

Randwick Local Planning Panel (Electronic) Meeting

Friday 7 March 2025



RANDWICK LOCAL PLANNING PANEL (ELECTRONIC) MEETING

Notice is hereby given that a Randwick Local Planning Panel (Electronic) meeting will be held online via Microsoft Team Electronic on Friday, 7 March 2025 at 1pm

Declarations of Pecuniary and Non-Pecuniary Interests

Development Application Reports

D13/25 21-29 Munda Street, Randwick (DA/122/2025)..... 1

Meryl Bishop
DIRECTOR CITY PLANNING

Development Application Report No. D13/25

Subject: 21-29 Munda Street, Randwick (DA/122/2025)

Executive Summary

| | |
|-----------------------------|--|
| Proposal: | Temporary use of community centre as a centre based childcare facility with ancillary outdoor play area enclosure and pick up / drop off parking area. |
| Ward: | East Ward |
| Applicant: | Only About Children P/L |
| Owner: | Randwick City Council |
| Cost of works: | \$100,000.00 |
| Reason for referral: | Conflict of interest |

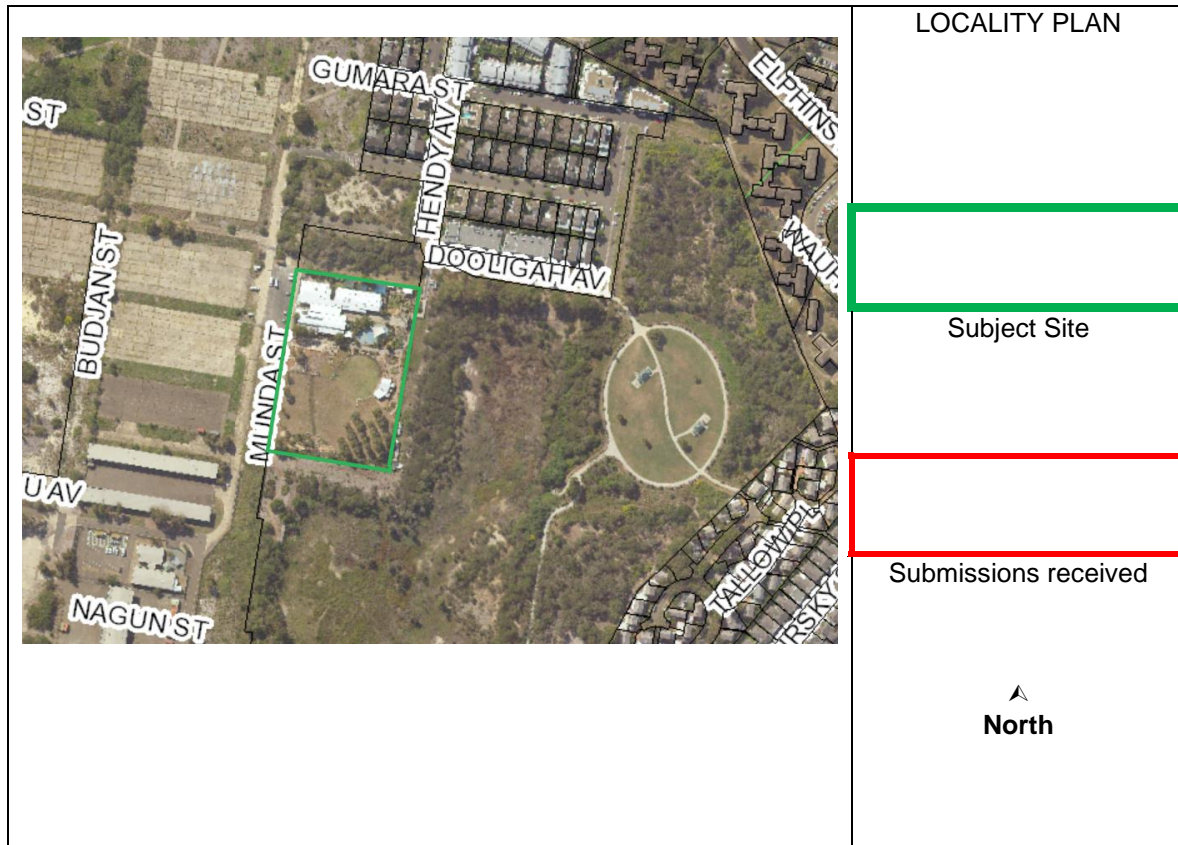
Recommendation

- A. That the RLPP grants consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 122/2025 for the temporary use of community centre as a centre based childcare facility with ancillary outdoor play area enclosure and pick up / drop off parking area at 21-29 Munda Street, Randwick, subject to the development consent conditions attached to the assessment report.

Attachment/s:

- [!\[\]\(2a133ebb0337313d16cc068f19494aa2_img.jpg\) 1. RLPP Dev Consent Conditions \(general\) - DA1222025 - 21-29 Munda Street, ~ Randwick City Council](#)

D13/25



1. Executive summary

The application is referred to the Randwick Local Planning Panel (RLPP) as the landowner is Council.

The proposal seeks development consent for the temporary use of the Randwick community centre as a centre based childcare facility with ancillary outdoor play area enclosure and pick up / drop off parking area.

The proposal is recommended for approval subject to the conditions of consent detailed as attached.

2. Site Description and Locality

The subject site is known as 21-29 Munda Street and is legally described as Lot 11 in DP 1042814. The site is 14,240m², is regular in shape and is accessed to the north-east via Hendy Avenue, Marida Street that connect into the Munda Street right of way. Munda Street and the vacant allotments that formerly contained the Randwick Barracks to the west are under the control and ownership of the Department of Defence. The site contains various structures including Randwick Community Centre, the SOS Preschool, vegetation, a playground and Council sustainability classrooms. The land parcel is owned by Randwick City Council.



Figure 1: Aerial Photo of the Subject Site (source: sixmaps)



Figure 2: Randwick Community Centre entrance (source: SEE)



Figure 3: Western parking area proposed to accommodate drop off zone and staff parking (source: SEE)

3. Relevant history

The subject site benefits from several development consents as identified below.

DA/761/2007: Development application for the construction of a new shade structure to the existing preschool. Approved on 19 September 2007.

DA/206/2010: Development application for retrofit of Randwick Community Centre to improve energy and water efficiency including alterations to openings, addition of awning, installation of rain water tanks and solar panels, installation of new kitchen, construction of an outdoor classroom, shed, wind turbine, lighting, new interpretive fence and roof over existing interpretive structure. Approved on 25 May 2010.

DA/311/2011: Development application for construction of a covered walkway adjacent to existing day care centre, alterations to the pedestrian access into the centre, relocate airconditioning and associated works. Approved on 29 June 2011.

DA/311/2011/A: Modification application to development consent DA/311/2011 to relocate the internal door openings, enlarge bay window to eastern elevation, install new skylights to the roof over the walkway and relocate AC units above walkway roof. Approved on 21 October 2011.

DA/897/2015: Development application for a new advertising structure for the Munda Street Community Centre and new landscaping works including pedestrian pathways, vegetation and stone walls. Approved on 8 March 2016.

DA/990/2023: Development application for the the relocation of the WIRES Wildlife Rescue Facility from 16R Argyle Crescent, Randwick (the Randwick Environmental Park) to 21-29 Munda Street, Randwick (The Sustainability Hub). Approved on 22 February 2024.

4. Proposal

The proposal seeks development consent for the temporary use of the Randwick community centre as a centre based childcare facility with ancillary outdoor play area enclosure, staff parking and a pick up / drop off parking area.

The use of the site is limited to 9 months in order to enable the emergency relocation of 37 childcare placements (18 months to 5 years of age) from the fire damaged Only About Children Childcare in Maroubra that is currently under repair. (Note – application has been amended from the 50 placements originally sought to comply with the outdoor play space requirements of the Childcare Planning Guidelines).

It is proposed that the facility would only require minor internal fitout works (i.e. security doors, fire alarms, business identification signs, and internal gates to enable access control to a dedicated childrens toilet facility in the existing community centre on the site). The remaining works relate to the installation of furniture, outdoor fencing and moveable partition screens that would not constitute construction works.

The proposed hours of operation of the child care facility are from 7am to 6pm Monday to Friday and will employ a maximum of 15 full time staff onsite at any one time. The facility is not proposed to operate on weekends or public holidays.

An overview of the proposal is provided in the following figures.

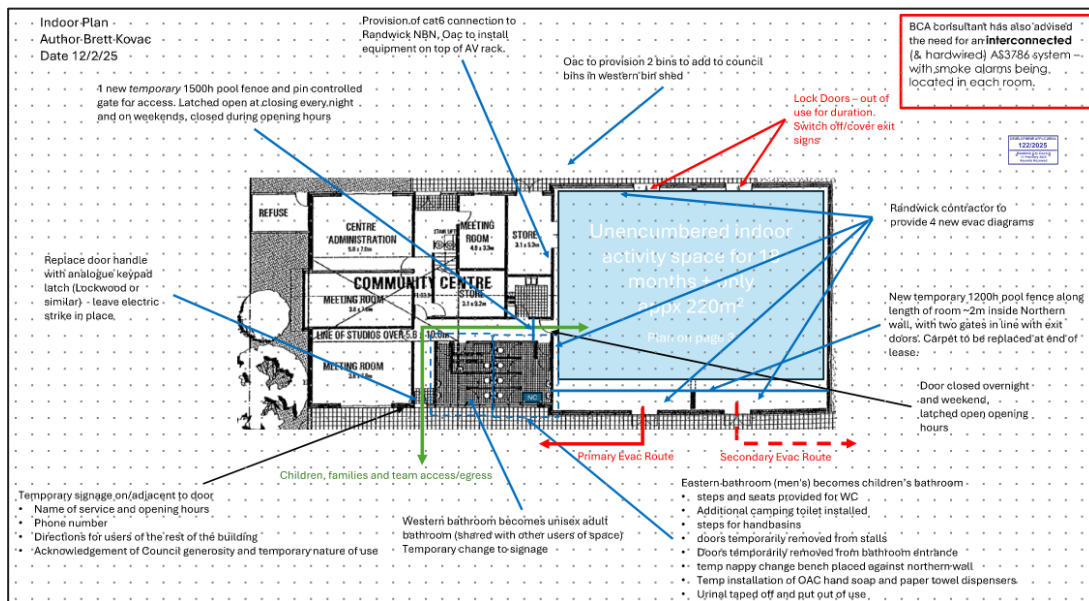


Figure 3: Proposed Indoor Plan

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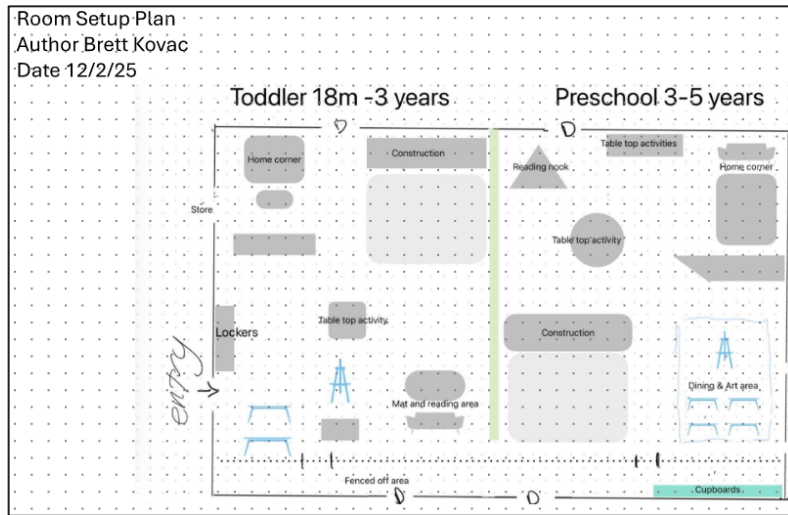


Figure 4: Proposed Room Set Up Plan



Figure 5: Proposed Evacuation routes and drop off parking zone.



Figure 6: Outdoor Play Enclosure

5. Notification

The owners of adjoining and likely affected neighbouring properties were not notified due to the site being isolated from the residential receivers and the proposal is for the temporary use of the Randwick community centre as a childcare centre. Council notes that the subject change of use relates to an emergency relocation of childcare placements from a fire damaged facility in Maroubra and that the proposed relocation would be permitted as exempt development under Clause 3.29 of the Transport and Infrastructure SEPP 2021, if not for the land parcel being tagged with minor levels of flood impacts across the wider allotment.

In addition, Council’s Venue Management team have consulted with the adjoining preschool in relation to the temporary use to confirm that the adjoining operator is supportive of the temporary emergency relocation. Council’s Venue Management team has also worked with the existing hall hirers to find alternate local facilities during the 9 month period.

A condition has been recommended requiring the installation of notification signage on the outdoor play enclosure informing residents and public park users of the temporary use changes.

Accordingly, no submissions were received in relation to the proposed development.

6. Relevant Environment Planning Instruments

6.1. Local Government Act 1993

Randwick Community Centre Plan of Management

Council notes that the proposed temporary childcare centre is located within land classified as community land under the Local Government Act 1993 and that the use of the community hall and ancillary open space is regulated by the Randwick Community Centre plan of management, as illustrated below.

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Figure 3 Land covered by the Plan

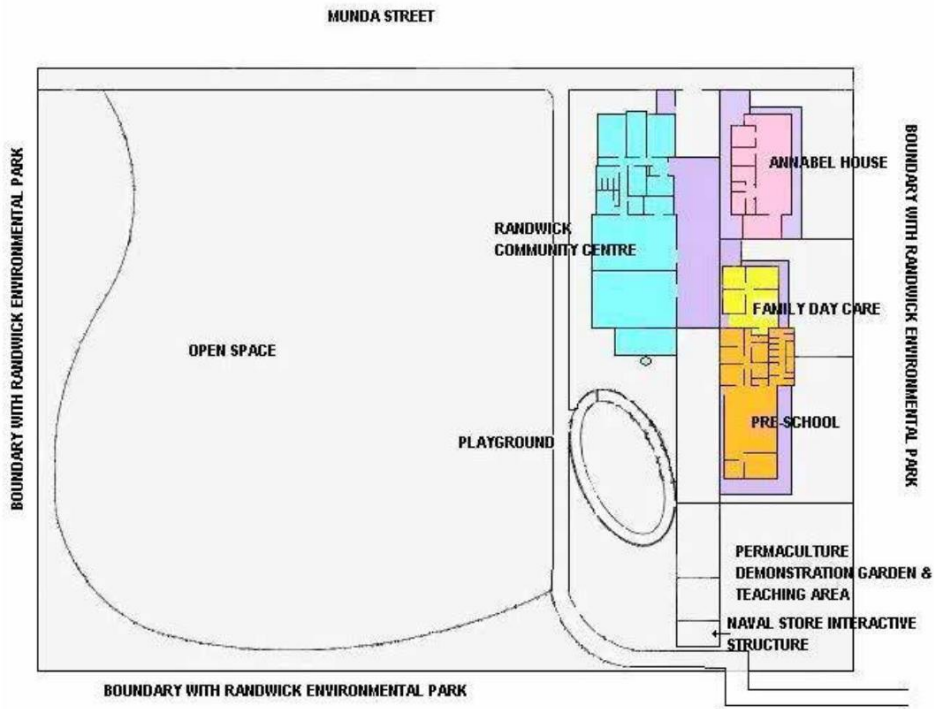


Figure 7: Land Application Plan



Figure 8: Floor plan of community centre

A hiring agreement will be formalised for the temporary use of the hall and open space for an education use in accordance with the plan of management that permits educational uses:

*Building 3: Multi-purpose centre with a hall, meeting rooms, offices and amenities. Building 3 is fully managed and operated by Randwick City Council, comprising of: Hall • The hall (295 m2) may be divided into two smaller activity rooms by a retractable screen. The walls have a built in gallery hanging system for art exhibitions. Carpeted, it has the capacity to house a wide range of activities such as art exhibitions, film showing, yoga and other **recreational and educational purposes**.*

Similarly, the southern open space also permits for a 'range of recreation and educational purposes in association with the community centre'. This is also consistent with the proposed community hall occupation and ancillary outdoor play space enclosure as noted in the subject proposal.

Council considers that the proposal has demonstrated a proposed use that is consistent with the Randwick Community Centre Plan of management. The Venues management team has also consulted with adjoining users and assisted in relocating the current hall hirers to alternate facilities within the locality to minimise community disruption during the proposed interim childcare centre use.

6.2. State Environment Planning Policy (Transport and Infrastructure) 2021

Chapter 3 'Educational establishments and child care facilities'

Temporary emergency relocation of early education and child care facility

Clause 3.29 of the *State Environment Planning Policy (Transport and Infrastructure) 2021* permits the 'temporary emergency relocation of early education and child care facility' via the exempt development assessment pathway. Notwithstanding, the emergency relocation of 50 Child care placements from the fire damaged Maroubra centre cannot be facilitated under exempt development provisions. As the subject site at 21-29 Munda Street is identified as a flood control lot as a result of partial low hazard flooding impacts within the site curtilage.

Council's Engineering Services and Development Engineering units advised that the proposed temporary childcare use is suitably distanced from flood zones within the north-east and southern portions of the site. Refer to flood hazard mapping, illustrated in **Figure 9** below. Engineering staff also outlined that the proposed temporary childcare centre use was a suitable for the site under a DA or CDC assessment pathway for the following reasons:

- The community centre is not mapped within a hazardous flood zone of the site and is unaffected by the 1% AEP ("1 in 100 Year") Flood Behaviour. The areas of the site that are impacted by flooding are mapped with a low hazard impact classification.
- The existing community centre floor level will exceed the Probable Maximum Flood level of 150mm above natural ground to enable shelter in place for children and staff members during storm events.
- Similarly, the low hazard flood mapping along the Munda Street Road reserve was not identified as restricting site access to the facility.
- The site includes a long-standing preschool in proximity to the temporary use, which has operated within Randwick Environment Park since the 1980's.

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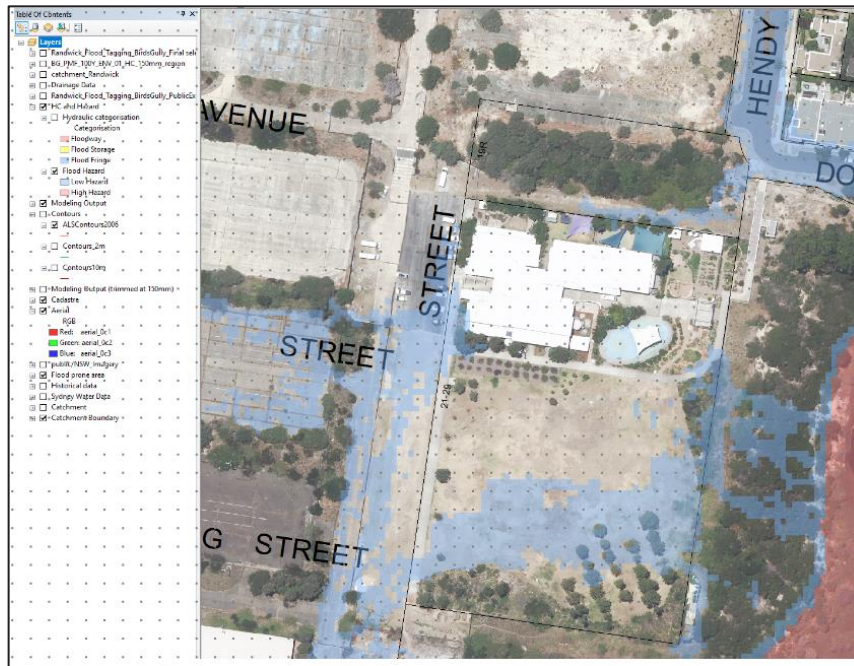


Figure 9: Council Flood hazard mapping

Part 3.3 Early education and care facilities

Part 3.3 ‘Early education and care facilities—specific development controls’ of the Transport and Infrastructure SEPP outlines the relevant development controls related to new childcare development which are to be complied with.

Clause 3.22 requires the consent authority to not grant development consent except with the concurrence of the Regulatory Authority (Regulatory Authority for New South Wales). Clause 3.22 (1) states:

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

Regulation 107 requires 3.25m² of indoor space per child. A minimum indoor space of 120m² is required based on a maximum capacity of 37 childcare placements. The proposal provides 220m² of unencumbered indoor space and clause 1(a) does not apply in terms of requiring additional concurrence.

Regulation 108 requires 7m² outdoor space per child. A minimum outdoor space of 259m² is required based on a maximum capacity of 37 childcare placements. The proposal provides 259m² of unencumbered outdoor space and clause 1(a) does not apply in terms of requiring additional concurrence.

Clause 3.23 of the SEPP requires the consent authority to take into consideration any applicable provisions of the *Child Care Planning Guideline* (Guideline).

Part 3 of the Guideline includes matters which must be considered by the consent authority when assessing a DA for a child care facility. An assessment of the proposal under Part 3 is provided in Table below:

| Guideline Section | Comments | Compliance? |
|--|---|----------------------|
| <p>3.1 Site Selection and Location</p> <p>Objectives</p> <ul style="list-style-type: none"> To ensure that appropriate zone considerations are assessed when selecting a site. To ensure that the site selected for a proposed child care facility is suitable for the use. To ensure that sites for child care facilities are appropriately located. To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards. | <p>The site is zoned RE1 and centre-based child care facilities are permissible with development consent. The surrounding land use is predominately outdoor recreation, administration, education and community facilities within a parkland setting. The subject location is suitable for a temporary child care facility and will adjoin an existing pre-school. The park will afford additional recreation opportunities and ample parking for staff and parents along the Munda St access easement.</p> <p>The centre is also distanced from sensitive residential receivers to mitigate amenity impacts and is away from portions of the wider site that are identified with low hazard flood impacts to the north-east and south. The application was reviewed and found acceptable by both Council's Development Engineer and Environmental Health officer.</p> <p>No restricted premises are located within the immediate vicinity of the site.</p> <p>The subject site is considered to offer a safe environment for children.</p> | <p>Yes, complies</p> |
| <p>3.2 Local character, streetscape and the public domain interface</p> <p>Objectives</p> <ul style="list-style-type: none"> To ensure that the child care facility is compatible with the local character and surrounding streetscape. To ensure clear delineation between the child care facility and public spaces. 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>The proposed child care centre is located within an existing community facility and will provided with a secure outdoor play area. The operation will also utilise the park and playground for supervised outdoor activities.</p> <p>The entrance to the child care centre is provided with direct access to a car park. Entry to the child care centre will be sign posted for wayfinding.</p> | <p>Yes, complies</p> |
| <p>3.3 Building orientation, envelope and design</p> <p>Objectives</p> <ul style="list-style-type: none"> To respond to the streetscape and site, while optimising solar access and opportunities for shade. To ensure that the scale of the | <p>The proposed child care centre does not pose any significant privacy or overlooking concerns as the centre is located within an existing community facility surrounded by the Randwick Environmental Park and Council administration buildings.</p> | <p>Yes, complies</p> |

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| Guideline Section | Comments | Compliance? |
|---|---|----------------------|
| <p>child care facility is compatible with adjoining development and the impact on adjoining buildings is minimized.</p> <ul style="list-style-type: none"> To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context. To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character. To ensure that buildings are designed to create safe environments for all users. To ensure that child care facilities are designed to be accessible by all potential users. | <p>The fenced outdoor play area is located within the southern section of the site and will receive solar access throughout the day from the eastern and western aspect. Removable shade blinds have also been proposed to provide shade where needed to the play area.</p> <p>The centre is protected from wind and other climatic conditions through the use of northern aspect clerestory windows that provide light and ventilation to the main hall proposed for occupation.</p> <p>The proposal will offer safe and level access for all users, from the Munda Street parking area. Access for DDA and prams is available from multiple access points within the existing centre.</p> | |
| <p>3.4 Landscaping Objectives</p> <ul style="list-style-type: none"> To provide landscape design that contributes to the streetscape and amenity. | <p>Landscaping is retained within the park and not proposed to be altered by the subject proposal.</p> | <p>Yes, complies</p> |
| <p>3.5 Visual and acoustic privacy Objectives</p> <ul style="list-style-type: none"> To protect the privacy and security of children attending the facility. To minimise impacts on privacy of adjoining properties. To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments | <p>The proposed child care centre is distanced from surrounding uses and is not susceptible to overlooking impacts from adjacent uses and does not result in adverse acoustic impacts to residential dwellings within the locality. See Environmental Health referral comments below.</p> <p>The facility has been designed to maintain security within both the internal and external areas of the development.</p> | <p>Yes, complies</p> |
| <p>3.6 Noise and air pollution Objectives</p> <ul style="list-style-type: none"> To ensure that outside noise levels on the facility are minimized to acceptable levels. 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>The subject site is not located within an area susceptible to noise and air pollution, noting the parkland context of the existing community centre.</p> <p>Furthermore, see Environmental Health referral comments below which include an assessment confirming that the impact of the development is satisfactory, subject to the adoption of recommended conditions.</p> | <p>Yes, complies</p> |
| <p>3.7 Hours of operation Objectives</p> | <p>The proposed hours of operation are 7:00am to 6:00pm, Monday to Friday</p> | <p>Yes, complies</p> |

| Guideline Section | Comments | Compliance? |
|--|--|---------------|
| <ul style="list-style-type: none"> • To minimize the impact of the child care facility on the amenity of neighbouring residential developments. - Hours of operation within areas where the predominant land use is residential, should be confined to the core hours of 7.00am to 7.00pm weekdays. | (inclusive) only. It is noted that the area of the proposed temporary facility is outdoor recreation and there are no sensitive receivers in proximity of the site. | |
| <p>3.8 Traffic, parking and pedestrian circulation</p> <p>Objectives</p> <ul style="list-style-type: none"> • To provide parking that satisfies the needs of users and demand generated by the centre. • To provide vehicle access from the street in a safe environment that does not disrupt traffic flows. • To provide a safe and connected environment for pedestrians both on and around the site. | The proposal provides compliant number of parking spaces, provided via the western parking lot on Munda Street with direct access to the childcare centre. The parking facilities have been reviewed by Council's Development Engineer and found them to be adequate. See detailed comments in the referral section of the report below. | Yes, complies |

Part 4 of the Guidelines provides the requirements for internal and external areas of Childcare facilities as per the National Quality Framework (NQF). The following Table provides an assessment of National Regulations, as applicable to the proposed development:

| Regulation Section | Comments | Compliance? |
|--|--|---|
| <p>104. Fencing or barrier that encloses outdoor spaces.</p> <p>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> | Appropriate perimeter fencing is proposed which is considered compliant with this requirement. | Yes, complies |
| <p>106. Laundry and hygiene facilities.</p> | Separate facilities and nappy change area provided for children. Areas available in storage room to provide for enclosed laundry area away from child playrooms. | Yes, complies |
| <p>107. Unencumbered indoor space.</p> <p>The proposed development must include at least 3.25m² of unencumbered indoor space for each child.</p> | As discussed above under Section 7.1.1, the proposal complies. Sufficient storage has been provided within the scheme. | Yes, complies |
| <p>108. Unencumbered outdoor space.</p> <p>The proposed development must include at least 7.0m² of unencumbered outdoor space for</p> | As discussed above under Section 7.1.1, the proposal complies with the outdoor space requirement. | No, however waiver issued by Department in support of |

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| Regulation Section | Comments | Compliance? |
|--|---|-------------------------|
| each child. | | proposed temporary use. |
| 109. Toilet and hygiene facilities. | Toilet and hand washing facilities are provided to the internal areas. | |
| 110. Ventilation and natural light. | The proposal is considered compliant, with sufficient window openings for natural ventilation to the northern and southern side of the hall. | Yes, complies |
| 111. Administrative space. | Administrative spaces in the form of temporary reception, and workstation are provided. | Yes, complies |
| 112. Nappy change facilities. | Nappy change table provided within children toilets. | Yes, complies |
| 115. Premises designed to facilitate supervision. | The proposed design is considered to offer adequate supervision of indoor and outdoor children play areas. | Yes, complies |
| 4.8 Emergency and Evacuation Procedures | Emergency evacuation information adequately addressed in Plan of Management and outdoor plan, which has been conditioned to be adhered to as part of the operational requirements of the consent. The plans show evacuation zone and routes and will be adopted prior to the use of the centre. | Yes, complies |

Furthermore, clause 3.26 prevents the consent authority from requiring more onerous standards for those matters outlined as non-discretionary development standards. Clause 3.26(2) states the standards being:

(2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility—

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

*(b) **indoor or outdoor space***

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

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

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

*(d) **colour of building materials or shade structures**—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.*

Comment: Council is satisfied that the proposed development complies with the abovementioned discretionary development standards.

Finally, clause 3.58 applies to development for the purpose of an educational establishment that will result in the educational establishment being able to accommodate 50 or more additional students. Council notes that the proposed childcare center, being an educational establishment, will accommodate up to 37 children. Clause 3.58 is also not relevant to the proposed development noting that the facility is directly accessible from to a right of way easement (Department of Defence land) and not a public road reserve as identified in traffic generating development referral criteria.

6.3. State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* includes provisions for vegetation in non-rural area. Clause 2.3 specifies the land to which the provisions of the chapter apply, which includes land in the City of Randwick that is zoned RE1 Public Recreation. The provisions of Chapter 2 are therefore applicable to the subject application.

Notwithstanding, no significant trees or protected vegetation is proposed for removal as a part of the proposal. Appropriate conditions of consent are proposed to ensure compliance with the relevant provisions of Chapter 2 of the SEPP.

6.4. State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 of the *State Environmental Planning Policy (Sustainable Buildings) 2022* provides sustainability standards for non-residential development with a capital investment value of \$5 million or more. The estimated cost of the proposed development is approximately \$100,000.00 (including GST). As such, the provisions of the SEPP are not applicable to the subject application.

6.5. State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* includes provisions relating to contamination and remediation of contaminated sites. Clause 4.6 of the SEPP requires that the consent authority consider the status of the land subject to a development application, and whether the land is potentially contaminated.

The entirety of the Randwick Environmental Park (REP), Munda Reserve, and the land currently situated to the north/east of the REP underwent comprehensive remediation before its subdivision and development. This process adhered to the stringent criteria and standards outlined in the NSW land contamination and remediation guidelines. An independent NSW EPA accredited Site Auditor issued a Site Audit Statement for the land, confirming its compliance with established remediation standards.

Based on the above, the site is not considered to be in a contaminated state requiring remediation for the purposes of the SEPP and it also noted the proposal does not include substantial earthworks. Childcare centre uses are permitted in the zone and also a long-standing early education use on the site within the north-eastern portion of the allotment. The centre will also generally maintain a similar use to the existing site configuration of both indoor and outdoor recreation.

6.6. Randwick Local Environmental Plan 2012 (LEP)

On 18 August 2023, the Department of Planning and Environment (DPE) formally notified the LEP amendment (amendment No. 9) updating the *Randwick Local Environmental Plan 2012*, and the updated LEP commenced on 1 September 2023. As the subject application was lodged on or after 1 September 2023, the provisions of RLEP 2012 (Amendment No. 9) are applicable to the proposed development, and the proposal shall be assessed against the updated RLEP 2012.

The site is zoned RE1 Public Recreation under Randwick Local Environmental Plan 2012. The application's accompanying Statement of Environmental Effects identifies the proposed land use as a **centre-based child care facility**, which is permissible with consent in the relevant zone.

Further, the proposal is consistent with the specific objectives of the zone in that the proposed activity will “provide a range of recreational settings and activities and compatible land uses”.

The following provisions in the RLEP 2012 apply to the proposal.

6.6.1. *Clause 2.8 Temporary Use of Land*

The temporary child care use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument. In addition, the use will not adversely impact on any adjoining land or the amenity of the neighbourhood noting the distance to adjoining sensitive receivers. The design has been integrated within the existing building and patio area to prevent impacts to the environmental attributes or features of the land, and will not increase the risk of natural hazards. At the end of the temporary use the gating and access changes will be removed to enable the restoration of the Randwick Environment Park Community Hall.

6.6.2. *Clause 5.10 - Heritage conservation*

The site is not identified as a heritage item. However, the proposal is adjoined by 16R Argyle Crescent, Randwick that is identified as a heritage conservation area (HCA) under the RLEP (Randwick Environment Park Heritage Conservation Area). As such, the provisions of clause 5.10 of the RLEP 2012 are applicable to the proposal.

Subclause 5.10(4) requires the following.

Effect of proposed development on heritage significance *The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

The application was referred to Council’s Heritage officer for comment. Comment was received on 21 February 2025 advising that the change of use does not have any significant adverse impact on the HCA and that the proposal is supported from a heritage perspective.

Based on Council heritage officer’s comments, the proposal is considered to have minimal impact on the heritage conservation area, and achieves the objectives of clause 5.10 of the RLEP 2012.

6.6.3. *Clause 5.23 – Public Bushland*

Clause 5.23 of the RLEP 2012 includes provisions relating to the protection of ‘public bushland’. Subclause (9) defines ‘public bushland’ as follows.

public bushland *means land—*

- (a) on which there is vegetation that is—*
 - (i) a remainder of the natural vegetation of the land, or*
 - (ii) representative of the structure and floristics of the natural vegetation of the land, and*
- (b) that is owned, managed or reserved for open space or environmental conservation by the Council or a public authority.*

No. 16R Argyle Crescent contains 3.6 hectares of Eastern Suburbs Banksia Scrub, a critically endangered ecological community that is a remainder of the natural vegetation of the land. The site is owned and managed by Randwick City Council and is zoned C2 Environmental Conservation under the RLEP 2012. As such, the site is classified as **Public Bushland** under cl. 5.23 of the RLEP 2012.

No. 21-29 Munda Street is considered to be “land adjoining public bushland” for the purposes of cl. 5.23(7). Given the minor nature of external works proposed, the development is not considered likely to disturb the public bushland for the purposes of cl. 5.23(3) and (7).

The proposal meets the requirements and objectives of clause 5.23 of the RLEP 2012.

6.6.4. *Clause 6.2 – Earthworks*

Clause 6.2(2) of the RLEP requires development consent for development involving earthworks. The proposal includes minor earthworks for the purposes of outdoor play area fencing for the proposed development. As such, the proposal is not considered to be contrary with the requirements and objectives of cl. 6.2 of the RLEP 2012.

6.6.5. *Clause 6.5 – Terrestrial Biodiversity*

Clause 6.5 of the RLEP 2012 applies to land identified as “biodiversity” on the RLEP Terrestrial Biodiversity Map. Whilst 21-29 Munda Street is not identified, the adjoining 16R Argyle Crescent is identified on the map. Notwithstanding, the proposed external works included in the application solely relate to the installation of building identification signage, changes to access doors and the installation of any outdoor play space that are minor in nature and not anticipated to compromise the ecological values of the adjoining land at 16R Argyle Crescent.

Based on the above, the proposal is considered to be consistent with the objectives and requirements of cl. 6.5 of the RLEP 2012.

6.6.6. *Clause 6.10 – Essential Services*

Clause 6.10 of the RLEP requires the consent authority to be satisfied that the supply of water and electricity, disposal and management of sewage, stormwater drainage, and suitable vehicular access is available at the site.

Vehicular access to the site is provided through a right-of-way easement on the adjoining land to the west. The proposal will not alter the existing developments stormwater, water, electricity and sewage system connections.

On this basis, the proposal is considered to adequately meet the provisions of cl. 6.10.

6.6.7. *Clause 6.11 – Design Excellence*

Clause 6.11 of the RLEP 2012 applies to development involving the construction of a new building on a site that has an area of 10,000sqm or greater. The subject site comprises an area of some 14,240sqm. but only relates to the minor internal reconfiguration works and the change of use to an existing building. Accordingly, the provisions of Clause 6.11 is not considered applicable to the subject application.

6.6.8. *Clause 6.12 – Development requiring the preparation of a development control plan*

Clause 6.12 of the RLEP 2012 requires the development on land that has a site area of at least 10,000sqm be accompanied by a site-specific development control plan. The subject site comprises an area of at least 10,000sqm. As such, the provisions of cl. 6.12 are applicable to the proposal.

Clause 6.12(3) provides exceptions in which a development control plan is not required to be prepared. Of relevance to the application is subclause 6.12(3)(c).

- (3) *Development consent must not be granted for development on land to which this clause applies unless –*
 - (c) *The development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.*

The proposed development comprises a temporary change of use application and will not alter the height or gross floor area of the existing community centre and is therefore considered to be of a minor nature. In addition, the proposed development is considered to be broadly consistent with the relevant objectives of the zone in which the land is situated (see assessment above).

On this basis, the preparation of a site-specific development control plan is not required.

7. Development control plans and policies

7.1. Randwick Comprehensive DCP 2013

The DCP provisions are structured into two components: objectives and controls. The objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

Council notes that Clause 3.27 of the T&I SEPP outlines provisions where 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. These matters include the following:

- (a) operational or management plans or arrangements (including hours of operation),
- (b) demonstrated need or demand for child care services,
- (c) proximity of facility to other early education and care facilities,
- (d) any matter relating to development for the purpose of a centre-based child care facility contained in—
 - (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or
 - (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

The relevant provisions of the DCP are addressed in Appendix 2.

8. Environmental Assessment

The site has been inspected and the application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act, 1979, as amended.

| Section 4.15 'Matters for Consideration' | Comments |
|--|---|
| Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument | See discussion in sections 6 & 7. |
| Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument | Nil. |
| Section 4.15(1)(a)(iii) – Provisions of any development control plan | The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table in Appendix 3. |
| Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement | Not applicable. |

| Section 4.15 'Matters for Consideration' | Comments |
|--|---|
| or draft Planning Agreement | |
| Section 4.15(1)(a)(iv) – Provisions of the regulations | The relevant clauses of the Regulations have been satisfied. |
| Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.</p> <p>The proposed development is consistent with the dominant character in the locality.</p> <p>The proposal will not result in detrimental social or economic impacts on the locality.</p> |
| Section 4.15(1)(c) – The suitability of the site for the development | The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development. |
| Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation | No submissions received. |
| Section 4.15(1)(e) – The public interest | The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest. |

9. Conclusion

That development application DA/122/2025 be approved (subject to conditions) for the following reasons:

- The proposal is permissible and consistent with the specific objectives of the RE1 zone in that it provides a compatible land use within the public reserve.
- The proposal is consistent with the relevant objectives contained within the SEPP (Transport and Infrastructure 2021, RLEP 2012 and the relevant requirements of the RDCP 2013. The proposed temporary facility will not alter the existing building envelope to preserve the character of the recreation zone.
- The proposal is suitable for the subject site noting that the minor flood hazards are mapped away from the community centre building, no major fitout works are required to enable the temporary use, the site is isolated from sensitive receivers and is afforded with adequate parking on Munda St.
- The proposal only results in minor external works and will not impacts on the adjacent heritage conservation area or the protection of native fauna and associated ecological processes as required under Clauses 5.10 and 6.5 of the RLEP 2012.
- The proposed development will not result in significant impacts to the adjoining environmental park and enables the provision of temporary emergency child care facilities to the immediate locality that are available to offset the loss of the fire damaged Maroubra centre. The building will be restored to a community facility after the fire damaged Maroubra centre has been repaired by the applicant (Only About Children).

Appendix 1: Referrals

1. Internal referral comments:

1.1. Heritage planner

Comment from Council’s Heritage Planner outlined that the change of use does not have any significant adverse impact on the HCA. The proposal was supported from a heritage perspective and no conditions were recommended for inclusion as a part of the consent.

1.2. Development and Assets Engineer

Flooding

Council’s engineer determined that the location of the proposed facility is generally unaffected by flooding.

From the CC plans the floor level of the community centre is RL 34.03 AHD, which is above the flood level for the 1% AEP (1 in 100yr) flood that reaches a top level near the centre of RL 33.94. However, flood depths are very low and are generally less than 0.1m.

The Probable Maximum Flood Scenario (PMF) also has very low flood depths with a maximum flood level in the vicinity of the centre of RL 34.02 AHD. The Hazard category is a function of depth x velocity and in this case there are very low flood depths and very low velocity.

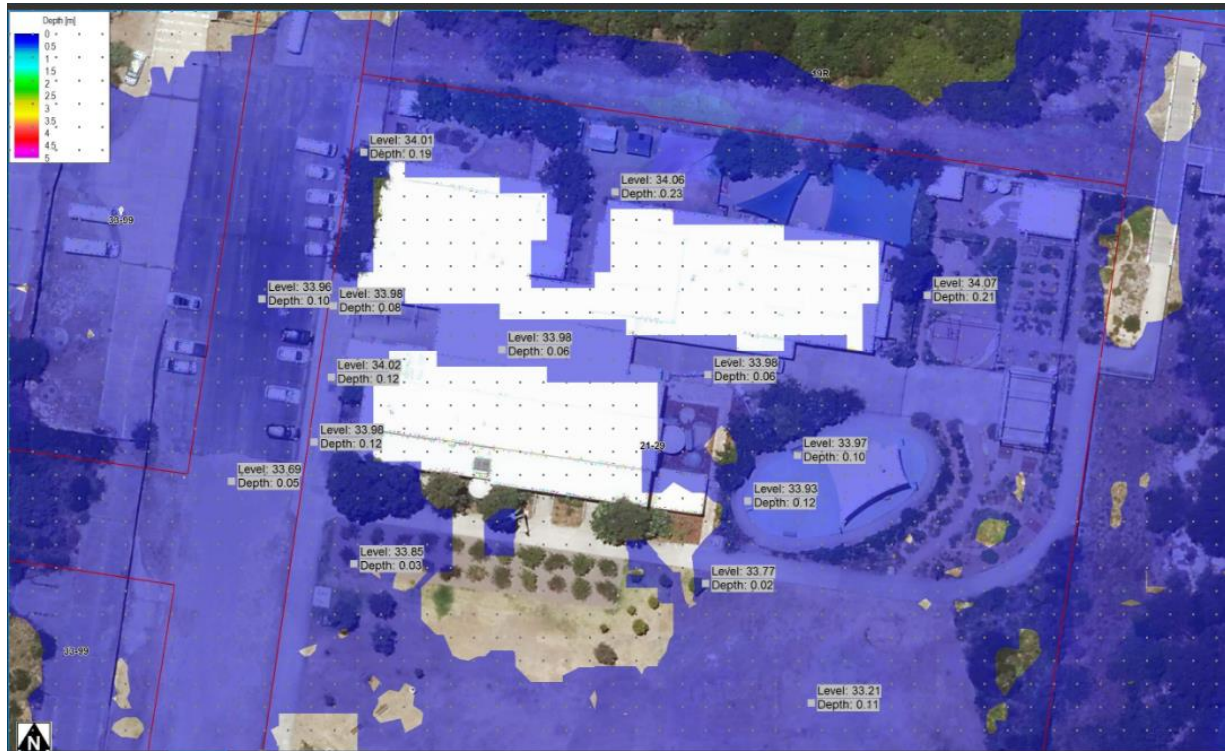
In addition, the access routes to the centre were also reviewed since there is only one road in. The centre would still be accessible during a 1 in 100yr flood as access roads to the centre would only be minimally affected with low flood depths (<150mm). A small car could easily drive through these flood levels.

It was concluded that:

- The risk of a flood is very low.
- If a 1 in 100yr flood or a PMF were to occur the flood category is low hazard with very low flood depths & velocities predicted.
- The site would not be isolated during a major flood event.
- The risk to the public is very low.



Flood Map – 1 in 100-year event



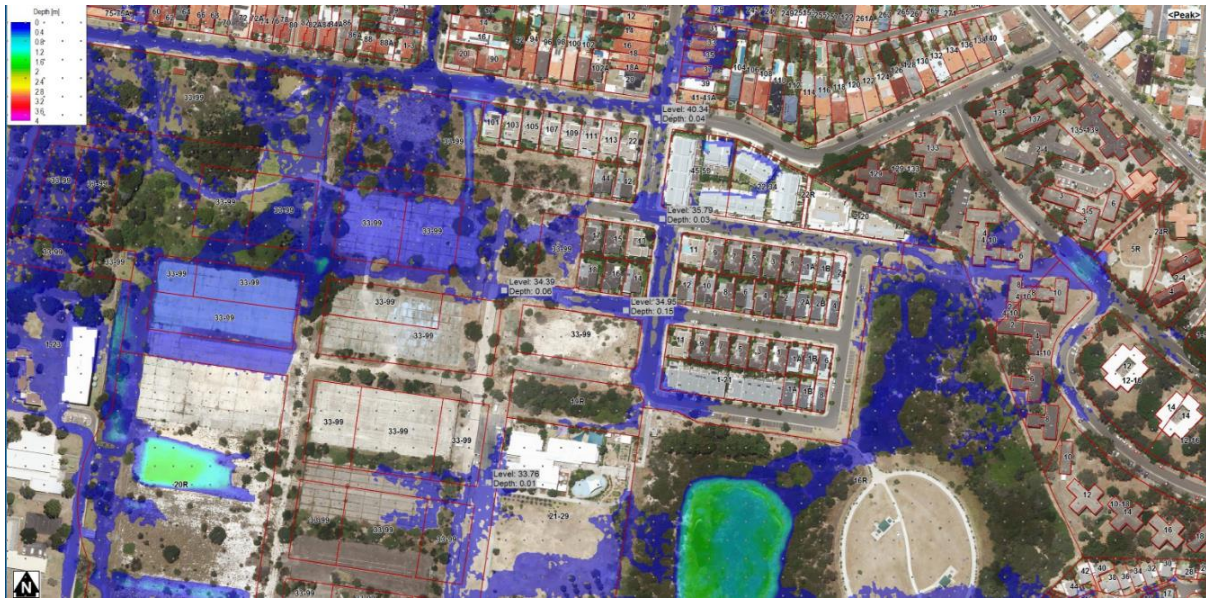
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Flood Map – PMF Event



Flood Hazard Map

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Precinct Flood Map

Parking Comments

Under the parking rates provided in Part B7 of the DCP, parking is to be provided for child care centres at the rate of;

- 1 space per two staff plus 1 space per 8 children for pick-up and drop-off

The proposed 37 place centre with 15 staff (this seems a little high for 37 children) would therefore require the provision of 8 spaces (15/2) for staff plus 5 spaces (37/8) for pickup and drop-off (when rounded).

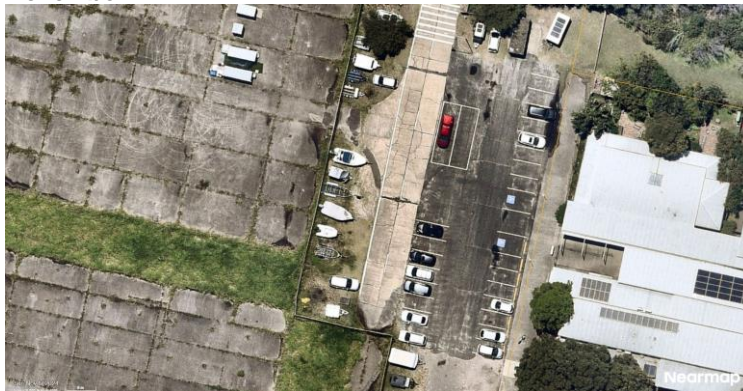
The pickup and drop-off spaces are critical to ensure patrons with children have safe and efficient access to the centre but need only be provided during the peak pickup and drop-off peak times (say 7:30-9:30am & 4-6pm). It is therefore recommended that a minimum of 6 spaces be labelled “child-care centre pickup and drop-off parking only 7:30-9:0am and 4-6pm Mon-Fri”. A time limit of 15 minutes is normally imposed for on-street parking bays in this circumstance but it is not considered desirable in this instance as it may encourage patrons to park in non-restricted bays. Outside of peak times these parking spaces can revert back to normal parking for staff of the complex including the childcare centre

There appears to be sufficient parking available in the adjacent carpark to accommodate the expected demand. An examination of near map aerial photos shots over the past few months undertaken on a weekday indicates there is availability.

July 2024



November 24



January 2025



In consideration of the above Development Engineering raises no objection to the proposed temporary location of the 37 place centre with 15 staff from a parking perspective

It should be noted there is also unofficial parking available on the grass strip south of the main carpark but this lies on Defence land and outside of the "Easement for Parking" that currently encompasses the main carpark. Temporary permission for additional parking may be obtained from Department of Defence should it be required as this is what happens regularly with events such as the Eco Living fair. This assessment is not dependent on this parking being available, however.

1.3. Environmental Health

Food Preparation:

The submitted plans do not indicate the provision of a food preparation area on the premises, despite the Statement of Environmental Effects (SEE) referencing such an area. It has been confirmed that food services will be provided through external catering. To ensure compliance with food safety standards, standard conditions will be applied in accordance with the Food Act 2003, Food Regulation 2015, and the Food Standards Code.

Noise Management:

The Plan of Management submitted with the application outlines noise management procedures for the site. Given the separation distance to adjacent residential properties, it is anticipated that any potential noise impacts will be minimal. However, standard noise control conditions will be included as part of the referral to address any noise concerns that may arise from the operation of the childcare facility.

Land Contamination:

The SEE does not address land contamination; however, a review of council records reveals a Site Audit Statement (2002/20A) (Trim Reference D0087779), which affirms the site's suitability for use as a childcare facility. The designated outdoor area is situated within the location previously assessed in the Site Audit. Based on this review, no additional land contamination information is required at this time.

1.4. Building Compliance

HBRS do not have any objections to the proposed temporary use of part of the Community Centre as a Child Care Facility, as outlined in the attached documents, including the BCA advice provided by Absolute BCA and Access Consulting dated 13 February 2025.

In this regard, it is noted that the building is currently a class 9b building as defined in the BCA and there is no change of building use under the EP&A Regulation and BCA, as defined.

It is also noted that the proposed temporary use of the Community Centre is principally limited to the main hall area and adjacent amenities/corridor and it is considered that a reasonable level of fire safety will be provided for the building occupants, as outlined in the supporting BCA advice.

Appendix 2: DCP Compliance Table

3.1 Section B2: Heritage

| DCP Clause | Control | Compliance |
|------------|---|--|
| 1.9 | Demolition | The application does not involve demolition works. |
| 1.12 | Development in the vicinity of heritage items and heritage conservation areas | The proposed development is minor in nature and will maintain the existing community facility building envelope. |
| 2.2 | Design and character | The proposal minor external works are considered consistent with the design and character provisions under cl. 2.2 of the DCP. |
| 2.6 | Materials, finishes and colour schemes | The proposed materials, finishes and colour scheme of the development is sympathetic with the ecological values of the adjacent heritage conservation area. |
| 4.14 | Randwick Environment Park Heritage Conservation Area | The proposed development is consistent with the significance statement for the Randwick Environment Park Heritage Conservation Area. The temporary use of the community facility is not considered to impact upon the conservation area's ecological significance in the Randwick LGA. |

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3.2 Section B4: Landscaping and Biodiversity

| DCP Clause | Control | Compliance |
|------------|---|---|
| 3 | Landscape Design | The application is broadly consistent with the controls and objectives under cl. 3. The proposal minimises the removal of vegetation from the site and does not result in mature tree removal to facilitate the outdoor play enclosure. |
| 5 | Development in or near areas of biodiversity significance | The proposal is considered to be of low risk to the adjoining areas of biodiversity significance located within the Randwick Environmental Park. |

3.3 Section B6: Recycling and Waste Management

| DCP Clause | Control | Compliance |
|------------|-------------------------------------|---|
| 2 | Recycling and Waste Management Plan | The application is accompanied by an operational waste management plan in accordance with the requirements of the DCP. Appropriate waste storage areas have been incorporated in the facility design. |

3.6 Section B7: Parking

Council is satisfied that the proposed development meets the parking requirements in accordance with Section B7 of the DCP, noting there is ample parking availability during the week within the western carpark to accommodate the required 5 parent pick up / drop off spaces and 8 staff car spaces.

3.7 Section B9: Management Plan

Council requires the adoption of a Plan of Management by the business operator in order to manage the operation of the child care centre to minimise any potential impacts on the amenity of surrounding properties and/or the locality.

A Plan of Management has been submitted by the applicant, adequately addressing all elements outlined in Section B9 of the RDCP. A relevant condition has been recommended in the operational section of the consent that the Plan of Management is to be adhered to throughout the operation of the child care centre. Any changes must be approved by Council.

3.8 Section D11: Child Care Centres

| DCP Clause | Controls | Proposal | Compliance |
|------------|---|--|------------------------|
| 2 | Site Selection | | |
| | i) DAs are to address the suitability and context of the proposal including: <ul style="list-style-type: none"> - Proposed size, number of children and age breakdown for the centre. - The number of staff to be employed. - Proposed hours of operation. - Nature of the location and surrounding development (including proximity to residential, business, industrial uses and sex services premises etc). - Likely effect of the development on surrounding properties (e.g. privacy, noise, solar access, views and the means to offset these effects). - Likely effect of the development on the road network in the surrounding area including traffic and on street parking availability. - Availability of on site vehicular access and parking. - Proximity to public transport. - Proximity to existing community and children’s services. - Demonstrated demand for the service and identification of any special needs the centre will address. | Council is satisfied that the proposed child care centre is appropriate in the context, which is a predominately recreational area without sensitive adjoining receivers. Overall, the site is appropriate and supported. | Yes, complies |
| 3 | Building Design | | |
| 3.1 | Built Form, Scale and Character | | |
| | iii) Where a child care centre is proposed in a multi storey building (e.g. mixed use building) it must be located on the ground floor of the development unless it can be demonstrated that: <ul style="list-style-type: none"> - There are no viable alternatives for a location at ground level in the building or surrounding area. - With respect to a heritage item, the proposed child care centre on the ground floor would detrimentally impact on the heritage significance of the item. - Adequate access to play areas, solar access (particularly mid-winter) and natural ventilation is available. | The proposed childcare centre is located on within a single storey community hall with generally level access to the outdoor play enclosure. Overall, Council is satisfied that adequate outdoor and indoor spaces have been provided | Yes, complies on merit |

| | | | |
|------------|---|---|----------------------------|
| | <ul style="list-style-type: none"> - Adequate emergency access and egress is available. - Adequate access for pick ups/drop offs is available. | with sufficient amenity, adequate emergency access and egress is available and that the parking facilities are well located for pick ups/drop offs. | |
| 4 | Amenity | | |
| 4.1 | Acoustic Amenity and Privacy | | |
| | <ul style="list-style-type: none"> i) Submit an acoustic report prepared by an accredited acoustic consultant. The report must demonstrate that: <ul style="list-style-type: none"> - Adequate site planning and building design measures are proposed to minimise noise impacts. - Noise levels generated from the child care centre, (when measured over a 15 minute period at any point on the boundary of the site) will not exceed 5dBA above the background level. - Suitable noise attenuation measures have been incorporated into the proposal. iii) Locate outdoor and indoor play areas, balconies and terraces and openable windows to minimise the direct line of sight to and from neighbouring properties. | <p>The application is distanced from residential receivers and as such is not anticipated to result in adverse acoustic impacts.</p> <p>Council is satisfied that the acoustic amenity is maintained. See Environmental Health comments above.</p> | Yes, subject to conditions |
| 4.2 | Safety and Security | | |
| | <ul style="list-style-type: none"> i) Entry for child care centre visitors is to be limited to one secure point which is to be: <ul style="list-style-type: none"> - Appropriately located to allow ease of access - Well-lit and adequately sign posted - Located away from areas used for vehicle access - Monitored through natural or camera surveillance - Limited to authorised persons only through the provision of an electronic security system such as swipe cards. ii) Where a child care centre is located within a building that also accommodates other uses, a separate and clearly marked entrance for the child care centre must be provided. iii) Incorporate windows on the front façade where possible to enable casual surveillance. | <p>The proposed childcare centre maintains a single secure access point within the existing centre, and is readily accessible from the parking lot. The entrance of the centre will be clearly marked with signage.</p> <p>Internal gating has been provided adjacent to the toilet to restrict access for other building users and management procedures have been included in the plan of management to prevent security breaches. Council also notes that the internal corridor is not accessible to members of the public to also improve child safety during operations.</p> | Yes, complies |
| 4.3 | Play Areas | | |

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| | | | |
|----------|--|--|----------------------|
| | <ul style="list-style-type: none"> i) Outdoor and indoor play areas must be clearly identified and dimensioned on the submitted DA plans. ii) Locate outdoor and indoor play areas to the north or north eastern portion of the site where practical. iii) Locate outdoor play areas away from the main entrance, unless suitable screening or fencing is provided. iv) Locate outdoor play areas away from car parking areas or vehicular circulation areas. v) Provide adequate separation between outdoor play areas and habitable rooms of adjoining residential properties. vi) Design and layout of outdoor play areas should maximise clear sight lines and ensure ease of access to the main indoor play areas. vii) Indoor play areas must have adequate access to sunlight and natural ventilation. viii) Dedicate at least 50% of outdoor play areas for unencumbered activity and use a variety of surfaces (e.g. grass, sand, hard paving, and moulding). ix) Provide physical shading devices that are integrated into the design of the building. The material and colour of shading devices must be considered in relation to the streetscape and adjoining properties. x) Toilets should be easily accessible from both indoor and outdoor play areas. xi) Ensure that outdoor play area gates do not open straight onto footpaths or roads. | <p>The outdoor and indoor play areas are clearly distinguished on the plans. Adequate sight lines have been provided between areas including quiet areas. Toilets are accessible from all areas. Overall, the temporary facility design is well designed and considered.</p> | <p>Yes, complies</p> |
| 5 | Traffic, Parking and Pedestrian Safety | | |
| | <ul style="list-style-type: none"> i) Submit a Parking and Access Report with the DA, by an accredited consultant. The Report must address, but is not limited to: - prevailing traffic conditions - likely impact of the proposal on existing traffic flows - pedestrian and traffic safety - appropriate arrangements for safe and convenient pick up and drop off at the site. | <p>The proposed parking and pick up/drop off arrangements are satisfactory. See Development Engineering comments above.</p> | <p>Yes, complies</p> |
| 6 | Hours of Operation | | |
| | <ul style="list-style-type: none"> i) DAs should include supporting information demonstrating that the proposed hours of operation are compatible with adjoining land uses, and in the case of multi storey buildings, that the proposed hours of operation are compatible with the upper level uses. | <p>The proposed hours of operation are 7am to 6pm, Monday to Friday. The proposed hours are compatible with the parkland setting of the site.</p> | <p>Yes, complies</p> |
| 7 | Fences | | |
| | <ul style="list-style-type: none"> i) Fencing is to be of a height and design suitable to contain noise generated by children's activities and compatible with the building and fencing materials used in the vicinity. | <p>Suitable fencing has been provided for sufficient protection and safety of the children.</p> | <p>Yes, complies</p> |

3.9 Section F1: Development in Recreation Zones

| DCP Clause | Control | Compliance |
|------------|--|--|
| Controls | Development proposed in a RE1 or RE2 zone must demonstrate the following as a minimum: i) The need for the proposed development on that land | The proposal would utilise an existing facility for the temporary emergency relocation of childcare placements. There is an inherent need for the development. |
| | ii) the need to retain the land for its existing or likely future recreation use; | The development comprises a small footprint and would not impede on the land's likely future recreation use. |
| | iii) the impact of the proposed development on the existing or likely future use of the land; | The temporary proposal and minor fitout will have limited impact on the existing or likely future use of the land. |
| | iv) whether the proposed development is complementary to the scenic, recreational and/or ecological values of the land; and | As established above, the proposal is considered to not impact the ecological values of the surrounding area. |
| | v) in the case of RE1 Public Recreation zoned land, whether the proposed development would: a) unreasonably impede or diminish the intended public use or public access to the land; b) be consistent with any relevant plan of management adopted by Council. | The proposal is temporary and not considered to impede or diminish the intended public use of the land. |

D13/25

Responsible officer: Ferdinando Macri, Senior Environmental Planning Officer

File Reference: DA/122/2025

Development Consent Conditions



| | |
|------------------------|--|
| Folder /DA No: | DA/122/2025 |
| Property: | 21-29 Munda Street, RANDWICK NSW 2031 |
| Proposal: | Temporary use of community centre as a centre based childcare facility with ancillary outdoor play area enclosure and pick up / drop off parking area. |
| Recommendation: | Approval |

GENERAL CONDITIONS

Condition

1. Approved plans and documentation

Development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

| <i>Plan</i> | <i>Drawn by</i> | <i>Dated</i> | <i>Received by Council</i> |
|-----------------|-----------------|--------------|----------------------------|
| Indoor Plan | Brett Kovac | 12.02.2025 | 17.02.2025 |
| Room Setup Plan | Brett Kovac | 12.02.2025 | 17.02.2025 |
| Outdoor Plan 1 | Brett Kovac | 28.02.2025 | 28.02.2025 |
| Outdoor Plan 2 | Brett Kovac | 28.02.2025 | 28.02.2025 |

In the event of any inconsistency between the approved plans and supplementary documentation, the approved drawings will prevail.

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Consent Requirements

The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

Condition Reason: To ensure any requirements or amendments are included in the Construction Certificate documentation.

3. Randwick Environment Park Management Plan

Any relevant requirements contained within the Randwick City Council, Randwick Environmental Park Environmental Management Plan (EMP) – (Trim Doc Ref: D01174217) form part of this consent and must be implemented accordingly.

Condition Reason: To ensure the approved development is undertaken and

| Condition | |
|-----------|--|
| | operated in accordance with any requirements within the Randwick Environment Park – Plan of Management and relevant documentation such as the Randwick Environment Park – Environmental Management Plan. |
| 4. | Building Code of Australia In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and section 69 of the <i>Environmental Planning and Assessment Regulation 2021</i> , it is a prescribed condition that any new building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA). Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021. |
| 5. | Pruning Permission is granted for the minimal and selective pruning of only those lower growing, lower order branches, only where needed to avoid damage to the trees or interference with the approved works. Condition Reason: To ensure the protection and longevity of existing significant trees. |
| 6. | Car Parking The operator must arrange for the approval and installation of pick up and drop off zone signage within the Munda Street carpark in proximity of the childcare centre entrance. Five spaces immediately adjacent to the main entrance shall be labelled and/or signposted " <i>Pickup and Drop-off parking only – 7:30-9:30am & 4-6pm Mon-Fri</i> ". The signage shall be in place prior to commencement of operations for the childcare centre. Condition Reason: To ensure that the carparking for the operation of the child care centre is in accordance with the Council requirements of the consent. |
| 7. | Fire Safety The applicant is to comply with the requirements of the BCA Compliance Statement, prepared by Absolute BCA and Accessibility Consulting P/L, dated 13 February 2025. Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021. |

OCCUPATION AND ONGOING USE

| Condition | |
|-----------|--|
| 8. | Operational Hours Monday to Friday: 7am – 6pm (except in emergency circumstances that requires out of hours access). |

| | Condition |
|-----|--|
| | <p>No operation is permitted on Saturday, Sundays and Public Holidays.</p> <p>The temporary occupation of the Randwick Community Centre Hall and outdoor patio is permitted for a period of 9 months from the release of the subject consent until the 5th of December 2025. Should the operator seek to continue the temporary childcare centre use and operating hours outlined above, an application must be lodged with Council before the end of the nominated lapsing date.</p> <p>Condition Reason: To ensure that the approved use is operated within the approved hours of operation, to ensure safety and security and protect the amenity of surrounding areas.</p> |
| 9. | <p>Student and Staff Population</p> <p>The student and staff population numbers are restricted to the following:-</p> <ul style="list-style-type: none"> a) The maximum number of students at the child care centre must not exceed 37 children. b) The maximum number of staff at the school and child care centre must not exceed 15 full time equivalent staff at any time. <p>Details of student and staff numbers are to be made available to Council upon request.</p> <p>Condition Reason: To ensure that the approved use is operated within the scope of the proposed development, to ensure safety and security and protect the amenity of surrounding areas.</p> |
| 10. | <p>Environmental Amenity</p> <p>The use and operation of the site must not cause any environmental pollution, public nuisance or, result in an offence under the <i>Protection of the Environment Operations Act 1997</i>, associated Regulations, Guidelines and Policies.</p> <p>There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the <i>Protection of the Environment Operations Act 1997 and Regulations</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area and residents.</p> |
| 11. | <p>Waste Management</p> <p>Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.</p> <p>The operator of the business must also arrange for the recycling of appropriate materials and make the necessary arrangements with an authorised waste services contractor accordingly.</p> <p>Condition Reason: To ensure that waste and recycling is appropriately managed.</p> |
| 12. | <p>Food Safety Requirements</p> <p>Should food be prepared on the premises, the premises is to be designed and constructed in accordance with the Food Act 2003, Food Regulation 2015, Australia & New Zealand Food Standards Code.</p> |

Condition

- Condition Reason: To ensure compliance with relevant standards in the case the proposal is modified to provide onsite food preparation.
13. **Plan of Management**
The operation of the childcare centre shall be in accordance with the Plan of Management dated February 2024 prepared by Only About Children PTY LTD unless otherwise stated by this development consent. A detailed evacuation plan in the event of fire or flood must also be in place prior to the commencement of use and the required signage / training adopted in accordance with the endorsed plans and Plan of Management.
- Condition Reason: To ensure the approved use is operated in accordance with the endorsed plan of management.
14. **Outdoor Play Enclosure**
Notification signage is to be erected on the outdoor enclosure fencing to advise the community of the childcare use. A compliant provision of shaded zones must also be included in the outdoor enclosure
- The above matters must be implemented prior to the commencement of the childcare centre use.
- Condition Reason: To enable compliance with the requirements for outdoor play space as a part of the consent.