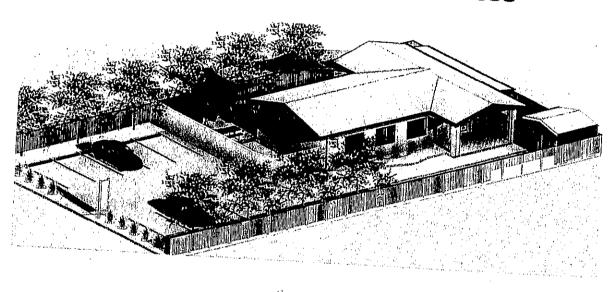
# Statement of Environmental Effects (SoEE)

November 2022

# STATEMENT OF ENVIRONMENTAL EFFECTS DEVELOPMENT APPLICATION — CHILD CARE CENTRE

## Lot 72 in DP 520071 57 Brough Street, Cobar NSW 2835



November 2022

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#### **EXECUTIVE SUMMARY**

This Statement of Environmental Effects accompanies a Development Application (DA) submitted to Cobar Shire Council for a proposed new child care centre on the existing public worship on Lot 72 in DP 520071, 57 Brough Street, Cobar NSW 2835. The subject land is owned by Keraton Property Pty Ltd. The intention has been to convert the former place of public worship to a child care centre based which will cater for 28 children from the ages of 2 to 5 years old.

This Statement of Environmental Effects, Development Application and architectural designs have been prepared on behalf of Little Kindy Pty Ltd by Little Kindy Pty Ltd and Riz Design Office.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Regulation 2000
- Cobar Local Environmental Plan 2012; and
- State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter
   3 Educational Establishments and Child care Facilities
- Childcare Planning Guideline 2017

The site is zoned R2 – Low Density Residential pursuant to the provisions of Cobar Local Environmental Plan 2012, Child Care Centres are permissible within this zone with Council consent. Cobar Local Environmental Plan 2012 provides controls for the establishment of such child care centres.

This report provides a description of the subject site and surrounds, identifies the development proposed by this application and an assessment of the perceived impacts of this proposal for the matters contained within Section 4.15 (previously 79C) of the Environmental Planning & Assessment Act, 1979, as amended, and provide a comprehensive assessment on controls and its compliance of Childcare Planning Guideline 2017 and State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 3 – Educational Establishments and Child care Facilities

The assessment of the proposal and concludes that the DA will achieve appropriate and desirable development outcomes for the site and that the application should be approved subject to conditions

#### 1 INTRODUCTION

This Statement of Environmental Effects has been prepared to accompany a Development Application (DA) submitted to Cobar Regional Council for a proposed child care centre on the existing property on Lot 72 in DP 520071, 57 Brough Street, Cobar NSW 2835 ("the site"). The subject land is owned by Keraton Property Pty Ltd. The construction and use of the child care facility seeks to accommodate a maximum of 28 children from the ages of 2 to 5 years old, with associated staff and 8 car parking spaces. Further details are provided in Section 3. The proposal is appropriate for the site and surrou nding area and assists in meeting the demand for child care services in Cobar Region. This proposal has been assessed against the relevant State and Council planning controls. The proposal is considered satisfactory and worthy of Council's approval.

The purpose of this report is to provide Cobar Regional Council with all relevant information required to determine the development application for a proposed child care centre. Accordingly, this report includes:

A description of the site and surrounding development;

 An outline of the proposed development including details of the building design, car parking, vehicular access, landscaping and amenities;

 An assessment of the proposal against the requirements of Section 4.15 of the Environmental Planning and Assessment Act 1979 (the Act) including the likely environmental impacts of the proposal; and

A conclusion and recommendations.

This report is to be read in conjunction with the following associated documents required by Cobar Regional Council and plans prepared as a part of this Development Application:

- Development Plans; Site plan, Floor Plan, Elevations, Section Plans
- Existing Plans
- Form Development Consent Application

#### 2 THE SITE

#### 2.1 Site Details

The proposed site of this child care centre development is a regular allotment, with the description; Lot 72 in DP 520071, 57 Brough Street, Cobar NSW 2835. The intention is to develop this area of 888 sqm, 22m wide and depth of approximately 40m to achieve compliance with the relevant requirements.

The subject land contains a former place of public worship as shown as follow:



There are existing residential houses surroundings the site.

#### **Photographs**



Photo 1: 57 Brough Street, Cobar with the neighboring residential properties. Source:

<u>Google Maps</u>



Photo 2: 57 Brough St, Cobar: Access and Road. Source: Google Maps

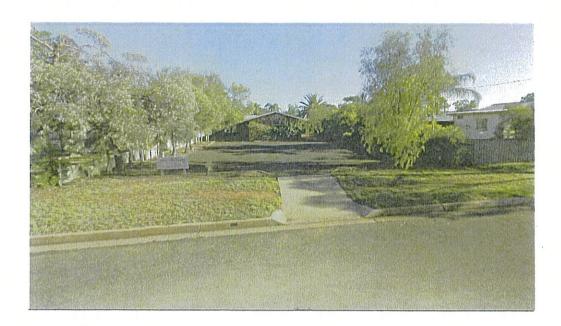


Photo 3: 57 Brough Street, Cobar: Site. Source: Google Maps

#### 2.2 Existing Transport and Access

Access to the subject land will utilise the existing access from Brough Street. It is assumed that children will come and go from the site with private vehicles or walking.

#### 2.3 Utility Services

To comply with the other similar development control for this use, servicing strategy is required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate with the scale and nature of development. All utility services are available to the site, which includes water, sewer, electricity and telephone. Associated landscaping and stormwater works are included in the development plan.

#### 3 THE DEVELOPMENT PROPOSAL

#### 3.1 Proposed Child Care Centre

As detailed in the architectural plans, development approval is sought for a Childcare Centre which will cater for 28 children aged from 2-5 years as detailed below.

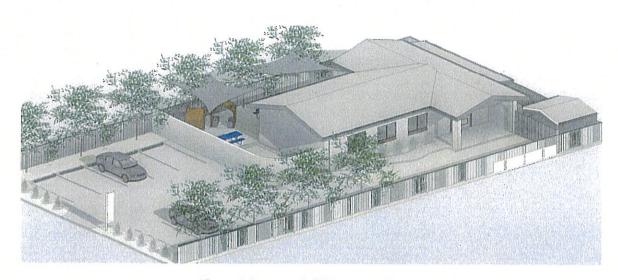


Figure 1 Proposed child care centre

The Centre will provide employment for 5 full time staff.

Age Group	Children	Staff Ratio	Staff*
2 – 3 years	10	1:5	2
3 – 4 years (Preschool 1)	18	1:10	2
Supporting Staff			1
Total	28		5

As shown on the table, the proposed child care centre seeks to cater 28 children and 5 staff members in a full occupancy operating from 7:00 am to 6.00 pm, Monday to Friday.

A total floor area of 135.39 sqm is proposed, with unencumbered internal activity areas of 96.06 sqm for 2-5 years old internal play area (91 sqm required for 28 Children), along with associated laundry, nappy change, bottle preparation, sleeping facilities, age appropriate toilets, storage areas, kitchen, staff room and administration, in accordance with the Education and Care Services National Regulation (2011 SI 653). The outdoor play areas for each age group totalling 202 sqm have been provided with suitable shading and finished with soft fall and artificial turf surfaces (required outdoor space 196 sqm). Basic design plans are attached to this document as **Attachment 1**.

The building is a combination of glazed and painted and rendered walls/bricks, aluminium feature panels, glass and concrete balustrades and metal rooves. Appropriate colour was utilised to provide variation to the external appearance of the development. The development will maintain the existing buildings, but upgrading works to be carried out to the building to comply with the building Code of Australia Volume One 2019.

There is an existing stormwater drainage and discharge to the street. Water efficient fixtures and fittings will also be utilised to minimise water consumption. Waste storage areas for residential and child care components are located on the property for convenient access to the kerb during collection.

#### 3.2 Disabled Access

One of the important aspects of the proposal is to ensure that all members of the general public can gain access to the facility. The child care centre will ensure that the development will provide a disabled access, toilet and shower and a designated carpark.

In this regard the proposal will however (where applicable):

- Ensure an accessible path of travel to the development from the existing main entrance building in accordance with AS1428.1 and DDA Premises Standards.
- (ii) Ensure that 1:14 ramps have 9m max lengths and handrails and kerbing on both sides, compliant with AS1428.1.
- (iii) Ensure 1:20 pathways have level landings every 15m, compliant with AS1428.1.

#### 3.3 Outdoor Area

This development proposes the outdoor play area to be fenced. On the north, east and western part of the site will be fenced with colorbond, with minimum of 1800mm height along from the front to the back of the property. The minimum area requirement of 196m² will be satisfied, whereas this proposed development will provide a total outdoor area of 202 sqm.

This proposed development provides a variety of surfaces, such as grass, sand, hard paving and moulding in the outdoor play areas. The outdoor play area should also generally provide for the following areas, equipment and facilities:

- An open flat grassed area for running;
- Quiet play areas for focussed play (including a sandpit and wet area);
- A formal quiet area for contained play (e.g. finger painting);
- An active area for busy physical play, which includes some paved surfaces for wheeled toys, bikes and suitable play equipment with impact absorbent material beneath;
- A transition zone from indoor and outdoor areas for covered play. The transition zone often comprises a veranda; and;
- Secure fencing.

The plans comply with Part 1 General Requirements and Part 2 Design Construction - Safety Aspects; AS/NZS 4422 - Playground Surfacing - Specifications, Requirements and Test Methods; and AS/NZS 472 - Playgrounds and Playground Equipment; and Kidsafe NSW general guidelines.

#### 3.4 Fire Protection Equipment

All fire protection equipment, including Fire Extinguishers, Fire Hydrants and Fire Blankets will be:

- Installed as required under relevant Australian Standards and the manufacturers specifications.
- Serviced and maintained only authorised service providers six monthly or earlier if required.
- Be clearly identified and accessible at all times in the unlikely event of

emergency.

#### 3.5 Waste Management

The proposed waste collection system for the development shall be controlled by operators of the child care centre and will be undertaken in accordance with the submitted Waste Management Plan. The proposed site is to provide a waste pick up area near the road which comes along the Brough Street.

This will enable the waste collection truck to pick up the waste without having to turn off and avoid any issues with reversing etc. The waste bins will be taken to and returned from the collection area by staff. Further details will be provided with the construction certificate documentation.

Refuse will be disposed of in approved Council containers and it is envisaged that no adverse waste material will be generated considering the residential and child care nature of the development. It is proposed that garbage storage will be provided in a bin enclosure, as illustrated in the development plans, and this will be easily serviced and accessible for users.

All builders waste during the construction phase will be removed from the site at regular intervals and disposed of at an approved waste dump in accordance with the waste management plan attached to this development application. The site will be kept clean and tidy at all times.

#### **4 ASSESSMENT OF RELEVANT CONTROLS & POLICIES**

This section of this report provides an assessment of the relevant controls and policies to accompany this development proposal for the child care centre. The following assessments provide the framework for environmental planning in NSW and include provisions to ensure that proposals which have the potential to impact the environment are subject to detailed assessment and public participation.

#### 4.1 Cobar Local Environmental Plan 2012

The Cobar Local Environmental Plan 2012 aims to make local environmental planning provisions for land in Cobar in accordance with the relevant standard environmental planning instrument of the Act. It provides a number of generic objectives which apply to development generally, but has more specific objectives applying to the R2 zone. The following provides an assessment addressing the relevant clauses of Cobar Local Environmental Plan 2012.

#### Zoning

The subject site is zoned R2 Low Density Residential pursuant to Cobar Local Environmental Plan 2012.

Child Care Centres are consistent with the objectives of the zone and permissible with Council's consent as shown in the zone extract below.

The subject site is zoned R2 Low Density Residential pursuant to Cobar Local Environmental Plan 2012.

Child Care Centres are consistent with the objectives of the zone and **permissible with Council's consent** as shown in the zone extract below.

The Relevant Zoning Objectives associate with this development proposal are as below:

• To provide for the housing needs of the community within a low density residential environment.

<u>Comments:</u> The proposed child care centre development is complementary to the housing needs of the community. The development proposal provides child care services in an appropriate manner in the residential context.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents

<u>Comments:</u> The proposed child care centre development provides a fundamental and essential service to the residents of the surrounding area.

#### 4.2 Development Considerations

The following consideration has been given to the proposed development:

Measures	Proposal	Complies
Site Analysis and General Controls  Heritage items and/or Heritage  Conservation Areas	The proposed development site is a former of public worship and not in a specified site. The proposed development, however, is designed to improve the streetscape, legibility and sympathetic to the heritage conservation areas along the Brough street	Complies
Removal or pruning of trees to facilitate development	No tree removal is required. Existing trees in the designated playground area will be maintained to complement the shade area.	Complies
Proposals for removal of street trees to facilitate development	No street tree removal is required to facilitate development	Complies

Essential Services		Complies
2.4.1 Water supply 2.4.2 Sewerage system 2.4.3 Electricity and telecommunication supply 2.4.4 Stormwater drainage 2.4.5 Road Access	To comply with the development, services that are essential for the development are required. All utility services are available to the site, which includes water, the disposal and management of sewage, electricity and telephone, and road access.	
2,413 Noda Ficcess	Associated landscaping, stormwater works, driveway from the road to the site are included in the development plan.	
	For sewer mains, structures are not located over an easement or where an easement does not exist.	
Bushfire prone land	The proposed land is not on the bushfire prone land. No approval under Section 100B of the Rural Fires Act 1997 is required.	Complies
Contaminated land	The proposed site is unlikely to have been used for any uses that would cause the site to be contaminated. The proposal therefore complies with this SEPP.	Complies
Earthworks and geotechnical assessments	No earthworks required. However, if any, the proposed site is relatively flat, stable, no slopy and no risk of shrink swell movement. Precautionary works will be appropriately done if any risk, and appropriate engineering solutions for development will be provided where the hazards exist.	Complies
Noise management.	The subject property was previously used as a public worship place. The proposed use of the small sized child care centre operation with 28 children should result in minimal impact on the surrounding residential area. Noise control recommendations will be managed accordingly, including internal management of operation and installing 1800mm height of fence on the adjoining neighbours	Complies
Traffic and Access	Greys Australia has been engaged to assess the traffic impact on this proposed development. Considering that this is a small child care centre, an indication of the traffic generation potential of the development proposal and projected increase in traffic activity as a consequence of the development proposal is minimal and will clearly not have any unacceptable traffic implications in terms of road network capacity. Therefore, no traffic modelling using SIDRA intersection would be required for this this development proposal	Yes

	The proposed development ensures that the verge for the frontage of the development has been designed to be constructed of hardstand materials to facilitate safe, low-maintenance pedestrian access, eg. paving, concrete etc.  The development plan comprises the following details:  • All vehicles are able to enter and exit the site in a forward direction;  • Design has demonstrated no conflict between pedestrian, customer vehicles and delivery vehicles;  • Wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the design vehicle;  Service trucks will collect the garbage from frontage of the building at Brough Street with no need to access the car park area. Therefore, no swept path analysis would be required for the access of the service vehicles due to unchanged situation of the operations in the future.	
Car Park  The Control's parking requirement for a child care centre is 1 every 4 children	The centre accommodates 28 children. This proposed development provides 8 car parks.  The proposal ensures that the car park design allows entry and egress in a forward direction and the proposed vehicle manoeuvres are consistent with Australian Standards. Entrances are clearly marked by signage and protected from the weather and to ensure safe and easy access within, into and out of the Childcare Centre. The design of the building, car park and access satisfies the requirements of AS1428.1 and 1428.3 (Design for Access and Mobility Part 3)	Yes

<ul> <li>Landscaping</li> <li>Landscaping for shading shall be provided in outdoor car parking areas to provide shading and soften the visual impact of large hard surfaces.</li> </ul>	The proposal is submitted with the Architectural plan that is sympathetic to the character of the surrounding area and to soften the visual impact of carparking areas, a 600mm wide garden with a row of trees will be installed along the Brough Street boundary and adjacent to property boundaries. Landscaping comprises of only low maintenance, drought and frost tolerant species. Edging is to be provided to retain mulch and protect the landscaping from damage from vehicles.	Complies
<ul> <li>Shade structures shall be provided for 30% of parking spaces in outdoor car parking areas where ≥30 spaces are required, to provide shading and soften the visual impact of large hard surfaces.</li> </ul>	Shade structures are not required as the car park spaces are less than 30.	
Heritage and Urban Design Control  3.11.1 Specific Site 3.11.2 Roofs, Parapets and Skyline	The proposed development site is a former public worship place and not in a specified site. The proposed development, however, is designed to improve the streetscape, legibility and sympathetic to the heritage conservation areas along the Brough street	Complies

## 4.3 State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017

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

## 22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development

- (1) This section applies to development for the purpose of a centre-based child care facility if
  - a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the *Education and Care Services National Regulations*, or
  - b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.

#### Comment: Both are compliant

(2) The consent authority must not grant development consent to development to which this section applies except with the concurrence of the Regulatory Authority.

#### Comment: N/A

- (3) The consent authority must, within 7 days of receiving a development application for development to which this section applies
  - a) forward a copy of the development application to the Regulatory Authority, and
  - b) notify the Regulatory Authority in writing of the basis on which the Authority' concurrence is required and of the date it received the development application.

#### Comment: N/A

(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the *Children (Education and Care Services) National Law (NSW)*.

#### Comment: N/A

(5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subsection (3).

#### Comment: N/A

(6) The consent authority must forward a copy of its determination of the development application to the Regulatory Authority within 7 days after making the determination.

#### Comment: N/A

(7) In this section— *Regulatory Authority* means the Regulatory Authority for New South Wales under the *Children (Education and Care Services) National Law (NSW)* (as declared by section 9 of the *Children (Education and Care Services National Law Application) Act 2010*).

## 23 Centre-based child care facility—matters for consideration by consent authorities

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

Comment: Please find Child Care Planning Guideline has been considered, please see page

## 24 Centre-based child care facility in Zone IN1 or IN2—additional matters for consideration by consent authorities

- 1) The object of this section is to minimise land use conflicts with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based child care facility on land in Zone IN1 General Industrial or Zone IN2 Light Industrial.
- 2) The consent authority must consider the following matters before determining a development application for development for the purpose of a centre-based child care facility on land in Zone IN1 General Industrial or Zone IN2 Light Industrial—

- a) whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses,
- b) whether the proposed development has the potential to restrict the operation of existing industrial land uses,
- c) whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.
- 3) The matters referred to in subsection (2) are in addition to any other matter that the consent authority must consider before determining a development application for development for the purpose of a centre-based child care facility.

**Comment:** This development is appropriately situated in a R2 – Low Density Residential. Neighbouring properties are compatible. The proposed location can be easily accessed. It is located on the main street of Brough Street near compatible social uses such as schools (public and private primary schools) and other educational establishments, museum, parks and other public open space, community facilities, places of public worship. The development is to be located away from main roads while still maintaining easy access and close proximity to the centre of town. Children, staff and visitors would be certain of safety in the proposed location and the development would not pose any threat of restriction to its neighbouring properties operation or existing land use.

#### 25 Centre-based child care facility—floor space ratio

- (1) Development consent must not be granted for the purposes 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.
- (2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.

**Comment:** Floor space ratios have been calculated as per SEPP and Child Care Planning Guidelines.

#### 26 Centre-based child care facility-non-discretionary development standards

- (d) The object of this section is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.
- (2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes 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,

The closest childcare facility is Kubby House Child Care centre located at 31-33 Bourke Street COBAR NSW 2835 located 1.1 km away from 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.

**Comment:** Indoor floor space ratios, and outdoor play areas have been calculated as per SEPP.

Please see how this development will meet provisions of the Child Care Planning Guideline (Page 17) in relation to unencumbered space

Or

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

**Comment:** Please see below correspondence outlining how this development will meet provisions of the Child Care Planning Guideline in relation to unencumbered spaces and useable play space.

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,

**Comment:** Site and area dimensions have been documented within the accompanying, provided Plan Set.

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.

**Comment:** Non-heritage area, building materials have been communicated within the provided Plan Set.

- (3) To remove doubt, this section does not prevent a consent authority from
  - a) refusing a development application in relation to a matter not specified in subsection (2), or
  - b) granting development consent even though any standard specified in subsection (2) is not complied with.

#### Comment: N/A

#### 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 ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility—
- (a) operational or management plans or arrangements (including hours of operation),

Comment: Operating hours will be 7am to 6pm Monday to Friday, 52 weeks per year, closed over the Christmas Period and on Public Holidays.

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

Comment: Currently Cobar offers a preschool; with places for 30 children aged 3-5yrs during school terms only, Kubby House Child care centre with places 31 places, and 1 primary schools and on Outside Hours School Care program. The need for more childcare facilities is clear and will be a much welcome asset to the township to accommodate the high demand and to attract more families to Cobar.

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

Comment: The closest childcare facility is Kubby House child care, located 1.1 km away from the proposed development.

- (d) any matter relating to development for the purpose of a centre-based child care facility contained in—
  - (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or
  - (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

Comment: Please see below correspondence outlining how this development will meet provisions of the Child Care Planning Guideline.

(2) This section applies regardless of when the development control plan was made.

**28** Mobile child care—exempt development N/A

N/A

29 Temporary emergency relocation of early education and child care facility—exempt development  $\ensuremath{\mathsf{N/A}}$ 

30 Home-based child care—exempt development

31 Home-based child care—complying development

32 Out-of-school hours care at existing universities— complying development  $\ensuremath{\mathbb{N}/\mathbb{A}}$ 

33 Out-of-school hours care at existing TAFE establishments— complying development

#### 4.4 Child Care Centre Planning Guideline 2017

The aim of this section of is to provide the Child Care Planning Guideline 2017 which includes provisions relating to child care facilities and aims to standardise child care facility controls in NSW.

Below is an assessment of the relevant provisions under the guidelines

Control	Proposal	Complies
<ul> <li>3.1 Site selection and locations</li> <li>C1 For proposed developments in or adjacent to a residential zone, consider:</li> <li>the acoustic and privacy impacts of the proposed development on the residential properties</li> <li>the setbacks and siting of buildings within the residential context</li> <li>traffic and parking impacts of the proposal on residential amenity</li> </ul>	The proposed child care centre is located in the R2 Low Density residential. A Noise Impact Assessment/Report has been conducted by Reverb Acoustics to determine if the proposed facility will comply with the relevant noise criteria. The assessment has shown that the site is suitable for the intended purpose, subject to the assessment recommendations. With these or equivalent measures in place, noise impacting on the centre is predicted to be compliant with the criteria. Please see attached Noise Assessment Report.	Complies
C2 When selecting a site, ensure that:  • the location and surrounding uses are compatible with the proposed development or use	The selection of the site is suitable for the proposed child care facility. The location and surrounding uses are compatible with proposed development or use. The site is environmentally safe including risks such as flooding, land slip, bushfires and coastal hazards. It is located on the main street of Brough Street near compatible social uses, employment and a range of business, shops, services, parks and other public spaces	Complies
C3 Appropriate location  A child care facility should be located:  Near compatible social uses  Near or within employment areas,  With access to public transport  In areas with pedestrian connectivity to the local community, business, shops, services and the like.	The proposed location can be easily accessed. It is located on the main street of Brough Street near compatible social uses such as schools (public and private primary schools) and other educational establishments, museum, parks and other public open space, community facilities, places of public worship.  Employment in the Cobar Regional area is associated with services, agriculture, mining, construction, retail, health, and education.  These industries are largely associated with the land use in Cobar Regional encompassed within the nearby surrounding area. The	Complies

	proposed shild any facility is learned in	
	proposed child care facility is located in proximity to employment areas.	
	The site is located in proximity to a range of education premises, businesses, shops, services including the nearby Cobar commercial centre.	
C4 Risks from environmental, health or safety hazards	The selection of proposed site has been considered to avoid risks to children, staff members, parents, and visitors from the exposure of heavy or hazardous industry, waste transfer depots or landfill sites - LPG tanks or service stations - water cooling and water warming systems - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses.	Complies
3.2 Local character streetscape and the public domain interface	The architectural design has been considered to contribute and adjust with the local area character and existing streetscape. The proposal	Complies
C5 Compatibility with the local character and surrounding area C5 The proposed development should:  • contribute to the local area by being designed in character with the locality and existing streetscape  • reflect the predominant form of surrounding land uses, particularly in low density residential areas  • recognise predominant streetscape qualities, such as building form, scale, materials and colours  • include design and architectural treatments that respond to and integrate with the existing streetscape  • use landscaping to positively contribute to the streetscape and neighbouring amenity  • integrate car parking into the building and site landscaping design in residential areas.	recognises predominant streetscape qualities, such as building form, scale, materials and colours.  The proposed design uses landscaping to positively contribute to the streetscape and neighbouring amenity and integrate car parking into the building and site landscaping design in residential areas.	
C6 Clear delineation between child care facilities and public spaces.  C6 Create a threshold with a clear transition between public and private	The development proposes fencing and landscaping that delineates the premises from the public spaces.	Complies
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realms, including:		
fencing to ensure safety for children entering and leaving the facility		
windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community		
integrating existing and proposed landscaping with fencing.		
C7 Legibility	The proposed child care centre development has been designed to improve legibility for visitors, including parents and children, separating from the neighboring properties. The appearance/façade of the building has been designed by choosing materials, plant species and colours that associated and suitable with child care centre.	Complies
C9 Front fences and walls	The proposed building height and the front façade architectural design including fences and walls helps shape the desired future character of a place relative to its setting and topography and represent the child care character. A garden plant style landscaping in front of the building and along the Brough street will soften the visual of the building and the car park.	Complies
C10 Shielding the facility from noise on classified roads.	The selection of the external walls of all internal playrooms, glazing of internal play areas and proper insulation of the front wall and setbacks to the street also establishes the alignment of the building and help to protect from the noise impact from the roads.	

<ul> <li>3.3 Building orientation envelope and design</li> <li>C11 Orient a development on a site and design the layout to:</li> <li>Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours, optimise solar access to internal and external play areas, Avoid overshadowing of adjoining properties, Minimise cut and fill, buildings define the street by facing it</li> <li>Ensure outdoor play areas are protected from wind and other climatic conditions.</li> </ul>	This proposed development locates doors and windows to be positioned on the side of outdoor play area. The areas need to be covered by the minimum 1.8m fence to minimise any overlooking between properties. Proposed side windows include screening to limit overlooking to neighbouring properties in the form of luminous glazing and landscape screening, whilst maintaining outlook and supervision to external outdoor areas. The development also takes the surrounding properties into account to maintain solar access to the open spaces, minimises cut and fill and is orientated and addresses the street. The proposed outdoor areas are located at the side and back of the building and be protected from wind and other climatic conditions.	Complies
C12 Compatible scale C13 Consistent setbacks C14 Prevailing residential setbacks	The proposal is consistent with residential and commercial uses. It ensures that the scale of the proposed child care facility is compatible with the local character.	Complies
C15 Built form contribute to the character of the area	The development proposal ensures that the built form, articulation and scale of development relates to its context and buildings in particular front façade and its building architectural appearance are well designed to contribute to the local area's character.	Complies
C16 Safe and secure entry	The proposed entry is positioned at the front that is safely accessible and visible	Complies
C17 Accessible design for all potential users. C17 Accessible design can be achieved by  • providing accessibility to and within the building in accordance with all relevant legislation  • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between	The development proposes a design that is accessible throughout the building for all potential users. The proposed plans have taken into account the National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access	Complies

all car parking areas and the main building entry	to buildings for people with disabilities.	
<ul> <li>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</li> </ul>		
minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.		
3.4 Landscaping C18 Contributory boundary landscaping C19 Car parking landscaping	The proposal includes a landscape plan that is sympathetic to the character of the surrounding area. A garden plant style landscaping in front of the building will soften the visual of the building and the car park.	Complies
3.5 Visual and acoustic privacy  C21 Minimise direct overlooking of indoor and outdoor play spaces from public areas.	To minimise direct overlooking of indoor and outdoor play area from public areas, the development proposes to ensure to install the fence of 1800 mm	Complies
C22 Minimise overlooking of adjoining living areas and private open spaces.	The proposed development ensures to locate windows and doors to optimize the privacy and optimize the security of the occupants. A minimum of 1800mm fencing will be installed to cover the outdoor play areas.	Complies
C23 Minimise impact on acoustic privacy of neighbouring residential properties	Generally, noise from within the small size of child care centre building is not expected to create any undue annoyance to nearby residents. Previous noise studies conducted at child care centres reveal that children have the potential to create high noise levels and crying from younger children may also occur. In the unlikely event that complaints should arise, the Noise assessment recommends closing windows/doors facing towards the residence of concern. During warmer months this may create ventilation problems. We therefore suggest installing ceiling fans to supplement air conditioning.	

C24 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.

A Noise Impact Assessment/Report has been completed by Reverb Acoustics to identify an appropriate noise level for child care facility located in residential. The assessment has shown that the site is suitable for the intended purpose, subject to the assessment recommendations. One of the recommendation that this proposed development ensure is acoustic fences must be erected at the following locations: Location Height Above FGL West Boundary 1800mm North Boundary 1800mm East Boundary 1800mm

Complies

#### 3.6 Noise and air pollution

C25 Minimise outside noise levels on the facility

C25 Adopt design solutions 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 (Not Applicable as existing building)
- using landscaping to reduce the perception of noise
- limiting the number and size of openings facing noise sources
- using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)
- using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits
- locating cot rooms, sleeping areas and play areas away from external noise sources.

C26 Noise attenuation measures for child care facilities on a major road.

The proposal sets out a plan of actions and measures taken to achieve the minimum outside noise levels on the facility. (Refer to Point 3.5 above). In addition, the proposed development includes creating physical separation between buildings and the noise source, using landscaping to reduce the perception of noise, using the existing standard insulation for the walls, limiting the number and size of openings facing noise sources, using double or acoustic glazing, using materials with mass and/or sound insulation or absorption properties, locating sleeping areas and play areas away from external noise sources. To reduce noise levels to an acceptable level, an acoustic fence will be required at the perimeter of the outdoor area. This parameter should be satisfied as the proposed height of fence will be 1800mm.

The proposed facility is not close to the major road

The proposed child care centre site is not located in proximity to any significant sources of air pollution.

Complies

Complies

C27 Air pollution C28 Air quality

#### 3.7 Hours of operation

C29 Hours of operation

## 3.8 Traffic, parking and pedestrian circulation

C31, C32, C33 Provide parking that satisfies the needs of users and demand generated by the centre. A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:

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

C36 Provide a safe pedestrian environment

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 included within large car parking areas
- separate pedestrian and vehicle entries from the street for parents, children and visitors

The centre will operate from 7 am to 6:00pm, Monday to Friday which will be consistent with childcare service operations and sympathetic to the surrounding residential land uses, commercial and educational premises.

The Traffic and Parking assessment conducted by the Greys Australia concluded that As part of this report, a parking assessment was also undertaken.

The proposed number of licensed places will be 28 children. Based on the previous use of public worship and considering the proposed centre is quite small, it has summarized that the development requires a total of 8 car parking spaces (for childcare centre at a capacity of 28 children).

The proposal incorporates the existing design solutions to help provide a safe pedestrian environment. Vehicles can enter and leave the site in a forward direction and marking of car park spaces.

The proposal incorporates a child safe fence that will be installed at the front of main entrance to ensure no kids access out from the building without supervision and separating the car parking area from the building entry and internal areas.

The proposed development provides eight (8) off-street parking spaces for the Staff and visitors. The total parking requirement as stipulated in RMS Guidelines is in the order of seven (7) parking spaces. Hence, maximum accumulation parking figures were extracted from RMS guideline on Validation Trip Generation Surveys Analysis Report and

Complies

Complies

Trip Generation Surveys Data Report prepare by TEF Consulting. It was concluded that a childcare centre with 28 children would require 1 space per 4 children including staff (7 spaces), hence 8 off-street parking spaces (inclusive of one PWD space) are deemed sufficient.  Appropriate drop-off/pick up spaces have been proposed within the premises with convenient access to the centre for parents and pedestrians from the car park.  The proposal ensures to include marked accessible car parking as close as possible to the primary building entrance.  The proposed building ensures to have accessible car parking complies with Australian Standard.	
The proposed number of children is 28 children. A minimum of 91 sqm of unencumbered indoor space is required. The proposal of 196 sqm of total indoor play area exceeds the minimum requirement and therefore complies with this provision.	Complies
A minimum of 8.4 cubic metres of external storage space is provided based on the calculation for 28 children capacity. Therefore, the existing external storage space on this proposal complies with the guidelines.	Complies
A minimum of 5.6 cubic metres of internal storage space is provided based on the calculation for 28 children capacity.	Complies
	by TEF Consulting. It was concluded that a childcare centre with 28 children would require 1 space per 4 children including staff (7 spaces), hence 8 off-street parking spaces (inclusive of one PWD space) are deemed sufficient.  Appropriate drop-off/pick up spaces have been proposed within the premises with convenient access to the centre for parents and pedestrians from the car park.  The proposal ensures to include marked accessible car parking as close as possible to the primary building entrance.  The proposed building ensures to have accessible car parking complies with Australian Standard.  The proposed fundor space is required. The proposal of 196 sqm of total indoor play area exceeds the minimum requirement and therefore complies with this provision.  A minimum of 8.4 cubic metres of external storage space is provided based on the calculation for 28 children capacity. Therefore, the existing external storage space on this proposal complies with the guidelines.  A minimum of 5.6 cubic metres of internal storage space is provided based on the

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	Therefore, the existing internal storage space by utilizing the staff room, wall cabinet in the classroom on this proposal complies with the guidelines.	
4.2 Laundry and hygiene facilities		
There must be laundry facilities or access to laundry facilities	Laundry facilities with provision for washer, dryer, laundry sink, and storage are provided onsite. They are located in an outside shed area/storage. No external laundry arrangement needed.	Complies
4.3 Toilet and hygiene facilities	Toilet and hygiene facilities to be fitted and constructed to ensure privacy of the user whilst maintaining supervision. Children toilet will be equipped with the compartment of minimum 900mm.	Complies
4.4 Ventilation and natural light	The proposal ensures the compliance of the National Construction Code regarding ventilation and natural light. The architectural plans attached.	Complies
4.5 Administrative space	The proposal provides an adequate provision of administrative space, consulting with parents and conducting private conversations.	Complies
4.6 Nappy change facilities	The proposal includes an adequate provision for napping changing and bathing facilities. All nappy changing facilities is designed and located in an area that prevents unsupervised access by children.	Complies
4.7 Premises designed to facilitate supervision	All rooms and facilities within the premise are designed to facilitate supervision of children.	Complies
4.8 Emergency evacuation and procedures	The proposal ensures appropriate evacuation procedures will be adopted for the centre and will be maintained regularly.	Complies
<b>4.9 Outdoor space requirement</b> Every child is to have a minimum of 7sqm of unencumbered outdoor space	A minimum of 196 sqm of unencumbered outdoor space is required based on the 28 places. The proposal includes 202 sqm of total outdoor play area and complies with this provision.	Complies
···——		

4.10 Natural environment	The proposal provides a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space.	Complies
4.11 Shade	The proposal includes the shading devices over the external play area complies with the minimum 30% shading of external areas.	Complies
4.12 Fencing	New fencing will be erected. Any provided fencing shall be constructed and designed to be safe and secure.	Complies
4.13 Soil assessment	The proposed site has been previously in the complex for residential purposes for many years. The site is unlikely to have been used for any uses that would cause the site to be contaminated.	Complies

## 5 Section 4.15 – NSW Environmental Planning and Assessment Act 5.1 General

An overview assessment of the environmental effects of conducting the subject activity in the manner previously described in this report is provided below. This assessment has had regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act (as amended).

The objects of the Environmental Planning and Assessment Act 1979, as stated under Section 1.3 defines the fundamental consideration for development proposals. Specifically, Section 1.3 encourages:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment

#### 5.2 Section 4.15 Impact of Development

#### Natural Environment

The proposed development will provide for additional child care facilities within the locality and hence is an 'orderly and economic' use of the land. The proposed development is in a location well served by road infrastructure and transport routes. The development proposal includes landscaping distributed throughout the site. The proposed built form and landscaping is compatible with the surrounding residential character and streetscape of the Cobar's Brough Street. The design of the child care facility has been designed in consideration of factors present in the natural environment.

The proposal does not generate adverse impacts such as traffic on any residential areas within the surrounding area and therefore encourages 'the proper management, development and conservation of natural and artificial resources'.

There are no significant adverse impacts on air quality, water quality, acoustic amenity and solar access, hence supporting the *'protection of the environment'* and principles of ecological sustainable development. The proposal therefore satisfies the objects of the Act.

#### Social and Economic Impacts

The proposal will deliver a range of social benefits at primarily the local level. The development offers additional and alternate child care to facilitate basic needs of the community. As such the proposal will contribute to the achievement of a range of social outcomes that will benefit existing and future residents and the wider community including:

- positive benefits through the provision of child care services to meet community needs; and
- the proposal is designed to effectively integrate into the established area;

Economic benefits will be realised through both construction and operation phases of the proposed development. In this regard the proposal will generate short-term (construction) and long-term employment opportunities (5 staff members). As such there will be some valuable new job opportunities associated with the proposed development.

Social impacts arising from the proposed development will be positive; stemming largely from economic benefits which will result.

The proposed development is consistent with provisions for the zone. It is an orderly and economic use of land. The proposal achieves an appropriate use for the site and delivers social, environmental and economic benefits by providing additional / alternate child care facilities to the area.

Transport Accessibility, Traffic Impacts and Car Parking

Greys was engaged by Little Kindy Pty Ltd to perform a traffic impact and parking assessment in support of a development application for a proposed 28 place childcare centre. The premises are located at 57 Brough Street, Cobar. It can be readily concluded that the subject childcare centre has no consequential impacts on the surrounding road network and parking demand. The operation of the childcare centre, at its current shape and form, is deemed acceptable in terms of traffic and transport matters.

#### Suitability of the site

The proposed location can be easily accessed. It is located on the main street of Brough Street near compatible social uses such as schools; Cobar Public School on Blakey St (1.7km), Cobar High School on Wetherell Cress (1.4km) and other educational establishments of TAFE on Prince St (1.3km), close to Dalton parks, Tom Knight Memorial Oval and other public open space, community facilities, places of public worship (e.g. Cobar Seventh Day Adventist Church on Bathurst St).

Employment in the Cobar Regional area is associated with businesses, services, agriculture, mining, construction, retail, health, and education.

These industries are largely associated with the land use in Cobar encompassed within the nearby surrounding area. The proposed child care facility is located in proximity to employment areas.

The site is located in proximity to a range of businesses, shops, services and Cobar commercial centre; such as Motels on Barrier Highway, Regional Australia Bank on Barrier Highway (1,4 km), Service NSW on Linsley St (1.6km), Petrol stations, automobile dealers, pharmacy on Barrier Highway.

The proposal would not result in any amenity impacts upon nearby residential development and will not contribute negatively to the streetscape of the immediate locality. The site is considered suitable to accommodate the proposed development, as demonstrated by the following:

#### The Public Interest

The child care development proposal can be considered to be in the public interest. There are additional employment opportunities associated with the development as part of both the construction and the ongoing operation of the centre. The child care centre also provides both an increase in numbers and an alternative for parents / carers, in respect of child minding services it will provide.

#### 6 CONCLUSION

This Statement of Environmental Effects concludes that the proposed child care facility at Lot 72 in DP 520071, 57 Brough Street, Cobar has been designed appropriately and complies with the relevant State and Council planning controls. Therefore, the DA will achieve appropriate and desirable outcomes on the site that should be recommended for approval on the following grounds:

- The proposal is consistent with relevant town planning policies and statutory controls,
- The proposal contributes to a sustainable development of the site; and
- The proposal results in no unacceptable impacts.

In summary the development proposal is in the interest of both Council and the broader community to provide for future development of the site in accordance with the zoning.

## ANNEXURE C

## RESPONSE TO SUBMISSIONS FROM APPLICANT

## Council Reference: 2022/LD-00029 FOR A PROPOSED CHILD CARE CENTRE ON LOT 72 in DP 520071, 57 BROUGH STREET COBAR NSW

Cobar Shire Council Planning and Development Officer

<u>Subject: Responses on Public Submission – Request for Additional Information</u>

To Whom It May Concern,

We have received some concerns of our development proposal for a child care centre at 57 Brough Street, Cobar NSW. We would like to thank the community for bringing these to our attention. Would you please see below our comments?

## Issue: Traffic Impact and Noise Impact

- Road Access(Loss of Parking/Loading/Turning)
- Traffic Generation and Road Safety
- Generation of of Noise and Disturbance Resulting from Proposed use
- Privacy
- Proof of Need
- Suitability of the Site

We have engaged Greys Australia - the Traffic and Parking Engineering consultant to do an assessment. The assessment is to perform a traffic impact and parking assessment in support of a development application for a proposed 28 place childcare centre. The premises are located at 57 Brough Street, Cobar.

### The scope for assessment includes:

- summary of the site's traffic generation and any impacts on the surrounding
- assessment of the site access location and form in accordance with Cobar Shire Council requirements;
- assessment of the car and bicycle parking provisions in accordance with Cobar Shire Council requirements;
- assessment of the internal road and parking layout in accordance with AS2890 and Cobar Shire Council requirements;
- a review of active transport amenity including on-site provisions for cyclists and connectivity to surrounding pathway networks; and
- a review of public transport accessibility and facilities within proximity to the site.

The assessment concluded that the subject childcare centre has no consequential impacts on the surrounding road network and parking demand. The operation of the childcare centre, at its current shape and form, is deemed acceptable in terms of traffic and transport matters. According to the Traffic Assessment, it is likely the proposed development will result in an increase in the traffic generation potential of maximum 33 vph. The Projected increase in traffic activity as a consequence of the development proposal is minimal and will Sarly not have any unacceptable traffic implications in terms of road network capacity.

The proposed child care is relatively a small medium size centre. To accommodate safe parking for parents who drop-off and pick up their children, we have provided appropriate car park spaces in front of the premises with convenient access to the centre. The traffic assessment also concluded that the proposed development will not have any unacceptable parking implications on the surrounding amenities given the non-restricted on-street parking along Brough Street.

In regards to the Noise Impact, Reverb Acoustics - the Noise and Vibration consultant has been engaged to do an noise impact assessment. The purpose of this assessment is to determine the noise impact passing road traffic may have on operation of the centre. Further assessment has been undertaken to determine the noise impact the Centre may have on nearby sensitive receivers. The assessment has recommended noise control, such as the proposed operating hours of 7 am – 6pm are acceptable. The installation of acoustic fences must be erected at the boundaries with the minimum of 1800 mm. This measure is not only to address the noise control but also the privacy. The more comprehensive details of these recommendation have been outlined in the report. In conclusion, providing the recommendations given in this report are implemented, external noise impacts will comply with the requirements of the EPA, AAAC and CSC within habitable spaces of the proposed development. We therefore see no acoustic reason why the proposal should be denied.

In regards to the need and suitability of the site, Cobar at the moment only has 1 child care — Kubby House Child care which is located 1.1 km from the proposed development. This centre can only accommodate 31 children. The other preschool can only provide 30 children during the school terms. With the number of children under 5 in Cobar shire, the addition of the child care facility will be definitely highly needed. This area is located in the Zone where child care centre is permissible.

We believe that with this addition of child care in this township will solve one of the major problems faced by the community; i.e the child care desert. We are grateful to have an opportunity to contribute to Cobar community with our service should this proposal is granted.

Thank you for the opportunity to comment of the community's feedback on the proposed development.

Kind regards,

Arzal Arzal Applicant

Little Kindy Pty Ltd