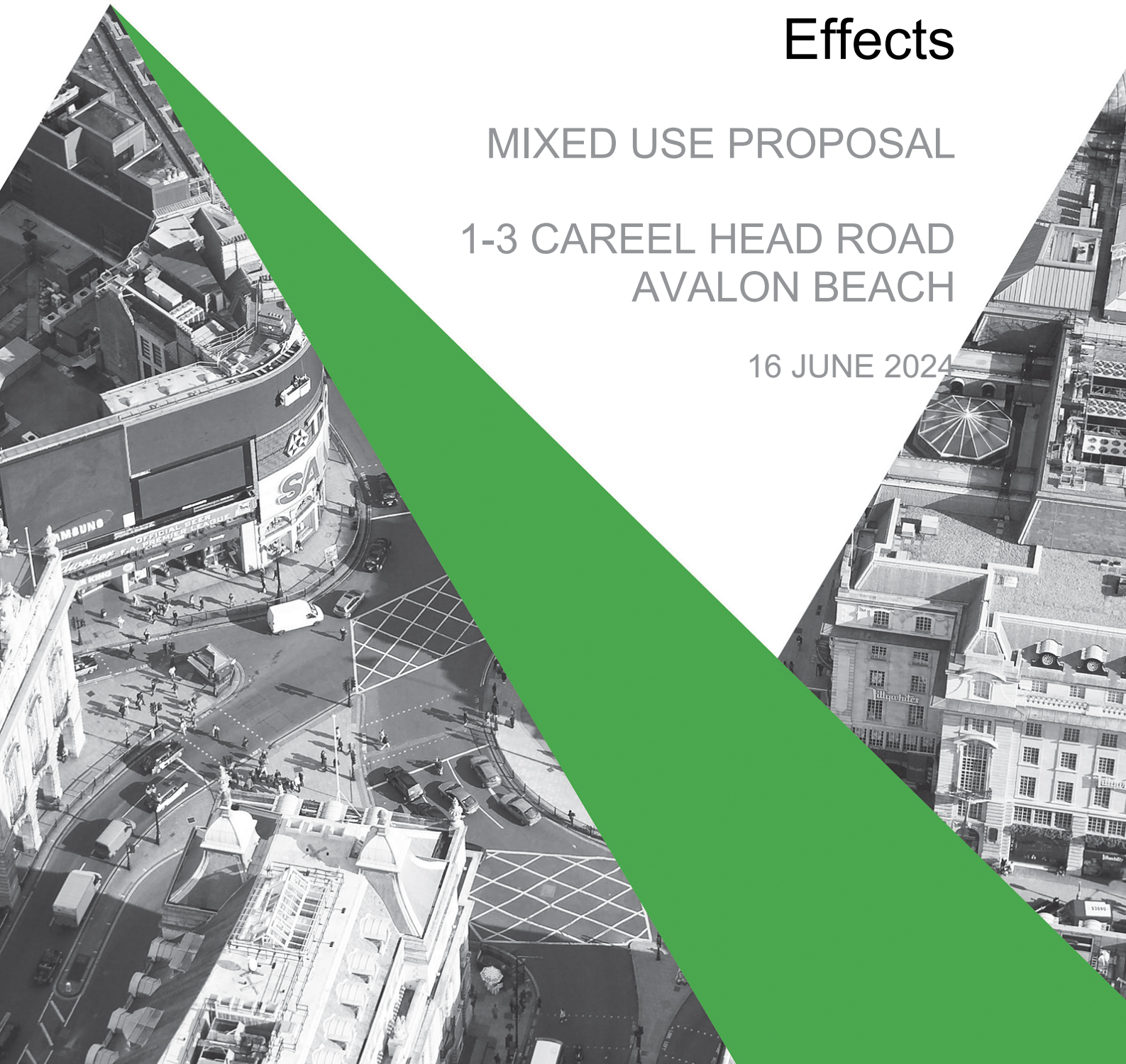


# Addendum Statement of Environmental Effects

MIXED USE PROPOSAL

1-3 CAREEL HEAD ROAD  
AVALON BEACH

16 JUNE 2024



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## BACKGROUND

This addendum Statement of Environmental Effects has been prepared in support of amended plans associated with a mixed use proposal for the Careel Head Road Shopping Village.

The addendum SEE is prepared to address numerical requirements associated with the child care centre component. This follows the S34 conference and a request for this to be provided.

This numerical assessment is supported also by an assessment by Lynda Campbell (Child Care Expert) who has prepared a separate letter of support.

The SEE focuses on:

- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Child Care Planning Guideline 2021
- Education and Care Service National Regulations 2012

## CONSIDERATION OF PLANNING CONTROLS

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

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

The assessment below focuses on the numerical provisions for the child care centre.

| Chapter 3  |   |  |                        |
|--|---|--|------------------------|
| Part 3.3 Early education and care facilities – specific development controls |   |  |                        |
| Clause   |   |  | Complies               |
| 3.22   | Centre-based child care facility—concurrence of Regulatory Authority required for certain development         | Applicable provisions under the Child Care Planning Guidelines has been addressed further within this statement.   | Yes                    |
| 3.23   | Centre-based child care facility—matters for consideration by consent authorities                             | This DA considers all matters relevant in the Child Care Planning Guideline and is consistent with requirements. Council is therefore able to grant consent. | Yes                    |
| 3.24   | Centre-based child care facility in certain zones—additional matters for consideration by consent authorities | Not applicable to this DA.   | N/A                    |
| 3.25   | Centre-based child care facility—floor space ratio  | Not applicable to this DA.   | N/A                    |
| 3.26   | Centre-based child care facility—non-discretionary development standards                                      | Council cannot apply more onerous standards than the following.  | Noted                  |
| 2  | (a) Location  | Noted.   | Noted                  |
|  | (b) Indoor or outdoor space   | Complies, refer to detailed assessment against CCPG and Regulations.   | See further assessment |
|  | (c) Site area and dimensions  | Noted.   | Noted                  |
|  | (d) Colour of building material or shade structures   | Noted, the site is not a heritage item or within a Heritage Conservation Area.   | Noted                  |

## CHILD CARE PLANNING GUIDELINE

Under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, the *Child Care Planning Guideline* is to be taken into consideration when undertaking a development for a centre-based child care facility.

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

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

| Child Care Planning Guideline   | Comment  |
|---|--|
| <b>Objectives</b><br>The planning objectives of this Guidelines are to:   |  |
| <ul style="list-style-type: none"> <li>promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations</li> </ul>  | The development results in a high quality centre-based child care facility designed to comply with the requirements of the National Regulations.   |
| <ul style="list-style-type: none"> <li>ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses</li> </ul>  | The proposal comprises a single level child care centre on the first floor of a modern shopping village building. The centre based child care centre is within a zone and location that is identified as suitable for this use.  |
| <ul style="list-style-type: none"> <li>minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment</li> </ul>  | The development has been designed to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing.  |
| <b>Part 2 Design Quality Principles</b>   |  |
| <b>Principle 1 – Context</b>  |  |
| <p><b><i>Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></b></p> <p><b><i>Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.</i></b></p> | <p>The child care facility is designed to be compatible in scale and design of buildings within the area. It complies with the height limit and integrates carefully into its local context.</p> <p>The design scheme has undertaken conscious effort to minimise adverse impacts on social, economic, health and environmental conditions.</p> <p>Combined with compliance to height and setback provisions will ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.</p> |

***Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.***

The development site resides within the Careel Head Road local shops and is ideally located to service the local community.

#### Principle 2 – Built form

***Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.***

The development proposes a modern purpose built child care centre, on the first floor. The building is set within a landscaped setting and designed to present an attractive façade to all street frontages. It has been designed to be consistent and compatible with the anticipated future built form character within the immediate locality.

***Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.***

The development proposes a highly articulated built form with a variety of materials, colours and textures.

***Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.***

***Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.***

***Principle 3 - Adaptive learning spaces Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out.***

The play spaces have been designed to provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.

***Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.***

Principle 4- Sustainability

***Sustainable design combines positive environmental, social and economic outcomes.***

***This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.***

***Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.***

The proposed facility is designed to achieve cross ventilation and adequate natural light access.

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

Principle 5 - Landscape

***Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.***

***Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.***

A landscape plan has been prepared to provide an attractive setting both for users of the child care centre and shops and also to ensure it is attractive when viewed from the street.

The landscaping plan incorporates planting that comprise a mix of trees, shrubs and grasses. Refer to attached Landscaping Plan for detail. Front and side boundaries are to be appropriately landscaped in-order to permit appropriate deep soil and drainage.

The landscaping plan incorporates planting including garden beds that will be utilised as part of learning programmes within the centre.

The landscape treatment will also soften the built form, in particular to the at-grade parking area and assist with maintaining privacy to neighbouring properties.

Refer to attached Landscaping Plan for detail.

Principle 6 - Amenity

***Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.***

***Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural***

As previously discussed, the development provides well designed indoor and outdoor play areas, access to sunlight and natural ventilation and visual and acoustic privacy.

The development also proposes adequate storage, service areas and accessibility for all.

*ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.*

*Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.*

#### Principle 7 - Safety

*Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.*

*Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).*

*Well-designed vehicular parking and access minimise traffic safety risks on children and staff.*

The development proposes a design that will optimise safety for children.

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

The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain.

The existing façade will continue to permit casual surveillance to the common areas within the development site.

The proposed facility has been designed with temperature control to avoid extremes in temperature.

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

#### 3.1 Site selection and location

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

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

The design scheme has undertaken a conscious effort to minimise adverse amenity impacts on neighbouring properties in terms of privacy, acoustic and overshadowing.

This includes the siting and orientation of the building to address its frontage, with a built form complying with the prescribed height and setback provisions. This ensures that adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.

Furthermore, the combination of landscaping, side boundary setback to the south, along with the 1.8m high acoustic barrier and rear boundary fence will contribute towards mitigating privacy impacts to neighbouring residential dwellings. Likewise, the acoustic barriers to the street facing outdoor play areas will also mitigate any potential noise impacts, both from and to the child care centre. The eastern boundary has a zero setback, that is consistent with context within a shopping centre and by virtue of its orientation, has no impact in terms of amenity.

Finally, an Operational Management Plan which is to accompany this application will manage outdoor play times and the number of children accessing outdoor area at any one time.

An Environmental Noise Impact Assessment which has been prepared by ANVAS has found that the intrusive noise levels will meet the noise level requirements of the NSW Department of Planning and Environment's *Child Care Planning Guideline* and the Association of Australasian Acoustical Consultants' *Guideline for Child Care Centres Acoustic Assessment*.

Furthermore, calculation also show that, provided the noise controls recommendations made in Section 8.0 of the report are implemented, the level of noise emitted by the proposed child care facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultant's *Guideline for Child Care Centres Acoustic Assessment* and the Environmental Protection Authority's *NSW Road Noise Policy*, as detailed in Section 5.5 of the report.

- **the setback and siting of buildings within the residential context**
- **traffic and parking impacts of the proposal on residential amenity**

The proposal is consistent with the intent of the DCP provisions.

Traffic & Parking Impact Assessment has been prepared by CJP Consulting Engineers and accompanies this application. The assessment has found that the there are no parking or traffic related issues to prevent approval of the proposed child care facility.

C2 – When selecting a site, ensure that:

- the location and surrounding uses are compatible with the proposed development or use

Centre-based child care facilities are permissible and a compatible land use within the E1 zone.

|   |   |
|---|---|
| <ul style="list-style-type: none"> <li>- the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards</li> </ul>   | <p>Council's Pre-DA advice confirmed that the ground floor level is above the flood planning level of 3.7m AHD, which factors in climate change. Likewise it noted that the building is outside of the 1% AEP extent and 1% AEP storage area. The basement crest is at 3.7m AHD, which was recommended by Council in its pre-da minutes. It is not bushfire prone land, or on land subject to slip. This mitigates the adverse flood impacts and ensures it is suitable- noting the child care able to evacuate in an easterly direction along Careel Head Road given that is the location of the child care entry.</p> |
| <ul style="list-style-type: none"> <li>- there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed</li> </ul>                     | <p>Contamination report carried out that confirms the suitability of the site for the proposal.</p>   |
| <ul style="list-style-type: none"> <li>- the characteristics of the site are suitable for the scale and type of development proposed having regards to:</li> </ul>  | <p>The subject site is of sufficient size and width to accommodate the proposed 60 place centre-based child care facility.</p>  |
| <ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>- size of street frontage, lot configuration, dimensions and overall size</li> </ul> </li> </ul>   | <p>The proposal is a large corner lot with appropriate dimensions for a two storey building that incorporates a side boundary buffer setback to its southern neighbour, along with setbacks to the north and west.</p>  |
| <ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>- Number of shared boundaries with residential properties</li> </ul> </li> </ul>   | <p>The proposal has a shared boundary to the south which is low density residential. A 3m ground level buffer is established, with this increasing to 4.62m at the first floor level. The eastern boundary is to 5-7 Careel Head Road, which is built to a zero side boundary setback, which is appropriate in an E1 Zone. This proposal applies a 0m setback to the eastern boundary, consistent with the existing context with a small cut-out for landscaping.</p>   |
| <ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>- will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</li> </ul> </li> </ul> | <p>The child care centre will have no undue environmental impacts, with stormwater treated on site and meeting pre-development flow requirements.</p>   |
| <ul style="list-style-type: none"> <li>- where the proposal is to occupy or retrofit an existing premise, the interior and exterior spaces are suitable for the proposed use</li> </ul>   | <p>Not applicable.</p>  |
| <ul style="list-style-type: none"> <li>- there are suitable drop off and pick up areas, and off and on street parking</li> </ul>  | <p>The development provides car parking spaces in accordance with the DCP, with allocated spaces within the basement.</p>   |
| <ul style="list-style-type: none"> <li>- the type of adjoining road (for example classified, arterial, local road, cul-de-</li> </ul>   |   |

|   |  |
|---|--|
| <p>sac) is appropriate and safe for the proposed use</p> <p>- not located closely to incompatible social activities and uses such as restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises</p>   | <p>The subject site fronts a classified road. Both Careel Head Road (local) and Barrenjoey Road (State) are consisted safe and appropriate for the proposed use. Refer to attached Traffic &amp; Parking Assessment for detail.</p> <p>Subject site not located closely to incompatible social activities and uses. See discussion at the end of the table in relation to the packaged liquor proximity of the proposal.</p> |
| <p>C3 – A child care facility should be located:</p> <ul style="list-style-type: none"> <li>• near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> <li>• near or within employment areas, town centres, business centres, shops</li> <li>• with access to public transport including rail, buses, ferries</li> <li>• in areas with pedestrian connectivity to the local community, businesses, shops, services and the like</li> </ul>  | <p>The proposal is located within the Careel Head Road Shops, a local shopping centre in the suburb of Avalon Beach. It is adjacent to open spaces and nearby community facilities and therefore meets this criteria. Local bus routes are nearby, with pedestrian paths connecting the surrounding area to the shops.</p>   |
| <p>C4 – A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <li>• proximity to: <ul style="list-style-type: none"> <li>- heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>- LPG tanks or service stations</li> <li>- water cooling and water warming systems</li> <li>- 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</li> <li>- any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site</li> </ul> </li> </ul> | <p>The subject site is not located within proximity to identified environmental hazard.</p> <p>Contamination report has confirmed the suitability of the site for the development proposal in relation to contamination. See discussion at end of table in relation to proximity to licensed premise (packaged liquor).</p>  |

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

C5 – The proposed development should:

- contribute to the local area by being designed in character with the locality and existing streetscape
- reflect the predominant form of surrounding land uses, particularly in low density residential areas
- recognise predominant streetscape qualities, such as building form, scale, materials and colours
- include design and architectural treatments that responds to and integrate with the existing streetscape
- use landscaping to positively contribute to the streetscape and neighbouring amenity
- integrate car parking into the building and site landscaping design in residential areas

The development proposes a two storey building designed to be consistent with character of the local area. The building scale is low in form and achieves compliance with the height limit within the LEP. Appropriate landscaping is to be provided between the building and the street edge. Refer to attached Landscape Plan for detail.

Not applicable, the zone is E1, with a buffer provided to nearby R2 land.

The development has been designed to address its frontages whilst proposing contemporary building set within a landscape setting that will positively contribute to the character of the local area and attractiveness of the shopping strip. Appropriate architectural detailing is provided that responds positively to the local context as shown in the attached architectural plans.

Appropriate landscaping is to be provided between the building and the street edge.

Car parking is integrated into the building and landscape design.

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

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

The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain.

The mix use development incorporates an active façade that will permit casual surveillance to the site's multiple frontages

Proposed landscaping works seek to soften the built form and fencing also seek to integrate with the development and the site's emerging low residential context.

C7 – On sites with multiple buildings and /or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitor and children by changes in materials, plant species and colours

The child care centre has its own lobby and entry area from the ground level and also the basement.

The primary entry point associated with the child care facility has been designed to be clearly visible and legible from the public domain.

|  |  |
|--|--|
| <p>C9 – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> <li>• clearly defined street access, pedestrian paths and building entries</li> <li>• low fences and planting which delineate communal/private open space from adjoining public open space</li> <li>• minimal use of blank walls and high fences</li> </ul>         | <p>The development continues to provide clearly defined street access, pedestrian paths and building entries.</p> <p>Landscape works will contribute towards delineate communal/private open space from the public domain.</p> <p>The development incorporates architectural features and articulation to provide a contemporary two storey built form that appropriately addresses the site's frontage.</p>   |
| <p>C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</p> <p>Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>   | <p>Not applicable.</p> <p>The site is not identified as a heritage item, is not adjacent to a heritage item nor is it within a heritage conservation area. Not applicable.</p>   |
| <p>C10 – High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>   | <p>Subject site fronts a classified road; however, the development proposes appropriate fencing including acoustic fencing in accordance with the Environmental Noise Impact Assessment, whilst also being comparable child care facility within the wider locality. Refer to attached Environmental Noise Impact Assessment for detail.</p>   |
| <h3>3.3 Building orientation, envelope and design</h3>   |  |
| <p>C11 – Orient a development on a site and design the building layout to</p> <ul style="list-style-type: none"> <li>• ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by; <ul style="list-style-type: none"> <li>- facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</li> <li>- placing play equipment away from common boundaries within residential properties</li> </ul> </li> </ul> | <p>The proposed child care facility has been designed and sited to address its frontage and to be consistent with the residential setback controls under the Pittwater LEP 2014 and Pittwater DCP 2014.</p> <p>Where possible play equipment is located away from common boundaries, noting landscape embellishment works and fencing are situated along the site's side boundaries combined with the Operational Management Plan which is to manage outdoor play times and the number of children accessing outdoor</p> |

- locating outdoor play areas away from residential dwellings and other sensitive uses
 

area at any one time will contribute towards minimise acoustic impact to neighbouring properties.

An Environmental Noise Impact Assessment which has been prepared by ANVAS has found that, provided the noise controls recommendations made in Section 7.0 of the report are implemented, the level of noise emitted by the proposed child care facility will meet the acceptable noise level criteria.
- optimise solar access to internal and external play areas
 

**Solar Access and Shade.**

The centre-based child care facility has been designed and oriented to maximise solar access to both the external and external play areas. The CCPG requires 2 hours of solar access to 2.1sqm per child between 8am and 4pm.

The site requires a minimum of 420m<sup>2</sup> of outdoor play area and 30% of this is 126m<sup>2</sup>.

In this regard, the proposal provides 126m<sup>2</sup> of solar access to the minimum area of the outdoor play area, representing 30% of the total area, and therefore complies.

This is shown on Drawings DA6021-6029 and shows that this is achieved between 9am and 3pm and this exceeds the minimum standard for 6 hours.

In relation to shade the CCPG requires 30% or 126sqm of shaded areas and the proposal achieves 148.39sqm as per DA7003 and complies.
- avoid overshadowing of adjoining residential properties
 

The proposed two storey centre-based child care facility has been designed to reduce the potential for overshadowing of neighbouring properties, including compliance with setback provisions.

It is considered that appropriate solar access is to be provided on site and for neighbouring properties and this is supported by the attached shadow diagrams.
- ensure buildings along the street frontage define the street by facing it
 

The development proposes a clear and obvious building entry that faces its primary street frontage as shown in the attached plans.
- ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions
 

All outdoor play areas are appropriately protected from wind and other climatic conditions. Refer to architectural and landscape plans for details.

|  |  |
|--|--|
| <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"> <li>• building height should be consistent with other buildings in the locality</li> <li>• building height should respond to the scale and character of the street</li> <li>• setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>• setbacks should provide adequate access for building maintenance</li> <li>• setbacks to the street should be consistent with the existing character</li> </ul> | <p>The proposal is a two storey modern buildings set within a landscape setting designed to be compatible with the anticipated future character envisioned for Careel Head Road Shops.</p> <p>Development is consistent with setback requirements under The Pittwater DCP and the Child Care Planning Guidelines.</p>  |
| <p>C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</p>  | <p>Not applicable.</p>   |
| <p>C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.</p>   | <p>Not applicable.</p>   |
| <p>C15 – Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>• located to allow ease of access, particularly for pedestrians</li> <li>• directly accessible from the street where possible</li> <li>• directly visible from the street frontage</li> <li>• easily monitored through natural or camera surveillance</li> <li>• not accessible through an outdoor play area</li> </ul>  | <p>The proposed centre-based child care facility provides a primary entry point as shown in the attached plans.</p> <p>The pedestrian entry point is visible from the street frontage, permits ease of access and directly accessible from the street level.</p> <p>Access to the site is in accordance with the Access Report that accompanies this application.</p>  |
| <p>C16 – Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• providing accessibility to and within the building in accordance with all relevant legislation</li> <li>• 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</li> <li>• providing a continuous path of travel to and within the building, including</li> </ul>  | <p>Development has been designed to be accessible to and within the building in accordance with all relevant legislation, with direct equitable access provided via graded walkway.</p> <p>Access to the site is in accordance with the Access Report that accompanies this application.</p> <p>The development provides appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance.</p> |

access between the street entry and car parking and main building entrance.

- minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.

### 3.4 Landscaping

C17 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:

- reflecting and reinforcing the local context
- incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping

The landscaping plan incorporates planting including vegetation that will be utilised as part of learning programmes within the centre to assist with attending children understanding the benefits of plants.

Refer to attached Landscaping Plan for detail.

C18 – Incorporate car parking into the landscape design of the site by:

- planting shade tree 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

The car park and side boundary setbacks are appropriately landscaped.

The landscaping plan incorporates planting that is indigenous to the immediate area and will be utilised as part of learning programmed within the centre to assist with attending children understanding the benefits of utilising local native plantings. Refer to attached Landscaping Plan for detail.

### 3.5 Visual and acoustic privacy

C19 – Open balconies in mixed use development should not overlook facilities nor overhand outdoor play spaces.

The proposal is not part of a mixed-use development. Not applicable

C20 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:

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

Development has been designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public area via appropriate site and building layout and the use of fencing and landscaping along the site's boundaries.

C21 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:

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

Complies, there is no overlooking of any residential property, noting the proposal also includes 1.8m high privacy screens along all balcony edges.

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:

- provide an acoustic fence along any boundary where the adjoining property contains a residential use (An acoustic fence is one that is a solid, gap free fencing)
- ensure that mechanical plant or equipment is screened by soil, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure

Development proposes appropriate acoustic fencing in accordance with the accompanying Environmental Noise Impact Assessment, along the site boundaries to mitigate potential noise impacts to adjoining properties.

Refer to attached Environmental Noise Impact Assessment for more detail.

### 3.6 Noise and air pollution

Child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise impacts. Other noisy environments such as industrial areas and substations may impact on the amenity and well-being of the children and staff.

The location of child care facilities should be selected to avoid or minimise the potential impact of external sources of significant noise.

C24 – Adopt design solution to minimise the impacts of noise, such as:

- creating physical separation between buildings and the noise source
- orienting the facility perpendicular to the noise source and where possible buffered by other uses
- using landscaping to reduce the perception of noise
- limiting the number and size of opening facing noise sources
- using double or acoustic glazing, acoustic louvers or enclosed balconies (wintergardens)
- using materials with mass and/or sound insulation or absorption properties, such as solid balcony

The proposal is setback well within the site and a considerable distance from Barrenjoey Road. This along with acoustic screening provides appropriate buffering and protection from potential noise impacts.

Appropriate design/ measures have been undertaken including appropriate setbacks, use of landscaping and acoustic screens to minimise acoustic impacts to neighbouring properties.

An Environmental Noise Impact Assessment which has been prepared by ANVAS has found that, provided the noise controls recommendations made in Section 7.0 of the report are implemented, the level of noise emitted by the proposed child care facility will meet the acceptable noise level criteria.

|   |   |
|---|---|
| <p>balustrades, external screens and soffits</p> <ul style="list-style-type: none"> <li>• locating cot rooms, sleeping areas and play areas away from external noise sources</li> </ul>   |   |
| <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"> <li>• on industrial zoned land where an ANEF contours is between 20 and 25, consistent with AS 2021 – 2000</li> <li>• along a railway or mass transit corridor, as defined by <i>State Environmental Planning Policy (Infrastructure) 2007</i></li> <li>• on a major or busy road</li> <li>• other land that is impacted by substantial external noise</li> </ul> | <p>The subject site is not located on industrial land, where an ANEF contours is between 20 and 25 or mass transit corridor, on a major or busy road or other land that is impacted by substantial external noise.</p>                                      |
| <p>C26 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development</p>  | <p>Complies.</p>  |
| <p>C27 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.</p>   | <p>The subject site is not located near a major road or industrial development.</p>   |
| <h3>3.7 Hours of operation</h3>   |   |
| <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.</p>   | <p>The child care facility is to operate between 7am to 6pm Monday to Friday.</p>   |
| <p>C29 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>   | <p>Subject site is not located within a shopping village, where centre based childcare centres are appropriate. It has been designed, with building arrangement and location of play areas sited to ensure that there is no impact on nearby residents.</p> |

### 3.8 Traffic, parking and pedestrian circulation

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.

Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rate:

Within 400m of a metropolitan train station:

- 1 space per 10 children
- 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space.

In other areas:

- 1 space per 4 children

Car parking for the child care centre component is provided at a rate of 1 space per 4 children, equivalent to 15 spaces.

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 vehicular movement or potential conflicts with truck and large vehicles.

Not applicable, all parking is contained within the building basement.

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 and demonstrate that:

- the amenity of the surrounding area will not be affected
- there will be no impacts on the safe operation of the surrounding road network

Traffic & Parking Impact Assessment has been prepared by CJP Consulting Engineers and accompanies this application. This assessment has found that there are no parking or traffic related issues to prevent approval of the proposed child care facility.

Refer to attached Traffic & Parking Impact Assessment for more detail.

C33 – Alternate vehicular access should be provided where child care facilities are on site fronting:

- a classified road
- roads which carry freight traffic or transport dangerous goods or hazardous materials

The alternate access must have regard to the prevailing traffic conditions:

Whilst the property does front a classified road, vehicle access is from a local side street, Careel Head Road. The site does not front a road which carries freight traffic or transport dangerous goods or hazardous materials.

- pedestrian and vehicle safety including bicycle movements
- the likely impact of the development on traffic

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 sider locality in times of emergency.

Development site is not within a cul-de-sac or narrow lanes or road. Not applicable.

C35 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:

- separate pedestrian access from the car park to the facility
- defined pedestrian crossings including within large car parking areas
- separate pedestrian and vehicle entries from the street for parents, children and visitors
- delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities
- vehicles can enter and leave the site in a forward direction

Development provides separate pedestrian and vehicular access.

Vehicles can enter and exit the site in a forward direction.

C37 – Car parking design should:

- include a child safe fence to separate car parking areas from the building entrance to play areas
- provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards include wheelchair accessible parking

Car parking is within a basement and therefore separated from child play areas. Appropriate child safe fencing is included within the centre in any case.

Accessible car parking space, designed in accordance with Australian Standard is clearly marked and situated near the entry point.

## 4. Applying the National Regulations to development proposals

### 4.1 Indoor space requirements

#### Regulation 107

#### Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.

The play space has been calculated in accordance with the unencumbered guidelines of this Guideline meets the minimum requirement as noted in the table below:

#### CHILDCARE INDOOR AREA CALCULATION

| KIDS                   | RATE                       | REQUIRED                   | PROPOSED                  |
|------------------------|----------------------------|----------------------------|---------------------------|
| 0-2 YEARS (8 KIDS)     | 1 KID / 3.25m <sup>2</sup> | 26.00 m <sup>2</sup>       | 28.00m <sup>2</sup>       |
| 2-3 YEARS (15 KIDS)    | 1 KID / 3.25m <sup>2</sup> | 48.75m <sup>2</sup>        | 49m <sup>2</sup>          |
| 3-5 YEARS (37 KIDS)    | 1 KID / 3.25m <sup>2</sup> | 120.25m <sup>2</sup>       | 120.5m <sup>2</sup>       |
| <b>TOTAL (60 KIDS)</b> |                            | <b>195.00m<sup>2</sup></b> | <b>197.5m<sup>2</sup></b> |

INDOOR STORAGE REQUIREMENT  
VOLUME 0.2m<sup>3</sup> \* 60 = **12m<sup>3</sup>**

#### Design Guidance

#### Verandahs as indoor space

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

No verandah is to be included as unencumbered indoor space. Not applicable.

#### Design Guidance

#### Storage

It is recommended that a child care facility provide:

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

The proposal provides appropriate internal and external storage areas. A total of 12m<sup>3</sup> of indoor storage is provided, with 18m<sup>3</sup> provided outside. This complies with the 0.2 and 0.3m for indoor and outdoor storage.

### 4.2 Laundry and hygiene facilities

#### Regulation 106

#### Education and Care Services National Regulations

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

On site laundry facilities are provided.

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

Designed to comply.

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

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

#### *Design Guidance*

##### *On site laundry*

On site laundry facilities should contain:

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

Designed to comply.

### 4.3 Toilet and hygiene facilities

#### *Regulation 109*

##### *Education and Care Services National Regulations*

Adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Toilet facilities for both the children and staff are provided.

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

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

### 4.4 Ventilation and natural light

#### *Regulation 110*

##### *Education and Care Services National Regulations*

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

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

|   |  |
|---|--|
| <p>Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the <i>National Construction Code</i>. Ceiling height requirements may be affected by the capacity of the facility.</p>  | <p>Light and ventilation and minimum ceiling heights designed to comply with relevant requirements under the National Construction Code.</p>   |
| <p><i>Design Guidance</i><br/><i>Natural light</i><br/>When designing child care facilities consideration should be given to:<br/>providing windows facing different orientations using skylights as appropriate ceiling heights</p>  | <p>Development provides windows facing different orientation with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.</p> |
| <h4>4.5 Administrative space</h4>   |  |
| <p><i>Regulation 111</i><br/><i>Education and Care Services National Regulations</i><br/>Services must provide adequate area or areas for the purpose of conducting the administrative functions of the services, consulting with parents of children and conducting private conversations.</p> | <p>Adequate space for administrative tasks being conducted on site are proposed within the office, staff and meeting rooms.</p>  |
| <h4>4.6 Nappy change facilities</h4>  |  |
| <p><i>Regulation 112</i><br/><i>Education and Care Services National Regulations</i><br/>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.</p>  | <p>Nappy change facilities are provided for the facility for kids aged between 0-2.</p>  |
| <p>All nappy changing facilities should be designed and located in an area that prevents unsupervised access to children.</p>   | <p>Complies.</p>   |
| <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the <i>National Construction Code</i>.</p>  | <p>Nappy changing, and bathing facilities designed to comply with relevant requirements under the National Construction Code.</p>  |
| <p><i>Design Guidance</i><br/>In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> <li>• Properly constructed nappy changing bench or benches</li> </ul>  | <p>Designed to comply.</p>   |

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

#### 4.7 Premises designed to facilitate supervision

##### *Regulation 115*

##### *Education and Care Services National Regulations*

Centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regards to the needs to maintain their right and dignity.

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

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

#### 4.8 Emergency and evacuation procedures

##### *Regulations 97 and 168*

##### *Education and Care Services National Regulations*

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

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

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

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing.

#### Design Guidance

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

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

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing. Draft evacuation plans are submitted with the DA showing the means of evacuation and egress areas.

### 4.9 Outdoor space requirements

#### Regulations 108

#### Education and Care Services National Regulations

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

The proposal provides 7.0m<sup>2</sup> of unencumbered outdoor play space per child as shown below: It is noted door swings are not excluded from outdoor play space in the same way as indoor play space- as noted in the distinction between 4.1 and 4.9 of the Guideline and door swings are only excluded internally.

#### CHILDCARE OUTDOOR AREA CALCULATION

| KIDS                   | RATE                    | REQUIRED                | PROPOSED                 |
|------------------------|-------------------------|-------------------------|--------------------------|
| 0-2 YEARS( 8 KIDS)     | 1 KID / 7m <sup>2</sup> | 56m <sup>2</sup>        | 56m <sup>2</sup>         |
| 2-3 YEARS( 15 KIDS)    | 1 KID / 7m <sup>2</sup> | 105m <sup>2</sup>       | 105m <sup>2</sup>        |
| 3-5 YEARS( 37 KIDS)    | 1 KID / 7m <sup>2</sup> | 259m <sup>2</sup>       | 259m <sup>2</sup>        |
| <b>TOTAL</b> (60 KIDS) |                         | <b>420m<sup>2</sup></b> | <b>420 m<sup>2</sup></b> |

OUTDOOR STORAGE REQUIREMENT  
VOLUME 0.3m<sup>3</sup> \* 60 = **18m<sup>3</sup>**

The play space has been calculated in accordance with the unencumbered guidelines of this Guideline. Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

A veranda that is included within indoor space cannot be included when calculating outdoor space and vice versa.

Not applicable.

*Design Guidance*

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

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

#### 4.10 Natural environment

*Regulations 113*

*Education and Care Services National Regulations*

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

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

*Design Guidance*

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

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

Noted, refer to attached landscape plan for detail.

The outdoor space should be designed to:

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

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

#### 4.11 Shade

*Regulations 114  
Education and Care Services National  
Regulations*

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 2.1m<sup>2</sup>) of the 7.0m<sup>2</sup> 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 centre-based child care facility has been designed and oriented to maximise solar access to both the external and external play areas. The CCPG requires 2 hours of solar access to 2.1sqm per child between 8am and 4pm.

The site requires a minimum of 420m<sup>2</sup> of outdoor play area and 30% of this is 126m<sup>2</sup>.

In this regard, the proposal provides 126m<sup>2</sup> of solar access to the minimum area of the outdoor play area, representing 30% of the total area, and therefore complies.

This is shown on Drawings DA6021-6029 and shows that this is achieved between 9am and 3pm and this exceeds the minimum standard for 6 hours.

In relation to shade the CCPG requires 30% or 126sqm of shaded areas and the proposal achieves 148.39sqm as per DA7003 and complies.

#### 4.12 Fencing

*Regulations 104  
Education and Care Services National  
Regulations*

Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.

Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Local Government Area.

Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the *National Construction Code*.

Designed to comply.

#### *Design Guidance*

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

Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Local Government Area.

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

Design consideration for side and rear boundary fences could include:

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

Noted - Side fencing has been undertaken in accordance with the Environmental Noise Impact Assessment.

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

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

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

#### 4.13 Soil assessment

*Regulations 25*

*Education and Care Services National Regulations*

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

A contamination report has been submitted that confirms the suitability of the site for the child care proposal.

## DISCUSSION ON SITE SUITABILITY: PROXIMITY TO LICENSED PREMISES

The provisions of the CCPG set out relevant considerations including C2 which sets out:

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

### C2

*• 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.*

In relation to licensed premises it is noted that the CCPG is concerned with premises licensed for alcohol or gambling- being hotels (pubs), clubs, cellar door premises. That is, the concern is with premises where patrons can drink or gamble on site and in proximity to a child care centre- such that patrons affected by alcohol or gambling addictions are not in proximity to the child care centre. It is clear that the Guideline is not intended to apply strictly to a shop selling packaged liquor because that liquor is not consumed on the premise. Therefore it is considered C2 would be satisfied on that basis.

However regardless of this it is noted that care has been taken with the design of the proposal as follows:

- The child care centre has a dedicated lift from the basement;
- The child care centre has a dedicated and separate entry and associated lobby at the ground floor that connects separately to Careel Head Road and does not share any element of the lobby with the Dan Murphys component.
- The Dan Murphys entrance near the lift is a discreet entry where alcoholic products and the like are not highly visible relative to child care attendees.

On that basis the proximity to the shop selling liquor is acceptable and the proposal is compatible and satisfies the CCPG in this regard.

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

In preparing this development application and in the design development of the proposal, regard has been had to not only the relevant controls and guidelines, but also to the Education and Care Services National Regulations 2012 (National Regulations). It is noted that the National Regulations provide exhaustive controls and requirements in addition to that of local government and includes: -

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

It is noted that a large portion of the controls have been addressed in Chapter 3 Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the Child Care Guidelines, and therefore, only the relevant controls will be addressed in the table below:

| Clause   | Controls                           | Comment   | Complies |
|--|------------------------------------|---|----------|
| <b>Part 4.3 Physical Environment</b>                                 |                                    |   |          |
| <b>Division 1 Centre-Based Services and Family Day Care Services</b> |                                    |   |          |
| <b>104</b>   | Fencing                            | Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.  | Yes      |
| <b>106</b>   | Laundry and hygiene facilities     | A laundry facility is available on the premises of the proposed centre-based child care facility.   | Yes      |
| <b>107</b>   | Space requirements – indoor space  | The proposed centre-based child care facility provides 3.29m <sup>2</sup> of unencumbered indoor play space per child as shown on the submitted architectural plans noting 195sqm is required and 197.5sqm is provided. | Yes      |
| <b>108</b>   | Space requirements – outdoor space | The proposed centre-based child care facility provides 7.0m <sup>2</sup> of unencumbered outdoor play space per child as shown on the submitted architectural plans noting 420sqm is required and 420sqm is provide.    | Yes      |

|   |                                     |   |     |
|---|-------------------------------------|---|-----|
| 109   | Toilet and hygiene facilities       | Age-appropriate toilet and washing facilities are provided.   | Yes |
| 110   | Ventilation and natural light       | The facility will receive adequate ventilation and natural light, as addressed in the SEPP and Child Care Guidelines previously within this statement.  | Yes |
| <b>Division 2 Additional Requirements for Centre-Based Services</b> |                                     |   |     |
| 111   | Administrative space                | An administration room is located within the proposed Child Care Facility.  | Yes |
| 112   | Nappy change facilities             | A nappy change facility is provided by the proposed centre-based child care facility.   | Yes |
| 113   | Outdoor space – natural environment | As addressed earlier in this statement, the development provides outdoor spaces that permit children to explore and experience the natural environment.   | Yes |
| 114   | Outdoor space – shade               | The proposed centre-based child care facility has provided adequate shading. Refer to attached architectural plans for detail.  | Yes |
| <b>Part 4.4 Staffing Requirements</b>                               |                                     |   |     |
| 123   | Staff to child ratio                | <p>Clause 123 provides minimum staff requirements for child care facilities in <u><b>Australia:</b></u></p> <p>0-2 Years – 1 employee per 4 children<br/> 2-3 Years – 1 employee per 5 children<br/> 3-5 Years – 1 employee per 11 children</p> <p>It is noted that Clause 271 overrides the ratio for the 3-5 age group for facilities in <u><b>New South Wales.</b></u> Therefore the ratios for the proposed facility are as follows:</p> <p>0-2 Years – 1 employee per 4 children<br/> 2-3 Years – 1 employee per 5 children<br/> 3-5 Years – 1 employee per 10 children</p> <p>The breakdown of children ratio within the proposed centre-based child care facility is as follows:</p> <p>0-2 Years – 8 children (2 staff)<br/> 2-3 Years – 15 children (3 staff)<br/> 3-5 Years – 37 children (4 staff)</p> | Yes |

Total: 9 staff educators.

The development provides a total of 23 educators. Complies.

#### Part 7.3 New South Wales – Special Provisions

|   |   |  |     |
|---|---|--|-----|
| <b>271</b>                              | Educators to child ratios – (1) children aged 36 months or more but less than 6 years | (1) Regulation 123 (1)(c) applies as modified by this section.<br>(2) The educator to child ratio for children aged 36 months or more but less than 6 years of age is 1 educator to 10 children. | Yes |
| This is addressed in the section above. |   |  |     |

Each of the relevant requirements contained in the Regulation have been considered and responded to in the design of the proposal.

Separate licensing approval of the proposal will be sought prior to occupation and running of the Child Care Facility.