



# Statement of Environmental Effects

CHILD CARE FACILITY

MARULAN VILLAGE CENTRE  
69-73 GEORGE STREET  
MARULAN

4 APRIL 2021



## QUALITY ASSURANCE

|                   |  |
|-------------------|--|
| <b>PROJECT:</b>   | Statement of Environmental Effects – 76 place child care facility          |
| <b>ARCHITECT:</b> | Creative Drafting Services   |
| <b>ADDRESS:</b>   | Lot 1 DP 1268661, No.69-73 George Street, Marulan (Marulan Village Centre) |
| <b>COUNCIL:</b>   | Goulburn Mulwaree Council  |
| <b>AUTHOR:</b>    | Think Planners Pty Ltd   |

| Date          | Purpose of Issue | Rev   | Reviewed | Authorised |
|---------------|------------------|-------|----------|------------|
| February 2024 | Draft Issue      | Draft | EJ/JW    | JW         |
| April 2024    | Final Issue      | Final | EJ/JW    | JW         |

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

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## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application that proposes to construct a single storey, 76 place, 'Centre-Based Child Care Facility' with a total of 16 dedicated car parking spaces at-grade within the existing Marulan Village Centre, at 69-73 George Street, Marulan.

The site currently contains a variety of land uses including an IGA, Café and a Hairdresser Salon and a variety of other specialty tenancies. The proposal will expand the Village Centre to the north of the site to complete the Village Centre offering and provide much needed child care placements in a suitable location of Marulan.

The key aspects of the proposal are provided below:

### Centre-Based Child Care Facility:

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

The internal areas will consist of two outdoor play areas and four indoor play areas, cot rooms, an office, a foyer, a staff room, a kitchen, amenities, at-grade dedicated parking for 16 vehicles and associated site landscaping works.

The 'child care facility' will operate with a maximum of 76 places with the following breakdown of the age groups:

- 0-2 years: 16 kids
- 2-3 years: 20 kids
- 3-5 years: 40 kids

The facility provides a total of 263.6m<sup>2</sup> or 3.468m<sup>2</sup> of unencumbered indoor play area per child and 560.2m<sup>2</sup> or 7.37m<sup>2</sup> of unencumbered outdoor play area per child.

A breakdown of unencumbered indoor play areas per age group is provided below:

- 0-2 years: 57.9m<sup>2</sup>
- 2-3 years: 68.6m<sup>2</sup>
- 3-5 years: 137.1m<sup>2</sup>

There will be a maximum of 12 staff members with the proposed hours of operation to be between 7:00am and 6:00pm Monday – Friday (excluding public holidays).

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

- The design responds to the context of the surrounding area by proposing an attractive single storey-built form, consistent with its immediate context.
- The proposal has been designed to have regard to the heritage context and form of surrounding development.
- Appropriate additional landscape embellishment works to ensure that the landscape character of the site is respected.
- The proposed built form has been designed commensurate with the commercial character of the immediate locality.
- The proposed learning spaces provide a good mix of inclusive learning space for all students.
- The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.

#### Parking:

The proposal has provided a total of 16 dedicated car parking spaces at-grade comprising of 7 staff parking spaces and 9 visitor car parking spaces (including an accessible car parking space) with direct access with direct access from George Street. Access to the parking area is via the existing vehicle crossover and driveway from George Street. It noted that these spaces will be used during the operating hours of the child care centre only- with the parking spaces available to the broader Marulan Village Centre out of hours- i.e. evenings and weekends. This will maximise parking available during peak periods for the Marulan Village Centre.

#### Context

Residing within an established commercial precinct (Marulan Village Centre), Marulan Local Centre consists of an IGA, Café and a Hairdresser Salon within the site. The subject site is ideally located for a child care centre, residing within walking distance to Marulan Station and to educational establishment. To the south and west of the subject site on the opposite side of George Street is employment uses. George Street is a main access way into Marulan Local Centre from surrounding networks with land uses representing this status. There are a number of motels and holiday parks along with health care providers, local schools and food and drink premises. Within this context, the subject sites use as a child care centre is consistent and appropriate.

The parent allotment can be best described as an irregular shaped allotment with a frontage of 62.125m to George Street, 78.265m along the northern boundary and 80.055m to the rear eastern boundary, 100.75m to the southern boundary resulting in an area of 6,771m<sup>2</sup>. The development site experiences a fall from the western frontage towards the north eastern corner, meaning there will be minimal cutting required to present a building platform that meets the needs of the future child care centre.

The subject site is part of a wider commercial precinct, and the location of the proposed childcare facility is largely vacant.

The development site is zoned E1 – Local Centre under Goulburn Mulwaree Local Environmental Plan 2009. *‘Centre based child care facilities’* are permissible with consent within the E1 Zone.

The child care facility has been designed to comply with key planning requirements under Part 3.3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, Goulburn Mulwaree Local Environmental Plan 2009, Goulburn Mulwaree Development Control Plan 2009, Child Care Planning Guidelines and Children’s (Education and Care Services) Supplementary Care Provisions 2012.

Residing within an E1 – Local Centre, commercial estate, the predominant built form comprises small and large commercial premises and mixed architectural styles and ages. Fronting George Street are typically commercial premises and schools on large lots, alongside smaller residential lots the dominant housing typology within the area. The proposed single storey built form that has been designed in terms of its form and presentation to be compatible with the existing commercial and low-density residential built form character within the immediate locality. It is noted that the design of the scheme has been informed also by the heritage context of the heritage items to the immediate west of the site and the architectural forms designed accordingly. A Heritage Report has informed the design and considered the heritage impacts of the proposal.

The design scheme has also undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This includes the design of the building as single storey, along with its siting, and setbacks that ensure there will be no shadow impacts or overlooking to adjoining residential properties.

Parking is provided within an existing parking area on site, centralised within the existing commercial precinct (Marulan Village Centre), accessed via George Street. Access into the site is already formed with the kerb and will be retained in its existing location. Furthermore, the incorporation of acoustic barriers combined with a Plan of Management will ensure that the noise emission from both the indoor and outdoor play areas will comply with the relevant noise criterion.

The development seeks to utilise the land in accordance with the zoning and take advantage of its size and location within close proximity to commercial areas, local schools and train stations.

The development will also deliver a contemporary single storey built form that will be compatible with the existing commercial streetscape character along George Street whilst also increasing valuable child care places within Marulan.

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

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

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



## SITE AND LOCALITY DESCRIPTION

### LEGAL DESCRIPTION

The development site is legally known as Lot 1 in DP1268661, but is more commonly known as 69-73 George Street, Marulan. The site is known as the Marulan Village Centre.

### SUBJECT SITE

Residing within an established commercial centre, being Marulan Village Centre, the broader site consists of an IGA, Café and a Hairdresser Salon as well as specialty retail tenancies. The subject site is ideally located for a child care centre, residing within walking distance to Marulan Station and other educational establishment. To the south and west of the subject site on the opposite side of George Street is employment uses. George Street is a main access way into Marulan Local Centre from surrounding networks with land uses representing this status. There are a number of motels and holiday parks along with health care providers, local schools and food and drink premises. Within this context, the subject sites use as a childcare centre is consistent and appropriate.

The parent allotment can be best described as an irregular shaped allotment with a frontage of 62.125m to George Street, 78.265m along the northern boundary and 80.055m to the rear eastern boundary, 100.75m to the southern boundary resulting in an area of 6,771m<sup>2</sup>. The development site experiences a fall from the western frontage towards the north eastern corner, meaning there will be minimal cutting required to present a building platform that meets the needs of the future child care centre.

The subject site is part of a wider commercial precinct, and the location of the proposed childcare facility is currently vacant.

The development site is bounded by old style single and two storey commercial premises to its northern and George Street to the western boundary with employment use on the opposite side of the road. The subject site is part of the Marulan Local Centre. The figure provided in the overleaf shows the immediate context of the site via an aerial photograph.

Figure 1: Aerial Map of Subject Site (Source: Nearmap)



## BLOCK CONTEXT

The subject site sits within a large pocket of E1 Local Centre zoned land within the Marulan Town Centre. Within the wider locality, homes are typically single storey.

Employment uses are located on both sides of George Street, a main access way into Marulan. There are a number of commercial premises along with health care providers, and food and drink premises. Within this context, the subject site used as a centre based child care centre is consistent and appropriate. The site is within a comfortable walk to Marulan Train Station

The development will play a positive and valuable role in increasing child care places within Marulan by 76 additional places. Photographs are provided on the following page that give context to the locality and also the relationship of the development site with adjoining developments.

**Figure 3: Looking Marulan Village Centre from George Street (Google Street view)**



**Figure 4: Surrounding Commercial premises (Google Streetview)**



Figure 5: Surrounding commercial premises (Google Streetview)



Figure 6: George Street looking southwards (Google Streetview)



Figure 7: George Street looking northwards (Google Streetview)



## ZONING

As illustrated by Council's zoning map extract below, the development site is zoned E1 – Local Centre under the Goulburn Mulwaree Local Environmental Plan 2009.

'Centre Based Child Care Facilities' are permissible with consent within the E1 Local Centre Zone.

**Figure 8: Zoning Map (Source: Planning Portal- noting aerial photograph on NSW Planning Portal is not up to date- refer Figure 1 for current arrangement of buildings on the site)**



## HERITAGE

The site is identified as containing an heritage item and there are local heritage items within the broader locality, as illustrated by a heritage map extract below.

**Figure 9: Heritage Map (Source: Planning Portal) noting aerial photograph on NSW Planning Portal is not up to date- refer Figure 1 for current arrangement of buildings on the site)**



The current proposal does not propose any works on the heritage item and is sufficiently separated from the development site and is designed in a way that is sensitive to the heritage items given the single storey form proposed.

The local heritage items are sufficiently separated from the development site. As such, the current proposal will not have any impact on the heritage curtilage of those heritage items.

The design has been informed by a heritage report prepared by BCN Heritage that provides a heritage assessment and concludes that the development proposal is suitable with an extract provided below.

## 7 Summary and Recommendations

It is assessed that the proposed commercial development of the site at Lot 1 DP 1268661 is unlikely to have an adverse impact upon the cultural heritage values of the place.

The subject site is adjacent to the locally listed heritage items.

The proposed development is unlikely to have an impact on the identified significance of these items or an impact on the Victorian streetscape that has been recognised as important. There may be some minor visual impacts when viewed from George Street, but will not impact the significance of the area.

If Goulburn Mulwaree Council issues a Development Consent for the proposal described in this assessment conditions of consent similar to the following should be included:

- Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the National Parks and Wildlife Act, 1974.
- The Applicant must ensure that if unexpected archaeological deposits or relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.



## DESCRIPTION OF PROPOSAL

This Development Application proposes to construct a single storey x 76 place 'Centre-Based Child Care Facility' with a total of 16 dedicated car parking spaces at-grade within the existing Marulan Village Centre, at 69-73 George Street, Marulan. The site currently is accommodated by an IGA, Café and a Hairdresser Salon and a variety of other specialty tenancies. The proposal will expand the Village Centre to the north to complete the Village Centre offering and provide much needed child care placements in a suitable location of Marulan.

The key aspects of the proposal are provided below:

### Centre-Based Child Care Facility:

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

The internal areas will consist of two outdoor play areas and four indoor play areas, cot rooms, an office, foyer, staff room, kitchen, amenities, at grade dedicated parking for 16 vehicles and associated site landscaping works.

The 'child care facility' will operate with a maximum of 76 places with the following breakdown of the age groups:

- 0-2 years: 16 kids
- 2-3 years: 20 kids
- 3-5 years: 40 kids

The facility provides a total of 263.6m<sup>2</sup> or 3.468m<sup>2</sup> of unencumbered indoor play area per child and 560.2m<sup>2</sup> or 7.37m<sup>2</sup> of unencumbered outdoor play area per child.

A breakdown of unencumbered indoor play areas per age group is provided below:

- 0-2 years: 57.9m<sup>2</sup>
- 2-3 years: 68.6m<sup>2</sup>
- 3-5 years: 137.1m<sup>2</sup>

There will be a maximum of 12 staff members with the proposed hours of operation to be between 7:00am and 6:00pm Monday – Friday (excluding public holidays).

Parking:

The proposal has provided a total of 16 dedicated car parking spaces at-grade comprising of 7 staff parking spaces and 9 visitor car parking spaces (including an accessible car parking space) with direct access with direct access from George Street. Access to the parking area is via the existing vehicle crossover and driveway from George Street. The proposal does alter the existing parking layout in proximity to the centre as demonstrated on the submitted plans.

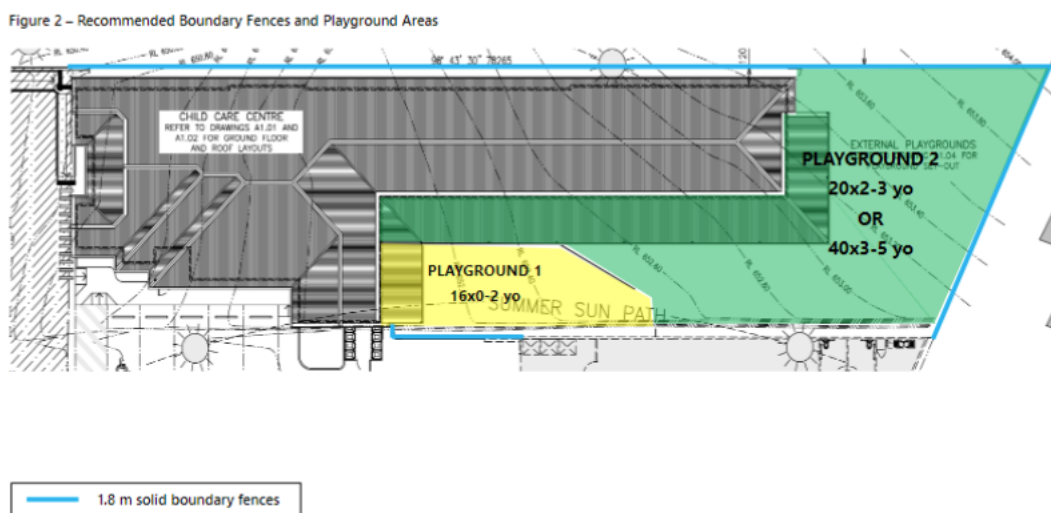
It should be noted that the above-mentioned car parking allocation for the proposed childcare centre apply on weekdays only, with these car spaces being used by the other existing businesses on weekends, to minimise any impacts on parking for the existing shopping village.

A traffic and parking study by Hemanote concludes the extent and quantum of parking is sufficient for the proposed use when considering the variety of uses on the broader site.

Acoustic Barriers:

An Acoustic Report has been prepared for the application by Renzo Tonin & Associates. This report has included a number of recommendations, including for acoustic barriers along the northern, southern and eastern boundaries as shown below. Refer to the acoustic report for complete details.

**Figure 8: Acoustic barriers**



Signage:

Signage is not proposed as part of the current application, noting signage will be part of future DAs.

A description of the various aspects of the proposal is provided below.

| Level        | Inclusion  |
|--------------|--|
| Ground Floor | <p><b>Access</b></p> <p><u>Vehicle:</u></p> <p>Vehicle access is via the existing driveway access to an at-grade carpark from George Street</p> <p><u>Child Care Facility:</u></p> <p>An entrance is provided within the car parking lot accessed via George Street. A pathway is provided adjacent to the carpark that directs visitors to the main entry point of the child care centre.</p> <p><b>Parking</b></p> <p>A total of 16 dedicated spaces are provided at grade within an existing parking area, with 7 for staff and 9 for visitors, inclusive of a single accessible space.</p> <p><b>Child Care Facility</b></p> <p>Child care facility comprises the following:</p> <ul style="list-style-type: none"> <li>- Front porch/entry point</li> <li>- Internal foyer</li> <li>- Administrative areas including: <ul style="list-style-type: none"> <li>o Reception area</li> <li>o Staff room</li> <li>o Accessible washroom</li> <li>o Office</li> <li>o Laundry</li> <li>o Kitchen</li> <li>o Cot Room</li> <li>o Childrens Washroom</li> </ul> </li> </ul> |

- A total of 263.6m<sup>2</sup> unencumbered indoor play area comprising of:
  - o Indoor Playroom 01 of 57.9m<sup>2</sup> :
    - 16 Children between 0 - 2 years
    - storage cupboard
    - craft station,
    - Shared bathroom with nappy change room with Playroom 2
    - bottle preparation area
    - 2x cot room
    - Access to the outdoor play area via a covered transitional area.
  - o Indoor Playroom 02 of 68.6m<sup>2</sup>:
    - 20 children between 2-3 years
    - Shared storage cupboard with Playroom 03
    - craft station,
    - Shared bathroom with nappy change with Playroom 01
    - Access to the outdoor play area via a covered transitional area.
  - o Indoor Playroom 03 of 66m<sup>2</sup>:
    - 20 children between 3-4 years
    - storage cupboard shared with Playroom 02
    - craft station,
    - shared bathroom with Playroom 04
    - Access to the outdoor play area via a covered transitional area.
  - o Indoor Playroom 04 of 68.5m<sup>2</sup>:
    - 20 children between 4-5 years
    - storage cupboard
    - craft station,
    - Shared bathroom with Playroom 03
    - Access to the outdoor play area via a covered transitional area.
- A total of 560.2m<sup>2</sup> unencumbered outdoor play area.
- External storeroom

#### Service

Service areas including

- Bin room adjacent to the car park

Landscaping including along the side and front setbacks and also designated deep soil areas.

### Remedial Action Plan

Minor contamination was identified as set out in the Detailed Site Investigation prepared by Martens and this has informed a Remediation Action Plan that will remediate the identified contamination and make the site suitable for the development proposal as a child care centre.

### Supporting Reports

The relevant architectural plans for the proposal have been prepared by Creative Drafting services whilst supporting reports and documents have been prepared by relevant sub consultants dealing with matters such as traffic and parking, noise, drainage and landscaping.

### Design Intent

The design scheme has also undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This includes the design of the building as single storey, along with its siting, and setbacks that ensure there will be no shadow impacts or overlooking. Outdoor play areas are predominantly screened by the building which provides an effective barrier to the site boundary. Landscaping along the site boundaries provides effective acoustic screening, along with beautification of the subject site.

Parking is provided within an existing parking area on site, centralised within the existing commercial precinct (Marulan Village Centre), accessed via George Street. Access into the site is already formed with kerb and will be retained in its existing location. Furthermore, the incorporation of acoustic barriers combined with an Operational Management Plan to ensure that the noise emission from both the indoor and outdoor play areas will comply with the relevant noise criterion.

The development seeks to utilise the land in accordance with the zoning and take advantage of its size and location within close proximity to commercial areas, local schools and train stations. The development will also deliver a contemporary single storey built form that will be compatible with the existing commercial streetscape character along George Street whilst also increasing valuable child care places within Marulan.

## PLANNING CONTROLS

### STATUTORY CONTROLS

The relevant Statutory Planning Controls include:

- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Goulburn Mulwaree Local Environmental Plan 2009

### POLICY CONTROLS

The applicable policy control documents include:

- Goulburn Mulwaree Development Control Plan 2009
- Childcare Planning Guidelines
- Education and Care Services National Regulations 2012

## CONSIDERATION OF PLANNING CONTROLS

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

### STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

This SEPP came into effect on 1 October 2023 and incorporated the provision of the now repealed State Environmental Planning Policy (BASIX) 2004.

The Sustainable Building SEPP encourages the design and construction of more sustainable buildings across NSW. It applies to a range of development types, including residential and commercial developments.

Chapter 2 of the SEPP contains controls for the standards for residential development – BASIX and is not applicable to this development.

Chapter 3 of the SEPP contains controls for the Standards for non-residential development. As the proposal is not for the erection of a new building greater than \$5 million or an alteration that has a capital investment value of over \$10 million and hence a BASIX report is not required. Please see below for detailed discussion regarding the application of Chapter 3.

| Clause 3.1 Application of Chapter  | Response   |
|--|--|
| <p>(1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—</p> <ul style="list-style-type: none"> <li>(a) the erection of a new building, if the development has a capital investment value of \$5 million or more, or</li> <li>(b) alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more.</li> </ul> | <p>No, the proposed development is not for an erection of a new building that has a capital investment value over \$5 million.</p> |
| <p>(2) This chapter does not apply to the following development-</p> <ul style="list-style-type: none"> <li>(a) development that is permitted with or without consent or that is exempt or complying development under— <ul style="list-style-type: none"> <li>(i) State Environmental Planning Policy (Exempt and</li> </ul> </li> </ul>  | <p>The development is not permitted or permitted without consent under relevant SEPPs.</p>   |

Complying Development Codes) 2008, or  
 (ii) State Environmental Planning Policy (Resources and Energy) 2021, Chapter 2,  
 or  
 (iii) State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 5,

(b) development on land wholly in any of the following zones— N/A

- (i) Zones RU1, RU2 or RU3,
- (ii) Zone E5,
- (iii) Zone IN3,
- (iv) Zones C1, C2 or C3,
- (v) Zones W1, W2, W3 or W4,

(c) development for the purposes of residential care facilities. N/A

## STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

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

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

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

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

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

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



| Matter for consideration   | Yes | No                         |
|--|-----|----------------------------|
| Does the application involve re-development of the site or a change of land use?   | X   |                            |
| Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?   | X   |                            |
| Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?<br><br>acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation |     | X                          |
| Is the site listed on Council's Contaminated land database?  |     | X                          |
| Is the site subject to EPA clean-up order or other EPA restrictions?   |     | X                          |
| Has the site been the subject of known pollution incidents or illegal dumping?   |     | X                          |
| Does the site adjoin any contaminated land/previously contaminated land?   |     | X                          |
| Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?   |     | Yes- See discussion below. |

A DSI has been prepared for the subject site by Martens that concluded that a RAP was required. The RAP report concludes that the site can be made suitable for the proposed centre based child care centre, with the conclusion and recommendations reproduced below from the DSI:

## 8 Conclusion and Recommendations

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For the purposes of a proposed childcare development at 69-75 George Street, Marulan, NSW, this DSI was completed by MA to assess the risk associated with the identified potential sources of contamination.

Based on the findings of this DSI, potential risks to human health and ecological receptors exist in soils at the Site associated with TRH F3 and benzo(a) pyrene TEQ contamination. MA considers that the Site can be made suitable for the proposed use as a childcare centre provided the following recommendations are implemented:

- Prepare and implementation of a Remedial Action Plan (RAP) to guide the proposed development works and outline the necessary remediation and validation requirements associated with the hydrocarbon impacted fill and stockpile. Following remediation works, a validation report is required to be prepared to confirm Site suitability for the proposed childcare development.
- Preparation and implementation of a Construction Environmental Management Plan (CEMP) for the construction phase of the project. The CEMP is to include protocols to address any unexpected finds which may be encountered during bulk excavation works.
- Undertake a formal waste classification assessment of both fill and natural material to ensure that spoil generated during excavation work is classified and disposed of in accordance with NSW EPA (2014) Waste Classification Guidelines.

The findings of the DSI have informed the RAP that and the conclusion of the RAP is provided over the page.

## 10 Conclusion

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This RAP has been prepared by MA to support a development application to Goulburn Mulwaree Council for a proposed childcare centre development with bulk excavation up to 3.0 mbgl.

The findings of previous soil investigation documented in a DSI report by MA (2024) identified contaminated soils TRH F3 (>C16-C34) and benzopyrene TEQ within recognised AECs exceeding human health and ecological criteria. The DSI recommended that a RAP be prepared to establish a remedial strategy to guide the remediation required to make the land suitable for the proposed use.

The RAP describes remediation works intended to render the site suitable for the proposed childcare development. The remediation strategy adopted was selected in consideration of the requirements of the development (i.e. a bulk excavation) and involves excavation and offsite disposal of impacted fill material to a licenced waste facility.

Subject to the limitations of this report, MA consider that soil contamination can be adequately remediated by implementation of the RAP to allow the site to be made suitable for the proposed residential land use with access to soil. MA also consider that Section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 can be satisfied by the following items being made conditions of development consent to ensure that contamination is remediated to a standard consistent with the proposed land use:

- Implementation of the RAP.
- Provision of a Validation Report to City of Goulburn Mulwaree Council documenting all remedial works undertaken (as outlined in the RAP) at the Site, that concludes that the land has been remediated to a standard suitable for the land use scenario proposed at the Site.

Based on the above the site can be made suitable for the development of the site as a child care centre.

## STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

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

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)

Chapter 2 of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application. This chapter seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The subject site is within a well-established commercial area, having historically been used for urban purposes, with no trees proposed to be removed.

The proposal is to introduce high quality landscape embellishment works within the existing character with the majority of plantings throughout the play area and some other plantings provided in the vicinity of the entry areas.

Chapter 3 – Koala habitat protection contains provisions from the Koala SEPP 2020 and, as an interim measure, applies in the NSW core rural zones of RU1, RU2 and RU3, except within the Greater Sydney and Central Coast areas. Given the sites location and zoning this chapter is not applicable to the development.

Chapter 4 – contains the land-use planning and assessment framework from the former Koala SEPP 2021 for koala habitat within Metropolitan Sydney and the Central Coast and applies to all zones except RU1, RU2 and RU3 in the short term. The site is not identified as containing koala habitat and accordingly this chapter is not applicable to this development.

Chapter 5 – contains the provisions from the former Murray REP, which establishes a consistent and co-ordinated approach to environmental planning and assessment along the River Murray. Given the sites location, this chapter is not applicable to this development.

Chapter 6 – contains the provisions for water catchments including:

- (a) The Sydney Drinking Water Catchment,
- (b) The Sydney Harbour Catchment,
- (c) The Georges River Catchment,
- (d) The Hawkesbury-Nepean Catchment.

The subject site is subject to the broad planning principles contained within the chapter. The Hawkesbury-Nepean must be considered and achieved, where possible, in the carrying out of development within the catchment.

The relevant principles include:

- Protect and improve hydrological, ecological and geomorphologic processes;
- Consider cumulative impacts of development within the catchment;
- Improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- Protect and rehabilitate riparian corridors and remnant vegetation.

The proposed Development does not detract from the above listed principles given the nature of the Development and the environmental safeguards proposed, including the detailed drainage concept and erosion and sediment controls that will be in place throughout the construction phase of the Development. It is noted that WSUD (water quality) measures are also proposed to treat stormwater run-off from the site.

The proposal will be required to demonstrate NORBE and the submitted stormwater plans have been modelled to provide suitable water quality treatments.

Chapters 7 – 12 are repealed.

## STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

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

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

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

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

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

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

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

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

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

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

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

This chapter identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'.

The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements. Therefore, concurrence from the RMS is not required.

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

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

| SEPP   | Comment  |
|--|--|
| <p><b>3.1 Aims</b></p> <p>The aims of this Policy are as follows:</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p> <p>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impacts as exempt development), and,</p> <p>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivery and to minimise impacts on surrounding areas, and</p> <p>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p> <p>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services,</p> <p>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</p> <p>(h) encouraging proponent of new development or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</p> | <p>The proposal will result in an addition of valuable child care places within Marulan.</p> |

### 3.3 Interpretation

**centre-based child care facility means:**  
a building or place used for the education and care of children that provides any one or more of the following:

long day care,  
occasional child care,  
out-of-school-hours care (including vacation care)  
preschool care, or  
an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW),

but does not include:

- a building or place used for home-based child care or school-based child care, or
- an office of a family day care services (within the meanings of the Children (Education and Care Services) National Law (NSW), or
- a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

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

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

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

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

## 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 provisions of the *Child Care Planning Guidelines*, in relation to the proposed development.

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



**3.25 Centre-based child care facility – floor space ratio**

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

Not applicable as the site is zoned E1 – Local Centre.

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

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

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

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

There are no restrictions relevant to the proposed development.

**(b) indoor or outdoor space**

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

The centre-based child care facility provides 263.6m<sup>2</sup> or 3.468m<sup>2</sup> of unencumbered play space and 560.2m<sup>2</sup> or 7.37m<sup>2</sup> of unencumbered outdoor play space which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.

**(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies – the development complies with the indoor**

space requirements or the useable outdoor play space requirements in that clause,

Indoor play space required = 3.25m<sup>2</sup> for each child

Outdoor place space required = 7m<sup>2</sup> for each child

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

Noted, the proposal complies.

There are no restrictions relevant to the proposed development.

### 3.27 Centre-based child care facility – development control plans

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

Noted.

- (a) operational or management plans or arrangements (including hours of operation),
- (b) demonstrated need or demand for child care services,
- (c) proximity of facility to other early childhood education and care facilities,
- (d) any matter relating to development for the purpose of a centre-based child care facility contained in:
  - (i) the design principles set out in Part 2 of the *Child Care Planning Guidelines*, or
  - (ii) the matters for consideration set out in Part 2 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

## CHILD CARE PLANNING GUIDELINE

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

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

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

The Guideline underwent minor revisions in 2021 however the provisions are largely the same.

| SEPP  | Comment   |
|---|---|
| <p><b>Objectives</b><br/>The planning objectives of this Guidelines are to:</p> <ul style="list-style-type: none"> <li><i>promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations</i></li> <li><i>ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses</i></li> <li><i>minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment</i></li> </ul> | <p>The development results in a high quality centre-based child care facility designed to comply with the requirements of the National Regulations.</p> <p>The centre-based child care facility proposes a contemporary single storey built form that will be consistent and compatible with the existing commercial and wider low density character within the locality.</p> <p>The primary front setback to George Street, landscaping between the parking and the rear of the building and along the side setbacks are landscaped to provide an attractive setting for the child care centre, along with ensuring the amenity of surrounding neighbours is protected/ enhanced.</p> <p>The development has been designed to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing, as discussed in detail further within this statement.</p> |

## Part 2 Design Quality Principles

### Principle 1 – Context

*Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*

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

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

The child care facility is compatible in scale and design with the existing commercial and wider low density residential built form along George Street.

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

Combined with compliance with height and setback provisions will ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter. Noting the development adjoins commercial premises.

The site is within Marulan City Centre, schools and is adjacent to employment areas and important roads such as George Street. This ensures that the site takes advantage of its local context and provides a child care centre in an appropriate location.

### Principle 2 – Built form

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

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

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

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

The development proposes a contemporary single storey built form that is considered to be consistent and compatible with the existing commercial built form character within the subject area.

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

**Principle 3 - Adaptive learning spaces**

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

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

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

**Principle 4- Sustainability**

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

*This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs.*

*Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.*

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

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

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

**Principle 5 - Landscape**

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

*Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.*

*Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree*

The subject site is within a well-established residential area, having historically been used for urban purposes. The proposed development represents a significant improvement in the built form and landscaping on the site.

The development proposes appropriate landscape embellishment works that will contribute to the local context.

The landscaping plan incorporates planting that comprises a mix of trees, shrubs and grasses. Refer to the attached Landscaping Plan for details.

canopy, habitat values and preserving green networks.

**Principle 6 - Amenity**

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

*Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.*

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

The development provides well designed indoor and outdoor play areas, access to sunlight and natural ventilation and visual and acoustic privacy.

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

**Principle 7 - Safety**

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

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

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

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

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

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

The proposed development incorporates an active façade that will permit casual surveillance to the common areas within the development site.

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

Part 3 Early education and care facilities – specific development controls

3.1 Site selection and location

|   |  |
|---|--|
| <p><b>C1 – For proposed development in or adjacent to a residential zone, consider:</b></p> <ul style="list-style-type: none"> <li>• <b>the acoustic and privacy impacts of the proposed development on the residential properties</b></li> </ul> | <p>An Environmental Noise Assessment prepared by Renzo Tonin &amp; Associates which accompanies this application has found that, provided the recommendations in Section 4.4 of this report are implemented, the level of noise emitted by the proposed Child Care Centre will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultant’s <i>Guideline for Child Care Centre Acoustic Assessment</i> and the NSW Environment Protection Authority’s <i>NSW Road Noise Policy</i>.</p> <p>The development is to incorporate appropriate noise mitigation measures including acoustic barriers in accordance with the Environmental Noise Assessment to minimise noise impacts from children playing, noting that an Operational Management Plan is to manage outdoor play times and the number of children accessing outdoor areas at any one time. Refer to the attached Environmental Noise Assessment for more details.</p> <p>The proposal has been designed to use the building and landscaping as an effective screen to the surrounding neighbours. This provides an effective noise barrier, in addition to distance which can both block and diffuse sound.</p> |
| <ul style="list-style-type: none"> <li>• <b>the setback and siting of buildings within the residential context</b></li> </ul>   | <p>Complies with setback requirements under the DCP.</p>   |
| <ul style="list-style-type: none"> <li>• <b>traffic and parking impacts of the proposal on residential amenity</b></li> </ul>   | <p>The traffic &amp; Parking Assessment prepared by Hemanote has found that the proposed child care facility will pose no impact on the local area regarding parking and traffic, with an adequate provision of parking spaces in accordance with the CCPG and the RMS Guide of 1 per 4, and that all parking areas comply with Australian Standards. The shared use of parking areas during child care operation has been confirmed as being appropriate noting the full parking extent will be available to the commercial uses outside of the operating hours of the child care centre.</p> <p>Refer to the attached Traffic &amp; Parking Assessment for details.</p>  |

**C2 – When selecting a site, ensure that:**

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

Centre-based child care facilities are permissible and compatible with land use within the E1 –Local Centre Zone.
- **the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards**

The site is not identified as being affected by land slip, flooding, bushfires, coastal hazards and other environmental hazards.
- **there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed**

Martens has prepared a DSI and RAP for the subject site and concluded that it can be made suitable for its intended use as a child care centre. The recommendations in the report can be included as conditions of development consent.
- **the characteristics of the site are suitable for the scale and type of development proposed having regards to:**

  - **size of street frontage, lot configuration, dimensions and overall size**
  - **number of shared boundaries with residential properties**
  - **will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas**
  - **where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use**
  - **there are suitable drop off and pick up areas, and off and on street parking**

The site is large, with appropriate parking and open space areas to provide an attractive, low scale child care centre of 76 places. This ensures that the overall character remains within a landscaped setting and with plenty of deep soil.

The development is to provide a contemporary single storey built form designed to be consistent with the existing commercial and low density character within the immediate locality.

The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas.

N/A. Development proposes to undertake the development of a new centre-based child care facility.

The development provides 16 car parking spaces, with 9 provided for parents dropping off children. The traffic & Parking Assessment prepared by Hemanote has found that the proposed child care facility will pose no impact to the local area regarding parking and traffic, with an adequate provision of parking spaces in accordance with the CCPG and the RMS Guide of 1 per 4, and that all parking areas comply with Australian Standards. The use of a 1 per 4 rate is considered suitable given the DCP provisions are limited and only require parking for 1 per 2 staff.



- **the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use** The subject site does not have any frontage to a classified road. not applicable.
  
- **not located closely to incompatible social activities and uses such as restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises** The subject site is not located close to incompatible social activities and uses.

**C3 – A child care facility should be located;**

- **near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship** The subject site is located within Marulan Town Centre, including parks, shops, schools and public transport opportunities. In addition, it is near adjacent employment areas and provides appropriate child care places for both workers and residents.
- **near or within employment areas, town centres, business centres, shops**
- **with access to public transport including rail, buses, ferries**

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

- **proximity to**
  - **heavy or hazardous industry, waste transfer depots or landfill sites** The subject site is not located within proximity to any identified environmental hazard.
  - **LPG tanks or service stations**
  - **water cooling and water warming systems**
  - **odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses**
  - **extractive industries, intensive agriculture, agricultural spraying activities**
  
- **any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site** Martens has prepared a DSI and RAP for the subject site and concluded that it can be made suitable for its intended use as a child care centre. The recommendations in the report can be included as conditions of development consent.

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

#### C5 – The proposed development should:

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• contribute to the local area by being designed in character with the locality and existing streetscape</li> <li>• reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>• recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>• include design and architectural treatments that responds to and integrate with the existing streetscape</li> <li>• use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>• integrate car parking into the building and site landscaping design in residential areas</li> <li>• First floor play areas only permitted where ‘good design’ is demonstrated.</li> </ul> | <p>The centre-based child care facility has been designed to be consistent and compatible with the existing commercial and low density characteristics along George Street.</p> <p>Appropriate landscaping is to be provided.</p> <p>The primary front setback to George Street and along the centre frontage is to be also landscaped to minimise the impact of hard surfaces whilst integrating the proposal within the context of the site and its surrounds.</p> <p>Complies, refer to the attached plans</p> <p>N/A</p> |
|--|--|

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

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• fencing to ensure safety for children entering and leaving the facility</li> <li>• 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</li> <li>• integrating existing and proposed landscaping with fencing</li> </ul> | <p>The proposal incorporates built elements and landscaping that clearly distinguish between the public and private domain.</p> <p>The proposed development incorporates an active façade that will permit casual surveillance of the site’s frontage to George Street and car parking area and to the common areas within the development site.</p> <p>Proposed landscaping works seek to soften the built form whilst also seeking to integrate the development with the site’s residential context.</p> |
|---|--|

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

The site does not contain multiple buildings or entries.

The primary entry point is designed to be clearly visible and legible from George Street and within the internal carpark.

#### C8 – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by

|  |   |
|--|---|
| <p>adopting some of the following design solutions:</p> <ul style="list-style-type: none"> <li>• <b>clearly defined street access, pedestrian paths and building entries</b></li> <li>• <b>low fences and planting which delineate communal/private open space from adjoining public open space</b></li> <li>• <b>minimal use of blank walls and high fences</b></li> </ul>  | <p>The development site does not adjoin public parks, open space or bushlands, however, has been designed to provide clearly defined street access, pedestrian paths and building entry from George Street and an internal car parking area</p> <p>Fencing and landscape works will contribute towards delineating communal/private open space from the public domain.</p> <p>The development incorporates architectural features and articulation to provide an attractive single storey built form that appropriately addresses George Street and the precinct.</p> |
| <p><b>C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</b></p> <p><b>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.</b></p>   | <p>Development proposes appropriate fencing that is consistent with fencing within the precinct and with comparable child care facilities within the wider Local Government Area.</p> <p>N/A - The site is not identified as a heritage item nor is not located within a heritage conservation area or adjacent to a heritage item.</p>   |
| <p><b>C10 – High solid acoustic fencing may be used when shielding the facility from noise on classified roads.</b></p> <p><b>The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</b></p>  | <p>The proposed development is not adjacent to a classified road. Not applicable.</p>   |
| <p><b>3.3 Building orientation, envelope and design</b></p>  |   |
| <p><b>C11 – Orient a development on a site and design the building layout to</b></p> <ul style="list-style-type: none"> <li>• <b>ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by;</b> <ul style="list-style-type: none"> <li>- <b>facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</b></li> <li>- <b>placing play equipment away from common boundaries within residential properties</b></li> </ul> </li> </ul> | <p>The proposed single storey centre-based child care facility has been designed to ensure that there is no visual privacy or overlooking impacts on neighbouring properties. This has been achieved through constructing a single storey building, use of appropriate windows and openings, using the building to buffer the outdoor play area, and fencing as per the acoustic report recommendations. This ensures that there are no impacts on the amenity of surrounding properties.</p>   |

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| <ul style="list-style-type: none"> <li>- <b>locating outdoor play areas away from residential dwellings and other sensitive uses</b></li> </ul>   | <p>The development is to incorporate appropriate noise mitigation measures including acoustic fencing in accordance with the attached Environmental Noise Assessment to minimise noise impacts from children playing, noting that an Operational Management Plan is to manage outdoors. Refer to the attached acoustic report and Plan of Management for additional details.</p> |
| <ul style="list-style-type: none"> <li>• <b>optimise solar access to internal and external play areas</b></li> </ul>  | <p>The internal and external play areas associated with the child care facility have been oriented and designed to maximise solar access.</p>  |
| <ul style="list-style-type: none"> <li>• <b>avoid overshadowing of adjoining residential properties</b></li> </ul>  | <p>There is no overshadowing of neighbouring properties as shown in the submitted shadow diagrams.</p>   |
| <ul style="list-style-type: none"> <li>• <b>ensure buildings along the street frontage define the street by facing it</b></li> </ul>  | <p>The proposed development is an attractive contemporary single storey child care facility has been designed to address George Street.</p>  |
| <ul style="list-style-type: none"> <li>• <b>ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions</b></li> </ul> | <p>Complies, the outdoor play area situated above the ground floor is to be enclosed and will provide appropriate protection from the wind and other climate conditions.</p>   |

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

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| <ul style="list-style-type: none"> <li>• <b>building height should be consistent with other buildings in the locality</b></li> <li>• <b>building height should respond to the scale and character of the street</b></li> <li>• <b>setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</b></li> <li>• <b>setbacks should provide adequate access for building maintenance</b></li> <li>• <b>setbacks to the street should be consistent with the existing character</b></li> </ul> | <p>The development proposes a single storey building that is consistent and compatible with the existing commercial and low density built form character within the locality.</p> |
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| <p><b>C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</b></p> | <p>The development has been designed to comply with setback requirements under the DCP for dwelling houses.</p> |
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| <p><b>C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.</b></p> | <p>The development has been designed to comply with setback requirements under the DCP for dwelling houses.</p> |
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**C15 – Entry to the facility should be limited to one secure point which is:**

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

The child care facility provides a direct and clear primary entry point from George Street and from the internal car park.

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

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

**C16 – Accessible design can be achieved by:**

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

Development has been designed to be accessible to and within the building in accordance with all relevant legislation, with direct equitable pedestrian access provided to the primary entry points of the child care facility via a graded pathway from George Street.

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

The development provides an appropriate continuous path of travel to and within the building, including access between the street entry points and main building entrances via a graded pedestrian pathway from George Street and the internal carpark.

### 3.4 Landscaping

**C17 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.**

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

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

The proposal seeks to introduce high quality landscape embellishment works within the existing commercial character, including along the primary front setback to George Street and in front of the proposed facility. A high quality landscape strategy has been provided to ensure that the building and carpark sit within an attractive landscape setting. This also ensures that significant areas of deep soil are retained that

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| <p><b>vegetation communities into landscaping</b></p>  | <p>assists in both natural drainage functions, but also the retention of trees and space for new plantings.</p> <p>The landscaping plan incorporates planting that can be utilised as part of learning programmes within the centre to assist with attending children understanding the benefits of utilising local native plantings.</p> <p>Refer to the attached Landscaping Plan for detail.</p> |
| <p><b>C18 – Incorporate car parking into the landscape design of the site by:</b></p> <ul style="list-style-type: none"> <li>• <b>planting shade tree in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</b></li> <li>• <b>taking into account streetscape, local character and context when siting car parking areas within the front setback</b></li> </ul> | <p>The development proposes appropriate landscape embellishment works that will improve and enhance the subject site whilst helping to integrate the proposal within the context of the site and its surroundings.</p> <p>Refer to the attached Landscaping Plan for detail.</p>  |
| <p><b>3.5 Visual and acoustic privacy</b></p>  |   |
| <p><b>C19 – Open balconies in mixed use development should not overlook facilities nor overhang outdoor play spaces.</b></p>   | <p>The proposal is not part of a mixed-use development. Not applicable</p>  |
| <p><b>C20 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</b></p> <ul style="list-style-type: none"> <li>• <b>appropriate site and building layout</b></li> <li>• <b>suitable locating pathways, windows and doors</b></li> <li>• <b>permanent screening and landscape design</b></li> </ul>  | <p>Development has been designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public areas via appropriate site layout and building design, use of landscaping and location of the car park. This in addition to the fencing proposed ensures that direct overlooking is not possible from public areas.</p>   |
| <p><b>C21 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</b></p> <ul style="list-style-type: none"> <li>• <b>appropriate site and building layout</b></li> <li>• <b>suitable locating pathways, windows and doors</b></li> <li>• <b>permanent screening and landscape design</b></li> </ul>  | <p>The proposal is single storey, with fencing and landscaping provided that ensures there is no possibility of direct overlooking of neighbouring properties, including their living areas and private open space.</p>   |
| <p><b>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:</b></p>  |   |

- **provide an acoustic fence along any boundary where the adjoining property contains a residential use (An acoustic fence is one that is a solid, gap free fencing)**
  - **ensure that mechanical plant or equipment is screened by soil, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure**
- The development proposes appropriate acoustic fencing/barriers in accordance with the accompanying Environmental Noise Assessment to mitigate potential noise impacts to adjoining properties.
- The Environmental Noise Assessment has found that the childcare facility complies with the relevant assessment requirements. Refer to the attached Environmental Noise Assessment for more details.

**C23 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:**

- **identify an appropriate noise level for a child care facility located in residential and other zones**
  - **determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use**
  - **determine the appropriate height of any acoustic fence to enable the noise criteria to be met**
- An Environmental Noise Assessment accompanies the development application demonstrating compliance with the requirements.

### 3.6 Noise and air pollution

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

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

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

- **creating physical separation between buildings and the noise source**
  - **orienting the facility perpendicular to the noise source and where possible buffered by other uses**
  - **using landscaping to reduce the perception of noise**
  - **limiting the number and size of opening facing noise sources**
  - **using double or acoustic glazing, acoustic louvers or enclosed balconies (wintergardens)**
  - **using materials with mass and/or sound insulation or absorption**
- The subject site is not located near major roads, rail lines, beneath flight paths or other noisy environments.
- It is noted that appropriate design/ measures have been undertaken including appropriate setbacks, use of landscaping and acoustic screens to minimise acoustic impacts to neighbouring properties.
- Environmental Noise Assessment prepared by Renzo Tonin & Associates which accompanies this application has found that the childcare facility complies with the relevant assessment requirements. Refer to the attached Environmental Noise Assessment for more details.

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| <p>properties, such as solid balcony balustrades, external screens and soffits</p> <ul style="list-style-type: none"> <li>• locating cot rooms, sleeping areas and play areas away from external noise sources</li> </ul>  |   |
| <p><b>C25 – An acoustic repost should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</b></p> <ul style="list-style-type: none"> <li>• on industrial zoned land where an ANEF contours is between 20 and 25, consistent with AS 2021 – 2000</li> <li>• along a railway or mass transit corridor, as defined by <i>State Environmental Planning Policy (Infrastructure) 2007</i></li> <li>• on a major or busy road</li> <li>• other land that is impacted by substantial external noise</li> </ul> | <p>The subject site is not located on industrial land, where an ANEF contours is between 20 and 25, along a railway or mass transit corridor, on a major or busy road or on other land that is impacted by substantial external noise.</p> <p>It is noted that appropriate design/ measures have been undertaken including appropriate setbacks, use of landscaping and acoustic barriers to minimise acoustic impacts to neighbouring properties.</p> <p>An Environmental Noise Assessment prepared by Renzo Tonin &amp; Associates which accompanies this application has found that provided the noise control recommendations made in Section 4.4 of the report are implemented, the intrusive noise levels will meet the noise level requirements of the NSW Department of Planning and Environment’s <i>Child Care Planning Guidelines</i> and the Association of Australasian Acoustical Consultants’ <i>Guideline for Child Care Centres Acoustic Assessment</i>, and be considered acceptable.</p> <p>Refer to the Environmental Noise Assessment that accompanies this application for details.</p> |
| <p><b>C26 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development</b></p>  | <p>Complies.</p>  |
| <p><b>C27 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.</b></p>   | <p>Whilst the site is located on George Street and is also an employment area, this is not considered to cause any significant air quality impacts, primarily due to the separation of the subject site from these activities and landscaping treatment that provides an effective buffer, as does the building layout.</p>   |



### 3.7 Hours of operation

**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 child care facility is to operate between 7:00am to 6:00pm Monday to Friday.

**C29 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses**      Not applicable.

### 3.8 Traffic, parking and pedestrian circulation

**C30 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.**      The Development has regard with the car parking requirements under the Goulburn Mulwaree Development Control Plan 2009. A total of 16 spaces are provided.

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

Within 400m of a metropolitan train station:

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

In other areas:

- 1 space per 4 children

**C31 – In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicular movement or potential conflicts with truck and large vehicles.**      Not applicable.

**C32 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised and demonstrate that**

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

The traffic & Parking Assessment prepared by Hemanote has found that the proposed child care facility will pose no impact to the local area regarding parking and traffic, with an adequate provision of parking spaces in accordance with the CCPG and the RMS Guide of 1 per 4, and that all parking areas comply with Australian Standards. The use of a 1 per 4 rate is considered suitable given the DCP provisions are limited and only require parking for 1 per 2 staff. Therefore the 1 per 4 rate- which is a state wide adopted parking rate has been utilised. In addition the parking will remain available to the broader Marulan Village Centre outside of hours of operation of the child care centre- i.e. weekends.

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

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

The vehicular crossover from George Street is an existing driveway and there are no proposed changes to the crossover as a part of this development application.

The alternate access must have regard to the prevailing traffic conditions

- pedestrian and vehicle safety including bicycle movements

**C34 – Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the sider locality in times of emergency.**

The site has appropriate access to George Street.

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

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

The development provided separate pedestrian and vehicular access from George Street.

Vehicles can enter and exit the main parking area in a forward direction. Refer to swept path diagrams for more detail.

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| <p><b>C36 Mixed use developments should include:</b></p> <ul style="list-style-type: none"> <li>• driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks</li> <li>• 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</li> <li>• parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</li> </ul> | <p>N/A.</p> |
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| <p><b>C37 – Car parking design should:</b></p> <ul style="list-style-type: none"> <li>• include a child safe fence to separate car parking areas from the building entrance to the play areas</li> <li>• provides clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards including wheelchair and pram access parking</li> </ul> | <p>The car parking area is sufficiently separated from the building entrances and outdoor play area.</p> <p>Accessible car parking space, designed in accordance with Australian Standards is clearly marked and situated near the entry point.</p> |
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**Part 4 Applying the National Regulations to development proposals**

**4.1 Indoor space requirements**

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| <p><b>Regulation 107</b><br/><i>Education and Care Services National Regulations</i><br/>Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.</p> | <p>The proposal provides 3.468m<sup>2</sup> of indoor play space per child.</p> <p>The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.</p> |
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| <p><b>Design Guidance</b><br/><i>Verandas as indoor space</i><br/>For a veranda to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space.</p> | <p>No veranda is to be included as an unencumbered indoor space. Not applicable.</p> |
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**Design Guidance**

**Storage**

It is recommended that a child care facility provide;

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

The proposal provides appropriate internal and external storage areas as shown on the attached plans.

**4.2 Laundry and hygiene facilities**

**Regulation 106**

**Education and Care Services National Regulations**

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

On site laundry facilities are provided.

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

Designed to comply.

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

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

**Design Guidance**

**On site laundry**

On site laundry facilities should contain:

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

Designed to comply.

#### 4.3 Toilet and hygiene facilities

**Regulation 109**

**Education and Care Services National Regulations**

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

Toilet facilities for both the children and staff are provided.

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

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

#### 4.4 Ventilation and natural light

**Regulation 110**

**Education and Care Services National Regulations**

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

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

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

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

**Design Guidance**

**Natural light**

When designing child care facilities consideration should be given to:

- providing windows facing different orientations
- using skylights as appropriate ceiling heights

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

#### 4.5 Administrative space

**Regulation 111**

**Education and Care Services National Regulations**

Services must provide adequate area or areas for the purpose of conducting the administrative functions of the services, consulting with parents of children and conducting private conversations.

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

#### 4.6 Nappy change facilities

**Regulation 112**

**Education and Care Services National Regulations**

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

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

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

Complies.

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

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

**Design Guidance**

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

Designed to comply.

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

#### 4.7 Premises designed to facilitate supervision

**Regulation 115**

**Education and Care Services National Regulations**

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

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

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

Comply.

## 4.8 Emergency and evacuation procedures

### *Regulations 97 and 168*

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

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

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

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

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

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

### *Design Guidance*

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

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

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

## 4.9 Outdoor space requirements

### *Regulations 108*

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

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

The proposal provides 7.37m<sup>2</sup> of unencumbered outdoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline. Exploration and learning within the outdoor play area will be maximised with the use of facilities such as outdoor play equipment.

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

**Design Guidance**  
Calculating unencumbered space for outdoor areas should not include areas of dense hedges or planting along boundaries which are designed for landscaping purpose and not for children’s play. Complies, no areas of dense hedges or planting along boundaries are used to calculate unencumbered space for outdoor areas.

**4.10 Natural environment**

**Regulations 113**  
**Education and Care Services National Regulations**  
The approved provider of a centre-based service must ensure that the outdoor space allow children to explore and experience the natural environment. Exploration and learning within the outdoor play area will be maximised with the use of facilities such as outdoor play equipment.

**Design Guidance**  
Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility’s occupants, such as those which: Noted, refer to the attached landscape plan for details.

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

The outdoor space should be designed to:

- provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment
- Assist supervision and minimise opportunities for bullying and antisocial behaviour
- enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitates interaction
- sand pits and water play areas
- dense indoor planting and green vegetated walls

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



- climbing frames, walking and/or bike tracks
- vegetable gardens and gardening tubs.

#### 4.11 Shade

*Regulations 114  
Education and Care Services National  
Regulations*

Outdoor play areas should:

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| <ul style="list-style-type: none"> <li>• have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m<sup>2</sup>) of the 7.0m<sup>2</sup> of outdoor space per child required.</li> </ul>                              | Complies- see solar diagrams in the attached plans.  |
| <ul style="list-style-type: none"> <li>• adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area</li> </ul> | Appropriate natural and built shade structures are incorporated into the design of the child care facility that will contribute towards protecting children from overexposure to ultraviolet radiation from the sun. |
| <ul style="list-style-type: none"> <li>• have evenly distributed shade structures over different activity spaces.</li> </ul>   | A large covered outdoor shade area as well as large tree canopies are illustrated on the plans.  |

#### 4.12 Fencing

*Regulations 104  
Education and Care Services National  
Regulations*

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

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

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

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

Designed to comply.

*Design Guidance*

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

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

Design consideration for side and rear boundary fences could include:

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

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

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

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

Side fencing has been undertaken in accordance with the Childcare Acoustic Assessment.

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

Designed to comply.

#### 4.13 Soil assessment

*Regulations 25*

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

Martens has prepared a DSI and RAP for the subject site and concluded that it can be made suitable for its intended use as a child care centre. The recommendations in the report can be included as conditions of development consent.

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

In preparing this development application and in the design development of the proposal, regard has been had to not only the relevant Goulburn Mulwaree City Council controls and guidelines, but also to the Education and Care Services National Regulations 2012 (National Regulations).

It is noted that the National Regulations provide exhaustive controls and requirements in addition to that of local government and includes: -

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

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

| Clause   | Controls                           | Comment   | Complies |
|--|------------------------------------|---|----------|
| <b>Part 4.3 Physical Environment</b>                                 |                                    |   |          |
| <b>Division 1 Centre-Based Services and Family Day Care Services</b> |                                    |   |          |
| 104  | Fencing                            | Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.  | Yes      |
| 106  | Laundry and hygiene facilities     | A laundry facility is available on the premises of the proposed centre-based child care facility.   | Yes      |
| 107  | Space requirements – indoor space  | The proposed centre-based child care facility provides 3.46m <sup>2</sup> of unencumbered indoor play space per child as shown on the submitted architectural plans.  | Yes      |
| 108  | Space requirements – outdoor space | The proposed centre-based child care facility provides 7.37m <sup>2</sup> of unencumbered outdoor play space per child as shown on the submitted architectural plans. | Yes      |

|   |                                     |   |     |
|---|-------------------------------------|---|-----|
| 109   | Toilet and hygiene facilities       | Age-appropriate toilet and washing facilities are provided.   | Yes |
| 110   | Ventilation and natural light       | The facility will receive adequate ventilation and natural light, as addressed in the SEPP and Child Care Guidelines previously within this statement.  | Yes |
| <b>Division 2 Additional Requirements for Centre-Based Services</b> |                                     |   |     |
| 111   | Administrative space                | An administration room is located within the proposed Child Care Facility.  | Yes |
| 112   | Nappy change facilities             | A nappy change facility is provided by the proposed centre-based child care facility.   | Yes |
| 113   | Outdoor space – natural environment | As addressed earlier in this statement, the development provides outdoor spaces that permit children to explore and experience the natural environment.   | Yes |
| 114   | Outdoor space – shade               | The proposed centre-based child care facility has provided adequate shading. Refer to the attached architectural plans for details.   | Yes |
| <b>Part 4.4 Staffing Requirements</b>                               |                                     |   |     |
| 123   | Staff to child ratio                | <p>Clause 123 provides minimum staff requirements for child care facilities in <u><b>Australia:</b></u></p> <p>0-2 Years – 1 employee per 4 children<br/>           2-3 Years – 1 employee per 5 children<br/>           3-5 Years – 1 employee per 11 children</p> <p>It is noted that Clause 271 overrides the ratio for the 3-5 age group for facilities in <u><b>New South Wales.</b></u> Therefore the ratios for the proposed facility are as follows:</p> <p>0-2 Years – 1 employee per 4 children<br/>           2-3 Years – 1 employee per 5 children<br/>           3-5 Years – 1 employee per 10 children</p> <p>The breakdown of children ratio within the proposed centre-based child care facility is as follows:</p> <p>0-2 Years – 16 children (4 staff)<br/>           2-3 Years – 20 children (4 staff)<br/>           3-5 Years – 40 children (4 staff)</p> <p>Total: 12 staff.<br/>           12 teaching staff to be provided.</p> | Yes |

Part 7.3 New South Wales – Special Provisions

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

GOULBURN MULWAREE LOCAL ENVIRONMENTAL PLAN 2009

The development site is zoned E1 – Local Centre under the Goulburn Mulwaree Local Environmental Plan 2009. ‘Child Care Facilities’ are permissible with consent within the E1 Zone, however, is pursuant to Part 3.3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

Figure 9: Zoning Map Extract (Source: Planning Portal)



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

**centre-based child care facilities means:**

- (a) *a building or place used for the education and care of children that provides any one or more of the following:*
- (i) *long day care,*
  - (ii) *occasional child care,*
  - (iii) *Out-of-school-hours care (including vacation care),*
  - (iv) *Preschool care, or*
- (b) *an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW),*  
but does not include
- (c) *a building or place used for home-based child care or school-based child care, or*
  - (d) *an office of a family day care services (within the meaning of the Children (Education and Care Services) National Law (NSW), or*
  - (e) *a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
  - (f) *a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
  - (g) *a service that is concerned primarily with providing lesson or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
  - (h) *a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

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

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage businesses, retail, community and other non-residential land uses on the ground floor of buildings.*

The centre-based child care facility has been designed to commensurate with the existing low density residential character of the immediate locality.

The table overleaf provides detail on the development standards relevant to the current proposal as well as other relevant provisions.

## Goulburn Mulwaree Local Environmental Plan 2009

| Clause  | Controls                                | Comments  | Complies |
|---|---|---|----------|
| Zoning  | E1 General Density                      | 'Child Care Centres' are permissible with Council consent in the E1 Local Centre Zone.  | Yes      |
| <b>Part 2 Permitted or Prohibited Development</b> |   |   |          |
| 2.3   | Zone Objectives and Land Use Table      | The proposal is consistent with the zone objectives of the E1 Local Centre will appropriately fulfil the subject site's zoning potential and will provide a much needed and well-located service for the local community.   | Yes      |
| 2.6   | Subdivision – Consent Requirements      | No subdivision is proposed.   | N/A      |
| 2.7   | Demolition requires development consent | Council consent is sought for the demolition of all existing structures on site.  | Yes      |
| <b>Part 4 Principal Development Standards</b>     |   |   |          |
| 4.3   | Height of building: 10m                 | The proposed development has a maximum height of 5.014m does not exceed the maximum building height. Complies.  | Yes      |
| 4.4   | Floor space ratio: 1.2:1                | The proposed development has a total FSR of 0.38:1 combined with the existing commercial buildings.   | Yes      |
| <b>Part 5 Miscellaneous Provision</b>             |   |   |          |
| 5.10  | Heritage Conservation                   | <p>The site is identified as containing a heritage item but is not located within a heritage conservation area however there are local heritage within the broader locality.</p> <p>The current proposal does not propose any works on the heritage item and is sufficiently separated from the development site and is designed in a way that is sensitive to the heritage items given the single storey form proposed.</p> <p>The local heritage items are sufficiently separated from the development site. As such, the current proposal will not have any impact on the heritage curtilage of those heritage items. The design has been informed by a heritage report prepared by BCN Heritage that concludes the proposal is acceptable in terms of heritage impacts.</p> | Yes      |

| Clause                                   | Controls                 | Comments   | Complies |
|--|--------------------------|--|----------|
| 5.21                                     | Flood Planning           | The development site is not identified as being flood prone land.  | N/A      |
| <b>Part 7 Additional Local Provision</b> |                          |  |          |
| 7.1A                                     | Earthworks               | <p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact and is required to provide an appropriate ground level for the child care centre.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surroundings and in accordance with the Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p> | Yes      |
| 7.2                                      | Terrestrial biodiversity | N/A – The development site is not identified as ‘Biodiversity’ on the Terrestrial Biodiversity Map.  | N/A      |
| 7.5                                      | Active street            | N/A – The development site is not identified as ‘Active Street Frontage’ on the Active Street Frontage Map.  | N/A      |



## GOULBURN MULWARRE DEVELOPMENT CONTROL PLAN 2009

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

| Goulburn Mulwaree Development Control Plan 2009 - Compliance Table |   |   |            |
|--|---|---|------------|
| Clause   | Controls  | Comment   | Complies   |
| <b>2 Plan Objectives</b>   |   |   |            |
| <b>2.2</b>   | Locality Objectives – Goulburn City             | <p><b><u>2.2.2 Locality Characteristics</u></b></p> <p>As per Figure 2-1: Goulburn Locality Precincts, the development site is located <u>outside of</u> the Goulburn City locality area.</p>   | N/A        |
| <b>3 General Development Controls</b>                              |   |   |            |
| <b>3.1</b>   | Indigenous Heritage and Archaeology             | The site is highly disturbed and is not identified as potentially containing Indigenous Archaeology.  | <b>N/A</b> |
| <b>3.2</b>   | European (non-indigenous) heritage conservation | <p>The site is identified as containing a heritage item but is not located within a heritage conservation area however there are local heritage within the broader locality.</p> <p>No works are proposed on the heritage item situated on the subject site and the proposed child care facility is sufficiently separated, with no perceived adverse impact on the item.</p> <p>The local heritage items are sufficiently separated from the development site. As such, the current proposal will not have any impact on the heritage curtilage of those heritage items, and therefore is not subject to any heritage restriction nor is any future heritage investigation considered necessary.</p> | <b>N/A</b> |
| <b>3.5</b>   | Landscaping                                     | The development proposes appropriate landscape embellishment works that will improve and enhance the subject site whilst helping to integrate the proposal within the context of the site and its surroundings. Refer to the attached Landscaping Plan for details.   | <b>Yes</b> |
| <b>3.6</b>   | Vehicular Access and Parking                    | The development provides access to parking from Geroke Street. The design of the parking areas allows for appropriate access for occupants, visitors and service vehicles, whilst ensuring the safety of pedestrians and other road users. Refer to the attached traffic report for additional details and an extract is provided below.  | <b>Yes</b> |

Child Care Facility  
1 space per 2  
employees plus set  
down/drop off area

### **5.2 Parking Utilisation Survey of Existing On-Site Car Park**

An on-site parking utilisation survey was undertaken on Wednesday 25 October 2023, during morning period (7.00am to 10.00am) and afternoon period (3.00pm to 6.00pm) at the existing local shopping village carpark (the subject site).

**The existing on-site car parking layout has a total of sixty-four (64) car parking spaces, including 6 accessible spaces.** The AM and PM on-site parking survey results, as shown in Figures 5 and 6, determined the following utilisation levels and parking availability.

The parking surveys undertaken determined that during the **morning period**, the existing on-site carpark had a low parking utilisation level, with the highest parking utilised around **9:15am** with a maximum of 15 car spaces being occupied out of the 64 (i.e. 23.44% occupied), **leaving 49 car spaces unoccupied.**

The parking surveys undertaken determined that during the **afternoon period**, the existing on-site car park had a low to medium parking utilisation level, with the highest parking utilised around **3.00pm** with a maximum of 36 car spaces being occupied out of the 64 (i.e. 56.25% occupied), **leaving 28 car spaces unoccupied.**

Therefore, it can be demonstrated from the results of the parking surveys undertaken that the proposed use of 11 existing on-site car parking spaces for the proposed childcare centre out of the existing 64 car parking spaces, will not impact existing businesses, as the existing on-site carpark is underutilised with a low to moderate parking occupation rates on weekdays.

**It should also be noted that the above-mentioned car parking allocation for the proposed childcare centre apply on weekdays only, with these car spaces being used by the other existing businesses on weekends, to minimise any impacts on parking for the existing shopping village.**

On that basis the extent of parking provided is suitable.

|      |   |  |     |
|------|---|--|-----|
| 3.7  | Crime Prevention through Environmental Design | <p>The proposed development will activate the site and contribute to the passive surveillance of the public domain.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area. No areas for concealment or entrapment are created by the proposal.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposal incorporates design elements including clearly defined and controlled access points as well as clearly defined public and private spaces, adequate lighting and fencing in order to minimise opportunity for criminal activity.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p> | Yes |
| 3.8  | Flood Affected Lands                          | The development site is not identified as being flood prone land.  | N/A |
| 3.9  | Tree and Vegetation Preservation              | <p>The subject site is within a well-established commercial area, having historically been used for urban purposes. The development does not propose to remove any trees.</p> <p>Despite this, the proposal is to introduce high quality landscape embellishment works within the existing commercial and residential character along George Street that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surroundings.</p> <p>The landscape treatment will also soften the built form and assist with maintaining privacy to neighbouring properties. Refer to the attached Landscape Plan for details.</p>  | Yes |
| 3.10 | Dry Salinity                                  | Due to the nature and location of the site, it is not likely to be affected by Saline Soils. Not relevant.   | N/A |
| 3.11 | Waterbody and Wetland Protection              | Not relevant.  | N/A |

|   |                                      |  |     |
|---|--------------------------------------|--|-----|
| 3.12  | Groundwater                          | <p>Due to the nature of the proposal: construction of a child care facility, the development will not impact upon existing groundwater.</p> <p>A Stormwater Management Plan has been prepared and accompanies this application.</p>  | N/A |
| 3.14  | Biodiversity Management              | <p>The subject site is not located within a riparian corridor, regional corridor, key fish habitat, or within areas of high/medium conservation valued areas. Not relevant.</p>  | N/A |
| 3.14  | Stormwater Pollution                 | <p>It is considered that the proposed development will not adversely affect or impact upon drainage or stormwater flows in the area.</p> <p>All stormwater is to be appropriately managed with stormwater drainage being designed in accordance with Council's requirements, where possible. A Stormwater Management Plan has been prepared and accompanies this application.</p>  | Yes |
| 3.15  | Impacts on Drinking Water Catchments | <p>Considering the nature of the development – child care facility and that the proposal will be accompanied by a Stormwater Management Plan; the development is not likely to impact drinking water catchments.</p>   | N/A |
| 3.16  | Bushfire Risk Management             | <p>The development site is not identified as containing bushfire prone land. Not applicable.</p>   | N/A |
| <b>4 Principal Development Controls – Urban</b> |                                      |  |     |
|   |                                      | <p>With the DCP not containing any specific control for child care facilities, the current application is to utilise relevant building envelope controls under Part 4.2 non-residential Development to provide guidance on what would constitute an appropriate building envelope that is deemed to be compatible within a commercial context: As the site is located within Marulan Local Business Centre precinct, further controls apply to the site and will be discussed further below.</p> | N/A |
| <b>6 Special Development Types</b>              |                                      |  |     |
| 6.4   | Advertising and Signage              | <p>Signage is not proposed as part of the current application, noting signage will be part of future DAs.</p>  | N/A |

| 8 Site Specific Provisions |   |
|----------------------------|---|
| <b>8.2</b>                 | Marulan Local Business Centre   |
| 8.2.3                      | Performance objectives for Environmental  |
| 8.2.3.1                    | For environmental heritage items  |
|                            | <p>The heritage item on the site will be retained with no physical work proposed on the item.</p> <p>The proposed development is sympathetic to the heritage significance of the item with adequate separation, design, materials and scale.</p> <p>The development is contained within the rear of the larger precinct behind the heritage item, protecting the visas to and from the heritage items.</p>  |
| 8.2.3.4                    | New buildings on vacant properties or sites to be wholly redeveloped  |
|                            | <p>The development does not propose a large scale monolithic buildings and is sympathetic to the existing streetscape and locality.</p> <p>The development respects the visual prominence and scale of the heritage items and contributory items through design, adequate setbacks, landscaping and materials.</p> <p>No impact of solar access to public spaces.</p> <p>The proposal does not mock heritage building styles and fenestration.</p> <p>Adequate landscaping works have been proposed to enhance the existing streetscape through the thematic use of existing plantings.</p> |
| 8.2.4                      | General Development Controls  |
|                            | <p>The proposed development has been designed sympathetic to the existing George Street Streetscape. The proposal provides a roof pitch similar to the existing neighbouring buildings. Noting the proposed childcare facility is located within the existing commercial precinct (Marulan Village Centre) and will not be visible from the George Street frontage.</p>   |

## CONCLUSION

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

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

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