenue, and is in keeping with the single and two-storey residential dwellings surrounding the subject site. It is noted directly adjacent to the subject site, the area is zoned R3, with increased density and height provisions. As such, a modern build is not considered unreasonable in a transitional location.

The proposed front building line is appropriately articulated, with a stepped first floor line interspersed with a large area of glazing (refer to the *Perspective*). The use of horizontal panelling is also a reflection on the historical Australian fibro dwelling. The first floor projects over the internal car parking entry, reducing the overall impact of the driveway and car parking area as viewed from the streetscape (refer to the *Perspectives* for further detail).

- **include design and architectural treatments that responds to and integrate with the existing streetscape**

The proposed structure is also consistent with the streetscape in regards to the front setback. The proposal exceeds the minimum control of 10m, whilst also aligning with the neighbouring properties to the east and west.

A schedule of external finishes has been provided on the architectural plans, also demonstrating the proposed finishes will be sympathetic to the existing character of the area, while also representing a contemporary build.

- **use landscaping to positively contribute to the streetscape and neighbouring amenity**

Appropriate landscaping within a residential context is proposed. Refer to attached Landscape Plan for detail.

- **integrate car parking into the building and site landscaping design in residential areas**

Car parking is to be shared between an integrated, ground level car parking area, and outdoor parking within the front setback. The DCP section of this report discusses the linkage and relationship between the proposed landscaping and car parking, and minimal impacts on residential amenity.

**C6 – Create a threshold with a clear transition between public and private realms, including:**

- **fencing to ensure safety for children entering and leaving the facility**
- **windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community**
- **integrating existing and proposed landscaping with fencing**

The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain. All play areas at the rear of the site will be fenced off.

The proposed development incorporates an active façade with large expanses of glazing that will permit casual surveillance to Windermere Avenue and to the common areas within the development site.

The proposed landscaping works seek to soften the built form, and to integrate the development with the site’s low-density context.

**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 visitor and children by changes in materials, plant species and colours**

The site does not contain multiple buildings or entries.  
  
The primary entry point is designed to be clearly visible and legible from Windermere Avenue.

<p><b>C9 – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</b></p> <ul style="list-style-type: none"> <li>• clearly defined street access, pedestrian paths and building entries</li> <li>• low fences and planting which delineate communal/private open space from adjoining public open space</li> <li>• minimal use of blank walls and high fences</li> </ul>	<p>The subject site does not adjoin public parks or bushland, but still provides a clearly defined access point from Windermere Avenue.</p> <p>Fencing and landscape works will contribute towards delineating communal/private open space from the public domain.</p> <p>The proposed development incorporates architectural features and articulation to provide an attractive two-storey appearance that adequately addresses its frontage.</p> <p>Where appropriate, the three-storey structure has been designed to minimise the use of blank walls and high fences. However, to minimise privacy impacts in regards to cross-viewing, and meet the required acoustic provisions, it is noted that some areas of each side elevation will not include glazing. This is offset with a range of materials that break up the overall bulk of the elevations. Standard boundary fencing heights, of a maximum of 1.8m, are proposed across the site, and will also act as acoustic barriers.</p>
<p><b>C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</b></p> <p><b>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.</b></p>	<p>Development proposes appropriate fencing that is consistent with fencing within the precinct and with comparable childcare facilities within the wider Parramatta Local Government Area.</p> <p>The subject site is not identified as a heritage item, nor is not located within a heritage conservation area. Refer to the section <i>Heritage</i> of this report for further discussion on those items in the curtilage of the subject site.</p>
<p><b>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.</b></p>	<p>The subject site does not front a classified road.</p>

### 3.3 Building orientation, envelope and design

#### C11 – Orient a development on a site and design the building layout to

- ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by;
  - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties
  - placing play equipment away from common boundaries within residential properties
  - locating outdoor play areas away from residential dwellings and other sensitive uses

Given the existing use is low density residential, any new use on the subject site is likely to increase neighbouring concerns regarding privacy from the adjoining premises.

However, to mitigate these impacts, the three-storey centre-based childcare facility has been designed to comply with prescribed setback controls under The Hills DCP 2012 for dwelling houses, in addition to the Child Care Planning Guidelines.

The proposed development has been provided a substantially large rear setback, of over 12m, with play areas primarily orientated to the rear of the site to filter noise away from the adjoining properties. This will also be reduced by the landscaping treatments around the boundaries of the rear play areas, and the 1.8m high acoustic fencing.

The development incorporates a mix of blank walls oriented to the site's side elevations. Additionally, all ground floor windows relate to low use areas. Ultimately, this will reduce any potential overlooking into the adjoining residential properties.

An Environmental Noise Impact Assessment has been prepared by Day Design, which demonstrates the acoustic impact of the development on adjacent properties. The report concludes the following;

*“Calculations show that, provided the noise control recommendations made in Section 8 of this report are implemented, the level of noise emitted by the proposed child care centre .... will meet the acceptable noise level requirements.” (Page 41)*

Refer further to *Proposal* section of this report for an additional discussion regarding proposed acoustic mitigation measures.

- optimise solar access to internal and external play areas
- avoid overshadowing of adjoining residential properties
- ensure buildings along the street frontage define the street by facing it

The siting and orientation of the proposed building combined with compliance to height and setback provisions will ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter. This is supported by the attached *Shadow Diagrams*.

Development proposes an attractive contemporary building designed to adequately address its frontage to Windermere Avenue.

<ul style="list-style-type: none"> <li>ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions</li> </ul>	<p>Proposed play areas protected by a mix of acoustic boundary fencing, and proposed landscaping.</p>
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**C12 – The following matters may be considered to minimise the impacts of the proposal on local character:**

<ul style="list-style-type: none"> <li>building height should be consistent with other buildings in the locality</li> </ul>	<p>Proposal is well below the prescribed building height of the zone.</p>
<ul style="list-style-type: none"> <li>building height should respond to the scale and character of the street</li> </ul>	<p>Development proposes a building that is consistent and compatible with the existing low density built form character of the southern side of Windermere Avenue. The structure will have a two-storey appearance from the street, with the siting of the lower ground level to align with the topography and existing cut to minimise its appearance and bulk when viewed from Windermere Avenue.</p>
<ul style="list-style-type: none"> <li>setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> </ul>	<p>As noted earlier within this Section, the childcare facility has been designed to comply with prescribed setback controls under The Hills DCP 2012 for dwelling houses and the Child Care Planning Guidelines to minimise privacy impacts on neighbouring properties.</p>
<ul style="list-style-type: none"> <li>setbacks should provide adequate access for building maintenance</li> </ul>	<p>The proposed structure is also consistent with the streetscape in regards to the front setback. The proposal exceeds the minimum control of 10m, whilst also aligning with the neighbouring properties to the east and west. Refer to the provided <i>Perspective Diagrams</i> to provide greater context.</p>
<ul style="list-style-type: none"> <li>setbacks to the street should be consistent with the existing character</li> </ul>	<p>The childcare facility is recessed from Windermere Avenue and as such is not highly visible from the public domain.</p>

<p><b>C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</b></p>	<p>Development complies with Council’s setback controls, and the proposal does not front a classified road. Regardless, over 10m has still been provided.</p>
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<p><b>C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.</b></p>	<p>The development has been designed to comply with setback requirements under the The Hills DCP 2012.</p> <p>Over 2m has to be provided to the side boundaries, with over 11m provided to the rear setback.</p>
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**C15 – The built form of the development should contribute to the character of the local area, including how it:**

<ul style="list-style-type: none"> <li>• <b>respect and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</b></li> <li>• <b>contributes to the identity of the place</b></li> <li>• <b>retains and reinforces existing built form and vegetation where significant</b></li> <li>• <b>considers heritage within the local neighbourhood including identified heritage items and conservation areas</b></li> <li>• <b>responds to its natural environment including local landscape setting and climate</b></li> <li>• <b>contributes to the identify of place</b></li> </ul>	<p>The development proposes a modern three-storey building, however has been designed to be compatible with the existing low-density character of the southern side of Windermere Avenue. The siting of the lower ground level has been aligned with the topography, and the existing site cut, to minimise its appearance and bulk when viewed from Windermere Avenue. This is in keeping with the two storey dwellings scattered along the southern side of Windermere Avenue.</p> <p>The development proposes to undertake appropriate landscape embellishment works within an established residential area.</p> <p>The subject site is not identified as a heritage item, nor is not located within a heritage conservation area. Refer to the section <i>Heritage</i> of this report for further discussion on those items in the curtilage of the subject site.</p>
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**C16 – Entry to the facility should be limited to one secure point which is:**

<ul style="list-style-type: none"> <li>• <b>located to allow ease of access, particularly for pedestrians</b></li> <li>• <b>directly accessible from the street where possible</b></li> <li>• <b>directly visible from the street frontage</b></li> <li>• <b>easily monitored through natural or camera surveillance</b></li> <li>• <b>not accessible through an outdoor play area</b></li> </ul>	<p>The proposed centre-based childcare facility provides a singular, primary entry point from Windermere Avenue, along the western boundary.</p> <p>The pedestrian entry point is visible from the street frontage, permits ease of access and directly accessible from the street level.</p> <p>The entry is not accessible through an outdoor play area.</p>
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**C17 – Accessible design can be achieved by:**

<ul style="list-style-type: none"> <li>• <b>providing accessibility to and within the building in accordance with all relevant legislation</b></li> </ul>	<p>The development has been designed to be accessible to, and within, the building in accordance with all relevant legislation, with pedestrian access provided via Windermere Avenue from a pedestrian pathway. Furthermore, a lift core provides access to the lower ground floor and first floor from the ground level.</p>
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<ul style="list-style-type: none"> <li>• <b>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</b></li> </ul>	<p>Access to the site is in accordance with the Disability (Access to Premises – Buildings) Standards 2010.</p>
<ul style="list-style-type: none"> <li>• <b>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</b></li> </ul>	<p>Development provides appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance via a pedestrian pathway.</p>
<ul style="list-style-type: none"> <li>• <b>minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</b></li> </ul>	

### 3.4 Landscaping

<p><b>C18 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</b></p>	<p>The development is to remove identified trees/vegetation in-order to accommodate the proposed childcare facility, noting additional trees are proposed to offset those lost as part of the proposal. Additionally, appropriate landscape embellishment works within a low-density residential area are also proposed.</p>
<p><b>Use the existing landscape where feasible to provide a high quality landscaped area by:</b></p>	<p>The Landscape Plan incorporates planting that is indigenous to the immediate area and will be utilised as part of learning programmes within the centre to assist with attending children understanding the benefits of utilising local native plantings.</p>
<ul style="list-style-type: none"> <li>• <b>reflecting and reinforcing the local context</b></li> <li>• <b>incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping</b></li> </ul>	<p>Refer to attached Landscaping Plan for detail.</p>

<p><b>C19 – Incorporate car parking into the landscape design of the site by:</b></p>	
<ul style="list-style-type: none"> <li>• <b>planting shade tree in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</b></li> </ul>	<p>Car parking is to be shared between an integrated, ground level car parking area, and outdoor parking within the front setback. Vegetation is to be included around the car parking areas where appropriate.</p>
<ul style="list-style-type: none"> <li>• <b>taking into account streetscape, local character and context when siting car parking areas within the front setback</b></li> </ul>	<p>The vehicle driveway into the site is bounded by landscaping that will improve and enhance the subject site whilst helping to integrate the proposal within the context of the site and its low density surroundings.</p>
<ul style="list-style-type: none"> <li>• <b>using low level landscaping to soften and screen parking areas</b></li> </ul>	<p>Refer to attached Landscaping Plan for detail.</p>

### 3.5 Visual and acoustic privacy

**C20 – Open balconies in mixed use development should not overlook facilities nor overhang outdoor play spaces.** The proposal is not part of a mixed-use development. Not applicable

**C21 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:**

- appropriate site and building layout
- suitable locating pathways, windows and doors
- permanent screening and landscape design

The proposed development has been designed to minimise direct overlooking of indoor rooms and outdoor play spaces from the public area via appropriate site and building layout (i.e. lower ground floor and first floor for the majority of active spaces) and specific design measures including the locations of required windows and doors.

Furthermore, the outdoor play area is to be located behind the proposed building with landscape embellishment works to be located along the site’s side and rear boundaries to minimise privacy impacts from neighbouring properties.

**C22 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:**

- appropriate site and building layout
- suitable locating pathways, windows and doors
- permanent screening and landscape design

The centre-based childcare facility is designed to minimise direct overlooking of main internal living areas and private open space in adjoining developments, noting that the facility is to be appropriately treated through the combination of blank walls and appropriate glazing along the side elevations where cross-viewing is unlikely (i.e. towards the front of the site).

**C23 – 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:**

- 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 fencing)
- ensure that mechanical plant or equipment is screened by soil, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure

Development proposes appropriate acoustic fencing along the site’s side and rear boundaries on the lower ground floor, with acoustic fencing of 1.4m also proposed along the first floor outdoor veranda area. Refer to Proposal section of this report for a further discussion on acoustic fencing.

An Environmental Noise Impact Assessment has been prepared by Day Design, which demonstrates location and stipulates the type of acoustic fencing that must be installed, all of which are gap-free.

### 3.6 Noise and air pollution

Child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise impacts. Other noisy environments such as industrial areas and substations may impact on the amenity and well-being of the children and staff. The location of child care facilities should be selected to avoid or minimise the potential impact of external sources of significant noise.

#### C25 – Adopt design solution to minimise the impacts of noise, such as:

- 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 opening facing noise sources
- using double or acoustic glazing, acoustic louvers 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

The subject site is not located near major roads, beneath flight paths or other noisy environments. It is noted that appropriate design/ measures have been undertaken including appropriate setbacks, use of landscaping and acoustic screens to minimise acoustic impacts to neighbouring properties, and also reduce noise impacts to the users of the facility on site.

An Environmental Noise Impact Assessment has been prepared by Day Design, which demonstrates the acoustic impact of the development on adjacent properties. The report concludes the following;

*“Calculations show that, provided the noise control recommendations made in Section 8 of this report are implemented, the level of noise emitted by the proposed child care centre .... will meet the acceptable noise level requirements.” (Page 41)*

#### C26 – 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:

- on industrial zoned land where an ANEF contours is between 20 and 25, consistent with AS 2021 – 2000
- along a railway or mass transit corridor, as defined by *State Environmental Planning Policy (Infrastructure) 2007*

The subject site is not located on industrial land, where an ANEF contours is between 20 and 25, along a railway or mass transit corridor, on a major or busy road or other land that is impacted by substantial external noise.

<ul style="list-style-type: none"> <li>• on a major or busy road</li> <li>• other land that is impacted by substantial external noise</li> </ul>	<p>An Environmental Noise Impact Assessment has been prepared by Day Design, which demonstrates the acoustic impact of the development on adjacent properties. The report concludes the following;</p> <p><i>“Calculations show that, provided the noise control recommendations made in Section 8 of this report are implemented, the level of noise emitted by the proposed child care centre .... will meet the acceptable noise level requirements.” (Page 41)</i></p>
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<p><b>C27 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development</b></p>	<p>No external sources of air pollution in the vicinity of the site.</p>
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<p><b>C28 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.</b></p>	<p>The subject site is not located near a major road or heavy industrial development.</p>
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### 3.7 Hours of operation

<p><b>C29 – Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays</b></p>	<p>The childcare facility is to operate between 7am to 6pm Monday to Friday with a 30 minute shoulder period for staff arrivals and departures for the set up and pack down necessary.</p>
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<p><b>C30 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses</b></p>	<p>Subject site is not located within a mixed-use area. Not applicable.</p>
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### 3.8 Traffic, parking and pedestrian circulation

<p><b>C31 – 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.</b></p> <p><b>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rate:</b></p> <p><b>Within 400m of a metropolitan train station:</b></p>	<p>The Hills Development Control Plan 2012, Part C Section 1, requires off-street parking for childcare centres to be provided at a rate of:</p> <ul style="list-style-type: none"> <li>• 1 car space per employee.</li> <li>• 1 car space per 6 children.</li> </ul> <p>The proposed childcare centre for 88 places would therefore require a minimum of thirty-two (32) off-street car parking spaces.</p>
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<ul style="list-style-type: none"> <li>• 1 space per 10 children</li> <li>• 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space.</li> </ul> <p>In other areas:</p> <ul style="list-style-type: none"> <li>• 1 space per 4 children</li> </ul>	<p>The proposed development provides total of twenty-two (11) on-site car parking spaces with eleven (11) spaces for staff parking and eleven (11) visitor car parking spaces for drop-off and pick-up of children (including 1 accessible parking space &amp; an adjacent shared area), on ground level.</p> <p>Refer to the Car Parking section of this report in the DCP for further discussion and detail regarding the non-compliance and also the traffic and parking assessment prepared by McLaren Traffic Engineering.</p>
<p><b>C32 – In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicular movement or potential conflicts with truck and large vehicles.</b></p>	<p>Site not located on a commercial or industrial zone. Not applicable.</p>
<p><b>C33 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised and demonstrate that:</b></p> <ul style="list-style-type: none"> <li>• the amenity of the surrounding area will not be affected</li> <li>• there will be no impacts on the safe operation of the surrounding road network</li> </ul>	<p>The Traffic and Parking Impact Assessment Report prepared by McLaren Engineering demonstrates that the development will not result in unacceptable traffic and parking impacts on the amenity of neighbouring properties.</p>
<p><b>C34 – Alternate vehicular access should be provided where child care facilities are on site fronting:</b></p> <ul style="list-style-type: none"> <li>• a classified road</li> <li>• roads which carry freight traffic or transport dangerous goods or hazardous materials</li> </ul> <p>The alternate access must have regard to the prevailing traffic conditions:</p> <ul style="list-style-type: none"> <li>• pedestrian and vehicle safety including bicycle movements</li> <li>• the likely impact of the development on traffic</li> </ul>	<p>Not applicable as the site does not front a classified road or a road which carries freight traffic or transport dangerous goods or hazardous materials.</p>

<p><b>C35 – Childcare facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the sider locality in times of emergency.</b></p>	<p>Development site is not within a cul-de-sac, however is proposed for a residential street.</p> <p>Nevertheless, the site facilitates two-way movement, with a combined ingress/egress ramp provided. The provided Traffic Report confirms the suitability of the design and configuration of the carpark and access point to Windermere Avenue being suitable in terms of sight lines and the like.</p>
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<p><b>C36 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</b></p>	
<ul style="list-style-type: none"> <li>• separate pedestrian access from the car park to the facility</li> <li>• defined pedestrian crossings including within large car parking areas</li> <li>• separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>• pedestrian paths that enable two prams to pass each other</li> <li>• delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> <li>• vehicles can enter and leave the site in a forward direction</li> </ul>	<p>The proposed development provides separate pedestrian and vehicular access, divided by a landscaped area.</p> <p>Vehicles can enter and exit the site in a forward direction.</p>

<p><b>C38 – Car parking design should:</b></p>	
<ul style="list-style-type: none"> <li>• include a child safe fence to separate car parking areas from the building entrance to play areas</li> <li>• 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</li> </ul>	<p>Car parking area is located on the ground floor and as such sufficiently separated from indoor and outdoor play areas.</p> <p>An accessible car parking space designed in accordance with Australian Standard is clearly marked, with a direct and designated path provided to the lift and foyer area.</p>

**Part 4 Applying the National Regulations to development proposals**

**4.1 Indoor space requirements**

<p><b>Regulation 107</b> <b>Education and Care Services National Regulations</b> <b>Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.</b></p>	<p>The proposal provides 310.3m<sup>2</sup> or 3.5m<sup>2</sup> of indoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.</p>
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**Design Guidance**

**Verandas as indoor space**

For a veranda to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space.

No veranda is proposed as part of the overall internal floor space. Not applicable.

**Design Guidance**

**Storage**

It is recommended that a child care facility provide:

- a minimum of 0.3m<sup>3</sup> per child of external storage space
- a minimum of 0.2m<sup>3</sup> per child of internal storage space

The proposal provides appropriate internal and external storage areas. Refer to attached plans for further detail.

**4.2 Laundry and hygiene facilities**

**Regulation 106**

**Education and Care Services National Regulations**

There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering.

On site laundry facilities are provided on the ground floor.

Laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.

Designed to comply.

Childcare facilities must also comply with the requirements for laundry facilities that are contained in the *National Construction Code*.

Laundry designed to comply with relevant requirements under the National Construction Code.

**Design Guidance**

**On site laundry**

On site laundry facilities should contain:

- a washer or washers capable of dealing with heavy requirements of the facility
- a dryer
- laundry sinks
- adequate storage for soiled items prior to cleaning
- an on-site laundry cannot be calculated as usable unencumbered play space for children

Designed to comply.



#### 4.3 Toilet and hygiene facilities

**Regulation 109**

**Education and Care Services National Regulations**

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.

Toilet facilities for both young children and older children are provided on both the lower ground level and the first floor level, with an accessible toilet also provided on both levels.

Childcare facilities must comply with the requirements for sanitary facilities that are contained in the *National Construction Code*.

Sanitary facilities designed to comply with relevant requirements under the National Construction Code.

#### 4.4 Ventilation and natural light

**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.

The proposed facility has been designed to achieve cross ventilation, receive and have adequate natural light and be temperature controlled to avoid extremes in temperature.

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.

Light and ventilation and minimum ceiling heights designed to comply with relevant requirements under the National Construction Code.

**Design Guidance**

**Natural light**

When designing child care facilities consideration should be given to:

- providing windows facing different orientations
- using skylights as appropriate
- ceiling heights

The development provides windows facing different orientations with the proposed ceiling heights proportional to the room size to ensure natural lighting is available to activity spaces.

#### 4.5 Administrative space

**Regulation 111**

**Education and Care Services National Regulations**

Services must provide adequate area or areas for the purpose of conducting the administrative functions of the services, consulting with parents of children and conducting private conversations.

Adequate space for administrative tasks being conducted on site are proposed within the staff room on the ground floor, or the designated office space also on the same level. Additional space in the reception area and lobby may also be utilised.

#### 4.6 Nappy change facilities

**Regulation 112**

**Education and Care Services National Regulations**

Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.

Nappy change facilities are provided for the facility for kids aged between 0-2. Refer to the attached architectural drawings for detail.

All nappy changing facilities should be designed and located in an area that prevents unsupervised access to children.

Complies.

Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the *National Construction Code*.

Nappy changing, and bathing facilities designed to comply with relevant requirements under the National Construction Code.

**Design Guidance**

In circumstances where nappy change facilities must be provided, design considerations could include:

Designed to comply.

- Properly constructed nappy changing bench or benches
- A bench type baby bath within one metre from the nappy change bench
- The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area
- A space to store steps positioning to enable supervision of the activity and play areas

#### 4.7 Premises designed to facilitate supervision

**Regulation 115**

**Education and Care Services National Regulations**

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 regards to the needs to maintain their right and dignity.

The proposed layout ensures that hidden corners are avoided and that supervision views are maximised throughout the development.

Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the *National Construction Code*.

Comply.

#### 4.8 Emergency and evacuation procedures

**Regulations 97 and 168**

**Education and Care Services National Regulations**

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

The proposed childcare facility has been designed and incorporate features that provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.

Regulation 97 sets out the detail for what those procedures must cover including:

- 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

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing. A concept has been included in the attached Architectural Plans.

**Design Guidance**

An emergency and evacuation plan should be submitted with a DA and should consider:

- the mobility of children and how this is to be accommodated during an evacuation
- the location of a safe congregation / assembly point, away from the evacuated building, busy road and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing. A concept has been included in the attached Architectural Plans.

- how children will be supervised during the evacuation and at the congregation/assembly, relative to the capacity of the facility and governing child-to-staff ratios

#### 4.9 Outdoor space requirements

**Regulations 108**

**Education and Care Services National Regulations**

Every child being educated and cared for within a facility must have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space.

The proposal provides a total of 627m<sup>2</sup>, or 7.13m<sup>2</sup> of unencumbered outdoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.

Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

**Design Guidance**

Calculating unencumbered space for outdoor areas should not include areas of dense hedges or planting along boundaries designed for landscaping purpose and not for children’s play.

Complies, no areas of dense hedges or planting along boundaries are used to calculate unencumbered space for outdoor areas.

#### 4.10 Natural environment

**Regulations 113**

**Education and Care Services National Regulations**

The approved provider of a centre-based service must ensure that the outdoor space allow children to explore and experience the natural environment

Exploration and learning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

**Design Guidance**

Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility’s occupants, such as those which:

- are known to be poisonous, produce toxins or have toxic leave or berries
- have seed pods or stone fruit, attract bees, have thrones, spikes or prickly foliage or drop branches

Noted, refer to attached Landscape Plan for detail.

The outdoor space should be designed to:

- provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment
- Assist supervision and minimise opportunities for bullying and antisocial behaviour
- enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitates interaction
- sand pits and water play areas
- furniture made of logs and stepped logs
- dense indoor planting and green vegetated walls
- climbing frames, walking and/or bike tracks
- vegetable gardens and gardening tubs.

The outdoor space has been designed to provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment. Refer to the attached Landscape Plan for detail.

#### 4.11 Shade

**Regulations 114**

**Education and Care Services National Regulations**

The approved provider of a centre-based service must ensure that the outdoor space includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

Appropriate natural and built shade structures are incorporated into the design of the childcare facility that will contribute towards protecting children from overexposure to ultraviolet radiation from the sun.

Primarily, this will be the upper levels of the building structure situated over a significant portion of the lower ground floor outdoor play area, creating large areas of shade. Landscaping proposed along the rear of the site will also develop overtime.

#### 4.12 Fencing

**Regulations 104**

**Education and Care Services National Regulations**

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.

Development proposes appropriate acoustic/boundary fencing that is consistent with fencing within the subject area and with comparable childcare facility within the wider locality.

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*.

Designed to comply.

*Design Guidance*

**Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding areas. In general, fencing around outdoor play areas should:**

- prevent children climbing over, under or through fencing
- prevent people outside the facility from gaining access by climbing over, under or through the fencing
- not create a sense of enclosure.

Development proposes appropriate acoustic/ boundary fencing that is consistent with fencing within the subject area and with comparable childcare facility within the wider locality.

**Design consideration for side and rear boundary fences could include:**

- being made from solid prefinished metal, timber or masonry
- Having a minimum height of 1.8m
- having no rails or elements for climbing higher than 150mm from the ground

Side fencing/barriers has been undertaken in accordance with the Acoustic Assessment.

**Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines.**

Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

**Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.**

Designed to comply.

**4.13 Soil assessment**

*Regulations 25*

*Education and Care Services National*

*Regulations*

**Subclause(d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purpose as part of an application for serviced approval.**

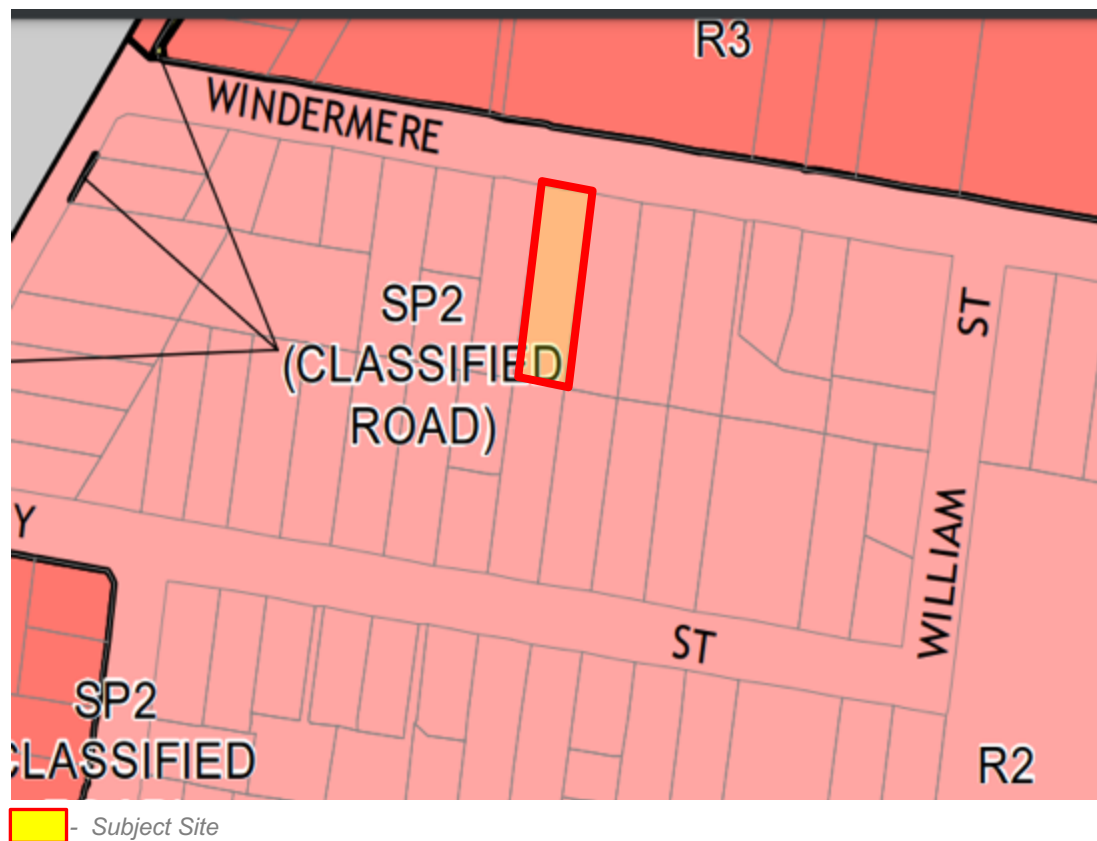
Refer to SEPP (Resilience and Hazards) 2021 for further discussion on site suitability and soil contamination (lack thereof).

PARRAMATTA (FORMER THE HILLS) LOCAL ENVIRONMENTAL PLAN 2012

As demonstrated below, the site has been zoned R2 Low Density Residential under Parramatta (Former The Hills) Local Environmental Plan 2012.

The current application is made pursuant to the State Environmental Planning Policy (Transport and Infrastructure) 2021.

Figure 8: Zoning Map Extract (Source: Parramatta (Former The Hills) LEP 2012)



'Centre-Based Child Care Facilities' are permissible with consent within the R2 Zone, with the site subject to a maximum building height of 9m as per the LEP.

**centre-based child care facilities** means:

- (a) a building or place used for the education and care of children that provides any one or more of the following:
  - (i) long day care,
  - (ii) occasional child care,
  - (iii) Out-of-school-hours care (including vacation care),
  - (iv) Preschool care, or
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW),

*but does not include.*

- (c) a building or place used for home-based child care or school-based child care, or*
- (d) an office of a family day care services (within the meaning of the Children (Education and Care Services) National Law (NSW), or*
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
- (g) a service that is concerned primarily with providing lesson or coaching in, or providing for participation in, a cultural, recreational, religious, or sporting activity, or providing private tutoring, or*
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered, or licensed as part of the institution operating in the facility.*

The proposal is consistent with the above definition and aligns with the specified zone objectives:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.*
- *To maintain the existing low-density residential character of the area.*

The proposed development provides a centre-based childcare facility that will provide valuable childcare services and employment opportunities to people who live and work in the local area.

The centre-based childcare facility has incorporated a contemporary design to satisfactorily address the existing form of Windermere Avenue. The facade of the building will resemble a modern two-storey form set within a landscape setting to ensure compatibility with the existing residential character of the locality.

The use as a centre-based childcare facility will foster a sense of community given the nature of such community-based land uses.



The table below provides details on the development standards relevant to the current proposal as well as other relevant LEP provisions.

<b>Parramatta (Former The Hills) Local Environmental Plan 2012 – Compliance Table</b>			
<b>Clause</b>	<b>Controls</b>	<b>Comment</b>	<b>Complies</b>
<b>Zoning</b>	R2 - Low Density	'Centre-based Child Care Facilities' are permitted with consent within the R2 Low Density Residential Zone.	<b>Yes</b>
<b>Part 2 Permitted or Prohibited Development</b>			
<b>2.3</b>	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R2 Low Density Residential zoning, as addressed previously above this table.	<b>Yes</b>
<b>2.6</b>	Subdivision Requirements – Consent	Subdivision does not form part of the proposal.	<b>N/A</b>
<b>2.7</b>	Demolition Requires Consent	Council consent is sought for the demolition of the existing dwelling and associated structures on site as detailed in the <i>Description of Proposal</i> section of this report.	<b>Yes</b>
<b>Part 4 Principal Development Standards</b>			
<b>4.3</b>	Height of Buildings: 9.0m	A maximum building height of 9.0m is identified for the site under Parramatta (Former The Hills) LEP 2012 Height of Buildings Map Sheet HOB_001.  No part of the proposal exceeds 9m as measured from natural ground level (refer to the provided <i>Elevations</i> ).	<b>Yes</b>
<b>4.4</b>	Floor Space Ratio	There is no maximum floor space ratio for the site as identified under Parramatta (Former The Hills) LEP 2012 Floor Space Ratio Map FSR_001.	<b>N/A</b>
<b>Part 5 Miscellaneous Provisions</b>			
<b>5.6</b>	Architectural Roof Features	No part of the proposal exceeds 9m as measured from natural ground level, which is consistent with the maximum building height permitted of 9m. As such, Clause 5.6 does not apply.	<b>N/A</b>

5.7	Development Below the Mean High Water Mark	The development site is not on land that is covered by tidal waters, and as such, not applicable.	N/A
5.10	Heritage Conservation	<p>The subject site is not identified as a heritage-listed item and it is not within a heritage conservation area.</p> <p>Whilst local heritage items I159 and I160 (10 &amp; 18 Windermere Avenue) are in the vicinity, the heritage significance of these residential dwellings stem from the items themselves, noting that the proposal will not affect the heritage curtilage of these heritage items.</p> <p>As a result, the subject site will not have any associated heritage restrictions and any further heritage investigation is not required.</p>	Yes
5.21	Flood Planning	<p>The site is not identified as flood prone land (i.e. outside the Probable Maximum Flood) on Council's <i>Know Your Flood Risk</i> website.</p> <p>Additionally, flood-free access to/from the site is also available to the north and via Windsor Road, away from the river to the north east.</p> <p>Based on the above, the development is consistent with the objectives and controls in regards to flood impact and planning.</p>	N/A
<b>Part 7 Additional Local provisions</b>			
7.2	Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans. This is primarily for the associated cut/fill works required to facilitate the lower ground floor area.</p> <p>It is considered that the proposed excavation will have minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of the development and particularly, the unique characteristics of the site including site grade.</p>	Yes

As discussed later in this report, the proposed earthworks will not affect the long-term amenity of the adjoining properties, noting appropriate conditions of consent will manage the associated noise, dust and sediment run-off aspects during proposed construction works.

The proposal will not adversely affect or disrupt drainage, with appropriate drainage controls proposed including on site detention (*refer to Stormwater Management Plan*).

The proposal does not require additional fill to be brought from off site, with the soil excavated on site unlikely to be contaminated (*refer to SEPP Resilience and Hazards 2021 discussion*).

The site is not identified as flood prone or subject to overland flow. As such, the proposed works will not affect any existing overland flow/flood patterns.

The site is not located in the Sydney Drinking Water Catchment (i.e. SEPP Biodiversity and Conservation 2021). Therefore, the proposed works will not provide detrimental run-off to nearby waterways and drinking catchments.

It is considered unlikely, due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.

As such, Council can be satisfied that the proposed earthworks associated with the development will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

## DRAFT PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2020

The draft Local Environmental Plan (LEP) will replace the existing LEPs that apply within the Local Government Area (LGA). The primary focus of the new LEP is harmonisation of the existing planning controls that apply across the City of Parramatta. The draft LEP is currently with the Department of Planning and Environment for finalisation. The key proposed changes are provided below.

- *changes to the types of development that are allowed in certain areas. In low density neighbourhoods (R2 zoned land), this includes not allowing dual occupancies to be built in sensitive locations or on small sites; and prohibiting new indoor recreation facilities (such as 24-hour gyms) and places of public worship,*
- *changes to bring a consistent approach to height and floor space ratio controls applying to residential zones; and*
- *targeted changes to the zoning of some sites to address inconsistencies and anomalies across current land use plans.*

The site currently does not have a required floor space ratio (FSR) under the Parramatta (Former The Hills) LEP 2012. However, the Draft LEP proposes an FSR of 0.5:1. The proposed development is consistent with the future FSR for the site and proposes 0.49:1, or 659m<sup>2</sup>.

There are no other changes within that Draft LEP that alter the current LEP provisions of the subject site (i.e. zoning, maximum building height and minimum subdivision lot size).

Therefore, the proposal is compliant with the draft instrument.

## THE HILLS DEVELOPMENT CONTROL PLAN 2012: PART B SECTION 6 – BUSINESS – CHILD CARE CENTRES (APPENDIX E)

The application has been assessed against relevant provisions of The Hills DCP 2012 Part B Section 6 of the DCP that relates to child care facilities within The Hills Local Government Area. The table below provides details on the development standards relevant to the current proposal.

The Hills Development Control Plan 2012 – Part B – Section 6 Compliance Table			
Clause	Controls	Comment	Complies
<b>Part 2 – Objectives and Development Controls</b>			
2.2	Site Analysis	<p>A Site Analysis has been prepared and is attached as part of this application.</p> <p>The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site.</p>	<b>Yes</b>
2.3	Development Sites	<p>(a) Specific site frontage applies to Child Care Facilities. Refer to Clause 2.34 for detail.</p> <p>(b) Adequate provision made for water, sewerage, energy supply, telecommunications and stormwater drainage will be provided if required. It is noted the existing site is a residential use and all provisions are likely to be existing, and amplified as required.</p> <p>(c) Development is proposing a child care facility pursuant to the Educational Establishments and Child Care Facilities SEPP 2017.</p>	<p><b>Refer to Clause 2.34</b></p> <p><b>Yes</b></p>
2.4	Floor Space Ratio	Subject site is not subject to FSR controls under The Hills LEP 2012. See earlier discussions on FSR in the LEP and Draft LEP section of this report.	<b>N/A</b>
2.5	Setbacks	Specific setback provisions apply to Child Care Facilities. Refer to Clause 2.34 for detail.	<b>Refer to Clause 2.34</b>
2.6	Building Height	Development complies with height provision of 9m under the LEP. Refer to <i>Elevations</i> for detail.	<b>Yes</b>

2.7	Building Design and Materials	The development proposes an attractive, contemporary three-storey building that incorporates physical articulation of the built form and a mixed palette of building materials and finishes. Materials and finishes used are consistent with that existing in the area whilst being contemporary in character. The range of materials significantly contributes to the articulation of the building and reducing the overall bulk and mass of the building	Yes
2.8	Signage	No signage is proposed at this stage. It is anticipated that signage will be subject to future DAs.	N/A
2.9	Hours of Operation	The hours of operation will be 7am to 6pm Monday to Friday to align with the Child Care Planning Guideline.	Yes
2.10	Energy Efficiency	The proposed childcare facility has been designed to maximise energy efficiency, including the siting and orientation of the building to the north to maximise solar access.	Yes
2.11	Biodiversity	The subject site is not identified as containing significant terrestrial biodiversity.	N/A
2.12	Erosion and Sediment Control	Erosion and sediment control measures are to be implemented during construction to minimise land disturbance and erosion. These erosion and sediment control details have been outlined in the attached <i>Stormwater Design Plan</i> , and it is anticipated that conditions of consent will reinforce this. Refer to this plan for further detail.	Yes
2.13	Fencing, Landscaping and Tree Preservation	The subject site is within a well-established residential area, having historically been used for residential purposes. Extensive landscape embellishment works including landscaping along the sites front, side and rear setbacks will be undertaken as part of the proposal in accordance with the attached Landscape Plan.	Yes

		<p>The landscape treatment will soften the built form, assist with maintaining privacy and help to integrate the development with the site's context. Refer to attached Landscaping Plans for detail.</p> <p>Furthermore, the development is to provide appropriate fencing within a residential context that also act as acoustic barriers, and comparable with other child care facilities within the broader locality.</p>	
<b>2.15/2.16</b>	Vehicular Access & Car Parking	<p>The proposal provides for the safe and efficient movement of vehicular traffic within the site and both entering and exiting the site, noting all vehicles and enter and exit the site in a forward direction. Vehicle routes are clearly indicated and accessible.</p> <p>Refer to the attached Traffic and Parking Impact Assessment Report prepared by McLaren Engineering for further details regarding access to the site.</p> <p>Refer to the next section of the report regarding car parking provisions.</p>	<b>Yes</b>
<b>2.18</b>	Loading Facilities	Not required due to the scale of the proposal.	<b>N/A</b>
<b>2.19</b>	Pedestrian Access and Movement	<p>The proposed car parking area on the ground level has been designed to accommodate the limited mobility needs of visitors, with all pathways within the parking area designed to comply with relevant minimum dimensional requirements set out in AS1428.1 – 2001 Design for Access and Mobility.</p> <p>The foyer provides access to a lift core which provides accessible access to the lower ground floor and first floor.</p>	<b>Yes</b>
<b>2.21</b>	Stormwater Management	The proposed development incorporates Water Sensitive Urban Design principles that seek to minimise and manage the impact of stormwater on site and within the area.	<b>Yes</b>

		<p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>The proposal incorporates appropriate setbacks and landscaping that will permit stormwater penetration and will reduce runoff and the impact of stormwater on site and in the area.</p> <p>Refer to attached <i>Stormwater Design Plan</i> for detail.</p>	
2.22 & 2.23	Waste Management – Storage and Facilities & Waste Management Planning	<p>Appropriate waste storage areas are provided on site, within a designated waste storage area to be located on the ground floor in the internal carpark. <i>The Waste Management Plan</i> attached as part of this application provides further detail.</p> <p>The attached <i>The Waste Management Plan</i> also identifies the waste likely to be generated as part of this proposal, and how it will be appropriately managed during the construction stages of the development.</p> <p>See attached <i>Waste Management Plan</i> and architectural plans for further detail.</p>	Yes
2.24	Heritage	<p>The subject site is not identified as a heritage-listed item and it is not within a heritage conservation area.</p> <p>Whilst local heritage items I159 and I160 (10 &amp; 18 Windermere Avenue) are in the vicinity, the heritage significance of these residential dwellings stem from the items themselves.</p> <p>As such, it is not considered that the proposed centre-based childcare facility will impact on the curtilage of the local heritage items.</p>	N/A
2.26	Site Investigation	Refer to the discussion under the Resilience and Hazards SEPP section of this report for detail.	Yes



2.27	Pollution Control	<p>It is considered that the proposal will not significantly contribute to air pollution, odours or the release of atmospheric pollutants.</p> <p>Appropriate management of the site during the construction phases will limit the potential for air pollution.</p>	Yes
2.34	Centre-Based Child Care Facilities – Additional Controls	<p>(a) The DCP requires the facility to provide setbacks consistent with the residential section of the DCP.</p> <p><u>Front Setback</u> The DCP prescribes a minimum front setback of 10m to Windermere Avenue.</p> <p>The development provides a front setback of over 11m to Windermere Avenue. It is noted this is consistent with the neighbouring two dwellings to the east and west, and as such, consistent with the streetscape.</p> <p><u>Side Setback</u> The DCP prescribes a minimum side setback of 1500mm for three-storey structures. Whilst a three-storey structure, the overall height of the proposed structure above natural ground level is more reflective of a two-storey build. Nevertheless, in considering the amenity of adjoining allotments, a 2m side setback has been provided to both side boundaries.</p> <p><u>Rear Setback</u> The development provides a rear setback of over 9m to the lower ground floor of the facility and a rear setback of greater than 12m to the ground floor and first floor.</p> <p>(d) The development is designed to comply with relevant requirements under the BCA including fire resistance of walls facing side and rear boundaries.</p> <p>(e) The development provides a combination of ground floor internal parking, and also within the front setback. The DCP requires a minimum of 5m setback, with the proposal providing for 3.45m.</p>	Yes
			Yes
			Yes
			Yes
			No – variation

Whilst a numerical non-compliance, in practicality, the required additional 1.5m of front landscaping will make minimal difference.

The relative objective states:

*“To provide a satisfactory relationship between buildings, landscaped areas and adjoining developments”.*

As provided on the Landscape Plan, the area of 3.45m will be densely covered with plantings and an additional tree species each side. This will soften the overall transition between the street and the proposed front car parking area. Additionally, the minor intrusion of the car parking area is unlikely to cause an additional sight line or privacy issues, and a clear separation between the public and private domain.

Given the proposal’s overall compliance with all necessary building setbacks, a minor variation is worthy of support. Any requirement to meet the 5m would require the building to be stepped back, and hence impacting on the rear setback. This is considered a greater concern than a minor landscaping variation.

(f) The front setback is to be appropriately landscaped, with a width of 3.45m as described above. Refer to attached Landscape Plan for detail. **Yes**

(g) As described above, the front of the driveway is separated by landscaping to either side as desired in the DCP and screen planting around the outdoor play areas. **Yes**

(h) External child play areas are not located within the front setback. **Yes**

(j) & (k) Appropriate landscaping within a residential context is to be provided. Refer to attached Landscaped Plans for detail. **Yes**

(l) Food preparation areas are to comply with the relevant requirements and standards. **Yes**

THE HILLS DEVELOPMENT CONTROL PLAN 2012: PART C SECTION 1- PARKING

All relevant Council controls have been considered in the following compliance table.

The Hills Development Control Plan 2012 – Compliance Table																						
Clause	Controls	Comment	Complies																			
	Car Parking Child care centre 1 space per employee plus 1 space per 6 children enrolled for visitors and/or parent parking.	<p>The development proposes the construction of an 88-place childcare facility with a total of 17 staff.</p> <p>An assessment of the required car parking rates per the DCP vs. provided car parking is provided in the table below (<i>Source: McLaren 2022</i>).</p> <table border="1"> <thead> <tr> <th>Land Use</th> <th>Scale</th> <th>Rate</th> <th>Spaces Required</th> <th>Spaces Provided</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Child Care Centre</td> <td>88 Children</td> <td>1 per 6 children</td> <td>15</td> <td>11</td> </tr> <tr> <td>17 Staff</td> <td>1 per staff</td> <td>17</td> <td>11</td> </tr> <tr> <td><b>TOTAL</b></td> <td></td> <td></td> <td><b>32</b></td> <td><b>22</b></td> </tr> </tbody> </table> <p>The attached Traffic and Parking Impact Assessment Report prepared by McLaren Engineering states the following:</p> <p><i>“The RTA Guide to Traffic Generating Developments (2002) requires the provision of 22 car parking spaces. The proposed plans detail the provision of 22 car parking spaces, resulting in compliance with the RTA Guide’s parking requirements.</i></p> <p><i>The application of the RTA Guide parking provisions is considered more applicable than The Hills DCP parking rates. It should be noted that whilst the proposed development is subject to The Hills DCP, the site is located within the Parramatta Council LGA. Reference is made to the Parramatta Development Control Plan 2011 – Part 5 Other Provisions which states the following:</i></p> <p><i>On site car parking is to be provided at the rate of a minimum of 1 parking space per 4 child care places.</i></p> <p><i>As such, it is considered appropriate to adopt the RTA Guide’s parking requirements for the subject development”.</i></p> <p>As such, the overall proposal is seeking a variation to align with the recommended rates by the RTA Guidelines, and that of the Parramatta DCP which is considered appropriate for the site.</p>	Land Use	Scale	Rate	Spaces Required	Spaces Provided	Child Care Centre	88 Children	1 per 6 children	15	11	17 Staff	1 per staff	17	11	<b>TOTAL</b>			<b>32</b>	<b>22</b>	<b>No - Variation</b>
Land Use	Scale	Rate	Spaces Required	Spaces Provided																		
Child Care Centre	88 Children	1 per 6 children	15	11																		
	17 Staff	1 per staff	17	11																		
<b>TOTAL</b>			<b>32</b>	<b>22</b>																		

## EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)

In preparing this development application and in the design development of the proposal, regard has been had to not only the relevant Penrith City Council controls and guidelines, but also to the Education and Care Services National Regulations 2012 (National Regulations).

It is noted that the National Regulations provide exhaustive controls and requirements in addition to that of local government and includes: -

- licensing and approvals processes, including documentation requirements;
- facilities and equipment requirements;
- staffing requirements;
- child number requirements;
- operational requirements;
- administrative requirements;
- probity check requirements; and
- various miscellaneous requirements.

Those provisions relevant to the current proposal are addressed in the table within the following page.

Clause	Controls	Comment	Complies
<b>Part 3 Facilities and Equipment Requirements</b>			
<b>28 (1)</b>	Space requirements	(a) An administration room is located within the proposed Child Care Facility.	<b>Yes</b>
		(b) A staff room is located within the proposed Child Care Facility.	<b>Yes</b>
		(c) A Cot Room that is used only for children under 2 years of age has been provided within the proposed Child Care Facility.	<b>Yes</b>
<b>28 (2)</b>	Adequate unencumbered indoor play space	The proposed centre-based childcare facility provides a minimum 3.3m <sup>2</sup> of unencumbered indoor play space per child as shown on the submitted plans.	<b>Yes</b>
<b>28 (4)</b>	Adequate unencumbered outdoor play space	The proposed centre-based childcare facility provides 7.1m <sup>2</sup> of unencumbered outdoor play space per child.	<b>Yes</b>
<b>28 (6)</b>	Shading	The proposed centre-based childcare facility has provided adequate shading. See attached plans for detail.	<b>Yes</b>

29	Laundry	A laundry facility is available on the premises of the proposed centre-based childcare facility.	Yes
30	Craft preparation facilities	Craft preparation areas are provided in the centre-based childcare facility.	Yes
31	Food preparation facilities	A kitchen facility is provided by the proposed centre-based childcare facility.	Yes
32	Toil and washing facilities	Appropriate toilet and washing facilities are provided.	Yes
33	Nappy change facilities	A nappy changing facility is provided by the proposed centre-based childcare facility. Refer to attached architectural drawings for detail	Yes
34	Sleeping facilities	The proposed centre-based childcare facility has appropriate sleeping facilities with a separate cot room provided for 0 - 2 year old.	Yes
35	Storage facilities	The proposed centre-based childcare facility has provided adequate storage facilities.	Yes
45	Fencing	Appropriate outdoor play area fencing will be provided by the proposed centre-based childcare facility.	Yes

### Part 3 Staffing Requirements

52	Staff to child ratio	<p>The proposed centre-based child care facility will require the following minimum staff requirements:</p> <p>0-2 Years – 1 employee per 4 children          2-3 Years – 1 employee per 5 children          3-5 Years – 1 employee per 10 children</p> <p>The breakdown of children ratio within the proposed centre-based child care facility is as follows:</p> <p>0-2 Years – 20 children (5 staff)          2-3 Years – 30 children (6 staff)          3-6 Years – 38 children (4 staff)</p> <p>Total: 15 staff, plus two support staff. The development provides a total of 17 staff. Complies.</p>	Yes
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## CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.