



STATEMENT OF ENVIRONMENTAL EFFECTS

DEMOLITION OF EXISTING STRUCTURES, TREE REMOVAL AND THE CONSTRUCTION
OF A TWO STOREY CENTRE-BASED CHILD CARE CENTRE

118 MAITLAND STREET | MUSWELLBROOK

CLIENT: ANGELOVSKA
PROJECT REF: 2364
DATE: 27 MARCH 2024

TABLE OF CONTENTS

1	INTRODUCTION	2
2	SUBJECT SITE AND ADJOINING DEVELOPMENT	3
2.1	Adjoining Properties.....	5
3	PROPOSED DEVELOPMENT	9
3.1	Child Care Centre	9
3.2	External Presentation	10
3.3	Landscaping	11
3.4	Traffic and Parking	12
3.5	Stormwater	13
3.6	Waste	13
3.7	Response to pre-DA Comments	13
4	STATUTORY PLANNING ASSESSMENT	15
4.1	Compliance with Planning Controls (Section 4.15(1)(a)).....	15
4.2	Impacts on Natural & Built Environment (Section 4.15(1)(b)).....	42
4.3	The Suitability of the Site (Section 4.15(1)(C)).....	45
4.4	The Public Interest (Section 4.15(1)(e)).....	46
5	CONCLUSION	47

FIGURES

Figure 1: Site location	3
Figure 2: Subject site's street frontage	4
Figure 3: Subject site's backyard	4
Figure 4: Site context (looking south-west).....	5
Figure 5: Site Location and surrounding development.....	5
Figure 6: No. 116 Maitland Street	6
Figure 7: No. 120 Maitland Street	6
Figure 8: No. 125 Maitland Street	7
Figure 9: No. 127-129 Maitland Street	7
Figure 10: Muswellbrook Toyota Dealership	8
Figure 11: Land zoning of the site and surrounds.....	8
Figure 12: Photomontage of the proposal	11
Figure 12: Front half of the site – ground level	11
Figure 14: Rear half of the site – ground level	12
Figure 15: Upper level – street fronting building	12

ANNEXURES

A	Plan of Management
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1 INTRODUCTION

This Statement of Environmental Effects is to accompany a development application to Muswellbrook Shire Council seeking consent for demolition of existing structures, tree removal and the construction of a 2 storey centre-based childcare centre at No. 118 Maitland Street, Muswellbrook.

The child care centre will cater for 92 children between the ages of 0-5 years old, 13 staff and will accommodate 20 basement parking spaces. Operation of the centre will be 7am to 6pm Monday to Friday. The facility will be closed for operation as a child care centre on weekends and public holidays, with exception of occasional staff management and cleaning operations.

The proposal is supported by a Plan of Management (POM) which seeks to reflect an appropriate level of agreement between the operation of the centre and Council to facilitate sound management and minimise impacts to adjoining properties.

The proposal has been designed by *Art Made Architects* and is detailed on the accompanying architectural drawings.

This Statement of Environmental Effects is supplemented by the following:

- Land Survey – Prepared by *Fyfe*;
- Architectural Plans & Design Report – Prepared by *ArtMade Architects*;
- Landscape Plans – Prepared by *Greenscape Architecture & Landscape Design*;
- Stormwater Drainage Design – Prepared by *Acor Consultants*;
- Flood Investigation Report – Prepared by *Hydracor Consulting Engineers*;
- Acoustic Report – Prepared by *Day Design Pty Ltd*;
- Traffic Report & Swept Paths – Prepared by *Stanbury Traffic Planning*;
- Preliminary Site Investigation & Geotechnical Report– Prepared by *Broadcrest Consulting Pty Ltd*;
- Quantity Surveyors Report – Prepared by *QPC & C Pty Limited*;
- Waste Management Plan – Prepared by *Dickens Solutions*; and
- Plan of Management – Prepared by *Avenue Town Planning*.

The remaining parts of this Statement of Environmental Effects evaluates the subject site and its context (Section 2), details the proposed works (Section 3) and provides an assessment of the proposed development with consideration to the relevant statutory planning framework and the impacts of the development on the natural and built environment in accordance with S.4.15 of the Environmental Planning & Assessment Act, 1979 (Section 4).

This Statement concludes that the development is permitted with consent and results in a building form and use of the site that following appropriate construction management and operation is suitable and anticipated by the permitted planning controls for a centre-based child care facility within the R1 – General Residential Zone. In addition, this statement concludes that the development will have acceptable impacts on the natural and built environment and is commended for approval.

2 SUBJECT SITE AND ADJOINING DEVELOPMENT

The site is located on the north-eastern side of the street at No. 118 Maitland Street (New England Highway), Muswellbrook and has a legal description of Lot 34 in DP 229637, and is identified in Figure 1. New England Highway fronts the site and is an RMS Classified Road.



Figure 1: Site location

The subject site has a north-east to south-west orientation and has flat gradient for the majority of its area, with the site falling away towards Muscle Creek for its rear portion, beyond an existing sewer line. At this point, the site falls by approximately 4m. to its rear for about the rear quarter of its area. The site is fenced where the topography falls towards Muscle Creek and the subject application is 'integrated development' as it requires a controlled activity approval under the Water management Act, 2000.

The site is rectangular in shape with exception of an angled rear boundary to Muscle Creek. It has street frontage width of 18.29m, surveyed north-western side and south-eastern side boundary lengths of 95.495m and 91.975m respectively, and a rear boundary length to the riverbank Muscle Creek of 18.62m. The site has a surveyed area of 1,714m². It is noted that the registered land area, as detailed on the submitted survey plan, is 1,442m² and this is clearly incorrect based on the surveyed land area. In terms of consideration of the "site area" and compliance with various planning controls, given the clear error of the registered land area, it is appropriate to use the surveyed site area as part of the assessment of the proposal.

The site is not benefited or burdened by any easements and contains an older style, single story fibro clad dwelling with a metal roof. Access to the site is via an existing driveway that connects to the street at the western end of its frontage. The site contains ancillary outbuildings and two caravans within its rear yard.

This site does not contain any significant natural features and is identified within councils flooding maps as being flood prone during the Probable Maximum Flood (PMF) event, and Council will have confirmed a flood planning requirement of 153m AHD.

The site is located within the R1 General Residential Zone and opposite and E3 Productivity Support Zone, which contains a number of business and commercial land uses, including Muswellbrook Toyota car dealership. Muswellbrook Showground is located to the west of the site and there is a BP Service Station further to the east as well as a Hotel. Muswellbrook Golf Club is to the north of the site, beyond Muscle Creek. The site is therefore well placed to accommodate a child care centre given the range of nearby land uses .

Photographs of the site are provided at Figures 2 to 4.



Figure 2: Subject site's street frontage



Figure 3: Subject site's backyard



Figure 4: Site context (looking south-west)

2.1 Adjoining Properties

As previously indicated, the locality contains a range of business and residential uses. An aerial photograph of the site surrounds is provided in Figure 5, which indicates the range of land uses near to the site. On street parking is available on both sides of the street fronting the site with good lines of sight and distance to nearby intersections available.

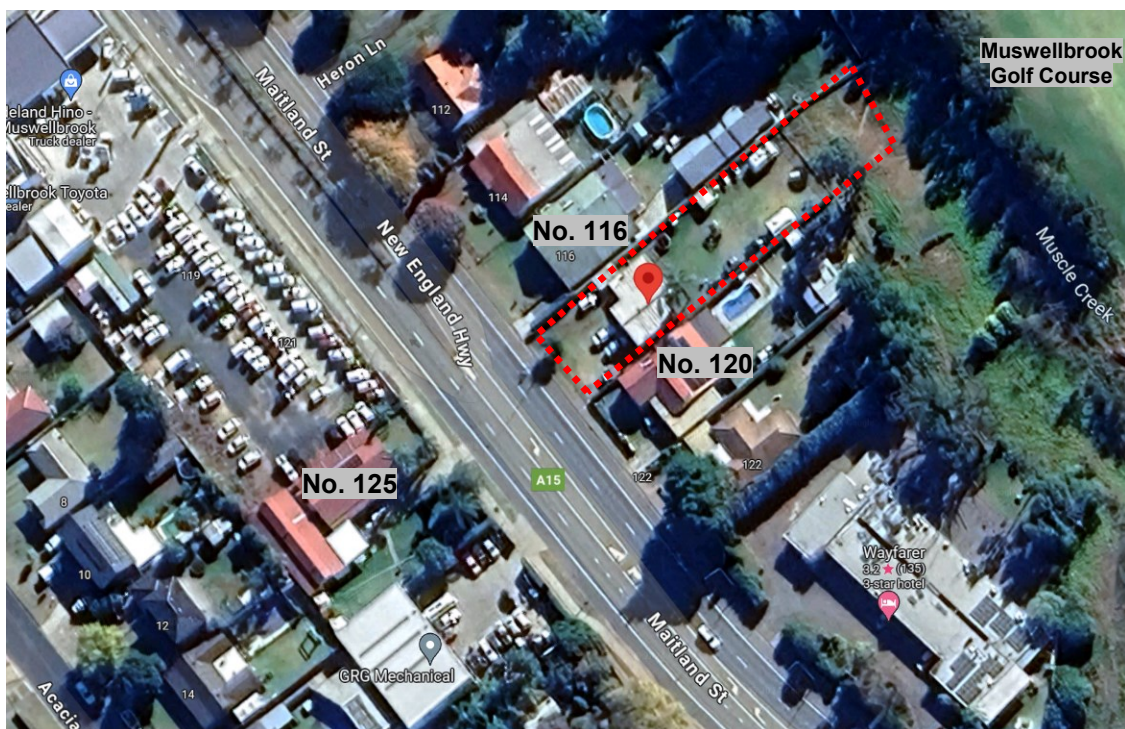


Figure 5: Site Location and surrounding development

It is evident from Figure 5 that the site adjoins only two properties, being No. 116 and No. 120 Maitland Street. Each of these properties contains a single storey residential

dwelling and a series of outbuildings within each backyard. Both of these dwellings have a closer front boundary setback by comparison to the dwelling on the subject site and generally have an outlook towards rear private open space areas, and not towards the subject site. No. 116 contains a driveway and parking area adjacent to the common boundary with the site, whilst No. 120 contains an adjacent inground swimming pool and a bank of north-east facing rooftop solar panels. A photograph of each of these properties is provided at Figures 6 and 7, respectively.



Figure 6: No. 116 Maitland Street



Figure 7: No. 120 Maitland Street

Located opposite the site is a single storey residential dwelling (No. 125), which is positioned between two business uses, including a mechanical repairs business to its southeast and a recently expanded car dealership to its northwest. These properties are within the E3 zone and photographs are provided at Figures 8, 9 and 10.



Figure 8: No. 125 Maitland Street



Figure 9: No. 127-129 Maitland Street



Figure 10: Muswellbrook Toyota Dealership

Land zoning around the site is varied with the map copied at Figure 11 indicating R1 General Residential zone for the site and the adjacent properties, E3 Product Support zone opposite and nearby, and a RE2 Private Recreation Zone behind (north-east).

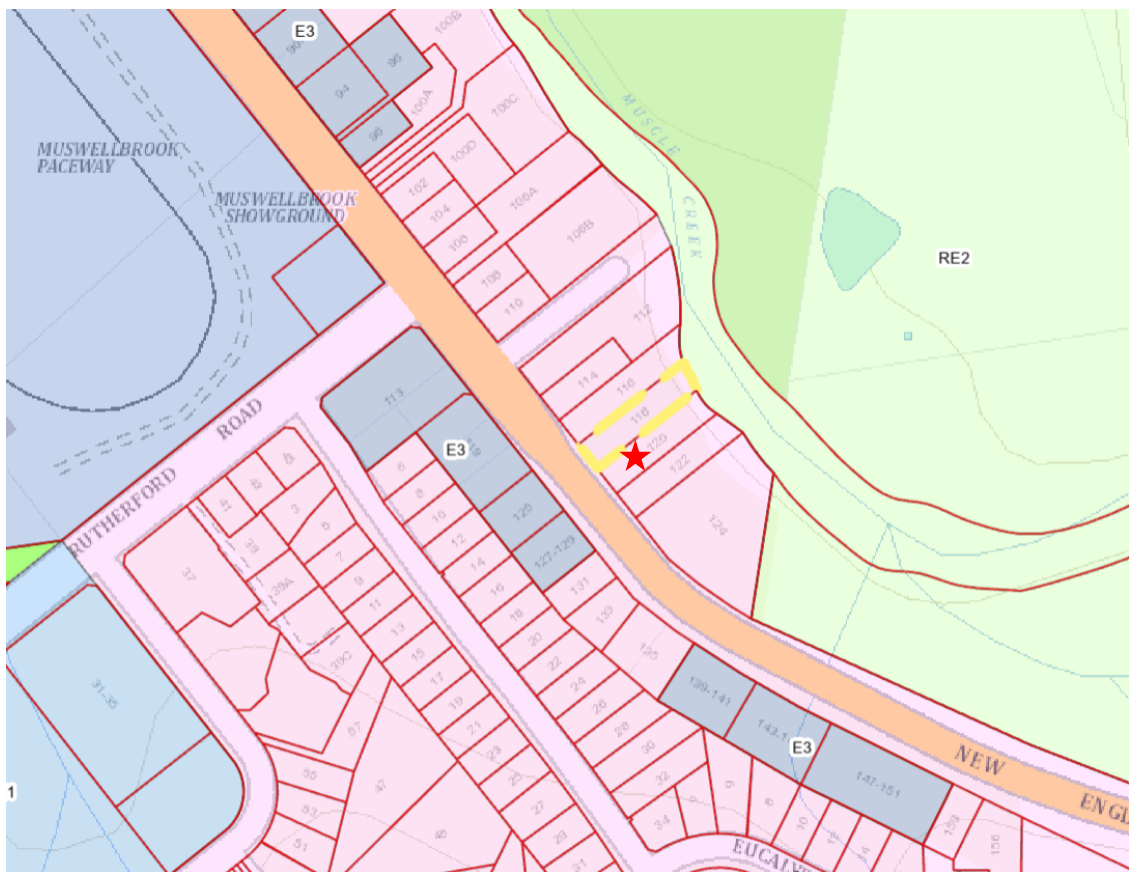


Figure 11: Land zoning of the site and surrounds

3 PROPOSED DEVELOPMENT

The proposal seeks consent for the construction of a two storey, centre-based child care accommodating 92 children and basement parking.

The proposed works are identified on the submitted architectural drawings prepared by *Art Made Architects* and associated consultant documentation, a description of which is provided below.

3.1 Child Care Centre

The proposal involves the construction of a two storey centre-based childcare centre with associated indoor and outdoor spaces. The centre will cater for a total of 92 children and 13 staff, as follows:

Age	No. of children	Staff Ratio	Staff provision
0-2 years	12	1:4 (cl. 123(1) of Regs) – 0-2	3 educators
2-3 years	20	1:5 (cl. 123(1) of Regs) – 2-3	4 educators
3-5 years	60	1:10 (cl. 271(2) of Regs)	6 educators
TOTAL	92	-	13

The hours of operation of the centre are 7am – 6pm (Monday to Friday). Use of the premises after hours or on weekends will be only for staff and cleaning operation.

The proposal comprises the following primary elements:

- Basement parking – vehicle access is from the eastern side of the sites St frontage where a driveway grades down into the basement level, which comprises a total of 20 parking spaces (14 staff and 6 visitor, including an accessible parking space), waste storage room, plant room, laundry, and lift and stair access to the building foyer/entrance.
- Pedestrian entry into the centre is provided centrally from the street frontage, which is surrounded by landscaping. The pedestrian access connects directly to the reception area where there is also an office space, kitchen, meeting room, lift and a disabled compliant bathroom.
- Two buildings with the street fronting building having a two storey height and the internal, rear building having a single storey height. Both buildings are located on the flat portion of the site, being well clear of the existing sewer manhole and steeper terrain at the rear of the property, which falls towards Muscle Creek.
- The street fronting building contains play rooms 1 and 2, cot spaces and bathrooms at ground level. The upper level contains a staff room, disabled compliant bathroom, lift access and play room 6, which accesses an external rooftop play area that is surrounded by acoustic fencing. This space is open to the sky and it is therefore not calculated as gross floor area. The playrooms in this building are dedicated for use by babies (0-2 years) and toddlers (2-3 years) at ground level, and the older age group (3-5 years) at the upper level.
- The rear building has single storey height and contains playrooms 3, 4 and 5, which are all dedicated for use by the older age group (3-5 years) at the upper level. The building is split by a central pedestrian access way and pergola that connects to the outdoor space at the northeastern end of the property .

- The outdoor play areas are provided between the two proposed buildings, at the rear of the property and in a rooftop location for the building adjacent to the street. The building is below the permitted height limit and also less than the permitted FSR.
- The proposed kitchen will be used to prepare basic meals for consumption during operation, with a maximum of 1 kitchen staff member on-site. Kitchen waste would be disposed in the bins provided and collected by private contractor. The kitchen would only be used during operating hours of the Centre. These aspects are included in the attached Plan of Management;
- The built form has 1.3m side setbacks, a 10m street setback and a 28 to 31m rear setback;
- As detailed in the Acoustic Report and shown at sheet No. DA03.03 of the architectural plans, the proposed includes the acoustic fences:
 - 1.2m within the site frontage,
 - a combination of 1.8m, 2.2m and 2.3m along the sides at ground level;
 - 1.8m along the rear boundary;
 - 1.8m for the upper (rooftop) play area.

Additional recommendations are provided within the submitted Acoustic Report for construction materials and management of the operation, which are also included within the attached Plan of Management.

As indicated, the proposal includes 6 indoor playrooms, all with associated internal storage, a craft sink and bathrooms adjoining, as summarised below:

INDOOR PLAYROOM SCHEDULE					
ROOM	AGE	NO. CHLDN	NO. STAFF	UNENCUMBERED	
				REQ AREA	AREA
PLAYROOM 1	AGE 0-2	12	3	39 m ²	41.60 m ²
PLAYROOM 2	AGE 2-3	20	4	65 m ²	67.15 m ²
PLAYROOM 3	AGE 3-5	10	1	32.5 m ²	35.25 m ²
PLAYROOM 4	AGE 3-5	20	2	65 m ²	65.65 m ²
PLAYROOM 5	AGE 3-5	20	2	65 m ²	68.55 m ²
PLAYROOM 6	AGE 3-5	10	1	32.5 m ²	37.65 m ²
TOTAL		92	13	299 m ²	315.90 m ²

Outdoor play areas total 709m², which is more than the 644m² required.

3.2 External Presentation

The proposed development has been designed with a form that is consistent with the local mixed character, which predominantly comprises a mix of tradition pitched roof dwellings and flat roof buildings. The external treatment of the building is well described on the materials schedule provided with the architectural drawing set. The proposed palette of materials includes a masonry base (bagged and painted natural white) for the ground level, dark grey metal roofs and clad walls, windows and doors frames.

The proposal will have light to mid grey tone, which will create an appropriate visual response to the adjoining residential properties and business uses opposite, as shown in the photomontage provided at Figure 12 over page.



Figure 12: Photomontage of the proposal

3.3 Landscaping

Existing palm trees will be removed and the site comprehensively landscaped to accommodate the proposed childcare centre and mix of spaces provided for the children. Details of the proposed landscaping are provided on the submitted Landscape Plan prepared by Greenscape Landscape Architecture & Design and features appropriate planting including formal gardens within the street frontage, hedge planting along the side boundaries, canopy trees to the front and rear of the site and various spaces for use as play areas for the children.

The ground floor play areas are internally fenced to allow for the side hedge planting and prevent children from accessing the space adjacent to the fences, which have also not been numerically included as part of the required outdoor play space. In addition, the rear landscaped space is terraced to accommodate the site slop and flood affectation that applies.

Extracts from the submitted landscape plans are provided at Figures 13, 14 and 15.

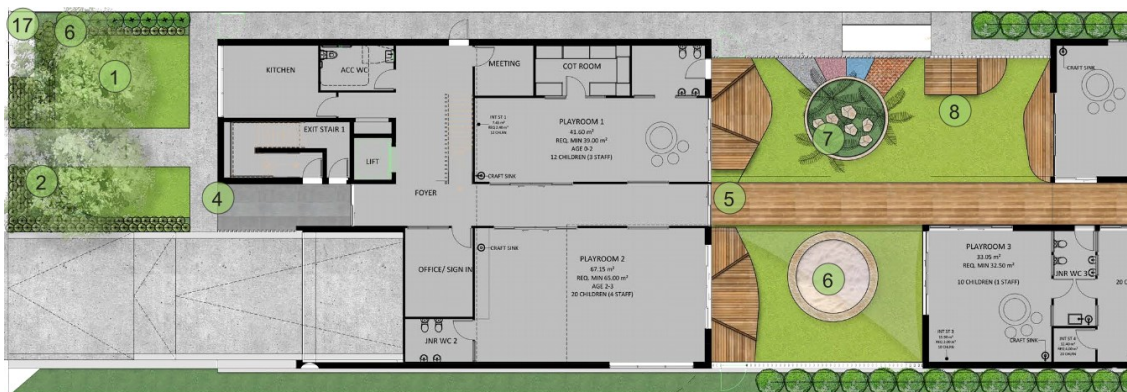


Figure 13: Front half of the site – ground level



Figure 14: Rear half of the site – ground level



Figure 15: Upper level – street fronting building

3.4 Traffic and Parking

A total of 20 parking spaces are provided for the proposed basement for the Centre, which will include 7 child care placements and 13 staff, including an accessible space. Access to and from the parking area is via a double wide driveway, which has good lines of sight to Maitland Street (for pedestrians and vehicles).

A Parking and Traffic Impact Assessment Report prepared by Stanbury Traffic Planning has been submitted with the application. This report has considered the proposed design in light of the site dimensions, traffic capacity of the locality, and traffic generation of the development. The Traffic Report concludes as follows:

- The proposed vehicular access arrangements are projected to result in motorists being capable of entering and exiting the subject site in a safe and efficient manner;
- The site access arrangements are projected to result in motorists being capable of entering and exiting the subject site in a safe and efficient manner;
- The proposed off-street parking provision complies with the minimum requirements of DCP 2009;
- Notwithstanding the above, surveys have demonstrated that there is some supply to accommodate additional on-street parking demand in the unlikely event that it is generated by the proposed development (or other surrounding land-uses);
- The internal passenger vehicle circulation arrangements are envisaged to provide for safe and efficient internal manoeuvring;

- *The subject development has been projected to generate up to 66 vehicle movements to and from the site during weekday peak hours; and*
- *The surrounding road network is considered to be capable of accommodating the additional traffic projected to be generated by the subject development.*

Notwithstanding the above findings, the following measure is recommended for consideration to assist in the accommodation of the subject development in a safe and efficient manner:

- *The construction of a pedestrian footpath along the eastern Maitland Street footway between Rutherford Road and the existing refuge within Maitland Street approximately 30m to the south of the site.*

Accordingly, there are no traffic or parking related issues anticipated from the proposed development.

3.5 Stormwater

Details of the stormwater design are provided on the accompanying Stormwater Management Plans prepared by Acor Consultants. The proposal includes 20m³ of on-site detention (OSD) tank below the driveway within the site frontage. All collected roof water will be connected to the OSD tank, with overflow connected to street by gravity.

3.6 Waste

All waste will be stored within the dedicated room within the basement level. The proposal includes sufficient waste storage for a total of 10 bins, 5 x general and 5 x recyclable waste. As detailed in the submitted Waste Management Plan, all waste and recycling collection services will be provided by a licensed private waste and recycling collection contractor and will take place from a loading area located in a driveway aisle in the basement as indicated on the Architectural Drawings.

The loading bay has been designed to accommodate a rear loading SRV collection vehicle. The loading area is situated approximately seven (7) metres from the WSA on an at-grade level. Servicing of the bins will take place between 10am and 2pm when the car spaces will be empty and access to the loading area will not be impeded.

The vehicle will enter and exit the site in a forward direction, entering from Maitland Street. Once into the basement the vehicle will do a three (3) point turn into parking bays 4 and 5, and then be driven forward to the loading area, where collections will take place.

3.7 Response to pre-DA Comments

The project architects attended a pre-DA meeting with Council staff on 9 June 2023, with pre-DA minutes provided by Council 16 June 2023.

Provided below is a response to the key items identified in Council's pre-DA response letter:

- **Flooding – PMF Considerations** – Council indicated a required FFL height of RL153m AHD, whereas the proposal has been maintained a FFL height of 150.25m AHD. To support the proposal, a Flood Investigation Report is provided with the application,

which includes the following flood management protocols (these matters are included in the submitted Plan of Management):

- The upper floor refuge proposes a finished floor level of RL 153.65m AHD providing 650mm to peak PMF floodwaters.
- Approximately 1 hour and 45 minutes warning time is available after the commencement of PMF rainfall. Therefore, early evacuation may be achievable subject to receiving an SES order.
- The submitted Traffic Report has considered the impact of the proposal on the adjacent classified road;
- Stormwater Management Plans are provided;
- The proposal complies with the relevant child care centre requirements and planning provisions, as outlined at Section 4 of this report;
- An Acoustic Report is provided with the application;
- A response to the relevant CPTED principles are provided at Section 4 of this report;
- Landscape Plans are provided with the application;
- A HAZMAT Report will be undertaken prior to commencement of demolition works, as recommended in the submitted Preliminary Site Investigation Report;
- A BCA Report will be completed at the CC stage;
- Details for the food preparation areas are provided in the architectural plans;
- A QS Report is provided;
- Consideration of impacts on neighbouring properties, signage, compliance with Muswellbrook LEP and DCP, and environmental impacts are addressed within this report and the accompanying consultant documents.

The above items have been considered and incorporated into the package of DA submitted documents.

4 STATUTORY PLANNING ASSESSMENT

Provided below is a Statutory Planning Assessment of the proposed development in accordance with the matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act, 1979. This includes compliance with the relevant planning controls, impacts of the development on the natural and built environment as well as the suitability of the site and a consideration of the public interest.

As the site has frontage to Muscle Creek and works are proposed within 40m of the creek, the subject application is 'integrated development' as it requires a controlled activity approval under the Water management Act, 2000.

4.1 Compliance with Planning Controls (Section 4.15(1)(a))

The following statutory and non-statutory planning policies apply to the assessment of this application under Section 4.15(1)(a) of the EP&A Act, 1979:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021
- Deniliquin Local Environmental Plan 2013; and
- Deniliquin Development Control Plan 2016.

4.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

On March 1, 2022 SEPP (Resilience and Hazards) 2021 replaced three former SEPPs including SEPP 55 (Remediation of Land). Chapter 4 of the SEPP applies to the State of NSW and aims to undertake remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment.

Clause 4.6 stipulates that a consent authority must not consent to the carrying out of development on land unless it has considered whether land is contaminated.

Submitted with the Development Application is a Preliminary Site Investigation and Geotechnical Report prepared Broadcast Consulting. It concludes as follows:

Broadcast Consulting Pty. Ltd. was engaged by Curious Minds Early Learning Centre PTY LTD to conduct a Preliminary Site Investigation at 118 Maitland Street, Muswellbrook (hereafter referred to as the site). The assessment will accompany a Development Application for the proposed demolition of an existing residence and construction of a new childcare centre.

A site inspection was undertaken on 23 January 2024 by Broadcast Pty Ltd consultant Cheyne Hudson (CEnvP). At the time of inspection, the site was occupied by a single-story residential structure, driveway and carport within a low-density residential setting. The dwelling has been constructed on bearers and joists connected to brick piers. The remainder of the site consists of lawn and scattered trees at the rear. There were no obvious visual indicators of site contamination.

Four (4) boreholes were drilled across the site – two (2) within the south-eastern portion of the site, one (1) within the central portion of the site and one (1) within the north-eastern portion of the site (Figure 2.7). The two (2) boreholes within the

south-eastern portion of the site revealed shallow fill materials consisting primarily of coal-wash.

- The site is not listed on any NSW EPA Registers*
- No significant potential risks to on-site receptors have been identified.*
- No significant potential for migration of contamination has been identified.*

Heavy Metals, Hydrocarbons (TRH / PAH), and BTEXN have been identified as potential contaminants of concern within coal-wash material imported and spread across the south-eastern site extent. The constituents of the coal wash depend on the nature of the surrounding geology and mining processes used. This can be a mixture of any rock or soil strata present in the coal seam being mined.

This material has been largely stabilised with vegetation but will likely be disturbed upon commencement of construction of the proposed childcare development, and as such represents an exposure risk to on-site receptors (via direct dermal contact and / or inhalation of dust). Future occupants of the property, including children, may also encounter the coal-wash whilst interaction with landscaped areas or gardening.

Based on the findings of this investigation, it is recommended that:

- 1. The Areas of Concern outlined in Table 3.1 are investigated by way of a Detailed Site Investigation (DSI) to ascertain the suitability of imported coal-wash media to be retained on site. This investigation could be staged commencing with a reduced number of samples to first qualify and quantify the constituents of the coal wash. Subject to the outcome of the first stage, additional sampling and analysis may become necessary.*
- 2. Any waste material from the site, including soil, be pre-classified in accordance with the NSW EPA Waste Classification Guidelines by a suitably qualified person prior to excavation or removal from site. If encountered, potentially hazardous materials must be handled by suitably licensed contractors and disposed at a licensed facility appropriate to their classification.*
- 3. The property owners should commission a suitably licensed and experienced building inspector / hygienist or equivalent to inspect the existing residence on site prior to any alteration or demolition works. The subsequent demolition works follow the recommendations within that HAZMAT report and any requirements of Safework NSW.*

A Clearance Certificate prepared by a suitably qualified person must be provided clearly indicating the site has been cleared of potentially hazardous building materials.

- 4. If encountered, potentially hazardous materials must be handled by suitably licensed contractors per Safework NSW regulations and disposed at a licensed facility appropriate to their classification.*
- 5. Should any unidentified or potentially contaminated material be excavated whilst on site it is recommended that the advice of a trained and experienced contaminated lands consultant be sought. The site foreman should be advised immediately for appropriate action.*

As such, subject to compliance with above recommendations, the site can be made suitable for the proposed use and the requirements of Chapter 4 of SEPP (Resilience and Hazards) 2021 are sufficiently satisfied.

4.1.2 State Environmental Planning Policy (Transport & Infrastructure) 2021

On March 1, 2022 SEPP (Transport and Infrastructure) 2021 replaced 4 former SEPPs, including State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017 which applies to the proposed development.

Chapter 2 - Infrastructure

Chapter 2, Division 17, Subdivision 2 prescribes requirements for referral of certain applications to Traffic for NSW, which includes development that fronts a Classified Road and which will have an estimated cost that is greater than \$185,000. The subject proposal will therefore be referred to TfNSW by council as part of the assessment process. It is noted that council can assume the concurrence of TfNSW if no response is received to a written referral within 21 days of the date of referral.

In terms of impacts created by noise or vibration on the proposed childcare centre, the submitted Acoustic Report provides criteria for construction materials and techniques to ensure that the internal noise levels as required by the SEPP and relevant Australian Standards are achieved. It is anticipated that Council would reference the submitted Acoustic Report within any development consent that is granted.

Chapter 3 - Educational Establishments and child care facilities

Chapter 3 of the SEPP contains those provisions from the former Education SEPP as they relate to child care centres. The SEPP provisions set out a range of overarching controls and guidelines for centre-based child care facilities, as discussed below.

The proposed development meets the definition of centre-based child care facility which is defined the SEPP as:

centre-based child care facility means:

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

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

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

The provisions that apply to child care facilities are set out in Chapter 3 of the SEPP. Table 1 below provides an assessment of the proposal against these provisions.

TABLE 1: RESPONSE TO CHAPTER 3 OF SEPP (TRANSPORT & INFRASTRUCTURE)		
Provision	Proposal	Complies
Part 3.3 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	Refer to Table 2 below for consideration under Child Care Centre Guidelines.	Yes

TABLE 1: RESPONSE TO CHAPTER 3 OF SEPP (TRANSPORT & INFRASTRUCTURE)		
Provision	Proposal	Complies
Part 3.3 Early Education and care facilities – specific development controls		
provisions of the Child Care Planning Guidelines, in relation to the proposed development.		
<p>3.26 Centre-based child care facility – non-discretionary development standards</p> <p>The object of this section 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.</p> <p>The following are non-discretionary development standards for the purpose of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purpose of a centre-based child care facility-</p> <p>(a) location the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) indoor or outdoor space</p> <p>i. for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> applies – the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>ii. for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2012</i> applies – the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(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,</p>	<p>Noted – no locational restrictions</p> <p>For proposed 92 place centre:</p> <p>Indoor play space required = 3.25m² per child = 299m²</p> <p>Unencumbered indoor play space provided: 315.90m²</p> <p>Outdoor place space required = 7m² per child ie. 644m².</p> <p>Unencumbered outdoor play area provided: 709m².</p> <p>Each play area provides the requisite areas for each individual play area per child group. Refer to Architectural Plans for breakdown.</p> <p>Noted – no site area or dimension restrictions</p>	<p>-</p> <p>Yes</p> <p>-</p>

TABLE 1: RESPONSE TO CHAPTER 3 OF SEPP (TRANSPORT & INFRASTRUCTURE)		
Provision	Proposal	Complies
Part 3.3 Early Education and care facilities – specific development controls		
(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.	Site is not a State or local heritage item – as such no restriction on colour scheme, although the building appearance adopts a residential aesthetic	Yes
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 or the like, of children) does not apply to development for the purpose of a centre-based child care facility: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> i. the design principles set out in Part 2 of the <i>Child Care Planning Guidelines</i>, or ii. the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates). 	The SEPP overrides competing provisions from MDCP 2009, including any provisions relating to capacity restrictions or age ratios.	Noted

Child Care Planning Guidelines (September 2021)

The Child Care Guidelines inform state and local government, industry and the community about how good design can maximise the safety, health and overall care of young children.

In accordance with Clause 3.23 of the SEPP referred above, consideration of the Child Care Guidelines must be provided by the consent authority when assessing a development application for a centre-based child care centre. It also determines this Guideline will take precedence over a Development Control Plan (DCP), with some exceptions, where the two overlap in relation to a child care centre.

Table 2 over page provides consideration of the proposed development in light of the relevant controls under the Guidelines.

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES

Provision	Proposal	Complies
3.1 Site Selection and location C1 For proposed developments in or adjacent to a residential zone, consider: <ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties the setbacks and siting of buildings within the residential context visual amenity impacts (eg. Additional building bulk and overshadowing, local character) traffic and parking impacts of the proposal on residential amenity. 	<p>Site is within R1 – General Residential Zone.</p> <p>An Acoustic Report is provided, and measures have been incorporated to minimise acoustic impacts. Privacy has been considered during the design process.</p> <p>Appropriate setbacks provided, based up the dominant building setbacks of surrounding development, potential impacts on the E3 zone opposite.</p> <p>The proposal will be entirely compatible in bulk, scale, and character with nearby development. No unreasonable shadow impacts will result on a primary living area or private open space, as detailed at Section 4 of this report.</p> <p>A Traffic Report is submitted with the development application.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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 the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> length of street frontage, lot configuration, dimensions and overall size; and 	<p>Centre-based child care facilities are a permissible and a compatible land use within the R1 zone.</p> <p>There are no particular site constraints that would restrict or inhibit the proposal. The PMF flood affectation of the site is addressed in the submitted Flood Investigation Report and attached POM.</p> <p>Refer to the submitted PSI Report.</p> <p>The site comprises a single land parcel with sufficient dimensions and land area to accommodate the proposed land use and provide compliant building height, FSR and landscaped area which</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<ul style="list-style-type: none"> ○ number of shared boundaries with residential properties. 	responds well to its boundary interfaces and neighbouring properties. This aspect is discussed in greater detail in Section 4 of this report.	
<ul style="list-style-type: none"> • the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas 	The proposal will have no natural environmental or cultural impacts.	Yes
<ul style="list-style-type: none"> • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use 	New development proposed.	N/A
<ul style="list-style-type: none"> • there are suitable drop off and pick up areas, and off and on street parking. 	Provided. Refer to plans.	Yes
<ul style="list-style-type: none"> • the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use. 	A Classified Road fronts the site, which has been addressed in the submitted Acoustic and Traffic Reports.	Yes
<ul style="list-style-type: none"> • the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities. 	As above. Refer also to the submitted Traffic Report.	Yes
<ul style="list-style-type: none"> • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	Yes, the development site is not located near to incompatible land uses.	Yes
<p>C3 A child care facility should be located:</p> <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>The site will form part of the mixed residential and business character of the area.</p> <p>It will be located opposite the E3 zone and is designed to respond to the mixed zoning and land uses that exist surrounding the site.</p>	Yes
<p>C4 A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> • proximity to: <ul style="list-style-type: none"> ○ heavy or hazardous industry, waste 	The development site is not	Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<ul style="list-style-type: none"> transfer depots or landfill sites; o LPG tanks or service stations; o water cooling and water warming systems; o 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. o extractive industries, intensive agriculture, agricultural spraying activities. Any other identified environmental hazard or risk relevant to the site and / or existing buildings within the site. 	<p>located near any of the listed hazards.</p> <p>As above.</p>	Yes
<p>3.2 Local Character, streetscape and the public domain interface</p> <p>C5 The proposed development should:</p> <ul style="list-style-type: none"> contribute to the local area by being designed in character with the locality and existing streetscape build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place reflect the predominant form of surrounding land uses, particularly in low density residential areas recognise predominant streetscape qualities, such as building form, scale, materials and colours include design and architectural treatments that respond to and integrate with the existing streetscape and local character. use landscaping to positively contribute to the streetscape and neighbouring amenity integrate car parking into the building and site landscaping design in residential areas. 	<p>The proposal has been designed to complement the setting of the site and also the mixed zoning of the locality. The development provides good address the street frontage, suitable setbacks to adjoining properties, will provide landscaping visible from the street frontage, parking is provided at basement level, which has direct connection to the street and is separate from pedestrian entrance points.</p> <p>The design is reflective of the child care nature of the proposed use whilst also being compatible with buildings in the locality. It incorporates architectural elements consistent with residential uses, i.e. 2 storey height, flat and pitched roof elements, and commonly found residential building materials.</p>	Yes
<p>C6 Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> fencing to ensure safety for children entering and leaving the facility windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community integrating existing and proposed landscaping with fencing. 	<p>Fencing will ensure the safety and security of children. The design provides windows overlooking the street.</p> <p>Refer to accompanying Landscape Plan.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.	Separate vehicular and pedestrian entrances are provided.	Yes
C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.	The road frontage will be free from fencing and will instead be landscaped. No heritage requirements are applicable in terms of materials.	Yes
C10 High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	The sch fencing required, as detailed within the submitted Acoustic Report.	Yes
3.3 Building orientation, envelope and design C11 Orient a development on a site and design the building layout to: <ul style="list-style-type: none"> ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties; placing play equipment away from common boundaries with residential properties; locating outdoor play areas away from residential dwellings and other sensitive uses optimise solar access to internal and external play areas avoid overshadowing of adjoining residential properties minimise cut and fill ensure buildings along the street frontage define the street by facing it ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	The development has been designed to protect adjoining residential amenity. The majority of children will be located at ground level and separated from the street by the proposed building and from the adjoining properties by proposed acoustically attenuated fencing and suitable landscaped. The proposed elevated play areas is also suitably treated to remove any aural or visual privacy impacts on neighbouring properties. As demonstrated by solar diagrams submitted with the architectural plans, sufficient solar access and shading will be provided to the external play areas (and also into internal play rooms). No unreasonable overshadowing impacts on the adjoining properties will occur, as detailed in the submitted shadow diagrams and in this report.	Yes
C12 The following matters may be considered to minimise the impacts of the proposal on local character: <ul style="list-style-type: none"> building height should be consistent with other buildings in the locality 	The proposed development is 2 storeys in height and	Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<ul style="list-style-type: none"> building height should respond to the scale and character of the street setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility setbacks should provide adequate access for building maintenance setbacks to the street should be consistent with the existing character. 	<p>compatible with the surrounding development.</p> <p>Setbacks are appropriate and facilitate suitable privacy. Based upon the existing surrounding mixed form, the proposal is consistent with its context. Further, the site has open presentation the street for clear access, and will improve streetscape presentation.</p>	<p>Yes</p> <p>Yes</p>
C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	Discussed above.	Yes
C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	Minor and reasonable variations to the side boundary setbacks (at the upper level) are proposed, as detailed under the DCP section of this report.	Yes
<p>C15 Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> located to allow ease of access, particularly for pedestrians directly accessible from the street where possible directly visible from the street frontage easily monitored through natural or camera surveillance not accessed through an outdoor play area. In a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>The front entrance includes an accessible footpath. The entry is clearly defined and visible, accessible (directly from either street), could be easily monitored (both passive and CCTV surveillance); and is not accessed through the outdoor play area.</p> <p>Not applicable.</p>	<p>Yes</p> <p>N/A</p>
<p>C16 Accessible design can be achieved by:</p> <ul style="list-style-type: none"> providing accessibility to and within the building in accordance with all relevant legislation linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry providing a continuous path of travel to and within the building, including access between the street entry and car parking 	<p>Accessible path of travel is provided from the street.</p> <p>Prams and wheelchairs will be able to access all parts of the development.</p> <p>A continuous path of travel to and within the building is provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>and main building entrance. Platform lifts should be avoided where possible</p> <ul style="list-style-type: none"> minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	<p>Site is relatively flat, and ramping not required.</p>	<p>Yes</p>
<p>3.4 Landscaping</p> <p>C17 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high-quality landscaped area by:</p> <ul style="list-style-type: none"> reflecting and reinforcing the local context incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>Landscaping is provided to all boundaries and is not relied on for outdoor play calculations – refer to Landscape Plan provided.</p> <p>The site does not contain any significant site features that are worthy of retention.</p>	<p>Yes</p> <p>Yes</p>
<p>C18 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings taking into account streetscape, local character, pedestrian safety and context when siting car parking areas within the front setback using low level landscaping to soften and screen parking areas. 	<p>Not applicable. The car park is internal and at basement level and predominantly below the building footprint.</p>	<p>N/A</p>
<p>3.5 Visual and acoustic privacy</p> <p>C19 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	<p>Not applicable – mixed use development not proposed.</p>	<p>N/A</p>
<p>C20 Minimise direct overlooking of indoor and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> appropriate site and building layout suitable location of pathways, windows and doors permanent screening and landscape design 	<p>The proposed buildings will appropriately screen direct overlooking of the indoor and outdoor areas from the adjacent public domain.</p>	<p>Yes</p>
<p>C21 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> appropriate site and building layout suitable location of pathways, windows and doors landscape design and screening. 	<p>The proposed site and acoustic fencing will appropriately screen direct overlooking of the indoor and outdoor areas from the adjacent private properties.</p> <p>The majority of outdoor play will be located at ground level and the site boundaries will be landscape treated and provided with necessary acoustic fencing. The upper level play area will be bordered by 1.8m high acoustic fencing</p>	<p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
	which has an opaque finish and will not allow for overlooking of neighbouring properties.	
<p>C22 A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g., acoustic fence, building, or enclosure. 	Will comply as per Acoustic recommendations. Refer to Acoustic Report prepared by Day Design Pty Ltd. As is typical at DA stage, mechanical plant has not yet been selected. Once it is, a detailed acoustic assessment will be required, at Construction Certificate stage.	<p>Yes</p> <p>Will comply at CC</p>
<p>C23 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> identify an appropriate noise level for a child care facility located in residential and other zones determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	Refer to accompanying Acoustic Report.	Yes
<p>C24 Adopt design solutions to minimise impacts of noise, such as:</p> <ul style="list-style-type: none"> creating physical separation between buildings and the noise source orienting the facility perpendicular to the noise source and where possible buffered by other uses using landscaping to reduce the perception of noise limiting the number and size of openings facing noise sources using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits locating cot rooms, sleeping areas and play areas away from external noise sources. 	Refer to accompanying Acoustic Report. The proposal focuses internal and external areas to the internal spaces of the site and not towards adjoining residential properties. It will include boundary fences and required acoustic attenuation treatment. Landscape treatment to site edges between fencing and walls to create a soft transition and complements the residential properties adjoining.	Yes
C25 An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child	The Acoustic Report addresses the adjacent classified road and noise impacts.	Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> • on industrial zoned land • where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 • along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise 		
C26 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	The Acoustic Report addresses the adjacent classified road and noise impacts.	Yes
<p>C27 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility. 	The spaces of the child care centre that will be used by children are well separated and shielded from the classified road by the proposed building and frontage landscaping. For example, outdoor play areas closest to the street are setback 22m (first floor) to 33m (ground floor), which is a sufficient distance to ensure that there will be no air quality impacts on the future occupants. On this basis, a specialist report is considered unnecessary.	Yes
<p>3.7 Hours of operation</p> <p>C28 Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>	<p>The hours of operation of the centre are 7am – 6pm (Monday to Friday).</p> <p>Occasional use of the premises after hours or on weekends will be only for staff and cleaning operation.</p>	Yes
C29 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	The development site is not directly adjoining non-residential land uses.	N/A

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>3.8 Traffic, parking and pedestrian circulation</p> <p>C30 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> • 1 space per 10 children • 1 space per 2 staff. <p>Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</p> <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children. 	<p>The Development complies with the car parking requirements under MDCP 2009.</p>	<p>Yes</p>
<p>C31 In commercial or industrial zones and mixed-use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</p>	<p>Not in commercial or industrial zone, nor a mixed-use development.</p>	<p>N/A</p>
<p>C32 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network. 	<p>Refer to accompanying Traffic Report for assessment.</p>	<p>Yes</p>
<p>C33 Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> • the prevailing traffic conditions • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic. 	<p>Alternative access point not available.</p>	<p>Yes</p>
<p>C34 Child care facilities proposed within cul-de-sacs or via narrow lanes or roads should ensure that safe access can be provided to</p>	<p>Development site is not within a cul-de-sac or narrow road/lane.</p>	<p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
and from the site, and to and from the wider locality in times of emergency.		
<p>C35 The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility • defined pedestrian crossings and defined/ separate paths included within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other • delivery, loading and vehicle turnaround areas located away from the main pedestrian access to the building and in clearly designated, separate facilities • minimise the number of locations where pedestrians and vehicles cross each other • in commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas • vehicles can enter and leave the site in a forward direction • clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations. 	<p>Separate path provided.</p> <p>Basement parking proposed, with the parent/guardian parking located closest to the lifts.</p> <p>Separate vehicle and pedestrian access provided;</p> <p>Sufficient space and good lines of sight available within and around the building and basement carpark.</p> <p>Deliveries and loading will occur outside of peak drop off and pick up times.</p> <p>Vehicular access is separate from pedestrian entrance;</p> <p>N/A</p> <p>Achieved.</p> <p>Refer to the submitted Traffic Report.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
<p>C37 Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 	Proposal is not a mixed-use development.	N/A
<p>C37 Car parking design should:</p> <ul style="list-style-type: none"> • include a child safe fence to separate car parking areas from the building entrance 	Basement parking proposed;	Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
and play areas		
<ul style="list-style-type: none"> provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards 	Practically located.	Yes
<ul style="list-style-type: none"> include wheelchair and pram accessible parking. 	1 accessible space provided.	Yes
4. Applying the National Regulations to development proposals		
4.1 Indoor space requirements		
<p>Regulation 107 Education and Care Services National Regulations</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space. (92x3.25m² = 299m²)</p> <p><i>Design Guidance:</i> <u>Verandah as indoor space:</u> Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.</p> <p><u>Storage:</u> It is recommended that a child care facility provide;</p> <ul style="list-style-type: none"> a minimum of 0.3m³ per child of external storage space (92x0.3m³ = 27.60m³) a minimum of 0.2m³ per child of internal storage space (92x0.2m³ = 18.40m³) 	<p>Total indoor play area: 315.90m²</p> <p>Play space has been calculated in accordance with the unencumbered requirements of this Guideline and provided in excess of the minimum requirements. In addition, areas have been provided to ensure each individual play areas receive the required area per child – this breakdown is included on the Architectural Plans.</p> <p>External storage: 49.50m³</p> <p>Internal storage: 47.60m³ In addition, areas have been provided to ensure each individual play areas receive the required storage per child – this breakdown is included on the Architectural Plans.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4.2 Laundry and hygiene facilities		
<p>Regulation 106 Education and Care Services National Regulations</p> <p>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.</p> <p>Child care facilities must also comply with the</p>	On site laundry facilities are provided within the basement.	Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>requirements for laundry facilities that are contained in the National Construction Code.</p> <p><i>Design Guidance:</i> <u>On site laundry</u> On site laundry facilities should contain:</p> <ul style="list-style-type: none"> • a washer or washers capable of dealing with the heavy requirements of the facility • a dryer • laundry sinks • adequate storage for soiled items prior to cleaning 	Designed to accommodate all listed items.	Yes
<p>4.3 Toilet and hygiene facilities</p> <p>Regulation 109 Education and Care Services National Regulations</p> <p>A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p> <p>Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p>	<p>Sufficient toilet facilities are provided for staff and children.</p> <p>Sanitary facilities have been designed to comply with the NCC.</p>	<p>Yes</p> <p>Yes</p>
<p>4.4 Ventilation and natural light</p> <p>Regulation 110 Education and Care Services National Regulations</p> <p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p> <p>Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p>	<p>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. Light and ventilation and minimum ceiling heights designed to comply with relevant requirements under the National Construction Code.</p>	<p>Yes</p> <p>Yes</p>
<p>4.5 Administrative space</p> <p>Regulation 111 Education and Care Services National Regulations</p> <p>A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	Adequate areas have been provided for conducting of administrative tasks and meetings.	Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
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. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.	Nappy change facilities are provided between Indoor Play rooms. Design to comply with NCC.	Yes Yes
4.7 Premises designed to facilitate supervision Regulation 115 Education and Care Services National Regulations A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity. Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.	Good supervision is available through the centre whilst also maintaining sufficient privacy. Designed to comply with NCC.	Yes Yes
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. Regulation 97 sets out the detail for what those procedures must cover including: <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service. 	The proposed child care facility has been designed to facilitate safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency. Emergency and Evacuation Plan is outlined in the accompanying POM.	Yes Yes

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>4.9 Outdoor space requirements</p> <p>Regulation 108 Education and Care Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space. (92x7m² = 644m², 709m² provided)</p> <p>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p> <p><i>Design Guidance</i> Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play (refer to Figures 9 and 10). When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.</p> <p><u>Verandahs as outdoor space</u> Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> • be open on at least one third of its perimeter • have a clear height of 2.1 metres • have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements (refer to Figure 8). 	<p>Outdoor play space has been calculated in accordance with the unencumbered guidelines of this Guideline and provided in excess of the minimum requirements.</p> <p>The proposed elevated play areas will be surrounded by a 1.8m high acoustic fence of opaque construction to ensure no privacy impacts – all outdoor play areas meet the requirements listed.</p>	<p>Yes</p> <p>Yes</p>
<p>4.10 Natural environment</p> <p>Regulation 113 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to safely explore and experience the natural environment.</p>	<p>Quality educational and sensory spaces will be provided to the outdoor play areas to facilitate exploration and experience the natural environment – refer to details on the accompanying</p>	<p>Yes</p>

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES

[illegible]

TABLE 2: RELEVANT PROVISIONS UNDER CHILD CARE PLANNING GUIDELINES		
Provision	Proposal	Complies
<p>enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.</p> <p>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.</p>	<p>include sufficient fencing or built elements bounding the site as well as to ensure safe and efficient segregation of areas through the site.</p> <p>Design to comply with NCC.</p>	Yes
<p>4.13 Soil assessment</p> <p>Regulation 25 Education and Care Services National Regulations</p> <p>Subclause (d) of Regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	<p>Refer to Section 4.1.1 of this report for discussion.</p> <p>As above.</p>	Yes

The proposal is therefore demonstrates to achieve full compliance with the Child Car Planning Guidelines.

4.1.3 State Environmental Planning Policy (Industry and Employment) 2021

On March 1, 2022 SEPP (Industry and Employment) 2021 replaced 2 former SEPPs, including State Environmental Planning Policy No. 64 (Advertising and Signage) which is now covered under Chapter 3 of the SEPP.

Signage will be addressed via a separate development application (as required).

4.1.4 Muswellbrook Local Environmental Plan 2009

The subject site is zoned *R1 – General Residential* under MLEP 2009, as shown in Figure 11. Together with a wide variety of residential and non-residential uses within the R1 zone, centre-based child care facilities are expressly permissible development.

The proposed development is consistent with the 3rd and 7th zone objective, as follows:

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.*

In addition, as detailed in the submitted Flood Investigation Report and POM, the proposal will be consistent with the 8th zone objective, which is:

- *To ensure that development is carried out in a way that is compatible with the flood risk of the area.*

The site is subject to an 8.5 metre building height limit and as detailed in the submitted architectural plans, the proposal is compliant with this requirement.

The site is also subject to an FSR maximum of 0.5:1 (857.20m²) and the proposal has an FSR of 0.333:1 (572.15m²).

The Flood Planning provisions identified at Clause 5.21 of the LEP have been addressed in the submitted Flood Investigation Report.

There are no other relevant LEP provisions for consideration.

4.1.5 Muswellbrook DCP 2009

The subject application has been assessed against the relevant provisions of MDCP 2009. A response to the relevant provisions of the DCP as they apply to the subject site and the proposed development is provided in Table 3.

Table 3: Relevant Provisions of Muswellbrook DCP 2009		
Provision	Proposal	Complies
Section 3 Site Analysis		
(i) A site analysis must be completed on all proposals other than single dwellings involving construction work less than 100 square metres in floor area. It forms part of the development application to Council.	This report together with analysis provided in the attached architectural plans provides a suitable level of detail for analysing the site.	Yes
(ii) The site analysis can be in two formats depending on which method best presents the site characteristics, they are plans (maps) and statements. <ul style="list-style-type: none"> • Plans – contain all the information that can be easily mapped. • Statements – issues such as character of the area are better 		

Table 3: Relevant Provisions of Muswellbrook DCP 2009		
Provision	Proposal	Complies
Section 3 Site Analysis		
addressed in text and photographs.		
Section 6 Residential Development		
6.1 BUILT FORM		
6.1.2 Front Setbacks (i) Front setback matches the alignment of the primary facades of adjoining buildings. Where different setbacks occur, use the average of the setbacks of those primary facades.	No. 116 – 11.6m No. 120 – 7.06m Average = 9.33m Proposed = 10m.	Yes
6.1.3 Side and rear setbacks (i) A minimum side or rear setback for all dwellings of: <ul style="list-style-type: none"> - 0.9m for walls up to 3m in height; - 0.9m plus 0.3m for every metre of wall height over 3m and less than 7.2m - For that part of a wall over 7.2m in height, the minimum setback should be increased by 1m for every metre of height over 7.2m. (ii) Walls may be built to the side and/or rear boundaries where: <ul style="list-style-type: none"> - The maximum wall height is 3m and there will be no impact on privacy, use of private open space and solar access to adjoining properties; - Any openings comply with the fire resistance levels of the Building Code of Australia and are in filled with translucent or opaque materials. - The wall height and length match an existing or similarly constructed wall on the adjoining site. - Satisfactory arrangements in place for the maintenance of the wall or gutters (ii) Application for zero building line will only be considered where the relevant lot or lots are part of an integrated subdivision design. (iii) Garages, carports, sheds and other ancillary structures shall be setback at least 450mm from a side boundary to ensure they do not encroach upon adjoining lots. Council may vary this requirement where a site survey can be provided to demonstrate boundary alignments relative to constructed fencing locations. (iv) Separation fencing is provided between development land and any adjoining rail corridor.	1.3m 7.2m wall height, required setback is 2.16m, whereas a 1.3m setback is proposed. The relevant control objective states <i>adequate side and rear building setbacks for landscaping, privacy, natural light and ventilation between dwellings</i> The proposal is acceptable, because: <ul style="list-style-type: none"> - Side setback landscaping is not impacted by an increase setback at the upper level and the ground level has a compliant side setback - Privacy has been managed in the design, there will be no aural or visual privacy impacts as detailed in this report - Natural light (being different to “solar access”) will be available between buildings, as will ventilation - Solar access to the southern neighbour (No. 120) is compliant with the DCP, as detailed below - In addition, the common setback for buildings in the street is 900mm, or less, and there is a business zone directly opposite which contains buildings with reduced/lesser setbacks, and different overall form. The proposal is therefore consistent with the prescribed DCP objective, despite numerical variation, and in accordance with Section 4.15(3A) of the EP&A Act, 1979, Council’s flexible application of this aspect of the DCP is mandated.	Yes On-merit
6.1.4 Building Height and Scale (i) Where a building is part of a uniform group of buildings of similar character	Not applicable.	N/A

Table 3: Relevant Provisions of Muswellbrook DCP 2009		
Provision	Proposal	Complies
Section 3 Site Analysis		
locate any additions or alterations to the rear and not visible from the street or any public place. (ii) Where a building is to be located amongst buildings having a consistent façade repeat the size, location and proportions of window, door openings and other distinctive features such as roof form. (iii) Dual occupancies, multi dwelling housing and residential flat building developments must be designed and constructed in a form and scale that resembles the detached character of dwelling-houses in the surrounding neighbourhood. (iv) Finishes which are 'textured' rather than bland, through the use of light and shade, diversity in materials and finishes and appropriate decorative treatments. (v) Traditional relationship of roof mass to wall ratio, roof pitch and design, length of unbroken ridgelines, parapets, eaves and roof water guttering detailing. (vi) The amount and length of unbroken roof ridge lines, unpunctuated facades, fencing and repetitive form should be minimized.	Varied façade treatments surround the site. Not applicable. As proposed, refer to material and finishes detailed. Contemporary 2 storey dwelling appearance, massing and scale proposed. Varied and well-articulated form proposed.	Yes N/A Yes Yes Yes
6.2 URBAN LANDSCAPE 6.2.3 Landscaped area (i) Residential development must not be carried out in a R1 Residential or RU5 Village zone unless a minimum of 35% of the total site area is "landscaped area" as defined in the LEP.	The provisions do not apply as only the 'built form controls' are to be considered as prescribed by Section 18 of the DCP. Nonetheless, as indicated by the size of the basement footprint and buildings above, greater than 35% of the site will remain as landscaped area.	N/A
6.3 ENVIRONMENTAL 6.3.2 Solar Access (ii) Sunlight to the principal area of ground level private open space of adjacent properties should not be reduced to less than 4 hours between 9am and 3pm on June 21. Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%. Where overshadowing may occur, a shadow diagram is required to demonstrate that this control has been met. (iii) The following measures may be required to reduce overshadowing: a. The building re-sited or setbacks increased; b. Heights reduced; c. The roof design amended	Greater than 4 hours solar access will remain for No. 120, as indicated by the sun eye view diagrams. Solar access will remain for the solar panels on the dwelling roof of No. 120 throughout the day in mid-winter. Solar access to the swimming pool of No. 120 would also be available, although it is unlikely to be in use on mid-winter.	Yes

Section 16 Car Parking and Access		
16.6 Car parking schedule for specific land uses <ul style="list-style-type: none"> 1 space per employee, PLUS 1 space per 15 children enrolled (if provision of 3 set down/pick up areas) or 1 per 10 children. 	<p>13 staff</p> <ul style="list-style-type: none"> 13 spaces required, 13 spaces provided <p>92 Children</p> <ul style="list-style-type: none"> 6.13 spaces required, 7 spaces provided <p>Use of the 1 space per 15 children parking rate was understood to have been accepted by Council during pre-DA discussions as the visitor parking space will have quick turnaround of use and therefore perform the function of a set down/pick up area. This is also addressed in the submitted Traffic Report.</p>	Yes/ on-merit
Section 18 Child Care Centres		
18.1.1 Entry <p>(i) Where the entrance to the Centre is on the exterior of the building provide weather protection such as an awning</p> <p>(ii) Materials and design of weather protection to the entrance is compatible with the building</p> <p>(iii) Where the Centre is located within a building that accommodates other uses provide a separate and clearly marked entrance for the Child Care Centre.</p>	<p>With the protection is provided at the ground level building entrance point.</p> <p>Solid and compatible materials proposed.</p> <p>Not applicable.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
18.1.2 Access and mobility <p>Design in accordance with Australian Standard 1428.1 and 1428.3 (Design for Access and Mobility, Part 3: Requirements for children and adolescents with physical disabilities) *</p>	<p>The proposal complies and will be addressed formally with BCA advise and input at the CC stage.</p>	Yes
18.1.3 Safety and security <p>(i) on site parking spaces and set-down and pick-up areas are well lit</p> <p>(ii) locate the entry gate within sight of staff in the office</p> <p>(iii) install bell or alarm on the entry gate to alert staff to someone entering or leaving the Childcare Centre</p>	<p>Provided within the basement.</p> <p>Building entry is visible from the sign in area and entrance foyer.</p> <p>An intercom system will be utilised, as required.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
18.2.1 Drop off and pick up of children <p>(i) Provide 2 designated vehicle spaces - one for Disabled Access, and one for emergency use – on site in residential zones, and within close proximity in local centre/village zones, in accordance with the provisions of AS2890.1.</p> <p>(ii) Provide accessible parking spaces for the set down and pick up of children, no more than 50m from the Child Care Centre.</p> <p>(iii) Provide 2 set down spaces for less than 24 children, 3 spaces for more than 24 children.</p>	<p>The proposal includes 20 car parking spaces, including 1 parking space that is designed as an accessible compliant space.</p> <p>Basement parking proposed.</p> <p>Not applicable.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>

Table 3: Relevant Provisions of Muswellbrook DCP 2009		
Provision	Proposal	Complies
Section 3 Site Analysis		
(iv) Car parking provisions do not substantially modify the streetscape.	Basement parking proposed, which is preferred from a streetscape perspective compared to parking at-grade.	Yes
(v) Spaces are clearly marked to reflect that they are for the exclusive use of the child care users between the peak am and pm hours of the Centre eg 7.30-9.30 and 4.30-6.30	Parking area will be suitably marked to separate visitor and staff uses.	Yes
18.2.2 Air quality (i) For Child Care Centres located on – <ul style="list-style-type: none"> • on major roads (including state and regional) or within 50m of such a road • roads where there is an average daily traffic rate of more than 5000 per day • sites where the external noise level exceeds 55 dB(A) (L90 24 hours) demonstrate reduction measures such as double glazing on windows, air conditioning systems, and play areas located away from noise and pollution sources in an environmental report 	The spaces of the child care centre that will be used by children are well separated and shielded from the classified road by the proposed building and frontage landscaping. For example, outdoor play areas closest to the street are setback 22m (first floor) to 33m (ground floor), which is a sufficient distance to ensure that there will be no air quality impacts on the future occupants. On this basis, a specialist report is considered unnecessary. The submitted Acoustic Report addresses external noise impacts and provided recommendations for construction methodology. SEPP No. 33 has since been replaced by SEPP (Resilience and Hazards) 2021 and Chapter 3 (Hazardous and offensive development) does not include a requirement for a risk assessment.	Yes
(ii) Child care centres within 200m of a service station will not be approved unless the application is supported by a preliminary hazard analysis (PHA) under State Environmental Planning Policy No. 33 and a risk assessment (biophysical and societal) taking into account the sensitivity of the use.		N/A
(iii) Child care centres within 100m of above ground high voltage transmission lines or mobile phone towers or the like, will not be approved unless the application is supported by a hazard risk assessment which addresses the potential impacts on human health.	The site is not located within 100mm of high voltage power lines or mobile phone towers.	Yes
18.3 INDOOR AND OUTDOOR SPACE 18.3.1 Indoor space (i) Provide at least 3.25m ² of unencumbered indoor floor space for each child. (ii) Provide at least 10m ² of unencumbered indoor floor space for each employee, for office space, staff room, sick bay area and adult toilet and shower facilities.	The proposal is compliant, as outlined in Table 2 of this report. The proposal is compliant with the SEPP and Child Care Centre Guidelines, as outlined in Table 2 of this report.	Yes N/A
18.3.2 Outdoor space (i) Provide at least 7m ² open space per child.	The proposal is compliant, as outlined in Table 2 of this report.	Yes

Table 3: Relevant Provisions of Muswellbrook DCP 2009		
Provision	Proposal	Complies
Section 3 Site Analysis		
(ii) Ensure that exposure to external noise, pollution and winds is minimised	Complies, as previously outlined.	Yes
(iii) Ensure that 50% of all outdoor open space is shaded during the hours of 10am to 3pm. Shading may be provided by trees, awnings, or similar structures	The proposal is compliant, as outlined in Table 2 of this report.	N/A
(iv) Locate seating and outdoor play equipment in shaded areas *	The proposal is compliant, as outlined in Table 2 of this report.	N/A
(v) Ensure outdoor space receives a minimum of 2 hours direct sunlight per day.	Complies, as detailed in the shadow diagrams and sun eye views.	Yes
(vi) Use plant species in landscaping that are not harmful to children or the environment.	Complies – refer to landscape plans.	Yes
(vii) Ensure outdoor space is adequately shaded in accordance with guidelines set out in the NSW Cancer Council's Shade For Child Care Services publication.	The proposal is compliant, as outlined in Table 2 of this report.	N/A
18.3.3 Fences		
(i) Use materials and finishes for fences that complement characteristic visual elements in the surrounding physical environment and do not dominate the streetscape	Timber side fences proposed, with internal acoustic lining such as Perspex.	Yes
(ii) If perimeter fences of the outdoor space are close to a major road or a hazard, make them higher than the Australian Standard of 1200mm	None required.	-
(iii) Provide a childproof self locking mechanism on any gates *	Noted.	-
12.4 VISUAL AND ACOUSTIC PRIVACY		
12.4.1 Visual privacy		
(i) Provide screening by trees, fencing and window coverings to minimise overlooking and noise impacts	As proposed – refer to the submitted plans.	Yes
(ii) Locate any play structures at least 3m from any boundary with a residential property	The proposal is compliant will operate in compliance with the requirements of the Acoustic Report.	Yes
12.4.2 Acoustic privacy		
(i) Locate noisy areas such as outdoor space, vehicle access and pathways away from windows of adjoining dwellings	Suitable locations proposed, noting that the proposal is compliant will operate in compliance with the requirements of the Acoustic Report.	Yes
(ii) Appropriate noise reduction measures are utilised	As above.	Yes
(iii) Demonstrate compliance with operating noise levels by providing a report on noise levels prepared by a suitably qualified consultant.	As above.	Yes

Based on the above high level of compliance, the proposal will achieve a built form outcome and use that is appropriate and reasonably expected at the site.

4.2 Impacts on Natural & Built Environment (Section 4.15(1)(b))

Natural Environment

The proposal seeks to develop the site to provide a new child care centre and in doing so will incorporate appropriate construction methodology to minimise runoff and siltation beyond the site.

As previously outlined, existing trees on the site that are not considered to be environmentally significant.

The submitted landscape plan details high quality landscaping including appropriate screening vegetation to boundaries, shrubs, grasses and ground covers, and is an integrated landscape contribution to the building and use, is compatible with the area and suitable to the needs of the proposed land use, including quality, safe and educational play spaces.

Considering the above, the proposal will not give rise to significant impacts on the natural environment and will provide a net improvement to the natural features of the site.

Built Environment

The proposal does not give rise to any material impacts on the built environment as detailed below in relation to discussion on privacy, overshadowing, views as well as social and economic impacts.

Views

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

Aural and visual privacy

It is proposed that the facility will provide 92 childcare places and operate from 7am to 6pm Monday to Friday. No operation is sought on weekends or public holidays beyond staff and cleaning operations.

The plans and operational details have been reviewed by an Acoustic Consultant (Day Design Pty Ltd) and an Acoustic Report has been submitted with the application. With respect to the noise emission arising from the development, the report recommends the following measures:

Acoustic Fencing: To be constructed along the boundaries of the outdoor play areas, as details previously and in the submitted Acoustic Report. The acoustic fencing is detailed on the Architectural Plans prepared by *Art Made Architects*.

Mechanical plant: As is typical at DA stage, this has not yet been selected. Once it is, a detail acoustic assessment will be required, at Construction Certificate stage. As details are not currently known, in-principle noise mitigation measures are provided within the Acoustic Report.

Noise Management:

- Ensuring all staff and parents are provided with a copy of the Centres Noise Management Plan and its implications for them during their time at the Centre.

- The name and contact details of the Centre's Manager should be clearly displayed at the front of the building to ensure neighbours can contact that person at anytime the centre is operating.
- Ensuring a sufficient number of educators are provided to supervise children's outside play to discourage unnecessarily loud activities;
- Carers/Staff should be educated to control the level of their voice while outdoors.
- Facilitating children's small group play went outside, and encouraging educators to engage in children's play and facilitate friendships between children.
- Facilitating children's small group play when outside, and encourage educators to engage in children's play and facilitate friendships between children
- Crying children should be comforted as quickly as possible and moved indoors.
- Staff arriving prior to 7am and parking in the 'Staff' area should ensure they do not create unnecessary noise.
- While cleaners are on the site they should be instructed to not make any unreasonable level of noise. Normal conversations would be acceptable, however shouting would not.
- All staff meetings are taking place on the site, staff should be instructed to not make any unreasonable level of noise. Normal conversations would be acceptable, however shouting would not.
- Children should be permitted to play in the outdoor areas of the centre for a maximum of 4 hours total per day – i.e. 2 hours in the morning and 2 hours in the afternoon.
- All children are permitted to engage in active at apply at the same time.

The above noise management recommendations are included within the accompanying Plan of Management (POM).

The Acoustic Report concludes that subject to implementing the noise control recommendations, the facility can be constructed, and operations managed to meet the acoustic criteria relevant to the development.

In light of above and taking into consideration all recommendations from the Acoustic Assessment, the proposal has been designed to respond to the site context and will provide appropriate privacy and amenity to the child care facility as well as being capable of safeguarding the privacy of the adjoining properties.

The design approach seeks to protect adjoining residential amenity. The built form the majority of active spaces for the child care use at ground level, with limited space provided at the upper level which is surrounded by a 1.8m high perimeter acoustic fence.

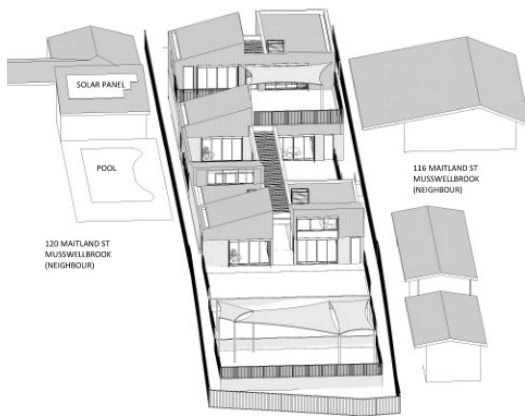
All site boundaries will be landscape treated and provided with necessary acoustic fencing.

As evident in the submitted Landscape Plan, the outdoor play areas will not give rise to significant noise impacts when considering the site arrangement and building configuration and coupled with new trees, screen landscaping bounding the play area and acoustic fencing proposed.

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

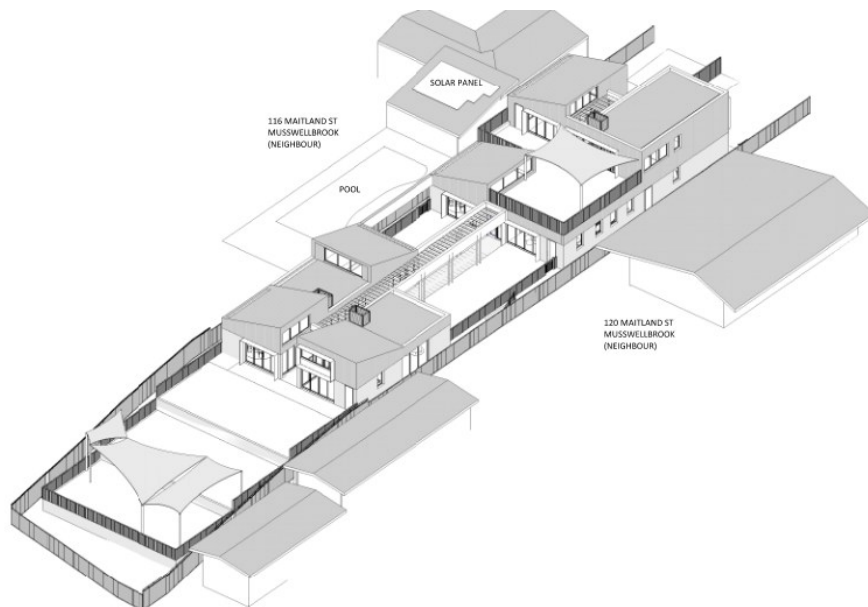
Overshadowing & Solar Access

The shadow diagrams submitted with the application detail the extent of shadow cast by the proposed works. In addition, accompanying view from sun diagrams assist in demonstrating the level of solar access resulting from the proposed development. The shadow and solar analysis provided confirms that the proposal will not overshadow any rear (north-east) facing windows or primary private open space of No. 120 Maitland Street, and will maintain solar access to the dwelling solar panels on No. 120 at mid-winter.



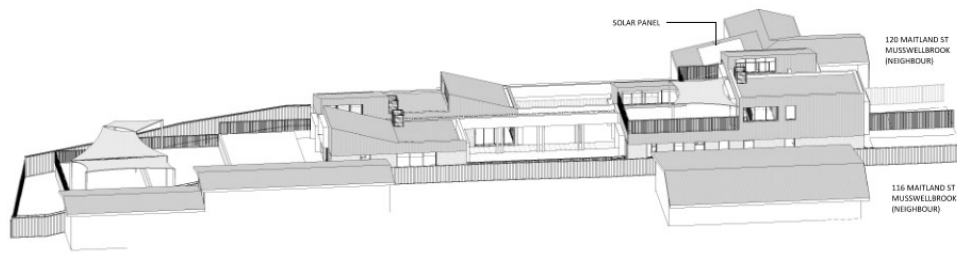
① WINTER SOLSTICE - JUNE 21 - 9AM

9am mid winter



② WINTER SOLSTICE - JUNE 21 - 12PM

Midday, mid-winter



③ WINTER SOLSTICE - JUNE 21 - 3PM

3pm, mid-winter

External Appearance

The proposed development reflects a contemporary residential style building, with a combination of flat and pitched roof elements with an overall residential aesthetic. The development has been cleverly designed as a series of modules and separate building elements which responds to local character by limiting bulk and scale. The building modules are connected with roof elements and covered walkways to give variations in the architectural design and create visual interest.

Parking is located at basement level and the site will be embellished with a comprehensive landscaping scheme. Pedestrian path from street level to the building entrance, and internally within the basement, allow for safe movement of visitors and staff.

The proposed palette of materials includes bagged masonry and metal render with light to mid grey tones to suit the residential character of the locality.

Overall, the proposed development will contribute a quality development that is residential in nature whilst also reflecting the child care land use. It is both compatible and sufficiently sympathetic within its R1 Zone context.

Social and Economic Impacts

The proposal provides a child care centre that is compatible with the context of the locality comprising residential development and business uses.

The proposal will result in only positive social impacts through the provision of a needed service and by connecting parents/guardians and their children with other people from the local area.

As confirmed throughout this Statement, there is an absence of impacts on the natural or built environment and the proposal will facilitate a compatible use at the site that will meet daily needs of residents and provide employment opportunities close to services. In addition, the proposal will create construction and operational related benefits to the economy.

4.3 The Suitability of the Site (Section 4.15(1)(C))

The proposal is permissible with consent in the *R1 – General Residential* zone that applies to the site and is consistent with the intention of the zone as a land use that provides *facilities or services to meet the day to day needs of residents*.

The submitted Flood Investigation Report undertakes an assessment of the proposal and makes the following observations and conclusions.

The site is severely impacted by floodwaters during the Muscle Creek PMF event. However, measures are proposed to address flood risk on the site. Recommended flood risk management measures include providing a minimum habitable floor level above the 0.2% AEP flood level of RL 150.24 m AHD, providing an upper floor refuge where occupants may shelter in place during a local PMF event, and preparation of a Flood Emergency Response Plan to be prepared prior to issue of Construction Certificate documentation which is to be included in an operational Plan of Management for the development.

During a 4 hour duration Muscle Creek PMF event (the design PMF event), floodwaters will begin to enter the basement approximately 1 hour and 45 minutes after the commencement of rainfall and vehicular access to Maitland Road will be lost shortly after when H3 floodwaters occur within the site (approximately 2 hours after commencement of rainfall). Vehicular and pedestrian access to and from the site will be cut for approximately 5 hours and 45 mins during a PMF event. If evacuation has not occurred under instruction from the SES prior to access being lost to Maitland Street, occupants of the site should seek refuge in the upper floor until floodwater recede. These actions should be identified in a Trigger Action Response plan prepared as part of the Flood Emergency Response Plan for the site.

The proposed upper floor refuge shall be structurally certified to withstanding the forces of PMF loading. Flood compatible materials are recommended for any structures located below RL 150.24 m AHD.

The proposed development will not result in flood impacts on adjoining properties during any Muscle Creek flood event up to and including the 0.2% AEP flood event.

Based on the foregoing, we are of the view that the proposed development meets the intent of the requirements of Muswellbrook Shire Development Control Plan (DCP) Section 13 – Floodplain Management and the principles outlined in the Floodplain Risk Management Manual in relation to management of flood risk.

Matters related to the classified road fronting the site and its potential impacts have been previously addressed.

In the absence of any unreasonable or unmanageable natural or built environmental impacts as detailed in this report, the development is suitable at the site.

4.4 The Public Interest (Section 4.15(1)(e))

The proposed use is permissible with development consent, is consistent with zone objectives and complies with all relevant aspects of the SEPPs, LEP, DCP and Guidelines. Accordingly, the proposed development is in the public interest and worthy of Council's support.

5 CONCLUSION

This Statement of Environmental Effects has detailed the specifics of the site and its context and outlines the proposal to construct a two storey centre-based child care centre to accommodate 92 children and 20 basement parking spaces.

The application has been considered in accordance with the matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal is permissible with consent from Council and complies with all relevant LEP provisions.

In addition, the proposal has been assessed with regard to the relevant SEPPs, LEP and DCP provisions applying to the site and proposed development and satisfies the Child Care Guidelines. The proposal will result in acceptable and compatible development that will have no significant adverse environmental impact on the locality.

When assessed against the requirements of the relevant planning controls, the proposal achieves a high level of compliance and is therefore responsive to the intention for development in the R1 residential zone.

As detailed in this Statement, the proposed development will not give rise to any unacceptable impacts on the natural or built environment and will positively contribute to the streetscape appearance of the locality. This is achieved by the proposed design that exhibits good street address through a highly modulated, visually interesting building with an integrated landscape treatment.

The proposal will provide a high amenity environment for facilitating child care services and results in acceptable / minimum impacts in terms of privacy and overshadowing for surrounding properties.

The proposal is suitable for the site and locality and is in the interest of the public. Accordingly, it is requested that Council determine the application favourably.

Annexure A

Plan of Management

PLAN OF MANAGEMENT

118 Maitland Street, Muswellbrook

Child Care Centre

March 2024

1 INTRODUCTION & OBJECTIVES

This Plan of Management provides guidelines and management practices for the day to day Operation of the child care centre including the use of indoor and outdoor areas, and carparking.

This Plan has the following aims for the child care centre:

- a. To operate in a manner that is consistent with good management;
- b. To operate in a way that has regard to the surrounding residential neighbourhood and street;
- c. To take a proactive role in being a responsible neighbour/tenant within the surrounding residential area; and
- d. Operates in a manner so as not to disturb the surrounding residential area.

This plan of management is designed to provide Council, the operators of the premises and the adjoining residents with clear guidelines that are to be employed to ensure that the proposed operation will not result in any significant or unreasonable impacts on the surrounding properties.

Prior to commencing work in the Centre, all staff will be made familiar with this Plan of Management, during their employment induction. Once made familiar all staff required to sign a register stating they have been acquainted with the Plan. The register is to be kept with this plan.

The sections describe the operational arrangements of the child care centre.

2 LICENSING

The child care centre will be operated in accordance with all relevant statutory requirements.

In this regard, the licensing procedure and proposed facilities and equipment requirement, staffing requirements, child number requirements, operational requirements, administrative requirements, probity checks, miscellaneous and record keeping will be in strict accordance with the Education and Care Services National Law Act 2010, the Children (Education and Care Services National Law Application) Act 2010 and the Education and Care Services National Regulations, or as described by the license given to the site operation.

3 OPERATIONAL DETAILS

The operational arrangements are detailed as follows:

- a. **Operating Hours:** The hours of operation of the centre are 7am – 6pm (Monday to Friday). Use of the premises after hours or on weekends will be only for staff and cleaning operation.
- b. **Operating Capacity:** A total of 92 children under 6 years are proposed within the following age groups:
 - 0-2 years – 12 children
 - 2-3 years – 20 children
 - 3-5 years – 60 children

Each child is provided with at least 3.25m² indoor play space and at least 7m² outdoor play space, as required by the regulations. The layout of the building, especially the play spaces and toilets are designed to allow easy access, functionality and constant supervision of children.

- c. Staff:** Based on the proposed centre capacity identified above, the following staff are required:

Age	No. of children	Staff Ratio	Staff provision
0-2 years	8	1:4 (cl. 123(1) of Regs)	3 educators
2-3 years	20	1:5 (cl. 123(1) of Regs)	4 educators
3-5 years	60	1:10 (cl. 271(2) of Regs)	6 educators

Light meals will be prepared for consumption on-site, such as sandwiches, pasta, fruit, muffins, pre-made pastries, and the like. 1 kitchen staff member will be employed as part of the operation. Kitchen waste is to be disposed in the bins provided and collected by a private contractor. The kitchen is only permitted to be used during operating hours of the Centre.

All staff members must undergo a mandatory Working With Children Check before employment and access to children through the NSW Government's Commission for Children and Young People.

d. Parking:

- A total of 20 parking spaces will be provided on site.

4 OPERATIONAL MANAGEMENT MEASURES

Provided below is a summary of the operational measures that will be employed to mitigate impacts on neighbours and clientele of the centre.

(i) Supervision and Management of Children

- There must be a compliant number of staff in accordance with license granted to the premises.
- The suitable number of staff shall be present at all times depending on the number of children and their age within the centre (indoors and outdoors).
- Staff must be positioned to allow for the supervision of children at all times.
- All children will be divided into groups to meet allowable numbers of children in outdoor play areas during free play. These groupings can rotate on a daily and or weekly basis according to staff programs/planning and documentation.
- Daily routines such as group times, transitions, eating, sleeping and resting, toileting, bathing, dressing, and undressing, and even arriving and leaving occur at particular parts of the day and provides qualified trained staff with valuable information about the child's development. The proposed routines for each respective age groups allows for flexibility according to variables such as weather, culture, children's/family's needs & interests, mixed ages, planned experiences and or spontaneity.

(ii) Noise Management

- Ensuring all staff and parents are provided with a copy of the Centres Noise Management Plan and its implications for them during their time at the Centre.
- The name and contact details of the Centre's Manager should be clearly displayed at the front of the building to ensure neighbours can contact that person at anytime the centre is operating.
- Ensuring a sufficient number of educators are provided to supervise children's outside play to discourage unnecessarily loud activities;
- Carers/Staff should be educated to control the level of their voice while outdoors.
- Facilitating children's small group play went outside, and encouraging educators to engage in children's play and facilitate friendships between children.

- Facilitating children's small group play when outside, and encourage educators to engage in children's play and facilitate friendships between children
- Crying children should be comforted as quickly as possible and moved indoors.
- Staff arriving prior to 7am and parking in the 'Staff' area should ensure they do not create unnecessary noise.
- While cleaners are on the site they should be instructed to not make any unreasonable level of noise. Normal conversations would be acceptable, however shouting would not.
- All staff meetings are taking place on the site, staff should be instructed to not make any unreasonable level of noise. Normal conversations would be acceptable, however shouting would not.
- Children should be permitted to play in the outdoor areas of the centre for a maximum of 4 hours total per day – i.e. 2 hours in the morning and 2 hours in the afternoon.
- All children are permitted to engage in active at play at the same time.

(iii) Traffic Management

Peak times for arrival of families/children and staff are anticipated to be between 7am-9am each week day morning and 4pm-6pm each week day afternoon.

The following traffic and parking parameters are to be implemented:

- Staff members who drive to the site are to occupy designated on-site staff parking spaces, in preference to parking on-street;
- Staff are only permitted to park in the designated staff parking spaces;
- Parent / visitors who drive to the site are to occupy designated on-site visitor parking spaces, in preference to parking on-street;
- The Neighbourhood Parking Policy should be provided to all staff and parents / guardians at the time of employment and enrolment, respectively.

(iv) Security and Access Management

The following matters are to be enforced:

- Entry to/from the centre is to be controlled by electronic means and/or supervised by staff during the peak drop-off and pick-up periods;
- All fences, gates and accessible windows will contain childproof locks and internal back to base alarms, as necessary.
- Security cameras are encouraged at the centre entrance and in key areas of the building.

(v) Site Servicing

The child care centre is likely to necessitate regular servicing with respect to the collection of refuse. Refuse is proposed to be contained on-site and collected by private contractor from the car parking area and outside of peak operating times.

Minor deliveries associated with the centre operation are expected to be undertaken by vans and utilities. Such servicing activities are proposed to be accommodated within a vacant visitor passenger vehicle parking space located within the parking area. These activities are to be undertaken between 10:00am and 3:00pm, thereby being outside of the peak child set-down / pick-up periods of the centre.

(vi) Cleaning and Maintenance

The premises is to be kept clean and tidy by staff. The premises, including furniture, fittings, utensils, cots and cot linen will be kept in good repair, clean, healthy, and free from vermin.

(vii) Essential Services – Fire Safety

The premises are inspected annually for the maintenance of the essential services of the building to the appropriate standards and compliance certification issued accordingly.

(viii) Maintenance

Required exits and egress paths are clear, and free of locks and obstructions. A maintenance person is to be engaged to monitor adherence to these aspects of the plan of management. Before the premises are occupied, an evacuation plan would be prepared and certified by the principle certifying authority.

- Management will conduct training of every new employee on:
- The duties of each work position
- Safety measures and procedures
- Emergency and evacuation procedures

(ix) Emergency Management

The purpose of this section is to provide a framework for the development of a specific emergency and evacuation procedures practices and guidelines of the centre. The operators are responsible for review, amending and adjusting this procedure prior to initial commencement of the child care centre operation and on an annual basis.

The Education and care Services National Regulations 2011 define an emergency in relation to an education and care services as any situation or event that poses an imminent or service risk to the persons at the service premises e.g. flood, fire or a situation that requires the service premises to be locked down. The relevant legislation and standards include but are not limited to:

- Education and care services National Law Act 2010, Education and Care Services National Regulations 2011: Regulation 97,98,168(2) National Quality Standard, Quality Area 2: Children's Health and Safety, Standard 2.3: Each child is protected; Element 2.3.3 – Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, Occupational Health and Safety Act 2004.

Procedures:

This Plan of Management is to be amended to address Flood Evacuation recommendations prior to occupation or use of the child care centre. As an initial response, it is noted that:

- The upper floor refuge proposes a finished floor level of RL 153.65m AHD providing 650mm to peak PMF floodwaters.
- Approximately 1 hour and 45 minutes warning time is available after the commencement of PMF rainfall. Therefore, early evacuation may be achievable subject to receiving an SES order.

The approved provider is responsible for:

- Ensuring that plans to effectively manage incidents and emergencies are developed in consultation with the relevant authorities, practised, implemented and regularly reviewed.
- Conducting a risk management assessment to identify potential emergencies that the service may encounter (Regulation 97(2))
- Developing instructions for what must be done in the event of an emergency (Regulation 97(1)(a))
- Developing an emergency and evacuation floor plan (Regulation 97(1)(b)).
- Ensuring that the emergency and evacuation procedures are rehearsed at least once every 3 months by all at the service (Regulation 97(3)(a)).
- Ensuring that the rehearsals of the emergency and evacuation floor plan and instructions are displayed in a prominent position near each exit at the service premises (Regulation 97(4)).

- Ensuring that those working at, or attending the service, have access to a phone or similar for immediate communication with parents/guardians and emergency services (Regulation 98), and that phone numbers of emergency services are displayed in each room of the service, near the phone.
- Identifying potential onsite hazards and taking action to manage and minimise risk.
- Ensuring the location of first aid kits, fire extinguishers and other emergency equipment are clearly signposted.
- Ensuring all emergency equipment is maintained on a regular basis in accordance with requirements specified by regulations, such as the Australian Standards Building Code of Australia e.g. fire extinguishers, smoke detectors, evacuation kits, sprinkler system and alarm or duress system.
- Providing a fully equipped portable first aid kit.
- Developing a regular training schedule for staff to ensure that they are able to deal with emergency situation e.g. first aid, emergency management and WHS training.
- Regularly reviewing, evaluating and updating emergency management plans and developing procedures to debrief staff following emergency incident.
- Conducting spot checks of documentation and practices to ensure all requirements of the policy are being complied with.
- Notifying Regulatory Authority within 7 days of an incident that required the service to be closed. Reporting incident to work cover NSW.
- Identifying staff and children requiring additional assistance in the event of emergency and ensuring that emergency contact details are provided on each child's enrolment.
- Ensuring that attendance record is maintained to account for all children and staff and visitors to the centre including arrival and departure time.

The Nominated Supervisor is responsible for:

- Ensuring that the emergency and evacuation floor plan is displayed in prominent positions and that all parents/guardians, volunteers, contact staff are briefed and aware of the procedures.
- Ensuring children are adequately supervised at all times and protected from hazards and harm.
- Ensuring evacuation plan is followed in the event of an emergency.
- Testing alarms and communication system regularly.
- Informing regulatory authorities including work cover NSW of any notifiable incident.

Service supervisors and other educators are responsible for:

- Implementing the procedures and responsibilities in this policy and the service's Emergency Evacuation Plan.
- Supervising the children in their care.
- Providing support to children before and during the emergency.
- Checking the attendance record is completed at the beginning of each day
- Checking emergency procedures is displayed in prominent location.
- Rehearsing emergency evacuation procedures with the children at least once every 3 months and documenting them.
- Providing feedback regarding the effectiveness of emergency and evacuation procedures.
- Completing the Incident, Injury, Trauma and illness record.
- Informing the Nominated Supervisor and/or Manager of the incidents.
- Attending first aid, emergency management and WHS training.

Parents / guardians are responsible for:

- Familiarising themselves with the service's emergency and evacuation policy and procedures.
- Ensuring they complete the attendance record on delivery and collection of their children.

- Providing emergency contact details on their child's enrolment form and ensuring this is kept up to date.
- Reinforcing the service's emergency and evacuation procedures with their child.

Role of Educator / supervisors during Evacuation procedure:

- Immediately when alarm sound educators will return to the group with which they are working if it is safe to do so.
- Educators are to ensure that sign in/out rolls and emergency contact lists remain in the vicinity of that particular group of children.
- After the alarm has been raised, group children and evacuate through the nearest exit to the designated safe area.
- Primary carer to call roll and settle children.
- Supervise and reassure children.
- Supervisors to ring 000 as soon as possible.
- Use red phone to alert staff.
- Check toilets, kitchen classrooms cot room and laundry and staff room
- Follow children and other to safe designated area.
- Supervise and reassure the children.
- Complete the written record detailing the evacuation.

5 COMPLAINT HANDLING PROCESS

This Plan of Management and the below complaints recording log is to be kept on site at all times. Any complaints made are to be recorded as follows and are to be made available to Council staff for review upon their request.

Complaints are to be followed up within 48 hours of the complaint being made and all reasonable efforts shall be made by the centre management to resolve the complaint and to avoid similar future complaints.

Complaints Log			
Date	Time	Nature of Complaint	Action Taken

Complaints Log			
Date	Time	Nature of Complaint	Action Taken

Complaints Log			
Date	Time	Nature of Complaint	Action Taken

6 REVIEW PROCESS TO CONTINUOUSLY IMPROVE

In the event a complaint is continually recorded and resolved in a simple operation manner, this Plan of Management is to be updated to incorporate this management process to avoid further disturbance and complaints.

7 UNDERSTANDING OF THE OPERATOR

I the licensee have read and understand this Operational Plan of Management.

Sign

Date