

Statement of Environmental Effects

CHILD CARE FACILITY

84 BROOK STREET
MUSWELLBROOK

19 JULY 2023



QUALITY ASSURANCE

PROJECT: Statement of Environmental Effects – 90 Place Centre-Based Child Care Facility

ADDRESS: Lot 1 in DP795300: 84 Brook Street, Muswellbrook

COUNCIL: Muswellbrook Council

AUTHOR: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
June 2023	Draft Issue for Comment	Draft	SK/JW	JW
19 th July 2023	DA Lodgement Issued	Final	SK/JW	JW

<i>Integrated Development (under S.4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?</i>	
<i>Coal Mine Subsidence Compensation Act 207</i>	<i>No</i>
<i>Fisheries Management Act 1994</i>	<i>No</i>
<i>Heritage Act 1977</i>	<i>No</i>
<i>Mining Act 1992</i>	<i>No</i>
<i>National Parks and Wildlife Act 1974</i>	<i>No</i>
<i>Petroleum (Onshore) Act 1991</i>	<i>No</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>No</i>
<i>Roads Act 1993</i>	<i>No</i>
<i>Rural Fires Act 1997</i>	<i>No</i>
<i>Water Management Act 2000</i>	<i>No</i>
<i>Concurrence</i>	
<i>SEPP (Industry and Employment) 2021</i>	<i>No</i>
<i>SEPP (Resilience and Hazards) 2021</i>	<i>No</i>
<i>SEPP (Transport and Infrastructure) 2021</i>	<i>No</i>
<i>SEPP (Planning Systems) 2021</i>	<i>No</i>
<i>SEPP (Precincts – Central River City) 2021</i>	<i>No</i>
<i>SEPP (Precincts – Easter Harbour City) 2021</i>	<i>No</i>
<i>SEPP (Precincts – Regional_ 2021</i>	<i>No</i>
<i>SEPP (Precincts – Western Parkland City) 2021</i>	<i>No</i>
<i>SEPP (Biodiversity and Conservation) 2021</i>	<i>No</i>

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application for the removal of identified trees and the demolition of all existing structures in-order to construct a single storey '*Child Care Facility*' pursuant to the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 at 84 Brook Street, Muswellbrook.

The child care facility is to accommodate a total of 90 child care places with parking for 26 vehicles at-grade.

The key aspects of the proposal are provided below:

Centre-Based Child Care Facility:

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlines in the Child Care Planning Guidelines. Furthermore, the orientation and siting of the proposed single storey building has been influenced by an existing open stormwater channel that transects the site towards the front boundary. The open channel is to be retained with a new reinforced and suspended concrete car parking area that is to span across the open channel and will provide a level parking area at the front of the site.

The internal areas will consist of 4 separate indoor play rooms, sleeping rooms, administrative areas including staff rooms and offices, kitchen, laundry, storerooms and amenities.

The '*Child Care Facility*' will operate with a maximum capacity of 90 places with the following age groups:

- 0-2 years: 20 places;
- 2-3 years: 20 places; and
- 3-5 years: 50 places.

The facility provides a total of 301.8m² or 3.35m² of unencumbered indoor play area per child and 641m² or 7.12m² of unencumbered outdoor play area per child in accordance with the Education and Care Services National Regulations 2012.

Breakdown of unencumbered indoor play area per age group is provided below:

- 0-2 years: 66.3m²
- 2-3 years: 69.4m²
- 3-5 years: 166.1m²

The facility will operate between 7am to 6pm Monday – Friday (excluding public holidays) and provide a total of 14 teachers, a director and cook with the following breakdown of teachers as per the Education and Care Service National Regulation 2012.

- 0-2 years: 5 teachers;
- 2-3 years: 4 teachers and
- 3-5 years: 5 teachers.

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines. This includes:

- *The design responding to the context of the surrounding area by proposing an attractive single storey built form that is consistent with the existing low density residential character within the subject area.*
- *Appropriate replacement and landscape embellishment to ensure the landscape character of the site is respected.*
- *The proposed built form has been designed commensurate with the existing low density residential character of the site and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

Signage

No signage is proposed as part of this application; however it is anticipated that signage will be subject to future DAs.

Parking

The development provides a total of 26 car parking spaces at-grade with the following breakdown:

- Staff Parking: 16 parking spaces
- Visitor Parking: 9 parking spaces including an accessible car parking space
- A Loading Bay

The development proposes a new double width vehicle crossover and driveway located towards the central portion that provides direct vehicle access to the site from Brook Street.

Located just outside of Muswellbrook Town Centre, the development site is located on the northern side of Brook Street, approximately 70m eastwards from the intersection of Brook Street and Sowerby Street, Muswellbrook. The development site is also within close proximity to essential services within the town centre itself, Muswellbrook Hospital, places of public worship, local schools and recreational opportunities including local parks, sportsfields, tennis courts and Muswellbrook Aquatic & Fitness Station. The locality is also well serviced by public transport with local bus stops with services to Muswellbrook is within a 250m walking radius and Muswellbrook Train Station within a 650m walking radius from the development site.

The site itself can be best described as a large vacant irregular shaped land parcel with a frontage of 25m along Brook Street and is approximately 120m deep with a total site area of approximately 2,510m². The site is located in a sloped landscape with the ground slope falling towards the front of the site (south) by between 10-30 degrees. A natural water-course, formally identified as “Possum Gully” traverses through the southern end of the site in a Westerly direction.

The only extant built improvement on-site includes a small bridge structure with a concrete deck and steel side rails located towards the front boundary, spanning the existing stormwater channel that traverse the site. Furthermore, a small concrete apron extends into the site from the front boundary coinciding with the existing vehicular driveway and layback.

The subject site is zoned R1 General Residential under Muswellbrook Local Environmental Plan 2009. ‘Centre-Based Child Care Facilities’ are permissible with consent in the R1 General Residential Zone.

The child care facility has been designed to comply with key planning requirements under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, Muswellbrook Local Environmental Plan 2009, Muswellbrook Development Control Plan 2010, Child Care Planning Guidelines and Children’s (Education and Care Services) Supplementary Care Provisions 2012.

The development site has been identified as being affected by Flooding in the 1% AEP Storm Event. In regard to flood impacts – there was no proposed diversion of floodwaters, the flood behaviour and hence, the flood impacts on upstream and receiving properties is minimal in terms of depth, velocity and hazards, noting that the maximum external afflux upstream of the site is limited to 100mm in accordance with Council’s guidelines.

Whilst there is a minor afflux within the site due to the addition of the suspended driveway area, this afflux does not pose any additional flood risk as it is located beneath the suspended driveway structure.

The proposal will provide a valuable role in increasing valuable child care places within Muswellbrook.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

As detailed further in this statement the development concept is consistent with the planning principles and controls applying to the site and represents an efficient use of well-located land.

Therefore, having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land that will contribute towards providing valuable child care, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

SITE AND LOCALITY

SUBJECT SITE

Located just outside of Muswellbrook Town Centre, the development site is located on the northern side of Brook Street, approximately 70m eastwards from the intersection of Brook Street and Sowerby Street, Muswellbrook.

The site itself can be best described as a large irregular shaped land parcel with a frontage of 25m along Brook Street and is approximately 120m deep with a total site area of approximately 2,510m². The site is located in a sloped landscape with the ground slope falling towards the front of the site (south) by between 10-30 degrees., as such the development has been designed to follow the natural contours of the site to minimise excessive cut and fill.

The site currently is current vacant but has evidence of previous construction is present. A few logs covered in long grass is located approximately at centre of the property, with a natural water-course, formally identified as “Possum Gully” traverses through the southern end of the site in a Westerly direction, with a photograph extract of the development site provided below.

Photograph 1: Shows the subject site as viewed from Brook St looking northwards



The subject site bounds older style residential dwellings and a medical centre to its western boundary, an older style residential dwelling to its eastern boundary and Muswellbrook Preschool Kindergarten to its northern boundary.

An aerial map extract is provided below to demonstrate the site and its relationship with adjoining properties.

Figure 1: Aerial Map Extract of Subject Site (Six Maps)



 Subject Site

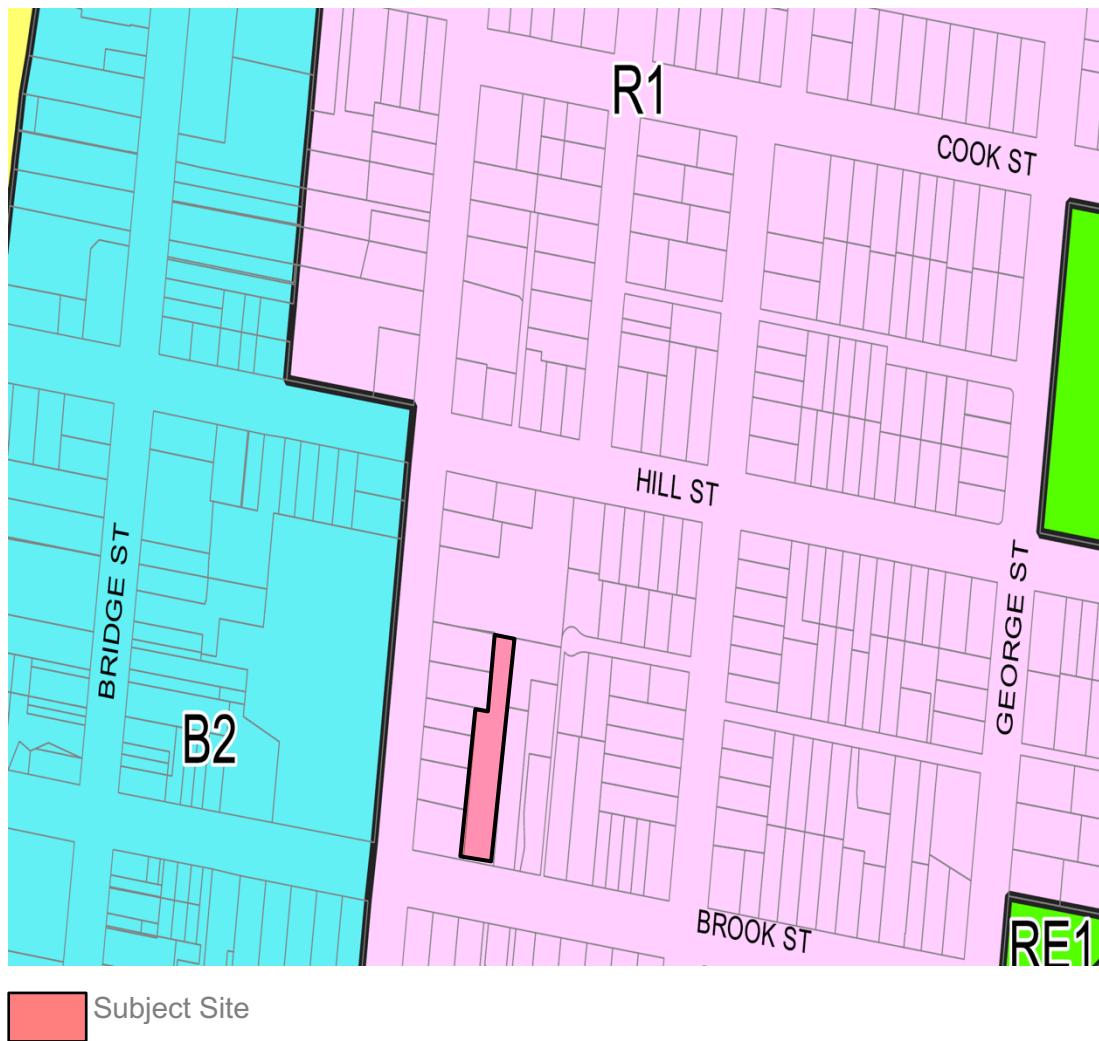
The built form character along Brook Street – east from the intersection of Brook Street and Sowerby Street comprise predominantly of older style residential dwellings of mixed ages and architectural styles interspersed by multi-dwelling housing developments and dual occupancy developments.

The proposed development is to deliver a contemporary recessed single storey child care facility which would complement the existing built form along Brook Street.

ZONING

As evident in the zoning map extract provided below, the subject site is zoned R1 General Residential under the Muswellbrook Local Environmental Plan 2009. 'Child Care Facilities' are permissible with Council consent within the R1 Zone.

Figure 2: Zoning Map Sheet LZN_008AC (Source: Muswellbrook LEP 2009)



SUBJECT AREA

Residing within an established residential estate, the development site is within close proximity to essential services within the town centre itself, Muswellbrook Hospital, places of public worship, local schools and recreational opportunities including local parks, sportsfields, tennis courts and Muswellbrook Aquatic & Fitness Station.

The locality is also well serviced by public transport with local bus stops with services to Muswellbrook is within a 250m walking radius and Muswellbrook Train Station within a 650m walking radius from the development site.

An analysis of the development site within its subject area is illustrated by an aerial map extract below.

Figure 1: Aerial Map of Subject Area (Source: Google Map)



The proposal will provide a valuable role in increasing valuable child care places within Muswellbrook.

Photographs are provided overleaf that give context to the locality and the relationship of the development site with adjoining developments.

Photograph 2: Shows the existing streetscape along Brook St looking westwards



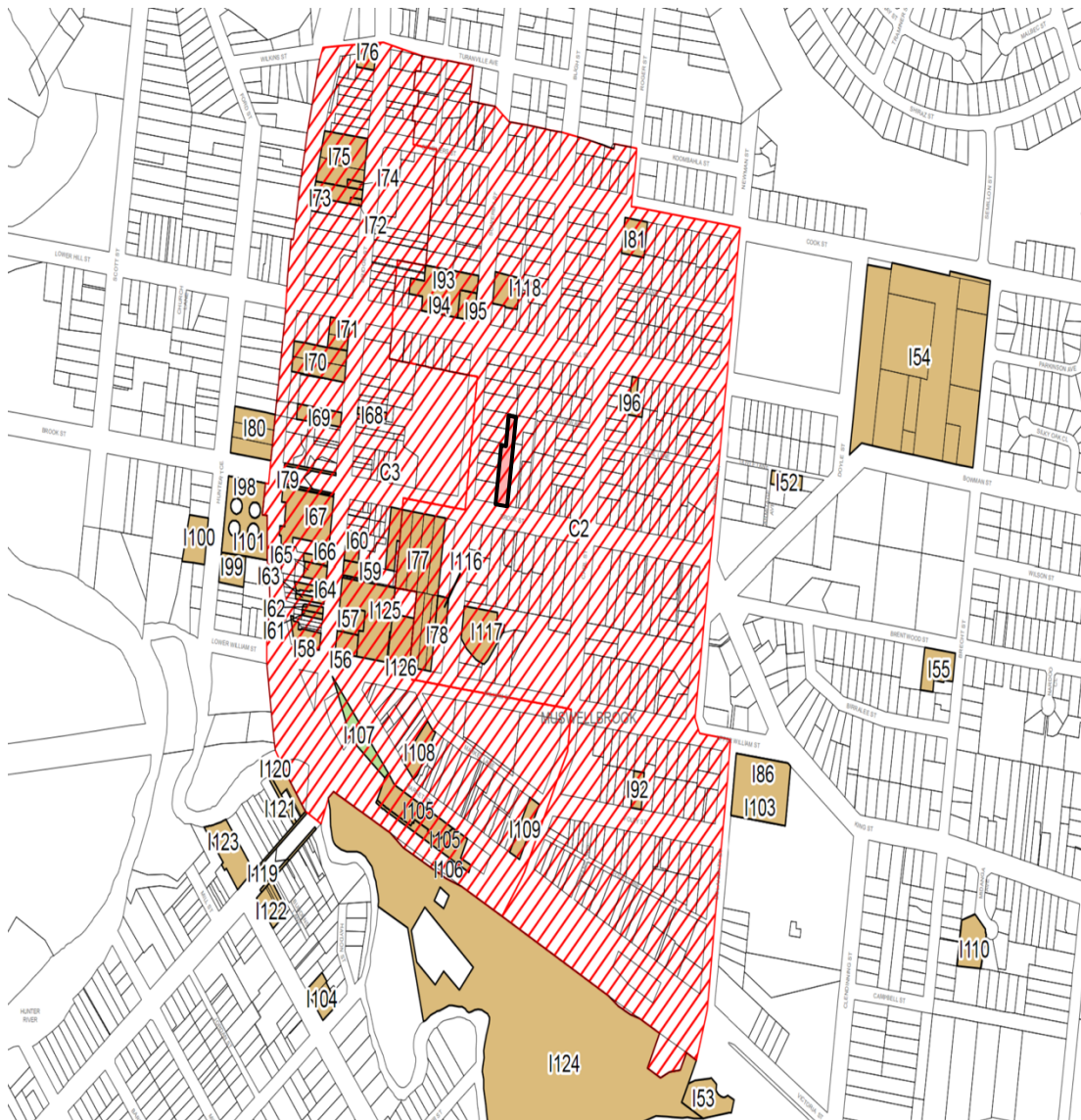
Photograph 3: Shows the existing streetscape along Brook St looking eastwards



HERITAGE

The site is not identified as a heritage item, however, is located within a heritage conservation area and is also within close proximity to local heritage items as illustrated by the heritage extract map below.

Figure 4: Heritage Map Sheet HER_008AA (Source: Muswellbrook LEP 2009)



 Subject Site

The pattern of development is irregular, evidencing a more originally evolved streetscape as opposed to some of the more contrived patterns of development in other streets within the Heritage Conservation Area.

Owing to the subdivision pattern, many allotments have similar widths at the street front, though the variance in building topologies results in variation in the spatial separation between buildings. Despite this, there is a cohesive presentation to Brook Street, with deep front setbacks and landscaped gardens and grassed spaces defining the streetscape character.

The proposed height and scale of the building will not visually dominate the streetscape, its overall scale will be compatible with the surrounding built forms and will not become visually dominant when viewed from either Brook Street or from Sowerby Street. Furthermore, due to the deep setback and filtered views from the proposed introduction of new landscape features the building will not be prominently featured in Brook Street. As such, the proposed development will be commensurate with the low density residential character along Brook Street.

Potential visual impacts of the carparking area are to be mitigated through the incorporation of two large deep-soil landscaped garden beds presenting to the front of the site and measuring approximately 7m in depth from the front boundary. These garden beds will contain various specimen trees and shrubs to maintain continuity of the established landscaped garden setting presenting to Brook Street.

A Heritage Impact Statement which accompanies this application has concluded the following:

- *The site does not satisfy the NSW Heritage Assessment criteria relating to historical, associative, aesthetic, social, technical, rarity or representative significance.*
- *Having considered all relevant matters for consideration in this report, subject to the recommendations below to mitigate identified heritage impacts, the proposed child care facility is considered to have an acceptable heritage impact and is favourably recommended to Council.*

Finally, local heritage items are sufficiently separated from the development site to have any impact on their heritage curtilage.

As such, the development site is not burdened by any heritage restriction nor do any future heritage investigation considered necessary.

DESCRIPTION OF PROPOSAL

Development Application is seeking to remove all identified trees and the demolition of all existing structures in-order to construct a single storey 'Child Care Facility' pursuant to the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 at 84 Brook Street, Muswellbrook.

The child care facility is to accommodate a total of 90 child care places with parking for 26 vehicles at-grade.

The key aspects of the proposal are provided below:

Centre-Based Child Care Facility:

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlines in the Child Care Planning Guidelines.

The internal areas will consist of 4 separate indoor play rooms, sleeping rooms, administrative areas including staff rooms and offices, kitchen, laundry, storerooms and amenities.

The 'Child Care Facility' will operate with a maximum capacity of 90 places with the following age groups:

- 0-2 years: 20 places;
- 2-3 years: 20 places; and
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Signage

No signage is proposed as part of this application; however it is anticipated that signage will be subject to future DAs.

Parking

The development provides a total of 26 car parking spaces at-grade with the following breakdown:

- Staff Parking: 16 parking spaces
- Visitor Parking: 9 parking spaces including an accessible car parking space
- A Loading Bay

The development proposes a new double width vehicle crossover and driveway located towards the central portion that provides direct vehicle access to the site from Brook Street.

A brief description of the various aspects of the development is provided below.

Level	Inclusions
Ground Floor	<p>Access</p> <p><u>Vehicle</u> Vehicle access to the site from a new vehicle crossover and driveway situated towards the central portion of the site via Brook Street.</p>

The parking area includes internal circulation areas with turning areas to allow vehicles to enter and exit the site in a forward direction.

Pedestrian

Dedicated graded pedestrian pathway running along the site's eastern side boundaries connects to internal pedestrian pathway including stairs and graded ramp provides direct access to the main entry point.

Parking

Development provides a total of 26 car parking spaces with the following breakdown:

- 16 x staff parking spaces; and
- 9 x visitor car parking spaces including an accessible car parking space.
- A loading bay

Child Care Facility

Child care facility comprises of the following within the ground floor:

- Primary entry point
- Internal foyer/lobby area
- Administration areas includes
 - o Reception area
 - o Directors office
 - o Staff room
 - o Kitchen
 - o Laundry
 - o Accessible WC
- A total of 4 x unencumbered indoor play areas with a total area of 301.8m² or 3.35m² with the following breakdown:
 - o Indoor Play Room 1: 2-3 Age Kids Room accommodating a total of 20 kids with 69.4m² of floor area and includes direct access to lockers, craft bench, shared store room and toilet with nappy change station with Indoor Play Room 2 and outdoor play area.
 - o Indoor Play Room 2: 0-2 Age Kids Room accommodating a total of 20 kids with 66.3m² of floor area and includes direct access to lockers, craft bench, bottle preparation station, craft station, cot room and shared store room and toilet with nappy change station with Indoor Play Room 1 and outdoor play area via transitional area.
 - o Indoor Play Room 3: 3-6 Age Kids Room accommodating a total of 20 kids with 67.8m² of floor area and includes direct access to lockers, craft bench, shared store room and toilet with nappy change station with Indoor

Play Room 4 and outdoor play area via transitional area.

- Indoor Play Room 4: 3-6 Age Kids Room accommodating a total of 30 kids with 98.3m² of floor area and includes direct access to lockers, craft bench, shared store room and toilet with nappy change station with Indoor Play Room 3 and outdoor play area via transitional area.

- Transition area between the indoor and outdoor play areas.
- 641m² of unencumbered outdoor play area
- 2 x outdoor store areas with a total area of 61.28m³

Service

- Enclosed bin store room
- Service room

The relevant architectural plans for the proposal have been prepared by Janssen Designs while supporting reports and documents have been prepared by relevant sub consultants dealing with matters such as traffic and parking, acoustic, drainage and landscaping.

The proposal will provide a valuable role in increasing valuable child care places within Muswellbrook.

PRE-LODGEEMENT MEETING

A Pre DA meeting was held on 5th September 11th, 2022, regarding the proposed child care facility. The following table provides a summary of the issues discussed and the design response.

Comment	Response
Integrated Development Status	<ul style="list-style-type: none"> Noted.
Possum Gully Crossing Design	<ul style="list-style-type: none"> The proposed Possum Gully crossing design has been informed via a Flood Modelling completed by Capital Engineering Consultants on 17 May 2023. A Site Emergency Evacuation / Response Plan has been prepared and accompanies this application, noting that the proposed development has been designed with the input of respective consultants to achieve appropriate flood free access and emergency evacuation routes. Landscape scheme, in particular within the front of the property in the form of two large deep-soil landscaped garden beds and the at-grade parking will positively contribute towards screening Possum Gully to the public domain.
Heritage Considerations	<ul style="list-style-type: none"> Where appropriate, the hardstand areas associated with the parking area is to be buffered by strategically placed landscaped areas in accordance with the accompanying Landscape Plan. Furthermore, trees are to also be strategically planted including along the land south of the creek line. Proposed development has been designed to assimilate to the traditional building typologies and forms in the established streetscape, adopting a single storey height and being of similar proportions to floor to ceiling heights. Hipped roof form with various hips and valleys will provide visual interest to the building and further assimilate with the surrounding built environment. Furthermore, the building incorporates masonry external walls and corrugated sheet metal to the roof. Refer to attached Architectural Plans for detail. A Heritage Impact Statement has been prepared and accompanies this application.
Retaining Walls, Cut & Fill	<ul style="list-style-type: none"> The development has been designed to follow the contours of the site to minimise excessive cut and fill.
Traffic Impact Assessment	<ul style="list-style-type: none"> A Traffic and Parking Impact Assessment has been prepared by McLaren Traffic Engineering & Road Safety Consultants and accompanies this application.
Stormwater	<ul style="list-style-type: none"> A Stormwater Management Plan has been prepared and accompanies this application.

Noise Impact Assessment	<ul style="list-style-type: none"> A Noise Impact Assessment has been prepared and accompanies this application.
Child Care Planning Guideline	<ul style="list-style-type: none"> Assessment against the Child Care Planning Guideline has been addressed within the accompanying SEE.
Unencumbered Indoor and Outdoor Space	<ul style="list-style-type: none"> Unencumbered indoor and outdoor space is in accordance with the Education and Care Services National Regulations 2012.
Access and Mobility	<ul style="list-style-type: none"> Development has been designed to be accessible to and within the building in accordance with all relevant legislation, with direct equitable pedestrian access provided via Brook Street. <p>Access to the site is in accordance with the Access Report that accompanies this application.</p> <p>Development provides appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance.</p>
Water and Sewer Servicing	<ul style="list-style-type: none"> A Stormwater Plan has been prepared and accompanies this application.
Landscaping	<ul style="list-style-type: none"> A Landscape Plan has been prepared and accompanies this application.
Waste Management	<ul style="list-style-type: none"> A Waste Management Plan has been prepared and accompanies this application.
Safety and Security	<ul style="list-style-type: none"> The proposed development incorporates an active façade that will permit casual surveillance to both frontages, especially to the rear laneway, which will significantly improve the safety and surveillance of the laneway. <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>
Advertisement Signage	<ul style="list-style-type: none"> No signage is proposed as part of this application.
Muswellbrook LEP 2009	<ul style="list-style-type: none"> Assessment against Muswellbrook LEP 2009 has been addressed within the accompanying SEE.
Muswellbrook DCP Section 18 Child Care Centres	<ul style="list-style-type: none"> Assessment against Muswellbrook DCP 2009 – Section 18 Child Care Centres has been addressed within the accompanying SEE.

Muswellbrook DCP Section 20 Erosion and Sediment Control Plan	<ul style="list-style-type: none"> An Erosion and Sediment Control Plan has been prepared and accompanies this application.
Environmental Impacts	<ul style="list-style-type: none"> Potential environmental impacts have been addressed within the Statement of Environmental Effects.
Quantity Surveyor Report & Section 7.11 Contribution	<ul style="list-style-type: none"> A Cost Estimate Report has been prepared and accompanies this application.
Building Setbacks and Fire Protection Separation	<ul style="list-style-type: none"> Complies.

The proposed development has been amended in line with Council's comments to satisfactorily address all the key issues raised and this Statement of Environmental Effects provides detailed justification and context with respect to any outstanding items.

Please refer to the relevant compliance table below for further discussion

PLANNING CONTROLS

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

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of three now repealed SEPP's being:

- State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy No 33—Hazardous and Offensive Development; and
- State Environmental Planning Policy No 55—Remediation of Land.

Chapter 2 of the SEPP contains controls for coastal management and it not applicable to this development.

Chapter 3 of the SEPP contains controls for Hazardous and Offensive Development. This development is not for Hazardous and Offensive development and accordingly this chapter is not applicable to this development.

Chapter 4 of the SEPP contains a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.

The following table considers the risk of the site being contaminated:

Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	X	
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	X	
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?		X
acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill		

sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation

Is the site listed on Council's Contaminated land database?	X
Is the site subject to EPA clean-up order or other EPA restrictions?	X
Has the site been the subject of known pollution incidents or illegal dumping?	X
Does the site adjoin any contaminated land/previously contaminated land?	X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	NA.

A Preliminary Site Investigation has been prepared by CEC Geotechnical at No. 84 Muswellbrook. The report concluded the following:

No heavy industrial operations were identified within the site during the desktop study. A search of the NSW EPA Contaminated Land Management Record of Notices, Protection of the Environment Operations Public Register records, NSW EPA for PFAS Investigation Programme record revealed that there were no notice issued to the subject site.

The aerial photographs did not indicate that the site has been historically utilised for market gardening. A remediation action plan is not considered to be required at this stage, however, following recommendations are put forward:

- *Should evidence of site contamination be identified at any stage during the development process, such as staining, odorous soils, or suspect asbestos, then an experienced site contamination consultant should be contacted immediately for advice.*
- *Any material to be removed off-site, including VENM, MUST be classified for off-site disposal in accordance with the NSW EPA (2014) Waste Classification Guidelines. This will include any fill material identified during bulk excavation for the construction of the basement car park and where fill material is identified.*
- *Any material being imported to the site for backfilling purposes should be assessed for potential contamination in accordance with the EPA guidelines.*

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of eleven now repealed SEPP's being:

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)
- Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)
- SEPP No 19—Bushland in Urban Areas (SEPP 19)
- SEPP No 50—Canal Estate Development (SEPP 50)
- SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)
- Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)
- Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP).

Chapter 2 of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.

This chapter seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The accompanying Arborist Report recommends the removal of Trees 1, 4, 5 trees with the retention and protection of Trees 2 and 3, noting that the Landscape Plans demonstrate that new landscape planting will be introduced to the site to offset the removal of existing vegetation.

The landscape scheme is to introduce high quality landscape embellishment works within an established predominantly low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds, noting that the new landscape plantings are considered compatible and complementary to the characteristics of the Heritage Conservation Area and will maintain consistency with the established pattern of development, with deep landscaped gardens at the front of dwellings and presenting to the street.

The incorporation of two large deep-soil landscaped garden beds presenting to the front of the site and measuring approximately 7m in depth from the front boundary aims to minimise potential visual impacts of the at-grade parking area. These garden beds will contain various specimen trees and shrubs to maintain continuity of the established landscaped garden setting presenting to Brook Street.

Furthermore, additional landscaping along both sides of the carparking area will comprise a variety of shrubs and understorey plantings that will provide visual screening along the periphery of the carpark, complementing the landscaped setting of the site.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of two now repealed SEPP's being:

- State Environmental Planning Policy (Western Sydney Employment Area) 2009; and
- State Environmental Planning Policy No 64—Advertising and Signage.

Chapter 3 – Advertising and signage' contains planning provisions from within the former SEPP 64 for advertising and signage in NSW.

Signage is not proposed as part of this application; however it is anticipated that signage will be subject to subsequent applications.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of four now repealed SEPP's being:

- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- State Environmental Planning Policy (Major Infrastructure Corridors) 2020; and
- State Environmental Planning Policy (Three Ports) 2013.

Chapter 2 – contains planning rules and controls from the former Infrastructure SEPP for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.

In accordance with this chapter, it is not anticipated that Council will refer the application to an electricity supply authority as works will not occur within 5m of an exposed overhead electricity power line.

In accordance with this chapter, the application is not required to be referred to Trains NSW as the proposal is not in the vicinity of rail infrastructure. Given the distance from Rail infrastructure and in accordance with this chapter, an acoustic and vibration report is not required to be prepared.

The development site is not located within proximity to a classified road and as a result it is not necessary to consider the provisions of this chapter that requires a consent authority to consider the impact of arterial roads on buildings used for residential purposes.

This chapter identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'. The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements. Therefore, concurrence from the RMS is not required.

Chapter 3 – contains planning provisions from the former Education and Childcare SEPP for child-care centres, schools, TAFEs and Universities.

The table overleaf provides discussions against the relevant provisions of Chapter 3 of the SEPP.

SEPP	Comment
3 Aims of Policy	
<p>The aims of this Policy are as follows:</p>	
<p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p> <p>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impacts as exempt development), and,</p> <p>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivery and to minimise impacts on surrounding areas, and</p> <p>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p> <p>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services,</p> <p>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</p> <p>(h) encouraging proponent of new development or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</p>	<p>The proposal will result in an addition of valuable child care places within Muswellbrook.</p>

3.3 Interpretation

centre-based child care facility means:

- (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),

The proposed centre-based child care facility is consistent with the definition contained within the SEPP.

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 services (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.

Part 3 Early education and care facilities – specific development controls

3.23 Centre-based child care facility – matters for consideration by consent authorities

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

Applicable provisions under the Child Care Planning Guidelines has been addressed further within this statement.

3.25 Centre-based child care facility – floor space ratio

(1) Development consent must not be granted for the purpose of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.

N/A – development site is zoned R1 General Residential.

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

(1) The objective of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevents the consent authority from requiring more onerous standards for those matters.

(2) The following are non-discretionary development standards for the purpose of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purpose of a centre-based child care facility:

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

There are no restrictions relevant to the proposed development.

(b) indoor or outdoor space
(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) 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

The centre-based child care facility provides 301.8m² or 3.35m² of unencumbered play space and 641m² or 7.12m² of unencumbered outdoor play space which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.

- (ii) requirements of those regulations, or 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,

Indoor play space required = 3.25m² for each child

Outdoor place space required = 7m² for each child

- (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, Noted.
- (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. There are no restrictions relevant to the proposed development.

3.27 Centre-based child care facility – development control plans

(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, numbers of the like, of children) does not apply to development for the purpose of a centre-based child care facility: Noted.

- (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 childhood 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 Guidelines*, or

- (ii) the matters for consideration set out in Part 2 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).

CHILD CARE PLANNING GUIDELINE 2021

Under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, 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.

<i>Child Care Planning Guideline</i>	<i>Comment</i>
Objectives	
The planning objectives of this Guidelines are to:	
<ul style="list-style-type: none"> promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations 	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"> ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses 	The centre-based child care facility has been designed to appear as a single storey built form set within a landscaped setting in-order to be consistent with the existing residential character within the subject area.
<ul style="list-style-type: none"> minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment 	The development has been designed to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This is addressed in detail further within this table
Part 2 Design Quality Principles	
Principle 1 – Context	
<i>Good design responds and contributes to its context, including the key natural and built features of an area, their</i>	The recessed single storey child care facility is compatible in scale and design with the existing streetscape along Brook Street and the context of the wider locality.

relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.

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.

Principle 2 – Built form

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

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.

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.

The design scheme has undertaken conscious effort to minimise adverse impacts on social, economic, health and environmental conditions.

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.

The site is within proximity to:

- Educational facilities including,
 - Muswellbrook Public School
 - Muswellbrook High School
- Walking distance to Muswellbrook Town Centre
- Bus stops within a 250m walking distance, with services to Muswellbrook with Muswellbrook Train Station within a 650m walking distance from the development site.
- Key roads including,
 - Sydney Street
 - New England Highway

The development proposes a single storey building that is consistent and compatible with the existing residential built form character within the subject area.

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

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.

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.

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.

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 has been designed to achieve cross ventilation and adequate natural light access.

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.

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.

The current application is seeking to remove identified trees as per the recommends the Arborist Report, noting that the Landscape Plans demonstrate that new landscape planting will be introduced to the site to offset the removal of existing vegetation.

The landscape scheme is to introduce high quality landscape embellishment works within an established predominantly low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds, noting that the new landscape plantings are considered compatible and complementary to the characteristics of the

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.

Heritage Conservation Area and will maintain consistency with the established pattern of development, with deep landscaped gardens at the front of dwellings and presenting to the street.

The incorporation of two large deep-soil landscaped garden beds presenting to the front of the site and measuring approximately 7m in depth from the front boundary aims to minimise potential visual impacts of the at-grade parking area. These garden beds will contain various specimen trees and shrubs to maintain continuity of the established landscaped garden setting presenting to Brook Street. Furthermore, additional landscaping along both sides of the carparking area will comprise a variety of shrubs and understorey plantings that will provide visual screening along the periphery of the carpark, complementing the landscaped setting of the site.

The setback scheme will also allow for appropriate deep soil and drainage, and so that the development will not impact upon vegetation on neighbouring properties.

Principle 6 - Amenity

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

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.

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

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.

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

The proposed development incorporates an active façade that will 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 Matters for consideration

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

The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy and acoustic impacts. This is achieved by the siting and orientation of the proposed single storey building with generous side setbacks especially to a residential property to the site's northern boundary and minimises window openings.

The development is to also incorporate acoustic measures identified within the Noise Impact Assessment will contribute towards mitigating potential noise impacts to adjoining properties. Furthermore, the Noise Impact Assessment which accompanies has found that modelling results of external playground activities indicate that compliance with adopted noise goals and results of internal play area, mechanical plant and on-site traffic noise contribution at potentially noise affected residential receivers also indicate predicated compliance to the noise criteria.

Complies with setback requirements under the DCP

Attached Traffic Report demonstrates that the development will not result in unacceptable traffic and parking impacts on the amenity of neighbouring properties.

Refer to attached Traffic Report for detail.

C2 – When selecting a site, ensure that:

- | | |
|--|--|
| <ul style="list-style-type: none"> • the location and surrounding uses are compatible with the proposed development or use | Centre-based child care facilities are a permissible and compatible land use within the R1 General Residential Zone. |
| <ul style="list-style-type: none"> • the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards | Site is not identified as being affected by flooding, land slip, bushfires, coastal hazards and other environmental hazards. |
| <ul style="list-style-type: none"> • there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed | Given the historical use of the site for residential purposes, land contamination is not likely. Refer to attached Preliminary Site Investigation prepared by CEC Geotechnical for more information. |
| <ul style="list-style-type: none"> • the characteristics of the site are suitable for the scale and type of development proposed having regards to <ul style="list-style-type: none"> - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas | <p>The child care facility is to be located within large vacant land parcel with a total area of 2,510m², which is of a sufficient size and width to accommodate the proposed single storey center-based child care facility.</p> <p>The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas. This has been addressed</p> |
| <ul style="list-style-type: none"> • where the proposal is to occupy or retrofit an existing premise, the interior and exterior spaces are suitable for the proposed use | The development proposes to undertake the development of a centre-based child care facility within R1 zoned land parcel. Not applicable. |
| <ul style="list-style-type: none"> • there are suitable drop off and pick up areas, and off and on street parking | The development provides car parking spaces in-accordance with the DCP, noting appropriate car parking spaces are provided to permit the drop off and pick up of children within the parking area level. |
| <ul style="list-style-type: none"> • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use | Providing vehicle access point from Brook Street which is considered appropriate and safe for the proposed use. Refer to attached Traffic Report for detail |
| <ul style="list-style-type: none"> • not located closely to incompatible social activities and uses such as restricted | Subject site not located closely to incompatible social activities and uses. |

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

C3 – A child care facility should be located:

- **near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship**
- **near or within employment areas, town centres, business centres, shops**
- **with access to public transport including rail, buses, ferries**

Located within walking distance to Muswellbrook Town Centre, the development site is located in wider proximity to educational establishments and places of public worship.

Bus stops within a 250m walking distance, with services to Muswellbrook with Muswellbrook Train Station within a 650m walking distance from the development site.

C4 – A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:

- **proximity to**
 - **heavy or hazardous industry, waste transfer depots or landfill sites**
 - **LPG tanks or service stations**
 - **water cooling and water warming systems**
 - **odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses**
 - **extractive industries, intensive agriculture, agricultural spraying activities**
- **any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site**

The subject site is not located within proximity to any identified environmental hazard.

Given the historical use of the site for residential purposes, land contamination is not likely. Refer to attached Preliminary Site Investigation prepared by CEC Geotechnical for more information.

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 proposed height and scale of the building will not visually dominate the streetscape, its overall scale will be compatible with the surrounding built forms and will not become visually dominant when viewed from either Brook Street or from Sowerby Street. Furthermore, due to the deep setback and filtered views from the proposed introduction of new landscape features the building will not be prominently featured in Brook Street

Appropriate landscaping is to be provided between the building and the street edge and also between the at-grade carparking area and Brook Street. Refer to attached Landscape Plan for detail.

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 child care facility incorporates an active façade that will permit casual surveillance to Brook Street and to the common areas within the development site.

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

C7 – On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated

The site does not contain multiple buildings or entries.

<p>to improve legibility for visitor and children by changes in materials, plant species and colours</p>	<p>The primary entry point associated with the child care facility has been designed to be clearly visible and legible from the public domain.</p>
<p>C8 – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p>	<p>The subject site does not adjoin a public park, open space or bushland however the development provides clearly defined street access, pedestrian paths and building entries.</p> <p>Fencing and landscape works will contribute towards delineate communal/private open space from the public domain.</p> <p>Development incorporates architectural features and articulation to provide a contemporary single storey built form that appropriately addresses Brook Street.</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>The development site is not listed as a heritage item however it resides within a heritage conservation area.</p> <p>However, despite its location within a heritage conservation area, as per the accompanying Heritage Impact Statement, the pattern of development is irregular, evidencing a more originally evolved streetscape as opposed to some of the more contrived patterns of development in other streets within the Heritage Conservation Area.</p> <p>As such the development proposes fencing that is consistent with fencing within the precinct and with comparable child care facility within the wider Local Government Area whilst also designed to adhere to flooding advice.</p>
<p>C10 – High solid acoustic fencing may be used when shielding the facility from noise on classified roads.</p> <p>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 does not front a classified road; however, the 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.</p>

3.3 Building orientation, envelope and design

C11 – Orient a development on a site and design the building layout to

- | | |
|--|---|
| <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by; | <p>The proposed centre-based child care facility has been designed and sited to address Brook Street whilst also designed to comply with prescribed setback controls under Muswellbrook DCP 2009 and the Child Care Planning Guidelines.</p> |
| <ul style="list-style-type: none"> - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries within residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses | <p>The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy and acoustic impacts. This is achieved by the siting and orientation of the proposed single storey building with generous side setbacks especially to a residential property to the site's northern boundary and minimises window openings to the south. The development is to also incorporate acoustic measures in accordance with the Noise Impact Assessment which accompanies this application will contribute towards mitigating potential noise impacts to adjoining properties. Furthermore, the Noise Impact Assessment has found that modelling results of external playground activities indicate that compliance with adopted noise goals and results of internal play area, mechanical plant and on-site traffic noise contribution at potentially noise affected residential receivers also indicate predicated compliance to the noise criteria.</p> |
| <ul style="list-style-type: none"> • optimise solar access to internal and external play areas | <p>The centre-based child care facility is oriented to the north, including the external play area to maximise solar access.</p> |
| <ul style="list-style-type: none"> • avoid overshadowing of adjoining residential properties | <p>The proposed 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.</p> <p>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.</p> |
| <ul style="list-style-type: none"> • ensure buildings along the street frontage define the street by facing it | <p>Development proposes an attractive contemporary single storey building designed to adequately address its frontage.</p> |
| <ul style="list-style-type: none"> • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions | <p>Outdoor play areas designed to protect children from the sun via the incorporation of appropriate shading devices and other climate conditions.</p> |

C12 – The following matters may be considered to minimise the impacts of the proposal on local character:

- building height should be consistent with other buildings in the locality
- building height should respond to the scale and character of the street
- setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility
- setbacks should provide adequate access for building maintenance
- setbacks to the street should be consistent with the existing character

Development proposes a single storey building that is consistent and compatible with the existing residential built form character within the subject area.

Development is consistent with setback requirements under the Muswellbrook DCP 2009 and the Child Care Planning Guidelines.

C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.

Proposal has been designed to comply with prescribed setback controls under Muswellbrook DCP 2009.

C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.

The development has been designed to comply with setback requirements under Muswellbrook DCP 2009.

C15 – The built form of the development should contribute to the character of the local area, including how it:

- respect and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage
- contributes to the identity of the place
- retains and reinforces existing built form and vegetation where significant
- considers heritage within the local neighbourhood including identified heritage items and conservation areas

The proposed development has also been designed to be compatible with the existing built form character of the immediate locality by delivering a modern single storey built form set within a landscape setting.

The landscape works will minimise the impact of hard surfaces to the streetscape.

The site is not identified as a heritage item and it is not located within a heritage conservation area.

- responds to its natural environment including local landscape setting and climate
- contributes to the identify of place

C16 – Entry to the facility should be limited to one secure point which is:

- located to allow ease of access, particularly for pedestrians
- directly accessible from the street where possible
- directly visible from the street frontage
- easily monitored through natural or camera surveillance
- not accessible through an outdoor play area

The proposed centre-based child care facility provides a primary entry point from Brook Street.

The pedestrian entry point is visible from the street frontage, permits ease of access and directly accessible from the street level.

Access to the site is in accordance with the Access Report that accompanies this application.

C17 – Accessible design can be achieved by:

- providing accessibility to and within the building in accordance with all relevant legislation
- linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry
- providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible
- minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.

Development has been designed to be accessible to and within the building in accordance with all relevant legislation, with direct equitable pedestrian access provided via Brook Street.

Access to the site is in accordance with the Access Report that accompanies this application

Development provides appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance

3.4 Landscaping

C18 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.

Use the existing landscape where feasible to provide a high quality landscaped area by:

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

As per the attached Tree Management Plan, the trees on adjoining sites are to be retained including one of the street trees. The trees on the site are all to be removed and new replacement plantings are provided to offset their removal.

The proposal is to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds.

The landscape treatment will also soften the built form and assist with maintaining privacy to neighbouring properties.

The landscaping plan also incorporates planting that is indigenous to the immediate area and will be utilised as part of learning programmes within the centre to assist with attending children understanding the benefits of utilising local native plantings.

C19 – 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

Landscaping is provided between Brook Street and the at-grade parking to minimise the impact of hard surface to the street space.

The development is to incorporation of two large deep-soil landscaped garden beds presenting to the front of the site and measuring approximately 7m in depth from the front boundary aims to minimise potential visual impacts of the at-grade parking area.

These garden beds will contain various specimen trees and shrubs to maintain continuity of the established landscaped garden setting presenting to Brook Street. Furthermore, additional landscaping along both sides of the carparking area will comprise a variety of shrubs and understorey plantings that will provide visual screening along the periphery of the carpark, complementing the landscaped setting of the site.

Refer to attached Landscaping Plan for detail.

3.5 Visual and Acoustic privacy

C20 – Open balconies in mixed use development should not overlook facilities nor overhang outdoor play spaces.

Sufficient separation and setbacks are provided.

C21 – 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

Complies, the centre-based child care facility is designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public areas via appropriate site and building layout, generous setbacks at the ground floor, predominantly blank walls to eastern side boundary, locating suitable windows and doors and the use of fencing and landscape works to side boundaries.

Furthermore, landscape embellishment works are to be located along the site's side boundaries to minimise privacy impacts from neighbouring properties.

C22 – 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, the centre-based child care facility is designed to minimise direct overlooking of main internal living areas and private open space in adjoining developments, noting the siting and orientation of the facility combined with generous setback to an adjoining residential property to the site's northern boundary.

C23 – A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:

- provide an acoustic fence along any boundary where the adjoining property contains a residential use (An acoustic fence is one that is a solid, gap free 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 Noise Assessment Report, along the site boundaries to mitigate potential noise impacts to adjoining properties.

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.

C25 – 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 balustrades, external screens and soffits**
- **locating cot rooms, sleeping areas and play areas away from external noise sources**

The subject site is not located near major roads, rail lines, beneath flight paths or other noisy environments.

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

Noise Impact Assessment which accompanies this application has found that modelling results of external playground activities indicate that compliance with adopted noise goals and results of internal play area, mechanical plant and on-site traffic noise contribution at potentially noise affected residential receivers also indicate predicated compliance to the noise criteria.

C26 – An acoustic repost 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:

- **on industrial zoned land where an ANEF contours is between 20 and 25, consistent with AS 2021 – 2000**
- **along a railway or mass transit corridor, as defined by *State Environmental Planning Policy (Infrastructure) 2007***
- **on a major or busy road**
- **other land that is impacted by substantial external noise**

The subject site is not located on industrial land, where an ANEF contours is between 20 and 25, along a railway or mass transit corridor, on a major or busy road or other land that is impacted by substantial external noise.

It is noted that appropriate design/ measures have been undertaken including appropriate setbacks, use of landscaping and acoustic screens to minimise acoustic impacts to neighbouring properties. Noise Impact Assessment which accompanies this application has found that modelling results of external playground activities indicate that compliance with adopted noise goals and results of internal play area, mechanical plant and on-site traffic noise contribution at potentially noise affected residential receivers also indicate predicated compliance to the noise criteria.

C27 – 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	Complies.
C28 – 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.	The subject site is not located near a major road or industrial development.
3.7 Hours of operation	
C29 – Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays	The child care facility is to operate between 7am to 6pm Monday to Friday.
C30 – 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	Noted.
3.8 Traffic, parking and pedestrian circulation	
C31 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.	The Development has regard with the car parking requirements under Muswellbrook DCP 2009.
<p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rate:</p> <p>Within 400m of a metropolitan train station:</p> <ul style="list-style-type: none"> • 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

C32 – In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicular movement or potential conflicts with truck and large vehicles.

Site not located on a commercial or industrial zone. Not applicable.

C33 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised 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 Report has been prepared that demonstrates that development will not result in unacceptable traffic and parking impacts on the amenity of neighbouring properties.

C34 – 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

No applicable as the site does not front a classified road or a road which carries freight traffic or transport dangerous goods or hazardous materials.

The alternate access must have regard to the prevailing traffic conditions

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

C35 – Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the sider locality in times of emergency.

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

C36 – 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** Development provides separate pedestrian and vehicular access.
- **defined pedestrian crossings including within large car parking areas** Vehicles can enter and exit the site in a forward direction.
- **separate pedestrian and vehicle entries from the street for parents, children and visitors**
- **pedestrian paths that enable two prams to pass each other**
- **delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities**
- **vehicles can enter and leave the site in a forward direction**

C38 – Car parking design should:

- **include a child safe fence to separate car parking areas from the building entrance to play areas** Car parking area is sufficiently separated from the building entrance and outdoor play area.
- **provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards** Accessible car parking space, designed in accordance with Australian Standard is clearly marked and situated near the entry point.
- **include wheelchair and pram accessible parking**

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 3.33m² of unencumbered indoor space.

The proposal provides 3.33m² of indoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.

Design Guidance

Verandas as indoor space

For a veranda 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 veranda 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 0.3m³ per child of external storage space
- a minimum of 0.2m³ per child of internal storage space

The proposal provides appropriate internal and external storage areas.

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

Designed to comply.

- 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

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 cross ventilation, receive and have adequate natural light and be temperature controlled to avoid extremes in temperature.

Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the *National Construction Code*. Ceiling height requirements may be affected by the capacity of the facility.

Light and ventilation and minimum ceiling heights designed to comply with relevant requirements under the National Construction Code.

Design Guidance

Natural light

When designing child care facilities consideration should be given to:

- providing windows facing different orientations

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.

- using skylights as appropriate
- ceiling heights

4.5 Administrative space

Regulation 111

Education and Care Services National Regulations

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.

Adequate space for administrative tasks being conducted on site are proposed within the office, staff and meeting rooms.

4.6 Nappy change facilities

Regulation 112

Education and Care Services National Regulations

Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.

Nappy change facilities are provided for the facility for kids aged between 0-2.

All nappy changing facilities should be designed and located in an area that prevents unsupervised access to children.

Complies.

Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the *National Construction Code*.

Nappy changing, and bathing facilities designed to comply with relevant requirements under the National Construction Code.

Design Guidance

In circumstances where nappy change facilities must be provided, design considerations could include;

- Properly constructed nappy changing bench or benches
- A bench type baby bath within one metre form 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

Designed to comply.

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

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

- 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

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 7.0m² of unencumbered outdoor space.

The proposal provides 7.25m² of unencumbered outdoor play space per child. 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 thorns, 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

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

The approved provider of a centre-based service must ensure that the outdoor space includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

Appropriate natural and built shade structures are incorporated into the design of the child care facility that will contribute towards protecting children from overexposure to ultraviolet radiation from the sun.

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.

This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.

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:

Designed to comply.

- 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

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.

Fencing and gates designed to comply with relevant requirements under the 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.

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.

Noted this will be required to be provided at Licensing stage.

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 Council 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.

Those provisions relevant to the current proposal are addressed in the table below and within the following page.

Clause	Controls	Comment	Complies
Part 3 Facilities and Equipment Requirements			
28 (1)	Space requirements	(a) An administration room is located within the proposed Child Care Facility.	Yes
		(b) A staff room is located within the proposed Child Care Facility.	Yes
		(c) A Cot Room that is used only for children under 2 years of age has been provided within the proposed Child Care Facility.	Yes
28 (2)	Adequate unencumbered indoor play space	The proposed centre-based child care facility provides 3.35m ² of unencumbered indoor play space per child as shown on the submitted plans.	Yes
28 (4)	Adequate unencumbered outdoor play space	The proposed centre-based child care facility provides 7.12m ² of unencumbered outdoor play space per child.	Yes
28 (6)	Shading	The proposed centre-based child care facility has provided adequate shading. See attached plans for detail.	Yes

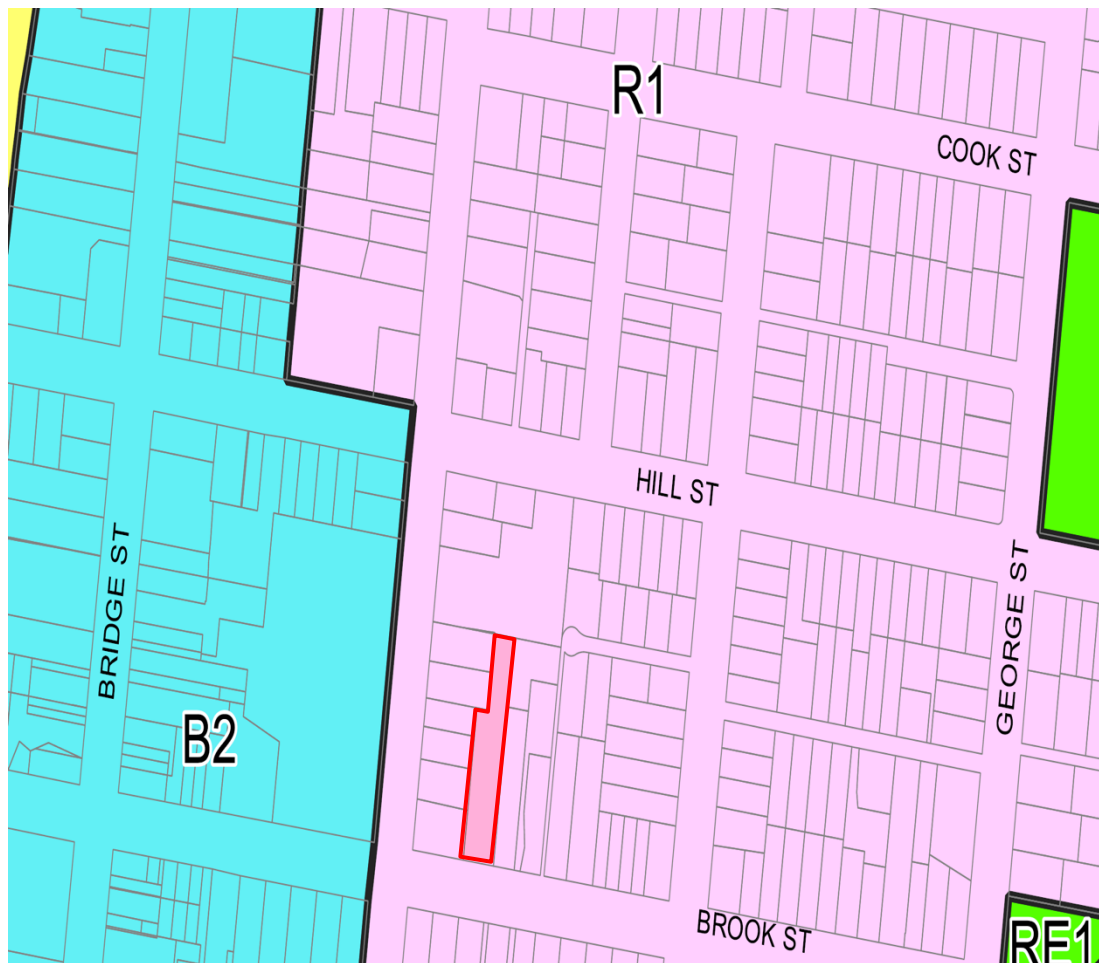
29	Laundry	A laundry facility is available on the premises of the proposed centre-based child care facility.	Yes
30	Craft preparation facilities	Craft preparation areas are provided in the centre-based child care facility.	Yes
31	Food preparation facilities	A kitchen facility is provided by the proposed centre-based child care facility.	Yes
32	Toil and washing facilities	Appropriate toilet and washing facilities are provided.	Yes
33	Nappy change facilities	A nappy changing facility is provided by the proposed centre-based child care facility.	Yes
34	Sleeping facilities	The proposed centre-based child care facility has appropriate sleeping facilities with a separate cot room provided for 0 - 2 year old.	Yes
35	Storage facilities	The proposed centre-based child care facility has provided adequate storage facilities.	Yes
45	Fencing	Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.	Yes
Part 3 Staffing Requirements			
52	Staff to child ratio	<p>The proposed centre-based child care facility will require the following minimum staff requirements:</p> <p>0-2 Years – 1 employee per 4 children 2-3 Years – 1 employee per 5 children 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 – 20 children (5 staff) 2-3 Years – 20 children (4 staff) 3-5 Years – 50 children (5 staff)</p> <p>Total: 14 educators. The development provides a total of 14 educators. Complies.</p>	Yes



MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009

As evident in the zoning map extract provided below, the subject site is zoned R1 General Residential under the Muswellbrook Local Environmental Plan 2009. 'Child Care Facilities' are permissible with Council consent within the R1 Zone.

Figure 5: Zoning Map Sheet LZN_008AC (Source: Muswellbrook LEP 2009)



 Subject Site

Centre-Based Child Care Facilities are permissible with consent within the subject site and the proposal is consistent with the definition contained within the LEP:

centre-based child care facilities 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), 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 services (within the meaning 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 lesson or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- (h) *a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

The development proposal is also consistent with the prescribed zone objectives which are stipulated as:

- *To provide for the housing needs of the community.*
- *To provide 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 enable sensitive infill development of other housing types*
- *To allow people to carry out a reasonable range of activities from their homes, where such activities do not adversely affect the living environment of neighbours*
- *To promote the principles of ecological sustainable development including energy and water efficient subdivision and housing design*
- *To ensure that development is carried out in a way that is compatible with the flood risk of the area*

The proposed development is to provide a centre-based child care facility within Muswellbrook that will provide valuable child care and employment opportunities to people who live and work in the local area.

The use as a centre-based child care facility will foster a sense of community given the nature of such community based land uses.

The table below provides details on the development standards relevant to the current proposal as well as other relevant provisions contained within the LEP.

Muswellbrook Local Environmental Plan 2009			
Clause	Control	Comment	Complies
Zoning	R1 General Residential	Centre-based child care facilities are permissible with Council consent within the R1 General Residential Zone.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone objectives and land use table	The proposal is consistent with the zone objectives of the R1 Zone and will provide valuable child care places within close proximity to Muswellbrook Town Centre.	Yes
2.6	Subdivision requirements – consent	Amalgamation is proposed and consent is sought	Yes
2.7	Demolition requires consent	Council consent is sought for demolition works on site including an extant concrete bridge structure.	Yes
Part 4 Principal Development Standards			
4.3	Height of buildings: 8.5m	<p>Muswellbrook Local Environmental Plan 2009 Height of Buildings Map indicates that the maximum building height within the subject site is 8.5m.</p> <p>The development proposes a single storey building with no part of the proposed built form to encroach 8.5m in height in accordance with the height provisions under the LEP. Refer to attached architectural plans for detail.</p>	Yes
4.4	Floor space ratio: 0.5:1	<p>The development site is subject to a maximum FSR of 0.5:1 under the Muswellbrook Local Environmental Plan 2009 Floor Space Ratio Map.</p> <p>The proposal proposes an FSR of 0.22:1 and therefore complies FSR provision under the LEP.</p>	Yes

Part 5 Miscellaneous Provisions

5.10	Heritage conservation	<p>The site is not identified as a heritage item, however, is located within a heritage conservation area and is also within close proximity to local heritage items.</p> <p>The pattern of development is irregular, evidencing a more originally evolved streetscape as opposed to some of the more contrived patterns of development in other streets within the Heritage Conservation Area. Owing to the subdivision pattern, many allotments have similar widths at the street front, though the variance in building topologies results in variation in the spatial separation between buildings. Despite this, there is a cohesive presentation to Brook Street, with deep front setbacks and landscaped gardens and grassed spaces defining the streetscape character.</p> <p>The proposed height and scale of the building will not visually dominate the streetscape, its overall scale will be compatible with the surrounding built forms and will not become visually dominant when viewed from either Brook Street or from Sowerby Street. Furthermore, due to the deep setback and filtered views from the proposed introduction of new landscape features the building will not be prominently featured in Brook Street. As such, the proposed development will be commensurate with the low density residential character along Brook Street.</p> <p>Potential visual impacts of the carparking area are to be mitigated through the incorporation of two large deep-soil landscaped garden beds presenting to the front of the site and measuring approximately 7m in depth from the front boundary. These garden beds will contain various specimen trees and shrubs to maintain continuity of the established landscaped garden setting presenting to Brook Street.</p> <p>A Heritage Impact Statement which accompanies this application has concluded the following:</p> <ul style="list-style-type: none"> ▪ The site does not satisfy the NSW Heritage Assessment criteria relating to historical, associative, 	N/A
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		<p>aesthetic, social, technical, rarity or representative significance.</p> <ul style="list-style-type: none"> Having considered all relevant matters for consideration in this report, subject to the recommendations below to mitigate identified heritage impacts, the proposed child care facility is considered to have an acceptable heritage impact and is favourably recommended to Council. <p>Finally, local heritage items are sufficiently separated from the development site to have any impact on their heritage curtilage.</p> <p>As such, no further heritage studies is considered necessary noting that the development site is not burdened by any heritage restrictions.</p>	
5.21	Flood planning	<p>The development site has been identified as being affected by Flooding in the 1% AEP Storm Event. As such a Flood Impact Assessment Report prepared by Capital Engineering Consultants accompanies this application.</p> <p>The report concludes the following:</p> <ul style="list-style-type: none"> <i>In regard to flood impacts – there was no proposed diversion of flood-waters, the flood behavior and hence, the flood impacts on upstream and receiving properties is minimal in terms of depth, velocity and hazards, noting that the maximum external afflux upstream of the site is limited to 100mm in accordance with Council's guidelines.</i> <i>Whilst there is a minor afflux within the site due to the addition of the suspended driveway area, this afflux does not pose any additional flood risk as it is located beneath the suspended driveway structure.</i> <p>Refer to attached Flood Impact Assessment Report for more detail.</p>	Yes
Part 7 Additional Local Provisions			
7.1	Terrestrial biodiversity	<p>The subject site is not identified as 'Biodiversity' on the Terrestrial Biodiversity Map.</p>	N/A

7.6	Earthworks	<p>This application seeks Council consent for minor excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation work is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p>	Yes
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MUSWELLBROOK DEVELOPMENT CONTROL PLAN 2009

An assessment against the key controls contained in the DCP can be found in the table below.

Muswellbrook Development Control Plan 2009 – Compliance Table		
Clause	Controls	Comments
Complies		
Section 3 - Site Analysis		
		<p>A Site Analysis has been prepared and is attached as part of this application.</p> <p>The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal.</p>
Section 5 – Subdivision		
		<p>N/A – no subdivision proposed as part of this application.</p>
Section 13 – Floodplain Management		
		<p>The development site has been identified as being affected by Flooding in the 1% AEP Storm Even. As such a Flood Impact Assessment Report prepared by Capital Engineering Consultants accompanies this application. The report concludes the following:</p> <p><i>The proposed buildings footprints do not displace floodwaters in such a manner to impact on the flooding behaviour in terms of loss of flood storage, increase in velocity and risk.</i></p> <p><i>The impact of the proposed development was assessed and was found to be inconsequential.</i></p> <p><i>The study addresses Council's requirements as per the DCP.</i></p> <p>The development site has been identified as being affected by Flooding in the 1% AEP Storm Even. As such a Flood Impact Assessment Report prepared by Capital Engineering Consultants accompanies this application. The report concludes the following:</p> <p>In regard to flood impacts – there was no proposed diversion of floodwaters, the flood behavior and hence, the flood impacts on upstream and receiving properties is minimal in terms of depth, velocity and hazards, noting that the maximum external afflux upstream of the site is limited to 100mm in accordance with Council's guidelines.</p>

Clause Controls		Comments	Complies
		<p>Whilst there is a minor afflux within the site due to the addition of the suspended driveway area, this afflux does not pose any additional flood risk as it is located beneath the suspended driveway structure.</p> <p>Refer to attached Flood Impact Assessment Report for more detail.</p>	
Section 14 – Outdoor Signage			
		<p>N/A – no signage is proposed as part of this application.</p> <p>It is anticipated signage will be subject to future DAs.</p>	N/A
Section 15 – Heritage Conservation			
		Has been addressed in detail previously within this statement.	Yes
Section 16 – Car Parking and Access			
16.3	Non-Residential Development	(i) Parking is provided in accordance with the DCP as per 16.6	Yes
		(ii) On site parking have been designed in accordance with the provision of AS2890.1/AS2890.2.	Yes
		(iii) Internal parking layout designed to permit all vehicles to enter and exit the site in a forward direction.	Yes
16.4	Access to the Site	<u>16.4.1 Access to the Site</u>	
		(i) All works required to service the development to be designed and constructed in accordance with the relevant provisions of AS2890.	Yes
		(iii) Comply - vehicular driveway is not located closer than 1.5m from the boundary of the site. The vehicle entry point is readily visible from approaching vehicle in the street. Refer to attached Traffic and Parking Impact Assessment for more detail.	Yes
		<u>16.4.2 Car Park Design</u>	
		(i) Minimum dimension of each off street parking spaces and the distance separating parking spaces is designed in accordance with AS2890.1.	Yes
		(ii) Adequate on site manoeuvring and circulating areas is provided to ensure all vehicles can enter and exit the site in a forward direction.	Yes
		(iii) Parking spaces for visitors is designed to be clearly visible where appropriate from the street	Yes

Clause	Controls	Comments	Complies
		(v) Any future signage will be designed in accordance with AS2890.1, AS1742 and any relevant guidelines endorsed by the RTA.	Yes
		(vi) The location of the at-grade parking area has been determined having regard to the site conditions such as slope and drainage, visual amenity, location of the building and proximity to neighbouring residential development – noting its located in front of the building.	Yes
		<u>16.4.3 Parking for People with Disabilities</u>	
		The proposed car parking layout incorporates 1 parking space for people with disabilities designed in accordance with AS2890.6:2022.	Yes
		<u>16.4.4 Loading/Unloading Facilities</u>	
		The DCP specifies the requirement of service facilities for a van are to be made available for child care facilities. It is expected that all deliveries will be undertaken within the proposed car parking area outside peak drop off / pick up times. A van (standard B99 design vehicle) or similar can be accommodated within the car parking area, utilising visitor spaces. This is common practice for child care facilities and will not noticeably affect operation of the site. It is reiterated that deliveries and other arrivals of similar nature are low in frequency and can be easily managed.	Yes
		<u>16.4.6 Construction Materials</u>	
		All parking areas and access ways shall be designed and constructed in accordance with AS2890.1 and AS2890.2.	Yes
		<u>16.4.7 Landscaping</u>	
		(i) A minimum of 10% of the total area of the car park is to be landscaped as per the DCP.	Yes
		(ii) Appropriate breaks of parking bay via landscaping is proposed to ensure long stretches of parking bays is avoided	Yes
		(iii) Complies – refer to attached Landscape Plan for more detail.	Yes
		(iv) Noted – refer to attached Landscape Plan for more detail.	Yes
16.6	Car Parking Schedule For Specific Land Uses	For Child Care Centres the DCP prescribes the Following: For Child Care Centres, the DCP prescribes the following parking rates: - 1 space per employee plus 1 space per 15 children enrolled.	Yes

Clause Controls		Comments		Complies
		(i)	The development proposes a 90 place child care facility with 14 teachers, a director and a cook as such the development is required to provide a total of 22 car parking spaces.	
			The development site provides 26 car parking spaces on-site. Complies.	
Section 18 – Child Care Centres				
18.1 Entry, Access, Safety and Security				
18.1.1	Entry	(i)	Appropriate weather protection is provided to the entry point of the proposed child care facility	Yes
		(ii)	The materials and design of the weather protection to the entrance is compatible with the building	Yes
18.1.2	Access and mobility	(i)	Comply – development has been designed in accordance with Australian Standard 1428.1 and 1428.3	Yes
18.1.3	Safety and security	(i)	The on-site parking spaces is designed to be well lit	Yes
		(ii)	The entry point is within staff in the office	Yes
		(iii)	A bell or alarm is to be installed at the front entry point which will be secured via an electronic card system.	Yes
18.2 Air Quality				
18.2.1	Drop off and pick up of children	(i)	Comply – the development provides a designated accessible car parking space whilst also a designated loading bay which can be utilised for emergency use	Yes
		(ii)	The accessible car parking space is designed to be located close to the entry point of the child care facility.	Yes
		(iii)	The designated visitor car parking space will permit set down and pick up of children. Refer to attached Traffic and Parking Impact Assessment which accompanies this application for more detail.	Yes
		(iv)	The car parking area will not modify the streetscape, noting the use of landscaping to minimise the impact of hard surfaces to Brook Street.	Yes
		(v)	Considering that the site is to be solely used as a child care facility, the need to mark to reflect that they are for the exclusive use of the child care facility is unnecessary.	N/A

Clause	Controls	Comments	Complies
18.2.2	Air quality	<p>(i) The development site is not located on major roads or sites where the external noise level exceeds 55 dB(A).</p> <p>(ii) The development site is not within close proximity to a service station and the nearest service station is sufficiently removed from the site to ameliorate air quality impacts.</p> <p>(iii) The development site is not within 100m of above ground high voltage transmission lines or mobile phone towers or the like.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
18.3 Indoor and Outdoor Space			
18.3.1	Indoor space	<p>(i) Comply – the development provides a total of 301.8m² or 3.35m² of unencumbered indoor play area per child in accordance with the Education and Care Services National Regulations 2012.</p> <p>(ii) N/A- CCPG prevails.</p>	<p>Yes</p> <p>Yes</p>
18.3.2	Outdoor space	<p>(i) Comply – the development provides a total of 641m² or 7.12m² of unencumbered outdoor play area per child in accordance with the Education and Care Services National Regulations 2012.</p>	Yes
18.3.3	Fences	<p>Internal fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads, Maritime Services Traffic Management Guidelines, Childcare Planning Guidelines and with the Childrens (Education and Care Service) Supplementary Provision Regulations 2012.</p> <p>The proposed materials and finished for the proposed fencing will complement characteristic visual elements in the surrounding physical environment whilst not dominating the streetscape.</p>	Yes
18.4 Visual and Acoustic Privacy			
18.4.1	Visual privacy	<p>(i) Where appropriate, the use of landscaping and fencing will continue towards minimising overlooking and buffer noise. Refer to attached Noise Impact Assessment for more detail.</p> <p>(ii) Where appropriate, play structures are to be located at least 3m from the site's boundaries.</p>	<p>Yes</p> <p>Yes</p>
18.4.2	Acoustic privacy	The development has been designed to minimise noise impacts to adjoining properties with noise areas including outdoor space, vehicle access point is located away from windows of adjoining dwellings.	Yes

Clause Controls	Comments	Complies
	<p>Noise Impact Assessment which accompanies this application has found that modelling results of external playground activities indicate that compliance with adopted noise goals and results of internal play area, mechanical plant and on-site traffic noise contribution at potentially noise affected residential receivers also indicate predicated compliance to the noise criteria.</p> <p>Refer to attached Noise Impact Assessment for more detail.</p>	
Section 20 – Erosion and Sediment Control		
	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>An Erosion and Sediment Control Plan is attached as part of this application.</p>	Yes
Section 21 – Contaminated Land		
	<p>A Preliminary Site Investigation has been prepared by CEC Geotechnical at No. 84 Muswellbrook. The report concluded the following:</p> <p><i>No heavy industrial operations were identified within the site during the desktop study. A search of the NSW EPA Contaminated Land Management Record of Notices, Protection of the Environment Operations Public Register records, NSW EPA for PFAS Investigation Programme record revealed that there were no notice issued to the subject site.</i></p> <p><i>The aerial photographs did not indicate that the site has been historically utilised for market gardening.</i></p> <p><i>A remediation action plan is not considered to be required at this stage, however, following recommendations are put forward:</i></p> <ul style="list-style-type: none"> <i>Should evidence of site contamination be identified at any stage during the development process, such as staining, odorous soils, or suspect asbestos, then an experienced site contamination consultant should be contacted immediately for advice.</i> <i>Any material to be removed off-site, including VENM, MUST be classified for</i> 	Yes

Clause	Controls	Comments	Complies
		<p><i>off-site disposal in accordance with the NSW EPA (2014) Waste Classification Guidelines. This will include any fill material identified during bulk excavation for the construction of the basement car park and where fill material is identified.</i></p> <ul style="list-style-type: none"> Any material being imported to the site for backfilling purposes should be assessed for potential contamination in accordance with the EPA guidelines. 	
Section 24 – Waste Minimisation and Management			
		Development provides adequate storage and removal of waste from the site. Refer to attached Waste Management Plan for detail.	Yes
Section 25 – Stormwater Management			
		<p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p> <p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>See attached Stormwater Management Plan for detail.</p>	Yes

CONCLUSION

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent.

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.