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STATEMENT OF ENVIRONMENTAL EFFECTS

No. 2 & 6 CHALKER STREET, THIRLMERE
LOT 1& 2 DP 1230557

PROPOSED CONSTRUCTION OF A SINGLE STOREY CHILDCARE CENTRE
WITH GROUND LEVEL CAR PARK.

AUGUST 2019

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1. INTRODUCTION

This report has been prepared as a Statement of Environmental Effects (SoEE) for the construction of a single storey Child Care Centre with ground level car parking at Lots 1&2 DP 1230557 No. 2 and 6 Chalker Street, Thirlmere ('the subject site').

The Applicant proposes the construction of a child care centre for 48 children with nine (9) staff. Off street car parking and a dual driveway off Rita Street provides for 13 car spaces.

The proposed development has been assessed in pursuance with the requirements of Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

The site is zoned R2 Low Density Residential under the provisions of the *Wollondilly Local Environmental Plan 2011* (WLEP). The proposed development is consistent with the objectives of the R2 zone and is permissible with Council's consent.

The proposed development satisfies the requirements of the Child Care Planning Guidelines and the Education and Care Services National Regulations. The proposed development satisfies the relevant controls of the Wollondilly Development Control Plan 2016 Volume 1 and 5.

The development is consistent with the provisions of State Environmental Planning Policy ((Educational Establishments and Child Care Facilities) 2017' State Environmental Planning Policy 55 – Remediation of Land; and Sydney Regional Environmental Plan No. 20 – Hawkesbury -Nepean River (No. 2-1997).

Having regard to the contents of this report and the conclusions reached the proposed development is recommended for Council's approval subject to conditions.

2. SITE DETAILS

2.1 SITE LOCATION

The subject site is located on the southeastern corner of Rita Street and Chalker Street, Thirlmere .

The site location is shown in the neighbourhood context in **Figure 1 and Figure 2**. Images from 'Six Maps'.



Figure 1 - Subject site in the local context

2.2 SITE DESCRIPTION

The subject site is described as Lots 1 and 2 DP 1230557 No. 2 and 6 Chalker Street, Thirlmere. The land is a regular shaped lot with frontage to Rita Street of 26.02 metres and 38.02 metres to Chalker Street with depth of 30.02 metres (including splay corner). The site has a total land area of 1,250.50m².

The subject site is generally flat with drainage directed from RL 289.61 in the south eastern corner to RL 288.64 in the north eastern corner of the site.

2.3 EXISTING DEVELOPMENT

The subject site contains an electrical substation and easements on Lots 1 and 2. The existing vegetation will be removed and is subject to an Arborist Report.



Figure 2. Subject Site

2.4 SURROUNDING DEVELOPMENT

Development in the vicinity of the subject site is characterised by predominately vacant land and single and two (2) storey residential development with associated outbuildings to the south.

2.5 TOPOGRAPHY, DRAINAGE AND VEGETATION

The subject site is generally flat with drainage directed from RL 289.61 in the south eastern corner to RL 288.64 in the north eastern corner of the site.

All on-street drainage works are proposed to be carried out in accordance with Concept Stormwater Plan with all drainage (proposed) to the onsite OSD underground tank.

The existing vegetation comprises one (1) Grey Gum (*Eucalyptus punctata*) 12 metres high located in the rear south eastern corner of the site. An Arboricultural Impact Assessment and Tree Management Plan has been prepared by Horticultural Management Services and lodged with the Development Application. The existing tree is recommended for removal and supported by the Arborist.

2.6 TRAFFIC AND PARKING

The subject site has frontage and access to Rita Street and Chalker Street with ground level car park access to be via Rita Street.

A Traffic and Parking Assessment prepared by TSA, Traffic Consultants supports the Application and is lodged with the Development Application.

2.7 UTILITY SERVICES

All utility services are available to the site, which includes water, sewer, electricity and telephone. The subject site contains a Padmount Substation and Restriction as to User Land fronting Chalker Street. Appropriate arrangements will be made with service authorities to augment the services to the proposed development.

2.8 CONTAMINATION

The provisions of SEPP 55 – Remediation of Land are not applicable to the proposed development. The Planning Certificate No. 20190320 states that the subject site is not contaminated land.

The Applicant has submitted a Preliminary Environmental Site Investigation (PESI) Report prepared by LG Consult. The Report concluded that,

Based on the above findings the site subject to this PESI is suitable for the proposed new Child Care Centre, consistent with an R2 Low Density Residential zoning.

2.9 ZONING

The subject site is zoned R2 Low Density Residential under the provisions of the *Wollondilly Local Environmental Plan 2011* (WLEP). A detailed assessment of the zoning objectives and development standards is provided in **Section 4** of the Report. **Figure 3** below is an extract from the WLEP Land Zoning Map Sheet – LZN- 008C with the subject site identified in its local context. The extract from the WLEP 2011 below shows an approximate location of the subject site.

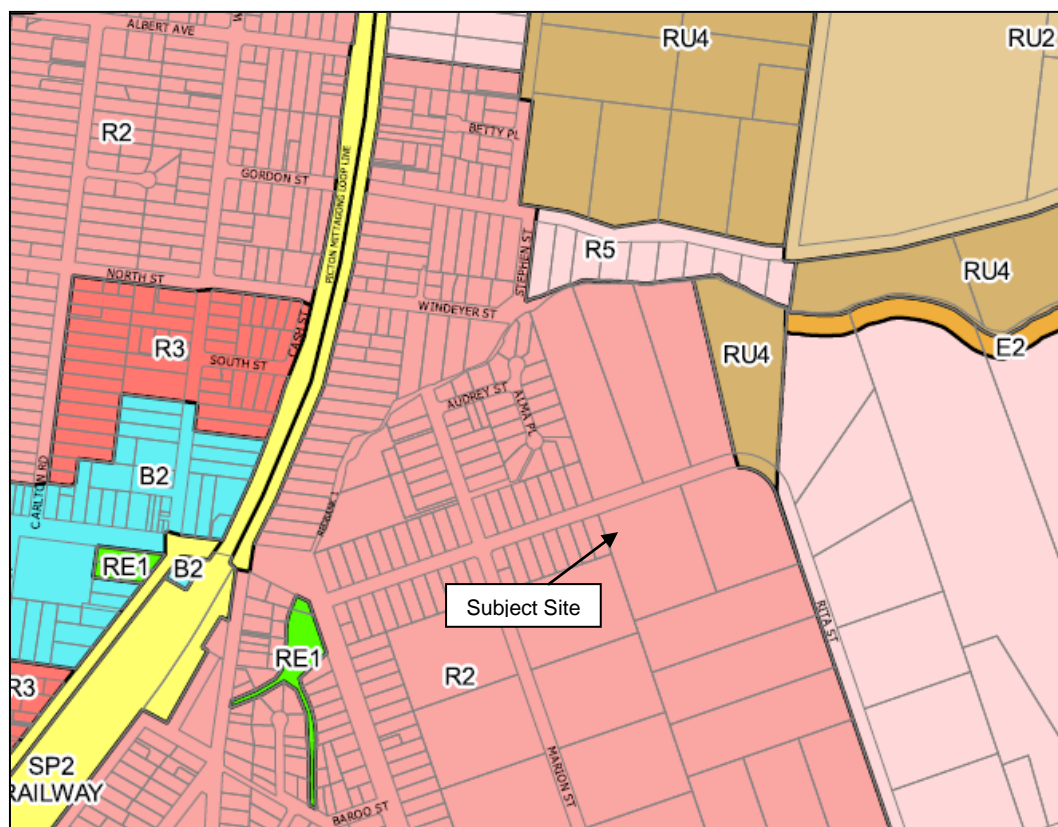


Figure 3 – Extract from WLEP 2011 Land Zoning Map – Sheet _ 008C

2.10 DEVELOPMENT CONTROL PLAN

The provisions of Wollondilly Development Control Plan 2016 Volume 1 and Volume 5 apply to the subject site.

2.11 STATE ENVIRONMENTAL PLANNING POLICIES

Sydney Regional Environmental Plan No. 20 – Hawkesbury -Nepean River (No. 2-1997) applies to the site. Refer to **Section 4** of the Report for an assessment of the proposed development against the relevant provisions of the Plan.

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) applies to the site. This SEPP aims to provide a State-wide planning approach to the remediation of contaminated land, and in particular, promotes the remediation of contaminated land for the purpose of reducing risk of harm to human health or the environment.

The Planning Certificate No. 20190320 for the subject property states that the land is not contaminated.

The Applicant has submitted a Preliminary Environmental Site Investigation (PESI) prepared by LG Consult. The Report concludes that:

Based on the above findings the site subject to this PESI is suitable for the proposed new Child Care Centre, consistent with an R2 Low Density Residential zoning.

State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64) applies to the proposed signage to be installed on the proposed Child Care Centre. Refer to **Section 4.6** of the Report for an assessment of the proposed signage.

3. PROPOSED DEVELOPMENT

This report has been prepared as a Statement of Environmental Effects (SoEE) for the construction of a two (2) storey Child Care Centre with car parking at Lots 1 and 2 DP 1230557 No. 2 and 6 Chalker Street, Thirlmere.

The car park will provide parking for thirteen (13) off street car spaces. The proposal includes 307.38m² of unencumbered internal floor area on the ground floor.

The child care centre is designed to cater for 48 children ages 0-5 years in Rooms 1, 2, and 3 with a total of 9 staff.

3.1 DEVELOPMENT DATA

SITE AREA	1250.50m²	
BUILDING AREAS		
Floor Area	307.38m ²	
Covered Patio	6.95m ²	
Covered Transition Area	<u>56.24m²</u>	
TOTAL	370.57m²	
Site Coverage (Max Allowable)	625.25m ² (50%)	
Site Coverage Proposed	327.17m ² (26.1%)	
INDOOR AREAS	Required	Provided
Playroom 1 0-2 Years (12 Children)	39.00m ²	39.03m ²
Playroom 2 2-3 Years (15 Children)	48.57m ²	48.57m ²
Playroom 3 2-3 Years (21 Children)	68.25m ²	68.30m ²
SITE COVERAGE & OUTDOOR PLAY AREA		
Site Coverage Maximum Allowable	625.25m ² =50%	
Site Coverage Proposed	327.17m ² = 26.1%	
Outdoor Play Area Required	336.00 m ²	
Outdoor Play Area Proposed	336.00 m ²	
CAR PARKING		
Proposed 48 Children Centre 1 Space/ 4 Children		
Required Car Parking	48 ÷ 4 = 12 car spaces	
Proposed Car Parking	13 car spaces	
	Complies	

3.3 FLOOR PLAN LAYOUT

The proposed child care centre is a single storey building with a floor plan layout to include:

Ground Floor

- Playrooms 1, 2 and 3
- Entry
- Transition Area (51.75m²)
- Outdoor Play Area (336m²)
- Ancillary Rooms:
 - Cot room
 - Kitchen
 - Amenities
 - Nappy Change
 - Bottle Preparation
 - Store
 - Laundry
 - Office
 - Staff and Programme Room
 - Waiting Area
 - External Bin Store
 - Outdoor Store

3.4 SITE OPERATION

The single storey child care centre is designed to cater for 48 children ages 0-5 years in Play Rooms 1, 2, and 3 with a total of 9 staff.

The ground floor area provides for Playrooms 1 (0-2 years) and 2 (2-3 years) and (3-5).

The proposed development provides for 13 off street car spaces, including one (1) disabled persons' car parking space.

The Child Care Centre will be operated by 9 staff between the hours of 7am – 7pm weekdays. No operation on Saturday, Sunday or Public Holidays.

The Centre will cater for up to 48 children and contain three (3) playrooms accommodating the following area and usage.

Area	Floor Area	No. Children	Age Group	Staff
Playroom 1	39.03 sq. m.	12	0-2 years	1/4 children = 3 staff
Playroom 2	48.57 sq. m ²	15	2-3 years	1/5 children = 3 staff
Playroom 3	68.30 sq. m ² .	21	3-5 years	1/10 children = 3 staff
Total		48		9 staff

The outdoor play area has been designed to comply with AS/NZS 4422 – Playground Surfacing – Specifications, and AS/NZS 472 – Playgrounds and Playground Equipment.

A Plan of Operational of Management has been prepared for the Child Care Centre and submitted with the Development Application.

3.5 OPERATIONAL PLAN OF MANAGEMENT

The Applicant has prepared an Operational Plan of Management for the proposed Child Care Centre. The Plan provides specific details on the management, operational procedures, security, compliance procedures and general controls for the Child Care Centre. Refer to Operational Plan of Management submitted with the Development Application.

3.6 TRAFFIC, ACCESS AND CAR PARKING

Access to the proposed car park area will be via a 6.00 metre wide driveway off Rita Street. Access from Rita Street has been addressed in the Traffic and Parking Impact Assessment prepared by TSA.

The proposed development provides for a total of 13 car parking spaces including one (1) car space for disabled car parking. Parking for staff and visitors is provided in the car park with a total of 13 car spaces. The additional car space can be used by a small service delivery vehicle.

TSA assessed the potential traffic related consequences resulting from the development of the Child Care Centre at the subject site. Conclusions are provided on page 17 of the Traffic and Parking Impact Assessment.

The conclusions stated that:

- *The proposed off-street parking provision suitably accords with Council's relevant DCP requirements and is accordingly considered to be satisfactory;*
- *The proposed child care centre access arrangements and internal circulation arrangements are anticipated to provide motorists with safety and efficient vehicle and pedestrian conditions;*
- *The surrounding road network operates with a good level of service during peak periods;*
- *The proposed development has been projected to generate some 39 and 34 morning and evening peak hour trips to and from the site respectively; and*
- *The surrounding road network is considered to be capable of accommodating the traffic projected to be generated by the development in a safe and efficient manner without any undesirable impacts on the residential amenity.*

Based on the conclusions and recommendations contained within this report, we are of the opinion that there are no traffic-related issues that should preclude approval of the subject application. Accordingly, we are in support of the proposed development.

3.7 ACOUSTICS

An Acoustic Report has been prepared by Sebastian Giglio, Acoustic Consultant to assess any potential acoustic issues for the proposed Child Care Centre. The report assesses all aspects of noise emissions including outdoor play areas, outdoor air conditioning equipment, noise indoors, traffic noise and noise generated within the car park.

The Acoustic Report provides conclusions from the investigation on page 36:

- This report has provided an assessment of potential acoustic issues for the proposed Child Care Centre at 2-6 Chalker Street, Thirlmere. The following are the conclusions from this investigation:*
- Noise emission from the Centre can comply with the noise goals set. The noise goal is “background + 5dBA” for most noise sources and “background + 10dBA” for children playing outdoors, in accordance with various Land and Environment Court decisions.*
- Noise emission has been assessed at neighbouring noise receiver heights of 1.5m and 1.7m for outdoor noise receiver locations and façade receiver locations (ie, windows), respectively.*
- The potentially most affected neighbour is the back yard of the single-storey residential dwelling at 38 Rita Street, adjoining the outdoor play area.*
- It is recommended that the outdoor play areas are fitted with acoustic absorption panels, as described in the text. This is to the underside of awnings and to the facade of the child care centre building and to the façade of the noise barriers.*
- It is recommended that the indoor play areas are fitted with acoustic absorption panels, as described in the text.*
- The eastern wall to the outdoor play area must be 3.3m solid material with no gaps. The height is with respect to the ground RL of the neighbouring dwelling. To reduce the visual impact, the top 1.5m may be transparent.*
- Similarly, the southern noise barrier to the outdoor play area should be 3.5m tall.*
- The street front boundary fence of the outdoor play area should be at least a 1.5m tall solid acoustic barrier.*
- Noise barriers can consist of transparent, translucent or opaque materials at least 10kg/m².*

Provided the acoustic measures contained in this Report are correctly implemented, the Centre can operate without causing a noise nuisance to neighbours and with acceptable levels of acoustic amenity for the staff and children using the Centre. Noise arising from within the development will not result in 'offensive noise' at any adjoining premises.

Refer to the Acoustic Report submitted with the Development Application.

3.8 EXISTING VEGETATION

The existing vegetation comprises one (1) Grey Gum (*Eucalyptus punctata*) 12 metres high located in the rear south eastern corner of the site. An Arboricultural Impact Assessment and Tree Management Plan has been prepared by Horticultural Management Services and lodged with the Development Application. The existing tree is recommended for removal and supported by the Arborist's Assessment.

The Assessment includes two (2) trees located on the adjoining property. The Arborist's Assessment concludes on page 41 that:

The trees which are subject of this report are protected by Wollondilly Shire Council Tree Preservation Order. Consideration of retaining mature significant vegetation to the area was paramount. After close visual and physical investigation of the various trees condition the results from field investigations are as follows;

Adjoining Trees Numbered 2 and 3 are sufficiently distanced to be retained with no adverse impacts anticipated to these trees based upon their separation distance and the proposed development layout and best practice arboricultural techniques tabled.

The proposed works will conform to AS4970 -2009. No adverse impacts and or long-term effects are anticipated to these adjoining retained trees.

The proposed works will conform to AS4970 -2009. No adverse impacts and or long-term effects are anticipated to these retained trees.

Tree Numbered 1, is required to be removed due to its declining structural condition from previous storm damage that has results in numerous limb failures, large open tears within the first order branches and upper canopy. Open wounds from previous mechanical damage was also observed around the tree's lower base/trunk area, hence removal is warranted a Childcare development due to WH&S concerns.

No roosting or habitat hollows were observed in this tree due to its relatively young to medium age.

As stated, this tabled report is a snapshot of the existing trees structural condition, health and condition at that particular point in time adjoining the site and should be used as a guide when assessing this Development Application.

In summary, there are no unforeseen tree/vegetation issues that would arise out of the proposed Childcare development that would require modification to the proposal, furthermore, no objections to Tree 1 removal is raised, subject to appropriate environmental safeguards and relevant replacement plantings where appropriate.

3.9 FIRE PROTECTION EQUIPMENT

All fire protection equipment, including Fire Extinguishers, Fire Hydrants and Fire Blankets are to be provided as follows:

- Maintained as required under relevant Australian Standards and the manufacturers specifications.
- Serviced and maintained only by authorised service providers six monthly or twelve monthly as required.
- Clearly identified and accessible at all times in the unlikely event of emergency.

3.10 WASTE MANAGEMENT

The proposed development is supported by a Waste Management Plan and Demolition Plan prepared in accordance with the Wollondilly Shire Council Waste Management Plan

3.11 SITE INVESTIGATION ASSESSMENT

The Applicant engaged LG Consult to undertake a Preliminary Environmental Site Investigation (PESI) to establish that the subject site Lots 1 and 2 DP 1230557 No. 2 and 6 Chalker Street, Thirlmere are not contaminated and that the proposed Child Care Centre is an appropriate use of the land. A Copy of the PESI is attached to the Development Application. The PESI concluded:

Based on the results of this PESI the following is concluded:

Prior to the current layout the site appeared to have comprised mainly bush vacant crown land between 1830's and 1950's. The site is likely to have been cleared of bush vegetation in the 1950's and remained vacant from then onwards. Therefore, it is estimated that the site has been in its current vacant configuration for over 180 years. No significant changes were observed on the site during this period;

Given that no evident sources of mobile contamination could be visually identified on site, it is considered that potential contaminants associated with past and present land uses are minimal;

The site condition and the past and current site activities described in this PESI indicate a low potential for significant or gross contamination; and

Based on the above findings the site subject to this PESI is suitable for the proposed new Child Care Centre, consistent with an R2 Low Density Residential zoning.

3.12 ACCESS ASSESSMENT REPORT

The Applicant engaged AED Group to prepare a BCA Compliance Assessment Report – Access Assessment Report for the proposed Child Care Centre.

The Access Assessment Report (AAR) provides compliance recommendations to overcome the DTS non-compliances. The AAR is attached to the Development Application

4. STATUTORY PLANNING CONTROLS

4.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN 2011 (WLEP)

The subject site is zoned R2 Low Density Residential pursuant to the provisions of WLEP 2011.

The objectives to the R2 Low Density Residential zone are stated 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.

It is considered that the proposed Child Care Centre provides a necessary facility to meet the day to day needs of the residents of Wollondilly Shire. The development will provide social and community infrastructure to meet the needs of future and existing residents of Thirlmere.

DEFINITIONS

Wollondilly Local Environmental Plan 2011 provides the following definitions:

centre-based child care facility means:

(a) a building or place used for the education and care of children that provides any one or more of the following:

- (i) long day care,*
- (ii) occasional child care,*
- (iii) out-of-school-hours care (including vacation care),*
- (iv) preschool care, or*

Development for the purpose of a “*centre-based child care facility*” is permissible with consent in the R2 zone.

4.1.1 PART 4 – PRINCIPLE DEVELOPMENT STANDARDS

CLAUSE 4.3 HEIGHT OF BUILDINGS

Clause 4.3(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The subject site is shown as having a maximum Building Height of 9 metres on the Height of Buildings Map – Sheet HOB _ 08C. The proposed building shall be erected to a height of 5.275 metres. Complies

CLAUSE 4.4 FLOOR SPACE

Clause 4.4 was not adopted by Council. There is no maximum Floor Space Ratio.

4.1.2 PART 7 - ADDITIONAL LOCAL PROVISIONS - GENERALLY**CLAUSE 7.1 ESSENTIAL SERVICES**

Clause 7.1 Essential Services requires that the consent authority is satisfied that the following services are available:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) disposal and management of sewage.

These services will be connected to the proposed Child Care Centre.

CLAUSE 7.5 EARTHWORKS

Overall the site grades from RL 289.61m on the southeastern corner to RL 287.58 in the northwestern corner with a cross fall of 2.03m. The proposed floor level (FFL289.05) will result in a cut of approximately 0.700m and fill of approximately 0.940m.

Earthworks will be within the car park area and the building envelope. All measures will be provided to minimize and mitigate any soil erosion off site. Refer to Sedimentation and Erosion Control Plan.

4.2 STATE ENVIRONMENTAL PLANNING POLICIES**4.2.1 SYDNEY REGIONAL ENVIRONMENTAL PLAN NO.20 –
HAWKESBURY -NEPEAN RIVER (NO. 2 -1997)**

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The development is consistent with the relevant provisions of this plan and consistent with its objectives of providing for ecologically sustainable development, ensuring the maintenance of water quality and the protection of the environment.

4.2.2 STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND (SEPP 55)

The proposed development is subject to the provisions of State Environmental Planning Policy 55 – Remediation of Land (SEPP 55). This SEPP aims to provide a State-wide planning approach to the remediation of contaminated land, and in particular, promotes the remediation of contaminated land for the purpose of reducing risk of harm to human health or the environment.

The provisions of SEPP 55 – Remediation of Land are not applicable to the proposed development. The Planning Certificate No. 20190320 states that the subject site is not contaminated.

The Applicant has submitted a Preliminary Environmental Site Investigation Report prepared by LG Consult. The Report provided the following conclusion:

Based on the results of this PESI the following is concluded:

Prior to the current layout the site appeared to have comprised mainly bush vacant crown land between 1830's and 1950's. The site is likely to have been cleared of bush vegetation in the 1950's and remained vacant from then onwards. Therefore, it is estimated that the site has been in its current vacant configuration for over 180 years. No significant changes were observed on the site during this period;

Given that no evident sources of mobile contamination could be visually identified on site, it is considered that potential contaminants associated with past and present land uses are minimal;

The site condition and the past and current site activities described in this PESI indicate a low potential for significant or gross contamination; and

Based on the above findings the site subject to this PESI is suitable for the proposed new Child Care Centre, consistent with an R2 Low Density Residential zoning.

4.2.3 SEPP (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across NSW.

SEPP	Comment
Part 1 Preliminary	
5 Interpretation	
<i>centre-based child care facility means:</i>	
<i>(a) a building or place used for the education and care of children that provides any one or more of the following:</i>	The proposed child care centre is defined as a 'centre-based child care facility'.

SEPP	Comment
<p>(i) long day care, (ii) occasional child care, (iii) out-of-school-hours care (including vacation care), (iv) preschool care, or</p> <p>(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)), but does not include:</p> <p>(c) a building or place used for home-based child care or school-based child care, or</p> <p>(d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or</p> <p>(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or</p> <p>(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or</p> <p>(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or</p> <p>(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.</p>	
Part 3 Early education and care facilities—specific development controls	
<p>23 Centre-based child care facility—matters for consideration by consent authorities</p> <p><i>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.</i></p> <p>25 Centre-based child care facility—non-discretionary development standards</p> <p>(1) <i>The object of this clause is to identify development standards for particular matters relating to a centre-</i></p>	<p>An assessment of the proposed child care centre against the relevant controls in the Child Care Planning Guideline is provided in Section 4.3 of this Report.</p>

SEPP	Comment
<p><i>based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</i></p> <p><i>(2) The following are non-discretionary development standards for the purposes of section 4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:</i></p> <p><i>(a) location—the development may be located at any distance from an existing or proposed early education and care facility,</i></p> <p><i>(b) indoor or outdoor space</i> <i>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <u>Education and Care Services National Regulations</u> applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</i></p> <p><i>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</i></p> <p><i>(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</i></p> <p><i>(d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</i></p>	<p>Noted</p> <p>The proposed child care centre provides indoor and outdoor unencumbered space which satisfies the requirements of Education and Care Services National Regulations. Refer to Sections 4.3 and 4.4 of this Report.</p> <p>The proposed child care centres provides indoor and outdoor unencumbered space which satisfy the requirements of Education and Care Services National Regulations and the Child Care Planning Guideline. Refer to Section 4.3 of this Report.</p> <p>There is no restriction regarding site area and site dimensions for the location of the proposed child care centre.</p> <p>There is no restriction regarding colour of building materials and shade structures in regard to the proposed child care centre.</p>
<p>26 Centre-based child care facility—development control plans</p> <p><i>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:</i></p> <p><i>(a) operational or management plans or arrangements (including hours of operation),</i></p> <p><i>(b) demonstrated need or demand for child care services,</i></p> <p><i>(c) proximity of facility to other early education and care</i></p>	<p>Noted.</p>

SEPP	Comment
facilities, (d) any matter relating to development for the purpose of a centre-based child care facility contained in: (i) the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i> , or (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).	

4.3 CHILD CARE PLANNING GUIDELINE

SEPP (Educational Establishments and Child Care Facilities) 2017 requires that:

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

The Guideline takes precedence over a Development Control Plan with some exceptions where the two overlap in relation to a child care facility.

The table below provides an assessment of the guidelines relevant to the proposed Child Care Centre.

Guideline	Proposed
Part 3 Matters for Consideration	
3.1 Site selection and location	
C1 – For proposed development in or adjacent to a residential zone, consider: <ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties. the setback and siting of buildings within the residential context traffic and parking impacts of the proposal on residential amenity 	<p>An Acoustic Report has been prepared by Sebastian Siglio which addresses any possible acoustic impacts of the proposed development on surrounding properties. Any possible acoustic and privacy impacts have been addressed in the design of the Child Care Centre.</p> <p>The setbacks to neighbouring properties and the siting of the building minimize any privacy impacts.</p> <p>Car parking is provided for off street parking and the Traffic and Parking Impact Statement supports the application and finds that there are no traffic related issues.</p>

Guideline	Proposed
<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 risk such as flooding, land slip, bushfires, coastal hazards there are no potential environmental contaminants on the land, in the building or the Medium Density proximity, and whether hazardous material remediation is needed the characteristics of the site are suitable for the scale and type of development proposed having regards to - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use 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 	<p>The proposed Child Care Centre is located in a residential area and is a permissible land use in the R2 Low Density Residential zoned area.</p> <p>The site is environmentally safe and there is no risk of flooding, landslip, bushfires or coastal hazards.</p> <p>The site is within a residential area and has not been identified as possible contaminated land. Planning Certificate 20190320. The Applicant engaged LG Consult to prepare a Preliminary Environmental Site Investigation Report. The Report concluded: <i>Based on the above findings the site subject to this PESI is suitable for the proposed new Child Care Centre, consistent with an R2 Low Density Residential zoning.</i></p> <p>The subject site has a site area of 1250.50 m². The land area is considered a sufficient size and frontage to accommodate the proposed child care centre. The subject site is not identified as being within a sensitive environmental or cultural area.</p> <p>Not applicable.</p> <p>The 13 off street car parking spaces will accommodate drop off and pick up under supervision of parents/guardians. There is also street parking in Rita Street and Chalker Street.</p> <p>Rita Street is a local road.</p> <p>The subject site is located within an established residential area. There are no known incompatible social activities located in close proximity to the subject site.</p>

Guideline	Proposed
alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.	
<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 • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>Subject site is located near existing residential development to the south and vacant land which forms part of the R2 Low Density Residential zone.</p> <p>Subject site is located within walking distance of the Thirlmere Shopping Village.</p> <p>Bus services are available from Turner Street and Thirlmere Way.</p> <p>The subject area has pedestrian connectivity to the Thirlmere shopping village which provides facilities and services for the local community.</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: - - 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 • any other identified environmental hazard or risk 	<p>The location of the proposed child care centre is not within proximity to any adverse environmental conditions. The subject site is within a residential area and the land and buildings do not pose an environmental hazard or risk.</p> <p>N/A.</p> <p>N/A.</p> <p>N/A.</p> <p>N/A.</p> <p>N/A.</p>

Guideline	Proposed
relevant to the site and/ or existing buildings within the site.	
3.2 Local character, streetscape and the public domain interface	
<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 • integrate car parking into the building and site landscaping design in residential areas. 	<p>The existing residential development comprises a mix of single and two (2) storey development. The proposed modern contemporary design of the single storey child care centre will not be out of character.</p> <p>The subject site is zoned R2 Low Density Residential. The proposed single storey child care centre will not be out of character with the development in the new residential release area.</p> <p>The design and built form of the proposed child care centre will appear as a contemporary design which will reflect the existing residential development.</p> <p>As above.</p> <p>The Landscaping Plan prepared by Distinctive Living Design provides for a Landscape Design for trees, shrub species that will contribute to the streetscape and privacy to the adjoining residences.</p> <p>Car parking provided at ground level.</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 • integrating existing and proposed landscaping with fencing. 	<p>The proposed design includes appropriate fencing and security gate for the safety of children entering and leaving the facility.</p> <p>The proposed design includes windows to the office and staff room on the ground floor facing the street which provides passive surveillance.</p> <p>The Landscape Plan provides appropriate landscaping to the front, rear and side boundaries to enhance the streetscape and integrate with the fencing.</p>

Guideline	Proposed
C7- On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.	Not Applicable. The subject site does not contain multiple buildings or entries.
C8 -Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage.	Not Applicable. The subject site does not adjoin public parks, open space or bushland.
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.	The proposed design of the child care centre includes appropriate decorative fencing to Rita Street and Chalker Street which includes brick work, wall panels, acoustic panels and security sliding gates to the driveway.
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	Not Applicable.
3.3 Building orientation, envelope and design	
C11- Orient a development on a site and design the building layout to: <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 	<p>The proposed design provides for visual privacy and the Acoustic Report recommends appropriate treatment measures to suppress noise to the adjoining residential properties.</p> <p>The windows and doors of the Child Care Centre on the southern and western elevations will not be visible to the residents of the adjoining properties.</p> <p>The play equipment will be located in the rear outdoor play area. Appropriate acoustic boundary fencing is proposed.</p> <p>The outdoor play area is located in the rear of the Child Care Centre. Appropriate acoustic boundary fencing is proposed.</p>

Guideline	Proposed
<p>and other sensitive uses</p> <ul style="list-style-type: none"> • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill • ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>Solar access to outdoor play areas (8am to 1pm) and part solar access 1pm to 5pm.</p> <p>There will be no overshadowing of the adjoining residential properties.</p> <p>The site will be partly filled 940mm.</p> <p>The building faces Rita Street and Chalker Street.</p> <p>Not Applicable.</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 • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character 	<p>The single storey building will be consistent with the surrounding residential development.</p> <p>The proposed single storey building will complement the streetscape.</p> <p>The setbacks to the western boundary of the adjoining residence are 3.010m and 6.520m from the rear boundary. The height and design of the acoustic fencing is detailed in the recommendations of the Acoustic Report.</p> <p>Service access for maintenance to the single storey building has been provided.</p> <p>The proposed setback to Rita Street is 15.860m which is behind the existing adjoining dwelling and the setback of 4.500 m to Chalker Street</p>
<p>C 13 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.</p>	<p>The proposed setbacks comply with the requirements of Wollondilly DCP 2016.</p>

Guideline	Proposed
C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house	<p>The setback to the residence on the western boundary is 3.010m and 6.520m to the rear southern boundary.</p>
C15 The built form of the development should contribute to the character of the local area, including how it: <ul style="list-style-type: none"> • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • 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. 	<p>The proposed modern design of the single storey child care centre will contribute to the quality of the streetscape.</p> <p>The proposed child care centre will be easily identified within the local area.</p> <p>The existing tree will be removed for the construction of the child care centre. An Arborist Report recommends the removal of the tree. The Landscape Plan provides for trees and shrubs which will enhance the site and the streetscape.</p> <p>The subject site is not heritage listed and is not in close proximity to any heritage items.</p> <p>The landscaping of the front and rear landscape areas will provide a cool outdoor environment, reduce summer heat and provide privacy to the adjoining residents.</p>
C16 - Entry to the facility should be limited to one secure point which is: <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from 	<p>There is one (1) secure entry to the waiting room for pedestrians including disabled access.</p> <p>Direct access from the street is available via gate and pathway.</p> <p>Entry door is visible from the street.</p> <p>Passive surveillance to Rita Street from the waiting room windows and security cameras.</p> <p>All access via the car park and entry gate to the waiting room.</p> <p>Not Applicable.</p>

Guideline	Proposed
entrances to other uses in the building.	
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 • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>The existing tree will be removed for the earth works and building envelope. A Landscape Plan prepared by Distinctive Living Design provides for advanced trees, shrubs and ground cover.</p> <p>Not Applicable.</p>
<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 • using low level landscaping to soften and screen parking areas. 	<p>Trees and landscaping provided in the car park area and rear outdoor area will provide shade for staff, visitors and children.</p> <p>The car parking area in the front setback will not be directly visible from Rita Street as there is a 1m to 1.5m wide landscaping setback and proposed decorative fence 2.15m to 2.2m high on the boundary to Rita Street and Chalker Street.</p> <p>The detailed landscape plan will soften and screen the parking area.</p>
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>Not Applicable. The proposed development is not located within a mixed use development.</p>
<p>C22 - Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • appropriate site and building layout 	<p>The privacy of adjoining POS and internal living areas will be maintained. The windows on the western and southern elevations are below the side boundary fencing height. The fencing provides</p>

Guideline	Proposed
<ul style="list-style-type: none"> • suitable location of pathways, windows and doors • landscape design and screening. 	<p>privacy to adjoining residences.</p> <p>Pathways on side boundaries which are secured by locked gates are only used in event of emergency evacuation, maintenance and access to bin storage.</p> <p>The rear boundary fencing and is landscaping provides privacy to the residence at the rear. The acoustic boundary fencing 3.3m high will screen the proposed outdoor play area.</p>
<p>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:</p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>The Acoustic Report prepared by Sebastian Giglio recommends acoustic fencing to minimise noise impact to adjoining property. Refer to Acoustic Report for recommendations (Page 36 of 43)</p> <p>The Acoustic Report on page 35 states: <i>It is probable that one or two large outdoor condensers will be installed. The expected Sound Power Level of each of these will be around 75dBA.</i> <i>The outdoor air-conditioning condensers must be located and/or shielded so as to produce no more than 43dBA at the neighbouring properties.</i></p>
<p>C24 -A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	<p>An Acoustic Report prepared by a qualified acoustic professional supports the proposed child care centre and addresses the appropriate noise levels and height of acoustic fence. Refer to Acoustic Report submitted with the Application.</p>
3.6 Noise and air pollution	
<p>C25 - Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • creating physical separation 	<p>The Acoustic Report demonstrates that any acoustic impact on adjoining properties can be minimized with the implementations of the recommendations of the Acoustic Report.</p> <p>The location of the building and the design of the outdoor areas and</p>

Guideline	Proposed
<p>between buildings and the noise source</p> <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 • limiting the number and size of openings facing noise sources • using double or acoustic glazing, acoustic louvres or enclosed balconies. • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits • locating cot rooms, sleeping areas and play areas away from external noise sources. 	<p>acoustic fencing will reduce any noise impact on adjoining residences.</p> <p>The Acoustic Report recommends appropriate measures to reduce noise levels.</p> <p>Landscaping and acoustic fencing to the rear boundary.</p> <p>Noise sources have been addressed in the Acoustic Report.</p> <p>Refer to Acoustic Report.</p> <p>Not Applicable.</p> <p>The cot room is located on the southern side of ground floor; sleeping areas are screened by internal walls away from noise sources.</p>
<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>Not Applicable.</p> <p>Not Applicable.</p> <p>Not Applicable.</p> <p>Not Applicable.</p> <p>Not applicable.</p>
<p>C27 - Locate child care facilities</p>	<p>Subject site not located in proximity to external sources of air</p>

Guideline	Proposed
on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	pollution such as major roads and industrial development.
C28 -A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.	Not Applicable.
3.7 Hours of operation	
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.	Hours of operation proposed are Monday to Friday 7.00am to 7.00pm.
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.	Not Applicable. Subject site not located within mixed use area or commercial area.
3.8 Traffic, parking and pedestrian circulation	
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.	Off street car parking provided in compliance with Wollondilly DCP 2016. 13 off street car spaces provided.
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.	Not Applicable. Subject site not located in commercial or industrial zone and not within mixed use development.
C33 - A Traffic and Parking Study should be prepared to support	A Traffic and Parking Impact Assessment prepared by TSA supports the proposed child care centre and addressed the amenity of the

Guideline	Proposed
<p>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 there will be no impacts on the safe operation of the surrounding road network. 	<p>surrounding area and surrounding road network. The Assessment finds that there are no traffic related issues in regard to the proposed development. Refer to Traffic and Parking Impact Assessment lodged with the Application.</p> <p>There will be no impact on the surrounding road network.</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 roads which carry freight traffic or transport dangerous goods or hazardous materials. 	<p>Not Applicable. The subject site does not front a classified road or a road which carries freight traffic or transports dangerous goods or 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>The subject site is located in Rita Street and Chalker Street. The width of the road is acceptable to ensure safe access to and from the site and to and from the wider locality 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 in commercial or industrial zones and mixed use 	<p>The car park area provides pedestrian access to the building.</p> <p>Car park is not considered large enough to provide pedestrian crossing.</p> <p>Separate pedestrian and vehicle entry/exit from and to Rita Street.</p> <p>Pedestrian access to front entry is wide enough to enable two prams to pass.</p> <p>Service vehicle space in the car park is available from 10am – 2pm daily.</p> <p>Not Applicable.</p>

Guideline	Proposed
developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas <ul style="list-style-type: none"> vehicles can enter and leave the site in a forward direction. 	All vehicles will enter and leave the site in a forward direction.
C37 - Mixed use developments should include: <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 etc. 	Not Applicable. The subject site is not located within a mixed use development.
C38 - Car parking design should: <ul style="list-style-type: none"> include a child safe fence to separate car parking areas from the building entrance and play areas provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards include wheelchair and pram accessible parking. 	<p>The car park design includes a child safe fence to separate car park from the building entrance and play areas.</p> <p>The car park area is clearly marked and adjoins the entrance to the building.</p> <p>Accessible parking provided for disabled persons.</p>
4. Applying the National Regulations to development proposals	
4.1 Indoor space requirements	
Regulation 107 Every child being educated and cared for within a facility must have a minimum of 3.25m ² of unencumbered indoor space.	The proposed child care centre for 48 children has provided unencumbered indoor space of 3.25m ² per child. Area provided by age groups: 0-2 (12) = 39.03 m ² 2-3 (15) = 48.75m ² 3-5 (21) = 68.30 m ² Total provided = 156.08m ² Total required = 48x3.25m ² = 156m ² Complies
4.2 Laundry and hygiene facilities	
Regulation 106 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 proposed Child Care Centre provides laundry room with storage.

Guideline	Proposed
The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.	The location of the laundry provides for hygienic facilities and will be secured to prevent access by children.
4.3 Toilet and hygiene facilities	
Regulation 109 A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children	Refer to Floor Plan A04 for details of amenities. Age appropriate toilet facilities are provided and located and designed to enable safe use and convenient access by children.
4.4 Ventilation and natural light	
Regulation 110 Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.	The design of the proposed child care centre provides for adequate ventilation and natural light. Air conditioning will be available if required.
4.5 Administrative space	
Regulation 111 A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.	The proposed design of the child care centre provides for an adequate area for administration and consulting with parents.
4.6 Nappy change facilities	
Regulation 112 Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.	Nappy change room with appropriate hygienic facilities provided. Complies.

Guideline	Proposed
4.7 Premises designed to facilitate supervision	
Regulation 115 A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.	The proposed design of the child care centre facilitates provides for the supervision of the children at all times.
4.8 Emergency and evacuation procedures	
Regulation 97 and 168 Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including: <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service. 	<p>Emergency Evacuation Floor Plan will be displayed in prominent position near each exit. Copy included with Architectural Plans Sheet A07 lodged with the Development Application.</p> <p>The proposed child care centre is not located in a residential area where there are floods, bush fire or environmental hazards.</p>
4.9 Outdoor space requirements	
Regulations 108 An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m ² of unencumbered outdoor space.	The proposed child care centre for 48 children has provided unencumbered outdoor space of 7m ² per child. Required for 48 children: 48 x 7m ² = 336m ² Provided : 336m ²
4.10 Natural environment	
Regulation 113 The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.	The outdoor space provides for outdoor play areas, turf, trees and landscaping.

Guideline	Proposed
4.11 Shade	
Regulation 114 The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	The design of the child care centre includes shaded area and proposed shade structures to protect children from overexposure to ultraviolet radiation from the sun.
4.12 Fencing	
Regulation 104 Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.	The proposed fencing design to Rita Street and Chalker Street provides for brick , metal panel and glazing of varying heights (2.15m and 2.2m) All side and rear fencing have been designed in accordance with the Acoustic Report.
4.13 Soil assessment	
Regulation 25 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: <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 • 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>Council's Planning Certificate No. 20190320 states that the site is not contaminated land. The original Subdivision Application was supported by a Contamination Report.</p> <p>The Applicant engaged LG Consult to prepare a Preliminary Environmental Site Investigation Report. Copy attached to the Development Application. The PESI concluded that, <i>Based on the above findings the site subject to this PESI is suitable for the proposed new Child Care Centre, consistent with an R2 Low Density Residential zoning.</i></p>

4.4 EDUCATION AND CARE SERVICES NATIONAL REGULATIONS

The Child Care Planning Guideline includes Section 4 'Applying the National Regulations to development proposals' this has already been addressed in **Section 4.3** of this Report. The relevant National Regulations which are not covered by the Child Care Planning Guidelines are included in the following table.

Regulation	Requirement	Proposed	Compliance
Part 4.4 Staffing Arrangements			
Division 3 - Minimum number of educators required.			
Clause 122 - Educators must be working directly with children to be included in ratios	<i>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.</i>	The proposed child care centre will accommodate 48 children with 9 staff working directly with the children.	Yes.
Clause 123 - Educator to child ratios—centre-based services	<p><i>(1) 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><i>(a) for children from birth to 24 months of age—1 educator to 4 children;</i></p> <p><i>(b) for children over 24 months and less than 36 months of age—1 educator to 5 children;</i></p> <p><i>(c) for children aged 36 months of age or over (not including children over preschool age)—1 educator to 11 children;</i></p> <p><i>(d) for children over preschool age in a jurisdiction, the relevant ratio (if any) set out in Chapter 7 for that jurisdiction.</i></p>	<p>Required: 0-24mths = $12/4 = 3$ educators. Provided = 3</p> <p>24mths – 36mths = $15/5 = 3$ educators. Provided = 3</p> <p>36 mths or over = $21/11 = 2$ educators. Provided = 3.</p> <p>Total = 9 educators</p> <p>N/A.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>N/A.</p>

The proposed development is subject to Wollondilly DCP 2016, specifically:

- Volume 1 – General; and
- Volume 5 – Commercial and Community Uses.

The proposed development together with the design and layout of the Child Care Centre satisfies the relevant objectives and the development controls.

The relevant provisions of the DCP are addressed below.

Volume 1 – General applies to the proposed development. The relevant controls are assessed in the Table below.

Control	Proposed	Compliance
Part 2 – General Consideration for all Development		
2.2 Controls <i>1. The consent authority shall consider the following safety and human health risks in assessing a development application under this volume:</i> <i>a) Road and traffic hazards;</i> <i>b) Bushfire threat;</i> <i>c) Flood risk;</i> <i>d) Noise, vibration, pollution, odour, radiation or waste from surrounding land uses;</i> <i>e) Exposure to electricity transmission systems;</i> <i>f) Exposure to radiation from telecommunications infrastructure;</i> <i>g) Potential exposure to children of material (including signage) from any nearby restricted premises and/or sex services premises;</i> <i>h) Hazards from vehicles within car parking areas; and</i> <i>i) Hazard from potential contamination of the land.</i>	<p>The proposed Child Care Centre supported by specialist consultants reports that address the relevant health and safety risks.</p>	<p>Complies</p>
<i>2. The consent authority shall consider the suitability of the road</i>	<p>TSA Traffic Consultancy has addressed the suitability of the site for the</p>	<p>Complies</p>

<p><i>network in the vicinity in assessing a development application under this volume.</i></p> <p><i>3. The consent authority must not grant consent to a development application for development within a proclaimed mine subsidence area without the concurrence of the Mine Subsidence Board.</i></p> <p><i>4. The consent authority must not grant consent to a development application for development subject to this volume on land unless it has considered the impact of the development on any system for the management of wastewater present on that land.</i></p> <p><i>5. The consent authority must not consent to the carrying out of development within a drinking water catchment area unless it is satisfied that the proposal will have a neutral or beneficial effect on water quality</i></p>	<p>proposed Child Care Centre.</p> <p>Application has been made to the Subsidence Authority NSW.</p> <p>All waste water will be drained to the sewage system.</p> <p>Not Applicable.</p>	<p>Complies</p> <p>Complies</p> <p>N/A.</p>
Part 4 – Community Engagement		
<p>4.4 Development Application to be Notified.</p> <p><i>Development for any of the following purposes is advertised development under Clause 5 of the Environmental Planning and Assessment Regulations, 2000: Child care centres with capacity for 40 or more enrolments</i></p>	<p>Council will advertise the proposed Child Care Centre.</p>	
Part 5 – Colonial Heritage	Not Applicable	N/A.
Part 6 – Heritage (Specific Locations)	Not Applicable	N/A.
Part 7 – Aboriginal Heritage	Not Applicable	N/A.
Part 8 – Flooding	Not Applicable	N/A.
Part 9 –Environmental Protection	Not Applicable	N/A.
Part 10 – Tree Removal		
<p><i>10.5 Trees/other native vegetation that may be removed only with</i></p>	<p>The proposed development includes the removal of a tree on the subject</p>	<p>Complies</p>

<i>development consent</i> <i>1. Any tree or other native vegetation removal which cannot be carried out as exempt development under clause 10.3 of this volume or by obtaining a permit under clause 10.4 of this volume may only be removed with development consent.</i>	property. The tree removal is supported by an Arborist Report lodged with the Development Application.	
Part 11 – Landscaping		
<i>11.2 Recommended Species</i>	The Landscape Plan prepared by Distinctive Living Design has addressed the requirements of the DCP.	Complies
Part 12 – Signage		
<i>12.1 Objectives</i> <i>1. To provide controls for the implementation of the Advertising structures in commercial or industrial zones section of Schedule 2 of Wollondilly Local Environmental Plan, 2011.</i>	The Architectural Plan details the installation of two (2) wall business identification signs. The installation of signage is addressed in Section 4.6 of this Report under the provisions of SEPP 64 – Advertising and Signage.	Complies

4.5.2 VOLUME 5 – COMMERCIAL AND COMMUNITY USES

Volume 5 – Commercial and Community Uses applies to the proposed development. The relevant controls are assessed in the Table below.

Control	Proposed	Compliance
Part 2 – General Requirements		
2.1 Sustainability		
<i>1. Timber sourced from old growth forests may not be used in development subject to this volume.</i>	There will be no timber from old growth forests, timber construction will be by a timber frame company who generally use plantation timber.	Complies
<i>2. Impacts to groundwater must be minimised by:</i> <i>a) Ensuring no contaminated runoff enters the groundwater system; and</i>	Controlled stormwater system is designed for the development.	Complies
<i>b) Retaining and protecting significant stands of native vegetation; and</i>	No stands of native vegetation on site.	Complies
<i>c) Minimising cut and fill; and</i>	Refer to Architectural Plans.	Complies

Control	Proposed	Compliance
<p><i>d) Maximising landscaped areas that are deep soil and are hydraulically connected to the natural soil and groundwater system.</i></p>	Refer to Landscape Plan.	Complies
<p><i>3. All development resulting in more than 200 square metres of new GFA must provide rainwater collection tank(s) to collect rainfall and runoff from roof areas. The minimum volume of the tank(s) shall be 1,000 litres per 100m² (rounded down to the nearest 100m²) of new GFA. Such tank(s) must have their overflows connected to a point for suitable integration with the natural or constructed stormwater drainage system.</i></p>	Rainwater tank will be included in stormwater design.	Complies
<p><i>4. Water from rainwater collection tank(s) must be used for at least one of the following:</i></p> <p><i>a) Irrigation and maintenance of landscaped areas;</i> <i>b) Cleaning and maintenance of built development;</i> <i>c) Toilet flushing;</i> <i>d) Laundry purposes; or</i> <i>e) Car washing.</i></p>	Rainwater tank water will be used for irrigation.	Complies
<p><i>5. All plumbing fittings connected to potable water supply must be Triple A or higher rated devices.</i></p>	All plumbing fittings connected to potable water supply will be Triple A.	Complies
<p><i>6. Connection to recycled water is required if serviced by a dual reticulation system.</i></p>	Dual reticulation not available.	
<p><i>7. Commercial developments where the capital investment value are more than \$500,000 and that result in more than 100m² of new GFA must install a photovoltaic system to complement consumption of electricity from the grid system. The capacity of the system must be no less than 5kW per 100m² of new GFA. Details of the system shall be provided to the consent authority prior to the granting of any development consent.</i></p>	Will be installed by the Electrical Contractor as part of the Construction Certificate Plan.	Complies

Control	Proposed	Compliance
2.2 Setbacks 1. R2 zone : Front & Rear setbacks – consistent with surrounding development. Side setback – 0.9m	Front setback – 15.860m Rear Setback – 6.520m Setbacks comparable with existing and future setbacks Side setback – 3.100m. Exceeds requirement.	Complies
2.3 Building Design Controls relevant to Child Care Centre:		
<i>5. Building designs must ensure that main entry and exit points are readily identifiable to intending patrons.</i>	The design of the car park and pedestrian access path clearly defines the entry and exit to the building.	Complies
<i>6. All building facades visible from a public place must be designed to reduce bulk and enhance the appearance of the building using appropriate architectural features, articulation and finishes.</i>	The single storey building provides for a design that will complement the modern design of the residential development that will be constructed on the surrounding residential allotments.	Complies
<i>8. All facades must be designed in accordance with the Crime Prevention through Environmental Design (CPTED) Guidelines including allowance for casual surveillance of streets and other public places.</i>	The inclusion of windows and entry door provide for passive surveillance to the carpark area and both Rita and Chalker Streets.	Complies
<i>9. There must be a universally accessible and continuous path of travel to connect the public footpath to all car parking areas and the main public entry and exit point of a building.</i>	The location of the entry/exit gate facing Rita Street provides a direct pedestrian link to the front patio and entry door for pedestrians.	Complies
<i>12. Building services, fittings and utilities (including, without limitation, downpipes, conduits and vents and air conditioning units and components) must be integrated with the features of any facade fronting public open space or a public street.</i>	All building services and utilities have been integrated into the façade of the building.	Complies
<i>13. Building lights shall illuminate buildings and signs from the top-down rather than the bottom up to reduce light spill into the night sky.</i>	All external lighting will be designed and installed to reduce any light spillage off the site.	Complies
<i>17. Commercial and community</i>		

Control	Proposed	Compliance
<i>buildings constructed within a rural or residential zone must be designed to compliment the character of the established built form of the locality. Building and infrastructure that contrast with the established built forms in the locality shall not be used in any rural or residential zone.</i>	The design of the Child Care Centre will reflect the future modern housing designs that will be constructed in the surrounding streets.	Complies
2.6 Landscaping 2. Landscaping for new commercial developments shall be in the form of garden beds and achieve the following: a) Use at least 50% native vegetation; b) Use only low maintenance vegetation; c) Reduce or eliminate the need for fencing; d) Use only vegetation that will not damage infrastructure; and e) Provide adequate landscaped area for plants when fully grown. 3. All plant species in landscaping must be non-toxic and low-allergen. 4. Contiguous landscaping areas with an area greater than 50m ² shall be provided with and automatic irrigation system(s)	A Landscape Plan prepared by Distinctive Living Design is submitted with the Development Application. The Landscape Plan was prepared in consideration of Wollondilly DCP 2016.	Complies
2.9 Access and Traffic Generation	The controls are not applicable to a Child Care Centre.	N/A.
2.10 Parking and Manoeuvring 1. <i>The construction of vehicle parking and manoeuvring areas must comply with Council's adopted Design and Construction Specifications.</i> 2. <i>Vehicle parking that is located within the front setback must be physically separated by permanent safety structures from road pavement and must not detract from the aesthetics of the</i>	<p>The Traffic and Parking Impact Statement prepared by TSA Consulting has addressed access, car parking and the vehicle manoeuvring area in accordance with AS2890.1-2004 and AS 2890.6-2009.</p> <p>The car park in the front setback area is separated by a brick wall and palisade fencing which will not detract from the streetscape.</p>	<p>Complies</p> <p>Complies</p>

Control	Proposed	Compliance
streetscape.		
3. Where security doors or gates are proposed to control access to vehicle parking an intercom system must be provided to facilitate access. Such doors and gates must also be positioned to ensure vehicles stand clear of the public footpath and any specified pedestrian access while the doors and gates are opening.	The access gates will be open at 7am and closed at 7pm.	Complies
4. All above ground parking areas with more than 12 parking spaces must be landscaped including shade trees provided at the rate of one (1) canopy tree for every four (4) car parking spaces of part thereof. Shade trees must be located to provide shade to parked vehicles.	The car park area is landscaped with low level plant species and Eucalyptus molucanna (Grey Box) trees.	Complies
5. Manoeuvring space must be sufficient to permit all vehicles to enter and leave a site in a forward direction in accordance with relevant Australian Standards.	All vehicles have manoeuvring space to enter and exit the site in a forward direction.	Complies
6. Parking areas must be linked via a pedestrian path with the nearest public footpath.	Parking areas link to pedestrian path.	Complies
7. Parking spaces adjoining pedestrian accesses must be provided with wheel stops or upright kerbs to protect the safety of pedestrians.	Wheel stops are proposed to all parking spaces.	
8. Parking areas for developments that operate outside of daylight hours must be lit in accordance with relevant Australian Standards.	Low level lighting will be installed.	Complies
9. Multi-unit complexes must provide a consolidated car parking area for patrons. No more than 50% of the total parking spaces on site shall be allocated to a single unit.	Not Applicable.	N/A.
10. Parking must be provided at the rate tabulated below. The number of spaces shall be rounded up to	The proposed Child Care Centre will operate with 48 children. Required - $48/4 = 12$ spaces	Complies

Control	Proposed	Compliance
<p><i>the nearest whole number of spaces.</i></p> <p><i>Child care premises (excluding home based child care) :</i></p> <p><i>1 space for every 4 children in attendance. The number of children shall be determined in accordance with the numbers licensed by the NSW Government.</i></p>	Provided – 13	
<p>2.11 Waste Management Controls relevant to Child Care Centre:</p> <p><i>1. A completed Site Waste Minimisation and Management Plan (SWMMP)</i></p> <p><i>3. Every development must include adequate waste/recycling storage area(s) to accommodate all relevant waste management processes and storage.</i></p> <p><i>5. Waste/recycling storage areas must not be visible from outside of the building or by patrons</i></p>	<p>SWMMP lodged with the Development Application.</p> <p>The enclosed bin area can accommodate three (3) waste bins.</p> <p>The enclosed bin area is not visible from the street.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p>
<p>2.12 Onsite Waste Water and Stormwater Management</p> <p><i>1. On sites without reticulated sewer, provision shall be made for the disposal of treated effluent in a manner that minimises the risk to the natural environment and to human health.</i></p> <p><i>2. All stormwater management systems shall comply with Council's Design & Construction Specification.</i></p>	<p>All waste water will be connected to the existing sewer in Chalker Street.</p> <p>Stormwater Drainage Plan has been prepared by Algorry Zappia & Associates and attached to the Development Application.</p>	<p>Complies</p> <p>Complies</p>
Part 3 – Specific Land Use Controls		
<p><i>1. If there is a footpath/cycle way/share way within 100m of the proposed development then a link from the development to that network must be provided in the form of a concrete share way in accordance with Council's Design Specification and with a width no less</i></p>	<p><i>The subject site is serviced by a concrete footpath along Rita Street and Chalker Street frontage. There is no footpath cycleway within 100 metres of the proposed development.</i></p>	Not Applicable

Control	Proposed	Compliance
than 2.0 metres		

4.6 State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP No. 64)

It is proposed to install two (2) wall signs measuring 4.470m long x 450mm wide. The signs will be painted signs providing business identification and will be located on the eastern elevation as shown on Plan P. 5399 Sheet A06.

SEPP 64 applies to the whole of the State including Wollindilly Council area.

The aims and objectives of the Policy are given in Clause 3 as:

- (a) to ensure that signage (including advertising):*
 - (i) is compatible with the desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high quality design and finish, and*
- (b) to regulate signage (but not content) under Part 4 of the Act, and*
- (c) to provide time-limited consents for the display of certain advertisements*

The Policy provides a definition of 'signage' as:

all signs, notices, devices, representations and advertisements that advertise or promote any goods services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:

- (a) building identification signs, and*
 - (b) business identification signs, and*
 - (c) advertisements to which Part 3 applies,*
- but does not include traffic signs or traffic control facilities.*

Under the provisions of Part 3 of SEPP 64 the consent authority (Council) can issue consent to the proposed signage provided the application complies with aims and objectives as provided in Clause 3 (1)(a) and the Schedule 1 Assessment Criteria.

Clause 3 Aims

This policy aims:

- (a) to ensure that signage (including advertising):*
- (i) is compatible with the desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - iii) is of high quality design and finish,*

Comment

(a) (i) The size, scale, location and design of the proposed signage will be compatible with the existing and future streetscape and visual character of Rita and Chalker Street.

(ii) The location and size of the signage (Refer to Plan P. 5399 Sheet A06) and elevations will provide effective communication to visitors accessing the site from the north or south along Rita Street and Chalker Street traffic. The signs will clearly describe the development and provide direction to the general public, customers and courier deliveries.

(iii) The signs will be manufactured to a high quality material. The design and finish of the signage is detailed on the Elevations.

The design and type of materials to be used in the advertising signs will be of a high quality finish and illuminated.

Schedule 1 Assessment Criteria

1. Character of the area.

The proposed signage will be compatible with the proposed development on site. The proposed land uses will be suitably advertised by the proposed signage.

2. Special area.

The proposed signage will not detract from the amenity or visual quality of the area. There is no heritage item, natural or other conservation areas, open space areas, waterways or rural landscapes adjoining the site. The residential area on the southern side of Rita Street and the adjoining development will not be affected by the proposed signage.

3. Views and vistas.

The location and height of the sign will not impact on the skyline.

4. Streetscape, setting or landscape.

The scale, proportion and form of the signage is such that it will not dominate the overall scale of the building or its built form and will be in keeping with the streetscape along Rita Street.

5. Site and building.

The scale and size of the proposed signage will not dominate the proposed façade of the building and will be sympathetic to the proposed development.

6. Associated devices and logos with advertising and advertising structures.

Refer to detailed plans and elevations submitted with the development application.

7. Illumination.

The signage will have backlit illumination or small wall lights. Such lighting will provide low light emission level which will not impact on drivers' vision or the general safety of the public.

8. Safety.

The location and height of the signs will not impede the safe entry to the site by pedestrians, cyclists or motorists.

It is submitted that the design, location, size and height of the signage will not impact on the streetscape, the safety of visitors to the site or the overall amenity along Rita Street and Chalker Street.

5. ENVIRONMENTAL ASSESSMENT

5.1 SECTION 4.15 – EVALUATION

The following section provides an assessment of the proposed development in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment (Amendment) Act, 1997.

(1) Matters of consideration –general

In determining a development application a consent authority is to take into consideration such of the following matters as are relevant to the development, the subject of the development application.

(a) The provisions of:

(i) any environmental planning instrument

The subject site is zoned R2 Low Density Residential pursuant to the provisions of the WLEP 2011. The proposed construction of a single storey childcare centre at No. 2 and 6 Chalker Street, Thirlmere is permissible with Council consent subject to conditions.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

None Applicable

(iii) any Development Control Plans

Wollondilly Development Control Plan 2016. The objectives have been explained in **Section 4** of this Report.

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

None Applicable

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters at this stage.

(b) The likely impact of the development including environmental impacts on both the natural and built environment and social and economic impacts in the locality.

Visual and Scenic Impacts

The subject site is adjoined by existing residential housing to the south and vacant land within the residential subdivision. The proposed development will have a limited impact on the existing and future residential development in the locality. Overall the area is experiencing re-development with a variety of housing types.

Potential Impact on Adjoining Properties

Overlooking and Privacy:

Direct overlooking of adjoining main internal living areas and private open spaces shall be minimised through:

- i. Single storey construction;
- ii. Appropriate building layout and setbacks from rear and side boundaries;
- iii. Suitable location of pathways, windows and doors; and
- iv. Landscape design, screening and acoustic privacy fencing.

Windows and doors are to be sited in locations which minimise any loss of privacy or overlooking of adjoining residences.

Acoustic Privacy:

The Acoustic Report provides a conclusion on page 36:

This report has provided an assessment of potential acoustic issues for the proposed Child Care Centre at 2-6 Chalker Street, Thirlmere. The following are the conclusions from this investigation:

- *Noise emission from the Centre can comply with the noise goals set. The noise goal is "background + 5dBA" for most noise sources and "background + 10dBA" for children playing outdoors, in accordance with various Land and Environment Court decisions.*
- *Noise emission has been assessed at neighbouring noise receiver heights of 1.5m and 1.7m for outdoor noise receiver locations and façade receiver locations (ie, windows), respectively.*
- *The potentially most affected neighbour is the back yard of the single-storey residential dwelling at 38 Rita Street, adjoining the outdoor play area.*
- *It is recommended that the outdoor play areas are fitted with acoustic absorption panels, as described in the text. This is to the underside of awnings and to the facade of the child care centre building and to the façade of the noise barriers.*
- *It is recommended that the indoor play areas are fitted with acoustic absorption panels, as described in the text.*

- *The eastern wall to the outdoor play area must be 3.3m solid material with no gaps. The height is with respect to the ground RL of the neighbouring dwelling. To reduce the visual impact, the top 1.5m may be transparent.*
- *Similarly, the southern noise barrier to the outdoor play area should be 3.5m tall.*
- *The street front boundary fence of the outdoor play area should be at least a 1.5m tall solid acoustic barrier.*
- *Noise barriers can consist of transparent, translucent or opaque materials at least 10kg/m².*

Provided the acoustic measures contained in this Report are correctly implemented, the Centre can operate without causing a noise nuisance to neighbours and with acceptable levels of acoustic amenity for the staff and children using the Centre. Noise arising from within the development will not result in 'offensive noise' at any adjoining premises.

Refer to the Acoustic Report submitted with the Development Application.

Overshadowing:

The single storey design with flat roof will not impact on the solar access of the adjoining properties to the south or east.

Traffic and Parking:

Sufficient car parking shall be provided on the subject site to accommodate the proposed use. The application is supported by a Traffic and Parking Impact Statement prepared by TSA. The report has considered the potential impact of traffic in the locality and concludes that the proposal can achieve a satisfactory outcome.

Access and Traffic

The subject site is accessed via a 6.0 metre entry and exit driveway off Rita Street and pedestrian gate. The car parking layout has been designed to accommodate the required number of car spaces for a Child Care Centre with 48 children. The proposal is supported by a Traffic & Parking Impact Assessment prepared by TSA.

The Assessment concludes:

This Practice has undertaken an assessment of the potential traffic related consequences resulting from a proposed long day child care centre development on land located at 2 & 6 Chalker Street, Thirlmere. Based on our assessment, the following conclusions are now made:

- *The proposed off-street parking provision suitably accords with Council's relevant DCP requirements and is accordingly considered to be satisfactory;*

- *The proposed child care centre access arrangements and internal circulation arrangements are anticipated to provide motorists with safety and efficient vehicle and pedestrian conditions;*
- *The surrounding road network operates with a good level of service during peak periods;*
- *The proposed development has been projected to generate some 39 and 34 morning and evening peak hour trips to and from the site respectively; and*
- *The surrounding road network is considered to be capable of accommodating the traffic projected to be generated by the development in a safe and efficient manner without any undesirable impacts on the residential amenity.*

Based on the conclusions and recommendations contained within this report, we are of the opinion that there are no traffic-related issues that should preclude approval of the subject application. Accordingly, we are in support of the proposed development.

Public Domain

The child care centre will provides a positive contribution for the well being and education of the children using the facility.

Utilities

The existing utilities will be augmented as required.

Water

All storm water runoff will be drained to the proposed drainage easement which links to street drainage.

Waste

All waste during the construction shall be disposed of in accordance with an approved Waste Management Plan. Waste will collected by Council garbage service during operation of the centre.

Energy

There are no energy issues.

Economic Impact in the Locality

The child care centre will have a positive impact by providing additional child care places to

meet the demands of the surrounding residents.

Construction

Under requirements of Subsidence Advisory NSW the proposed development has been referred to the Subsidence Advisory NSW for assessment.

Cumulative Impacts

There are no cumulative impacts associated with the use of the subject site for the proposed child care centre.

(c) The suitability of the site for the development.

The subject property can accommodate the proposed child care centre. Defined areas for car parking, landscaping, open space, car parking, fencing, privacy, acoustic fencing and security have been detailed on the Architectural Plans.

(d) Any submissions made in accordance with this Act or the regulations.

Not applicable at this stage.

(d) The public interest

The public interest is best served by development that is reasonable and appropriate, that is consistent with the character of the area and that does not create any significant adverse impacts on the environment or on neighbouring properties.

The proposed development will not create any significant adverse impacts on neighbouring properties that cannot be ameliorated through appropriate conditions of development consent on the operations of the centre. The development is both consistent with and complementary to the nature, character and scale of the existing development in Thirlmere. Given the above, the proposal is in the public interest.

6. CONCLUSION

This report has been prepared as a Statement of Environmental Effects (SoEE) for the construction of a single storey Child Care Centre with ground level car parking at Lots 1&2 DP 1230557 No. 2 and 6 Chalker Street, Thirlmere ('the subject site').

The Applicant proposes the construction of a child care centre for 48 children with nine (9) staff. Off street car parking and a dual driveway off Rita Street provides for 13 car spaces.

The proposed development has been assessed in pursuance with the requirements of Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

The site is zoned R2 Low Density Residential under the provisions of the *Wollondilly Local Environmental Plan 2011* (WLEP). The proposed development is consistent with the objectives of the R2 zone and is permissible with Council's consent.

The proposed development satisfies the requirements of the Child Care Planning Guidelines and the Education and Care Services National Regulations. The proposed development satisfies the relevant controls of the Wollondilly Development Control Plan 2016 Volume 1 and 5.

The development is consistent with the provisions of State Environmental Planning Policy ((Educational Establishments and Child Care Facilities) 2017' State Environmental Planning Policy 55 – Remediation of Land; and Sydney Regional Environmental Plan No. 20 – Hawkesbury -Nepean River (No. 2-1997).

Having regard to the contents of this report and the conclusions reached the proposed development is recommended for Council's approval subject to conditions.