



City of Parramatta	
File No:	DA/900/2022

SECTION 4.15 ASSESSMENT REPORT
Environmental Planning & Assessment Act 1979

DA No:	DA/900/2022
Subject Property:	LOT 5 DP 205980, 32 Honiton Avenue, CARLINGFORD NSW 2118
Proposal:	Demolition, tree removal and construction of a centre-based child care facility to accommodate 67 children with ground and basement level parking for 17 cars.
Date of receipt:	15 November 2022
Applicant:	ArtMade Architects
Owner:	Mr A Abi-Khattar
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	Fifty-three (53) unique submissions, with two (2) petitions comprising of 100 signatures
Conciliation Conference Held:	No
Recommendation:	Refusal
Assessment Officer:	Felicity Lam

Legislative Requirements

Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979	<ul style="list-style-type: none">• State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004• State Environmental Planning Policy (Biodiversity and Conservation) 2021• State Environmental Planning Policy (Resilience and Hazards) 2021• State Environmental Planning Policy (Transport and Infrastructure) 2021• State Environmental Planning Policy (No. 64 – Advertising and Signage)• Parramatta Local Environmental Plan 2011 (PLEP 2011)• Parramatta Development Control Plan 2011 (PDCP 2011)• Parramatta Local Environmental Plan 2023 (PLEP 2023)
Zoning	R2 Low Density Residential
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No
Designated Development	No
Integrated Development	No
Clause 4.6 variation	No
Delegation	Parramatta Local Planning Panel (PLPP)

1. Executive Summary

Section 4.15 Assessment Summary

The subject site is located on an irregularly shaped corner allotment comprising three frontages to Honiton Avenue, Clover Close and Coleman Avenue.

The application seeks approval for demolition of existing structures and construction of a centre-based child care facility to accommodate 67 children with ground and basement level parking for 17 cars.

Council has received notice that the applicant has lodged a Deemed Refusal Appeal with the Land and Environment Court on 15 June 2023. As such, an assessment of the application in its current form is required.

It is noted that DA/63/2021, lodged on 27 January 2021, was also refused for the construction of a centre-based childcare facility to accommodate 93 children with ground and basement level parking for 25 cars on the subject site.

The issues with the current proposal arise from the design of the development, primarily the bulk and scale., creating an overdevelopment of the site. Concerns are also raised over inconsistency with the R2 zone objectives and the development being out of character with the locality.

Additional issues include a lack of appropriate landscaping areas and deep soils zones due to the extent of the footprint and basement structure, non-compliant setbacks, and location of outdoor play areas. There is also insufficient contextual analysis of the immediate locality and public domain issues.

The applicant has failed to submit information required to satisfactorily assess the development with regards to landscaping.

The application was notified/advertised and received fifty-three (53) unique submissions and two (2) petitions with 100 signatures within the notification period. The issues raised related to traffic movement and congestion, air quality, amenity, safety and security, solar access, privacy, pick up and drop off, acoustic and property value.

For the above reasons and others raised throughout this report, Council cannot support the application and is recommending **refusal**.

2. Site Description and Conditions

The subject site is known as **32 Honiton Avenue, Carlingford (Lot 5 DP 205980)**. The site is an irregularly shaped corner allotment with a site area of 1023m² comprising three frontages to Honiton Avenue, Clover Close and Coleman Avenue. The site has an approximate cross fall of 5.87m from the site's northern corner and to the southern corner.

The site currently consists of a two storey dwelling, inground swimming pool and front fences. Surrounding the site are dwelling houses, dual occupancy, and multi dwelling housing developments. The site is located within an area zoned as R2 Low Density Residential under the Parramatta Local Environmental Plan 2011. Properties within vicinity to the north of the site are zoned as B1 Neighbourhood Centre and R4 High Density Residential.

The locality is serviced by public transportation including a number of bus stops within a 400m walking radius which are serviced by bus routes to Macquarie Park, Epping, Pennant Hills, Parramatta, Carlingford Court, and West Ryde. The future Carlingford Light Rail Station is located within a 350m walking radius from the subject site.



Figure 1: Aerial photograph of subject site and surrounds (Nearmap, 16 March 2023)

The subject site has the following area and dimensions (based on Survey Plan):

Area	1023 square metres
Honiton Avenue (South)	13.99 metres
Coleman Avenue & Honiton Avenue Splay (South-East)	8.605 metres
Coleman Avenue (East)	41.615 metres
Clover Close & Coleman Avenue Splays (North-East)	3 x 3.155 metres
Clover Close (North)	13.74 + 1.34 metres
Side Boundary (West)	47.89 metres



Figure 2: Subject site viewed from Honiton Avenue and Coleman Avenue corner, facing north-west. (Site inspection, 13 April 2023)

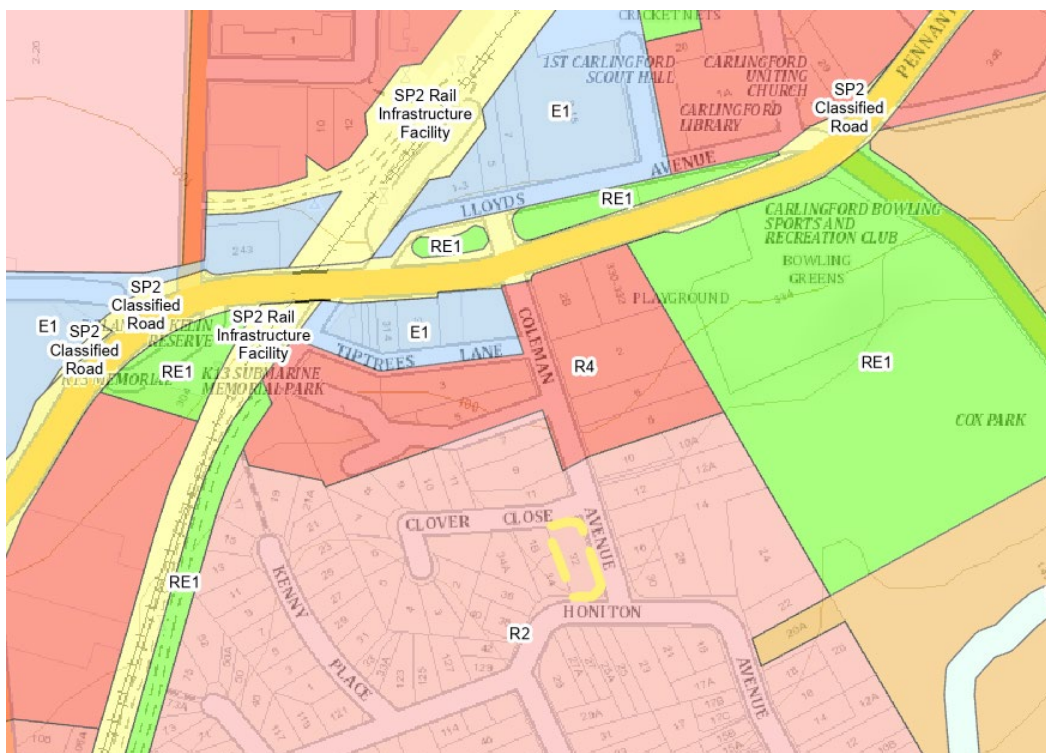


Figure 3: Zoning map (ePlanning Spatial Viewer)

3. Relevant Site History

The table below shows the application history for the site:

Site History Date	Comment
27 January 2021	DA/63/2021 lodged to Council for the Demolition, tree removal and construction of a centre-based childcare facility to accommodate 93 children with ground and basement level parking for 25 cars.
28 June 2021	Applicant's Solicitor notified Council of Class 1 Appeal lodged to NSW Land and Environment Court (LEC) in accordance with Clause 113 of the Environmental Planning and Assessment Regulation 2000 (deemed refusal period) for DA/63/2021 .
17 August 2021	DA/63/2021 refused by the Parramatta Local Planning Panel for the Demolition, tree removal and construction of a centre-based child care facility to accommodate 93 children with ground and basement level parking for 25 cars.
26 October 2021	Applicant sought to lodge a DA for the demolition of existing dwelling for the construction of a centre-based child care facility, accommodating 82 Children, with ground and basement level parking for 21 cars. This application was not lodged.
2 December 2021	The applicant filed a Notice of Discontinuance with the Land and Environment Court for the deemed refusal of DA/63/2021.
15 November 2022	DA/900/2022 lodged for the Demolition, tree removal and construction of a centre-based childcare facility to accommodate 67 children with ground and basement level parking for 17 cars.
15 June 2023	Applicant's Solicitor notified Council of Class 1 Appeal lodged to NSW Land and Environment Court (LEC) in accordance with Clause 91 of the Environmental Planning and Assessment Regulation 2021 (deemed refusal period) for DA/900/2022 .

4. The Proposal

Development Application DA/900/2022 was lodged on 15 November 2022 for a 67 place child care centre. Specifically, the application seeks approval for:

- **Demolition of existing structures**
All existing structures including the dwelling house, swimming pool, awnings, retaining walls, masonry fences and hardstand surfaces are to be demolished.
- **No trees to be removed**
- **Construction of a part 2 and part 3 storey centre-based child care centre**
The childcare centre is a part two (2), part three (3) storey development with associated undercroft and basement car parking.

Hours of Operation

Monday to Friday: 7:00AM to 6:00PM

Number of Children

0 – 2 years old: 8 children (ground floor)
 2 – 3 years old: 20 children (ground floor)
 3 – 6 years old: 39 children (first floor)
 Total: 67 children (max.)

Number of Staff

Fifteen (15) staff is proposed to be working at any time and will be divided amongst the age groups.

Parking Spaces

A total of seventeen (17) car parking spaces are proposed with the following allocations:

- Basement: 10 staff car parking spaces accessed from Honiton Avenue
- At grade parking: 7 visitor car parking spaces accessed from Coleman Avenue including two (2) mobility parking spaces

Waste

A waste storage area has been proposed to be located within the basement car park visible from Honiton Avenue.

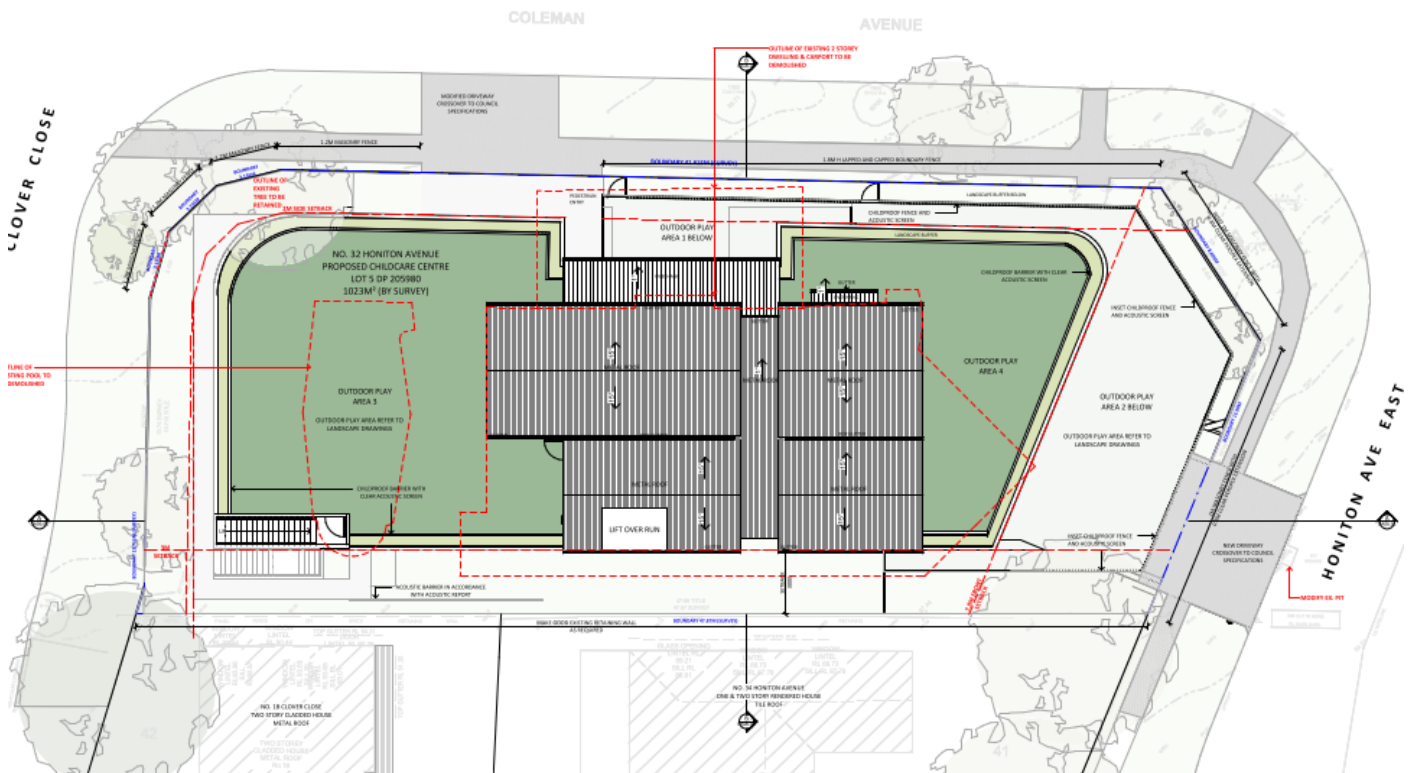


Figure 3: Site Plan (Artmade Architects)



Figure 4: East Elevation from Coleman Avenue (Artmade Architects)

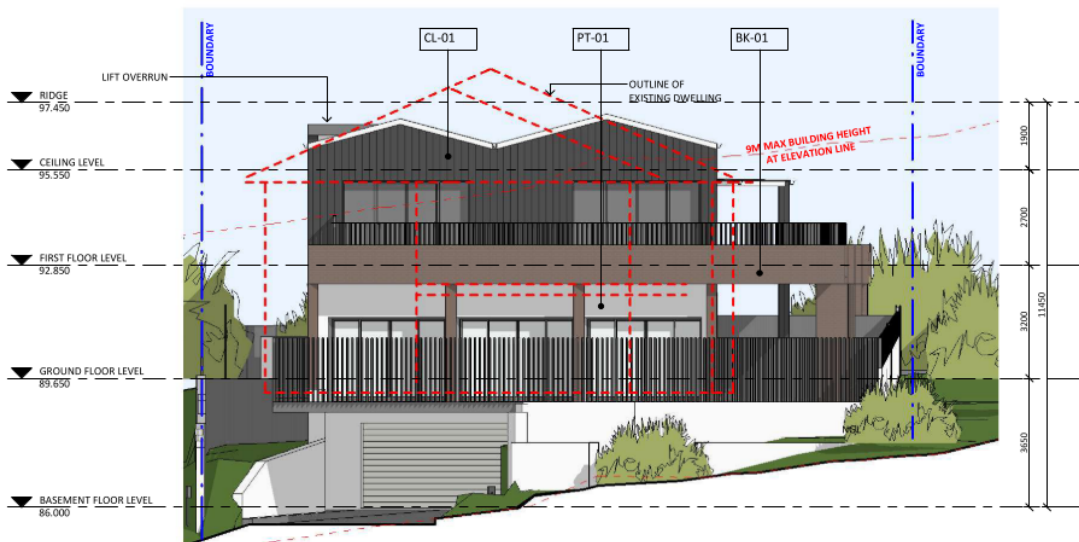


Figure 5: South Elevation from Honiton Avenue East (Artmade Architects)



Figure 6: North Elevation from Clover Clost (Artmade Architects)

5. Relevant Application History

Date	Comment
15 November 2022	DA/900/2022 lodged for the demolition, tree removal and construction of a centre-based childcare facility to accommodate 67 children with ground and basement level parking for 17 cars.
16 November 2022	Public Notification for written submissions issued.
15 December 2022	Public Notification for written submissions closed.

6. Referrals

The application has been referred to Council's relevant internal teams for assessment. The referral responses have been summarised and discussed in the table below.

Internal Team	Comments
12.1 Development Engineer	Acceptable, subject to conditions. <ul style="list-style-type: none"> The proposed childcare development slopes to the street with the basement parking also sloping to the street. Stormwater system has accounted for WSUD discharge correctly. Conditioned for grated pits to be relocated outside the play areas. Proposed kerb inlet pit with extended chamber to allow connection to pipe that is irregularly aligned. Conditioned Kerb inlet pit.
12.2 Environmental Health (Acoustic, Contamination, Food & Waste)	No objections, subject to conditions of consent.
12.3 Landscape and Tree Assessment	Not acceptable. Insufficient information provided to Council from the set of Landscape Plans.
12.5 Traffic and Transport	Acceptable, subject to conditions. Consent in the event approval was recommended. Based on the analysis and information submitted by the Applicant, the proposed development is not considered to have a significant traffic impact on the surrounding road network.
12.6 Universal Access and Design	Universal access provides the following comments. Upon review of the plans and documentation submitted upon lodgement, it was not considered satisfactory for support for the following reasons. <ol style="list-style-type: none"> 1) A comprehensive access review by ABE Consulting (D08766259) has been provided identifying several issues that will be required to be addressed. These additional comments are not limited to or replace those mentioned within the

	<p>access review and does not relinquish the applicant from its obligation to provide a fully compliant detailed universally accessible design.</p> <ol style="list-style-type: none"> 2) There is a platform lift providing access to playroom 1. Ensure the platform lift is fit for purpose and usable by persons that may have a disability. 3) The playroom 1 stairs will require compliant sets of handrails that don't encroach into the required paths of travel as per AS1428.1 figure 26. 4) Low level thresholds are required be provided at the entry door and all doors providing access to outdoor areas. <p>Abutment of differing surfaces including the entry mat shall have a smooth transition. <i>Design transition shall be 0 mm. Construction tolerances shall be as follows:</i></p> <ol style="list-style-type: none"> a) 0 ±3 mm vertical. b) 0 ±5 mm, provided the edges have a bevelled or rounded edge to reduce the likelihood of tripping. AS1428.1.7.2. <ol style="list-style-type: none"> 5) Equipment, furniture and play equipment within the common areas including the reception area, will require universally accessible and inclusive features, suitable for a person with a mobility and other impairments. <p>Note: AS1428.2 provides guidance on accessible furniture including, reach ranges and varying heights of tables and seats with back and arm rests.</p> <p>SUMMARY</p> <ol style="list-style-type: none"> 1. Ensure compliance with the ABE Consulting access report. 2. Ensure the platform lift provides suitable accessible features. 3. Ensure the stairs with the appropriate accessible features 4. Low level threshold at the doors leading to the outside areas are required. 5. Ensure equipment, furniture and play equipment provide suitable features for persons with a mobility impairment.
External Agency	Comments
No external referrals required.	

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Parramatta Local Environmental Plan 2023
- Parramatta Local Environmental Plan 2011
- Parramatta Development Control Plan 2011
- Child Care Guidelines 2021

7.2 SAVINGS PROVISIONS AGAINST PREVIOUS LOCAL ENVIRONMENTAL PLANS

Parramatta Local Environmental Plan 2023

Parramatta LEP 2023 was gazetted on 2 March 2023. Clause 1.8 of the LEP now repeals the following planning instruments which applies to the land:

- Parramatta Local Environmental Plan 2011

Clause 1.8A Savings provision relating to development applications states:

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as this Plan has not commenced.

The current DA was lodged on 15 November 2022 and therefore shall be assessed under Parramatta Local Environmental Plan 2011.

The zoning of the site is R2 Low Density Residential and childcare centres are permissible with consent.

7.3 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021- CHAPTER 3 EDUCATIONAL ESTABLISHMENT AND CHILDCARE FACILITIES

Standards and Provisions	Compliance				
Part 3.3 Early Education and Care Facilities – Specific Development Controls					
CI.3.22 Centre based childcare facility – concurrence of Regulatory Authority required for certain development	N/A The application does not seek approval for a departure of Regulation 107 (indoor unencumbered space requirements) or Regulation 108 (outdoor unencumbered space requirements) of the Childcare Planning Guidelines.				
CI 3.24 Centre based childcare facility in Zone IN1 or IN2	N/A The subject is not zoned as IN1 General Industrial or IN1 Light Industrial.				
CI 3.25 Centre based childcare facility – Floor Space Ratio	Yes Control = 511.5m ² or 0.5:1 Proposed = 421.08m ² or 0.41:1				
CI 3.26 Centre based childcare facility – non-discretionary development standard	<p>Yes</p> <p><u>Location</u> – The site is not within proximity to another childcare centre.</p> <p><u>Indoor Space</u> – The proposal complies with the requirements under Regulation 107 of the Childcare Planning Guidelines and proposes indoor unencumbered space of 228.72m².</p> <p>Yes – The proposal complies with 3.25m² of unencumbered indoor space provided for each child.</p> <p>Number of children: 67 Minimum unencumbered space required: 302.25m² Total unencumbered space proposed: 308.2m²</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><u>Ground Floor</u></td> <td style="text-align: center;"><u>First Floor</u></td> </tr> <tr> <td>Children: 28 x 3.25m² = 91m²</td> <td>Children: 39 x 3.25m² = 126.75m²</td> </tr> </table> <p><u>Outdoor Space</u> – The proposal requires a minimum of 469m² of outdoor unencumbered space for 67 children under Regulation 108 of Guidelines. The proposal provides sufficient outdoor play areas.</p> <p><u>Site Area and Dimensions</u>- The site is of satisfactory size and shape.</p> <p><u>Colour of building and materials</u>- The proposed building materials and colours are satisfactory.</p> <p>Note: Non-discretionary development standards subject of this clause will not be used as a basis for refusal of this application.</p>	<u>Ground Floor</u>	<u>First Floor</u>	Children: 28 x 3.25m ² = 91m ²	Children: 39 x 3.25m ² = 126.75m ²
<u>Ground Floor</u>	<u>First Floor</u>				
Children: 28 x 3.25m ² = 91m ²	Children: 39 x 3.25m ² = 126.75m ²				

7.2.1 Child Care Planning Guidelines 2021

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

Considerations and Requirements	Compliance/Discussion
Part 3 – Matters for consideration	
3.1 Site selection and location	
<p>C1 For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> • The acoustic and privacy impacts of the proposed development on the residential properties; • The setbacks and siting of buildings within the residential context; • Traffic and parking impacts of the proposal on residential amenity. 	<p>No – The development in its current form creates privacy impacts onto the surrounding residential properties, and concern is raised as to the management solutions of the acoustic plan to ensure adequate an acoustic treatment of the use. See C24 below.</p> <p>No - The setbacks are not considered acceptable for a residential corner allotment.</p> <p>The proposed 1.8m high lapped and capped boundary fence overhanging above the basement driveway entrance along the southern portion of the ground floor is to be considered the ‘wall elevation’ which is only set back 1.4m (approx.) from the southern boundary (Honiton Avenue). The proposed setback is unsatisfactory as it generates an undesirable bulk and scale to the existing streetscape.</p> <p>The proposed childproof barrier fence and acoustic screens on the ground and first floor exaggerates the ??, bulk and scale of the building.</p> <p>No – Council’s Traffic & Transport Investigations Engineer did not raise any concerns with regards to the traffic and parking impacts on the local area.</p> <p>However, the basement parking’s significant size and the non-compliant to the setback results in unsatisfactory deep soil and landscaping controls. This results in a poor design outcome for the users of the childcare centre, adjoining properties and has a negative impact on the pedestrian and streetscape level.</p> <p>Accordingly, the proposal cannot be considered for approval.</p>
<p>C2 When selecting a site, ensure that:</p> <ul style="list-style-type: none"> • The location and surrounding uses are compatible with the proposed development or use; • The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards; • There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed; • The characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> ○ size of street frontage, lot configuration, dimensions and overall size; ○ number of shared boundaries with residential properties; and 	<p>No – In its current form, the development is not considered to be compatible with the surrounding residential properties.</p> <p>Yes – The site is not subject to these risks and hazards.</p> <p>Yes – There are no known potential environmental contaminants within the subject site and surrounding properties.</p> <p>No – The subject site consists of three road frontages with one shared residential boundary. The development proposal’s current scale and building form has not taken into consideration the site’s unique constraints.</p>

<ul style="list-style-type: none"> ○ the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas; ● There are suitable drop off and pick up areas, and off and on street parking; ● The type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use; ● It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	<p>Yes – The proposal contains an at grade on site drop off area, accessed from Coleman Avenue. Council's Traffic & Transport Investigations Engineer did not raise any concerns with regards to the location and number of car parking spaces associated with the development.</p> <p>Although the site has three frontages, on street parking is only available on Coleman Street. There is an existing driveway on Coleman Street, which will be demolished and a new one placed closer to Clover Close. On street parking would still be available between the corner tangents and the new driveway.</p> <p>Yes – The site is surrounded by local roads and are considered to be appropriate and safe for the proposed use. Clover Close north of the subject site is a cul-de-sac. The application promotes on street parking, however Clover Close is considered narrow and not suitable as the prominent location for street parking.</p> <p>Yes – The site is not within vicinity to incompatible social areas.</p>
<p>C3 A child care facility should be located:</p> <ul style="list-style-type: none"> ● Near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship; ● Near or within employment areas, town centres, business centres, shops; ● With access to public transport including rail, buses, ferries; and ● In areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>Yes – The site is within vicinity to several primary and high schools within a 2.5km radius. The site is located near churches, a library, and open space. The site is within proximity to commercial and retail businesses within Carlingford. The site is within proximity to bus services to Macquarie Park, Epping, Pennant Hills, Parramatta, Carlingford Court, and West Ryde and to the future Parramatta Light Rail at Carlingford Station.</p>
<p>C4 A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> ● Proximity to: <ul style="list-style-type: none"> ○ heavy or hazardous industry, waste transfer depots or landfill sites; ○ 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; ○ extractive industries, intensive agriculture, agricultural spraying activities; and ● Any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site. 	<p>Yes – The site is not located near industrial, waste transfer depots, landfill sites, service stations, water cooling or warming systems, air pollutant generating uses or any other land use that would create environmental hazards.</p>
<p>3.2 Local character, streetscape and the public domain interface</p>	

<p>C5 The proposed development should:</p> <ul style="list-style-type: none"> • Contribute to the local area by being designed in character with the locality and existing streetscape; • Reflect the predominant form of surrounding land uses, particularly in low density residential areas • Recognise predominant streetscape qualities, such as building form, scale, materials and colours; • Include design and architectural treatments that respond to and integrate with the existing streetscape; • Use landscaping to positively contribute to the streetscape and neighbouring amenity; and • Integrate car parking into the building and site landscaping design in residential areas. 	<p>No – The proposed development in its current form is not considered to be consistent with the existing streetscape and locality.</p> <p>The development is predominantly commercial in design and occupies a significant portion of the site with limited access to soil and opportunities for deep soil landscaping. It is noted that insufficient information provided to Council from the set of Landscape Plans.</p> <p>The majority of the active play areas of the childcare centre are designed as a second storey element, projecting the activity in scale, bulk and form, as well as in acoustic and visual amenity impact over the surrounding at grade low to medium residential land uses.</p> <p>The surrounding areas are typified by low-to-medium density residential developments with pitched or skillion roof forms, generally with face-brick or rendered facades. The proposed childproof barrier fence and acoustic screens on the ground and first floor exaggerates the length, bulk and scale of the building.</p> <p>The parking areas have been integrated into the building including the provision of the at grade and basement parking. The bulk and scale of the proposal in conjunction to the surrounding residential development follows as shown by the street view of the at grade parking to be undesirable. The view of the parking is not consistent with the existing residential streetscape. The 1.8m acoustic fencing and minimal landscaping has been incorporated to minimise potential acoustic privacy concerns, however, has not demonstrated how the proposal compliments or enhances the neighbourhood streetscape character. The landscaping does not provide a fixed solution for screening from the street. The balustrade and acoustic fencing present an undesirable façade and is inconsistent with the properties in the surrounding area.</p>
<p>C6 Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> • Fencing to ensure safety for children entering and leaving the facility; • Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community; and • Integrating existing and proposed landscaping with fencing. 	<p>No – All levels of the development (basement, ground and first floor) are not designed to achieve adequate passive surveillance to all street frontages (Clover Close, Coleman Avenue, and Honiton Avenue) due to the recessed administrative and play spaces, and the 1.8m high, solid acoustic barriers on each street frontage.</p> <p>The ground floor administration/staff areas are not in direct sightline of the pedestrian entrance along Coleman Avenue. The development does not provide a secure access point for parents and children from Coleman Avenue. Passive surveillance from the administrative areas cannot be achieved with the development's current design.</p> <p>Safety measures have not been considered. The administrative areas being setback from the entrance is with the outdoor play area 1 on the ground floor located along the front setback Coleman Avenue is undesirable there is potential for people outside the facility from gaining access by climbing over or through the fence. The fencing along the boundary does not positively contribute to the visual amenity of the streetscape and surrounding area.</p>
<p>C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve</p>	<p>N/A – Only building situation on the site.</p>

legibility for visitors and children by changes in materials, plant species and colours.	
<p>C8 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:</p> <ul style="list-style-type: none"> • Clearly defined street access, pedestrian paths and building entries; • Low fences and planting which delineate communal/ private open space from adjoining public open space; and • Minimal use of blank walls and high fences. 	<p>N/A – The development does not adjoin a public park, open space or bushland.</p>
<p>C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>No, insufficient information – Insufficient information was provided relating the materials, colours and height of the proposed fences. Therefore, a complete assessment of the impacts of these items cannot be determined.</p>
<p>C10 High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	<p>N/A – The subject site does not adjoin a classified road.</p>
3.3 Building orientation, envelope and design	
<p>C11 Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> • Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> ○ Facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties; ○ Placing play equipment away from common boundaries with residential properties; ○ Locating outdoor play areas away from residential dwellings and other sensitive uses; • Optimise solar access to internal and external play areas; • Avoid overshadowing of adjoining residential properties; • Minimise cut and fill; • Ensure buildings along the street frontage define the street by facing it; and • Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>No –</p> <p>The building layout directs noise and overlooking impacts toward the surrounding neighbouring properties. The building has been setback from neighbouring properties; however, the concerns are with the location of the outdoor play areas around the boundary of the subject site.</p> <p>The majority of the active play areas of the childcare centre are designed as a second storey element, projecting the activity in scale, bulk and form, as well as in acoustic and visual amenity impact over the surrounding at grade low to medium residential land uses</p> <p>There is potential for overlooking to the main living areas and private open spaces of adjacent residential dwellings, specifically 1B Clover Close and 34 Honiton Avenue.</p> <p>No – The building significantly overshadows neighbouring residential properties. The two (2) western properties' private open space areas (34 Honiton Avenue and 1B Clover Close) will not receive adequate solar access on June 21 (Winter Solstice).</p> <p>The solar access to internal and external play areas are not optimised. Some of the ground floor internal areas will not receive adequate solar access as a result of the first floor's balcony covering the ground floor.</p>
<p>C12 The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • Building height should be consistent with other buildings in the locality; • Building height should respond to the scale and character of the street; 	<p>No – The building heights, bulk and scale, and setbacks are not considered to take into consideration the existing built form character within vicinity to the subject site.</p>

<ul style="list-style-type: none"> • Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility; • Setbacks should provide adequate access for building maintenance; and • Setbacks to the street should be consistent with the existing character. 	
<p>C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>	<p>N/A – The site does not front a classified road.</p>
<p>C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>No – The site is subject to unique constraints in which the appropriate setbacks are to be determined based on the development’s impacts to the neighbouring properties. In its current form, the development’s setback to the western side boundary is unacceptable due to the reduced setbacks to all other boundaries.</p> <p>The proposed 2 storey-built form with basement parking requires setbacks beyond what is required for a dwelling house to reduce the perception of bulk and scale on adjoining properties whilst protecting these properties from amenity impacts from the facility, particularly when outdoor play areas are located on the upper floors.</p>
<p>C15 The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> • Respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage; • Retains and reinforces existing built form and vegetation where significant; • Considers heritage within the local neighbourhood including identified heritage items and conservation areas; • Responds to its natural environment including local landscape setting and climate; and • Contributes to the identity of place. 	<p>No – The character of the local area is not considered to have been taken into consideration to the design of the development.</p> <p>The character of the area is low-to-medium density residential developments with pitched or skillion roofs with deep soil planting.</p> <p>The scale of the proposed development is significantly larger than the scale of the adjoining residential developments and included expansive, unbroken architectural details which further exaggerate the inconsistency with the residential character of the area. The bulk and scale of the development does not allow for adequate deep soil and landscape required.</p> <p>High level retaining walls and acoustic fencing significantly contributing to the bulk and scale when viewed from the public domain.</p> <p>Due to the restrictive nature of the site the proposal cannot be supported.</p>
<p>C16 Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • Located to allow ease of access, particularly for pedestrians; • Directly accessible from the street where possible; • Directly visible from the street frontage; • Easily monitored through natural or camera surveillance; • Not accessed through an outdoor play area; and • In a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>No – The development does not provide a secure access point for parents and children from Coleman Avenue. Passive surveillance from the administrative areas to the entrance cannot be achieved with the development’s current design. There is potential access through an outdoor play area along Colman Avenue compromising the safety of the children. The use of landscaping for security is not sustainable and fixed to be used between the outdoor play area and screen planting details.</p>

<p>C17 Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • Providing accessibility to and within the building in accordance with all relevant legislation; • Linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry; • Providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible; and • Minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. <p>NOTE: The <i>National Construction Code</i>, the <i>Discrimination Disability Act 1992</i> and the <i>Disability (Access to Premises – Buildings) Standards 2010</i> set out the requirements for access to buildings for people with disabilities.</p>	<p>No – Council’s Universal Access and Design Officer has reviewed the proposal and upon review, does not support the development in its current form. Accordingly, the proposal cannot be supported.</p>
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3.4 Landscaping

<p>C18 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • Reflecting and reinforcing the local context; and • Incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>No – The screen planting/landscape buffer proposed is of inadequate width for deep soil landscaping and is therefore unacceptable.</p> <p>It is noted that the local context is low-medium density residential developments with deep soil zones at the front and rear which reinforces the residential character from the street.</p> <p>Council’s Landscape Officer was unable to complete their assessment due to insufficient information therefore the development application cannot be considered for approval.</p>
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<p>C19 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings; • Taking into account streetscape, local character and context when siting car parking areas within the front setback; and • Using low level landscaping to soften and screen parking areas. 	<p>No – the proposed landscaping has not been designed to soften the appearance of the proposed carparking area.</p>
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3.5 Visual and acoustic privacy

<p>C20 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	<p>N/A – The proposed development is not located in a mixed-use development.</p>
<p>C21 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • Appropriate site and building layout; • Suitably locating pathways, windows and doors; and • Permanent screening and landscape design. 	<p>No – The site and building layout does not address the impacts of privacy on the neighbouring properties. The proposed first floor outdoor play areas, that could be seen as balconies, have direct view from the public realm due to the use of clear Perspex acoustic barrier behind the balustrade. The building layout does not minimise acoustic impacts on the neighbouring properties as the proposed outdoor play areas are all located around the boundary of the subject site.</p> <p>The external presentation of these elements is unsuitable on the streetscape and exacerbates the bulk and scale.</p> <p>Accordingly, the proposal cannot not be supported.</p>

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

- Appropriate site and building layout;
- Suitable location of pathways, windows and doors; and
- Landscape design and screening.

No – There is potential for overlooking to the main living areas and private open spaces of adjacent residential dwellings, specifically 1B Clover Close and 34 Honiton Avenue. As shown in the figure below.

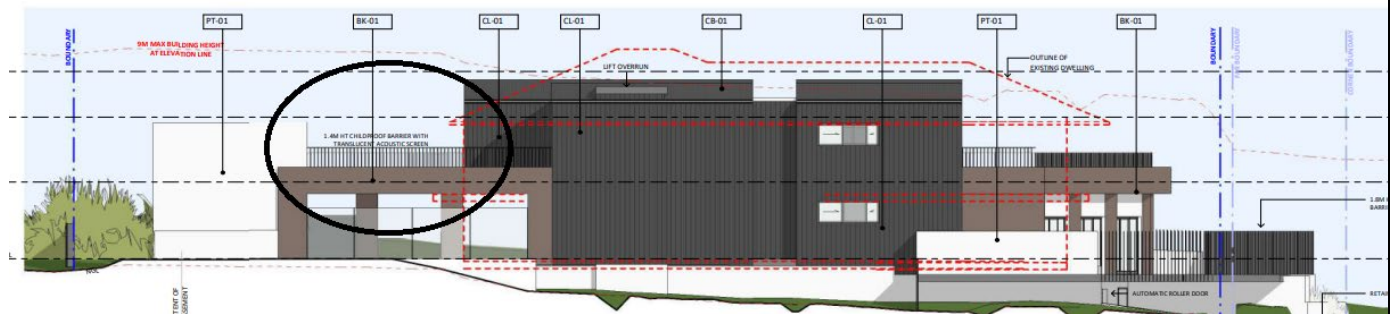


Figure 5: Western Elevation (Architectural Plans)

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

No – An acoustic fence is proposed along the side and rear boundaries to protect the acoustic amenity of adjoining residential properties.

However, the proposed acoustic fence heights at the ground floor and first floor are considered to be excessive and impacts the amenity of the neighbouring properties. High retaining walls and fencing currently result in overshadowing to the rear yards of properties to the west. The purpose of the high walls is due to the outdoor play areas located on the first floor. This is demonstrating that the solutions to mitigate constraints further results in non-compliance and unsuitability of the subject site.

Therefore, although the development may be able to achieve a suitable acoustic environment, the proposed acoustic fences would have unreasonable impacts on neighbouring residents.

C24 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:

- Identify an appropriate noise level for a child care facility located in residential and other zones;
- Determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use; and
- Determine the appropriate height of any acoustic fence to enable the noise criteria to be met.

No - Concerns are raised regarding the acoustic report relying on the windows to be closed during the use of amplified music or particularly noisy activities such as group singing in order to adequately contain the noises generated internally. This is not supported as natural cross-ventilation is required to be provided for childcare centres, in particular where the proposed rooms are smaller 'pods'.

The acoustic environment created by the use of acoustic fences and closing windows/doors, the visual impacts of the acoustic fences and internal amenity impacts are not appropriate.

The submitted acoustic report states that its recommended noise management plan requires the number of children within the outdoor play areas to be limited, the means of managing the number of children outside at any one time is not made clear in the acoustic report or Plan of Management.

3.6 Noise and air pollution

C25 Adopt design solutions to minimise the impacts of noise, such as:

- Creating physical separation between buildings and the noise source

N/A – The proposed development is not within vicinity to noise and air pollution sources.

<ul style="list-style-type: none"> • Orienting the facility perpendicular to the noise source and where possible buffered by other uses • Using landscaping to reduce the perception of noise sources • Using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • Wusing materials with mass and/or sound insulation or absorption properties, such as solid balcony, external screens and soffits • Locating cot rooms, sleeping areas and play areas away from external noise sources. 	
<p>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:</p> <ul style="list-style-type: none"> • On industrial zoned land • Where the ANEF contour is between 20 and 25, consistent with AS 2021-2000 • Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (infrastructure) 2007 • On a major or busy road • Other land that is impacted by substantial external noise. 	<p>N/A The site is not located on industrial land, subject to an ANEF contour, adjacent to a railway corridor or a major/ busy road.</p>
<p>C27 located child care facilities on site which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p> <p>C28 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • Creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from major source of air pollution • Using landscaping to act as a filter for air pollution 	<p>N/A The site is not located on a major road or within the proximity to industrial development.</p>
<p>3.7 Hours of operation</p>	
<p>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. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>	<p>Yes – The proposed hours of operation complies. Monday to Friday: 7AM to 6PM</p>
<p>C30 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	<p>N/A – The site is not within mixed use areas.</p>
<p>3.8 Traffic, parking, and pedestrian circulation</p>	

<p>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.</p> <p>The Parramatta DCP 2011 specifies a parking rate of: <i>1 space per 4 children & 1 accessible space in every 10 spaces.</i></p> <p>The parking required for the proposal based on the above is 16.75 (17) spaces with the inclusion of 2 accessible spaces.</p>	<p>Yes – seventeen (17) car parking spaces are provided with inclusion of two (2) accessible car parking spaces.</p>
<p>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 vehicle movement or potential conflicts with trucks and large vehicles.</p>	<p>N/A – The site is not located in a commercial or industrial zone.</p>
<p>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. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • The amenity of the surrounding area will not be affected; and • There will be no impacts on the safe operation of the surrounding road network. 	<p>Yes – The application was accompanied by a Parking & Traffic Impact Assessment report.</p> <p>Council's Traffic and Transport team considers the estimated increase in traffic is considered acceptable and will not cause negative impact on Clover Close, Coleman Avenue, Honiton Avenue and surrounding road network.</p> <p>Refer to Section 12.5 of this assessment report for detailed discussion.</p>
<p>C34 Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> • A classified road; and • Roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> • The prevailing traffic conditions; • Pedestrian and vehicle safety including bicycle movements; and • The likely impact of the development on traffic. 	<p>N/A – The subject site is not accessed from a classified road or a road which carries freight traffic or transports dangerous and hazardous materials.</p>
<p>C35 Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p>N/A – The site is not located within a cul-de-sac; however, it fronts Clover Close which consists of a cul-de-sac to the west of the site. The application promotes on street parking, however Clover Close is considered narrow and not suitable as the prominent location for street parking in times of emergency.</p>
<p>C36 The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • Separate pedestrian access from the car park to the facility; • Defined pedestrian crossings included within large car parking areas; • Separate pedestrian and vehicle entries from the street for parents, children and visitors; • Pedestrian paths that enable two prams to pass each other; • Delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities; 	<p>No – The current design, with a significant recessed administrative space, does not result in an easily identifiable pedestrian entrance.</p> <p>The ground floor administration/staff areas are not in direct sightline of the pedestrian entrance along Coleman Avenue. The development does not provide a secure access point for parents and children from Coleman Avenue. Passive surveillance from the administrative areas cannot be achieved with the development's current design.</p> <p>The design/layout of the facility at its current form does not enable visitors, parents and caregivers to easily identify the location of the administration areas from the street, and the pickup and drop of point.</p>

<ul style="list-style-type: none"> • In commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas; and • Vehicles can enter and leave the site in a forward direction. 	<p>The proposal has not considered separate facilities and designated locations from the main pedestrian access to the building, specifically the at grad parking for potential deliveries and loading areas.</p>				
<p>C37 Mixed use developments should include:</p> <ul style="list-style-type: none"> • Driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks; • Drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site; and • Parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 	<p>N/A – The development is not a mixed use development.</p>				
<p>C38 Car parking design should:</p> <ul style="list-style-type: none"> • Include a child safe fence to separate car parking areas from the building entrance and play areas; • Provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards; and • Include wheelchair and pram accessible parking. 	<p>Yes – Car parking design with regard to these specific requirements is satisfactory.</p>				
<p>Part 4 – Applying the National Regulations to development proposals</p>					
<p>4.1 Indoor space requirements</p>					
<p>Regulation 107 Education and Care Services National Regulations Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p>	<p>Yes – The proposal complies with 3.25m² of unencumbered indoor space provided for each child.</p> <p>Number of children: 67 Minimum unencumbered space required: 302.25m² Total unencumbered space proposed: 469m²</p> <table border="0" style="width: 100%;"> <tr> <td style="text-align: center;"><u>Ground Floor</u></td> <td style="text-align: center;"><u>First Floor</u></td> </tr> <tr> <td>Children: 28 x 3.25m² = 91m²</td> <td>Children: 39 x 3.25m² = 126.75m²</td> </tr> </table>	<u>Ground Floor</u>	<u>First Floor</u>	Children: 28 x 3.25m ² = 91m ²	Children: 39 x 3.25m ² = 126.75m ²
<u>Ground Floor</u>	<u>First Floor</u>				
Children: 28 x 3.25m ² = 91m ²	Children: 39 x 3.25m ² = 126.75m ²				
<p>Verandahs as indoor space For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space (refer to Figure 1).</p> <p>Storage Storage areas including joinery units are not to be included in the calculation of indoor space. To achieve a functional unencumbered area free of clutter, storage areas must be considered when designing and calculating the spatial requirements of the facility. It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> • A minimum of 0.3m³ per child of external storage space; and 	<p>N/A – The proposal does not include a verandah as indoor space.</p> <p>Required – Min internal: 20.1m² Min External: 13.4m²</p> <p>No, insufficient information – storage room volume and dimension details have not been submitted to allow Council to assess this provision. Accordingly, the proposal cannot be soldiered for support.</p>				

<ul style="list-style-type: none"> • A minimum of 0.2m³ per child of internal storage space. 	<p>Storage for prams shown on the architectural plans, however volume and dimension details have not been provided.</p>
<p>4.2 Laundry and hygiene facilities</p>	
<p>Regulation 106 Education and Care Services National Regulations There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.</p>	<p>No, insufficient information – Whilst a 13.70m² laundry is provided at the basement car parking level, further details demonstrating areas for soiled items and storage are not displayed on the plans. A washer, dryer and laundry sink are shown on the plans.</p> <p>The proposal does not address all the minimum laundry facility requirements of this section of the guideline. Accordingly, the proposal cannot be considered for support.</p>
<p>4.3 Toilet and hygiene facilities</p>	
<p>Regulation 109 Education and Care Services National Regulations A service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being 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. Child care facilities must comply with the requirements for sanitary facilities that are contained in the <i>National Construction Code</i>.</p>	<p>Yes – Detailed Elevation/section plans of the toilet and hygiene facilities have been provided for assessment.</p>
<p>4.4 Ventilation and natural light</p>	
<p>Regulation 110 Education and Care Services National Regulations Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the <i>National Construction Code</i>. Ceiling height requirements may be affected by the capacity of the facility.</p>	<p>No, insufficient information – The submitted architectural plans do not demonstrate the amount of natural light and ventilation achieved for all indoor play areas.</p> <p>The application states that the windows have openings to all elevations to optimises solar access and cross ventilation while reducing energy use for heating, lighting and cooling.</p> <p>However, the submitted acoustic report states that the windows to the indoor play areas are required to be closed during the use of amplified music or particularly noisy group activities. The submitted architectural plans do not demonstrate the amount of natural light and ventilation achieved for all indoor play areas, particularly for playroom 1 and 3 located along the south-west elevation. Further, due to the required acoustic barriers on the upper floors, it is unclear/or has not been demonstrated that adequate ventilation/solar access is available for the outdoor play areas.</p> <p>Accordingly, the proposal cannot be considered for support.</p>
<p>4.5 Administrative space</p>	
<p>Regulation 111 Education and Care Services National Regulations A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	<p>No -. A meeting room is provided within the facility for the purposes of conducting the administrative functions of the service and consultations.</p> <p>A waiting area for parents and caregivers have not been provided.</p> <p>Given the scale of the development and the proposed children numbers, it is considered that the provisions for private consulting rooms and waiting areas are necessary.</p>
<p>4.6 Nappy change facilities</p>	
<p>Regulation 112 Education and Care Services National Regulations Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located</p>	<p>Yes – Details demonstrating compliance to the design guidance of Section 4.6 of this guide has been provided.</p> <p>Nappy change facilities have been provided for 2–3-year-olds.</p>

<p>in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the <i>National Construction Code</i>.</p>	
<p>4.7 Premises designed to facilitate supervision</p>	
<p>Regulation 115 Education and Care Services National Regulations A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity. Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the <i>National Construction Code</i>.</p>	<p>No – Insufficient Information</p> <p>Details of passive internal windows proposed have not been submitted with the application. The architectural plans do not provide details of the supervision and surveillance of the proposed areas. There is a lack of details provided on the effective supervision to the cot room, and toilet and wash areas of each indoor play areas by providing supervision windows.</p> <p>Accordingly, the proposal cannot be considered for support.</p>
<p>4.8 Emergency and evacuation procedures</p>	
<p>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. Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • Instructions for what must be done in the event of an emergency; • An emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit; and • A risk assessment to identify potential emergencies that are relevant to the service. 	<p>No, insufficient information – An evacuation diagram has been submitted for assessment showing the evaluation floor plan, however a risk assessment has not been submitted for assessment.</p> <p>Although this information is required prior to a licence approval through the regulatory body, Council requires the submission of the document in order to determine a general path of egress from the building to an evacuation point.</p>
<p>4.9 Outdoor space requirements</p>	
<p>Regulation 108 Education and Care Services National Regulations An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.</p> <p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> • Pathway or thoroughfare, except where used by children as part of the education and care program; • Car parking area; • Storage shed or other storage area; • Laundry; and • Other space that is not suitable for children. <p>Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play (refer to Figures 9 and 10).</p>	<p>Yes – <u>Ground Floor</u> Number of Children: 28 Minimum Required: 196m² Proposed: 207.56m²</p> <p>Yes – <u>First Floor</u> Number of Children: 39 Minimum Required: 273m² Proposed: 286.07m²</p>
<p>4.10 Natural environment</p>	
<p>Regulation 113 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p>	<p>No, insufficient information – The proposed outdoor space does not show the experience of the natural environment. Significant portions of the play space on the ground floor, in particular in the central area between play rooms are entirely undercover and segregated from the 'natural environment' areas.</p>

	The architectural plans do not respond to the design guidance to meet the regulations. Council's Landscape Officer was unable to complete their assessment due to insufficient information.												
4.11 Shade													
<p>Regulation 114 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p>No, insufficient information – Shade structures are proposed throughout the outdoor play areas as indicated on the landscape plans. However, the proposed shade sails have not been detailed in the architectural plans.</p> <p>Accordingly, the proposal cannot be considered for support.</p>												
4.12 Fencing													
<p>Regulation 104 Education and Care Services National Regulations</p> <p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the <i>National Construction Code</i>.</p>	<p>No, insufficient information – Fencing details have not been provided in accordance with NCC.</p>												
4.13 Soil assessment													
<p>Regulation 25 Education and Care Services National Regulations</p> <p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval. With every service application one of the following is required:</p> <ul style="list-style-type: none"> • A soil assessment for the site of the proposed education and care service premises; • If a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken; and • A statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	<p>Yes – The applicant has submitted a preliminary investigations report which states that the site is unlikely to be contaminated.</p> <p>Council's records do not indicate the site would be contaminated.</p>												
Relevant regulation not addressed in Child Care Planning Guideline August 2021													
Educator to child ratios-centre based services													
<p>Regulation 123 Education and Care Services National Regulations</p> <p><i>The minimum number of educators required to educate and care for children at a centre-based service is to be calculated in accordance with the following ratios—</i></p> <p>(a) for children from birth to 24 months of age—1 educator to 4 children;</p> <p>(b) for children over 24 months and less than 36 months of age—1 educator to 5 children;</p> <p>(c) for children aged 36 months of age or over (not including children over preschool age)—1 educator to 11 children;</p>	<p>Yes – The Statement of Environmental Effects states that 10 staff will be provided for the child care centre.</p> <table border="1" data-bbox="735 1641 1422 1832"> <thead> <tr> <th>Age Group</th> <th>No. of Children</th> <th>Minimum Educators Required</th> </tr> </thead> <tbody> <tr> <td>0 – 2 years</td> <td>8</td> <td>2</td> </tr> <tr> <td>2 – 3 years</td> <td>20</td> <td>4</td> </tr> <tr> <td>3+ years</td> <td>39</td> <td>4</td> </tr> </tbody> </table> <p>Regulation 122 of <i>Education and Care Services National Regulations</i> states 'An educator cannot be included in calculating the educator to child ratio of a centre-based service unless the educator is working directly with children at the service'.</p>	Age Group	No. of Children	Minimum Educators Required	0 – 2 years	8	2	2 – 3 years	20	4	3+ years	39	4
Age Group	No. of Children	Minimum Educators Required											
0 – 2 years	8	2											
2 – 3 years	20	4											
3+ years	39	4											

<i>(d) for children over preschool age, 1 educator to 15 children.</i>	If the application were to be supported, the applicant would be required to provide the minimum number of educators and support staff.
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7.4 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 2 VEGETATION IN NON-RURAL AREAS

The application has been assessed against the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021. This Policy 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 preservation of trees and other vegetation.

Due to insufficient information Council's Tree and Landscape Officer were unable to complete their review of the application. Further information is required to enable assessment of this application and a further referral is required upon receipt of the additional information.

7.5 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 4 REMEDIATION OF LAND

- A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination;
- Historic aerial photographs were used to investigate the history of uses on the site;
- A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination;
- A search of public authority databases did not include the property as contaminated;
- The Statement of Environmental Effects states that the property is not contaminated; and
- There is no specific evidence that indicates the site is contaminated and is suitable for a centre-based child care facility.

Therefore, in accordance with Chapter 4 of the State Environmental Planning Policy Resilience and Hazard (2021) Remediation of land, the land is suitable for a centre-based child care facility.

If the application were to be supported, appropriate conditions of consent would have been recommended that if any contamination was found during works, that appropriate remediation is undertaken.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The site is zoned R2 Low Density under Parramatta Local Environmental Plan and childcare centres are permitted with consent.

The relevant matters considered under the PLEP 2011 for the proposed development are outlined below:

Clause 1.2 Aims of Plan

- 1) *This Plan aims to make local environmental planning provisions for land in Parramatta in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- 2) *The particular aims of this Plan are as follows:*
 - (a) *to encourage a range of development, including housing, employment and recreation, that accommodates the needs of the existing and future residents, workers and visitors of Parramatta,*
 - (b) *to foster environmental, economic, social and physical wellbeing so that Parramatta develops as an integrated, balanced and sustainable city,*
 - (c) *to identify, conserve and promote Parramatta's natural and cultural heritage as the framework for its identity, prosperity, liveability and social development,*
 - (d) *to improve public access to the city and facilitate the maximum use of improved public transport, together with walking and cycling,*
 - (e) *to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas,*
 - (f) *to protect and enhance the natural environment, including areas of remnant bushland in Parramatta, by incorporating principles of ecologically sustainable development into land use controls,*
 - (g) *to improve public access along waterways where natural values will not be diminished,*

- (h) to enhance the amenity and characteristics of established residential areas,
- (i) to retain the predominant role of Parramatta's industrial areas,
- (j) to ensure that development does not detract from the economic viability of Parramatta's commercial centres,
- (k) to ensure that development does not detract from the operation of local or regional road systems,
- (l) to ensure development occurs in a manner that protects, conserves and enhances natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependant ecosystems.

For reasons stated throughout this report, it is considered that the development does not satisfactorily meet the aims of the plan. In particular, the proposal does not encourage a range of development that accommodates the needs of the existing and future residents, workers, and visitors of Parramatta. As such, the proposal is recommended for refusal.

Clause 2.3 Zone objectives and Land Use Table

The aims and objectives for the R2 Zone in Clause 2.8 – Zone Objectives are as follows:

- 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 ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a low-density residential environment.
- To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.

Comment:

The proposed land use has not taken into consideration the context and setting of the subject site in order to minimise the impact on the amenity of a low-density residential environment. The proposed built form and design is not considered to be consistent with the existing streetscape and neighbourhood character.

The development proposal in its current form, demonstrates undesirable planning outcomes as a result of the non-compliances to the relevant planning instruments, regulations and development control plan which are discussed within the report.

Therefore, Council does not consider the proposed development achieves the objectives of the R2 zone and refusal of the application is recommended.

The controls under Parramatta Local Environmental Plan 2011 are provided below:

Standards and Provisions	Compliance
Part 1 Preliminary	
Cl. 1.2 Aims of Plan	Non-compliant Clause 1.2(2)(h) states: <i>'to enhance the amenity and characteristics of established residential areas,'</i> The development in its current form is inconsistent with the abovementioned aim of PLEP 2011.
Part 4 Principal development standards	
Cl. 4.3 Height of buildings	Complies Allowable = 9m Proposed = 8.88m (RL97.82 – RL 89.00)
Cl. 4.4 Floor space ratio	Complies Allowable = 0.5:1 or 511.5m ² Proposed = 0.42:1 or 430.28m ² approx.
Part 5 Miscellaneous provisions	
Cl. 5.1A Development on land intended to be acquired for public purposes	The proposal is not identified on the map.

Cl. 5.4 Controls relating to miscellaneous permissible uses	These provisions do not apply to the development proposal.
Cl. 5.6 Architectural roof features	An architectural roof feature is not proposed.
Cl. 5.7 Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.
Cl. 5.10 Heritage conservation	The subject site does not contain a heritage item, is not in the vicinity of an item and does not fall within a heritage conservation area.
Part 6 Additional local provisions	
Cl. 6.1 Acid sulfate soils	Yes, the site is identified as containing Class 5 Acid Sulfate Soil. An Acid Sulfate Soils Management Plan is not required to be prepared.
Cl. 6.2 Earthworks	Non-compliant, insufficient information The development proposes for significant cut and fill throughout the site. The subject application provided a preliminary site investigation report but not a geotechnical report, to address the excavation conditions, measures, geotechnical parameters for the design of the foundations and potential impacts onto adjoining properties.
Cl. 6.3 Flood planning	The site is not identified to be flood prone.
Cl. 6.4 Biodiversity protection	The site is not identified on this map.
Cl. 6.5 Water protection	The site is not identified on this map.
Cl. 6.6 Development on landslide risk land	The site is not identified on this map.
Cl. 6.7 Affected by a Foreshore Building Line	The site is not located in the foreshore area.

10. Parramatta Development Control Plan 2011

The relevant matters to be considered under the Parramatta Development Control Plan 2011 (PDCP 2011) for the proposed development are outlined below.

The application has been assessed against the prescribed controls of *Table 3.1.3.1 Dwelling houses* of PDCP 2011 on merit as a guide to assess the suitability of the development on land zoned as R2 Low Density Residential.

Control	Proposal & Discussion	Compliance
Part 2 – Site Planning		
2.4 Site Considerations		
2.4.1 Views and Vistas	The proposed development is not considered to obscure the significant topographical features of Parramatta.	Yes
2.4.2 Water Management	A Preliminary Site Investigation Report was submitted stating that the site potentially containing groundwater is low. Given the elevation of the site, it is unlikely that the excavation would encounter groundwater.	Yes
2.4.3 Soil Management	An excavation of 3.65m (approx.) is proposed for the basement carpark. A detailed earthworks plan demonstrating the extent of the required earthworks and retention has not been provided for Council to undertake a full and proper assessment.	No, insufficient information.
2.4.4 Land Contamination	The submitted preliminary site investigation report states that the contamination of soil and groundwater is low.	Yes
2.4.5 Air Quality	The proposed centre-based child care centre is not considered to impact air quality.	Yes
2.4.6 Development of sloping land	The subject site slopes diagonally from the north-east corner and to the south-east corner. The design of the development does not consider the amenity impacts on the streetscape and neighbouring properties as a result, the western façade of the development resembles a 3 storey structure presenting to both the western neighbour, and at oblique angles to Honiton Avenue.	No
2.4.7 Biodiversity	The proposed centre-based child care facility is not considered to affect significant vegetation.	Yes

2.4.8 Public Domain	The proposed development will consist of standard upgrading and maintenance works to the road verge. Should the application be approved, appropriate conditions may be imposed to ensure compliance.	Yes
Part 3 – Development Principles		
<p>3.1 Preliminary Building Envelope</p> <p><u>3.1.1 Height</u> 9m & maximum 2 storey</p> <p><u>3.1.3.1 Dwelling Houses</u> Minimum Site Frontage: 15m</p> <p>Minimum Front Setback: 5-9m, consistent with the prevailing setback along the street</p> <p>Minimum Secondary Setback: 3m</p> <p>Minimum Side Setbacks: 2m (Section 5.2.3.2 of DCP 2011)</p> <p>Minimum Rear Setback: Min. 30% of site length</p> <p>Landscaped Area: Minimum 40% (409.2m²) with minimum dimension of 2m & Deep Soil Zone: Minimum 30% (306.9m²) with minimum dimension of 4m</p>	<p>8.88m</p> <p>This control is not relevant in accordance with Clause 25 of SEPP (Educational Establishments and Child Care Facilities) 2017.</p> <p>The site consists of three street frontages. In this regard, Honiton Avenue (south) is the primary frontage as nominated by the Applicant. The Applicant is relying on the DCP 2011's statement that <i>'setbacks are to be measured from their respective wall elevation'</i>.</p> <p>Whilst this is the case for Parramatta DCP 2011, concerns are raised that the 1.8m high lapped and capped boundary fence overhanging above the basement driveway entrance along the southern portion of the ground floor should be considered the 'wall elevation' which is only set back 1.4m (26pprox..) from the southern boundary (Honiton Avenue).</p> <p>The proposed setback is unsatisfactory as it is considered to generate undesirable bulk and scale to the existing streetscape. This control is applied to both Coleman Avenue (north-east) and Clover Close (north-west). The setback to Coleman Avenue is 865mm and the setback to Clover Close is 3.7m.</p> <p>As above, Council considers the solid, 1.8-metre-high boundary fence and the 1.2m acoustic barrier on the first floor to be the 'wall elevation' for the purpose of calculating setbacks to the street.</p> <p>The side setback from the western boundary 3m. As this complies with the control of the Parramatta DCP 2011, the overall bulk and scale is not suitable for the existing streetscape.</p> <p>If the Clover Close boundary is considered to be the rear boundary, a minimum setback of 14.361m is required. The development's setback to Clover Close is only 3.7m.</p> <p>Council does not consider that the site has a 'rear' boundary for the purpose of calculating setbacks.</p> <p>It is suggested that the development's ground floor and first floor setbacks to the Clover Close boundary should significantly increase in order reduce the overshadowing impacts onto the immediate western adjoining properties' internal living areas and private open space.</p> <p>The only compliant area of deep soil consistent of mulch available on site is identified in red on the plan below:</p>	<p>No</p> <p>N/A</p> <p>No</p> <p>No</p> <p>No</p> <p>Yes</p> <p>No</p> <p>No</p>



The area totals approximately 63m². There is limited potential for deep soil planting within this confined area.

The surrounding residential area is typified by dwellings or dual occupancies with generous deep soil zones within the front and rear setbacks.

3.2 Building Elements

3.2.1 Building Form and Massing

The proposed building has not been designed to take into consideration of the topography, condition and constraints of the site. The building in its current form is considered to project undesirable bulk and scale onto the streetscape.

No

3.2.2 Building Facades Articulation

The proposed building design and architectural style is not consistent with existing streetscape and locality.

No

C.1 Balconies and eaves are not to project more than 800mm beyond the building envelope.

The balconies (outdoor play areas) with balustrades/walls exceeding a height of 1.4m at the ground and first floors are considered to project more than 800mm beyond the building envelope.

No

3.2.3 Roof Design

The proposed roof form, appropriately responds to the contemporary design and the existing streetscape.

Yes

3.2.4 Energy Efficient Design

The development is capable of achieving energy efficiency.

Yes

3.2.5 Streetscape Design

The overall form of the development and design is not compatible with the current and future desired streetscape, as it is not compliant with Parramatta DCP 2011's design controls relating to the bulk and scale, façade, articulation, setbacks, and front fence heights.

No

The surrounding developments are of low-to-medium density residential properties with pitched or skillion roof forms, generally with face-brick or rendered facades. The proposed childproof barrier fence and acoustic screens on the ground and first floor exaggerates the building. The combination of the at grade parking is undesirable. The view of the parking is not consistent with the existing residential streetscape. The 1.8m acoustic fencing and minimal landscaping has been incorporated to minimise potential acoustic privacy concerns, however, has not demonstrated how the proposal compliments or enhances the neighbourhood streetscape character. The landscaping does not provide a fixed solution for screening from the street. The balustrade and acoustic fencing present an undesirable façade and is inconsistent with the properties in the surrounding area.

3.2.6 Fences

P.10 Front fences are to be a maximum height of 1.2m.

P.11 Where noise attenuation or protection of

A 1.8m high front acoustic fence is proposed along the Honiton Avenue frontages with landscape buffer on the ground floor and around

No

<p>amenity requires a higher fence, front fences may be permitted to a maximum height of 1.8m and must be setback a minimum of 1m from the boundary to allow landscape screening to be provided.</p>	<p>Coleman Avenue with no landscape buffer. 1.2m high acoustic/masonry fences are proposed along the Clover Close frontage.</p> <p>The required acoustic fences have not been detailed on the Architectural Plans.</p>	
<p>3.3 Environmental Amenity <u>3.3.1 Landscaping</u></p> <p><u>3.3.3 Visual and Acoustic Privacy</u></p> <p><u>3.3.4 Acoustic Amenity</u></p>	<p>Some of the trees proposed to be planted may not have adequate soil depth and area as a result of the basement car park. As discussed in C5 of the Childcare Planning Guidelines 2021, the development is predominantly commercial in design and occupies a significant portion of the site with limited access to soil and opportunities for deep soil landscaping. Insufficient information provided to Council from the set of Landscape Plans.</p> <p>The scale of the proposed development is significantly larger than the scale of the adjoining residential developments with expansive architectural details that exaggerates the inconsistency with the residential character of the area. The bulk and scale of the development does not allow for adequate deep soil and landscape required.</p> <p>Visual privacy of neighbouring properties will be impacted due to the designed form of the building where outdoor play areas are located on the ground and upper floor. The location of the outdoor play areas on the first floor can be argued as an excessive first floor balcony that would not be suitable for developments similar such as a two (2) storey dual occupancy development. The submitted acoustic report states that its recommended noise management plan requires the number of children within the outdoor play areas to be limited. The means of managing the number of children outside at any one time is not made clear in the acoustic report or Plan of Management.</p> <p>Acoustic treatment have been proposed however, concerns are raised as to whether these structures will be consistent with the existing streetscape and locality character.</p> <p>The proposal includes outdoor play areas on the first floor that will result in unacceptable acoustic impacts to the adjoining properties. The proposed childproof barrier fence and acoustic screens on the ground and first floor creates unnecessary bulk and scale of the building. With consideration of the immediate adjoining properties (1B Clover Close and 34 Honiton Avenue), the development's Western Elevation does not have any windows or areas that will result in overlooking onto these properties. It is noted that the ground floor and first floor outdoor play areas are predominantly contained by 1.8m fences and 2.4m high, solid, acoustic walls. The submitted acoustic report states that its recommended noise management plan requires the number of children within the outdoor play areas to be limited, the means of managing the number of children outside at any one time is not made clear in the acoustic report or Plan of Management.</p>	<p>No</p> <p>No</p> <p>No</p>

<p><u>3.3.5 Solar Access and Cross Ventilation</u></p>	<p>The three-storey building significantly overshadows neighbouring residential properties. The two (2) western properties' private open space areas (34 Honiton Avenue and 1B Clover Close) will not receive adequate solar access on June 21 (Winter Solstice).</p> <p>The solar access to internal and external play areas are not optimised. Some of the ground floor internal areas will not receive adequate solar access because of the first floor's balcony covering the ground floor. The high retaining walls and fencing currently result in overshadowing to the rear yards of properties to the west. The purpose of the high walls is due to the outdoor play areas located on the first floor. This is demonstrating that the solutions to mitigate constraints further results in non-compliance and unsuitability of the subject site.</p> <p>The acoustic report relies on the windows of the indoor play areas to be closed during the use of amplified music or particularly noisy activities such as group singing in order to adequately contain the noises generated internally. This results in not able to achieve natural cross-ventilation.</p>	<p>No</p>
<p><u>3.3.6 Water Sensitive Urban Design (WSUD)</u></p>	<p>Council's Development Engineers are satisfied with the submitted stormwater plans.</p>	<p>Yes</p>
<p><u>3.3.7 Waste Management</u></p>	<p>The proposed on-going waste management for the child care centre has not been adequately addressed and is not in accordance with <i>Section 9 of Council's Waste Management Guidelines for new Development Applications 2016</i>.</p> <p>Concerns are raised with the waste storage area not being visually screened from Honiton Avenue and the pick up locations of the waste bins.</p>	<p>No</p>
<p>3.4 Social Amenity <u>3.4.2 Access for People with Disabilities</u></p>	<p>Due to insufficient information, Council's Universal Access Officer cannot undertake an assessment of the proposal and therefore cannot be considered for approval.</p>	<p>No</p>
<p>3.5 Heritage</p>	<p>The application is not identified as a heritage item or is located within a heritage conservation area.</p>	<p>N/A</p>
<p>Part 5 – Other Provisions: Child Care Centres</p>		
<p>5.2.1 Development to which this section of the DCP applies</p>	<p>The proposed development is a '<i>centre-based child care facility</i>'.</p>	<p>Yes</p>
<p>5.2.3 Planning Controls for Child Care Centres</p>		
<p>5.2.3.1 Site Selection</p>	<p>In accordance with Clause 25 of SEPP (Education and Child Care Facilities) 2017, the control is not required to be addressed.</p>	<p>N/A</p>
<p>5.2.3.2 Child Care Centres in Residential Zones <u>Building siting and design</u> Except where provided by this Section, the child care centre shall comply with the relevant height, floor space ratio, minimum frontage, minimum street and side setback and building envelope controls for the respective Residential zones contained in both the relevant environmental planning instrument</p>	<p>The proposed child care centre does not comply with the minimum street and side setback controls as discussed above.</p>	<p>No</p>

<p>applying to the land and any other section applying to this land.</p> <p><u>On sites zoned Residential:</u></p> <ul style="list-style-type: none"> • The child care centre building is to be designed so as to appear as a dwelling house when viewed from the street. However, this does not preclude the use of 'U' shaped or 'L' shaped buildings for the purpose of minimising acoustic impacts on neighbouring properties as described in the section on Acoustic and Visual Privacy. • The front setback area may only be used for access, parking and landscaping purposes, shall not be used as an outdoor play space and shall not be included in calculations of unencumbered outdoor space. • Council encourages the use of single storey buildings in Residential zones for the purposes of child care centres for reasons of safety and access. In the case of a building that is higher than single storey, the above ground levels of the building should only be used for the purposes of storage and staff facilities. <p>Minimum indoor and outdoor space and maximum number of child care places</p> <p>Hours of operation Hours of operation will be generally limited to between 7am and 7pm Monday to Friday.</p> <p>Landscaping A landscape buffer with a minimum width of 1 metre shall be provided along the side and rear boundaries of the development.</p>	<p>The proposed child care centre does present as a dwelling house, as when viewed from the street, the built form is not considered to be compatible with the streetscape as it projects undesirable bulk and scale.</p> <p>Outdoor play space is proposed within the front setbacks.</p> <p>The play areas cause the subject site to be non-compliant from the street setback along Coleman Avenue and Honiton Avenue East. There is potential access through an outdoor play area along Coleman Avenue compromising the safety of the children. The use of landscaping for security is not sustainable and fixed to be used between the outdoor play area and screen planting details.</p> <p>The proposed setback is unsatisfactory as it is considered to generate undesirable bulk and scale to the existing streetscape.</p> <p>Part two, part three storey child care centre is proposed with the internal and external play areas proposed at both the ground floor and first floor of the proposed building. As addressed, the proposal for two storey childcare centre to facilitate more children is subsequently not achieved due to the orientation and locality of the subject site. The first floor outdoor play area surrounds the perimeter and being closely setback to the residential properties. With the addition of acoustic fencing to mitigate noise, the bulk and scale is undesirable within the residential zone.</p> <p>Therefore, the proposal does not satisfy the control and cannot be supported.</p>	<p>No</p> <p>No</p> <p>No</p>
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<p>A landscaping setback abutting the street frontage with a minimum width of 2 metres shall be provided.</p>	<p>Consideration of the control is not required in accordance with Clause 26 of SEPP (Education and Child Care Facilities) 2017.</p> <p>Monday to Friday 7:00AM to 6:00PM</p> <p>Provided along the western boundary, however this area would be continually shaded. If this application were to be supported, conditions of consent would have been recommended requiring a landscape management plan to ensure the long-term maintenance and survival of the landscaping.</p> <p>Only 1m - 1.5m landscape buffer is proposed along the Coleman Avenue and Honiton Avenue frontages.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>No</p>
<p>5.2.3.4 Access and Parking <u>Car parking rates</u> On site car parking is to be provided at the rate of a minimum of 1 parking space per 4 child care places. Parking for people with a disability is to be provided at the rate of 1 space in every 10 spaces. If the car parking required is less than 10 spaces then at least 1 space must be provided.</p> <p><u>Vehicle circulation and car parking design</u> Required bicycle space: 4</p>	<p>Required: 17 (16.75) parking spaces with 2 accessible parking space Proposed: 17 car parking spaces provided with 2 accessible parking space</p> <p>4 bicycle parking spaces provided</p>	<p>Yes</p> <p>Yes</p>
<p>5.2.3.5 Acoustic and Visual Privacy</p>	<p>1.8m to 2.8m high acoustic fences/walls are proposed however, these acoustic fences are considered to create visual impacts onto the amenity of the streetscape and neighbouring properties.</p> <p>The development is not considered to create privacy impacts onto the residential properties.</p>	<p>No</p>
<p>5.2.3.6 Indoor Areas</p>	<p>The proposal is able to comply should conditions be imposed with matters discussed in this control.</p>	<p>Yes</p>
<p>5.2.3.7 Outdoor Areas</p>	<p>Requirements of this control such as fencing, landscaping and waste management have been discussed elsewhere in this report.</p>	<p>N/A</p>

10. Development Contributions

As this Development Application was lodged on 11 June November 2022, the City of Parramatta (Outside of Parramatta) CBD Contributions Plan 2021 applies to the land. If the application had been recommended for approval, a standard condition of consent would have been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

11. Bonds

If the application had been recommended for approval, pursuant to Council's Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. A standard condition of consent has been imposed requiring the Security Bond to be paid prior to the issue of a Construction Certificate.

12. EP&A Regulation 2021

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions, refer to Appendix 1.

13. The likely impacts of the development

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment through compliance with the applicable planning instruments and controls. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report, including natural impacts such as tree removal and excavation, and built environment impacts such as traffic and build form. In the context of the site and the assessments provided by Council's experts, the development fails to address the environmental impacts brought on by a centre based childcare development.

14. Suitability of the Site

The subject site can accommodate a development of a centre-based childcare and is considered to be located close to public transport links, services and facilities.

Suitable investigations and documentation have been provided to demonstrate that the site can be made suitable for the proposed development and the development is consistent with the land use planning framework for the locality.

No natural hazards or site constraints exist that are likely to have an unacceptably adverse impact on the proposed development.

The proposed development in its current form however fails to demonstrate a suitable bulk and scale for the zoning it is sited within. The proposed building design and parking provision are noted to be out of character for the area and do not meet the relevant assessment criteria. **15. Public Consultation**

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised on one (1) occasion between 24 November 2022 until 15 December 2022. As a result of the notification period, thirty-two (32) unique submissions and two (2) petitions with 100 signatures were received. The issues raised in these submissions and Council's response are provided below.

Key concerns raised in the submissions are addressed below.

Issue	Response
Advertising/Notifying Properties	
Concerns are raised with regards to the limited amount of properties notified of the development proposal.	The subject application was notified and advertised in accordance with the procedures within Council's <i>Consolidated Notification Requirements 2020</i> .
Many of the neighbouring residents have difficulties in communicating in English and would not understand the extent of the development proposal.	Council's notification letters have instructions for non-English speakers to use telephone translators prior to contacting Council.
Building Height	
Concerns are raised with regards to the proposed building height being over the maximum building height of 9m.	The development's building height is considered to be approximately 8.88m, measured from the existing ground level. The measurement of the building height has been undertaken in accordance with Parramatta Local Environmental Plan 2011.
Children Numbers and Ratio	
The proposed children numbers and ratio are not in accordance to Section 5.2 of the Parramatta Development Control Plan 2011.	Clause 3.26 in chapter 3 of the educational establishment and childcare facilities under SEPP (Transport and Infrastructure) 2021 states that any

	development control plan provisions which restrict the number of children within a centre does not apply.
Construction Standards	
Concerns are raised with regards to the building being a fire risk and whether it has been designed to take into consideration satisfactory evacuation procedures.	<p>If the application was recommended for approval, a condition would have been recommended requiring the proposed development to be constructed in accordance with the National Construction Code (Building Code of Australia).</p> <p>An evacuation management plan has not been provided for assessment which has been included as a reason for refusal.</p>
Context	
The development proposal is large in scale and has not taken into consideration of the existing surrounding residential properties and it will not improve the amenity of the area.	The proposed design and its bulk and scale is inconsistent with the existing streetscape and locality context of the subject site. The proposed design has not taken into consideration its impacts to the amenity of the surrounding properties. The development is recommended to be refused in this regard.
Existing Childcare Centres	
There is a new childcare facility for 100 children opening in Post Office St. Carlingford less than one kilometer away and another approved in Fig Tree Ave Telopea also within a kilometer.	Clause 3.26 of the State Environmental Planning Policy (Transport and Infrastructure) 20121 Chapter 3 states that centre-based childcare facilities ' <i>may be located at any distance from an existing or proposed early education and care facility.</i> '
Noise	
The proposed development will result in over 100 persons being present at the site at any time during operational hours and will generate unacceptable noise impacts onto the neighbouring properties.	<p>The Applicant has submitted an Acoustic Report demonstrating that the neighbouring properties will not be impacted by implementing acoustic fence/barriers and noise management plans.</p> <p>Whilst the Acoustic Report states that the impacts to the neighbouring properties are minimal, Council raises concerns to the proposed acoustic fences and its noise management plan on handling children. Refer to Section 12.2 of this assessment report for further discussion.</p>
Overshadowing	
The proposed development will overshadow the properties within west of the subject site.	The development will result in overshadowing the private open space areas of the western adjoining properties (1B Clover Close and 34 Honiton Avenue) throughout the day on June 21 (Winter Solstice). Council does not support the development overshadowing to the adjoining properties.
Permissibility	
The proposed development is not permissible on land zoned as R2 Low Density Residential.	The proposed development being defined as <i>centre-based child care facilities</i> is permissible with consent on land zoned as R2 Low Density Residential under <i>Parramatta Local Environmental Plan 2011</i> and <i>Parramatta Local Environmental Plan 2023</i> .
The development is not in accordance with the objectives of R2 Low Density Residential.	The development does not meet the objectives of the zone. Refer to Section 6 and 9 of this assessment report for detailed discussion.
Traffic & Parking	
<p>The Parking & Traffic Impact Assessment is not representative of existing traffic conditions. The peak hour traffic surveys and associated movement summary are biased, inaccurate, and not reliable. The application does not comply with <i>TfNSW's Guide to Traffic Generating Developments</i>.</p> <p>The proposed childcare centre will generate further traffic to the locality.</p>	<p>Council's Traffic and Transport Engineer has advised that the traffic volumes in November and December 2020 were nearly similar to pre-pandemic volumes and therefore considers that the proposed development will not create significant traffic impacts to the surrounding road network.</p> <p>Council's Traffic and Transport Engineer has advised that the traffic generation from the proposed</p>

<p>To avoid traffic along Pennant Hills Road during peak periods, lots of vehicles navigates through Honiton Avenue and Marshall Road with articulated busses having difficulty navigating through the roads as a result of parked cars.</p> <p>Coleman Avenue and Honiton Avenue are congested during peak traffic periods and are roads connecting to Pennant Hills Road.</p>	<p>development will create negligible impacts and is deemed acceptable.</p>
<p>There is a steep and 'blind S' corner along the Honiton Avenue and Coleman Avenue for vehicles. The location of the driveway along Honiton Avenue is unacceptable.</p> <p>Concerns were raised with regards to the safety issues of the surrounding roads. The 'stop sign' located at the Coleman Avenue and Honiton Avenue is regularly ignored by motorists.</p>	<p>Council's Traffic and Transport Engineer has advised that the proposed driveway along Honiton Avenue is acceptable and is not considered to create traffic safety impacts.</p> <p>No concerns were raised in relation to the safety issues of the surrounding roads.</p>
<p>Insufficient car parking spaces are provided for the proposed child care centre.</p> <p>Pick up and drop off areas are unacceptable.</p> <p>No on-street parking will be available in the morning due to parked cars.</p>	<p>Council's Traffic and Transport Engineer has advised that the location and number of car parking spaces provided and allocated are acceptable, with consideration of the number of children proposed. The proposed car parking provisions complies with the requirements of the Parramatta Development Control Plan 2011.</p>
<p>Concerns with Garbage truck when collecting garbage bins from the development and neighbouring properties.</p>	<p>If the application was recommended for approval, a condition would have been recommended to be imposed requiring development's waste collection contractor to collect garbage without impacting the traffic flow of Honiton Avenue and Coleman Avenue.</p>
<p>Parents and caretakers will be parking their cars and leaving doors open along the surrounding roads and will create safety risks onto oncoming traffic.</p>	<p>If the application was recommended for approval, a condition would have been recommended to be imposed requiring the operator of the site to advise all parents and caregivers to drop and pickup children with vehicles wholly within the site. However, this issue may happen and is not an issue unique for this type of development.</p>
<p>The proposed 'Left Turn Only' and 'No Right Turn' signage for the basement driveway will create traffic safety impacts. Staff will routinely ignore these rules.</p>	<p>Council's Traffic and Transport Engineer has advised that the proposed driveway along Honiton Avenue is acceptable and is not considered to create traffic safety impacts. In addition, a condition would have been recommended to be imposed requiring the operator of the childcare centre to advise staff of the required vehicle manoeuvring procedures for the basement driveway at Honiton Avenue.</p>
<p>Pedestrian crossings and formalised, on-street drop-off zones around the subject site are not proposed.</p>	<p>Council's Traffic and Transport Engineer has advised that this is not required.</p>
<p>Vehicles are illegally parked along the surrounding road network.</p>	<p>This is a matter best raised to Council's Ranger and Parking Services team to address when illegally parked cars are identified.</p>
<p>Concerns regarding the lack of street lights that may have an effect on children visibility.</p>	<p>This matter is not relevant to the subject application.</p> <p>Notwithstanding, the installation of traffic lights at the corner of Pennant Hills Road and Evans Road is a matter best addressed by Transport for New South Wales (TfNSW) as Pennant Hills Road is a road managed by TfNSW.</p>
<p>Visual Privacy</p>	
<p>The development will generate privacy impacts onto the surrounding residential property.</p>	<p>The development creates visual privacy impacts onto the surrounding residential properties. With consideration of the immediate adjoining properties there is potential for overlooking to the main living areas and private open spaces of adjacent residential dwellings, specifically 1B Clover Close and 34 Honiton Avenue. The building layout poses directs noise and</p>

	<p>overlooking impacts. The concerns are with the location of the outdoor play areas around the boundary of the subject site</p> <p>The development's western elevation does not have any windows or areas creating a void of visual interest from the extensive blank wall.</p> <p>Accordingly, the proposal cannot be supported.</p>
Waste Management (On-going)	
<p>Concerns are raised with regards to the submitted Waste Management Plan.</p> <p>The frequency of the waste collection has not been indicated.</p>	<p>The Waste Management Plan has not been prepared in accordance to <i>Section 9 of Council's Waste Management Guidelines for new Development Applications 2016</i>. A detailed waste management plan would have been requested indicating details on the waste contractor responsible for the frequent collection of soiled nappies.</p>
Property value impact	Property values are not a matter of consideration under Section 4.15 of the EP&A Act.
<p>Amenity (Quality of life)</p> <p>Amenity concerns for neighbouring properties (Negative impact on quality of life because of excessive noise)</p>	<p>This matter is not considered determinative to the assessment of the application. The application in its current form cannot be considered for support as it has not demonstrated that it has adequately mitigated amenity impacts on adjoining properties because of the proposal.</p>
Long-time residents	The length of time of a person living in a location, in reference to a newer development, is not a matter of consideration under Section 4.15 of the EP&A Act.

16. Conclusion

The proposal has been assessed in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979. The proposal is not consistent with the relevant requirements of the State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 3 Educational Establishment and Childcare Facilities, Child Care Planning Guideline 2021, Parramatta Local Environmental Plan 2011, and the Parramatta Development Control Plan 2011.

Although the proposal is permissible with consent in the R2 Low Density Residential Zone, the proposal is not considered to result in a development, which is suitable in the context of the emerging character within the locality. Non-compliances are acknowledged within the current proposal; these have been discussed within this report. A merit assessment of the application has determined that the site is not suitable for a childcare centre of this scale.

Further, the proposal will not be satisfactory and results in unreasonable impacts to adjoining and surrounding properties, with regard to building bulk and scale, streetscape design, acoustic and solar access. The development is not consistent with the envisioned built form of Carlingford. The amenity impacts on surrounding properties are not reasonable based on the residential character of the area and the built forms and uses envisaged by the controls. This assessment shows the proposed increase in traffic would not compromise the efficient function of the local road network.

The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant State and local planning controls. On balance, the proposal demonstrates an unsatisfactory response to the objectives and controls of the applicable planning framework. The proposal is not suitable for the site and is not in the public interest. As such, the application is recommended for refusal.

17. Recommendation

REFUSAL

Pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*:

(a) **That** the Parramatta Local Planning Panel (PLPP), exercising the functions of Council, **refuse** development consent to DA/900/2022 for the demolition, tree removal and construction of a centre-based child care facility to accommodate 67 children with ground and basement level parking for 17 cars at 32 Honiton Avenue, Carlingford 2118 for the following reasons:

1. State Environmental Planning Policy (Transport and Infrastructure) 2021 and Child Care Planning Guideline August 2017

a. Pursuant to Sections 4.15(1)(a)(i) and (b) of the *Environmental Planning and Assessment Act 1979*, the development proposal does not meet compliance and/or consist of insufficient information to determine its compliance with *Part 3 Matters for consideration* and *Part 4 Applying the National Regulations to development proposals* of the *Child Care Planning Guideline August 2017* with respect to the following:

- Site selection and location;
- Local character, streetscape and the public domain interface;
- Building orientation, envelope and design;
- Landscape;
- Visual and acoustic privacy;
- Traffic, parking and pedestrian circulation;
- Storage space requirements;
- Laundry, toilet and nappy change facilities;
- Ventilation and natural light;
- Natural environment;
- Administrative space;
- Effective building design to facilitate supervision of children;
- Emergency and evacuation procedures;
- Outdoor space requirements; and
- Fencing and shade structure device/details.

2. Parramatta Local Environmental Plan 2011

a. Pursuant to Section 4.15(1)(a)(i), (b) and (c) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not meet compliance and/or consist of insufficient information to determine its compliance to the following matters of the *Parramatta Local Environmental Plan 2011*:

- i. Clause 1.2(2)(h) – Aims of Plan: The development fails to enhance the amenity and characteristics of the established residential area in terms of the site selection, design and location.
- ii. Objectives of R2 Low Density Residential: The proposed non-residential land use has not taken into consideration the context and setting of the subject site in order to minimise the impact on the amenity of a low density residential environment. The proposed built form and design is not considered to be consistent with the existing context and setting.
- iii. Clause 6.2 Earthworks: The development proposal was not accompanied with a geotechnical report that adequately addresses the excavation conditions, measures, geotechnical parameters for the design of the foundations and potential impacts onto adjoining properties. In addition, a cut and fill plan quantifying the extent of the proposed earthworks throughout the site was not provided.

3. Parramatta Development Control Plan 2011

a. Pursuant to Section 4.15(1)(a)(iii), (b) and (c) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not meet compliance and/or consist of insufficient information to determine its compliance to the following sections of the *Parramatta Development Control Plan 2011*:

- i. Sections 2.4.3: A geotechnical investigations report and a detailed earthworks plan (cut and fill) have not been provided in order to assess the suitability of the extent of such works including the potential of sub-terrain water and the impact of such works on the neighbouring/surrounding properties.
- ii. Sections 3.1.1, 5.2.3.2 and Table 3.1.3.1: The proposed front, secondary and side setbacks, and the number of storeys proposed are not considered to be suitable for the site.
- iii. Sections 3.2.1, 3.2.2, 3.2.3, and 3.2.5: The built form is considerably out of scale with the established residential setting, and it has not taken into consideration of the topography, condition and constraints of the site. The built form will generate undesirable bulk and scale onto the streetscape and locality.
- iv. Sections 2.4.6 and 3.2.5: The proposed street presentation to Honiton Avenue, Coleman Avenue and Clover Close is a negative aspect of the proposal. The proposed building is not consistent with the established residential setting.

- v. Section 3.2.6: The proposed acoustic fences along the Honiton Avenue and Coleman Avenue property boundaries (as indicated in the Environmental Noise Impact Assessment Report) are excessive in height, generates undesirable visual impacts and does not provide a positive interface between private and public domains.
- vi. Section 3.3.5: The proposed development will significantly overshadow the western neighbouring properties' internal living areas and private open space, and the proposed indoor play areas will not achieve natural cross-ventilation as the submitted acoustic report relies on the windows to be closed during the use of amplified music or noisy group activities.
- vii. Section 3.3.7: The submitted on-going waste management plan has not been adequately prepared and is not in accordance with *Section 9* of Council's *Waste Management Guidelines for new Development Applications 2016*.

4. Operational Matters

- a. Pursuant to Section 4.15(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*, a detailed Operational Plan of Management and a detailed evacuation management plan were submitted but not adequate and therefore the potential impacts of the development proposal onto the surrounding properties cannot be adequately assessed.

5. Suitability of the site

- a. Pursuant to Section 4.15(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*, the site is not considered suitable for the proposed development.
- b. Pursuant to Section 4.15(1)(d) and (e) of the *Environmental Planning and Assessment Act 1979*, the adverse impacts generated by the development due to non-compliance with the applicable planning controls is not beneficial within the development site or to the established residential community and as such, it is not considered to be in the wider public interest.

6. Submissions

- a. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the issues raised in the submissions demonstrate that the proposed development cannot be supported in its current form.