

**Item 1**
**9 Lincoln Street, EASTWOOD – LDA2022/0361**

**Demolition of existing dwelling, in-ground swimming pool and garage and the construction of a centre based childcare centre with basement parking.**

**Report prepared by:** Senior Town Planner

**Report approved by:** Senior Coordinator - Development Assessment  
Executive Manager - City Development

**City of Ryde  
Local Planning Panel Report**

<b>DA Number</b>	LDA2022/0361
<b>Site Address &amp; Ward</b>	9 Lincoln Street, Eastwood Lot 15 in DP 15393 West Ward
<b>Zoning</b>	R2 Low Density Residential
<b>Proposal (as amended)</b>	Demolition of existing dwelling, in-ground swimming pool and garage and the construction of a centre based childcare centre with basement parking.
<b>Property Owner</b>	Lincoln Eastwood Holdings Pty Ltd
<b>Applicant</b>	Laurie Liskowski (Liskowski Architects)
<b>Report Author</b>	Holly Charalambous
<b>Lodgement Date</b>	17 November 2022
<b>Notification - No. of Submissions</b>	<u>Notification 1</u> (21/11/22 to 9/12/22) <ul style="list-style-type: none"> <li>19 in objection</li> <li>1 in support</li> </ul> <u>Notification 2</u> (13/3/23 to 3/4/23) 12 in objection
<b>Cost of Works</b>	\$3,236,036

<b>Reason for Referral to LPP</b>	<b>Contentious Development</b> – More than 10 unique submissions objecting to the proposal have been received as a result of public notification of the application - Schedule 1, Part 2 of Local Planning Panels Direction.	
<b>Recommendation</b>	Approval, subject to deferred commencement conditions	
<b>Attachments</b>	1. Draft conditions 2. Plans 3. SEPP & Guideline Table of Compliance 4. RDCP Table of Compliance 5. Plan of Management  Clause 4.6 Request	

## 1. Executive Summary

This report is an assessment of a development application for demolition of the existing dwelling, in-ground swimming pool and garage and the construction of a centre based child care centre. The proposal includes associated basement parking, stormwater drainage works and landscaping.

The centre is proposed to employ 14 staff to cater for 88 children of the following age groups:

- 0 to 2 years: 12 children.
- 2 to 3 years: 30 children.
- 3 to 6 years: 46 children.

The centre is proposed to operate between 7am to 6pm Monday to Friday.

## Compliance

The development exhibits a high degree of compliance when assessed against the applicable planning instruments and controls with exception to the following matters which are considered to be minor and supportable:

### ***State Environmental Planning Policy Transport and Infrastructure SEPP 2021 (Chapter 3 Educational Establishments and Child Care Facilities)***

The following details a specific clause within the Child Care Planning Guideline Matters for Consideration which are inconsistent with the applicable requirement:

#### Clause 3.3 - Building Orientation, Envelope and Design

Consideration C16 of the Guideline includes the following objective:

*“To ensure that child care facilities are designed to be accessible by all potential users”.*



The development has been designed to enable accessibility to all levels via the lift and ramps. However, the natural ground floor play area at the rear of the site is accessible only via stairs.

In order to facilitate access for a person with a disability, a condition is included in the draft consent which requires appropriate features being incorporated into the design to enable access for a person with a disability to use this area of the site.

The above matter is addressed in detail in **Section 5.1** of this report.

### ***Ryde Local Environmental Plan 2014***

#### **Clause 4.4 – Floor Space Ratio**

The proposal exceeds the permitted building height under Clause 4.4 by 59.1%. The non-compliance predominantly involves the inclusion of the outdoor play area decks by virtue of the height of the acoustic screening (which extends above 1.4m in height).

A variation under Clause 4.6 demonstrates sufficient environmental planning grounds and is supported.

This matter is addressed in detail in **Section 5.2** of this report.

### ***Ryde Development Control Plan 2014***

Considerations against the RDCP cover two (2) parts (Part 3.2 – Child Care Centres and Part 3.3 – Dwelling Houses and Dual Occupancies):

#### ***Part 3.2 – Child Care Centres***

- Clause 2.1.1(a) – Front Boundary Width.
- Clause 3.2(c) – Number of Storeys.
- Clause 4.2(a), (b) & (e) – Acoustic Privacy for Adjoining Residents.
- Clause 5.1(b) & (f) – Car Parking.
- Clause 7.1(d) – Cot Room Area.

Each of the non-compliances identified above have been considered and supported.

#### ***Part 3.3 – Dwelling Houses and Dual Occupancies***

- Clause 2.6.2(b) – Topography and Excavation.
- Clause 2.8(a) – Number of Storeys.
- Clause 2.9.1(a) & (d) – Front Setbacks.
- Clause 2.9.2(b) – Side Setbacks.

Each of the non-compliances identified above have been considered and supported.

These matters are addressed in detail in **Section 5.4** of this report.

## Referral Responses

The application was referred to external and internal departments. Each department supports the proposal, subject to conditions.

Council's Development Engineer has issued a Deferred Commencement condition to address the acquisition of an easement to drain stormwater from the development over the downstream property at No. 10 Deborah Place.

Council's Environmental Health Officer has reviewed the proposal and is supportive of the development subject to the acoustic treatments being designed and installed to ensure that the noise emitted does not exceed the base level criteria of Leq,(15 min) 45 dB(A) in accordance with the *Association of Australasian Acoustic Consultants Guideline for Child Care Centre Acoustic Assessment*, when measured at the most affected point on or within any residential receiver boundary. This is discussed in detail in **Section 8** of this report and addressed as a condition (see **Condition 62**).

## Public Exhibition and Submissions

The application was publicly exhibited between 21 November 2022 and 9 December 2022 in accordance with Council's Community Participation Plan.

As a result of the first notification, 19 submissions were received objecting to the development and 1 submission supporting the proposal. The submissions included 2 petitions with a total of 60 signatures.

The amended documentation and plans received between 28 February 2023 and 1 March 2023 were notified to the same properties as the first notification between 13 March 2023 and 3 April 2023.

As a result of the second notification, 12 submissions were received objecting to the development. The submissions included 2 petitions with a total of 69 signatures.

The submissions objecting to the proposal as a result of both notification periods raise the following issues:

- Traffic safety.
- Traffic congestion.
- Noise and pollution from additional traffic.
- Additional waste generation and pick up causing road congestion.
- Errors in the Traffic Report.
- Construction traffic and workers.
- Noise from excavation and construction.
- Substation.
- Capacity of stormwater discharge point.
- Noise impact to school and residences in the area from the centre.
- Privacy (visual and acoustic).
- Child safety.

- The development contravenes the R2 Low Density Residential zone.
- Inconsistent with the character of the area.
- Frontage less than DCP requirement.
- Overdevelopment of the site.
- Tree removal.

The issues raised in the submissions do not warrant the refusal of the application and are addressed in detail in **Section 7** of this report.

## Recommendation

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the site is considered suitable for the proposed development and is not contrary to the public interest.

Assessment of the application against the relevant planning framework and consideration of various design matters by Council's technical departments has not identified any fundamental and unresolvable issues of concern. Consequently, this report concludes that this development proposal is sound in terms of design, function, and relationship with its neighbours and within the locality generally.

This report recommends that consent be granted to this application in accordance with conditions provided in **Attachment 1**, which includes deferred commencement conditions requiring the applicant to obtain an easement to drain stormwater over a downstream property.

## 2. The Site and Locality



**Figure 1** – Aerial view of the site.

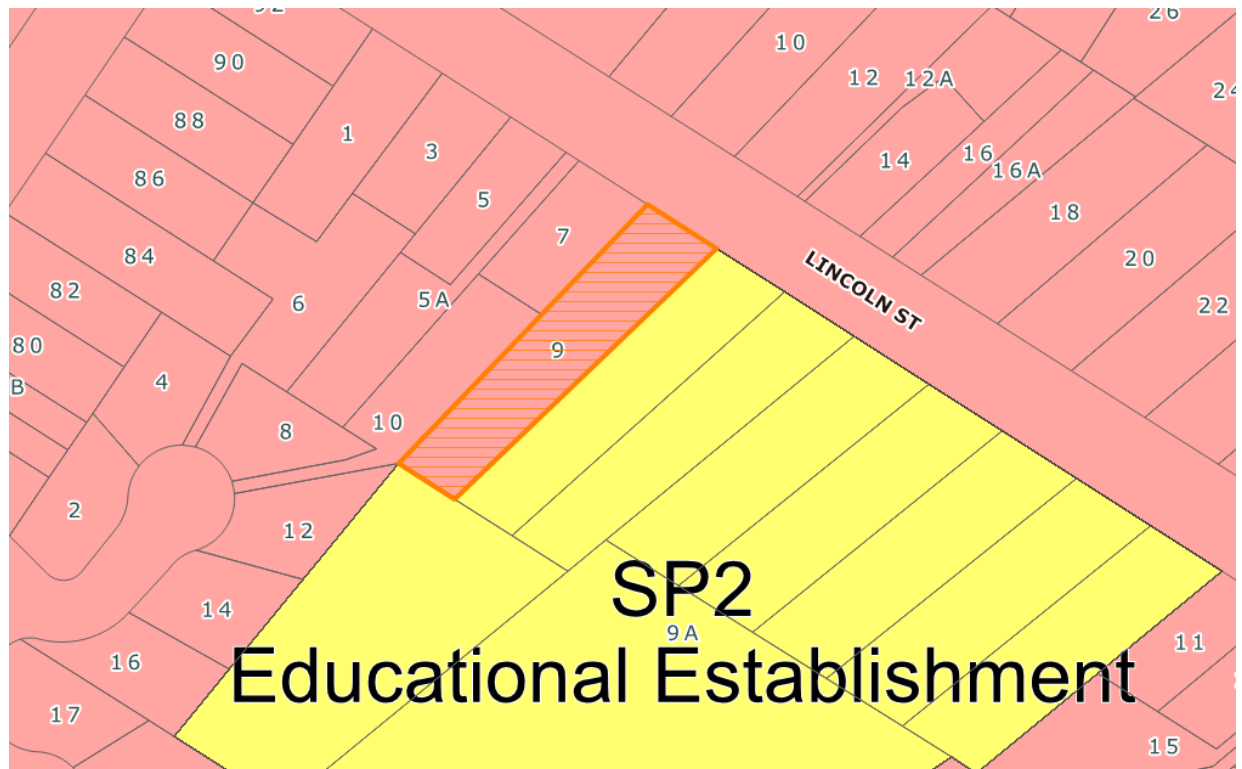
The site is known as No. 9 Lincoln Street, Eastwood and is legally described as Lot 15 in DP 15393 as shown in **Figure 1** above.

The site is generally rectangular in shape with a frontage of 18.595m to Lincoln Street, a side boundary length of 82.05m along the western side, 82.780m along the eastern side, and a rear boundary length of 15.24m.

The site has a surveyed area of 1,361m<sup>2</sup>.

The site is located within the R2 Low Density Residential zone and abuts a SP2 (Educational Establishment) to the east which accommodates the Eastwood Heights Public School.

**Figure 2** below shows the zoning of the site (hatched in orange) and its surrounds.



**Figure 2** – Zoning of the site.

The site has a gradual slope of 5.34m from the front boundary to the rear boundary.

The site currently accommodates a part single/part double storey dwelling within a domestic landscaped setting which includes 28 trees/shrubs.

Surrounding development comprises detached dwellings of varying age, scale and architectural style within the R2 Low Density Residential zone, and the Eastwood Heights Public School within the neighbouring SP2 Educational Establishment zone.

The street is characterised by domestic scale landscaping facilitated by large front setbacks.



Lincoln Street is not regulated by timed parking restrictions. Because of the proximity of the school, a 40km/h school zone operates between 8am-9.30am and 2.30pm-4.00pm on school days.

A drop off/pick up zone associated with the school is located approximately 14m to the east of the subject site.

### **3. The Proposal**

The applicant seeks consent for the demolition of existing structures on the site and the construction of a centre based child care centre.

In detail, the development comprises the following:

#### **Number of Children**

The centre is proposed to cater for 88 children of the following age groups:

- 0 to 2 years: 12 children.
- 2 to 3 years: 30 children.
- 3 to 6 years: 46 children.

#### **Hours of Operation**

The centre is proposed to operate between 7am to 6pm Monday to Friday.

#### **Staffing**

The centre will employ 14 staff to cater for the following age groups:

- 0 to 2 years: 3 staff.
- 2 to 3 years: 6 staff.
- 3 to 6 years: 5 staff.

#### **The Building**

##### Basement Level (RL 76.135 to RL 73.157)

- Car parking for 18 spaces:
  - 10 x visitor spaces.
  - 8 x staff spaces in a mechanical car stacker arrangement (2 per stacker).
- 5 x bicycle parking spaces.
- Bin room.
- Mechanical plant room.
- Pram storage area.
- Lift and stairs.

##### Ground Level (RL 79.175)

- 2 x indoor play areas:
  - Classroom 01 servicing 13 children (ages 0 - 2).
  - Classroom 02 servicing 30 children (ages 2 – 3).
- Cot room servicing 10 children.
- Office.
- Reception.
- Amenities.
- Lift and stairs.
- Outdoor Play Area 01 (Upper Deck) (ages 0 – 2).
- Outdoor Play Area 02 (Lower Deck) (ages 2 – 3).
- Outdoor store.
- Acoustic barriers (1.8m high and 2.0m high) to the western side (facing 7 Lincoln Street and 10 Deborah Place) of both outdoor play areas.

#### First Floor (RL 82.215)

- 2 x indoor play areas:
  - Classroom 03 servicing 21 children (ages 3 - 6).
  - Classroom 04 servicing 25 children (ages 3 - 6).
- Kitchen.
- Staff room.
- Laundry.
- Amenities.
- Lift and stairs.
- Outdoor Play Area 01 (ages 3 - 6).
- Acoustic barriers (1.5m high and 1.8m high) to the western side (facing 7 Lincoln Street and 10 Deborah Place) and southern side of the outdoor play area.

#### **External Works**

##### Basement Level

- Outdoor Play Area 03 (ages 2 – 6) located at the rear of the site.
- Access/egress stairs.
- Landscaping along both side boundaries.

##### Ground Floor

- Driveway ramp from Lincoln Street (6.1m wide).
- Pedestrian entry.
- Landscaping within front setback area.
- 0.9m high front fence.

Numerically the development comprises:

<b>Building Height</b>	4.4m to 8.0m
<b>Gross Floor Area</b>	559.41m <sup>2</sup>

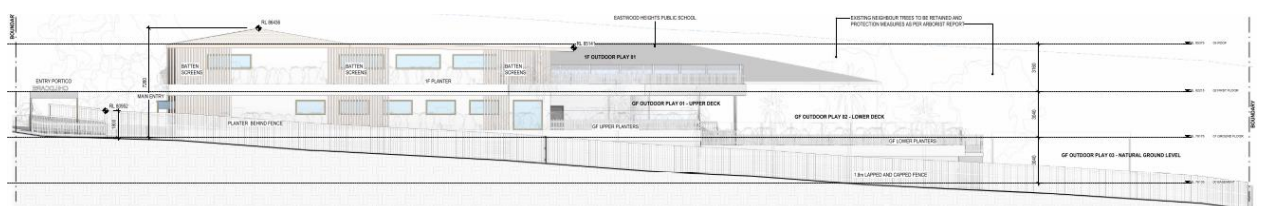
<b>Floor Space Ratio</b>	0.41:1 excluding balcony outdoor play areas 0.79:1 including balcony outdoor play areas
<b>Number of Children</b>	88
<b>Number of Staff</b>	14
<b>Car Parking</b>	18 spaces

**Figures 3 to 6** below show the site plan, side elevations and a rendering of the development.



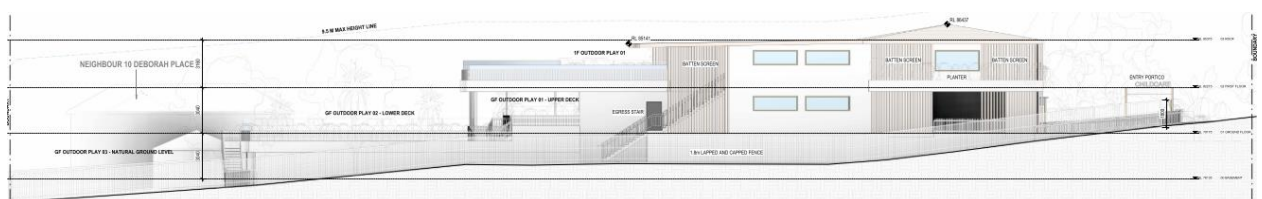
**Figure 3** – Site plan.

**Source:** From Plan DA100 (Revision C) dated 25 January 2023 as prepared by Liskowski Architects.



**Figure 4** –Western elevation facing 7 Lincoln Street.

**Source:** From Plan DA200 (Revision B) dated 20 October 2022 as prepared by Liskowski Architects.



**Figure 5** –Eastern elevation facing Eastwood Heights Public School.

**Source:** From Plan DA200 (Revision B) dated 20 October 2022 as prepared by Liskowski Architects.



**Figure 6** –Rendering of the development as viewed from Lincoln Street.

**Source:** From Plan DA910 (Revision B) dated 20 October 2022 as prepared by Liskowski Architects.

Detailed plans of the development are provided at **Attachment 2** of this report.

The Plan of Management (PoM) is provided at **Attachment 5**. In accordance with the recommendations of the Environmental Noise Impact Assessment accompanying this application, the PoM commits to daily programs and routines.

The use of the outdoor play areas is limited to 4 hours per day and is to be staggered into several different groups with a maximum number of children outside at any one time.

#### **4. Background**

##### **Site History**

Council records indicate that the site has been used continuously for residential purposes since at least the 1950s.

##### **Application History**

The application was lodged with Council on 21 November 2022 for the demolition of the existing structures, removal of trees, construction of a 2 storey child care facility with 18 basement car parking spaces with a maximum capacity of 91 children (0-5 years) and 15 educators. The facility comprises 4 indoor play rooms over 2 levels, sleeping rooms, administrative areas, kitchen, laundry, storerooms, amenities and 4 outdoor play areas at ground level, at the lower and upper decks and within the first floor level. Hours of operation are 7am to 6pm Monday to Friday. The proposal includes associated storm water drainage works, including connecting to a downstream legal point of discharge via the neighbouring property(es).



The application was notified to surrounding properties between 21 November 2022 and 9 December 2022.

Following assessment of the application letters were sent to the applicant on 19 and 21 December 2022 detailing issues which prevented Council from supporting the proposal. Issue raised by Council included stormwater management, vehicle access & parking, traffic, and gross floor area as a result of the outdoor play areas.

In response, amended documentation (including plans) was submitted between 28 February 2023 and 1 March 2023.

The amended application was re-notified between 13 March 2023 and 3 April 2023 for the demolition of the existing structures, removal of trees, construction of a 2 storey child care facility with 18 basement car parking spaces with a maximum capacity of 88 children (0-5 years) and 14 educators. The facility comprises 4 indoor play rooms over 2 levels, sleeping rooms, administrative areas, kitchen, laundry, storerooms, amenities and 4 outdoor play areas at ground level, at the lower and upper decks and within the first floor level. Hours of operation are 7am to 6pm Monday to Friday. The proposal includes associated storm water drainage works, including a proposed connection via the neighbouring property at 10 Deborah Place.

On 30 October 2023, the applicant submitted a signed agreement from the owner at 10 Deborah Place for the downstream through-site drainage easement.

On 15 November 2023, the applicant submitted an updated Traffic Impact Assessment correcting a typographical error which confirms that the traffic counts were carried out during the school term.

## **5. Planning Assessment**

The following planning policies and controls are of relevance to the development:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- Ryde Local Environmental Plan 2014; and
- Ryde Development Control Plan 2014.

### **5.1 Environmental Planning and Assessment Act**

All relevant matters for consideration under Section 4.15 have been addressed in the assessment of this application.

### **5.2 State Environmental Planning Instruments**

#### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

##### Chapter 2 – Vegetation in Non-Rural Areas

The aims of this Chapter are:

- a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

This chapter applies to the Ryde local government area on land within the R2 Low Density Residential zone and provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation.

The application is accompanied by an Arboricultural Assessment Report dated 24 August 2022 which notes that the site accommodates 28 trees and shrubs. The report recommends that all trees and shrubs are to be removed. In this respect, Council's consulting Landscape Architect notes that the removal of trees on site is generally considered acceptable given the majority of vegetation nominated for removal is exempt from protection under Part 9.5 of the Ryde DCP 2014. There is one (1) locally native tree of moderate significance being removed on site (T19 – *Angophora costata*) however this tree was observed to be in poor condition and has deteriorated since it was last observed in February 2021. As such, the removal of this tree is supported subject to suitable replacement planting being provided. **Condition 20** is imposed to require replacement planting.

The Landscape Plans submitted with the application include a planting schedule which indicates that 43 trees and 635 shrubs will be planted as replacements. This is significantly greater than plantings which currently accommodate the site and will result in a more comprehensive and coordinated planting schedule than is currently evident.

## **State Environmental Planning Policy (Resilience and Hazards) 2021**

### Chapter 4 – Remediation of Land

Clause 4.6(1) of the SEPP requires that a consent authority must not consent to the carrying out of any development on land unless:

- a) It has considered whether the land is contaminated, and*
- b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state for the purpose for which the development is proposed to be carried out, and*
- c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The application includes a Geotechnical Investigation (dated 17 August 2022) which indicates that the site contains topsoil over silty clay which accommodates white pebbles and clay.

Additionally, a Phase 1 Environmental Site Investigation (dated 27 September 2022) is submitted with the application which concludes that the site is suitable for use as a child care centre.

The demolition of the existing dwelling and associated structures on the site may reveal asbestos however, this will be managed through appropriate WorkSafe demolition and disposal practices and as reflected in the submitted Waste Management Plan (dated 13 September 2022).

All the above supporting documents (including their respective recommendations) are included in **Condition 1** of the draft consent.

## **State Environmental Planning Policy (Transport and Infrastructure) 2021**

### Chapter 2 - Infrastructure

#### **Ausgrid**

##### Clause 2.48 - Determination of Development Applications - Other Development

This clause applies to development comprising or involving any of the following:

- a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- b) *development carried out:*
  - i. *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
  - ii. *immediately adjacent to an electricity substation, or*
  - iii. *within 5m of an exposed overhead electricity power line.*

The survey diagram submitted with the application does not indicate the presence of an easement for electricity purposes within or immediately adjacent to the development.

The proposed building is located approximately 14m from the nearest overhead electricity power line and approximately 20m from the nearest substation kiosk (located on the Eastwood Heights Public School).

The proposed driveway is located approximately 12.5m from the abovementioned substation kiosk.

The application was therefore not required to be referred to Ausgrid for consideration under clause 2.48(1)(b)(i) of this SEPP.

#### **Transport for NSW**

##### Clause 2.122 – Traffic Generating Development

This clause applies to new premises of the relevant size or capacity which means “*in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3.*”

Schedule 3 of the SEPP requires that the following commercial premises are referred to Transport for NSW (TfNSW) as Traffic Generating Development:

Column 1	Column 2	Column 3
Purpose of Development	Size or Capacity Site with access to any road	Size or Capacity Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured along alignment of connecting road
Commercial Premises	10,000m <sup>2</sup> GFA	2,500m <sup>2</sup> GFA

The development proposes a total gross floor area (GFA) of 1,082.44m<sup>2</sup> and therefore does not trigger a requirement to be referred to TfNSW.

### State Environmental Planning Policy (Transport and Infrastructure) 2021

(Chapter 3 Educational Establishments and Child Care Facilities)

#### Clause 3.23 Centre-based child care facility - matters for consideration by consent authorities

Clause 3.23 of State Environmental Planning Policy (Transport and Infrastructure) 2021 provides that:

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

The *Child Care Planning Guideline* ('the Guideline') establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based childcare facilities in NSW.

A detailed assessment of the proposal against the provisions of the Guideline is provided in the compliance table at **Attachment 3**.

The following details a specific clause within the Child Care Planning Guideline Matters for Consideration which are inconsistent with an applicable requirement.

#### Clause 3.3 - Building Orientation, Envelope and Design

Consideration C16 includes the following objective:

*To ensure that child care facilities are designed to be accessible by all potential users.*

Accessible design can be achieved by:

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

The development has been designed to enable accessibility to all levels via the lift and ramps. However, the natural ground floor play area at the rear of the site is accessible only via stairs.

In order to facilitate access for a person with a disability, a condition is included in the draft consent which requires appropriate features being incorporated into the design to enable access for a person with a disability to use this section of the site (see **Condition 1(a)**).

### **5.3 Ryde Local Environmental Plan 2014**

Under the RLEP 2014, the subject site is zoned R2 Low Density Residential. A 'centre-based child care facility' is permissible with consent within the R2 Low Density Residential zone.

The aims and objectives for the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a variety of housing types.*

The proposed child care centre will provide a facility to meet the day to day needs of residents.

The first and third objective are not of relevance to the proposed development.

The proposed development satisfies the relevant objectives.

### **Part 4 – Principal Development Standards**

The site is subject to the provisions of Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) Development Standards.

The following table details the levels of compliance achieved by the development.

Standard	Permitted	Proposed	Variation	Compliance
<b>Height of Buildings</b>	9.5m	4.4m to 8.0m	N/A	Yes
<b>Floor Space Ratio</b> Site area: 1,361m <sup>2</sup>	0.5:1 680.5m <sup>2</sup> GFA*	0.795:1 1,082.44m <sup>2</sup> GFA	59.1% +401.94m <sup>2</sup> GFA	<b>No</b>

\*GFA = Gross Floor Area.

As can be seen in the above table, the proposal does not comply with the maximum floor space ratio prescribed by Clause 4.4. In response, the application is accompanied by a request to vary the development standard pursuant to Clause 4.6 of the RLEP 2014.

#### Clause 4.4 – Floor Space Ratio

Clause 4.4 permits a maximum floor space ratio (FSR) of 0.5:1 (i.e., 680.5m<sup>2</sup>). The development proposes a FSR of 0.79:1 (i.e., 1,082.44m<sup>2</sup>) as noted in the table above. The non-compliance equates to a variation of 59.1% (+401.94m<sup>2</sup>).

The GFA (which is used to calculate the FSR) can be broken up into the following distinct areas:

- Building GFA: 559.44m<sup>2</sup> (FSR: 0.41:1)
- Outdoor Play Area GFA: 523.00m<sup>2</sup> (FSR: 0.38:1)
- Total GFA: 1,082.44m<sup>2</sup> (Total FSR: 0.79:1)

For the purposes of understanding the breach to the outdoor play areas, gross floor area under the RLEP Dictionary is defined as “*the sum of the floor area of each floor of a building measured from the internal face of external walls measured at a height of 1.4 metres above the floor.*”

The development includes open play areas located on elevated decks which include acoustic screens above 1.4m in height. Although the applicant argues that these screens are not the external wall (the applicant suggests that the planter boxes along the edge of the decks are the external walls), Council disagrees and maintains that the screens are the external walls for the purposes of considering gross floor area and floor space ratio.

**Figure 7** below shows the planter boxes and acoustic fence alignments to the ground level play areas (planters are shaded in green, the acoustic fence is in red).





**Figure 7** –Planters to the Ground Floor Deck.

**Source:** From Landscape Plan L-01 (Revision D) dated 20 February 2023 as prepared by Outside In.

Nonetheless, a request to vary the Height of Buildings Development Standard has been submitted by the applicant under Clause 4.6 of the RLEP and is included at **Attachment 6** of this report.

### **Clause 4.6 – Exceptions to Development Standards**

The following assessment of the variation to Clause 4.3 - Height of Buildings development standard, has taken into consideration the judgements contained within *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61, and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130.

#### Clause 4.6 - Objectives

- 1) *The objectives of this clause are as follows:*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development.*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- 2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

#### Comment

Clause 4.4 – Floor Space Ratio development standard is not expressly excluded from the operation of this clause.

- 3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written*

*request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- 4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) the consent authority is satisfied that:*
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3), and*
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) the concurrence of the Secretary has been obtained.*

#### **Clause 4.6(4)(a)(i) (Justification) assessment**

Clause 4.6(4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6(3) and these are addressed as follows:

- a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and***

#### Comment

The applicant's written request has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard. This is discussed in greater detail under Public Interest.

In this regard, the applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

- b) that there are sufficient environmental planning grounds to justify contravening the development standard.***

#### Comment

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated



that that there are sufficient environmental planning grounds to justify contravening the development standard:

*‘As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be “environmental planning grounds” by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase “environmental planning” is not defined but would refer to grounds that relate to the subject matter, scope and purpose of the EP&A Act, including the objects in s 1.3 of the EP&A Act.’*

Section 1.3 of the EP&A Act reads as follows:

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

The applicant’s written request states:

- *When including the outdoor play areas that are in a balcony configuration the FSR is non-compliant but the extent of development proposed is consistent with the contemplated built form and massing when considering the GFA when excluding the barriers is below the 0.5:1, being 0.41:1. If the acoustic barriers were lowered to 1.39m (reduced by 401mm-601mm) then no GFA/FSR issue arises and there is no discernible difference in the way in which the proposal is perceived given the barriers are set in behind a planter.*
- *Therefore a ‘compliant’ FSR would be perceived in a similar way to this scheme- but the acoustic impacts would be greater because of a lack of acoustic attenuation and also generate greater privacy impacts from overlooking from educators using this area.*
- *The breach to the FSR standard arises to protect acoustic amenity of adjoining properties in accordance with the acoustic report - as well as visual amenity through mitigating cross-viewing given the design of the barrier also serves as*

*a privacy screen given the translucent material. The visual presentation of the barrier to neighbours is also mitigated by the landscape planting proposed in front of it.*

- *The acoustic attenuation and visual privacy mitigation afforded by the height of the acoustic barriers demonstrates suitable environmental planning grounds to vary the development standard- because absent the increased height the acoustic and visual privacy impacts are not adequately addressed.*
- *This design approach and breach of the FSR associated within the outdoor play areas enables a suitable design outcome on the site and is consistent with the following Objects of the Environmental Planning and Assessment Act 1979:*

*c) to promote the orderly and economic use and development of land.*

*g) to promote good design and amenity of the built environment.*

- *The departure to the FSR standard also does not generate any adverse amenity impacts to adjoining properties with regard to visual privacy or overshadowing given the lot orientation and careful design of the development.*

*Therefore, the current proposal is a suitable outcome from an environmental planning perspective and demonstrates that there is merit in varying the FSR control to achieve a suitable design response on the site which demonstrates sufficient environmental planning grounds to support the departure to the FSR standard arising from the outdoor play areas.*

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, therefore satisfying cl 1.3(c) and (g) of the EP&A Act.

The applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6(3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

#### **Clause 4.6 (4)(a)(ii) (Public Interest) assessment**

Clause 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

#### **Comment**

In considering whether the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Floor Space Ratio development standard and the objectives of the R2 Low Density Residential zone.

An assessment against these objectives is provided below.

### **Objectives of the development standard**

The objectives of the standard, pursuant to Clause 4.4 – Floor Space Ratio of the RLEP 2014 are:

a) ***To provide effective control over the bulk of future development.***

In the request the applicant states:

*The extent of ‘enclosed’ FSR arising from the internal areas of the building is less than the permissible FSR- being 0.41:1 as compared to the 0.5:1. The non-compliance arises from the inclusion of GFA to the play areas on balconies owing the height of the acoustic barrier - being 1.8m-2m - that are set back behind a balustrade and planter.*

*The perceived bulk of the development is primarily from the area of the built form that enclosed and is less than the maximum FSR permitted, and the bulk of the development is effectively controlled despite the breach.*

*Whilst the FSR is non-compliant the extent of development proposed is consistent with the contemplated built form and massing when considering the GFA when excluding the barriers is below the 0.5:1. If the acoustic barriers were lowered to 1.39m (reduced by 401mm-601mm) then no GFA or FSR issue arises and there is no discernible difference in the way in which the proposal is perceived in terms of ‘bulk’ given the barriers are set in behind a planter.*

*When including the play areas that are in a balcony configuration the FSR is non-compliant but the extent of development proposed is consistent with the contemplated built form and massing when considering the GFA when excluding the barriers is below the 0.5:1. If the acoustic barriers were lowered to 1.39m (reduced by 401mm-601mm) then no GFA/FSR issue arises and there is no discernible difference in the way in which the proposal is perceived given the barriers are set in behind a planter.*

*Therefore, a ‘compliant’ FSR would be perceived in a similar way to this scheme- but the acoustic impacts would be greater because of a lack of acoustic attenuation and also generate greater privacy impacts from overlooking.*

*Therefore, the bulk of the development is entirely in line with what is contemplated for the site and the area of non-compliance has no meaningful impact on the bulk of the development.*

### Comment

As noted earlier in this report, the development comprises two parts being the building and outdoor play area decks.

The building is considered to be of a similar bulk and scale to that of a dwelling house. However, while it is accepted that the outdoor play area decks are of a larger scale than normally evident as balconies to dwellings, they are of a visually permeable design which does not add the same bulk and scale as a solid vertical structure (such as a building for example).

The acoustic screens to the decks are of a lightweight structure (being of a Perspex finish) which would not add to the bulk and scale of the decks.

Therefore, although the breach to the FSR is numerically considerable, its physical outcome is not considered to be contrary to the aim of this objective.

The application satisfies this objective.

**b) To allow appropriate levels of development for specific areas.**

In the request the applicant states:

*The extent of development across the sites is appropriate, notwithstanding the numerical departure. This is because the development is compliant with the maximum permitted GFA in the areas that are internal in nature and the area of the breach is derived through the inclusion of outdoor play areas with acoustic barriers around the perimeter that are greater than 1.4m and therefore must be excluded.*

*When taking out these areas from GFA, the extent of GFA would actually be compliant at 0.41:1. The level of development achieved on the site is appropriate for the area given the compliant levels of GFA achieved when discounting these balcony components. If the acoustic barriers were lowered to 1.39m (reduced by 401mm-601mm) then no GFA/FSR issue arises and there is no discernible difference in the level of development on the site. Therefore, a 'compliant' FSR enables a comparable level of development to this scheme- but the acoustic impacts would be greater because of a lack of acoustic attenuation and also generate greater privacy impacts from overlooking.*

*The intensity of the use arising from the proposed GFA must also be considered in relation to this objective and in that regard the traffic impacts are considered to be acceptable as set out in the report by The Transport Planning Partnership Pty Ltd. In addition, the amenity impacts of noise and other privacy impacts are avoided due to the use of the acoustic barriers as proposed. I.e., they provide a benefit to the scheme.*

Comment

The site is located at the edge of the R2 Low Density Residential zone and abuts a SP2 (Educational Establishment) zone which accommodates the Eastwood Heights Public School.

In this respect, the site abuts two different forms of development in both scale and intensity, being the school and dwelling houses.

The siting of the proposed child care centre is considered to be appropriate in that it is situated adjacent to a school and thus provides a transitional use which is deemed to be compatible (by virtue of its permissibility under the zoning provisions of the RLEP) with both neighbouring non-residential and residential activities.

Because the use departs from residential development, the higher level of development than that normally anticipated for a dwelling is anticipated due to the servicing requirements for a child care centre under the *State Environmental Planning Policy (Transport and Infrastructure) 2021* and the associated *Child Care Planning Guideline*.

Therefore, it is accepted that the scale of the development is not the same as a dwelling but, instead, provides an effective transition between the SP2 (Educational Establishment) zone and the R2 Low Density Residential zone and therefore, provides an acceptable level of development for the zone.

The application satisfies this objective.

- c) ***In relation to land identified as a Centre on the Centres Map - to consolidate development and encourage sustainable development patterns around key public transport infrastructure.***

In the request the applicant correctly notes that the development site is not mapped on the Centres Map and hence the objective is not relevant.

For the reasons detailed above, the proposal is consistent with the objectives of the development standard.

### **Zone objectives**

The objectives of the R2 Low Density Residential zone are:

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

In the request the applicant states that this objective is not relevant to the proposal.

### Comment

It is agreed that this objective is not relevant to the nature of the proposal.

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

In the request the applicant states:



*The proposal for a child care centre contributes to the other land uses to provide facilities and services to meet the day to day needs of residents- being child care.*

Comment

It is agreed that the proposal provides a facility that meets the day-to-day needs of residents with young children who need the services of a child care centre.

- ***To provide for a variety of housing types.***

In the request the applicant states that this objective is not relevant to the proposal.

Comment

It is agreed that this objective is not relevant to the nature of the proposal.

For the reasons detailed above, the proposal is consistent with the objectives of the R2 Low Density Residential zone.

Clause 4.6 (4)(b) (Concurrence of the Secretary) assessment

Clause 4.6(4)(b) requires the concurrence of the Secretary to be obtained for development consent to be granted.

Planning Circular PS20-002 dated 5 May 2020, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument.

In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Floor Space Ratio Development Standard is assumed.

**Conclusion to Clause 4.6 Consideration**

The written submission from the applicant has adequately demonstrated that the contravention of the Floor Space Ratio development standard prescribed by Part 4.4 of the RLEP 2014 is justified pursuant to the relevant matters for consideration prescribed by Clause 4.6.

The applicant's Clause 4.6 written request to vary the floor space ratio development standard in Clause 4.4 of Ryde Local Environmental Plan 2014 is acceptable as the proposal satisfies the objectives of the development standard and the zone. Compliance with this development standard is unreasonable or unnecessary in the circumstances of this specific proposal; and there are sufficient environmental planning grounds to justify contravening this development standard.

Council is satisfied that the applicant's written request has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that sufficient environmental planning grounds have been demonstrated to justify the contravention of the standard.

Council is satisfied that the proposal is in the public interest and that it is consistent with the objective of the development standard and those applicable to development within the zone.

Accordingly, the departure from the standard is supported in this instance.

### **Clause 5.10 - Heritage Conservation**

Under this Clause, the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.

The site is not identified as a heritage item under the RLEP nor is it located within close proximity of a heritage item.

### **Clause 6.1 - Acid Sulfate Soils**

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Under the RLEP 2014, the Acid Sulfate Soils Map establishes five classes of acid sulfate land (classes 1 to 5), Class 1 being most severe, and Class 5 being least severely affected.

Development consent is required (and thus a soil management plan is required) if a site is in *class 5 acid sulfate soil and works are within 500m of adjacent Class 1 to 4 and land which are likely to lower the water table below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.*

Council's Acid Sulfate Soils Mapping does not identify the site within a classified acid sulfate soils area.

### **Clause 6.2 - Earthworks**

Clause 6.2(1) requires the consent authority to ensure that *“any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.”*

The extent and siting of excavation is to have regard to the following:

- a) *The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development.*
- b) *The effect of the development on the likely future use or redevelopment of the land*
- c) *The quality of the fill or the soil to be excavated, or both.*
- d) *The effect of the development on the existing and likely amenity of adjoining properties.*
- e) *The source of any fill material and the destination of any excavated material.*
- f) *The likelihood of disturbing relics.*
- g) *The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.*
- h) *Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposal involves the total bulk excavation of approximately 1,570m<sup>3</sup> of soil to be removed from the site to accommodate the basement car parking level. The excavated soil is to be taken to a soil recycling facility for processing and re-use.

The proposal is acceptable with regards to Clause 6.2 of the RLEP for the following reasons:

- It is considered that excavation would result in short-term disruption to local amenity during the construction phase. This disruption is offset by the long-term benefits to the wider community given the proposed excavation is to ensure the sufficient provision of on-site car parking without compromising local amenity.
- The proposed excavation works are supported by technical engineering reports which include specific recommendations to mitigate impact. The reports are referenced as approved documents under **Condition 1** in the draft consent.
- The excavation works will not intersect the water table and thus not require dewatering.
- Council's City Works section and Development Engineer are satisfied that the proposed excavation is acceptable, subject to imposition of conditions requiring mitigating measures to ensure the maintenance of amenity on the surrounding neighbourhood and structural integrity of any existing and supporting structures during the excavation and construction phase of the development. These measures may include, but are not limited to, requirement for compilation of dilapidation reports, vibration monitoring, Geotechnical Certification and Monitoring, and dust mitigation controls.

#### **Clause 6.4 – Stormwater Management**

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

The proposal is consistent with the provisions of Clause 6.4(3) in that the proposal has been designed to maximise the use of permeable surfaces allowing for water filtration and avoids adverse impacts of stormwater runoff on adjoining properties and receiving waters.

The proposal is considered acceptable by Council's Development Engineer.

#### **5.4 Draft Environmental Planning Instruments**

The following draft SEPPs have been considered in the assessment:

- Draft Remediation of Land SEPP.
- Draft Environment SEPP.

The proposal satisfies the requirements of these draft policies.

#### **5.5 Ryde Development Control Plan 2014 (RDCP 2014)**

The proposal is subject to the provisions of the following parts of the RDCP 2014:



- Part 3.2: Child Care Centres.
- Part 3.3: Dwelling Houses and Dual Occupancy.
- Part 7.2: Waste Minimisation and Management.
- Part 8.2: Stormwater and Floodplain Management.
- Part 8.3: Driveways.
- Part 9.3: Parking Controls.

Clause 3.27 of *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Chapter 3 Educational Establishments and child care facilities)* provides that a provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:

- a) *Operational or management plans or arrangements (including hours of operation),*
- 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).*

As such, only the relevant controls of the RDCP 2014 that are not already covered by the Guidelines are assessed in this report.

A detailed assessment of the proposal against the RDCP 2014 Part 3.2 - Child Care Centres and Part 3.3 - Dwelling Houses and Dual Occupancies as well as relevant provisions within other parts, is detailed in the compliance table at **Attachment 4**.

The following details specific clauses within the RDCP 2014 which are inconsistent with an applicable requirement.

## **Part 3.2 – Child Care Centres**

### **Clause 2.1.1 – Preferred Locations**

Clause 2.1.1(a) requires that, where single use developments are proposed, the site is to have a street frontage and width of not less than 20m. The subject site represents a shortfall of 1.4m. The proposal is for a single use development on a lot with a frontage of 18.595m.

Notwithstanding the requirement of Clause 2.1.1(a), Clause 3.26(1) of the SEPP includes a non-discretionary development standard which states that, for 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.

The purpose of Clause 3.26 is to prevent the consent authority from requiring more onerous standards for those matters, if complied with.

In this respect, the imposition of a 20m frontage beyond that provided for in the application and as required by Clause 3.26(1) of the SEPP, when demonstrated that the development is not hindered in its function and does not unreasonably impact on adjoining properties as a result, is considered to be onerous.

Therefore, the proposed lot frontage of 18.595m is supported.

### **Clause 3.2 – Detached Centres and Centres in Residential Areas**

Clause 3.2(c) requires that, in low density residential areas, child care centres are encouraged to be single storey in height for reasons of safety and access. In the case of 2 storey buildings, the second storey should only be used for the purposes of storage and staff facilities.

The development includes a part 2/part 3 storey building which has been designed for safety and accessibility.

With respect to accessibility, the centre operates over two floors which are accessed by a lift and stairs. Each floor level has direct access to internal and external play areas.

With respect to safety, the application includes a Crime Prevention through Environmental Design (CPTED) report dated 20 October 2022 which demonstrates that the development will satisfy the key strategies of surveillance, access control, territorial reinforcement, and space/activity management, subject to recommendations (which are imposed in **Condition 1**).

### **Clause 4.2 – Acoustic Privacy for Adjoining Residents**

#### Clause 4.2(a)

Clause 4.2(a) requires that noise impacts on neighbouring properties are to be minimised by design measures including:

- (i) Orientating the facility having regard to neighbouring property layout, including locating playroom windows and doorways away from neighbouring bedrooms and living areas;
- (ii) Orientating playgrounds/outdoor play areas away from private open space areas, bedrooms and living areas on neighbouring residential properties.

The orientation and elongated shape of the site is a determining factor in the design outcome of the centre.

The acoustic impact of the indoor and outdoor play areas has been examined in the Environmental Noise Impact Assessment submitted with the application.

The acoustic report has been reviewed by Council's Environmental Health Officer who has imposed a condition to further reduce acoustic impact (this is discussed in detail in Section 8 – 'Referrals' in this report).

### Outdoor Play Areas

In that report, the nearest residential receivers at 7 Lincoln Street and 10 Deborah Place were analysed against the cumulative predicted noise levels of outdoor play areas (which also includes mechanical plant).

The Environmental Noise Impact Assessment found that the cumulative impact was to be predominantly below the established noise criterion as follows:

Receiver	Predicted Noise Level (dBA)	Noise Criterion (dBA)	Compliance
<b>Indoor Play Areas, Car Park and Mechanical Plant</b>			
7 Lincoln Street (First Floor)			
• Indoor Play Areas	34		
• Car Park	36		
• Mechanical Plant	45		
<b>Cumulative</b>	<b>46</b>	<b>48</b>	Yes
10 Deborah Place (Rear Yard)			
• Indoor Play Area	38		
• Mechanical Plant	30		
<b>Cumulative</b>	<b>39</b>	<b>44</b>	Yes
10 Deborah Place (First Floor)			
• Indoor Play Area	42		
• Mechanical Plant	31		
<b>Cumulative</b>	<b>42</b>	<b>48</b>	Yes
<b>Outdoor Play Areas</b>			
7 Lincoln Street (First Floor)	44	53	Yes
10 Deborah Place (Ground Floor)	47	45	<b>No</b> (+2 dBA)
10 Deborah Place (First Floor)	58	53	<b>No</b> (+5 dBA)

As seen in the table above (which is extracted from the Acoustic Report), the acoustic report indicates that the development complies with the noise criterion established for child care centres with exception to the effect of the outdoor play areas at 10 Deborah Place. In response, the Environmental Noise Impact Assessment submitted with the application provides the following recommendations in order to mitigate this impact:

- 1.8m high acoustic barrier fence along the north-western edge of the ground floor open play area 01.

- 1.5m high acoustic barrier fence along the south-western edge and the south-eastern edge of the ground floor open play area 01.
- 2.0m high acoustic barrier fence along the north-western edge of the ground floor open play area 02.
- 1.5m high acoustic barrier fence along the south-western edge and the south-eastern edge of the ground floor open play area 02.
- 1.8m high acoustic barrier fence along the north-western edge of the first floor open play area 01.
- 1.5m high acoustic barrier fence along the south-western edge and the south-eastern edge of the first floor open play area 01.
- 1.8m high fence along the north-western boundary and the south-eastern boundary of the site from the front setback of Lincoln Street to the ground floor open play area 03.
- 1.2m high fence along the north-western boundary and the south-eastern boundary of the site from the front setback of Lincoln Street to the north-eastern boundary.
- Soffits to the outdoor play areas to be lined with sound absorptive material.

Council's Environmental Health Officer has reviewed the acoustic report and has determined that the recommended acoustic treatments should be updated to lessen the acoustic impact to neighbouring receivers. This is discussed in detail in Section 8 – 'Referrals' in this report.

A condition is imposed to address this (see **Condition 62**).

#### Indoor Play Areas

With respect to windows, the Environmental Noise Impact Assessment states that the minimum sound reduction index (Rw) rating required for indoor play areas (Rw rating of 26 with a typical glazing specification of 5mm glass in a sliding/hinged/fixed frame with acoustic seals) is applied to the development.

Notwithstanding the recommendations of the report (which are included in **Condition 1**), the plans are not clear in detailing whether the windows servicing Classrooms 01 and 03 are fixed frame or openable.

Therefore, it is considered appropriate that a specific condition is imposed which requires that all western facing windows which service Classrooms 01 and 03 be fixed frame (unopenable) to remove any doubt (see **Condition 1(b)**).

Clause 4.2(b): Clause 4.2(b) requires that, for freestanding child care centres in residential areas with a side boundary set back of less than 3m, noise buffering measures should be considered such as allocating the internal rooms closest to the boundaries to be used for low noise generating uses, for example administration, storage, staff rooms, kitchen, to reduce potential noise impacts on adjoining properties.

The development includes indoor play areas at the ground floor (Classroom 01 which has 3 highlight windows and 1 full height window) and first floor (Classroom 03 which has 3 highlight windows) which are adjacent to the eastern side elevation of 7 Lincoln Street.

The Environmental Noise Impact Assessment submitted with the application notes that the predicted noise level from the indoor play areas to 7 Lincoln Street is 34 dBA which is below the noise criterion of 48 dBA.

A site inspection noted that the eastern side facing elevation of 7 Lincoln Street (i.e., facing the development) included habitable room windows.

Acknowledging the characteristics of 7 Lincoln Street, the report recommends that the minimum sound reduction index (Rw) rating required for indoor play areas (Rw rating of 26 with a typical glazing specification of 5mm glass in a sliding/hinged/fixed frame with acoustic seals) is applied to the development.

Notwithstanding the recommendations of the report, the plans are not clear in detailing whether the windows servicing Classrooms 01 and 03 are fixed frame or openable.

Therefore, it is considered appropriate that a specific condition is imposed which requires that all western facing windows which service Classrooms 01 and 03 be fixed frame (unopenable) to remove any doubt (see **Condition 1(b)**).

Clause 4.2(e): Clause 4.2(e) requires that elevated play and transition areas are to be avoided.

The site exhibits a slope of 5.34m which, in conjunction with the necessity to provide on-site car parking area within the part-basement level, unavoidably results in the provision of elevated outdoor play and transition areas.

The acoustic impact of these elevated outdoor play and transition areas is discussed earlier in this report under Clause 4.2 of the RDCP 2014 where it is considered that the impact to neighbouring residential properties is minimised by the incorporation of acoustic treatments subject to satisfying **Condition 62** as imposed by Council's Environmental Health Officer.

With respect to visual impact, the elevated outdoor play and transition areas (namely Outdoor Play Area 01 at the first floor level and Outdoor Play Areas 01 and 02 at the ground floor level) comprise decks which form a new structural element within the rear yard of the site. The deck structures add to the visual bulk and scale of buildings when viewed from the neighbouring residential properties at 7 Lincoln Street and 10 Deborah Place, and from the neighbouring school.

Notwithstanding the additional built form within the rear yard, these structures are regarded as visually permeable and of a sufficiently low height (i.e. between 3.8m and 4.5m for Outdoor Play Areas 01 and 02 at the ground floor level and 6.8m for Outdoor Play Area 01 at the first floor level) in that they don't form a continuous building mass which would otherwise be visually dominating.

### **Clause 5.1 – Car Parking**

Clause 5.1(b): Clause 5.1(b) requires that, off-street parking is to be provided at the rate of 1 space per 8 children, and 1 space per 2 staff. Stacked or tandem parking may only be used for staff parking and with no more than 2 spaces in each tandem space.

The development includes the required number of parking spaces (18). However, 1 of the visitor spaces is located within a dual stacker.

Council's Development Engineer has reviewed the proposed car parking arrangement and advises that the arrangement is acceptable and that, with respect to locating 1 of the visitor spaces within a stacker, the southern-most car stacker (S 07) is to be allocated as a parent pick up-drop off space as it presents the minimal degree of manoeuvring required to enter and exit the space of all the car stacker spaces.

Clause 5.1(f): Clause 5.1(f) requires that underground parking is not permitted in low density residential areas.

The basement car park is partly excavated at the northern end (towards Lincoln Street) by 3.1m which then diminishes close to natural ground level at the rear. In this respect, the car park is not considered to be an underground car park.

As noted earlier under Clauses 4.2(a), the acoustic impact of the car park has been considered in the submitted Environmental Noise Impact Assessment where it found that the development complies with the noise criterion established for child care centres.

Excavation of the car parking area is regulated through appropriate conditions to ensure that amenity, structural, and operational impact upon neighbouring properties is minimised.

### **Clause 7.0 – Miscellaneous Controls**

Clause 7.1(d) requires that, in centres where children under the age of 2 years are proposed to be cared for the following are to be provided:

- (i) A sleeping room with 2.5m<sup>2</sup> of floorspace per cot and a maximum of 10 cots per room; and
- (ii) A nappy change area adjacent to the cot room with good vision to the play room to enable good supervision of children, and including suitable storage (within the staff's reach) for nappy changing needs.

Given that the provided cot room accommodates 10 cots, the cot room is required to have an area of 25m<sup>2</sup>. The centre includes a cot room which has an area of 22m<sup>2</sup> which is 3m<sup>2</sup> less than required.

Acknowledging that the development provides 51m<sup>2</sup> surplus unencumbered indoor space, it is considered that there is sufficient area to increase the size of the cot room by 3m<sup>2</sup> to achieve compliance.



Therefore, a condition is included in the draft consent which requires that the area of the cot room be increased to 25m<sup>2</sup> (see **Condition 1(c)**).

### Part 3.3 – Dwelling Houses and Dual Occupancies

The controls discussed below relate specifically to dwelling houses and dual occupancy (attached) development. The relevance to the following controls to the development is to assess the built form of the non-residential development within its residential context.

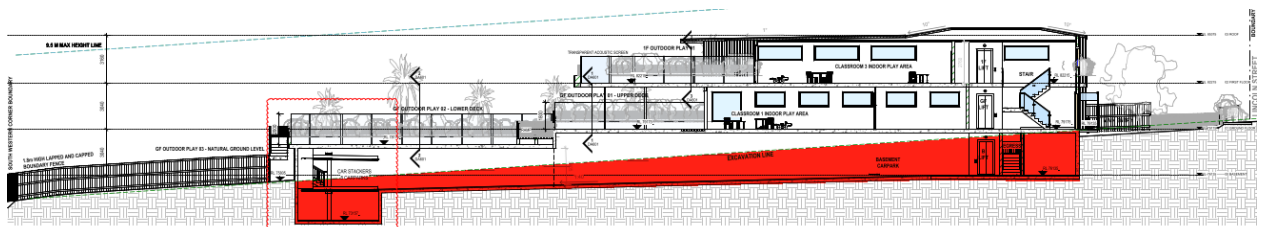
### Clause 2.6.2 – Topography and Excavation

Clause 2.6.2(b) requires that the area under the dwelling footprint may be excavated or filled so long as:

- (i) the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling;
- (ii) the depth of excavation is limited to 1.2m maximum; and
- (iii) the maximum height of fill is 900mm.

The development includes an excavation depth of 3.1m at the northern (front) end of the site which then diminishes close to natural ground level at the rear. The rear of the car parking area includes an excavated pit to a depth of 2.1m to accommodate the mechanical parking stackers.

**Figure 8** below shows the extent of excavation.



**Figure 8 – Extent of excavation (shown in red).**

**Source:** From Plan DA300 (Revision C) dated 25 January 2023 as prepared by Liskowski Architects.

The non-compliance is assessed against the objectives of the control as follows:

- ***To retain natural ground levels and existing landform.***

Although the development includes excavation, this is within the building footprint which enables the visual retention of the pre-development landform around the footprint.

This ensures that the levels at the property boundary are retained to minimise above ground bulk and scale and to maintain consistent landscaping.

The development is consistent with aim of this objective.

- ***To create consistency along streetscapes.***

As can be seen in **Figure 8**, with exception to the excavation required for the stacker bays at the rear, the greatest extent of excavation occurs at the front of the building. However, the excavated section is wholly below ground and therefore does not have any visual impact upon the streetscape (as seen in **Figure 6** earlier in this report).

The development is consistent with this objective.

- ***To minimise the extent of excavation and fill.***

The main element of excavation has a depth of between 3.1m at the northern (front) end of the site which then diminishes close to natural ground level at the rear. The rear of the car parking area then includes an excavated pit to a depth of 2.1m to accommodate the mechanical parking stackers.

The graduated main element of excavation is considered to address this objective as the extent of excavation within the limit of the building footprint achieves an average cut within the slope of the topography, thereby minimising the extent of excavation.

The development is consistent with aim of this objective.

- ***To ensure that excavation and fill does not result in an unreasonable loss of privacy or security for neighbours.***

The excavation does not result in an unreasonable loss of privacy or security for neighbours.

The development is consistent with this objective.

### **Clause 2.8(a) – Building Height – Number of Storeys**

Clause 2.8(a) prescribes a maximum number of 2 storeys.

The development includes a 3<sup>rd</sup> storey element at the rear of the building as shown shaded in red in **Figures 8 to 10** below. It is noted that the building height at the 3<sup>rd</sup> storey component is 8.7m which is below the permitted 9.5m building height limit.

**Figure 9** below shows the extent of the 3<sup>rd</sup> storey in plan view. The largest extent of the 3<sup>rd</sup> storey is seen as facing the Eastwood Heights Public School while the narrowest extent is seen as facing 7 Lincoln Street.

**Figure 10** below shows the extent of the 3<sup>rd</sup> storey immediately adjacent to 7 Lincoln Street. It is noted that the building height at the 3<sup>rd</sup> storey component is between 4.0m and 7.1m which is below the permitted 9.5m building height limit.

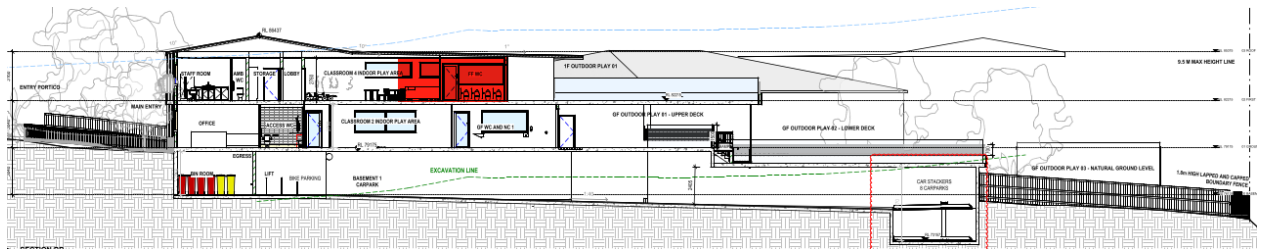
**Figure 11** below shows the extent of the 3<sup>rd</sup> storey immediately adjacent to Eastwood Height Public School. It is noted that the building height at the 3<sup>rd</sup> storey component is between 7.1m and 7.9m which is below the permitted 9.5m building height limit.





**Figure 9** – Extent of 3<sup>rd</sup> storey shaded in red (plan view).

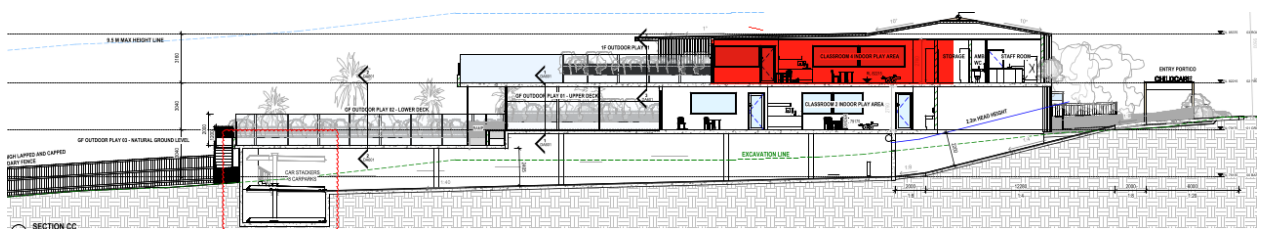
**Source:** From Plan DA103 (Revision C) dated 25 January 2023 as prepared by Liskowski Architects.



**Figure 10** – Extent of 3<sup>rd</sup> storey shaded in red (Western elevation facing 7 Lincoln Street).

**Source:** From Plan DA300 (Revision C) dated 25 January 2023 as prepared by Liskowski Architects.

**Note to Figure 9:** The site level depicted in green is incorrectly portrayed and should be reversed as per the originally submitted plan. The section showing the 3<sup>rd</sup> storey element is based on the correct site level.



**Figure 11** – Extent of 3<sup>rd</sup> storey shaded in red (Eastern elevation facing Eastwood Heights Public School).

**Source:** From Plan DA103 (Revision C) dated 25 January 2023 as prepared by Liskowski Architects.

The non-compliance is assessed against the objectives of this control as follows:

- ***To ensure that the height of development is consistent with the desired future character of the low-density residential area and is compatible with the streetscape.***

The development has an overall building height of between 4.4m and 8.0m which is below the permitted maximum building height of 9.5m.

As can be seen in **Figures 10 and 11** above, the non-compliant storey is concentrated within the steepest section of the site as it falls from the street and responds to the requirements of Clause 2.6.2(a) (Topography and Excavation) in the RDCP 2014 in that the development terraces downward to match the sloping topography.

Given the above, it is considered that the development is consistent with the desired future character of the low-density residential area and is compatible with the streetscape.

- ***To ensure that the height of dwellings does not exceed 2 storeys.***

The extent of the 3<sup>rd</sup> storey occurs at the rear of the building and is not a visually dominant feature to the street, the neighbouring school and 7 Lincoln Street.

As seen in **Figure 9** above, the extent of the 3<sup>rd</sup> storey narrows as it faces the neighbouring property at 7 Lincoln Street. This reduces the bulk and scale of the development when viewed from that neighbouring property.

The impact of the 3<sup>rd</sup> storey component is not considered to be unreasonable given the topography and narrowness of the allotment.

With the proposed development maintaining the two-storey appearance to the street, the inclusion of a part three-storey element at the rear is considered to be reasonable, particularly in the circumstances and context of the site, and the permissibility of the development within the zone.

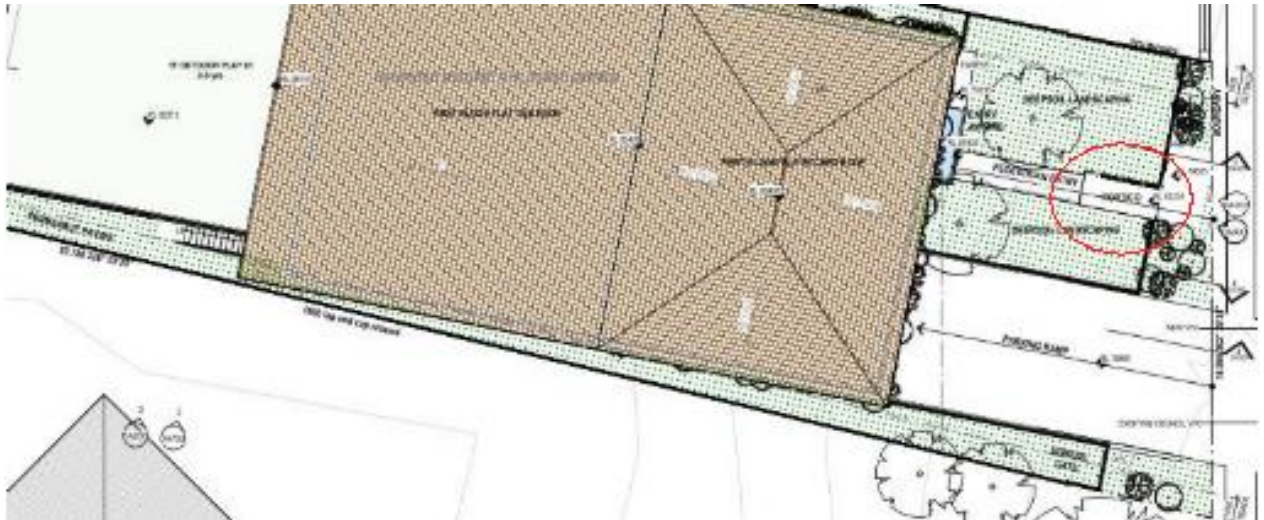
Given the above considerations, the non-compliance is supported.

#### **Clause 2.9.1 – Front Setbacks**

Clause 2.9.1(a) requires that dwellings are setback 6m from the front boundary. Clause 2.9.1(d) stipulates that the front setback is to be free of structures, and ancillary elements.

The development includes a portico structure which is located at the front boundary at the proposed front fence line (i.e., 2.1m setback from the front boundary).

The portico structure is shown in **Figures 12 and 13** below (and in **Figure 6** above).



**Figure 12** – Location of front portico.

**Source:** From Plan DA100 (Revision C) dated 25 January 2023 as prepared by Liskowski Architects.



**Figure 13** – Location of front portico.

**Source:** From Plan DA200 (Revision B) dated 20 October 2022 as prepared by Liskowski Architects.

The non-compliance is assessed against the objectives of the control as follows:

- ***To create a transition between public and private space.***

The portico provides an effective transition between the public domain of Lincoln Street and the property.

- ***To provide consistent building setbacks along streets.***

The main building is setback consistent with prevailing setbacks along Lincoln Street. Although the portico structure is setback less than the prevailing setback, it is sufficiently light weight in its structure and visual impact so as to not offend the setbacks along the street.

- ***To provide for a front garden.***

The portico structure is mounted over the proposed pathway and does not encroach on soft landscaped area.

- ***To ensure garages and carports are not prominent elements in the streetscape.***



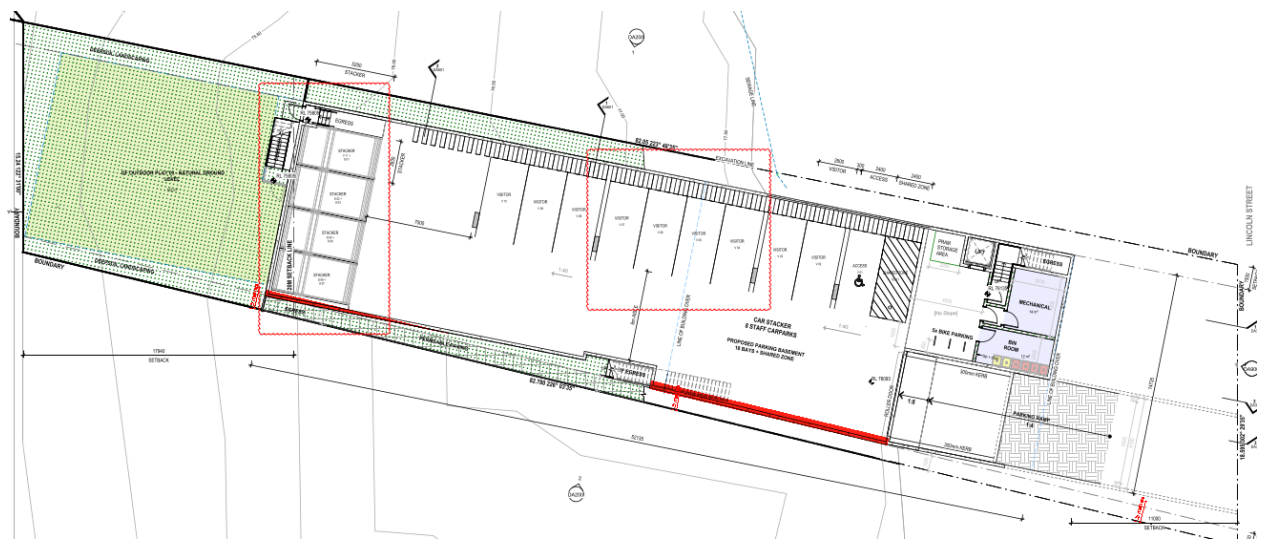
The portico is not a garage or carport. However, the structure is lightweight and of a comparatively lower profile than that of a garage or carport. Therefore, the structure will not be a prominent element in the streetscape.

Given the above considerations, the non-compliance is supported.

### Clause 2.9.2 – Side Setbacks

Clause 2.9.2(b) requires that the outside walls of a two storey dwelling are to be set back from side boundaries not less than 1.5m. The development includes a side setback of between 1.0m and 1.5m along the eastern side.

**Figures 14 to 16** below show the extent of encroachment (shaded in red) within the eastern side setback.



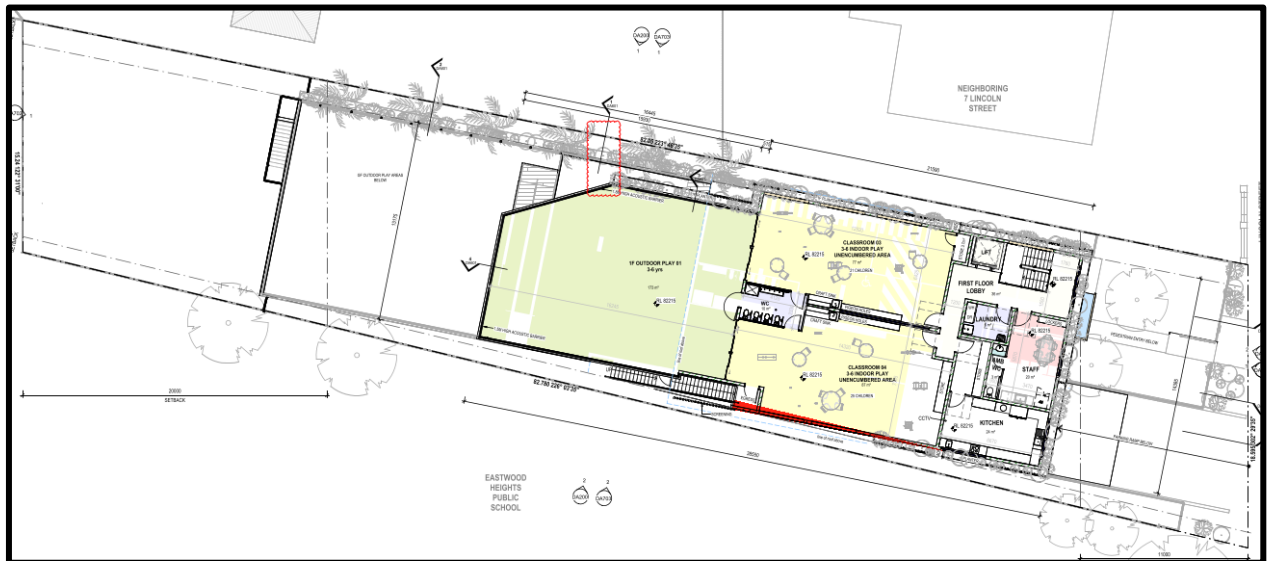
**Figure 14** – Extent of side setback encroachment shaded in red (Basement Level).

**Source:** From Plan DA101 (Revision C) dated 25 January 2023 as prepared by Liskowski Architects.



**Figure 15** – Extent of side setback encroachment shaded in red (Ground Floor Level).

**Source:** From Plan DA102 (Revision C) dated 25 January 2023 as prepared by Liskowski Architects.



**Figure 16** – Extent of side setback encroachment shaded in red (First Floor Level).

**Source:** From Plan DA103 (Revision C) dated 25 January 2023 as prepared by Liskowski Architects.

The non-compliance is assessed against the objectives of the control as follows:

- ***To enable building siting to be compatible with the streetscape.***

As seen in **Figures 14 to 16**, the extent of non-compliance is minor and located along the rear part of the building and car park/ground floor play area 02.

The non-compliance does not have any visual impact to the streetscape such that renders the development to be incompatible.

The development is consistent with this objective.

- ***To provide car access.***

The reduced section of the side (0.5m) setback enables the provision of the car park (and access to the car park) at the part basement level.

The development is consistent with this objective.

- ***To provide access to the rear of the allotment.***

The site maintains access to the rear of the allotment via an open pathway (permeable paving) along the eastern side setback areas.

Given the above considerations, the non-compliance is supported.

## **Part 9.3 – Parking Controls**

### **Clause 2.3 – Non-Residential Land Uses**



Clause 2.3(a) requires a child care centre to provide on-site car parking at the following rate:

- 1 space per 8 children; and
- 1 space per 2 employees.

The following table provides an assessment of the development against the above requirement:

	Required	Proposed	Compliance
Children (88)	1 space per 8 children = 11 spaces	10 spaces	Yes
Staff (14)	1 space per 2 employees = 7 spaces	8 spaces	Yes
<b>Total</b>	<b>18 spaces</b>	<b>18 spaces</b>	<b>Yes</b>

Refer to Clause 5.1(b) of the RDCP 2014 in this report regarding the allocation of parking spaces within the development.

## 5.6 Planning Agreements OR Draft Planning Agreements

There are no planning agreements or draft planning agreements for this development.

## 5.7 Section 7.12 Fixed Rate Levy (Section 7.12) Development Contributions Plan 2020

From 1 July 2020, the City of Ryde Fixed Rate Levy (Section 7.12) Development Contributions Plan 2020 (Fixed Rate Plan) applies to non-residential development outside of the Macquarie Park precinct that propose an increase in GFA. The Fixed Rate Plan imposes a 1% levy on the construction value of all non-residential development consents for developments over a \$350,000 construction value threshold.

The cost of works of the proposal is **\$3,236,036**. The required contributions are imposed in **Condition 37** of the draft consent as follows:

A – Contribution Type	B – Contribution Amount
Section 7.12 Contribution	\$32,360.36

## 5.8 Any matters prescribed by the regulation

### Australian Standard for Demolition - Clause 61(1)

Clause 61(1) of the Environmental Planning and Assessment Regulations 2021 requires the consent authority to consider the provisions of *Australian Standard AS 2601-2001: The demolition of structures*.

Standard conditions relating to compliance with applicable Australian Standards are included in the draft consent.

### Building Code of Australia (BCA) Upgrade – Clause 64

In accordance with Clause 64 of the Regulations 2021, the proposal will be required to provide adequate fire safety in accordance with the BCA. Standard conditions relating to compliance with BCA are included in the draft consent.

### Education and Care Services National Regulations

These Regulations underpin the operational and specific design requirements for education and care providers. With regard to this application, these Regulations govern physical environment design requirements for centre-based child care facilities, and form part of the design guidelines within the Guideline.

Refer to the assessment in **Attachment 3**.

## **6. The likely impacts of the development**

- (i) The environmental impacts of the development on the natural and built environment are addressed within the State Environmental Planning Instruments section of this report.

It has been found that the development would not have a detrimental impact on any ecological communities or flora or fauna species of national conservation significance nor, subject to conditions, upon the surrounding built environment by achieving a balanced outcome with landscaping and replacement trees to cater for trees proposed to be removed.

- (ii) The development will not have a detrimental social impact in the locality considering the use of the proposal which forms a compatible and complimentary land use.
- (iii) The development will not have a detrimental economic impact on the locality considering the nature of the proposed land use.

## **7. Suitability of the site for the development**

The application has demonstrated that the site is suitable for the development.

## **8. The Public Interest**

The development is not contrary to the public interest as it provides the opportunity for the provision of a child care centre to address demand and support the growth of the local community.

## **9. Public Notification and Submissions**

In accordance with DCP 2014 Part 2: Community Participation Plan and Procedure, the owners of surrounding properties were given notice of the application between 21 November 2022 and 9 December 2022.

As a result of the first notification, 19 submissions were received objecting to the development and 1 submission supporting the proposal. The submissions included 2 petitions with a total of 60 signatures.

The amended documentation and plans received between 28 February 2023 and 1 March 2023 were notified to the same properties as the first notification between 13 March 2023 and 3 April 2023.

As a result of the second notification, 12 submissions were received objecting to the development. The submissions included 2 petitions with a total of 69 signatures.

The submissions objecting to the proposal as a result of both notification periods raise the following issues:

- **Traffic Safety**

Submissions raise concern that the volume of traffic and proximity of the proposed crossover to the existing school crossover will impact upon the safety of pedestrians (adults and school children) using the footpath as well as increasing potential for vehicles accidents.

The new driveway is to be located adjacent to the eastern side boundary which abuts the school. The new driveway is separated from the nearest driveway to the school by 5.8m. The driveway to the school is a service access which extends along the western side towards the rear and does not provide access to a car park.

The roadside to the east of the school driveway is a pick-up/drop-off area which commences approximately 10.5m to the east of the new driveway. The pick-up/drop-off area is signed and extends for a length of approximately 45m along Lincoln Street. Pedestrian (student) access into the school from the pick-up/drop-off area is via the main gate which is situated a further 17m to the east.

Given the above arrangement, it is noted that the flow of pedestrian traffic from the pick-up/drop-off area will be in the opposite direction to the new driveway.

Pedestrian traffic access to the school from the western side of Lincoln Street would necessitate crossing the new driveway. In this regard, the driveway has been designed to include a 1:20 ramp transition for a length of 6.6m which is greater than the normal length of a large car (5.5m). This, together with the inclusion of sightline triangles at either side of the driveway enables a departing vehicle and oncoming pedestrian traffic to clearly see each other prior to the vehicle entering the street via the footpath/verge crossover.

This issue does not warrant the refusal of the application.

- **Traffic Congestion**

Submissions raise concern that the traffic generated by the development will have an adverse impact upon the traffic volumes of Lincoln Street, particularly during the peak school drop off/pick up peak periods.

Council's Traffic Engineer has reviewed the application and advises that the additional traffic generated by the proposed development is not expected to alter the existing level of service within the surrounding public road network, despite some increases in delays.

With respect to peak school drop off/pick up peak periods, Council's Traffic Engineer notes that the development site is located next to Eastwood Heights Public School. As such, there is expected to be some linked and multi-purpose trips (e.g., parents picking up students from the school could also have a child attending the childcare centre) that can reduce the traffic demand generated by the child care centre.

The submissions also raise concern regarding the ability of traffic to pass along Lincoln Street.

Lincoln Street has a width of 9m and permits street parking on both sides. With street parking taken into account, the remaining effective road width is approximately 4.8m. Using the dimensions for a B85 and B99 design vehicle in the Australian Standards AS 2890.1 ('Off-Street Parking') it can be seen that the remaining road width of 4.8m is sufficient to accommodate passing two-way traffic:

- B85 Design Vehicle: 1.87m.
- B99 Design Vehicle: 1.94m.

This issue does not warrant the refusal of the application.

#### • Noise and pollution from additional traffic

A submission raises concern that the development will increase the level of noise and pollution from additional traffic on the street resulting from the development.

With respect to acoustic impact, the Environmental Noise Impact Assessment submitted with the application has assessed the predicted external noise levels from on-road traffic and has determined that they are within the established noise criteria as detailed in the table below:

Receiver	Predicted Noise Level (dBA)	Noise Criterion (dBA)	Compliance
7 Lincoln Street	38	55	Yes
12 Lincoln Street	41	55	Yes

**Note:** The receivers are referenced in the Assessment as the most affected.

With respect to pollution, there are no provisions within current planning legislation to measure and regulate emissions from motor vehicles.

This issue does not warrant the refusal of the application.

#### • Additional waste generation and pick up causing road congestion

A submission raises concern that the development will increase the generation of waste which will result in increased private waste pick-up in addition to that already conducted by Council.

The development will generate more waste than a dwelling. However, the use is a commercial activity which will engage a private contractor to dispose of waste instead of Council.

The Waste Management Plan details the ongoing waste generated by the development and notes that waste would be collected from the street frontage twice weekly. The Plan of Management submitted with the application goes on to note that waste will be collected between 10am and 2.30pm weekdays to avoid peak parent visitor times and to minimise conflict with vehicle movements.

The out-of-peak timing for collection in conjunction with the typical width of collection vehicles (between 1.94m and 2.5m) enables the passing of vehicles along Lincoln Street.

The Waste Management Plan and the Plan of Management (see **Attachment 5**) are required to be adhered to (see **Condition 1** in the draft consent).

This issue does not warrant the refusal of the application.

- **Errors in the Traffic Report**

Submissions raise concern that the submitted Traffic Report contains multiple errors which creates doubt about the accuracy of the report.

It is noted that the Traffic Report originally lodged with this application contains errors which relate to references of streets and dates of the survey conducted.

A review of the report indicates that these errors are typographical only and do not result in inaccurate information pertaining to traffic counts.

Council's Traffic Engineer has reviewed the report and has formed an informed position based upon information in the report, SIDRA modelling and the RTA's Guide to Traffic Generating Development.

The applicant's traffic consultant subsequently confirmed the traffic counts were undertaken during the school term and considered the specific conditions of this site and surrounding roads.

This issue does not warrant the refusal of the application.

- **Construction traffic and workers**

Submissions raise concern regarding the impact of construction vehicles on the local road network.

Conditions are included in the draft consent to address traffic management (particularly referring to construction vehicles) during each phase of the development to ensure that



impact upon the local road network and users is minimised (refer to **Conditions 15, 16, 17, 23, 24, 35 and 73**).

A submission also questions the proximity of workers to the school and the potential for risk to children as a result of being able to view into the school grounds.

There is no evidence to suggest that the proximity of workers will present a risk to children attending the school. This is beyond the scope of consideration under the EP&A Act and cannot be used as a determining factor of the application.

This issue does not warrant the refusal of the application.

- **Noise from excavation and construction**

A submission raises concern regarding the noise generated by the excavation and construction works on the local area over an extended period. Development will generate an increased level of impact beyond the status quo although this impact largely occurs during the early and initial excavation/construction phases and not the later and final fit-out phase.

The draft consent includes detailed conditions which address noise and dust control during the demolition, excavation and construction phases of the development.

This issue does not warrant the refusal of the application.

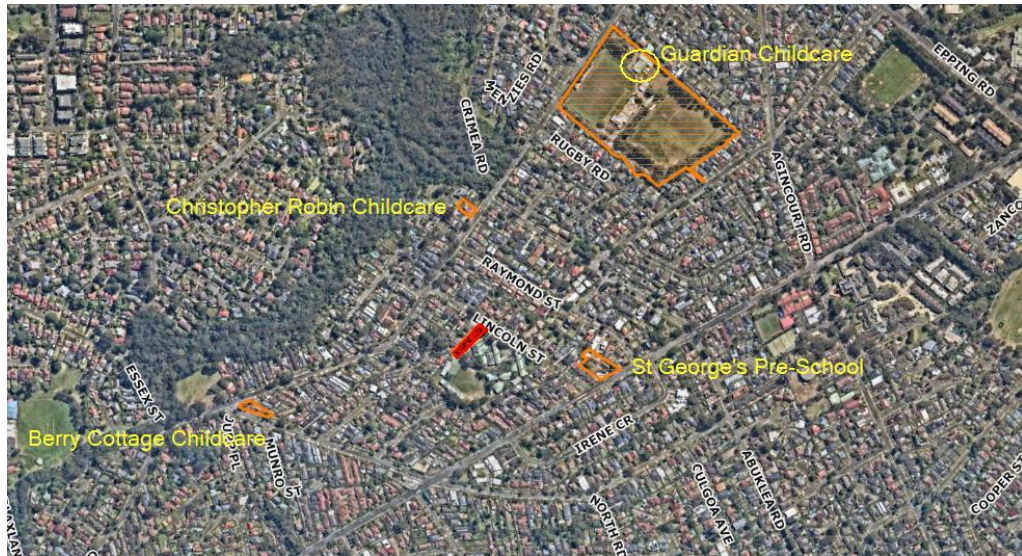
- **Proximity of other child care centres**

Submissions question the need for a child care centre given the proximity of other child care centres in the local area.

The subject site is located the following distances (by direct line) from identified child care centres in the area:

Centre	Address	Age Groups	Capacity	Distance
St George's Pre-School	100 Balaclava Road	+2 yrs to +3 yrs	27 children	211m
Christopher Robin Childcare	125 Vimiera Road	2-3 yrs to 3-5 yrs	21 children	237m
Guardian Childcare	146 Vimiera Road	6 wks to 6 yrs	78 children	631m
Berry Cottage Childcare	40-42 Vimiera Road	0 yrs to 6 yrs	39 children	503m

**Figure 17** below shows the location of the above listed child care centres in the area (the subject site is shaded in red).



**Figure 17** – Location of child care centres.  
**Source:** City of Ryde mapping.

As can be seen in the above table, the local area has provision for 165 places at childcare centres although the vacancy rates are unknown. The development will increase this provision to 253 spaces.

The provision and proximity of childcare centres is a market driven activity based upon supply and demand and is not a planning matter which can be considered under the provisions of the EP&A Act.

This issue does not warrant the refusal of the application.

- **Substation**

A submission raises concern of the existing substation on Lincoln Street being increased in size as a result of the development.

There is no evidence to indicate that the development will require an increase/replacement of the existing substation. If Ausgrid do require an additional substation this will be designed in accordance with Ausgrid's Network Standards.

This issue does not warrant the refusal of the application.

- **Capacity of stormwater discharge point**

Submissions question the capacity of the proposed stormwater discharge points to service the development.

The development (as amended) is to drain via an agreed drainage easement though an adjacent residential property. Council's Development Engineer has reviewed this aspect of the proposal and has determined that, subject to conditions, the arrangement has sufficient capacity to drain stormwater from the site.

This issue does not warrant the refusal of the application.

- **Noise impact to school and residences in the area from the centre**

Submissions raise concerns that noise generated by the children attending the child care centre will have an adverse impact on the students attending the Eastwood Heights Public School and to residential properties in the area.

This matter (particularly with respect to impact on dwellings) has been discussed in detail earlier in this report (see Clause 4.2 – ‘Acoustic Privacy for Adjoining Residents’ under the RDCP section of this report). Furthermore, Council’s Environmental Health Officer has reviewed the information provided with the application and has imposed a condition which requires the development to be treated to further minimise acoustic impact (see **Condition 62**).

In summary, the acoustic treatments when amended to satisfy **Condition 62** will be considered to be satisfactory in mitigating impact to the school and neighbouring residential properties.

This issue does not warrant the refusal of the application.

- **Privacy (visual and acoustic)**

Submissions raise concern that the elevated decks at the rear of the child care centre will impact upon visual privacy of neighbouring properties.

The development includes highlight windows and acoustic/privacy screens along the full length of both side elevations (noting that the eastern elevation faces the school). These treatments adequately mitigate overlooking from the centre into neighbouring properties.

- **Child safety**

A submission raises concern that the incorporation of a child care centre adjacent to a school increases the risk to children from natural disaster and crime.

The submission suggests that the concentration of children could increase the potential for the school and centre to become a target for crime.

There is no evidence to indicate that the development could increase the risk as suggested. The centre is designed in accordance with the requirements of Crime Prevention through Environmental Design (CPTED) and any emergency situation would be subject to response by the NSW emergency services.

This issue does not form a justifiable reason to refuse the application.

- **The development contravenes the R2 Low Density Residential zone**

Submissions raises concern that the development is in contravention of the zoning requirements of the R2 Low Density Residential zone.

Child care centres are a permitted use within the R2 Low Density Residential zone.

The development (child care centre) satisfies the objectives of the zone in that it enables other land uses that provide facilities or services to meet the day to day needs of residents.

Furthermore, the development complies with the applicable development standards of the zone (being building height and floor space ratio) which would be expected for normal low density dwelling design.

This issue does not warrant the refusal of the application.

- **Inconsistent with the character of the area**

Submissions raise concern that the development is not in keeping with the character of the local area.

The building has been designed to respond to the residential scale of development in the local area. As noted earlier in this report, the building complies with the building height and floor space ratio development standards established in the RLEP 2014, and which set the expectation for building bulk and scale in the zone.

The building is sited adjacent to the school and it is considered that, architecturally, the design of the building adequately provides for a visual transition between the character of the school and the character of the residential zone.

- **Frontage less than DCP requirement**

Submissions note that the frontage of the site is in contravention of the frontage requirements under the RDCP.

This issue is addressed in detail under Clause 2.1.1 (Preferred Locations) of the RDCP section of this report.

Specifically, Clause 2.1.1(a) requires that, where single use developments are proposed, the site is to have a street frontage and width of not less than 20m. The proposal is for a single use development on a lot with a frontage of 18.595m.

As noted earlier, notwithstanding the requirement of Clause 2.1.1(a), Clause 3.26(1) of the SEPP includes a non-discretionary development standard which states that, for 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.

The purpose of Clause 3.26 is to prevent the consent authority from requiring more onerous standards for those matters if complied with.

In this respect, the imposition of a 20m frontage beyond that provided for in the application and as required by Clause 3.26(1) of the SEPP, when demonstrated that the development is not hindered in its function and does not unreasonably impact on adjoining properties as a result, is considered to be onerous.

Therefore, the proposed lot frontage of 18.595m is supported.

This issue does not warrant the refusal of the application.

- **Overdevelopment of the site**

Submissions raise concern that the proposal is an overdevelopment of the site.

The development has been assessed against the key requirements of the RLEP and RDCP in terms of the ratios between building scale and site area.

The development has been found to comply with the primary development standards of building height and floor space ratio as applied to the R2 Low Density Residential zone which form a measure of building bulk and scale in context to the expectations of the zone.

Two minor non-compliances have been identified with respect to the number of storeys and side setback and this is addressed in this report under Clause 2.8(a) and Clause 2.9.2(b) of the RDCP where both non-compliances were supported.

Although it is acknowledged that the development is an increased intensification of the site beyond that of a dwelling house, it is considered that the development does not represent an overdevelopment of the site.

This issue does not warrant the refusal of the application.

- **Tree removal**

Submissions raises concern that the extent of tree removal on the site is inconsistent with the provisions of the RDCP.

The application is accompanied by an Arboricultural Assessment Report dated 24 August 2022 which notes that the site accommodates 28 trees and shrubs. The report recommends that all trees and shrubs are to be removed noting that 20 trees and shrubs are exempt species and 4 have already been removed.

The Landscape Plans submitted with the application include a planting schedule which indicates that 43 trees and 635 shrubs will be planted as replacement.

This is significantly greater than plantings which currently accommodate the site and will result in a more comprehensive and coordinated planting schedule than is currently evident.

This issue does not warrant the refusal of the application.

## **10. Referrals**

### **City Works**



### Traffic

Council's Traffic Services Department has reviewed the application and has provided the following comments:

*Based on the trip generation rates established within Transport for NSW's (TfNSW) Guide to Traffic Generating Developments (GTGD), the proposed childcare centre is estimated to generate up to 71 AM and 62 PM peak hour vehicle movements to and from the site.*

*The original traffic report and supplementary letter prepared by The Transport Planning Partnership (TPPP) have identified the following:*

- The surrounding public road network comprising Lincoln Street and its intersections at Balaclava Road and Vimiera Road, in the immediate vicinity of the site, currently operates with a reasonable level of service during weekday peak periods (i.e., there is capacity at these intersections to accommodate greater traffic volumes).*
- The additional traffic generated by the proposed development is not expected to alter the existing level of service within the surrounding public road network, despite some increases in delays.*

*It is noted that the development site is located next to Eastwood Heights Public School. As such, there is expected to be some linked and multi-purpose trips (e.g., parents picking up students from the school could also have a child attending the childcare centre) that can reduce the traffic demand generated by the child care centre.*

*Traffic Services Department therefore has no objection to the approval of this application subject to conditions.*

Refer to **Conditions 15, 16, 26, 27, 75, 76, 80, 92, 110, 111, 112, and 113.**

### Public Domain

Council's Public Domain Department has reviewed the application and does not raise any objection to the proposal subject to conditions.

Refer to **Conditions 21, 49, 59, 60, 61, 72, 73, 74, 97, 115, 116, 117, 119, 121, 122, and 123.**

### **Development Engineering**

Council's Development Engineer does not raise any objection to the proposal subject to the imposition of conditions to address parking allocation, traffic management and drainage.

Amongst the conditions imposed, a deferred commencement condition is included in the draft consent requiring the acquisition of an easement to drain stormwater from the development over downstream property at 10 Deborah Place.

Refer to **Deferred Commencement Condition A(1), and Conditions 13, 14, 46, 47, 48, 50, 51, 52, 81, 82, 83, 84, 103, 104, 105, 106, 107, and 127.**

## Environmental Health

Council's Environmental Health Officer has reviewed the proposal and is supportive of the development subject to the acoustic treatments being designed and installed to ensure that the noise emitted does not exceed the base level criteria of Leq,(15 min) 45 dB(A) in accordance with the Association of Australasian Acoustic Consultants Guideline for Child Care Centre Acoustic Assessment, when measured at the most affected point on or within any residential receiver boundary.

With respect to the imposition of **Condition 62** to regulate the base level criteria, Council's Environmental Health Officer states:

*Among various criteria used to help assess the noise implications for a child care centre, the Association of Australasian Acoustical Consultants (AAAC) Guideline for Childcare Centre Acoustic Assessment is now commonly used. For outdoor play areas the guideline provides both noise levels from children at play to allow calculation of predicted noise levels to take place. It also suggests noise levels to be achieved based on measured background levels for scenarios of outdoor play of up to 4 hours per day or more than 4 hours per day.*

*One of the guidance criteria in the AAAC guide is that situations where the background levels is less than 40 dB(A) the noise levels to be achieved at neighbouring residences is to be no more than 45 dB(A).*

*If the background is more than 40 dB(A) then the guide sets a noise level to be achieved as the background level plus 5 dB(A) where there is more than 4 hours of outdoor play per day or background plus 10 dB(A) where there is less than 4 hours of outdoor play per day.*

*The Noise Report uses the recalculated background levels at the most affected residence at 10 Deborah Place to set a project noise trigger levels of 45 dB(A) (40+5) at ground floor level for all day play. It is not clear how this is derived as a background level of 40 dB(A) is not discussed. If the AAAC guide was to be used based on the recalculated background levels it would be expected to be 48 dB(A) (43+5) for more than 4 hours outdoor play and 53 dB(A) for less than 4 hours outdoor play.*

*These above calculations are then used in the Noise Report to set the trigger levels for the first floor level.*

*Noting that the existing ground level background noise levels have been measured in 2 different locations, using both week-long logger data and short-term attended data as being below 40 dB(A), it should be reasonable to conclude that the general*

*background noise level in this residential area is in reality quiet enough to achieve this result. As such, it is from this basis that the project noise trigger levels should be set. Using the AAAC guide the overall base trigger level would be 45 dB(A).*

*It is not considered reasonable for background level to be raised from 39 dB(A) to 43 dB(A) as described above and then subsequently have the first floor level of residences to be subjected to up to 53 dB(A) when the general environment is currently quiet.*

*Instead, it would be necessary for better and more effective noise controls to be used to achieve an overall 45 dB(A) level than currently recommended in the Noise Report.*

*As such, appropriate conditions have been included for the use of the base criteria (45 dB(A)) as described in the AAAC guide for residential receivers of outdoor play area noise; that the required noise controls are assessed and designed prior to issue of a CC; the controls are certified as being installed as designed; and that a further noise assessment report being undertaken should a justified complaint be received.*

### **Consultant Landscape Architect**

The application was referred to Council's Consultant Landscape Architect who identified the following matters in the amended plans and documentation which require resolution:

#### **1) Location of Outdoor Play Space**

##### Original comment (20 December 2022)

*The 2-6yrs outdoor play space is considered to have a poor relationship to the building and does not relate directly to the indoor play space for the relevant age group of children. Furthermore, the siting of the play space is not easily accessible by children or staff and does not allow for uninhibited supervision of children at all times from internal and external areas therefore failing to achieve compliance with 6.2.2(f) of Part 3.2 of the Ryde DCP.*

##### Updated comment (18 May 2023)

*No amendments have been made to improve the poor relationship of the 2-6yrs outdoor play space with the remainder of the childcare centre. The disconnected nature and poor relationship of the space to the internal areas of the centre is a direct outcome of the sites gradient sloping towards the rear boundary. The poor outcome of this arrangement is noted. However, CPS will defer to the City of Ryde Planning Team as to the overall suitability of such arrangements with consideration to be given to any recently approved childcare centres of a similar design.*

### **Planning Response**

The 2-6 years play area referred to above is the natural ground play/exploration area at the rear of the site. This area is required by the SEPP although there is no

requirement that it is to be directly related to a particular classroom (due to its intended nature and proximity may not always be achievable).

The indoor classrooms each have directly accessible outdoor play areas at each of the decks. The natural play/exploration area is considered to be acceptable under the circumstances.

## **2) Provision of Shade**

### Original comment (20 December 2022)

*The outdoor play spaces do not include adequate shade and have not considered how shade will be provided from establishment of the centre and prior to canopy cover being established in accordance with Section 6.2.2(g) of Part 3.2 of the Ryde DCP. Consideration must be given to ensuring the planting design will achieve a canopy cover of 50-60% of the outdoor play areas within 5 years of planting as outlined in 6.2.2(f) of Part 3.2 of the Ryde DCP.*

### Updated comment (18 May 2023)

*The 2-3yrs and 2-6yrs play spaces still fail to provide a sufficient level of shade and will not achieve compliance with Section 6.2.2(g) & (f). One (1) additional shade structure has been provided over the sandpit in the 2-3yrs play area however no additional shade has been provided within the 2-6yrs play area. Based on the above, this issue remains unresolved however may be capable of being addressed by way of conditions if necessary.*

## **Planning Response**

The plans indicate that adequate shaded areas (including trees and shade structures) are situated within the outdoor play areas for the 0 to 2 year space (undercroft ground level deck) and 2 to 6 year space (rear natural ground floor level).

Therefore, this issue is considered to be satisfied.

## **3) Landscape Buffers**

### Original comment (20 December 2022)

*The proposal fails to provide a sufficient landscape buffer to the south eastern side boundary to effectively screen and soften the proposed built form. In this regard, the proposal does not comply with Section 6.1(f) of Part 3.2 of the Ryde DCP.*

### Updated comment (18 May 2023)

*No additional landscaping has been provided to the south-eastern boundary to soften the built form and provide effective screening to the elevated structure proposed for the play space. The applicant states that landscaping cannot be accommodated due to the requirement of providing emergency access is not supported. The provision of increased side setback would enable the provision of both soft landscaping and an emergency access pathway. This issue therefore remains unresolved.*

## **Planning Response**

The side setback at the eastern side of the development faces a driveway associated with the Eastwood Height Public School who haven't raised any objection to the proposal.

The eastern side setback includes a pathway which allows for emergency access/egress from the rear of the site and the car park to Lincoln Street (as required by Clause 7.5 under Part 3.2 of the RDCP 2014 and by Clause 2.9.2(b) under Part 3.3 of the RDCP 2014).

Therefore, this issue is considered to be satisfied.

**Conditions 17, 18, 19, 20, 31, 32, 63, 68, 69, 70, 71, 93, 94, and 95** have been imposed with respect to tree retention, removal and replacement.

### **Tree Management**

The application was referred to Council's Tree Management Officer with respect to street trees.

The Arboricultural Impact Assessment Report submitted with the application notes that the street tree (Chinese tallow) located in the front verge is to be retained.

The plans indicate that the nearest edge of the new driveway/crossover will be 4.2m away from the street tree. Noting the tree has a tree protection zone of 2.4m, the tree will not be impacted by the development.

Therefore, a formal response from Council's Tree Management Officer is not required.

## **11. Conclusion**

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the site is considered suitable for the proposed development and the proposal is not contrary to the public interest.

The application is responsive to the strategic intentions of Council's RLEP 2014 and is found to be consistent with the objectives of the R2 Low Density Residential zone.

The allocation of gross floor area, the siting of building, the provision of indoor and outdoor play areas, and the treatments applied to mitigate impact to neighbouring residential properties allows for the non-residential development to occur in an orderly and coordinated manner.

Therefore, it is recommended that the application be approved subject to conditions of consent for the following reasons:

- The applicant's Clause 4.6 written requests to vary Clause 4.4 under the RLEP 2014 is acceptable as the proposal satisfies the objectives of the zone and the respective development standard, is consistent with the scale anticipated on this site. Compliance with the development standard is unreasonable or unnecessary



in this particular circumstance; and there are sufficient environmental planning grounds to justify contravening the standard.

- The issues raised in the submissions do not warrant the refusal of the application and have been adequately addressed in this report.
- The proposed development does not create unreasonable environmental impact to existing adjoining existing development in the immediate vicinity.
- The site is considered suitable for the proposed development.
- The development is in the public interest through the provision of a child care centre to address demand and support the growth of the local community.

## **12. Recommendation**

- 1) That the Ryde Local Planning Panel accepts the Clause 4.6 written request to vary Clause 4.4 Floor Space Ratio of the Ryde Local Environmental Plan 2014 which has adequately addressed the matters in sub-clause (3) and will be in the public interest as it is consistent with the objectives of the development standard and the R2 Low Density Residential Zone.
- 2) That the Ryde Local Planning Panel grant consent to development application LDA2022/0361 for the demolition of the existing dwelling, in-ground swimming pool and garage and the construction of a centre based child care centre with basement parking at 9 Lincoln Street, Eastwood, subject to deferred commencement conditions of consent in **Attachment 1** of this report.
- 3) That those persons who provided a submission be notified of the decision.

## **ATTACHMENTS**

- 1 Draft Conditions of Consent
- 2 Architectural Plans - subject to copyright provision
- 3 SEPP & Guideline table of compliance
- 4 RDCP table of Compliance
- 5 Plan of Management
- 6 Clause 4.6 Variation Request

Report Prepared By:

**Holly Charalambous**  
**Senior Town Planner**

Report Approved By:

**Carine Elias**  
**Manager - Development Assessment**

**Sandra Bailey**  
**Executive Manager – City Development**

## ATTACHMENT 1 – DRAFT CONDITIONS

### DEFERRED COMMENCEMENT

The following are the Deferred Commencement conditions imposed pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979.

- (A) Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted to LDA2022/0361 for the child care centre subject to the following conditions of consent:

1. **Drainage Easement.** Prior to the activation of the consent, an easement to drain stormwater from the development must be acquired over a downstream property. The easement is to be located generally as shown on the concept plan by Telford Civil (Project No. 23015, Dwg 000-107, Issue A, dated 21 February 2023).

The easement plan and associated terms agreed upon by all parties must comply with the following:

- i. The easement must have a defined width, generally in accordance with the requirements of Part 8.2 (Stormwater and Floodplain Management) of Ryde DCP 2014.
- ii. The terms of the easement should reference Schedule 8 of the Conveyancing Act – 1919 (“Easement to drain water”).
- iii. Council must be listed as the prescribed authority to release or vary the terms of the easement.
- iv. The terms must be submitted to Council of the City of Ryde for review and approval prior to the submission to the NSW Land Registry Services for registration.

Reason: To ensure that the applicant has legal right to discharge stormwater through a neighbouring property to an approved point of discharge.

- (B) Written evidence that the matter identified in deferred commencement condition (A) (1) above has been satisfied, must be submitted to Council within 18 months from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 95 (6) of the Environmental Planning and Assessment Act 1979.
- (C) This Development Consent will not operate until such time that the Council notifies the applicant in writing that that deferred commencement consent condition (A) (1) above has been satisfied.

Upon Council giving written notification to the Applicant that deferred commencement consent condition (A) (1) above has been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent:

### GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Prepared by
<b>Architectural Plans</b>		
DA050 (Revision B) – Demolition Plan	20/10/2022	Liskowski Architects
DA100 (Revision C) – Site and Roof Plan	25/01/2023	Liskowski Architects
DA101 (Revision C) – Basement Plan	25/01/2023	Liskowski Architects
DA102 (Revision C) – Ground Floor Plan	25/01/2023	Liskowski Architects
DA103 (Revision C) – First Floor Plan	25/01/2023	Liskowski Architects
DA200 (Revision B) - Elevations	20/10/2022	Liskowski Architects
DA300 (Revision C) – Sections	25/01/2023	Liskowski Architects
DA402 (Revision A) – Fencing Plans	23/11/2023	Liskowski Architects
DA600 (Revision A) – Lincoln Street Detail	20/10/2022	Liskowski Architects
DA601 (Revision A) – Detail Acoustic Screens	25/01/2023	Liskowski Architects
DA900 (Revision B) – Materials & Finishes	20/10/2022	Liskowski Architects
<b>Landscape Plans</b>		
L-01 (Issue D) – Landscape Concept	20/02/2023	Outside In Design Group
L-02 (Issue D) – Landscape Plan First Floor	20/02/2023	Outside In Design Group
L-03 (Issue D) - Elevations	20/02/2023	Outside In Design Group

Reports and Supporting Documentation	Date	Prepared by
Plan of Management (Revision 2)	28/02/2023	Little Zaks
Environmental Noise Impact Assessment	28/02/2023	Day Design Pty Ltd
Arboricultural Impact Assessment Report	24/08/2022	Jacksons Nature Works
Geotechnical Investigation	17/08/2022	STS Geotechnics Pty Ltd
CPTED Assessment	20/10/2022	Think Planners
Waste Management Plan	13/09/2022	Laurie Liskowski

Prior to the issue of a **Construction Certificate**, the following amendments shall be made:

- (a) **Accessibility.** Ramp access is to be provided to ensure accessibility is achieved to the rear play area notated on the plans as 'GF Outdoor Play 03 Natural Ground Level 2-6 yrs.'

Reason: To ensure equitable access.

- (b) **Acoustics (Windows).** West-facing side windows at the ground floor and first floor levels are to be fixed and unopenable.

Reason: To protect acoustic amenity of neighbouring property.

- (c) **Cot Room Area.** The internal area of the cot room is to be increased to 25m<sup>2</sup>.

Reason: To comply with Part 3.3, Clause 7.1(d)(i) of the Ryde Development Control Plan 2014.

- (d) **Visual Privacy (Acoustic Screens).** The acoustic screens around the perimeter of the above-ground outdoor play areas are to be frosted for the full length and height of each screen.

Reason: To protect the visual privacy of neighbouring properties.

- (e) **Automated Irrigation.** An automatic watering system is to be supplied to all soft landscape areas including planters outside the decked play areas to ensure adequate water is available to vegetation. Irrigation systems shall be fully automated and capable of seasonal adjustments. Details of compliance are to be submitted with the plans for Construction Certificate.

Reason: To ensure that the landscaped areas are continually maintained.

The development must be carried out in accordance with the amended plans approved under this condition.

Reason: To ensure the development is carried out in accordance with the determination.

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.

Reason: Statutory requirement.

3. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
- (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

Reason: Statutory requirement.

4. **Site Maintenance.** For the period the site remains vacant of any development the subject of this consent, the site is to be regularly maintained in a tidy manner such that it does not become overgrown with weeds or become a repository for the leaving or dumping of waste.

Reason: To protect the amenity of the locality.

5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

6. **Hoardings.** Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

Reason: To ensure public safety.

7. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Reason: To ensure public safety.

8. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Any doors/ gates on the boundary must be installed so they do not open onto any footpath.

Reason: To maintain public safety and amenity in public domain areas adjoining the development site.

9. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Reason: to ensure public safety.

10. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g., Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

Reason: Access to public utilities.

11. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater and Floodplain Management). All kitchen fit-out works must be carried out in accordance with Australian Standard 4674-2004 - Design, Construction and Fit-out of Food Premises and Food Safety Standards 3.2.3 Food Premises and Equipment, except otherwise as amended by conditions of this consent.

Reason: Ensure compliance with relevant Planning Instruments and Standards.

12. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP Part 8.5 (Public Civil Works), to the satisfaction of Council.

Reason: To ensure the amenity and state of the public domain is maintained.

13. **Road Activity Permits.** To carry out any work in, on or over a public road (including verge), consent from Council is required as per the Roads Act 1993. The applicant is required to review the "Road Activity Permits Checklist" (available from Council's website) and apply for the relevant permits for approval by Council.

Reason: To ensure the amenity and state of the public domain is maintained.

14. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 - 2019 and Part 8.1 of City of Ryde Development Control Plan 2014: Construction Activities.



Reason: This condition is to ensure that appropriate measures/controls are in place to assist with the safety of all affected road users within the public domain when construction works are being undertaken.

- 15. Construction Traffic and Pedestrian Management Plan.** For all construction works, a Construction Traffic and Pedestrian Management Plan (CTPMP) shall be prepared by a suitably qualified traffic engineer/consultant. The CTPMP is to be submitted to Council's Transport Department for review and approval, prior to the commencement of any construction work.

There is a fee for the review of the CTPMP in accordance with the Council's Schedule of Fees & Charges, which must be paid to Council, prior to the approval of the CTPMP being granted by Council's Transport Department.

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DCPTMP is intended to minimise impact of demolition and construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

- 16. Implementation of the Construction Traffic and Pedestrian Management Plan.** All construction works including demolition are to be undertaken in accordance with the approved Construction Traffic and Pedestrian Management Plan (CTPMP). All controls in the CTPMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the CTPMP be impacted by surrounding major development not encompassed in the approved CTPMP, the CTPMP measures and controls are to be revised accordingly and submitted to Council.

Reason: This condition is to ensure that the measures/protocols stated in the approved CPTMP are carried out by the builder during construction.

- 17. Tree Retention.** The following trees, as referenced within the Arboricultural Impact Assessment Report prepared by Jacksons Nature Works dated 24 August 2022, must be retained and protected:

- Trees 1, 2, 8, 23, 23B, 27A and 27B.

Reason: To ensure all trees which are not significantly impacted by the proposed works are appropriately retained and protected.

- 18. Tree Removal.** The following trees, as referenced within the Arboricultural Impact Assessment Report prepared by Jacksons Nature Works dated 24 August 2022, are approved for removal:

- Trees 3A, 3B, 4, 5, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21A, 22, 23A, 25, 26A and 27.

Any tree(s) found to be located on a neighbouring property is not permitted to be removed.

All tree removal work is to be carried out in accordance Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal (2016) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

Reason: To facilitate the proposed works.

- 19. Tree Protection Schedule (Hold Points).** The following Tree Protection Schedule provides a sequence of hold points for the various development stages including pre-construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist.

This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to Ryde City Council on completion of the project.

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1	Indicate clearly (with spray paint on trunks) trees approved for removal only.	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2	Establishment of tree protection fencing.	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavation works proposed within the TPZ.	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist.	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by project Arborist.	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

Reason: To ensure all trees which are not significantly impacted by the proposed works are appropriately retained and protected.

- 20. Tree Replacement.** The *Angophora costata* proposed to be removed (Tree 19 in the Arboricultural Impact Assessment Report prepared by Jacksons Nature Works dated 24 August 2022) is to be replaced on the site with a tree of a similar species.

Reason: To retain landscaped character.

- 21. Land Boundary / Cadastral Survey.** If any design work relies on critical setbacks from land boundaries, it is a requirement that a land boundary / cadastral survey be undertaken to define the land.

The land boundaries should be marked or surveyed offset marks placed prior to the commencement of any work on site.

Reason: No encroachment of private works on public land.

## DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

- 22. Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:

Council must be notified of the following particulars:

- (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
- (ii) The date the work is due to commence and the expected completion date.

A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.

Reason: To inform the commencement of work.

- 23. Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

Reason: Statutory requirement.

- 24. Demolition and Construction Noise Control.** A comprehensive demolition and construction noise and vibration management plan to protect the amenity of the adjacent properties must be prepared by a suitable qualified acoustic consultant and submitted to the Principal Certifier before demolition commences. The plan must be prepared in accordance with the relevant requirements of Interim Construction Noise Guideline (DECC, 2009) and AS2436-2010 "Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites" and include:

- a. Identification of nearby affected residences or other sensitive receivers.
- b. An assessment of the expected noise impacts.
- c. Details of the work practices required to minimise noise impacts.
- d. Noise monitoring procedures.
- e. Procedures for notifying nearby affected residents or businesses.
- f. Complaints management procedures.

**Note:** Appropriate background noise levels relevant to the most sensitive receivers will be required to support the plan.

All relevant requirements of the plan must be implemented throughout the period of demolition and construction.

Reason: To protect the amenity of neighbouring residential and business property.

- 25. Dust Control.** A Dust Control Plan must be prepared in accordance with relevant legislation and guidelines and submitted to the Principal Certifier before demolition commences to prevent the escape of dust from the site during demolition and construction and include:

- a. Physical barriers being placed around the site and other dust sources to prevent wind or work activities from generating dust.

- b. Watering areas of exposed soil during dry windy weather.
- c. Covering or watering stockpiles during dry windy weather.
- d. Watering the work area or use of fog cannons during excavation work.
- e. Stopping excavation work during periods of high winds if dust emissions cannot be prevented.
- f. Watering haul roads during dry weather.
- g. Ensuring that all excavated materials transported from the site are covered.
- h. Re-stabilisation of disturbed areas as soon practicable after work is completed.

All relevant requirements of the plan must be implemented throughout the period of demolition and construction.

Reason: To ensure dust generated will not impact upon neighbouring public and private land.

- 26. Demolition Pedestrian and Traffic Management Plan.** A Demolition Pedestrian and Traffic Management Plan (DPTMP) shall be prepared by a suitably qualified traffic engineering consultant and submitted to and approved by Council's Traffic Services Department prior to the commencement of any demolition work.

Due to heavy traffic congestion throughout Macquarie Park, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the DPTMP.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's Schedule of Fees and Charges with payment to be made prior to receipt of approval from Council's Traffic Services Department for the DPTMP.

The DPTMP must include but not limited to the following:

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. The DPTMP is to be adhered to at all times during the project.
- iii. Specify that all demolition vehicles are to enter & exit the site and/or work zone in a forward direction.
- iv. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- v. Specify the number of truck movements to and from the site during the demolition phase of the works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site is not permitted unless approved by City Works Directorate.
- vi. Include Traffic Control Plan(s)/Traffic Guidance Scheme(s) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vii. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- viii. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- ix. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.

- x. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the DPTMP must engage and consult with relevant stakeholders undertaking such works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- xi. Specify spoil management process and facilities to be used on site.
- xii. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xiii. Comply with relevant sections of the following documents:
  - The Australian Standard Manual of Uniform Traffic Control Devices (AS1742.3-2019),
  - TfNSW' Traffic Control at Work Sites technical manual; and
  - Part 8.1 of City of Ryde Development Control Plan 2014: Construction Activities.

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DPTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

- 27. Implementation of Demolition Pedestrian and Traffic Management Plan.** All works and demolition activities are to be undertaken in accordance with the approved Demolition Pedestrian and Traffic Management Plan (DPTMP). All controls in the DPTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the DPTMP be impacted by surrounding major development not encompassed in the approved DPTMP, the DPTMP measures and controls are to be revised accordingly and submitted to Council's Traffic Services Department for approval. A copy of the approved DPTMP is to be kept on-site at all times and made available to the accredited certifier or Council on request.

Reason: This condition is to ensure that the measures/protocols stated in the approved DPTMP are carried out by the builder during construction.

- 28. Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by SafeWork NSW and in accordance with the Detailed Site Investigation report dated 24 November 2023 as prepared by Foundation Earth Sciences.

Reason: Statutory requirement and safety.

- 29. Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

Reason: Statutory requirement.

- 30. Waste Management Plan.** Demolition material must be managed in accordance with the approved Waste Management Plan.



Reason: To ensure the compliant and orderly disposal of waste.

31. **Tree Protection.** All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site. Trees marked for removal are to be carried out in accordance NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

No trees are to be removed from adjoining properties.

Reason: Tree protection.

32. **Tree Protection Fencing.** All protective fencing and signage around Tree Protection Zones (TPZs) must be located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings. All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site.

Reason: Tree protection.

33. **Tip Dockets.** Tip Dockets identifying the type and quantity of waste disposed/recycled during demolition are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.

Reason: Statutory requirement.

34. **Identification and removal of hazardous materials.** Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.

Reason: Statutory requirement.

35. **Storage and removal of wastes.** All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.

Reason: To ensure waste materials are disposed of safely.

36. **Contaminated soil.** Any potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.

Reason: Statutory requirement.

37. **Discovery of Additional Information.** Council and the Principal Certifier (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

Reason: Statutory requirement.

38. **Transportation of wastes.** All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes.

Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.

Reason: To ensure waste materials are disposed of safely.

- 39. Noise control measures.** All noise and vibration control measures nominated in the acoustical consultant's report and any related project documentation must be implemented.

Reason: To protect the amenity of neighbouring land.

## PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before the relevant Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

- 40. Section 7.12.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Section 7.12 Contribution	\$32,360.36

These are contributions under the provisions of Section 7.12 of the Environmental Planning and Assessment Act, 1979 as specified in City of Ryde Fixed Rate (Section 7.12) Development Contributions Plan 2020, effective from 1 July 2020.

The above amount is current at the date of this consent, and is subject to quarterly adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amount that differs from that shown above.

The contribution must be paid prior to the issue of any Construction Certificate. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Ryde. Personal or company cheques will not be accepted.

A copy of the City of Ryde Fixed Rate (Section 7.12) Development Contributions 2020 Plan may be inspected at the Ryde Customer Service Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

Reason: Statutory requirement.

- 41. Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Statutory requirement.

- 42. Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Certifying Authority prior to the issuing of the Construction Certificate.

Reason: Statutory requirement.

- 43. Security deposit.** The Council must be provided with security for the purposes of section 4.17 (6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the Construction Certificate. (Category: Other buildings with delivery of bricks or concrete or machine excavation).

Reason: Statutory requirement.

- 44. Infrastructure Restoration and Administration Fee** must be paid to Council in accordance with Council's Management Plan prior to the release of the Construction Certificate.

Reason: Statutory requirement.

- 45. Design Verification.** Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a registered architect that has overseen the design.

This statement must include verification from the registered architect that the plans and specification achieve or improve the design quality of the development to which this consent relates.

Reason: To maintain consistent architectural oversight.

- 46. Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

Reason: To ensure the vehicle access and parking area is in accordance with the require standards and safe for all users.

- 47. Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the inlet at 9 Deborah Place, generally in accordance with the plans by Telford Civil (Project No. 23015, Dwg 000-107, Issue A, dated 21 February 2023) encompassing any variations that may arise in the agreement for the easement.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a suitably qualified Civil Engineer and comply with the following:

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (Stormwater drainage) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

Reason: To ensure that the developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2.

- 48. Stormwater Management - Onsite Stormwater Detention.** In accordance with Council's community stormwater management policy, an onsite stormwater detention (OSD) system must be implemented in the stormwater management system of the development.

As a minimum, the OSD system must:

- a) provide site storage requirement (SSR) and permissible site discharge (PSD) design parameters complying with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management);
- b) incorporate a sump and filter grate (trash rack) at the point of discharge from the OSD system to prevent gross pollutants blocking the system or entering the public drainage service;
- c) ensure the OSD storage has sufficient access for the purpose of ongoing maintenance of the system; and
- d) ensure the drainage system discharging to the OSD system is of sufficient capacity to accommodate the 100 year ARI 5 minute storm event.

Detailed engineering plans and certification demonstrating compliance with this condition & Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) are to be submitted with the application for a Construction Certificate.

Reason: To ensure that the design of the OSD is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2.

- 49. Road and Public Domain Works.** The following Public Domain works are required:

- a) Construction of a new concrete vehicular crossing of width 6.1m. wide fronting the approved vehicle entry.
- b) Construction of a new concrete footpath spanning the site frontage. The footpath width and grade must be in accordance with the DCP Part 8.5 (Public Civil Works) Section 2.3. If there is an existing footpath in the vicinity of the site which is variable to these specifications, the applicants is to confer with Council's Civil Works section for directions as to the appropriate footpath specifications.
- c) Reinstatement of damaged sections of footpath, kerb and gutter.
- d) Removal of any existing footpath and gutter crossover which is not fronting an approved access point and the reinstatement of grass verge, concrete kerb, gutter and footpath in this region.

In accordance with Section 138 of the Roads Act, detailed engineering plans prepared by a qualified and experienced civil engineer, complying with the specifications outlined

in Council's DCP 2014 Part 8.5 (Public Civil Works) must be submitted and approved by Council prior to the issue of the Construction Certificate.

Engineering plans assessment and inspections fee associated with this work are payable in accordance with Council's Management Plan prior to approval being issued by Council.

Reason: To ensure the serviceability of infrastructure adjacent the development property is consistent with the life of the development and provides safe and efficient access to the site.

- 50. Geotechnical Design, Certification and Monitoring Program.** The applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation:

- a) Certification that the civil and structural details of all subsurface structures are designed to:
  - provide appropriate support and retention to neighbouring property,
  - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
  - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that:
  - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
  - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
  - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
  - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.
  - Is in accordance with the recommendations of any approved Geotechnical Report.

The certification and the GMP is to be submitted for the approval of the Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure there are no adverse impacts arising from excavation works.

- 51. Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work. As a minimum, the scope of the report is to include:



- a) 10 Deborah Place.
- b) 7 Lincoln Street.
- c) 9A Lincoln Street (School buildings within 50m of site).

A copy of the dilapidation survey is to be submitted to the Accredited Certifier and Council prior to the release of the Construction Certificate.

Reason: To clarify any claims of damage made by adjoining property owners.

- 52. Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by NSW Department – Office of Environment and Heritage and must contain the following information:

- a) Existing and final contours.
- b) The location of all earthworks, including roads, areas of cut and fill.
- c) Location of all impervious areas.
- d) Location and design criteria of erosion and sediment control structures.
- e) Location and description of existing vegetation.
- f) Site access point/s and means of limiting material leaving the site.
- g) Location of proposed vegetated buffer strips.
- h) Location of critical areas (drainage lines, water bodies and unstable slopes).
- i) Location of stockpiles.
- j) Means of diversion of uncontaminated upper catchment around disturbed areas.
- k) Procedures for maintenance of erosion and sediment controls.
- l) Details for any staging of works.
- m) Details and procedures for dust control.

The ESCP must be submitted with the application for a Construction Certificate.

Reason: To protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

- 53. Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.

Reason: Statutory requirement.

- 54. Construction Noise Management Plan.** A construction noise management plan must be prepared by a suitably qualified and experienced noise expert in accordance with the noise management levels in EPA's Interim Construction Noise Guideline and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) Hours of construction.
- (b) Identification of nearby residences and other sensitive land uses.
- (c) Assessment of expected noise impacts.

- (d) Describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers.
- (e) Include strategies that have been developed with the community for managing high noise generating works.
- (f) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.
- (g) Include a complaints management system that would be implemented for the duration of the construction.
- (h) Include a program to monitor and report on the impacts and environmental performance of the development.

Reason: To prevent loss of amenity to the area and maintain appropriate amenity to nearby occupants.

- 55. Childproof Gates.** Gates are to be designed to prevent children leaving/entering unsupervised by use of childproof locking systems. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Reason: Statutory requirement.

- 56. Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure the use of appropriate material to minimise reflectivity.

- 57. Public Infrastructure Works - Design for Construction Certificate.** Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works Directorate prior to the issue of the Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns, existing and proposed signage and linemarking, and other relevant details for the new works. The drawings shall also demonstrate the smooth connection of the proposed works into the remaining street scape.

The applicant must submit, for approval by Council as the Road Authority, full design engineering plans and specifications for the following infrastructure works:

- a) The full reconstruction of half road width for the Lincoln Street frontage of the development site in accordance with the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Clause 1.1.4 – Constructing Half Road.
- b) The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction.
- c) The construction of new kerb and gutter along the Lincoln Street frontage of the development site.

- d) Construction of a new 1.2m wide concrete footpath for the Lincoln Street frontage of the development site.
- e) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- f) New street lighting on the existing power pole in Lincoln Street, using an LED luminaire, is to be designed and installed to Australian Standard AS1158:2010 Lighting for Roads and Public Spaces. Consult with Council's Assets and Infrastructure Team for vehicular luminance and pedestrian luminance category along Lincoln Street. The street lighting will remain on the Ausgrid street lighting network.
- g) Signage and linemarking details.
- h) Staging of the public civil works, if any, and transitions between the stages.
- i) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

**Notes:**

- 1. The applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building.
- 2. Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of 6 weeks.
- 3. Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Section 5 "Standards Enforcement". A checklist has also been prepared to provide guidance and is available upon request to Council's City Works Directorate.
- 4. City of Ryde standard drawings for public domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.

Reason: Provision and upgrade of public assets and to ensure compliance with Council's relevant Planning Instruments and standards.

- 58. Vehicle Footpath Crossing and Gutter Crossover.** A new vehicle footpath crossing and associated gutter crossover shall be constructed at the approved vehicular access location/s. Where there is an existing vehicle footpath crossing and gutter crossover, the reconstruction of this infrastructure may be required so it has a service life consistent with that of the development, and it is also compliant with current Council's standards and specifications. The location, design and construction shall be in accordance with City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works and Australian Standard AS2890.1 – 2004 Off-street Parking.

Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act 1993, for the construction of the vehicle footpath crossing and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover.

The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included.

All grades and transitions shall comply with Australian Standard AS 2890.1-2004 Off-Street Parking and Council's specifications. The new crossing shall be 6.10m wide, without the splays, and shall be constructed at right angle to the alignment of the kerb and gutter and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

Fees are payable at the time of the application, in accordance with Council's Schedule of Fees and Charges.

The Council approved design details shall be incorporated into the plans submitted to the Principal Certifier, for the application of the Construction Certificate.

Reason: Improved access and public amenity.

- 59. Public Domain Works – Defects Security Bond.** To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the External Works. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

A bond in the form of a cash deposit or Bank Guarantee of **\$20,000.00** shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.

Reason: Ensure compliance with specifications.

- 60. Engineering plans assessment and works inspection fees.** The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council.

**Note:** An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

Reason: Ensure compliance with Council's requirements.

- 61. Anticipated Assets Register - Changes to Council Assets.** In the case that public infrastructure improvements are required, the developer is to submit a listing of anticipated infrastructure assets to be constructed on Council land as part of the development works. The new elements may include but are not limited to new road pavements, new Multi-Function Poles (MFPs), new concrete or granite footways, new street trees and tree pits, street furniture, bus shelters, kerb and gutter and driveways. This information should be presented via the Anticipated Asset Register file available from Council's Assets and Infrastructure Department. The listings should also include any assets removed as part of the works.

The Anticipated Asset Register is to assist with council's future resourcing to maintain new assets. There is potential for the as-built assets to deviate from the anticipated asset listing, as issues are resolved throughout the public domain assessment and Roads Act Approval process. Following completion of the public infrastructure works associated

with the development, a Final Asset Register is to be submitted to Council, based upon the Public Domain Works-As-Executed plans.

Reason: Record of civil works.

- 62. Certified Design of Acoustic Controls for Indoor and Outdoor Play Areas.** A certified detailed design must be provided by a suitably qualified acoustic engineer showing all controls or construction required to be installed during building works to ensure that the noise emitted does not exceed the base level criteria of Leq,(15 min) 45 dB(A) in accordance with the Association of Australasian Acoustic Consultants Guideline for Child Care Centre Acoustic Assessment, Version 3, when measured at the most affected point on or within any residential receiver boundary.

Reason: To protect neighbouring amenity.

- 63. Tree Protection Plan and Specification.** A dedicated and detailed Tree Protection Plan & Specification is to be prepared by an AQF Level 5 Arborist who is registered with either Arboriculture Australia or the Institute of Australian Consulting Arboriculturists.

This document is to provide details and guidance as to how existing trees to be retained are to be protected during the demolition, excavation and construction works. This document is to take into consideration all trees on site, on neighbouring property allotments and within the public domain which may be affected by the proposal. The Tree Protection Plan & Specification is to be submitted to Council for review and approval prior to the issue of the Construction Certificate.

Reason: To provide a suitable framework and guidance for tree protection prepared by a qualified professional.

- 64. Lighting.** Details of lighting for internal driveways/pathways, parking areas, the street frontage and street number shall be submitted to the Certifying Authority for approval prior to issue of the Construction Certificate. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

Reason: To ensure suitable lighting is provided.

## **PRIOR TO COMMENCEMENT OF WORKS**

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

**65. Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.



- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: Statutory requirement.

**66. Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Reason: Statutory requirement.

**67. Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with SafeWork NSW requirements and be a minimum of 1.8m in height.

Reason: Statutory requirement.

**68. Tree Protection.** All tree protection works including installation of any fencing is to be undertaken prior to any the commencement of any works on site.

Reason: To ensure suitable tree protection is in place prior to the commencement of any works.

**69. Canopy Tying.** Where possible, tree branches overhanging works zones are to be tied back to the main trunk rather than pruned.

Reason: To minimise the extent of canopy pruning necessary to facilitate construction and mitigate impacts to existing trees nominated for retention.

**70. Tree Protection Fencing.** The Tree Protection Zones of all retained trees must be protected by way of fencing and signage designed and located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.

Reason: To provide suitable protection fencing for trees nominated for retention.

**71. Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites and the Arboricultural Impact Assessment Report prepared by Jacksons Nature Works dated 24 August 2022. All trees are to be monitored to ensure adequate health throughout the works period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist. Details of the Project Arborist are to be submitted to Council prior to the commencement of the proposed works.

Reason: To ensure a suitably qualified Arborist is appointed and made responsible for the protection of trees.

- 72. Notice of Intention to Commence Public Domain Works.** Prior to commencement of the public domain works, a Notice of Intention to Commence Public Domain Works shall be submitted to Council's City Works Directorate. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

**Note:** Copies of several documents are required to be lodged with the Notice; no fee is chargeable for the lodgement of the Notice.

Reason: Ensure compliance and record of works.

- 73. Notification of adjoining owners & occupiers – public domain works.** The Applicant shall provide the adjoining owners and occupiers written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.

Reason: Ensure compliance and record of works.

- 74. Pre-construction inspection.** A joint inspection shall be undertaken with Council's Engineer from City Works Directorate prior to commencement of any public domain works. A minimum 48 hours' notice will be required when booking for the joint inspection.

Reason: Ensure compliance and communicate Council's requirements.

- 75. Pre-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable.

- (a) Road pavement,
- (b) Kerb and gutter,
- (c) Footpath,
- (d) Drainage pits,
- (e) Traffic signs, and
- (f) Any other relevant infrastructure.

The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to any work commencing.

All fees and charges associated with the review of this report shall be in accordance with Council's Schedule of Fees and Charges and shall be paid at the time that the Dilapidation Report is submitted.

Reason: Protection of Council's infrastructure.

- 76. Road Activity Permits.** Prior to carrying out any work in, on or over a road reserve, consent from Council is required as per the Roads Act 1993. The person acting on the consent is required to review the "Road Activity Permits Checklist" (available from Council's website: <https://www.ryde.nsw.gov.au/files/assets/public/forms-and-documents/2023-07-road-activity-permits-checklist.pdf>) and apply for the relevant permits for approval by Council. Types of road activity permits potentially required including Road Use Permit, Work Zone Permit, Road / Footpath / Driveway / Nature Strip / Kerb & Gutter Opening Permit, Temporary Placement of Elevated Tower, Crane or Concrete Pump, Operation of a Crane Over Air Space Permit, Construction Hoarding Permit and Skip Bin on Nature Strip Permit. Penalties apply for failure to comply.

Reason: To ensure the amenity and state of the public domain is maintained.

- 77. Temporary Footpath Crossing.** A temporary footpath crossing, if required, must be provided at the vehicular access points. It is to be 4 metres wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.

Reason: Ensure public amenity and safety.

- 78. Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the established verge and footpath level, adequate measures are to be taken, either by means of constructing approved retaining structures or batters entirely on the subject property, to support the subject land/footpath and prevent harm to the public / occupants of the site due to the abrupt level differences.

Reason: To preserve public safety and the support of property due to abrupt level differences between the site and public domain land.

## DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

- 79. Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 61 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

(Reason: Statutory requirement).

- 80. Traffic Management.** Traffic management procedures and systems must be implemented during the construction period to ensure a safe environment and minimise impacts to pedestrian and other vehicle traffic. Any traffic management procedures and systems must be in accordance with AS 1742.3 2019 and the DCP 2014 Part 8.1 (Construction Activities).

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

- 81. Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.

Reason: To ensure the stormwater system is constructed as approved.

- 82. Stormwater Management – Works in the New Drainage Easement.** In relation to the works in the new drainage easement on neighbouring land, the builder/ developer must;
- a) provide a minimum 3 weeks notification to the burdened property owner and occupants prior to the commencement of works in the neighbouring property.
  - b) ensure the works are completed in a timely manner.
  - c) ensure any structures adjacent the works are adequately supported at all times.
  - d) make provision to restore the work area so as to maintain the amenity of the land / minimise the imposition of works on the burdened land, should the works be delayed due to unforeseen events such as weather, service adjustments, etc.
  - e) restore all areas on the burdened property disturbed by the construction works to a condition equivalent to the pre-developed state or otherwise as agreed by the owner of the burdened property.
  - f) comply with any terms agreed upon by both parties in regards to the construction of the drainage services and restoration of the land, in the granting of the easement.

Reason: To ensure there is minimal imposition and loss of amenity to the owner/ occupants of the property burdened by the new drainage easement in construction of these drainage services.

- 83. Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

Reason: To prevent soil erosion and the discharge of sediment over the land.

- 84. Geotechnical Monitoring Program - Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

Reason: To ensure that the excavation works are undertaken appropriately throughout the period of construction.

- 85. Storage and removal of wastes.** All construction material and wastes must be stored within the site in an environmentally acceptable manner and be waste is to be removed from the site at frequent intervals.

Reason: To prevent any nuisance or danger to health, safety or the environment.

- 86. Noise from construction and demolition work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from demolition and construction work.

Reason: To protect the amenity of the neighbourhood.

- 87. Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

Reason: To protect the amenity of the area.

- 88. Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.

(Reason: To ensure that the development is in accordance with the determination).

- 89. Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:

- (a) Fill is allowed under this consent;
- (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
- (c) the material is reused only to the extent that fill is allowed by the consent.

(Reason: To ensure fill is consistent with the consent).

**90. Site Facilities**

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

Reason: Statutory requirement.

**91. Site Maintenance**

The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
- (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (c) the site is clear of waste and debris at the completion of the works.

Reason: To ensure the site is appropriately maintained during construction.

- 92. Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads."

Reason: To ensure works do not disrupt pedestrians and vehicular traffic.

- 93. Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.

Reason: To ensure trees are not removed from the site unless there is approval for the work.

- 94. Root Pruning.** Where root pruning is required, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase using hessian material or mulch where practical. Severed roots shall be treated with a suitable root growth hormone.

Reason: To reduce the stress and negative impacts caused by any root pruning required for construction.

- 95. Excavation within Tree Protection Zones (TPZs) – General.** Any excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual, non-motorised hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.

Reason: To ensure all excavation works do not result in damage to existing tree roots.

- 96. Noise control measures.** All noise and vibration control measures nominated in the acoustical consultant's report and any related project documentation must be implemented.

Reason: Protection of the environment.

- 97. Hold Points during construction - Public Domain.** Council requires inspections to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

The Applicant shall submit to Council's City Works Directorate, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
- b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- c) Upon compaction of the applicable sub-base course.
- d) Upon compaction or construction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).
- e) Upon installation of any formwork and reinforcement for footpath concrete works.
- f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

Reason: Ensure compliance with relevant standards.

- 98. Consent documents available on site.** At all times during the construction, a copy of the development consent and the approved stamped plans is to be kept on site. These documents are to be made available to any Council Officer as requested.



Reason: To ensure Council Officers are able to access the consent during any site inspection.

## PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

- 99. Landscaping.** All landscaping works approved by Condition 1 are to be completed prior to the issue of the any Occupation Certificate.

Reason: To ensure the development is in accordance with the development consent.

- 100. Emergency Evacuation Plan.** Prior to issue of an Occupation Certificate, a Fire Safety and Evacuation Plan complying with AS3745 prepared for all new centres and for developments resulting in an increase in places is to be prepared.

The Fire Safety and Evacuation Plan is to address:

- The mobility of children and how this is to be accommodated during an evacuation;
- The location of a safe congregation area, away from the evacuated building, busy roads and other hazards, and away from evacuation points for use by other occupants/tenants of the same building or of surrounding buildings; and
- The supervision of children during the evacuation and at the congregation area with regard to the capacity of the child care centre including child to staff ratios.

Reason: To ensure the safe evacuation of the building in the event of an emergency.

- 101. Council may require acoustical consultant's report.** Upon receipt of a justified customer request, Council may require the submission of an acoustic report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.

Reason: To demonstrate compliance with relevant legislation.

- 102. Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Each year the Owners must send to the Council and the Fire and Rescue NSW an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement.

- 103. Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.

Reason: To clarify the configuration of the completed stormwater management system.

- 104. Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of onsite detention component incorporated in the approved Stormwater Management system. The terms of the instrument are to be in accordance with the Council's standard for the relevant systems and are to be to the satisfaction of Council. To assure Council the construction of the stormwater management system has been completed, certification of the system is to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website). The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.

Reason: This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s).

- 105. Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
- b) Confirming that the constructed inter-allotment drainage system complies with the construction plan requirements and the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- c) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- d) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system),

and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.

- e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
- f) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
- g) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

Reason: To ensure that all engineering components are completed to the satisfaction of an appropriately qualified person, prior to occupation or use of the development.

- 106. On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at 1 Pope Street – Ryde (Top Ryde City Shopping Centre).

Reason: To ensure that owners of the site are aware of the location of the onsite detention system and the need to maintain the system over the life of the development.

- 107. Parking Area Linemarking and Signage.** Traffic measures such as directional signage, traffic control linemarking and signs must be installed in the developments parking area. The location and specifications of these measures must be in accordance with AS 2890.1, must be based on Traffic Engineering principals and must be located under the guidance of a suitably qualified Traffic Engineer experienced in traffic safety. Certification that these measures have been implemented must be provided to the Accredited Certifier prior to the issue of an Occupation Certificate for any part of the development requiring use of the parking area.

Reason: To ensure the safe and efficient circulation of traffic and access to parking areas from the public road.

- 108. All works/methods/procedures/control measures.** Prior to the issue of an occupation certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Council, stating that all works/methods/procedures/control measures in the Environmental Noise Impact Assessment Report dated 28 February 2023, prepared by Day Design Pty Ltd (and as required to be amended by conditions in this consent) have been completed.

Reason: To demonstrate compliance with submitted reports.

- 109. Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney

Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Reason: Statutory requirement.

- 110. Signage and Linemarking – External.** A plan demonstrating the proposed signage and linemarking within Council's Public Domain (e.g. "NO PARKING 5AM – 11AM THURSDAYS AND PUBLIC HOLIDAYS WASTE VEHICLES EXCEPTED" parking restrictions along the northern side of Balaclava Road for the length of the site frontage) shall be prepared by a suitably qualified traffic engineering consultant and submitted to Council for endorsement by Ryde Traffic Committee and subsequent approval by Council, prior to the issue of any Occupation Certificate.

**Note:** The applicant is advised that Ryde Traffic Committee generally meets once a month. As such, adequate time should be allowed for the review and approval process.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's latest Schedule of Fees and Charges.

Reason: This condition is to ensure that changes to the traffic and parking conditions within the surrounding public road network as a consequence of the development.

- 111. Signage and Linemarking (External) – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by Council. These works are to be undertaken prior to the issue of any Occupation Certificate.

Reason: This condition is to ensure that the works outlined in the approved signage and linemarking plan are installed, prior to the development being occupied.

- 112. Vehicle Footpath Crossing and Gutter Crossover – Construction.** The proposed vehicle footpath crossing and gutter crossover shall be constructed prior to the issue of any Occupation Certificate at no cost to Council. Works may include the removal of any redundant vehicle footpath crossing and gutter crossover and reinstatement of kerb and gutter and restoration of road pavement.

Any adjustment or relocation of underground utilities as a result of the driveway construction must be carried out in accordance with the requirements of the utility authority. Minimum cover requirements of utility authorities must be maintained.

Reason: Improved access and public amenity.

- 113. Compliance Certificate – Vehicle Footpath Crossing and Gutter Crossover.** A Compliance Certificate shall be obtained from Council's City Works Directorate and a copy submitted to the Principal Certifier prior to the issue of any Occupation Certificate, confirming that the vehicle footpath crossing and gutter crossover have been constructed in accordance with the Council's standards and requirements. Fees are payable for the issue of the Compliance Certificate, in accordance with Council's Schedule of Fees and Charges.

Reason: Ensure Compliance.

- 114. Public Domain Improvements and Infrastructure Works – Completion.** All public domain improvements and infrastructure works shall be completed to Council's satisfaction, in accordance with the approved public domain plans and at no cost to the Council, prior to the issue of any Occupation Certificate.

Reason: Ensure Compliance.

- 115. Restoration – Supervising Engineer's Certificate.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council's standards and specifications, and DCP2014 Part 8.5 Public Civil Works, or the Roads and Maritime Services' standards and specifications, where applicable.

Reason: Ensure public safety and protection of infrastructure.

- 116. Compliance Certificates – Street Lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Certificate of Compliance - Electrical Work (CCEW) from the Electrical Contractor, and certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

Reason: Ensure Compliance.

- 117. Public Domain Works-as-Executed Plans.** To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, Works-as-Executed (WAE) Plans shall be submitted to Council for review and approval. The WAE Plans shall be prepared on a copy of the approved plans and shall be certified by a Registered Surveyor. All departures from the Council approved details shall be marked in red with proper notations. Any rectifications required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate.

In addition to the WAE Plans, a list of all infrastructure assets (new and improved) that are to be handed over to Council shall be submitted in a form advised by Council. The list shall include all the relevant quantities in order to facilitate the registration of the assets in Council's Asset Registers.

Reason: Record of Completed Works.

- 118. Registered Surveyor Final Certificate.** Upon completion of all construction works, and before the issue of any Occupation Certificate, a Certification from a Registered Surveyor must be submitted to Council, stating that all works (above and below ground) are contained within the site's land boundary.

Reason: Ensure Compliance and no encroachments.

- 119. Supervising Engineer Final Certificate.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications. The

certificate shall include commentary to support any variations from the approved drawings.

Reason: Ensure Compliance.

- 120. Post-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

- (a) Road pavement,
- (b) Kerb and gutter,
- (c) Footpath,
- (d) Drainage pits,
- (e) Traffic signs, and
- (f) Any other relevant infrastructure.

The report shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to issue of the Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, and to assess whether restoration works will be required prior to the issue of the Compliance Certificate for External Works and Public Infrastructure Restoration.

All fees and charges associated with the review of the report shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the Dilapidation Report is submitted.

Reason: Protection of public assets.

- 121. Final Inspection – Assets Handover.** For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer from City Works Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

A minimum 48 hours' notice will be required when booking for the final inspection.

Reason: Ensure Compliance.

- 122. Compliance Certificate – External Works and Public Infrastructure Restoration.** Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council's City Works Directorate confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have dilapidated as a result of the development works, have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this Certificate in accordance with Council's Schedule of Fees and Charges at the time of issue of the Certificate.



Reason: Ensure Compliance.

- 123. Public Domain Design and Construction Staging.** The Applicant shall be responsible for the design and construction of all public domain improvement and infrastructure works for each stage. All engineering civil works shall be carried out in accordance with the requirements as outlined within Council's DCP 2014 Part 8.5 Public Civil Works, relevant Development Control Plans and in accordance with Council's specifications and to the satisfaction of Council. Council has full control to implement and impose any necessary condition to coordinate staging of the public domain work through the assessment phase of the development applications. All design and construction of public domain and utilities services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

Reason: Public amenity and safety.

- 124. Surveyor Final Certificate.** Upon completion of all construction works, and before the issue of any Occupation Certificate, a Certification from a Registered Surveyor must be submitted to Council, stating that all works (above and below ground) are contained within the site's land boundary.

Reason: Ensure Compliance and no encroachments.

- 125. Shading.** The 2 to 3 years (ground level deck) outdoor area is to be provided with suitable shading (such as a shade structure over the sand play area to support the use this area.

Reason: To ensure usability of outdoor play spaces.

## OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

- 126. Hours of Operation.** The child care centre hours of operation are limited to:

- 7.00am to 6.00pm (Monday to Friday).
- Closed Saturday, Sunday and public holidays.

Reason: To protect the amenity of surrounding residents.

- 127. Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows:

- 11 visitor / parent pick-up and drop-off spaces.
- 7 staff spaces.
- 5 bike parking spaces.

The southern most car stacker is to be allocated as a pick-up / drop-off space as it presents the minimal degree of manoeuvring required to enter and exit the space of all the car stacker spaces.

Reason: To ensure the development maintains the capacity and allocation of parking spaces on the site.

- 128. Compliance with Plan of Management.** The operation of the child care centre shall be in accordance with the approved final Plan of Management.

Limitation: Maximum of 4 hours of outdoor play per day.

Reason: To ensure the development operates in accordance with the development consent.

- 129. Number of Children.** The maximum number of children shall be limited to the following:

- 0 to 2 years: 12 children.
- 2 to 3 years: 30 children.
- 3 to 6 years: 46 children.

Reason: To ensure the development is operated in accordance with the determination.

- 130. Number of staff.** The number of staff on site shall be in accordance with the Education and Care Services National Regulations (2011).

Reason: To ensure sufficient staffing in accordance with the Regulations.

- 131. Noise.** The ongoing use of the premises shall be in accordance with the requirements (unless amended by another condition in this consent) of the Noise Impact Assessment prepared by Day Design Pty Ltd dated 28 February 2023. The use of the premises, including noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises, shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

Reason: To ensure the development does not impact on the amenity of the locality.

- 132. Council may require acoustical consultant's report.** Upon receipt of a justified customer request, Council may require the submission of an acoustic report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.

Reason: To demonstrate compliance with relevant legislation.

- 133. Noise and vibration from plant or equipment.** Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:

- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
- (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors.
- (c) The transmission of vibration to any place of different occupancy.

Reason: To prevent loss of amenity to the area.

- 134. Implementation of Emergency Evacuation Plan.** The Emergency Evacuation Plan is to be implemented and maintained for the ongoing life of the development by the owner and occupier of the Child care centre, as per the details in the approved by the Emergency Evacuation Plan approved by Condition 93.

Reason: To ensure the safe evacuation of the building in the event of an emergency.

- 135. Storage and disposal of wastes.** All wastes generated on the premises must be stored in the waste storage areas in a clean and tidy manner in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. All waste must be disposed of in an environmentally acceptable manner.

Reason: To ensure the ongoing management of waste storage areas.

- 136. Waste Collection – Private.** The site must be commercially rated in terms of waste collection (not permitted to be serviced by Council's residential waste collection) and must be serviced by private waste collection services at all times.

Reason: To ensure the site is serviced by waste collection.

- 137. Delivery and loading/unloading – hours.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 7pm and 7am on any day.

Reason: To ensure loading/unloading does not impact on the amenity of the locality.

- 138. Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property.

Reason: To ensure loading/unloading does not impact on the amenity of the locality.

**End.**





ALL PLANS TO BE PRINTED IN COLOR **FOR DA**

- ALL BUILDING WORK TO COMPLY WITH BCA AND AS CODES AND RELEVANT AUTHORITIES REQUIREMENTS.  
- ALL STEEL, CONCRETE AND TIMBER WORK TO BE IN ACCORDANCE WITH STRUCTURAL ENGINEERS SPECIFICATIONS AND RELEVANT SAA CODES.  
- LARGER SCALE DRAWINGS TAKE PRECEDENCE OVER SMALLER.  
- **ALL DIMENSIONS TO BE CONFIRMED ON SITE. CONTACT THE ARCHITECT IF ANY DOUBT OR DISCREPANCY ARISES.**  
- READ FIGURED DIMENSIONS IN PREFERENCE TO SCALING.

LISKOWSKI ARCHITECTS

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TRUE NORTH



FOR	ISSUE	DATE	AMENDMENT
DA	A	12.09.22	DA
DA	B	20.10.22	DA

FOR	ISSUE	DATE	AMENDMENT

DRAFTING
DRAWN: MM
CHECKED: PO
APPROVED: LL

PROPOSED CHILDCARE AT 9 LINCOLN STREET, EASTWOOD

RENDER - LINCOLN STREET

SUITE 107 LEVEL 1, 53-59 GREAT BUCKINGHAM ST. REDFERN HILLS, NSW  
PH: 02 9212 3266 | E: info@liskowski.com.au | www.liskowski.com.au  
Nominated Architect Laurie Liskowski 4224

Scale:

Date : **20.10.22**

Project No: 211105 Sheet No: **DA910** Rev: B

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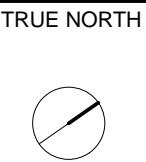


PROPOSED NEW CHILDCARE AT 9 LINCOLN STREET, EASTWOOD NSW



DRAWING LIST

		REVISION		
DA001	COVER PAGE AND SHEET LIST	B	DA	20.10.22
DA002	BCA NOTES	B	DA	20.10.22
DA010	SITE ANALYSIS PLAN	B	DA	20.10.22
DA050	DEMOLITION PLAN	B	DA	20.10.22
DA100	SITE AND ROOF PLAN	B	DA	20.10.22
DA101	BASEMENT PLAN	B	DA	20.10.22
DA102	GROUND FLOOR PLAN	B	DA	20.10.22
DA103	FIRST FLOOR PLAN	B	DA	20.10.22
DA200	ELEVATIONS	B	DA	20.10.22
DA300	SECTIONS	B	DA	20.10.22
DA400	GFA PLANS	B	DA	20.10.22
DA500	SHADOW DIAGRAMS	B	DA	20.10.22
DA600	LINCOLN STREET - DETAIL	A	DA	20.10.22
DA900	MATERIALS AND FINISHES	B	DA	20.10.22
DA910	RENDER - LINCOLN STREET	B	DA	20.10.22



FOR	ISSUE	DATE	AMENDMENT
DA	A	12.09.22	DA
DA	B	20.10.22	DA

FOR	ISSUE	DATE	AMENDMENT

DRAFTING
DRAWN: YA
CHECKED: PO
APPROVED: LL

PROPOSED CHILDCARE AT 9 LINCOLN STREET, EASTWOOD	Scale: NTS @ A1
COVER PAGE AND SHEET LIST	Date : 20.10.22
SUITE 107 LEVEL 1, 53-59 GREAT BUCKINGHAM ST. REDFERN HILLS, NSW PH: 02 9212 3266   E: info@liskowski.com.au   www.liskowski.com.au Nominated Architect Laurie Liskowski 4224	Project No: 211105 Sheet No: DA001 Rev: B



BCA NOTES

**B1.4 – Materials & Forms Constructions**  
The structural resistance of materials and forms of construction must be determined in accordance with the construction, as appropriate:  
(a)Masonry (including masonry-veneer, unreinforced masonry and reinforced masonry): AS 3700, except—  
(i)for piers—isolated or engaged) is removed from Clause 8.5.1(d), and  
(ii)where Clause 8.5.1 requires design as for unreinforced masonry in accordance with Section 7, the member must also be designed as unreinforced masonry in accordance with Tables 10.3 and 4.1(a)(i)(C) of AS 3700.  
(b)Concrete:  
(i)Concrete construction (including reinforced and prestressed concrete): AS 3600.  
(ii)Autoclaved aerated concrete: AS 5146.1.  
(iii)Post-installed and cast-in fastenings: AS 5216.  
(c)Steel construction:  
(i)Steel structures: AS 4100.  
(ii)Cold-formed steel structures: AS/NZS 4600.  
(iii)Residential and low-rise steel framing: NASH Standard – Residential and Low-Rise Steel Framing Part 1 or Part 2.  
(d)Composite steel and concrete: AS/NZS 2327.  
(e)Aluminium construction: AS/NZS 1664.1 or AS/NZS 1664.2.  
(g)Piling: AS 2159.  
(h)Glazed assemblies:  
(i)The following glazed assemblies in an *external wall* must comply with AS 2047:  
(A)Windows excluding those listed in (ii).  
(B)Sliding and swinging glazed doors with a frame, including french and bi-fold doors with a frame.  
(C)Adjustable louvers.  
(D)Shopfronts.  
(E)Window walls with one piece framing.  
(F)All glazed assemblies not covered by (i) and the following glazed assemblies must comply with AS 1288:  
(A)All glazed assemblies not in an *external wall*.  
(B)Revolving doors.  
(C)Fixed louvers.  
(D)Skylights, roof lights and windows in other than the vertical plane.  
(E)Sliding and swinging doors without a frame.  
(F)Windows constructed on site and architectural one-off windows, which are not design tested in accordance with AS 2047.  
(G)Second-hand windows, re-used windows and recycled windows.  
(H)Heritage windows.  
(I)Glazing used in balustrades and sloping overhead glazing.  
(j)Roof construction (except in cyclonic areas):  
(i)Terracotta, fibre-cement and timber slates and shingles: AS 4597.  
(ii)Roof tiling: AS 2050.  
(iii)Cellulose cement corrugated sheets: AS/NZS 2908.1 with safety mesh installed in accordance with AS/NZS1562.3 clause 2.4.3.2 except for sub-clause (g) for plastic sheeting.  
(iv)Metal roofing: AS 1562.1.  
(k)Particleboard structural flooring: AS 1860.2.  
(l)Garage doors and other large access doors in openings not more than 3 m in height in *external walls* of buildings determined as being located in wind region C or D in accordance with AS/NZS 1170.2: AS/NZS 4505.  
(m)Lift *shafts* which are not *required* to have an FRL, must—  
(i)except as required by (ii), be completely enclosed with non-perforated material between the bottom of the piland the ceiling of the lift *shaft*, other than—  
(A) landing doors, emergency doors and pit access doors; and  
(B) *low-rise, low-speed constant pressure lifts* and  
(C) *small-sized, low-speed automatic lifts*; and  
(ii)an *atrium* and observation areas, be protected with non-perforated material not less than 2.5 m in height—  
(A) above any places on which a person can stand, which are within 800 mm horizontal reach of any vertical moving lift component including ropes and counterweights; and  
(B) at the lowest level of the *atrium* area that the lift serves, on all sides except the door opening, for not less than 2.5 m in height, by enclosure with non-perforated material; and  
(iii) be of non-brittle material: and  
(iv) where glazing is used—  
(A) comply with Table B1.4; or  
(B) not fail the deflection criteria *required* by Clause 6(c)(iii) of Specification C1.8.  
**C1.1 – Type of construction required**  
The type of fire resisting construction of the building is to be Level B  
A *fire wall* must be constructed in accordance with the following:  
(i) The *fire wall* has the relevant FRL prescribed by Specification C1.1 for each of the adjoining parts, and if these are different, the greater FRL, except where Tables 3.9, 4.2 and 5.2 of Specification C1.1 permit a lower FRL on the *carpark* side.  
(ii) Any openings in a *fire wall* must not reduce the FRL *required* by Specification C1.1 for the *fire wall*, except where permitted by the *Deemed-to-Satisfy* Provisions of Part C3.  
(iii) Building elements, other than roof battens with dimensions of 75 mm x 50 mm or less or *sarking-type material*, must not pass through or cross the *fire wall* unless the *required fire-resisting performance of the fire wall* is maintained.  
**C1.8 - Lightweight construction**  
If lightweight construction is to be used for the purposes of Fire Resisting Construction, then confirmation is required that such comply with specification C1.8 of the BCA, ie impact static pressure capabilities.  
If lightweight construction is used for the fire-resisting covering of a steel column or the like,  
and the covering is not in continuous contact with the column, then the void must be filled solid, to a height of not less than 1.2 m above the floor to prevent indenting the column is liable to be damaged from the movement of vehicles, materials or equipment, then the covering must be protected by steel or other suitable material.

**C1.9 - Non-Combustible Building Elements**  
(a) In a building *required* to be of Type A or B construction, the following building elements and their components must be *non-combustible*:  
(i) *External walls and common walls*, including all components incorporated in them including the facade covering, framing and insulation.  
(ii) The flooring and floor framing of lift pits.  
(iii) *Non-loadbearing internal walls* where they are *required* to be *fire-resisting*.  
(b) A *shaft*, being a lift, ventilating, pipe, garbage, or similar *shaft* that is not for the discharge of hot products of combustion, that is non-*loadbearing*, must be of *non-combustible* construction in—  
(i) a building *required* to be of Type A construction; and  
(ii) a building *required* to be of Type B construction, subject to C2.10, in—  
(A) a Class 2, 3 or 9 building; and  
(B) a Class 5, 6, 7 or 8 building if the *shaft* connects more than 2 *storeys*.  
(c) A *loadbearing internal wall* and a *loadbearing fire wall*, including those that are part of a *loadbearing shaft*, must comply with Specification C1.1.  
(d) The requirements of (a) and (b) do not apply to the following:  
(i) Gaskets.  
(ii) Caulking.  
(iii) Sealants.  
(iv) Termite management systems.  
(v) Glass, including laminated glass.  
(vi) Damp-proof courses.  
(g) The following materials may be used wherever a *non-combustible* material is *required*:  
(i) Plasterboard.  
(ii) Perforated gypsum lath with a normal paper finish.  
(iii) Fibrous-plaster sheet.  
(iv) Fibre-reinforced cement sheeting.  
(v) Pre-finished metal sheeting having a *combustible* surface finish not exceeding 1 mm thickness and where the *Spread-of-Flame Index* of the product is not greater than 0.  
(vi) *Sarking-type materials* that do not exceed 1 mm in thickness and have a *Flammability Index* not greater than 5.  
(vii) Bonded laminated materials where—  
(A) each lamina, including any core, is *non-combustible*; and  
(B) glass adhesive layer does not exceed 1 mm in thickness and the total thickness of the adhesive layers does not exceed 2 mm; and  
(viii) The *Spread-of-Flame Index* and the *Smoke-Developed Index* of the bonded laminated material as a whole do not exceed 0 and 3 respectively.  
**C1.10 - Fire Hazard Properties**  
Fire Hazard Properties of materials and assemblies are to comply with the BCA C1.10 and  
**C1.11 - Performance of external walls in fire**  
Concrete *external walls* that could collapse as complete panels (e.g. lift-up and pre-cast concrete), in a building having *arise in storeys* of not more than 2, must comply with Specification C1.11.  
**C2.6 - Vertical separation of openings in external walls**  
(a) If in a building of Type A construction, any part of a *window* or other opening in an *external wall* is above another opening in the *storey* next below and its vertical projection falls no further than 450 mm outside the lower opening (measured horizontally), the openings must be separated by—  
(i) a *spandrel* which—  
(A) is not less than 900 mm in height; and  
(B) extends not less than 600 mm above the upper surface of the intervening floor; and  
(C) is of *non-combustible* material having an FRL of not less than 60/60/60; or  
(ii) part of a *curtain wall* or *panel wall* that complies with (i); or  
(iii) construction that complies with (i) behind a *curtain wall* or *panel wall* and has any gaps packed with a *non-combustible* material that will withstand thermal expansion and structural movement of the walling without the loss of seal against fire and smoke; or  
(iv) a slab or other horizontal construction that—  
(A) projects outwards from the external face of the wall not less than 1100 mm; and  
(B) extends along the wall not less than 450 mm beyond the openings concerned; and  
(C) is *non-combustible* and has an FRL of not less than 60/60/60.  
(b) The requirements of (a) do not apply to—  
(i) an *open-deck carpark*; or  
(ii) an *open spectator stand*; or  
(iii) a building which has a sprinkler system (other than a FPAA101D or FPAA101H system) complying with Specification E1.5 installed throughout; or  
(iv) openings within the same stairway; or  
(v) openings in *external walls* where the floor separating the *storeys* does not require an FRL with respect to *integrity and insulation*.  
(c) For the purposes of C2.6, *window* or other opening means that part of the *external wall* of a building that does not have an FRL of 60/60/60 or greater.

**C2.12 - Separation of equipment**  
(a) Equipment other than that described in (b) and (c) must be separated from the remainder of the building with construction complying with (d). If that equipment comprises—  
(i) lift motors and lift control panels; or  
(ii) emergency generators used to sustain emergency equipment operating in the emergency mode; or  
(iii) central smoke control plant; or  
(iv) *boilers*; or  
(v) a *battery* system installed in the building that has a total capacity of 12 volts or more and a storage capacity of 200 kWh or more.  
(b) Equipment need not be separated in accordance with (a) if the equipment comprises—  
(i) smoke control exhaust fans located in the air stream which are constructed for high temperature operation in accordance with Specification E2.2b; or  
(ii) staff pressurising equipment installed in compliance with the relevant provisions of AS 1668.1; or  
(iii) a lift installation without a machine-room; or  
(iv) equipment otherwise adequately separated from the remainder of the building.  
(c) Separation of on-site fire pumps must comply with the requirements of AS 2419.1.  
(d) Separating construction must have—  
(i) except as provided by (ii)—  
(A) an FRL as *required* by Specification C1.1, but not less than 120/120/20; and  
(B) any doorway protected with a *self-closing* fire door having an FRL of not less than ~120/30; or  
(ii) when separating a lift *shaft* and lift motor room, an FRL not less than 120/-/-.  
**C2.13 - Electricity supply system**  
Separation of all electrical equipment to comply with BCA C2.13.  
**C2.2 - Protection of openings in external walls**  
Openings in an external wall that is required to have an FRL must be protected in accordance with BCA C3.4  
**C3.4 - Acceptable methods of protection**  
(a) Where protection is *required*, doorways, *windows* and other openings must be *protected*, as follows:  
(i) Doorways—  
(A) Internal or external wall-wetting sprinklers as appropriate used with doors that are *self-closing* or *automatic* closing; or  
(ii) ~60/30 fire doors that are *self-closing* or *automatic* closing.  
(ii) *Windows*—  
(A) Internal or external wall-wetting sprinklers as appropriate used with *windows* that are *automatic* closing or permanently fixed in the closed position; or  
(B) ~60/- *automatic* closing fire shutters.  
(iii) Other openings—  
(A) Excluding voids — internal or external wall-wetting sprinklers, as appropriate; or  
(B) construction having an FRL not less than ~60/-.  
**C8.8 - Openings in fire-isolated exits**  
(a) Doorways that open to *fire-isolated stairways, fire-isolated passageways* or *fire-isolated ramps*, and are not doorways opening to a road or *open space*, must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(b) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(c) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(d) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(e) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(f) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(g) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(h) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(i) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(j) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(k) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(l) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(m) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(n) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(o) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(p) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(q) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(r) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(s) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(t) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(u) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(v) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(w) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(x) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(y) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(z) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(aa) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(ab) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(ac) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(ad) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(ae) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(af) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(ag) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(ah) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(ai) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(aj) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(ak) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(al) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(am) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(an) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(ao) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(ap) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(aq) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(ar) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(as) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(at) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(au) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(av) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(aw) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(ax) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(ay) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(az) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(ba) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(bb) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(bc) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(bd) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(be) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(bf) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(bg) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
(bh) Where any other *required* suitable fire alarm system, including a sprinkler system (other than a FPAA101D system) complying with Specification E1.5, is installed in the building, activation of the system must also initiate the *automatic* closing operation.  
(bi) A *window* in an *external wall* of a *fire-isolated stairway, fire-isolated passageway* or *fire-isolated ramp* must be protected by ~60/30 fire doors that are *self-closing*, or *automatic* closing in accordance with (b) and (c).  
(bj) The *automatic* closing operation *required* by (a) must be initiated by the activation of a smoke detector, or any other detector deemed suitable in accordance with AS 1670.1 if smoke detectors are unsuitable in the atmosphere, installed in accordance with the relevant provisions of AS 1670.1 and located not more than 1.5 m horizontal distance from the approach side of the doorway.  
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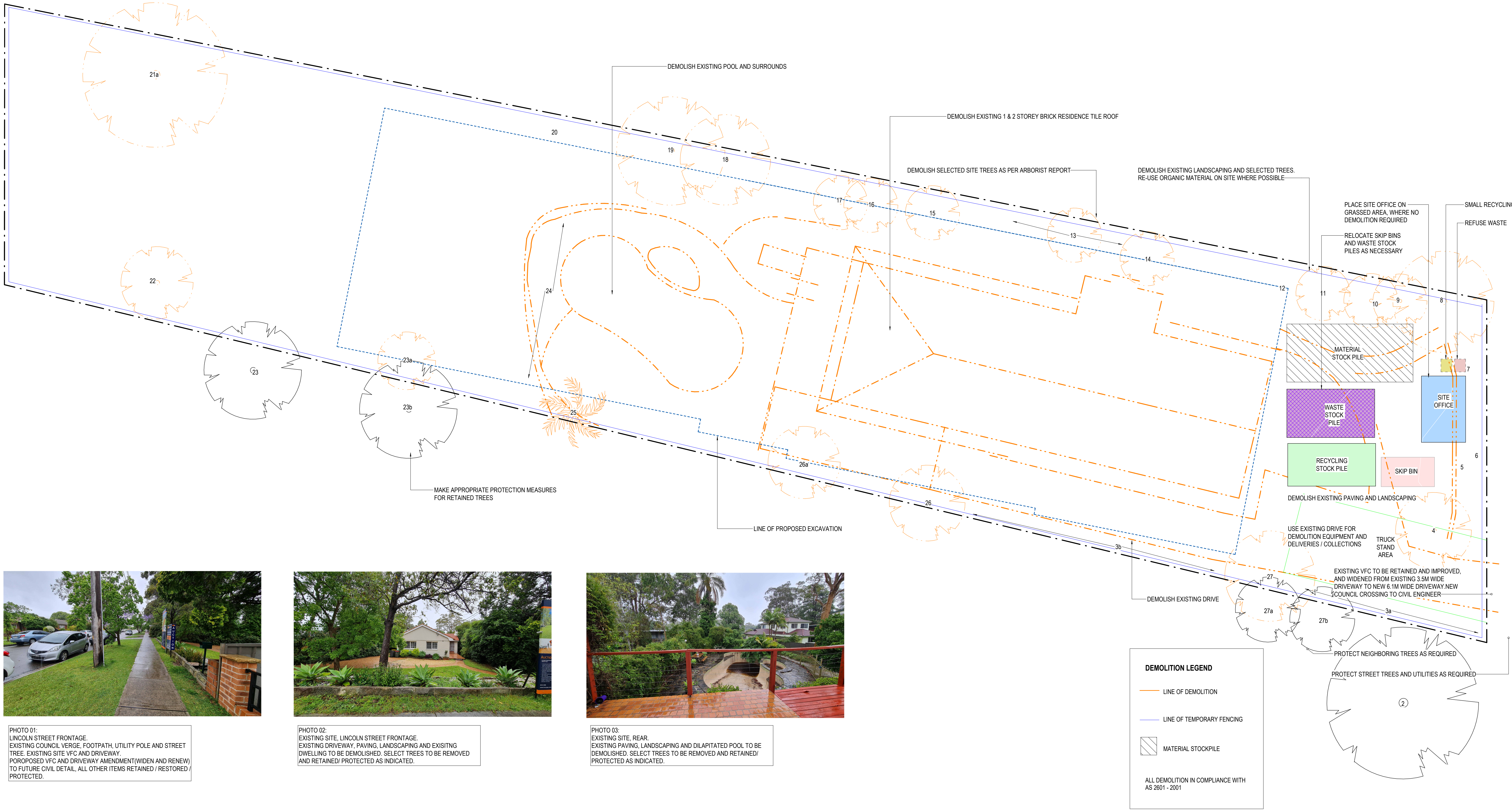


PHOTO 01:  
LINCOLN STREET FRONTAGE.  
EXISTING COUNCIL VERGE, FOOTPATH, UTILITY POLE AND STREET  
TREE. EXISTING SITE VFC AND DRIVEWAY.  
PROPOSED VFC AND DRIVEWAY AMENDMENT(WIDEN AND RENEW)  
TO FUTURE CIVIL DETAIL, ALL OTHER ITEMS RETAINED / RESTORED /  
PROTECTED.



PHOTO 02:  
EXISTING SITE, LINCOLN STREET FRONTAGE.  
EXISTING DRIVEWAY, PAVING, LANDSCAPING AND EXISTING  
DWELLING TO BE DEMOLISHED. SELECT TREES TO BE REMOVED  
AND RETAINED/ PROTECTED AS INDICATED.



PHOTO 03:  
EXISTING SITE, REAR.  
EXISTING PAVING, LANDSCAPING AND DILAPITATED POOL TO BE  
DEMOLISHED. SELECT TREES TO BE REMOVED AND RETAINED/  
PROTECTED AS INDICATED.

# DEMOLITION PLAN

ALL PLANS TO BE PRINTED IN COLOR FOR DA

- ALL BUILDING WORK TO COMPLY WITH BCA AND AS CODES AND RELEVANT AUTHORITIES REQUIREMENTS.
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- READ FIGURED DIMENSIONS IN PREFERENCE TO SCALING.

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DA	B	20.10.22	DA					CHECKED: PO
								APPROVED: LL

PROPOSED CHILDCARE AT 9 LINCOLN STREET, EASTWOOD

DEMOLITION PLAN

SUITE 107 LEVEL 1, 53-59 GREAT BUCKINGHAM ST. REDFERN HILLS, NSW  
PH. 02 9212 3266 | E. info@liskowski.com.au | www.liskowski.com.au  
Nominated Architect Laurie Liskowski 4224

Scale: As indicated

Date: 20.10.22

Project No: 211105 Sheet No: DA050 Rev: B





1 SITE AND ROOF PLAN

1:100

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DA	C	25.01.23	RFI

FOR	ISSUE	DATE	AMENDMENT

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DRAWN:  
MM  
CHECKED:  
PO  
APPROVED:  
LL

PROPOSED CHILDCARE AT 9 LINCOLN STREET, EASTWOOD

SITE AND ROOF PLAN

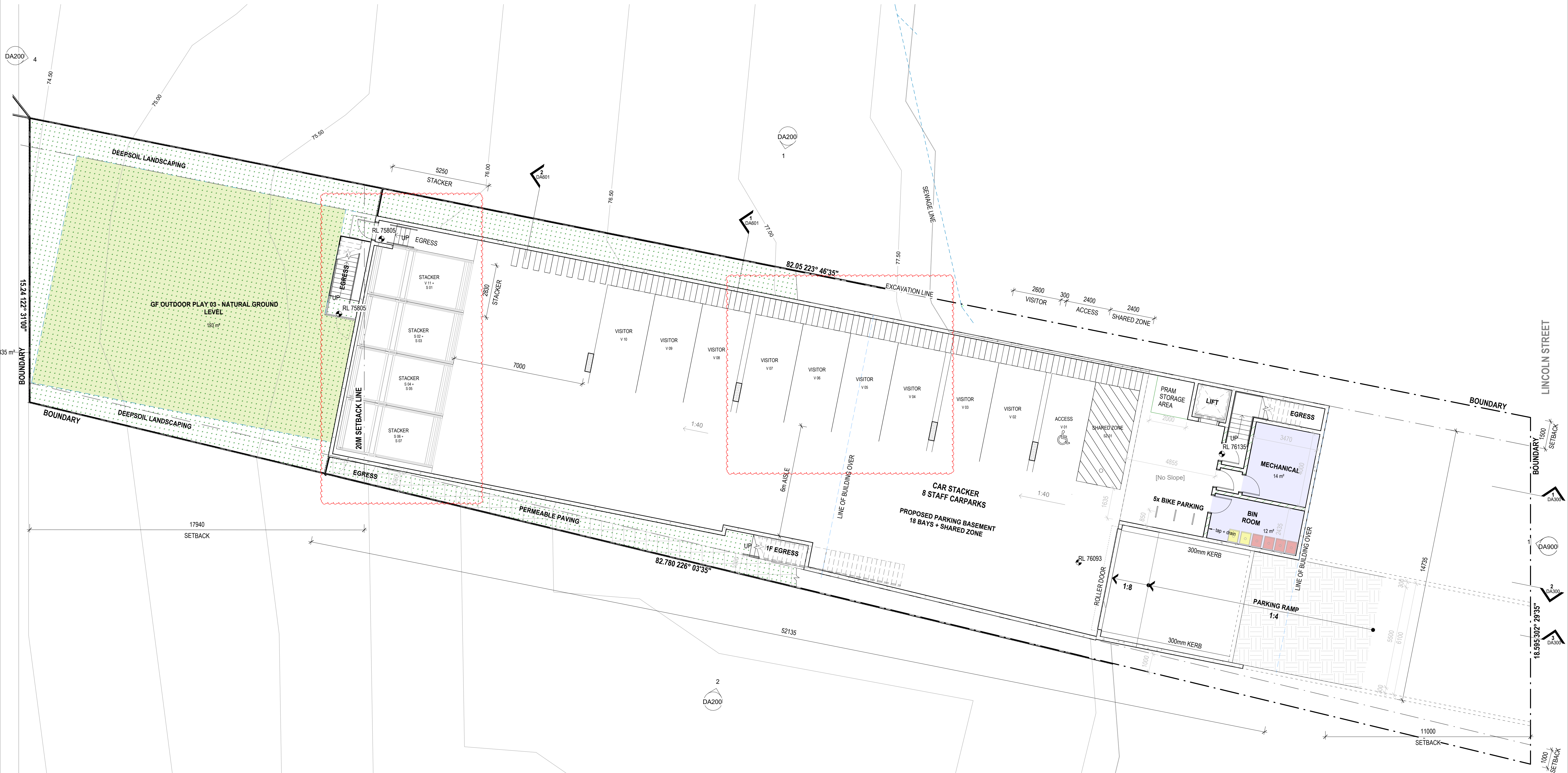
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Nominated Architect Laurie Liskowski 4224

Scale: 1 : 100

Date : 25.01.23

Project No: Sheet No: Rev:  
211105 DA100 C





REQ. PARKING FOR 88 KIDS (1:2) = 11  
REQ. PARKING FOR 14 STAFF (1:8) = 7  
TOTAL REQ. 18 / PROPOSED 18 SPACES



S STAFF  
V VISITOR  
SZ SHARED ZONE

AREAS

- 0-2 Indoor Play
- 2-3 Indoor Play
- 4-6 Indoor Play
- Outdoor Play
- KIDS TOILET / NAPPY CHANGE
- ACC. WC
- OFFICE/STAFF
- SERVICE
- KITCHEN
- WC
- LAUNDRY
- COT ROOM
- CORRIDOR

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PROPOSED CHILDCARE AT 9 LINCOLN STREET, EASTWOOD

BASEMENT PLAN

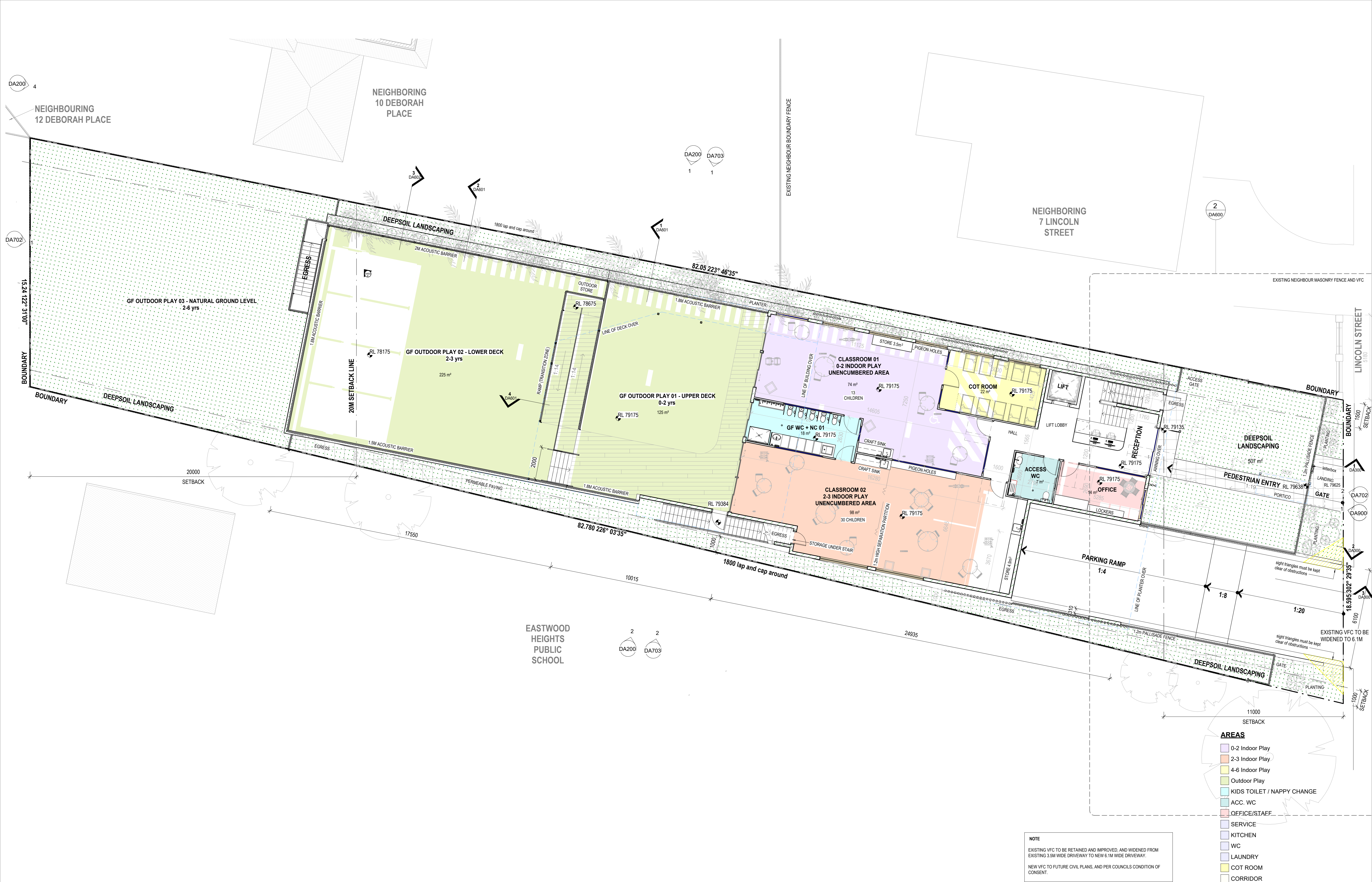
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211105 DA101 C





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CHECKED: PO  
APPROVED: LL

PROPOSED CHILDCARE AT 9 LINCOLN STREET, EASTWOOD

GROUND FLOOR PLAN

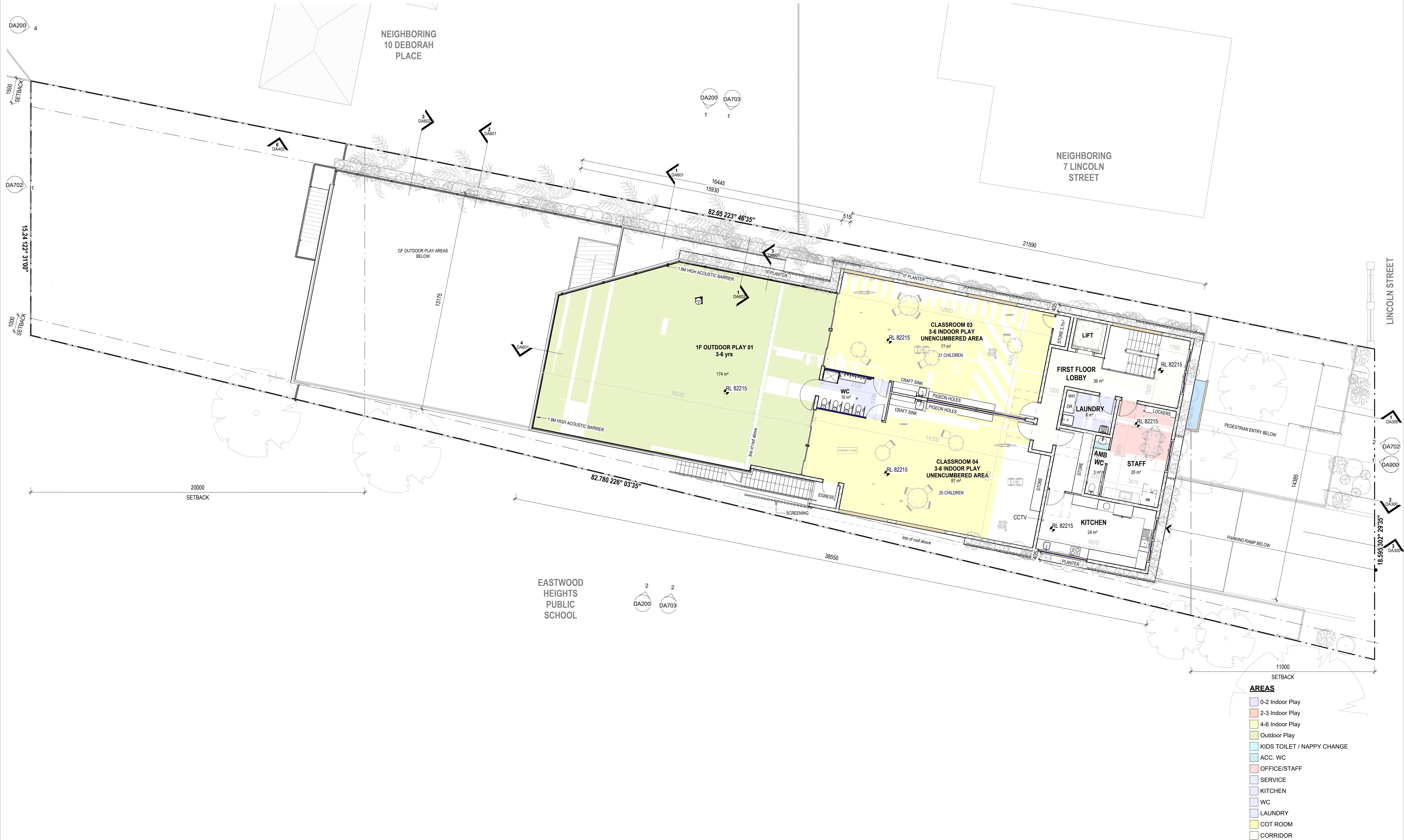
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Project No: Sheet No: Rev:  
211105 DA102 C





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DA	C	25.01.23	RF1

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DRAWN: YA
CHECKED: PO
APPROVED: LL

PROPOSED CHILDCARE AT 9 LINCOLN STREET, EASTWOOD

FIRST FLOOR PLAN

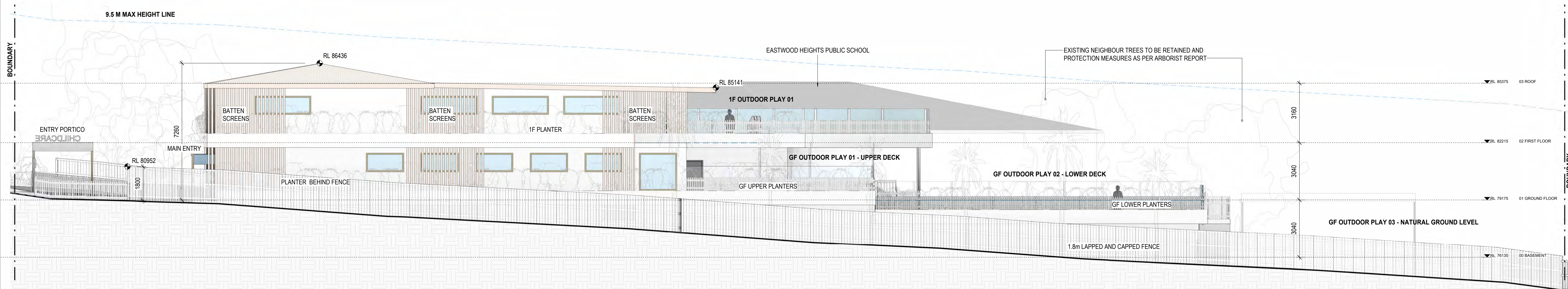
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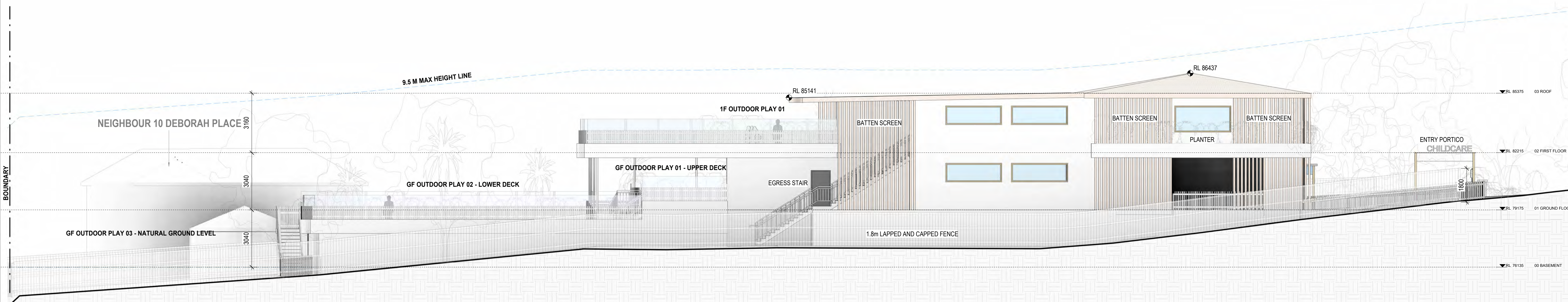
Date : 25.01.23

Project No: 211105 Sheet No: DA103 Rev: C

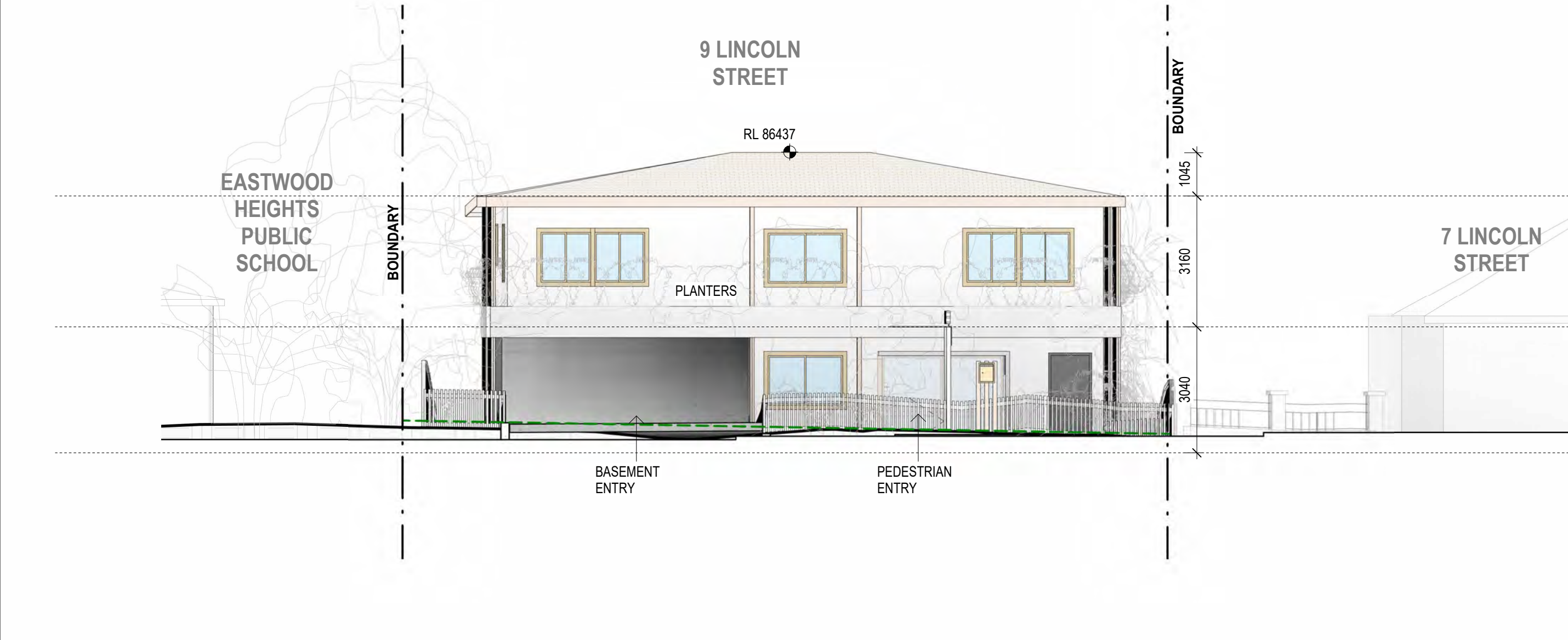




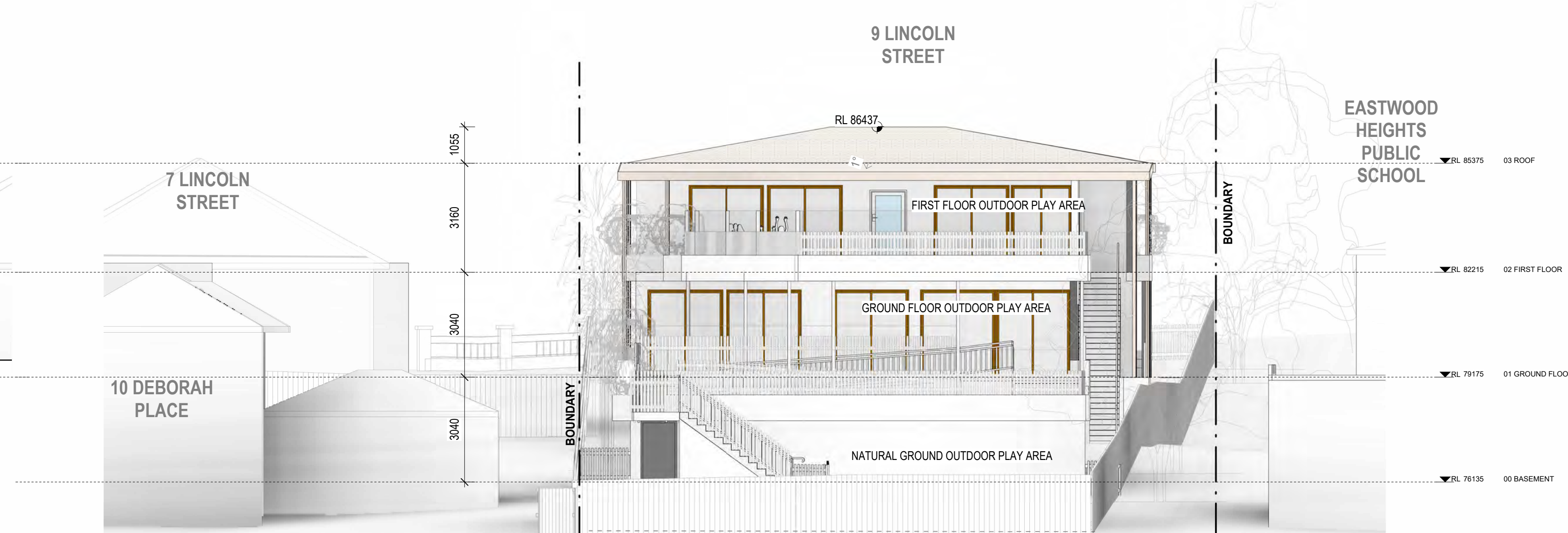
1 NORTH ELEVATION  
1:100



2 SOUTH ELEVATION  
1:100

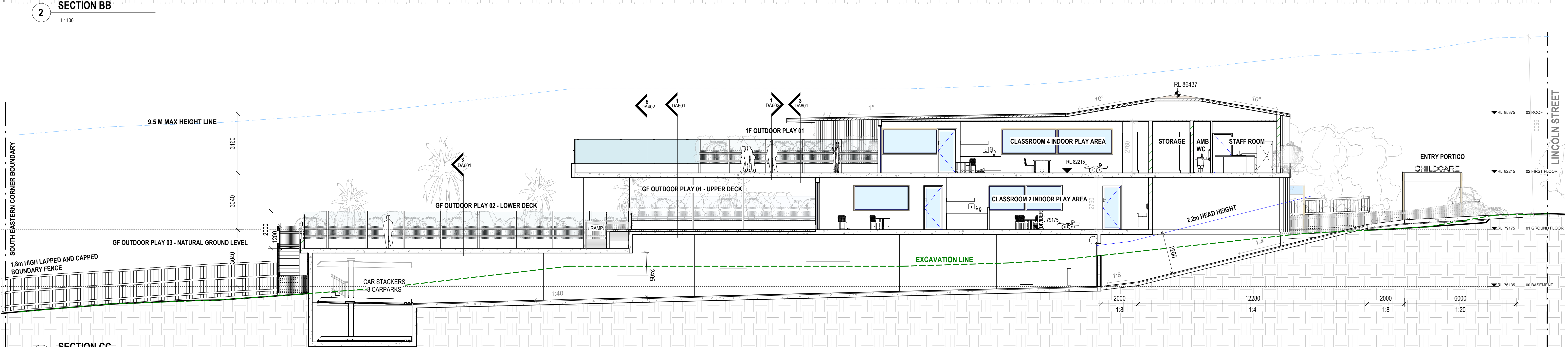
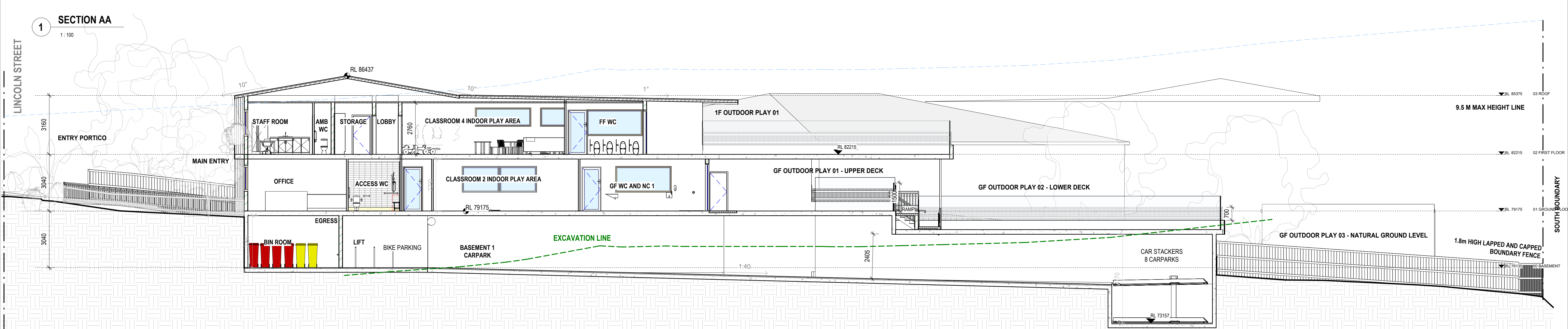
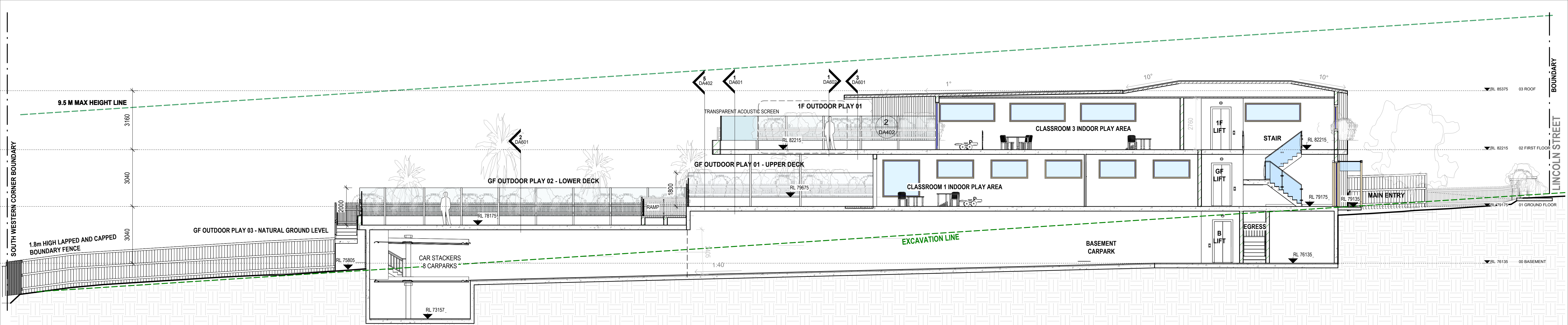


3 EAST ELEVATION - STREET ENTRY  
1:100



4 WEST ELEVATION  
1:100





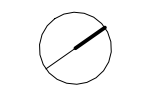
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APPROVED: LL

PROPOSED CHILDCARE AT 9 LINCOLN STREET, EASTWOOD

SECTIONS

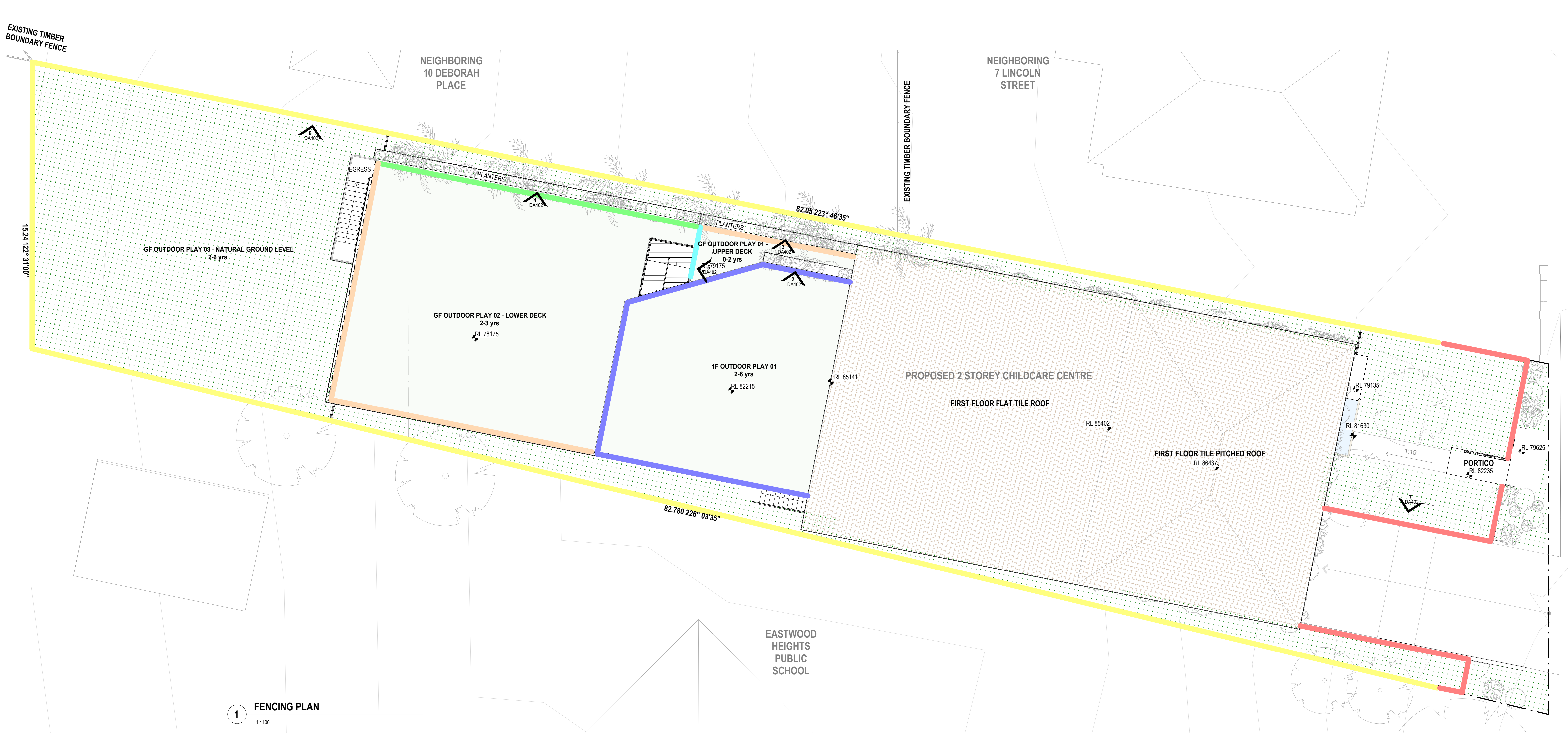
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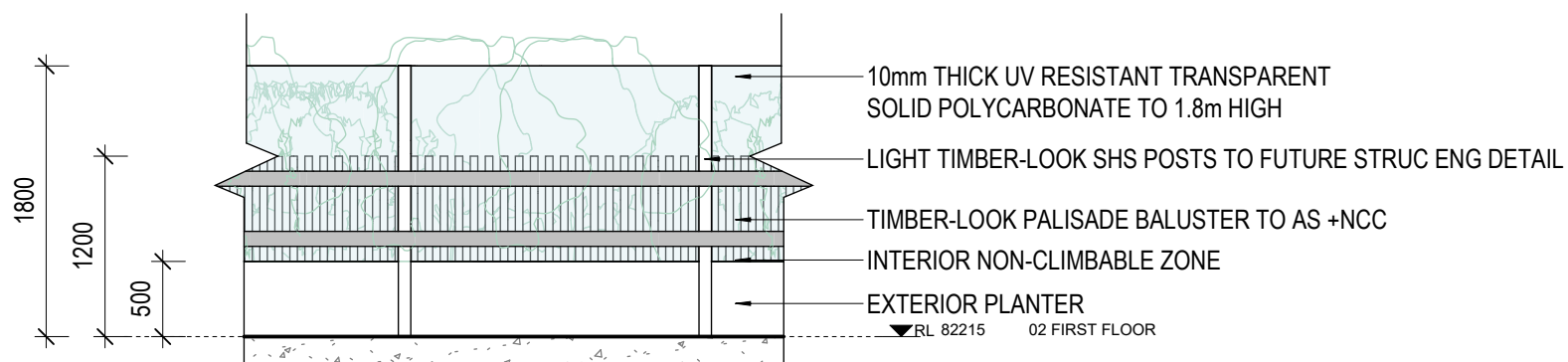
Date: 25.01.23

Project No: 211105 Sheet No: DA300 Rev: C

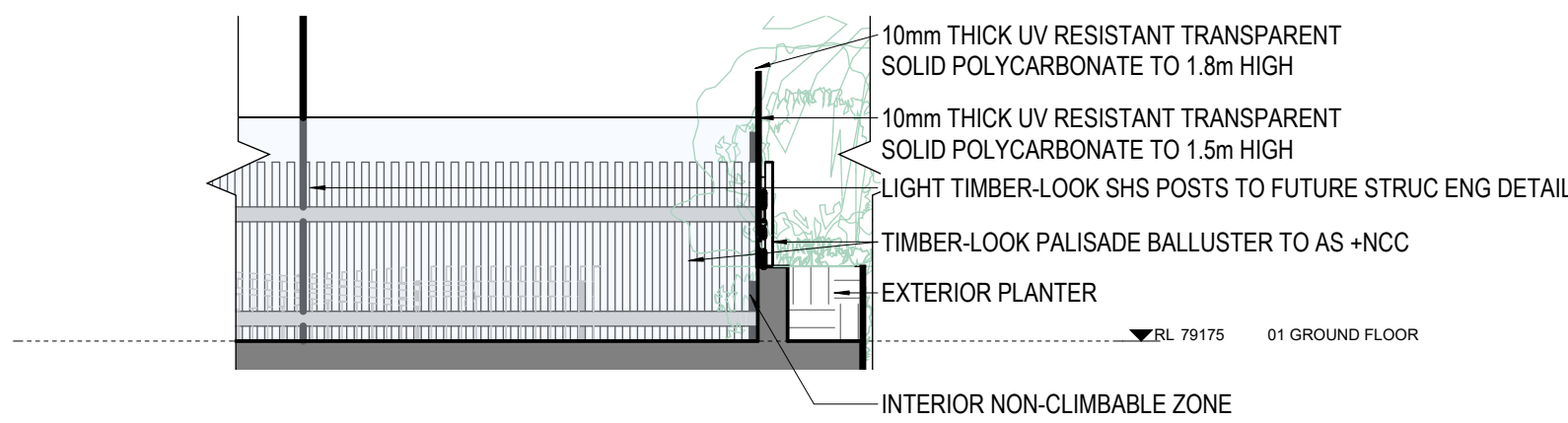




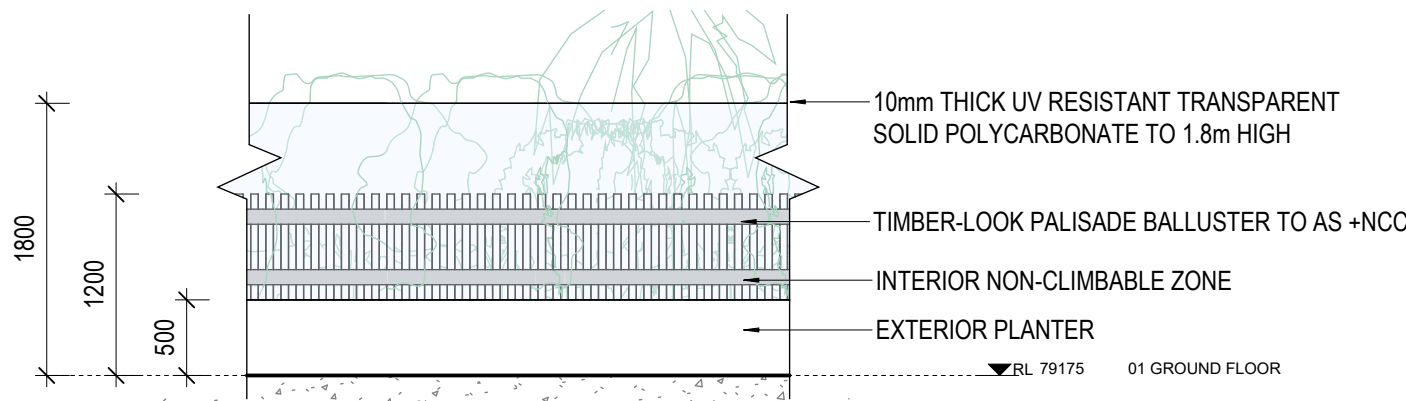
**1 FENCING PLAN**  
1:100



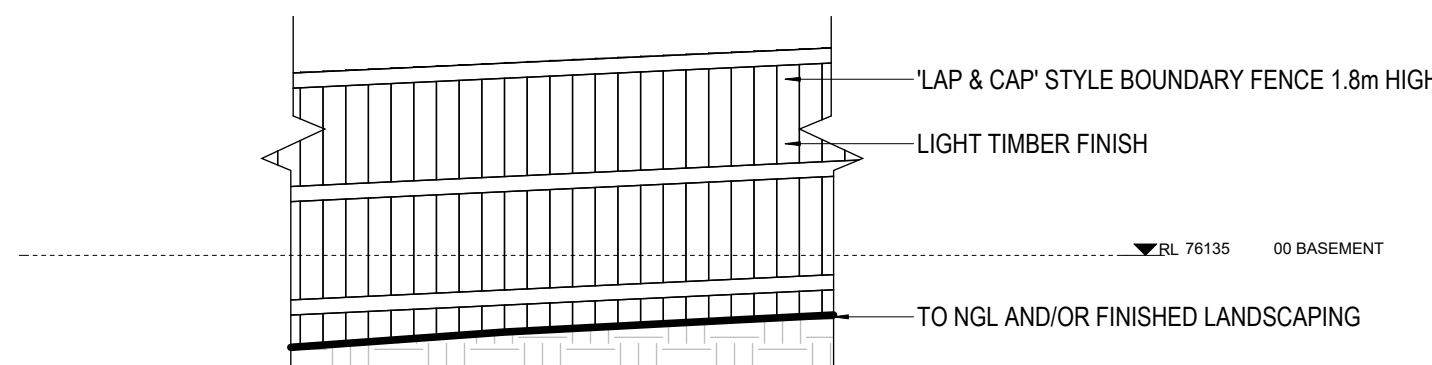
**2 1.8M HIGH BARRIER - 1F**  
1:50



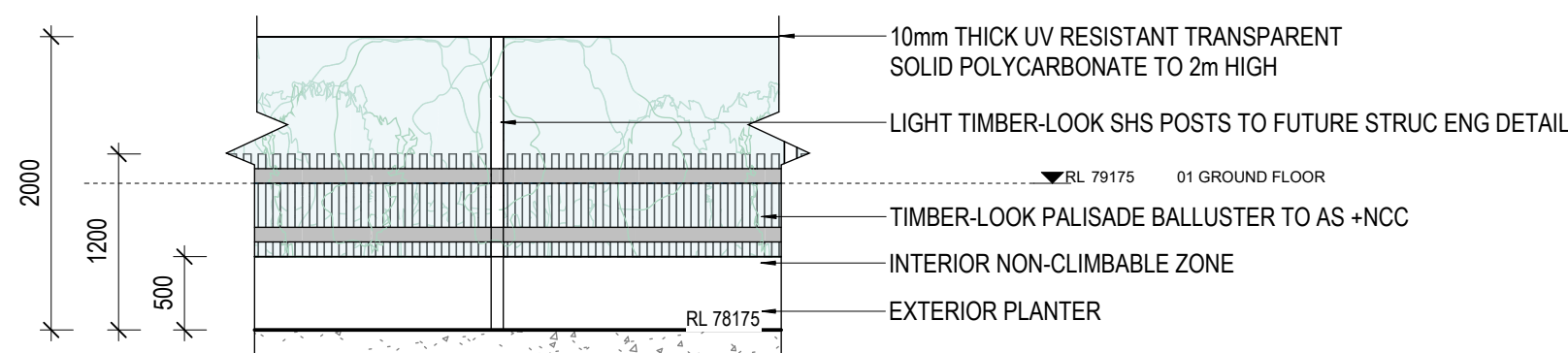
**5 1.5M HIGH BARRIER - GF**  
1:50



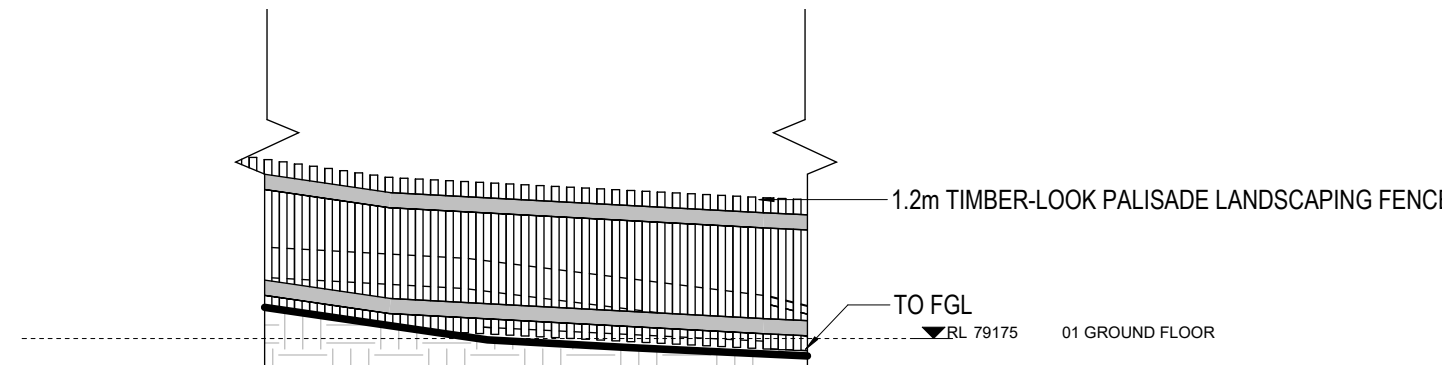
**3 1.8M HIGH BARRIER - GF**  
1:50



**6 1.8M HIGH BOUNDARY FENCE - GF**  
1:50



**4 2M HIGH BARRIER - GF**  
1:50



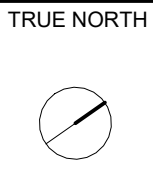
**7 1.2M HIGH LANDSCAPE FENCE - GF**  
1:50

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DRAWN: Author
CHECKED: Checker
APPROVED: Approver

PROPOSED CHILDCARE AT 9 LINCOLN STREET, EASTWOOD

FENCING PLANS

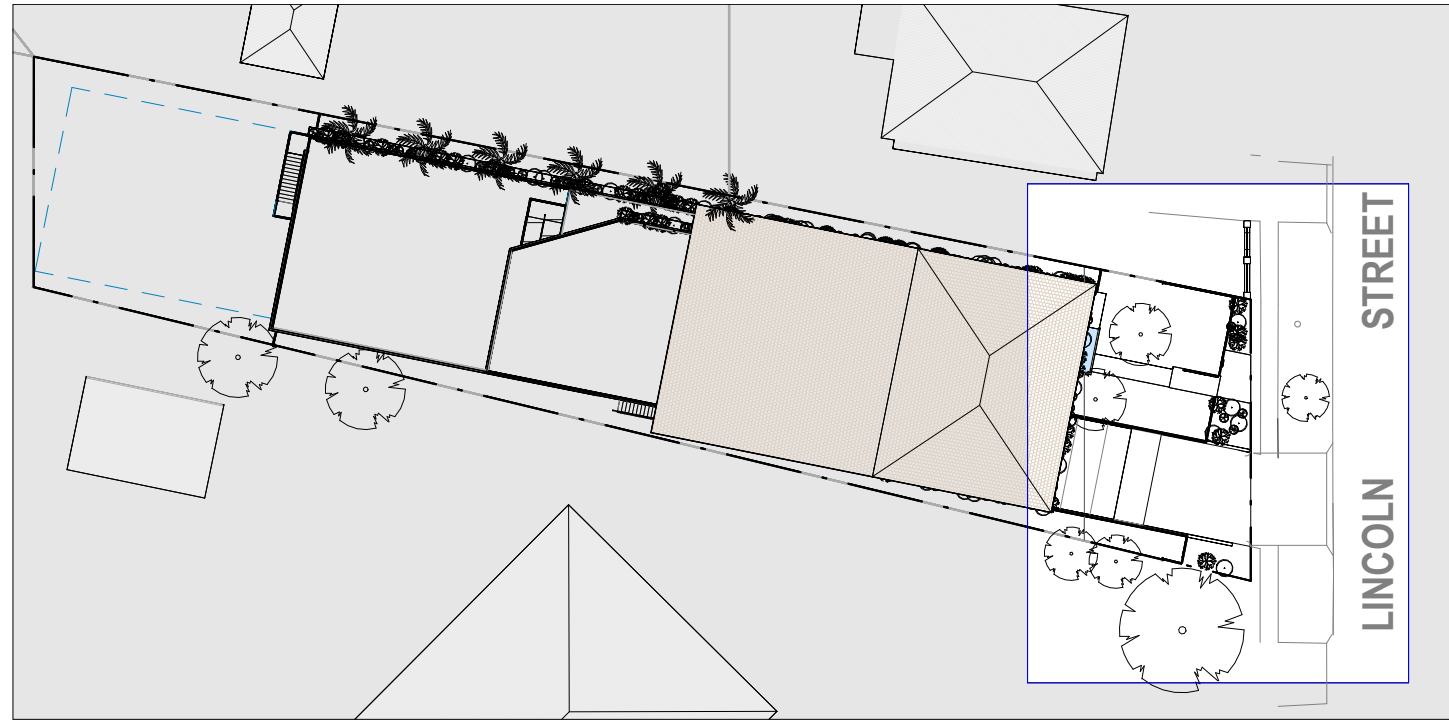
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Scale: As indicated

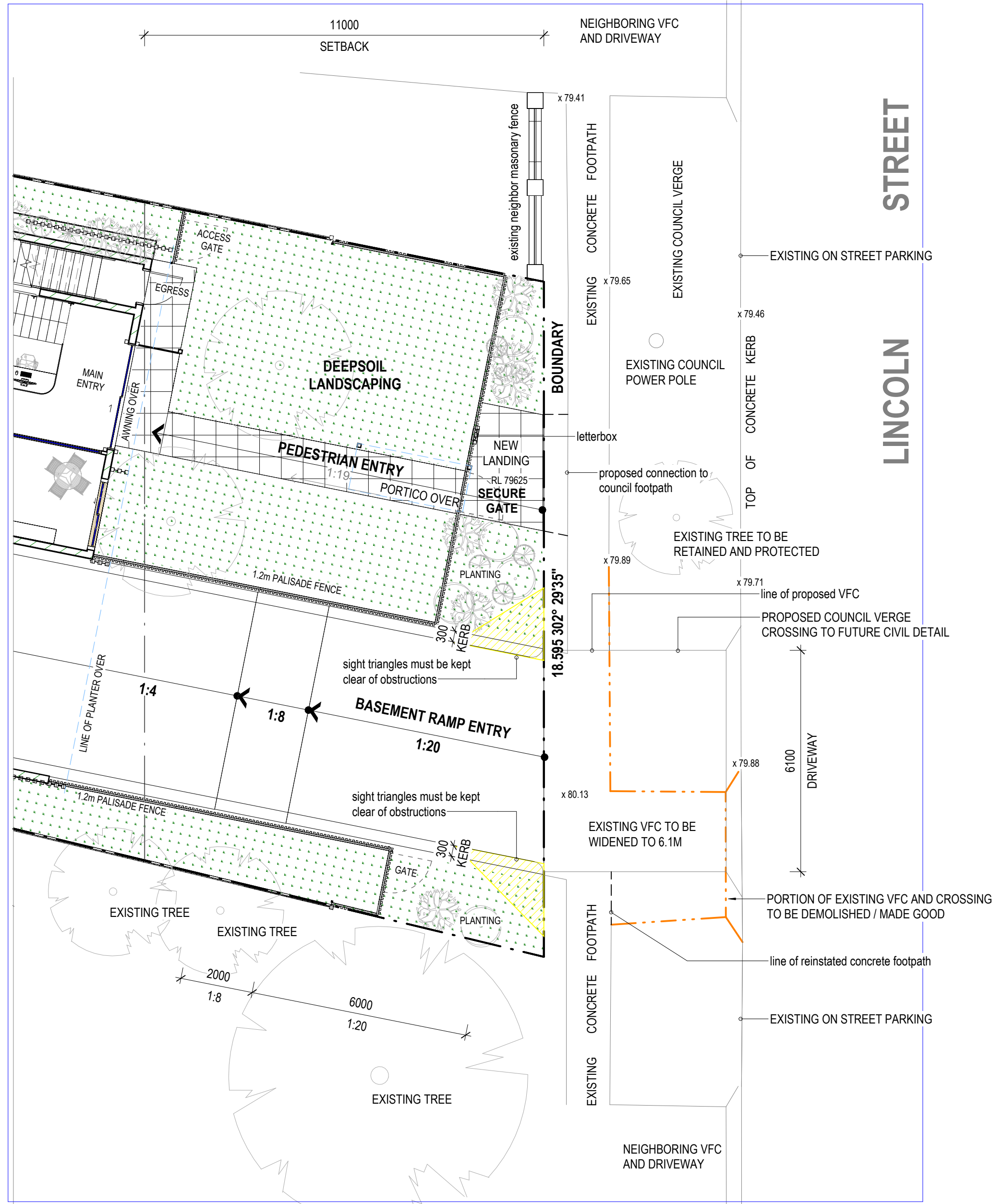
Date: 23.11.23

Project No: 211105 Sheet No: DA402 Rev: A





1 REFERENCE PLAN  
1:500



2 DETAIL - PROPOSED VFC AND DRIVEWAY  
1:100

ALL PLANS TO BE PRINTED IN COLOR **FOR DA**

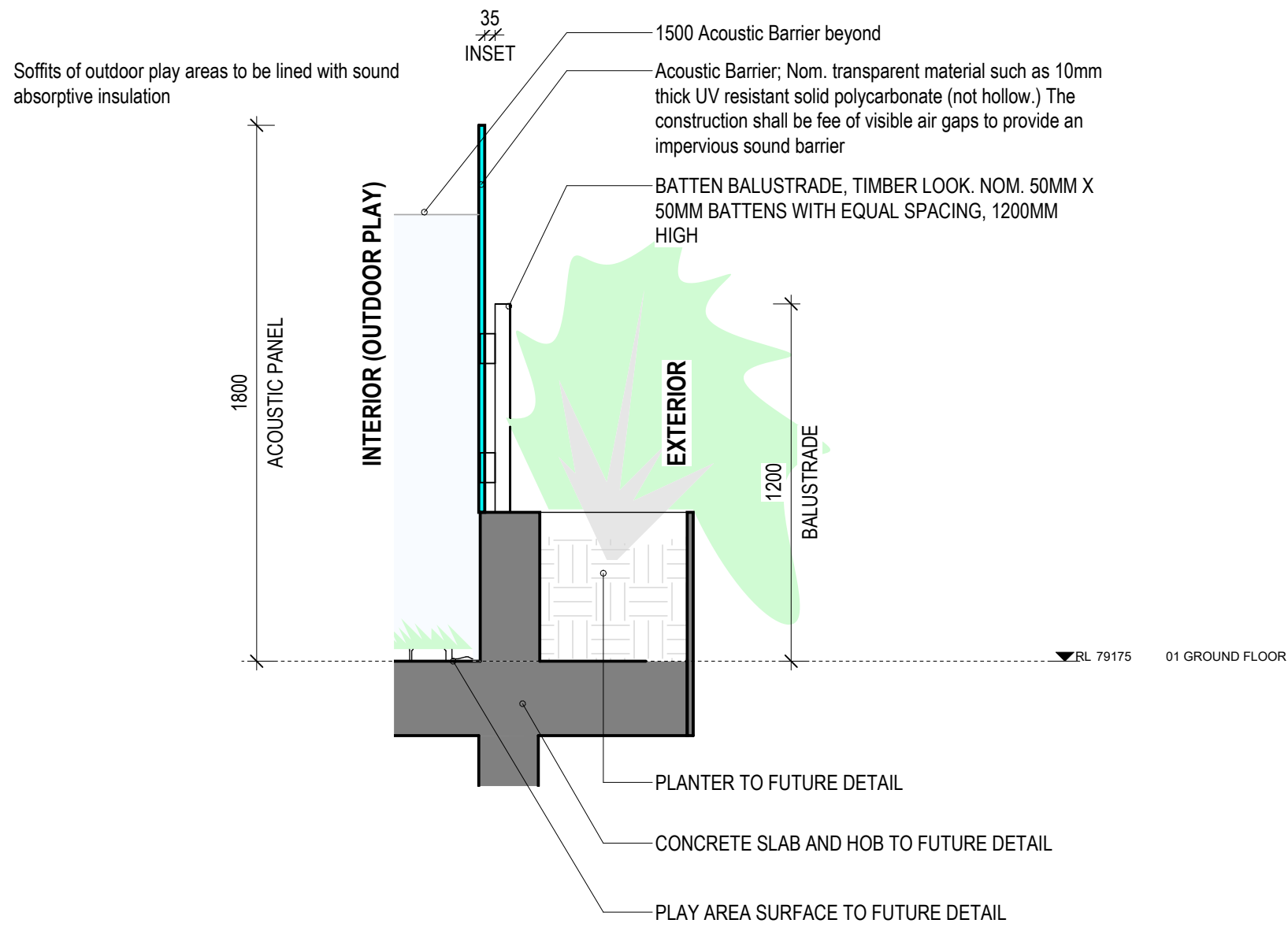
- ALL BUILDING WORK TO COMPLY WITH BCA AND AS CODES AND RELEVANT AUTHORITIES REQUIREMENTS.
- ALL STEEL, CONCRETE AND TIMBER WORK TO BE IN ACCORDANCE WITH STRUCTURAL ENGINEERS SPECIFICATIONS AND RELEVANT SAA CODES.
- LARGER SCALE DRAWINGS TAKE PRECEDENCE OVER SMALLER.
- ALL DIMENSIONS TO BE CONFIRMED ON SITE. CONTACT THE ARCHITECT IF ANY DOUBT OR DISCREPANCY ARISES.
- READ FIGURED DIMENSIONS IN PREFERENCE TO SCALING.

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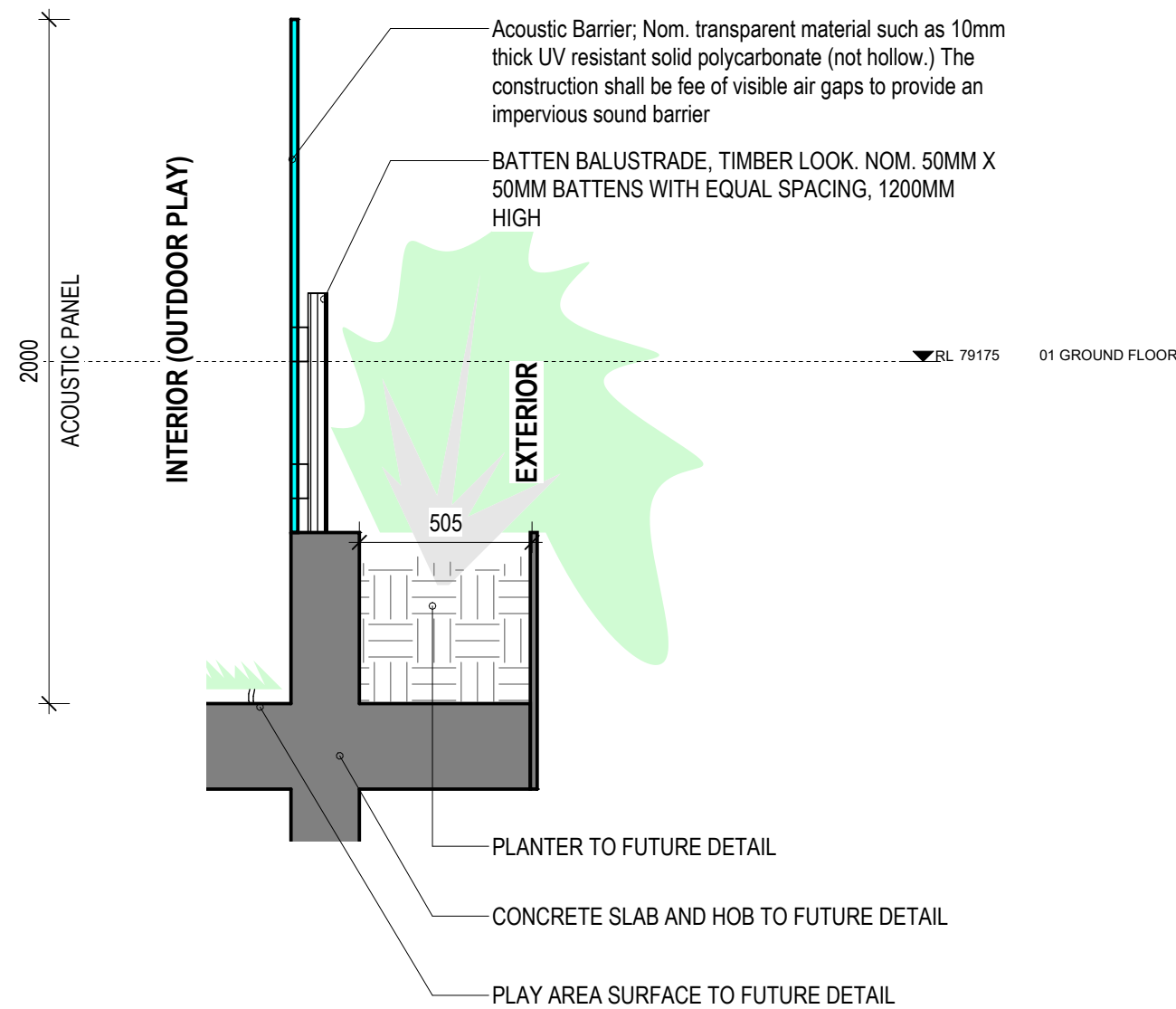
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FOR	ISSUE	DATE	AMENDMENT	FOR	ISSUE	DATE	AMENDMENT	DRAFTING
DA	A	20.10.22	DA					DRAWN: Author
								CHECKED: Checker
								APPROVED: Approver

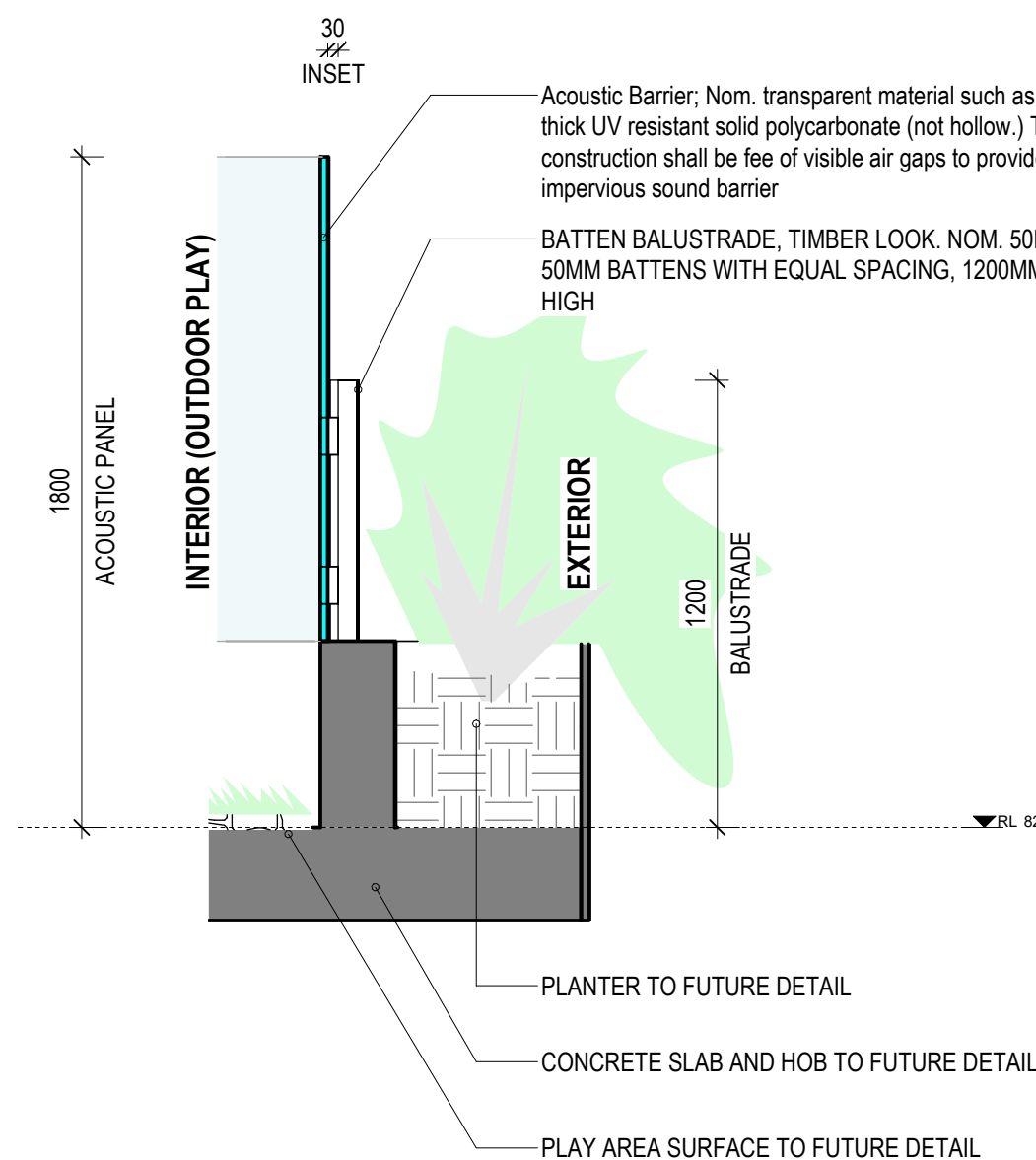
PROPOSED CHILDCARE AT 9 LINCOLN STREET, EASTWOOD	Scale: As indicated
LINCOLN STREET - DETAIL	Date : 20.10.22
SUITE 107 LEVEL 1, 53-59 GREAT BUCKINGHAM ST. REDFERN HILLS, NSW Ph. 02 9212 3266   E. info@liskowski.com.au   www.liskowski.com.au Nominated Architect Laurie Liskowski 4224	Project No: 211105 Sheet No: DA600 Rev: A



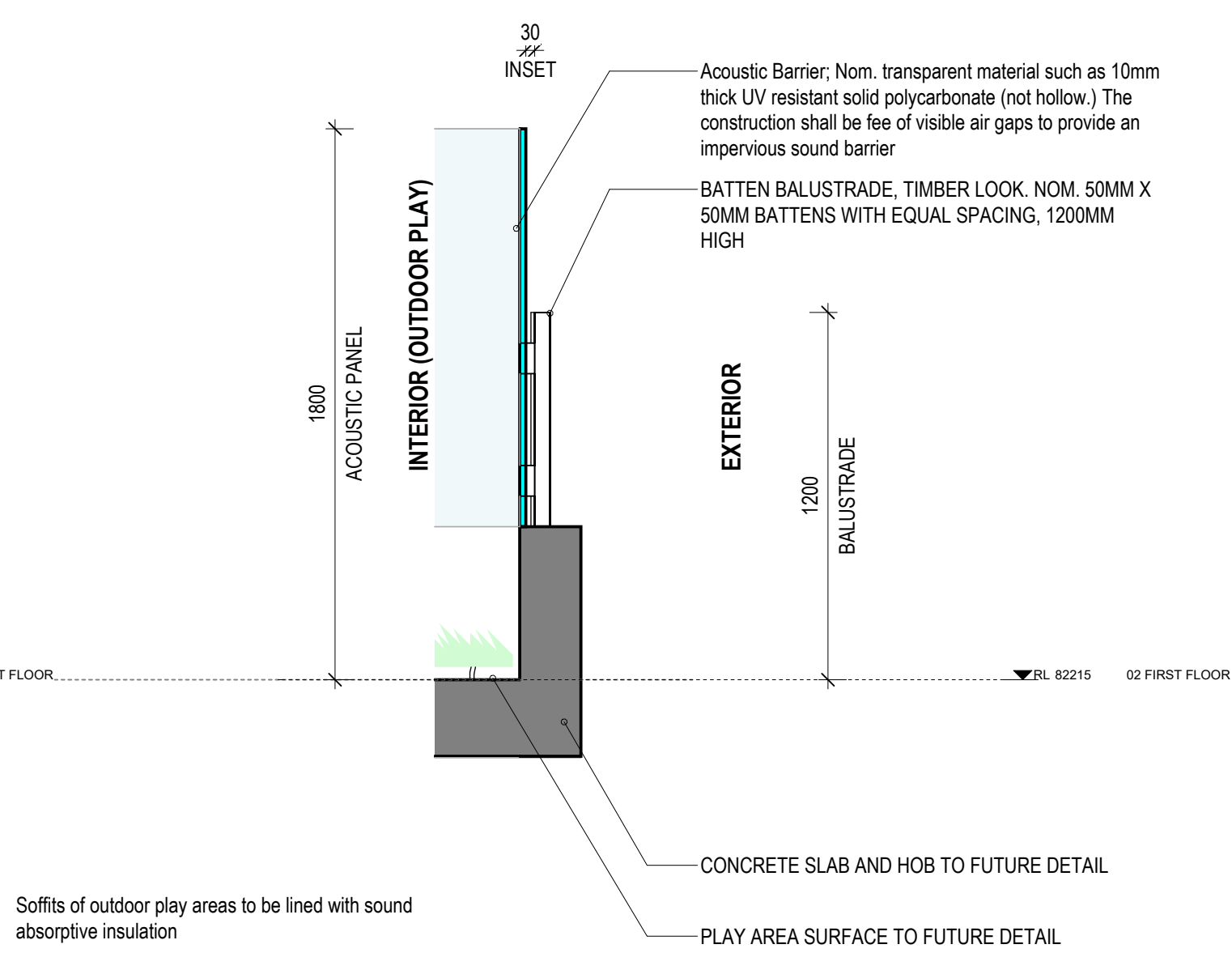
1 TYPICAL DETAIL - GF OUTDOOR PLAY 01, ACOUSTIC BARRIER  
1 : 20



2 TYPICAL DETAIL - GF OUTDOOR PLAY 02, ACOUSTIC BARRIER  
1 : 20



3 TYPICAL DETAIL - FF OUTDOOR PLAY 01, ACOUSTIC BARRIER  
1 : 20



4 TYPICAL DETAIL - S'EAST + S'WEST ACOUSTIC BARRIER  
1 : 20

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DA	A	25.01.23	RF1

FOR	ISSUE	DATE	AMENDMENT

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CHECKED: Checker
APPROVED: Approver

PROPOSED CHILDCARE AT 9 LINCOLN STREET, EASTWOOD

DETAIL - ACOUSTIC SCREENS

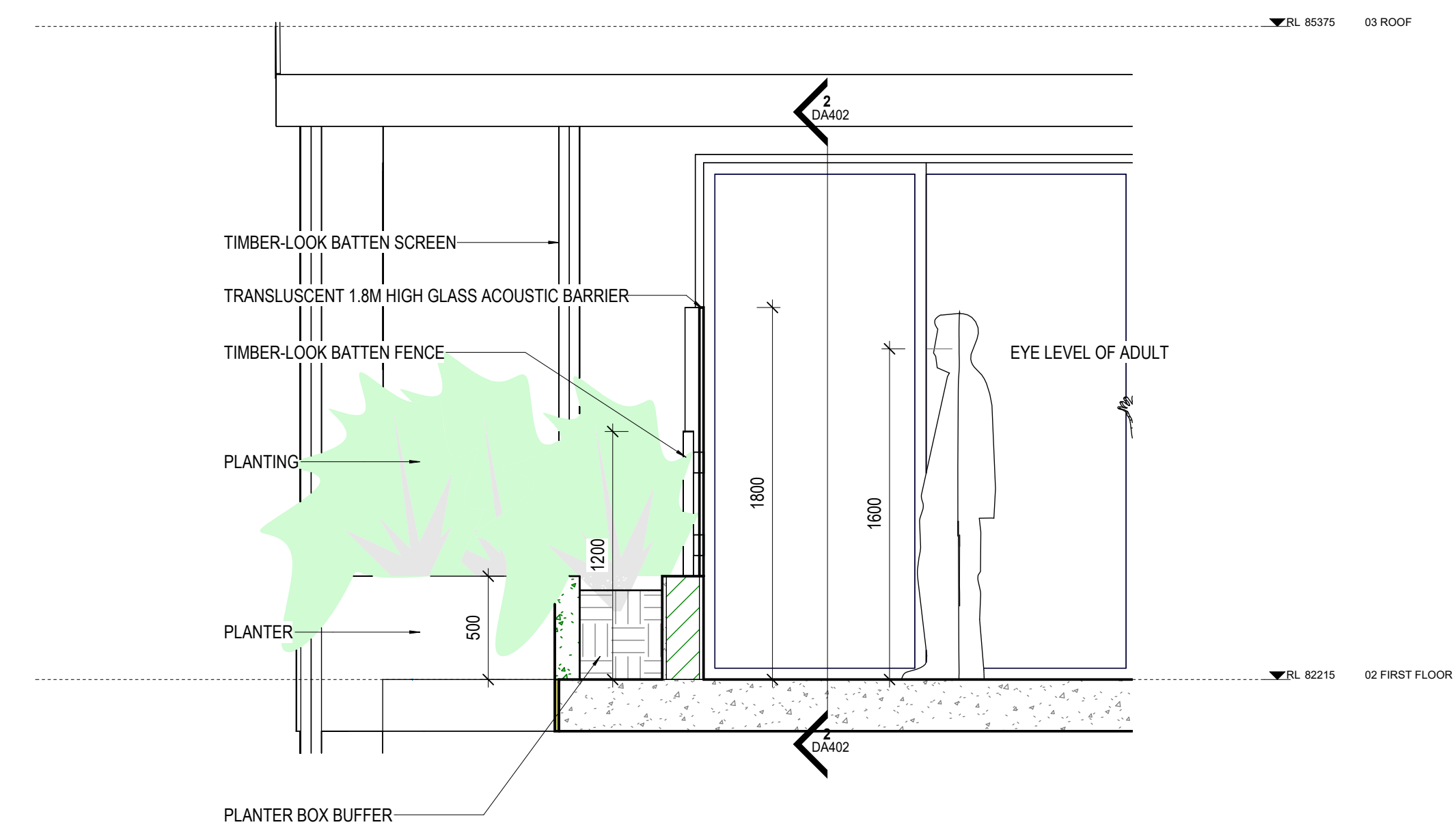
SUITE 107 LEVEL 1, 53-59 GREAT BUCKINGHAM ST. REDFERN HILLS, NSW  
Ph. 02 9212 3266 | E. info@lskowski.com.au | www.lskowski.com.au  
Nominated Architect Laurie Liskowski 4224

Scale: 1 : 20

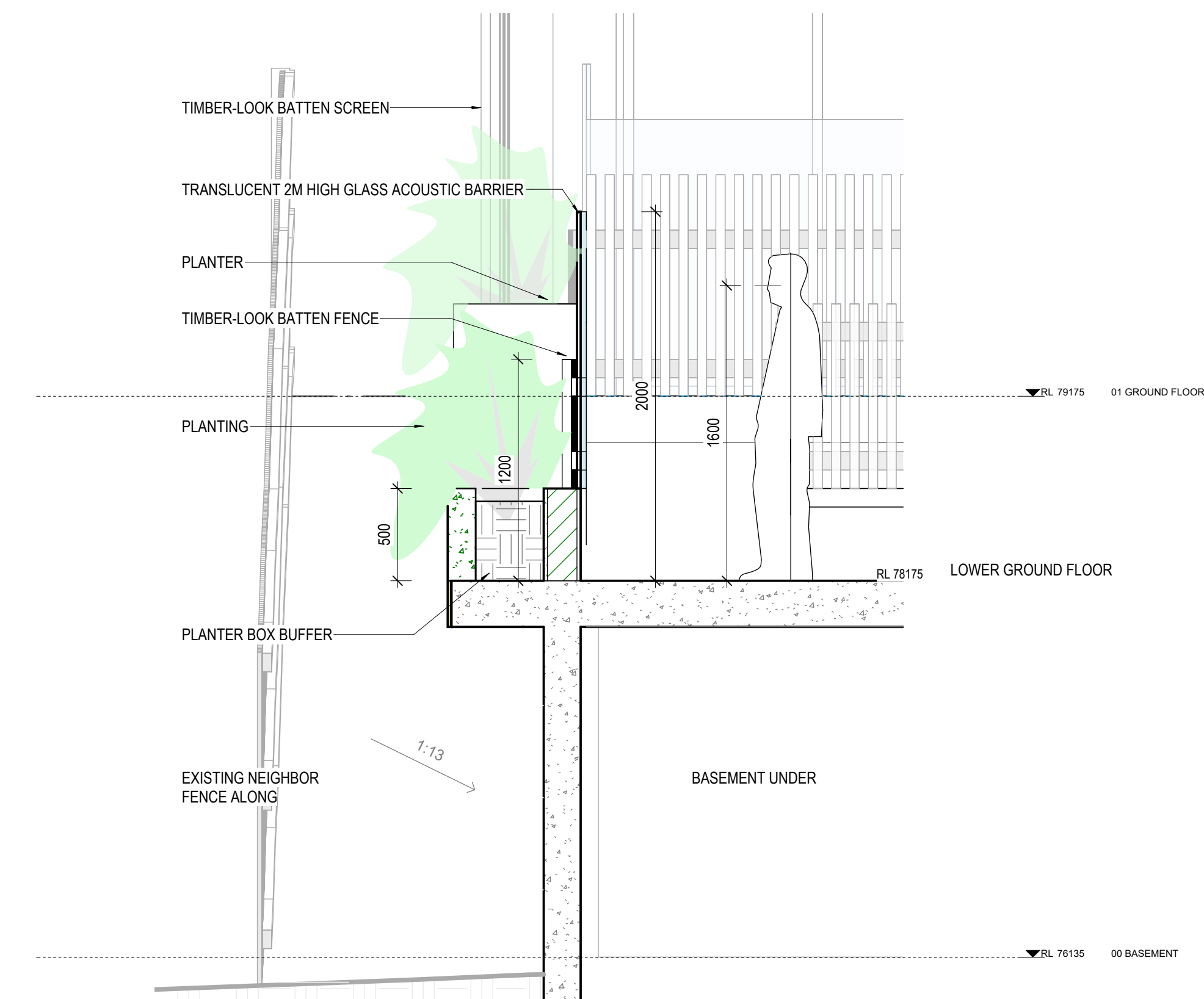
Date : 25.01.23

Project No: 211105 Sheet No: DA601 Rev: A

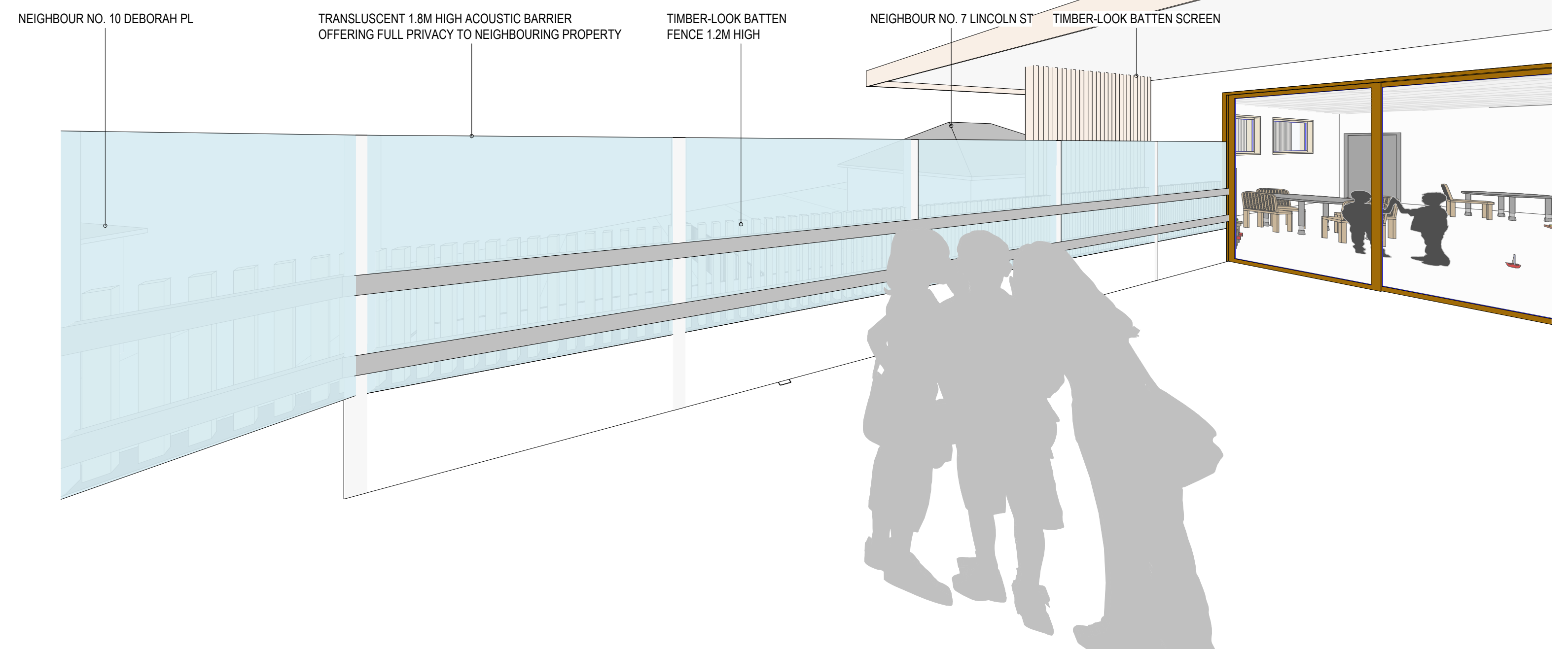




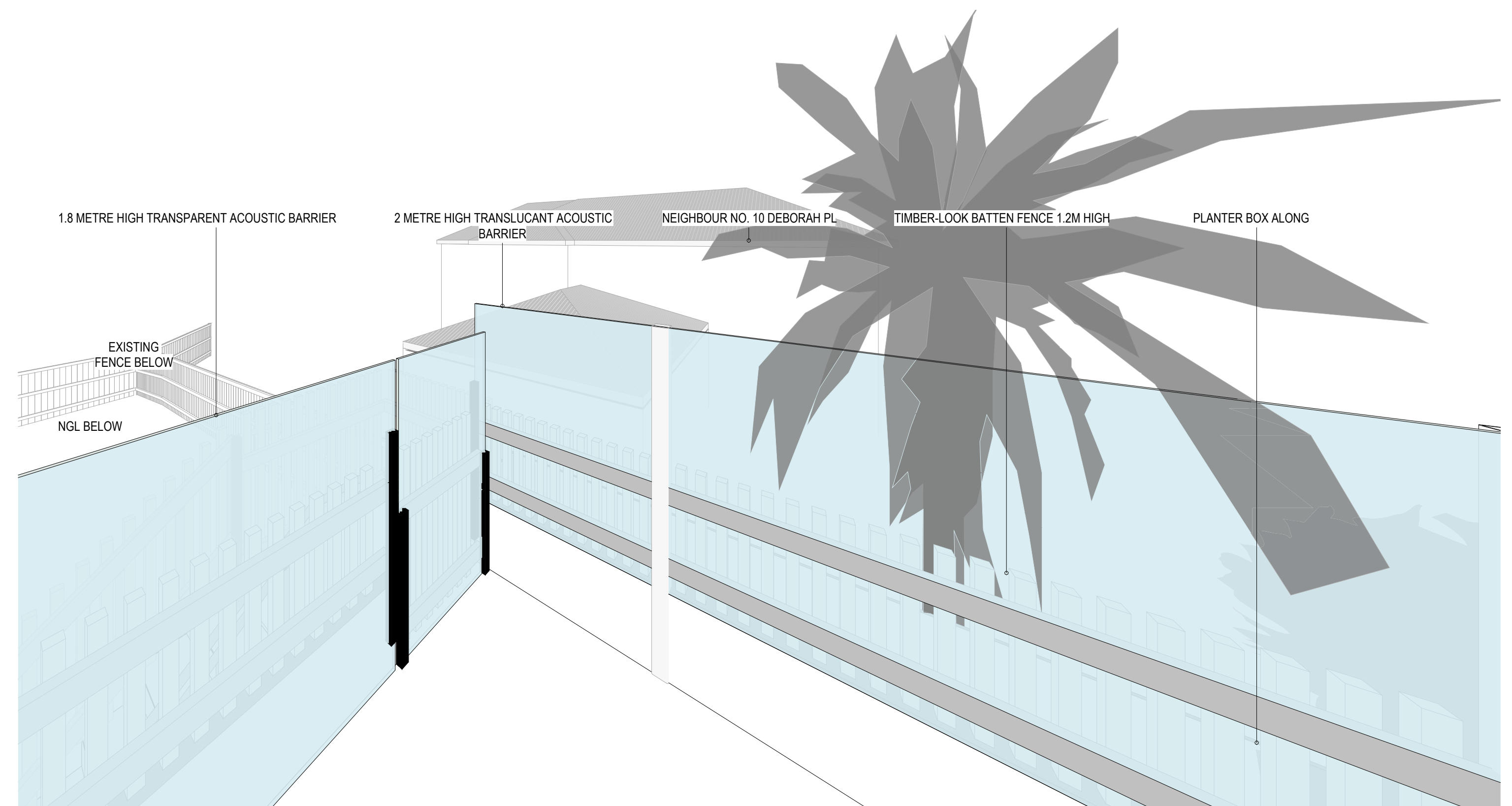
1 SECTION THROUGH FIRST FLOOR PLAY AREA FENCE  
1 : 25



3 SECTION THROUGH LOWER GROUND FLOOR OUTDOOR PLAY AREA  
1 : 25



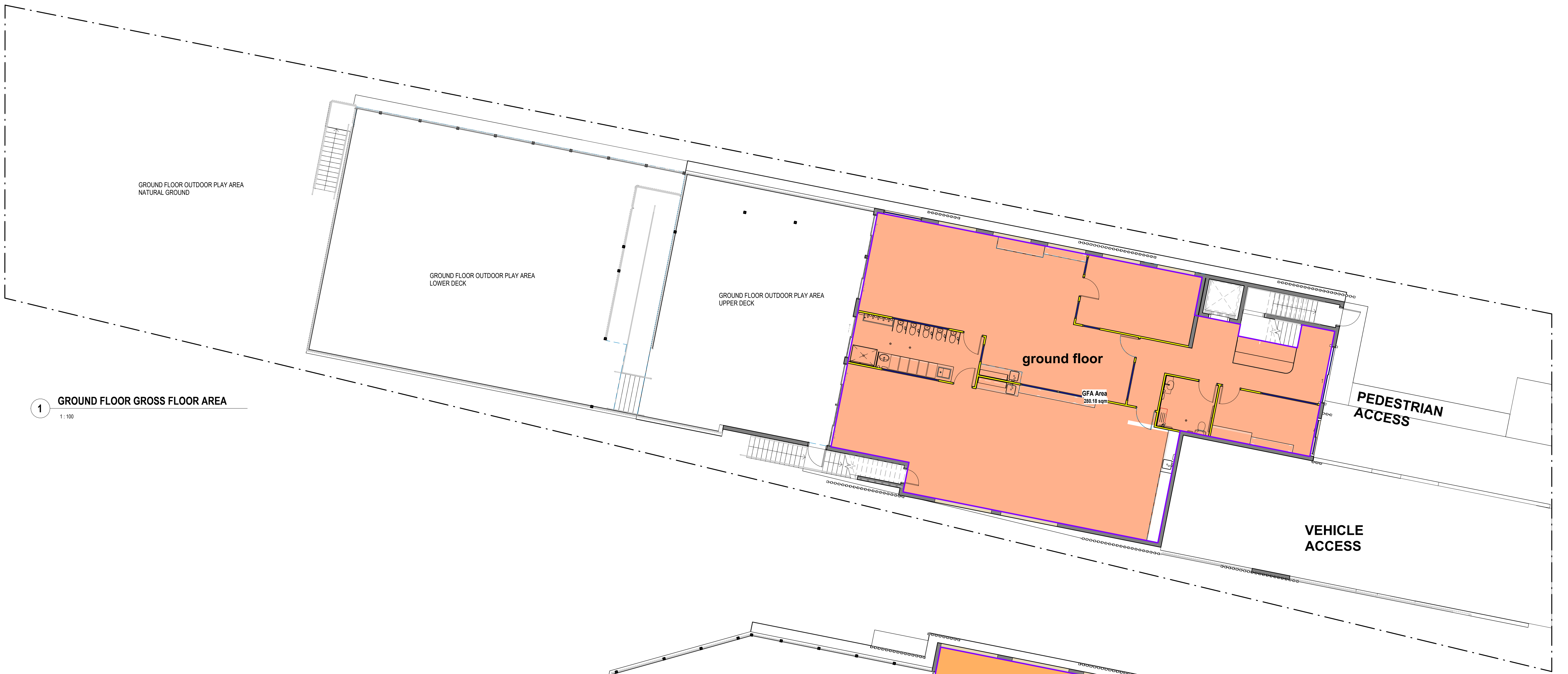
2 3D VIEW FROM FIRST FLOOR FACING 7 LINCOLN ST



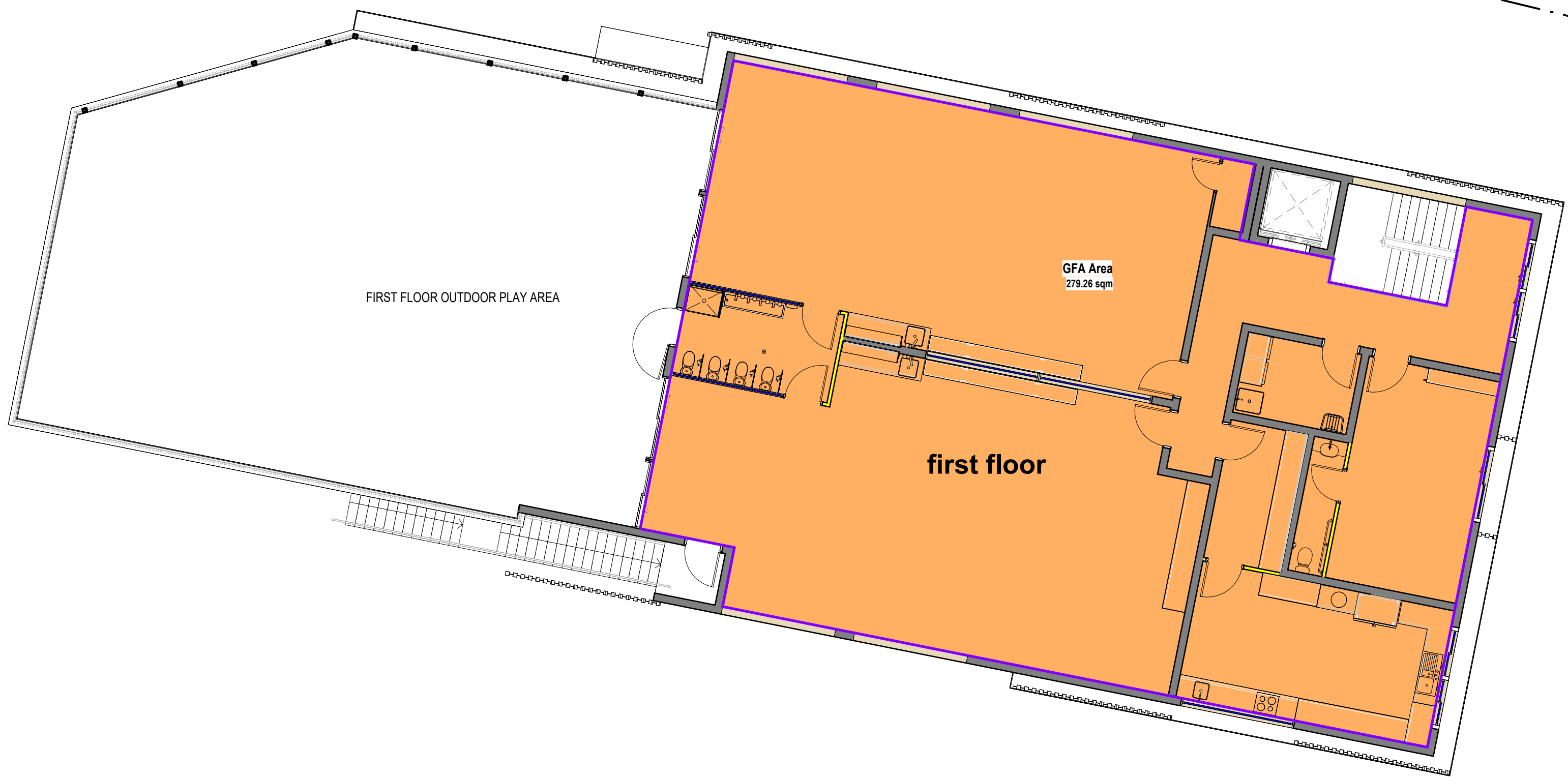
4 3D VIEW LOWER GROUND FLOOR FACING 10 DEBORAH PL

FOR	ISSUE	DATE	AMENDMENT	FOR	ISSUE	DATE	AMENDMENT
DA	A	25.01.23	RF1				
DA	B	23.11.23	LPP				

DRAFTING
DRAWN: Author
CHECKED: LL
APPROVED: Approver



1 GROUND FLOOR GROSS FLOOR AREA  
1 : 100



2 FIRST FLOOR GROSS FLOOR AREA  
1 : 100

**GROSS FLOOR AREA**

280 m² GROUND FLOOR

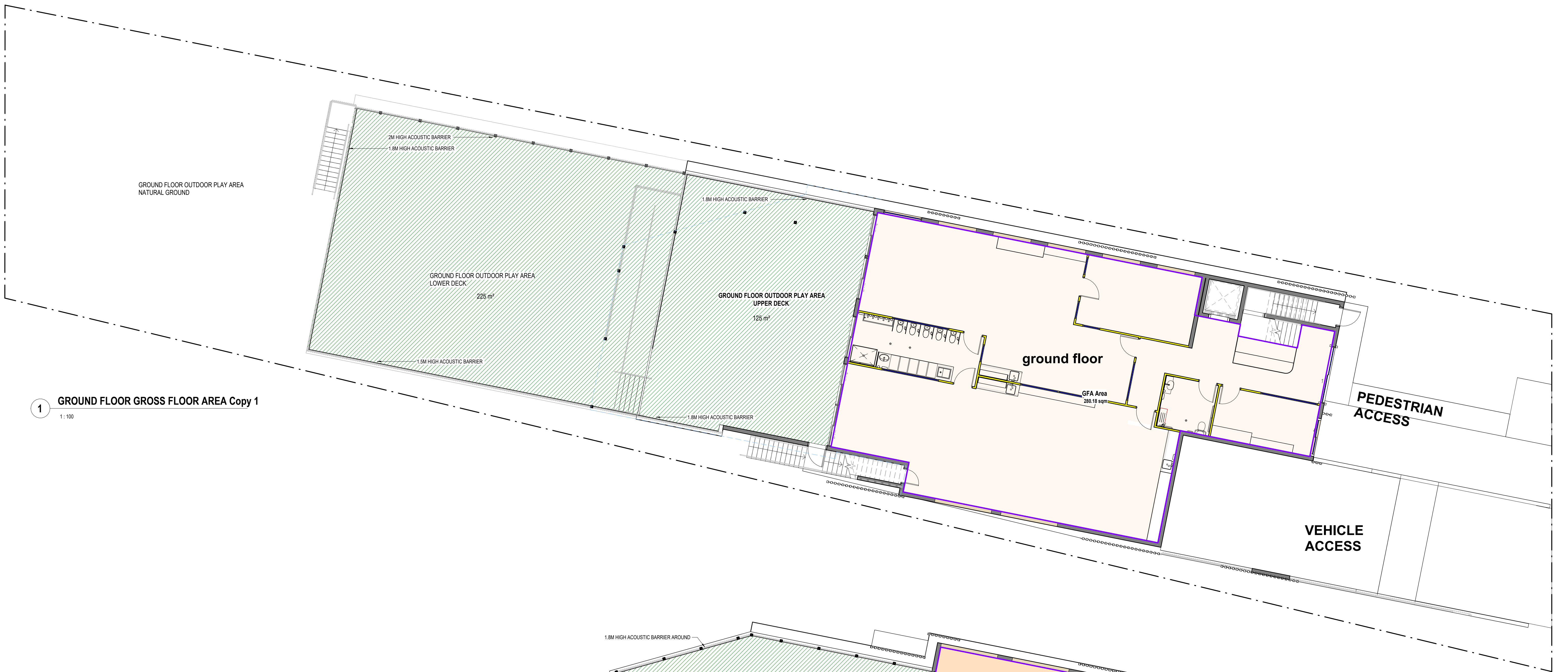
279 m² FIRST FLOOR

= 559.41 m² TOTAL

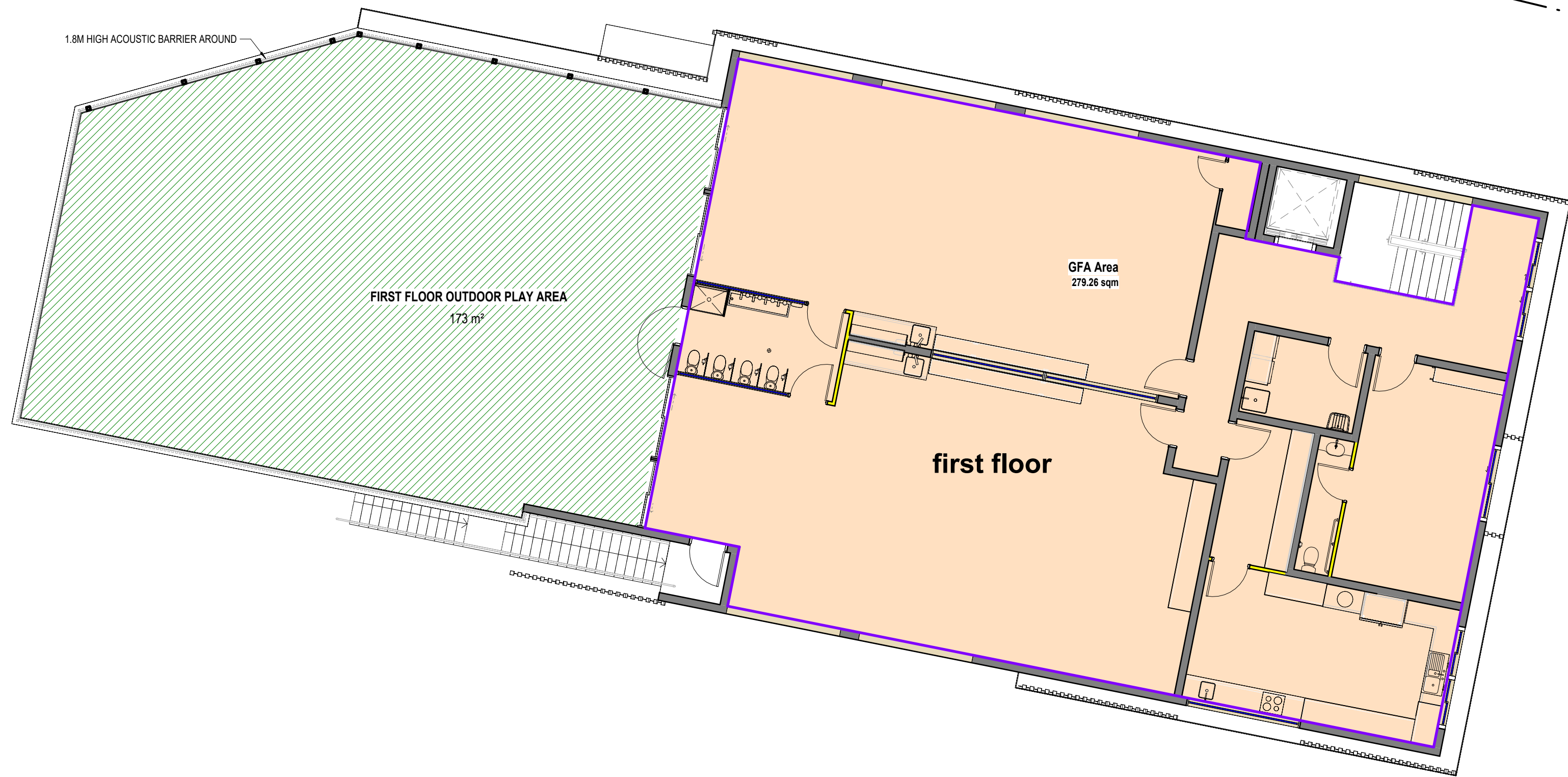
0.41:1 - ACTUAL FSR

0.5:1 - ALLOWED FSR





1 GROUND FLOOR GROSS FLOOR AREA Copy 1  
1 : 100



2 FIRST FLOOR GROSS FLOOR AREA Copy 1  
1 : 100

**GROSS FLOOR AREA**

- 280 m² GROUND FLOOR
- 279 m² FIRST FLOOR
- 125m² GROUND FLOOR OUTDOOR PLAY AREA UPPER DECK
- 225 m² GROUND FLOOR OUTDOOR PLAY AREA LOWER DECK
- 173 m² FIRST FLOOR OUTDOOR PLAY AREA UPPER DECK

= 1082.41 m² TOTAL

0.79:1 - FSR

ALL PLANS TO BE PRINTED IN COLOR **FOR DA**

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DRAWN: MM
CHECKED: PO
APPROVED: Approver

PROPOSED CHILDCARE AT 9 LINCOLN STREET, EASTWOOD

**GFA PLANS - INCLUDING OUTDOOR AREAS**

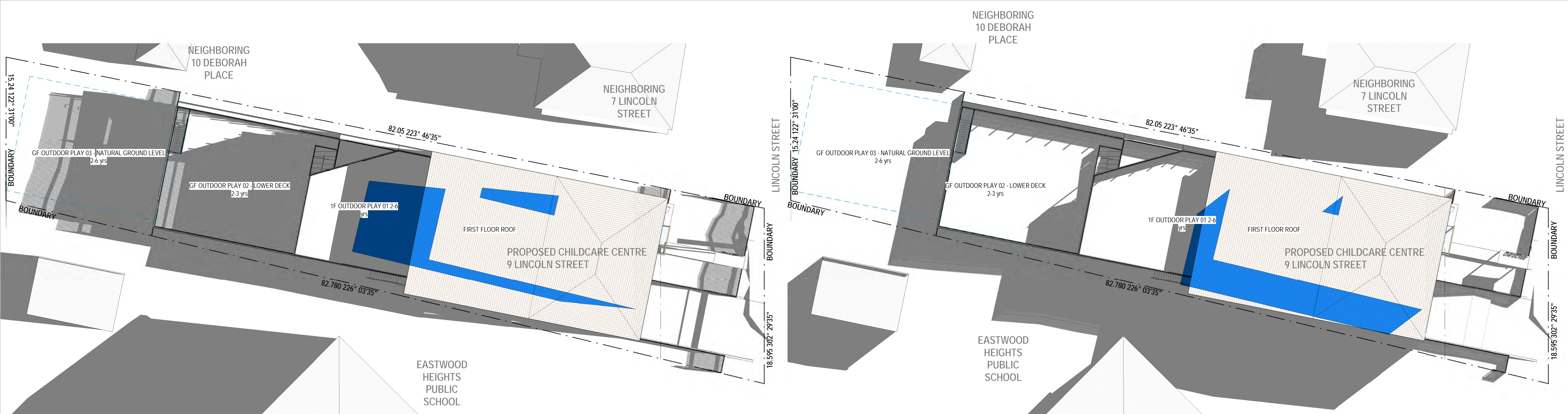
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PH. 02 9212 3266 | E. info@liskowski.com.au | www.liskowski.com.au  
Nominated Architect Laurie Liskowski 4224

Scale: 1 : 100

Date : 23.11.23

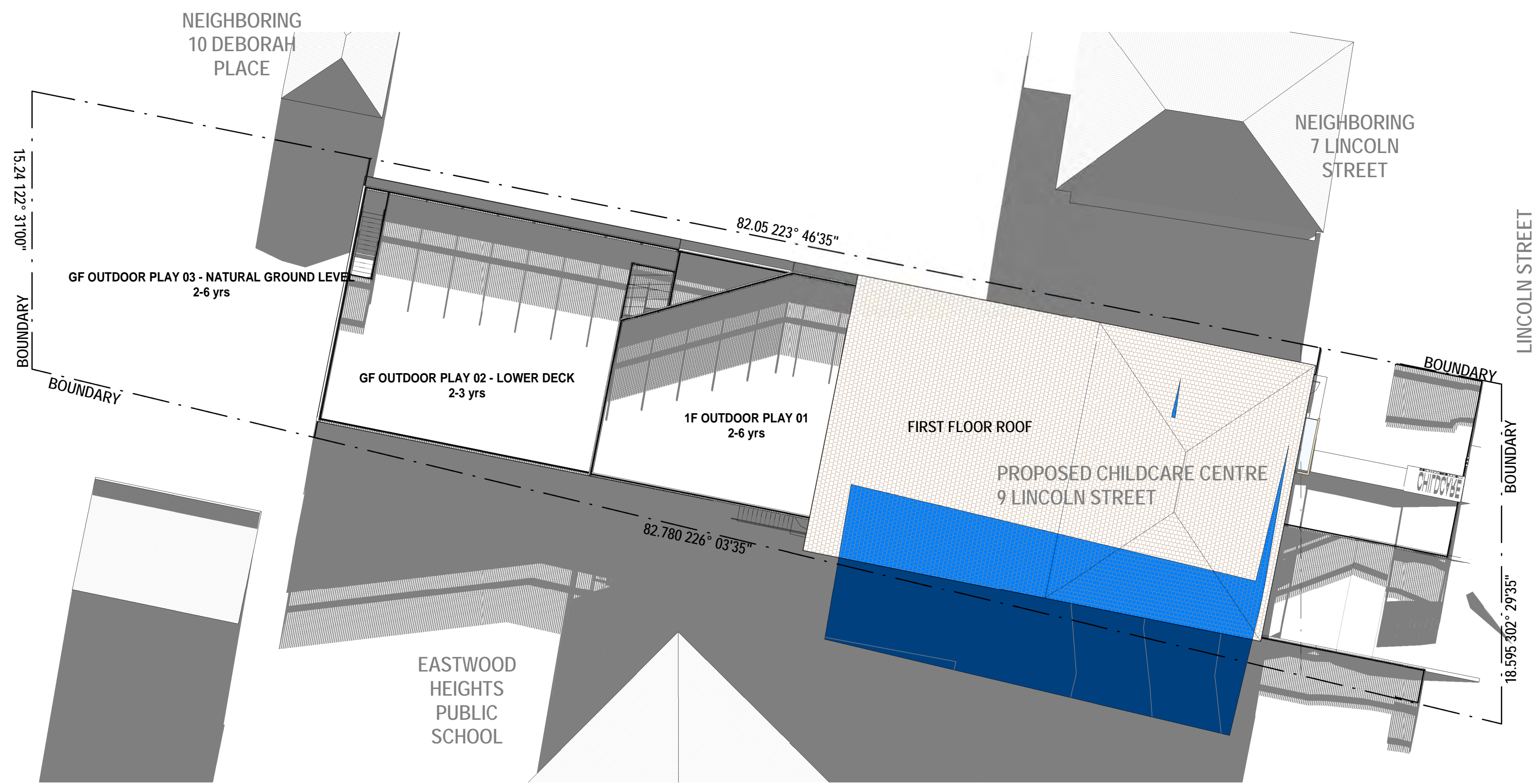
Project No: 211105 Sheet No: DA401 Rev: A





1 SHADOWS JUNE 21 9AM  
1 : 200

2 SHADOWS JUNE 21 12PM  
1 : 200



3 SHADOWS JUNE 21 3PM  
1 : 200

SHADOW LEGEND

- PROPOSED SITE SHADOWS
- EXISTING SITE SHADOWS

SHADOWS FROM EXISTING TREES AND  
BOUNDARY FENCES ARE NOT SHOWN

ALL PLANS TO BE PRINTED IN COLOR **FOR DA**

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DRAFTING
DRAWN: MM
CHECKED: PO
APPROVED: Approver

PROPOSED CHILDCARE AT 9 LINCOLN STREET, EASTWOOD

Scale: 1 : 200

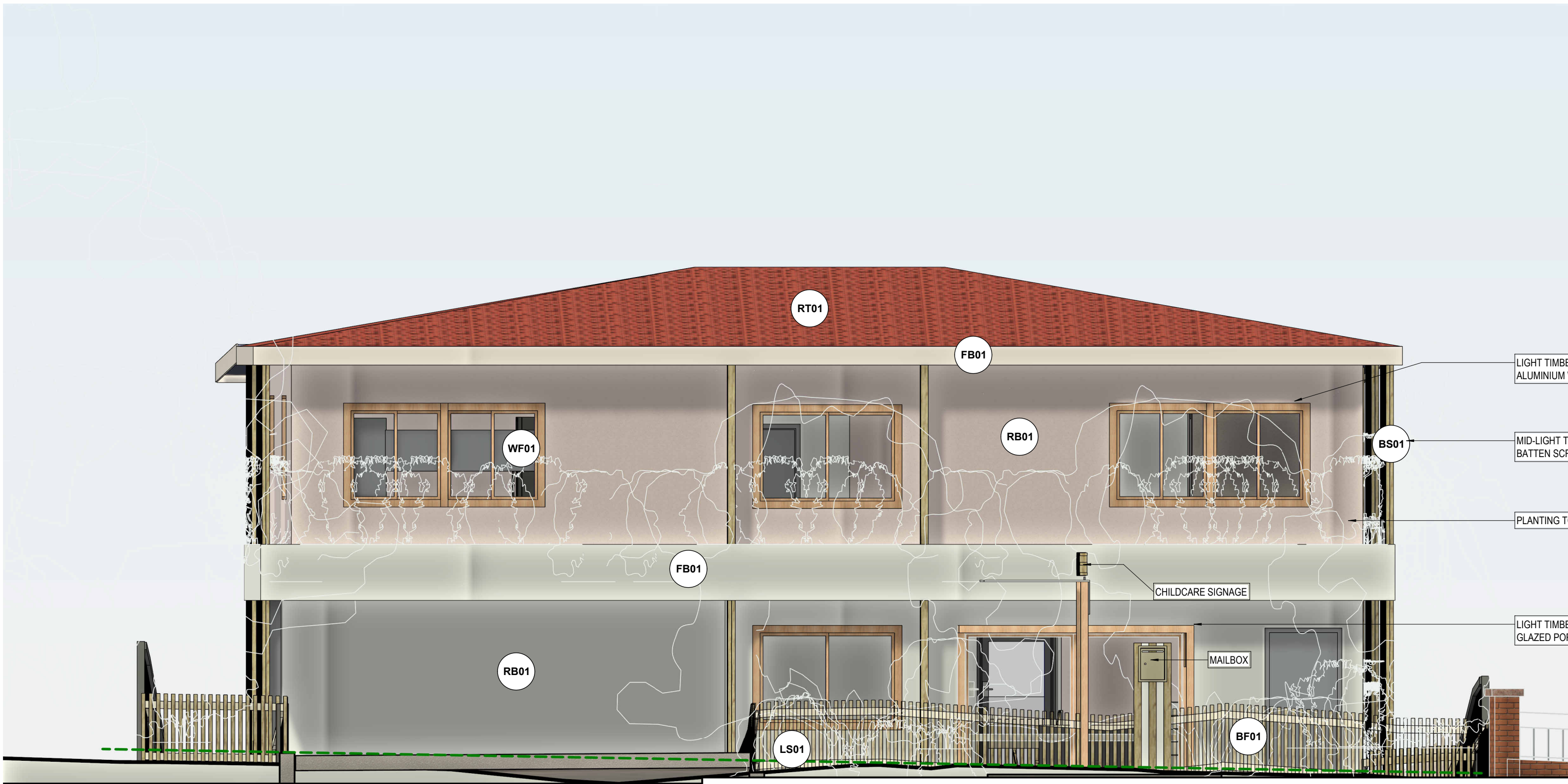
SHADOW DIAGRAMS

Date : 20.10.22

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PH: 02 9212 3266 | E: info@liskowski.com.au | www.liskowski.com.au  
Nominated Architect Laurie Liskowski 4224

Project No: 211105 Sheet No: DA500 Rev: B



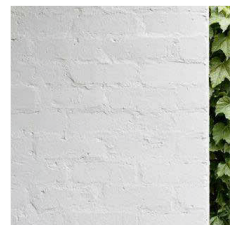


1 EAST ELEVATION - FINISHES

1:50



**FB01**  
FIRST FLOOR AND ROOF LINING FASCIA  
BOARDS, TALL PROFILE.  
NOM. PAINT FINISH DULUX CHALK U.S.A  
OR SIMILAR



**RB01**  
RENDERED WALLS STUCCO FINISH  
LIGHT NEUTRAL DULUX FINISH



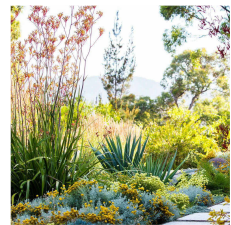
**RT01**  
TERRACOTTA ROOF TILE, LAPPED  
FINISH.



**BS01**  
BATTEN SCREENS, TIMBER LOOK. NOM.  
50MM X 50MM BATTENS WITH EQUAL SPACING  
FULL HEIGHT / VARIABLE



**BF01**  
BATTEN FENCE, TIMBER LOOK. NOM.  
50MM X 50MM BATTENS WITH EQUAL  
SPACING, 1200MM HIGH



**LS01**  
GENERAL LANDSCAPING, NATIVE  
PLANTING TO CITY OF RYDE PLANT  
GUIDE. REFER LANDSCAPE ARCHITECTS  
PLANS



**WF01**  
TIMBER LOOK ALUMINIUM  
WINDOW FRAMES

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DA	B	20.10.22	DA

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DRAWN: Author
CHECKED: PO
APPROVED: Approver

PROPOSED CHILDCARE AT 9 LINCOLN STREET, EASTWOOD

Scale: As indicated

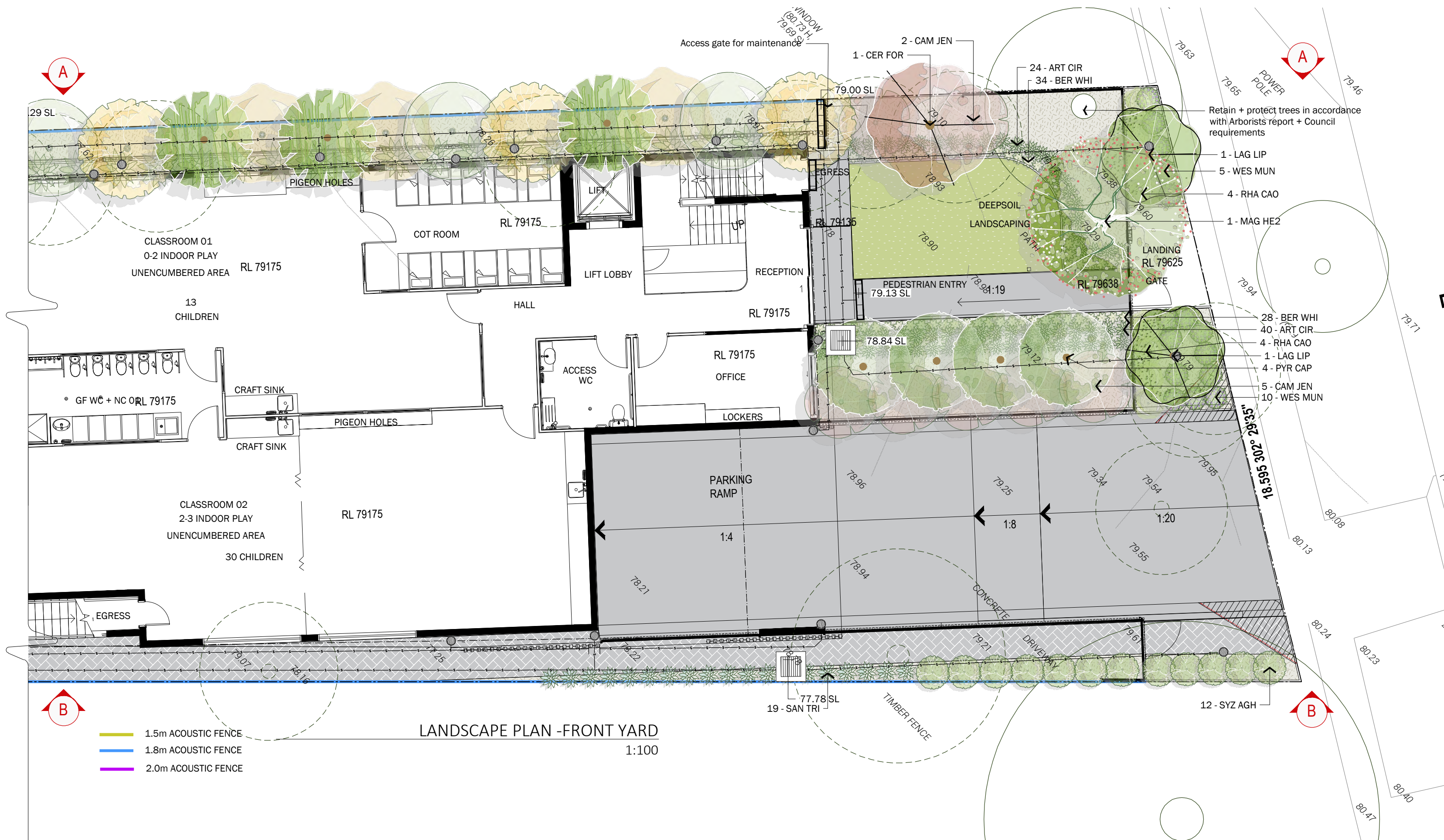
MATERIALS AND FINISHES

Date : 20.10.22

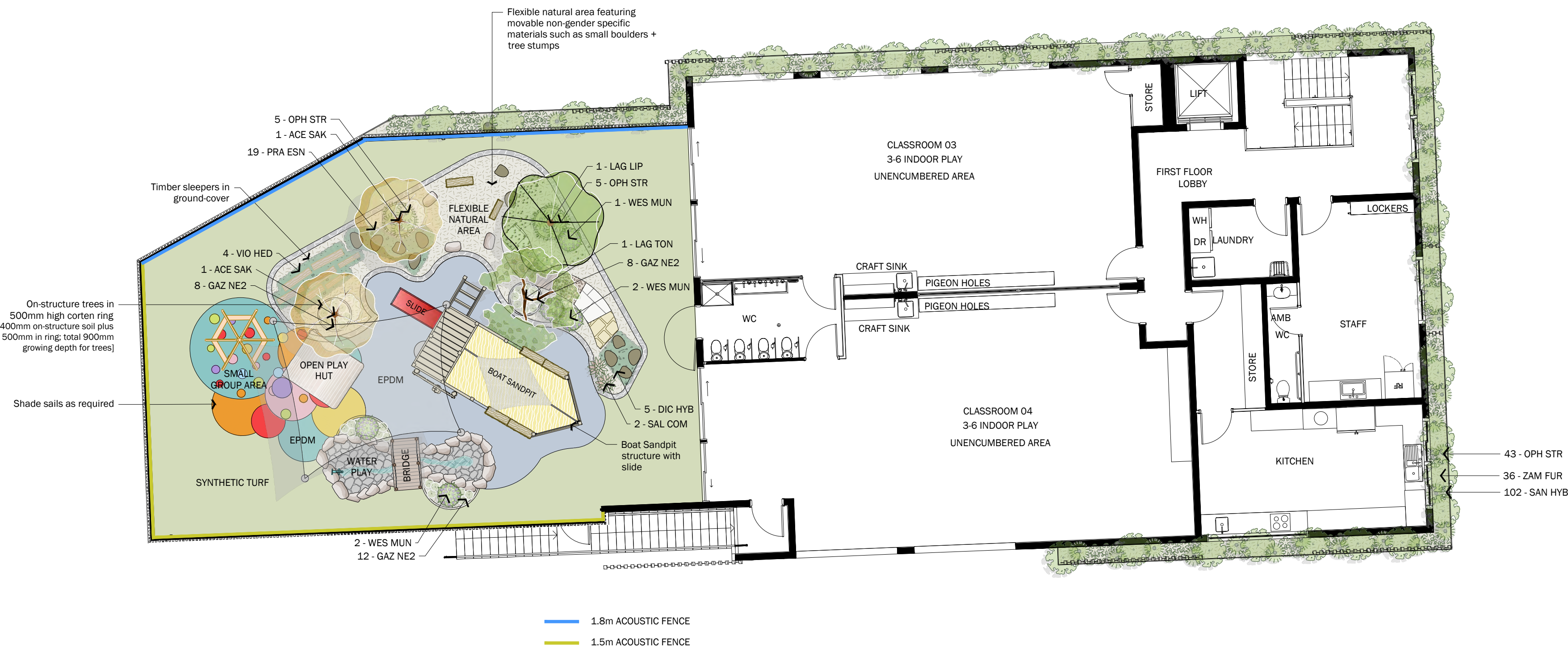
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Nominated Architect Laurie Liskowski 4224

Project No: 211105 Sheet No: DA900 Rev: B



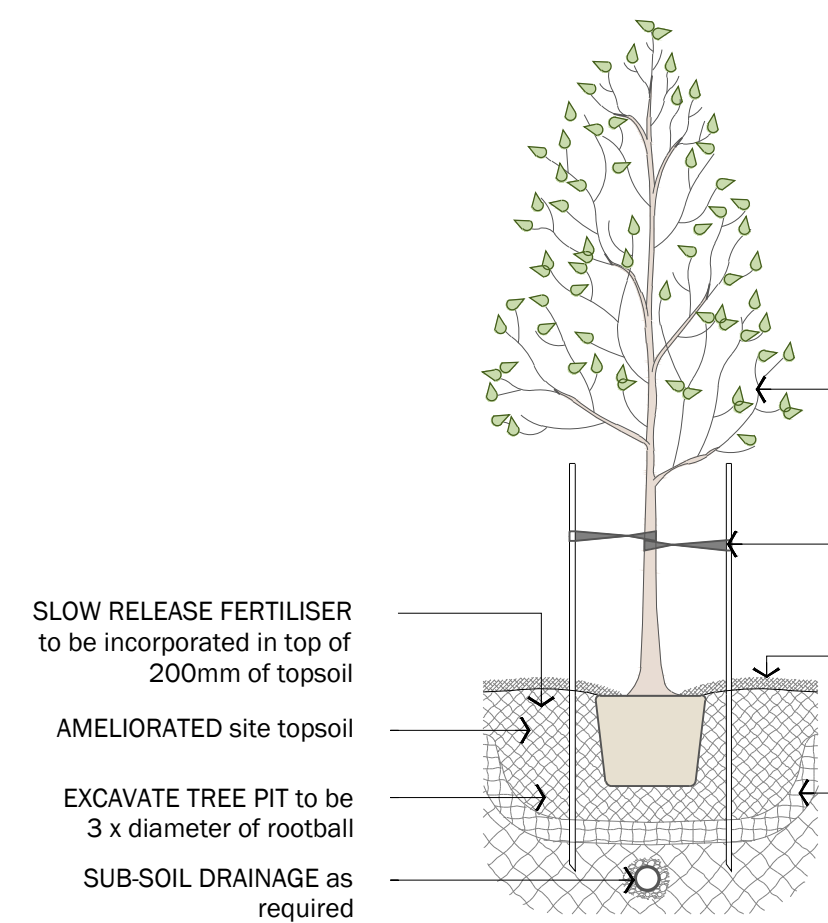






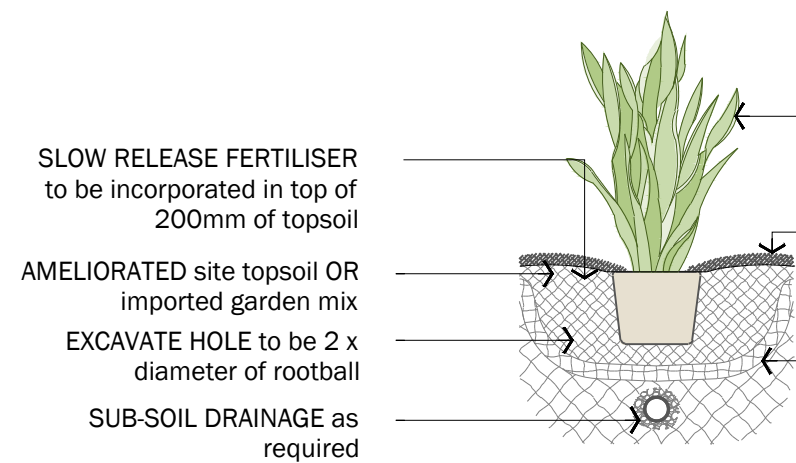
LANDSCAPE PLAN - LEVEL 1 PLAY AREA

1:100



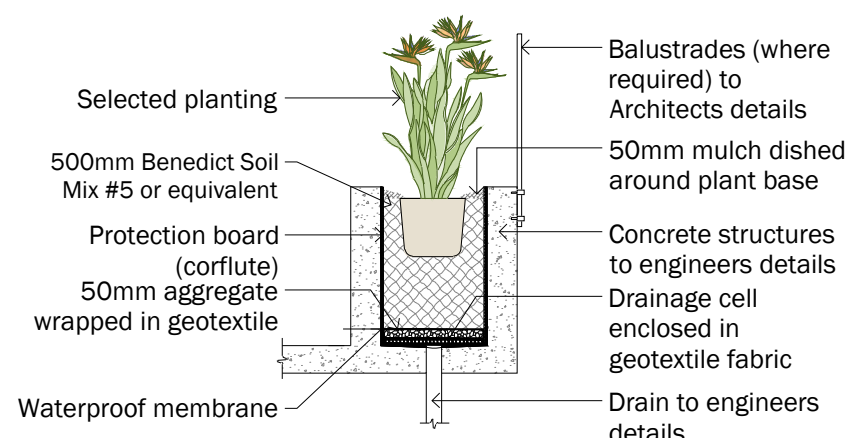
01 TREES  
PLANTING DETAIL

1:50



02 SHRUBS + PERENNIALS  
PLANTING DETAIL

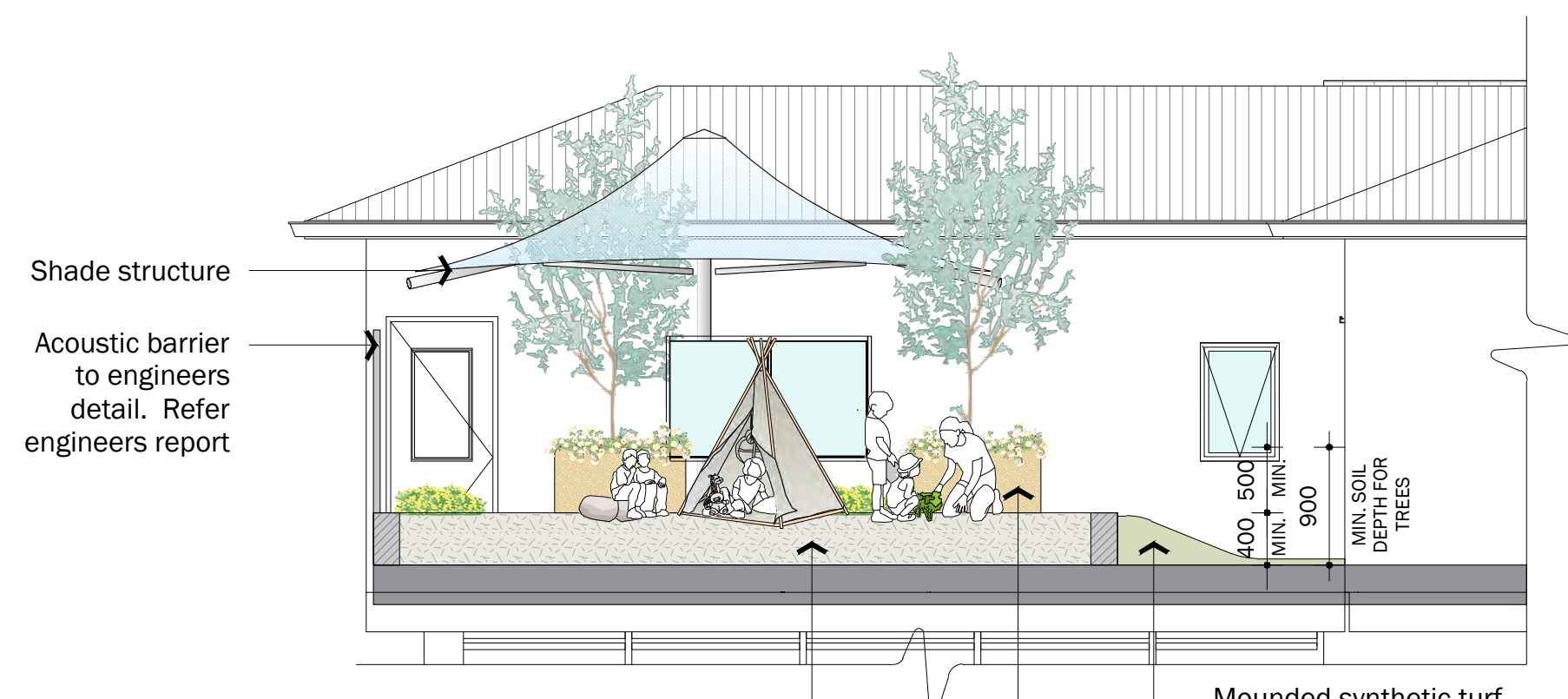
1:50



03 ON STRUCTURE PLANTER  
TYPICAL DETAIL

All structures and grades to engineers details

1:50



04 TREES ON STRUCTURE  
TYPICAL DETAIL

All structures and grades to engineers details

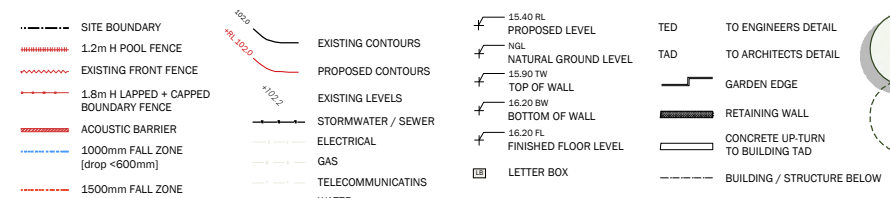
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Do not scale from drawings.  
Verify all measurements on site.  
All work to comply with relevant Australian Standards and National Construction Code (NCC) (formerly BCA).  
All works to be carried out by qualified tradespersons.  
All landscaped area to have a minimum 1:100 fall for possible overland water drainage.

LEGEND



ISSUE

ISSUE	AMENDMENT	DRAWN	CHECK	DATE
A	ISSUE DRAFT FOR ARCHITECT REVIEW	DB	RS	06/09/22
B	ADD STORMWATER + SURVEY INFORMATION, FINALISE PLANTING	RS	RS	16/09/22
C	UPDATE FIRST FLOOR PLAY AREA	RS	RS	19/09/22
D	AMEND OF LANDSCAPE PLAN + STORMWATER TO SATISFY COUNCIL RPI	DB	RS	20/02/23



TEL 0413 488 447  
ABN 63 622 237 138

CLIENT  
LITTLE ZAKS

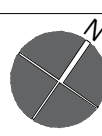
DRAWING NO.  
L - 02  
DRAWN  
DB

SCALE  
1:100@A1  
CHECKED  
RS

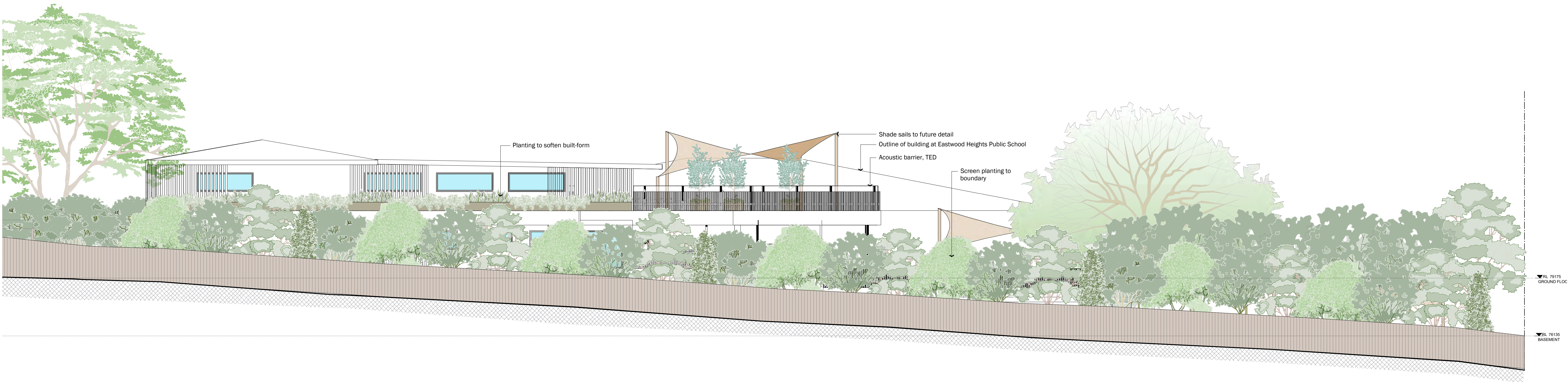
ISSUE  
D  
DATE  
20-02-23

PROJECT  
PROPOSED CHILDCARE CENTRE  
9 LINCOLN STREET, EASTWOOD

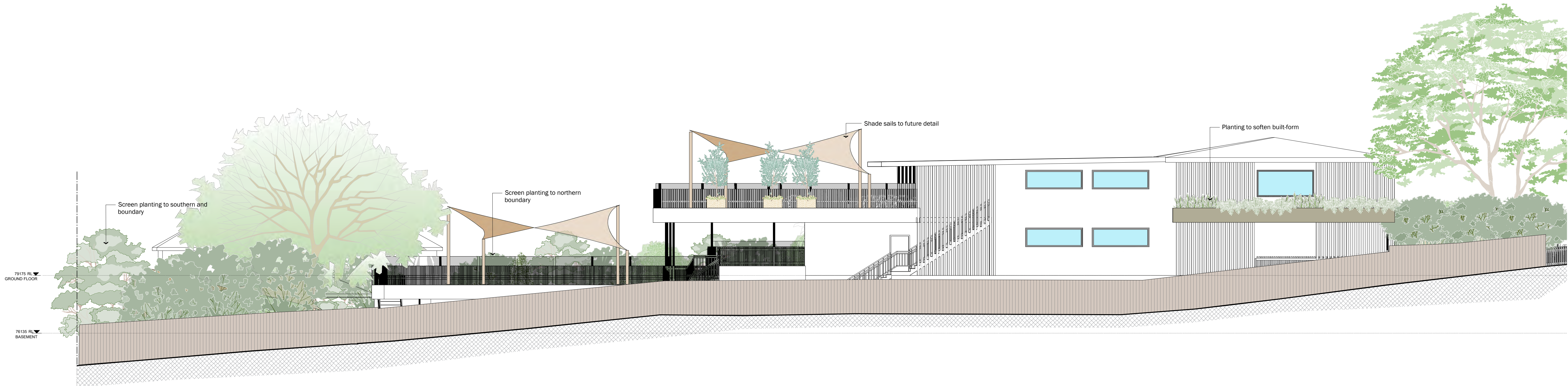
DRAWING  
LANDSCAPE PLAN  
FIRST FLOOR







AA NORTHERN ELEVATION 1:50



BB SOUTHERN ELEVATION 1:50

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LEGEND
EXISTING CONTOURS
PROPOSED CONTOURS
EXISTING LEVELS
PROPOSED LEVELS
EXISTING FENCE
PROPOSED FENCE
EXISTING GARDEN
PROPOSED GARDEN
EXISTING PAVING
PROPOSED PAVING
EXISTING ROOF
PROPOSED ROOF
EXISTING WALL
PROPOSED WALL
EXISTING DOOR
PROPOSED DOOR
EXISTING WINDOW
PROPOSED WINDOW
EXISTING STAIR
PROPOSED STAIR
EXISTING BALCONY
PROPOSED BALCONY
EXISTING TERRACE
PROPOSED TERRACE
EXISTING DRIVE
PROPOSED DRIVE
EXISTING PARKING
PROPOSED PARKING
EXISTING ROAD
PROPOSED ROAD
EXISTING FENCE
PROPOSED FENCE
EXISTING GARDEN
PROPOSED GARDEN
EXISTING PAVING
PROPOSED PAVING
EXISTING ROOF
PROPOSED ROOF
EXISTING WALL
PROPOSED WALL
EXISTING DOOR
PROPOSED DOOR
EXISTING WINDOW
PROPOSED WINDOW
EXISTING STAIR
PROPOSED STAIR
EXISTING BALCONY
PROPOSED BALCONY
EXISTING TERRACE
PROPOSED TERRACE
EXISTING DRIVE
PROPOSED DRIVE
EXISTING PARKING
PROPOSED PARKING
EXISTING ROAD
PROPOSED ROAD

ISSUE	AMENDMENT	DRAWN	CHECK	DATE
A	ISSUE DRAFT FOR ARCHITECT REVIEW	DB	RS	06/09/22
B	ADD STORMWATER + SURVEY INFORMATION, FINALISE PLANTING	RS	RS	16/09/22
C	UPDATE FIRST FLOOR PLAN AREA	RS	RS	19/09/22
D	AMEND OF LANDSCAPE PLAN + STORMWATER TO SATISFY COUNCIL RPI	DB	RS	20/02/23



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ABN 63 622 237 138

CLIENT  
LITTLE ZAKS

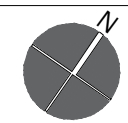
DRAWING NO.  
L - 03

SCALE  
1:100@A1

ISSUE  
D

PROJECT  
PROPOSED CHILDCARE CENTRE  
9 LINCOLN STREET, EASTWOOD

DRAWING  
ELEVATIONS





# 9 LINCOLN STREET, EASTWOOD PROPOSED CHILD CARE CENTRE

## STORMWATER CONCEPT PLANS



LOCALITY PLAN

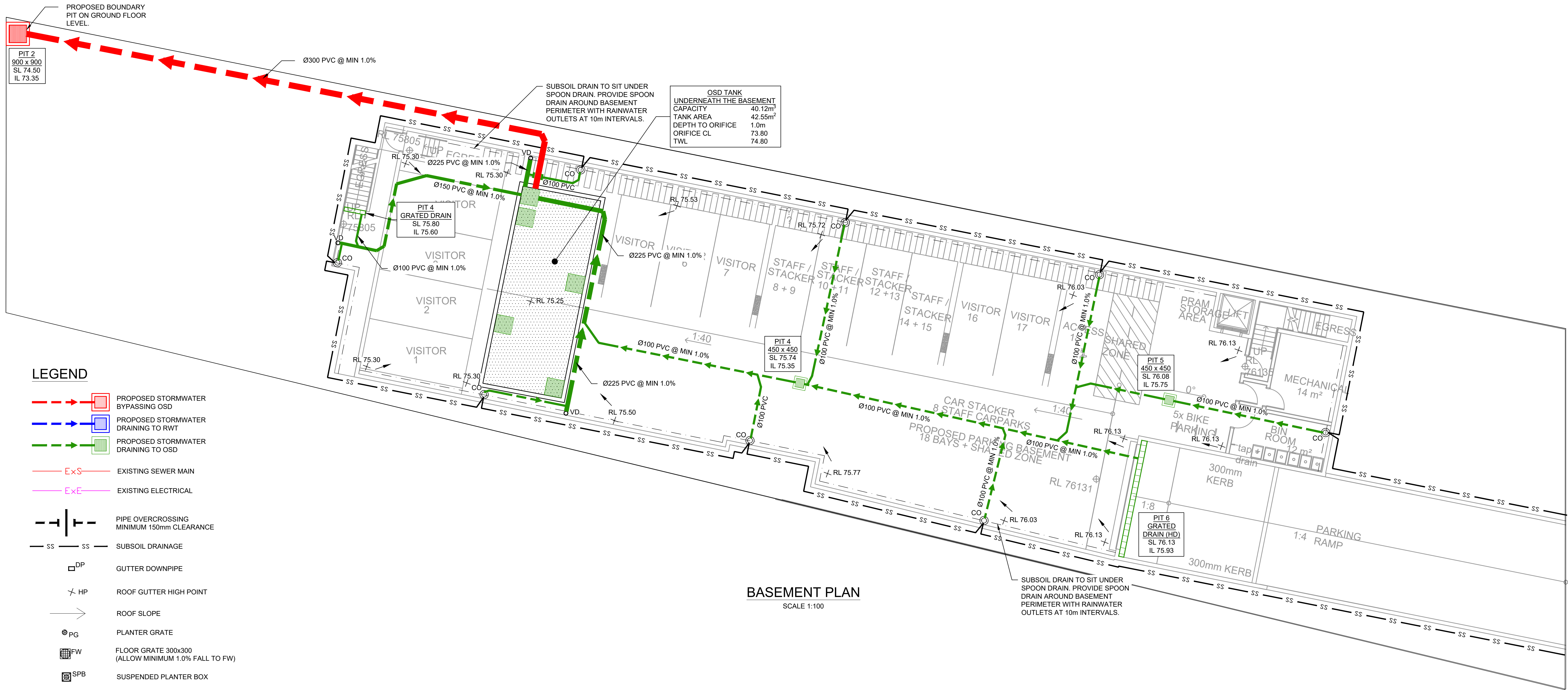
N.T.S

DRAWING INDEX	
Drawing No.	DESCRIPTION
000	COVER SHEET PLAN
101	STORMWATER CONCEPT PLAN BASEMENT LEVEL
102	STORMWATER CONCEPT PLAN SHEET GROUND FLOOR & LEVEL 1 SHEET 1 OF 2
103	STORMWATER CONCEPT PLAN SHEET 2 OF 2
104	CATCHMENT PLAN
105	ON-SITE DETENTION DETAILS AND CALCULATION SHEETS SHEET 1 OF 2
106	ON-SITE DETENTION DETAILS AND CALCULATION SHEETS SHEET 2 OF 2
107	MISCELLANEOUS DETAILS SHEET

NOT FOR CONSTRUCTION

				Certification By Dr. Michel Chasaya B.E., M.E. (Res), Ph.D., F.I.E. Aust., CPEng., Civil & Structural Engineer		Architect <b>Liskowski Architects</b> Suite 107 Level 1 53/59 Great Buckingham Street Redfern NSW 2016, Australia EMAIL : po@liskowski.com.au PHONE : +61 2 9212 3266		Council <b>City of Ryde Council</b>		Scale		<b>TELFORD</b> <b>CIVIL</b> DESIGN & CONSTRUCTION EXCELLENCE Level 14, 32 Smith Street, Parramatta NSW 2150 PO BOX 3579 Parramatta 2124 Email : info@telfordcivil.com.au Phone : 02 7809 4931 Company : Telford Consulting Pty Ltd		Project <b>9 LINCOLN STREET, EASTWOOD PROPOSED CHILD CARE CENTRE STORMWATER CONCEPT PLANS DEVELOPMENT APPLICATION</b>		Drawing Title <b>COVER SHEET PLAN</b>			
A		ISSUE FOR DEVELOPMENT APPLICATION		21/02/2023		CGS		JSF											
Issue		Description		Date		Design		Checked											
0		10m at full size		10cm		200m													
Scale		A1		Project No.		Dwg. No.		Issue											
N.T.S.				23015		000		A											





- LEGEND**
- PROPOSED STORMWATER BYPASSING OSD
  - PROPOSED STORMWATER DRAINING TO RWT
  - PROPOSED STORMWATER DRAINING TO OSD
  - EXISTING SEWER MAIN
  - EXISTING ELECTRICAL
  - PIPE OVERCROSSING MINIMUM 150mm CLEARANCE
  - SUBSOIL DRAINAGE
  - GUTTER DOWNPIPE
  - ROOF GUTTER HIGH POINT
  - ROOF SLOPE
  - PLANTER GRATE
  - FLOOR GRATE 300x300 (ALLOW MINIMUM 1.0% FALL TO FW)
  - SUSPENDED PLANTER BOX
  - Ø3000 CLEANING EYE
  - RAINWATER TANK
  - PROPOSED OSD STORAGE
  - SURFACE FLOW ARROWS
  - DESIGN SURFACE LEVEL
  - EXISTING SURFACE LEVEL
  - INVERT LEVEL OF PIPE JUNCTION
  - TREES TO BE RETAINED
  - TREES TO BE REMOVED
  - Ø50mm HDPE CAST IN SLAB
  - 150mmx50mm RHS EMERGENCY OVERFLOW SPITTERS/PIPES U.N.O

**DANGER**

WHEN EXCAVATING WITHIN ANY SITE, FOOTPATH AND ROADWAY, ALL SERVICES SHALL BE LOCATED PRIOR TO COMMENCEMENT OF THE EXCAVATION WORKS.

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A	ISSUE FOR DEVELOPMENT APPLICATION	21/02/2023	CGS	JSF
Issue	Description	Date	Design	Checked
1cm at full size				

Certification By Dr. Michel Chaaya  
B.E., M.E. (Res), Ph.D., F.I.E. Aust., CPEng.,  
Civil & Structural Engineer

Architect  
**Liskowski Architects**  
Suite 107 Level 1 53/59  
Great Buckingham Street  
Redfern NSW 2016, Australia  
EMAIL : po@liskowski.com.au  
PHONE : +61 2 9212 3266

Council  
**City of Ryde Council**

Scale  
0 2 4 6 m  
SCALE 1:100 @ A1

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Project  
**9 LINCOLN STREET, EASTWOOD  
PROPOSED CHILD CARE CENTRE  
STORMWATER CONCEPT PLANS  
DEVELOPMENT APPLICATION**

Drawing Title	STORMWATER CONCEPT PLAN BASEMENT LEVEL			
Scale	A1	Project No.	Dwg. No.	Issue
1:150		23015	101	A



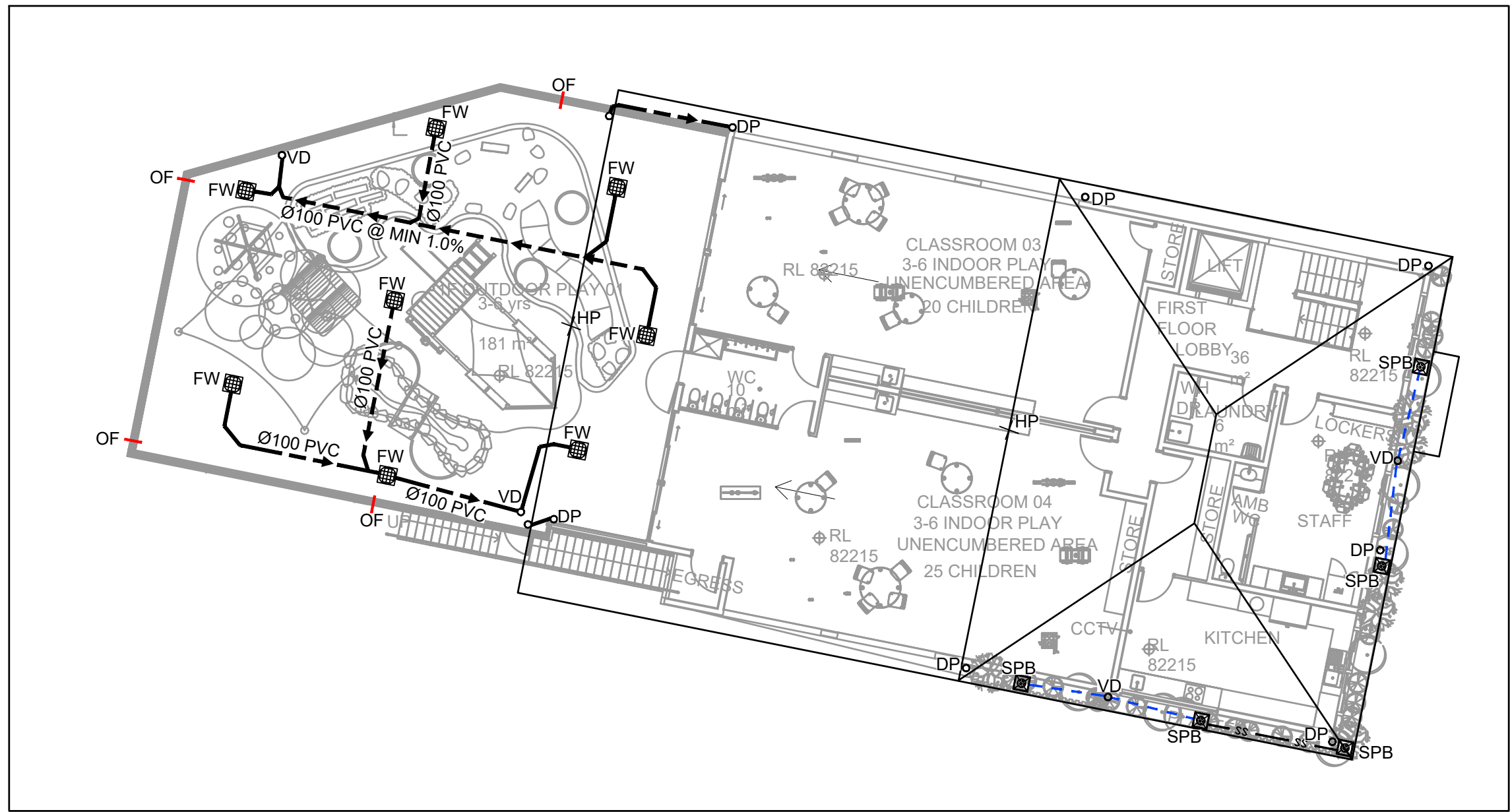
**PIPES NOTE:**  
Ø65 PVC @ MIN 1.0%  
Ø90 PVC @ MIN 1.0%  
Ø100 PVC @ MIN 1.0%  
Ø150 PVC @ MIN 1.0%  
Ø225 PVC @ MIN 0.5%  
Ø300 PVC @ MIN 0.4%  
UNLESS NOTED OTHERWISE

## GENERAL NOTES

- ALL THE CLEANING EYES (OR INSPECTION EYES) FOR THE UNDERGROUND PIPES HAVE TO BE TAKEN UP TO THE FINISHED GROUND LEVEL FOR EASY IDENTIFICATION AND MAINTENANCE PURPOSES
- ALL LEVELS SHALL RELATE TO THE ESTABLISHED BENCH MARK.
- THE BUILDER SHALL ENSURE THAT THE STORMWATER ENGINEERS DRAWINGS CORRESPOND TO THE ARCHITECTURAL, STRUCTURAL AND LANDSCAPING DRAWINGS. IF THERE EXISTS AND DISCREPANCIES BETWEEN THE DRAWINGS, THE BUILDER SHALL REPORT THE DISCREPANCIES TO THE ENGINEER PRIOR TO COMMENCEMENT OF ANY WORKS
- ALL MULCHING TO BE USED WITHIN THE AREA DESIGNATED AS ONS-SITE DETENTION STORAGE SHALL BE OF A NON-FLOATABLE MATERIAL SUCH AS DECORATIVE RIVER GRAVEL. PINE BARK MULCHING SHALL NOT BE USED WITHIN THE DETENTION STORAGE AREA.
- ALL RETAINING WALLS SHALL BE CONSTRUCTED COMPLETELY WITHIN THE PROPERTY BOUNDARY LIMITS TO DETAILS PREPARED BY THE STRUCTURAL ENGINEER. WALLS FORMING THE ON-SITE DETENTION SYSTEM SHALL BE OF MASONARY/BRICK CONSTRUCTION AND WATER TIGHT.
- ALL SUB-SOIL DRAINAGE SHALL BE A MINIMUM OF 65MM DIA AND SHALL BE PROVIDED WITH A FILTER SOCK. THE SUBSOIL DRAINAGE SHALL BE INSTALLED IN ACCORDANCE WITH DETAILS TO BE PROVIDED BY THE LANDSCAPE ARCHITECT.
- PRIOR TO COMMENCING ANY WORKS, THE BUILDER SHALL ENSURE THAT THE INVERT LEVELS OF WHERE THE SITE STORMWATER SYSTEM CONNECTS INTO THE COUNCILS KERB/DRAINAGE SYSTEM MATCHED THE DESIGN LEVELS. ANY DISCREPANCIES SHALL BE REPORTED TO THE DESIGN ENGINEER IMMEDIATELY.
- ALL LINES ARE TO BE Ø90 uPVC 1.0% GRADE UNLESS NOTED OTHERWISE. CHARGED LINES TO BE SEWERGRADE & SEALED.
- EXISTING SERVICES LOCATIONS SHOWN INDICATIVE ONLY.
- IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE & LEVEL ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY EARTHWORKS.
- ALL PIPES TO HAVE MIN 150mm COVER IF LOCATED WITHIN PROPERTY.
- ALL PITS IN DRIVEWAYS TO BE 450x450 CONCRETE AND ALL PITS IN LANDSCAPED AREAS TO BE 450x450 PLASTIC.
- PITS LESS THAN 450 DEEP MAY BE BRICK, PRECAST OR CONCRETE.
- ALL BALCONIES AND ROOFS TO BE DRAINED AND TO HAVE SAFETY OVERFLOWS IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS.
- ALL EXTERNAL SLABS TO BE WATERPROOFED.
- ALL GRATES TO HAVE CHILD PROOF LOCKS.
- ALL DRAINAGE WORKS TO AVOID TREE ROOTS.
- ALL DP'S TO HAVE LEAF GUARDS.
- ALL EXISTING LEVELS TO BE CONFIRMED BY BUILDER PRIOR TO CONSTRUCTION.
- ALL WORK WITHIN COUNCIL RESERVE TO BE INSPECTED BY COUNCIL PRIOR TO CONSTRUCTION.
- COUNCIL'S ISSUED FOOTWAY DESIGN LEVELS TO BE INCORPORATED INTO THE FINISHED LEVELS ONCE ISSUED BY COUNCIL.
- ALL WORK SHALL BE IN ACCORDANCE WITH B.C.A. AND A.S.3500.3.
- REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR LANDSCAPING.
- ALL WALLS FORMING THE DETENTION BASINS SHALL BE CONSTRUCTED WHOLLY WITHIN THE PROPERTY BOUNDARIES OF THE SITE BEING DEVELOPED.
- OSD WARNING SIGN AND SAFETY FENCING SHALL BE PROVIDED TO ABOVE GROUND OSD STORAGE AREA IN ACCORDANCE WITH COUNCIL'S REQUIREMENTS.
- ENSURE THAT NON FLOATABLE MULCH IS USED IN DETENTION BASINS, ie, USE DECORATIVE ROCK MULCH OR EQUIVALENT.
- THE OSD BASIN / TANK IS TO BE BUILT TO THE CORRECT LEVELS & SIZE AS PER THIS DESIGN. ANY VARIATIONS ARE TO BE DONE UNDER CONSULTATION FROM OUR OFFICE ONLY. ANY AMENDMENTS WITHOUT OUR APPROVAL WOULD RESULT IN ADDITIONAL FEES FOR REDESIGN AT OC STAGE OR IF A SOLUTION CANNOT BE FOUND, RECONSTRUCTION IS REQUIRED UNDER THE CONTRACTOR'S EXPENSES

## GROUND FLOOR PLAN

SCALE 1:150



## LEVEL 1 PLAN

SCALE 1:150

**RAINWATER TANK NOTE:**  
RAINWATER RE-USE AS SPECIFIED BY BASIX CERTIFICATE TO OUTDOOR TAPS AND/OR TOILETS AND/OR WASHING MACHINE.

**ROOF NOTE:**  
IT IS CONTRACTOR'S RESPONSABILITY TO ENSURE MINIMUM 30 TO 40mm OF PONDING IS ACHIEVED OVER THE FLOOR WASTES BY GRADING CATCHMENT'S SURFACES AT MINIMUM 1% FALL.

NOT FOR CONSTRUCTION

A	ISSUE FOR DEVELOPMENT APPLICATION		CGS	JSF	
Issue	Description	Date	Design	Checked	
1	1cm at full size	21/02/2023			20mm

Certification By Dr. Michel Chaaya  
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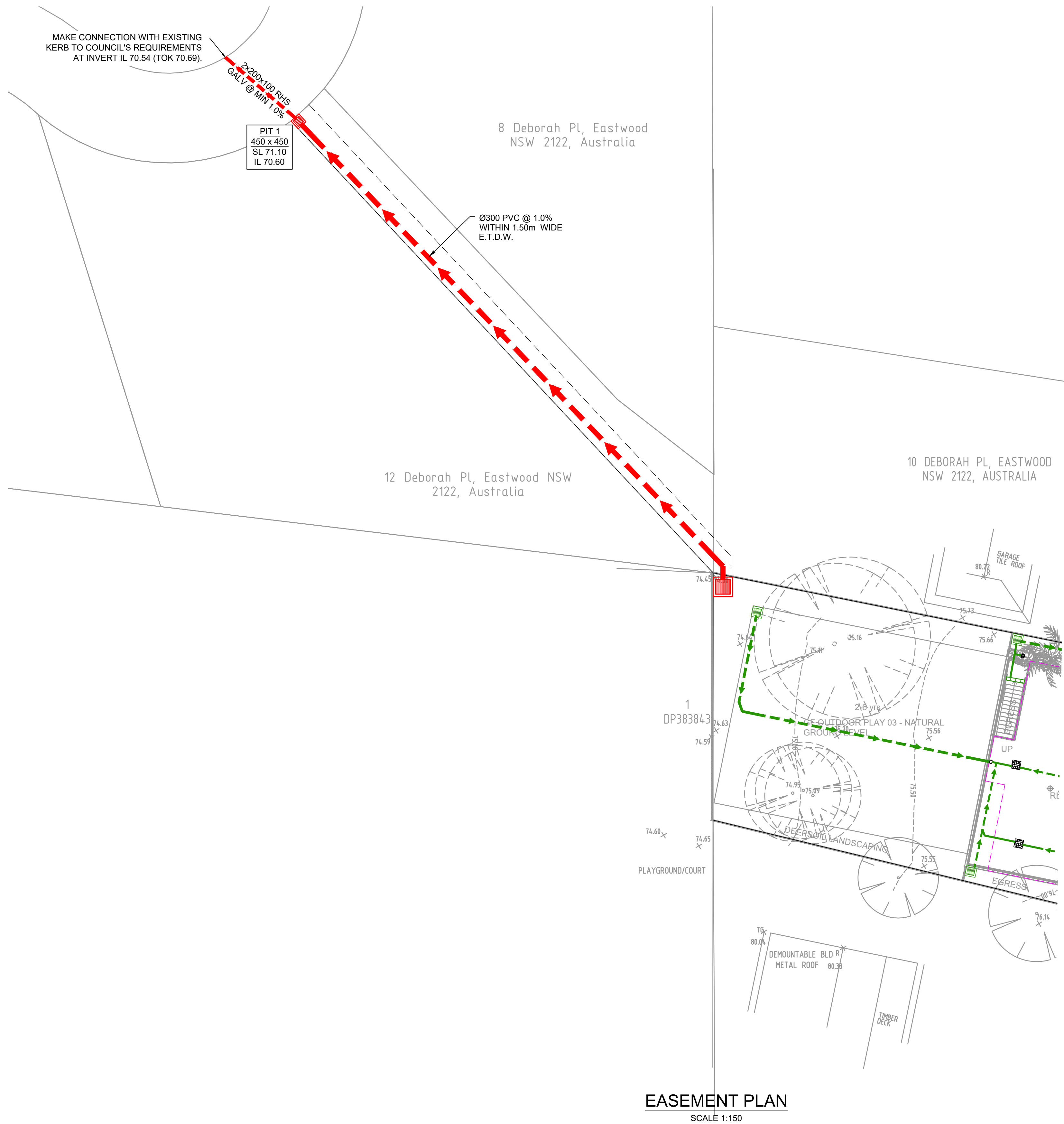
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Project  
**9 LINCOLN STREET, EASTWOOD  
PROPOSED CHILD CARE CENTRE  
STORMWATER CONCEPT PLANS  
DEVELOPMENT APPLICATION**

Drawing Title  
**STORMWATER CONCEPT PLAN  
GROUND FLOOR & LEVEL 1  
SHEET 1 OF 2**  
Scale 1:150  
Project No. 23015  
Dwg. No. 102  
Issue A





EASEMENT PLAN  
SCALE 1:150

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Issue	Description	Date	Design	Checked
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20cm				

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SCALE 1:150 @ A1

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Drawing Title  
**STORMWATER CONCEPT PLAN  
SHEET 2 OF 2**

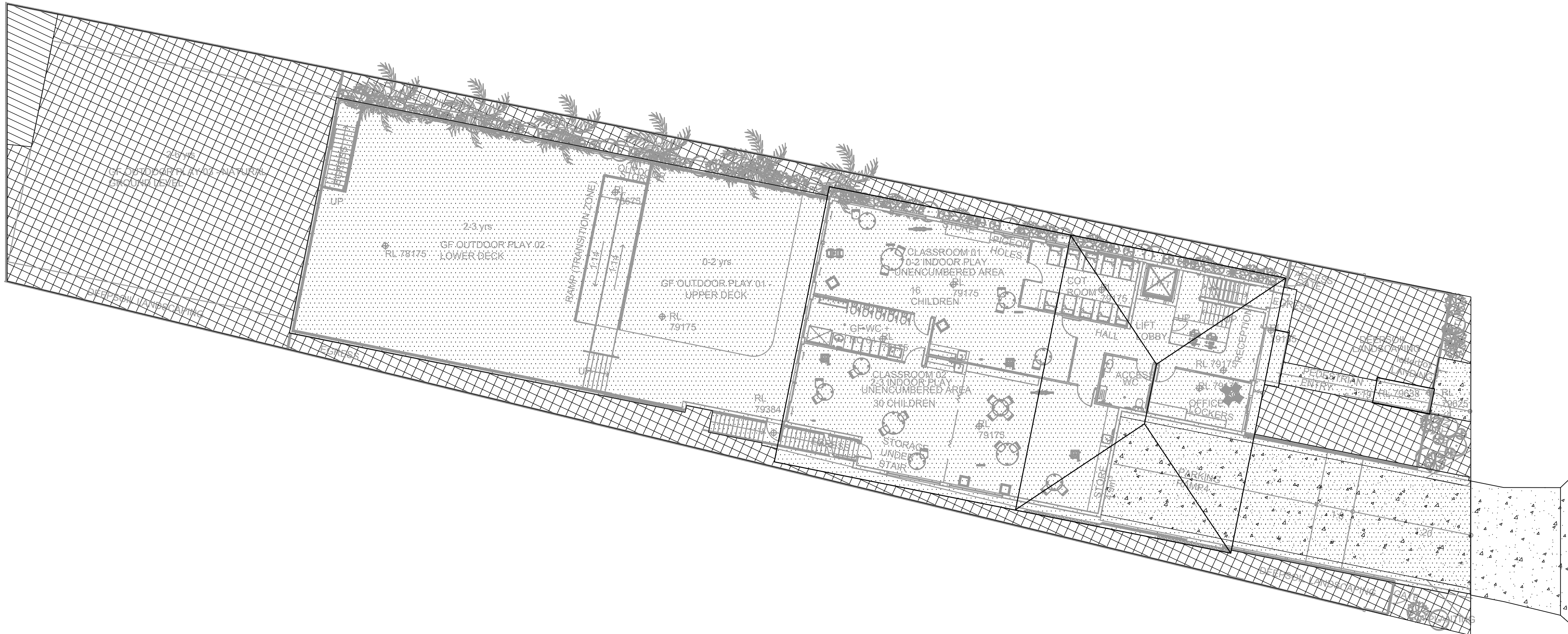
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1:150		23015	103	A



CATCHMENT LEGEND

- IMPERVIOUS AREA TO  
OSD = 864.88m<sup>2</sup>
- PERVIOUS AREA TO  
OSD = 480.60m<sup>2</sup>
- PERVIOUS AREA BY PASSING  
OSD 1 = 15.67m<sup>2</sup>

TOTAL SITE AREA = 1361.15m<sup>2</sup>



CATCHMENT PLAN  
SCALE 1:150

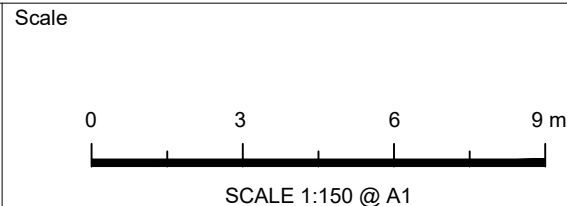
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Issue	Description	Date	Design	Checked
1cm at full size				
0 10m 20m				

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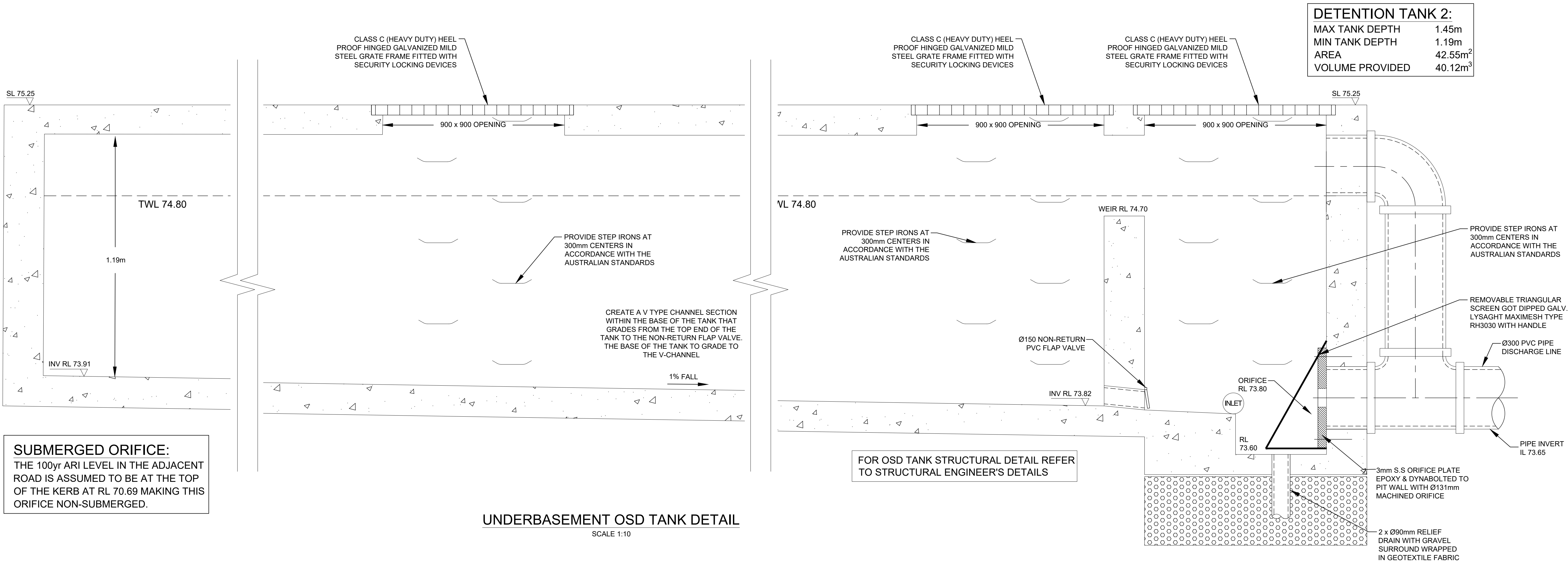
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Drawing Title  
**CATCHMENT PLAN**

Scale	A1	Project No.	Dwg. No.	Issue
1:150		23015	104	A






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Scale  
0 200 400 600mm  
SCALE 1:10 @ A1

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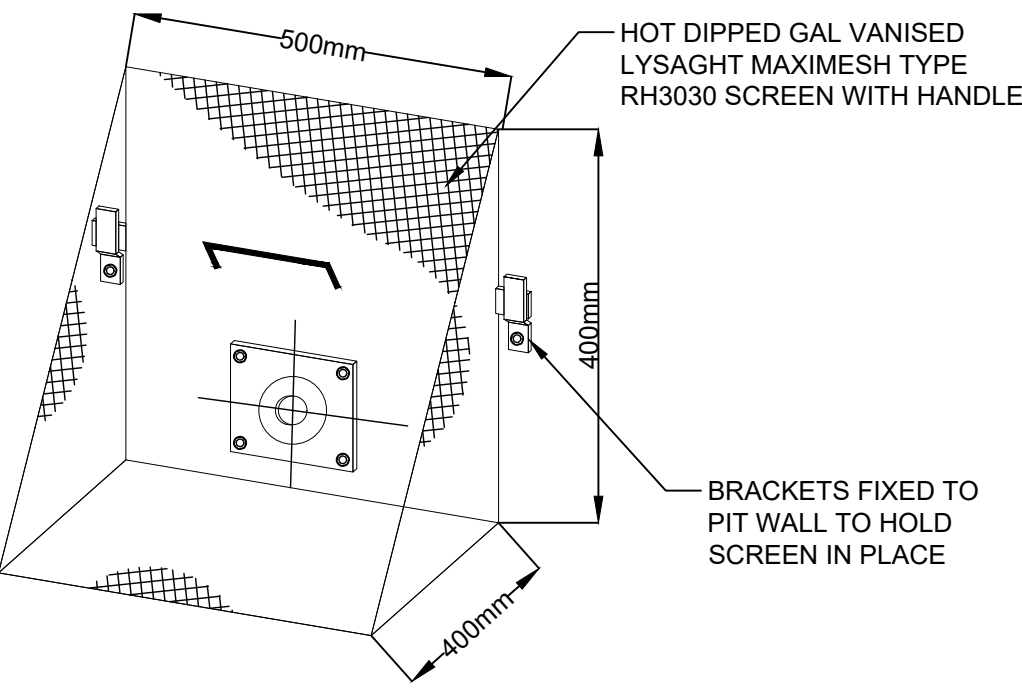
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**9 LINCOLN STREET, EASTWOOD  
PROPOSED CHILD CARE CENTRE  
STORMWATER CONCEPT PLANS  
DEVELOPMENT APPLICATION**

Drawing Title  
**ON-SITE DETENTION DETAILS  
AND CALCULATION SHEETS  
SHEET 1 OF 2**

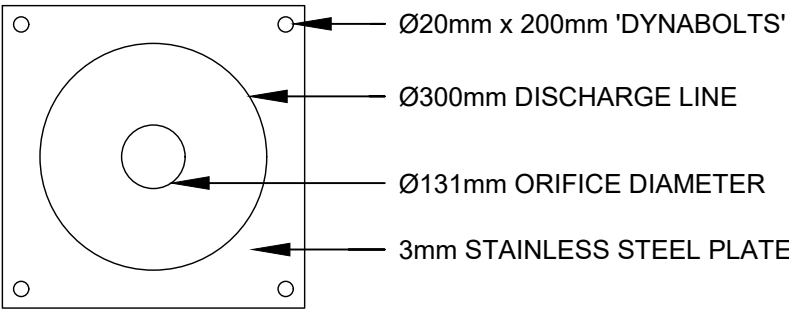
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As Shown		23015	105	A

UNDERBASEMENT OSD TANK  
STAGED STORAGE CALCULATIONS

DEPTH (mm)	AREA (m²)	CUMULATIVE VOLUME (m³)
0	102.72	0
270	102.72	13.8672
300	102.72	16.9488
400	102.72	27.2208
500	102.72	37.4928
600	102.72	47.7648
700	102.72	58.0368
800	102.72	68.3088
900	102.72	78.5808
1000	102.72	88.8528
1100	102.72	99.1248
1150	102.72	104.2608



TRASH SCREEN DETAIL  
N.T.S.



ORIFICE PLATE DETAIL  
SCALE 1:10

CATCHMENT ZONE 1

SITE AREA (m^2)	1361.15 (A)
65% SITE AREA (m^2)	884.7475
TOTAL PROPOSED IMPERVIOUS AREAS (ROOFS, D/WAYS)	864.88 (B)
% OF SITE IMPERVIOUS	63.54
IMPERVIOUS AREA DRAINING TO STORAGE FACILITY (m^2)	864.88 (C)
PERVIOUS AREA DRAINING TO STORAGE FACILITY (m^2)	480.6 (D)
TOTAL AREA DRAINING TO STORAGE FACILITY (m^2)	1345.48 (E)
PERVIOUS AREA BYPASSING STORAGE FACILITY (m^2)	15.67 (F)
IMPERVIOUS AREA BYPASSING STORAGE FACILITY (m^2)	0 (G)
[(C) + (G)] / (C)	1.00 MUST BE <1.25!!
USE	1.00 (L)

PERMITTED SITE DISCHARGE (PSD) rate per m^2  
PSD (l/s/m^2)= 0.0265 (J)

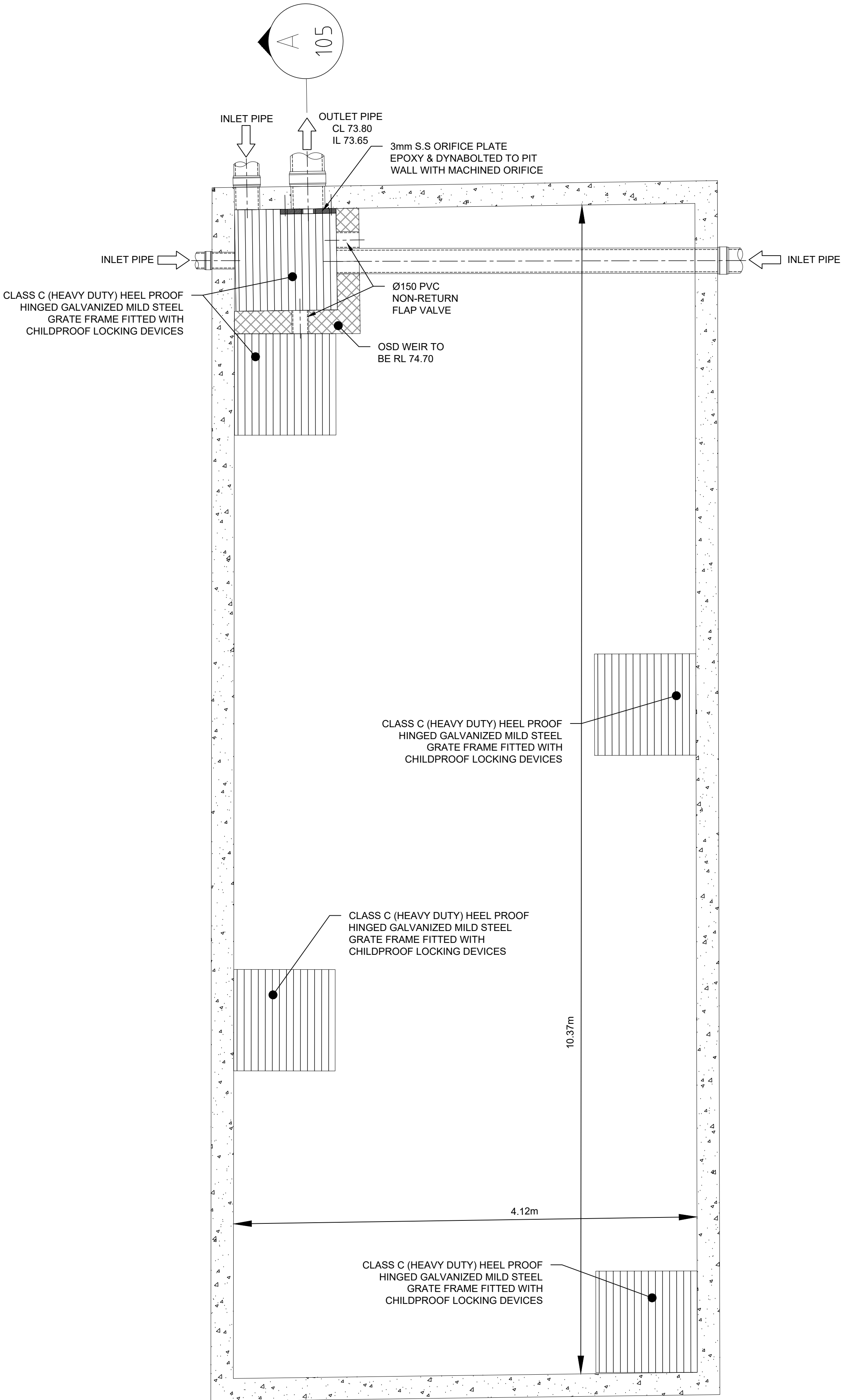
PERMITTED SITE DISCHARGE (PSD) (l/s)= 35.66

STORAGE VOLUME per m^2	0.0275 (K)
STORAGE VOLUME FACTOR ACCORDING TO ZONE	
IS THE OSD TOTALLY IN A LANDSCAPED SURFACE BASIN??	NO
SITE STORAGE MULTIPLICATION FACTOR=	1

SITE STORAGE REQUIREMENT (m^3)= 37.00

OUTLET CONTROL  
HEIGHT DIFFERENCE BETWEEN TWL AND ORIFICE CL (m) 1 (H)

ORIFICE DIAMETER (mm)= 131



UNDERBASEMENT OSD TANK  
PLAN VIEW  
SCALE 1:25

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Issue	Description	Date	Design	Checked
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Scale  
0 0.2 0.4 0.6 0.8 1.0 1.2m  
SCALE 1:25 @ A1

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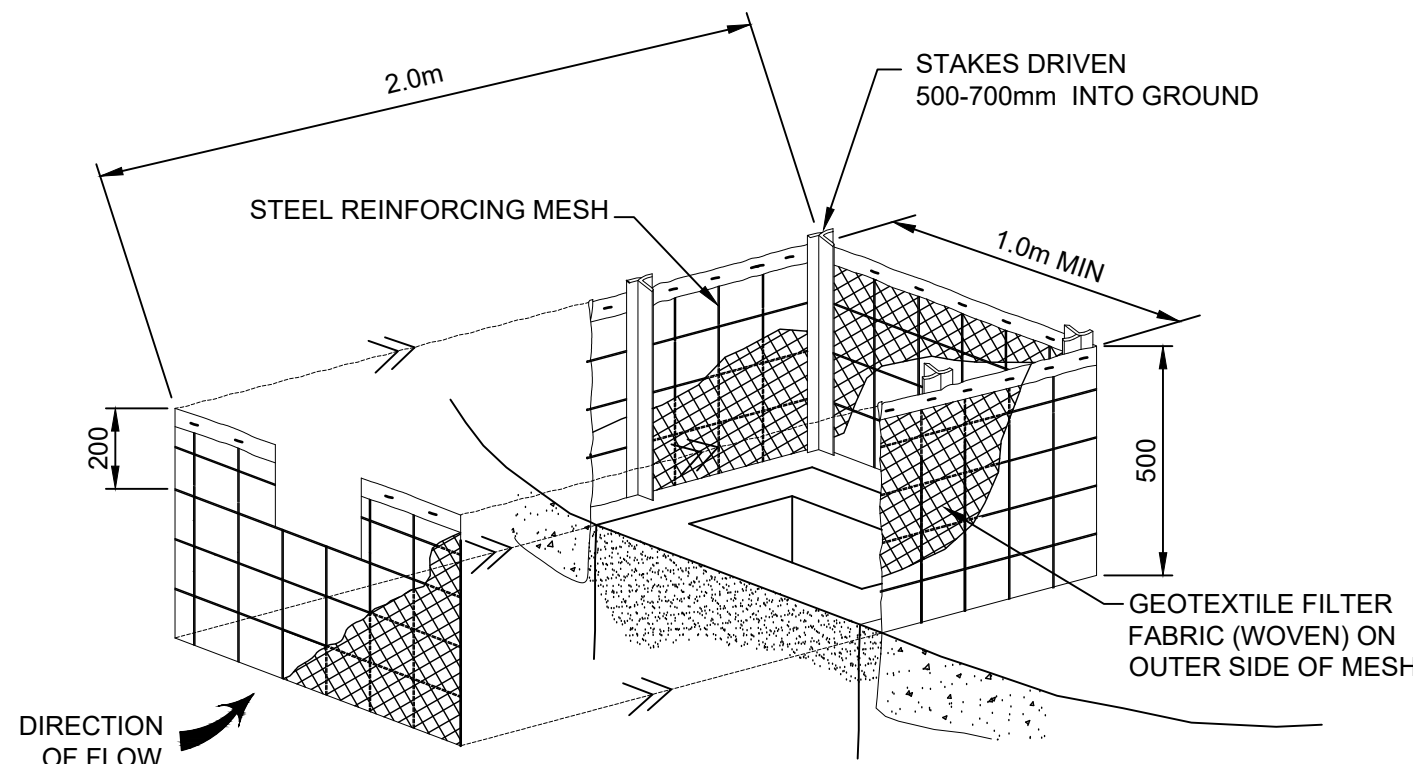
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**ON-SITE DETENTION DETAILS  
AND CALCULATION SHEETS  
SHEET 2 OF 2**

Scale	A1 As Shown	Project No.	23015	Dwg. No.	106	Issue	A
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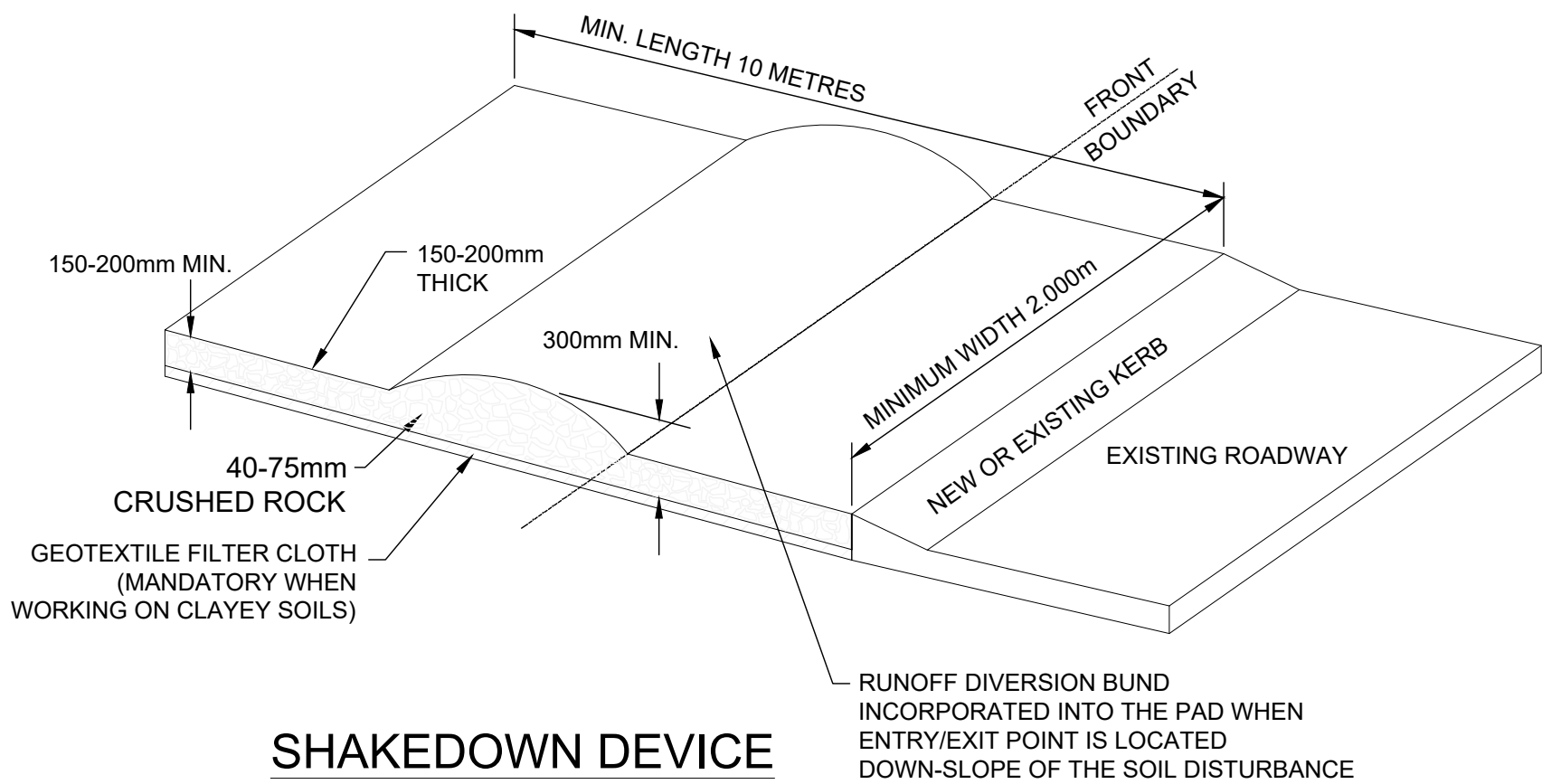


SEDIMENT & EROSION NOTES

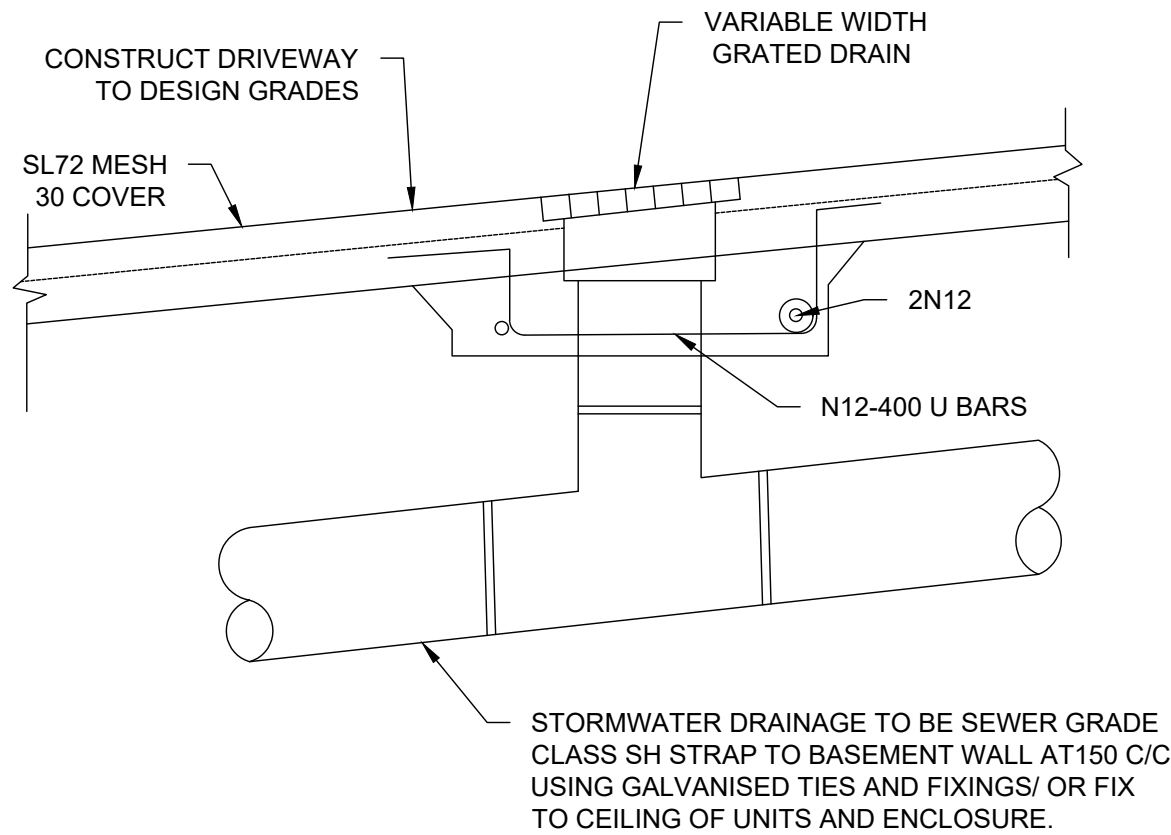
1. IMMEDIATELY FOLLOWING SETTING OUT OF THE WORKS, BUT PRIOR TO COMMENCEMENT OF ANY CLEARING OR EARTHWORKS, THE CONTRACTOR AND SUPERINTENDENT SHALL WALK THE SITE TO NOMINATE THE LOCATIONS AND TYPES OF SEDIMENT AND EROSION CONTROL MEASURES TO BE ADOPTED. THESE MEASURES SHALL BE IMPLEMENTED PRIOR TO ANY CLEARING OR EARTHWORKS AND MAINTAINED UNTIL THE WORKS ARE COMPLETED AND NO LONGER POSE AN EROSION HAZARD, UNLESS OTHERWISE APPROVED BY THE SUPERINTENDENT.
2. IMMEDIATELY FOLLOWING SETTING OUT OF THE WORKS, BUT PRIOR TO COMMENCEMENT OF ANY CLEARING OR EARTHWORKS, THE CONTRACTOR AND SUPERINTENDENT SHALL WALK THE SITE TO IDENTIFY AND MARK TREES WHICH ARE TO BE PRESERVED. NOTWITHSTANDING THE ABOVE, THE CONTRACTOR SHALL TAKE ALL REASONABLE PRECAUTIONS TO MINIMISE DISTURBANCE TO EXISTING VEGETATION AND GROUND COVER OUTSIDE THE MINIMUM AREAS REQUIRED TO COMPLETE THE WORKS AND SHALL BE RESPONSIBLE FOR RECTIFICATION, AT ITS OWN COST, OF ANY DISTURBANCE BEYOND THOSE AREAS.
3. PROVIDE GULLY GRATE INLET SEDIMENT TRAPS AT ALL GULLY PITS.
4. PROVIDE SILT FENCING ALONG PROPERTY LINE AS DIRECTED BY SUPERINTENDENT.
5. ADDITIONAL CONTROL DEVICES TO BE PLACED WHERE DIRECTED BY THE PRINCIPLE.
6. ALTERNATIVE DESIGNS TO BE APPROVED BY SUPERINTENDENT PRIOR TO CONSTRUCTION.
7. WASH DOWN/RUMBLE AREA TO BE CONSTRUCTED WITH PROVISIONS RESTRICTING ALL SILT AND TRAFFICKED DEBRIS FROM ENTERING THE STORMWATER SYSTEM.
8. NO WORK OR STOCKPIILING OF MATERIALS TO BE PLACED OUTSIDE OF SITE WORK BOUNDARY.
9. APPROPRIATE EROSION AND SEDIMENT CONTROLS TO BE USED TO PROTECT STOCKPILES AND MAINTAINED THROUGH OUT CONSTRUCTION.
10. IT IS THE CONTRACTORS RESPONSIBILITY TO TAKE DUE CARE OF NATURAL VEGETATION. NO CLEARING IS TO BE UNDERTAKEN WITHOUT PRIOR APPROVAL FROM THE SUPERINTENDENT.
11. TO AVOID DISTURBANCE TO EXISTING TREES, EARTHWORKS WILL BE MODIFIED AS DIRECTED ON-SITE BY THE SUPERINTENDENT.
12. THE LOCATION OF EROSION AND SEDIMENTATION CONTROLS WILL BE DETERMINED ON SITE BY THE SUPERINTENDENT.
13. ACCESS TRACKS THROUGH THE SITE WILL BE LIMITED TO THOSE DETERMINED BY THE SUPERINTENDENT AND THE CONTRACTOR PRIOR TO ANY WORK COMMENCING.
14. ALL SETTING OUT IS THE RESPONSIBILITY OF THE CONTRACTOR PRIOR TO WORKS COMMENCING ON SITE. THE SUPERINTENDENT'S SURVEYOR SHALL PEG ALL ALLOTMENT BOUNDARIES, PROVIDE COORDINATE INFORMATION TO THESE PEGS AND PLACE BENCH MARKS. THE CONTRACTOR SHALL SET OUT THE WORKS FROM AND MAINTAIN THESE PEGS.
15. PLANS ARE MINIMUM REQUIREMENTS AND ARE TO BE USED AS A GUIDE ONLY. EXACT MEASURES USED SHALL BE DETERMINED ON SITE IN CONJUNCTION WITH PROGRAM OF CONTRACTORS WORKS etc.



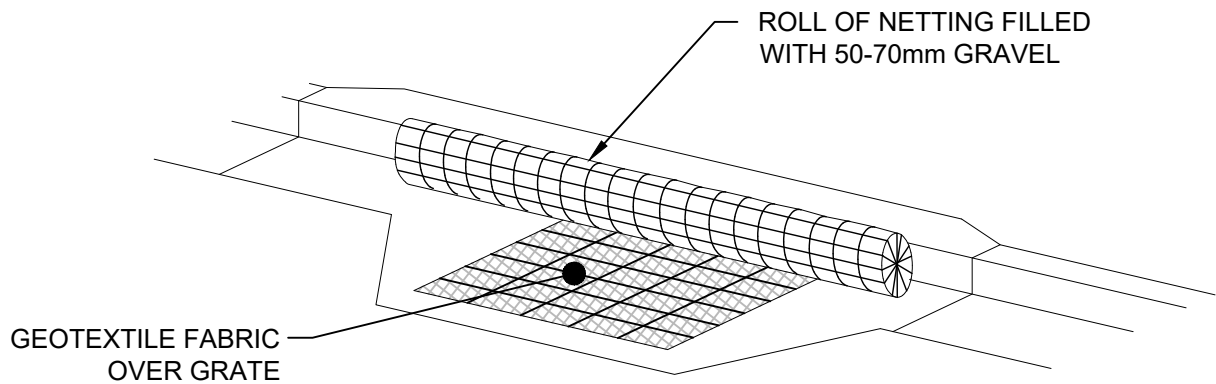
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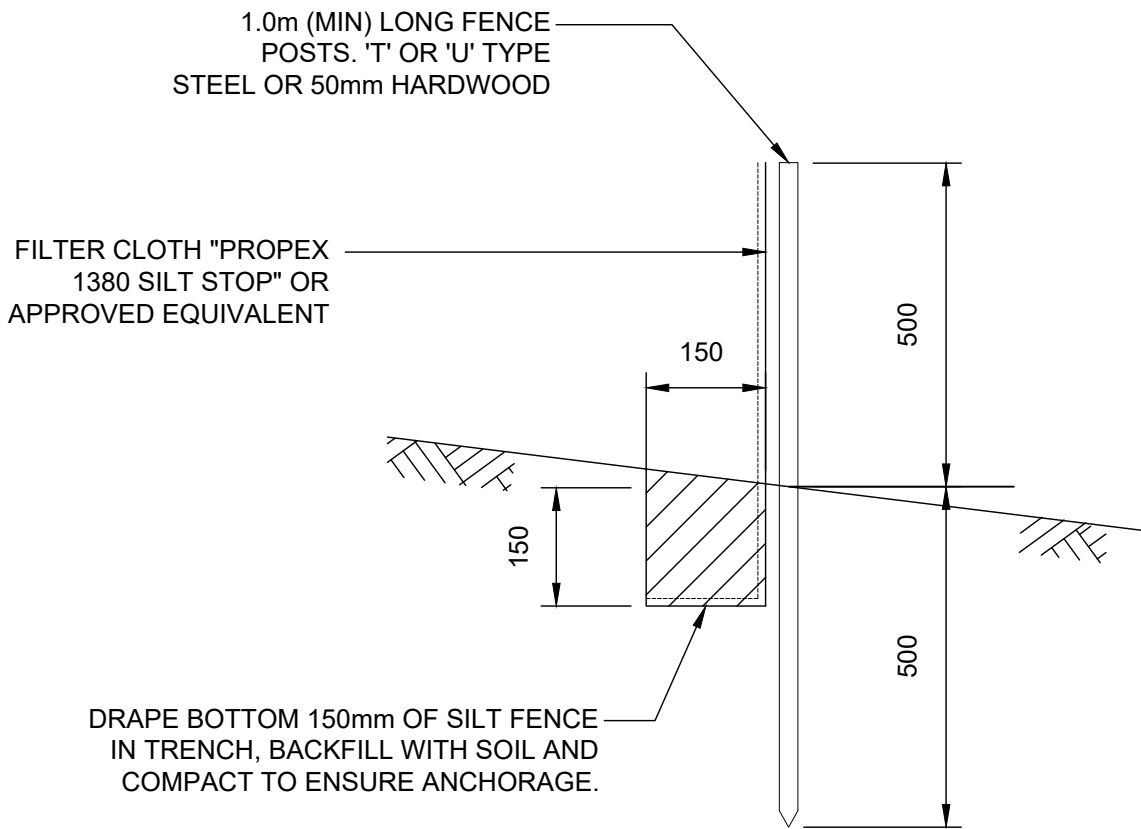
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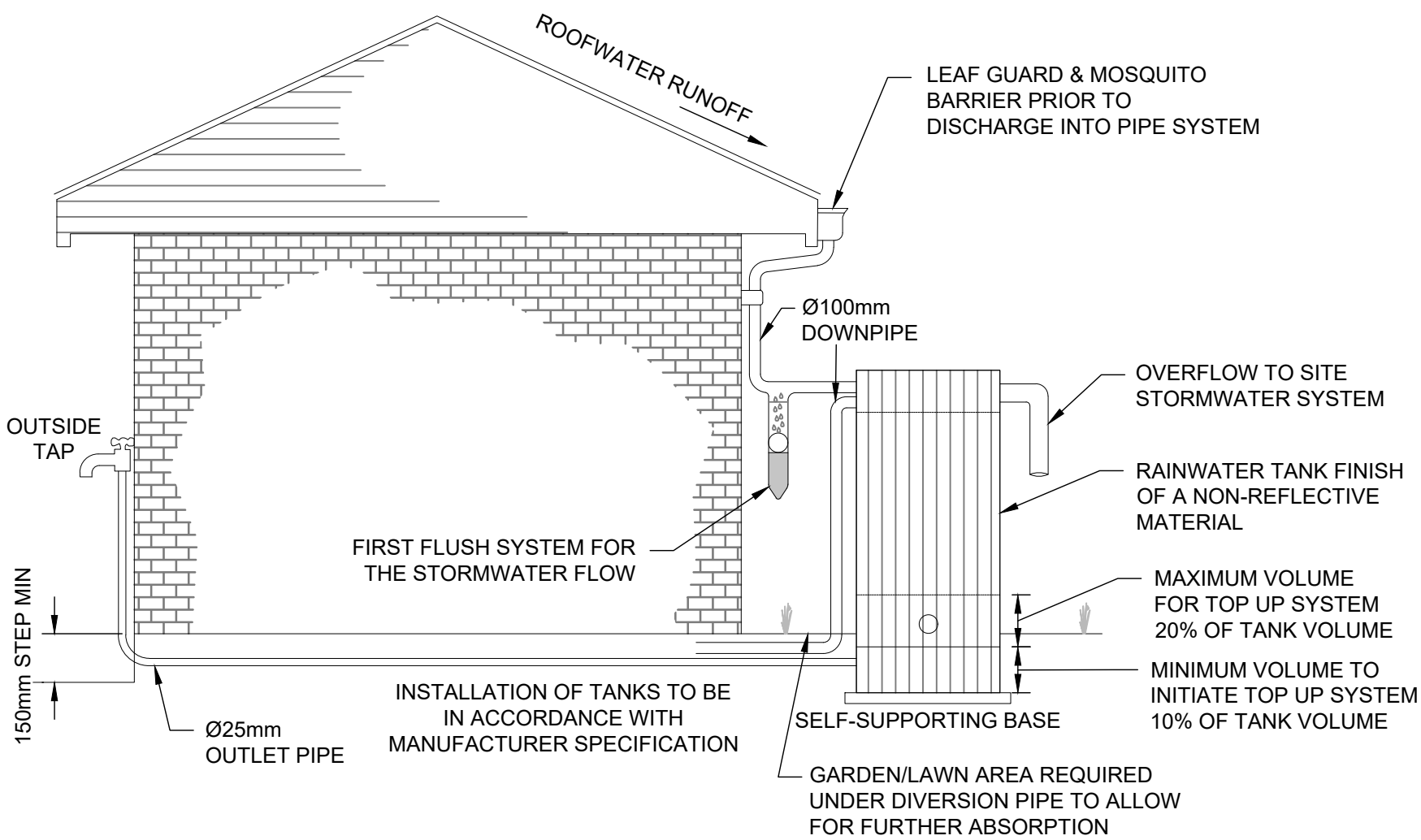
GRATED DRAIN DETAIL  
N.T.S.



KERB INLET PROTECTION  
SAG GULLIES  
N.T.S.



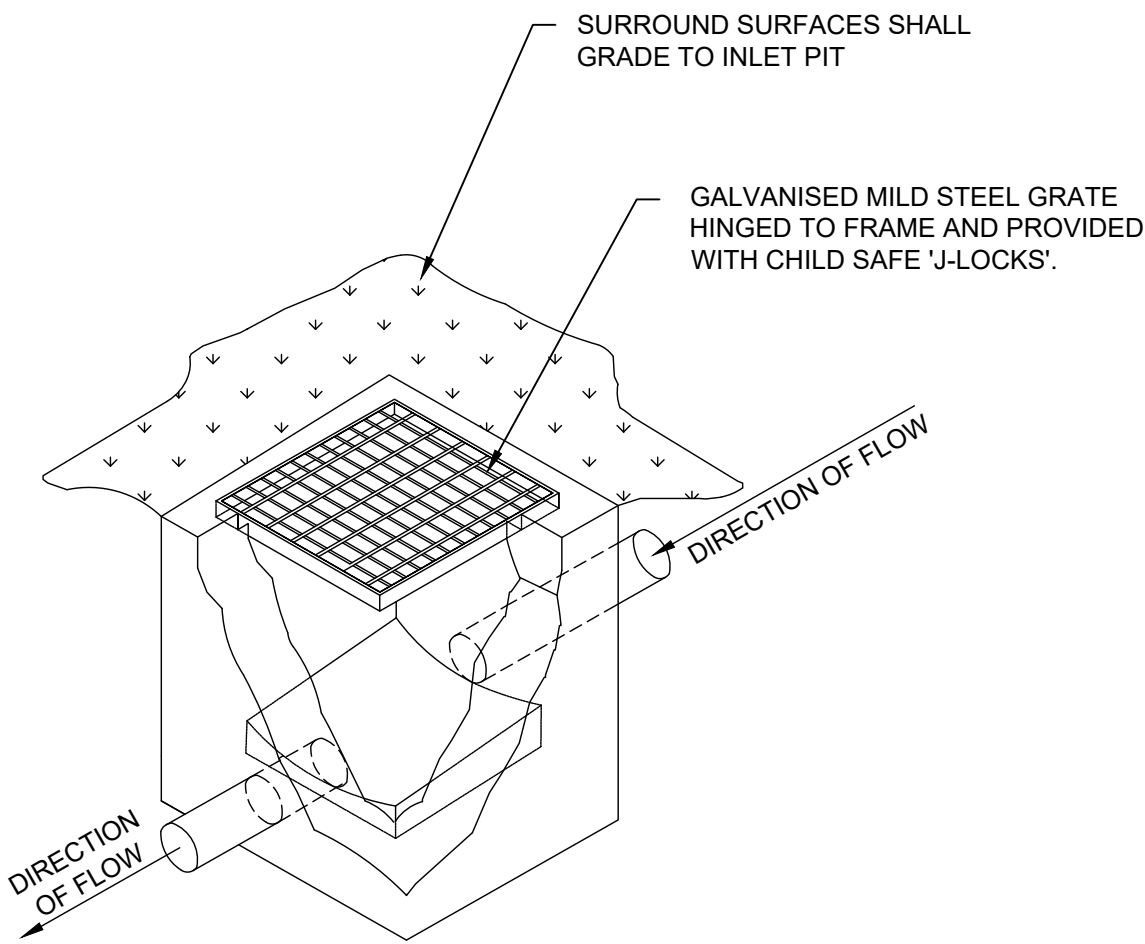
SILT FENCE DETAIL  
N.T.S.



RAINWATER TANK DETAIL  
N.T.S.

STORAGE TANK NOTES:

1. TANK WATER TAPS SHALL BE MARKED "RAINWATER NOT TO HUMAN CONSUMPTION".
2. RAINWATER TANKS SHALL BE CONNECTED TO MAINS WATER SUPPLY AS BACKUP.
3. THE PUMPS ARE TO BE INSULATED IN ACCORDANCE WITH COUNCIL POLICY.
4. PUMPS SHALL PROVIDE MINIMUM 150 kPa PRESSURE.
5. EACH TANK TO BE CONNECTED TO AN OUTDOOR TAP FOR IRRIGATION USE.
6. RAINWATER TANKS TO BE CLEANED OUT EVERY 6 MONTHS.
7. WATER TANK AND ASSOCIATED STRUCTURE TO BE THE SAME COLOR, OR A COLOR COMPLEMENTARY TO THE DWELLING.
8. TOP TANK TO BE BELOW TOP OF NEAREST FENCE, OR 1.8 METERS WHICHEVER IS LESS.
9. THE WATER TANK SHOULD BE LOCATED AT LEAST 900mm FROM ANY PROPERTY BOUNDARY.
10. PLUMBING FROM THE WATER TANK IS TO BE KEPT SEPARATED FROM THE RETICULATED WATER SUPPLY SYSTEM.
11. TANK TO BE BUILT ON SELF-SUPPORTING BASE.
12. PROVIDE BACK-FLOW PREVENTION DEVICE AT MAINS WATER METER.
13. ROOF DRAINING TO TANK MUST NOT CONTAIN LEAD, TAR BASED PAINTS OR ASBESTOS.
14. WATER TO BE DRAWN FROM ANAEROBIC ZONE OF TANK.



TYPICAL GRATED  
INLET PIT DETAIL  
N.T.S.

SILT FENCE NOTES:

1. FILTER CLOTH TO BE FASTENED SECURELY TO POSTS WITH GALVANISED WIRE TIES, STAPLES OR ATTACHMENT BELTS.
2. POSTS SHOULD NOT BE SPACED MORE THAN 3.0m APART.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY 150mm AND FOLDED.
4. FOR EXTRA STRENGTH TO SILT FENCE, WOVEN WIRE (14mm GAUGE, 150mm MESH SPACING) TO BE FASTENED SECURELY BETWEEN FILTER CLOTH AND POSTS BY WIRE TIES OR STAPLES.
5. INSPECTIONS SHALL BE PROVIDED ON A REGULAR BASIS, ESPECIALLY AFTER RAINFALL AND EXCESSIVE SILT DEPOSITS REMOVED WHEN "BULGES" DEVELOP IN SILT FENCE.
6. SEDIMENT FENCES SHALL BE CONSTRUCTED WITH SEDIMENT TRAPS AND EMERGENCY SPILLWAYS AT SPACINGS NO GREATER THAN 40m ON FLAT TERRAIN DECREASING TO 20m SPACINGS ON STEEP TERRAIN.

NOT FOR CONSTRUCTION

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0	1cm at full size				20cm

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Drawing Title  
**MISCELLANEOUS  
DETAILS SHEET**

Scale N.T.S.	A1	Project No. 23015	Dwg. No. 107	Issue A
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## State Environmental Planning Policy (Transport &amp; Infrastructure) 2021

Table 1

## Chapter 3 Educational establishments and child care facilities

Relevant Clauses	Proposed	Compliance
<b>Part 3 Early education and care facilities – specific development controls</b>		
<b>3.22 Concurrence of Regulatory Authority required for certain development.</b> (1) This section applies to 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.	The development complies with the indoor and outdoor unencumbered space requirements of the Regulation (see Clause 3.26(b) in this table).	Yes
<b>3.23 Matters for consideration by consent authorities.</b> Before determining a development application for a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline.	The application has been considered against the applicable provisions of the <i>Child Care Planning Guideline</i> .  Refer to <b>Table 2</b> .	Yes
<b>3.24 Additional matters for consideration by consent authorities.</b> (2) The consent authority must consider the following matters before determining a development application for a centre-based child care facility on land in a <i>prescribed zone</i> : a) Whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses, b) Whether the proposed development has the	Not applicable.  The site is not located within a prescribed zone.	N/A



Relevant Clauses	Proposed	Compliance
<b>Part 3 Early education and care facilities – specific development controls</b>		
<p>potential to restrict the operation of existing industrial land uses,</p> <p>c) Whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.</p> <p><b>Note:</b> A 'Prescribed zone' is:</p> <ul style="list-style-type: none"> <li>• E4 General Industrial.</li> <li>• E5 Heavy Industrial.</li> <li>• IN1 General Industrial.</li> <li>• IN2 Heavy Industrial.</li> </ul>		
<p><b>3.25 Floor Space Ratio.</b></p> <p>(1) Development consent must not be granted for 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 (i.e., 680.5m<sup>2</sup>).</p> <p>(2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.</p>	<p>The development proposes a floor space ratio of 0.795:1 (1,082.44m<sup>2</sup>).</p> <p>The GFA (which is used to calculate the FSR) can be broken up into the following distinct areas:</p> <p>Building GFA: 559.44m<sup>2</sup>  Building FSR: 0.41:1  Outdoor Play Area GFA: 523.00m<sup>2</sup>  Outdoor Play Area FSR: 0.38:1  Total GFA: 1,082.44m<sup>2</sup>  Total FSR: 0.79:1</p> <p>The RLEP or RDCP do not set a maximum floor space ratio for a centre-based child care facility.</p>	<p><b>No</b></p> <p>Supported via 4.6</p>
<p><b>3.26 Non-Discretionary Development Standards.</b></p> <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>(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><b>a) Location.</b></p> <p>The development may be located at any distance from an existing or proposed early education and care facility,</p>	<p>Noted.</p> <p>The centre is located 100m south-west of St Georges Pre-School at 100 Balaclava Road.</p>	<p>Yes</p>
<p><b>b) Indoor or outdoor space.</b></p> <p>(i.) For development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> applies - the unencumbered area of indoor space and the</p>	<p><u>Indoor Unencumbered Space</u></p> <p>Required: 286m<sup>2</sup>  Provided: 337m<sup>2</sup></p> <p><b>Note:</b> The following areas are excluded from unencumbered space:</p> <ul style="list-style-type: none"> <li>• Any passageway or thoroughfare (including door swings);</li> <li>• Any toilet and hygiene facilities;</li> </ul>	<p>Yes</p>

Relevant Clauses	Proposed	Compliance
<b>Part 3 Early education and care facilities – specific development controls</b>		
<p>unencumbered area of outdoor space 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 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.</p>	<ul style="list-style-type: none"> <li>Any nappy changing area or area for preparing bottles;</li> <li>Any area permanently set aside for the use or storage of cots;</li> <li>Any area permanently set aside for storage;</li> <li>Any area or room for staff or administration;</li> <li>Any other space that is not suitable for children;</li> <li>The area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as part of an educational program provided by the service.</li> </ul> <p><u>Outdoor Unencumbered Space</u> Required: 616m<sup>2</sup> Provided: 751m<sup>2</sup></p> <p><b>Note:</b> The following areas are excluded from unencumbered space:</p> <ul style="list-style-type: none"> <li>Any pathway or thoroughfare, except where used by children as part of the education and care program;</li> <li>Any car parking area;</li> <li>Any storage shed or other storage area;</li> <li>Any other space that is not suitable for children.</li> </ul>	
<p><b>c) Site area and site dimensions.</b> The development may be located on a site of any size and have any length of street frontage or any allotment depth.</p>	<p>Noted.</p> <p>Clause 2.1.1(a) of the RDCP includes a requirement for lot frontage/width (20m). The site has a frontage of 18.595m with an average width of 16.6m. However, Clause 3.26(1) of this SEPP prevents the consent authority from requiring more onerous standards beyond those imposed by Clause 3.266(2)(c).</p> <p>Additionally, Clause 2.1.1(b) of the RDCP includes a requirement for a minimum lot size of 800m<sup>2</sup> on a regular shaped site. The site is generally regular in shape and has an area of 1,361m<sup>2</sup>.</p> <p>In this regard, the lot frontage/width and shape are accepted.</p>	Yes
<p><b>d) Colour of building materials or shade structures.</b> The development may be of any colour or colour scheme unless it is a</p>	<p>Noted.</p>	Yes



Relevant Clauses	Proposed	Compliance
<b>Part 3 Early education and care facilities – specific development controls</b>		
State or local heritage item or in a heritage conservation area.	The site is not a State or local heritage item and is not located in a heritage conservation area.	
<b>3.27 Development Control Plans.</b> A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:		
a) Operational or management plans or arrangements (including hours of operation).	The RDCP does not include requirements for operational or management plans or arrangements (including hours of operation).	N/A
b) Demonstrated need or demand for child care services.	The RDCP does not include a requirement to demonstrate the need or demand for child care services.	N/A
c) Proximity of facility to other early education and care facilities.	The RDCP does not include a provision which relates to the proximity of the facility to other early education and care facilities.	N/A
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).	Noted.  Refer to <b>Table 2</b> below.  Refer to <b>Table 2</b> below.	Yes

**Table 2**

**Child Care Planning Guideline (September 2021)**

Guideline	Compliance/Comment
<b>Part 2 Design Quality Principles</b>	
<b>Principle 1. Context</b>  Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.  Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.	<b>Consistent</b>  The local area predominantly comprises detached dwellings of varying size and architectural style. The local area is also defined by the Eastwood Heights Public School which is situated immediately to the east and south of the subject site.  The subject site is therefore contextually regarded as a transitional area between the school and the residential zone proper.

<p>Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.</p>	<p>The development is designed to respond to this transitional nature of the site and provides a building which is comparable to the double storey dwelling. The only notable visual departure from a dwelling is the suspended rear decks which form the outdoor play areas of the centre, all of which are located at the rear of the building.</p> <p>The site is located within proximity to bus routes which provide access to Macquarie Centre (and then on to Chatswood) and Parramatta.</p>
<p><b>Principle 2. Built Form</b></p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.</p> <p>Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Good design also uses a variety of materials, colours and textures.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p> <p>Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.</p>	<p><b>Consistent</b></p> <p>The development has been designed to comply to the permitted building height and floor space ratio development standards under the RLEP – both of which establish the expected bulk and scale for residential scale development in the R2 Low Density Residential zone.</p> <p>With regards to bulk and scale, the development proposes a part two/part three storey structure whereas the site currently accommodates a single storey structure. The existing dwelling has a length of 22.9m whereas the proposed building has a length of 25.4m at the ground floor level and 21.6m at the upper floor level.</p> <p>The above suggests that, although the proposed use is for a child care centre, the bulk and scale is comparable to a dwelling which could also be constructed on the site with similar dimensions and area.</p> <p>Therefore, despite the difference in scale between the existing dwelling and the proposed building, the comparable building lengths together with compliant building height and floor space ratio indicate that the development achieves a consistent bulk and scale to that of its surrounds and is thus compatible to the existing and desired future character of the surrounding area.</p>
<p><b>Principle 3. Adaptive learning spaces</b></p> <p>Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out.</p> <p>Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes</p>	<p><b>Consistent</b></p> <p>The development provides 4 internal learning spaces and 2 outdoor learning/active spaces.</p> <p>All areas are easily accessible, open plan, and navigable which can be adapted to the particular needs of the children attending the facility.</p> <p>Given the open plan aspect of each learning/active space, this achieves a sufficient mix of inclusive learning spaces to</p>



appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.	cater for all students and different modes of learning.
<p><b>Principle 4. Sustainability</b></p> <p>Combines positive environmental, social and economic outcomes.</p> <p>This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs.</p> <p>Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p> <p>Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.</p>	<p><b>Consistent</b></p> <p>The centre is well ventilated via the openable doors which access the outdoor play areas.</p> <p>Sunlight access is gained via the large windows which are located at both side elevations.</p> <p>The development includes provision through the submitted Waste Management Plan for recycling. Additionally, the rear open space learning/play area includes deep soil zones and vegetable/herb gardens which would use compostable materials.</p>
<p><b>Principle 5. Landscape</b></p> <p>Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p>	<p><b>Consistent</b></p> <p>The development includes landscaping which is consistent with the landscaped setting of the local area and with the requirements of the facility.</p> <p>The outdoor play areas each include spaces for play and learning for all attending age groups. The centre also includes a natural play area where children can play and learn. This area includes vegetable and herb gardens, a chicken coop, play hut, artificial creek and play equipment.</p>
<p><b>Principle 6. Amenity</b></p> <p>Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.</p> <p>Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.</p>	<p><b>Consistent subject to conditions</b></p> <p>The development exhibits a high degree of amenity to both the internal users of the facility and the external neighbours.</p> <p>Internally, the development provides appropriate and efficient indoor and outdoor learning spaces which have good levels of access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.</p>

Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.	<p>Externally, the development has been designed to optimise solar access to the neighbouring residential properties at 7 Lincoln Street and 10 Deborah Place – largely achieved through site orientation and terracing of the development.</p> <p>Additionally, the development includes highlight windows and privacy screens along the full length of both side elevations (noting that the eastern elevation faces the school).</p> <p>With respect to noise, the development includes treatments which aim to mitigate unreasonable impact to neighbouring dwellings such as acoustic fencing along the western and southern side of the upper outdoor play area (01) and screen plantings along the full length of the western side boundary.</p> <p>The application is accompanied by an Environmental Noise Impact Assessment (dated 28 February 2023) which includes recommendations (in Section 8.0 of that report) for the treatment and operation of the centre to minimise acoustic impact.</p> <p>Subsequent to the recommendations being incorporated into the development, the acoustic report notes that the following predicted noise levels at the nearest neighbouring dwellings (receivers) from the outdoor play areas (assessed for up to 4 hours total outdoor play per day):</p> <table><tr><th>Address</th><th>Predicted Noise Level (dBA)</th><th>Noise Criterion (dBA)</th><th>Complies</th></tr><tr><td>7 Lincoln</td><td>44 (FF)</td><td>53</td><td>Yes</td></tr><tr><td>10 Deborah</td><td>44 (GF)</td><td>45</td><td>Yes</td></tr><tr><td>10 Deborah</td><td>53 (FF)</td><td>53</td><td>Yes</td></tr><tr><td>9A Lincoln</td><td>45 (GF)</td><td>55</td><td>Yes</td></tr><tr><td>9A Lincoln</td><td>48 (GF)</td><td>65</td><td>Yes</td></tr><tr><td>9A Lincoln</td><td>46 (GF)</td><td>65</td><td>Yes</td></tr><tr><td>12 Lincoln</td><td>31 (GF)</td><td>45</td><td>Yes</td></tr></table> <p><b>Note:</b> GF = Ground Floor/FF = First Floor.</p> <p>The report concludes that the development will meet the noise level requirements of the NSW Department of Planning and Environment's <i>Child Care Planning Guideline</i> and the Association of Australian Acoustical Consultants' <i>Guideline for Child Care Centres Acoustic Assessment</i>.</p>	Address	Predicted Noise Level (dBA)	Noise Criterion (dBA)	Complies	7 Lincoln	44 (FF)	53	Yes	10 Deborah	44 (GF)	45	Yes	10 Deborah	53 (FF)	53	Yes	9A Lincoln	45 (GF)	55	Yes	9A Lincoln	48 (GF)	65	Yes	9A Lincoln	46 (GF)	65	Yes	12 Lincoln	31 (GF)	45	Yes
Address	Predicted Noise Level (dBA)	Noise Criterion (dBA)	Complies																														
7 Lincoln	44 (FF)	53	Yes																														
10 Deborah	44 (GF)	45	Yes																														
10 Deborah	53 (FF)	53	Yes																														
9A Lincoln	45 (GF)	55	Yes																														
9A Lincoln	48 (GF)	65	Yes																														
9A Lincoln	46 (GF)	65	Yes																														
12 Lincoln	31 (GF)	45	Yes																														



	<p>The Environmental Noise Impact Assessment is included as a condition of consent (see <b>Condition 1</b> in the draft consent).</p> <p>Notwithstanding the recommendation in the acoustic report, Council's Environmental Health Officer has reviewed the acoustic report and has imposed a condition which requires further attenuation to the recommended treatments to further minimise acoustic impact (see <b>Condition 62</b>).</p>
<p><b>Principle 7 - Safety</b></p> <p>Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.</p> <p>Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community.</p> <p>Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</p>	<p><b>Consistent subject to Condition</b></p> <p>The development has been designed to provide safety and security features consistent with the 'Safer by Design' approach established by the NSW Police.</p> <p>The application is accompanied by a CPTED Assessment (dated 20 October 2022) which addresses the required matters for consideration.</p> <p>The Report includes recommendations to enhance safety and security, and these are appropriately included a condition of consent.</p> <p>The CPTED Assessment report is included as a condition of consent (see <b>Condition 1</b> in the draft consent).</p>
<b>Part 3 Matters for Consideration</b>	
<b>3.1 Site Selection and Location</b>	
<p><b>C1.</b> For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> <li>The acoustic and privacy impacts of the proposed development on the residential properties</li> </ul>	<p><b>Consistent subject to conditions</b></p> <p>The development has been designed to optimise solar access to the neighbouring residential properties at 7 Lincoln Street and 10 Deborah Place – largely achieved through site orientation and terracing of the development – while preserving acoustic amenity.</p> <p>Additionally, the development includes highlight windows and screens along the full length of both side elevations (noting that the eastern elevation faces the school). <b>Condition 1(d)</b> is imposed which requires that the screens are frosted to address any overlooking.</p> <p>With respect to noise, the development includes treatments which are designed to mitigate unreasonable impact to neighbouring dwellings such as acoustic fencing along the western and southern side of the upper outdoor play area (01) and screen plantings</p>

<ul style="list-style-type: none"> <li>• The setbacks and siting of buildings within the residential context.</li> <li>• Visual amenity impacts (e.g. additional building bulk and overshadowing, local character).</li> </ul>	<p>along the full length of the western side boundary.</p> <p>The application is accompanied by an Environmental Noise Impact Assessment (dated 28 February 2023) which includes robust recommendations (see Section 8.0 of that report) for the treatment and operation of the centre to minimise acoustic impact.</p> <p>The report concludes that the development will meet the noise level requirements of the NSW Department of Planning and Environment's Child Care Planning Guideline and the Association of Australian Acoustical Consultants' Guideline for Child Care Centres Acoustic Assessment.</p> <p>Notwithstanding the recommendation in the acoustic report, Council's Environmental Health Officer has reviewed the acoustic report and has imposed a condition which requires further attenuation to the recommended treatments to further minimise acoustic impact (see <b>Condition 62</b>).</p> <p>Setbacks are excluded from consideration pursuant to Clause 3.27(d) of the SEPP (see Table 1) as these are considered under the RDCP.</p> <p>The development has been designed to comply to the permitted building height and floor space ratio development standards under the RLEP which establish the expected bulk and scale for residential scale development in the R2 Low Density Residential zone.</p> <p>With regards to bulk and scale, the development proposes a part two/part three storey structure whereas the site currently accommodates a single storey structure. The existing dwelling has a length of 22.9m whereas the proposed building has a length of 25.4m at the ground floor level and 21.6m at the upper floor level.</p> <p>The above indicates that the bulk and scale is comparable to a dwelling which could also be constructed on the site with similar dimensions and area.</p> <p>Therefore, despite the difference in scale between the existing dwelling and the proposed building (excluding the decks), the comparable building lengths together with compliant building height and floor space ratio indicate that the development achieves a consistent bulk and scale to that of its</p>
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<ul style="list-style-type: none"> <li>• Traffic and parking impacts of the proposal on residential amenity.</li> </ul> <p>For proposed developments in commercial and industrial zones, consider:</p>	<p>surrounds and is thus compatible to the existing and desired future character of the local area.</p> <p>The development exhibits a high degree of amenity to both the internal users of the facility and the external neighbours.</p> <p>The development has been designed to optimise solar access to the neighbouring residential properties at 7 Lincoln Street and 10 Deborah Place – largely achieved through site orientation and terracing of the development.</p> <p>Car parking rates are excluded from consideration pursuant to Clause 3.27(d) of the SEPP (see Table 1) as these are considered under the RDCP.</p> <p>With respect to traffic impact on the local road network, the application is accompanied by a Traffic Impact Assessment (updated on 13 November 2023) which indicates the development will generate 73 vehicle trips per hour during the AM peak period and 64 vehicle trips per hour during the PM peak period. This equates to 159 vehicles per hour along Lincoln Street as opposed to 120 vehicle trips per hour pre-development. The report concludes that this rate remains within the environmental goal according to the environmental capacity performance standards.</p> <p>Council's Traffic Engineer has reviewed the submitted report and SIDRA modelling data and concludes that:</p> <ul style="list-style-type: none"> <li>• <i>The surrounding public road network comprising Lincoln Street and its intersections at Balaclava Road and Vimiera Road, in the immediate vicinity of the site, currently operates with a reasonable level of service during weekday peak periods (i.e., there is capacity at these intersections to accommodate greater traffic volumes).</i></li> <li>• <i>The additional traffic generated by the proposed development is not expected to alter the existing level of service within the surrounding public road network, despite some increases in delays.</i></li> </ul> <p><i>It is noted that the development site is located next to Eastwood Heights Public School. As such, there is expected to be some linked and multi-purpose trips (e.g., parents picking up students from the school could also have a child attending the childcare centre) that can</i></p>
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<ul style="list-style-type: none"> <li>• Potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions</li> <li>• The potential impact of the facility on the viability of existing commercial or industrial uses.</li> </ul>	<p><i>reduce the traffic demand generated by the child care centre.</i></p> <p>Not applicable.</p>
<p><b>C2.</b> When selecting a site, ensure that:</p> <ul style="list-style-type: none"> <li>• The location and surrounding uses are compatible with the proposed development or use.</li> <li>• The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards.</li> <li>• There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed.</li> <li>• The characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> <li>○ length of street frontage,</li> <li>○ lot configuration,</li> <li>○ dimensions and overall size</li> <li>○ number of shared boundaries with residential properties.</li> </ul> </li> <li>• the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas.</li> <li>• 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.</li> </ul>	<p><b>Consistent</b></p> <p>The site is located immediately adjacent to the Eastwood Heights Public School and is thus a transitional zone between the educational establishment and the residential area proper.</p> <p>Despite the increased intensity of the use above that of a normal dwelling, the scale of the proposed building (excluding the decks) is considered to be comparable to that of a dwelling house and, subject to the inclusion of appropriate acoustic treatments, would mitigate amenity impact on neighbouring residential land uses.</p> <p>The site is not flood prone, bushfire affected, within a landslip area and is not subject to coastal hazard.</p> <p>It is estimated that the site has been used continuously for residential purposes since at least the 1950s. Although asbestos may be present in the existing dwelling (to be addressed via standard conditions in the draft consent), given the domestic residential history, the site is considered to be suitable for the proposed use without remediation.</p> <p>The characteristics of the site are considered to be suitable for the development.</p> <p>This has been discussed earlier in this table (see C1) where it was considered that the development would not result in any unreasonable impact on the surrounding area.</p> <p>Not applicable. The development does not involve the retrofitting of an existing premises.</p>



<ul style="list-style-type: none"> <li>• There are suitable drop off and pick up areas, and off and on street parking.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>	<p>The development provides for suitable drop off and pick up areas, and off and on street parking.</p> <p>Lincoln Street is two-way unrestricted local road which has a posted speed of 50km/h and 40km/h during School Zone times (8am to 9:30am and 2:30pm to 4pm during school days). The road is considered to be appropriate and safe for the use.</p> <p>Lincoln Street is a local road and therefore does not have high traffic volumes and speeds (see comment above).</p> <p>The site is not located adjacent or near to incompatible social activities and uses.</p>
<p><b>C3.</b> A child care facility should be located:</p> <ul style="list-style-type: none"> <li>• Near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship.</li> <li>• Near or within employment areas, town centres, business centres, shops.</li> <li>• With access to public transport including rail, buses, ferries.</li> </ul>	<p><b>Consistent</b></p> <p>The centre is located immediately adjacent to the Eastwood Heights Public School.</p> <p>The site is located 2.23km south-west of the Macquarie Shopping Centre and 1.77km north-east of the Eastwood Shopping Centre.</p> <p>Lincoln Street has access to 3 bus routes (551, 544 and 545) to Eastwood, Macquarie Centre, and Parramatta.</p>
<p><b>C4.</b> A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <li>• Proximity to: <ul style="list-style-type: none"> <li>○ Heavy or hazardous industry, waste transfer depots or landfill sites.</li> <li>○ LPG tanks or service stations.</li> <li>○ water cooling and water warming systems.</li> <li>○ odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses.</li> <li>○ extractive industries, intensive agriculture, agricultural spraying activities.</li> </ul> </li> <li>• Any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.</li> </ul>	<p><b>Consistent</b></p> <p>The site is not located adjacent to any uses which would present a risk to children, staff or visitors.</p>
<p><b>3.2 Local Character, streetscape and the public domain interface</b></p>	
<p><b>C5.</b> The proposed development should:</p>	<p><b>Consistent subject to condition</b></p>

<ul style="list-style-type: none"> <li>• Contribute to the local area by being designed in character with the locality and existing streetscape</li> <li>• build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place</li> <li>• Reflect the predominant form of surrounding land uses, particularly in low density residential areas.</li> <li>• Recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>• Include design and architectural treatments that respond to and integrate with the existing streetscape.</li> </ul> <ul style="list-style-type: none"> <li>• Use landscaping to positively contribute to the streetscape and neighbouring amenity.</li> </ul> <ul style="list-style-type: none"> <li>• Integrate car parking into the building and site landscaping design in residential areas.</li> </ul> <ul style="list-style-type: none"> <li>• in R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence except when good design solutions can be achieved</li> </ul>	<p>This has been discussed earlier in this table (see C1).</p> <p>This has been discussed earlier in this table (see C1).</p> <p>This has been discussed earlier in this table (see C1).</p> <p>This has been discussed earlier in this table (see C1).</p> <p>The development includes architectural treatments which respond to and integrate with the residential and educational features of the streetscape.</p> <p>The development includes sufficient landscaping to contribute towards the landscaped character of the streetscape.</p> <p>Car parking is located within the basement and is not visible from the street.</p> <p>Outdoor play space is located at two levels (being the ground level (Play Area 02) and first floor level (Play Area 01)). Although elevated, Play Area 01 is appropriately treated with acoustic barriers and conditioned to mitigate acoustic impact (subject to <b>Condition 62</b>).</p>
<p><b>C6.</b> Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>• Fencing to ensure safety for children entering and leaving the facility.</li> <li>• Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</li> <li>• Integrating existing and proposed landscaping with fencing.</li> </ul>	<p><b>Consistent</b></p> <p>The development includes fencing and street-facing windows which provide passive surveillance to the street as a safety measure and connection between the facility and the community.</p> <p>The street-facing fencing is picket style and set back from the street to enable planting around the fence.</p>
<p><b>C7</b> 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><b>Not applicable</b></p> <p>The site will be occupied by the child care centre only.</p>
<p><b>C8</b> 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"> <li>• Clearly defined street access, pedestrian paths and building entries</li> <li>• Low fences and planting which delineate communal/ private open space from adjoining public open space</li> <li>• Minimal use of blank walls and high fences.</li> </ul>	<p><b>Not applicable</b></p> <p>The site does not adjoin public parks, open space or bushland.</p>



<p><b>C9.</b> 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><b>Consistent</b></p> <p>The street-facing fencing is picket style and set back from the street to enable planting around the fence. This enables retention of a landscaped setting which is a feature of the local area.</p>
<p><b>C10.</b> 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><b>Not applicable</b></p> <p>The site does not adjoin a classified road.</p>
<p><b>3.3 Building orientation, envelope and design</b></p>	
<p><b>C11.</b> Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> <li>○ facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties.</li> <li>○ placing play equipment away from common boundaries with residential properties.</li> <li>○ locating outdoor play areas away from residential dwellings and other sensitive uses.</li> </ul> </li> <li>• Optimise solar access to internal and external play areas.</li> <li>• Avoid overshadowing of adjoining residential properties.</li> <li>• Minimise cut and fill.</li> <li>• Ensure buildings along the street frontage define the street by facing it.</li> <li>• Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul>	<p><b>Consistent</b></p> <p>Orientation of the building is limited by the shape and orientation of the site. The design of the development has been configured to respond to the shape and orientation of the site and its proximity and impact on neighbouring residential properties (namely 7 Lincoln Street and 10 Deborah Place).</p> <p>The development includes acoustic barriers to the outdoor play areas to mitigate acoustic impact and overlooking.</p> <p>Because of the orientation of the site relative to its residential neighbours, sunlight access to 7 Lincoln Street and 10 Deborah Place is maximised and overshadowing is minimised.</p> <p>The development includes a part-basement car park. The required provision of parking on the site necessitates the incorporation of a part-basement arrangement due to the lot width and sloping topography.</p> <p>The development has been designed to respond to the residential character of the street. The centre addresses the street in a similar manner and scale to that of a dwelling.</p> <p>Outdoor play areas are located at three levels each of which are protected from wind by the afore-mentioned acoustic barriers.</p>
<p><b>C12.</b> The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> <li>• Building height should be consistent with other buildings in the locality.</li> <li>• Building height should respond to the scale and character of the street.</li> <li>• Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility.</li> </ul>	<p><b>Not Consistent</b></p> <p>FSR supported via Clause 4.6</p> <p><u>Building Height</u> Permitted: 9.5m Proposed: 4.4m to 8m</p> <p><u>Floor Space Ratio</u> Permitted: 0.5:1 (680.5m<sup>2</sup>) Proposed: 0.795:1 (1,082.44m<sup>2</sup>)</p>

<ul style="list-style-type: none"><li>• Setbacks should provide adequate access for building maintenance.</li><li>• Setbacks to the street should be consistent with the existing character.</li><li>• 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.</li></ul>	<p><u>Setbacks</u> + indicates a range greater than the shown minimum.</p> <table><tr><th></th><th>Permitted</th><th>Proposed</th></tr><tr><td><b>Front</b></td><td></td><td></td></tr><tr><td>Basement</td><td>6.0m</td><td>10.8m+</td></tr><tr><td>Ground Floor</td><td>6.0m</td><td>10.8m+</td></tr><tr><td>First Floor</td><td>6.0m</td><td>10.8m+</td></tr><tr><td><b>Side (West)</b></td><td></td><td></td></tr><tr><td>Basement</td><td>1.5m</td><td>1.5m</td></tr><tr><td>Ground Floor</td><td>1.5m</td><td>1.5m</td></tr><tr><td>First Floor</td><td>1.5m</td><td>1.5m</td></tr><tr><td><b>Side (East)</b></td><td></td><td><b>See Note</b></td></tr><tr><td>Basement</td><td>1.5m</td><td>1.1m+</td></tr><tr><td>Ground Floor</td><td>1.5m</td><td>1.1m+</td></tr><tr><td>First Floor</td><td>1.5m</td><td>1.1m+</td></tr><tr><td><b>Rear</b></td><td></td><td></td></tr><tr><td>Basement</td><td>16.4m</td><td>16.5m</td></tr><tr><td>Ground Floor</td><td>16.4m</td><td>18.1m+</td></tr><tr><td>First Floor</td><td>16.4m</td><td>31.4m+</td></tr></table> <p><b>Note:</b> The side setback at the eastern elevation faces the school and given the considerable open area between the development and the school buildings, and that the eastern side setback is variable up to 2.5m (due to the angled side boundary), the proposed side setback of between 1.1m and 2.5m is supported.</p>		Permitted	Proposed	<b>Front</b>			Basement	6.0m	10.8m+	Ground Floor	6.0m	10.8m+	First Floor	6.0m	10.8m+	<b>Side (West)</b>			Basement	1.5m	1.5m	Ground Floor	1.5m	1.5m	First Floor	1.5m	1.5m	<b>Side (East)</b>		<b>See Note</b>	Basement	1.5m	1.1m+	Ground Floor	1.5m	1.1m+	First Floor	1.5m	1.1m+	<b>Rear</b>			Basement	16.4m	16.5m	Ground Floor	16.4m	18.1m+	First Floor	16.4m	31.4m+
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<p><b>C13.</b> Where there are no prevailing setback controls minimum setback to a classified road should be 10m.</p> <p>On other road frontages where there are existing buildings within 50m, the setback should be the average of the 2 closest buildings. Where there are no buildings within 50m, the same setback is required for the predominant adjoining land use.</p>	<p><b>Consistent</b></p> <p>The RDCP includes prevailing front setback controls (6.5m).</p>																																																			
<p><b>C14.</b> On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p><b>Consistent</b></p> <p>The development includes side and rear setbacks which respond to the requirements of the RDCP.</p>																																																			
<p><b>C15.</b> Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"><li>• located to allow ease of access, particularly for pedestrians.</li><li>• directly accessible from the street where possible.</li><li>• directly visible from the street frontage.</li><li>• easily monitored through natural or camera surveillance.</li><li>• not accessed through an outdoor play area.</li><li>• in a mixed-use development, clearly defined and separate from entrances to other uses in the building.</li></ul>	<p><b>Consistent</b></p> <p>Entry is located at one secure point at the front of the building.</p> <p>The entry is easily accessible via a level footpath and is directly visible from the street frontage.</p> <p>The entry is not accessed through an outdoor play area.</p>																																																			
<p><b>C16</b></p>	<p><b>Consistent subject to condition</b></p>																																																			



<p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• providing accessibility to and within the building in accordance with all relevant legislation.</li> <li>• 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.</li> <li>• providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible.</li> <li>• minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul>	<p>The development has been designed to enable accessibility to all levels via the lift and ramps.</p> <p>The natural ground floor play area at the rear of the site is accessible only via stairs. In order to facilitate access for a person with a disability, a condition is included in the draft consent which requires appropriate features being incorporated into the design to enable accessibility for this section of the site (see <b>Condition 1(a)</b>).</p>
<b>3.4 Landscaping</b>	
<p><b>C17.</b> Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> <li>• reflecting and reinforcing the local context.</li> <li>• incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</li> </ul>	<p><b>Consistent</b></p> <p>The Landscape Plans submitted with the application indicates that appropriate dense plantings are provided along the western boundary (abutting the residential area).</p>
<p><b>C18.</b> Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> <li>• Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings.</li> <li>• Taking into account streetscape, local character and context when siting car parking areas within the front setback.</li> <li>• Using low level landscaping to soften and screen parking areas.</li> </ul>	<p><b>Consistent</b></p> <p>The car park is located at the part basement level and is concealed by solid walls.</p> <p>Landscaped screening is located between the basement walls and side boundary to the neighbouring residential area.</p>
<b>3.5 Visual and acoustic privacy</b>	
<p><b>C19.</b> Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	<p><b>Not applicable</b></p> <p>The proposal is not a mixed-use development.</p>
<p><b>C20.</b> Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> <li>• Appropriate site and building layout</li> <li>• Suitably locating pathways, windows and doors</li> <li>• Permanent screening and landscape design.</li> </ul>	<p><b>Consistent</b></p> <p>The indoor and outdoor play spaces are not viewable from public areas.</p>
<p><b>C21.</b> Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> <li>• Appropriate site and building layout</li> <li>• Suitable location of pathways, windows and doors.</li> </ul>	<p><b>Consistent subject to condition</b></p> <p>The development has been designed to minimise overlooking into the main internal living areas and private open spaces in</p>

<ul style="list-style-type: none"> <li>• Landscape design and screening.</li> </ul>	<p>adjoining properties through the incorporation of appropriate treatments such as highlight windows and privacy/acoustic screens.</p> <p><b>Condition 1(d)</b> is imposed to require the screens are frosted to minimise overlooking.</p>
<p><b>C22.</b> 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"> <li>• 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).</li> <li>• 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.</li> </ul>	<p><b>Consistent</b></p> <p>This has been discussed earlier in this table (see C1).</p>
<p><b>C23.</b> A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> <li>• Identify an appropriate noise level for a child care facility located in residential and other zones.</li> <li>• Determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</li> <li>• Determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</li> </ul>	<p><b>Consistent</b></p> <p>The application is accompanied by an Environmental Noise Impact Assessment (dated 28 February 2023) prepared by Day Design Pty Ltd which includes robust recommendations (see Section 8.0 of that report) for the treatment and operation of the centre to minimise acoustic impact.</p> <p>The report assesses and determines an appropriate background noise level for outdoor play areas during times they are proposed to be in use and determines the appropriate height of any acoustic fence to enable the noise criteria to be met.</p> <p>Notwithstanding the recommendation in the acoustic report, Council's Environmental Health Officer has reviewed the acoustic report and has imposed a condition which requires further attenuation to the recommended treatments to further minimise acoustic impact (see <b>Condition 62</b>).</p>
<p><b>3.6 Noise and Air Pollution</b></p>	
<p><b>C24.</b> Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> <li>• Creating physical separation between buildings and the noise source</li> <li>• Orienting the facility perpendicular to the noise source and where possible buffered by other uses.</li> <li>• Using landscaping to reduce the perception of noise.</li> <li>• Limiting the number and size of openings facing noise sources.</li> <li>• Using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens).</li> <li>• Using materials with mass and/or sound insulation or absorption properties, such as</li> </ul>	<p><b>Consistent</b></p> <p>This has been discussed earlier in this table (see C1 and Principle 6).</p>



<p>solid balcony balustrades, external screens and soffits.</p> <ul style="list-style-type: none"> <li>Locating cot rooms, sleeping areas and play areas away from external noise sources.</li> </ul>	
<p><b>C25.</b> 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"> <li>On industrial zoned land</li> <li>Where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</li> <li>Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>On a major or busy road</li> <li>Other land that is impacted by substantial external noise.</li> </ul>	<p><b>Not applicable</b></p> <p>The development is not located on industrial zoned land where the ANEF contour is between 20 and 25, along a railway or mass transit corridor, on a major or busy road, or near other land that is impacted by substantial external noise.</p>
<p><b>C26.</b> 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><b>Not applicable</b></p> <p>The development is not located on or near land which has potential impact on air pollution.</p>
<p><b>C27.</b> A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> <li>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</li> <li>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</li> <li>Incorporating ventilation design into the design of the facility</li> </ul>	<p><b>Not applicable</b></p> <p>The development is not located on or near land which has potential impact on air pollution.</p>
<p><b>3.7 Hours of Operation</b></p>	
<p><b>C28.</b> Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>	<p><b>Consistent</b></p> <p>The centre will operate between 7am to 6pm Monday to Friday.</p>
<p><b>C29.</b> 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><b>Not applicable</b></p> <p>The site is located within the R2 zone.</p>

<b>3.8 Traffic, parking and pedestrian circulation</b>	
<p><b>C30.</b> Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan (DCP) that applies to the land.</p> <p>Where a DCP does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400m of a metropolitan train station:</p> <ul style="list-style-type: none"> <li>• 1 space per 10 children.</li> <li>• 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</li> </ul> <p>In other areas:</p> <ul style="list-style-type: none"> <li>• 1 space per 4 children.</li> </ul> <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> <li>• the proposal is an adaptive re-use of a heritage item</li> <li>• the site is in a B8 Metropolitan Zone or other high-density business or residential zone</li> <li>• the site is in proximity to high frequency and well-connected public transport</li> <li>• the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks)</li> <li>• there is sufficient on street parking available at appropriate times within proximity of the site.</li> </ul>	<p><b>Consistent</b></p> <p>The RDCP applies car parking rates to child care centres as follows:</p> <p>1 space per 8 children. 1 space per 2 employees.</p> <p>The above rates equate to a required provision of 18 spaces, which is provided.</p> <p>In addition, the site is located within proximity to a school and bus routes, both of which offer alternate means of transport and shared drop-off patronage to both the school and the child care centre.</p>
<p><b>C31.</b> 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><b>Not applicable</b></p> <p>The proposal is not located in a commercial or industrial zone and is not a mixed-use development.</p>
<p><b>C32.</b> A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> <li>• The amenity of the surrounding area will not be affected</li> <li>• There will be no impacts on the safe operation of the surrounding road network.</li> </ul>	<p><b>Consistent</b></p> <p>This has been discussed earlier in this table (see C1).</p>
<p><b>C33.</b> Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> <li>• a classified road</li> <li>• roads which carry freight traffic or transport dangerous goods or hazardous materials.</li> </ul> <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> <li>• the prevailing traffic conditions</li> </ul>	<p><b>Not applicable</b></p> <p>The site is accessible from a local road only.</p>



<ul style="list-style-type: none"> <li>• pedestrian and vehicle safety including bicycle movements</li> <li>• the likely impact of the development on traffic.</li> </ul>	
<p><b>C34.</b> Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p><b>Not applicable</b></p> <p>The site is not located within a cul-de-sac.</p>
<p><b>C35.</b> The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> <li>• separate pedestrian access from the car park to the facility.</li> <li>• defined pedestrian crossings and defined/ separate paths included within large car parking areas</li> <li>• separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>• pedestrian paths that enable 2 prams to pass each other</li> <li>• delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities.</li> <li>• in commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas</li> <li>• vehicles can enter and leave the site in a forward direction.</li> <li>• clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations.</li> </ul>	<p><b>Consistent</b></p> <p>The car parking area is located within the part-basement and is separated from pedestrian access.</p> <p>Dedicated pedestrian pathways are provided along the western side of the car parking area to the lift.</p> <p>Separate pedestrian access is also gained from the street via a 1.2m wide pathway which is separated from the driveway by 3.2m.</p> <p>Delivery may occur within the par-basement or from the street.</p> <p>The site is not located with a commercial or industrial zone.</p> <p>Vehicles can enter and leave the site in a forward direction.</p> <p>Clear sightlines are maintained at the 6.1m wide vehicle crossover.</p>
<p><b>C36.</b> Mixed use developments should include:</p> <ul style="list-style-type: none"> <li>• driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks</li> <li>• drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site</li> <li>• parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</li> </ul>	<p><b>Not applicable</b></p> <p>The development is not mixed-use.</p>
<p><b>C37.</b> Car parking design should:</p> <ul style="list-style-type: none"> <li>• include a child safe fence to separate car parking areas from the building entrance and play areas.</li> <li>• provide clearly marked accessible parking as close as possible to the primary entrance to</li> </ul>	<p><b>Consistent</b></p> <p>The part-basement car parking area is entirely separate from the indoor and outdoor areas and from the primary entrance to the centre.</p>

<p>the building in accordance with appropriate Australian Standards</p> <ul style="list-style-type: none"> <li>include wheelchair and pram accessible parking.</li> </ul>	<p>Accessible parking is located close to the lift and is available for wheelchair and pram accessibility.</p>
<b>Part 4 Applying the National Regulations to development proposals</b>	
<b>A. INTERNAL PHYSICAL ENVIRONMENT</b>	
<p><b>4.1 Indoor Space Requirements</b>  <b>Regulation 107 Education and Care Services</b>  <b>National Regulations</b></p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.</p> <p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> <li>passageway or thoroughfare (including door swings) used for circulation</li> <li>toilet and hygiene facilities</li> <li>nappy changing area or area for preparing bottles</li> <li>area permanently set aside for the use or storage of cots</li> <li>area permanently set aside for storage</li> <li>area or room for staff or administration</li> <li>kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen</li> <li>on-site laundry</li> <li>other space that is not suitable for children.</li> </ul> <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.</p>	<p><b>Consistent</b></p> <p>The development provides 337m<sup>2</sup> unencumbered indoor space which is 51m<sup>2</sup> above requirement.</p> <p>All unencumbered outdoor spaces are secure.</p>
<p><b>4.2 Laundry and hygiene facilities</b>  <b>Regulation 106 Education and Care Services</b>  <b>National Regulations</b></p> <p>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.</p> <p>Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.</p>	<p><b>Consistent</b></p> <p>A separate laundry is located at the first floor level.</p>
<p><b>4.3 Toilet and hygiene facilities</b>  <b>Regulation 109 Education and Care Services</b>  <b>National Regulations</b></p> <p>A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for</p>	<p><b>Consistent</b></p> <p>Age appropriate toilet, washing and drying facilities are provided at both indoor levels of the centre.</p>



<p>use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p> <p>Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p>	
<p><b>4.4 Ventilation and natural light</b> <b>Regulation 110 Education and Care Services National Regulations</b></p> <p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p> <p>Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p>	<p><b>Consistent</b></p> <p>The centre is well ventilated via the openable doors which access the outdoor play areas.</p> <p>Sunlight access is gained via the large windows which are located at both side elevations.</p>
<p><b>4.5 Administrative Space</b> <b>Regulation 111 Education and Care Services National Regulations</b></p> <p>A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	<p><b>Consistent</b></p> <p>The centre provides adequate areas at both floor levels for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>
<p><b>4.6 Nappy change facilities</b> <b>Regulation 112 Education and Care Services National Regulations</b></p> <p>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.</p> <p>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><b>Consistent</b></p> <p>The centre provides facility at the ground floor for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.</p>
<p><b>4.7 Premises designed to facilitate supervision</b> <b>Regulation 115 Education and Care Services National Regulations</b></p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p>	<p><b>Consistent</b></p> <p>The rooms and facilities within the centre which include toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</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><b>4.8 Emergency &amp; evacuation procedures Regulations 97 and 168 Education and Care Services National Regulations</b></p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> <li>• instructions for what must be done in the event of an emergency</li> <li>• an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit</li> <li>• a risk assessment to identify potential emergencies that are relevant to the service.</li> </ul>	<p><b>Consistent subject to condition</b></p> <p>The Plan of Management (POM) submitted with the application includes a requirement (page 22) that an Emergency Evacuation Plan will be prepared and attached to the Plan of Management prior to commencement of operations of the child care centre.</p> <p>The POM states that <i>“the plan will contain pictorial instructions detailing evacuation steps in the case of an emergency. The plan is to include evacuation routes, assembly points, and a plan of action once a fire alarm has been activated.</i></p> <p><i>The Emergency Evacuation Plan is to be prominently located in each room and in the common area. The phone numbers of appropriate contacts will be maintained in the administrative centre”.</i></p> <p>See <b>Conditions 100 and 128.</b></p>
<p><b>B. EXTERNAL PHYSICAL ENVIRONMENT</b></p>	
<p><b>4.9 Outdoor space requirements Regulation 108 Education and Care Services National Regulations</b></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 7.0m<sup>2</sup> of unencumbered outdoor space.</p> <p><i>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</i></p> <p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> <li>• pathway or thoroughfare, except where used by children as part of the education and care program</li> <li>• car parking area</li> <li>• storage shed or other storage area</li> <li>• laundry</li> <li>• other space that is not suitable for children.</li> </ul> <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><b>Consistent</b></p> <p>The development provides 751m<sup>2</sup> unencumbered outdoor space which is 135m<sup>2</sup> above requirement.</p>



<p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p>	
<p><b>4.10 Natural Environment</b>  <b>Regulation 113 Education and Care Services National Regulations</b></p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p>	<p><b>Consistent</b></p> <p>The centre retains 235m<sup>2</sup> natural outdoor area at the rear of the site. The submitted Landscape Plan (Plan L-01) shows this area to be occupied with various treatments to enable children to explore and experience a natural environment.</p>
<p><b>4.11 Shade</b>  <b>Regulation 114 Education and Care Services National Regulations</b></p> <p>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><b>Consistent subject to condition</b></p> <p>The plans indicate that adequate shaded areas (including trees and shade structures) are situated within the outdoor play areas at the 0 to 2 yr (undercroft ground level deck) and 2 to 6 yr (rear natural ground floor level).</p> <p>The 2 to 3 yr (ground level deck) does not include any shade structure and a condition is included in the draft consent to address this with preference to be located over the sand play area (see <b>Condition 125</b>).</p>
<p><b>4.12 Fencing</b>  <b>Regulation 104 Education and Care Services National Regulations</b></p> <p>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><b>Consistent</b></p> <p>The outdoor play areas are bounded by fences with minimum heights of 1.8m.</p>
<p><b>4.13 Soil assessment</b>  <b>Regulation 25 Education and Care Services National Regulations</b></p> <p>Sub-clause (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>	<p><b>Consistent</b></p> <p>The application includes a Geotechnical Investigation (dated 17 August 2022) which indicates that the site contains topsoil over silty clay which accommodates white pebbles and clay.</p> <p>Additionally, a Phase 1 Environmental Site Investigation (dated 27 September 2022) is submitted with the application which</p>

<ul style="list-style-type: none"> <li>• a soil assessment for the site of the proposed education and care service premises</li> <li>• 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</li> <li>• 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.</li> </ul>	<p>concludes that the site is suitable for use as a child care centre.</p> <p>The demolition of the existing dwelling and associated structures on the site may reveal asbestos however, this will be managed through appropriate WorkSafe demolition and disposal practices and as reflected in the submitted Waste Management Plan (dated 13 September 2022).</p> <p>All the above supporting documents (including their recommendations) are included in <b>Condition 1</b> of the draft consent.</p>
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## Ryde Development Control Plan 2014

Relevant Controls	Proposed	Compliance
<b>Part 3.2 – Child Care Centres</b>		
<b>Clause 1.7 Child Care Centre Design</b>		
A CCC development is to be designed and drawn by a person who is an architect or who is accredited by the Building Designers Association of NSW Inc.	The development has been designed and drawn by Laurie Liskowski of Liskowski Architects who is a registered architect (Reg No. 4224) under the NSW Architects Registration Board.	Yes
The landscape plan must be designed and specified by a landscape architect with demonstrated experience in designing external spaces for CCCs due to the particular nature of the requirements (refer in particular to Section 6 Landscaping & Play Spaces under this Part).	The landscape plan package has been designed and drawn by Outside In Design Group, who have demonstrated experience in designing external spaces for CCCs.	Yes
CCC DAs are required to be accompanied by a signed undertaking by the applicant, licensee or proposed licensee that demonstrates that the proposal has been designed to comply with respect to the Children's Services Regulation 2004 or DoCS requirements as relevant at the time of application.	These regulations have been superseded, and the current Regulations are now part of the assessment of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> .	N/A
<b>Technical Assessment Requirements</b>		
Technical assessments may also be required to be prepared and submitted with the DA, or while the DA is under assessment, to demonstrate support for the proposal and compliance with this DCP.	The submitted documents include technical assessments as required.	Yes

<b>2.1 Suitability of Location and Site for Child Care</b>		
<b>2.1.1 Preferred Locations</b>		
<ul style="list-style-type: none"> <li>Single use developments street frontage and width &gt;20m. Corner allotments &gt; 17m</li> </ul>	The site has a frontage of 18.595m with an average width of 16.6m. However, Clause 3.26(1) of the SEPP prevents the consent authority from requiring more onerous standards beyond those imposed by Clause 3.266(2)(c).	<b>No</b> (Supported)
<ul style="list-style-type: none"> <li>Single use – minimum site area of 800m<sup>2</sup> – regular in shape</li> </ul>	The site is generally regular in shape and has an area of 1,361m <sup>2</sup> .	
<ul style="list-style-type: none"> <li>Not located on arterial or sub-arterial roads, refer Schedule 2</li> </ul>	The site is located on Lincoln Avenue which is not an arterial road (state).	Yes

<b>2.1 Suitability of Location and Site for Child Care</b>		
<ul style="list-style-type: none"> <li>Within mixed use developments on arterial and sub-arterial roads, located distant and facing away from road</li> </ul>	N/A – the proposal is not part of a mixed-use development.	Yes
<ul style="list-style-type: none"> <li>No battle-axe allotments</li> </ul>	N/A - Not a battle axe allotment.	Yes
<ul style="list-style-type: none"> <li>Cul-de-sac not preferred. Applications for centres in CDS must demonstrate appropriate traffic management is provided</li> </ul>	Lincoln Street is not a cul-de-sac.	Yes
<ul style="list-style-type: none"> <li>Not located in proximity to a brothel (Part 3.1 Brothels under DCP 2006)</li> </ul>	The subject site is not located within close proximity to a brothel.	Yes
<ul style="list-style-type: none"> <li>Site flat or gently sloping and well drained               <ol style="list-style-type: none"> <li>Assist design of useable indoor and outdoor areas at same grade</li> <li>Provide accessibility to all areas</li> <li>Assist drainage after rain</li> </ol> </li> </ul>	<p>The site falls 5.34m from the front boundary to the rear boundary.</p> <p>Approximately 3.3m of cut is proposed for the lower ground floor parking area. This graduates to nil cut at the rear of the car parking area.</p> <p>Access to the rear of the site is gained via the car park, internal stairs and ramps, and a pathway along the eastern side.</p> <p>Drainage is gained via gravity towards the rear where stormwater will then flow via an agreed through-site drainage easement at 10 Deborah Place.</p>	Yes
<ul style="list-style-type: none"> <li>Aspect permits maximum solar access and natural ventilation</li> </ul>	The orientation of the site, together with the terraced arrangement of the development, permits adequate solar access and ventilation into the centre and to neighbouring residential properties.	Yes
<ul style="list-style-type: none"> <li>Located on land not affected by adverse overshadowing by existing or future development, undue heat loads from reflective surfaces of existing or future approved buildings on neighbouring sites</li> </ul>	The proposed centre is not affected by adverse overshadowing from existing neighbouring buildings.	Yes
<ul style="list-style-type: none"> <li>Site not subject to undue overlooking from existing or future adjoining development</li> </ul>	Adequate separation and privacy treatments are provided to all elevations	Yes
<p>Preferred locations for larger centres in residential areas:</p> <ul style="list-style-type: none"> <li>Sites located on street corners</li> <li>Sites share common boundaries with compatible non-residential uses</li> <li>Compatible land uses subject to acceptable traffic and parking</li> </ul>	<p>The proposed centre would accommodate 88 places and is therefore considered to be a larger centre. The development is located on a preferred site, noting:</p> <ul style="list-style-type: none"> <li>The site is not located on a corner.</li> <li>The site share boundaries with a compatible non-residential use to the east and south.</li> <li>The proposal is supported by Council's City Infrastructure Traffic Engineer .</li> </ul>	Yes



<b>2.1 Suitability of Location and Site for Child Care</b>		
<ul style="list-style-type: none"> <li>In low density residential zones, larger scale development (2 or more allotments, up to 90 children) share common boundaries with no more than 3 residential properties.</li> </ul>	The proposed development would occupy a single site, though it would cater for 88 children. It would share common boundaries with 2 adjoining residential properties.	Yes
<ul style="list-style-type: none"> <li>Work based centres in mixed use developments adjacent to non-commercial/non-residential components to protect privacy and amenity of centre and neighbouring workers/residents.</li> </ul>	N/A - The proposal is not part of a mixed-use development.	Yes
<b>2.1.2 Environmental Risks/Hazards</b>		
<ul style="list-style-type: none"> <li>Not to be located on land affected by overland flow</li> </ul>	The subject site is not affected by overland flow.	Yes
<ul style="list-style-type: none"> <li>On land affected by overland flow any alterations or additions are not to pose a safety or health risk. Overland Flow Study/Stormwater Drainage Plan required</li> </ul>	Refer above	N/A
<ul style="list-style-type: none"> <li>Consideration may be given to sites affected by overland flow in front setback area. Must not constitute a flood hazard and supported by Overland Flow Study/Stormwater Drainage Plan</li> </ul>	Refer above	N/A
<ul style="list-style-type: none"> <li>Developments not to be located on Bush Fire Prone Land</li> </ul>	The subject site is not located on Bush Fire Prone Land.	Yes
<ul style="list-style-type: none"> <li>The location is to take into consideration any other environmental health hazard including               <ul style="list-style-type: none"> <li>(i) Pollution created by car and other vehicle fumes (from high traffic volumes such as on arterial, sub arterial and collector roads);</li> <li>(ii) Existing and potential on and off-site electromagnetic fields;</li> <li>(iii) Contaminated land;</li> <li>(iv) Lead in painted surfaces, carpets, furnishings and roof void in existing buildings;</li> <li>(v) Asbestos or other contamination or poisoning in existing buildings;</li> <li>(vi) Proximity to service stations;</li> <li>(vii) Proximity to LPG tanks;</li> <li>(viii) Proximity to significant noise, odour and other pollutant generating sources, or sites which (due to prevailing land use zoning) may in future accommodate noise or odour generating uses;</li> <li>(ix) Proximity to transmission lines, railway lines, mobile phone towers.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(i) The site is located on a local road and is not subject to potential pollution from a classified road.</li> <li>(ii) A sub-station is located on the school grounds to the east. The sub-station is setback approximately 15m from the property boundary and outside the range of sufficiently low-frequency electromagnetic radiation which do not have the power to penetrate the walls of a sub-station.</li> <li>(iii) A Phase 1 Environmental Site Investigation (dated 27 September 2022) is submitted with the application which concludes that the site is suitable for use as a child care centre.</li> <li>(iv) The demolition of the existing dwelling and associated structures on the</li> </ul>	Yes

## 2.1 Suitability of Location and Site for Child Care

	<p>site may reveal paint, etc. However, this will be managed through appropriate WorkSafe demolition and disposal practices and as reflected in the submitted Waste Management Plan (dated 13 September 2022).</p> <p>(v) The demolition of the existing dwelling and associated structures on the site may reveal asbestos. However, this will be managed through appropriate WorkSafe demolition and disposal practices and as reflected in the submitted Waste Management Plan (dated 13 September 2022).</p> <p>(vi) The site is not located in proximity to a service station.</p> <p>(vii) The site is not located in proximity to LPG tanks.</p> <p>(viii) The site is not located in proximity to significant noise, odour and other pollutant generating sources.</p> <p>(ix) Transmission lines extend across the verge in front of the site. The transmission lines are sited 13.8m from the front elevation of the development and therefore does not require consideration under Clause 2.48 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>.</p>	
<ul style="list-style-type: none"> <li>Where sites are proposed within 125m of arterial roads, air quality monitoring, and soil quality testing will be required to determine toxicity levels. Noise level testing will also be required.</li> </ul>	<p>A Phase 1 Environmental Site Investigation (dated 27 September 2022) is submitted with the application which concludes that the site is suitable for use as a child care centre.</p> <p>The application is accompanied by an Environmental Noise Impact Assessment (dated 28 February 2023) which includes robust recommendations (see Section 8.0 of that report) for the treatment and operation of the centre to minimise acoustic impact.</p>	Yes



2.1 Suitability of Location and Site for Child Care		
	Subsequent to the recommendations being incorporated into the development, the acoustic report notes that the predicted noise levels at the nearest neighbouring dwellings (receivers) from the outdoor play areas (assessed for up to 4 hours total outdoor play per day) will be compliant with the noise level requirements of the NSW Department of Planning and Environment's <i>Child Care Planning Guideline</i> and the Association of Australian Acoustical Consultants' <i>Guideline for Child Care Centres Acoustic Assessment</i> .	
<ul style="list-style-type: none"> <li>The site must not have been previously used as a petrol station, automotive repair workshops, or other activity associated with hazardous substances, unless a soil analysis has been conducted</li> </ul>	The site has been used continuously for residential purposes since at least the 1950s. Although asbestos may be present in the existing dwelling (to be addressed via standard conditions in the draft consent), given the domestic residential history, the site is considered to be suitable for the proposed use without remediation.	Yes
<ul style="list-style-type: none"> <li>The site is not to be in a location likely to be affected by emissions of dust, fumes, noise, nor by frequent truck movements.</li> </ul>	The site is not located within proximity of an industrial or business zoning that would warrant frequent trucks movement that would create emissions of dust, fumes, or noise.	Yes
<ul style="list-style-type: none"> <li>Consideration is to be given to the requirements of SEPP 55 and any land contamination policy adopted by Council.</li> </ul>	SEPP 55 (now <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ) and contamination are addressed in the Assessment report.	Yes
2.2 Assessing Child Care Needs and Size of Facility		
<ul style="list-style-type: none"> <li>All development applications for CCCs are required to identify:</li> </ul>		
<ul style="list-style-type: none"> <li>Proposed total number of child care places.</li> </ul>	88 children	Yes
<ul style="list-style-type: none"> <li>Proposed number of children by age group;</li> </ul>	<p>The proposed age group breakdown for the child care is as follows:</p> <p>0-2 years – 12 children  2-3 years – 30 children  3-6 years – 46 children</p>	Yes
<ul style="list-style-type: none"> <li>Proposed number of staff including all full time and part time staff, and role of each staff member</li> </ul>	The number of educators to children ratios is regulated by the	Yes

2.1 Suitability of Location and Site for Child Care		
	<p>Education and Care Services National Regulations.</p> <p>The ratios are provided as follows.</p> <p>1:4 (birth to 24 months) 1:5 (24-36 months) 1:10 (Older than 36 months)</p> <p>Required: 13.5 staff Proposed: 14 staff</p>	
<ul style="list-style-type: none"> <li>justification that the proposed number of children within each age group is consistent with current and projected future needs in the area</li> </ul>	<p>Clause 3.27 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> covers that a provision of a DCP that specifies a requirement, standard or control in relation to the demonstrated need or demand for child care services does not apply to development for the purpose of a centre-based child care facility.</p>	N/A
2.3 Site Analysis		
<ul style="list-style-type: none"> <li>A site analysis to be submitted for new CCC developments including developments that involve the conversions of existing dwellings/other buildings</li> </ul>	<p>A site analysis plan has been submitted with the application.</p>	Yes
<ul style="list-style-type: none"> <li>A site analysis drawing must be based on a survey drawing produced by a qualified surveyor and contain a reference number and date. All levels are to be provided to AHD.</li> </ul>	<p>The site analysis is based on the Survey Plan provided by True North Surveys.</p>	Yes
3.0 Design and Character		
3.1 All Child Care Centres		
<ul style="list-style-type: none"> <li>Designed in accordance with CPTED</li> </ul>	<p>The development provides passive surveillance to Lincoln Street.</p>	Yes
<ul style="list-style-type: none"> <li>Orientated for year round natural light and ventilation and comfort in indoor spaces and outdoor spaces</li> </ul>	<p>The centre is well ventilated via the openable doors which access the outdoor play areas.</p> <p>Sunlight access is gained via the large windows which are located at both side elevations.</p>	Yes
<ul style="list-style-type: none"> <li>Design to take advantage of natural lighting and opportunities to maximise solar access and natural ventilation</li> </ul>	<p>Adequate natural ventilation can be achieved.</p> <p>Sunlight access is gained via the large windows which are located at both side elevations.</p>	Yes
<ul style="list-style-type: none"> <li>Avoid the proximity to and use of large expanses of UV reflective surfaces</li> </ul>	<p>The development is not located in close proximity to large expanses of UV reflective surfaces.</p>	Yes



2.1 Suitability of Location and Site for Child Care		
<ul style="list-style-type: none"> <li>Maximize energy efficiency and sustainability and compliance with Part 7.1 Energy Smart, Water Wise under this DCP</li> </ul>	Able to comply	Yes
<ul style="list-style-type: none"> <li>Building materials, appliances, utilities and fuel sources should be made with consideration for minimising energy requirements</li> </ul>	Able to comply	Yes
<ul style="list-style-type: none"> <li>Appliances to be used/installed in the centre should have a minimum 3.5 star rating</li> </ul>	Able to comply	Yes
<ul style="list-style-type: none"> <li>Designed to reflect desired/expected character of buildings in the area</li> </ul>	The site is not located in proximity to a heritage item.	Yes
<ul style="list-style-type: none"> <li>Frontages and entries are to be designed to be readily apparent from the street frontage</li> </ul>	The submitted plans show that entries are readily apparent from Lincoln Street.	Yes
<ul style="list-style-type: none"> <li>SEE to demonstrate how the proposed design responds to the site analysis</li> </ul>	The SEE demonstrates how the proposed design responds to the site analysis.	Yes
<ul style="list-style-type: none"> <li>To avoid mosquito bite infections all doors and window should be screened</li> </ul>	Capable of being achieved by the operator.	Satisfactory
<ul style="list-style-type: none"> <li>Where fill is proposed to be used, clean fill must be used.</li> </ul>	Refer to <b>Condition 89</b> .	Yes Subject to condition

3.2 Detached Centres and Centres in Residential Areas		
<ul style="list-style-type: none"> <li>Bulk, height, scale and appearance which is compatible with the surrounding development</li> </ul>	The appearance is compatible with surrounding two storey residential developments.	Yes
<ul style="list-style-type: none"> <li>Streetscape and character of the locality should be maintained</li> </ul>	Streetscape and character of locality is maintained.	Yes
<ul style="list-style-type: none"> <li>In low density residential areas, encouraged to be single storey in height for safety and access. If two storey, second storey should only be used for the purposes of storage and staff facilities.</li> </ul>	The proposal is for a part 2/part 3 storey centre. Notwithstanding, the proposal has a height of between 4.4m and 8m and is compliant with the maximum permitted building height under the RLEP 2014.	<b>No</b> Supported
<ul style="list-style-type: none"> <li>Designed to comply with the built form controls under Part 3.3 Dwelling Houses and dual-occupancies of this DCP, for example, FSR, height, setbacks</li> </ul>	An assessment against these built form controls is provided below.	Refer below
	N/A – lot consolidation is not proposed	Yes

<ul style="list-style-type: none"> <li>Where lot consolidation is required must reflect existing subdivision pattern and building bulk.</li> </ul>		
<b>Fencing, Gates &amp; Security</b>		
For CCCs in low density residential areas, consideration is to be given to requirements under Part 3.2 Dwellings and Duplexes.	<p>A 1.2 metre high front fence is proposed. The fence is open paling style.</p> <p>Existing side and rear boundary fencing is to be retained.</p>	Yes
Consideration is to be given to the use of appropriate building materials and finishes to complement the streetscape and desired character of the locality.	The materials and finishes complement the streetscape and desired character of the locality.	Yes
Designated outdoor play areas must be fenced on all sides. The design and height of fencing are to prevent children scaling fencing and / or crawling under and must impede intruders from entering premises through it or from scaling it and to prevent unlawful access to children.	Adequate fencing provided around outdoor play area.	Yes
Gates are to be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.	Suitable gates are provided.	Yes
All raised areas, including any stairs, are to be enclosed to prevent a child from falling or crawling through gaps.	All raised areas are suitably enclosed.	Yes
Adequate safety provision is to be made to prevent children gaining access to other parts of the building/site unsupervised.	Suitable access control measures are provided.	Yes
Fencing and gates are to be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and RMS Traffic Management Guidelines.	Fencing does not impact sightlines.	Yes
<b>4.1 Acoustic Privacy – for children in the centre</b>		
Sites affected by heavy traffic or other external noises are to be designed so as to locate sleep rooms and play areas away from the noise source. The impact of noise should also be reduced by design measures including barriers such as solid fencing and laminated or double glazing where relevant.	The proposal is setback a minimum 10.8m from Lincoln Street.	Yes
Design measures to minimize internal noise levels should be designed to meet recommended design sound levels equivalent to Australian Standards AS/NZS 2107 (e.g., sleep areas 30dBa, internal activity areas 40dBa).	An Acoustic Report has been submitted and reviewed by Council's Environmental Health Officer. A condition is included which requires updates to the recommended acoustic treatments to further minimise acoustic impact (see <b>Condition 62</b> ).	Yes Subject to condition
<b>4.2 Acoustic Privacy – for adjoining residents</b>		
Noise impacts on neighbouring properties are to be minimised by design measures including:		No



(i) Orientating the facility having regard to neighbouring property layout, including locating playroom windows and doorways away from neighbouring bedrooms and living areas;	Playroom windows orientate to neighbouring residential properties.	Supported
(ii) Orientating playgrounds/outdoor play areas away from private open space areas, bedrooms and living areas on neighbouring residential properties (refer diagram below);	Outdoor play areas orientate towards residential properties. However, these areas are shielded by acoustic/privacy fences.	<b>No</b> Supported
i. Using laminated or double glazing where necessary; and	The Acoustic Report specifies glazing thickness requirements.	Yes
ii. Designing fencing which minimises noise transmission and loss of privacy (e.g. lapped and capped timber fencing, brick).	The Acoustic Report requires 1.5m and 1.8m high acoustic barriers to be installed along the sides of all outdoor play areas.  The Acoustic Report (and its recommendations) are included as a condition of consent (see <b>Condition 1</b> ).	Yes
For freestanding CCCs in residential areas with a side boundary set back of less than 3m, noise buffering measures should be considered such as allocating the internal rooms closest to the boundaries to be used for low noise generating uses, for example administration, storage, staff rooms, kitchen, to reduce potential noise impacts on adjoining property owners.	The centre includes Classroom 01 at the ground floor and Classroom 03 at the first floor which have side walls and windows facing residential properties.  However, the side-facing windows are fixed and glazed (as recommended by the Acoustic Report) sufficiently to mitigate acoustic impact.	<b>No</b> Supported
Applicants may be required to submit an acoustic report prepared by a suitably qualified practitioner which includes recommendations for noise attenuation measures. The report must specify pre and post development noise levels and abatement measures.	An acoustic report has been submitted with the proposed development application prepared by Day Design Pty Ltd dated 9 September 2022.  The report specifies pre and post development noise levels and abatement measures.	Yes
Roof and walls of the CCC should be sound insulated.	Yes, as recommended in the Environmental Noise Impact Assessment.	Yes
Elevated play and transition areas are to be avoided.	Elevated outdoor play and transition areas are provided.	<b>No</b> Supported
Information about practical design measures incorporated in the design to minimise potential noise impact, including insulation and other acoustic elements, are to be identified in the DA.	Refer to Environmental Noise Impact Assessment prepared by Day Design Pty Ltd dated 9 September 2022	Yes
Location details of noise sources (such as air conditioning condenser units) are to be included in the DA.	Details have been provided.	Yes
Information regarding how groups are proposed to be managed in the outdoor play spaces and where time will be spent,	This information is specified in the Acoustic Noise Impact Assessment and in the Plan of Management.	Yes

group sizes and how rotated may be required to be submitted with the DA.		
<b>4.3 Visual Privacy – for children in the centre</b>		
Indoor areas adjacent to public areas shall be screened to prevent direct sight lines into CCCs where appropriate whilst maintaining an opportunity for children to view community life.	The childcare centre is setback at least 10.8 metres from the front boundary. The increased separation and landscaping prevent direct sightlines into the child care centre.	Yes
Direct overlooking of indoor amenities and outdoor play spaces from public areas should be minimised through design features including: i. Appropriate site and building layout; ii. Suitable location of pathways, windows and doors; and ii. Permanent screening and landscape design.	Direct viewing into the site from public areas is minimised by fencing, landscaping and the 10.8+m front setback.	Yes
Where relevant, consideration should be given to incorporating design features in walls, screens, fencing (such as peeping holes of varying heights) to suit viewing out to public areas by children.	Windows have been provided which enable viewing out to the street.	Yes
Windows and doors in the proposed centre are to be sited in locations which maximise security for children attending the centre, whilst maintaining an opportunity for children to view community life.	Direct viewing into the site from public areas is minimised by fencing, landscaping and screening balustrades. Windows have been provided which enable viewing out to public areas.	Yes
<b>4.3 Visual Privacy – for adjoining residents</b>		
a. Direct overlooking of adjoining main internal living areas and private open spaces should be minimised through: i. Appropriate site and building layout; ii. Suitable location of pathways, windows and doors; and ii. Landscape design and screening.	<p>The development includes highlight windows and acoustic privacy screens along the full length of both side elevations (noting that the eastern elevation faces the school). <b>Condition 1(d)</b> is imposed requiring that the screens are frosted to avoid overlooking.</p> <p>With respect to noise, the development includes treatments which are designed to mitigate unreasonable impact to neighbouring dwellings such as acoustic fencing along the western and southern side of the upper outdoor play area (01) and screen plantings along the full length of the western side boundary.</p> <p>Landscaped screening is located between the basement walls and side boundary to the neighbouring residential area.</p>	Yes Subject to condition
Windows and doors in the proposed centre are to be sited in locations which	Discussed above.	Yes



minimise loss of privacy to adjoining residences.		
<b>5.1 Car Parking</b>		
All on-site parking areas are to be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2.	The on-site parking area has been designed in accordance with Australian Standard AS 2890.1 and AS 2890.2.	Yes
Off-street parking is to be provided at the rate of 1 space per 8 children, and 1 space per 2 staff. Stack or tandem parking may only be used for staff parking and with no more than 2 spaces in each tandem space.	The proposal seeks 88 children and 14 staff.  A total of 18 car parking spaces are required (11 for parent use and 7 for staff use). This is provided.	Yes
Where calculations for car parking result in a fraction, the number is to be rounded up to the nearest whole number.	Noted	Noted
One off-street accessible parking space (3.6m width) is to be provided for use by persons using mobility aids (refer Section 5.5 Accessibility). It is to be located close to the continuous path of travel and have a minimum height clearance of 2.5m.	1 x accessible parking space has been provided.	Yes
Developments for new centres shall comply with the access requirements contained within Section 5.5 of this Part, and Part 9.2 of this DCP.	Noted. Discussed below.	Yes
<b>Low density residential areas</b>		
<ul style="list-style-type: none"> <li>Underground parking is not permitted in low density residential areas.</li> </ul>	Part basement parking is proposed.	<b>No</b> Supported
<ul style="list-style-type: none"> <li>The parking and driveway area is not to dominate the streetscape (refer Section 6.1 Landscape Design for treatment of these areas).</li> </ul>	The parking and driveway area do not dominate the streetscape.	Yes
<ul style="list-style-type: none"> <li>Consideration may be given to reducing the on-site parking requirements, in terms of drop off/pick up component, where convenient and safe on-street parking is available (e.g. indented parking bays) in streets which experience low traffic volumes. This is subject to not adversely affecting the safety and amenity of the adjacent area or causing traffic problems.</li> </ul>	Lincoln Street includes an existing drop off point immediately to the east of the site which also services the school.	Yes
<b>5.2 On Site Manoeuvrability</b>		
The site must be able to accommodate a "U" shaped one-way driveway system with sufficient driveway turning area in addition to the parking spaces to enable vehicles to enter and leave in a forward direction.	Vehicles can enter and exit the site in a forward direction.	Yes
Variation on the requirement for a "U" shaped driveway may be considered, for example on corner lots, where it can be demonstrated that a one-way driveway system can be provided in	N/A	N/A

<p>another way which still meets the following criteria:</p> <ul style="list-style-type: none"> <li>i. To provide a separate entrance and exit driveway access at a minimum safe distance from each other;</li> <li>ii. To enable vehicles to leave the site in a forward direction;</li> <li>iii. To enable vehicles using the entrances and exits to not endanger persons and vehicles using those accesses; and</li> <li>iv. To ensure the front setback is not given over to traffic circulation and parking requirements which may negatively impact on the streetscape and the opportunity for landscape design to meet the requirements of Section 6 of this Part.</li> </ul>		
Where separation of the entrance and exit driveway is proposed, the separation must be not less than 9m on a turning circle of 15m. A minimum width of 12m between driveway laybacks is to be provided to assist retention of on-street parking spaces between the driveways.	<p>N/A</p> <p>The entrance and exit driveway are the same which has a width of 6.1m.</p>	N/A
The driveways and parking area are to be designed so that no vehicle will encroach on pedestrian accessways. Use of barriers such as bollards, raised footways, platforms, wheels tops, etc., are permissible subject to full details being provided with the DA and barriers not compromising the continuous path of access (refer Accessibility).	Vehicles will not encroach (i.e. park/stand) on pedestrian access ways.	Yes
The driveway area is to be treated with a variation in pavement treatment to distinguish it from the car parking spaces and to reduce the visual impact of the hard surfaces.	Driveway and car parking spaces are distinguishable.	Yes
<b>5.3 Impact on Traffic Flow</b>		
All vehicles must be able to enter and leave the site in a forward direction. The area required for drop off/pick up is to be designed as a separate area to that required for manoeuvring in and out of parking spaces.	<p>Vehicles can enter and leave in a forward direction.</p> <p>A designated drop off/pick up area has not been provided on the plans although Lincoln Street includes an existing drop off point immediately to the east of the site which also services the school.</p>	Yes
The applicant is required to address in the SEE whether or not traffic associated with the proposed child care development is likely to have impacts on the amenity of the existing street(s) where it is proposed to be located.	<p>The SEE states:</p> <p><i>The development has been designed to provide sufficient area on-site to enable vehicles to enter and exit the site in a forward direction. A Traffic Impact Assessment prepared by The Transport Planning Partnership has found that the additional traffic</i></p>	Yes

	<i>generated by the proposed development would not cause adverse impact on the surrounding road network and that there would be no adverse traffic and parking implications resulting from the proposed development and that there would be no adverse traffic and parking implications resulting from the proposed development.</i>	
A Traffic Impact Assessment prepared by a suitably qualified practitioner shall be prepared and submitted with the DA for all new CCC developments, and may be required for applications involving the expansion of an existing CCC in the vicinity of other traffic generating developments.	A Traffic Impact Assessment prepared by The Transport Planning Partnership dated 20 October 2022 has been submitted.  This report has been updated to respond to minor errors in the report (see Traffic Impact Assessment prepared by The Transport Planning Partnership dated 13 November 2023).	Yes
CCCs are not encouraged on roads carrying high volumes of traffic (refer Section 2 of this Part). Where developments involve sites located on a road which carries significant volumes of traffic, including arterial and sub-arterial roads, measures must be applied to alleviate the associated traffic problems (refer Schedule 2 regarding road hierarchy information).	Lincoln Street is a local road only.	Yes
A Road Safety Audit is required to be submitted with all applications for CCC developments on collector roads where traffic volumes exceed 5000 Annual Average Daily Traffic (AADT) (refer Schedule 2 of this Part and Council's Traffic Engineer).	Lincoln Street is not a collector road.	N/A
<b>5.4 Pedestrian Safety</b>		
Pedestrian access must be segregated from vehicular access with clearly defined paths to and from the facility.	Separate paths are provided.	Yes
On site parking and drop off/pick up points must be provided in a convenient location (at no more than 30m distance from the main entrance), clearly lit, and allow safe movement of children to and from the centre.	The furthest drop off/pick up space is less than 3m from the entrance.	Yes
On-site vehicular movements must be separated from pedestrian access by safety fencing, gates and other means.	This is achieved.	Yes
<b>5.5 Accessibility</b>		
Access should be provided and designed in accordance with <i>AS 1428.1 Design for Access and Mobility</i> , and in all respects comply with Part D of the BCA for the relevant class of building.	The design is readily capable of compliance during Construction Certificate design phase and is subject to condition (see <b>Conditions 1(a) and 41</b> ).	Yes Subject to condition



Refer also Part 9.2 Access for People with Disabilities of this DCP. Reference to these requirements should be made in the early stages of the design to ensure the development complies with the relevant standards.		
In the case of minor alterations to CCCs, not involving structural alterations, or major refurbishment, accessibility is not to be made worse by the proposed work. Applicants are encouraged to improve accessibility where possible.	N/A – The application is not for minor alterations.	Yes
In addition to the provisions of the BCA for disabled access and toilet facilities, other matters to be considered in the design of CCC developments include: <ul style="list-style-type: none"> <li>i. Provision of access for people with mobility disabilities by a continuous path of travel from the street and/or parking area into and within every room and outdoor area used by children and staff.</li> <li>ii. Hard paved surfaces leading into the entry of a play environment and continuing inside that will allow children and adults with mobility aids as well as toddlers in strollers to enter with ease.</li> <li>iii. Design of the car parking area should incorporate kerb cuts which eliminate a barrier for prams or individuals using mobility aids (such as wheel chairs or crutches).</li> <li>iv. Pathways with extra width (1200 mm - 1500 mm) and grades no steeper than 1:14 to allow easy circulation throughout the site.</li> <li>v. One on-site parking space 3.6m wide with a height clearance of minimum 2.5m to permit ease of use for arrivals and departures of individuals using mobility aids.</li> </ul>	<p>A continuous path of travel is provided from the street into every room and outdoor area. An internal lift is provided between the two floor levels and the part-basement car park. Achieved</p> <p>Achieved</p> <p>Main pathway is 1.2m wide and is not steeper than 1:14.</p> <p>1 accessible space provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>6.1 General Landscape Design Requirement</b>		
DAs must include a detailed landscape plan showing existing and proposed planting, including a schedule of species. The plan is to be prepared by a suitably qualified landscape architect with experience / skills in designing early childhood environments.	<p>This application includes detailed landscaping plans prepared by Site Image Outside in Design Group.</p> <p>Sufficient information is notated on the landscape plans to determine the proposed species, mature heights and number of trees.</p>	Yes
The landscape plan must: <ul style="list-style-type: none"> <li>i. Identify significant trees/vegetation to be retained (with respect to Council's Tree Preservation Order) and outline a program for their management during the construction period;</li> </ul>	Sufficient information is provided within the Arboricultural Impact Assessment Report to determine the impacts to existing trees to be retained within the subject site and neighbouring site.	Yes

<p>ii. Avoid plant species likely to present a hazard to children, such as poisonous plants, and any vegetation that can lead to injury or harm or severe discomfort (e.g. plants which are allergy producing, which contain sharp prickles or thorns, or which produce small nuts or fruits);</p> <p>iii. Avoid plant species and landscape materials which may constitute a choking hazard in areas designed for use by babies and toddlers;</p> <p>iv. Incorporate landscape design of the outdoor play spaces in accordance with the requirements of Section 6.2.2 of this Part;</p> <p>v. Consider the effects of outdoor play on the compaction and erosion of soil and vegetation in choice of treatments;</p> <p>vi. Specify plants and surface treatments that consider the potential for tree roots to up-lift outdoor surfaces (footpaths, cycle tracks) and create hazards;</p> <p>vii. Identify opportunities for deep soil planting and choice of appropriate species to suit the conditions; and</p> <p>viii. Include shrubs and trees which offer a range of textures, colours and scents for the children's learning experience, such as the opportunity to observe a variety of native birds and insects attracted by plants.</p>	<p>No issues raised by Council's consultant landscape architect.</p> <p>No issues raised by Council's consultant landscape architect.</p> <p>See below.</p> <p>No issues raised by Council's Landscape Architect</p> <p>No issues raised by Council's consultant landscape architect.</p> <p>No issues raised by Council's consultant landscape architect.</p> <p>No issues raised by Council's consultant landscape architect.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
The landscape design is to consider the site analysis and pay attention to use of treatments which manage the effect of sunlight, shading, wind protection and temperature moderation in relation to the care of young children.	The Landscape Plan has been considered satisfactory.	Yes
Irrigation should be designed to use rainwater or recycled water.	No issues raised by Council's consultant landscape architect.	Yes
A landscape setback of minimum width 2m is to be provided along the front boundary of all new CCCs in residential zones to assist in preserving streetscape amenity and provide screening. Care is to be taken in design of the setback to avoid vegetation impeding sightlines from vehicles entering/exiting the site, and to consider the use of materials and finishes to complement the neighbouring streetscape.	Achieved	Yes
A landscape buffer is to be provided along the side and rear boundaries of the site for CCCs in residential zones of a minimum width of 1m.	Achieved along the western side boundary (adjacent to residential properties).	Yes
Landscape setbacks/buffers may need to be provided for centres in commercial and	N/A – the site is in a residential zone.	Yes

industrial zones depending on the context of the development.		
<b>6.2 Play Spaces</b>		
<b>Size &amp; Functionality of Play Spaces</b> All new CCCs are to provide indoor play spaces, outdoor play spaces and transition areas.	Provided	Yes
All play spaces are to be designed of regular shapes and with convenient access between them to maximise opportunities for supervision of children by staff.	The outdoor play areas are generally regular in shape and convenient access is provided.	Yes
The location of outdoor play spaces in the front setback should be avoided.	Outdoor play areas are not within the front setback.	Yes
All new CCCs are to provide at least 10m <sup>2</sup> of unencumbered outdoor play space for each licensed child care place, inclusive of transition areas provided in accordance with Section 6.2.4 of this Part.	It is noted that the outdoor play space complies with the Childcare Planning Guideline under the State Environmental Planning Policy (Transport and Infrastructure) 2021 which prevails over the DCP2014.  The proposal provides 751m <sup>2</sup> of unencumbered outdoor space. This equates to 8.53m <sup>2</sup> of unencumbered outdoor space per child which is compliant with the minimum 7.0m <sup>2</sup> specified within the Childcare Planning Guideline.	Yes
<b>Outdoor Play Spaces</b> <b>All child care centres</b> The design of the outdoor area is to be of a shape which maximises supervision and useable space, and also stimulates early learning. Freeform approaches in design are encouraged.	The design of the outdoor area is of a shape which maximises supervision and useable space. The outdoor areas will stimulate early learning.	Yes
Outdoor play spaces are to be designed to: i. Be well-drained to permit clearing of water quickly after rain; and ii. Incorporate existing natural features and vegetation.	The proposal was referred to Council's Development Engineer, who raised no objection to the proposed method of drainage.  No existing trees or vegetation which can be incorporated	Yes  Yes
Designs are to aim for: i. 30% natural planting area (excluding turf); ii. 30% turfed area; and iii. 40% hard surfaces (sand, paving, timber platforms).	Achieved.	Yes
Distinct areas within the outdoor play space design must include: i. An open grassed area for gross motor skills (e.g. running, ball games); ii. Formal quiet areas, for focused play (must include a sandpit - see point below and a minimum of 2 formal quiet areas for activities such as storytelling and finger painting);	Provided  Provided  Provided	Yes  Yes  Yes



iii. An active area (e.g. climbing structure, digging patch);	Provided	Yes
iv. A transition area (refer Section 6.2.4 of this Part); and	Provided	Yes
v. Storage area(s).		
With respect to the distinct areas required, all designs for outdoor play spaces should take into consideration elements of best practice in design (refer photos) including: <ul style="list-style-type: none"> <li>i. Sandpits</li> <li>ii. Formal quiet areas</li> <li>iii. Secret places</li> <li>iv. Active areas</li> <li>v. Surfaces</li> <li>vi. Access corridors</li> <li>vii. Slowdown features</li> <li>viii. Elevated areas</li> <li>ix. Linkages</li> <li>x. Planting</li> <li>xi. Storage</li> </ul> (Refer to further explanation in the DCP).	Provided Provided Provided Provided Provided Provided Provided Provided Provided Provided Provided	Yes
Designs are to incorporate suitable species which will achieve a canopy cover of 50-60% of the outdoor play area within 5 years of planting.	Suitable planting proposed which will provide canopy cover	Yes
Outdoor play spaces are to be adequately shaded from establishment of the centre in accordance with Shade for Child Care Services published by the NSW Cancer Council and NSW Health Department. Design of shading is to be in accordance with the key shade planning and design principles, and to consider the nature of shading needed prior to canopy cover being established.	<p>The plans indicate that adequate shaded areas (including trees and shade structures) are situated within the outdoor play areas at the 0 to 2 year (undercroft ground level deck) and 2 to 6 years (rear natural ground floor level).</p> <p>The 2 to 3 years (ground level deck) does not include any shade structure and a condition is included in the draft consent to address this with preference to be located over the sand play area (see <b>Condition 125</b>).</p>	Yes Subject to condition
The outdoor play space should relate directly to the indoor play space for the relevant age group of children. The shape of the play space must allow for uninhibited supervision of children at all times. The siting of the outdoor play area shall allow the provision of adequate supervision from internal and external areas. Separate play areas are encouraged to be provided for 0-2 year olds. The landscape plan is to identify how play spaces are designed for each age group.	<p>Outdoor play spaces relate directly to the indoor play spaces for the relevant age group of children. The shape of the outdoor play areas allows for sufficient supervision of children. The siting of the outdoor play areas allows the provision of adequate supervision from internal and external areas.</p> <p>A separate play area is provided for 0-2 year olds.</p>	Yes
Designs should consider access opportunities for maintenance of outdoor play areas. Outdoor play space should not be occupied by any service vehicles during the centre's operating hours.	Outdoor areas are capable of being suitably maintained.	Yes

<p><b>Work based child care centres, and centres in mixed use facilities</b></p> <p>Where outdoor spaces are provided externally above ground level (refer Section 3.4 of this Part):</p> <ul style="list-style-type: none"> <li>• Effort is to be made to make outdoor space of a similar quality to that achievable at ground floor level. In this regard the outdoor play area is expected to be designed to comply with requirements of Section 6.2.2;</li> <li>• Appropriate measures shall be implemented for the protection of outdoor play spaces from excessive wind and other adverse climatic conditions in order to permit year-round use as far as possible; and</li> <li>• Adequate fencing is to be provided for the safety of the children and to prevent objects from being thrown over the perimeter of the area.</li> </ul>	<p>N/A – The childcare is not proposed in a mixed use facility and is not a work based child care centre.</p>	<p>N/A</p>
<p>Outdoor storage space is to be provided in a location which does not impede supervision of the play areas. It is to be a size equivalent to 0.5 m<sup>2</sup> of space per child who will be using the area.</p>	<p>N/A – The childcare is not proposed in a mixed use facility and is not a work based child care centre.</p>	<p>N/A</p>
<p><b>Indoor Play Spaces</b> Shall be designed to:</p> <ul style="list-style-type: none"> <li>i. Achieve passive surveillance from all rooms;</li> <li>ii. Provide direct access to play areas;</li> <li>iii. Allow maximum supervision of the indoor and outdoor play spaces;</li> <li>iv. Allow subspaces to be set up with discernible divisions to offer a variety of play areas.</li> </ul>	<p>The proposed indoor play spaces encourage passive surveillance.</p> <p>Play areas are accessible from the indoor rooms.</p> <p>Indoor and outdoor areas can be readily supervised.</p> <p>Could be achieved within spaces provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>Transition Areas</b> shall:</p> <ul style="list-style-type: none"> <li>i. Be located between the indoor and outdoor areas;</li> <li>ii. Be designed to allow for indoor and outdoor activities to be conducted under cover;</li> <li>ii. Be designed to offer protection from unfavourable weather conditions, and not heat up excessively in summer; and</li> <li>iii. Incorporate facilities for educational experiences and appropriate storage areas.</li> </ul>	<p>Transition areas have been provided.</p>	<p>Yes</p>
<p><b>Swimming Pools &amp; Water Hazards</b> New swimming pools (within the meaning of the Swimming Pools Act 1992) are not permitted on the premises of any CCC.</p>	<p>N/A – not proposed.</p>	<p>Yes</p>

Any water containers (including buckets, paddling pools etc) which could constitute a drowning hazard are to be emptied immediately after use, or safely covered and/ or stored in a manner which prevents the collection of water which is accessible to children.	N/A – not proposed.	Yes
<b>7.0 Miscellaneous Controls</b>		
<b>Centre Facilities</b>		
Each new CCC must provide rooms, not areas, for the following specific uses: i. Office areas for administration of the service; and ii. Staff respite.	Staff room with kitchenette, meeting room, reception/admin area and reception/planning area provided.	Yes
The offices are to be located adjacent to the entry area for security purposes and include a minimum floorspace calculated at the rate of 10m <sup>2</sup> per person occupying the offices (e.g. director/administrative staff).	The office is not adjacent to the main entry.  Office/reception area proposed at 30m <sup>2</sup> in size.	Yes
The staff room is to include a minimum floorspace of 20m <sup>2</sup> .	20m <sup>2</sup> staff room proposed.	Yes
In centres where children under the age of 2 years are proposed to be cared for the following are to be provided: i. A sleeping room with 2.5m <sup>2</sup> of floorspace per cot and a max. of 10 cots per room; and  ii. A nappy change area adjacent to the cot room with good vision to the play room to enable good supervision of children, and including suitable storage (within the staff's reach) for nappy changing needs.	Proposed number of cots = 10 Required cot floorspace = 25m <sup>2</sup> Proposed cot floorspace = 22m <sup>2</sup> A condition is imposed increase the cot room area by 3m <sup>2</sup> (see <b>Condition 1(c)</b> ). Nappy changing area in close proximity to cot room, good vision to classroom and outdoor play area, and suitable area for storage provided.	Yes Subject to condition  Yes
All CCCs are to provide laundry facilities. Consideration should be given to the installation of washing lines in the outdoor areas to reduce the need for clothes dryers.	Laundry provided. No outdoor drying proposed.	Yes
Consideration should be given to the provision of a pram storage area. Informal pram storage can be an occupational health and safety risk.	Provided at the part-basement car park level.	Yes
<b>Signage</b>		
All advertising and signage must be designed to comply with Part 9.1 Advertising Signs.	N/A – no signage proposed.	Yes
<b>Exterior Lighting</b>		
Lighting is to be provided to assist access via the main entrance.	Capable of being addressed via condition (see <b>Condition 64</b> ).	Yes
The street number of the building must be provided for identification. It is to be visible from the street day and night, by lighting and/or reflective material, to ensure easy	Capable of being addressed via condition (see <b>Condition 64</b> ).	Yes



identification for visitors including emergency services.		
The locations and design of all proposed external lighting must not have an adverse impact on adjoining properties. Where possible, sensor lighting and energy efficient lighting should be used. The use of spotlights is discouraged.	Capable of being addressed via condition (see <b>Condition 64</b> ).	Yes
<b>Waste Storage and Management</b>		
A waste management plan is to be submitted for all proposed demolition and construction waste in accordance with Part 7.2 Waste Minimisation and Management under this DCP.	A Waste Management Plan has been submitted with the application.	Yes
Adequate provision must be made for the storage and collection of waste and recycling receptacles in accordance with Part 7.2 of this DCP.  <i>Note: CCC developments are to be considered as "commercial and retail premises" for the purposes of location and design of waste management and minimisation of waste relating to the ongoing operation of the centre.</i>	Waste room is shown within the part-basement parking level.	Yes
In addition to the requirements of Part 7.2 of this Plan, applications for CCC development are to address the following considerations: <ul style="list-style-type: none"> <li>i. whether a special removal service will be required for the removal / disposal of soiled nappies;</li> <li>ii. the frequency of removal of waste to ensure regular removal and avoid undue build up of garbage;</li> <li>iii. opportunities for avoidance, reuse and recycling of waste;</li> <li>iv. convenience for staff of the location of bins, and where relevant, the size and path of travel required transporting bins to access collection points (unobstructed access to usual collection points);</li> <li>v. security of waste from access by children;</li> <li>vi. likely requirements for waste from kitchen facilities; and</li> <li>vii. impact of waste storage and collection on adjoining residential developments in terms of unsightliness, odour and noise.</li> </ul>	<p>The proposal is for collection by a private waste collection contractor.</p> <p>Waste collection to occur twice a week.</p> <p>Recycling is proposed.</p> <p>The waste room can be accessed via the lift and the pedestrian zone is clearly marked within the parking area to access the waste room.</p> <p>Door provided to waste room.</p> <p>Proposed bin storage is considered acceptable for kitchen facilities. The bin storage area is not in the immediate vicinity of the adjoining dwellings.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Where a new CCC is proposed, the waste and recycling storage area must be designed to be visually and physically integrated into the design of the development, and not stored within the front setback to avoid visual clutter. Waste facilities are not to be sited within the areas required for car parking, vehicular	The waste room is located within the parking area and will not be visible from the street.	Yes

and pedestrian access, landscaping and outdoor play areas.		
Where expansion of an existing CCC is proposed, the waste and recycling storage area is to be designed as far as possible to be visually and physically integrated into the design of the development. Waste facilities are not to be sited within the areas required for car parking, vehicular or pedestrian access or outdoor play areas. In cases where the waste storage area is likely to be visible from the street, design elements such as fencing, landscaping and roof treatments may be used to screen the waste and recycling storage area so as not to detract from the aesthetics of the streetscape.	N/A – New childcare centre is proposed.	Yes
Where food preparation is carried out on the premises, the waste storage area is to be designed with a cover to exclude rainwater and a floor to be graded and drained to the sewerage system. The area is to be located readily accessible for servicing and suitably screened from public view.	Bin storage area is covered and screened from public view.	Yes
In residential areas, developments are not to be designed to store waste facilities of a size and scale which can only be managed by side arm waste collection vehicles. There is to be no onsite access by waste collection vehicles.	No onsite waste collection is proposed by Council vehicles.	Yes
Any proposed composting area is to be in a location that will not impact on the amenity of adjoining premises nor on the amenity of users of the centre.	N/A - no composting area proposed.	Yes
Where separate collection services are proposed which differ from the regular Council service to surrounding properties, consideration is to be given to frequency and times of collection to minimise impacts of waste vehicle noise on neighbouring properties.	Waste to be collected by a private waste collection contractor.	Yes
<b>7.5 Emergency Evacuation</b>		
Prior to the issue of an Occupation Certificate for all new CCCs, and for developments resulting in an increase in number of places in existing CCC, a <i>Fire Safety and Evacuation Plan</i> complying with AS3745 is to be prepared by a suitably qualified person and submitted to the PCA.	Noted.	Yes
The Fire Safety & Evacuation Plan is to address: <ul style="list-style-type: none"> <li>i. The mobility of children and how this is to be accommodated during an evacuation;</li> <li>ii. The location of a safe congregation area, away from the evacuated</li> </ul>	Refer above.	Yes

<p>building, busy roads and other hazards, and away from evacuation points for use by other occupants/tenants of the same building or of surrounding buildings; and</p> <p>iii. The supervision of children during the evacuation and at the congregation area with regard to the capacity of the CCC (including child to staff ratios).</p>		
<b>6.0 Out of School Hours</b>		
<p>Where an OOSH service is proposed in a childcare centre, the centre shall provide permanent separation of OOSH facilities from the remaining centre facilities.</p> <p><i>Refer to further controls if DCP, if relevant.</i></p>	N/A – out of school hours is not proposed	Yes

<b>3.3 Dwelling Houses and Dual occupancy (as relevant)</b>		
<b>2.6.1 Deep Soil Areas</b>		
<p>35% of the site is deep soil. Minimum dimensions of 8m x 8m in the back yard which is sufficiently large to support at least 1 mature tree.</p>	36.1% (492.4m <sup>2</sup> )	Yes
<p>Front garden areas to be permeable with the exception of the driveway, pedestrian path and garden walls.</p>	Achieved.	Yes
<b>2.6.2 – Topography and Excavation</b>		
<p>The area under the dwelling footprint may be excavated or filled so long as:</p> <p>(i) the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling;</p> <p>(ii) the depth of excavation is limited to 1.2 m maximum; and iii. the maximum height of fill is 900 mm.</p>	<p>The development includes an excavation depth of 3.1m at the northern (front) end of the site which then diminishes close to natural ground level at the rear.</p>	<b>No</b> Supported
<b>2.7 Floor Space Ratio</b>		
0.5:1 (680.5m <sup>2</sup> )	The development proposes a floor space ratio of 0.795:1 (1,082.44m <sup>2</sup> ).	<b>No</b> Supported via Clause 4.6
<b>2.8 Building Height</b>		
Height 9.5m	4.4m to 8m	Yes
Wall Plate height 7.5m (or 8m for a roof with a continuous parapet)	8m	Yes
2 storeys	Part 3 storeys	<b>No</b> Supported
<b>2.9 Setbacks</b>		
Front setback (6.0m)	<p>Basement: 10.8m+</p> <p>Ground Floor: 2.1m to 10.8m+</p>	<p>Yes</p> <p><b>No</b> Supported</p>



3.3 Dwelling Houses and Dual occupancy (as relevant)		
	First Floor: 10.8m+	Yes
Side setback (1.5m)	<u>Side (West)</u>	
	Basement: 1.5m	Yes
	Ground Floor: 1.5m	Yes
	First Floor: 1.5m	Yes
	<u>Side (East)</u>	
	Basement: 1.1m+	<b>No</b>
	Ground Floor: 1.1m+	<b>No</b>
	First Floor: 1.1m+	<b>No</b>
		Supported
Rear setback (16.4m)	Basement: 16.5m	Yes
	Ground Floor: 18.1m	Yes
	First Floor: 31.4m	Yes

# Plan of Management

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CENTRE-BASED CHILD CARE FACILITY  
9 LINCOLN STREET, EASTWOOD

***Child Care Facility***

***Date:*** 28 February 2023

***Revision:*** 2

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## **PLAN OF MANAGEMENT OVERVIEW**

This Plan of Management has been prepared for the operation and management of a Child Care Centre at 9 Lincoln Street, Eastwood.

The Child Care Facility accommodates a total of 88 child care placements and will operate 7am to 6pm Monday to Friday with a 30 minute shoulder period for staff arrivals and departures.

The development is serviced by a total of 18 car spaces located within a basement that connect to the ground floor via a lift- noting there are 8 staff spaces and 10 visitor parking spaces. The staff parking spaces are utilising a 'car stacker' arrangement.

This Plan of Management identifies appropriate strategies and procedures to address operational elements of the facility.

A plan of management is an accepted concept in environmental law and can be used in a range of circumstances. This plan of management assists in addressing a better understanding of the proposal and the way in which it is proposed to operate.

This Plan of Management will require ongoing revision to reflect operational needs and may need to be updated to reflect any DA conditions of consent imposed by Council.

## CHILD CARE CENTRE OPERATION

The Child Care Facility accommodates a total of 88 child care placements and will operate 7am to 6pm Monday to Friday with a 30 minute shoulder period for staff arrivals and departures- i.e. staff will arrive from 6:30am for set up and then leave by 6:30pm for pack down.

The development is serviced by a total of 18 car spaces located within a basement that connect to the ground floor via a lift- noting there are 8 staff spaces and 10 visitor parking spaces.

The various age groupings of the children are as follows:

- 12 children in the 0-2 year bracket;
- 30 children in the 2-3 year bracket
- 46 children in the 3-5 year bracket;

### Educator Ratios and Educators on Site

Staffing arrangements are proposed to align with the provisions of the Education and Care Services National Regulation as follows:

Age Group & Children Number	Educator Ratio	Staff Required	Educators Provided
0-2 years: 12	1 per 4	3	3
2-3 years: 30	1 per 5	6	6
3-5 years: 46	1 per 10	4.6	5
<b>Total</b>		<b>13.5 Educators</b>	<b>14 Educators</b>

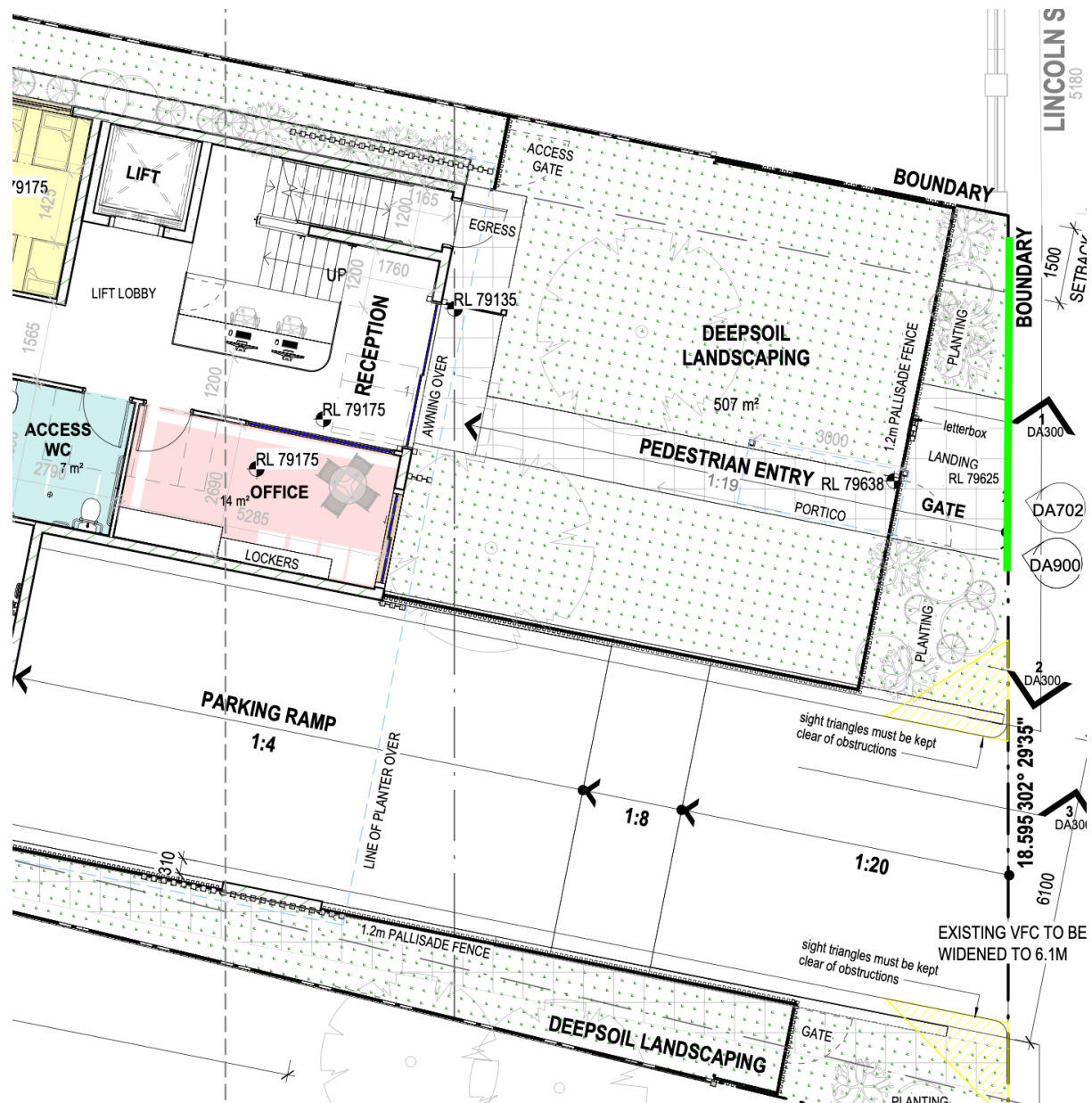
On the basis of the above there are a total of 14 educators required and it is noted that this will exclude any person associated with the administration of the centre and a part time cook. It is noted that the cook will generally be employed on a part time basis and will work 930am- 2:30pm and accordingly is able to utilise a visitor parking space on site which will generally be vacant between these hours.

## Waste Collection

Waste collection is to occur via a private contractor and pickup will occur between 7am and 6pm being the operational hours of the centre, however it will be targeted to be between 10am and 2:30pm to avoid the peak parent visitor times to minimise conflict.

Collection will occur kerbside. The Waste Management Plan outlines this will be undertaken by staff via the lift or driveway with a motorised bin trolley.

The 6 x bins will be presented for collection at the kerb adjacent the driveway as shown on the extract below and this will be clear of the sight line area.





## Play Area Design and Supervision

Item 7 of the RFI dated 19 December 2022 states:

*Play Space GF-02 for 2-3 year olds is separately located from their indoor space and at a lower level (potentially screened by ramp fencing). Concern is raised that supervision has the potential to be limited. The use outdoor space is constrained by a maximum number of children at any one time, which means there will also be a split of staff inside and outside. Should children seek to be flexible (progressive) with their play/eating or need bathroom facilities, etc., staff may have limited supervision of the necessary separate areas. Provide clarification of how this is to be managed, and why this is the preferred design/layout.*

In response we note that clarification is required around how supervision will be managed through split level play areas.

Firstly, split level play areas are seen to be an advantage to both childrens safety and supervision and here is how.

By having separate designated play areas for children between the ages of 0-2 & 2-3 this allows them to thrive by having resources and equipment specifically designed for their ability and size. In addition, for the safety of the children (especially the babies) it is also important that the toddlers have their own space as they are far more active and this can result in babies being injured due to the size difference in children. Hence separated, but nearby, play areas are essential.

In relation to supervision, children are not allowed outside without the supervision of their educators whilst meeting the ratio requirements at all times. When it is time to go out and play children will be transitioned outside by the educators in an orderly fashion whilst always maintaining head count of the children.

During play time the yard itself is a square which is the most simplest yard to supervise in as there are not corners or nooks for the children to hide in. We also have supervision stations that we designate throughout the yard that each educator will have a lanyard and be stationed there for the duration of their outdoor play. i.e. Supervision area 1, Lanyard 1 and so forth.

In the event we are doing out indoor/outdoor progressive routine we are still able to split the children amongst the educators evenly as needed between indoor and outdoor play areas. We are fortunate to have a beautiful design like this which allow us to have access directly to an outdoor play space.

Lastly, the 'ramp fencing' would be translucent of some degree in the design which would either be glass or aluminium bars, both of which would continue to allow supervision from the elevated yard if needed (which would not be required as educators will always be in Play yard 02 with the children when present).

## DAILY PROGRAMMES AND ROUTINES

The daily routine within the centre is referred to as a daily living experience. It is an element of the program that has a major impact on whether or not the child has a good experience. Daily living experiences, including group times, transitions, eating, sleeping and resting, toileting, bathing, dressing, and undressing, and even arriving and leaving, occur at particular parts of the day and provide qualified trained staff with valuable information about the child's daily living skills.

The proposed routines are used as a guide and allows for flexibility to respond to varying circumstances including as adverse weather conditions, culture, children's/family needs and interests, mixed ages, planned experiences and/ or spontaneity. Families and staff work together to ensure each child's specific needs with respect to eating, sleeping, toileting, play and rearing techniques are, as far as possible, consistent with home routines.

The eating/snack routines can be flexible (progressive) which means the children can choose when to eat. The lunch routine for infants is flexible and for the toddlers and preschool aged children they usually eat as a small group.

Sleep/rest routines are again flexible for infants who will all have individual sleep times. For toddlers and pre-schoolers the service will provide stretcher style beds for each child who requires one. All children will have a short rest time. After 30 minutes children who are not needing a sleep will have quiet activities. For children going to school the following year the service would discuss with the parent if the child is to be offered a bed to rest on or offered alternative quiet activities. The stretcher beds can either be hung from a wall or stacked depending on the style chosen.

The indicative scheduling program has been structured having regard to:

- The above principles
- The nature of the anticipated activities

The schedule may be changed from time to time dependent upon weather and daylight saving. However, the usage will at all times remain within any conditions of the development consent issued by Council.

Passive and active play activities can be offered both indoors and out through the flexible daily timetable. A mixture of free play time and structured group times will include both active and passive play activities

## Outdoor Play Areas and Play Times

As per the recommendations of the Acoustic Report prepared for the application by Day Design, the use of the outdoor play area is to be staggered into several different groups with a maximum number of children outside at any one time and there is a maximum of 4 hours of outdoor play per day.

### **8.1.1 Permissible Outdoor Play Scenarios**

#### *8.1.1.1 Permissible Outdoor Play Scenarios for all day play*

To be implemented in conjunction with the recommendations in Section 8.2.

The maximum number of children in the outdoor play areas at any one time must be limited to the following scenario:

- Up to 16 children, 0-2 years old, within the *GF OPA 01*;
- Up to 20 children, 2-3 years old, within the *GF OPA 02*;
- Up to 15 children, 3-5 years old, within the *GF OPA 03*; and
- Up to 30 children, 3-5 years old, within *FF OPA 01*, and

Staff to child ratios shall be maintained in accordance with the requirements stipulated in the National Quality Framework (NQF).

*GF OPA 03* is to be restricted to passive play, which must be reflected in the Plan of Management and landscape plan.

Therefore the outdoor play periods will be subject to the above noting that OPA 3 will be a passive play area and has been designed accordingly.



## DAILY PROGRAMME AND ROUTINE FOR AGES 0 – 2 YEARS

For children aged 0-2 years, we follow individual routines based on family input. This routine is extremely flexible to allow for this to occur. There is to be a maximum of 4 hours of outdoor play and all children in the 0-2 year old age group can play outside together and will use OPA 1.

7.00am – 8.00	Flexible/family grouping with other age groups as needed Indoor free play
8.00 am – 10.00	Flexible/family group with other toddler children choice indoor/outdoor in OPA1 with Progressive morning tea
10.00 – 10.30	Nappy change and some infants will sleep.  Indoor free play
10.30 – 11.00	Story and movement group/handwashing
11.00 – 12.00	Lunch
12.00 - 1.30pm	Sleep time or quiet activities (indoor). Nappy change
1.30 – 2.00	Outdoor free play Some infants will sleep
2.00 – 4.00	Progressive afternoon tea With Indoor planned movement/games
4.00 – 5.00	Flexible/family grouping with other age groups as needed Indoor free play or outdoor play in OPA 1
5.00 – 6.00	Flexible/family grouping with other age groups as needed - late snack served indoors

## DAILY PROGRAMME AND ROUTINE FOR AGES 2 – 3 YEARS

The below program is the general program for the 2-3 year old's. As per the recommendations of the Acoustic Report by Day Design the development is to operate in accordance with the recommended maximum number of children outside at any one time- being 20 children and accordingly the 30 children will be broken into groups of 15-20 children

7.00 – 8.00	Flexible/family grouping with other children as required – indoor free play
8.00 – 10.00	Group split – story/literacy for indoors or outdoor play in OPA2 for other group then swap. Maximum 35 children outside at any one time.
10.00 – 12.00	Indoor free play with progressive morning tea
12.00 – 12.30	Lunch
12.30 – 1.30	Rest time/quiet activities (indoor)
1.30 – 2.00	Planned group music/movement/games
2.00 – 4.00	Group split – half indoors free play and half outdoors in OPA2 Maximum 35 children outside at any one time.
4.00 – 5.00	Family group with other ages - indoor play.
5.00 – 6.00	Combined grouping with other age groups – late snack served

## DAILY PROGRAMME AND ROUTINE FOR AGES 3 – 5 YEARS

The below program is the general program for the 2-3 year old's. As per the recommendations of the Acoustic Report by Day Design the development is to operate in accordance with the recommended maximum number of children outside at any one time as follows

### 8.1.1 Permissible Outdoor Play Scenarios

#### 8.1.1.1 Permissible Outdoor Play Scenarios for all day play

To be implemented in conjunction with the recommendations in Section 8.2.

The maximum number of children in the outdoor play areas at any one time must be limited to the following scenario:

- Up to 16 children, 0-2 years old, within the *GF OPA 01*;
- Up to 20 children, 2-3 years old, within the *GF OPA 02*;
- Up to 15 children, 3-5 years old, within the *GF OPA 03*; and
- Up to 30 children, 3-5 years old, within *FF OPA 01*, and

Staff to child ratios shall be maintained in accordance with the requirements stipulated in the National Quality Framework (NQF).

*GF OPA 03* is to be restricted to passive play, which must be reflected in the Plan of Management and landscape plan.

7.00 – 8.00	Flexible/family grouping with other children as required – indoor free play
8.00 – 10.00	Group split – story/literacy for indoors or outdoor play in OPA3 for other group then swap. Maximum 15 children outside in OPA 3 and 30 children in the FF OPA
10.00 – 12.00	Indoor free play with progressive morning tea
12.00 – 12.30	Lunch
12.30 – 1.30	Rest time/quiet activities (indoor)
1.30 – 2.00	Planned group music/movement/games
2.00 – 4.00	Group split – story/literacy for indoors or outdoor play in OPA3 for other group then swap. Maximum 15 children outside in OPA 3 and 30 children in the FF OPA 1. OPA 3 to be used for passive play
4.00 – 5.00	Family group with other ages - indoor
5.00 – 6.00	Combined grouping with other age groups – late snack served



## TRAFFIC AND PARKING MANAGEMENT

The following procedures are to be adopted for the use of the childcare centre car parking area:

- The development is serviced by a total of 18 car spaces located within a basement that connect to the ground floor via a lift- noting there are 8 staff spaces and 10 visitor parking spaces. The staff parking spaces are utilising a 'car stacker' arrangement.
- All parking associated with the childcare must occur within the sign posted spaces;
- No parking is permitted in the loading area;
- Vehicles must enter and exit the site car parking area in a forward direction at all times;
- The disabled car spaces must be used by people with a valid disability permit;
- The pedestrian walkway connecting the car parking spaces to be kept clear at all times;
- No double parking is permitted in the car parking aisle;
- The security door at the entrance to the car park should remain open during childcare centre operating hours;
- The car parking area is not to be used for storage purposes, thereby reducing the number of available car spaces;
- Staff, parents and carers must be encouraged to report improper use of the car parking area to the center's manager;
- Staff are to regularly monitor the car park during operating hours to ensure the above items are adhered to, particularly during peak drop off/pickup periods;
- This traffic & parking management plan must be issued to all new parents, staff, with a copy to be included on the center's website;
- This traffic & parking management plan is to be regularly reviewed & amended as deemed necessarily.

## **Management and Use of Car Stackers**

There are 8 staff spaces that are in a 'stacker' arrangement.

The following procedures are to be adopted for staff arrival and the car stacker system:  
In relation to staff arrivals, not all 16 staff arrive at the same time.

All of the staff parking spaces in the basement are provided within pits underneath parent parking spaces.

The peak period for child drop-off is between 7:30 am – 9:30 am and for pick-up is 5:00 pm – 6:00 pm. It is noted that the centre is open to staff from 7am, with visitors to arrive from 7:30 am and the centre is to close at 6:00 pm, with visitors to depart before 6:00 pm.

It is important to manage and minimise the interaction between staff using the stacker systems and pedestrians (i.e. visitors, parents, children etc) unfamiliar with the stackers.

Given this, it is necessary that four (4) staff arrive prior to 7:30 AM and park in the car stacker pits. Those 4 staff parked in the car stacker pits are not to leave outside of the hours of 7:30am – 9:30 am and 5:00 pm – 6:00 pm. The stacking systems shall be electronically limited such that they cannot be operated during the hours of 7:30am – 9:30 am and 5:00 pm – 6:00 pm.

To ensure the safety and efficiency of all users of the car park, a staff member is to be present whilst another staff member is using the stacker system. This way, pedestrian activity around the stacker in use will be monitored and controlled and as such, the risk of any conflict is mitigated. Further, staff parked within the pits shall ensure the above parent space is vacant prior to retrieving their vehicle from the car stacker system.

It is recommended that upon centre induction, staff shall be trained on how to safely use the stacker parking systems. Further, upon enrolment it is recommended that parents and guardians of children be made aware of the stacker arrangement and to keep clear when they are in use.

A digital sign shall be installed at the driveway entry to the site to display the number of car parking spaces available for visitor use. This shall be placed to be visible to oncoming traffic, ensuring visitors do not enter the car park when parking spaces are not available.

## **Operation of Mechanical Car Parking Systems**

All staff must be trained in the operation and use of the mechanical car parking systems in the basement. The training should include the following:

- Before activating the mechanical parking mechanism (opening or closing), the staff member must check that no cars are parked on the top surface of the stacking system and that the area around the stacking system is clear of pedestrians.
- If parent or visitor vehicles require the use of a space on top of the stacking system, the staff member must give the parent/visitor vehicle priority.
- All mechanical parking spaces should be reversed into and forwarded out of.

## NOISE MANAGEMENT

The following procedures are to be adopted in relation to the management of noise;

- The childcare centre is to operate as per the relevant recommendations of the approved Acoustic Report by Day Design.
- The noise assessment report prepared for the development by Acoustics recommends that as part of the operation of the proposed childcare centre, the following noise control recommendations are implemented:

### 8.0 NOISE CONTROL RECOMMENDATIONS

#### 8.1 Management Plan

We recommend the Centre's management implement a Noise Management Plan that should include, but not be limited to, the following:

- Ensuring all staff and parents are provided with a copy of the Centre's Noise Management Plan and its implications for them during their time at the Centre.
- The name and contact details of the Centre's Manager should be clearly displayed at the front of the building to ensure neighbours can contact that person at any time the Centre is operating.
- Ensuring a sufficient number of educators are provided to supervise children's outside play to discourage unnecessarily loud activities.
- Carers/staff should be educated to control the level of their voice while outdoors.
- Facilitating children's small group play when outside, and encouraging educators to engage in children's play and facilitate friendships between children.
- Crying children should be comforted as quickly as possible and moved indoors.
- Staff arriving prior to 7 am and parking in the 'Staff' area should ensure they do not create unnecessary noise.
- Outdoor play should be limited to a maximum of 4 hours per day.

##### 8.1.1 Permissible Outdoor Play Scenarios

###### 8.1.1.1 Permissible Outdoor Play Scenarios for all day play

To be implemented in conjunction with the recommendations in Section 8.2.

The maximum number of children in the outdoor play areas at any one time must be limited to the following scenario:

- Up to 16 children, 0-2 years old, within the *GF OPA 01*;
- Up to 20 children, 2-3 years old, within the *GF OPA 02*;
- Up to 15 children, 3-5 years old, within the *GF OPA 03*; and
- Up to 30 children, 3-5 years old, within *FF OPA 01*, and

Staff to child ratios shall be maintained in accordance with the requirements stipulated in the National Quality Framework (NQF).

*GF OPA 03* is to be restricted to passive play, which must be reflected in the Plan of Management and landscape plan.



- Time out of doors is an essential component of the child's experience of the centre. When children are in the 'active' play area, each group will be fully supervised at all times.
- Centre management recognizes the importance of ensuring all educators and carers are properly trained.
- Children who are making excessive noise outdoors- screaming and loud crying- who cannot be settled are to be taken inside to calm them.
- In-house training will include familiarization with the procedures in the operation of the centre.
- Staff will be instructed to engage the children in educational play and activities that children find mentally and physically stimulating at all times.
- Centre management will maintain a log of any, and all complaints received.
- Centre management will endeavour to respond to any noise complaint at the time of the event and record such events in a daily log.
- A laminated copy of the noise management plan will be displayed in the foyer.
- All educators are required to read the noise management plan.

## **MECHANISM FOR CONVEYING POLICIES & UPDATES TO PARENTS**

- The centre operations are documented in our policies and procedures.
- These policies and procedures make up many volumes. All educators and carers must read the policies and procedures and confirm in writing that they have done so. The policies and procedures are discussed at staff meetings and continually updated and redistributed as they are amended.
- Policies are also located in the front foyer for all families and visitors to have access to at all times.
- Centre policies are reviewed throughout the year on a monthly basis following a schedule. All revised policies are mentioned in the centres monthly newsletter and displayed in the front foyer for the families to be updated and advised of any changes that have been made.

## **POLICY & PROCEDURAL ASPECTS**

The following provisions of the National Quality Standard are relevant and will be adhered to:

### **QA4**

4.2 Educators, coordinators and educators are respectful and ethical.

4.2.1 Professional standards guide practice, interactions and relationships.

4.2.2 Educators and coordinators work collaboratively and affirm, challenge, support and learn from others to further develop their skills.

4.2.3 Interactions convey mutual respect, equity and recognition of each other's strengths and skills.

### **QA7**

7.2.3 An effective self-assessment and quality improvement process is in place.

7.3.2 Administrative systems are established and maintained to ensure the effective operation of the service.

7.3.5 Service practices are based on effectively documented policies and procedures that are available at the service and reviewed regularly.

The following provisions of the Education and Care Services National Regulations are to be complied with:

- 31- Condition on service approval-QIP
- 55-56- QIP
- 168- education and care services must have policies and procedures
- 170- policies and procedures to be followed
- 171- policies and procedures to be kept available
- 172- Notification of change to policies and procedures affecting ability to family.



## **POLICY & PROCEDURAL IMPLEMENTATION**

Our centre believes that reflection and evaluation is an important aspect of quality improvement. Reviewing the centres practices and strategies will ensure that we continually strive to improve our service to families and the children in our care. To this end, we have implemented the strategies below.

Policies and procedures will be made available to families, located in the service.

Educators will ensure that families can have access to policies and procedures, this gives both families and educators opportunities to suggest elements the need improving.

For educators and management this will occur: -

- At meetings
- At the policy review points
- Family meetings
- Newsletters
- Parent educator meetings

Who is affected by this policy: -

- Children
- Families
- Educators/Staff
- Management

## SECURITY MEASURES

The centre will have the following security measures in place: -

- Surrounding child proof fences and gates, security cameras and CCTV.

The relevant legislative provisions outlined below are also to be complied with.

### QA2

2.3.2 Every precaution is taken to protect children from harm and any hazards likely to cause injury.

2.3.4 Educators, coordinators and staff members are aware of their roles to respond to every child at risk of abuse or neglect.

### National Regulations

84 Awareness of child protection law

99 Children leaving the education and care service premises

158 Children's attendance record to be kept by approved provider

### Aim

The aim of this policy is to ensure that delivery and collection procedures are consistent with the safety of children. Children are delivered and collected from the centre by an authorized person only.

### Implementation

The nominated supervisor, educators, staff will adhere to the following procedures at all times to ensure the safety of children.

Children and families will not be allowed to enter the service before opening hours.

We encourage you to drop children off before 10.30am, as we program daily for children and a late drop off may make it difficult to effectively include children in learning stories/daily journals.

If your child is going to be away on the day for any reason, please inform the centre via email.

## ARRIVAL PROCEDURES

- All children are to be brought into the centre by an adult to an educator;
- Parent are required to make contact with educators when collecting their child;
- All children must be signed in by their parent or person who delivers them to the centre. If for any reason they are unable to sign, the nominated supervisor may sign them in;
- An educator will greet and receive the child;
- A locker or shelf space will be available for the child's belongings.

## DEPARTURE PROCEDURES

- All children must be signed out by their parent or person who collects the child;
- Children can only be collected by a parent, authorized nominee who information is located on enrolment;
- It is the parent's responsibility to ensure their information is regularly updated;
- No child will be released into the care of unauthorized persons;
- Educators will always ensure the safety of the child first, if a person become aggressive or violent Educators may not release the child and ring the police on 000;
- Nominated supervisor will make sure that the child's records are kept up to date;
- No child will be released into the care of anyone not known to the educators

### **Parent must give prior notice when: -**

- The person collecting the child is someone other than those mentioned on enrolment;
- There is a variation in the persons picking up of the child;
- If educators do not recognize the person by face, they may need to provide a form of identification (license);
- If the person collecting the child appears to be intoxicated, or under the influence of drugs, educators are to bring the matter to the persons attention before releasing the child;
- Signing in & out is a condition of your child's enrolment at the centre;
- Two educators verify and initial the open and close sign in sheets of the day;
- Individuals visiting the premises must sign in and out of the centre (visitors);

If a child has not been collected by the time, we are due to close the service, the Nominated supervisor will: -

- Attempt to contact the parents, authorized person;
- Leave a voice-mail and call again;
- Wait a few minutes and attempt to re dial, if the person has yet not arrived, ring the protection hotline for guidance before ringing emergency services (000)



The review will be conducted by: -

- Management;
- Families;
- Employees.

## **SUPERVISION OF CHILDREN**

### **Activities**

Outdoor activities vary from day to day and are dependent upon the weather and program.

They include: -

- Ball games
- Team play
- Free Play
- Water-based play
- Sand play
- Balancing and climbing games
- Gross motor skills
- Supervised play

The maximum number of children outside is reflect in table 2 above in relation to the noise management measures.

Monitoring process for outdoor play is the same as for indoor.

### **SUPERVISION POLICY**

The following legislation is to be followed with regard to supervision.

#### **NQS**

QA2

2.3.2 Every reasonable precaution is taken to protect children from harm and any hazards or injury

4.1.1 Educator to child ratios requirements are maintained at all times.

5.2.3 The dignity and rights of every child are maintained at all times

#### **National regulations**

168- Policies & procedures are required in relation to health & safety

#### **Implementation**

The service defines 'supervision' as actively watching and attending their environment. Educators should avoid carrying out activities that will draw attention away from supervision.

The supervision policy is committed to: -

- Complying with education and care services
- ensuring that children are supervised at all times
- considering the design and arrangement of children's environments

- guiding educators to make decisions about when children's play needs to be interrupted
- identifying high risk experiences and developing strategies, depending on the age and development of children.

The procedures relating to the supervision policy are laminated, clearly labelled and displayed for everyone to read: -

- Supervision procedures & practices are made easy to read and interpret
- The service will consider obtaining information in community languages
- The centre will have a supervision plan.

### **Procedure**

Supervision is one of the most important care giving strategies and skills required by educators to develop and master. Listening and watching is an active combination of supervising. Children learn about who they are, how they react in situations, and discover interests. There are vital skills to develop as they assist staff to predict children's play patterns.

### **Positioning of educators**

- It is important carers are able to move around effortlessly and view play areas from different angles
- Carers should be close enough to children to intervene promptly and prevent injury;
- Educators should ensure that students are being considered when coordinating supervision.

### **Listening when children play**

- Listening is important and different sounds can alert educators to potential risks.

### **Knowledge of the environment and its potential risks**

- Please refer to the maintenance policy

### **Setting up of the environment**

- It is important that the design and layout should be safe enough to allow adults to freely interact.

### **Promoting play and learning experiences**

- Supervision can ensure that children's play is enjoyable, and their learning opportunities are promoted.

### **Risk management strategies**

- Please refer to the services OH&S policy

### **Children's arrival & departure**

- To ensure only authorized-persons collect children from the centre
- Upon enrolment and first starting day a parent is shown where to sign the child in & out

### **In relation to parents**

- Parents or authorized persons MUST be responsible for the supervision of children not enrolled at the centre
- Parent must ensure that staff are aware of their child's arrival/departure
- Parent must hand the child over personally to staff/educators

### **In relation to staff**

- Educators are to ensure that no child will exit the centre without a parent or authorized person
- While on duty, educators have a first priority to ensure safety of children

### **Nappy changes & toileting**

- Please refer to the policy (toileting, nappy change)

### **Transporting children**

- Please refer to the services OH&S policy

### **Protective behaviours & practices**

- Staff, students, carers are role models
- Children learn through example and modelling to teach children

### **Staff professional development opportunities**

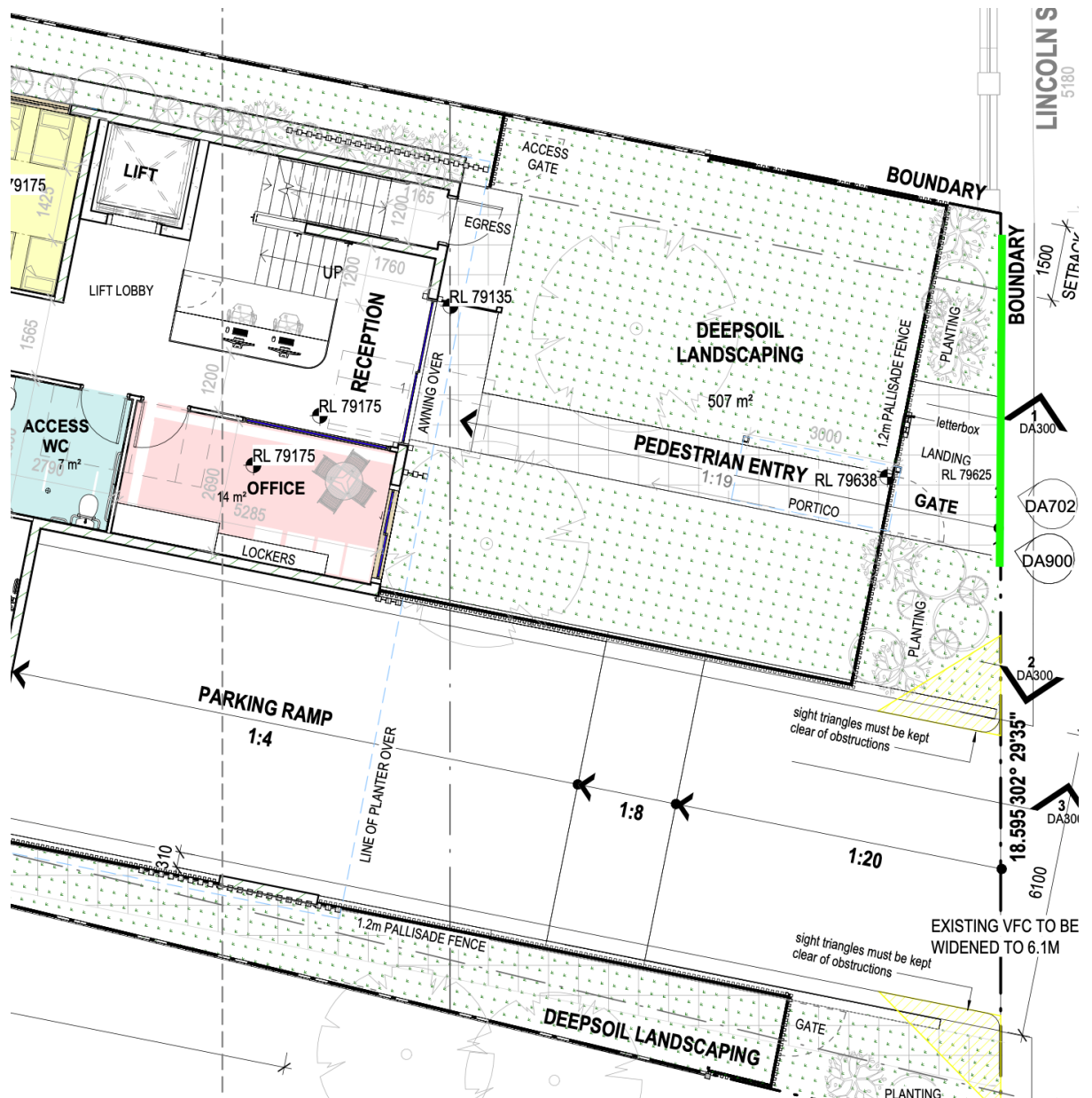
- The service aims to maintain and strengthen the skills and knowledge of educators in relation to active supervision.



## WASTE MANAGEMENT AND COLLECTION

Waste management and collection during the ongoing use of the building is as follows:

- Waste is contained in the building.
- Waste collection is to occur via a private contractor and pickup will occur between 7am and 6pm being the operational hours of the centre, however it will be targeted to be between 10am and 2:30pm to avoid the peak parent visitor times to minimise conflict.
- Collection will occur kerbside. The Waste Management Plan outlines this will be undertaken by staff via the lift or driveway with a motorised bin trolley.
- The 6 x bins will be presented for collection at the kerb adjacent the driveway as shown on the extract below and this will be clear of the sight line area.



## **EMERGENCY EVACUATION PLAN**

An Emergency Evacuation Plan will be prepared and attached to this Plan of Management prior to commencement of operations of the child care centre. The plan will contain pictorial instructions detailing evacuation steps in the case of an emergency. The plan is to include evacuation routes, assembly points, and a plan of action once a fire alarm has been activated. The Emergency Evacuation Plan is to be prominently located in each room and in the common area. The phone numbers of appropriate contacts will be maintained in the administrative centre.

A draft evacuation plan forms part of the submission documentation and this covers the basement, ground floor, and first floor evacuation routes and diagrammatic representation of this arrangement.

# Clause 4.6 Variation

FLOOR SPACE RATIO

9 LINCOLN STREET,  
EASTWOOD

27 NOVEMBER 2023





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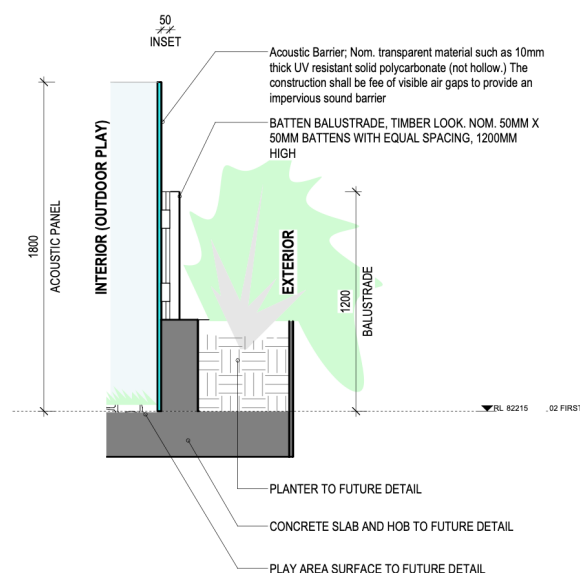
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## CLAUSE 4.6 DEPARTURE

### BACKGROUND TO THE BREACH

This Clause 4.6 variation has been prepared in support of a development application for the construction of a child care centre at 9 Lincoln Street, Eastwood.

Council has identified that the development exceeds the FSR development standard- being a technical departure- arising from the height of acoustic barriers to the balcony outdoor play area being 1.8m. The acoustic barrier is set in behind a planter and a 1.2m balustrade and therefore the applicants view was that it was not GFA because the 'outer wall' was actually less than 1.4m (being the balustrade) and the acoustic barrier is not a 'wall' and therefore the area should not be included in GFA. An example of this arrangement is provided below that is extracted from the plans for an understanding as to how and why the issue arises.



**3** TYPICAL DETAIL - FF OUTDOOR PLAY 01, ACOUSTIC BARRIER  
1:20

Figure 1: Acoustic Barrier and Balustrade Design

Given the issue identified a Clause 4.6 variation has been prepared to deal with this issue and it is noted that as shown on Drawing DA400 and DA401:

- When excluding the balcony outdoor play areas from GFA the FSR is 0.41:1 and complies with the 0.5:1 and is 18% below the FSR standard.
- When including the balcony outdoor play areas from GFA the FSR is 0.79:1 and exceeds the 0.5:1. This equates to a 72.4% departure.

## THE FSR DEVELOPMENT STANDARD

The proposed development exceeds the maximum permitted FSR control of 0.5:1 that applies under the Ryde Local Environmental Plan 2014.

An extract of the relevant FSR map is provided below that identifies the site and the relevant FSR provision- being 0.5:1.



Figure 2: FSR Map Extract



## VARIATION TO THE STANDARD ASSOCIATED WITH THE DEVELOPMENT

As shown on Drawing DA400 and DA401:

- When excluding the balcony outdoor play areas from GFA the FSR is 0.41:1 and complies with the 0.5:1 and is 18% below the FSR standard.
- When including the balcony outdoor play areas from GFA the FSR is 0.79:1 and exceeds the 0.5:1. This equates to a 72.4% departure.

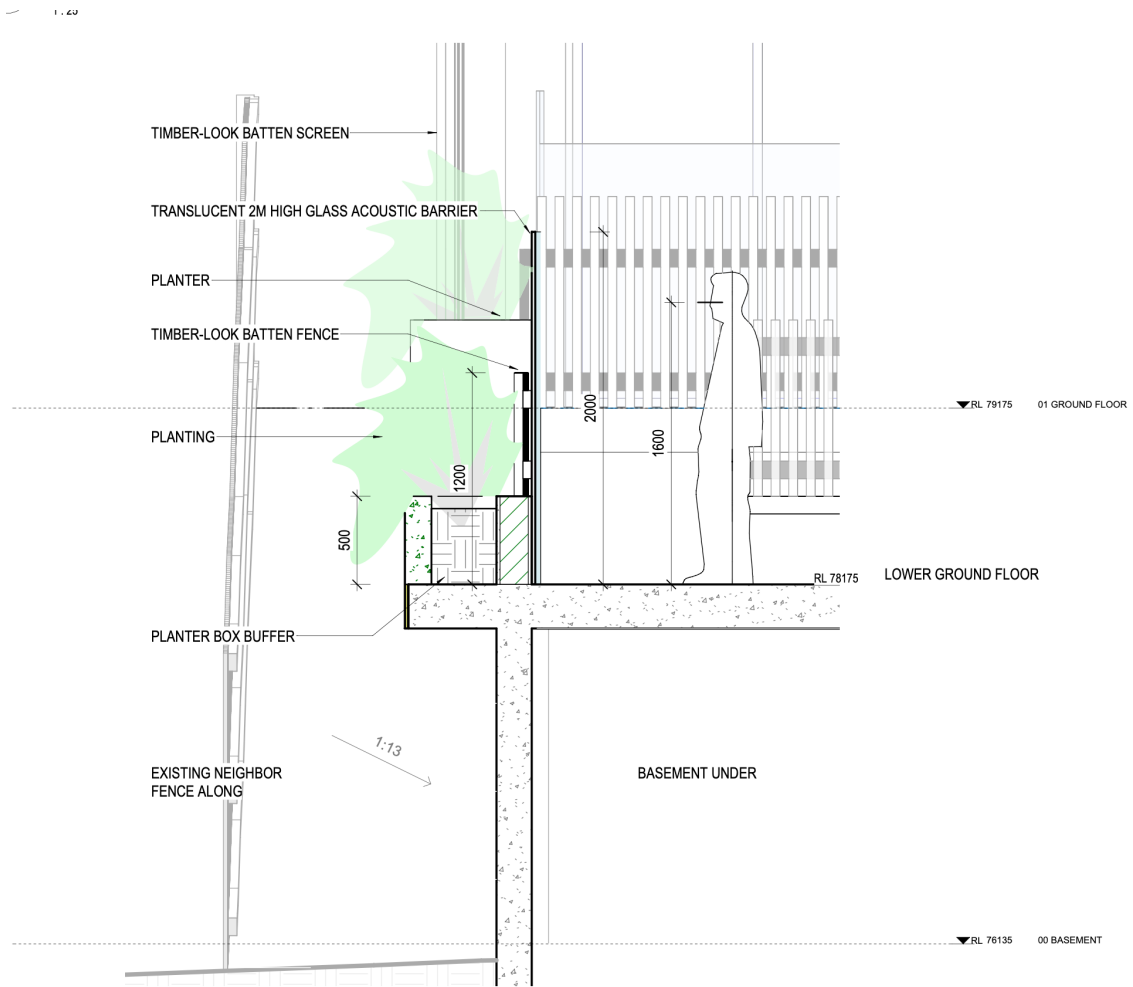
It is noted that the method of calculation includes the outdoor play areas that are 'balconies' where the acoustic barriers are greater than 1.4m. It is noted that the applicant was of view that the balconies were excluded from GFA because the 'outer wall' was less than 1.4m and the acoustic barriers are not 'walls' in the same way as a solid balustrade.

Therefore when including the outdoor play areas that are in a balcony configuration the FSR is non-compliant but the extent of development proposed is consistent with the contemplated built form and massing when considering the GFA when excluding the barriers is below the 0.5:1. If the acoustic barriers were lowered to 1.39m (reduced by 401mm-601mm) then no issue arises and there is no discernible difference in the way in which the proposal is perceived given the barriers are set in behind a planter.

Therefore a 'compliant' FSR would be perceived in a similar way to this scheme- but the acoustic impacts would be greater because of a lack of acoustic attenuation and also generate greater privacy impacts from overlooking.

The breach arises to protect acoustic amenity of adjoining properties in accordance with the acoustic report- as well as visual amenity through mitigating cross-viewing given the design of the barrier also serves as a privacy screen given the translucent material. The visual presentation of the barrier to neighbours is also mitigated by the landscape planting proposed in front of it. This is reflected on the figure over the page.

Therefore the barrier treatment improves visual and acoustic privacy outcomes but generates a technical non-compliance owing to its height.



### SECTION THROUGH LOWER GROUND FLOOR OUTDOOR PLAY AREA

1:25

Figure 3: Section of Acoustic Barrier

## RELEVANT CASE LAW

There are a number of recent Land and Environment Court cases including *Four 2 Five v Ashfield* and *Micaul Holdings Pty Ltd v Randwick City Council* and *Moskovich v Waverley Council*, as well as *Zhang v Council of the City of Ryde*. In addition a judgement in *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118* confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact is a way of demonstrating consistency with the objectives of a development standard. Therefore this must be considered when evaluating the merit of the FSR departure.

Further a decision in *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245* has adopted further consideration of this matter, requiring that a consent authority must be satisfied that:

- The written request addresses the relevant matters at Clause 4.6 (3) and demonstrates compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds; and
- The consent authority must consider that there are planning grounds to warrant the departure in their own mind and there is an obligation to give reasons in arriving at a decision.

Accordingly, the key tests or requirements arising from the above judgements is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is “consistent with” the objectives of the development standard and zone is not a requirement to “achieve” those objectives. It is a requirement that the development be compatible with the objectives, rather than having to ‘achieve’ the objectives.
- Establishing that ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe “test” 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in *Wehbe v Pittwater*.
- There are planning grounds to warrant the departure, and these planning grounds are clearly articulated as reasons in arriving at a decision.
- The proposal is required to be in ‘the public interest’.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the maximum FSR control and on that basis that compliance is unreasonable or unnecessary;



- Demonstrating consistency with the R2 zoning;
- Establishing compliance is unreasonable and unnecessary;
- Demonstrating there are sufficient environmental planning grounds to justify varying the standard; and
- Satisfying the relevant provisions of Clause 4.6.

## ADDRESS OF CLAUSE 4.6 PROVISIONS

Clause 4.6 of the Ryde Local Environmental Plan 2014 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

*(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

*(4) Development consent must not be granted for development that contravenes a development standard unless:*

*(a) the consent authority is satisfied that:*

*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

*(b) the concurrence of the Director-General has been obtained.*

*(5) In deciding whether to grant concurrence, the Director-General must consider:*

*(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

*(b) the public benefit of maintaining the development standard, and*

*(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Clause 4.6 does not restrain the consent authority's discretion as to the numerical extent of the departure from the development standard. Each of the relevant provisions of Clause 4.6 are addressed in turn below.

## CLAUSE 4.6(3)(A) - COMPLIANCE UNREASONABLE AND UNNECESSARY

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as:

The underlying objectives of the control are satisfied, known as the first way in the decision of *Wehbe v Pittwater Council* (2007) 156 LGERA 446;

### ***Underlying Objectives are Satisfied***

The proposal, despite the numerical non-compliance identified, is consistent with the objectives of Cl. 4.4 – Floor Space Ratio of the Ryde LEP 2014.

The objectives of the 'FSR' development standard are stated as:

*(1) The objectives of this clause are as follows:*

*(a) to provide effective control over the bulk of future development,*

*(b) to allow appropriate levels of development for specific areas,*

*(c) in relation to land identified as a Centre on the Centres Map—to consolidate development and encourage sustainable development patterns around key public transport infrastructure.*

Each objective is considered below.

*Objective (a): to provide effective control over the bulk of future development.*

- The extent of 'enclosed' FSR arising from the internal areas of the building is less than the permissible FSR- being 0.41:1 as compared to the 0.5:1. The non-compliance arises from the inclusion of GFA to the play areas on balconies owing the height of the acoustic barrier- being 1.8m-2m- that are set back behind a balustrade and planter as shown previously at Figure 3.
- The perceived bulk of the development is primarily from the area of the built form that enclosed and is less than the maximum FSR permitted and the bulk of the development is effectively controlled despite the breach.
- Whilst the FSR is non-compliant the extent of development proposed is consistent with the contemplated built form and massing when considering the GFA when excluding the barriers is below the 0.5:1. If the acoustic barriers were lowered to 1.39m (reduced by 401mm-601mm) then no GFA or FSR issue arises and there is no discernible difference in the way in which the proposal is perceived in terms of 'bulk' given the barriers are set in behind a planter as shown at Figure 3.



- When including the play areas that are in a balcony configuration the FSR is non-compliant but the extent of development proposed is consistent with the contemplated built form and massing when considering the GFA when excluding the barriers is below the 0.5:1. If the acoustic barriers were lowered to 1.39m (reduced by 401mm-601mm) then no GFA/FSR issue arises and there is no discernible difference in the way in which the proposal is perceived given the barriers are set in behind a planter.
- Therefore a 'compliant' FSR would be perceived in a similar way to this scheme- but the acoustic impacts would be greater because of a lack of acoustic attenuation and also generate greater privacy impacts from overlooking.
- Therefore the bulk of the development is entirely in line with what is contemplated for the site and the area of non-compliance has no meaningful impact on the bulk of the development.

*Objective (b): to allow appropriate levels of development for specific areas,*

- The extent of development across the sites is appropriate, notwithstanding the numerical departure. This is because the development is compliant with the maximum permitted GFA in the areas that are internal in nature and the area of the breach is derived through the inclusion outdoor play areas with acoustic barriers around the perimeter that are greater than 1.4m and therefore must be excluded.
- When taking out these areas from GFA, the extent of GFA would actually be compliant at 0.41:1. The level of development achieved on the site is appropriate for the area given the compliant levels of GFA achieved when discounting these balcony components. If the acoustic barriers were lowered to 1.39m (reduced by 401mm-601mm) then no GFA/FSR issue arises and there is no discernible difference in the level of development on the site. Therefore a 'compliant' FSR enables a comparable level of development to this scheme- but the acoustic impacts would be greater because of a lack of acoustic attenuation and also generate greater privacy impacts from overlooking.
- The intensity of the use arising from the proposed GFA must also be considered in relation to this objective and in that regard the traffic impacts are considered to be acceptable as set out in the report by The Transport Planning Partnership Pty Ltd. In addition the amenity impacts of noise and other privacy impacts are avoided due to the use of the acoustic barriers as proposed- i.e. they provide a benefit to the scheme.
- Objective (c): The development site is not mapped on the Centres Map and hence the objective is not relevant.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances.

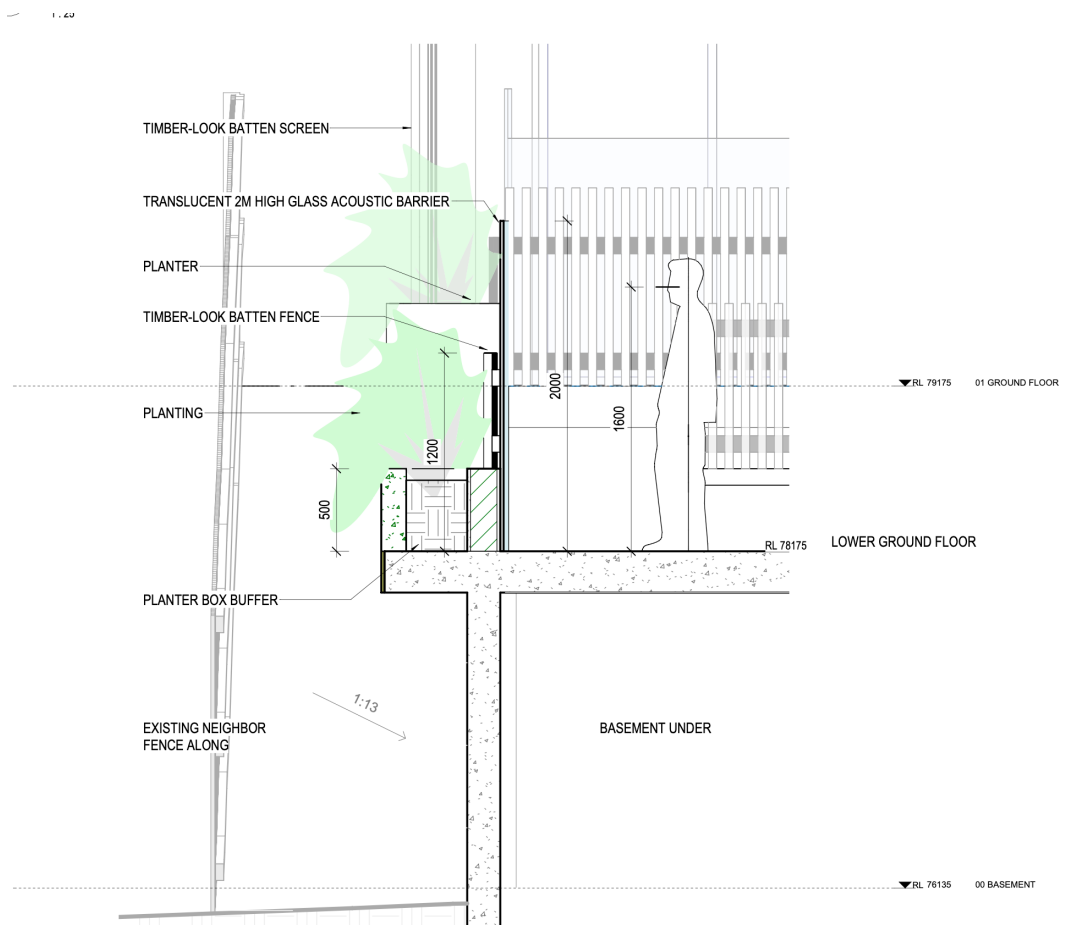
#### **CLAUSE 4.6(3)(B) - SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS**

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, being grounds that are specific to the site.

Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the FSR development standard.

The below points demonstrate suitable environmental planning grounds exist to justify contravening the FSR development standard and further demonstrates that the FSR departure does not give rise to any environmental impacts, and therefore the proposal is an appropriate design response for the subject site:

- When including the outdoor play areas that are in a balcony configuration the FSR is non-compliant but the extent of development proposed is consistent with the contemplated built form and massing when considering the GFA when excluding the barriers is below the 0.5:1- being 0.41:1. If the acoustic barriers were lowered to 1.39m (reduced by 401mm-601mm) then no GFA/FSR issue arises and there is no discernible difference in the way in which the proposal is perceived given the barriers are set in behind a planter.
- Therefore a 'compliant' FSR would be perceived in a similar way to this scheme- but the acoustic impacts would be greater because of a lack of acoustic attenuation and also generate greater privacy impacts from overlooking from educators using this area.
- The breach to the FSR standard arises to protect acoustic amenity of adjoining properties in accordance with the acoustic report- as well as visual amenity through mitigating cross-viewing given the design of the barrier also serves as a privacy screen given the translucent material. The visual presentation of the barrier to neighbours is also mitigated by the landscape planting proposed in front of it. This is reflected on the figure below and therefore the barrier treatment improves visual and acoustic privacy outcomes but generates a technical non-compliance with FSR owing to its height.



**SECTION THROUGH LOWER GROUND FLOOR OUTDOOR PLAY AREA**  
1:25

- The acoustic attenuation and visual privacy mitigation afforded by the height of the acoustic barriers demonstrates suitable environmental planning grounds to vary the development standard- because absent the increased height the acoustic and visual privacy impacts are not adequately addressed.
- This design approach and breach of the FSR associated within the outdoor play areas enables a suitable design outcome on the site and is consistent with the following Objects of the Environmental Planning and Assessment Act 1979:
  - (c) to promote the orderly and economic use and development of land,
  - (g) to promote good design and amenity of the built environment,
- The departure to the FSR standard also does not generate any adverse amenity impacts to adjoining properties with regard to visual privacy or overshadowing given the lot orientation and careful design of the development.



Therefore, the current proposal is a suitable outcome from an environmental planning perspective and demonstrates that there is merit in varying the FSR control to achieve a suitable design response on the site which demonstrates sufficient environmental planning grounds to support the departure to the FSR standard arising from the outdoor play areas.

The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

#### **CLAUSE 4.6(4) ZONE OBJECTIVES & THE PUBLIC INTEREST**

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

As addressed the proposed development is in the public interest as it remains consistent with the objectives of the FSR control.

In addition, the proposal is consistent with the objectives of the R2 zone:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Consistency with the relevant objectives, noting the first and second objective is not relevant, is evident as –

- The proposal for a child care centre contributes to the other land uses to provide facilities and services to meet the day to day needs of residents- being child care.

It is understood that the concurrence of the Director-General can be assumed in the current circumstances.

#### **CLAUSE 4.6(5)**

As addressed, it is understood the concurrence of the Director-General may be assumed in this circumstance pursuant to Planning Circular PS20-002, however the following points are made in relation to this clause:

- a) The contravention of the FSR control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal and the breach arising from inclusion of outdoor play areas.

- b) There is no public benefit in maintaining the development standard as it relates to the current proposal as the proposal is consistent with the underlying objectives of the control.

Strict compliance with the prescriptive FSR requirement is unreasonable and unnecessary in the context of the proposal and its unique circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

## CONCLUSION

Strict compliance with the prescriptive FSR requirement is unreasonable and unnecessary in the context of the proposal and its circumstances.

The proposed development is in the public interest because it is consistent with the objectives of the FSR development standard (CI 4.4) and the objectives of the R2 zone and the proposal demonstrates sufficient environmental planning grounds to warrant support of the departure.

The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, which will be characterised by residential development of comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose.

The variation is well founded and demonstrates the relevant matters set out under Clause 4.6 having regard to the provisions of Clause 4.6 and recent case law and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council and the planning panel support the development proposal.