



ATTACHMENTS PROVIDED UNDER SEPARATE COVER

ORDINARY MEETING OF COUNCIL

29 January 2024

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Report of Development Application Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Application No.:	DA23/0516
Modification No.:	N/A
Council File No.:	D/2023/0516
Date of Lodgement:	04/10/2023
Applicant:	B Dransfield 346 Woollooware Road BURRANEER NSW 2230
Proposal:	Change of use to a centre based childcare facility (72 children) with associated alterations and additions and revised car-park layout
Description of Modification:	N/A
Development Cost:	\$792000
Assessment Officer:	Amanda Gray
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	20 October - 3 November 2023
Advertising:	20 October - 3 November 2023
Owner's Consent Provided:	yes
Location:	On the northern side of Hardy Avenue approximately 75 metres to the west of the junction with Harrison Avenue.

SITE DETAILS

Subject Land:	25-27 Hardy Ave WAGGA WAGGA NSW 2650 Lot 42 DP 619677
Owner:	Latimers In Oz Pty Ltd



REPORT

Description of Development

This application is for a new child-care centre with associated car-parking. The development proposes the change of use of an existing 2-storey building on site (existing medical consulting rooms). The works will consist of minor demolition works for the rearranging of room layouts to create the proposed playrooms and the installation of a lift for access to the first floor. A rear addition on the north western side of the building is proposed that will provide additional playroom space and also an outdoor deck area linking to the main play space.

The centre will have a maximum of 72 children catering for 30 x 0-2 years, 19 x 2-3 years and 23 x 3-6 years, split between three separate playrooms. All of the childcare facility is contained on the ground floor of the building including the playrooms, two cot rooms, laundry, bathrooms and reception area. Two of the playrooms will link to the new external deck and a large play area to the rear and sides of the building. The third playroom will link to an outdoor play space at the front of the property. On the first floor will be staff facilities including a kitchen, offices and additional toilets.

The existing carparking on the site will be rearranged to provide a total of 18 carparking spaces at the front of the site. This will include 3 spaces in a stacked arrangement that will be designated for staff parking only. Overall, 10 spaces will be allocated for staff parking and 8 spaces for visitors/customers. The existing dual entry and exit driveways servicing the site will be modified to provide a single entry and exit driveway to Hardy Avenue.

A new pedestrian access gate, entry gazebo and pathway will be provided from Hardy Avenue to provide a defined pedestrian access to the main building entry. Existing landscaping and fencing will be retained to the front of the site. An existing sign structure on the front boundary of the site will be utilised for business identification signage.

Existing side and rear boundary fencing will be either retained, replaced or adjusted to provide appropriate acoustic and privacy treatment as discussed later in this report.

The centre is proposed to operate from 6.30am to 6pm Monday to Saturdays. The centre will employ up to a maximum of 15 staff members on any given day.

The Site and Locality

The subject site is legally identified as Lot 42 in DP619677 and is known as 25-27 Hardy Avenue. The land parcel is on the northern side of Hardy Avenue approximately 75 metres to the west of the junction with Harrison Avenue.

The lot is irregular in shape extending to 1697sq.m

The property consists of one two storey detached building that was last in use as a medical centre, there is a driveway to the western boundary of the site with landscaping to the rear predominantly within the north-eastern part of the site. Car-parking is laid out to the front and side of the property. The building is currently vacant.



There are residential properties directly to the north, east and west of the site. To the south of the site is Calvary Hospital.

Easements and Covenants

There are no known easements or covenants that would prevent the development from being determined.

Previous Development Consents

DA12/0591 - Change of use of a dwelling to a Medical Centre and signage. Approved 9.4.2013.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

Section 4.15(a)(i) - The provisions of any environmental planning instrument (EPI)

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the WWLEP 2010 the land is zoned R1 General Residential.

The objectives of the zone are as follows:-

- *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 proposed development does not provide residential housing and therefore does not comply with the first two listed objectives. The proposal to provide a childcare centre is a land use that provides a service that meets the day to day needs of residents and is consistent with the third listed objective. A childcare centre has both social and cultural benefits and is an appropriate form of infrastructure within a residential area.

The proposed land use is one that is common within both R1 and R3 zones where development is of an urbanised form with a greater density of dwellings and closer to places of work. In accordance with clause 2.3 of the WWLEP2010 the consent authority must have regard to the objectives for development in a zone when determining a development application. Based on the above assessment the development is consistent with the R1 zone objectives.

Part 2 Permitted or prohibited development Land Use

The development proposes long day care and is defined within the WWLEP2010 as a **centre based child-care facility** which 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.*

A centre-based child-care facility is specifically listed as permitted with consent in an R1 zone.

Clause 2.7 states that demolition requires consent. The lodgement of the development application satisfies this clause.

Part 3 Exempt & Complying Development

The proposed development is not exempt or complying development. The application is seeking consent.

Part 4 Principal development standards

There are no principal development standards that apply to the application.

Part 5 Miscellaneous provisions

5.22 - Special flood considerations



This clause applies as the site contains land that is located between the flood planning area (FPA) and the probable maximum flood (PMF) and early education and care facilities are identified as sensitive development for the purpose of this clause.

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development:

- (a) *will affect the safe occupation and efficient evacuation of people in the event of a flood,*

Comment - The area of the site affected by the PMF will be a small section of the outdoor play area within the north western corner of the site which will experience shallow inundation which will not threaten occupants. Flooding will not impact on the building or the parking area at the front of the site. Access routes for pedestrians and vehicles to Hardy Avenue will be unaffected. It is satisfied that the development will not affect the safe occupation or efficient evacuation of people from the site during a flood.

- (b) *incorporates appropriate measures to manage risk to life in the event of a flood*

Comment - Given the limited impact of flooding on the site, it is satisfied that the building and the access provided to both the building and the site, will adequately manage any risk posed by flooding.

- (c) *will adversely affect the environment in the event of a flood.*

Comment - Given the limited impact of flooding on this site, it is satisfied that the development will not adversely affect to environment during a flood.

There are no other miscellaneous provisions that apply to the application.

Part 6 Urban Release Areas

The subject site is not within an Urban Release Area.

Part 7 Additional Local Provisions

7.6 - Groundwater Vulnerability

Clause 7.6 of the WWLEP 2010 relates to groundwater vulnerability. The subject site is identified as sensitive on the Water Resources Map and as such this clause applies. The objective of this clause is to protect and preserve groundwater sources. It is not anticipated that there will be any adverse impacts on groundwater as the use is not identified under this clause as impacting on groundwater sources.

7.9 - Primacy of Zone E2

Clause 7.9 states that development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone E2 Commercial Centre as the principal business, office and retail hub of Wagga Wagga. The development is for a child-care centre that could be

accommodated within the CBD. However, as it is not a core commercial land use it is not anticipated that it will detract from the primacy of the E2 zone and therefore the control is satisfied.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 3 Educational Establishments and Child Centre Facilities

Subject to Clause 3.6 (1), if there is an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

Part 3.3 Early Education and Care Facilities - Specific Development Controls

Clause 3.22 applies to developments which do not comply with the floor area or outdoor space requirements specified in the Education and Care Services National Regulations. The proposed centre provides the minimum floor areas and outdoor space and therefore this clause does not apply.

Clause 3.23 requires the consent authority to consider any applicable provisions of the Child Care Planning Guideline before determining a development application. An assessment against the "Guideline" is included below:

3.1 Site selection and location

Objective: To ensure that appropriate zone considerations are assessed when selecting a site.

C1 The site is in a residential zone and the assessment of the application, detailed within this report, has considered acoustic and privacy impacts, setbacks, visual amenity impacts and traffic and parking impacts.

Objective: To ensure that the site selected for a proposed child-care facility is suitable for the use.

C2 The site is zoned R1 General Residential, a centre based childcare facility is permissible in the zone. The site is surrounded by predominantly single detached residential dwellings to the north, east and west. Calvary Hospital is located to the south and a number of medical centre uses exist within the wider area.

The site has previously been in use for residential purposes and a medical centre and therefore no concerns in regard to potential contamination are raised. There are no other risks, including flooding or bushfire.

The development provides a safe drop off and pick up area and off street parking. Hardy Avenue is a low-speed environment and is not a heavy vehicle route.

There are no incompatible social activities or uses within proximity to the subject site.

Objective: To ensure that sites for child-care facilities are appropriately located.



C3 The site is located in a residential area and within the health and knowledge precinct which is a primary employment area within the city. The site is accessible to public transport and has good pedestrian connectivity to the surrounding area and beyond.

Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards

C4 The site is not near any industry, service stations or odour generating uses that would present a risk to children.

3.2 Local character, streetscape and the public domain interface

Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.

C5 The development is proposed within the existing residential area which coincides with the health and knowledge precinct. The area is predominantly characterised by the adjacent Calvary Hospital, medical centres within the surrounding area and residential properties. The applicant proposes the conversion of the existing medical centre building (former dwelling) to the childcare centre with existing landscaping and carparking across the front of the site being retained. The site currently contributes positively to the area and will continue to do so based on the current proposal.

Objective: To ensure clear delineation between the child care facility and public spaces.

C6 The site will retain the existing fencing to Hardy Avenue. Vehicle access will be consolidated and a defined and secure pedestrian access will be provided to the street. The centre includes windows facing the street to provide passive surveillance and connection with the community. It is satisfied that clear delineation will be provided.

C7 Not applicable as there is only one building on the site.

C8 Not applicable as the site does not adjoin public open space.

Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.

C9 The site will retain the existing fencing to Hardy Avenue. The fence is visually permeable and existing landscaping will not hinder visibility.

C10 The site is not on a classified road therefore this control is not applicable.

3.3 Building orientation, envelope and design

Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.

C11 The development will retain the existing building and will utilise the site area surrounding the building for outdoor play areas. Existing landscaping will be retained including shade trees and additional landscaping will be provided which will assist in

buffering adjoining properties.

Playrooms will be provided on the ground floor with windows opening onto the adjacent outdoor play areas. Existing/proposed fencing and landscaping will ensure privacy to adjoining properties.

As detailed in this report, an acoustic assessment of the development has recommended alterations to some of the existing boundary fencing.

Shadow diagrams have been prepared that identify that the development will have negligible additional impact with respect to the existing development on the site. The shadow diagrams also demonstrate that there is an acceptable amount of natural sunlight to the outdoor play areas during winter.

Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.

C12 The existing 2 storey building will be retained on the site and therefore will not result in any change with regard to impact on adjoining buildings. Further to this, the proposed ground floor addition will not result in any negligible impact on adjoining properties.

Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.

C13 The existing building will be retained including the front setback to Hardy Avenue.

C14 Existing side and rear setbacks will be retained and are consistent with surrounding properties. The proposed ground floor addition will adopt similar setbacks to the existing building.

Objective: To ensure that buildings are designed to create safe environments for all users.

C15 There is one clearly defined entrance that is visible from the street. The entry is easily monitored from the reception area and not accessible from the outdoor play area.

Objective: To ensure that child care facilities are designed to be accessible by all potential users.

C16 The centre has been designed as accessible for all users including outdoor play spaces. A lift servicing the first floor staff area is also proposed. Accessible bathrooms and accessible carparking is proposed. The construction of the centre will have to apply with accessibility standards in accordance with the BCA.

3.4 Landscaping

Objective: To provide landscape design that contributes to the streetscape and amenity.

C17 A detailed landscape plan has been provided in support of the application and will improve the overall amenity of the site and the surrounding area. The landscaping contributes to the streetscape by supplementing existing landscaping and shade trees to be retained. Landscaping will be provided to all play areas and boundary landscaping will assist in providing buffers to adjoining properties.

C18 The existing carparking area and the existing landscaping will be retained at the front of the site. Existing trees will be retained that provide shading to the carpark. Additional landscaping will improve the existing setback and reduce the visual impact of the hardstand area when viewed from Hardy Avenue.

3.5 Visual and acoustic privacy

Objective: To protect the privacy and security of children attending the facility.

C19 Not relevant as there is no overlooking of the play areas from a mixed-use development.

C20 Indoor rooms and outdoor play areas are protected from overlooking by the proposed fencing and landscaping.

Objective: To minimise impacts on privacy of adjoining properties

C21 Boundary fencing and landscaping will minimise impacts on adjoining properties. The child care centre will not directly overlook main internal living areas of adjoining development.

Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments

C22 An Acoustic Report has been submitted with the application. Acoustic fencing and treatment are provided per recommendations to the northern, southern and western boundaries as recommended in the submitted acoustic report. Refer to discussion later in this report.

C23 An acoustic report was submitted with the application as stated above. Refer to discussion later in this report.

3.6 Noise and air pollution

Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.

C24 An acoustic report was submitted with the application as stated above. Refer to discussion later in this report.

C25 The subject site is within a residential area and is not on industrial zoned land, where the ANF contour is between 20 and 25, along a railway or mass transit corridor, on a major road or on land that is impacted by substantial external noise. Therefore, C25 is not applicable to the assessment of the application.



Objective: To ensure air quality is acceptable where child-care facilities are proposed close to external sources of air pollution such as major roads and industrial development.

C26 - C27 The subject site is not subject to external sources of air pollution and these controls are not applicable.

3.7 Hours of operation

Objective: To minimise the impact of the child-care facility on the amenity of neighbouring residential developments.

C28 The Guideline recommends core hours of operation in residential areas of 7am - 7pm weekdays. 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 other land uses in the area, the proposed hours of operation are considered appropriate.

C29 is not applicable as the site is not within a mixed use development.

3.8 Traffic, parking and pedestrian circulation

Objective: To provide parking that satisfies the needs of users and demand generated by the centre.

C30 Car parking has been assessed under Section 2.2 of DCP2010 later in this report.

C31 Not applicable as the site is not within an industrial or commercial area.

C32 A Traffic and Parking Impacts report was prepared by the applicant. 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. This is addressed in detail later in this report.

Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.

C33 not applicable as the site does not front a classified road or a road that carries freight including dangerous goods or hazardous materials.

C34 Not relevant. The subject site is not located within a cul-de-sac or narrow street.

Objective: To provide a safe and connected environment for pedestrians both on and around the site.

C35 There is a defined pedestrian entry point proposed into the centre from the footpath along Hardy Avenue. The proposal includes a secure access at the front of the building for parents and visitors.

C36 Not relevant as the proposal is not a mixed-use development.

C37 An internal safety gate is provided within the entrance foyer to ensure the parking area is separated from play areas. Accessible parking has been provided at the front of the building with easy access to the entrance of the centre.

Part 4. Applying the National Regulations to development proposals

Only those regulations with statutory implications are addressed in this report. Other regulations will be assessed by other regulatory authorities during the required accreditation process for the centre.

4.1 Indoor space requirements

Regulation 107- every child must have a minimum of 3.25m² of unencumbered indoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.

The centre provides 234.4sq.m of unencumbered indoor space that equates to an average of 3.25sq.m. The specific breakdown for each room is included in the table below showing compliance with this control across all spaces.

Description of Indoor area	Unencumbered area (sq.m)	No. of children in this area	Unencumbered area per child
Playroom 1	97.6	30	3.25
Playroom 2	62.0	19	3.26
Playroom 3	74.8	23	3.25

4.9 Outdoor space requirements

Regulation 108 - every child must have a minimum of 7.0m² of unencumbered outdoor space. if this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.

The centre provides 506.9sq.m of unencumbered outdoor space that equates to an average of 7.04sq.m per child.

The application has been assessed against the relevant guideline and all matters for consideration have been considered in the assessment. Based on the foregoing assessment it is determined that the proposal is compliant with the requirements of the Child Care Planning Guidelines prepared by NSW Department of Planning, Industry & Environment.

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

The SEPP identifies a number of non-discretionary development standards for particular matters that, if complied with, prevent the consent authority from requiring more onerous standards for those matters. These matters are:

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

The demand for childcare facilities across the city is high and there are no regulations that prevent or prohibit such centres within proximity to another.

b) indoor or outdoor space

i. for development to which regulation 107 or 108 of the Education and Care Services National Regulations applies-the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or

ii. for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies-the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause.

As outlined above the development satisfies the minimum indoor and outdoor floor space requirements.

c) site area and site dimensions - the development may be located on a site of any size and have any length of street frontage or any allotment depth,

There are no minimum sizes or dimensions for the allotment and Council has not applied any standards in this regard.

d) colour of building materials or shade structures- the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.

The site is not within a heritage conservation area and Council has not imposed any restrictions to building materials or colours.

To remove doubt, this clause does not prevent a consent authority from refusing a development application in relation to a matter not specified above or granting development consent even though any standard specified above is not complied with.

The application is recommended for approval as it has demonstrated compliance with relevant standards.

3.27 Centre-based child care facility-development control plans.

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:

(a) operational or management plans or arrangements (including hours of operation),

(b) demonstrated need or demand for child care services,

(c) proximity of facility to other early education and care facilities,



(d) any matter relating to development for the purpose of a centre-based child care facility contained in:

(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or

(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

The WWDCP does not contain any requirements regarding the demonstrated need for childcare services or proximity to existing services. The WWDCP contains requirements for car parking and the Guideline defers to the DCP requirements in this instance.

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 of the SEPP requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use.

The site has historically been in residential use prior to being changed to a medical centre. There was no evidence of contaminating land activities on site and the land is not identified on Councils potentially contaminated land register.

The site is considered suitable for the intended use in accordance with the SEPP.

Section 4.15(1)(a)(ii) - Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

Nil.

Section 4.15(1)(a)(iii) - The provisions of any development control plan

Wagga Wagga Development Control Plan 2010

The proposed development has been assessed against the applicable objectives and controls of the Wagga Wagga Development Control Plan 2010 as follows:

Section 1 - General

1.10 Notification of a Development Application

The application was advertised and notified to adjoining neighbours from 20 October to 3 November 2023 in accordance with the provisions of the DCP. There were 16 submissions received in objection to the application. The details of the objections are discussed under section (d) of this report.

Section 2 - Controls that Apply to All Development



2.1 Vehicle access and movements

C1 Access should be from an alternative secondary frontage or other non-arterial road where possible.

The current medical centre development contains an entry and exist driveway to Hardy Avenue. The existing exit driveway will be removed and replaced with a pedestrian access. The existing entry driveway will be widened to 5.7m to provide a single entry/exit access from Hardy Avenue. Hardy Avenue is a non-arterial road.

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.

A traffic and parking impacts report has been prepared and submitted in support of the application. The report includes an analysis of the local road network and survey results. The report concludes that the development is fully supportable in terms of its traffic and parking impacts. Specifically, the report identifies:

- The proposal includes the provision of 18 car parking spaces (10 for staff use and 8 for visitor use) satisfying DCP 2010 parking requirements. 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. A swept path analysis has also been providing demonstrating that vehicles are able to enter and leave the site from parking area in a forward direction.
- Traffic generation for the proposed development has been estimated to be 58 trips in the AM peak period (29 in, 29 out) and 50 trips in the PM peak period (25 in, 25 out). The impacts of the traffic generation have been modelled with the results identifying that there will be no adverse impact to the performance of the intersections as a result of the generated traffic.

Having regards to the finding of the traffic assessment report, it is satisfied that the existing road network (including intersections) is capable of servicing the proposed development and that the development will not result in detrimental traffic impacts.

C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.

The proposed carpark provides for a 2-way entry to the site and an on-site turning bay within the carparking area. As identified above, a swept path analysis has also been providing demonstrating that vehicles are able to enter and leave the site from parking area in a forward direction.

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.



There is no dedicated loading area provided on site. The proposed use is not anticipated to receive a significant number of deliveries. It is critical that the car-park spaces are available for parents and staff and not blocked or utilised by delivery vehicles, therefore the centre would be expected to have a management plan that controls delivery times to not conflict with peak user times. A draft management plan has been provided that requires the coordination of any deliveries so as not to coincide with peak pick-up and drop-off times. A condition of consent has secured the provision of a final management plan including this provision, prior to the centre being operational.

C5 Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.

C6 Ensure adequate sight lines for proposed driveways.

The location of the driveway onto Hardy Avenue does not raise any concerns.

2.2 Off-street parking

C1 Parking is to be provided in accordance with the table below. For uses not listed, similar land uses should be used as a guide in assessing car parking requirements.

Child care centres require 1 parking space for every four children in the centre. With a capacity of 72 children, this results in a requirement of 18 spaces. The layout plan for the site shows 18 car parking spaces including one accessible space. The car-parking provision complies with this control.

The applicant states that there will be a maximum of 15 staff on site at anyone time. Ten of the eighteen spaces are to be reserved for staff parking only. Staffing at childcare centres is staggered and there is the possibility that staff will also utilise on street parking. There are parking restrictions to the northern side of Hardy Avenue and the precinct does experience high demand for parking during the day due to the hospital and other land uses. Notwithstanding, the number of off-street parking spaces required as a result of the development is compliant.

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.

A swept path analysis has been providing demonstrating that vehicles are able to enter and leave the site from parking area in a forward direction. Car parking will be required to be set out to meet the requirements for general parking and this will be secured by condition.

The applicant proposes to provide 6 of the 18 proposed carparking spaces in a tandem format (spaces 11 - 13 and 16 - 18). The 3 constrained spaces (spaces 16 - 18) are proposed to be allocated to staff so their use can be appropriately managed. This will entail staff accessing the parking spaces prior to the arrival of children during the morning peak whereby visitors/customers will be provided with access to the 3 remaining 3 tandem spaces (spaces 11 - 13).



Tandem parking is generally not supported, however given that the restricted spaces will be allocated to staff use only and given that the use of these spaces can be controlled by management, the arrangement is considered appropriate. It is recommended that a condition of any consent requires details to be provided on how the tandem spaces will be managed to ensure their ongoing use within a final plan of management for the centre, prior to operation.

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.

Parking numbers have been addressed within the traffic and parking impacts report discussed under Section 2.1 above. The report identifies that parking requirements for the proposed centre are compliant with the requirements of the DCP 2010, as confirmed under Control C1 above.

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.

The development proposes the use of an existing hardstand parking area at the front of the site. The existing front setback area also includes 2 large shade trees that will be retained, whilst further landscaping is proposed to supplement the existing landscaped areas surrounding the carpark. Whilst the 2 trees alone will not fully satisfy the ratio of trees to parking spaces required under this control, the existing arrangements are considered adequate given the established nature of this landscaping and the limited opportunity to provide additional large trees surrounding the retained hardstand area.

2.3 Landscaping

A detailed landscape plan has been provided in support of the application and will improve the overall amenity of the site and the surrounding area. The landscaping contributes to the streetscape by supplementing existing landscaping and shade trees to be retained. Landscaping will be provided to all play areas and boundary landscaping will assist in providing buffers to adjoining properties.

2.4 Signage

The application proposes the use of the existing business identification sign for the medical centres which will. The sign was approved under ADA13/0140 (modification of DA12/0591) for the change of use from the original dwelling to the medical centre. The sign is located behind the front fence on Hardy Avenue and has a sign area of 1200mm by 600mm. The sign is post supported with an overall height of 2.1 metres. The content of the existing sign will be modified to reflect the proposed use as a child care centre.

The signage proposal is considered satisfactory given that it is for the modification of an existing post supported sign originally assessed as being appropriate within the



context of the site and the location under ADA13/0140. No further assessment is required under this section of the DCP.

2.5 Safety and security

The entrance to the childcare centre is clearly visible and faces towards both the car-park and the street. The gated foyer within the entry of the building provides a secure, safe space between the carparking area and the internal play areas of the facility. The outdoor play areas are designed with fencing to separate them from the parking area and provide safe and secure activity spaces.

There are no blank walls along the Hardy Avenue frontage and rooms within the centre face out to the street to provide passive surveillance. The reception area is at the front of the building and will directly monitor the entry to the building.

The proposed acoustic fencing will not result in solid barriers across the front of the site. Existing permeable fencing will be maintained to allow visibility from the street across the parking area and to the entry of the building.

The proposed development is considered to comply with the objectives and controls within this section.

2.6 Erosion and Sediment Control Principles

Standard conditions of consent will be included.

2.7 Development adjoining open space

The development does not adjoin open space.

Section 3 - Heritage Conservation

3.2.4 Development in the vicinity of a heritage item

The site is not within the conservation area and is not identified as a heritage item. Calvary Hospital and Chapel is located opposite the site in Hardy Avenue and is a listed item of Environmental Heritage (I272) under Clause 5.10 and Schedule 5 of the LEP 2010.

The objective of this clause is to encourage development in the vicinity of a heritage item to be designed and sited to protect the significance of the heritage item. Control C2 requires development in the vicinity of a heritage item is to minimise the impact on the setting of the item by:

- a) *Providing an adequate area around the heritage item to allow its interpretation.*
- b) *Retaining original or significant landscaping associated with the heritage item.*
- c) *Protecting and allowing the interpretation of archaeological features associated with the heritage item.*
- d) *Retaining and respecting significant views to and from the heritage item.*

The proposed development is located on the opposite side of Hardy Avenue. In addition to this, the proposal will retain the existing building and its setback to the street. The proposal will ensure that adequate separation remains to the item and that

