



STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and additions to former medical centre and change of use for the purpose of a childcare centre with capacity for 72 children.

25-27 Hardy Avenue, Wagga Wagga

Prepared for: Brenham P/L

Ref: M230227

DATE: 27 September 2023





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1. Introduction

This Statement of Environmental Effects has been prepared for the applicant of the proposed development. The report is to accompany a development application to Wagga Wagga City Council seeking consent for alterations and additions to an existing commercial building to enable its adaption for a two storey centre-based child centre, at Nos.25-27 Hardy Avenue, Wagga Wagga.

The centre will cater for a maximum of 72 children between the ages of 0-6 years old, fifteen (15) staff and will provide eighteen (18) parking spaces. The centre will operate from 6:30 am until 6:00 pm Monday to Saturday. The centre will be closed on Sundays and public holidays.

The centre is to be operated by *Brenham Pty Ltd*. A Plan of Management (POM) for the proposed Child Care Centre has been prepared in conjunction with the architectural plans prepared by *Innovate Architects*.

The development application is supported by a series of consultant reports and plans, listed below in Table 1.

Table 1 Supporting documentation with the Development Application

| <i>Document</i> | <i>Author</i> |
|---------------------|--------------------------------|
| Architectural plans | Innovate Architects |
| Acoustic Report | Acoustic Logic |
| BCA Report | J ² BCVA Consulting |
| Traffic Report | McLaren Engineering |
| Landscape Plan | Site Design + Studios |
| Plan of Management | Planning Ingenuity |

The purpose of this Statement is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of S.4.15 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act).

This Statement is divided into five sections. The remaining sections include a locality and site analysis; a description of the proposal; an environmental planning assessment; and a conclusion.





2. Site Analysis and Context

2.1 THE SITE

The site comprises a single allotment known as Nos. 25-27 Hardy Avenue, Wagga Wagga. The site has a legal description of Lot 42 in DP 2701510.

An aerial image of the site is shown below in **Figure 1** below.



Figure 1 Aerial Image of the site (Source: *NearMap*)

The subject site is irregular in shape with a southern frontage to Hardy Avenue of approximately 37 metres, an eastern side boundary of an approximant total of 44 metres, a western side boundary of approximately 43 metres, a northern rear boundary of approximately 42 metres. The site has a total area of 1,697m².

The subject site currently contains a large two storey brick building which was previously used for the purpose of a medical centre, with a large paved area providing carparking spaces covering most of the site. The use of the site as medical centre has ceased. The site has various trees and other vegetation around its perimeter but is otherwise sparsely vegetated. An image of the subject site is provided at **Figure 2**. The site is zoned R1 General Residential. Surrounding development mostly reflects the area's R1 zoning and is characterised by low density, single-storey residential buildings, with exception to the Calvary Riverina Hospital which is opposite the site.





Figure 2 View of the subject site

2.2 CONNECTIVITY AND ACCESS TO PUBLIC TRANSPORT

The subject site has good access to public transport, located 1.8km from Wagga Wagga Railway Station. The site is less than 100m from the Calvary Riverina Hospital and 2.2km from the Wagga Wagga's CBD.

The site is located within close proximity to numerous schools, including South Wagga Public School, Kildare Catholic College and Wagga Wagga High School.

All relevant utility services including water, sewer, electricity, gas and telephone will be available and connected to the subject property.

2.3 SURROUNDING DEVELOPMENT

The surrounding area is characterised by primarily single storey dwellings. Immediately to the west is No. 29 Hardy Avenue which comprise a single storey detached residential dwelling. To the east is No. 23 Hardy Avenue which also comprises of a single storey detached residential dwelling. To the rear (north), the subject site shares a boundary with Nos. 26, 28 and 30 Gormly Avenue which all are single storey detached residential dwellings. Opposite the site, on the southern side of Hardy Avenue, is the Calvary Riverina Hospital, which comprises of various buildings with different heights and ages.

Photos of the surrounding area are shown below at **Figures 3 to 6** below:



Figure 3 No. 29 Hardy Avenue located to the west of the subject site



Figure 4 No. 23 Hardy Avenue located to the east of the subject site





Figure 5 Nos. 26, 28 and 30 Gormly Avenue located to the rear of the subject site



Figure 6 Calvary Riverina Hospital located to the south of the subject site



3. Description of the Proposal

3.1 SITE HISTORY

A search of Council's DA register has found the application history relevant to the subject site. The results of this search are provided in **Table 2** below.

| Table 2 DA Search | | |
|-------------------|------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| DA Reference | Description | Decision |
| DA12/0591 | Change of use of an existing dwelling to a health services facility (Medical Centre) and new signage | Approved |
| DA12/0591.03 | Delete conditions 26c and 26d. | Approved |
| CC12/0481 | Construction Certificate | Approved |
| ADA13/0140 | Change of Use of an Existing Dwelling to a Health Services Facility (Medical Centre) & New Signage - Alterations & Additions | Approved – 23/12/2013 |
| ADA13/0091 | Amendment to Internal Layout, Rear Extensions, & Changes to the Driveway, Car Park & Landscaped Areas | Approved – 8/8/2013 |

3.2 PROPOSED DEVELOPMENT

The proposed development involves internal and external alterations and additions to the former medical centre building and change of use for the purpose of a centre based child care facility. New landscaping works are also proposed around the site's perimeter.

The childcare centre will provide education and care for a maximum of 72 children aged between 0 and 6 years and operate between the following hours:

Monday to Saturday: 6:30am to 6:00pm
Sundays and Public Holidays: Closed

A detailed Plan of Management (POM) has been prepared by *Planning Ingenuity* and is submitted under separate cover. The POM in conjunction with this development application providing guidelines and controls for the operation and management of the proposed childcare centre.

The proposal provides child care services for all ages and prepares children for primary education. The proposal will provide the services and facilities required for a traditional child care centre in accordance with the *Education and Care Services National Regulations* (ECSN Regulations).





| Table 3 Child to Educator Ratios | | | |
|----------------------------------|----------|-------------------|---------------|
| Age Group | Children | Staffing Ratio | Staff Numbers |
| 0-2 years | 30 | 1 per 4 children | 8 |
| 2-3 years | 19 | 1 per 5 children | 2 |
| 3-6 years | 23 | 1 per 10 children | 5 |
| Total | 72 | | 15 |

The childcare centre provides indoor and outdoor play areas in accordance with the requirements of the ECSN Regulations. Use of these areas has been outlined as detailed in the POM and submitted Acoustic Report.

Table 4 shows the proposed development will comply with the relevant indoor play area requirements.

| Table 4 Calculation (Indoor Play Area) | | | | |
|----------------------------------------|-----------|--------------------|-------------------------------------------------|---------------------------|
| Classroom | Age group | Number of Children | Required Area (3.25m ² per child) | Proposed Indoor Play Area |
| Playroom 1 | 0-2 years | 30 | 97.5m ² | 97.6m ² |
| Playroom 2 | 2-3 years | 19 | 61.75m ² | 63.3m ² |
| Playroom 3 | 3-6 years | 23 | 74.75m ² | 74.8m ² |

Table 5 shows the proposed development will comply with the relevant outdoor play area requirements.

| Table 5 Calculation (Outdoor Play Area) | | | | |
|-----------------------------------------|-----------|--------------------|----------------------------------------------|----------------------------|
| Play Area | Age group | Number of Children | Required Area (7m ² per child) | Proposed Outdoor Play Area |
| Outdoor Play Space | 0-6 years | 72 | 504m ² | 504m ² |

The indoor and outdoor areas will operate in accordance with the POM submitted with this application.

3.3 PROPOSED WORKS

The proposal involves external and internal alterations and additions of the existing structure as well as new landscaping works, reducing the size of the current carpark.

The proposed works are illustrated on the submitted plans prepared by *Innovate Architects* and are described in detail below.

3.3.1 Ground Floor

The ground floor level will provide pedestrian access from Hardy Avenue via a pedestrian walkway through the carpark which leads to the centre entry area. From within the entry lobby direct access to a reception desk is provided with access to disabled bathroom and reception area. Three internal playrooms are located within the ground floor with two bathroom areas for the children as well as two nappy changing stations. Playroom 3 includes a bottle prep area and access to two nearby cot rooms. Various storage areas are also provided throughout the ground floor level with multiple gates to limit children's movement and a staircase to the upper level.





3.3.2 Level 1

Level 1 contains the administration and management part of the centre with and stair access from the ground floor opening. The level is not for the use of the children. The floor contains two office spaces and two staff bathrooms, a storage area as well as a staff breakout room.

3.4 LANDSCAPING

A Landscape Plan prepared by *Site Design + Studio* is submitted under separate cover and proposes appropriate planting for the development, including native species and canopy trees. Pedestrian access is provided at the centre of the site frontage. Other than pedestrian and vehicular access, the site frontage is landscaped with high quality vegetation, maintaining existing vegetation on site.

The outdoor play areas have been designed to achieve the objectives of providing permeable landscaped area, a variety of surfaces and experiences for use by the children, the required shaded areas and retaining a residential scale and streetscape appearance.

Landscaping is provided along the front, rear and side boundaries of the site.

The landscaping plan identifies a range of play spaces and planting types including (but not limited to):

- pergola;
- sandpit;
- bridge over water play;
- water pumps;
- softfall and artificial turf;
- vegetable garden and
- peripheral planting.

An extract from the landscape plan prepared by *Site Design + Studio* is provided below at **Figures 7 and 8**.





Figure 7 Landscape Plan (Sheet 1)

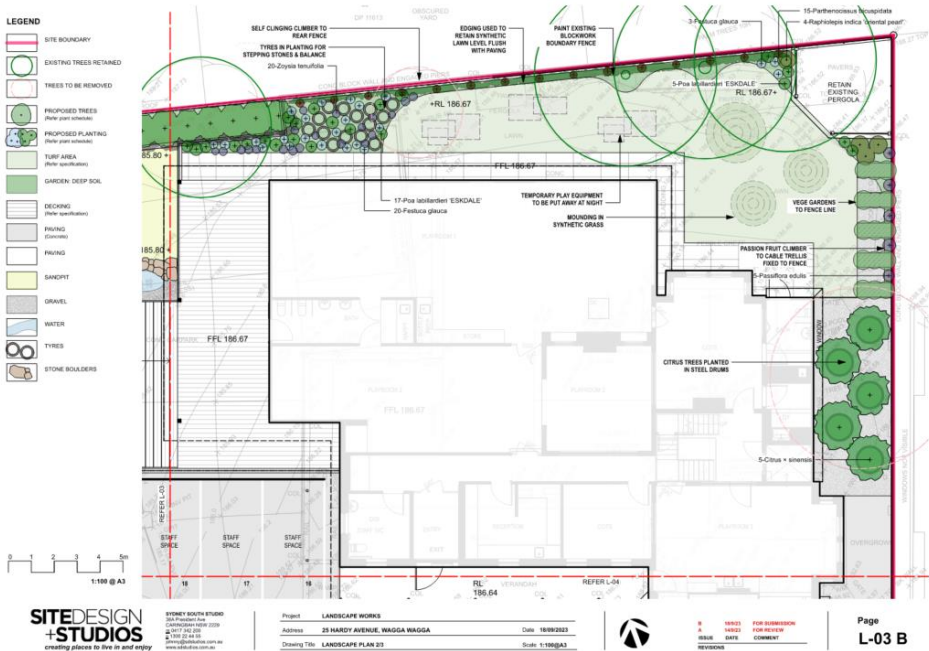


Figure 8 Landscape Plan (Sheet 2)



4. Environmental Planning Assessment

4.1 PREAMBLE

This section of the Statement provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 4.15 of the EP&A Act, 1979.

4.2 STATUTORY AND POLICY COMPLIANCE

The relevant matters for consideration under Section 4.15(1)(a) of the EP&A Act, 1979, are identified in the following Table:

| Table 2 Section 4.15 Matters for Consideration | | | | |
|------------------------------------------------|-------------------------------------------|----|--------------|-----|
| EP & A Act, 1979. | Matters for Consideration | OK | See Comments | N/A |
| S.4.15(1)(a)(i) | SEPP (Resilience and Hazards) 2021 | ✓ | ✓ | |
| " | SEPP (Transport and Infrastructure) 2021 | ✓ | ✓ | |
| " | SEPP (Industry and Employment) 2021 | ✓ | ✓ | |
| " | SEPP (Biodiversity and Conservation) 2021 | ✓ | ✓ | |
| " | Wagga Wagga LEP 2010 | ✓ | ✓ | |
| S.4.15(1)(a)(iii) | Wagga Wagga DCP 2010 | ✓ | ✓ | |

The matters identified in the above Table as requiring specific comment are discussed below. The primary statutory documents that relate to the subject site and the proposed development are the SEPP (Transport and Infrastructure) 2021, SEPP (Industry and Employment) 2021 and the Wagga Wagga Local Environmental Plan (LEP) 2010. The primary non-statutory document relating to the subject site and proposed development Wagga Wagga Development Control Plan (DCP) 2010. The relevant provisions of these documents and other relevant planning controls are summarised below and the proposal's compliance with them assessed.

4.2.1 SEPP (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) commenced on 1 March 2022, repealing and replacing three former SEPPs related to coastal management, hazardous and offensive development and remediation of land.

Of relevance to the proposed development is *Chapter 4 Remediation of Land*.

Chapter 4 Remediation of Land

Chapter 4 of the Resilience and Hazards SEPP 2021 provides planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected. The consent authority must consider if the land is contaminated and, if so, whether it is suitable, or can be made suitable, for the proposed use.



In respect of any development application, the consent authority must not consent to the carrying out of any development on land unless the matters set out in Table # have been given consideration.

Table 6 Clause 4.6 of Resilience and Hazards SEPP

| <i>SEPP Requirement</i> | <i>Proposal</i> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) it has considered whether the land is contaminated, and | The subject site does not have a history of any previous uses that may have contributed to land contamination. The site was previously used as a medical centre and before that as a residential dwelling. |
| (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and | Based on the previous use of the site as a medical centre and a dwelling prior to that, the land is considered to be suitable in its current condition for use as a child care centre. |
| (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. | Not applicable. |

As such, the development is acceptable and the site is suitable for the proposed development.

4.2.2 SEPP (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) commenced on 1 March 2022, repealing and replacing four former SEPPs related to infrastructure, transport, education and childcare.

Of relevance to the proposed development is *Chapter 3 Educational Establishments and Child Care Facilities*.

Chapter 3 Educational Establishments and Child Care Facilities

Chapter 3 of the Transport and Infrastructure SEPP 2021 sets out a range of overarching controls and guidelines for centre-based child care facilities. Under the Education SEPP, a centre-based child care facility is defined as:

centre-based child care facility means:

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

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

(b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

Note. An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include:

(c) a building or place used for home-based child care or school-based child care, or

(d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or

(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or

(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or

(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

The proposed development meets the above definition. Part 3.3 of the Transport and Infrastructure SEPP sets out the provisions that apply to child care facilities. These requirements and the proposals performance against them are detailed in **Annexure A** of this Statement.

Child Care Planning Guidelines (September 2021)

At clause 3.23, the Transport and Infrastructure SEPP states that:

“Centre-based child care facility—matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based 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”.

Therefore, a consent authority must take into consideration this Guideline when assessing a development application (DA) for a centre based child care facility ('child care facility'). It also determines this Guideline will take precedence over a Development Control Plan (DCP), with some exceptions, where the two overlap in relation to a child care facility.

This Guideline informs state and local government, industry and the community about how good design can maximise the safety, health and overall care of young children. A compliance table is provided at **Annexure B** which demonstrates the proposals level of compliance with the relevant controls.

4.2.3 SEPP (Industry and Employment) 2021

State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP) commenced on 1 March 2022, repealing and replacing two former SEPPs related to employment lands in Western Sydney and advertising and signage.

Of relevance to the proposed development is *Chapter 3 Advertising and Signage*

This Chapter of the SEPP applies to all signage that can be displayed with or without development consent and is visible from any public space.





The relevant objectives set out in clause 3(1)(a) and the applicable assessment criteria specified in Schedule 1 of the Instrument have been addressed below in **Table 3**.

| Table 3 SEPP Industry and Employment | | |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Criteria | Requirement | Discussion |
| 3(1)(a) | (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 | The proposed signage is located at the frontage of the site on the upper level of the front façade and on posts behind the front fence. This signage elements will be understated and finished to complement the development. The signage will be of a simple design and will utilise prefabricated materials for a high quality finish which will not be obtrusive when viewed from the public domain. |
| 1 Character of the area | • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? | The signage is simple in appearance and is well coordinated. The proposed signage will be located on the front façade and behind the front fencing, and will be limited in size. The proposed signs are compatible with the land use envisaged in the zone. |
| | • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? | The locality of the area does not identify a particular theme for signage. The proposed signs are modest in scale and compatible with the façade and development. The signs are not visually intrusive as identified through this analysis. |
| 2 Special areas | • Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? | The subject site is not situated within an environmentally sensitive area, heritage conservation area, open space area, or the like. |
| 3 Views and vistas | • Does the proposal obscure or compromise important views? | There are no significant views obtained from or through the site. |
| | • Does the proposal dominate the skyline and reduce the quality of vistas? | The signage proposed will be situated below the line of the roof and will not impact the skyline in any significant way. |
| | • Does the proposal respect the viewing rights of other advertisers? | The proposed signage will not comprise the viewing rights of other advertisers. |
| 4 Streetscape, setting or landscape | • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? | The proposed signage on the front facade and behind the front fencing is compatible with the locality through the proposed colours and style. The proposed signs are simplified building identifications. |

Table 3 SEPP Industry and Employment

| | | |
|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? | <p>The proposal has been designed with intent to integrate and identify the site use without being visually obtrusive.</p> |
| | <ul style="list-style-type: none"> • Does the proposal reduce clutter by rationalising and simplifying existing advertising? | <p>The proposed signage scheme has been integrated well within the façade. The design is simple and does not create any visual impact to the surroundings.</p> <p>The proposed signage provides a rational and effective means of communication and will not adversely impact streetscape character.</p> |
| | <ul style="list-style-type: none"> • Does the proposal screen unsightliness? | <p>The proposed signage will ensure that the appearance of the development is of high quality. The proposed signage provides identification to a child care use and will not appear as unsightly or obtrusive.</p> |
| | <ul style="list-style-type: none"> • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? | <p>The wall signage is affixed to the facade and is situated below the line of the roof and will not extend above any buildings, structures or trees in the locality. The post signage is located behind the front fencing and does not protrude above any buildings or tree canopies.</p> |
| | <ul style="list-style-type: none"> • Does the proposal require ongoing vegetation management? | <p>The proposed signage will not require any ongoing vegetation management.</p> |
| 5 Site and building | <ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? | <p>The signage is designed to complement the building's design and scale.</p> |
| | <ul style="list-style-type: none"> • Does the proposal respect important features of the site or building, or both? | <p>The signage scheme in combination with the façade proposed will retain the aesthetic qualities of the building.</p> |
| | <ul style="list-style-type: none"> • Does the proposal show innovation and imagination in its relationship to the site or building, or both? | <p>The signage scheme is of a simple design and utilises emerging technologies for a high quality finish.</p> |
| 6 Associated devices and logos with advertisements and advertising structures | <ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? | <p>The wall signage will be illuminated by LED.</p> |
| 7 Illumination | <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? | <p>No, the extent of lighting is minimal and relative to the size of the proposed wall sign.</p> |

Table 3 SEPP Industry and Employment

| | | |
|----------|---------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| | • Would illumination affect safety for pedestrians, vehicles or aircraft? | As above. |
| | • Would illumination detract from the amenity of any residence or other form of accommodation? | The illuminated signage will be oriented to the street, away from adjoining properties. |
| | • Can the intensity of the illumination be adjusted, if necessary? | Compliance can be achieved.. |
| | • Is the illumination subject to a curfew? | Signage will only be illuminated during the hours of operation of the centre. |
| 8 Safety | • Would the proposal reduce the safety for any public road? | The proposed signage is modest in terms of scale and design. |
| | • Would the proposal reduce the safety for pedestrians or bicyclists? | As above. |
| | • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? | The proposed signage will have no impact to the sightlines for pedestrians (including children) or vehicles. |

4.2.4 SEPP (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) commenced on 1 March 2022, repealing and replacing 11 previous SEPPs.

Of relevance to the proposed development is Chapter 2 Vegetation in non-rural areas.

Chapter 2 Vegetation in non-rural areas

This Chapter regulates clearing that is not ancillary to development requiring consent. Whereas, clearing that is ancillary to development requiring consent will be assessed as part of the development assessment process.

There are three (3) trees to be removed as part of this proposal.

These trees include:

- Tree 1 is located on the western boundary that is proposed to facilitate access to the play space
- Tree 2 is a shrub on the northern boundary to increase lawn space for outdoor play.
- Tree 3 is a tree located on the eastern boundary to facilitate the creation of a citrus garden within the play space.

Refer to the Landscape Plan prepared by *Site Design + Studio* submitted with this application for details of the proposed landscaping scheme.

4.2.5 Wagga Wagga LEP 2010

Wagga Wagga LEP 2010 (WWLEP 2010) applies to the subject site. Under the LEP the subject site is located within the R1 – General Residential zone. *Centre-based child care facilities* are permissible in this zone. Accordingly, the proposed development is permissible with consent.

The objectives of the R1 zone are:



- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure co-ordinated and cost-effective provision of physical, social and cultural infrastructure in new residential areas.*

The proposal is consistent with these objectives, as the proposed childcare centre provides a service that meets the day to day needs of families residing in the area. The proposal will enhance the essential character and identity of the residential area by being a compatible design and ensures a high level of residential amenity is maintained through suitable design and landscape treatment.

An assessment of the proposal is provided within the LEP compliance table located at **Annexure C** of this report and demonstrates that the proposal complies with all relevant LEP controls.

4.2.6 Wagga Wagga Development Control Plan 2010

The relevant provisions of Wagga Wagga DCP (WWDCP 2010) are detailed at **Annexure D**. The proposal has been designed to comply with the requirements of the DCP or acceptable on merit as discussed in table.

4.3 IMPACTS ON NATURAL & BUILT ENVIRONMENT

4.3.1 Topography & Scenic Impacts

The site topography falls towards the rear (from south to north), with a fall of approximately 2m from the street frontage to the rear of the site. To accommodate the proposed childcare centre, the development will not require excavation.

The proposed development does not propose to increase the height of the existing building or significantly increase the building's footprint beyond what is reasonable for the R1 Zone. As such resulting in a form of development that is appropriate to the site, compatible with the area and will therefore have acceptable topographical and scenic impacts.

4.3.2 Micro-climate Impacts

The proposed development will have no significant impact on the micro-climate of the locality.

4.3.3 Water & Air Quality Impacts

The proposed development will not have any significant or unreasonable impacts on air or water quality in the locality. The completed project will be connected to the sewer and stormwater drainage system to Council's requirements.

4.3.4 Flora & Fauna Impacts

There are a total of ten (10) trees existing on the subject site, the majority of which are located at the rear of the site. The proposal involves the removal of 3 trees and a shrub as indicated on the landscape plan submitted with the development application.

All street trees adjacent to the site will be retained and protected during construction work.

A Landscape Plan prepared by *Site Design + Studio* is submitted under separate cover demonstrating proposed integrated child care centre suitable landscape scheme for the site. The plan incorporates high quality landscaping including a range of native shrubs, grasses, hard and soft surfaces and will provide replacement tree planting. Specifically, two new trees will be planted at the site frontage to replace those proposed for removal.



Overall, the proposed landscape scheme, incorporating suitable replacement trees, quality shrubs, grasses and ground covers is a highly integrated landscape improvement for the site, compatible with the area and suitable to the proposed child care centre use.

4.3.5 External Appearance & Design

The proposed development has been designed to ensure compatibility with the density and residential character of the surrounding area.

The proposed development has been designed in respect to the nearby heritage listed hospital.

Traditional building forms have been used such as a gabled roof, dormer windows, timber and brick cladding, and large eaves to function as a porch. In addition to this, natural colours such as light greys, whites and beige will be used to create a natural effect. The architecture of the proposal is compatible with the character of the area.

The overall modulation of the façade, roof form and fenestration elements ensure that the proposal addresses the streetscape whilst negating any adverse impacts created by bulk and scale. The provision of landscaping throughout the site, including the provision of new trees and plantings at the front of the site, softens the overall built form and is compatible with the character of the neighbouring properties. Additionally, side and rear boundaries have also incorporated fenestration, materiality and landscaping to ensure the visual outlook from the neighbouring properties is not compromised.

As such, it is considered that the proposed development will positively contribute to the visual character of the area.

4.3.6 Solar Access

Shadow diagrams are submitted with the application under separate cover and demonstrate the shadow impact of the proposed development at 9am, 12pm and 3pm at 22 June (midwinter) and 22 September (equinox).

The Child Care Planning Guidelines require that development is designed to avoid overshadowing of adjoining residential properties. The proposal has been designed to avoid overshadowing to neighbouring properties as far as practicable by providing where possible and by designing the development to sit entirely below the maximum building height requirement.

In terms of overshadowing and solar access to the private open space and living areas of neighbouring dwellings, the DCP does not contain any provisions for child care centres. As such, guidance is taken from Part D9 of Wagga Wagga DCP which contains solar access controls for residential dwellings. Section 9.3.4 relates to Solar Planning which can be applied to the development and requires the following:

C3 Building design and site layout is to ensure adequate sunlight access to the internal living spaces and private open space of the proposed development.

C6 For any adjacent dwellings that have north facing living areas, maintain 3 hours sunlight access to the windows of the living areas between 9am and 3pm in mid-winter (June 22).

C8 Proposed development design should take into account the location of any adjacent private open space and avoid excess overshadowing of that space.

The proposed development will also perform favourably with regards to the solar access of private open spaces. As demonstrated within the shadow diagrams, the proposal will have negligible impact in terms of solar access to adjoining properties.



In regards to the provision of solar access to the proposed child care centre, the Child Care Planning Guidelines provide the following design guidance for outdoor play areas:

Outdoor play areas should:

- *Have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required.*
- *Adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area.*
- *Have evenly distributed shade structures over different activity spaces.*

The proposed roof overhangs, in conjunction with surrounding built form and landscaping, provide adequate levels of shading to the outdoor play areas to ensure that an appropriate balance between solar access and sun protection is achieved evenly across the site.

As such, the proposal is considered to be acceptable with regards to overshadowing to neighbouring properties and solar access to the proposed development.

4.3.7 Views

There are no significant views of iconic buildings, natural landscape or otherwise afforded from the site or from buildings in the immediate vicinity of the site. The proposal is of a scale and form reasonably expected at the site and will not result in any significant or unreasonable view loss impacts.

4.3.8 Aural & Visual Privacy

The proposed centre-based child care facility will provide for a maximum 72 childcare places and seeks approval for hours of operation from 6:30 am to 6:00 pm Monday to Saturday.

An acoustic report, prepared by *Acoustic Logic*, has been submitted with the development application under separate cover and considers the proposed development against the relevant assessment criteria.

The report makes the following recommendations regarding the use of the site as a child care centre:

- *No more than 72 children inside the Child Care Centre at any time*
- *Maximum 4h of outdoor play per day – All 30 children aged 0-2, all 23 children aged 2-3 and all 19 children aged 3-5 using the outdoor play area at any given time concurrently. Outdoor play areas are to be limited to the prescribed 72 children inside the centre, and no outdoor play before 7:00am or after 6:00pm.*
- *An acoustic barrier system as a detailed complying construction in Section 9 of this report.*
- *Additional general management controls as follows:*
- *Signs reminding staff and visitors to minimise noise at all times shall be installed at ingress/egress points from the child care centre (including car park)*
- *All staff are to be given appropriate training in relation to the acoustic impacts and requirements in terms of operation of the facility,*
- *Management is to ensure children are supervised at all times to minimise noise generated by the children whenever practical and possible.*
- *Install a contact phone number at the front of the centre so that any complaints regarding centre operation can be made,*
- *No music systems are to be used outside at anytime,*

- *Mechanical plant only to operate between 6:30am and 6:00pm Monday to Saturday.*

The development application is predicated on full implementation of the recommendations of the acoustic report and it is anticipated that Council will impose appropriate conditions of consent to this effect.

The report concludes that the noise emissions from the development will comply with the applicable acoustic criteria and requirements provided that the recommendations and management controls are implemented.

In terms of visual privacy, windows facing side boundaries are limited and do not overlook private open space or directly oppose adjoining windows. Where windows are proposed along the side elevations they are largely high level windows or a minor in extent, and will not introduce any adverse privacy impacts.

As such, the proposal is considered acceptable in terms of aural and visual privacy impacts on adjoining development and the amenity of future residents.

4.4 ECONOMIC & SOCIAL IMPACTS

The proposed development will result in an increase in available child care places in the locality. The subject site enjoys good access to commercial services, local schools and public transport routes. The proposed development will utilise existing infrastructure including electricity, sewer, water and telecommunication services.

Undertaking the construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects. Accordingly, it is considered that the proposed development is likely to have only positive social and economic impacts in the locality.

4.5 THE SUITABILITY OF THE SITE

4.5.1 Access to Services

The site is within an established residential area and is currently provided with electricity, telephone, water and sewerage services.

4.5.2 Parking and Access

Part B2 of the DCP states a parking rate of 1 space per 4 children in attendance. The centre will cater for a maximum of 72 children and as such 18 spaces are required on site. The proposed development provides a total of 18 spaces, including ten (10) staff spaces, seven (7) visitor spaces and one (1) accessible space within the parking area located at the front of the site.

A Traffic and Parking Impact Assessment Report prepared by *McLaren Traffic Engineering* has been submitted with the application.

The report makes the following conclusions:

- *The proposal includes the provision of 18 car spaces within a proposed carpark, comprise of 10 for staff use and eight (8) for visitor use, satisfying the WDCP 2010 parking requirements.*
- *WDCP 2010 does not require the provision of bicycle and motorcycle parking facilities. As such, nil bicycle/motorcycle parking spaces have been provided.*
- *The parking areas of the site have been assessed against the relevant sections of AS2890.1:2004 and AS2890.6:2022 and have been found to satisfy the objectives of each standard. Swept path testing has been undertaken and the results are reproduced in the report.*
- *The traffic generation of the proposed development has been estimated to be some 57 trips in the AM peak period (29 in, 28 out) and 50 trips in the PM peak period (25 in, 25 out). The impacts of the traffic*

generation have been modelled using SIDRA INTERSECTION 9.1, indicating that there will be no adverse impact to the performance of the intersections as a result of the generated traffic.

As such, the proposed centre is not considered to have any adverse impacts in terms of parking and traffic generation on the locality.

4.5.3 Hazards

As the site is not in an area recognised by Council as being subject to landslip, flooding or bushfire or any other particular hazards. The proposed development is not likely to increase the likelihood of such hazards occurring and is considered appropriate in this instance.

4.6 THE PUBLIC INTEREST

The proposal is considered to be compatible with existing development and will provide a balance between protecting residential amenity and the natural environment and providing additional childcare places in the locality.

The proposal complies with the development standards and objectives contained within the SEPP (Transport and Infrastructure) 2021, Wagga Wagga LEP 2010 and adequately responds to the provisions of the Wagga Wagga DCP 2010.

The proposal will provide an additional needed child care centre in the locality and will have minimal adverse impacts on the natural and built environment. Accordingly, the proposed development is considered to be in the public interest.



5. Conclusion

The proposal involves the change of use of a former medical centre into a child care centre for a maximum of 72 children. Internal and alterations to the building are proposed. The impact of the proposed development has been assessed in accordance with the provisions of Section 4.15 of the EP&A Act, 1979 and found to be satisfactory. The proposal is permissible with consent under *Wagga Wagga Local Environmental Plan 2010* and complies with the aims and objectives of the LEP.

The design and external appearance of the proposal is appropriate to the character of the locality. The proposal does not impact on views, privacy or solar access of neighbouring properties and will have no significant impact on the topography, micro-climate, air or water quality of the locality. Acoustic impacts are considered acceptable as they will be minimised through the implementation of mitigation measures as outlined in the Acoustic Report prepared by *Acoustic Logic*. Similarly, traffic will not be adversely impacted given compliance with the *Wagga Wagga Development Control Plan 2010* requirements and as outlined in the Traffic Report prepared by *McLaren Traffic Engineering*.

The proposal provides a centre-based childcare centre for 72 children in close proximity to numerous schools in the locality. The proposed development will provide high quality indoor and outdoor play areas which will benefit the children utilising the centre. The site is suitable for the proposed childcare centre and will generally have acceptable environmental, social and economic impacts on the immediate area. The proposal is unlikely to result in adverse impacts on the amenity of the locality and accordingly, the proposal is considered to be in the public interest and worthy of Council's support.

Annexure A

SEPP (Transport and Infrastructure) 2021 - Compliance Table



SEPP (Transport and Infrastructure) 2021 - Compliance Table

| Clause / Control | Requirement | Proposal | Complies? |
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| Chapter 3 Education establishments and child care facilities | | | |
| <i>Part 3.3 Early education and care facilities – specific development controls</i> | | | |
| <p>3.22 Centre-based child care facility— concurrence of Regulatory Authority required for certain development</p> | <p>(1) This section applies to development for the purpose of a centre-based child care facility if—</p> <p>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or</p> <p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</p> <p>(2) The consent authority must not grant development consent to development to which this section applies except with the concurrence of the Regulatory Authority.</p> <p>(3) The consent authority must, within 7 days of receiving a development application for development to which this section applies—</p> <p>(a) forward a copy of the development application to the Regulatory Authority, and</p> <p>(b) notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.</p> <p>(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW).</p> | <p>The proposal complies with this requirement. See the Child Care Planning Guideline compliance table at Annexure B.</p> <p>As above.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> | <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> |

SEPP (Transport and Infrastructure) 2021 - Compliance Table

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| | <p>(3) To remove doubt, this section does not prevent a consent authority from—</p> <p>(a) refusing a development application in relation to a matter not specified in subsection (2), or</p> <p>(b) granting development consent even though any standard specified in subsection (2) is not complied with.</p> | <p>Noted.</p> <p>Noted.</p> | <p>-</p> <p>-</p> |
| <p>3.27 Centre-based child care facility—development control plans</p> | <p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early education and care facilities,</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in:</p> <p>(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or</p> <p>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p> <p>(2) This clause applies regardless of when the development control plan was made.</p> | <p>Noted.</p> <p>Noted.</p> | <p>-</p> <p>-</p> |

ANNEXURE B

Child Care Planning Guideline – Compliance Table



Child Care Planning Guideline

| Clause / Control | Requirement | Proposal | Complies? |
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| 3. Matters for consideration | | | |
| 3.1 Site selection and location | <p>C1 For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties the setbacks and siting of buildings within the residential context visual amenity impacts (e.g. additional building bulk and overshadowing, local character) traffic and parking impacts of the proposal on residential amenity. | <p>The site is within the R1 General Residential zone.</p> <p>An Acoustic Report has been submitted with the DA, recommendations of which are incorporated into the proposal. Privacy is addressed later in this table.</p> <p>The DCP does not prescribe setbacks for child care centres, however, the proposed development is consistent with the setbacks of the properties on either side of the site and the required setbacks for residential development.</p> <p>The proposal will have suitable amenity impacts on the surrounding properties.</p> <p>A Traffic Report is submitted with the development application.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| | <p>C2 When selecting a site, ensure that:</p> <ul style="list-style-type: none"> the location and surrounding uses are compatible with the proposed development or use the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed the characteristics of the site are suitable for the scale and type of development proposed having regard to: | <p>Childcare centres are a common feature within R1 – General Residential zone and is a permissible form of development. Acoustic and traffic reports have been submitted with the application to identify and recommend mitigation to ensure compatibility with the surrounding uses.</p> <p>There are no risks such as flooding, land slip, bushfires or coastal hazards on the site.</p> <p>The site history involves use as a medical practice and a residential dwelling prior to that. As such it is unlikely that there are any potential environmental contaminants on the land.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |

Child Care Planning Guideline

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| | <ul style="list-style-type: none"> - the length of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use • there are suitable drop off and pick up areas, and off and on street parking • the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use • the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. | <p>The proposal provides for the required indoor and outdoor areas and allows suitable setbacks to adjoining properties. Appropriate landscaping and deep soil areas are also provided.</p> <p>Three shared boundaries with residential properties.</p> <p>The development will have no adverse environmental impacts.</p> <p>The interior and exterior spaces within the childcare centre will be suitable for the proposed use.</p> <p>A traffic report has been produced with this application which discusses the suitability of parking on site.</p> <p>The subject site is accessed via a suitable road which will be appropriate for vehicle entry and exit and pedestrian safety.</p> <p>As above.</p> <p>N/A – the area is residential in nature.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> |
| | <p>C3 A child care facility should be located:</p> <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. | <p>The site is located within close proximity South Wagga Public School, Kildare Catholic College and Wagga Wagga High School.</p> <p>The site is located with 2.2km of the Town Centre which contains a number of retail premises.</p> <p>The site is located 1.8km from Wagga Wagga Railway Station</p> <p>The site is within walking distance to the surrounding Town Centre.</p> | <p>Yes</p> |

Child Care Planning Guideline

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| | <p>C4 A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> • proximity to: <ul style="list-style-type: none"> - heavy or hazardous industry, waste transfer depots or landfill sites - LPG tanks or service stations - water cooling and water warming systems - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses. - extractive industries, intensive agriculture, agricultural spraying activities • any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site. | <p>The site is located in a residential area and is not in proximity to any such hazards or uses.</p> | <p>Yes</p> |
| <p>3.2 Local character, streetscape and the public domain interface</p> | <p>C5 The proposed development should:</p> <ul style="list-style-type: none"> • contribute to the local area by being designed in character with the locality and existing streetscape • build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise and respond to 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 | <p>The proposal has been designed to not significantly alter the existing building on the site, as such it will continue to remain to be compatible with the character of the locality.</p> <p>The proposed development is consistent with the character of the locality and will sit well within the streetscape.</p> <p>The proposed development reflects the predominant form of surrounding land uses.</p> <p>The proposal has been designed to respond to th predominant streetscape qualities including building form, scale, materials and colours.</p> <p>As above, the proposal is designed to reflect the high density character of the area.</p> | <p>Yes</p> |

Child Care Planning Guideline

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| | <ul style="list-style-type: none"> • use landscaping to positively contribute to the streetscape and neighbouring amenity • integrate car parking into the building and site landscaping design in residential areas. • in R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence, except when good design solutions can be achieved. | <p>The proposed development has incorporated landscaping which is compatible with the character of the area throughout the front, side and rear setbacks. See submitted Landscape Plan.</p> <p>The proposal includes parking which screened through landscaping to minimise impacts onto the streetscape, surrounding neighbours and maximise landscaping.</p> <p>The site is located within the R1 zone.</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>Front and fences and gates, as well as the building line and front setback treatment delineate the public and private realms.</p> <p>The design provides windows overlooking Hardy Avenue.</p> <p>Refer to Landscape Plan prepared by <i>Site Design + Studio</i>.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| | <p>C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p> | <p>Vehicular and pedestrian entrances have been clearly separated.</p> | <p>Yes</p> |
| | <p>C8 Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/ private open space from adjoining public open space | <p>Not applicable.</p> | <p>N/A</p> |

Child Care Planning Guideline

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| | <ul style="list-style-type: none"> minimal use of blank walls and high fences. | | |
| | <p>C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p> | The front fencing proposed consists of visually permeable materials. | Yes |
| | <p>C10 High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p> | Not applicable. | N/A |
| 3.3 Building orientation, envelope and design | <p>C11 Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties placing play equipment away from common boundaries with residential properties locating outdoor play areas away from residential dwellings and other sensitive uses | <p>Windows to the side and rear boundaries are limited in number and size and are not located directly opposing private open space or windows. Acoustic screening proposed has been informed by the acoustic consultant. Please refer to the acoustic report (submitted under separate cover) for further details on physical acoustic treatment.</p> | Yes |
| | <ul style="list-style-type: none"> optimise solar access to internal and external play areas | <p>The development has been designed to minimise amenity impact on adjoining residential uses informed by the acoustic consultant's advice and design inclusions. The proposed outdoor play areas are designed to minimise adverse amenity impacts on adjoining properties through landscaping, siting and acoustic treatment. Please refer to the landscape plans and architectural plans for further details.</p> | Yes |
| | <ul style="list-style-type: none"> avoid overshadowing of adjoining residential properties | <p>Internal play areas are provided with adequate solar access through windows proposed, however appropriate measures will be taken to ensure visual privacy. Outdoor play areas include covered and uncovered spaces to also ensure useability throughout the year. North-south allotment pattern ensures no detrimental impacts on adjoining properties.</p> | Yes |
| | <ul style="list-style-type: none"> minimise cut and fill | <p>There is no cut and fill proposed.</p> | Yes |

Child Care Planning Guideline

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| | <ul style="list-style-type: none"> • 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>The proposed development has been designed to address the street frontage through pedestrian access, glazed openings, landscaping and overall building articulation and will complement the generally low density character of the locality.</p> <p>The proposed indoor and outdoor play areas will be provided with operable openings and shading to ensure useability throughout the year.</p> | <p>Yes</p> <p>Yes</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 building is two storeys in height and does not change the existing building height. The building height is consistent with surrounding development.</p> <p>As above.</p> <p>The proposed setbacks allow for adequate privacy and separation and are consistent with DCP requirements.</p> <p>Complies.</p> <p>The proposed setback is consistent with the predominant building line and is consistent/compatible with the setback controls for dwellings.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| | <p>C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p> | <p>The proposed front setback is consistent with the setback of adjoining development.</p> | <p>Yes</p> |
| | <p>C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p> | <p>The proposal complies with residential setback controls as outlined above and discussed at Annexure D.</p> | <p>Yes</p> |
| | <p>C15 Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage | <p>Pedestrian access to the facility is provided from Park Avenue and is easily accessible from the public domain. This will not clash with the vehicular access proposed.</p> | <p>Yes</p> |

Child Care Planning Guideline

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| | <ul style="list-style-type: none"> • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. | | |
| | <p>C16 Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. <p><i>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</i></p> | <p>Accessible path of travel is provided from the street.</p> <p>Prams and wheelchairs will be able to access all parts of the site.</p> <p>A continuous path of travel to and within the building is possible via the lifts provided.</p> <p>Ramping is only proposed where necessary in response to the topography of the site.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| 3.4 Landscaping | <p>C17 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>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 proposed development has been designed with landscaping located throughout the site as indicated in the submitted Landscape Plan prepared by <i>Site Design + Studio</i>. The subject site does not contain any significant vegetation or distinct landscaped character, and landscaping on the site is currently unkept. The proposed development is considered to be an improvement over the existing landscaped character on the subject site. Where tree removal is proposed adequate replacement planting is provided on the site.</p> | <p>Yes</p> |
| | <p>C18 Incorporate car parking into the landscape design of the site by:</p> | <p>Landscaping has been proposed to soften and reduce impacts of the carpark.</p> | <p>Yes</p> |



| Child Care Planning Guideline | | | |
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| | <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. | | |
| 3.5 Visual and acoustic privacy | C19 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces. | N/A – not a mixed use development. | N/A |
| | C20 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: <ul style="list-style-type: none"> appropriate site and building layout suitably locating pathways, windows and doors permanent screening and landscape design. | From Hardy Avenue, the proposal has been designed to ensure that opportunities for adverse overlooking from the public domain are minimised. Windows to the children's play areas are oriented into the site as far as practicable to limit the opportunity for overlooking onto the public domain. Acoustic screening will provide visual privacy of the site and to surrounding neighbours. | Yes |
| | C21 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: <ul style="list-style-type: none"> appropriate site and building layout suitable location of pathways, windows and doors landscape design and screening. | As above. The child care centre will not directly overlook main internal living areas of adjoining development. | Yes |
| | C22 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: <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. | An Acoustic Report, prepared by <i>Acoustic Logic</i> has been submitted with the application. Acoustic fencing / and treatment is provided per recommendations. | Yes |



Child Care Planning Guideline

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| | <p>C23 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. | An Acoustic Report has been submitted with the application. Noise mitigation recommendations have been recommended and informed the final building design. | Yes |
| 3.6 Noise and air pollution | <p>C24 Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • creating physical separation between buildings and the noise source • orienting the facility perpendicular to the noise source and where possible buffered by other uses • using landscaping to reduce the perception of noise • limiting the number and size of openings facing noise sources • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits • locating cot rooms, sleeping areas and play areas away from external noise sources. | An Acoustic Report prepared by <i>Acoustic Logic</i> has been submitted with the development application. A series of management controls to mitigate noise impacts have been recommended and informed the final building design. | Yes |
| | <p>C25 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 | Not applicable | N/A |

Child Care Planning Guideline

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| | <p>C26 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p> | <p>The site is not located near a major road or industrial area.</p> | <p>N/A</p> |
| | <p>C27 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility | <p>The proposed centre is adequately separated from main roads and industrial areas and is not considered to be impacted by the roadway in terms of air quality.</p> <p>An air quality assessment report is not considered necessary.</p> | <p>N/A</p> |
| 3.7 Hours of operation | <p>C28 Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p> | <p>The hours of operation of the centre are 6:30am – 6:00pm (Monday to Saturday). The area surrounding the subject site has a mix of land uses including the Calvary Hospital. Having regard to the range of other land uses in the area, the proposed hours of operation are considered appropriate.</p> | <p>Yes</p> |
| | <p>C29 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p> | <p>Not applicable.</p> | <p>N/A</p> |
| 3.8 Traffic, parking and pedestrian circulation | <p>C30 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400 metres of a metropolitan train station:</p> | <p>The development proposes 18 spaces and Council's DCP requires 18 spaces for the proposed number of children and staff. The proposed parking provision is supported by the Traffic Report prepared by <i>McLaren Traffic Engineering</i> and submitted with this application..</p> | <p>Yes</p> |

Child Care Planning Guideline

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| | <ul style="list-style-type: none"> • 1 space per 10 children • 1 space per 2 staff. <p>Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</p> <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children. <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> • the proposal is an adaptive re-use of a heritage item • the site is in a B8 Metropolitan Zone or other high density business or residential zone • the site is in proximity to high frequency and well connected public transport • the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) • there is sufficient on street parking available at appropriate times within proximity of the site. | | |
| | <p>C31 In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</p> | <p>Not applicable.</p> | <p>N/A</p> |
| | <p>C32 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network. | <p>A Traffic and Parking Assessment prepared by <i>McLaren Traffic Engineering and Road Safety Consultants</i> has been submitted with the development application.</p> <p>The report demonstrates that the amenity of the surrounding area will not be affected and that there will be no adverse impacts on the safe operation of the surrounding road network.</p> | <p>Yes</p> |

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| | <p>C33 Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials. The alternate access must have regard to: <ul style="list-style-type: none"> • the prevailing traffic conditions • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic. | Not applicable. | N/A |
| | <p>C34 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> | Not applicable. | N/A |
| | <p>C35 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 • minimise the number of locations where pedestrians and vehicles cross each other • in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas • vehicles can enter and leave the site in a forward direction. | <p>Separate pedestrian access is provided from the car-park to the facility.</p> <p>Crossings are not considered necessary given the size of the parking area.</p> <p>Complies</p> <p>Complies.</p> <p>It is anticipated that delivery and loading will be possible at off-peak times throughout the day and vehicles will make use of the visitor parking spaces.</p> <p>Noted.</p> <p>Not applicable.</p> <p>Complies</p> | <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>-</p> <p>N/A</p> <p>Yes</p> |



| Child Care Planning Guideline | | | |
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| | <ul style="list-style-type: none"> clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations. | Adequate sightlines will be provided. | Yes |
| | <p>C36 Mixed use developments should include:</p> <ul style="list-style-type: none"> driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. | Not applicable. | N/A |
| | <p>C37 Car parking design should:</p> <ul style="list-style-type: none"> include a child safe fence to separate car parking areas from the building entrance and play areas | Parking is separate from play space. | Yes |
| | <ul style="list-style-type: none"> provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards | Accessible parking is located near the centre entry. | Yes |
| | <ul style="list-style-type: none"> include wheelchair and pram accessible parking. | Accessible parking is provided. | Yes |
| 4. Applying the National Regulations to development proposals | | | |
| 4.1 Indoor space requirements | <p>Regulation 107 Education and Care Services National Regulations</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space. (71x3.25m² = 230.75m²)</p> <p>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> passageway or thoroughfare (including door swings) used for circulation | <p>233.8m² of unencumbered indoor floor space is provided.</p> <p>The requirement is met.</p> <p>Noted. Spaces have been calculated accordingly.</p> | <p>Yes</p> <p>N/A</p> <p>Yes</p> |



Child Care Planning Guideline

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| | <ul style="list-style-type: none"> • toilet and hygiene facilities • nappy changing area or area for preparing bottles • area permanently set aside for the use or storage of cots • area permanently set aside for storage • area or room for staff or administration • kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen • on-site laundry • other space that is not suitable for children. <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.</p> <p>When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated.</p> <p>Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.</p> | <p>Indoor spaces are secure, highly visible and can be safely supervised.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> | <p>Yes</p> <p>-</p> <p>-</p> <p>-</p> |
| <p>4.2 Laundry and hygiene facilities</p> | <p>Regulation 106 Education and Care Services National Regulations</p> <p>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.</p> <p>Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.</p> | <p>A laundry is provided on ground floor. Nappy change facilities are provided within the cots room and the bathroom between Playroom 1 and 2.</p> | <p>Yes</p> |

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| | <p>On site laundry On site laundry facilities should contain:</p> <ul style="list-style-type: none"> • a washer or washers capable of dealing with the heavy requirements of the facility • a dryer • laundry sinks • adequate storage for soiled items prior to cleaning • an on site laundry cannot be calculated as usable unencumbered play space for children (refer to Figure 2). | | |
| 4.3 Toilet and hygiene facilities | <p>Regulation 109 Education and Care Services National Regulations</p> <p>A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p> <p>Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p> <ul style="list-style-type: none"> • junior toilet pans, low level sinks and hand drying facilities for children • a sink and handwashing facilities in all bathrooms for adults • direct access from both activity rooms and outdoor play areas • windows into bathrooms and cubicles without doors to allow supervision by staff • external windows in locations that prevent observation from neighbouring properties or from side boundaries | Age-appropriate toilet facilities are provided. | Yes |
| 4.4 Ventilation and natural light | <p>Regulation 110 Education and Care Services National Regulations</p> <p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p> <p>Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p> | The proposal is well-ventilated, has appropriate windows to outdoor areas and can be maintained at a safe temperature. | Yes |

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| <p>4.5 Administrative space</p> | <p>Regulation 111 Education and Care Services National Regulations</p> <p>A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p> | <p>Admin, reception, meeting and staff rooms are provided. Private conversations may take place within the meeting rooms.</p> | <p>Yes</p> |
| <p>4.6 Nappy change facilities</p> | <p>Regulation 112 Education and Care Services National Regulations</p> <p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p> <ul style="list-style-type: none"> • properly constructed nappy changing bench or benches • a bench type baby bath within one metre from the nappy change bench • the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area • a space to store steps • positioning to enable supervision of the activity and play areas. | <p>Nappy change facilities are provided.</p> | <p>Yes</p> |
| <p>4.7 Premises designed to facilitate supervision</p> | <p>Regulation 115 Education and Care Services National Regulations</p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p> <p>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p> | <p>The design ensures adequate supervision of children.</p> | <p>Yes</p> |

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| <p>4.8 Emergency and evacuation procedures</p> | <p>Regulations 97 and 168 Education and Care Services National Regulations</p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service. | <p>Emergency and evacuation procedures will be provided prior to the issuing of an occupation certificate.</p> | <p>Yes</p> |
| <p>4.9 Outdoor space requirements</p> | <p>Regulation 108 Education and Care Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space. (71x7m² = 497m²)</p> <p>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> • pathway or thoroughfare, except where used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children. <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> | <p>An area comprising 497.2m² of unencumbered outdoor play area is provided.</p> <p>Not applicable.</p> <p>Noted. Spaces have been calculated accordingly.</p> <p>Noted.</p> | <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>-</p> |

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| | <p>Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p> | <p>There is no swimming pool proposed on site.</p> <p>Noted.</p> | <p>Yes</p> <p>-</p> |
| 4.10 Natural environment | <p>Regulation 113 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p> | <p>An outdoor play area incorporating elements of the natural environment. Refer to the Landscape Plan. An extensive variety of outdoor play and educational experiences have been integrated into the design including natural environment features.</p> | <p>Yes</p> |
| 4.11 Shade | <p>Regulation 114 Education and Care Services National Regulations</p> <p>Outdoor play areas should:</p> <ul style="list-style-type: none"> • have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required. • adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area • have evenly distributed shade structures over different activity spaces | <p>The proposed outdoor play areas are north facing and as such receive in excess of the required solar access during winter months.</p> <p>The proposed roof overhangs, in conjunction with surrounding built form and landscaping, provide adequate levels of shading to the outdoor play areas to ensure that an appropriate balance between solar access and sun protection is achieved evenly across the site.</p> | <p>Yes</p> <p>Yes</p> |
| 4.12 Fencing | <p>Regulation 104 Education and Care Services National Regulations</p> <p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>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.</p> | <p>Refer to the Architectural Plans prepared by <i>Innovate Architects</i> and Acoustic Report prepared by <i>Acoustic Logic</i> which contain details on fencing.</p> | <p>Yes</p> |



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| | Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code. | | |
| 4.13 Soil assessment | <p>Regulation 25 Education and Care Services National Regulations</p> <p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p> <ul style="list-style-type: none">• a soil assessment for the site of the proposed education and care service premises• if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken• 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. | The site has been utilised for a medical centre and a residential dwelling prior to that. As such, there is no reason to believe that the site is likely to be contaminated. | Yes |



ANNEXURE C

Wagga Wagga LEP 2010 – Compliance Table



WAGGA WAGGA LEP 2010 COMPLIANCE TABLE

| Clause / Control | Requirement | Proposal | Complies? |
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| 2.1 Land Use Zones | R1 General Residential. | The Land use table indicates that Centre-based childcare facilities are permitted in the zone. | Yes |
| 4.3 Height of Buildings | No maximum Height of Building is shown on the Height of Buildings Map. | Not applicable. | N/A |
| 4.4 Floor Space Ratio | No maximum Floor Space Ratio is shown on the Floor Space Ratio Map. | Not applicable. | N/A |
| 5.10 Heritage Conservation | <p>(4) Effect of proposed development on heritage significance. The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p> <p>(5) Heritage assessment. The consent authority may, before granting consent to any development—</p> <ul style="list-style-type: none"> (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p> | The proposed development involves minimal changes to the building and this is not expected to have any impact on the heritage significance of the nearby heritage item. | Yes |
| 7.6 Groundwater Vulnerability | (3) Development consent must not be granted for development specified for the purposes of this clause on land to which this clause applies unless the consent authority is satisfied that the development— | The subject site is identified as containing 'Groundwater'. The proposal does not propose any significant excavation and is therefore considered acceptable in this regard. | Yes |



WAGGA WAGGA LEP 2010 COMPLIANCE TABLE

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| | <p>(a) is unlikely to adversely impact on existing groundwater sources, and</p> <p>(b) is unlikely to adversely impact on future extraction from groundwater sources for domestic and stock water supplies, and</p> <p>(c) is designed to prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal facilities.</p> | | |
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ANNEXURE D

Wagga Wagga DCP 2010 – Compliance Table



Wagga Wagga DCP 2010 Compliance Table

| Clause / Control | Requirement | Proposal | Complies? | | | | |
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| Part B – Section 2 Controls that apply to all development | | | | | | | |
| 2.1 Vehicle access and movements | | | | | | | |
| Clause 2.1 | <p>C1 Access should be from an alternative secondary frontage or other non-arterial road where possible.</p> <p>C2 A Traffic Impact Study may be required where adverse local traffic impacts may result from the development. The traffic impact study is to include the suitability of the proposal in terms of the design and location of the proposed access, and the likely nature, volume or frequency of traffic to be generated by the development.</p> <p>C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.</p> <p>C4 Provide adequate areas for loading and unloading of goods on site. The loading space and facilities are to be appropriate to the scale of development.</p> <p>C5 Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.</p> <p>C6 Ensure adequate sight lines for proposed driveways.</p> | <p>No secondary frontage is provided to the site.</p> <p>A Traffic Impact Study has been conducted by <i>McLaren Traffic Engineering</i> and is provided with the application.</p> <p>Vehicles will be able to enter and leave the site in a forward direction.</p> <p>Loading and unloading of goods will take place through the visitors parking spaces during off peak traffic times.</p> <p>The access driveway has been designed in accordance with the relevant Australian Standard.</p> <p>Adequate sightlines have been provided.</p> | <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> | | | | |
| 2.2 Off-street parking | | | | | | | |
| Clause 2.2 | <p>C1 Parking is to be provided in accordance with the table below.</p> <table border="1"> <thead> <tr> <th>Land Use</th> <th>Car Parking Requirement</th> </tr> </thead> <tbody> <tr> <td>Preschools and childcare centres</td> <td>1 space per 4 children in attendance</td> </tr> </tbody> </table> | Land Use | Car Parking Requirement | Preschools and childcare centres | 1 space per 4 children in attendance | <p>In accordance with the table below, 18 parking spaces are required for the childcare centre, 18 are provided.</p> | <p>Yes</p> |
| Land Use | Car Parking Requirement | | | | | | |
| Preschools and childcare centres | 1 space per 4 children in attendance | | | | | | |

Wagga Wagga DCP 2010 Compliance Table

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| | <p>C2 The design and layout of parking is to be in accordance with the relevant Australian Standard at the time of lodgement of an application.</p> <p>C3 Parking spaces are to be provided for disabled persons. Accessible parking spaces to comply with the relevant Australian Standard at the time of lodgement of an application.</p> <p>C8 A traffic and parking study may be required for certain proposals, including but not limited to proposals for schools and other education uses including child care centres, business parks, hospitals, cinemas and gyms.</p> <p>C9 Provide trees within the parking area at a rate of 1 tree per 5 spaces in a row. Each tree to have a minimum mature spread of 5m and to be located in a planting bed with minimum width of 1.5m (between back of kerbs) and minimum area of 3.5m².</p> <p>C10 Planting beds located within a car park are to have a subsoil drainage system connected into the stormwater system of the site.</p> <p>C11 To ensure sightlines are maintained for drivers and pedestrians, trees used within or adjacent to car parking areas shall have a minimum clear trunk height of 2.5m, with shrubs and ground covers not to exceed 500mm in height.</p> | <p>The design and layout of the parking area has been designed in accordance with the relevant Australian Standard.</p> <p>Accessible parking spaces have been provided and have been designed in accordance with the relevant Australian Standard.</p> <p>A traffic and parking study is required for the proposed development. This has been provided with the application.</p> <p>The existing carparking area will be provided with new landscaping as detailed on the landscape plan.</p> <p>Refer to Landscape Plan submitted with the development application for details.</p> <p>Refer to the Landscape Plan submitted with the development application for details of planting within the carparking areas.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| 2.3 Landscaping | | | |
| Clause 2.3 | <p>C1 A landscape plan is required for applications for :</p> <ul style="list-style-type: none"> • Commercial and Industrial developments • Residential development (other than dwelling houses). <p>C2 Natural features at the site, such as trees, rock outcrops, cliffs, ledges and indigenous species and vegetation communities are to be retained and incorporated into the design of the development.</p> <p>C3 Use native and indigenous plants, especially low water consumption plants in preference to exotic species.</p> | <p>A landscape plan has been provided with this application.</p> <p>Natural features such as trees and vegetation have been retained where possible on the site.</p> <p>Refer to the Landscape Plan submitted with the application.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |

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| | <p>C4 Trees should be planted at the front and rear of properties to provide tree canopy.</p> <p>C5 Provide landscaping in the front and side setback areas, and on other parts of the site to improve the streetscape, soften the appearance of buildings and paved areas, and to provide visual screening.</p> <p>C6 Landscaping should provide shade in summer without reducing solar access in winter. Limited use of deciduous species is acceptable where used to achieve passive solar design.</p> | <p>Existing trees within the front and rear of the property will be retained.</p> <p>Landscaping will be provided within the front and side setback areas.</p> <p>See landscape plans.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| 2.4 Signage | | | |
| Clause 2.4 | <p>General controls for signage and structures</p> <p>C1 All signage and structures must relate directly to the lawful approved or exempt land use being conducted on the land to which the signage or structure is to be displayed.</p> <p>C2 Any sign or structure should reflect the architectural style of the building.</p> <p>C3 Signs should not obscure decorative forms or moulding and should observe a reasonable separation distance from the lines of windows, doors, parapets, piers and the like.</p> <p>C4 Signs should be of a size and proportion which complement the scale of the existing building as well as surrounding buildings and signs. Signs should not significantly affect the presentation of the existing façade of the building.</p> <p>C5 The scale of lettering should also be proportioned to the area of the signage panel to which it will be applied.</p> <p>C6 Must be securely fixed and maintained in a structurally adequate and safe manner.</p> <p>C7 The colour used in the design of a sign or structure should complement the colour finish of the building to which it will relate.</p> | <p>The proposed business identification signage relates to the proposed child care centre.</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> | <p>Yes</p> |

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| | <p>C8 Corporate colours should be limited to the signage or.</p> <p>C9 The illumination of signage and structures by low set floodlighting is preferred, rather than the use of neon or boxed fluorescent lighting on buildings.</p> <p>C10 The rationalisation of signage will be generally required where there is existing signage through the use of common directory pylon signs for multi-occupancy developments and by limiting the number of signs that may be erected on any one building or site.</p> <p>C11 A sign or structure must not endanger public safety or cause nuisance or a hazard by reason of its location, construction or design by either:</p> <p>(a) Emitting excessive glare or reflection from internal or external illumination or surface materials;</p> <p>(b) Obscuring the view of motorists or pedestrians;</p> <p>(c) Screening potentially hazardous road features;</p> <p>(d) Signage containing designs or messages which may either confuse or distract motorist</p> | <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> | |
| 2.5 Safety and Security | | | |
| Clause 2.5 | <p>C1 Use good site planning to clearly define public, semi-public and private areas.</p> <p>C2 Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.</p> <p>C3 Minimise blank walls along street frontages.</p> <p>C4 Avoid areas of potential concealment and 'blind' corners.</p> | <p>The proposed development has been designed as to clearly define public, semi-public and private areas.</p> <p>Entrances to the childcare centre have been designed to be clearly visible and identifiable from the street. Administration to the childcare centre has been provided within the front of the building.</p> <p>Blank walls have been minimised along the street frontage.</p> <p>Areas of concealment and 'blind' corners have been avoided.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |

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| | <p>C5 Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.</p> <p>C6 Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.</p> <p>C7 Where a site provides a pedestrian through route the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.</p> <p>C8 Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.</p> | <p>Lighting has been provided to external entry areas in accordance with the relevant Australian Standard. It has been designed as to reduce spill and potential nuisance to adjoining properties.</p> <p>Planting and fencing will not reduce the safety of users or compromise areas of natural surveillance.</p> <p>Not applicable.</p> <p>Not applicable.</p> | <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> |
| Part D – Section 9 Residential Development | | | |
| 9.2.1 Site Layout | | | |
| Clause 9.2.1 | <p>C1 Use site characteristics such as trees, changes in level or rock outcrops as features within the site layout.</p> <p>C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.</p> | <p>The site has used features such as trees within the site layout.</p> <p>Access, landscaping and services have been provided within the site layout, avoiding underutilised spaces.</p> | <p>Yes</p> <p>Yes</p> |
| 9.2.2 Streetscape | | | |
| Clause 9.2.2 | <p>C1 Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.</p> <p>C2 Front fence height forward of the building line is not to exceed 1200mm. However, a side boundary fence forward of the building line may be permitted to taper from the maximum permitted height (1.8 metres) at the building line down to the 1200mm maximum permitted height at the front boundary.</p> <p>C3 Fence height at and behind the building line is not to exceed 1800mm in height</p> | <p>The street address and front elevation is consistent with the predominate scale, rhythm and form of the street.</p> <p>Front fences over 1200mm have not been proposed with exception to outdoor play areas which have been deigned to be 1.8m tall in compliance with the childcare section of this DCP.</p> <p>Fence height at and behind the building line has not been proposed to exceed 1800mm in height.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |

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9.3.2 Site cover

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| Clause 9.3.2 | C1 Maximum site cover is to be in accordance with Table 9.3.2a 30% max site coverage. | The proposal complies. | Yes |
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9.3.4 Solar Access

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| Clause 9.3.4 | C1 Locate garages, laundries and bathrooms to provide insulation from western sun. | Where possible bathrooms and storage areas have been placed to provide insulation from western sun. | Yes |
| | C2 Locate living areas and private open space to ensure orientation to the north and north east where possible. | Private open space/outdoor play space has been orientated to the north and north east where possible. | Yes |
| | C3 Building design and site layout is to ensure adequate sunlight access to the internal living spaces and private open space of the proposed development. | The building design and site layout has ensured adequate sunlight access to the internal spaces and private open spaces of the proposed development. | Yes |
| | C6 For any adjacent dwellings that have north facing living areas, maintain 3 hours sunlight access to the windows of the living areas between 9am and 3pm in mid-winter (June 22). | The proposal is compliant with this requirement. | |
| | C7 Variations to C6 above can be considered where it can be demonstrated that any form of reasonable development on the lot would cause non-compliance with C6. In this instance the impacts are to be minimised where possible. | Not applicable | |
| | C8 Proposed development design should take into account the location of any adjacent private open space and avoid excess overshadowing of that space | Complies | |

9.3.5 Private Open Space

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| Clause 9.3.5 | C3 Use screening where necessary to ensure the privacy of private open space areas. | The proposed landscaping involves screen planting to address privacy issues. | Yes |
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9.3.6 Front Setbacks

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| Clause 9.3.6 | C1 Minimum front setbacks for residential development (site area smaller than 2000m ²): 6m. | A minimum front setback of 11m has been provided within the development. | Yes |
| | C3 The front elevation of a dwelling as visible from a public road shall include at least one change in plane of the dwelling wall | The front elevation has large areas of articulation. | Yes |

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| | (that encloses a habitable room) of a minimum of 500mm. The front of the garage shall not protrude in front of the face of the forward most wall of the dwelling enclosing a habitable room. In all instances, the garage shall not encroach on the front setback identified under C1. The forward most part of a building/dwelling wall shall not project forward of the building line. Refer to diagrams opposite. | | |
| 9.4.1 Building elements | | | |
| Clause 9.4.1 | C2 Porches are to be integrated into the building design, and are to be used to create a sheltered and clearly visible entry. C3 Locate ancillary components such as aerials, satellite dishes, air conditioning units and the like so they are not visible from the street. | Porches are proposed within the development. Ancillary components, where possible have been located so they are not visible from the street. | Yes Yes |
| 9.4.2 Materials and finishes | | | |
| Clause 9.4.2 | C1 Select materials for their environmental performance, durability, detail and appearance to achieve quality appearance. C2 Avoid large unbroken expanses of any single material. C3 Minimise use of highly reflective or glossy materials on building exteriors. C4 Use contrasting materials in combination with design elements for features such as corner elements. | Materials have been selected for their environmental performance, durability, detail and appearance to achieve quality appearance. Large areas of unbroken expanses of any single material have been avoided through the use of a large amount of articulation. Glossy materials and highly reflective materials have been avoided on the exterior of the building. Contrasting materials have been selected and used. | Yes Yes Yes Yes |
| 9.4.3 Privacy | | | |
| Clause 9.4.3 | C1 Offset windows, balconies and private open space areas between adjoining dwellings. C2 Provide adequate building separation within the development and from neighbouring buildings/adjacent land uses. Alternate design elements, including (but not limited to) opaque screens of appropriate dimensions, translucent or highlight windows may be used to improve privacy. | Windows between adjoining buildings have been offset. Adequate building separation with the development and neighbouring buildings/ adjacent land uses have been provided. | Yes Yes - |

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| | C3 Screening is required where there is direct line of sight between neighbouring balconies or private open space areas, or between windows and door openings of habitable rooms. | Noted. | |
| 9.4.5 Site Facilities | | | |
| Clause 9.4.5 | C3 Locate mail boxes so that they are clearly visible from the street or main entry. The plans are to include details of the location for letter boxes and any associated shelter structure. | Mailboxes will be located so they are clearly visible from the main entry. | Yes |
| | C4 Garbage areas are to be easily accessible within the site, and are to have adequate lighting. The area should be visually screened from adjoining developments and public spaces. | The location of the waste storage area is compliant and will be screened. | Yes |
| Part D – Section 12 Specific Uses and Developments | | | |
| 12.5 Childcare Centres | | | |
| Clause 12.5 | C1 Provide adequate space to allow for drop off and parking requirements within the development site. | Adequate space has been provided for drop off and parking. | Yes |
| | C2 Design and locate set down, pick up and parking areas to be visible from the road but to maintain the amenity of adjoining properties. | Pick up and parking areas have been designed to be visible from the street but also maintain the amenity of adjoining properties. | Yes |
| | C3 The front setback is to include a 2m landscape strip. Landscape buffer areas may be required to side boundaries. | Where possible a 2m landscape strip has been provided within the front setback. | Yes |
| | C4 Design and locate outdoor activity areas to maximise the natural site features, including climate considerations such as avoiding afternoon sun but take advantage of cooling breezes in summer. All playgrounds must be capable of supervision at all times. | Outdoor activities areas have been designed to maximise the natural site features. | Yes |
| | C5 Outdoor play areas are to be fenced on all sides. The fencing is to be at least 1.8m in height, and to be equipped with child proof self locking mechanisms. The fence should be designed to prevent children scaling or crawling under. | Outdoor play areas will be fenced on all sides. Fencing will be 1.8m in height | Yes |
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| | <p>C6 The outdoor play area is to include an undercover space that is large enough for use during wet weather and to provide protection from the sun.</p> <p>C7 Design outdoor play areas to include a range of opportunities for developmental play.</p> <p>C8 Landscaping, mounding and fencing treatments may be required where there is potential for adverse amenity impacts to adjoining properties. This could include using landscaping to contain outdoor play areas or lapped metal or masonry fencing.</p> <p>C9 Locate play equipment such as cubby houses, trampolines and slides not to overlook neighbours properties. Shade structures should not be located where they will be elevated in relation to boundary fences where they could cause visual or shadow impacts.</p> <p>C10 Use vegetation that is non-allergenic and sensitive to water restrictions.</p> | <p>Outdoor play areas have undercover space which is large enough for use during wet weather and to provide protection from the sun.</p> <p>The outdoor plays within the proposed childcare centre have been designed to include a range of opportunities for developmental play.</p> <p>Noted.</p> <p>Equipment such as cubby houses, trampolines and slides will not overlook neighbours properties.</p> <p>See landscape plans.</p> | <p>Yes</p> <p>-</p> <p>Yes</p> <p>-</p> |
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