
SECTION 4.15 EVALUATION

Environmental Planning and Assessment Act 1979 (as amended)

Development Application No.	DA033/25 (PAN-518314)
Subject Site	20 Curtin Place Lithgow, Lot 1 DP568331
Proposal	Centre Based Child Care Facility (36 places)
Zoning	R1 General Residential
Permissibility	Lithgow Local Environmental Plan 2014- Land Use Table
Cost of Development	To be advised
Applicant	Monique Wilson
Owner	Monique Wilson & Denise Read
Notification	Yes - two public exhibition periods: 1. 9 April to 7 May 2025 2. 24 September to 17 October 2025
Submissions	56 Submissions
Variations	Nil
Site Inspection	Jessica Ramsden & Jim Sheehan
Responsible Officer	Jessica Ramsden
Recommendation	Approval subject to attached conditions

Executive Summary

Objective of Report: To assess and recommend determination of DA033/25 with recommendation for approval subject to conditions.

The original application to Council was for a 39 place Centre Based Child Care Facility, but was subsequently amended to a 36 place facility. The site plan and carparking have also been amended since the application was originally lodged.

The original application was placed on public exhibition from 9 April to 7 May 2025, and the amended application was placed on public exhibition from 24 September 2025 to 17 October 2025. Council received a total of 56 submissions (including 18 repeat submissions). Fourteen (14) submissions expressed support for the development while twenty four (24) submissions objected to the proposal.

This assessment report finds that the proposal generally complies with the relevant provisions of all applicable environmental planning instruments and regulatory provisions. The proposal is not expected to result in any significant negative impacts upon the environment or upon the amenity of the locality. The proposed development is recommended for determination by way of approval subject to the conditions outlined at the end of this report.

Description of Site and Surrounds

The existing site and surrounding development is in an established residential area with a mixture of sizes and story types. The site retains a dwelling, driveway access and a large, tiered retaining wall along part of the Musket Parade boundary.



Council found through the site inspection for this application process that the following internal and external works have been undertaken on the site without consent:

- 5 internal walls removed
- 2 windows converted to doors and one door removed
- Stairs removed
- Garage doors replaced with windows
- Access and impervious slab at the front of the dwelling constructed

These works are being addressed through the compliance process, separate to this development application.

It is noted that works have been included in this application for retrospective approval for conversion of a dwelling to a childcare centre. Below is a comparison of works undertaken without consent.



Original Driveway and
concreted areas at front
-Unsure of measurements of
Impervious Areas.
20 Curtin place Lithgow

Current driveway 8m width x
15m length (120m2)

Current Impervious Areas 91m2

Total Front area 211m2 as per
plans



Current Driveway and
concreted areas.
20 Curtin Place Lithgow

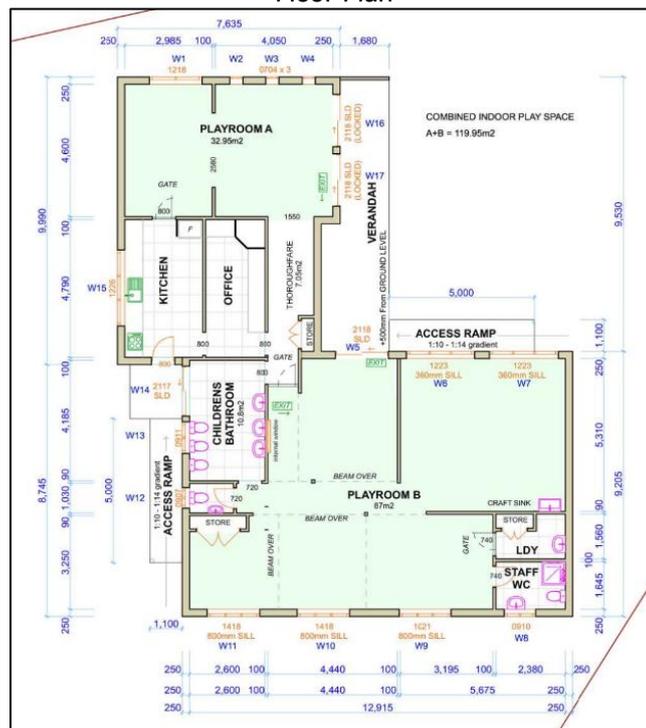
Proposed Development

Council is in receipt of Development Application No. DA033/25 seeking consent for 36 place Child Care Centre Facility at 20 Curtin Place Lithgow NSW 2790. The proposal includes internal works for the Child Care Centre Facility, acoustic fencing, play equipment, carparking and associated landscaping.

Specifically, the development proposes:

- 36 place Child Care Centre Facility consisting of:
 - 8 children in Joey room (2-3 years) with 2 staff
 - 28 children in Koala room (3-6 years) with 3 staff
- Operating hours being 7am to 6pm, 50 weeks per year, closed public holidays
- Outdoor play of approximately 4 hours per day
- Food onsite is provided by families in packed lunch boxes
- 7 onsite car spaces provided (3 for staff and one disabled with shared zone)
- Outdoor play equipment construction
- Internal and external construction works for walls, openings, ramps, doors, toilet and laundry facilities
- Acoustic fencing
- Business identification sign

Floor Plan



	<p>Reason: To comply with cl64(1) & (2) of the Environmental Planning & Assessment Regulation 2021</p> <p>2. Prior to the commencement of any building work required by the consent a Construction Certificate is to be obtained in relation to such proposed work.</p> <p>Reason: To ensure required upgrading works meet the current provisions of NCC2022 Vol 1.</p> <p>3. Prior to the issue of any Occupation Certificate the following unauthorised building work is to be regularised by obtaining a Building Information Certificate from Council:</p> <p>a) Removal of internal walls & installation of structural beams; and b) Construction of new floor structure associated with the conversion of the existing Garage to Playroom B.</p> <p>Reason: To regularise unauthorised building work under the Environmental Planning & Assessment Act 1979.</p>
Plumbing & Drainage	<p>1. Prior to commencement of any plumbing and/or drainage work, a Notice of Works is to be submitted to Council from the licensed plumbing contractor in accordance with the Plumbing and Drainage Act.</p> <p>2. All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with the requirements of Australian Standard 3500 and Comply with the Plumbing Code of Australia (PCA) and all relevant Australian standards.</p> <p>3. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers. Forty - eight (48) hours' notice shall be given to Council for inspection of the following:</p> <ul style="list-style-type: none"> • Internal and external drainage lines prior to prior to backfilling. • The licensed plumber/drainer shall be on site at the time of the inspection, and the drainage lines shall be charged and under test. • Hot and cold water installations under test bucket pressure of 1500Kpa • On completion of all plumbing drainage and sanitary fixture installations. <p>4. Prior to issuing the Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council as the delegated regulatory authority for plumbing and drainage work within the Lithgow City Council area.</p> <p>5. Prior to the issue of an Occupation Certificate the applicant shall furnish Council with a Certificate of Compliance and approved drainage diagram (SSD) for all sanitary plumbing and drainage installations.</p> <p>6. Licensed plumber to determine correct point of connection into council's sewer and relative sewer heights.</p>
Infrastructure Services	<p>It is recommended that the following conditions be placed on any development consent:</p> <ul style="list-style-type: none"> • The Applicant is to ensure that Contract Works Insurance is kept current for the duration of the development, and must also ensure that all Contractors and Subcontractors working within Council road reserves possess and maintain adequate Public Liability Insurance (\$20 million), with copies to be provided to Council prior to commencement of any works. Any potential claims that result from negligent actions performed by Contractors / Subcontractors engaged by the Applicant within Council road reserves will be borne by the Applicant and not Lithgow City Council.

	<ul style="list-style-type: none"> • Any driveway construction works (new or replacement of existing driveway access) needs to comply with Council's Policy 10.18 – Specification for the Construction of Driveways, Footpath / Gutter Crossing and Footpaving (available on Council's website). The application fee for the inspection is required to be paid prior to inspection being undertaken. Notification of at least 48 hours is required to arrange inspections (no inspection undertaken on Fridays). Further information can be obtained regarding Driveway approvals by contacting Council's Infrastructure Services Department on (02) 6354 9904 during business hours. • Any works that will have an impact on pedestrian or vehicle use of footpath / roads will require a Temporary Road / Footpath Closing Application to be submitted, with the submission of appropriate documents and fees paid. Approvals need to be submitted for assessment at least 4 weeks prior to proposed works for adequate referral and assessment. Further information can be obtained regarding Temporary Road / Footpath Closing Applications by contacting Council's Infrastructure Services Department on (02) 6354 9904 during business hours. • Vehicular access and manoeuvring associated with the subject development shall be designed in accordance with AS 2890.2. • A minimum one (1) metre clearance shall be provided between proposed driveway crossings and any street tree/existing services. All existing services conflicting with the proposed driveway are to be relocated in accordance with the relevant Authority's regulations and standards. • Upon completion of all works in the road reserve, all disturbed verge areas fronting development site are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of driveways, concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge. • A construction certificate will be required to be lodged to Council prior to the commencement of any Civil Works. • Applicant to comply with the stormwater management plan prepared by Harris Environmental Consulting dated 1 August 2025. • Stormwater generated from the impervious areas in proposed development shall be discharged to the street drainage system or an inter-allotment drainage system by a 100% gravity drain system. • A suitable kerb adaptor shall be provided, if stormwater is proposed to be discharged to a street kerb. • The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows. • The Applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site. • Effective erosion and sediment controls shall be installed prior to any construction activity including dwelling site access. The controls must prevent sediment entering drainage depressions and watercourses, and shall be regularly maintained by the Applicant, and retained until works have been completed and groundcover established.
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<p>Water & Wastewater</p>	<p>In regard to the abovementioned development application, the following conditions should be applied from water and wastewater:</p> <ol style="list-style-type: none"> 1. If the development requires a change to the water or sewerage connections for servicing, a S68 application and approval will be required to be submitted to Council for this change. 2. The approved development is subject to Water and/or Sewerage Development Contributions. Contributions are levied in accordance with Section 64 of the Local Government Act 1993 which allows council to exercise this function pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000. 3. Development Contributions are levied in accordance with the Development Service Plans for Water Supply and Sewerage enforce at the time of payment. The amount of the contribution per Equivalent Tenement is published in Council's adopted Fees and Charges. Contributions are subject to annual CPI increases. 4. The number of Equivalent Tenements in a development is determined using the methodology and definitions as described in the Water Directorate Section 64 Determinations of Equivalent Tenements Guidelines, April 2017. Council will make a copy available to the applicant for the purpose of determining the contribution amount. 5. An application for the Certificate of Compliance for all Water and Sewerage Supply works is to be submitted by the applicant at the completion of the works and prior to Subdivision Certificate or Occupation Certificate. This application is to be accompanied by all plumbing, drainage and civil works details associated with the water and sewerage supply including Work as Executed drawings. 6. A Certificate of Compliance issued under the Water Management Act 2000 only covers the water supply and sewerage supply works that are not defined as plumbing and drainage work within the meaning of the Plumbing and Drainage Act 2011. 7. A Certificate of Compliance must be issued prior to the release of the Subdivision Certificate/Occupation Certificate. In accordance with Section 306(2) Water Management Act 2000 a precondition to the issue of the Certificate of Compliance is the payment of Development Contributions and that all water and/or sewerage conditions of consent are satisfied. 8. In accordance with Section 307 Water Management Act 2000 Council may impose a requirement on the applicant to address outstanding matters. Where a matter remains unresolved Council may be satisfied that a requirement has been complied with if the applicant lodges with the Council such security to cover the cost of ensuring full compliance. <p>Advisory note: S64 headworks calculations Lithgow sewerage and Lithgow Water charges applicable Calculation <u>Sewerage</u> Credit of 1 ET Childcare centre 0.1 (ET) Total charge = 36 (place) x 0.1 (ET) x \$3,328.25 (charge) = \$11,981.70 Credit = \$3,328.25 Charge = \$8,653.45 <u>Water</u> Credit of 1 ET Childcare centre 0.06 (ET) Total charge = 36 (place) x 0.06 (ET) x \$3,561.27 (charge) = \$7,692.34 Credit = \$3,561.27 Charge = \$4,131.07</p> <p><u>Total charges</u> as of 1 October 2025 = \$12,784.52</p>
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External Referrals

Agency	Comment
WaterNSW (Concurrence)	<p>Water NSW notes the following from its assessment of the application: the Statement of Environmental Effects (prepared by Monique Wilson, dated 12 March 2025) specifies installation of two 3000 litre rainwater tanks, however, these have not been specified in the Stormwater Management Plan.</p> <p>Water NSW notes that the proposed development can only demonstrate a neutral or beneficial effect (NorBE) on water quality with the rainwater tanks, and construction of a dish drain and berm is proposed across the sealed driveway to direct runoff to the proposed raingarden. Water NSW considers the final stormwater drainage plan should consider appropriate diversion of runoff to the raingarden, in line with Council's requirements.</p> <p>These matters have been addressed in the following conditions. Based on the site inspection and the information provided, Water NSW considers that the proposed development can achieve a NorBE on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.</p> <p>Water NSW concurs with Council granting consent to the application subject to the following conditions:</p> <p>General</p> <ol style="list-style-type: none"> The development layout and works shall be implemented in accordance with the plans and supporting documents set out in the following table. <p>Stormwater Management</p> <ol style="list-style-type: none"> All stormwater management measures as specified in the in the Stormwater Management Plan and shown on the Stormwater Management Plan Details Sheet No 1 and 2 set out in the table of Condition 1 shall be incorporated in the final stormwater management plan. The final stormwater management plan shall: <ul style="list-style-type: none"> be prepared prior to the issuance of a Construction Certificate and approved by the Principal Certifier include: <ul style="list-style-type: none"> pits and pipes rainwater tanks raingarden, and appropriate diversion measures to direct runoff from car parking and artificial turfed areas towards the raingarden be implemented. The access driveway and car park areas shall be constructed such that stormwater runoff drains via appropriate diversion measures to the raingarden located at the northeast side of the site. The raingarden shall: <ul style="list-style-type: none"> be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne , 2015, Melbourne, CRC for Water Sensitive Cities) have an appropriately designed and stabilised inlet point such that inflow does not cause erosion also incorporate the following: <ul style="list-style-type: none"> a minimum surface area and filter area of 7.2 square metres extended detention depth of 400 mm a filter depth (excluding transition layers) of 600 mm above the underdrains a network of underdrains with a 1.5 metre spacing a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable) direct all discharge and overflow to Council's stormwater network on Curtin Street be accessible from the driveway by machinery to facilitate cleaning, monitoring and maintenance of the structures be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management be protected by sediment and erosion control measures during any construction and postconstruction phase until the ground surface is revegetated or stabilised, and

	<ul style="list-style-type: none"> • be constructed after all hardstand areas have been sealed and all ground surfaces have been stabilised. <p>5. A rainwater collection and reuse system for the building roof shall be installed that:</p> <ul style="list-style-type: none"> • has rainwater tanks with a minimum total capacity of 6,000 litres above any volume required for mains top-up • ensure roofs and gutters are designed to maximise the capture of rainwater in the tanks • ensure the tanks are plumbed for non-potable use including landscape watering, and • ensure all rainwater tank overflow is directed to the raingarden on the site. <p>6. No variation to stormwater treatment or management that will have any impact on water quality shall be permitted without the agreement of Water NSW.</p> <p>7. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and the Principal Certifier prior to the issuance of an Occupation Certificate that all stormwater management measures have been installed as per these conditions of consent and are in a functional state.</p> <p>Operational Environmental Management Plan</p> <p>8. An Operational Environmental Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans. The Plan shall:</p> <ul style="list-style-type: none"> • be prepared prior to the issuance of an Occupation Certificate • be provided to the site's owner and appointed management representative • include the details on the location and nature of stormwater management measures such as pits, pipes, appropriate diversion measures directing runoff from the carpark and artificial turf areas, raingarden, and rainwater collection system • outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management measures, particularly for the raingarden, including the frequency of such activities • identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and • include checklists for recording inspections and maintenance activities, particularly for raingarden. <p>9. All stormwater management measures shall be monitored, maintained and managed as per the Operational Environmental Management Plan.</p> <p>Construction Activities</p> <p>10. An Erosion and Sediment Control Plan shall be prepared for all works required in the development by a person with knowledge and experience in the preparation of such plans. The Plan shall:</p> <ul style="list-style-type: none"> • be prepared prior to the issuance of a Construction Certificate for the development, and be to the satisfaction of the Principal Certifier meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2204), and • include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines, drainage easement or stormwater drain. <p>11. The Erosion and Sediment Control Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained, and retained until works have been completed and groundcover established.</p>
	<p>Council comment: Conditions of consent will be implemented on the development as per above if approved.</p>
<p>NSW Government Department of Education</p>	<p>The development application originally lodged in the planning portal (which was for a 39 place centre) was referred to the NSW Department of Education as required by clause 3.22 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.</p> <p>The Department responded as follows:</p> <p>On 16 April 2025, the NSW Department of Education (the "Department") received your referral for the development application described below:</p> <p>Application Number: DA033/25 Property: 20 Curtin Place Lithgow NSW 2790</p>

	<p>Reason for Referral</p> <p>The development application for the purpose of a centre-based child care facility was referred to the department under section 3.22 of the SEPP which states:</p> <p><i>(1) This clause applies to development for the purpose of a centre-based child care facility if:</i></p> <p><i>(a) the floor area of the building or place does not comply with clause 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations</i></p> <p>Decision</p> <p>Following review of the development application, I have refused this concurrence request. In line with 3.22(5) of the SEPP, I am providing you with written notice of my decision.</p>
	<p>Council comment: The application was subsequently amended to reduce the number of places at the centre from 39 to 36. This reduction means that the proposal now complies with the minimum unencumbered indoor floor space requirements. As such no additional referral to the Department of Education is required under the SEPP.</p> <p>36 children x 3.25m² = 117m² required</p> <p>Floor Space provided = 119.95m²</p>

Statutory Assessment

In determining a Development Application, a consent authority is to take into consideration the matters of relevance to the development pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**).

State Environmental Planning Policies

Section 4.15(1)(a)(i) of the EP&A Act requires the consent authority to consider the provisions of environmental planning instruments (EPis), which includes State Environmental Planning Policies (SEPPs). SEPPs applicable to this assessment are addressed in the following sections:

- State Environmental Planning Policy (Transport & Infrastructure) 2021 (previously Education SEPP 2017 repealed)
 - Child Care Planning Guideline 2021
 - National Quality Framework Assessment Checklist (Attachment A)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Lithgow Local Environmental Plan (LEP) 2014

Development Control Plan

Section 4.15(1)(a)(iii) requires the consent authority to consider any applicable development control plan. For the purpose of this assessment, the Lithgow Development Control Plan 2021 (**Lithgow DCP**) applies and will be addressed in this assessment.

State Environmental Planning Policy (Transport & Infrastructure) 2021	
Chapter 3- Educational Establishments & Child Care Facilities	
Relevant Provisions	Comment
Part 3.1 Preliminary	
3.1 Aims of Chapter	

State Environmental Planning Policy (Transport & Infrastructure) 2021

Chapter 3- Educational Establishments & Child Care Facilities

Relevant Provisions	Comment
<p>The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—</p> <ul style="list-style-type: none"> (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and (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 delivered and to minimise impacts on surrounding areas, and (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 (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and (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 (h) encouraging proponents of new developments 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. 	<ul style="list-style-type: none"> (a) The development will be providing additional childcare to the Lithgow region that has been assessed under the current planning regime and will require Dept of Educations operational consent. (b) This Development Application is the correct pathway for the change of use of a dwelling to a Centre Based Child Care Facility, and assessment of impacts. (c) The relevant State Environmental Planning Policies have been considered for the development as well as the Child Care Planning Guidelines. A key objective of this development assessment is to minimise potential impacts of the development. (d) NA (e) The development application process has allowed for public consultation on the proposal and referrals to relevant public authorities. (f) The NSW planning framework considers the national quality framework for child care centres. (g) The development process has been undertaken in accordance with planning frameworks. The National Quality Framework has been considered through the Child Care Planning Guideline and will be address again with the Department of Education for an Operational consent for regulatory frameworks. See Attachment A (h) There will be no shared or joint use of this facility given the nature of the development and its location within a residential area. The proposal is for a change of use development from a residence to a Centre Based Child Care Facility.
<p>Part 3.3 Early Education and Care Facilities – Specific Development Controls</p>	
<p>3.22 Centre-based child care facility – concurrence of Regulatory Authority required for certain development</p>	
<p>This section applies to development for the purpose of a centre-based child care facility if—</p> <ul style="list-style-type: none"> (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of 	<p>The Education and Care Service National Regulations (2011 SI653) prescribes the minimum indoor space required is 3.25m² per child and the minimum outdoor space is 7m² per child.</p>

State Environmental Planning Policy (Transport & Infrastructure) 2021	
Chapter 3- Educational Establishments & Child Care Facilities	
Relevant Provisions	Comment
<p>the <i>Education and Care Services National Regulations</i>, or</p> <p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</p> <p>(2) The consent authority must not grant development consent to development to which this section applies except with the concurrence of the Regulatory Authority.</p>	<p>Therefore, the required space for the proposal is:</p> <p>Indoor = 36 x 3.25 = 117m² Outdoor = 36 x 7 = 252m²</p> <p>The space provided for indoor as per the amended application is 119.95m² and outdoor is 360m².</p> <p>As the development application complies with the minimum space requirements, clause 3.22 does not apply.</p>
3.23 Centre-based child care facility matters for consideration by consent authorities	
<p>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 <i>Child Care Planning Guideline</i>, in relation to the proposed development.</p>	<p>This is fully considered in the table below under "Child Care Planning Guideline Assessment".</p>
3.24 Centre-based child care facility in certain zones- additional matters for consideration by consent authorities	
<p>(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 a prescribed zone.</p>	<p>NA – the prescribed zones are E4, E5, IN1 and IN2. The subject site is in R1 zone, which is not a prescribed zone</p>
3.25 Centre-based child care facility- floor space ratio	
<p>(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.</p>	<p>NA – the subject site is not zoned R2 Low Density Residential.</p>
3.26 Centre-based child care facility- non-discretionary development standards	
<p>(1) 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.</p>	<p>Noted</p>
<p>(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—</p> <p>(a) location—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) indoor or outdoor space</p> <p>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <i>Education and Care Services National</i></p>	<p>(a) noted</p> <p>(b) indoor and outdoor space is dictated by the regulation and no further requirements will be imposed by Council in this regard.</p> <p>(c) The development is on an existing allotment as it is for a change of use of existing dwelling. As such no setback impacts have been imposed other than requirements as per fire safety and compliance with the National Building Code/ Australian Standards.</p>

State Environmental Planning Policy (Transport & Infrastructure) 2021

Chapter 3- Educational Establishments & Child Care Facilities

Relevant Provisions	Comment
<p><i>Regulations</i> applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2012</i> applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>(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.</p>	<p>(d) Although any colour can be chosen for the development, Council will impose a condition of consent if approved that requires the treatment of the driveway to be less stark. i.e. by either using a darked colour and/or treatment/stencil of the area. The site and surrounding is not subject to heritage provisions.</p>

3.27 Centre-based child care facility- development control plans

<p>(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—</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early education and care facilities,</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in—</p> <p>(i) the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i>, or</p> <p>(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).</p> <p>(2) This section applies regardless of when the development control plan was made.</p>	<p>The development has been assessed against the Lithgow DCP which is used as a guideline for assessment only.</p> <p>The Lithgow DCP is silent on the need or demand for childcare services and location to other childcare centres.</p> <p>The proposal will be assessed against the principles set by the Child Care Guideline.</p> <p>There are no factors within the Lithgow DCP that would limit the proposed development for a Centre Based Child Care Facility.</p>
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Child Care Planning Guideline Assessment (Clause 3.23 assessment under SEPP Transport & Infrastructure)	
1. Introduction	
1.3 What are the Planning Objectives	
<ul style="list-style-type: none"> promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations 	The development will have an appropriate design as per the regulations subject to conditions of consent if approved.
<ul style="list-style-type: none"> ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses 	The proposal of a 36 place Centre Based Child Care Facility is permissible in the R1 General Residential zone and is a suitable land use for the area subject to conditions of consent if approved.
<ul style="list-style-type: none"> minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment 	The design and conditions of consent to be imposed on the proposal will ensure that potential impacts on the environment and surrounding land use will be minimised while allowing for the permitted land use if approved.
<ul style="list-style-type: none"> deliver greater certainty to applicants, operators and the community by embedding the physical requirements for service approval into the planning requirements for child care facilities. 	A full assessment under the child care guideline will ensure that physical requirements will be provided for the service if approved in accordance with planning requirements.
2. Design quality principles	
Principle 1- Context	The proposal is utilising an existing residential building and backyard for the development. The development is located within 700m of a bus stop and 1.5m from Lithgow CBD. The development is in an established residential area of Lithgow.
Principle 2 – Built Form	The proposal for a 36 place Centre Based Child Care Facility allows the reuse of the existing building floor space and outdoor space with internal changes required to meet the Childcare Planning Guideline and building code requirements. The design contributes to the streetscape in a similar manner to the existing residential dwellings in relation to bulk and scale of the building. Conditions of consent for landscaping and treatment of the carpark area will improve the overall aesthetics of the development and be sympathetic to the surrounding residential character.
Principle 3 – Adaptive Learning Spaces	The internal fitout will accord with the design guidelines and will meet requirements for staff and children. The space will be available for a variety of learning opportunities and different modes in accordance with child care requirements. This will form part of the regulatory process of the Department of Education once the facility is operational. However, the development application indicates that space requirements will satisfy the requirements of the SEPP.
Principle 4 – Sustainability	The internal layout of the proposal provides for natural light and ventilation through openable windows and doors. The proposal is for a change of use of an existing building with proposed reverse cycle units to be installed to accommodate heating and cooling needs. Given the size of the building and floor plan, this type of heating/cooling is suitable. The repurposing of an existing residential dwelling contributes to a sustainable reuse of existing materials and building itself, thus reducing waste and building materials used for the site overall.
Principle 5 – Landscape	Landscaping at the front of the property will require some integrated pottings that do not impact on the carparking area or the operations of the development. This may be facilitated with pots that are easily moved for operational ease. The landscaping of the outdoor play area will include a mixture of synthetic for

	operational use and natural plantings to provide learning opportunities. A condition of consent to maintain landscaping will be included if approved.
Principle 6 – Amenity	The proposal to utilise an existing residential building will provide a positive amenity. The colour choice and treatment to the carpark with landscaping will all contribute to a suitable design. The outdoor play space and fencing design will provide an attractive play space and will be subject to conditions of consent if approved.
Principle 7 – Safety	A purpose-built outdoor play area will be provided for the development to provide for a quality outdoor play space. The carparking area has been designed in accordance with Australian standard requirements and a walkway has been provided for pedestrian safety.

3. Matters for Consideration	
3.1 Site Selection & Location	
<p>Objective: To ensure that appropriate zone considerations are assessed when selecting a site.</p> <p>C1 For proposed developments in or adjacent to a residential zone, particularly if that zone is for low density residential uses consider:</p> <ul style="list-style-type: none"> • the acoustic and privacy impacts of the proposed development on the residential properties • the setbacks and siting of buildings within the residential context • visual amenity impacts (e.g. additional building bulk and overshadowing, local character) ▪ traffic and parking impacts of the proposal on residential amenity and road safety 	<p>The proposal has identified acoustic impacts to adjoining residences. Acoustic fencing is proposed to minimise impacts and satisfy the required noise limits. Further, the operational plan details that approximately 4 hours of outdoor play is proposed and staggered outdoor use proposed. This further reduces noise impacts on the surrounding area.</p> <p>The existing residential building is being utilised for the development and therefore setbacks of the proposal have not been assessed other than required for building compliance. The proposed visual amenity is similar to the existing residential use other than visual impacts from the proposed carpark. The carpark area will be visually softened through treatments proposed, which will be conditioned on the consent if approved. For example, stencilling/painting of the sealed area, as well as potted movable plants.</p> <p>Traffic and parking have been assessed by Council's Development Engineers and found to be compliant with requirements for the size, number and location of the proposal on Curtin Place. This is further discussed in detail in this report.</p>
<p>Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.</p> <p>C2 When selecting a site, ensure that:</p> <ul style="list-style-type: none"> • the location and surrounding uses are compatible with the proposed development or use • the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards • there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed • the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> ○ length of street frontage, lot configuration, dimensions and overall size ○ number of shared boundaries with residential properties • the development will not have 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. Where the proposal relates to any heritage item, the development should retain its historic character and conserve significant fabric, setting or layout of the item. • there are suitable and safe drop off and pick up areas, and off-and-on-street parking 	<p>The site is located in the R1 general residential zone. Centre Based Child Care Facilities are mandated in the Standard LEP as a permissible use in the land use table for the R1 zone. This demonstrates the State's support for availability of child care in the R1 zone. Centre Based Child Care Facilities in a residential setting can allow for casual surveillance and a sense of community compared to commercial and industrial areas. The residential areas provide for a calmer location for children to feel safe and comfortable traveling to.</p> <p>The site is not identified as flood prone (as per Council's flood plan mapping), bushfire prone or in a mine subsidence district. It is known that stormwater drainage issues exist for the area in large rain events. However, this is a matter for Council to resolve separate to the proposed development application.</p> <p>The surrounding land uses are residential with no known uses that would contribute to contamination uses or history of land uses in the area that would cause impact to the proposed development.</p> <p>The existing characteristics and appearance of the site is consistent with the residential area, with no change to the bulk of the building. As such the scale of the proposed childcare is limited to the existing floor area and outdoor usable space and is considered a suitable size for the location. The configuration of the allotment and building remains unchanged with the proposed carparking meeting requirements for the size of the development and Australian Standards. There are 3 residential properties that directly adjoin the land. Subject to conditions of consent it is expected that any</p>

<ul style="list-style-type: none"> the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	<p>potential impacts will be minimised to these adjoining residents in relation to noise. Views of the development remain unchanged and will not impact the adjoining residents. The impacts of the outdoor shade and fencing will only impact views into the property. The development will ensure the exterior and interior spaces will be suitable for the proposed use at the size proposed.</p> <p>The carparking layout will allow for a safe drop off and pick up area for patrons. The area is known to be a quiet street with minimal traffic movements given its location is not on a main thoroughfare road. The road is appropriate for the scale of use being a 36 place Centre Based Child Care Facility and onsite carparking proposed meets the requirements. The development is not located near any commercial, restricted premises, licensed premises, injection clinics or sex service premises.</p>
<p>Objective: To ensure that sites for child care facilities are appropriately located.</p> <p>C3 A child care facility should be located:</p> <ul style="list-style-type: none"> near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship near or within employment areas, town centres, business centres, shops with access to public transport including rail, buses, ferries in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>The proposed development is within an established residential area of Lithgow and is within:</p> <ul style="list-style-type: none"> 160m of public open space/ established park 250m of places of public worship 700m of bus stop 200m of employment areas 1.5km from town centre <p>The location is considered to be an appropriate site for a Centre Based Child Care Facility.</p> <p>There is no formed pedestrian walkway within Curtin Place, however it is approximately 170m walk to the nearest pedestrian walkway, connecting surrounding Lithgow areas.</p>
<p>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</p> <p>C4 A childcare facility should be located to avoid environmental conditions arising from:</p> <ul style="list-style-type: none"> proximity to: <ul style="list-style-type: none"> heavy or hazardous industry, waste transfer depots or landfill sites Liquefied Petroleum Gas (LPG) tanks or service stations water cooling and water warming systems odour (and other air pollutants) 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. 	<p>The development location is surrounded by residential land uses and the distance to the closest industrial area is 300m. Land uses in proximity are not expected to impose a risk to health or safety of the facility.</p> <p>There are no other environmental hazards or risks that would affect the development. It is noted that an existing retaining wall perpendicular with Musket Parade onsite will be fenced from the use of the development.</p>
<p>3.2 Local character, streetscape and the public domain interface</p>	
<p>Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.</p> <p>C5 The proposed development should:</p> <ul style="list-style-type: none"> contribute to the local area by being designed in such a way to respond to the character of the locality and existing streetscape build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place reflect the predominant form of surrounding land uses, particularly in low density residential areas recognize and respond to predominant streetscape qualities, such as building form, scale, materials and colours 	<p>The proposed development has been designed to maintain the existing residential appearance rather than a demolition and purpose-built development. The proposal is a change of use which will minimise potential impacts in relation to bulk and scale by utilising the existing residential build. As such the size of the existing floor space available has dictated the capacity for the facility, being 36 children.</p> <p>The development will maintain the residential character of the surrounding area while allowing for a new land use. Conditions of consent are proposed if approved to ensure landscaping and treatments of the carparking area are imposed to soften visual impacts from the street of the front car park area.</p> <p>The bulk of the development remains unchanged, with the majority of the proposed changes being sealed</p>

<ul style="list-style-type: none"> include design and architectural treatments that respond to and integrate with the existing streetscape and local character use landscaping to positively contribute to the streetscape and neighbouring and neighbourhood amenity integrate car parking into the building and site landscaping design in residential areas 	<p>areas and the rear outdoor play area with shade sails and play equipment.</p> <p>The carparking has been integrated within the existing front setback of the building which previously provided minimal front yard given its layout on the rounded end of Curtin Place. The front of the building has provided the space for adequate carparking in accordance with requirements as per council Engineering assessment.</p>
<p>Objective: To ensure clear delineation between the child care facility and public spaces</p> <p>C6 Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> fencing to ensure safety for children entering and leaving the facility windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and a connection between the facility and the community integrating existing and proposed landscaping with fencing. 	<p>The proposal has provided that fencing will be installed around the development with appropriately designed gates to ensure child safety.</p> <p>Windows within the building are as per the existing residential building which allows for passive surveillance of Curtin Place.</p> <p>A condition of consent will be imposed if approved to ensure that landscaping is integrated with the proposed fencing.</p>
<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 visitors and children by changes in materials, plant species and colours.</p>	<p>There is one building on the site and one entrance which is appropriate for the site.</p>
<p>C8 Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> clearly defined street access, pedestrian paths and building entries low fences and planting which delineate communal/private open space from adjoining public open space minimal use of blank walls and high fences. 	<p>N/A - The development does not adjoin a public park, open space or bushland.</p>
<p>Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</p> <p>C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>The proposed fencing will consist of visually permeable materials to be located forward of the dwelling. However, the rear fencing will remain as existing and include acoustic fencing in line with recommendations.</p> <p>There is no heritage item or conservation area in proximity to the development.</p>
<p>C10 High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	<p>The site is located on a quiet residential street and does not require shielding from external noise.</p> <p>Landscaping will be required to reduce impacts of fencing on adjoining areas.</p>
<p>3.3 Building orientation, envelope, building design and accessibility</p>	
<p>Objective: To respond to the streetscape and site, mitigate impacts on neighbours, while optimising solar access and opportunities for shade.</p> <p>C11 Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by <ul style="list-style-type: none"> facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties placing play equipment away from common boundaries with residential properties locating outdoor play areas away from residential dwellings and other sensitive uses optimise solar access to internal and external play areas avoid overshadowing adjoining residential properties minimise cut and fill ensure buildings along the street frontage define the street by facing it 	<p>The proposed development is to repurpose an existing residential building while maintaining the existing size, bulk and residential aesthetic of the existing building. As such there are minimal visual impacts from the development on adjoining landowners.</p> <p>The play area is centred within the rear outdoor area of the site to optimise the space, with shade cloth proposed to screen the site from the adjoining two story residence. Additionally, acoustic fencing is proposed to allow the play space to be utilised in the rear open space area.</p> <p>There is no area onsite that could be used for outdoor play and be completely away from residential buildings. There is solar access available to internal and outdoor play with internal windows and shade provided to outdoor areas.</p> <p>There is no overshadowing of adjoining properties. There is no cut and fill other than piers for fencing materials or shade poles. The street frontage is already defined with a residential street character.</p>

<p>Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</p> <p>C12 The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character. <p>Where a Local Environmental Plan or Development Control Plan do not specify a floor space ratio for the R2 Low Density Residential zone, a floor space ratio of 0.5:1 is to apply to a child care facility in the R2 zone.</p>	<p>Building height is similar to the surrounding area.</p> <p>The scale and character is similar to surrounding street given the retrofit within the existing residential building.</p> <p>Setbacks have provided the residential building further back than an adjoining residence, but forward of another due to the site location being on the rounded end of Curtin Place. The proposed screening and fencing considers this impact and conditions of consent will be imposed if approved to mitigate impacts.</p> <p>Access is adequate for maintenance.</p> <p>Setbacks are consistent with the existing character given there is no new building proposed and the existing footprint of the building is not proposed to change.</p> <p>The floor space ratio is adequate for the property.</p>
<p>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</p> <p>C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>	<p>Complies.</p>
<p>C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house</p>	<p>N/A - the existing building is to be utilised and no new building work is proposed.</p>
<p>Objective: To ensure that buildings are designed to create safe environments for all users.</p> <p>C15 Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>The entrance to the child care is at the front of the building via pedestrian walkways from the carpark area.</p> <p>It is not possible to have a direct pedestrian access given the proposed retrofit of the proposal, however carparking is provided onsite.</p> <p>The entrance to the building is directly visible from the street and easily monitored through natural surveillance.</p> <p>The entrance is not accessed through the outdoor play area and is the only entrance available for the service.</p>
<p>Objective: To ensure that child care facilities are designed to be accessible by all potential users.</p> <p>C16 Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking 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. 	<p>The proposed development will achieve accessibility requirements as per the National Construction Code. This will be required to be established prior to any Occupation certificate for the development, if approved.</p> <p>A ramp is proposed for the front entrance of the property to ensure appropriate access is provided. The internal development is one level. A disabled car space and shared area have been provided for the site including appropriate landings for the ramp access and entrance.</p> <p>The front ramp was proposed to provide the appropriate change of use of the existing residential building and will comply with the requirements.</p>

3.4 Landscaping	
<p>Objective: To provide landscape design that contributes to the streetscape and amenity.</p> <p>C17 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>Conditions of consent will be imposed to ensure that local frost tolerant plantings will be provided for the development.</p> <p>Landscaping will be required along fencing to ensure softening of areas and provide natural features within the outdoor play areas.</p>
<p>C18 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character, pedestrian safety and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas. 	<p>As the site area required for the carparking utilises the existing setbacks, landscaping in the carpark will be limited. However, potted plants and treatments to the sealed area will reduce visual impact of the development. The existing veranda at the entrance to the property will also provide opportunity for potted planting in this area.</p> <p>The proposed raingarden will provide some landscaping opportunities along the front access and streetscape area.</p>
3.5 Visual and acoustic privacy	
<p>Objective: To protect the privacy and security of children attending the facility.</p> <p>C19 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	N/A
<p>C20 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 	<p>Direct overlooking of indoor rooms and outdoor play spaces from public areas will be reduced through fencing along Musket Parade to be maintained.</p> <p>Additionally, screening consisting of acoustic fencing and shade cloth will be utilised to restrict direct overlooking into the outdoor play area.</p> <p>Conditions will be imposed on the consent if approved.</p>
<p>Objective: To minimise impacts on privacy of adjoining properties.</p> <p>C21 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	N/A - Given the single story development there is no overlooking into private areas of adjoining residents available from the existing development.
<p>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</p> <p>C22 A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. An acoustic fence is one that is a solid, gap free fence • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>An acoustic report has been provided for the development which provides that acoustic fencing is required along the eastern boundary. Additionally, that the existing Colourbond would be appropriate for the remainder of the fencing.</p> <p>Outdoor play will also be reduced to 4 hours and appropriately 50% of children outdoors at any time.</p> <p>The air conditioning unit will be screened from adjoining residents to ensure further acoustic reduction from potential use.</p>
<p>C23 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	<p>An acoustic report was provided for the development with the following recommendations proposed:</p> <p>1. Boundary Treatment (Section to be viewed in colour) Acoustic fences either at the boundary or at the retaining wall line must be installed as shown in below. The acoustic fences must have a minimum acoustic performance of Rw25. Structural requirements must be checked with the relevant authority. The acoustic barrier must be of solid</p>

	<p>construction (with no air gaps or penetrations including connections and structural bases) such as:</p> <ul style="list-style-type: none"> • Timber fence with double lapped boards of standard 15mm thickness, allowing a continuous thickness • of 30mm. • Polycarbonate Transparent Sheeting (selection must ensure the Rw rating is met). • Aerated Concrete panels such as Hebel. • Masonry or Precast concrete panels. • - Any combination of the above. <p>2. Staggered Play Times At any given time, only 50% of the total capacity of children must use the outdoor play areas.</p> <p>3. Car Park Activity</p> <ul style="list-style-type: none"> • The car park area and parking should be limited to 10 km/hr to keep noise emissions low. • Signage must be displayed clearly to ensure patrons in the carpark are aware of potential noise generation activity and to remain as quiet as possible during the early morning drop-off and late evening pick-up hours. <p>4. Outdoor Mechanical Plant and equipment The final selections of any the outdoor mechanical and plant equipment must be checked so that the rated sound power/pressure levels will comply at the boundary of the sensitive residences (existing and proposed) with the following levels presented in the table below (based on the EPA NPFI Project Trigger Levels listed in Section Table 5-1.</p>
<p>3.6 Noise and air pollution</p>	
<p>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</p> <p>C24 Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • creating physical separation between buildings and the noise source • orienting the facility perpendicular to the noise source and where possible buffered by other uses • using landscaping to reduce the perception of noise • limiting the number and size of openings facing noise sources • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits • locating cot rooms, sleeping areas and play areas away from external noise sources. 	<p>The proposed development is a single story proposal with operating plan to include approximately 4 hours of outdoor play a day.</p> <p>The property is for a 36 place centre with only 50% to utilise the outdoor area at one time. An acoustic report has been provided with recommendations to be implemented as conditions of consent if approved.</p> <p>Acoustic fencing and staggered play times will significantly reduce the impact of the development to directly adjoining residents.</p> <p>Additional landscaping can further reduce noise impacts of the proposal.</p>
<p>C25 An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> • on industrial zoned land • where the ANEF contour is between 20 and 25 • along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise. 	<p>N/A - the development is not located near industrial land, transit corridor of a major road.</p>
<p>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</p> <p>C26 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	<p>N/A - the proposal is not located near any industrial uses.</p>
<p>C27 A suitably qualified air quality professional should</p>	<p>N/A</p>

<p>prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility. 	
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<h3>3.7 Hours of operation</h3>	
<p>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</p> <p>C28 Hours of operation where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to nonresidential land uses.</p>	<p>The proposed hours of operation are 7am to 6pm which is appropriate to the residential zoning and satisfies the Guideline requirement.</p>
<p>C29 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	<p>N/A</p>
<h3>3.8 Traffic, parking and pedestrian circulation</h3>	
<p>Objective: To provide parking that satisfies the needs of users and the demand generated by the centre and to minimise conflicts between pedestrians and vehicles.</p> <p>C30 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land. Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p> <ul style="list-style-type: none"> • 1 space per 4 children. 	<p>The proposal meets the minimum carpark requirements under the Lithgow Development Control Plan. As such the rates within the Guideline do not apply to the proposal. Lithgow Development Control plan stipulates:</p> <p>Child Care Centres:</p> <ul style="list-style-type: none"> • 1 space per 10 children + • 1 space per 2 employees <p>Therefore, for the 36 children centre with 5 staff onsite the following is required:</p> <ul style="list-style-type: none"> • $36/10 = 3.6 = 4$ spaces • $5/2 = 2.5 = 3$ spaces • Total = 7 spaces <p>7 spaces will be provided onsite including a disabled access with shared space. This has been assessed by Council's Engineers for compliance and found to satisfy the required standards.</p> <p>Please see further comment below under heading *RTA Guide to Traffic Generating Developments – Child Care centres.</p>
<p>C31 In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</p>	<p>N/A</p>
<p>C32 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses, to optimise the safety and convenience of the parking area(s) and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected 	<p>Council's Development Engineers have provided that a traffic and parking study is not required in this instance given that:</p> <ul style="list-style-type: none"> • Curtin place is not a classified road hence TfNSW Guide to Transport Impact Assessment is not applicable. • Onsite carparking meets Council requirements and therefore there should be minimal need for on street carparking.

<ul style="list-style-type: none"> there will be no impacts on the safe operation of the surrounding road network. 	<ul style="list-style-type: none"> The driveway complies with Council requirements and appropriate sight distances will be met. <p>Notwithstanding the above, it is recommended that a deferred commencement condition be included on the consent (if approved), as follows:</p> <p><i>That a Traffic Management Plan be provided detailing actions to manage parking during peak times reducing potential for overflow carparking onto Curtin Place and minimise peak traffic movements along Curtin Place.</i></p> <p>Please see further comment below under heading *RTA Guide to Traffic Generating Developments – Child Care centres.</p>
<p>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</p> <p>C33 Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> a classified road roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> the prevailing traffic conditions pedestrian and vehicle safety including bicycle movements the likely impact of the development on traffic. 	<p>N/A – the site does not front a classified road or road which carries freight or transport of dangerous goods or hazardous materials.</p>
<p>C34 Child care facilities proposed within cul-de-sacs or via narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p>Safe access can be provided to and from the development via the two way access proposed. The development will have adequate sight distances and is in a 50km speed limit area. The site is located on a local road and is accessible to and from the wider locality in times of an emergency.</p>
<p>4. Applying the National Regulations to development proposals</p>	
<p>4.1 Indoor space requirements</p>	
<p>Regulation 107 Education and Care Services National Regulations</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p>	<p>Complies - 36 children will require an indoor unencumbered space of 117m² which can be satisfied by the development.</p>
<p>Verandahs as indoor space</p> <p>For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space</p>	<p>N/A</p>
<p>Storage</p> <p>Storage areas including joinery units are not to be included in the calculation of indoor space. To achieve a functional unencumbered area free of clutter, storage areas need to be considered when designing and calculating the spatial requirements of the facility. It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> a minimum of 0.3m³ per child of external storage space a minimum of 0.2m³ per child of internal storage space. 	<p>Storage areas were not included in the calculations.</p>
<p>4.2 Laundry and hygiene facilities</p>	
<p>Regulation 106 Education and Care Services National Regulations</p> <p>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that is not accessible by, and does not pose a risk to, children.</p>	<p>Complies - laundry facilities that are not accessible to children have been provided onsite.</p>

<p>On site laundry On site laundry facilities should contain:</p> <ul style="list-style-type: none"> • a washer or washers capable of dealing with the heavy requirements of the facility • a dryer • laundry sinks • adequate storage for soiled items prior to cleaning ▪ an on-site laundry cannot be calculated as useable unencumbered play space for children. 	Complies.
4.3 Toilet and hygiene facilities	
<p>Regulation 109 Education and Care Services National Regulations A service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for us 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. Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p>	<p>A construction Certificate process will be undertaken if the development is approved to ensure all appropriate national construction code requirements are met with the toilet construction. A preliminary assessment has been provided and found that the proposal can adequately meet the requirements subject to construction inspections and occupation certificate process.</p> <p>The development will comply with this provision.</p>
<p>Design guidance Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include:</p> <ul style="list-style-type: none"> • junior toilet pans, low level sinks and hand drying facilities for children • a sink and handwashing facilities in all bathrooms for adults • direct access from both activity rooms and outdoor play areas • windows into bathrooms and cubicles without doors to allow adequate supervision by staff • external windows in locations that prevent observation from neighbouring properties or from side boundaries. 	<p>Junior toilets are proposed with smaller sinks accessible by children. There will be internal access to the toilets and also access directly from the outdoor play area.</p> <p>Windows in the bathroom are located to be adequately supervised by staff and are protected from direct view of neighbouring properties through positioning at the rear and under an existing awning.</p> <p>The development will comply with this provision.</p>
4.4 Ventilation and natural light	
<p>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. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p>	<p>The proposal will comply with the national construction code requirements for ventilation and light through the Construction Certificate and Occupation Certificate process prior to occupation, if approved.</p>
<p>Ventilation Good ventilation can be achieved through a mixture of natural cross ventilation and air conditioning. Encouraging natural ventilation is the basis of sustainable design; however, there will be circumstances where mechanical ventilation will be essential to creating ambient temperatures within a facility. To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.</p>	<p>Cross ventilation can be satisfied due to the location of existing windows and door in each room.</p> <p>The development complies by providing adequate openable windows and doors.</p>
<p>Natural light Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions.</p>	<p>The proposal includes natural light through increase in windows and doors overall for the building, and in each room.</p>

<p>When designing child care facilities consideration should be given to:</p> <ul style="list-style-type: none"> • providing windows facing different orientations • using skylights as appropriate • ceiling heights. <p>Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.</p>	
<p>4.5 Administrative space</p>	
<p>Regulation 111 Education and Care Services National Regulations A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	<p>The proposal includes an office that can be utilised for administrative functions and consulting with parents of children for private conversations.</p>
<p>Design guidance Design considerations could include closing doors for privacy and glass partitions to ensure supervision. Note: Areas or rooms for staff and administration are excluded in the calculation of unencumbered indoor space under National Regulation 107. When designing administrative spaces, consideration should be given to functions which can share spaces and those which cannot. Sound proofing of meeting rooms may be appropriate where they are located adjacent to public areas, or in large rooms where sound can easily travel. Administrative spaces should be designed to ensure equitable use by parents and children at the facility. A reception desk may be designed to have a portion of it at a lower level for children or people in a wheel chair.</p>	<p>The office should be designed in a way that allows for the area to be shut from the remainder of the facility.</p> <p>A condition of consent will be imposed if approved to ensure an adequate space will be provided:</p> <ul style="list-style-type: none"> • That the proposed office provides for closable doors to allow for a private room utilized for meetings.
<p>4.6 Nappy change facilities</p>	
<p>Regulation 112 Education and Care Services National Regulations Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p>	<p>A nappy changing facility will be provided within the facility to comply with the requirements if approved:</p> <ul style="list-style-type: none"> • Nappy changing facilities are to be provided in accordance with the National Construction Code and prevent unsupervised access by children.
<p>Design guidance In circumstances where nappy change facilities must be provided, design considerations should include:</p> <ul style="list-style-type: none"> • properly constructed nappy changing bench or benches • a bench type baby bath within one metre from the nappy change bench • the provision of dedicated hand cleansing facilities for adults in the immediate vicinity of the nappy change area • a space to store steps • positioning to enable adequate supervision of the activity and play areas. 	<p>The proposal will be required to provide an area in accordance with the National Construction code if approved.</p>
<p>4.7 Premises designed to facilitate supervision</p>	
<p>Regulation 115 Education and Care Services National Regulations A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate adequate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p>	<p>The proposal demonstrates that the development can adequately comply with this provision, allowing for supervision while protecting the dignity of the children.</p>

<p>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p>	
<p>Design guidance Design considerations should include:</p> <ul style="list-style-type: none"> • solid walls in children’s toilet cubicles (but no doors) to provide dignity whilst enabling supervision • locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties • avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children • avoiding multi-level rooms which compromise, or require additional staffing, to ensure adequate supervision. • If multi-level spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities. 	<p>The toilet facilities have been designed with solid walls and doors and windows located away from visitors, public or neighbouring properties.</p> <p>The design of the rooms has been undertaken to ensure an open environment with minimal areas of poor supervision.</p> <p>There is no multi-level rooms proposed.</p>
<p>4.8 Emergency and evacuation procedures</p>	
<p>Regulations 97 and 168 Education and Care Services National Regulations Regulation 168 sets out the list of procedures that an education and care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service. <p>Risks associated with multi-storey buildings, including the appropriate child-to-staff ratios and emergency and evacuation plans, need to be assessed in the context of the service approval. These matters need to be considered by the Quality Assurance and Regulatory Services Directorate, Early Childhood Education on behalf of the Secretary of the NSW Department of Education. There are circumstances where a service approval may approve a maximum number of children that is lower than the development consent, for example due to complexities related to evacuation. The lowest maximum number of children should prevail, whether it be in the development consent or the service approval to further the health, safety and well being of children. That said, the applicant may still apply to modify either the service approval or the development consent to increase the maximum number of children.</p>	<p>The development will be required to provide procedures of operation once Occupation Certificate has been issued, if approved. The development requires an operational consent from the Department of Education prior to operating in which these documents and matters will be assessed to ensure adequacy of compliance with regulatory guidelines.</p> <p>However, fire safety requirements for the building will be required if approved and to be implemented including evacuation signage prior to Occupation Certificate.</p> <p>If as a result of the development conditions of consent (if approved) and the construction certificate process/ internal changes are required to meet the national construction code, there are circumstances where a service approval may be provided for a lower number than approved.</p> <p>This application is for a maximum of 36 children with no ability for increase with the existing floor space ratio requirements.</p>
<p>Design guidance Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency. This should take into consideration the number and age of the occupants, emergency and evacuation plans, the location of the facility and the relevant fire safety measures within the building. Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:</p> <ul style="list-style-type: none"> • independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations • child appropriate handrails and barriers if shared fire stairs are utilised 	<p>A general emergency evacuation point has been provided to comply with the provisions of the national construction code.</p> <p>Additional emergency plans will be required to be in place prior to operations as per the Department of Education NSW Regulatory requirements.</p> <p>An evacuation plan and an operational management plan has been provided for Council. The development has provided adequate information to assess that the proposal will have adequate area and walkways for emergency evacuation of the site.</p>

<ul style="list-style-type: none"> • a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation. <p>For all child care facilities, an emergency and evacuation plan should be submitted with a DA and should consider:</p> <ul style="list-style-type: none"> • 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 roads 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 point, relative to the capacity of the facility and governing child-to-staff ratios. 	
<p>Fire safety of centres in high rise buildings</p> <p>The design and construction of new child care facilities must comply with the requirements of the National Construction Code. Specific fire safety provisions apply to certain child care facilities including those in multi-storey buildings.</p>	N/A
<p>4.9 Outdoor space requirements</p>	
<p>Regulation 108 Education and Care Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.</p> <p>If this requirement is not met, the concurrence of the regulatory authority is required under the Education SEPP.</p> <p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> • pathway or thoroughfare, except where used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children. <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in Regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in Regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that Regulation 274 (Part 7.3 NSW Provisions) states that a centre based service for children preschool age or under must ensure there is no swimming pool on the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p>	<p>The proposed development is to accommodate 36 children and therefore requires minimum outdoor space of 252m². The proposal is providing 360m² of outdoor space</p> <p>Additional space is available onsite which could be utilised with changes to fencing to provide further outdoor space if needed.</p> <p>There is no swimming pool on the premises.</p> <p>The development complies with the outdoor unencumbered space per child.</p>
<p>Design guidance</p> <p>Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play.</p> <p>When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.</p>	<p>The site has outdoor storage in a separate location to the play space and has not been considered as part of the unencumbered outdoor space requirements.</p>
<p>Verandahs (covered outdoor space) as outdoor space</p> <p>Where a covered space such as a verandah is to be included in outdoor space it should:</p>	<p>The outdoor veranda will be opened for one third of the area as per condition of consent if approved:</p>

<ul style="list-style-type: none"> • be open on at least one third of its perimeter • have a clear height of 2.1 metres • have a wall height of less than 1.4 metres where a wall with an opening forms the verandah perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements. 	<ul style="list-style-type: none"> • The rear verandah will be opened for one third of its perimeter and provide adequate protection from the elements.
<p>Simulated outdoor environments</p>	<p>N/A</p>
<p>4.10 Natural environment</p>	
<p>Regulation 113 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that the outdoor spaces allow children to safely explore and experience the natural environment.</p>	<p>The development will allow the opportunity for a safe outdoor space if approved.</p>
<p>Design guidance Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space. Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health and safety of the centre's occupants, such as those which:</p> <ul style="list-style-type: none"> • are known to be poisonous, produce toxins or have toxic leaves or berries • have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches. <p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> • provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment • ensure adequate 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 facilitate interaction. 	<p>The development will incorporate natural plantings as part of conditions of consent if approved.</p> <p>The development has provided a plan for an outdoor track and equipment for the outdoor plan and an area for a small soccer/ open space outdoor area.</p> <p>The development design will allow for adequate supervision of the area.</p>
<p>4.11 Shade</p>	
<p>Regulation 114 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p>The proposal is providing for two shaded outdoor play areas.</p>
<p>Solar access and sun protection Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. However, exposure to ultraviolet radiation in childhood significantly increases the chances of getting skin cancer later in life. Outdoor play areas should be provided with controlled solar access throughout the year, including protecting children and staff from ultraviolet radiation from the sun and play equipment from becoming hot. Well-designed play spaces provide comfortable and safe areas for children to engage in activities for improved health and well-being. Outdoor play areas should:</p> <ul style="list-style-type: none"> • have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required. • adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area • have evenly distributed shade structures over different activity spaces. 	<p>The development comprises an area of 360m² for outdoor play space plus a 43m² covered veranda. A small shade sail will be included in the south corner, and acoustic fencing shade and a 10 x 3.8m shade sail will also be provided.</p> <p>This is approximately 1/3 of the outdoor play area and meets the requirements for outdoor shaded play areas.</p> <p>This shade is provided over different sections of the outdoor play areas and complies with the solar access and sun protection provisions.</p>

<p>Natural shade Natural shade should be a major element in outdoor play areas. Trees with dense foliage and wide-spreading canopies provide the best protection. Existing stands of trees, particularly in rear setbacks, should be retained to provide shaded play areas. Species that suit local soil and climatic conditions and the character of the environment are recommended.</p> <p>Dense shrubs can also provide shade. They should be planted around the site perimeter so they don't obstruct supervision. Pruning shrubs on the underside may create shaded play nooks underneath.</p> <p>Planting for shade and solar access is enhanced by:</p> <ul style="list-style-type: none"> • placing appropriately scaled trees near the eastern and western elevations • providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter. 	<p>Minimal existing natural shade has been provided for in this design. There is one existing tree to be maintained in the outdoor play area.</p> <p>There are proposals for planting of Banksia, bottlebrush and Lilly Pilly for screening which may provide for additional shading in the area over time.</p>
<p>Built shade structures Built structures providing effective shade include:</p> <ul style="list-style-type: none"> • permanent structures (pergolas, sails and verandahs) • demountable shade (marquees and tents) • adjustable systems (awnings) • shade sails. <p>Shade structures should not create safety hazards. Support systems such as upright posts should be clearly visible with rounded edges or padding. Vertical barriers at the sides of shade structures should be designed to prevent children using them for climbing. Shade structures should allow adults to view and access the children's play areas, with a recommended head clearance of 2.1 metres. The floor area underneath the structure should be of a sufficient size and shape to allow children to gather or play actively.</p> <p>Shade structure can be a fixed structural element or a shade sail.</p>	<p>The proposal will be providing built shade structures as a main source of shade with the upright posts to be adequately visible and padded where needed.</p> <p>This will be a safety assessment for operational approval from the regulator, if approved.</p>

<p>4.12 Fencing</p>	
<p>Regulation 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.</p> <p>This Regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.</p> <p>Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p>	<p>The fencing will be designed to ensure that no child could go under or through and will be required to comply with the National Construction Code prior to occupation if approved.</p>
<p>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 area. In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> • prevent children climbing over, under or through fences • prevent people outside the facility from gaining access by climbing over, under or through the fence • not create a sense of enclosure • if the outdoor space is being fenced internally, then the fence must be at least 1.2m high. <p>Design considerations for side and rear boundary fences should include:</p> <ul style="list-style-type: none"> • being made from solid prefinished metal, timber or masonry 	<p>The fence will be designed to:</p> <ul style="list-style-type: none"> • prevent children climbing over, • prevent people outside gaining access by climbing over or through • be implemented with features to not create a sense of being enclosed • be at least 1.2m high with max 1.8m height. <p>Side and rear boundary fence will continue to be the Colourbond fencing of 1.8m with no rails or climbing elements proposed.</p> <p>Childproof locking systems will be imposed if approved.</p>

<ul style="list-style-type: none"> • having a minimum height of 1.8 metres • having no rails or elements for climbing higher than 150mm from the ground. <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards, Austroads and Transport for NSW traffic management guidance. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.</p>	
<p>4.13 Soil assessment</p>	
<p>Regulation 25 Education and Care Services National Regulations</p> <p>Subclause (d) of Regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children 	<p>Council's records indicate that the area has only been utilised for residential use, with documentation dating back to 1974 for the subdivision.</p> <p>As previously land uses are known and documented to be residential use only for the past 50 years, Council did not require soil testing of the site.</p> <p>There are no previous land uses that indicate potentially contaminated land uses.</p> <p>The applicant will be required to meet requirements for the service approval requirements as per the Department of Education requirements.</p>
<p>Design Guidance</p> <p>To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process.</p> <p>Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil. This includes sites with or without buildings and existing approved children's services where:</p> <ul style="list-style-type: none"> • the application is to alter or extend the premises • the alteration or extension requires earthworks or deep excavations (exceeding a depth of one metre) • the works are going to take place in an area used for children's outdoor play or will be used for children's outdoor play after the work is completed • a soil assessment has not been undertaken at the children's service. Minor landscaping, creation of sand pits, movement of play equipment and so on do not qualify as earthworks and do not require a soil assessment. <p>An assessment of soil for a children's service approval application may require three levels of investigation:</p> <ul style="list-style-type: none"> • Stage 1 - Preliminary investigation (with or without soil sampling) • Stage 2 - Detailed site investigation • Stage 3 – Site specific human health risk assessment. 	<p>Soil testing is not required for the development given that documented evidence shows the use of the site has been residential for over 50 years.</p> <p>Additionally, minimal earthworks only are required for landscaping, piers for shading, and fencing.</p> <p>The applicant will be required to provide details for the application for service approval with the Department of Education NSW.</p>

<p>State Environmental Planning Policy (Biodiversity and Conservation) 2021</p>	
<p>Chapter 6 – Water Catchments</p>	
<p>Relevant Provisions</p>	<p>Comment</p>
<p>6.1 Land to which this Chapter applies</p>	
<p>This Chapter applies to land in the following catchments-</p> <p>(a) the Sydney Drinking Water Catchment,</p>	<p>The subject site is located within the Sydney Drinking Water Catchment and as such the provisions of Chapter 6 apply.</p>
<p>Division 2 Controls on development generally</p>	

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 – Water Catchments

Relevant Provisions	Comment
<p>6.6 Water quality and quantity In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following:</p> <p>(a) <i>[Not applicable in the Sydney Drinking Water Catchment]</i></p> <p>(b) whether the development will have an adverse impact on water flow in a natural waterbody,</p> <p>(c) whether the development will increase the amount of stormwater run-off from a site,</p> <p>(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,</p> <p>(e) the impact of the development on the level and quality of the water table,</p> <p>(f) the cumulative environmental impact of the development on the regulated catchment,</p> <p>(g) whether the development makes adequate provision to protect the quality and quantity of ground water.</p>	<p>The development will not have an adverse impact on water quality. There is an increase in impervious area with the proposed car park at the front of the property which changes stormwater runoff from the site. This will be controlled through a raingarden to maintain quality prior to discharge into Council stormwater systems. This as been modelled for the development and found to be a suitable stormwater system for the site to maintain water quality and quantity to the Sydney Drinking Water Catchment. Conditions of consent will ensure that the development complies with the SEPP as provided by Water NSW, if approved.</p>
6.5 Sydney Drinking Water Catchment	
<p>The objectives of this Part are—</p> <p>(a) to provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and</p> <p>(b) to provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.</p>	<p>The development has been assessed to provide high quality water while allowing for compatible development.</p> <p>The development is in the Sydney Drinking Water Catchment and is required to have an assessment on neutral or beneficial water quality.</p>
6.63 Requirement of consistency with NorBE Guideline	
<p>Development consent must not be granted to development on land in the Sydney Drinking Water Catchment unless the consent authority is satisfied the development is consistent with the NorBE Guideline.</p>	<p>The application has been referred to Water NSW for NorBE assessment as per the development type.</p>
6.64 Concurrence of Regulatory Authority	
<p>(1) Development consent must not be granted to development on land in the Sydney Drinking Water Catchment unless the consent authority has obtained the concurrence of the Regulatory Authority.</p>	<p>A NorBE Assessment was undertaken by Water NSW and found that subject to conditions of consent the development will comply with the requirements of the SEPP.</p>
<p>(2) For the Act, section 3.18(3), the Regulatory Authority must consider the following matters in deciding whether to grant concurrence—</p> <p>(a) the NorBE Guideline,</p> <p>(b) whether the development will have a neutral or beneficial effect on water quality.</p>	<p>Water NSW has provided its concurrence that the development will have a neutral or beneficial effect on water quality, subject to conditions on consent.</p>

Lithgow Local Environmental Plan (LEP) 2014

Clause 1.2 Aims of Plan

Objective	Comment
<p>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</p>	<p>The proposal is not for arts and cultural activity and will not affect these types of development directly.</p>
<p>(a) to encourage sustainable and planned development that complements the unique</p>	<p>The development is an adaptive reuse of an existing building with minimal internal and external changes required. This would be</p>

character and amenity of Lithgow and enhances its towns, villages and rural areas,	considered a sustainable use, given the building could be converted back to a residential use if needed.
(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Lithgow in a way that allows the needs of present and future generations to be met by implementing the principles of ecologically sustainable development,	The proposal will be providing additional child care in Lithgow for 36 children. This provides opportunity for social interactions and supports economic growth of Lithgow by supporting parents to return to work.
(c) to manage, facilitate and encourage sustainable growth and development that—	
(i) promotes the efficient and effective delivery of utilities, infrastructure and service and minimises long-term costs to government, authorities and the community, and	The proposal is for a change of use of a residential building to a Centre Based Child Care Facility, which provides for a community use in an established residential area. This provides services to the overall local community and supports economic growth.
(ii) protects, enhances and conserves mineral and extractive resources lands, forests and agricultural lands and the contributions they make to the local, regional and State economy, and	Not applicable in this instance.
(iii) allows for the orderly growth of land uses while minimising conflict between land uses in a zone and land uses in adjoining zones, and	The proposal is permissible in the R1 General Residential zone. A 36 place centre provides for the orderly growth of the residential zone and is considered appropriate for the location, subject to conditions of consent to minimise impacts that may arise from land use conflicts such as noise, traffic and safety.
(iv) encourages a range of housing choices in planned urban and rural locations to meet population growth and the diverse needs of the community, and	N/A – the proposal is for a change of use from residential dwelling to Centre Based Child Care Facility.
(v) preserves and protects land that has been identified for future long term urban development from inappropriate fragmentation and development, and	The proposal is a use that is permissible within a residential zone and provides for a safe environment for child care centres.
(vi) protects and enhances environmentally sensitive areas, ecological systems, areas of high scenic, recreational, landscape or conservation value and areas that have the potential to contribute to improved environmental outcomes, and	Not applicable in this instance.
(vii) protects and enhances places and items of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places, and	Not applicable in this instance.
(viii) avoids or minimises the impact of development on drinking and environmental water catchments to protect and enhance water availability and safety for human consumption and the maintenance of environmental and recreational values, and	The development has been assessed by Water NSW and Council's Engineers in relation to stormwater impacts and quality. The development will provide a neutral or beneficial effect on water quality to the surrounding water catchment subject to conditions of consent.
(ix) strengthens and promotes employment land opportunities and appropriate tourism development and growth, and	The development will provide employment opportunities in the child care industry which may lead to small growth within the Lithgow area.
(x) creates resilience to natural hazards through local land use planning.	N/A - the site is not bush fire prone land or flood affected.

Characterisation

centre-based child care facility means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
- (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or

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

Note— An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

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 service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children’s parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Note—Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.

Zone of Land R1 General Residential

Permissibility Centre Based Child Care Facilities are permissible with consent under the land use table for R1 General Residential.

Zone Objectives

Objective	Comment
R1 General Residential	
To provide for the housing needs of the community.	The development is for a Centre Based Child Care Facility, which does not directly provide for housing needs. However, the proposal provides support for parents and carers who wish to return to work to earn income to pay for housing needs.
To provide for a variety of housing types and densities.	The development is not providing housing types but will support the Lithgow population by providing additional child care services.
To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.	The development is providing a service to meet the day-to-day needs of residents through child care services. This promotes the residential uses of the area and provides support for parents and carers living in the area who wish to return to work within the community.
To maintain or improve the water quality of receiving water catchments.	Water NSW has provided assessment on the proposal to ensure that the development will have a neutral or beneficial effect on water quality.

LEP Clauses	
Relevant Provisions	Comment
Part 7 Additional local provisions	

LEP Clauses		
Relevant Provisions		Comment
7.1	Earthworks	There is minimal earthworks required for this proposal. The main penetration of soils will be for fencing piers and shade cloth poles. This is unlikely to cause impacts on the surrounding environment and sedimentation can be retained onsite subject to conditions of consent if approved.
7.3	Stormwater management	The application has been assessed by Council's Engineers and Water NSW in relation to stormwater control and treatment prior to discharge into Council's system. It is considered that stormwater will be adequate for the development subject to compliance with conditions of consent if approved.
7.5	Groundwater vulnerability	Groundwater systems are not expected to be impacted as a result of this proposal. As such, the development will avoid unreasonable impact to groundwater systems.
7.10	Essential services	The development has access to all essential services.

Lithgow Development Control Plan (DCP) 2021

Applicable DCP Chapters			
Chapter 2 – Site Requirements	X	Chapter 3 – Environment & Hazards	X
		Chapter 7 – Commercial & Industrial	X

Chapter 2 – Site Requirements	
Development Control	Assessment Comments
2.2 Site Analysis, Local Character & Context	
2.2.1 Site Selection	The site is zoned residential and is compatible development for a residential zone. Adjoining land uses are for residential with impacts to be minimised through proposed management onsite and conditions of consent if approved. The site has adequate area for carparking at the front and is in a low traffic area. The capacity of the site restricts the childcare places that can be offered at the facility and the development has addressed this by proposing 36 placements.
2.2.2 Site Analysis & Development Response a) The Site topography, climate and natural environment; b) Natural hazards on or near the Site; c) Potential land use conflicts; d) Heritage items or heritage conservation areas; e) Surrounding built form and landscape/streetscape character; and f) Amenity for the Site and adjacent sites (where relevant).	The natural environment for the development is adequate given it is for a change of use with minimal earthworks or additions required. There are no known natural hazards that would affect the land and development. There are no known heritage items or conservation areas for consideration under this development application. The development site is set back from the street and has area available at the front for carparking area. Impacts on the character of the area will be minimised by the reuse of the existing residential building. Landscaping has been reduced for the carpark, however treatments can be implemented to soften the visual impact

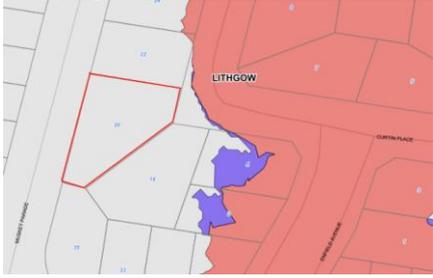
	<p>from the street subject to conditions of consent if approved.</p> <p>The proposal is surrounded by residential uses on 3 sides with residential uses prominent in the area. The development through this assessment has provided details to reduce land use conflict for the development on residential uses.</p>
2.2.3 Local Character & Context	<p>The proposal is to retain the existing appearance of the residential building to maintain character of the area while providing for the needs of the Lithgow community by provision of additional child care services.</p>
2.2.5 Reflective Materials	<p>Reflective materials are not proposed for the development. The sealed area of the driveway and carpark, although not reflective, will require treatment to minimise visual impact on the surrounding area if the development is approved.</p>
2.3 Slope Response & Earthworks	
2.3.1 Earthworks	<p>Minimal earthworks is proposed given the majority of the development is for internal works to the existing residential building to repurpose it for a Centre Based Child Care Facility. The earthworks proposed will include piers for fencing and shade cloth posts which will comply with conditions of consent for sediment control and minimising impacts of works, if approved.</p>
2.3.2 Retaining Walls	<p>An existing retaining wall is to be maintained and fenced from the development of the site.</p>
2.4 Stormwater Management	
2.4 Stormwater Management	<p>The application has been assessed by Council's Engineers and Water NSW in relation to stormwater control and treatment prior to discharge into Council's system. It is considered that stormwater will be adequate for the development subject to compliance with conditions of consent if approved. A Raingarden is proposed for the front of the site which will require ongoing maintenance for water quality purposes.</p>
2.5 Vehicle Access & Parking	
2.5.1 Guidelines & Standards	<p>The proposed onsite carparking has been designed to meet the requirements for off street carparking. The proposal has provided adequate parking including disabled access and shared areas. The walkways provide for pedestrian access to the building and the proposal complies with potential need of the development in relation to driveway and parking onsite. The proposal meets Council Engineering</p>

	Guidelines, Ausroad guidelines and Australian Standards
2.5.2 Vehicle Access & Driveways	The site is located within a local road that forms into a collector road on Enfield Avenue. Curtin Place is a through road but is designed with a park area in the middle with two-way road either side. This means that the development is located on a road utilised by 14 other properties and not particularly used as a through road given musket parade and Rifle Parade either side being straight through roads. The road is used for residential access only and can adequately provide for the increase in traffic. Sight lines are appropriate for the driveway access and the driveway construction will be treated to reduce visual impacts on the surrounding area. The proposed driveway width will allow for adequate two way access and meets Councils Engineering requirements.
2.5.3 Loading/Unloading, Delivery & Servicing Facilities	The garbage truck will be a commercial private service and will be able to adequately access the site and remove garbage from the service. The service will enter during low traffic times (middle of day with less pick up/drop off) and can enter and exist in a forward direction.
2.5.4 Parking Location, Design & Circulation	The parking location at the front of the development is appropriate for the development. The location from Curtin Place is low traffic and has provided for two-way driveway with forward in and out designs. The proposal if approved will be required to minimise visual impact on the surrounding development. Accessible carparking has been provided in accordance with requirements and manoeuvring provided adequately for the development. Stormwater will be adequately undertaken as provided by design in accordance with Council's Engineers and Water NSW.
2.5.5 On-Site Parking Numbers Child Care Centres:	The required carparking for a 36 Centre Based Child Care Facility with 5 staff onsite is as below <ul style="list-style-type: none"> • 1 space per 10 children + • 1 space per 2 employees <ul style="list-style-type: none"> • $36/10 = 3.6$ = 4 spaces • $5/2 = 2.5$ = 3 spaces • Total = 7 spaces <p>7 spaces will be provided onsite including a disabled access with shared space. This has been assessed by Council's Engineers for compliance with Australian standards.</p>
2.5.7 Bicycle Parking	It is considered that for this development a bicycle park is not to be imposed on the proposal. If staff are to ride a bike there is available storage at the rear of the property

	for a bicycle if required. Access to the area is available as per the evacuation path provided by the evacuation plan.
2.6 Pedestrian Access, Mobility & Safety	
2.6.1 Accessibility	The proposal has been designed to include ramps and openings to comply with the requirements for accessibility. A construction Certificate will ensure that compliance is undertaken to provide adequate provisions for accessibility as per the National Construction Code.
2.6.2 Pedestrians	Curtin Place comprises of wide green nature strips. Pedestrian access is limited given the exiting character of the area and lack of pedestrian paths within the Curtin Place. However, adequate provision for parking is available onsite. Pedestrians may access the site through Councils nature strips from the nearest pedestrian path 170m from the property. Onsite there is adequate safe passage for a walkway from each carspace to enter the building in a safe manner. Given the low traffic of this area, the original design of the residential area did not lend itself to a designated pedestrian pathway. The proposed development does not change this need given the proposal has adequate onsite carparking available.
2.6.3 Street Numbering & Letterboxes	Existing. Complies.
2.7 Designing for Crime Prevention	
Hours of operation are during daylight hours, and security cameras will be provided to the site for monitoring out of hours. The development allows for casual surveillance through being able to see the front of the building and access from Curtin Place.	
2.8 Utilities, Easements & Infrastructure	
2.8.1 Connection to Utilities	Complies
2.8.2 Building Near Utilities/Easements/Drainage Lines	NA
2.8.3 On-Site Sewage Management	NA
2.8.4 Liquid Trade Waste	Conditions of consent proposed if approved.
2.8.5 Re-Use of Waste-Water	NA
2.8.6 Water Supply	Complies
2.9 Solid Waste Management	
2.9.1 Hazardous Materials & Asbestos	NA
2.9.2 Solid Waste Management Plan – Larger Developments	Waste will be managed through a commercial private pick-up arrangement.
2.9.3 Waste Storage & Collection – Larger Development	Storage of waste is proposed in garbage bins at the site of the building which will be screened from neighbouring properties.
2.10 Amenity / Buffers for Sensitive Uses	
2.10.1 Noise & Vibration	An Acoustic Report has been provided by the applicant in relation to impacts from outdoor play, traffic and mechanical systems such as air conditioning. Council will be implementing the recommendations from this report as conditions of consent if approved. An acoustic fence is proposed to

	further reduce impacts on the neighbouring properties. Further, noise from outdoor play will be limited to approximately 4 hours per day as per operational management plans. The development will be heard by surrounding residential properties during operating hours, however with the proposed conditions of consent it is not expected to have a significant impact on cumulative noise in the area.
2.10.2 Air Emissions, Odour & Dust	The proposal for a Centre Based Child Care Facility is not expected to produce air emissions, or dust once operational. The proposal will be required to reduce dust emissions during construction of the outdoor play area. Odour may be found at the garbage areas, but garbage bins will be required to be closable, cleaned and removed regularly to reduce potential impacts.
2.10.3 Buffers to Sensitive Land Uses	NA
2.10.4 Buffers & Landscaping	Landscaping will be entirely within the development. Buffers to adjoining residents is limited due to the reuse of the existing building. However potential impacts will be reduced through hours of operation, operational management plan and the proposed acoustic fencing if approved.
2.10.5 Agriculture & Right to Farm	NA
2.11 Water & Energy Efficiency	
The proposed development being a change of use is subject to a construction certificate in which the requirements of water and energy efficiency from the National Construction Code are imposed.	

Chapter 3 – Natural Environment & Hazards	
Development Control	Assessment Comments
3.2 Bushfire Prone Land	
O1. To meet the statutory requirements for bush fire protection in NSW.	NA
3.3 Vegetation Management & Biodiversity	
3.3.1 Vegetation Clearing for Development Requiring Consent.	NA
3.4 Land and Soil	
3.4.1 Contaminated Land	Previous land uses are not considered to be potentially contaminated land uses for the past 50 years. The proposed development does not have potential to be a contaminating use.
3.4.2 Sensitive Land Areas	NA
3.4.3 Erosion & Sedimentation	Erosion and sedimentation issues are limited to the rear outdoor play area and will be controlled subject to conditions of consent if approved.
3.4.4 other Geological or Soil-Related Issues	NA
3.5 Flood Prone Land	

3.5.1 preliminary Flood Risk Assessment	<p>The property is outside the Flood Planning area as per Lithgow Floodplain Risk Management Study & Plan 2023. See below mapping:</p>  <p>As such no flood related development controls are applicable to the development.</p>
3.6 Ground & Surface Water Protection	
<p>This clause applies to land where the following Clauses of LLEP2014 apply:</p> <p>a) Clause 7.5 – Groundwater vulnerability; and/or b) Clause 7.6 – Riparian land and watercourses;</p>	<p>The development is not expected to impact on groundwater of the area and is not within a riparian or watercourse area as per the LEP.</p>
3.7 Mine Subsidence Risk	
NA	

Chapter 7 – Commercial, Community & Industrial Development (including advertising / signage)	
Development Control	Assessment Comments
7.2 General Controls	
<p>This section is applicable to other community infrastructure which includes child care centres. As such this chapter has been considered in the assessment of the application.</p>	
7.2.2 Open (Outdoor) Storage, Utility, Waste & Service Areas	
<p>1) Location & Screening:</p> <p>a) Open (outdoor) storage areas and associated screening are identified on the Site Plan(s) for the development and may require Elevation(s) to show screening height, materials & transparency (particularly when visible from a public street);</p> <p>b) Open storage areas are located behind the building line to any street frontage (preferably behind the building) and/or screened from view from the street (see diagram below).</p>	<p>The outdoor storage areas for the waste area will be screened from the street as per conditions of consent if approved.</p> <p>The rear storage area is screened through fencing of the existing site.</p>
<p>2) Screening/Fencing:</p> <p>a) Screening is compatible with the design of the building and integrated with the site landscaping and fencing.</p> <p>b) Screening that forms part of, or is immediately adjacent to boundaries/fencing complies with the Fencing controls in this DCP.</p>	<p>Conditions can be imposed to ensure natural screening can be used were possible or breaks in fencing be utilised. The fencing proposed is for acoustic and safety functions and conditions of consent will be imposed to minimise potential impacts on adjoining neighbours if approved.</p>
<p>3) Landscaping: Landscaping is not used as the primary or only method for screening, unless it is well established or the applicant can demonstrate that the storage area will be effectively screened using advanced plantings in conjunction with fencing, and other screening devices.</p>	<p>Fencing will be the main screening proposed for storage areas with complementing landscaping were possible if approved.</p>
<p>4) Hazardous Materials: The storage of hazardous goods, materials or wastes does not occur in areas that adjoin</p>	<p>Not applicable.</p>

residential or other sensitive land-uses, unless screened from view and there are suitable protections to avoid impacts on adjoining sites.	
5) Dust: Open storage areas minimise dust impacts on neighbouring properties with ground surface treatment to minimise dust emissions from vehicle movements.	There will be minimal potential for dust during operations of the child care. However conditions of consent will be imposed if approved to ensure that dust is reduced during construction for the outdoor play area.
6) Loading/Unloading: Sufficient space is provided on-site for the safe loading and unloading of wastes. This activity is not to be undertaken on any public place or street.	There will be minimal loading/unloading required as part of the child care centre. Deliveries would be minimal and similar postal service to existing residents. The proposed development will have a private commercial contract for waste removal from waste containers at the front of the property.

7.2.3 Landscaping & tree Protection

1) Plan(s): Where required by Council's DA Guide, the application is accompanied by a Landscape (Concept) Plan (or a Site Plan for simpler applications) that addresses the Landscaping requirements in this Section of the DCP.	Complies
3) Commercial & Community Uses: The following areas of a development site are to be landscaped for commercial & community uses: a) Side and rear setbacks, where adjoining a residential use or zone; b) Areas adjacent to building entrances and pedestrian access points (except where no building setback to street); c) The perimeter of all approved open (outdoor) storage areas to screen from public view (consistent with DCP Section 7.2.2 above); d) Except where space is extremely limited, all new off-street parking areas (exceeding ten (10) car park spaces) incorporate landscaping bays (2.0m by 5.5m) at an interval of every sixth parking space; e) All exposed areas such as cut scars, fill batters and retaining walls are vegetated and integrated within the landscaping design.	An existing fence will be maintained for adjoining residential properties which does not allow for landscaping in those areas. Internal landscaping will be undertaken to supplement the existing fencing. Some landscaping will be undertaken on the veranda and carparking areas and near waste storage areas. The development is not over 10 carspaces.
4) Protection: All landscaped areas are to be separated from vehicle manoeuvring and parking areas by the use of a 150mm high fixed barrier or kerb detailed on the Landscaping Plan.	An amended landscaping plan is to be approved by Council prior to Construction Certificate and implemented prior to Occupation Certificate to ensure carparking is implemented appropriately where possible. Note the stacked carparking area cannot be fixed with a 150mm fixed barrier.
5) Street Trees: provides street tree planting (shown on the	Street trees will be required if the development is approved. A condition of consent requiring a short bush at the front of the property will be required with Council's road reserve that does not impact on public infrastructure or safety.

7.2.4 Fencing

1) Application: All applications where new or altered fencing is proposed (that is not exempt development) provide details of fencing location, height and	Complies. Most fencing is existing, with acoustic fencing and side fencing proposed as part of the development. Council notes
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materials including Site Plan(s) and relevant Elevation(s)	that this fencing will be appropriate for the development.
2) Code SEPP: All fencing associated with commercial, community or industrial uses complies with the requirements of the Code SEPP and address any potential impact(s). Where a variation is sought, then the proposed fencing addresses DCP Section 1.6 Variations to DCP Controls including the objectives of this Section.	The variation to fencing is required due to the Guideline for a 1.8m high fence forward of the dwelling for acoustic reduction to adjoining lands. The proposal is considered suitable for the area given the location and shape of the property.
3) Security Fencing: a) Is not an electric fence and does not incorporate barbed wire due to the visual appearance and safety issues of these fence types; and b) Is located behind or integrated into any landscaped area so it is partially screened from the street.	NA.
4) Sight Distances: Fencing preserves safe sight distances for all vehicle entry and exit locations, including those on adjoining properties, especially on corner lots.	Complies
5) Reflectivity: If fencing (other than for front fences) is constructed of metal panels, it is of low reflectivity, factory pre-coloured materials or galvanised iron.	Complies
6) Surface Water: Fencing does not redirect the flow of surface stormwater or floodwaters onto an adjoining property.	Conditions of consent will be implemented if approved to ensure that no stormwater is diverted to adjoining lands. All stormwater is to be drained to Council's stormwater systems directly from the property.
7) Flood Prone Land:	NA
8) Landscaping: Long fenced areas fronting public streets or internal driveways are softened with landscaping by setting back parts or all of the fence-line to allow for planting on the subject lot so the fence is partially screened from the street.	Landscaping will be incorporated within the site that allows a balance of fencing for safety and child care requirements and visual aspects of the development.
7.3 Industrial Uses	NA
7.4 Commercial & Community Uses	
Objective(s) O1. To reinforce the status of the Central Business District (CBD) of Lithgow, Wallerawang and Portland as the focus of higher-level commercial and retail development. O2. To avoid or minimise/mitigate any potential land use conflict(s) with neighbouring land use(s) taking into account the land use zone objective(s) and proximity to sensitive land use(s) whilst facilitating employment and economic growth. O3. To integrate proposed development with the existing (and/or desired future) character and building form, siting and layout heights	The proposed development is close to the Lithgow CBD in an established residential location. The proposed development is within an established residential area, however, is a compatible land use for residential area given hours of operation and nature of the development for Centre Based Child Care Facility. The proposal is utilising an existing residential building which meets the existing character of the locality and street

<p>of the surrounding sites, street and locality whilst promoting innovation and function.</p> <p>O4. To support the hierarchy of commercial area(s) and ensure development is located where it supports (not undermines) the relevant commercial centres and main streets.</p> <p>O5. To encourage active street frontages on main streets in town and village centres, particularly at ground level, and promote pedestrian safety, amenity and character for business centres.</p> <p>O6. To encourage mixed-use buildings in most business zones or main streets where it does not significantly impact on retail and commercial functions.</p>	<p>design. The main changed to the front include the carparking area which will be softened utilising treatment of the sealed area and landscaping.</p> <p>The development being close to the Lithgow CBD supports the commercial centres.</p> <p>The development utilising an existing residential building support the existing character of the area while providing for additional need to the locality.</p>
<p>7.4.1 Key Business Precincts</p>	<p>NA</p>
<p>7.4.2 Building Setbacks (General)</p> <p>1) Road Frontages: Setbacks to primary and secondary road frontages (not rear lanes):</p> <ol style="list-style-type: none"> a) Reinforce the desired area/street built-form pattern, setbacks, character and functions; b) Match or average the front alignment of adjacent development/adjoining properties and/or the predominant street alignment; c) Provide (where relevant) setbacks to enable appreciation of heritage items or view-lines to key built or landscape features for their protection and appreciation; d) Minimise impacts on adjacent lots, particularly sensitive residential use(s); e) Reinforce active street frontages for retail/commercial uses at ground level and minimise setbacks on primary retail streets and/or streets with a high level of pedestrian activity; f) Provide servicing and parking area(s) whilst minimising the impact of large parking, utility, or storage areas on street character/activity or adjacent lots; g) Promote accessibility for all users; h) Encourage (where appropriate) outdoor dining areas and landscaped setbacks; i) Provide adequate sight distances at entries/exits for vehicle and pedestrian safety, particularly on corner lots; j) Allow stormwater management and water infiltration into the soil; k) Avoid and/or minimise impacts on sensitive areas of natural environment or hazards <p>2) Rear Lanes:</p> <p>3) Side & Rear Setbacks: Side and rear setbacks meet the National Construction Code (NCC) requirements and may depend on the fire rating of the building materials chosen and the adjacent development and the need for access to the rear of the lot.</p> <p>4) Additional Zone Setbacks: In addition, where applicable, the site-specific areas/land use zones controls are addressed in the Sections below.</p>	<p>The proposal is a change of use of an existing residential building with minimal changes to the exterior build. The character and built form of the development is similar to that of an existing residential use other than the increase for carparking area. The site is located on the rounded end of Curtin Place. The layout of the property differs to the typical rectangular development site. However the proposal is utilising the existing building and no setback changes are required from the existing building form.</p> <p>The proposal is close to other residential properties with the most likely potential impact being noise from the child care centre. The acoustic assessment provided has recommended acoustic fencing, staggered outdoor play to reduce impacts. Subject to conditions of consent if approve the development will minimise impacts to the surrounding sensitive receivers. The development provides for adequate off-street carparking for the development in accordance with Council's requirements.</p> <p>Additionally, the driveway has been designed to meet council requirements for entry and exit to the development.</p> <p>The rear access via Musket Parade will not be utilised for the development.</p> <p>The proposed development will meet the requirements of the National Construction Code subject to conditions of consent and Construction Certificate process if approved.</p>

<p>7.4.6 Building Height, Bulk & form</p> <p>1) Height: The maximum height of building from ground level (existing) is as follows:</p> <ul style="list-style-type: none"> a) In Zone B1 Neighbourhood Centre – 8.5m; b) In Zone B2 Local Centre & Zone B4 Mixed Use – 10m. <p>2) Site Response: The applicant demonstrates how the proposed building height, bulk and form will:</p> <ul style="list-style-type: none"> a) Respond to the topography of the area and site characteristics. b) Comply with DCP Section 2.2.4 Visually Prominent Sites and any relevant requirements in DCP Chapter 4 – Heritage & Cultural Conservation. c) Integrate with the existing/desired scale and street character for the relevant land use zone and location using proportional elements that are sympathetic to the scale of other buildings in the area, particularly adjacent to or opposite the site; d) Respond to or reinforce key corner sites and 'gateways' to each central business district or town centre (on key roads) or terminate key sight-lines in the public domain where the building will exhibit a high standard of design and articulation; e) Maintain the dominant street frontage façade/wall height(s) to primary retail streets, retain a scale that does not dominate the street, and setback additional height behind this street wall height. f) Be sympathetic to and provide a transition in height to adjacent existing buildings, and public spaces that are unlikely to increase in height; g) Minimise or mitigate impacts on amenity (e.g., overshadowing/privacy) of: <ul style="list-style-type: none"> i) Adjacent residential accommodation and private open spaces; ii) Any sensitive community facilities, school yards, parks, churches etc.; and iii) Key public spaces (particularly where they provide outdoor seating, dining, or recreation spaces). 	<p>The proposed development is within R1 General Residential zone.</p> <p>The development is utilising the existing residential building of the site and altering internal and external features to comply with required provisions for a Centre Based Child Care Facility.</p> <p>The size and scale of the development for a 36 place Centre Based Child Care Facility is suitable given it can be catered for with the existing building with no extensions required.</p> <p>The height of the development is suitable for the area, and the overall scale does not change in relation to bulk of the building onsite.</p> <p>There are minimal blank walls visible at street frontage with residential window articulation. The building is also set back 23.9m from the constructed street further reducing impacts of the built form.</p> <p>The development will minimise impacts on amenity by utilising the existing building with no increase in height proposed. There is minimal change to windows and none that would impact on privacy of the adjoining properties.</p>
<p>7.4.7 Building Design, Articulation & Facades</p> <p>1) Context: Development responds to its context and the predominant streetscape qualities including building form, scale and character as well as local cultural or natural elements. Particular regard is given to buildings, streetscapes and localities of identified heritage significance.</p> <p>2) Orientation: Buildings orient to, and be well-articulated when viewed from adjacent streets, parks and other public spaces to contribute to the safety, vibrancy and amenity of public spaces and have openings (and preferably access) to/from these spaces.</p> <p>3) Articulation: Building elevations (especially for larger buildings or those facing public spaces or vacant land) provide horizontal and vertical articulation/variations (as required) in:</p>	<p>The development proposes to utilise the existing residential building and convert it to Centre Based Child Care Facility. As such it is considered that the development has considered the neighbouring area in relation to the building form and scale in context of the surrounding residential developments.</p> <p>The building is oriented to the street and setback further than expected in a residential area given the curve of the street in this location. Access is directly to Curtin Place.</p> <p>The building will utilise the existing residential built form with introduction of</p>

<p>a) Building or wall setbacks (including projections or recesses);</p> <p>b) Roof lines;</p> <p>c) Openings (doors and windows);</p> <p>d) Balconies, terraces and shading/projecting elements; and</p> <p>e) Building materials, finishes and colours and detailing,</p> <p>to provide visual interest, reduce the perceived bulk and scale of the building, align with adjacent building scale and articulation, and create a sense of 'human-scale' when viewed from the public domain.</p> <p>4) Blank Walls: Large expansive blank walls are avoided unless the applicant can demonstrate: the wall would not dominate or affect the amenity of adjacent use(s) or public space (e.g., it abuts the wall of an adjacent (or future) building with limited or no openings).</p> <p>5) Active Frontages: Large retail or commercial floor spaces not requiring continuous connection to the street (such as large supermarkets or specialised retail premises), are located and design so as to enable smaller retail or business floor spaces to face the street and activate the street frontage or additional articulation/openings are provided that reduces the impact of larger inactive frontage(s).</p> <p>6) Activation/Safety: Activation of main streets in town/village centres and improved pedestrian safety is encouraged.</p> <p>7) Corner Sites: New commercial or retail development on corner sites with limited setbacks incorporate splays, curves, building entries and/or other architectural elements to reinforce the corner as a landmark feature of the street and activate both street frontages, whilst maintaining sight-lines for safety.</p> <p>8) Roof Types: Roof types reflect similar types, slope and features to adjacent buildings (of similar use) or demonstrate that different roof types integrate with the character of an area. For example, in town centres a strong parapet façade may hide flat or skillion roofs behind.</p> <p>9) Shopfronts: Shopfronts incorporate regular entrances and vertical articulation (breaks in the massing/glass) that align with the rhythm of subdivision and street fronts in the area, particularly in heritage conservation areas or historic retail streets.</p> <p>10) Colour Schemes:</p> <p>a) External building colours and materials are used to express building massing, articulation and detail elements.</p> <p>b) Colour schemes of buildings are sympathetic to the period and style of the building and/or adjacent buildings and contribute positively to the streetscape.</p> <p>c) Bright primary or iridescent colours, corporate colours, or use of a single colour are not acceptable on large areas of a building.</p> <p>11) Utilities: The visual impact of all external infrastructure/services (including air conditioning</p>	<p>carpark area, fencing and landscaping. The building materials will be suitable to the area and conditions of consent will be imposed if approved to improve the existing sealed car park area to soften visual impacts.</p> <p>The overall area visible from the street is limited and was previously screened by a hedge at the front of the property. A 15m section is visible from the roadway which will be softened with treatments and landscaping.</p> <p>There is minimal blank walls proposed as part of the development given the reuse of the existing building.</p> <p>The street frontage is consistent with a residential area and will be maintained as such. This development will be provided in an existing residential building.</p> <p>The development is setback within the rounded end of Curtin Place. It is not prominent and will not become a landmark feature in this location.</p> <p>Roof is existing.</p> <p>Not a proposed shop front.</p> <p>The proposed colour schemes are suitable for the area being similar to that of the surrounding residential properties.</p> <p>The development will be significantly screened with fencing around the</p>
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units, plant rooms, ducting, solar panels etc.) is minimised when viewed from a public place or road and integrated into the landscape, façade and/or roof design.	development and integrated landscaping features.
7.5 Advertising & Signage	
7.5.1 General	The proposed signage is located and designed to be easily removed for future uses.
7.5.2 SEPP No.64 Advertising & Signage	The proposed signage is exempt from consent under <i>SEPP (Exempt & Complying Development Codes) 2008</i> Division 2 Subdivision 3 Wall Signs 2.86 & 2.87. The development signage being less than 1m ² does not require consent from Council. The proposed location of the signage is considered to be suitable for the development. See below signage proposal: 
7.5.3 Prohibited Signs	NA
7.5.4 Location of Signage	NA
7.5.5 General Controls of Advertising & Signage 4) Industrial Community Use: 1) For each single occupant industrial site/building advertising signs will be permitted as follows: a) One (1) free standing advertisement within the front landscaped road setback; b) Two (2) advertisements integrated with the façade of the building (one per wall).	The development proposes one business identification sign on the façade of the building under the existing front awning.
7.5.6 Types of Signage	The development proposes a wall sign on the front of the dwelling in a suitable location.

Environmental Planning and Assessment Regulation 2021

Section 4.15(1)(a)(iv) of the EP&A Act requires the consent authority to consider any prescribed matters under the Environmental Planning and Assessment Regulation 2021 (the Regulation). Council has assessed the development in accordance with all relevant matters prescribed by the Regulation.

Likely Impacts of the Development

Section 4.15(1)(b) of the EP&A Act requires the consent authority to consider the likely impacts of that development including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

Head of Consideration	Comment
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Natural Environment	The surrounding area is mostly of residential uses and features. The natural environment for this property contains grassed outdoor space in the rear yard. This is proposed to be changed with a large area of synthetic grass and play equipment for child care centre. The proposed development will have minimal impact on the natural environment given the established residential area. Landscaping will be incorporated into the development to re-establish natural environment to the area.
Built Environment	The surrounding area is residential uses with a mixture of one and two storey developments. The residential area was established over 50 years ago through a subdivision of land. The area is a unique design due to the roadway being a circuit with a park like median strip through the middle, unlike a typical through road area. The property is located on the rounded end of the circuit with the frontage being unparallel to the street and setbacks resulting in a staggered development. The proposal is to utilise the existing built form and alter some external and internal features to meet requirements for the Centre Based Child Care Centre. As such the built form is changing in minor ways. The most obvious change will be the proposed fencing and carparking area. Due to the location on the rounded end of Curtin Place, the carparking is mostly visible from the driveway and directly in front of the property. Due to the particular location of the site, visual impacts to the surrounding area are kept to a minimum. Furthermore, if approved, proposed conditions of consent will soften the aesthetic of the proposed commercial use. The fencing proposed will be to screen and provide acoustic buffer of the development to the surrounding residents with visual impacts to be reduced by material choice and landscaping. Majority of the fencing will remain unchanged from the existing residential Colourbond fencing. It is expected that given the development is utilising the existing built form, that subject to conditions of consent if approved the development will have minimal impact on built form of the area.
Social Impact	The proposed development is to provide for child care services which has been indicated by NSW Planning during Policy changes in April 2024 that there is a significant need for child care and preschools across NSW. This is due to the increase in return to workforce of carers of young children. Potential impacts to the immediate residential area of the Centre Based Child Care Facility can be controlled through conditions of consent if approved. Providing child care service would have a positive social impact overall by allowing for an essential community service in the Lithgow area.
Economic Impact	The proposal will be providing employment through construction and operation of the Centre Based Child Care Facility. This will potentially have flow on effects to the Lithgow area by providing a service that allows for carers to return to work and flow on effects to additional services and businesses. Overall, the economic benefit of the development is positive for the Lithgow area.

***RTA Guide to Traffic Generating Developments – Child Care Centres**

The proposed development does not trigger the threshold for “traffic generating development” under clause 2.122 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

It also does not meet the threshold under clause 3.58 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, which applies to educational establishments that will result in accommodation of 50 or more additional students.

Notwithstanding this, assessment of the development application has considered the RTA’s Guide to Traffic Generating Developments (issue 2.2, October 2022) to assess the likely traffic and parking movements during peak times.

Clause 3.11.3 of the Guide applies to child care centres. Below is an extract from the Guide, which provides the traffic generating rates and factors considered to determine the rates:

Rates

**Table 3.6
Traffic generation rates**

Centre Type	Peak Vehicle Trips / Child		
	7.00-9.00am	2.30-4.00pm	4.00-6.00pm
Pre-school	1.4	0.8	-
Long-day care	0.8	0.3	0.7
Before/after care	0.5	0.2	0.7

Factors

The centres surveyed had between 25-60 children attending pre-schools, between 29-66 children in long day-care and between 22-55 children in before / after school care. The gross floor area was the next best indicator of traffic generation. The centres surveyed had gross floor areas in the range 145-470 m² for pre-schools, 160-595 m² for long day-care and 52-150 m² for before / after care. The mean floor area per child was 6.7 m² for pre-schools, 7.8 m² for long-day care and 3.2 m² for before / after care.

The mean proportions of children transported to each centre type by car was 94% for the pre-schools, 93% for the long day-care and 75% for the before /after school care.

Parking demand was highest for the pre-school and lowest for the before / after school care, averaging over all centres 0.23 cars per child at any one time, with the average length of stay for all centres being 6.8 minutes.

The proposed Centre Based Child Care Facility meets the criteria of a “Long-day care centre”. Based on the rates provided in the RTA Table 3.6, it is estimated that a 36 place centre would generate the following traffic flow:

Centre type	Peak Vehicle Trips/Child		
	7am – 9am (2 hrs)	2.30pm - 4pm (1.5 hrs)	4pm – 6pm (2 hrs)
Long-day care	0.8 x 36 = 28.8 cars	0.3 x 36 = 10.8 cars	0.7 x 36 = 25.2 cars
Average length of stay = 6.8 minutes	28.8 ÷ 6.8 = 4.23 cars	10.8 ÷ 6.8 = 1.58 cars	25.2 ÷ 6.8 = 3.70 cars

The table above indicates that an average of 28.8 cars will arrive at the centre between 7am and 9am Monday to Friday and the average length of stay per car will be 6.8 minutes.

This equates to an average of 4.23 cars per 6.8 minutes during the peak 2 hour period. The development proposes 4 onsite car spaces dedicated to drop offs and pick-ups. If an average of 4.23 cars arrive at any one time during peak period it is expected there will be minimal impacts to on-street parking during the most peak period because parking is available onsite.

While the calculations are based on average rates (which means more or less vehicles could arrive at any one time), the data indicates that drop offs and pick ups are generally staggered across the 2 hour peak periods.

The data indicates that there will be minimal impacts on traffic and parking. Notwithstanding this, it is recommended that a deferred commencement condition be included on the consent (if approved), as follows:

That a Traffic Management Plan be provided detailing actions to manage parking during peak times reducing potential for overflow carparking onto Curtin Place and minimise peak traffic movements along Curtin Place.

Site Suitability

The development is proposed within an established residential area of the past 50 years. This area is located close to Lithgow CBD and main roads of Lithgow. It is situated away from other high traffic locations, traffic generating development and employment areas. The area being a quieter residential area is considered a suitable location for a Centre Based Child Care Facility given the calm surroundings and natural casual surveillance available within the neighbourhood.

The location has no natural hazards, and the existing residential building can be adapted to allow for a 36 place Centre Based Child Care Facility. The re-use of a dwelling means that the bulk and scale of the development is sympathetic to the surrounding area while allowing for a variation to the land use to meet needs of the Lithgow area.

Minimal earthworks, alterations or additions are required to comply with the relevant requirements for a Centre Based Child Care Facility under the Guidelines and National Construction Code. The development will provide adequate onsite carparking and maneuverability onsite for expected traffic movements and the existing street can cater for the increased traffic.

Although a Centre Based Child Care Facility will result in a slight change to the composition of the street, it is a suitable use within a residential zone as indicated by the NSW Government's Standard Local Environmental Plan, which mandates that Centre Based Child Care Facilities are permissible in the R1 General Residential zone.

Subject to conditions of consent to maintain and ensure compliance with required guidelines and the National Construction Code, it is considered that a 36 place Centre Based Child Care Facility is a suitable use of the land.

Public Participation

Section 4.15(1)(d) of the EP&A Act requires the consent authority to consider any submissions made in accordance with this Act or the regulations.

Notification Period: First – 9 April to 7 May 2025
Second – 24 September to 17 October 2025

Submissions: **56** total submissions across two public exhibition periods

- 56 submissions, with 38 separate submitters (18 submitters provided two responses).
- 18 of the 38 submitters are residents in the direct area
- 14 of the 38 submitters are in support
- 24 of the 38 submitters objecting

From the 56 submissions received below are matters raised for consideration and assessment

Concerns raised	Applicant response	Assessment
Traffic - 24 of the 38 submitters stated traffic was a concern as per below:		
Increase traffic on narrow street Congestion in morning and afternoons Traffic controls on Curtin Place Narrow driveway no streetscape No traffic & parking impact statement Exceeds the threshold of 'no impact' under AUSTRROADS Guide to Traffic Management Part 12 Driveway width is not adequate and may encroach on neighbours driveway at 5.5m and carparking doesn't meet AS2890.1:2004	7 onsite carspaces provided, forward entry and exit only. Line marked pedestrian paths and bollards and 10km/h speed sign will be implemented at the site. Peek arrival and departures will be staggered as there is no designated drop off or pick up times such as schools.	AUSTRROADS Guide to Traffic Management Part 12 is not applicable as Curtin Place is not a classified road. Ingress and Egress plan submitted demonstrated two vehicles can utilise the entrance/exit simultaneously. The development is not classed as Traffic Generating Development under TfNSW requirements, and a traffic impact statement is not required for Council assessment of the proposal being 36 children and staff on this local road. Access complies with Section 3.2.4 of the AS2890.1:2004 for site distances and width complies with Council's Driveway Policy 10.18.
Parking - 20 of the 38 submitters stated traffic was a concern as per below:		
Not enough parking supplied and overflow to street Tight car spaces cause issues on the site with reversing Street parking not possible and causes traffic issues on road User class 3 width for parents being 2.6m design carspace. 300mm clearance for door opening is not provided for P5 Parking on street causes a one-way effect on the street Garbage collection has not provided for a larger sweep path of this vehicle AS2890.1:2004	7 onsite carspaces provided, forward entry and exit only. Line marked pedestrian paths and bollards and 10km/h speed sign will be implemented at the site. Peek arrival and departures will be staggered as there is no designated drop off or pick up times such as schools.	Section 2.4 of AS2890.1:2004 requires a minimum parking spaces of 2.3m wide by 5m long and the applicant has provided 2.4m by 5.4m long for each space complying with requirements. Swept paths are adequate for the proposal. Car spaces have met requirement of DCP chapter 2 and AS2890.1:2004 hence minimum 2.6m width 'user Class 3' requirement is not applicable. Garbage collection will be undertaken when the carpark is not being utilised between 10am and 2pm. This allows for a larger swept path availability, and a commercial private agreement has been arranged for the site.
Character -17 of the 38 submitters stated traffic was a concern as per below:		
Existing quiet residential area Carparking and driveway changes the character compared to surrounding residents Signage and fencing will be out of character to residential area Commercial operation in residential area Development is too big for the area	Centre based child care is permissible and the development retains the existing façade, discreet signage and will blend visually and structurally similar to surrounding area with no large-scale commercial features. Landscaping, screening and colour palette have all been used to reduce potential impacts.	The proposed development is utilising the existing residential building with minimal changes to the façade undertaken. Landscaping and screening will be used to soften the proposal and conditions of consent if approved will be utilised to minimise impact on sealed carpark area. The development is permissible within the area and child care is promoted in residential areas as a compatible land use. This is due to residential areas providing calm locations for child care with natural casual surveillance available. The location is central to Lithgow and supports the Lithgow area.
Noise - 18 of the 38 submitters stated traffic was a concern as per below:		
Children noise in playground will affect residents especially shift workers Traffic noise and slamming of doors, mechanical/ventilation equipment not considered. Noise from children and teachers yelling outside Noise from air conditioning/heating units 6am to 7pm noise due to staff opening and closing Noise Management Plan & contact details of Manager for residents Double glazed windows reduce noise	A professional acoustic study has been provided with acoustic fencing and outdoor play schedules proposed to reduce noise. Children will not be outside before 9am or after 5:30pm. Staff will manage noise proactively using behavioural and respectful practice strategies. Operation begins at 7am to 7pm with only two staff accessing the site 15 minutes before and after this time.	The acoustic study has provided details to reduce potential impact on surrounding sensitive receivers. If approved, Council will impose these recommendations as conditions of consent, and an ongoing limiting condition that is measurable for the development. NSW Government does not provide specific guidelines for noise from schools, play areas or child care centres.

Increase of 7dB will be clearly audible particularly to adjoining neighbours.		There is an Association of Australia Acoustical Consultants (AAAC) technical guidelines for child care centres which provides that up to 4 hours per day should not exceed more than 10dB at sensitive receivers. For longer than 4 hours a limit of 5dB at sensitive receivers be applied. Conditions will be imposed on the development to ensure compliance with these requirements during operations.
Noncompliance with Australian standards for noise guidelines		
Noise monitoring		
Acoustic report did not break down the children outside in relation to age groups.		
Proposed outdoor play of 5.5 hours and not the restricted 4 as per the report		
Safety - 21 of the 38 submitters stated traffic was a concern as per below:		
Reversing vehicles could hit children		Licenced drivers have a responsibility to watch for pedestrians regardless of location and area. The proposed development provides for appropriate onsite pedestrian walkways into the building from all onsite car spaces. The line of sight is appropriate for the development and complies with Councils guidelines. Pedestrians on roads cannot be controlled by Council in any instance; however Council's verge allows for pedestrians to walk even without a designated pathway. Conditions of consent will be imposed, if approved, to ensure sight lines from landscaping is not impeded to further protect pedestrians.
Parking in the street with no safe crossing or footpath available in the area to get to child care		
Fencing and carpark area allows for children to run into street or to carpark where reversing		
Increase risk of children on roads with congestion and parked cars for sighting crossing roads		
Line of sight on the corner is not safe		
Many pedestrians currently walk along the road.		
Narrow Roadway		
Access is on a corner which is unsafe		
Miscellaneous concerns		
Privacy from adjoining neighbours		Fencing will provide that there will be minimal impact to adjoining neighbour privacy. The development is within the existing residential building with no windows overlooking adjoining lands.
Odour from bins and composting & Chicken Coop	The centre does not operate a commercial kitchen. Children bring their own food in lunch boxes and only light food handling occurs. All food waste is managed in a hygienic, sealed bin system. Waste will be collected by JR Richards & Sons weekly during business hours. Bins are fully enclosed and screened from sensitive boundaries.	Conditions of consent will be imposed to ensure bins are emptied and cleaned regularly to reduce odour. Screening will minimise potential odours and no composting area is now proposed. Compositing and chicken coop removed.
Visual impact of driveway/landscaping	Exterior upgrades will be enhanced through gardens, fencing and minimal signage.	The development will minimise impacts visually by providing landscaping and treatment of the sealed carpark area subject to conditions of consent if approved.
Education and Care Services Regulation noncompliance- Laundry, nappy changing, premises furniture and equipment, fencing, natural ventilation and light		Council's assessment of the proposal find that the development is compliant in relation to the regulations or the availability for compliance through Construction Certificate process.
Safety with rain garden and children drowning		Signage will be provided for the raingarden subject to conditions of consent if approved. Raingardens are not considered a risk in relation to drowning as they are designed to drain water through the design and location of plants.

Raingarden impacts on carpark 4		The raingarden will be signposted and designed to ensure no impact on P4 or P4 on the raingarden.
Current plans still indicate structures (chicken coop and circles)	Removed.	Amended plans have been provided removing these features.
Flood area due to drainage issues of the area. Flooding issues not addressed by applicant (photo of flooding provided)		The development is not flood prone. Existing drainage issues from Council's stormwater systems is being addressed as a matter separate to the requirements of this application.
Not a 'good fit for the proposal'		The proposed development is permissible in the residential area and provides for child care within a converted residential building. This provides for a balance of passive commercial/community use and residential uses within the area.
Fencing covenant for front fence	Not applicable	The terms of the covenant confirm that the restriction on fencing did not apply once the land was sold to a purchaser. As Council is no longer an owner of the land or any adjacent land, the fencing covenant no longer applies.
Drainage for the driveway is inadequate, Does not comply with Clause 7.3 of LEP stormwater management		Stormwater drainage has been assessed by Council's engineers and Water NSW and will comply with requirements of Council LEP subject to conditions of consent if approved.
Guidelines for Child Care not compliant.		The guidelines for child care have been considered and find the development will comply with requirements subject to conditions of consent and Construction Certificate process if approved.
Musket Parade parking access	Removed	NA
Visual impact of fencing		Fencing will be softened through treatments of landscaping, painting and material selections.
Emergency evacuation is non compliant.		The emergency evacuation is compliant with provisions of the national Construction Code and subject to further assessment under Construction Certificate process if approved.
Water tank is in same location as the bins		The location of bins and water tanks in the same area is not a concern as both are sealed containers. Rainwater tanks only have an opening above bins to receive stormwater runoff from roofs.
Screening bins		Bins will be screened from neighbouring properties.
Reducing operating hours could reduce impact to the community.		Reducing operating hours would have an impact on the ability of a child care centre to be viable. The child care guidelines provide that a child care centre should operate between 7am to 7pm to provide for carers returning to the workforce. Reducing impact during operations is undertaken through restricting outdoor play times and acoustic fencing.
Line of sight from bedroom window to play area of adjoining two story house		The line of sight of the adjoining private bedroom window is to the outdoor play area only with minimal visual into the child care from this area. The line of sight to the play area will be mitigated through shade cloths and the acoustic fencing. Areas of vulnerability for the children such as changing areas and toilets are not visible from any adjoining residential locations.

Rainwater of acoustic fence to be drained away from adjoining land		A condition of consent if approved will ensure that stormwater from acoustic fencing is drained within the development property to council's stormwater systems in an adequate manner.
Bulk of changes to building not suitable	Prior unauthorised modification have been inspected by Structural Engineers and provided certifications that the building is fit for purpose for a Class 9B building.	The works undertaken prior to submission or approval of a Development Application has been actioned under Council's compliance protocols. As part of the Development Application, if approved the applicant will be required to obtain a Building Information Certificate and Structural Engineering provisions in details for compliance with National Construction Code. Additionally, all further works will be covered by the Construction Certificate if approved.
How will garbage be removed and when		The garbage will be collected by private commercial contractor arranged by the service. Conditions of consent will be imposed to ensure impacts are minimised for this process if approved.
Not a purpose-built development		The development is utilising the existing building which will be altered to comply with appropriate child care provisions and the National Construction Code. It is considered that this will be achievable within the existing building and a purpose-built development is not always required.
Minimal landscaping proposed		Conditions of consent will be imposed to ensure that landscaping is provided to reduce visual impacts on the surrounding residential development.
Guidelines clearly state that no overlooking from residents is allowed Section 3.5		The guideline in section 3.5 states that the development should not overlook on a public place or a public place should not overlook on the child care. As neighbouring property is not a public place and is a private space, this clause does not apply. However, Council is aware of the sensitivities of this development in relation to exposure and as such overlooking from this dwelling is restricted to the outdoor play area which will be addressed by the acoustic fencing and proposed shade cloths.
Unencumbered floor space ratio still non-compliant		As detailed in the Child care Guideline assessment, the development complies with indoor floor space for 36 children.

Building non-compliance:

The windows to Playroom A and the Staff WC which are less than 3 metres from the side boundaries are not fire protected to prevent the spread of fire between properties.	Refer to conditions of consent requiring building to be upgraded in conjunction with a new Construction Certificate prior to issue of an Occupation Certificate. Compliance is readily achievable under the relevant provisions of the current NCC Vol 1.
The energy efficiency of the building would not comply with Section J of the BCA.	Refer to conditions of consent requiring building to be upgraded in conjunction with a new Construction Certificate prior to issue of an Occupation Certificate. Compliance is readily achievable under the relevant provisions of the current NCC Vol 1.
The access ramps proposed gradients of 1:10-1:14 is not compliant with Australian Standard A51428.1 - Design for access and mobility.	Ramp access is achievable without impacting on carparking design requirements of AS 2890.6:2009 subject to re-configurations. To be demonstrated in conjunction with Construction Certificate.
The access ramps are not provided with handrails and tactile ground surface indicators in accordance with Australian Standard A51428.1 - Design for access and mobility.	Compliance with NCC Vol 1 readily achievable. To be demonstrated in conjunction with Construction Certificate.
The required 300mm extension to the handrail on building side of the entry ramp would obstruct access to the entry at W5 and not comply with	Compliance with NCC Vol 1 readily achievable. To be demonstrated in conjunction with Construction Certificate.

Australian Standard A51428.1 - Design for access and mobility.	
The sliding glass doors at W5, Playroom A and the Children's Bathroom do not have level thresholds, which does not comply with Australian Standard A51428.1 - Design for access and mobility.	Compliance with NCC Vol 1 readily achievable. To be demonstrated in conjunction with Construction Certificate.
The Staff WC does not comply as an accessible sanitary facility in accordance with Australian Standard A51428.1 - Design for access and mobility.	Re-design of sanitary compartment will be required Compliance with NCC Vol 1 readily achievable. To be demonstrated in conjunction with Construction Certificate
The other WC does not comply as an ambulant sanitary facility in accordance with Australian Standard A51428.1 - Design for access and mobility.	This WC is not required under provisions of NCC Vol 1. To be re-purposed to accommodate required nappy change & shower facilities. Compliance to be demonstrated in conjunction with the Construction Certificate. This re-design may reduce the floor area for Playroom B to a minor extent up to 2m ² allowable within the floor space ration provisions.
All of the door widths, both internal and external do not comply with the minimum 850mm clearance in accordance with Australian Standard A51428.1 - Design for access and mobility.	Required to be upgraded to meet current NCC Vol 1 requirements as condition of consent. Compliance to be demonstrated in conjunction with the Construction Certificate.
Circulation space at both entries to the Children's Bathroom, in the Laundry and the entry to the Office from the Thoroughfare, do not comply with Australian Standard A51428.1 - Design for access and mobility	Required to be upgraded to meet current NCC Vol 1 requirements as condition of consent. Compliance to be demonstrated in conjunction with the Construction Certificate.

Development Servicing Plan for Water Supply and Sewerage

The application is an increase in use from residential (1 ET) to a 36 place Centre Based Child Care Facility. As such the development will be required to provide a contribution for water and sewer in accordance with Council's Section 64 - Development Servicing Plan for Water Supply and Sewerage.

Standard conditions, as provided by Council's Water and Waste Water Team are to be included in the consent, including contribution requirements prior to occupation.

Lithgow Policy 7.7 Calling in of Development Applications by Councillors

Council's Policy 7.7 is applicable as the application was 'called in' on the 17 April 2025 by Councillor Coleman and 28 April 2025 by Councillor Ring. An information report was furnished to Council on 26 May 2025 which recommended an onsite meeting.

This meeting was held with Councillors, applicant and residents on the 9 October 2025 onsite at 20 Curtin Place.

A subsequent report will be provided with this assessment to a Council meeting for determination as per the Policy.

The Public Interest

The public interest is best served by the orderly and economic use of land for permissible uses if they do not impact unreasonably on the use and development of surrounding land. The proposal will not restrict uses of adjoining area given it is for a compatible land use.

This application has received a number of public submissions with majority of immediate residents objecting to the proposal due to concerns on character, traffic, parking, noise and safety. However, approximately 37% of the submissions were in support of the proposal.

Providing child care services that are suitably considered within the Lithgow area will significantly benefit the overall workforce of Lithgow. Subject to conditions of consent being

included in the development consent (if approved), the potential impacts on surrounding residential uses can be reduced to a minimal level.

The development design of utilising an existing residential building for conversion to a Centre Based Child Care Facility minimises the potential impacts of a child care centre on the surrounding residents while still providing a service needed in regional NSW.

Discussions and Conclusions

The proposal generally complies with the relevant provisions of all applicable environmental planning instruments and regulatory provisions. The proposal is not expected to result in any significant negative impacts upon the environment or upon the amenity of the locality. The proposed development is recommended for determination by way of approval subject to the conditions outlined below.

Attachments

Schedule A- Deferred Commencement Condition.
Schedule B- Conditions of consent (operational conditions)

Recommendation

THAT Application DA033/25 is approved subject to conditions set out in Schedule A & B.

Assessment Prepared By: _____

Assessment Reviewed By: _____

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Attachment A- National Quality Framework Assessment Checklist

Table 2 - Assessment checklist

REGULATION	PROPOSED	COMPLIES (TICK OR CROSS)
<p>104. Fencing or barrier that encloses outdoor spaces. Outdoor space that will be used by children will 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.</p> <p>Note: This clause does not apply to a centre-based service primarily for children over preschool age or a family day care residence or venue for over preschool age children.</p>	Indicate height, materials and style on plans.	
<p>106. Laundry and hygiene facilities The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering.</p> <p>Laundry / hygienic facilities are located where they do not pose a risk to children</p>	On-site or off-site facilities	On-site Off-site 
<p>107. Unencumbered indoor space The proposed development includes at least 3.25m² of unencumbered indoor space for each child.</p> <p>Refer to Regulation 107 of the Education and Care Services National Regulation for further information on calculating indoor space.</p>	Number of children: Required area: Provided Area:	36 117m ² 119.95m ²
<p>108. Unencumbered outdoor space The proposed development includes at least 7.0m² of unencumbered outdoor space for each child.</p> <p>Refer to Regulation 108 of the Education and Care Services National Regulation for further information on calculating outdoor space, and for different requirements for out-of-school-hours care services.</p>	Number of children: Required area: Provided Area	36 252m ² 360m ²
<p>109. Toilet and hygiene facilities The proposed development includes adequate, developmentally and age-appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service.</p> <p>The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.</p>	Show number of toilets and hand basins on plan	

Table 2 - Assessment checklist

REGULATION	PROPOSED	COMPLIES (TICK OR CROSS)
<p>110. Ventilation and natural light</p> <p>The proposed development includes indoor spaces to be used by children that –</p> <ul style="list-style-type: none"> • will be well ventilated; and • will have adequate natural light; and • can be maintained at a temperature that ensures the safety and well-being of children. 	<p>Indicate on plans and elevations how natural ventilation and lighting is achieved.</p>	
<p>111. Administrative space</p> <p>The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations.</p> <p>Note: This space cannot be included in the calculation of unencumbered indoor space – see Regulation 107.</p>	<p>Indicate administrative space on plans</p>	
<p>112. Nappy change facilities</p> <p>(To be completed only if the proposed development is for a service that will care for children who wear nappies)</p> <p>The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area.</p> <p>The proposed nappy change facilities can be designed and located in a way that prevents unsupervised access by children.</p>	<p>Indicate nappy change on plans</p>	 Subject to conditions of consent
<p>113. Outdoor space—natural environment</p> <p>The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.</p>	<p>Indicate on landscape plans</p>	
<p>114. Outdoor space—shade</p> <p>The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p>Indicate shade on landscape plans</p>	
<p>115. Premises designed to facilitate supervision</p> <p>The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.</p>	<p>Indicate on floor plans</p>	

Schedule A

DEFERRED COMMENCEMENT CONDITION

As per Section 4.16(3) Environmental Planning & Assessment Act 1979

1. That a Traffic Management Plan be provided detailing actions to manage parking during peak times reducing potential for overflow carparking onto Curtin Place and minimise peak traffic movements along Curtin Place.

This condition is to be complied with within one year of the approval date for the consent to be activated, otherwise the consent will lapse.

Upon satisfaction of the deferred commencement condition above, an Operational consent will be issued subject to the conditions of consent in Schedule B.

Schedule B

Conditions of Consent (Consent Authority) – Operational Conditions

GENERAL CONDITIONS																																															
<p>Approved Development</p> <p>Development Consent is granted for a 36 place Centre-based Child Care Facility at Lot 1 DP568331, 20 Curtin Place Lithgow</p>																																															
<p>Condition reason: To ensure all parties are aware of the approved development description and development address.</p>																																															
<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p>																																															
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<p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans/documents and a condition of this consent, the condition prevails.</p>																																															
<p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development</p>																																															
<p>Hours of Operation</p> <p>The hours of operation for the Centre-Based Child Care Facility are 7am to 6pm Monday to Friday. Closed public holidays.</p>																																															
<p>Condition Reason: To clarify operating time approved.</p>																																															

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE	
	<p>Construction Certificate required</p> <p>Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Principle Certifier.</p>
	<p>Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p>
	<p>Section 68 – Local Government Act</p> <p>Prior to the commencement of any plumbing and/or sanitary drainage work and prior to the issue of the Construction Certificate for the Centre Based Child Care Facility separate approval must be obtained under Section 68 of the Local Government Act 1993 for the required on-site sewage management system.</p>
	<p>Condition Reason: To ensure the development is serviced by a suitable on-site sewage management system, in accordance with Council's Policy.</p>
	<p>Section 7.12 Local Contributions</p> <p>Payment of a 7.12 contribution in accordance with Lithgow City Council Section 7.12 Development Contribution Plan shall be made to Council, prior to the release of the Construction Certificate. This is based off the estimated cost of development for all works associated with the conversion of the dwelling to a childcare centre. A quote from a quantify surveyor or builder is to be provided inclusive of labour costs. The amount payable may be adjusted at the time of actual payment in accordance with the provisions of the Lithgow City Council Section 7.12 Development Contributions Plan.</p>
	<p>Condition Reason: To demonstrate compliance and ensure fees are paid in accordance with the Lithgow Contributions Plan.</p>
	<p>National Construction Code Conformity</p> <p>The existing building is to be brought into partial conformity with the National Construction Code (NCC) 2022 Vol 1 in respect to:</p> <ol style="list-style-type: none"> a. Protection of openings in external walls (restrict spread of fire) under Part C4; b. Access to & within the building & provision of sanitary facilities for people with disabilities under Part F4D4; c. Provision of accessible carspace under Part D4D6; d. Waterproofing of wet areas under Part F2; e. Weatherproofing of external wall associated with the converted garage / Playroom B under Part F3D5; f. Light & ventilation requirements under Part F6; and g. Egress requirements under Section D. <p>Specific details demonstrating compliance with the above are to be submitted with any application for a Construction Certificate.</p>
	<p>Condition Reason: To comply with cl64(1) & (2) of the Environmental Planning & Assessment Regulation 2021</p>
	<p>Water NSW Construction Activities</p> <p>An Erosion and Sediment Control Plan shall be prepared for all works required in the development by a person with knowledge and experience in the preparation of such plans. The Plan shall:</p> <ul style="list-style-type: none"> • be prepared prior to the issuance of a Construction Certificate for the development, and be to the satisfaction of the Principal Certifier • meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2204), and • include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines, drainage easement or stormwater drain.

	Condition Reason: To manage adverse environmental and water quality impacts during the construction phase of the development to minimise the risk of erosion, sedimentation, and pollution within or from the site during this phase.
	<p>Water NSW Erosion and Sediment Control Plan</p> <p>The Erosion and Sediment Control Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained, and retained until works have been completed and groundcover established.</p> <p>Condition Reason: To manage adverse environmental and water quality impacts during the construction phase of the development to minimise the risk of erosion, sedimentation, and pollution within or from the site during this phase.</p>
	<p>Amended Plans for Construction Certificate</p> <p>That amended plan be provided and approved by Council prior to Construction Certificate providing:</p> <ul style="list-style-type: none"> • closing doors be in office area to provide for a private room location utilised for meeting in accordance with Child Care Guideline requirements. • Nappy changing facilities are to be provided in accordance with the National Construction Code and prevent unsupervised access by children <p>Condition Reason: To ensure compliance with NSW Child Care Guidelines and National Construction Code.</p>
	<p>Landscaping Plan</p> <p>An amended landscaping plan be provided and approved prior to Construction Certificate that indicates landscaping materials and location including:</p> <ul style="list-style-type: none"> • Frontage landscaping in the carpark and veranda • screening of the garbage disposal area from adjoining landowners and street view, • treatment of the sealed carpark given the existing impact i.e. stencil, painting • treatment of fencing and outdoor area landscaping. • Arrangement for street tree/bush implementation in Council's road reserve that does not impact on sight distances or pedestrian access. Discussion with Council's infrastructure services is to be undertaken for this process. <p>Condition Reason: to provide reduced visual impacts through landscaping of the development.</p>

BEFORE BUILDING WORK COMMENCES	
	<p>Construction Certificate required</p> <p>Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Certifier.</p> <p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work and meet current provision of NCC2022 Vol 1.</p>
	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, the Principal Certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).</p> <p>Condition Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways</p>
	<p>Protection of adjoining areas</p> <p>A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works—</p> <p>(a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or</p>

	<p>(b) could cause damage to adjoining lands by falling objects, or</p> <p>(c) involve the enclosure of a public place or part of a public place.</p>
	<p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>
	<p>Toilet facilities</p> <p>Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p>
	<p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>
	<p>Garbage receptacle</p> <p>A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for the reception of food scraps and papers</p>
	<p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>
	<p>Plumbing and/or drainage works</p> <p>Prior to the commencement of any plumbing and/or drainage work, a Notice of Works is to be submitted to Council from the licensed plumber contractor in accordance with the Plumbing and Drainage Act.</p>
	<p>Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works in accordance with the Plumbing and Drainage Act.</p>
	<p>Plumbing & Drainage</p> <p>All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with the requirements of Australian Standard 3500 and Comply with the Plumbing Code of Australia (PCA) and all relevant Australian standards.</p>
	<p>Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works in accordance with the Plumbing and Drainage Act.</p>
	<p>Inspection Plumbing & drainage</p> <p>That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.</p> <p>Forty - eight (48) hours' notice shall be given to Council for inspection of the following:</p> <ul style="list-style-type: none"> • Internal and external drainage lines prior to prior to backfilling. • The licensed plumber/drainer shall be on site at the time of the inspection, and the drainage lines shall be charged and under test. • Hot and cold water installations under test bucket pressure of 1500Kpa • On completion of all plumbing drainage and sanitary fixture installations.
	<p>Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works in accordance with the Plumbing and Drainage Act.</p>
	<p>Public Liability</p> <p>The Applicant is to ensure that Contract Works Insurance is kept current for the duration of the development, and must also ensure that all Contractors and Subcontractors working within Council road reserves possess and maintain adequate Public Liability Insurance (\$20 million), with copies to be provided to Council prior to commencement of any works. Any potential claims that result from negligent actions performed by Contractors / Subcontractors engaged by the Applicant within Council road reserves will be borne by the Applicant and not Lithgow City Council.</p>
	<p>Condition Reason: to protect Council from liability claims in relations to works resulting form this application.</p>
	<p>Driveway Construction</p> <p>Any driveway construction works (new or replacement of existing driveway access) needs to comply with Council's Policy 10.18 – Specification for the Construction of Driveways, Footpath /</p>

	<p>Gutter Crossing and Footpaving (available on Council's website). The application fee for the inspection is required to be paid prior to inspection being undertaken. Notification of at least 48 hours is required to arrange inspections (no inspection undertaken on Fridays). Further information can be obtained regarding Driveway approvals by contacting Council's Infrastructure Services Department on (02) 6354 9904 during business hours</p>
	<p>Condition Reason: To ensure driveway construction complies with Council requirements</p>
	<p>Temporary Road/ Footpath Closure Any works that will have an impact on pedestrian or vehicle use of footpath / roads will require a Temporary Road / Footpath Closing Application to be submitted, with the submission of appropriate documents and fees paid. Approvals need to be submitted for assessment at least 4 weeks prior to proposed works for adequate referral and assessment. Further information can be obtained regarding Temporary Road / Footpath Closing Applications by contacting Council's Infrastructure Services Department on (02) 6354 9904 during business hours.</p>
	<p>Condition Reason: to ensure safety of road and pedestrian users is protected during works.</p>
	<p>Access & Manoeuvring Vehicular access and manoeuvring associated with the subject development shall be designed in accordance with AS 2890.2.</p>
	<p>Condition Reason: to ensure development complies with Australian Standards.</p>
	<p>Driveway Crossing A minimum one (1) metre clearance shall be provided between proposed driveway crossings and any street tree/existing services. All existing services conflicting with the proposed driveway are to be relocated in accordance with the relevant Authority's regulations and standards.</p>
	<p>Condition Reason: to ensure driveways are constructed with minimal impacts.</p>
	<p>Disturbed areas of road reserve Upon completion of all works in the road reserve, all disturbed verge areas fronting development site are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of driveways, concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.</p>
	<p>Condition Reason: to ensure disturbed areas are rehabilitated accordingly.</p>
	<p>Stormwater requirements Stormwater generated from the impervious areas in proposed development shall be discharged to the street drainage system or an inter-allotment drainage system by a 100% gravity drain system. A suitable kerb adaptor shall be provided, if stormwater is proposed to be discharged to a street kerb.</p>
	<p>Condition Reason: to ensure stormwater is controlled and discharged appropriately</p>
	<p>Stormwater diversions The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.</p>
	<p>Condition Reason: to ensure stormwater does not impact on adjoining properties as a result of works undertaken with this application.</p>
	<p>Dust The Applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.</p>
	<p>Condition Reason: to minimise potential dust impacts in surrounding area.</p>
	<p>Water NSW Stormwater Management All stormwater management measures as specified in the in the Stormwater Management Plan and shown on the Stormwater Management Plan Details Sheet No 1 and 2 set out in the table of Condition 1 shall be incorporated in the final stormwater management plan. The final stormwater management plan shall:</p> <ul style="list-style-type: none"> • be prepared prior to the issuance of a Construction Certificate and approved by the Principal Certifier • include: <ul style="list-style-type: none"> ○ pits and pipes

	<ul style="list-style-type: none"> ○ rainwater tanks ○ raingarden, and ○ appropriate diversion measures to direct runoff from car parking and artificial turfed areas towards the raingarden be implemented.
	<p>Condition Reason: to ensure appropriate stormwater management measures are designed, implemented and maintained to achieve a sustainable neutral or beneficial impact on water quality. Particularly during wet weather, over the longer term.</p>
	<p>Water NSW Access driveway stormwater The access driveway and car park areas shall be constructed such that stormwater runoff drains via appropriate diversion measures to the raingarden located at the northeast side of the site.</p>
	<p>Condition Reason: to ensure appropriate stormwater management measures are designed, implemented and maintained to achieve a sustainable neutral or beneficial impact on water quality. Particularly during wet weather, over the longer term.</p>
	<p>Water NSW Raingarden Design The raingarden shall:</p> <ul style="list-style-type: none"> ● be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne , 2015, Melbourne, CRC for Water Sensitive Cities) ● have an appropriately designed and stabilised inlet point such that inflow does not cause erosion ● also incorporate the following: <ul style="list-style-type: none"> ○ a minimum surface area and filter area of 7.2 square metres ○ extended detention depth of 400 mm ○ a filter depth (excluding transition layers) of 600 mm above the underdrains ○ a network of underdrains with a 1.5 metre spacing ○ a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg ● be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable) ● direct all discharge and overflow to Council’s stormwater network on Curtin Street ● be accessible from the driveway by machinery to facilitate cleaning, monitoring and maintenance of the structures ● be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management be protected by sediment and erosion control measures during any construction and postconstruction phase until the ground surface is revegetated or stabilised, and ● be constructed after all hardstand areas have been sealed and all ground surfaces have been stabilised.
	<p>Condition Reason: to ensure appropriate stormwater management measures are designed, implemented and maintained to achieve a sustainable neutral or beneficial impact on water quality. Particularly during wet weather, over the longer term.</p>
	<p>Water NSW Raingarden collection reuse system A rainwater collection and reuse system for the building roof shall be installed that:</p> <ul style="list-style-type: none"> ● has rainwater tanks with a minimum total capacity of 6,000 litres above any volume required for mains top-up ● ensure roofs and gutters are designed to maximise the capture of rainwater in the tanks ● ensure the tanks are plumbed for non-potable use including landscape watering, and ● ensure all rainwater tank overflow is directed to the raingarden on the site.
	<p>Condition Reason: to ensure appropriate stormwater management measures are designed, implemented and maintained to achieve a sustainable neutral or beneficial impact on water quality. Particularly during wet weather, over the longer term.</p>
	<p>Water NSW Variations No variation to stormwater treatment or management that will have any impact on water quality shall be permitted without the agreement of Water NSW.</p>

	Condition Reason: to ensure appropriate stormwater management measures are designed, implemented and maintained to achieve a sustainable neutral or beneficial impact on water quality. Particularly during wet weather, over the longer term.
	<p>Water NSW Qualified stormwater consultant</p> <p>A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and the Principal Certifier prior to the issuance of an Occupation Certificate that all stormwater management measures have been installed as per these conditions of consent and are in a functional state.</p>
	Condition Reason: to ensure appropriate stormwater management measures are designed, implemented and maintained to achieve a sustainable neutral or beneficial impact on water quality. Particularly during wet weather, over the longer term.
	<p>Water NSW Operational Environmental Management Plan</p> <p>An Operational Environmental Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans. The Plan shall:</p> <ul style="list-style-type: none"> • be prepared prior to the issuance of an Occupation Certificate • be provided to the site's owner and appointed management representative • include the details on the location and nature of stormwater management measures such as pits, pipes, appropriate diversion measures directing runoff from the carpark and artificial turf areas, raingarden, and rainwater collection system • outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management measures, particularly for the raingarden, including the frequency of such activities • identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and • include checklists for recording inspections and maintenance activities, particularly for raingarden.
	Condition Reason: to ensure appropriate stormwater management measures are designed, implemented and maintained to achieve a sustainable neutral or beneficial impact on water quality. Particularly during wet weather, over the longer term.
	<p>Water NSW Stormwater management monitoring</p> <p>All stormwater management measures shall be monitored, maintained and managed as per the Operational Environmental Management Plan.</p>
	Condition Reason: to ensure appropriate stormwater management measures are designed, implemented and maintained to achieve a sustainable neutral or beneficial impact on water quality. Particularly during wet weather, over the longer term.

DURING BUILDING WORK	
	<p>Construction hours</p> <p>Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.</p>
	Condition Reason: To protect the amenity of the surrounding area
	<p>Site management</p> <p>All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.</p>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work
	<p>Earthworks</p> <p>Any earthworks (including any structural support or other related structure for the purposes of the development:</p>

	<ul style="list-style-type: none"> - Must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and - Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and - That is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and - That is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005. - Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.
	<p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>
	<p>Stormwater management and drainage connections</p> <p>(1) The stormwater shall be discharged to the proposed water tank and where applicable shall be in accordance with Australian Standard AS/NZS 3500.3.2 – Stormwater Drainage. Overflow shall be managed so as to control nuisance, damage and hazard during storm events, to the satisfaction of the Principal Certifier.</p> <p>(2) Any approval that is required for connection to the drainage system under the <i>Local Government Act 1993</i> must be held before the connection is carried out.</p>
	<p>Condition Reason: To ensure the development complies with the approved plans and referenced documents.</p>
	<p>Procedure for critical stage inspections</p> <p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p>
	<p>Condition Reason: To require approval to proceed with building work following each critical stage inspection</p>
	<p>Plumbing and/or drainage works</p> <p>All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with the requirements of Australian Standard 3500 and Complying with the Plumbing Code of Australia (PCA) and all relevant Australian Standards.</p>
	<p>Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works.</p>
	<p>Plumbing and/or drainage Certificate of Compliance</p> <p>Prior to the issue of a Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Lithgow City Council as the delegated regulatory authority for plumbing and drainage works within the Lithgow City Council area.</p>
	<p>Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works.</p>
	<p>Section 138 Road Opening Approval</p> <p>Where works are proposed within the road reserve, the developer shall obtain approval from Council under Section 138 of the Roads Act 1993 before any works are undertaken. Works within the road reserve include driveway cross-overs, erecting structures, excavation, changes to the road, or any other activities as defined by the Roads Act 1993.</p>
	<p>Condition Reason: To ensure approval is obtained and payment received for changes to public infrastructure</p>
	<p>Excavated Areas</p>

	Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building.
	Condition Reason: To ensure all earthworks are adequately retained
	<p>Waste management</p> <p>Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. Copies of receipts stating the following must be given to the principal certifying authority—</p> <ul style="list-style-type: none"> (a) the place to which waste materials were transported, (b) the name of the contractor transporting the materials, (c) the quantity of materials transported off-site and recycled or disposed of.
	Condition Reason: To promote safe and responsible disposal of waste.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE	
	<p>Disturbed areas</p> <p>The disturbed areas surrounding the building work shall be reinstated to the satisfaction of the Principal Certifier upon completion of the work.</p>
	Condition Reason: To ensure no substance other than rainwater enters the stormwater system and waterways
	<p>Regularise Existing Works</p> <p>Prior to the issue of any Occupation Certificate the following unauthorised building work is to be regularised by obtaining a Building Information Certificate from Council:</p> <ul style="list-style-type: none"> 1. Removal of internal walls & installation of structural beams; and 2. Construction of new floor structure associated with the conversion of the existing Garage to Playroom B.
	Condition Reason: To regularise unauthorised building work under the Environmental Planning & Assessment Act 1979.
	<p>Plumbing & Drainage Works</p> <p>Prior to issuing the Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council as the delegated regulatory authority for plumbing and drainage work within the Lithgow City Council area.</p>
	Condition Reason: to ensure sanitary plumbing and drainage is undertaken in an appropriate manner satisfactory to Council.
	<p>Certificate of Compliance</p> <p>Prior to the issue of an Occupation Certificate the applicant shall furnish Council with a Certificate of Compliance and approved drainage diagram (SSD) for all sanitary plumbing and drainage installations. Licensed plumber to determine correct point of connection into council's sewer and relative sewer heights.</p>
	Condition Reason: to ensure sanitary plumbing and drainage is undertaken in an appropriate manner satisfactory to Council.
	<p>Development Service Plan for Water and Sewer</p> <p>The approved development is subject to Water and/or Sewerage Development Contributions. Contributions are levied in accordance with Section 64 of the Local Government Act 1993 which allows council to exercise this function pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000. Development Contributions are levied in accordance with the Development Service Plans for Water Supply and Sewerage enforce at the time of payment. The amount of the contribution per Equivalent Tenement is published in Council's adopted Fees and Charges. Contributions are subject to annual CPI increases.</p> <p>An application for the Certificate of Compliance for all Water and Sewerage Supply works is to be submitted by the applicant at the completion of the works and prior to Subdivision Certificate or Occupation Certificate. This application is to be accompanied by all plumbing, drainage and civil</p>

	<p>works details associated with the water and sewerage supply including Work as Executed drawings. A Certificate of Compliance issued under the Water Management Act 2000 only covers the water supply and sewerage supply works that are not defined as plumbing and drainage work within the meaning of the Plumbing and Drainage Act 2011.</p> <p>A Certificate of Compliance must be issued prior to the release of the Occupation Certificate. In accordance with Section 306(2) Water Management Act 2000 a precondition to the issue of the Certificate of Compliance is the payment of Development Contributions and that all water and/or sewerage conditions of consent are satisfied. In accordance with Section 307 Water Management Act 2000 Council may impose a requirement on the applicant to address outstanding matters. Where a matter remains unresolved Council may be satisfied that a requirement has been complied with if the applicant lodges with the Council such security to cover the cost of ensuring full compliance.</p> <p>Advisory note: S64 headworks calculations Lithgow sewerage and Lithgow Water charges applicable <u>Sewerage</u> Credit of 1 ET Childcare centre 0.1 (ET) Total charge = 36 (place) x 0.1 (ET) x \$3,328.25 (charge) = \$11,981.70 Credit = \$3,328.25 Charge = \$8,653.45 <u>Water</u> Credit of 1 ET Childcare centre 0.06 (ET) Total charge = 36 (place) x 0.06 (ET) x \$3,561.27 (charge) = \$7,692.34 Credit = \$3,561.27 Charge = \$4,131.07</p> <p>Total charges as of 1 October 2025 = \$12,784.52</p>
	<p>Condition Reason: to ensure contributions are charged in accordance with Council's Development Service Plan.</p>
	<p>Acoustic Fencing Prior to Occupation Certificate details indicating that the boundary treatment as per PKA Acoustic Report 16/6/2025 in relation to fences is undertaken. The acoustic fences must have a minimum acoustic performance of Rw25. The acoustic barrier must be of solid construction (with no air gaps or penetrations including connections and structural bases)</p>
	<p>Condition Reason: to ensure noise reducing fencing is implemented as per recommendations of the Acoustic Report.</p>

OCCUPATION AND ONGOING USE	
	<p>Occupation Certificate The development shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifier.</p>
	<p>Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</p>
	<p>Managing Noise During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent including the following recommendations:</p> <ul style="list-style-type: none"> • Staggered Play Times • At any given time, only 50% of the total capacity of children must use the outdoor play areas. • The car park area and parking should be limited to 10 km/hr to keep noise emissions low.

	<ul style="list-style-type: none"> • Signage must be displayed clearly to ensure patrons in the carpark are aware of potential noise generation activity and to remain as quiet as possible during the early morning drop-off and late evening pick-up hours. • The final selections of any outdoor mechanical and plant equipment must be checked so that the rated sound power/pressure levels will comply at the boundary of the sensitive residences (existing and proposed) with the following levels presented in the table below (based on the EPA NPfI Project Trigger Levels listed in Section Table 5-1.
	Condition Reason: To protect the amenity of the local area in relation to potential impacts through noise during operations.
	<p>Storage and Disposal of Waste Materials during Ongoing Use During ongoing use of the premises:</p> <ol style="list-style-type: none"> All garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time Arrangements must be implemented for the separation of recyclable materials from garbage Any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests Where council does not provide commercial garbage and recyclable materials collection services: <ol style="list-style-type: none"> A contract must be entered into with a licensed contractor to provide these services for the premises; and A copy of the contract must be kept on premises and provided to relevant authorities including council officers on request. Where the collection of garbage and recycling materials from the premises is undertaken by a licensed contractor, it must only be between 10am and 2pm.
	Condition Reason: To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises.
	<p>Storage of Goods During ongoing use of the premises, all goods must be stored wholly within the premises and must not be stored or displayed outside the premises, including any public place, without council's approval.</p>
	Condition Reason: To ensure goods are stored wholly within the premises and protect the amenity of the local area.

PRESCRIBED CONDITIONS

PRESCRIBED CONDITIONS - Environmental Planning and Assessment Regulation 2021	
	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none"> (1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. (2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. (3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with the Building Code of Australia, Volume 1, Part B1 and NSW Part I5. (4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the relevant date. (5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.

	<p>(6) This section does not apply—</p> <ul style="list-style-type: none"> (i) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or (ii) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. <p>(7) In this section—</p> <p>relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 19.</p>
	<p>Condition reason: Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).</p>
	<p>Erection of signs</p> <p>(1) This section applies to a development consent for development involving building work, subdivision work or demolition work.</p> <p>(2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—</p> <ul style="list-style-type: none"> (i) showing the name, address and telephone number of the principal certifier for the work, and (ii) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and (iii) stating that unauthorised entry to the work site is prohibited. <p>(3) The sign must be—</p> <ul style="list-style-type: none"> (i) maintained while the building work, subdivision work or demolition work is being carried out, and (ii) removed when the work has been completed. <p>(4) This section does not apply in relation to—</p> <ul style="list-style-type: none"> (i) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or (ii) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
	<p>Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).</p>
	<p>Notification of Home Building Act 1989 requirements</p> <p>(1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.</p> <p>(2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—</p> <ul style="list-style-type: none"> (i) for work that requires a principal contractor to be appointed— <ul style="list-style-type: none"> (a) the name and licence number of the principal contractor, and (b) the name of the insurer of the work under the Home Building Act 1989, Part 6, (ii) for work to be carried out by an owner-builder— <ul style="list-style-type: none"> (a) the name of the owner-builder, and (b) if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit. <p>(3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.</p> <p>(4) This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p>
	<p>Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).</p>
	<p>Shoring and adequacy of adjoining property</p>

	<p>(1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</p> <p>(2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—</p> <ul style="list-style-type: none"> (i) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and (ii) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation. <p>(3) This section does not apply if—</p> <ul style="list-style-type: none"> (i) the person having the benefit of the development consent owns the adjoining land, or (ii) the owner of the adjoining land gives written consent to the condition not applying.
	Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work must not be carried out until a construction certificate, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.