

Item 1

826 Victoria Road, Ryde

Lot consolidation of three lots into one lot, partial demolition works, construction of a purpose built two-storey (81 place) 'Child Care Facility' with car parking, and landscape works.

Report prepared by: Senior Town Planner

Report approved by: Senior Coordinator - Development Assessment
Manager - Development Assessment

City of Ryde Local Planning Panel Report

DA Number	LDA2022/0365
Site Address & Ward	826 Victoria Road, Ryde <ul style="list-style-type: none"> • Lot 2 in DP 205390 • Lot 3 in DP 219163 • Lot 4 in DP 219163 Central Ward
Zoning	R2 Low Density Residential
Proposal (as amended)	Lot consolidation of three lots into one lot, partial demolition works, construction of a purpose built two-storey (81 place) 'Child Care Facility' with car parking, and landscape works.
Property Owner	Trustees Roman Catholic for Diocese of Saint Maron
Applicant	Trustees Roman Catholic for Diocese of Saint Maron
Report Author	Tony Collier – Senior Town Planner
Lodgement Date	18 November 2022
Notification - No. of Submissions	<u>Notification 1</u> (21 November 2022 to 9 December 2022) <ul style="list-style-type: none"> • 11 submissions <u>Notification 2</u> (22 April 2024 to 10 May 2024) 7 submissions
Cost of Works	\$3,332,713 (exc. GST)

Reason for Referral to LPP	<p>Contentious Development – 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</p> <p>Sensitive Development - Demolition of part of a heritage item and removal of trees - Schedule 1, Part 4 of Local Planning Panels Direction</p>
Recommendation	Refusal
Attachments	<ol style="list-style-type: none"> 1. Reasons for Refusal. 2. Plans. 3. Childcare Planning Guideline Table of Compliance. 4. Ryde Development Control Plan 2014 Table of Compliance

1. Executive Summary

This report is an assessment of a development application for Lot consolidation of three lots into one lot, partial demolition works, construction of a purpose built two-storey (81 place) 'Child Care Facility' with car parking, and landscape works.

The centre is proposed to employ 15 x educators, 1 x supervisor and 1 x cook (i.e. total 17 staff) to cater for 81 children of the following age groups:

- 0 to 2 years: 19 children.
- 2 to 3 years: 35 children.
- 3 to 6 years: 27 children.

The centre is proposed to operate between 7.00am to 6.00pm Monday to Friday.

The centre will be closed on weekends and public holidays.

Compliance

The development achieves compliance when assessed against the applicable planning instruments and controls with exception to the following matters which are constitute reasons to refuse the application:

State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.119(2)(c)

The application does not satisfactorily demonstrate that the development is of a type that is not sensitive to vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential vehicle emissions within the site of the development arising from the adjacent classified road without adversely impacting on the operation of the child care centre.

Child Care Planning Guideline (2021)

- a) Design Quality Principles in Part 2 of the Guideline:
 - i. Principle 1 – Context.
 - ii. Principle 4 – Sustainability.
 - iii. Principle 6 - Amenity.
- b) Matters for Consideration in Part 3 of the Guideline:
 - i. Clause 3.1 - Site Selection and Location:
 - a. Sub-clause C2.
 - b. Sub-clause C4.
 - ii. Clause 3.6 – Noise and Air Pollution:
 - a. Sub-clause C26.
 - b. Sub-clause C27.

Ryde Development Control plan 2014

- a) Part 3.2 – Child Care Centres:
 - i. Clause 2.1 – Suitability of Location and Site for Child Care:
 - a. Sub-clause 2.1.1 – Preferred Locations.
 - b. Sub-clause 2.1.2 – Environmental Risks/Hazards.
- b) Part 3.3 – Dwelling Houses and Dual Occupancy
 - i. Clause 2.14.1 0 View Sharing.

These matters are addressed in detail in **Section 5.3 and Section 5.5** of this report.

Referral Responses

The application was referred to the following external and internal departments:

External

- Transport for NSW.
- Ausgrid.

Internal

- Development Engineer.
- Environmental Health.
- City Works (Traffic & Public Domain).
- Landscape.
- Heritage.

With exception to Environmental Health, each of the above departments are supportive of the proposal.

Council's Environmental Health department do not support the proposal as the Air Quality Assessments undertaken for the development, which is adjacent to a classified road, do not satisfy the requirements of section 2.119(2)(c) of the State Environmental Planning Policy (Transport and Infrastructure) 2021 in that the development is considered to be in a location where the health of the attending children is at risk from airborne pollution generated by vehicles using Victoria Road. This forms the main reason for the refusal of the application.

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, 11 submissions were received objecting to the development.

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 9 April 2024 and 26 April 2024. The second notification period was extended to 10 May 2024 after it was found that the amended plans were not made available on Council's DA Tracker website.

As a result of the second notification, seven (7) submissions were received objecting to the development.

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

- Oversupply of childcare centres.
- Non-compliance with the RDCP 2014:
 - Part 3.2 – Child Care Centres:
 - Sub-clause 2.1.1 – Preferred Locations.
 - Sub-clause 4.2 – Acoustic privacy for Adjoining Residents.
 - Sub-clause 4.3 – Visual Privacy for Children in the Centre.
 - Sub-clause 5.1 – Car Parking.
 - Sub-clause 5.2 – On-Site Manoeuvrability.
 - Sub-clause 5.3 – Impact on Traffic Flow.
 - Part 3.3 – Dwelling Houses and Dual Occupancy:
 - Sub-clause 2.9.3 – Rear Setbacks.
- Privacy:
 - Visual privacy.
 - Acoustic privacy.
- Traffic:
 - Safety on Victoria Road.
 - Congestion on local roads.
- Inadequate provision of car parking.
- Inadequate provision of landscaped area.
- View loss.
- Sunlight access.

- Encroachment on the Heritage building (“Wallumetta”).
- Incorrect survey location of Tree T7 on neighbouring property.
- Property value.

The issues raised in the submissions are addressed in detail in **Section 7** of this report.

Recommendation

Assessment of the application against the relevant planning framework, and consideration of various matters by Council’s technical departments, has identified fundamental issues of concern which primarily focus on airborne pollution from vehicles using Victoria Road and the potential risk to the health of children the centre as a result. Consequently, this report finds the site is not suitable for the development.

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 not considered suitable for the proposed development and the proposal is contrary to the public interest.

This report recommends that the application be refused in accordance with the reasons provided in **Attachment 1**.

2. The Site and Locality



Figure 1 – Aerial view of the site.

The site is known as 826 Victoria Road, Ryde and comprises the following three (3) lots:

- Lot 2 in DP 205390
- Lot 3 in DP 219163
- Lot 4 in DP 219163

The site is irregular in shape with a frontage of 59.53m to Victoria Road, a side boundary length of 48.44m along the western side, 52.425m along the eastern side, and a rear boundary length of 74.625m.

The site has a combined surveyed area of 3,950m².

The site is located within the R2 Low Density Residential zone and accommodates a listed local heritage item (Item 154) which comprises the “Wallametta Club” (house).

The remainder of the site is occupied by at-grade open car parking, two (2) driveways, and a concrete tennis court which is enclosed by steel mesh fencing.

Landscaping within the site is sparse and includes six (6) trees comprising:

Tree No.	Species	Height/Health
1	Magnolia grandiflora Bull Bay Magnolia	8m Fair Condition
2	Syzygium smiyhii Lilly Pilly	8m Fair Condition
3	Syzygium smiyhii Lilly Pilly	8m Fair Condition
4	Syagrus romanzoffiana Cocos Palm	10m Fair Condition
5	Syagrus romanzoffiana Cocos Palm	7m Fair Condition
6	Syagrus romanzoffiana Cocos Palm	8m Fair Condition

Tree locations are shown below in **Figure 2**.



Figure 2 – Tree locations on the site.

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

The site is accessed from Victoria Road which is a six (6) lane classified road owned and operated by Transport for NSW.

Figures 3 to 14 below provide various views of the site.



Figure 3 – View of the site from Victoria Road



Figure 4 – View of the tennis court from Victoria Road



Figure 5 – View of the monastery from Victoria Road



Figure 6 – View of western side setback of the monastery



Figure 7 – View north (822 Victoria Road to the right)



Figure 8 – View east towards the western side of 820 & rear of 822 Victoria Road



Figure 9 – Western side of 820 and rear of 822 Victoria Road



Figure 10 – View west towards the monastery (822 Victoria Road to the right)



Figure 11 – View east of the rear boundary (acoustic) fence



Figure 12 – Long view east of rear boundary (acoustic) fence



Figure 13 – View over rear fence towards Rhodes



Figure 14 – Rear of the monastery

Heritage Listing

The site is listed in Schedule 5 of the RLEP as Item 154.

Item 154 is described as the “Wallametta Club” (house) and includes Lots 3 and 4 in DP 219163 and Lot 2 in DP 205390.

Although the item references the house only, the lot description and mapping covers the whole of the subject site as shown shaded in **Figure 15** below.



Figure 15 – Heritage listing under the RLEP 2014.

Surrounding Development

The site is located within an R2 Low Density residential zone which is characterised by the following properties:

South-East

- 808 – 810 Victoria Road: Heritage listed former police station. The site is listed under Item 150 in the Ryde Local Environmental plan 2014 (see **Figure 14**). The site also accommodates an operational police station in a separate building and is owned by NSW Police.
- 812 Victoria Road: Heritage listed former court house owned by the Department of Communities and Justice. The site is listed under Item 151 in the Ryde Local Environmental plan 2014 (see **Figure 14**).
- 818 Victoria Road: Part 3/Part 4 storey walk-up residential flat building.
- 820 Victoria Road: Part 3/part 4 storey walk-up residential flat building.
- 822 Victoria Road: Part 3/Part 4 storey walk-up residential flat building.

North-West

- 828 to 834 Victoria Road: Single and double storey detached dwellings.

South-West (Rear)

- Yerong Street: Single and double storey detached dwellings (including one attached dual occupancy).

North-East (Opposite side of Victoria Road)

- Single storey detached dwellings.
- 813 – 817 Victoria Road: Heritage listed cottage (“Addington”) and dwelling (“The Retreat”) owned by the City of Ryde. The site is listed under Items 152 and 153 respectively in the Ryde Local Environmental plan 2014 (see **Figure 14**).

3. The Proposal

The applicant seeks consent for lot consolidation of three lots into one lot, partial demolition works (excluding the “Wallametta Club” (house)), construction of a purpose built two-storey (81 place) child care facility with car parking, and landscape works.

In detail, the development comprises the following:

Number of Children

The centre is proposed to cater for 81 children of the following age groups:

- 0 to 2 years: 19 children.
- 2 to 3 years: 35 children.
- 3 to 6 years: 27 children.

Hours of Operation

The centre is proposed to operate between 7.00am to 6.00pm Monday to Friday.

The centre will be closed on weekends and public holidays.

Staffing

The centre will employ 15 educators to cater for the following age groups:

- 0 to 2 years: 5 educators (1:4 ratio).
- 2 to 3 years: 7 educators (1:5 ratio).
- 3 to 6 years: 3 educators (1:9 ratio).

The centre will also employ 1 x supervisor and 1 x cook.

The Childcare Centre

Lower Ground Level (RL 35.50 & RL 35.57)

- Car parking for 21 spaces:
 - 13 Parent spaces.
 - 8 x staff spaces.
- Bin room.

- CW pump room & services cabinet.
- Storage.
- Lobby, lift and stairs.
- Amenities.
- 2 x classrooms (3 to 6 years):
 - Classroom 1: 39m² accommodating 10 children.
 - Classroom 2: 58m² accommodating 17 children.
- Undercroft and outdoor play area OPA 1 (3 to 6 years).

Upper Ground Level (RL 39.85)

- Staff room.
- Meeting room.
- Pram room.
- Lift and stairs.
- Reception and administration.
- Waiting area and access corridors.
- Kitchen.
- Laundry.
- 3 x classrooms:
 - Classroom 3 (2 to 3 years): 65m² accommodating 20 children.
 - Classroom 4 (2 to 3 years): 55m² accommodating 15 children.
 - Classroom 5 (0 to 2 years): 68m² accommodating 19 children.
- Cot room: 23m² accommodating 10 cots.
- Outdoor play area OPA 2 (2 to 3 years).
- Outdoor play area OPA 3 (0 to 2 years).
- Amenities.
- Bottle preparation room.
- Storerooms.

Lot Consolidation

The amended application seeks to consolidate the three (3) existing lots into one lot.

Numerically the development comprises:

Building Height	4.1m to 9.1m
Gross Floor Area	1,852m ² (including the existing monastery)
Floor Space Ratio	0.47:1
Number of Children	81
Number of Staff	17
Car Parking	21 spaces

Figures 16 to 19 below show the site plan and front, rear and side elevations.

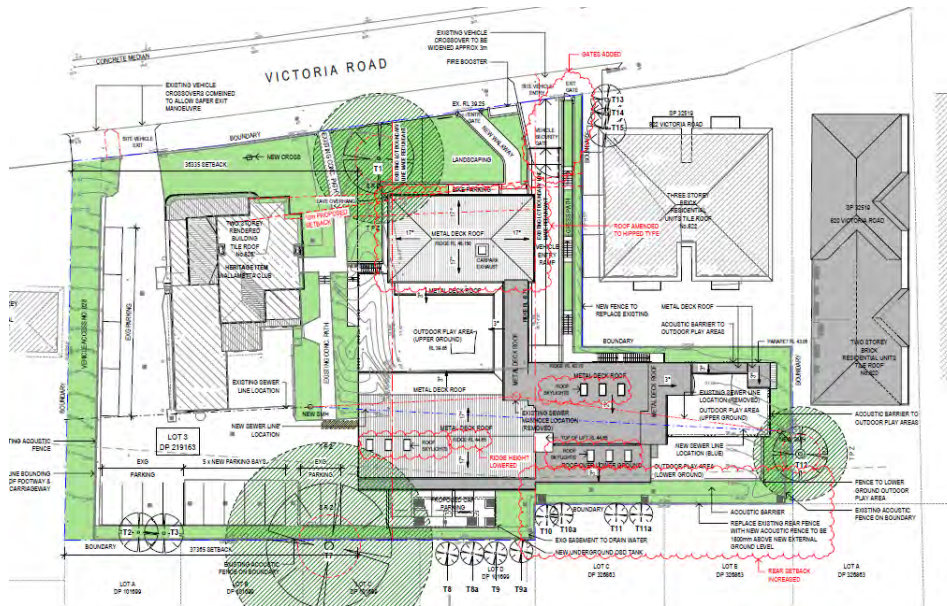


Figure 16 – Site plan.



Figure 17 –North-Eastern (front) elevation facing Victoria Road (the centre building).



Figure 18 –South-western (rear) elevation facing the rear yards of Yerong Street.

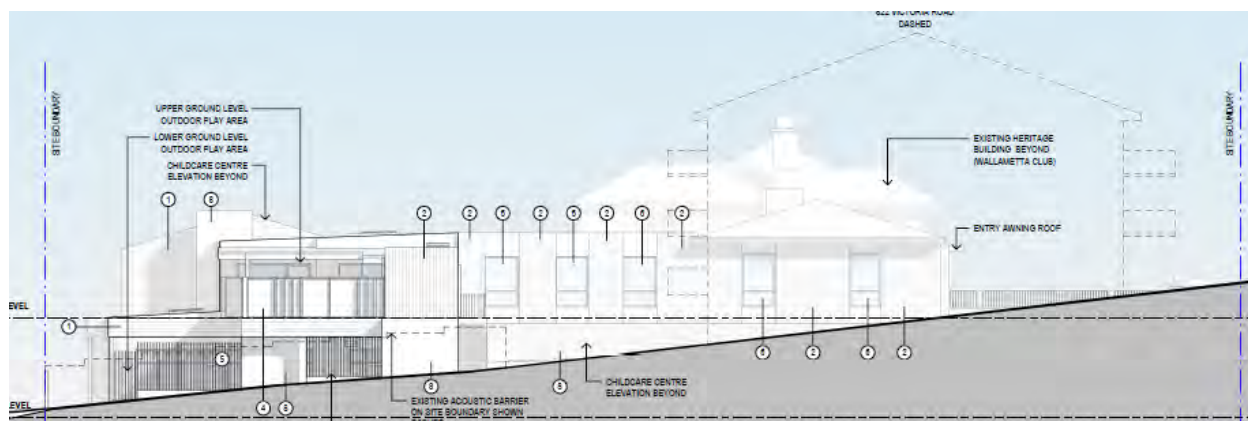


Figure 19 –South-eastern (side) elevation facing 820 Victoria Road (note 822 Victoria Road shown hashed outline).

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

Associated Applications

MOD2024/0066

An application has been lodged with Council (MOD2024/0066) which seeks to amend the hours of operation for the chapel at the neighbouring Maronite Church so as to minimise conflict with the operating hours of the proposed child care centre.

The application seeks to amend LDA2016/0210 which granted consent for alterations and change of use to a monastic residence and use as a chapel, meeting rooms and offices associated with the Diocese of the Sydney Maronite Church.

The modification seeks to change the operating hours of the church to avoid conflict with the proposed child care centre.

To ensure consistency and an orderly sequencing of a determination, the application (MOD2024/0066) is held pending the determination of this application.

4. History of the site

Council records indicate that the site has been used for a variety of activities since 1890 including residential, medical (Doctor's practice), entertainment (the Wallumetta Ryde and District Business and Professional Men's Club), and currently for religious (monastic residence) and ancillary recreational purposes.

4.1 Application History

The following provides a timeline of key events for this application:

Date	Event
18 November 2022	Application lodged
21 November 2022 to 9 December 2022	Public exhibition #1 (11 submissions received)

Date	Event
22 November 2022	Referral #1 to: <ul style="list-style-type: none"> • Heritage • City Works: <ul style="list-style-type: none"> ○ Traffic ○ Public Domain ○ Waste • Environmental Health • Landscape Architect • Development Engineer • Geotechnical consultant • Environment
15 December 2022	Referral to Transport for NSW
17 January 2023	Response from Transport for NSW (Supported)
14 March 2023	Referral to Ausgrid
23 March 2023	RFI #1 sent to the applicant
4 April 2023	RFI #2 sent to the applicant
4 April 2023	Response from Ausgrid (Supported)
6 April 2023	Extension granted to 28 April 2023
28 April 2023	Amended plans & documents submitted: <ul style="list-style-type: none"> • Architectural Plans • Evacuation Plan • Road Safety Audit • Plan of Management • Stormwater Plans • Site Survey • Supplementary Traffic and Parking Advice
1 May 2023	Additional information submitted: <ul style="list-style-type: none"> • Architectural Plans • Demolition and Waste Management Plan • Demolition Work Plan • View Loss Assessment • Cut and Fill Plan
2 May 2023	Referral #2 to: <ul style="list-style-type: none"> • Transport for NSW • City Works <ul style="list-style-type: none"> ○ Traffic • Development Engineer • Landscape Architect
3 May 2023	Additional information received: <ul style="list-style-type: none"> • Solar Access Diagrams
11 May 2023	Additional information received: <ul style="list-style-type: none"> • Landscape Plans
31 May 2023	Additional information received: <ul style="list-style-type: none"> • Supplementary Traffic and Parking Advice

Date	Event
5 October 2023	Referral to Heritage
26 October 2023	RFI #3 sent to the applicant
20 November 2023	Extension granted to 20 December 2023
31 January 2024	Extension granted to 14 February 2024
14 February 2024	Extension granted to 28 March 2024
5 March 2024	Staff meeting with the applicant
28 March 2024	Amended plans & documents submitted: <ul style="list-style-type: none"> • Architectural Plans (including lot consolidation) • Landscape Plans • Arboricultural Impact Assessment • Acoustic Report • Access Management Plan • Heritage Impact Statement • Stormwater Plans
9 April 2024 to 26 April 2024	Public Exhibition # 2 (7 submissions received)
22 April 2024	Referral #3 to: <ul style="list-style-type: none"> • Transport for NSW (Supported) • Heritage (Supported) • City Works: <ul style="list-style-type: none"> ○ Traffic (Supported) ○ Public Domain (Supported) • Environmental Health (Not supported) • Landscape Architect (Supported) • Development Engineer (Supported)
19 June 2024	Council's Environmental Health department advise that the Air Quality Report and Acoustic Report are inadequate, the proposal cannot be supported and that the site is not suitable for the development
24 June 2024	Applicant advised of Environmental Health assessment and referral to the Ryde Local Planning Panel (RLPP) with a recommendation of refusal.
30 June 2024	Applicant requests extension of 30 days to prepare and submit new Air Quality Report and new Acoustic Report.
29 July 2024	Newly commissioned Air Quality Impact assessment and updated Acoustic Report are submitted by the applicant.
9 August 2024	Council's Environmental Health department advise that the updated Acoustic Report is acceptable and does not raise any issues. However, Council's Environmental Health department advise that the newly commissioned

Date	Event
	Air Quality Impact Assessment is inadequate and cannot be supported.
12 August 2024	Applicant advised of Environmental Health assessment and referral to the Ryde Local Planning Panel (RLPP) with a recommendation of refusal.
12 September 2024	RLPP meeting

Note: RFI refers to Request for Further Information.

5. Planning Assessment

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

- Environmental Planning and Assessment Act 1979.
- Environmental Planning and Assessment Regulation 2021.
- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- Ryde Local Environmental Plan 2014.
- Ryde Development Control Plan 2014; and
- Section 7.11 Contribution Plan.

5.1 Environmental Planning and Assessment (Statement of Expectations) Order 2024

On 1 July 2024 the Minister for Planning and Public Spaces gazetted the *Environmental Planning and Assessment (Statement of Expectations) Order 2024*.

Relevantly, Section 5(1)(c) of the Order imposes constraints upon the consent authority to determine development applications within the following timeframe:

Determine development applications for which it is the consent authority (including DAs determined by a local planning panel) as soon as practical and whichever is the lesser of council's previous financial year average, or an average of:

- From 1 July 2024 to 30 June 2025: 115 days from lodgement.

The Order does not contain any savings provisions for development applications which were lodged before 1 July 2024.

This application was lodged on 18 November 2022 and will therefore be 664 days old (at the time of the RLPP meeting on 12 September 2024) and past the imposed timeframe of 115 days by 549 days.

Given the terms of the Order and the significant period of time the application has been before Council, any further deferral of the determination of the application will be inconsistent with the Order.

5.2 National Quality Framework

The National Quality Framework (NQF) was introduced in 2012 to improve education and child care services.

The NQF provides a national approach to regulation, assessment and quality improvement for early childhood education and care and outside school hours care services across Australia.

The *Child Care Planning Guideline* (published by the NSW Department of Planning, Industry and Environment in September 2021 and gazetted on 1 October 2021) is aligned to the National Quality Framework. The Guideline has been used to assess the proposal (see **Section 5.4.3** (*State Environmental Planning Policy (Transport and Infrastructure) 2021*) at **Attachment 3**).

5.3 Environmental Planning and Assessment Act 1979

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

5.4 State Environmental Planning Instruments

5.4.1 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 Impact Assessment (as amended) dated 26 March 2024 which notes that the site accommodates six (6) trees. The report also provides an assessment of 13 trees which are located on neighbouring land.

The trees on the site comprise:

Tree No.	Species	Height/Health	Recommendation
1	Magnolia grandiflora Bull Bay Magnolia	8m Fair Condition	Retain
2	Syzygium smiyhii Lilly Pilly	8m Fair Condition	Retain
3	Syzygium smiyhii Lilly Pilly	8m Fair Condition	Retain
4	Syagrus romanzoffiana Cocos Palm	10m Fair Condition	Remove
5	Syagrus romanzoffiana Cocos Palm	7m Fair Condition	Remove
6	Syagrus romanzoffiana Cocos Palm	8m Fair Condition	Remove

The trees on neighbouring properties comprise:

Tree No.	Species	Height/Health	Property	Recommendation
7	Ficus macrocarpa var hillii Hills Weeping Fig	16m Good Condition	15 Yerong Street	Retain
8 & 8a	Fraxinus griffithii Evergreen Ash	6m Good Condition	13 Yerong Street	Retain
9 & 9a	Fraxinus griffithii Evergreen Ash	6m Good Condition	13 Yerong Street	Retain
10 & 10a	Waterhousia floribunda Weeping Lilly Pilly	6m & 8m Good Condition	11 Yerong Street	Retain
11 & 11a	Waterhousia floribunda Weeping Lilly Pilly	8m Good Condition	11 Yerong Street	Retain
12	Ficus macrocarpa var hillii Hills Weeping Fig	12m Fair Condition	820 Victoria Road	Retain
13	Melaleuca stypheliodes Prickly-Leaved Paperbark	9m Fair condition	822 Victoria Road	Retain
14	Cupress sp Conifer	8m Fair condition	822 Victoria Road	Retain
15	Eriobotrya japonica	7m Fair condition	822 Victoria Road	Retain

Tree No.	Species	Height/Health	Property	Recommendation
	Loquat			

The Landscape Plans submitted with the application include a planting schedule which indicates that 28 trees, 242 shrubs and 559 grasses and groundcover will be planted.

Should this application be approved, further screen planting (Lilly Pilly) may be conditioned to be installed between the southern end of the car park and the property boundary to 13 Yerong Street.

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.

5.4.2 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:

- It has considered whether the land is contaminated, and
- 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
- 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 Preliminary Site Investigation report dated 11 August 2022 which identifies the following potential sources of contamination:

- Fill soils of unknown origin and quality which were imported and used to grade the site (particularly the tennis court).
- Application of pesticides for termite control beneath the building footprints and around footings.
- Spills and leaks from vehicles parking in the parking area.
- Weathering of hazardous building materials (including asbestos containing material (ACM), lead-based paints and metallic surfaces) present within the fabric of existing structures on the site.

The preliminary Conceptual Site Model (CSM) which is used to evaluate the potential contamination sources, receptors and potential migration pathways, lists the identified sources of contamination as have a low (to medium in the case of fill) potential risk of complete exposure.

The report concludes that there is generally a low to moderate risk of potential contamination to be present on the site, and that the site can be made suitable for the development subject to the recommendation included in the report (Section 6) which require:

- A Hazardous Materials Survey should be completed prior to any demolition works to identify any hazardous materials that may be present.
- A detailed site walkover by a suitably qualified environmental consultant should be undertaken following the demolition of the tennis court and hard stand car parking area.
- Any soil material required to be disposed of (particularly the excavated soil beneath the tennis court to accommodate the part basement car park) should be classified and transported to a licensed landfill in accordance with the NSW EPA (2014) waste Classification Guideline.

Should the application be approved, the Preliminary Site Investigation report (and its recommendations) can be included as a condition.

5.4.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 - Infrastructure

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 front boundary is located approximately 2.0m from the nearest electricity power line (along Victoria Road).

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 application was therefore required to be referred to Ausgrid for consideration under clause 2.48(1)(b)(iii) of this SEPP.

Ausgrid have not raised any objection to the development subject to conditions.

Should the application be approved, the conditions required by Ausgrid can be included as a condition.

Clause 2.119 – Development with a Frontage to a Classified Road

Section 2.119(2)

Section 2.119(2)(c) requires that:

“The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”

The *Child Care Planning Guideline (2021)* includes provisions which recommend that child care centres are located on or adjacent to sites which are compatible with the use, and which are environmentally safe with respect to the effects of pollution and acoustic impact on the development.

A child care centre is considered to be a type of development which is sensitive to traffic noise or vehicle emissions and therefore, consent must not be granted to the development unless the centre is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions arising from the adjacent classified road.

The application is accompanied by an Acoustic Report (dated 5 June 2024 as prepared by Acoustic Logic) and an Air Quality Assessment Report (dated 20 September 2022 as prepared by Airsafe for EI Australia Pty Ltd) both of which have been reviewed by Council’s Environmental Health department and both found to be deficient. The applicant was advised of this deficiency on 19 June 2024.

In response to the above, the applicant submitted an updated Acoustic Report (dated 16 July 2024 as prepared by Acoustic Logic) and a newly commissioned Air Quality Report (dated 22 July 2024 as prepared by Northstar Air Quality Pty Ltd).

Both reports have been reviewed by Council’s Environmental Health department who advises that, although the Acoustic Report now satisfies acoustic impact, the new Air Quality Report still does not adequately demonstrate that the site will be suitable for the proposed use in that the report still fails to demonstrate that pollutants of concern have been adequately assessed to ensure that the potential risk to a vulnerable population are negligible (the full commentary by Council’s Environmental Health department is included in **Section 8** of this report).

Site specific measurements of pollutants associated with heavy vehicles were not measured, and data utilised from an air quality monitoring station (in this instance, a station based at an oval at Macquarie University) cannot be considered an appropriate comparison to Victoria Road. Without an appropriate site-specific data set, there is too much uncertainty as to the validity of the predictions. In this respect, the report did not complete site-specific measurements of key pollutants associated with vehicle emissions that have the potential to negatively impact on a vulnerable population.

This forms a reason to refuse the application.

Clause 2.120 – Impact of Road Noise or Vibration on Non-Road Development

This clause applies to a centre-based child care facility that is proposed to be located adjacent to a road corridor with an average daily traffic volume of more than 2,000 vehicles, and that the consent authority considers it likely that the development be adversely affected by road noise or vibration.

The development is sited adjacent to Victoria Road which is a classified road with a traffic volume of more than 2,000 vehicles per day.

The Traffic and Parking Impact Assessment submitted with the application states that Victoria Road has a weekday *average* daily traffic volume of 28,658 vehicles of which 6.7% comprise heavy vehicles. The report (page 7) attributes this volume to west-bound traffic only.

This closely aligns with the Traffic Volume Data published by TfNSW on their Traffic Volume Viewer which indicates that the average daily traffic count for Victoria Road (in both directions) in 2022 was 56,552.

The updated Acoustic Report submitted with the application satisfactorily demonstrates:

- That the compliance criteria within internal sleeping areas has been achieved.
- That the long-term impact of road vibration noise has been adequately considered.
- That correct logging locations to monitor road noise has been chosen.

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 following applicable development is 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
Any other purpose	200 or more motor vehicles per hour	50 or more motor vehicles per hour

The application includes a Traffic and Parking Impact Assessment dated 2 November 2022 which indicates that the development will generate between 60 and 68 trips during the AM and PM peak hours. This generation is in addition to the existing traffic generated by the monastery which has not been included in the report.

The application was referred to TfNSW for consideration under clause 2.122(4)(i) of the SEPP.

Transport for NSW did not raise any objection to the application subject to conditions which will be imposed should this application be approved.

Chapter 3 - Educational Establishments and Child Care Facilities

With respect to location and design outcomes for child care centres, Chapter 3 aims to:

- Establish consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas.
- Align the NSW planning framework with the National Quality Framework that regulates early education and care services.
- Ensure that proponents of new developments meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process.

Part 3.3 - Early Education and Care Facilities - Specific Development Controls

Clause 3.23 - Centre-Based Child Care Facility - Matters for Consideration by Consent Authorities

Clause 3.23 requires a consent authority to take into consideration any applicable provisions of the *Child Care Planning Guideline* (as gazetted on 1 October 2021) prior to determining the proposal for a centre-based child care centre.

A copy of the detailed assessment table for the Guideline is at **Attachment 3** of this report. In summary, the development has been found to be inconsistent with the following provisions of Parts 2 and 3 the Guideline:

Part 2 – Design Quality Principles

Principle 1 – Context

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

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

Well-designed child care facilities take advantage of its context by optimising access by walking and public 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.

Comment

The local area predominantly comprises a mix of residential buildings (as well as the monastery building) of varying age, density, size and architectural style.

The subject site is therefore contextually regarded as a transitional area.

The development is designed to respond to this transitional nature of the site and provides a building which is of a scale which blends with the scale of surrounding development.

The site is located within proximity to bus routes on Victoria Road which provide access to West Ryde, Top Ryde, Macquarie Centre (and then on to Chatswood) and Parramatta.

Notwithstanding the above, with respect to health and environmental conditions, the Air Quality Report (dated 22 July 2024 as prepared by Northstar Air Quality Pty Ltd) has been found by Council's Environmental Health Department to be not adequately demonstrate that the site will be suitable for the proposed use in that it fails to demonstrate that pollutants of concern generated by vehicles using Victoria Road have been adequately assessed to satisfy Council that the potential risk to a vulnerable population is negligible.

In this respect, the environmental context of the site is not considered to be suitable for the development and this forms a reason to refuse the application.

Principle 4. Sustainability

Combines positive environmental, social and economic outcomes.

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

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

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

Comment

The Air Quality Impact Assessment (dated 22 July 2024 as prepared by Northstar Air Quality Pty Ltd) includes (under Section 7 of that report) the following management, mitigation and monitoring measures which are to be implemented during the operation of the centre:

Source Mitigation

- With respect to vehicle typologies using Victoria Road the Report refers to a potential future scenario whereby internal combustion engines are replaced by electric vehicles which would thereby reduce emissions.
- The report recommends that vehicles entering and leaving the centre do so in a “smooth” manner and that the duration of queuing/idling traffic should be minimised. The report goes on to recommend the installation of signs requiring engines to be shut off and that staggered pick-up/drop-off times be put into operation to avoid queuing.

Receptor Mitigation

Receptors are defined in the report as outdoor play areas and air intakes.

- Locating air intakes towards the southern boundary (the rear abutting residential properties along Yerong Street).
- Installation of mechanical ventilation to the proposed car park
- Training of teachers and staff on best ventilation practices which include keeping windows and doors closed in ventilated classrooms to minimise, and to keep air vents clear of items which may block airflow.
- Staff to review the daily air quality forecast provided daily by the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) and adjust planned activities to account for the prevailing conditions. In this regard, the Air Quality Category (AQC) table below provides recommendations by NSW DCCEEW for childcare centres: (sensitive groups including infants and children) although it should be noted that the Air Quality Monitoring Stations which provide AQC data are not located at or near the subject site and therefore, accurate site-specific readings will not be obtainable:

Air Quality Category	General Health Advice and Recommended Actions
Good	<ul style="list-style-type: none"> • NO CHANGE needed to your normal outdoor activities.
Fair	<ul style="list-style-type: none"> • REDUCE outdoor physical activity if you develop symptoms such as cough or shortness of breath. • Consider closing windows and doors until outdoor air quality is better. • Follow the treatment plan recommended by your doctor. • If you are concerned about symptoms call the 24-hour HealthDirect helpline on 1800 022 222 or see your doctor. • In a health emergency, call triple zero (000) for an ambulance.
Poor	<ul style="list-style-type: none"> • AVOID outdoor physical activity if you develop symptoms such as cough or shortness of breath. • When indoors, close windows and doors until outdoor air quality is better. • Follow the treatment plan recommended by your doctor. • If you are concerned about symptoms call the 24-hour HealthDirect helpline on 1800 022 222 or see your doctor. • In a health emergency, call triple zero (000) for an ambulance.
Very Poor	<ul style="list-style-type: none"> • STAY INDOORS as much as possible with windows and doors closed until outdoor air quality is better. • If you feel that the air in your home is uncomfortable, consider going to a place with cleaner air (such as an air-conditioned building like a library or shopping centre) if it is safe to do so. • Actively monitor symptoms and follow the treatment plan recommended by your doctor. • If you are concerned about symptoms call the 24-hour HealthDirect helpline on 1800 022 222 or see your doctor. • In a health emergency, call triple zero (000) for an ambulance.

Extremely Poor	<ul style="list-style-type: none"> • STAY INDOORS with windows and doors closed until outdoor air quality is better and reduce indoor activity. • If you feel that the air in your home is uncomfortable, consider going to a place with cleaner air (such as an air-conditioned building like a library or shopping centre) if it is safe to do so. • Actively monitor symptoms and follow the treatment plan recommended by your doctor. • If you are concerned about symptoms call the 24-hour HealthDirect helpline on 1800 022 222 or see your doctor. • In a health emergency, call triple zero (000) for an ambulance.
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The report does not identify any periods ascribed to the above conditions, only to include the table as a reference to the criteria staff are required to review on a daily basis.

- It is also recommended that strenuous activities in the outdoor play areas should be planned during times with anticipated lower traffic volumes using the surrounding road network (i.e. non-peak hour).

Although the report states that the predicted incremental impacts within the childcare centre will be limited, the above recommendations suggest that the site is susceptible to a heightened exposure of air pollution and the mitigation measures included (and when implemented) would severely impact upon the ability of the attending children to enjoy the full outdoor amenities that a child care centre is required to provide under the *National Quality Framework* (published by the Australian Children's Education & Care Quality Authority).

Furthermore, the enhanced ventilation systems required to mitigate the environmental impact from pollution and the increased potential to use indoor classrooms in the event of a pollution event of 'Fair' to 'Extremely Poor' would result in greater energy demand, increased exhaust output and noise generated by such systems, and greater operational costs, all of which would not be considered to be environmentally sustainable.

In this respect, and because the above measures are considered necessary to the day-to-day operation of the centre to mitigate pollution risk, it is considered that the site is not suitable for the proposed use.

Principle 6. Amenity

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

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

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

Comment

Although under 'good' operating conditions (as defined in the AQC table above) the centre would provide for a good level of amenity, however this is compromised should the air quality fall below a 'good' level.

As seen in the table, any air quality condition less than 'good' would require a reduction or avoidance of the use of outdoor play areas such that a significant operational requirement for a child care centre would be rendered usable.

That the applicant's Air Quality Impact Assessment has included this amongst other stringent mitigation measures indicates that the location of this sensitive use adjacent to Victoria Road is not a wholly appropriate and entirely safe outcome such that it gives Council confidence that the health of children attending the centre will not be adversely affected.

Part 3 – Matters for Consideration

The following Matters for Consideration are extracted from the table included at **Attachment 3** and detail the identified elements of inconsistency/non-compliance. The matters discussed below are included as reasons to refuse the application.

Clause	Comment
3.1 Site Selection and Location	
<p>C2</p> <p><i>Objective: To ensure that the site selected for a proposed childcare facility is suitable for the use.</i></p> <p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> • When location and surrounding uses are compatible with the proposed development or use. • The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards. • There are no potential environmental contaminants on the land, in the building or the general 	<p>Not consistent</p> <p>The site is located within the R2 Low density residential zone and, although it is contained within a property which has been used for non-residential purposes for a considerable period of time, it does abut 11 residential properties. Of those 11 properties, seven (7) will be directly adjacent to the proposed child care , two (2) of which are residential flat buildings which contain a total of 24 apartments (i.e. 12 per building).</p> <p>Notwithstanding, with respect to acoustic impact, the updated Acoustic Report (Revision 5, dated 16 July 2024 as prepared by Acoustic Logic) has</p>

Clause	Comment
<p>proximity, and whether hazardous materials remediation is needed.</p> <ul style="list-style-type: none"> The characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> Length of street frontage, lot configuration, dimensions and overall size. Number of shared boundaries with residential properties. The development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas. Where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use. Where the proposal relates to any heritage item, the development should retain its historic character and conserve significant fabric, setting or layout of the item. There are suitable and safe drop off and pick up areas, and off and on street parking. The characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use. The site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities. It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, 	<p>been reviewed by Council's Environmental Health department which has determined that the Acoustic Report adequately demonstrates that:</p> <ul style="list-style-type: none"> Compliance criteria within internal sleeping areas has been achieved. The long-term impact of road vibration noise has been adequately considered. The correct logging location has been chosen. Noise from the rear car park area has been adequately considered. Noise impact to the residential units at 820 Victoria Road has been adequately considered. <p>With respect to the compatibility of the location to the development, the newly prepared Air Quality Impact Assessment (dated 22 July 2024 as prepared by Northstar Air Quality Pty Ltd) includes recommendations to address vehicle generated pollution and, although intended to protect the children of the centre, it is also considered that one of the mitigation measures suggests that vehicle generated pollution could be increased by the development by virtue of vehicle queuing into and out of the proposed car park. Given the airborne nature of vehicle emissions, it is not unreasonable to expect that increased pollution events such as this would not only be concentrated at the centre but would also have the potential to flow over into neighbouring residential property, particularly those neighbouring properties openly exposed to the car park and any exhaust vents which are recommended to be installed.</p> <p>The site is located on Victoria Road which is a classified road estimated to carry an average daily volume of 28,658 westbound vehicles per day (taken from</p>

Clause	Comment
cellar door premises and sex services premises.	<p>the 7-day automatic traffic count survey conducted in front of the site on Victoria Road in the westbound direction from 12:00AM, Sunday 14 August 2022 to 12:00AM, Sunday 21 August 2022 as contained in the applicant's submitted Traffic Report dated 2 November 2022 as prepared by McLaren Traffic Engineering & Road Safety Consultants).</p> <p>It is noted that, according to the Transport for NSW 'Traffic Volume Viewer', Victoria Road carried in excess of 56,552 vehicles per day (circa 2022) – this comprises 26,613 westbound vehicles and 29,939 eastbound vehicles. Of this, 3,939 vehicles were trucks.</p> <p>Therefore, the submitted traffic report suggests an increase in westbound traffic since the TfNSW survey of 2022 by 2,045 vehicles daily.</p> <p>The report notes that the operating speeds of vehicles using this part of Victoria Road is 60.2kmh of which 6.7% of vehicles are heavy vehicles (trucks). Although Transport for NSW and Council's Traffic department have not raised any objection to the proposal (subject to conditions), the locating of the use, particularly with respect to the entering and leaving the site during peak hour is not considered to be satisfactorily respond to the requirement of Part C2 in that the location and surrounding uses (i.e. Victoria Road) are not compatible with the proposed development.</p>
C4 <i>Objective: To ensure that sites for childcare facilities do not incur risks from environmental, health or safety hazards.</i>	Not Consistent As noted throughout this report, the applicant's Air Quality Impact Assessment has provided an analysis of

Clause	Comment
<p>A childcare 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"> Proximity to: <ul style="list-style-type: none"> Heavy or hazardous industry, waste transfer depots or landfill sites. LPG tanks or service stations. Water cooling and water warming systems. Odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses. Extractive industries, intensive agriculture, agricultural spraying activities. Any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site. 	<p>vehicle generated pollution in relation to the site and proposed use.</p> <p>The Assessment has been reviewed by Council's Environment Health department who have identified that the data used in the Assessment has been sourced from an AQMS at Macquarie University and in an area which bears no resemblance to the conditions of that part of Victoria Road in front of the site.</p> <p>Notwithstanding, although the Air Quality Impact Assessment indicates that the site is not adversely impact by airborne pollution, the Assessment goes on to provide a set of stringent mitigation measures should pollution levels rise beyond a 'good' classification (as defined by the AQC table include under Principle 4 earlier in this report). These measures include a reduction of the use of outdoor play areas and also include progressive indoor ventilation strategies and medical responses to avoid high level of airborne pollution. The inclusion of such stringent mitigation measures therefore suggests that, although precautionary, there is a potential to incur risk to the health of children attending the centre from an identified environmental hazards.</p>
Clause 3.6 - Noise and Air Pollution	
<p>C26</p> <p><i>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</i></p> <p>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>Not Consistent</p> <p>The site is situated on the southern side of Victoria Road which is a Classified Road.</p> <p>According to the Transport for NSW 'Traffic Volume Viewer', Victoria Road carried in excess of 56,552 vehicles per day (circa 2022) – this comprised 26,613 westbound vehicles and 29,939 eastbound vehicles. Of this, 3,939 vehicles were trucks.</p>

Clause	Comment
	<p>As discussed throughout this report, a primary concern, and the fundamental reason for the recommendation to refuse the application, is the impact of vehicle generated airborne pollution from Victoria Road on the health of children attending the centre.</p>
<p>C27</p> <p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed childcare facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • Creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution. • Using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway. • Incorporating ventilation design into the design of the facility. 	<p>Not Consistent</p> <p>An Air Quality Impact Assessment has been conducted on two separate occasions (and by two separate consultants) for this development.</p> <p>Both Assessments have been identified as including data which does not adequately nor accurately reflect the conditions on the site resulting from vehicle related airborne pollution.</p> <p>The first Assessment (dated 20 September 2022 as prepared by Airsafe for EI Australia Pty Ltd) was reviewed by Council's Environmental health department who determined that the report failed to adequately demonstrate that:</p> <ul style="list-style-type: none"> • Sampling locations were specific enough to ensure vehicle emissions from Victoria Road were accurately accounted for. • Appropriate standards were considered, as the Australian Building Code Board was referenced rather than to NEPM (National Environment Protection Measure for Ambient Air). • Critical parameters including PM2.5 and Nitrogen Dioxide were measured and considered. • The measurement time including the average measuring period for CO – Carbon Monoxide was considered. The report should address the time of day, as air quality is generally worse during peak hour traffic

Clause	Comment
	<p>periods in the morning and afternoon.</p> <ul style="list-style-type: none"> Results could be verified, as there was a lack of measurement raw data attachments for numerous parameters for validation. Atmospheric conditions of the date the assessment were considered. <p>The second (and most recent) Assessment (dated 22 July 2024 as prepared by Northstar Air Quality Pty Ltd) includes further data sourced from an AQMS at Macquarie University (the station is located at an oval in the grounds of the university) which has then been modelled to gauge what the estimated air quality impact would be at the subject site. The further data sourced from the Macquarie University AQMS is not site specific and does not provide an accurate representation of localised air quality at the subject site.</p> <p>The second assessment notably includes stringent mitigation measures which indicate that the site and the occupants of the centre would be subject to risk from airborne pollution such that the employment of the recommended mitigation measures would compromise the operation of the centre and the amenity of the children attending the centre due to the restricted use of outdoor play areas, should pollution levels rise above a 'good' rating (as determined by the AQC table published by NSW DCCEE).</p> <p>The second assessment was also reviewed by Council's Environmental Health department who determined that the assessment has still failed to adequately demonstrate that pollutants of concern have been adequately assessed to ensure that the potential</p>

Clause	Comment
	risk to a vulnerable population are negligible.

5.4 Ryde Local Environmental Plan 2014

The site is zoned R2 Low Density Residential under the RLEP.

A 'centre-based childcare facility' is permitted with consent in the R2 Low Density Residential zone.

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

- *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
Height of Buildings	9.5m	4.1m to 9.1m	N/A	Yes
Floor Space Ratio Site area: 3,950m ²	0.5:1 1,975m ² GFA*	0.47:1 1,852m ² GFA	Nil Nil	Yes

*GFA = Gross Floor Area.

Other Applicable Clauses

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 listed in Schedule 5 of the RLEP as Item 154. Item 154 is described as the “Wallametta Club” (house) and includes Lots 3 and 4 in DP 219163 and Lot 2 in DP 205390. Although the item references the house only, the lot description covers the whole of the subject site.

Council records indicate that the site has been used for a variety of activities since 1890 including residential, medical (Doctor’s practice), entertainment (the Wallumetta Ryde and District Business and Professional Men’s Club), and currently for religious (monastic residence) and ancillary recreational purposes.

The application includes a Heritage Impact Statement (dated 28 October 2022) and Addendum (dated 27 March 2024) which concludes:

“The proposed building is well-designed with a simple contemporary façade that will sit comfortably next to the heritage item and to which it will present as visually subordinate by virtue of its single-storey presentation to the street.

The proposed front and side setbacks of the new building are sufficient, while the proposed lot consolidation will provide effective management of the site and will ensure the heritage item retains a generous landscaped curtilage and open setting. The amended proposal is supported by a detailed Schedule of Conservation Works which will aid in the immediate restoration of the heritage item”.

Council’s Heritage Officer has reviewed the proposal and does not raise any objection.

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, 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 locates the site within the north-eastern edge of a Class 5 acid sulfate soils area. The area of the site which will be subject to partial excavation is located approximately 440m to the north-east of a Class 3 acid sulfate soil area however, this excavation work is to address the slope of the site as it rises towards Victoria Road and is unlikely to lower the water table below 1 metre AHD on the Class 3 land.

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 (net) of approximately 2,100m³ of soil to be removed from the site.

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 excavation works will not intersect the water table and thus not require dewatering.
- Council’s City Works department, Development Engineer and Environmental Health 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, a 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.

5.5 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.

5.6 Ryde Development Control Plan 2014 (RDCP 2014)

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

- 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:

- Operational or management plans or arrangements (including hours of operation),*
- Demonstrated need or demand for child care services,*
- Proximity of facility to other early education and care facilities,*
- Any matter relating to development for the purpose of a centre-based child care facility contained in:*
 - The design principles set out in Part 2 of the Child Care Planning Guideline, or*
 - 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 that are not already covered by the Guidelines are assessed in this report.

A detailed assessment of the proposal against the RDCP Part 3.2 – ‘Child Care Centres’, Part 3.3 – ‘Dwelling Houses and Dual Occupancies’, and Part 9.3 – ‘Parking Controls’ is detailed in the compliance table at **Attachment 4**.

The following addresses specific clauses within the RDCP 2014 which are inconsistent/not compliant with an applicable requirement. The matters discussed below are included as reasons to refuse the application.

Part 3.2 – Child Care Centres

Clause	Comment
Clause 2.1.1 - Preferred Locations	
Objectives: <ol style="list-style-type: none"> 1. To ensure that sites selected for child care centres minimise opportunities for adverse impact on the locality and maximise opportunities for a suitable environment for the users. 2. To ensure sites have the least potential adverse impact on neighbouring properties in terms of noise, loss of privacy and traffic. 3. To ensure sites have the least amount of impact on neighbouring properties in terms of scale of development. 4. To ensure sites are of a shape and size which can support vehicular access enabling vehicles to enter and leave with minimal disruption to traffic flow, and without endangering pedestrians. 5. To encourage child care centre development in areas which are not adversely affected by noise, vibration, traffic safety issues or pollution associated with heavy traffic. 6. To ensure sites are of suitable topography for child care centre development. 7. To identify preferred sites for child care centre developments in order to assist in selection of sites suitable for maximising compliance with these controls. 	
Not located on arterial or sub-arterial roads.	Not Consistent The site is located on Victoria Road which is an arterial road (state). Given the objectives of the control (see above), it has been noted throughout this report that the development would not be consistent with Objective 5.
2.1.2 - Environmental Risks/Hazards	
The location is to take into consideration any other environmental health hazard including:	Not Consistent The site is located on Victoria Road which is an arterial road (state).

Clause	Comment
<ul style="list-style-type: none"> i. Pollution created by car and other vehicle fumes (from high traffic volumes such as on arterial, sub arterial and collector roads); ii. Existing and potential on and off-site electromagnetic fields; iii. Contaminated land; iv. Lead in painted surfaces, carpets, furnishings and roof void in existing buildings; v. Asbestos or other contamination or poisoning in existing buildings; vi. Proximity to service stations; vii. Proximity to LPG tanks; 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; ix. Proximity to transmission lines, railway lines, mobile phone towers. 	<p>Given the objectives of the control (see above), it has been noted throughout this report that the development would not be consistent with Objective 5 and Control (i).</p>
<p>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.</p>	<p>Not Consistent</p> <p>The site is located on Victoria Road which is a classified road estimated to carry an average daily volume of 28,658 westbound vehicles per day (taken from the 7-day automatic traffic count survey conducted in front of the site on Victoria Road in the westbound direction from 12:00AM, Sunday 14 August 2022 to 12:00AM, Sunday 21 August 2022 as contained the applicant's submitted Traffic Report dated 2 November 2022 as prepared by McLaren Traffic Engineering & Road Safety Consultants).</p> <p>The report notes that 6.7% of vehicles using the surveyed section of Victoria Road are heavy vehicles (trucks).</p>
<p>The site is not to be in a location likely to be affected by emissions of dust, fumes, noise, nor by frequent truck movements.</p>	

Clause	Comment
	<p>An Air Quality Impact Assessment has been conducted on two separate occasions (and by two separate consultants) for this development.</p> <p>Both Assessments have been identified as including data which does not adequately nor accurately reflect the conditions on the site resulting from vehicle related airborne pollution.</p> <p>The first Assessment (dated 20 September 2022 as prepared by Airsafe for EI Australia Pty Ltd) was reviewed by Council's Environmental health department who determined that the failed to adequately demonstrate that:</p> <ul style="list-style-type: none"> • Sampling locations were specific enough to ensure vehicle emissions from Victoria Road were accurately accounted for. • Appropriate standards were considered, as the Australian Building Code Board was referenced rather than to NEPM (National Environment Protection Measure for Ambient Air). • Critical parameters including PM2.5 and Nitrogen Dioxide were measured and considered. • The measurement time including the average measuring period for CO – Carbon Monoxide was considered. The report should address the time of day, as air quality is generally worse during peak hour traffic periods in the morning and afternoon. • Results could be verified, as there was a lack of measurement raw data attachments for numerous parameters for validation. • Atmospheric conditions of the date of the assessment were considered.

Clause	Comment
	<p>The second (and most recent) Assessment (dated 22 July 2024 as prepared by Northstar Air Quality Pty Ltd) includes further data sourced from an AQMS at Macquarie University (the station is located at an oval in the grounds of the university) which has then been modelled to gauge what the estimated air quality impact would be at the subject site. The further data sourced from the Macquarie University AQMS is not site specific and does not provide an accurate representation of localised air quality at the subject site.</p> <p>The second assessment notably includes stringent mitigation measures which indicate that the site and the occupants of the centre would be subject to risk from airborne pollution such that the employment of the recommended mitigation measures would compromise the operation of the centre and the amenity of the children attending the centre due to the restricted use of outdoor play areas, should pollution levels rise above a 'good' rating (as determined by the AQC table published by NSW DCCEE).</p> <p>The second assessment was also reviewed by Council's Environmental Health department who determined that the assessment has still failed to adequately demonstrate that pollutants of concern have been adequately assessed to ensure that the potential risk to a vulnerable population are negligible.</p>

Part 3.3 – Dwelling Houses and Dual Occupancies

The RDCP includes controls specific to development within the R2 Low Density Residential zone, being most typically dwelling houses and dual occupancies.

Although not a dwelling house or dual occupancy, the controls do reflect the built form expectations of development in the zone.

The assessment has found that the issues identified which are not consistent or not compliant with the controls are either supportable or may be addressed through condition if the application were to be approved.

An assessment against the relevant control under Part 3.3 has been undertaken and is included at **Attachment 4**.

Part 9.3 – Parking Controls

The application has been assessed against the parking requirements under Part 9.3 of the RDCP and is found to be compliant.

The table detailing compliance is included at **Attachment 4**.

5.7 Planning Agreements OR Draft Planning Agreements

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

5.8 City of Ryde 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 **\$3,332,713** (excluding GST). The required contributions will be imposed as a condition should the application be approved are:

A – Contribution Type	B – Contribution Amount
Section 7.12 Contribution	\$33,575.84

5.9 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 may be imposed should this application be approved.

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 may be imposed should this application be approved.

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 not suitable for the development.

8. The Public Interest

The development is contrary to the public interest as it proposes a child care centre at a location which would have a detrimental impact upon the health of children attending the centre.

9. Public Notification and Submissions

In accordance with Council's Community Participation Plan, 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, 11 submissions were received objecting to the development.

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 9 April 2024 and 26 April 2024. The second notification period was extended to 10 May 2024 after it was found that the amended plans were not made available on Council's DA Tracker website.

As a result of the second extended notification, seven (7) submissions were received objecting to the development.

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

- ***Oversupply of childcare centres***

Comment

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

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

Centre	Address	Age Groups	Capacity	Distance
Lilypad Early Learning Centre	Top Ryde Shopping Centre	6 wks to 6 yrs	106 children	500m
Papilio Early Learning Centre	6 Porter Street, Ryde	0 to 5 yrs	119 children	580m
Kidz on Porter	29 Porter Street, Ryde	0 to 6 yrs	84 children	690m

Figure 20 below shows the proximity of the above listed childcare centres to the subject site.



Figure 20 – Proximity of child care centres.

The above list and map indicate that the local area is not subject to an oversupply of child care centres in the area, particularly given the high densities evident at all three (3) locations which would generate demand for their specific local areas (i.e. Top Ryde and Meadowbank).

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

- **Non-compliance with the RDCP 2014:**
 - **Part 3.2 – Child Care Centres:**
 - **Sub-clause 2.1.1 – Preferred Locations.**
 - **Sub-clause 4.2 – Acoustic privacy for Adjoining Residents.**
 - **Sub-clause 4.3 – Visual Privacy for Children in the Centre.**
 - **Sub-clause 5.1 – Car Parking.**
 - **Sub-clause 5.2 – On-Site Manoeuvrability.**
 - **Sub-clause 5.3 – Impact on Traffic Flow.**
 - **Part 3.3 – Dwelling Houses and Dual Occupancy:**
 - **Sub-clause 2.9.3 – Rear Setbacks.**

Comment

The above issues have been addressed in detail in **Attachment 4** of this report.

Acoustic Privacy for Adjoining Residents

The updated Acoustic Report (Revision 5, dated 16 July 2024 as prepared by Acoustic Logic) includes a detailed analysis of data from an increased number of unattended noise monitors around the perimeter of the site including monitors adjacent to the eastern boundary receivers (abutting the rear of 820, 822 Victoria Road, and 7, 9 & 11 Yerong Street) and the southern boundary receivers (abutting 17 and 19 Yerong Street).

These monitors were installed for continuous period between 24 May 2024 and 3 June 2024.

The report uses the industry accepted criteria established in the *Association of Australian Acoustic Consultants 2020 (AAAC)* Guideline to assess the results of the analysis which includes the following:

Receiver	Modelling Scenario	Predicted Worst Case Noise Level dB(A)	Criteria (Day) 7.00am to 6.00pm	Compliance
822 Victoria Road	Scenario 1 Using OPA Summer Period	51	54	Yes
820 Victoria Road		49 - 54		
Yerong Street		46		
822 Victoria Road	Scenario 2 Using OPA Winter Period	51	54	Yes
820 Victoria Road		46		
Yerong Street		37		
822 Victoria Road	Scenario 3 Indoor Classroom & Drop-Off/Pick-Up	50	54	Yes
820 Victoria Road		42		
Yerong Street		40		

The above table shows that the predicted worst case noise levels are below the established AAAC criteria (54) which is deemed to be acceptable. This has been reviewed by Council's Environmental Health Officer who confirms that the predicted noise levels at the neighbouring receiver properties is acceptable.

With respect to the remaining issues listed above, the development was found to be inconsistent/non-compliant with the following:

- Part 3.2 – Child Care Centres:
 - Sub-clause 2.1.1 – Preferred Locations.
 - Sub-clause 4.3 – Visual Privacy for Children in the Centre.
- Part 3.3 – Dwelling Houses and Dual Occupancy:
 - Sub-clause 2.9.3 – Rear Setbacks.

The above are summarised as follows:

Sub-clause 2.1.1 – Preferred Locations

This issue has been discussed under Section 5.6 of this report where it was considered that the development did not comply with sub-clause 2.1.1 because it is on a site which is located adjacent to an arterial road.

The sub-clause has relevance in the objective (specifically Objective 5) of the Clause which aims to “encourage child care centre development in areas which are not adversely affected by noise, vibration, traffic safety issues or pollution associated with heavy traffic”.

As discussed throughout this report, the fundamental reason the application is recommended to be refused is in response to the inability of the applicant through two separately prepared and submitted Air Quality Impact Assessment reports to satisfy Council that, by virtue of its location in proximity to Victoria Road, children attending the centre would not be exposed to a health risk caused by vehicle-generated airborne pollution.

This issue forms a reason to refuse the application.

Sub-clause 4.3 – Visual Privacy for Children in the Centre

Concern is raised regarding the possibility of overlooking into outdoor play areas from the existing residential flat building at 822 Victoria Road.

The centre includes an outdoor play area at the upper ground floor level (OPA 3) which is located approximately 10m from the south-west facing balconies of 822 Victoria Road. The play area is partly roofed within the north-eastern half and north-western side, the remaining area is unroofed.

Figure 21 below shows the exposed/open part of OPA3 (in green) and the view angles (red lines) from the balconies and associated rooms at 822 Victoria Road. As can be seen, the view angles are shallow and do not overlook activity within the outdoor play area.

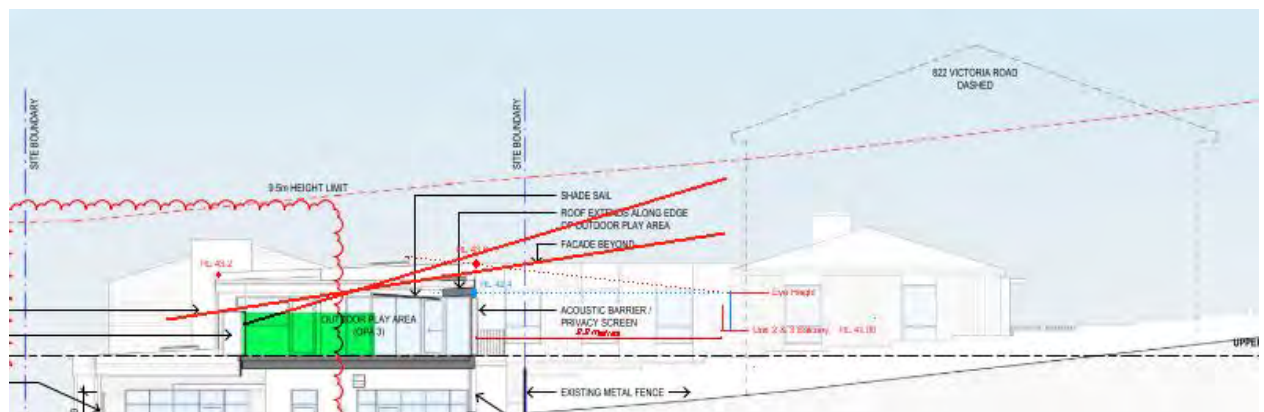


Figure 21 – View angles from 822 Victoria Road to OPA 3.

Although overlooking from 820 Victoria Road has not been raised in submissions it is noted that the north-west facing elevation of that property includes bedroom and bathroom windows only (unlike 822 Victoria Road which includes living room and utility room windows). These windows are diagonally opposite OPA 3 and do overlook the play area.

Notwithstanding, In the judgement for the NSW Land and Environment Court case *Meriton v Sydney City Council* [2004] NSWLEC 31, Senior Commissioner Roseth

established (at paragraph 46) that “the use of a space determines the importance of its privacy. Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms. Conversely, overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time”.

The implication of the above statement is that the bedroom windows do not form a reasonable concern with which to refuse the application.

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

Sub-clause 2.9.3 – Rear Setbacks

The development includes a rear setback (being along the southern boundary abutting detached residential dwellings along Yerong Street) of between 1.5m to 6.5m at the ground floor level and a rear setback of between 6.7m and 9.7m is proposed at the upper floor level.

Although the rear upper floor level is setback further than the ground floor level this is contrary to that anticipated in the R2 Low density Residential zone.

The assessment considered that the greater level of non-compliance was at the ground floor level which would not have a significant impact upon neighbouring property while the upper floor level was setback and articulated to a greater degree.

Furthermore, with respect to impact, the rear setback non-compliances were considered to not result in any unreasonable degree of impact from overshadowing (see **Figures 24 to 26** below) or visual privacy (which could be enhanced through additional treatments to windows such as screening or the installation of obscure film/glazing and which could be addressed by condition should this application be approved).

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

- ***Visual Privacy***

Comment

Submissions from surrounding residents raise concern that the centre will overlook adjacent private open space areas and habitable rooms.

The rear (southern) elevation includes numerous windows which service administration, and classroom areas. No detail is provided as to any privacy treatments to these windows.

Given the purpose of the centre, these rooms would be high frequency usage and overlooking into the rear private open space areas and adjacent north-facing habitable rooms of neighbouring detached dwellings would be possible, and particularly the perception of being overlooked from these windows would be likely.

These windows may be treated by condition should this application be approved to mitigate overlooking through the installation of obscure glazing/film.

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

- **Traffic:**
 - **Safety on Victoria Road.**
 - **Congestion on Local Roads.**

Comment

Submissions raises concern regarding the safety of Victoria Road and the users of the proposed centre. Crash history is cited in the submissions which identify incidences directly in front of the subject site.

Furthermore, submissions raise concern that the development would result in congestion on the local road network.

Safety on Victoria Road.

In response to this issue, the application is accompanied by crash history data from TfNSW which indicates the following:

Year	Degree of Crash	Time	Lighting	Weather	Object Hit	Injured
2018	Non-Casualty Tow-Away	00.01-01.59	Darkness	Raining	Bus Shelter	0
2019	Minor/Other Injury	00.01-01.59	Darkness	Raining	Utility & Fence	1
2019	Non-Casualty Tow-Away	20.00-21.59	Darkness	Raining	Bus Shelter	0
2020	Serious Injury	22.00-Midnight	Darkness	Raining	Utility Pole	1
2021	Minor/Other Injury	14.00-15.59	Daylight	Raining	Utility Pole	1

The above data has been reviewed by Council's Traffic Engineer who advises:

"The crash history on the section of Victoria Road immediate to the site shows 5 recorded crashes during past 5 years, 4 occurred in the evening, outside the childcare operation hours.

The site frontage's Victoria Road has been recently constructed with Elsholz redirective concrete kerb to improve the safety of the road section along the site. The outdoor activity areas and the room of the proposed childcare are both designed far from the site frontage with Victoria Road.

Therefore, the traffic safety risks of the site have been mitigated".

The issue of safety on Victoria Road does not form a reason to refuse the application.

Congestion on Local Roads.

The Traffic and Parking Impact Assessment submitted with the application (and reviewed by Council's Traffic Engineer) identifies routes taken to access and egress the development as shown in **Figures 22 and 23** below.

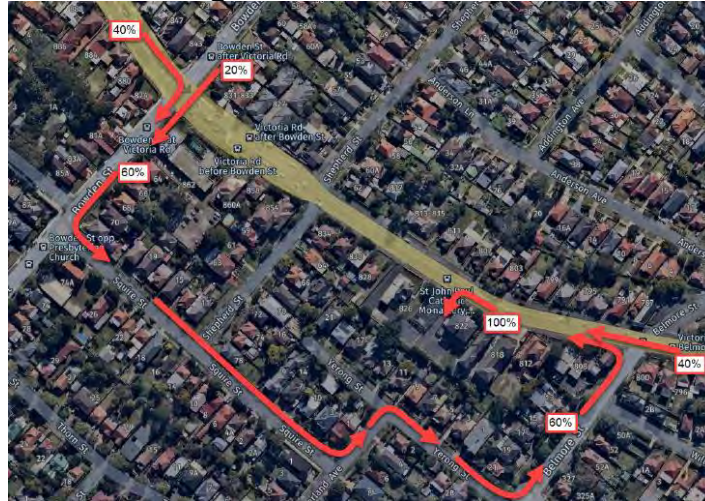


Figure 22 – Inbound trip routes.

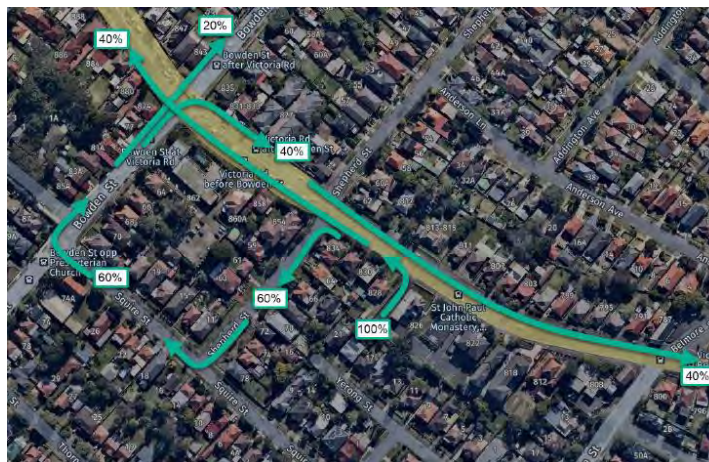


Figure 23 – Outbound trip routes.

The Report points out that “the intersections of Belmore Street / Victoria Road, Bowden Street / Squire Street and Bowden Street / Victoria Road all retain the same overall level of service under future conditions with minimal delays and additional capacity, indicating that there will be negligible impact on the existing road network as a result of the proposed development”.

Further to the above, an associated application has been lodged with Council (MOD2024/0066) which seeks to amend the hours of operation for the chapel at the neighbouring Maronite Church so as to minimise conflict with the operating hours of the proposed child care centre and therefore relieve on-site parking demand between uses.

In order to ensure consistency and an orderly sequencing of a determination should this application be approved, the application (MOD2024/0066) is held pending the determination of this application.

The issue of congestion on local roads does not form a reason to refuse the application.

- **Inadequate provision of landscaped area**

Comment

The development includes provision of 938m² deep soil landscaped area. This is an increase of 38m² from the existing provision of deep soil landscaped area (900m²).

Additionally, the development proposes the planting of 68 trees and 545 shrubs around the site which is a significant increase to the existing six (6) trees on the site.

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

- **View loss**

Comment

This issue is discussed in detail in **Attachment 4** to this report.

In summary, the impact of the development upon available views from the submitter's property is considered to be encroaching and that this could be remedied through a slight reduction (approximately 1.2m) in the height of the south-eastern wing of the centre, partially gained through the removal of the north-facing parapet of that wing.

This was raised separately with the applicant who examined the suggestion made by Council. However, the applicant advised that a reduction in height would not be achievable as this would reduce the floor-to-ceiling height within the wing.

It is noted that the floor-to-ceiling height of the ground floor section of the wing is 3.9m.

As discussed in the view sharing assessment in **Attachment 4**, it is maintained by Council that this matter could be improved and remedied through a more rigorous investigation of architectural options.

This issue forms a reason to refuse the application.

- **Sunlight access**

Comment

This issue has been raised by neighbouring residential properties to the north-east and to the south.

The application is accompanied by shadow diagrams which indicate that the degree of overshadowing to neighbouring property would comply with the requirements of Clause 2.14.1 ('Daylight and Sunlight Access') under Part 3.3 of the RDCP (which regulates sunlight access in the R2 Low Density Residential zone).

Clause 2.14.2 requires:

For neighbouring properties ensure:

- i. sunlight to at least 50% of the principal area of ground level private open space of adjacent properties is not reduced to less than two hours between 9 am and 3 pm on June 21; and
- ii. windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9 am and 3 pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation topography of the subject and neighbouring sites.

Figures 24 to 26 below show the extent of shadow cast over adjoining property between 9.00am and 3.00pm on 21 June.

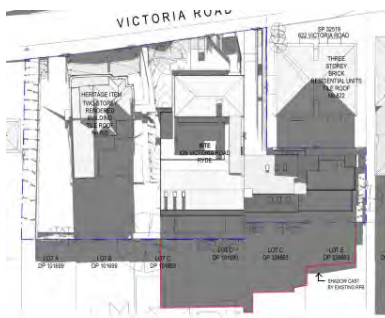


Figure 24 – Shadows at 9.00am



Figure 25 – Shadows at noon.



Figure 26 – Shadows at 3.00pm

The above figures show that shadows are cast over the rear yards of properties along Yerong Street at 9.00am (**Figure 26**) which are estimated at:

- 9 Yerong Street: 65%.
- 11 Yerong Street: 86.5%.
- 13 Yerong Street: 94.7%.
- 15 Yerong Street: 86.6%.
- 17 Yerong Street: No change.
- 19 Yerong Street: No change.

Given the orientation of the site, proposed height and setbacks of the development, shadows then move east as can be seen in **Figures 27 and 28** leaving the rear yards of the properties along Yerong Street free of shadow cast by the development.

From Noon to 3.00pm, the shadows cast to the east are towards 822 Victoria Road. However, given the requirements of the clause, the north-west elevation of 822 Victoria Road is free of shadow between 9.00am and Noon.

Therefore, the above indicates that the development achieves compliance with the requirements of Clause 2.14.2 of the RDCP.

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

- ***Encroachment on the Heritage building (“Wallumetta”)***

Comment

The application has been amended from the subdivision of 3 lots into 2 lots which introduced a property boundary in close proximity to the heritage building.

The amended application (submitted between 28 February 2023 and 1 March 2023) removed this proposed subdivision and instead sought to consolidate the existing 3 lots into 1 lot.

The consolidated lot removes any new boundaries within the site and, subsequently, encroachments on the heritage building. This was an accepted outcome by Council's Heritage Officer.

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

- ***Incorrect survey location of Tree T7 on neighbouring property***

Comment

A submission identified that the location of Tree T7 was incorrectly located on the submitted Survey Diagram. Tree T7 (identified as a *Ficus macrocarpa var hillii* (Hills Weeping Fig)) is located at the rear of 15 Yerong Street and immediately adjacent to the rear boundary of the subject site.

The submission notes that the location of Tree T7 is approximately 3m to the west of the surveyed location as indicated in **Figure 27** below (Tree T7 is indicated in red at its surveyed location and in black at the location referred to in the submission).

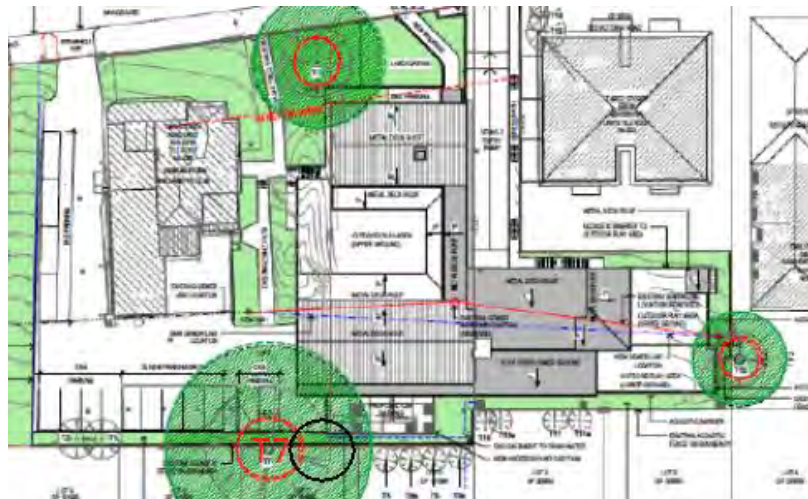


Figure 27 – Location(s) of Tree T7.

As can be seen in **Figure 29** above, the estimated location of Tree T7 would be opposite an existing at-grade car parking hardstand area and adjacent to a proposed at-grade car parking hardstand area. It is worth noting that the proposed at-grade car parking hardstand replaces the existing bitumen at-grade car parking area which requires that this specific area to be filled rather than excavated, thereby minimising risk to the root system of the tree.

Notwithstanding, Council requested that the tree be resurveyed to confirm its location. The updated Arboricultural Impact assessment (dated 26 March 2024) confirms that the “revised survey has the tree in a similar location and a further minimal setback from

the boundary". The updated report goes on to confirm that "the proposed building and basement are located outside the structural root zone and that the tree is able to be retained.

This issue does not warrant the refusal of the application.

- **Property value**

Comment

Property value cannot be considered as a planning issue as is not a matter for consideration under the Environmental Planning and Assessment Act, 1979.

This issue cannot be used as a reason to refuse the application.

10. Referrals

Transport for NSW (TfNSW)

The application was referred to TfNSW due to the site being adjacent to, and access from Victoria Road.

Transport for NSW did not raise any objection to the application subject to conditions which will be imposed should this application be approved.

Ausgrid

The application was referred to Ausgrid due to the site being in proximity to underground power cables.

Ausgrid did not raise any objection to the application subject to conditions which will be imposed should this application be approved.

City Works

Traffic

Council's Traffic Department has reviewed the application and does not raise any objection to the proposal subject to conditions which will be imposed should this application be approved.

Public Domain

Council's Public Domain Department has reviewed the application and does not raise any objection to the proposal subject to conditions which will be imposed should this application be approved.

Development Engineering

Council's Development Engineer does not raise any objection to the proposal subject to conditions which will be imposed should this application be approved.

Environmental Health

The application was referred to council's Environmental Health department which raised significant issues with the proposal, in particular to the matter raised throughout this report regarding air quality and the associated health risk to children attending the centre.

In their response, Council's Environmental Health department states:

"SUMMARY

The proposed childcare centre is situated on Victoria Road, and surrounded by 2 residential flat buildings, standalone residential premises to the rear and an existing place of public worship.

In response to the most recent June 2024 review of the Air Quality Impact Assessment and Acoustic Assessment for the proposed development, the applicant has submitted further updated reports for review.

- A review of the Air Quality assessment has determined that the assessment has still failed to adequately demonstrate that pollutants of concern have been adequately assessed to ensure that the potential risk to a vulnerable population are negligible.
- Site specific measurements of pollutants associated with heavy vehicles were not measured, and data utilised from a AQMS cannot be considered an appropriate comparison. There is no objection to the modelling methodology utilised, however without an appropriate data set, there is too much uncertainty as to the validity of the predictions.

A review of the Acoustic report has now adequately demonstrated that compliance with noise criteria can be achieved with appropriate conditions.

Based on the issues identified within the air quality assessments, consideration needs to be given as to the suitability of the site for the proposed use in respect to the potential negative impact to children. Ensuring safe air quality for proposed child care centres is a key consideration.

DISCUSSION

Review of Air Quality Assessment

The Department of Planning, Industry and Environment *Childcare Planning Guideline dated September 2021* has an objective: *To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.*

The guideline recommends locating child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial developments.

Scientific Literature is clear in demonstrating both the negative impact on child lung development and cognitive development due to exposure to vehicle emissions and the impact of traffic pollution in general.

The Clean Air and Urban Landscapes Hub (funded by the Australian Government's 'National Environmental Science Program') found that:

The concentration of air pollutants from vehicles can vary significantly over a small area, usually decreasing with distance from traffic. CAUL researchers conducted a roadside study in Randwick in Sydney's east to investigate this.

We found levels of PM2.5 at the roadside were sometimes twice those measured at nearby air-quality monitoring stations. PM2.5 concentrations were also found to be about 50% higher in the morning peak hour compared to the evening traffic peak. This is consistent with a well-recognised pattern of morning traffic being busier and more congested.

I have reviewed the updated Air Quality Assessment of 826 Victoria Road, Ryde – Prepared by Northstar dated 22 July 2024 and have concerns with the contents of the report as listed below:

It is important to note that no further site-specific air quality data has been obtained. The reasoning provided being:

AQIA	Council response
Generating a suitable dataset to determine the air quality environment at the Proposal site would require at least three months of air quality monitoring;	<p>Site specific data is critical to ensure that any potential risk can be accurately assessed considering the close proximity to a major road.</p> <p>Collecting the missing site-specific data was the purpose of completing a further assessment. Filling the data gap will help to ensure that the precautionary principle is appropriately applied to address any potentially adverse health impacts due to excess exposure.</p>
Air quality monitoring is significantly reliant on contemporaneous meteorological conditions (i.e. wind direction, wind speed, mixing height etc.) to obtain a dataset representative	Noted, and more justification as to why site-specific data for the missing parameters should be obtained. The site sits on a slope, meaning the vehicle emissions are greater due to increased vehicle usage.

of 'typical' background concentrations at the Proposal site; and,	
The use of dispersion modelling for such assessments is an established method.	Noted, and no objection to the use of dispersion modelling with the appropriate data set from site specific obtained data applied.

AQMS data

Page 26 of the report states:

The closest representative AQMS (Air Quality Monitoring Station) with available data is noted to be located at Macquarie Park. As discussed in Section 4.3, the selected representative year for meteorological modelling is 2021 and correspondingly, PM and NO₂ data from Macquarie Park AQMS have been adopted for use in this AQIA.

Council Response

It should be noted that the location of AQMS at Macquarie Park is 400m from the M2 motorway, surrounded by bushland. It should also be noted that 2021 was during the COVID pandemic lockdowns in Sydney, with potentially significantly less traffic on the roads, which may have potentially improved air quality during this period.



The AQMS as pictured above is located within the Macquarie University Sporting Fields.

Using this AQMS data for dispersion modelling may be difficult to justify being used as a comparison to a site that is directly adjacent to a major road.

Consideration should be made when comparing the air quality of a site far from a main road and surrounding by bushland, against a site on a main road with

significant heavy vehicle movements. The impact of road grade also needs to be accounted for, as road grade affects vehicle emissions.

The submitted letter from SPP Services dated 29 July 2024 states that:

The methodology has been used and accepted extensively in relation to childcare centres located on busy roads and also has been accepted in a number of Class 1 appeals in the Land and Environment Court.

I agree that there is no issue with the methodology, and it being used in LEC proceedings. In this respect, each case must be considered on its own facts. The use of AQMS data may not be an appropriate representation of the potential air quality at the site, considering the findings of case law referenced in the report, as follows:

Creative Drafting Services v City of Parramatta Council [2019] NSWLEC 1413

In respect to this referenced case law, it should be noted that this development was refused by the NSW LEC.

The findings state:

201. I accept that, in the interim, child care centres exist and are approved on such roads. However, in this instance, there are just too many development constraints which restrict the ability to minimise exposure to high levels of traffic emissions, too little robust and independent review to support the assessment undertaken and therefore its findings, and too many unknowns, for me to agree that acceptable health outcomes will result. If the HRA assumed outcome did not eventuate, what is proposed would result in unacceptable levels of exposure from traffic emissions and agreed adverse health consequences for a number of young children.
202. It is on this basis that I have some sympathy for the Council's position that, in the absence of scientific certainty as to the exposure levels that will be received at the child care centre but the high likelihood that pollution levels at the site already exceed national safe standards, and where the adverse health outcomes with excess exposure are known, the precautionary principle should apply, and the application be refused.

The case law also found that:

104. Mr Eastman also questioned the acceptability of the evidence of Mr Todoroski. As an air quality expert in a recent child care centre case before the Court, *Chahda v Liverpool City Council* [2018] NSWLEC 1371 (*Chahda*), Mr Todoroski had said in the Joint Report of the air quality experts, in giving evidence on behalf of Liverpool City Council (Exhibit 23, p7), that:
 - "i. Motorway projects can have both positive and negative impacts on air quality depending on, amongst other things, the locations of receptors, **but a childcare centre introduced near to a busy road is likely to lead to net negative health effects on the occupants.**

The case law is quite clear in adding weight to Council's concerns about the potential health impacts of this development, and it is noteworthy that this air quality assessment would quote case law that ultimately resulted in the development application being refused by the Court.

PJM Group Pty Ltd v Ku-ring-gai Council [2022] NSWLEC 1170

In respect to this case law it should be noted that this development was approved.

This case law had similar contentions in relation to the use of AQMS data and lack of site-specific data.

The key difference is the level of the detail provided surrounding internal air filtration to address the issue.

The case law resulted in the following requirements:

A ventilation design has been incorporated in the design of the facility which adopts the following best-practice commitments to minimise air quality impacts upon the facility:

1. Fresh air intakes servicing the building air conditioning systems being located as far from the Pacific Highway as practicable (south-western façade of the building).
2. Allowance within the ventilation ductwork for (HEPA) filtration to remove fine particulate matter (PM2.5) prior to circulation through indoor areas.
3. Double door/air-lock entrance configuration to minimise unfiltered air ingress to the building.
4. As required, (i.e. for high pollution / bushfire days), the opportunity to operate the facility with sealed, filtered, air conditioned air within the building (pp 22-23).

Comparison to Air Quality Impact Assessment for LDA2023/0323 (691 to 695 Victoria Road)

Coincidentally, another development application proposed a childcare centre in similar circumstances only 1km from the subject site.

The development submitted an Air Quality Impact Assessment which included continuous monitoring of Nitrogen Dioxide, a parameter which was lacking in this submission.

The report determined that of the 7 monitoring days, 13 readings were found to exceed the NEPM criteria for Nitrogen Dioxide.

It is concerning that a AQIA for a site within 1km from this proposal is able to obtain site specific data, which was found to be adverse, and yet this proposal does not, and relies on AQMS data for use in modelling.

The report for LDA2023/0323 also provides site specific recommendations on page 18 to address air quality including:

Due to the location of the proposed childcare centre and elevated noxious gas levels (particularly NO₂), an air filtration system that is able to remove the following is recommended:

- NO₂; and
- Fine particulates.

The implemented air filtration system will require an adequate number of air changes each hour to provide clean air for the enclosed places.

The need for fine particulate removal in conjunction with NO₂ filtration is due to a significant proportion of the NO₂ (especially from diesel powered vehicles) attaching to particulates, subsequently contributing to further NO₂ exposure.

Some air conditioning suppliers are able to provide a suitable mechanical ventilation system with the following air purification elements:

- High-Efficiency Particulate Absorbing (HEPA) filter (for fine particulates); and
- Activated charcoal filter media (for NO₂).

It is noted that the activated charcoal filter must not be charcoal impregnated fabric, instead consist of granules of activated charcoal.

Another consideration to take note of is the required air flow rate that is required for the air filtration system. This is expressed through the air ventilation flow rate. The lessons learnt on air purifiers for similar situations recommends five (5) air changes per hour.

In respect to consistency between Air Quality Impact Assessment for similar developments, there is an expectation that an air quality assessment is robust and done to an appropriate standard. This is required in order to satisfy Councils concerns in relation to ensuring that the potential for adverse air quality is addressed to a negligible level.

The AQIA for DA2023/0323 is recommending a specific air filtration system involving both HEPA and Activated Charcoal with a large enough air ventilation flow rate to ensure that the air within the space is replaced at least 5 times per hour.

This is in contrast to this application which states:

It is recommended that air filters are fitted to the AVAC system to minimise air pollutant intake on days when the AQC (see Table 18) is 'very poor' or 'extremely poor'. Typically, these will be days impacted by regional hazard reduction burns and would be general advice for any development impacted and not specific to the childcare centre location.

In relation to the AQIS report, Table 1 on page 8 lists a response to the Council concerns, a further column has been included below with an updated Council response.

Council Comments	This AQIA	Section	Council Response
A review of the air quality assessment has determined that it has failed to adequately demonstrate that:			
Sampling locations were specific enough to ensure vehicle emissions from Victoria Road were accurately accounted for.	Existing vehicle emissions on Victoria Road and proposed vehicle emissions associated with the Proposal have been considered in this AQIA.	Section 2.3 and Section 5.2	There was no clarification on sampling locations provided in the initial report in terms of demonstrating appropriateness, however it is noted that a new consultant has been engaged.
Appropriate standards were considered, as the Australian Building Code Board was referenced rather than to NEPM.	This AQIA has adopted the standards presented in the Approved Methods (NSW EPA, 2022) which are derived from the NEPM.	Section 3.2	Noted.
Critical parameters including PM2.5 and Nitrogen Dioxide were measured and considered	PM2.5 and nitrogen dioxide (NO2) have been considered in this AQIA.	Section 2.3 and Section 6	These critical parameters were not measured and are the main pollutants from traffic.
The measurement time including the average measuring period for CO - Carbon Monoxide was considered. The report should address the time of day, as air quality is generally worse during peak hour traffic periods in the morning and afternoon.	1-hour average impacts have considered peak hour traffic flows as outlined within the Traffic Impact Assessment prepared for the Proposal (McLaren Traffic, 2022).	Section 5.2	Noted.

Results could be verified, as there was a lack of measurement raw data attachments for numerous parameters for validation.	Methodology regarding emissions estimation and modelling approach outlined in AQIA.	Section 5	The requested raw data was not provided from initial report, however it is noted that a new consultant has been engaged.
Atmospheric conditions of the date of the assessment were considered.	Meteorological conditions at the Proposal site have been modelled and considered for the modelling assessment, accounting for a series of 8 760 assessment hours.	Section 4.3 and Appendix B	Noted.

Acoustics

I have reviewed the acoustic report - 826 Victoria Road, Ryde – DA Acoustic Assessment prepared by Acoustic Logic Document Reference 20220639.1/1607A/R5/PF dated 16 July 2024 and accompanying letter dated 26 July 2024.

This document was updated in response to the Council review of the report dated 5 June 2024.

The updated acoustic report has specifically addressed concerns about:

- Specific data for the internal sleep area,
- The potential for increased noise levels from road vibration from heavy vehicles,
- The appropriateness of the initial logging locations,
- Assessment of the rear car park, and
- Assessment of the potential impact of noise from the development on the residential building located at 820 Victoria Road.

The updated acoustic report has addressed Council concerns in relation to the potential impact of noise from the development, and appropriate conditions of consents would apply.

CONCLUSION

The proposal does not satisfy the requirements of Council's Environment Health controls and cannot be supported due to the unacceptable risk to children due to the potential for unmitigated pollution from poor air quality from vehicles on Victoria Road.

REASONS NOT SUPPORTED

The Air Quality Impact Assessment was not adequate in demonstrating that the site will be suitable for the proposed use.

Specifically, the AQIA did not complete site specific measurements of key pollutants associated with vehicle emissions that have the potential to negatively impact on a vulnerable population.”

The issues raised by Council’s Environmental health department above with respect to air quality form the principal reasons to refuse the application.

Heritage

The application was referred to Council’s Heritage Officer who did not raise any objection to the proposal subject to conditions which will be imposed should this application be approved.

Landscape Architect

The application was referred to Council’s Landscape Architect did not raise any objection to the proposal subject to conditions which will be imposed should this application be approved.

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, it is recommended that the application be refused for the following reasons:

- a) The development does not satisfactorily demonstrate that the site is suitable for a child care centre given its proximity to a classified road, and the adverse health impacts upon attending children as a result of vehicle generated airborne pollution.
- b) Submissions received in response to the public exhibition of the application include reasons which warrant the refusal the application.
- c) The development is not in the public interest.

12. Recommendation

- 1) That the Ryde Local Planning Panel refuse to grant consent to development application LDA2022/0365 for lot consolidation of three lots into one lot, partial demolition works, construction of a purpose built two-storey (81 place) ‘Child Care Facility’ with car parking, and landscape works at 826 Victoria Road, Ryde, subject to the reasons for refusal included in **Attachment 1** of this report.
- 2) That those persons who provided a submission be notified of the decision.

ATTACHMENTS

- 1 Reasons for Refusal
- 2 Proposed plans
- 3 SEPP and Guideline Tables of Compliance
- 4 RDCP Tables of Compliance

Report prepared by:

Tony Collier
Senior Town Planner

Report approved by:

Sohail Faridy
Senior Coordinator Development Assessment

Carine Elias
Manager Development Assessment

Reasons for Refusal

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development is inconsistent with the provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (SEPP (T&I)). In particular, the development does not satisfy:
 - a) Section 2.119(2)(c) of SEPP (T&I) because the application does not satisfactorily demonstrate that the development is of a type that is not sensitive to vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential vehicle emissions within the site of the development arising from the adjacent classified road.
 - b) The following Design Quality Principles in Part 2 of the Child Care Planning Guideline (September 2021):
 - i. Principle 1 - Context.
 - ii. Principle 4 - Sustainability.
 - iii. Principle 6 - Amenity.
 - c) The following Matters for Consideration in Part 3 of the Child Care Planning Guideline (September 2021):
 - i. Clause 3.1 - Site Selection and Location:
 - a. Sub-clause C2.
 - b. Sub-clause C4.
 - ii. Clause 3.6 - Noise and Air Pollution:
 - a. Sub-clause C26.
 - b. Sub-clause C27.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of the *Ryde Development Control Plan 2014*. In particular, the development does not satisfy:
 - a) The following controls under Part 3.2 – Child Care Centres:
 - i. Clause 2.1 – Suitability of Location and Site for Child Care:
 - a. Sub-clause 2.1.1 – Preferred Locations.
 - b. Sub-clause 2.1.2 – Environmental Risks/Hazards.
 - b) The following control under Part 3.3 – Dwelling Houses and Dual Occupancy:
 - i. Clause 2.14.1 - View Sharing.
3. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the development does not provide sufficient information to appropriately consider the likely impacts.

4. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the development.
5. Pursuant to Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, the public exhibition of the application has resulted in submissions which raise issues that warrant the refusal of the application.
6. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not considered to be in the public interest.

[illegible]

826 VICTORIA ROAD, RYDE 2112




DA0025	SUNLIGHT DIAGRAMS - 22 DECEMBER - UPPER GROUND	1
DA1001	DEMOLITION SITE PLAN	4
DA1101	LOWER GROUND LEVEL FLOOR PLAN	8
DA1102	UPPER GROUND LEVEL FLOOR PLAN	8
DA2101	PROPOSED ELEVATIONS - SHEET 1	7
DA2102	PROPOSED ELEVATIONS - SHEET 2	3
DA2103	PROPOSED ELEVATIONS - SHEET 3	4
DA2104	PROPOSED ELEVATIONS - SHEET 4	4
DA3001	PROPOSED SECTIONS - SHEET 1	6
DA3002	PROPOSED SECTIONS - SHEET 2	6
DA3003	PROPOSED SECTIONS - SHEET 3	6
DA3004	HEIGHT LIMIT PLAN	4
DA9001	SIGNAGE DETAILS	2
DA9011	AREA PLANS	4
DA9012	AREA PLANS	7
DA9012a	AREA PLANS INCLUDING OPAs	4
DA9013	CUT & FILL DIAGRAM	2
DA9014	VIEW LOSS ASSESSMENT 822 VICTORIA RD	2
DA9015	EXISTING AND PROPOSED LANDSCAPED AREA	3

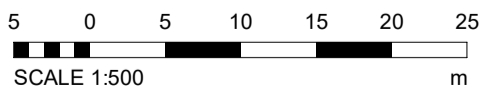
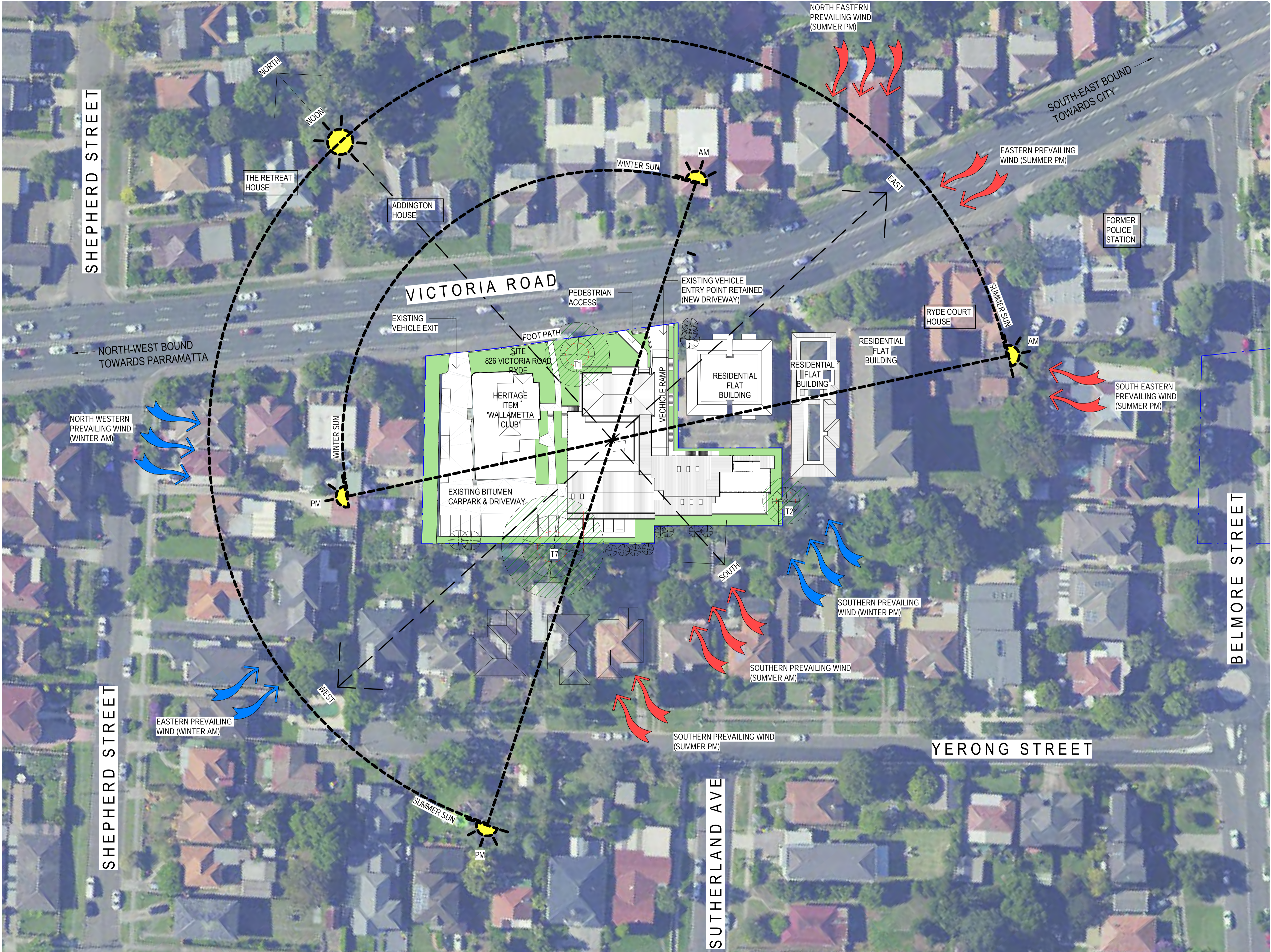
PROJECT:
 CHILDCARE CENTRE AT 826
 VICTORIA ROAD, RYDE

DRAWING TITLE:

COVER SHEET

NOTES: Nominated architect: Andrew O'Connell : 9018 Copyright remains the property of Alsia ArchitecturePty Ltd. Use only figured dimensions. All discrepancies to be referred to Alsia Architecture Pty Ltd prior to construction. Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.			NORTH: 	
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DRAWN BY: TL	CHECKED BY: AW	PROJECT NO: 3110.01	DRAWING NO: DA0000	ISSUE: 5
CAD FILE:				

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DEVELOPMENT APPLICATION

ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
3	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION

HERITAGE	
HERITAGE	HERITAGE ITEM NAMES SHOWN WITH TEXT BORDER

PREVAILING WINDS	
	PREVAILING WIND
	PREVAILING WIND (MORE DOMINANT)
	WINTER WIND
	SUMMER WIND

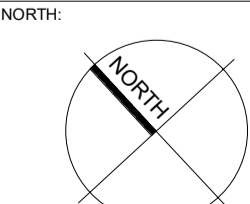
CLIENT:
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE

ARCHITECT:

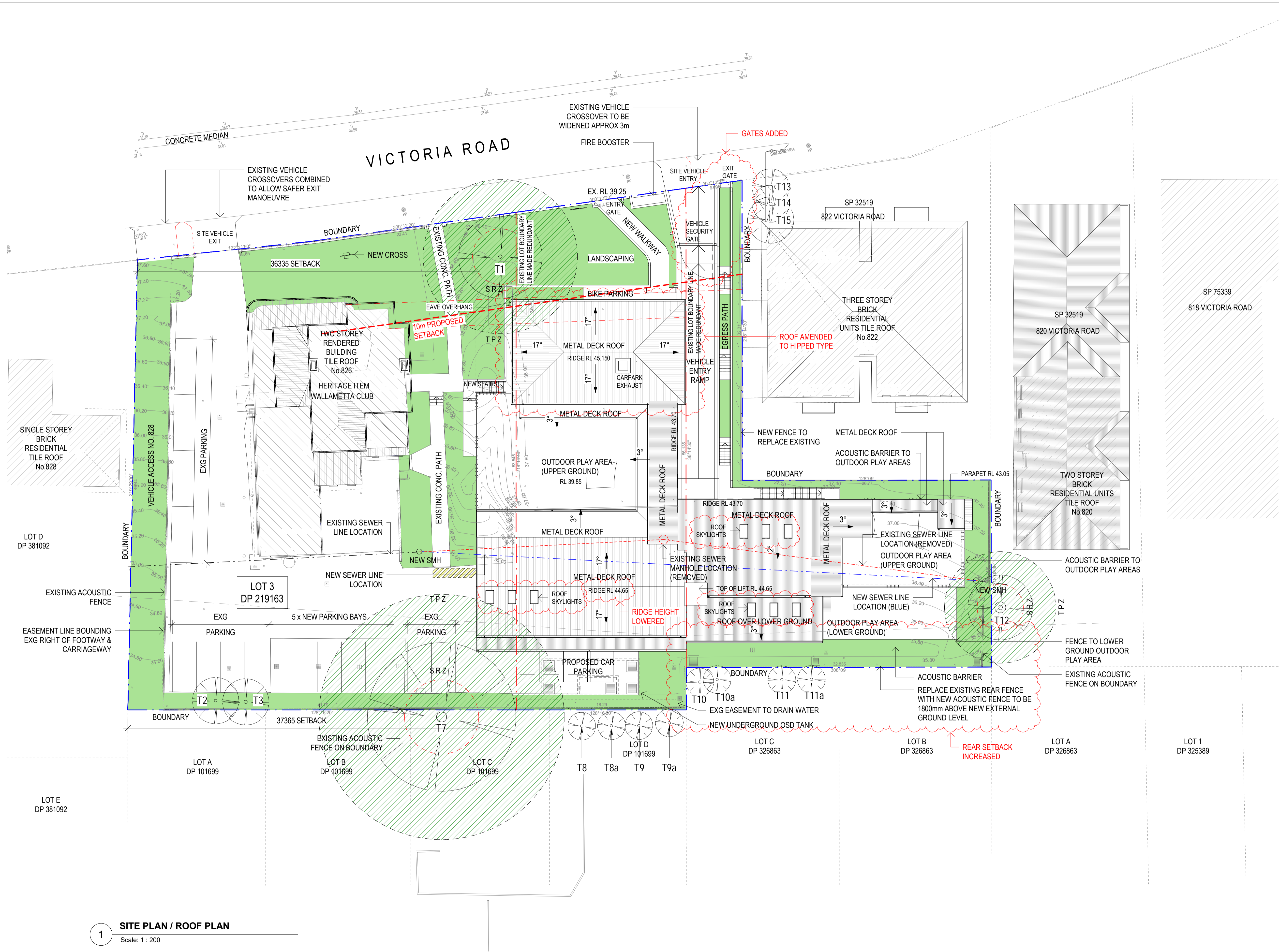
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SITE ANALYSIS PLAN

NOTES:
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DRAWN BY: TL	CHECKED BY: AW
CAD FILE:	PROJECT NO: 3110.01

DRAWING NO: DA0002	ISSUE: 3
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ISSUE	DATE	DESCRIPTION
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2	05/04/2023	DRAFT COUNCIL RFI RESPONSE
3	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
4	01/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
5	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
6	25/03/2024	PRELIMINARY DA ISSUE
7	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION

SECTION J - BUILDING FABRIC REQUIREMENTS (ROOFS & FLOORS)
THE BELOW ACHIEVES DTS COMPLIANCE WITH NCC SECTION J. COMPLIANCE IS ALSO ACHIEVABLE THROUGH A PERFORMANCE BASED SOLUTION & WILL BE FURTHER CLARIFIED DURING THE CONSTRUCTION CERTIFICATE STAGE

METAL DECK ROOF
MINIMUM TOTAL R-VALUE = R13.70
- ROOF TO BE INSULATED WITH A COMBINATION OF ROOF & CEILING INSULATION TO ACHIEVE TOTAL R-VALUE



CONCRETE ROOF
UPPER LEVEL PLAY AREA OVER LOWER LEVEL INTERNAL SPACE
MINIMUM TOTAL R-VALUE = R13.70
- ROOF TO BE INSULATED WITH A COMBINATION OF SOFFIT & CEILING INSULATION TO ACHIEVE TOTAL R-VALUE

EXPOSED CONCRETE FLOOR
INTERNAL AREAS OVER EXPOSED EXTERNAL AREAS
MINIMUM TOTAL R-VALUE = R12.0

CONCRETE SLAB ON GROUND
MINIMUM TOTAL R-VALUE = R12.0

BUILDING SEALING
THE BUILDING WILL BE SEALED IN ACCORDANCE WITH NCC PART J3

PARKING NUMBERS	
EXISTING PARKING BAYS TOTAL	36
EXISTING PARKING BAYS REMOVED	26
EXISTING PARKING BAYS RETAINED	10
NEW PARKING BAYS (CHILDCARE)	21
NEW PARKING BAYS (MONASTERY)	5
TOTAL	36

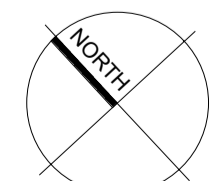
TREES	
	TREE PROTECTION ZONE (TPZ)
	STRUCTURAL ROOT ZONE (SRZ)

CLIENT:
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE

ARCHITECT:
ALTIS ARCHITECTURE

DRAWING TITLE:
SITE PLAN / ROOF PLAN

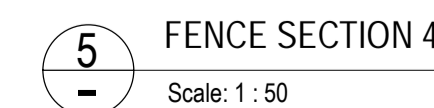
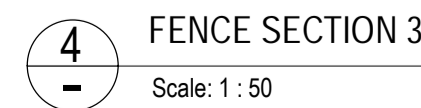
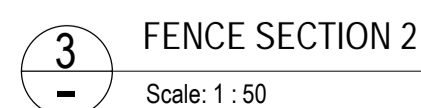
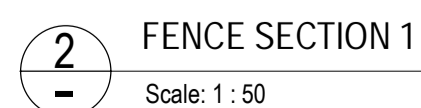
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DEVELOPMENT APPLICATION

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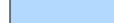


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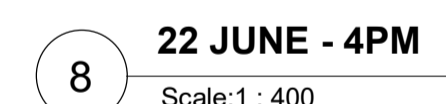



DEVELOPMENT APPLICATION


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	<p>DRAWING NO:</p> <p>DA0011</p>	<p>ISSUE:</p> <p>5</p>


LEGEND - PLAN DIAGRAMS

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	AREA OF SUNLIGHT WITHIN OPA 2
	AREA OF SUNLIGHT WITHIN OPA 3




3-6 YEAR OLD 

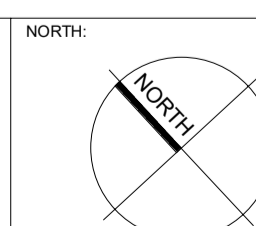
2-3 YEAR OLD 

0-2 YEAR OLD 

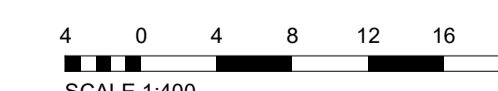
ANY 2 HOUR PERIOD
DURING THIS 7 HOUR RANGE
PER AGE GROUP - 2-3 YRS & 3-6 YRS
(TIME ALLOCATION AS PER DOM)

4 HOUR PERIOD	0-2 YEARS

<p>NOTES:</p> <p>Nominated architect: Andrew O'Connell - 9018</p> <p>Copyright remains the property of Altis Architecture Pty Ltd.</p> <p>Use only figured dimensions.</p> <p>All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction.</p>	<p>NORTH:</p> 
<p>Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.</p>	<p>DATE:</p> <p>MARCH 2024</p>
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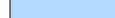




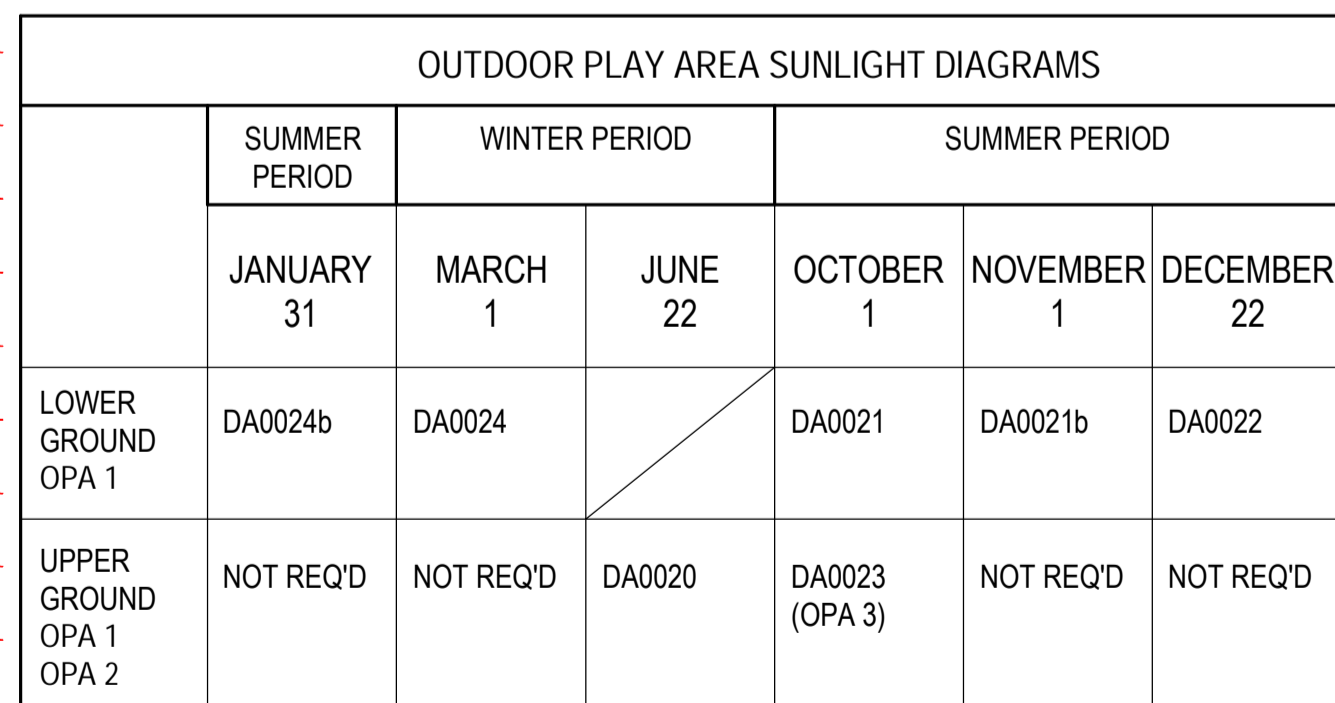
— DETAILS UPDATED



DEVELOPMENT APPLICATION

LEGEND - PLAN DIAGRAMS

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	AREA OF SUNLIGHT WITHIN OPA 2
	AREA OF SUNLIGHT WITHIN OPA 3



3-6 YEAR OLD

2-3 YEAR OLD

0-2 YEAR OLD

	2 HOUR PERIOD
	3-6 YEARS


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SCALE 1:400

DEVELOPMENT APPLICATION

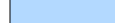


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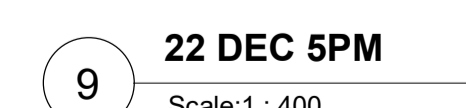
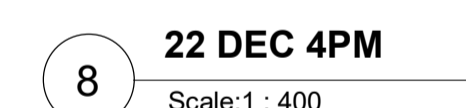
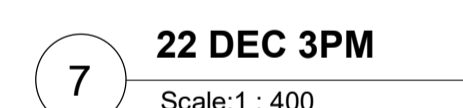
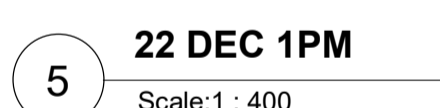
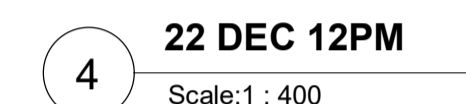
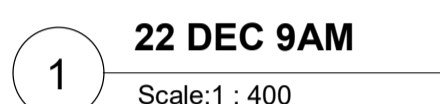
A L T I S







ARCHITECTURE


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As indicated @ A1		MARCH 2024
DRAWN BY: NR	CHECKED BY: AW	PROJECT NO: 3110.01
CAD FILE:		DRAWING NO: D40021
		ISSUE: 6

LEGEND - PLAN DIAGRAMS


	AREA OF SUNLIGHT WITHIN OPA 1
	AREA OF SUNLIGHT WITHIN OPA 2
	AREA OF SUNLIGHT WITHIN OPA 3



OUTDOOR PLAY AREA SCHEDULE BASED ON SUNLIGHT REQUIREMENTS				
	OPA 1 LOWER GROUND FLOOR	OPA 2 UPPER GROUND FLOOR	OPA 3 UPPER GROUND FLOOR	
JAN			1st OF FEB	
FEB	31st OF JAN			
MAR				
APR				
MAY				
JUN				
JUL				
AUG				
SEP				
OCT				
NOV	1st OF NOV		31st OF OCT	
DEC				

3-6 YEAR OLD 

2-3 YEAR OLD 

0-2 YEAR OLD 

ANY 2 HOUR PERIOD
DURING THIS 5 HOUR RANGE

— DETAIL S UPDATED

DEVELOPMENT APPLICATION

CLIENT:

THE TRUSTEES OF THE ROMAN
CATHOLIC CHURCH FOR THE
DIOCESE OF SAINT MARON SYDNEY

PROJECT: **CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE**

ARCHITECT:

ALTIS

ARCHITECTURE

DRAWING TITLE:

SUNLIGHT DIAGRAMMS - 22
DECEMBER - LOWER GROUND

NOTES:


Nominated architect: Andrew O'Connell : 9018

Copyright remains the property of Altis Architecture Pty L

Use only figured dimensions.

All discrepancies to be referred to Altis Architecture Pty

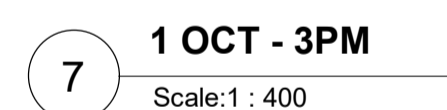
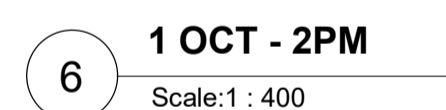
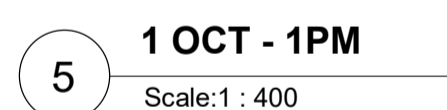
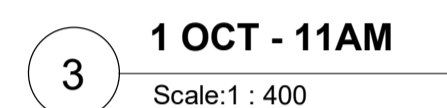
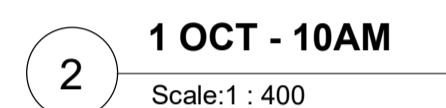
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




A circular diagram with a thick black line segment labeled 'NORTH' and a thin black line segment labeled 'SOUTH'.

SCALE: As indicated @ A1		
DRAWN BY: NR	CHECKED BY: AW	PROJECT NO: 3110.0


DATE:	MARCH 2024	
DRAWING NO:	DA0022	ISS


[illegible]



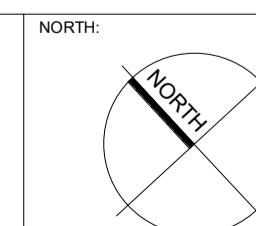
OUTDOOR PLAY AREA SCHEDULE BASED ON SUNLIGHT REQUIREMENTS				
	OPA 1 LOWER GROUND FLOOR	OPA 2 UPPER GROUND FLOOR	OPA 3 UPPER GROUND FLOOR	
JAN				
FEB	31st OF JAN			1st OF FEB
MAR				
APR				
MAY				
JUN				
JUL				
AUG				
SEP				
OCT	1st OF NOV			
NOV		31st OF OCT		
DEC				

3-6 YEAR OLD 

2-3 YEAR OLD 

0-2 YEAR OLD 




ANY 2 HOUR PERIOD
DURING THIS 7 HOUR RANGE
0-2 YEARS

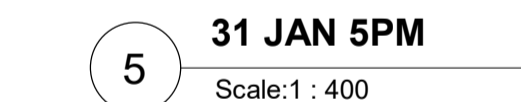
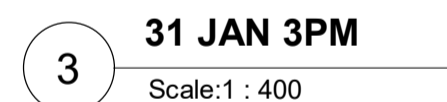
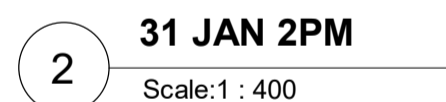
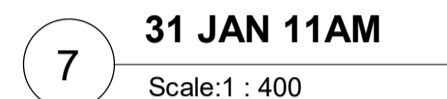









DEVELOPMENT APPLICATION


DATE:	MARCH 2024	
DRAWING NO:	DA0023	ISS


LEGEND - PLAN DIAGRAMS


	AREA OF SUNLIGHT WITHIN OPA 1
	AREA OF SUNLIGHT WITHIN OPA 2
	AREA OF SUNLIGHT WITHIN OPA 3



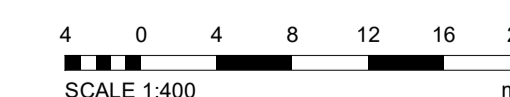
OUTDOOR PLAY AREA SCHEDULE BASED ON SUNLIGHT REQUIREMENTS			
	OPA 1 LOWER GROUND FLOOR	OPA 2 UPPER GROUND FLOOR	OPA 3 UPPER GROUND FLOOR
JAN		 1st OF FEB	
FEB	31st OF JAN		
MAR			
APR			
MAY			
JUN			
JUL			
AUG			
SEP			
OCT	1st OF NOV	 31st OF OCT	
NOV			
DEC			

3-6 YEAR OLD 


2-3 YEAR OLD 

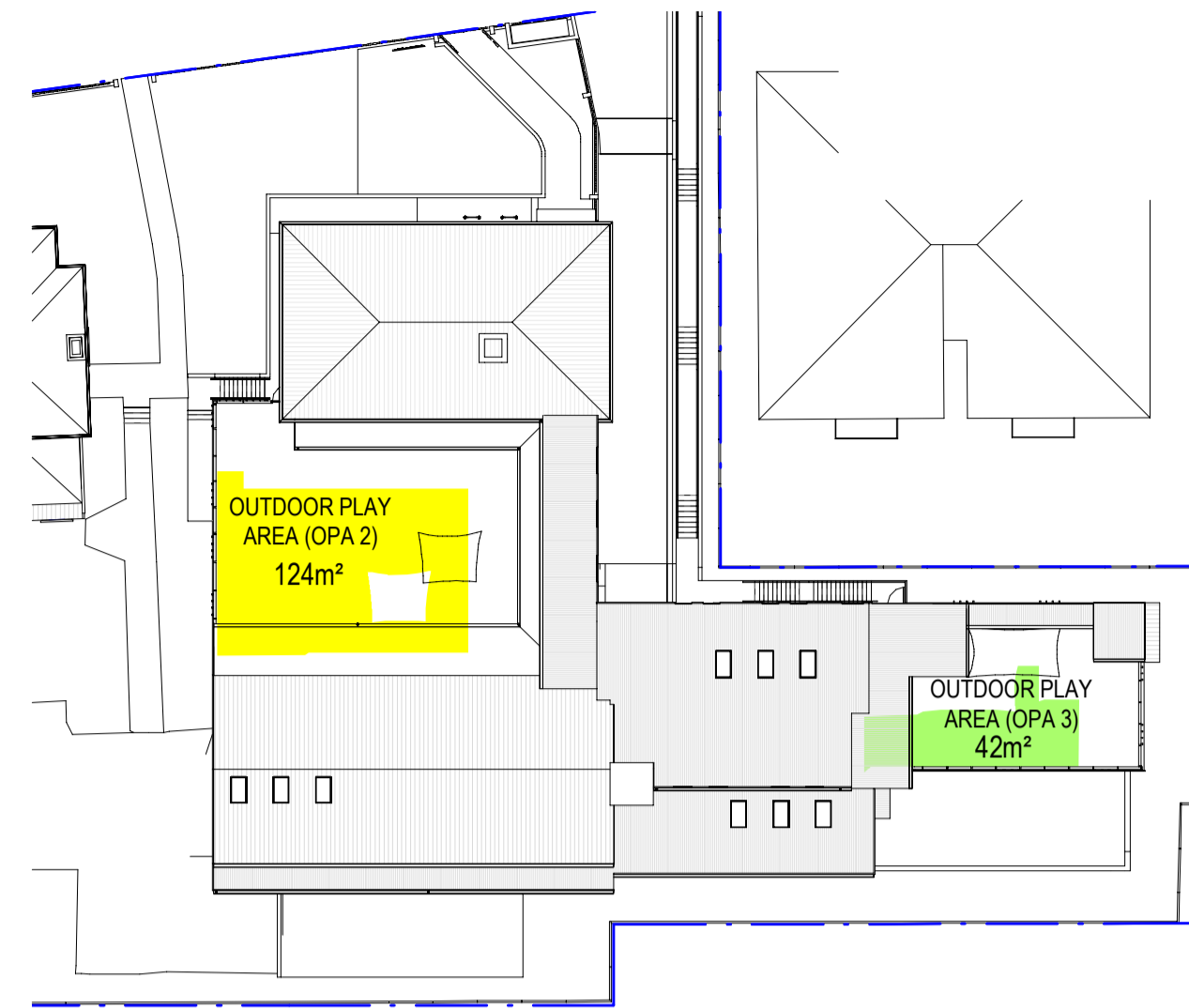
0-2 YEAR OLD 

ANY 2 HOUR PERIOD DURING THIS 3 HOUR RANGE 3-6 YEARS	
--	--

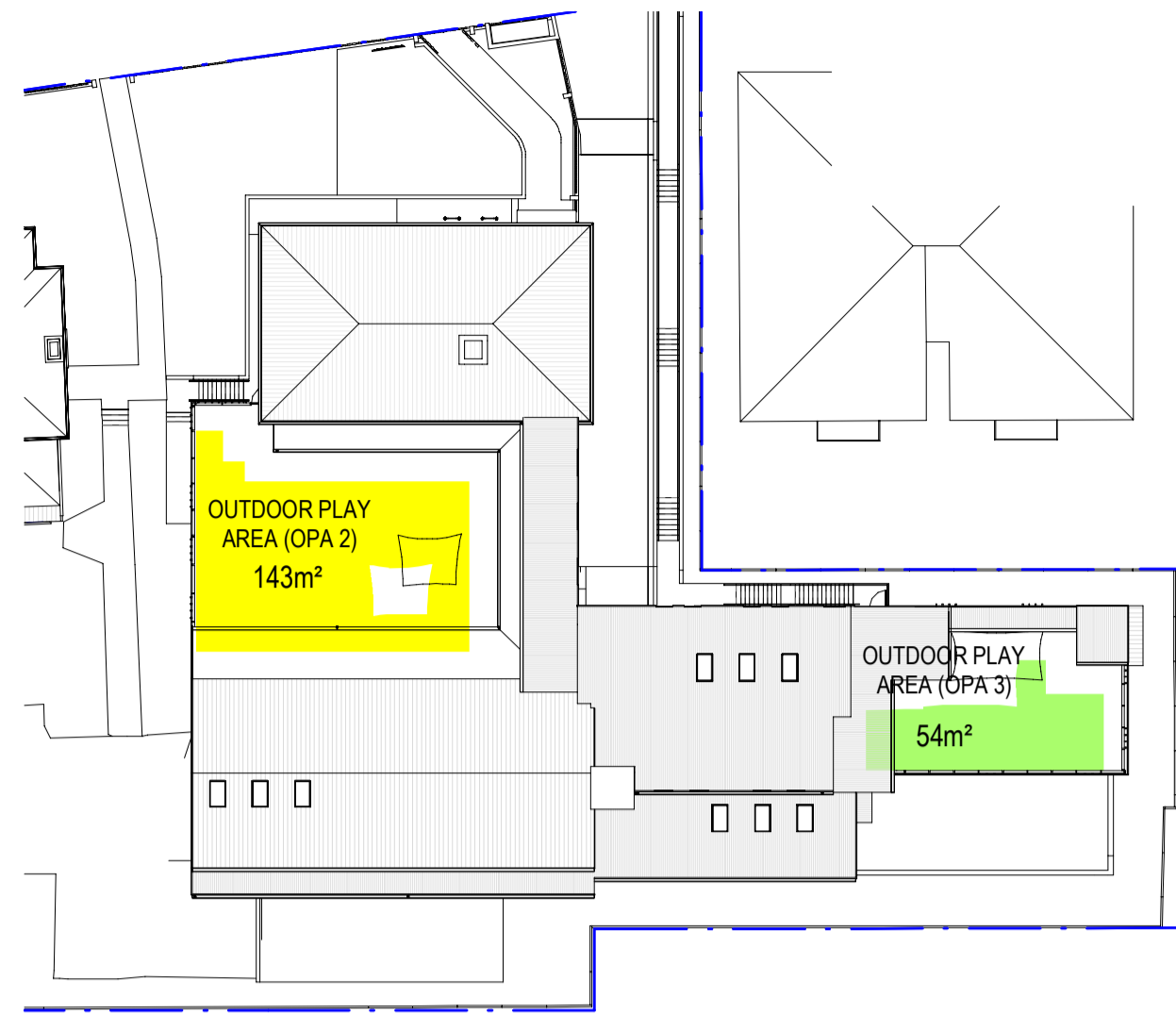


DEVELOPMENT APPLICATION

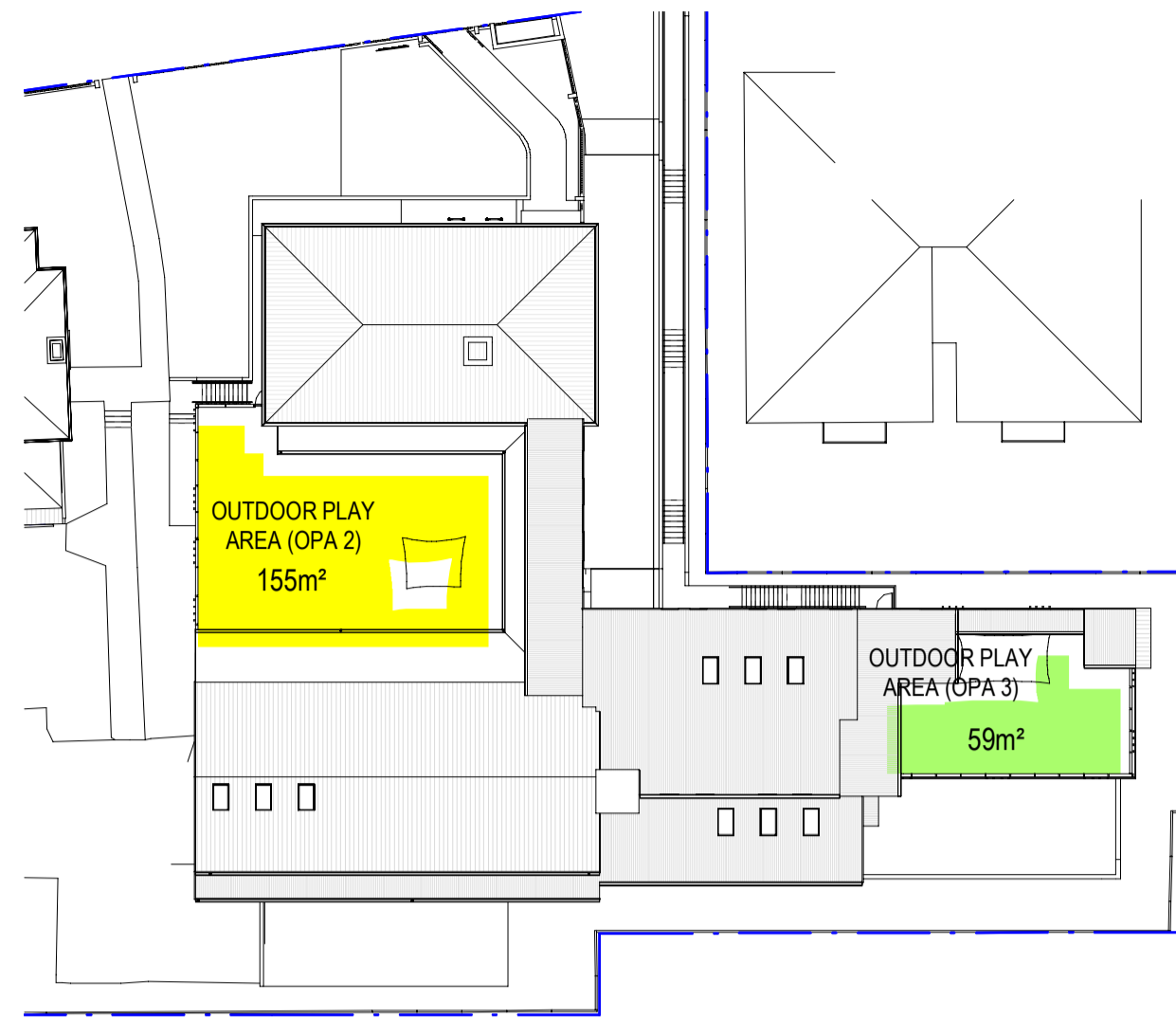
<p>NOTES:</p> <p>Nominated architect: Andrew O'Connell : 9018</p> <p>Copyright remains the property of Allis Architecture Pty Ltd.</p> <p>Use only figured dimensions.</p> <p>All discrepancies to be referred to Allis Architecture Pty Ltd prior to construction.</p> <p>Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.</p>	<p>NORTH:</p> 
<p>SCALE:</p> <p>As indicated @ A1</p>	<p>DATE:</p> <p>MARCH 2024</p>
<p>DRAWN BY:</p> <p>NR</p> <p>CAD FILE:</p>	<p>PROJECT NO:</p> <p>3110.01</p> <p>ISSUE:</p> <p>DA00024 6</p>



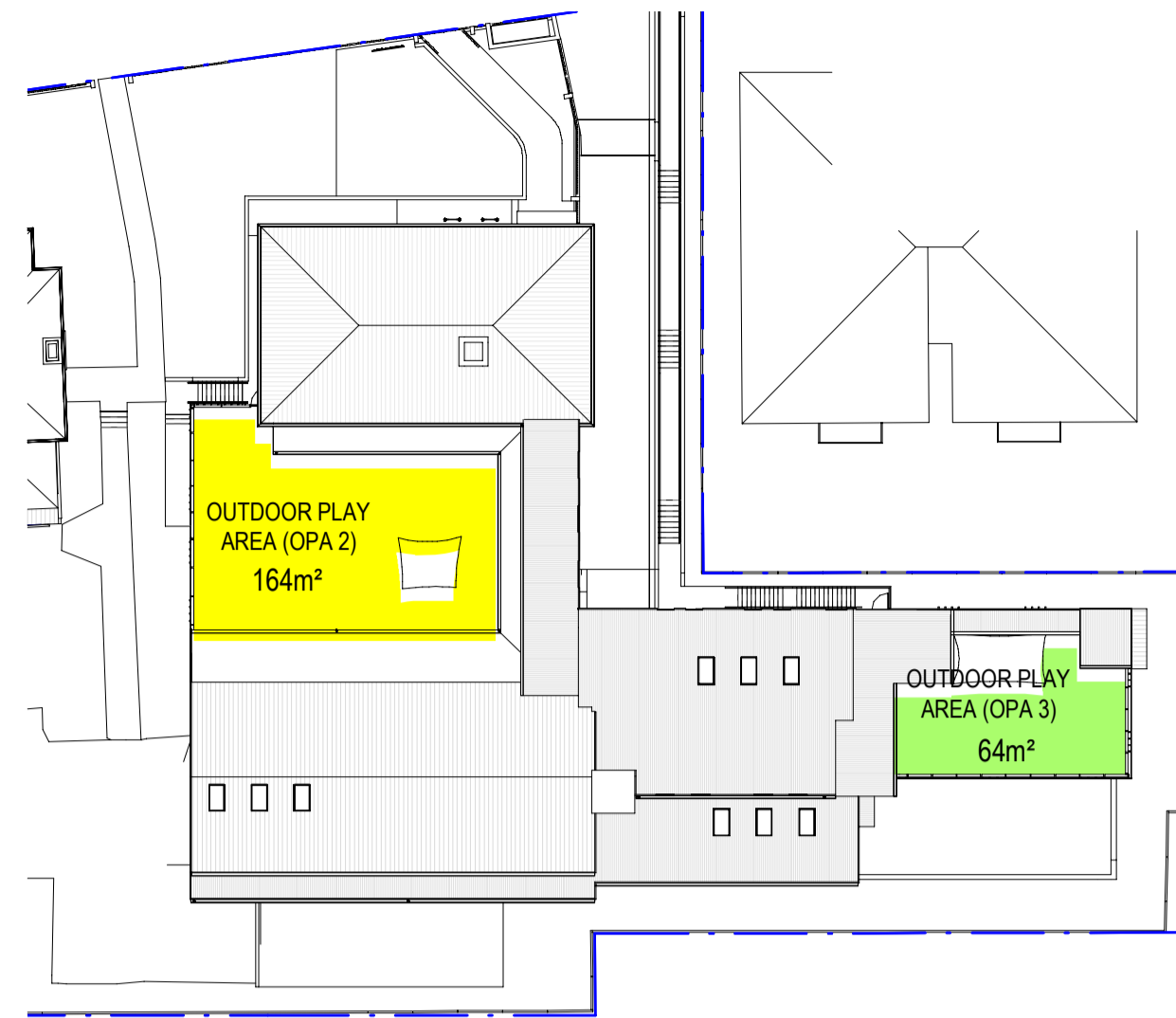
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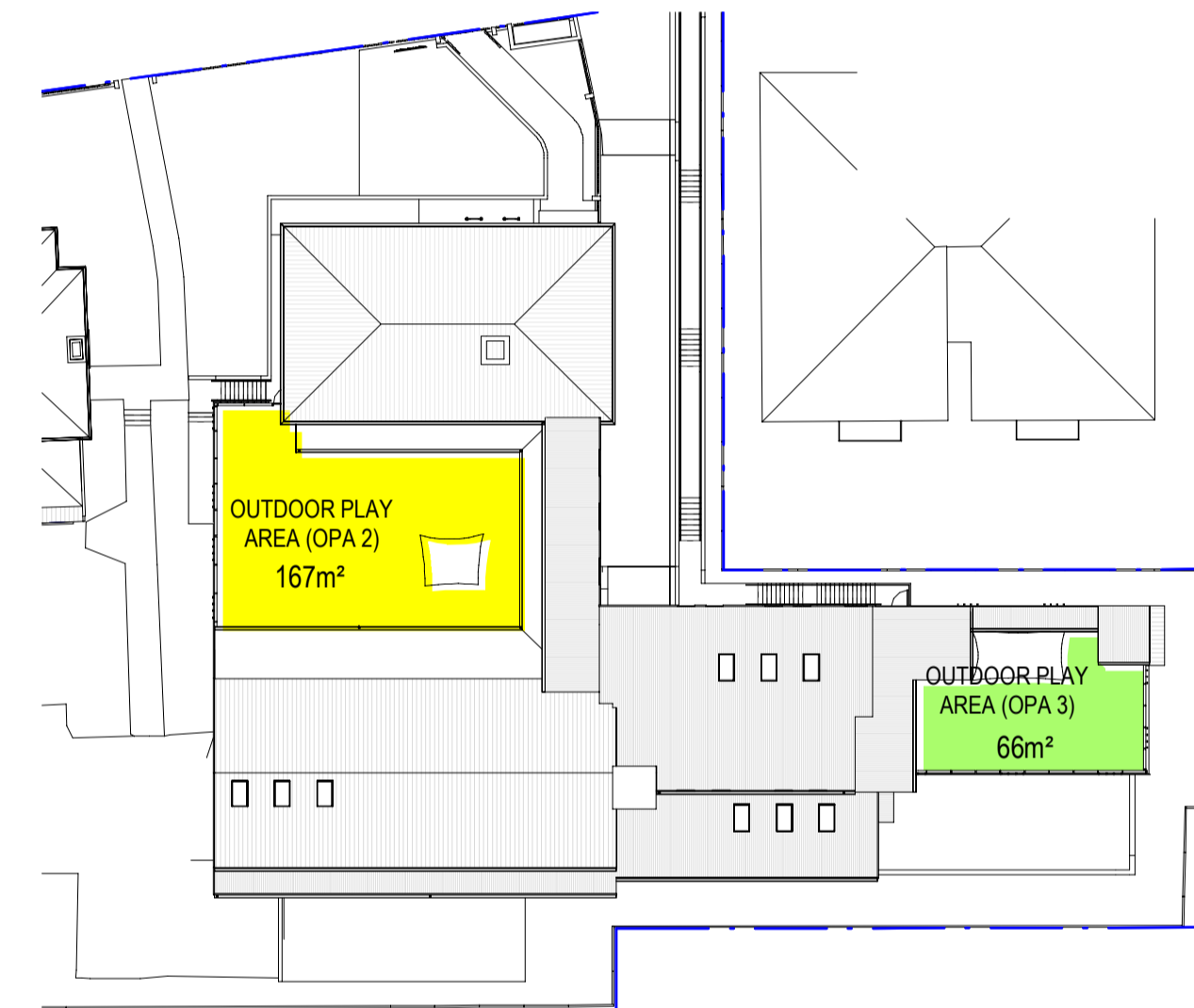
2 22 DEC - 10AM
Scale:1 : 400



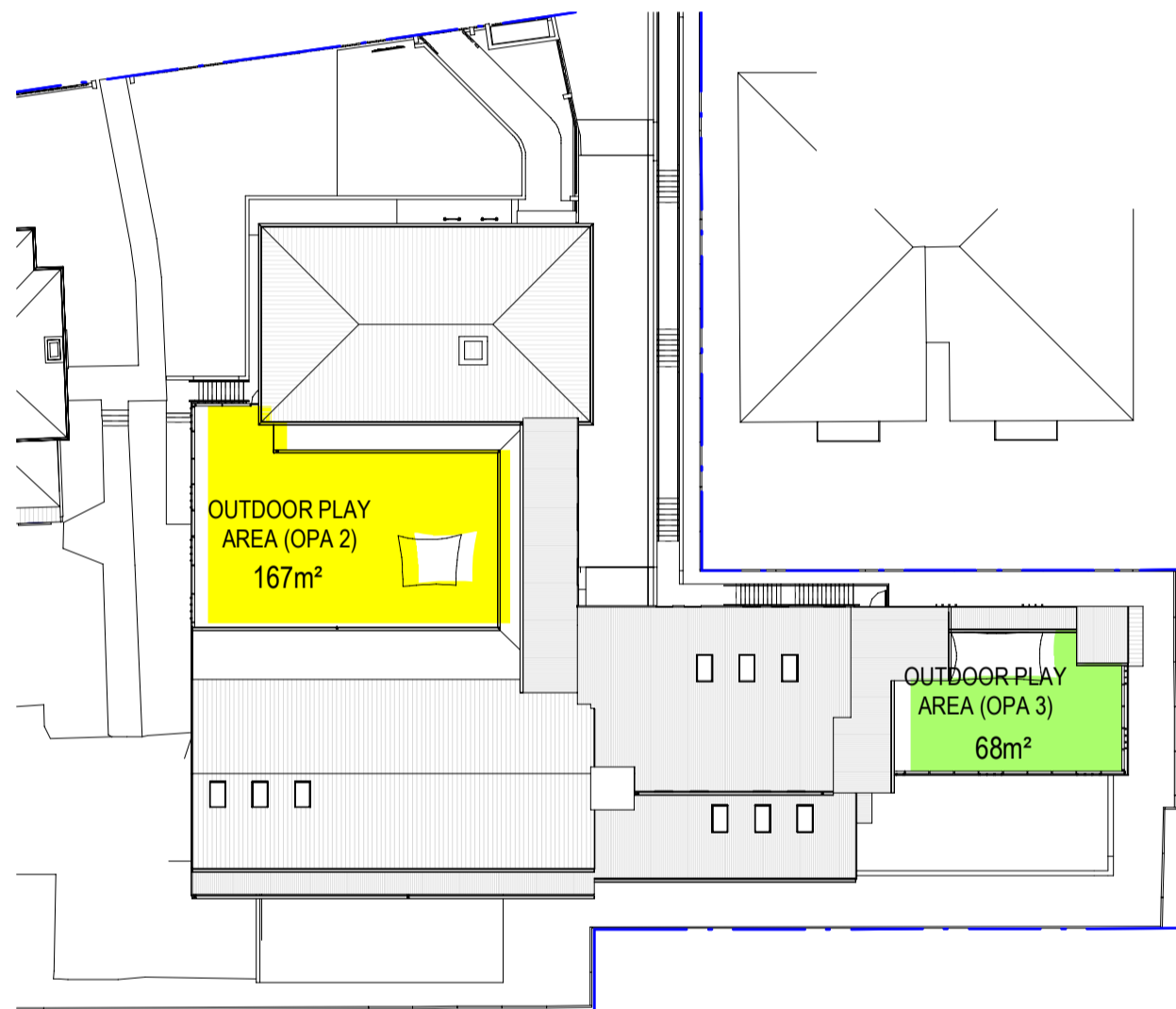
3 22 DEC - 11AM
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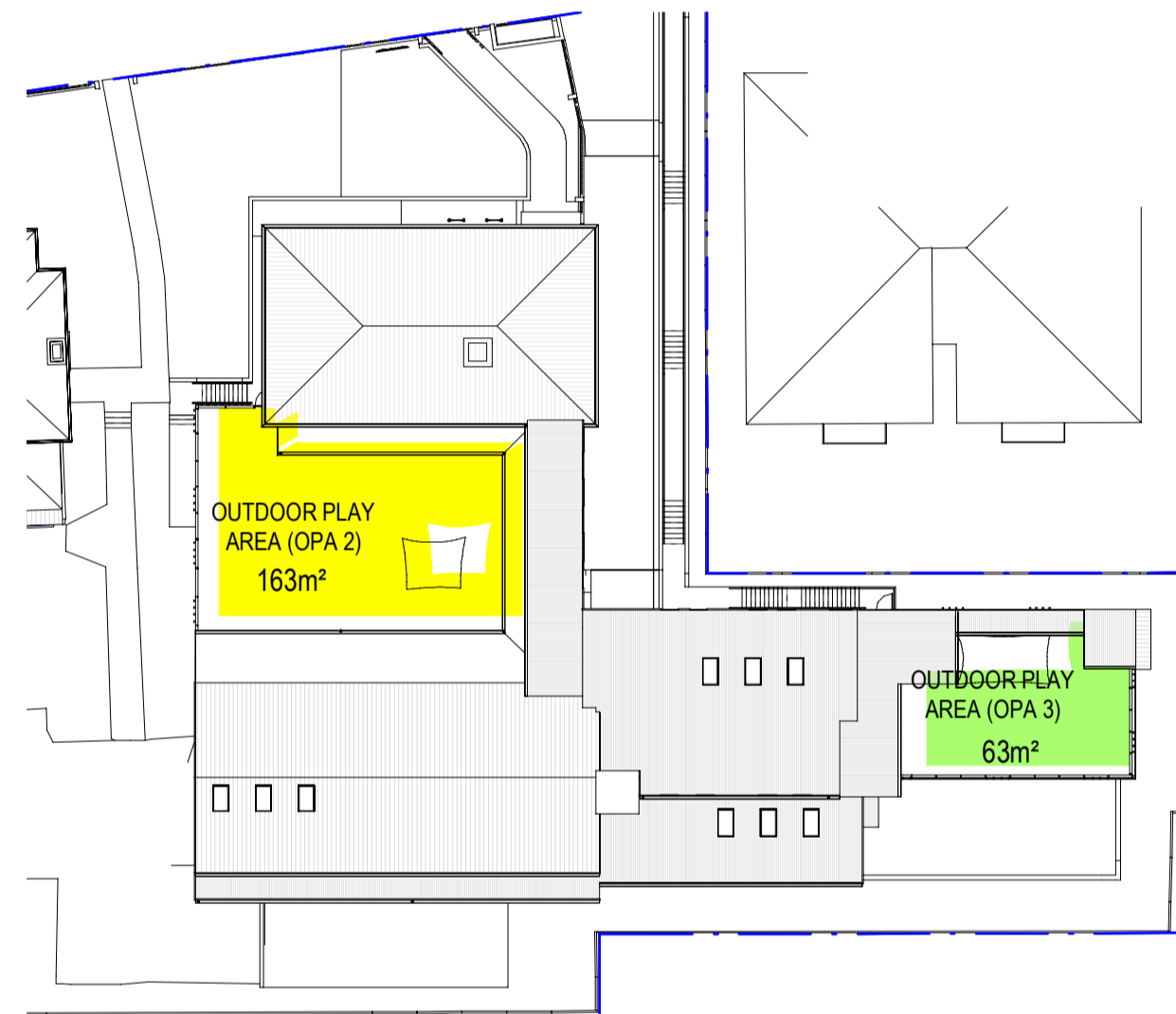
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Scale:1 : 400



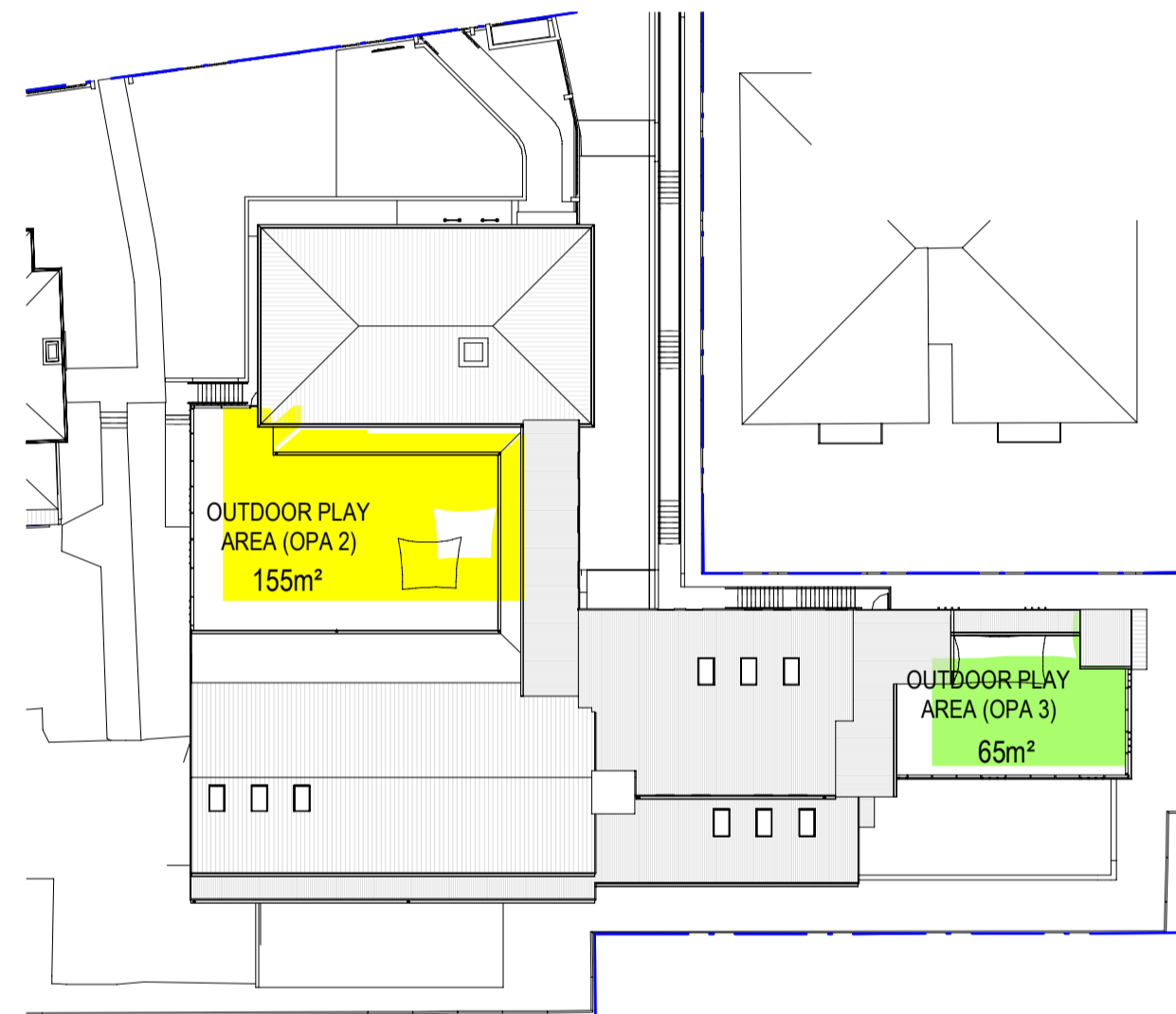
5 22 DEC - 1PM
Scale:1 : 400



6 22 DEC - 2PM
Scale:1 : 400



7 22 DEC - 3PM
Scale:1 : 400



8 22 DEC - 4PM
Scale:1 : 400

OUTDOOR PLAY AREA SUNLIGHT DIAGRAMS						
	SUMMER PERIOD	WINTER PERIOD		SUMMER PERIOD		
	JANUARY 31	MARCH 1	JUNE 22	OCTOBER 1	NOVEMBER 1	DECEMBER 22
LOWER GROUND OPA 1	DA0024b	DA0024		DA0021	DA0021b	DA0022
UPPER GROUND OPA 2	NOT REQ'D	NOT REQ'D	DA0020	DA0023 (OPA 3)	NOT REQ'D	DA0025

OUTDOOR PLAY AREA SCHEDULE BASED ON SUNLIGHT REQUIREMENTS			
	OPA 1 LOWER GROUND FLOOR	OPA 2 UPPER GROUND FLOOR	OPA 3 UPPER GROUND FLOOR
JAN	31st OF JAN	1st OF FEB	
FEB			
MAR			
APR			
MAY			
JUN			
JUL			
AUG			
SEP			
OCT		31st OF OCT	
NOV	1st OF NOV		
DEC			

3-6 YEAR OLD
2-3 YEAR OLD
0-2 YEAR OLD

DECEMBER 22nd - UPPER LEVEL - OUTDOOR PLAY AREA 2 (35 CHILDREN)				
HOUR OF DAY	AREA OF SUNLIGHT	1 HOUR PERIOD	AVERAGE AREA OF SUNLIGHT	NO. OF CHILDREN ACCOMMODATED FOR EACH HR (2.1m² PER CHILD)
9AM	124m²	9-10	133.5m²	63
10AM	143m²	10-11	149m²	71
11AM	155m²	11-12	159.5m²	76
12PM	164m²	12-1	165.5m²	78
1PM	167m²	1-2	167m²	79
2PM	167m²	2-3	165m²	78
3PM	163m²	3-4	159m²	75
4PM	155m²			

ANY 2 HOUR PERIOD DURING THIS 7 HOUR RANGE

DECEMBER 22nd - UPPER LEVEL - OUTDOOR PLAY AREA 3 (19 CHILDREN)				
HOUR OF DAY	AREA OF SUNLIGHT	1 HOUR PERIOD	AVERAGE AREA OF SUNLIGHT	NO. OF CHILDREN ACCOMMODATED FOR EACH HR (2.1m² PER CHILD)
9AM	42m²	9-10	48m²	22
10AM	54m²	10-11	56.5m²	26
11AM	59m²	11-12	61.5m²	29
12PM	64m²	12-1	65m²	31
1PM	66m²	1-2	67m²	31
2PM	68m²	2-3	65.5m²	31
3PM	63m²	3-4	64m²	30
4PM	65m²			

ANY 2 HOUR PERIOD DURING THIS 7 HOUR RANGE

ISSUE	DATE	DESCRIPTION
1	13/06/2024	DRAWING UPDATED - ISSUED FOR DEVELOPMENT APPLICATION

CLIENT:
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

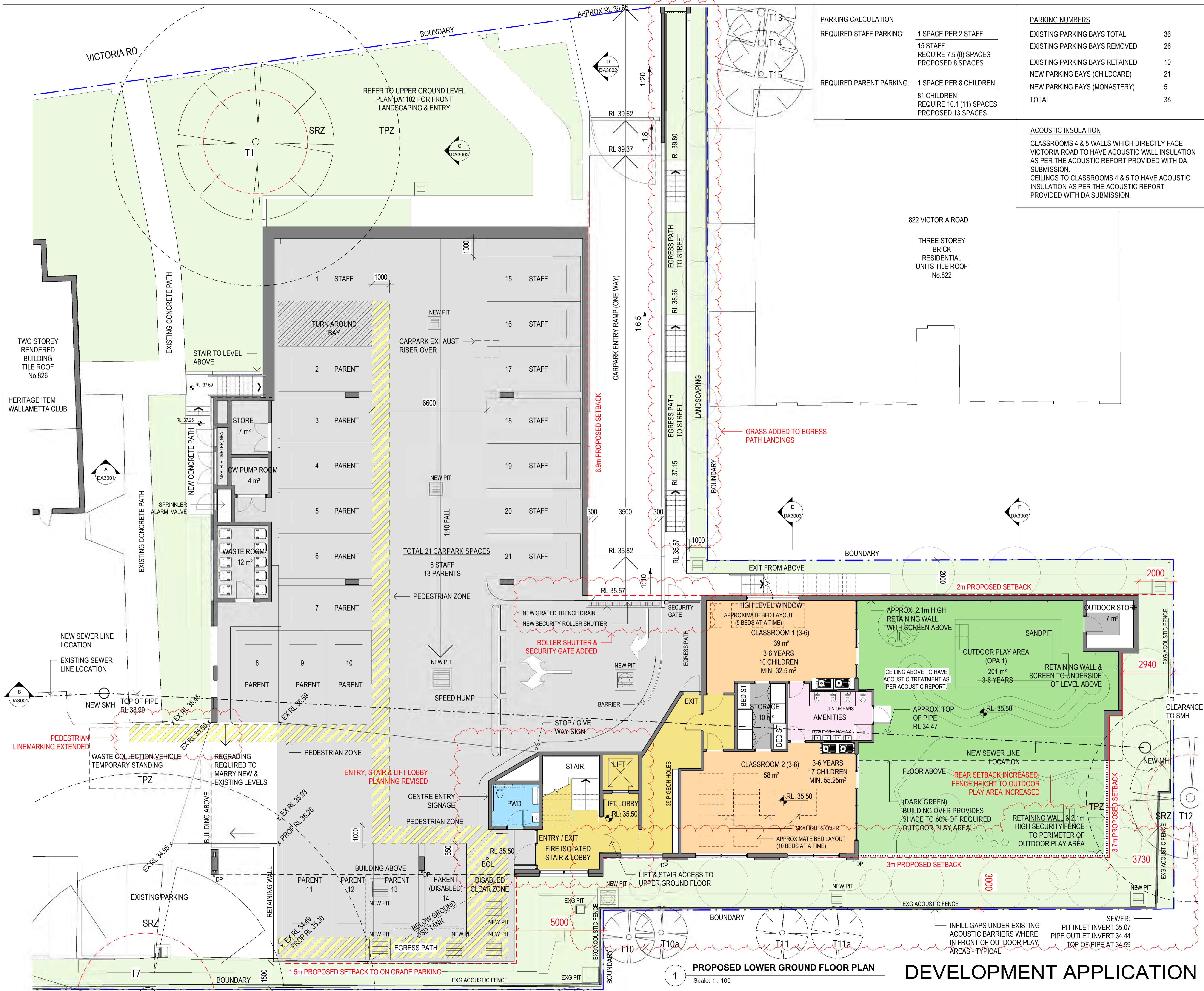
PROJECT:
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE

ARCHITECT:
ALTIS ARCHITECTURE

DRAWING TITLE:
SUNLIGHT DIAGRAM - 22 DECEMBER - UPPER GROUND

NOTES: Nominated architect: Andrew O'Connell : 9018 Copyright remains the property of Altis Architecture Pty Ltd. Use only figured dimensions. All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction. Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.			NORTH: 	
SCALE: As indicated @ A1	DRAWN BY: DB	CHECKED BY: AW	PROJECT NO: 3110.01	DATE: JUNE 2024
CAD FILE:			DRAWING NO: DA0025	ISSUE: 1

DEVELOPMENT APPLICATION



PARKING CALCULATION	
REQUIRED STAFF PARKING:	1 SPACE PER 2 STAFF
	15 STAFF
	REQUIRE 7.5 (8) SPACES
	PROPOSED 8 SPACES
REQUIRED PARENT PARKING:	1 SPACE PER 8 CHILDREN
	81 CHILDREN
	REQUIRE 10.1 (11) SPACES
	PROPOSED 13 SPACES

PARKING NUMBERS	
EXISTING PARKING BAYS TOTAL	36
EXISTING PARKING BAYS REMOVED	26
EXISTING PARKING BAYS RETAINED	10
NEW PARKING BAYS (CHILDCARE)	21
NEW PARKING BAYS (MONASTERY)	5
TOTAL	36

ACOUSTIC INSULATION

CLASSROOMS 4 & 5 WALLS WHICH DIRECTLY FACE VICTORIA ROAD TO HAVE ACOUSTIC WALL INSULATION AS PER THE ACOUSTIC REPORT PROVIDED WITH DA SUBMISSION.

CEILINGS TO CLASSROOMS 4 & 5 TO HAVE ACOUSTIC INSULATION AS PER THE ACOUSTIC REPORT PROVIDED WITH DA SUBMISSION.

ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	05/04/2023	DRAFT COUNCIL RFI RESPONSE
3	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
4	01/05/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
5	01/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
6	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
7	25/03/2024	PRELIMINARY DA ISSUE
8	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION

CLASSROOM SCHEDULE		
Name	UNENCUMBERED AREA	NO.OF CHILDREN
CLASSROOM 1 (3-6)	39 m ²	10
CLASSROOM 2 (3-6)	58 m ²	17
CLASSROOM 3 (2-3)	71 m ²	20
CLASSROOM 4 (2-3)	55 m ²	15
CLASSROOM 5 (0-2)	68 m ²	19
	291 m ²	81

3.25m² OF UNENCUMBERED AREA PER CHILD REQUIRED

TOTAL NUMBER OF CHILDREN = 81

MINIMUM REQUIRED UNENCUMBERED CLASSROOM AREA = 263.25m²

OUTDOOR PLAY

TOTAL NUMBER OF CHILDREN = 81

UNENCUMBERED OUTDOOR PLAY AREA REQUIREMENT = 7m² PER CHILD

MINIMUM REQUIRED UNENCUMBERED OUTDOOR PLAY AREA = 81 x 7 = 567m²

PROPOSED UNENCUMBERED OUTDOOR PLAY AREA

LOWER GROUND

OPA 1 = 201 m²

UPPER GROUND

OPA 2 = 258 m²

OPA 3 = 134 m²

TOTAL = 593 m²

SECTION J - BUILDING FABRIC REQUIREMENTS (WALLS)

THE BELOW ACHIEVES DTS COMPLIANCE WITH NCC SECTION J. COMPLIANCE IS ALSO ACHIEVABLE THROUGH A PERFORMANCE BASED SOLUTION. METHOD OF COMPLIANCE WILL BE CONFIRMED DURING THE CONSTRUCTION CERTIFICATE STAGE.

MASONRY VENEER WALLS

MINIMUM TOTAL R-VALUE = R_t 1.40

- WALLS TO INCORPORATE MIN. R1.6 BULK INSULATION

FRAMED EXTERNAL WALLS

MINIMUM TOTAL R-VALUE = R_t 1.40

- WALLS TO INCORPORATE MIN. R2.10 BULK INSULATION

INTERNAL WALLS - (CONDITIONED TO NON-CONDITIONED SPACE)

MINIMUM TOTAL R-VALUE = R_t 1.40

CLIENT:

THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:

CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE

ARCHITECT:

ALTIS ARCHITECTURE

DRAWING TITLE:

LOWER GROUND LEVEL FLOOR PLAN

NOTES:

Nominated architect: Andrew O'Connell - 9018

Copyright remains the property of Altis Architecture Pty Ltd.

Use only figured dimensions.

All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction.

Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.

SCALE:

As indicated @ A1

DATE: MARCH 2024

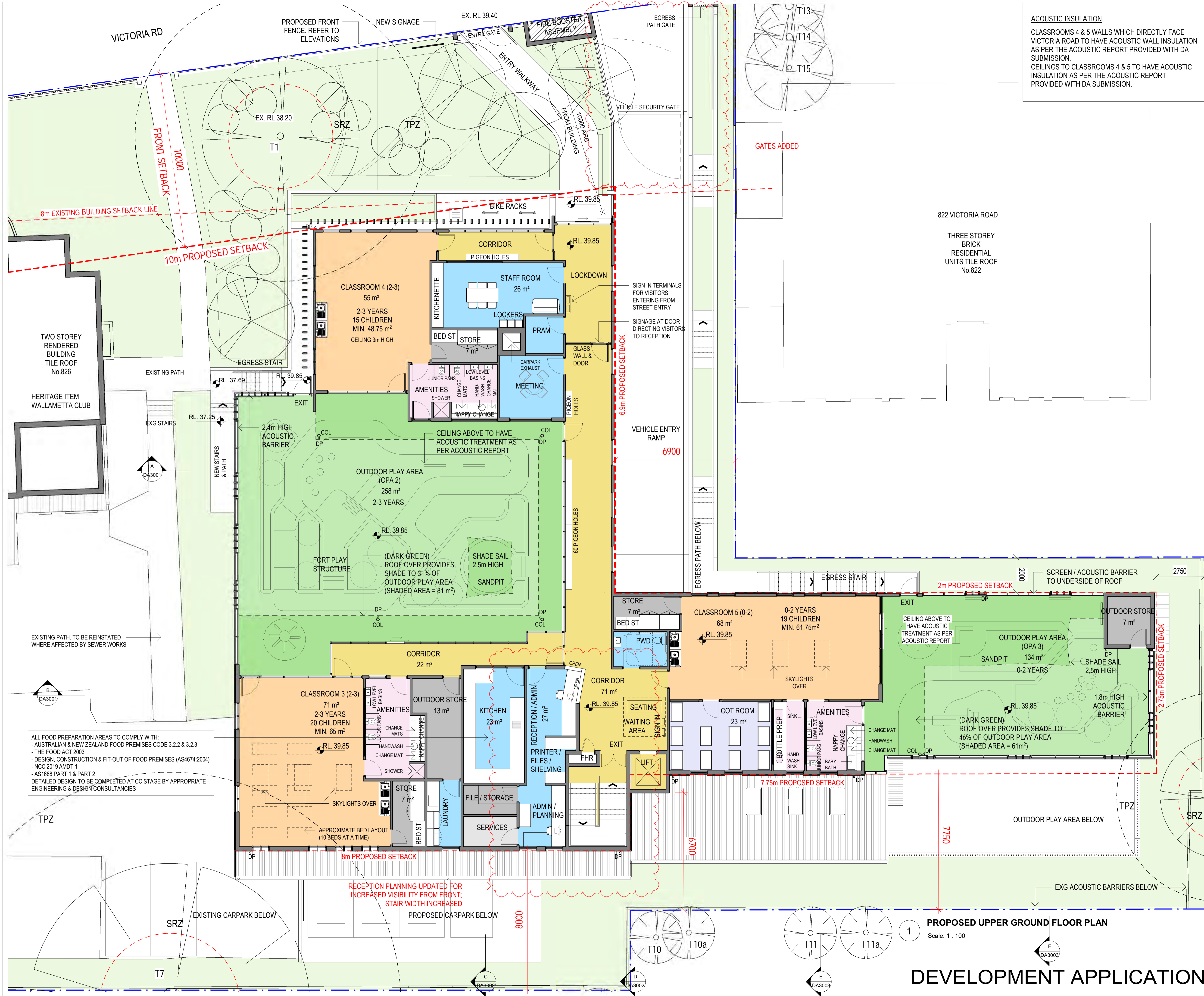
DRAWN BY: JW CHECKED BY: DB PROJECT NO: 3110.01 DRAWING NO: DA1101 ISSUE: 8

CAD FILE:

PROPOSED LOWER GROUND FLOOR PLAN

Scale: 1 : 100

DEVELOPMENT APPLICATION



ACOUSTIC INSULATION

CLASSROOMS 4 & 5 WALLS WHICH DIRECTLY FACE VICTORIA ROAD TO HAVE ACOUSTIC WALL INSULATION AS PER THE ACOUSTIC REPORT PROVIDED WITH DA SUBMISSION.

CEILINGS TO CLASSROOMS 4 & 5 TO HAVE ACOUSTIC INSULATION AS PER THE ACOUSTIC REPORT PROVIDED WITH DA SUBMISSION.

ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	05/04/2023	DRAFT COUNCIL RFI RESPONSE
3	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
4	29/04/2023	NAPPY CHANGE DETAIL ADDED
5	01/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
6	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
7	25/03/2024	PRELIMINARY DA ISSUE
8	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION

CLASSROOM SCHEDULE		
Name	UNENCUMBERED AREA	NO.OF CHILDREN
CLASSROOM 1 (3-6)	39 m ²	10
CLASSROOM 2 (3-6)	58 m ²	17
CLASSROOM 3 (2-3)	71 m ²	20
CLASSROOM 4 (2-3)	55 m ²	15
CLASSROOM 5 (0-2)	68 m ²	19
	291 m ²	81

3.25m² OF UNENCUMBERED AREA PER CHILD REQUIRED

TOTAL NUMBER OF CHILDREN = 81

MINIMUM REQUIRED UNENCUMBERED CLASSROOM AREA = 263.25m²

OUTDOOR PLAY

TOTAL NUMBER OF CHILDREN = 81

UNENCUMBERED OUTDOOR PLAY AREA REQUIREMENT = 7m² PER CHILD

MINIMUM REQUIRED UNENCUMBERED OUTDOOR PLAY AREA = 81 x 7 = 567m²

PROPOSED UNENCUMBERED OUTDOOR PLAY AREA
LOWER GROUND
OPA 1 = 201 m²

UPPER GROUND
OPA 2 = 258 m²
OPA 3 = 134 m²
TOTAL = 593 m²

SECTION J - BUILDING FABRIC REQUIREMENTS (WALLS)

THE BELOW ACHIEVES DTS COMPLIANCE WITH NCC SECTION J. COMPLIANCE IS ALSO ACHIEVABLE THROUGH A PERFORMANCE BASED SOLUTION. METHOD OF COMPLIANCE WILL BE CONFIRMED DURING THE CONSTRUCTION CERTIFICATE STAGE.

MASONRY VENEER WALLS
MINIMUM TOTAL R-VALUE = Rt 1.40
- WALLS TO INCORPORATE MIN. R1.6 BULK INSULATION

FRAMED EXTERNAL WALLS
MINIMUM TOTAL R-VALUE = Rt 1.40
- WALLS TO INCORPORATE MIN. R2.10 BULK INSULATION


INTERNAL WALLS (CONDITIONED TO NON-CONDITIONED SPACE)
MINIMUM TOTAL R-VALUE = Rt 1.40

CLIENT:
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE

ARCHITECT:
ALTIS ARCHITECTURE

DRAWING TITLE:
UPPER GROUND LEVEL FLOOR PLAN

NOTES: Nominated architect: Andrew O'Connell : 9018 Copyright remains the property of Allis Architecture Pty Ltd. Use only figured dimensions. All discrepancies to be referred to Allis Architecture Pty Ltd prior to construction. Ensure compliance with the Building Code of Australia and relevant Australian Standards and Authority requirements.			NORTH: 	
SCALE: As indicated @ A1			DATE: MARCH 2024	
DRAWN BY: JW		CHECKED BY: DB	PROJECT NO: 3110.01	DRAWING NO: DA1102
NO FILE:			ISSUE: 8	

PROPOSED UPPER GROUND FLOOR PLAN

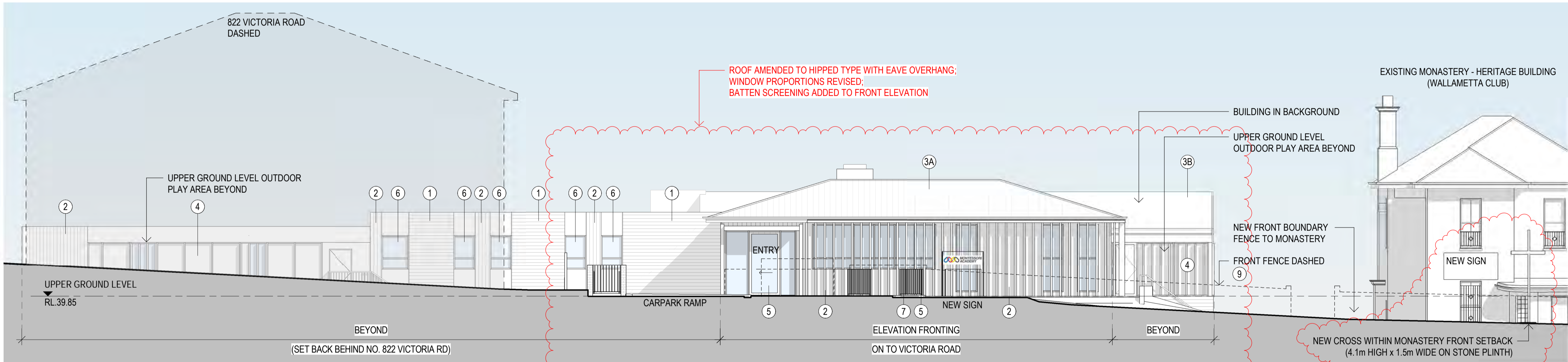
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DEVELOPMENT APPLICATION



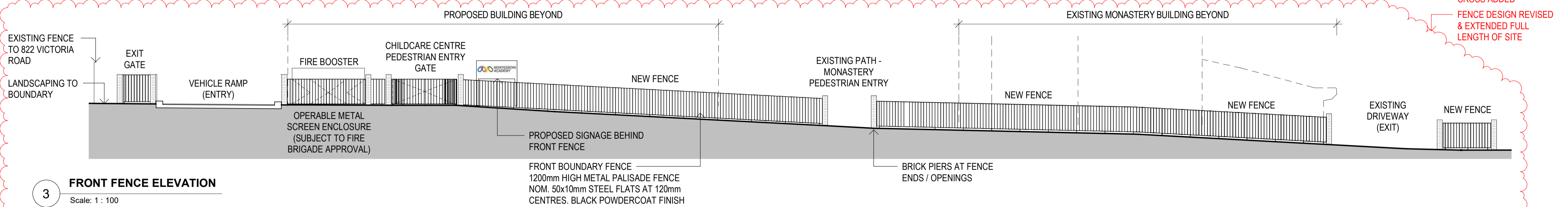
PROPOSED VICTORIA ROAD (NORTH EAST) PERSPECTIVE ELEVATION

Scale: 1 : 500



PROPOSED NORTH EAST ELEVATION

Scale: 1 : 100



FRONT FENCE ELEVATION

Scale: 1 : 100



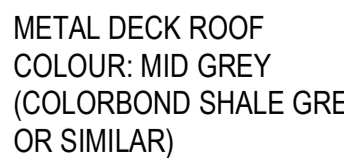
1 HORIZONTAL CLADDING
EXPRESSED JOINTS
COLOUR: CHARCOAL GREY



2 VERTICAL CLADDING
EXPRESSED JOINTS
COLOUR: CHARCOAL GREY



3A METAL DECK ROOF
COLOUR: CHARCOAL GREY
(COLORBOND MONUMENT
OR SIMILAR)



3B METAL DECK ROOF
COLOUR: MID GREY
(COLORBOND SHALE GREY
OR SIMILAR)



4 GLASS / PERSPEX ACOUSTIC
BARRIERS WITH VERTICAL BATTENS



5 ALUMINIUM FRAMED GLAZED WINDOWS
& DOORS
- WINDOWS TO INCORPORATE OPENABLE PANELS
- FRAME COLOUR: CHARCOAL

ACOUSTIC MIN. REQUIREMENT
(REFER TO ACOUSTIC REPORT)
- MIN. 10mm THICK EXTERNAL GLAZING TO
CLASSROOMS 4 & 5

SECTION J - BUILDING FABRIC REQUIREMENTS
ALL GLAZING - SYSTEM MAX U-VALUE = 4.30
ALL GLAZING - SYSTEM MAX SHGC = 0.45



6 WINDOWS WITH
COLOURED REVEALS



7 VERTICAL BATTENS
WITH COLOURED
REVEALS



8 RENDERED AND PAINTED
MASONRY, PAINTED BRICK
OR PAINTED FC CLADDING.
COLOUR: WHITE / NEUTRAL
RANGE



9 FRONT BOUNDARY FENCE.
BLACK METAL VERTICAL
BLADE FENCE. REFER TO
DETAIL 3 / DA2101 - FRONT
FENCE ELEVATION

FENCE DESIGN AMENDED

ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
3	01/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
4	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
5	22/03/2024	PRELIMINARY DA ISSUE
6	25/03/2024	PRELIMINARY DA ISSUE
7	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION

NOTES

THE GLAZING REQUIREMENTS NOTED ACHIEVE DTS COMPLIANCE WITH NCC SECTION J. COMPLIANCE IS ALSO ACHIEVABLE THROUGH A PERFORMANCE BASED SOLUTION & WILL BE FURTHER CLARIFIED DURING THE CONSTRUCTION CERTIFICATE STAGE

VENTILATION LOUVRES SHOWN ON ELEVATIONS ARE APPROXIMATE AND SUBJECT TO FURTHER DETAILED DESIGN AT CONSTRUCTION CERTIFICATE STAGE

CLIENT:
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE

ARCHITECT:
ALTIS ARCHITECTURE

DRAWING TITLE:
PROPOSED ELEVATIONS - SHEET 1

NOTES:
Nominated architect: Andrew O'Connell : 9018
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Use only figured dimensions.
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Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.

SCALE:
As indicated @ A1
DRAWN BY: JW
CHECKED BY: AW
PROJECT NO: 3110.01
CAD FILE:

DATE: MARCH 2024
DRAWING NO: DA2101
ISSUE: 7

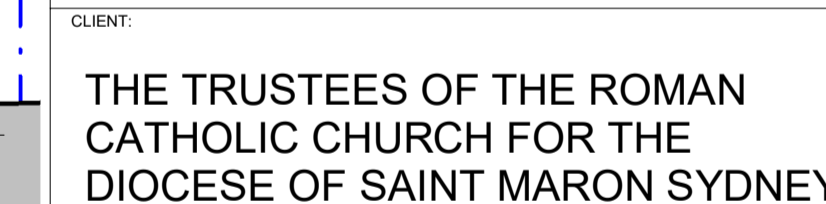
DEVELOPMENT APPLICATION

NOTES

THE GLAZING REQUIREMENTS NOTED ACHIEVE DTS COMPLIANCE WITH NCC SECTION J. COMPLIANCE IS ALSO ACHIEVABLE THROUGH A PERFORMANCE BASED SOLUTION & WILL BE FURTHER CLARIFIED DURING THE CONSTRUCTION CERTIFICATE STAGE

=====

VENTILATION LOUVRES SHOWN ON ELEVATIONS ARE APPROXIMATE AND SUBJECT TO FURTHER DETAILED DESIGN AT CONSTRUCTION CERTIFICATE STAGE



PROJECT:

CHILDCARE CENTRE AT 826
VICTORIA ROAD, RYDE



DRAWING TITLE:

PROPOSED ELEVATIONS - SHEET 3



- 8 RENDERED AND PAINTED
MASONRY, PAINTED BRICK
OR PAINTED FC CLADDING.
COLOUR: WHITE / NEUTRAL
RANGE

- 9 FRONT BOUNDARY FENCE
BLACK METAL VERTICAL
BLADE FENCE. REFER TO
DETAIL 3 / DA2101 - FRONT
FENCE ELEVATION

ACOUSTIC MIN. REQUIREMENT
(REFER TO ACOUSTIC REPORT)
- MIN. 10mm THICK EXTERNAL GLAZING TO
CLASSROOMS 4 & 5

SECTION J - BUILDING FABRIC REQUIREMENTS
ALL GLAZING - SYSTEM MAX U-VALUE = 4.30
ALL GLAZING - SYSTEM MAX SHGC = 0.45

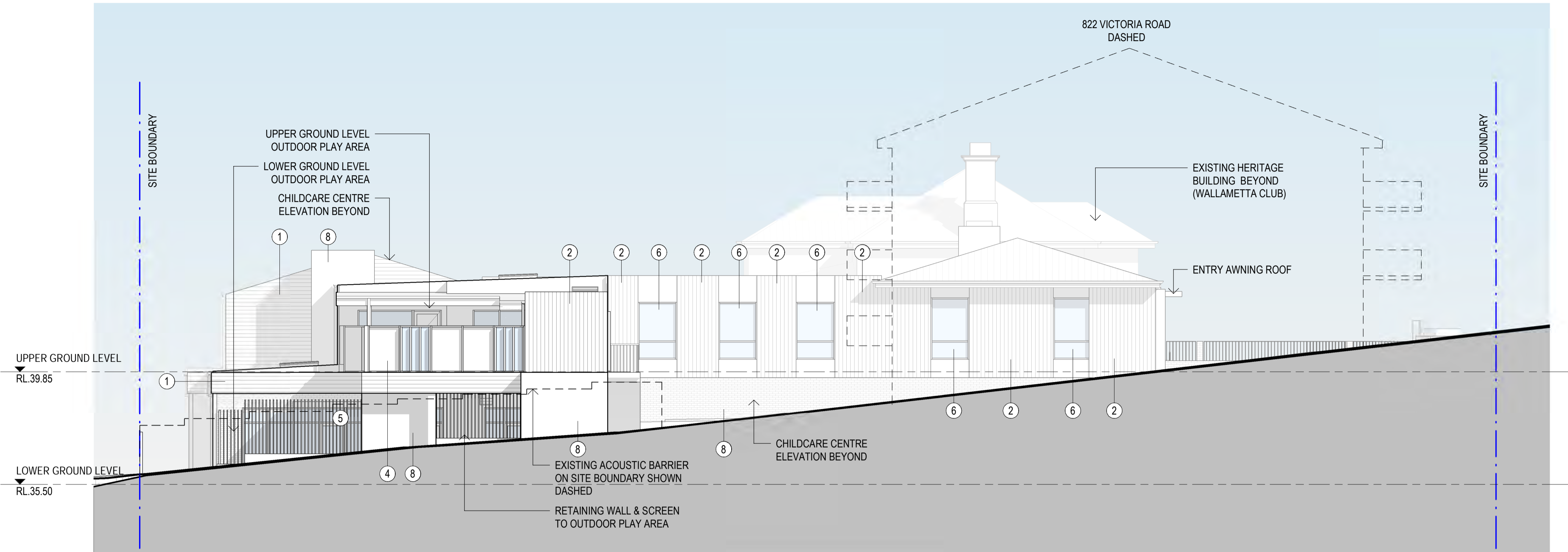
6 WINDOWS WITH COLOURED REVEALS

DEVELOPMENT APPLICATION

<p>NOTES:</p> <p>Nominated architect: Andrew O'Connell - 9018</p> <p>Copyright remains the property of Altis Architecture Pty Ltd.</p> <p>Use only figured dimensions.</p> <p>All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction.</p> <p>Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.</p>	<p>NORTH:</p>	
	<p>SCALE:</p> <p>As indicated @ A1</p>	<p>DATE:</p> <p>MARCH 2024</p>
	<p>DRAWN BY:</p> <p>JWV</p> <p>CAD FILE:</p>	<p>CHECKED BY:</p> <p>AW</p> <p>PROJECT NO:</p> <p>3110.01</p>

[illegible]

ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
3	25/03/2024	PRELIMINARY DA ISSUE
4	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION



1 PROPOSED SOUTH EAST ELEVATION
Scale: 1 : 100

NOTES
THE GLAZING REQUIREMENTS NOTED ACHIEVE DTS COMPLIANCE WITH NCC SECTION J. COMPLIANCE IS ALSO ACHIEVABLE THROUGH A PERFORMANCE BASED SOLUTION & WILL BE FURTHER CLARIFIED DURING THE CONSTRUCTION CERTIFICATE STAGE

VENTILATION LOUVRES SHOWN ON ELEVATIONS ARE APPROXIMATE AND SUBJECT TO FURTHER DETAILED DESIGN AT CONSTRUCTION CERTIFICATE STAGE

CLIENT:
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE

ARCHITECT:
ALTIS ARCHITECTURE

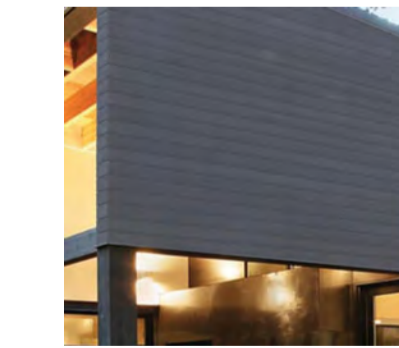
DRAWING TITLE:
PROPOSED ELEVATIONS - SHEET 4

NOTES:
Nominated architect: Andrew O'Connell : 9018
Copyright remains the property of Altis Architecture Pty Ltd.
Use only figured dimensions.
All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction.
Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.

NORTH:

SCALE:
As indicated @ A1
DRAWN BY: JW
CHECKED BY: AW
PROJECT NO: 3110.01
CAD FILE:

DATE: MARCH 2024
DRAWING NO: DA2104
ISSUE: 4



1 HORIZONTAL CLADDING EXPRESSED JOINTS
COLOUR: CHARCOAL GREY



2 VERTICAL CLADDING EXPRESSED JOINTS
COLOUR: CHARCOAL GREY



3A METAL DECK ROOF
COLOUR: CHARCOAL GREY (COLORBOND MONUMENT OR SIMILAR)

3B METAL DECK ROOF
COLOUR: MID GREY (COLORBOND SHALE GREY OR SIMILAR)

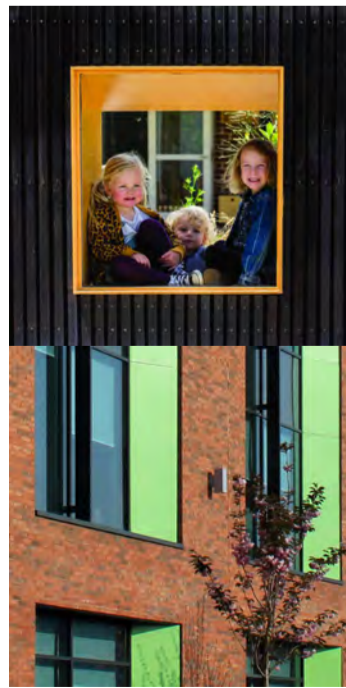


4 GLASS / PERSPEX ACOUSTIC BARRIERS WITH VERTICAL BATTENS 7



5 ALUMINIUM FRAMED GLAZED WINDOWS & DOORS
- WINDOWS TO INCORPORATE OPENABLE PANELS
- FRAME COLOUR: CHARCOAL

ACOUSTIC MIN. REQUIREMENT
(REFER TO ACOUSTIC REPORT)
- MIN. 10mm THICK EXTERNAL GLAZING TO CLASSROOMS 4 & 5
SECTION J - BUILDING FABRIC REQUIREMENTS
ALL GLAZING - SYSTEM MAX U-VALUE = 4.30
ALL GLAZING - SYSTEM MAX SHGC = 0.45



6 WINDOWS WITH COLOURED REVEALS



7 VERTICAL BATTENS WITH COLOURED REVEALS



8 RENDERED AND PAINTED MASONRY, PAINTED BRICK OR PAINTED FC CLADDING.
COLOUR: WHITE / NEUTRAL RANGE

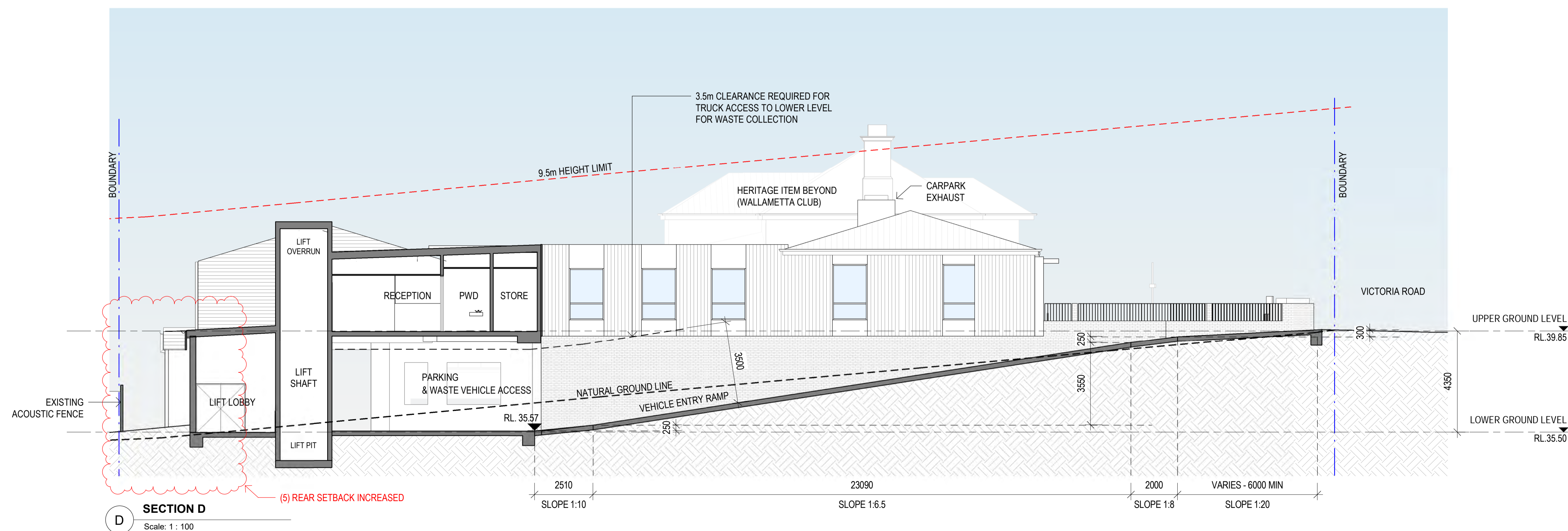
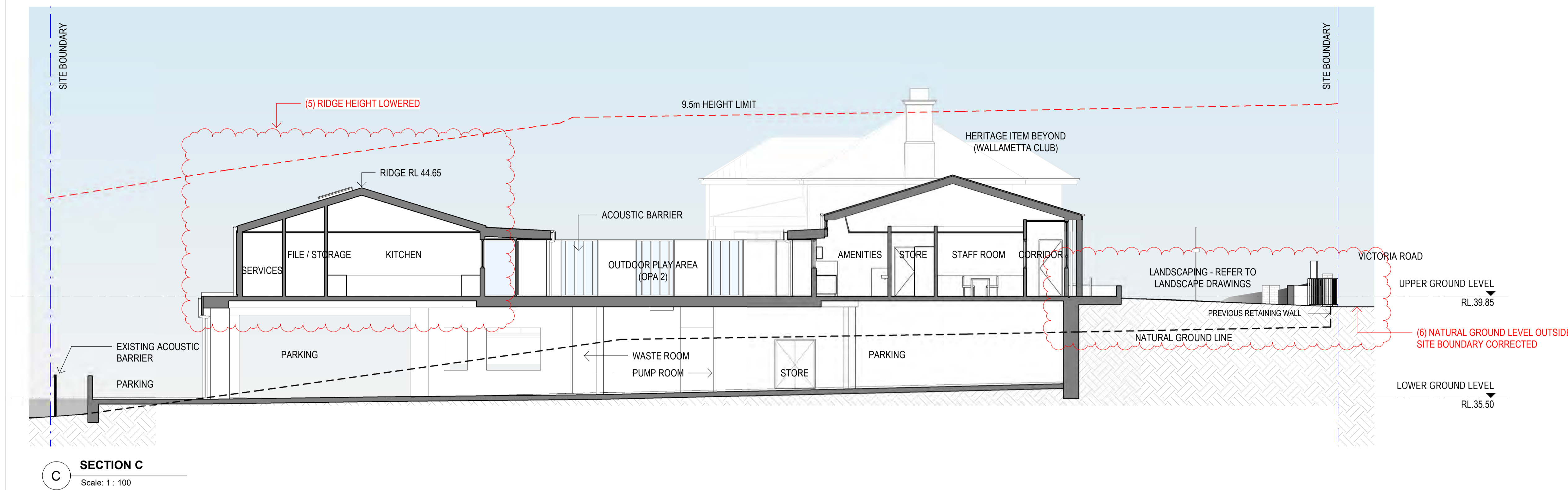


9 FRONT BOUNDARY FENCE. BLACK METAL VERTICAL BLADE FENCE. REFER TO DETAIL 3 / DA2101 - FRONT FENCE ELEVATION

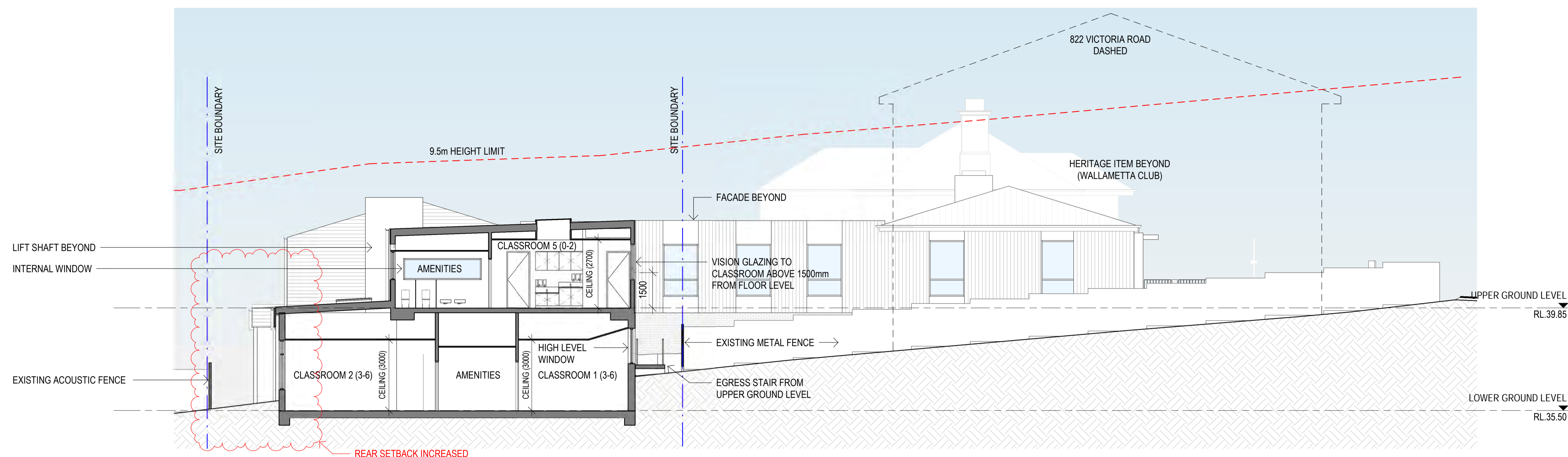
FENCE DESIGN AMENDED

DEVELOPMENT APPLICATION

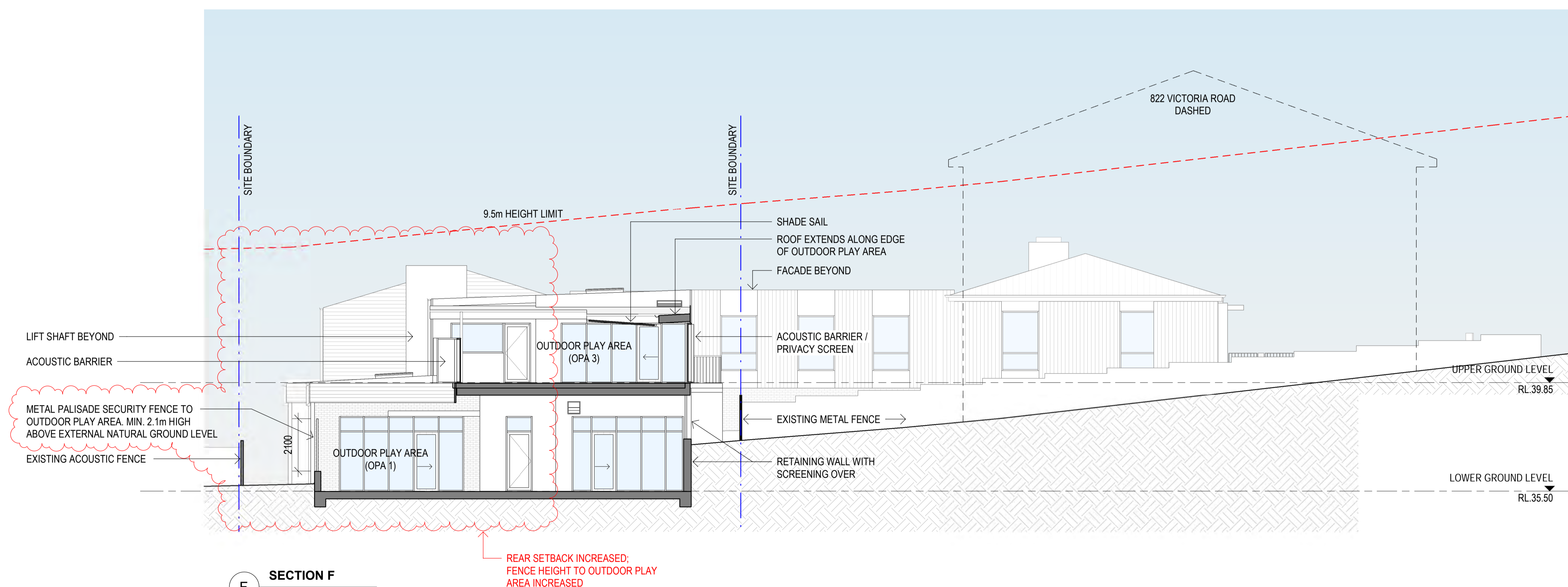
<div>9.5m HEIGHT LIMIT</div> <div>HEIGHT LIMIT LINE RELATES TO BUILDING AND NATURAL GROUND LEVEL WHERE SECTION IS CUT. BUILDING ELEMENTS SHOWN IN ELEVATION DO NOT RELATE TO THE HEIGHT LIMIT LINE.</div> <div>REFER TO DA3004 HEIGHT LIMIT PLAN FOR DETAIL.</div>					
CLIENT: <div>THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY</div>					
PROJECT: <div>CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE</div>					
ARCHITECT: <div>ALTIS ARCHITECTURE</div>					
DRAWING TITLE: <div>PROPOSED SECTIONS - SHEET 2</div>					
NOTES: <div>Nominated architect: Andrew O'Connell - 9018</div> <div>Copyright remains the property of Altis ArchitecturePty Ltd.</div> <div>Use only figured dimensions.</div> <div>All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction.</div> <div>Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.</div>				NORTH:	
SCALE: <div>1 : 100 @ A1</div>				DATE: <div>JUNE 2024</div>	
DRAWN BY: <div>TL</div>		CHECKED BY: <div>DB</div>		PROJECT NO: <div>3110.01</div>	
CAD FILE:				DRAWING NO: <div>DA3002</div>	
				ISSUE: <div>6</div>	



<div>9.5m HEIGHT LIMIT</div> <div>HEIGHT LIMIT LINE RELATES TO BUILDING AND NATURAL GROUND LEVEL WHERE SECTION IS CUT. BUILDING ELEMENTS SHOWN IN ELEVATION DO NOT RELATE TO THE HEIGHT LIMIT LINE.</div> <div>REFER TO DA3004 HEIGHT LIMIT PLAN FOR DETAIL.</div>			
CLIENT: <div>THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY</div>			
PROJECT: <div>CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE</div>			
ARCHITECT: <div>ALTIS ARCHITECTURE</div>			
DRAWING TITLE: <div>PROPOSED SECTIONS - SHEET 3</div>			
NOTES: Nominated architect: Andrew O'Connell - 9018 Copyright remains the property of Altis Architecture Pty Ltd. Use only figured dimensions. All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction. Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.		NORTH:	
SCALE: 1 : 100 @ A1		DATE: MARCH 2024	
DRAWN BY: TL	CHECKED BY: DB	PROJECT NO: 3110.01	DRAWING NO: DA3003
CAD FILE:			ISSUE: 6



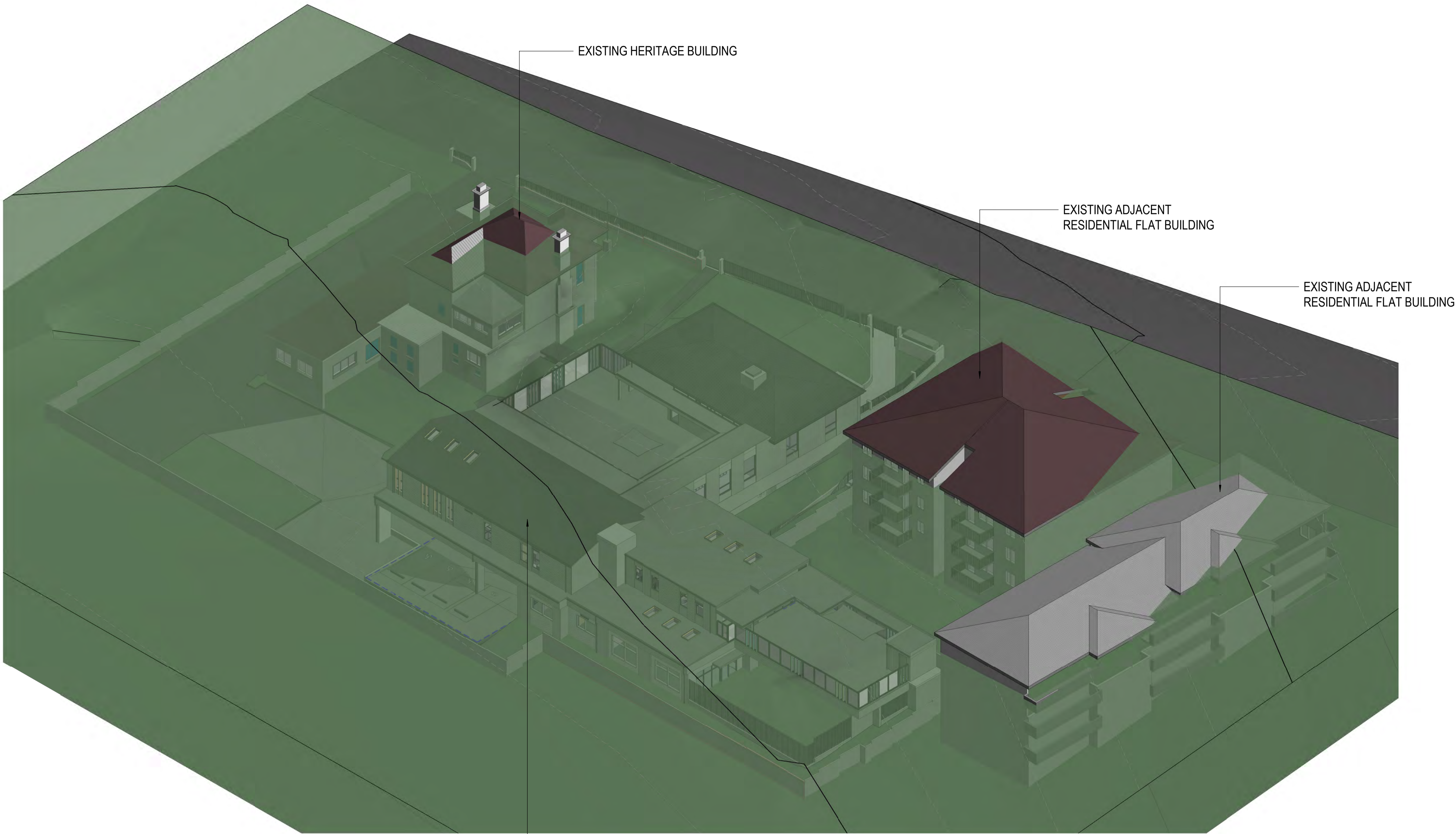
E **SECTION E**
Scale: 1 : 100



SECTION F
Scale: 1 : 100

DEVELOPMENT APPLICATION

[illegible]



EXISTING HERITAGE BUILDING

EXISTING ADJACENT
RESIDENTIAL FLAT BUILDING

EXISTING ADJACENT
RESIDENTIAL FLAT BUILDING

GREEN AREA DEPICTS 9.5m HEIGHT LIMIT
ACROSS THE ENTIRE SITE.
THE ENTIRETY OF THE PROPOSED
DEVELOPMENT IS BELOW THIS HEIGHT LIMIT

ISSUE	DATE	DESCRIPTION
1	05/04/2023	DRAFT COUNCIL RFI RESPONSE
2	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
3	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
4	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION

CLIENT:

THE TRUSTEES OF THE ROMAN
CATHOLIC CHURCH FOR THE
DIOCESE OF SAINT MARON SYDNEY

PROJECT:

CHILDCARE CENTRE AT 826
VICTORIA ROAD, RYDE

ARCHITECT:

ALTIS
ARCHITECTURE

DRAWING TITLE:

HEIGHT LIMIT PLAN

NOTES: Nominated architect: Andrew O'Connell : 9018 Copyright remains the property of Altis Architecture Pty Ltd. Use only figured dimensions. All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction. Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.			NORTH:	
SCALE: @ A1			DATE: MARCH 2024	
DRAWN BY: AW	CHECKED BY: DB	PROJECT NO: 3110.01	DRAWING NO: DA3004	ISSUE: 4
CAD FILE:				

DEVELOPMENT APPLICATION

CLIENT:	
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY	
PROJECT:	
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE	
ARCHITECT:	
<div>ALTIS</div> <div>ARCHITECTURE</div>	
DRAWING TITLE:	
SIGNAGE DETAILS	
NOTES: Nominated architect: Andrew O'Connell : 9018 Copyright remains the property of Altis Architecture Pty Ltd. Use only figured dimensions. All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction. Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.	NORTH: 
SCALE: As indicated @ A1	DATE: MARCH 2024
DRAWN BY: TL	CHECKED BY: AW
CAD FILE:	PROJECT NO: 3110.01
DRAWING NO: DA9001	ISSUE: 2



DRAWING SUPERSEDED - REFER TO DRAWING DA9012

ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	05/04/2023	DRAFT COUNCIL RFI RESPONSE
3	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
4	25/03/2024	DRAWING SUPERSEDED

CLIENT:

THE TRUSTEES OF THE ROMAN
CATHOLIC CHURCH FOR THE
DIOCESE OF SAINT MARON SYDNEY

PROJECT:

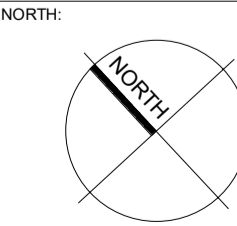
CHILDCARE CENTRE AT 826
VICTORIA ROAD, RYDE



DRAWING TITLE:

AREA PLANS


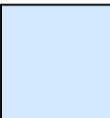




NOTES:
Nominated architect: Andrew O'Connell : 9018
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SCALE: @ A1			DATE: MARCH 2024	
DRAWN BY: TL	CHECKED BY: DB	PROJECT NO: 3110.01	DRAWING NO: DA9011	ISSUE: 4
CAD FILE:				

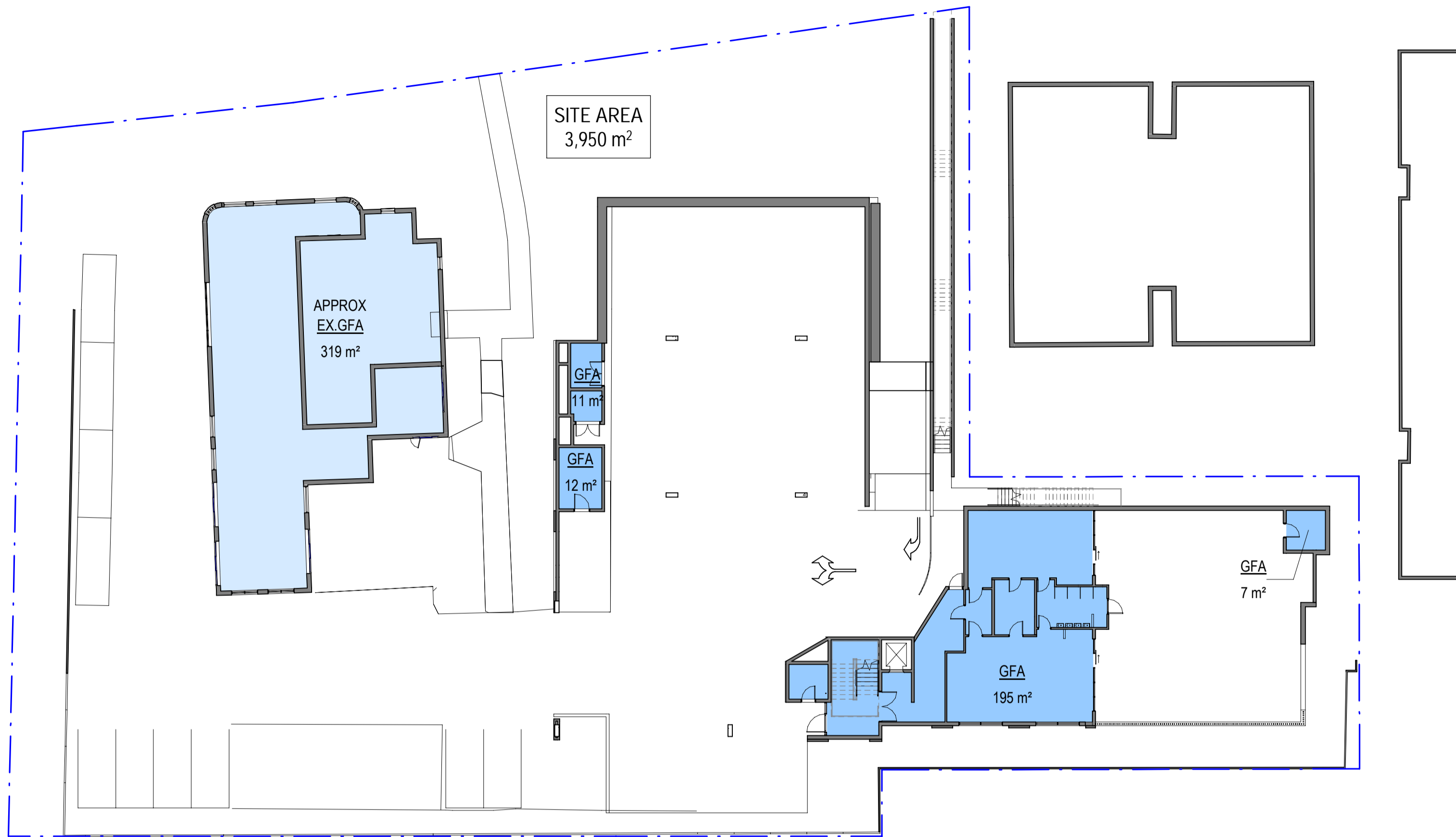
DEVELOPMENT APPLICATION

— SITE AREA CORRECTED

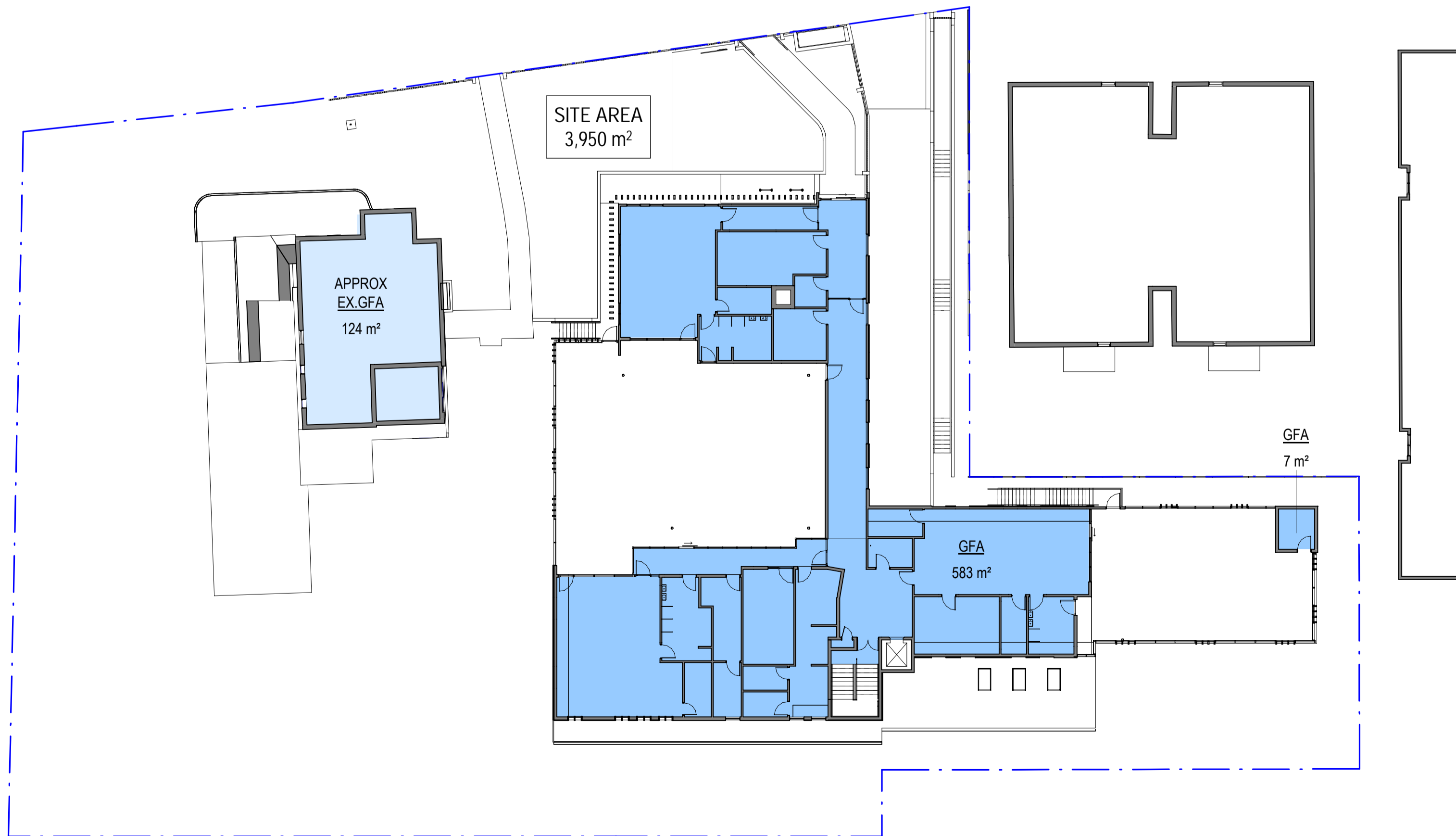
LOWER FLOOR		GROSS FLOOR AREA LOWER FLOOR (PROPOSED)	225m ²
		GROSS FLOOR AREA LOWER FLOOR (EXG BUILDING)	319m ²
		GROSS FLOOR AREA LOWER FLOOR OUTDOOR PLAY AREA	202m ²
UPPER FLOOR		GROSS FLOOR AREA UPPER FLOOR (PROPOSED)	590m ²
		GROSS FLOOR AREA UPPER FLOOR (EXG BUILDING)	124m ²
		GROSS FLOOR AREA UPPER FLOOR OUTDOOR PLAY AREAS	392m ²
	TOTAL GROSS FLOOR AREA		1,852m ² (FSR 0.47 : 1)

DEVELOPMENT APPLICATION

DATE: JUNE 2024	
DRAWING NO: DA9012a	ISSUE: 4



1 GFA-LOWER LEVEL
Scale: 1 : 250



2 GFA-UPPER LEVEL
Scale: 1 : 250

GFA & FSR CALCULATIONS

SITE AREA: 3,950m² (CONSOLIDATED LOTS)
MAX FSR: 0.5 : 1
MAX PERMISSIBLE GFA: 1,975m²

SITE AREA CORRECTED

LOWER FLOOR	GROSS FLOOR AREA LOWER FLOOR (PROPOSED)	225m ²
	GROSS FLOOR AREA LOWER FLOOR (EXG BUILDING)	319m ²
UPPER FLOOR	GROSS FLOOR AREA UPPER FLOOR (PROPOSED)	590m ²
	GROSS FLOOR AREA UPPER FLOOR (EXG BUILDING)	124m ²
TOTAL GROSS FLOOR AREA		1,258 m ² (FSR 0.32 : 1)

ISSUE	DATE	DESCRIPTION
1	05/04/2023	DRAFT COUNCIL RFI RESPONSE
2	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
3	01/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
4	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
5	25/03/2024	PRELIMINARY DA ISSUE
6	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
7	13/06/2024	DRAWING UPDATED - ISSUED FOR DEVELOPMENT APPLICATION

CLIENT:
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE

ARCHITECT:
ALTIS
ARCHITECTURE

DRAWING TITLE:
AREA PLANS

NOTES: Nominated architect: Andrew O'Connell : 9018 Copyright remains the property of Altis Architecture Pty Ltd. Use only figured dimensions. All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction. Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.		NORTH: 	
SCALE: As indicated @ A1	DATE: JUNE 2024		
DRAWN BY: AW/DB	CHECKED BY: DB	PROJECT NO: 3110.01	DRAWING NO: DA9012
CAD FILE:			ISSUE: 7

DEVELOPMENT APPLICATION

13/06/2024 12:15:24 PM

LEGEND

- CUT
- FILL
- ADJACENT SITES
- PROPOSED SITE

CUT & FILL VOLUME SUMMARY	
TOTAL CUT	2,130 m ³
TOTAL FILL	270 m ³
NET CUT	1,860 m ³

FILL UPDATED TO FRONT OF SITE



DEVELOPMENT APPLICATION

[illegible]

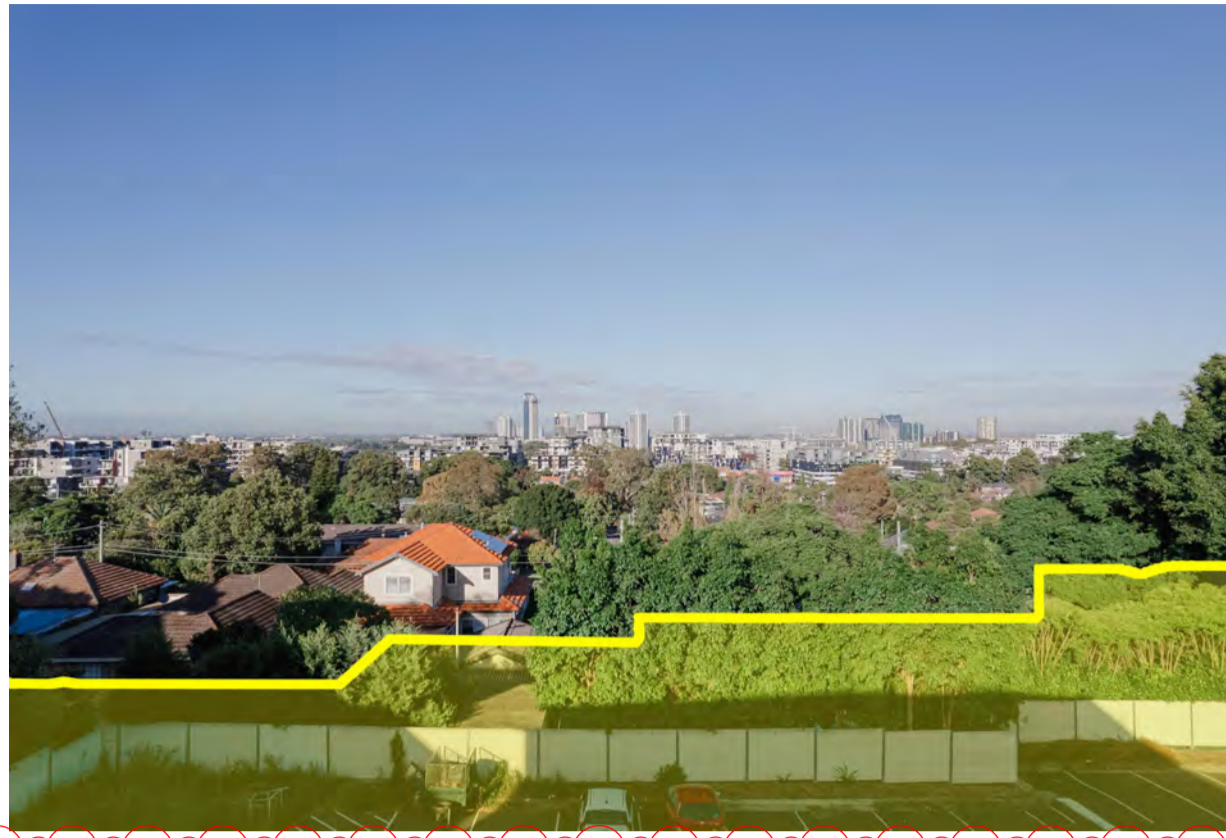
EXISTING

PROPOSED

EXISTING

PROPOSED

LEVEL 3



10 APARTMENT 10: BALCONY - LEVEL 3
CAMERA RL: 47.78 (APPROX)

10 APARTMENT 10: BALCONY - LEVEL 3
CAMERA RL: 47.78 (APPROX)

11 APARTMENT 11: BALCONY - LEVEL 3
CAMERA RL: 47.78 (APPROX)

11 APARTMENT 11: BALCONY - LEVEL 3
CAMERA RL: 47.78 (APPROX)

LEVEL 2



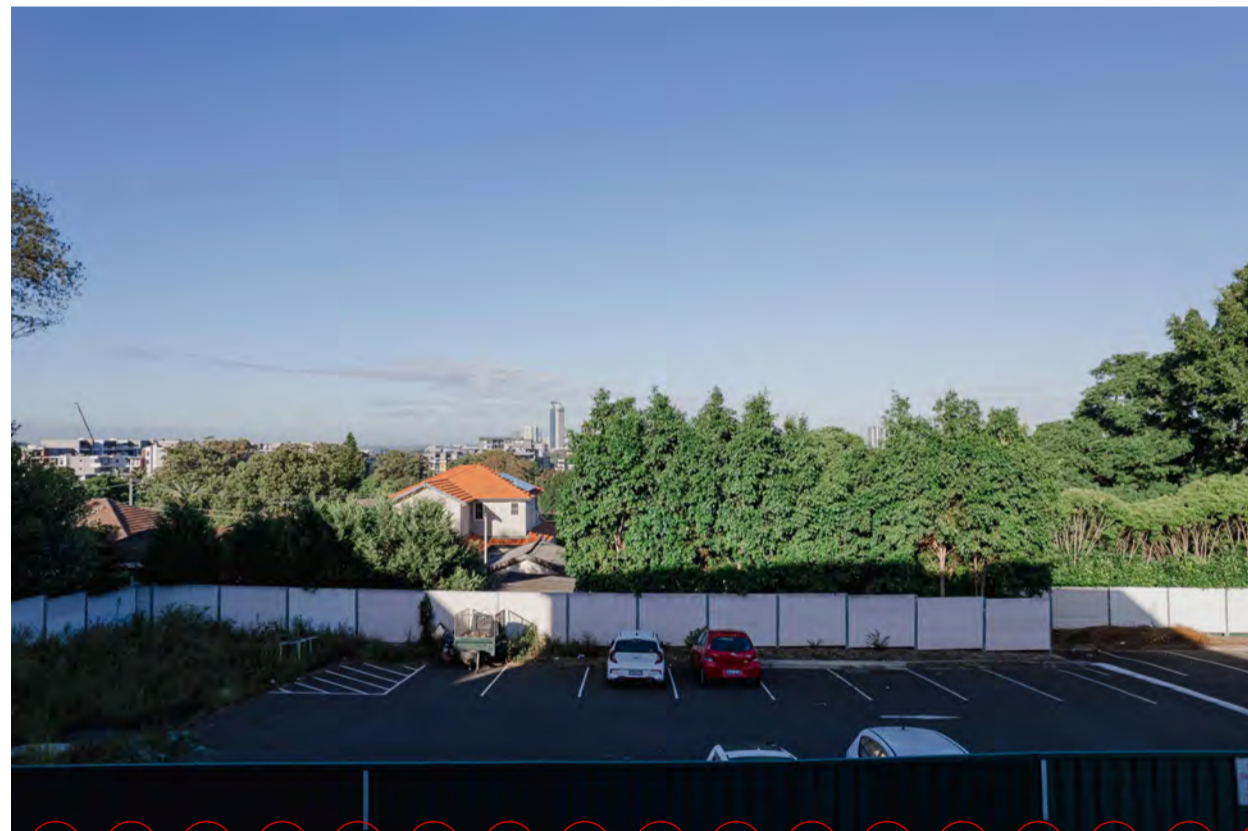
6 APARTMENT 6: BALCONY - LEVEL 2
CAMERA RL: 45.07 (APPROX)

6 APARTMENT 6: BALCONY - LEVEL 2
CAMERA RL: 45.07 (APPROX)

7 APARTMENT 7: BALCONY - LEVEL 2
CAMERA RL: 45.07 (APPROX)

7 APARTMENT 7: BALCONY - LEVEL 2
CAMERA RL: 45.07 (APPROX)

LEVEL 1



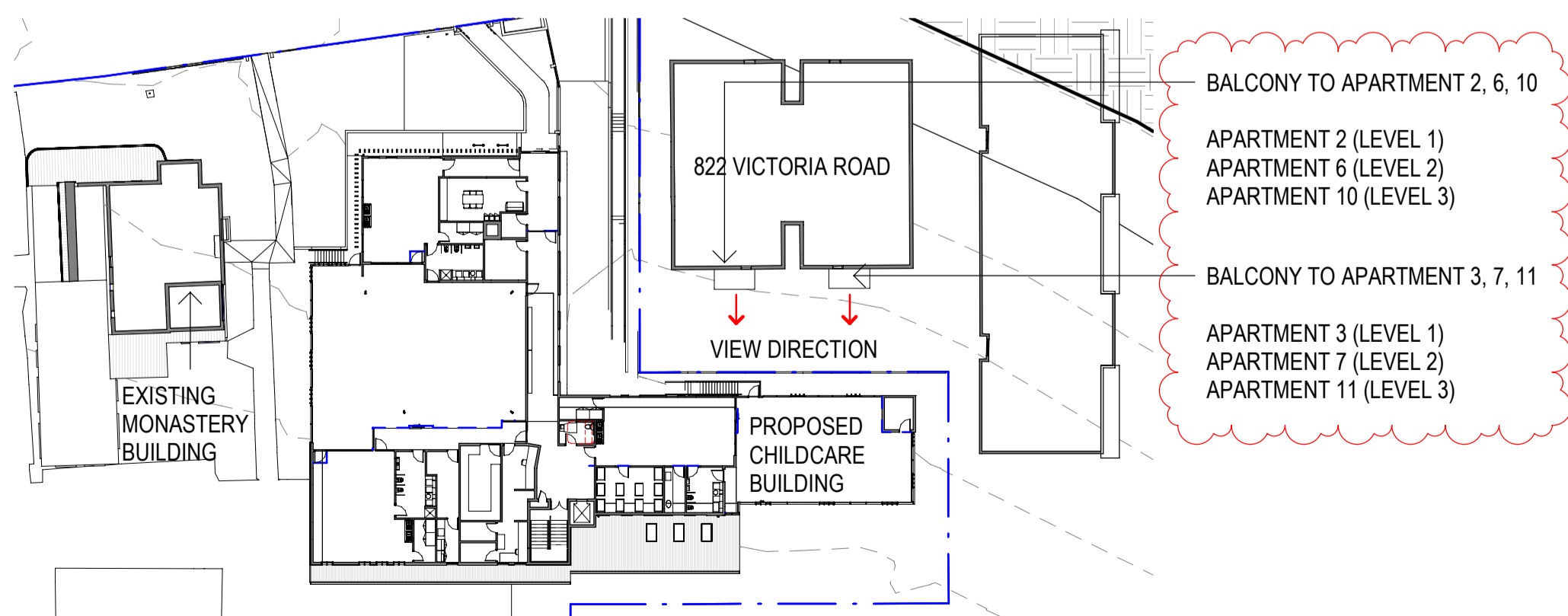
2 APARTMENT 2: BALCONY - LEVEL 1
CAMERA RL: 42.53 (APPROX)

2 APARTMENT 2: BALCONY - LEVEL 1
CAMERA RL: 42.53 (APPROX)

3 APARTMENT 3: BALCONY - LEVEL 1
CAMERA RL: 42.53 (APPROX)

3 APARTMENT 3: BALCONY - LEVEL 1
CAMERA RL: 42.53 (APPROX)

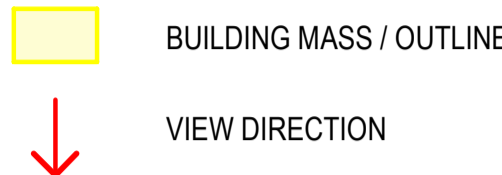
1 VIEW LOSS ASSESSMENT
Scale: 1:100



2 822 VICTORIA RD - KEY PLAN LEVEL
Scale: 1:500

ISSUE	DATE	DESCRIPTION
1	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RF1 AND RE-ISSUED FOR DEVELOPMENT APPLICATION
2	04/06/2024	APARTMENT NUMBERS ADDED

LEGEND



NOTE - CAMERA RL TAKEN AT 1.5m ABOVE FLOOR LEVEL

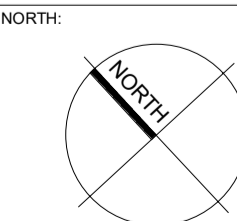
CLIENT:
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE

ARCHITECT:
ALTIS
ARCHITECTURE

DRAWING TITLE:
VIEW LOSS ASSESSMENT 822 VICTORIA RD

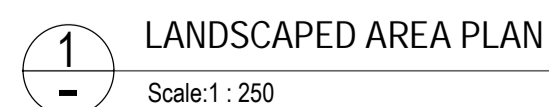
NOTES:
Nominated architect: Andrew O'Connell : 9018
Copyright remains the property of Altis Architecture Pty Ltd.
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Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.



SCALE:
As indicated @ A1
DRAWN BY: NR
CHECKED BY: DB
PROJECT NO: 3110.01
CAD FILE:

DATE:
JUNE 2024
DRAWING NO: DA9014
ISSUE: 2

DEVELOPMENT APPLICATION

[illegible]

DATE: MARCH 2024	
DRAWING NO: DA9015	ISSUE: 3

7/03/2024 4:57:56 PM

VICTORIA ROAD

6900 PROPOSED SETBACK

FIRE BOOSTER

ACCESSIBLE WALKWAY TO ENTRY

LANDSCAPED FRONT SETBACK

EXISTING VEHICLE CROSSOVER WIDENED

EXIT STAIRS / PATH TO STREET (OPEN ABOVE)

FOOTPATH

SITE BOUNDARY

EXISTING VEHICLE EXIT MAINTAINED

PROPOSED SETBACK
10000

HERITAGE ITEM
WALLAMETTA CLUB

828 VICTORIA ROAD

822 VICTORIA ROAD

820 VICTORIA ROAD

SITE BOUNDARY

METAL DECK ROOF
SITE BOUNDARY

2000
SETBACK

UPPER LEVEL OUTDOOR
PLAY WITH ACOUSTIC
BARRIERS

EXISTING ACOUSTIC
BARRIERS

LOWER LEVEL SETBACK
7750

UPPER LEVEL SETBACK

2000
LOWER LEVEL SETBACK

UPPER LEVEL SETBACK

LOWER LEVEL OUTDOOR PLAY

EXISTING ACOUSTIC
BARRIERS ON BOUNDARY

6500
LOWER LEVEL SETBACK

UPPER LEVEL SETBACK

8000

SITE BOUNDARY

SITE PLAN

Scale: 1 : 500

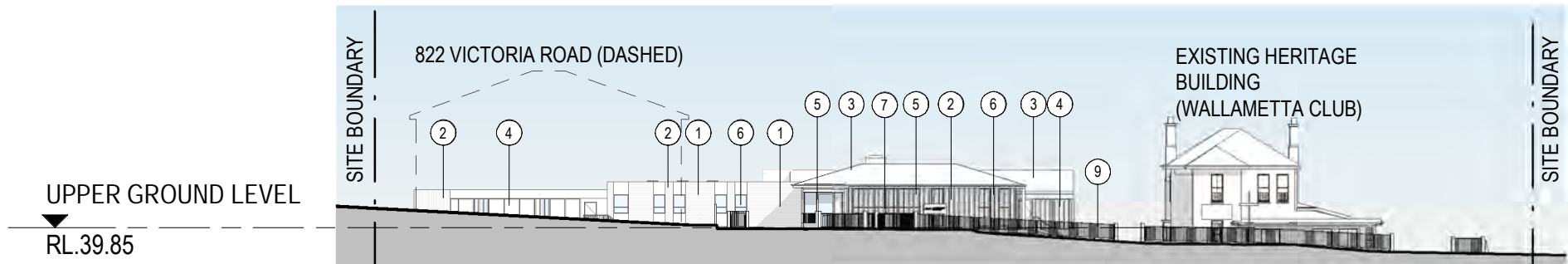
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NOTIFICATION PLAN - CHILDCARE CENTRE, 826 VICTORIA ROAD, RYDE NSW 2112

5 0 5 10 15 20 25
SCALE 1:500 m



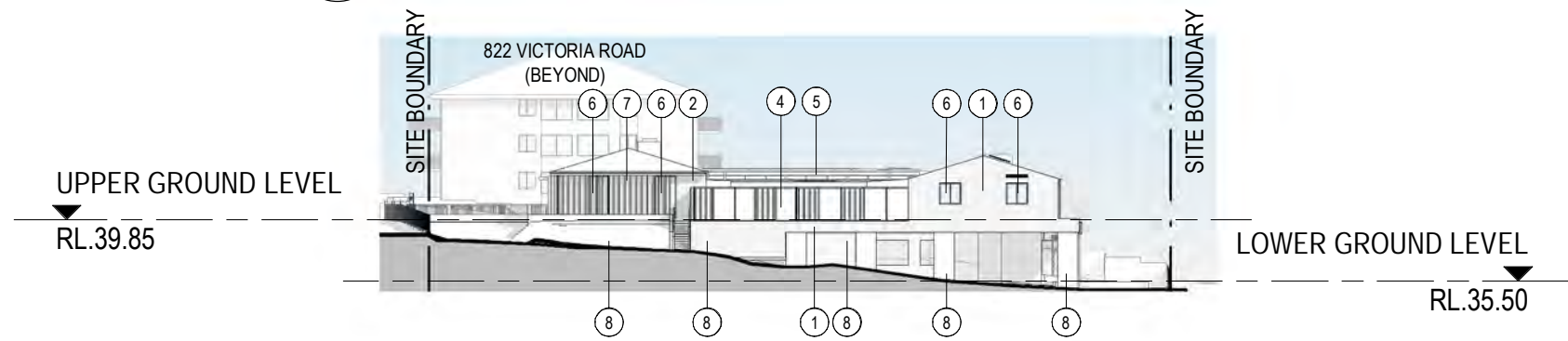
ALTIS
ARCHITECTURE



1

NORTH EAST ELEVATION

Scale: 1 : 500

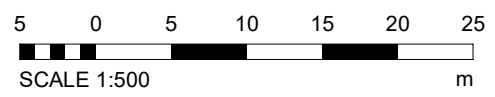


2

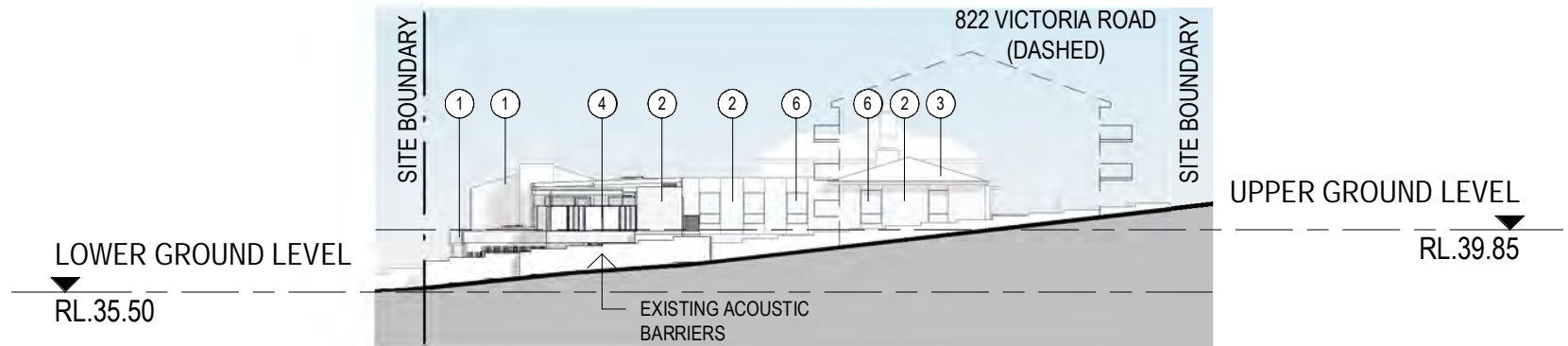
NORTH WEST ELEVATION

Scale: 1 : 500

① HORIZONTAL CLADDING EXPRESSED JOINTS COLOUR: MID GREY	② VERTICAL CLADDING EXPRESSED JOINTS COLOUR: MID GREY	③ METAL DECK ROOF	④ ACOUSTIC BARRIERS	⑤ ALUMINIUM FRAMED WINDOWS
⑥ WINDOWS WITH COLOURED REVEALS	⑦ VERTICAL BATTENS WITH COLOURED REVEALS	⑧ RENDERED AND PAINTED MASONRY, PAINTED BRICK OR PAINTED FC CLADDING. COLOUR: WHITE / NEUTRAL RANGE	⑨ FRONT BOUNDARY FENCE. PAINTED BRICK WALL WITH BLACK METAL UPRIGHTS ABOVE	



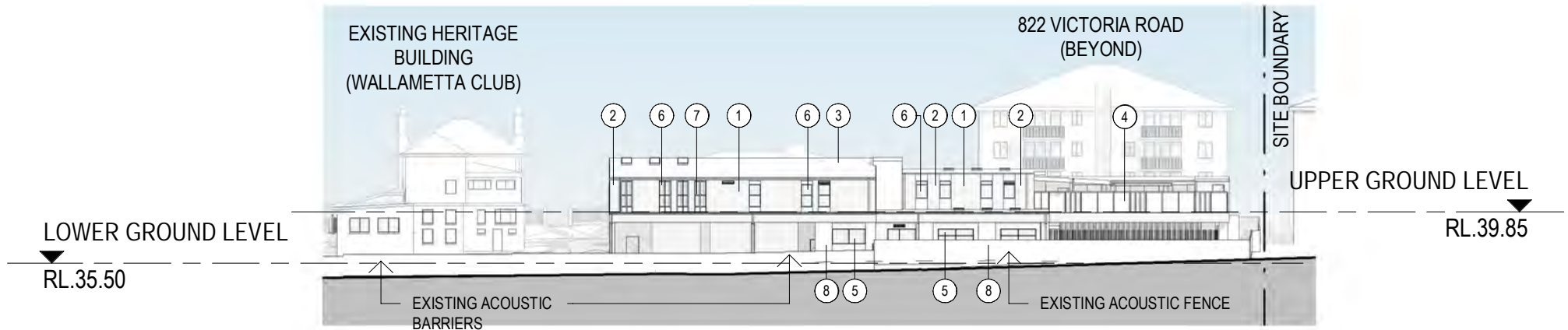
NOTIFICATION PLAN - CHILDCARE CENTRE, 826 VICTORIA ROAD, RYDE NSW 2112



1

SOUTH EAST ELEVATION

Scale: 1 : 500

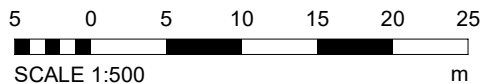


2

SOUTH WEST ELEVATION

Scale: 1 : 500

① HORIZONTAL CLADDING EXPRESSED JOINTS COLOUR: MID GREY	② VERTICAL CLADDING EXPRESSED JOINTS COLOUR: MID GREY	③ METAL DECK ROOF	④ ACOUSTIC BARRIERS	⑤ ALUMINIUM FRAMED WINDOWS
⑥ WINDOWS WITH COLOURED REVEALS	⑦ VERTICAL BATTENS WITH COLOURED REVEALS	⑧ RENDERED AND PAINTED MASONRY, PAINTED BRICK OR PAINTED FC CLADDING. COLOUR: WHITE / NEUTRAL RANGE	⑨ FRONT BOUNDARY FENCE. PAINTED BRICK WALL WITH BLACK METAL UPRIGHTS ABOVE	



NOTIFICATION PLAN - CHILDCARE CENTRE, 826 VICTORIA ROAD, RYDE NSW 2112

Childcare

Landscape Development Application

826 Victoria Road, Ryde

Drawing Schedule

Drawing Number	Drawing Title	Scale
000	Coversheet	N/A
001	Existing tree management plan	1:100
002	Existing tree management plan	1:100
101	General arrangement- Upper Ground Floor	1:100
102	Detailed plan - Upper Ground Floor 1	1:50
103	Detailed plan - Upper Ground Floor 2	1:50
104	General arrangement- Lower Ground Floor	1:100
105	Detailed plan- Lower Ground Floor 1	1:50
301	Planting plan- Upper Ground Floor	1:100
302	Planting plan- Lower Ground Floor	1:100
303	Planting plan- Upper & Lower Ground Outdoor Play	1:100
501	Landscape details	As shown
502	Landscape details	As shown

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B	For DA Approval	EN	RS	21.09.2022
A	Preliminary	EN	RS	06.09.2022
Issue	Revision Description	Drawn	Check	Date

Legend

Key Plan

Client

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Childcare
826 Victoria Road, Ryde

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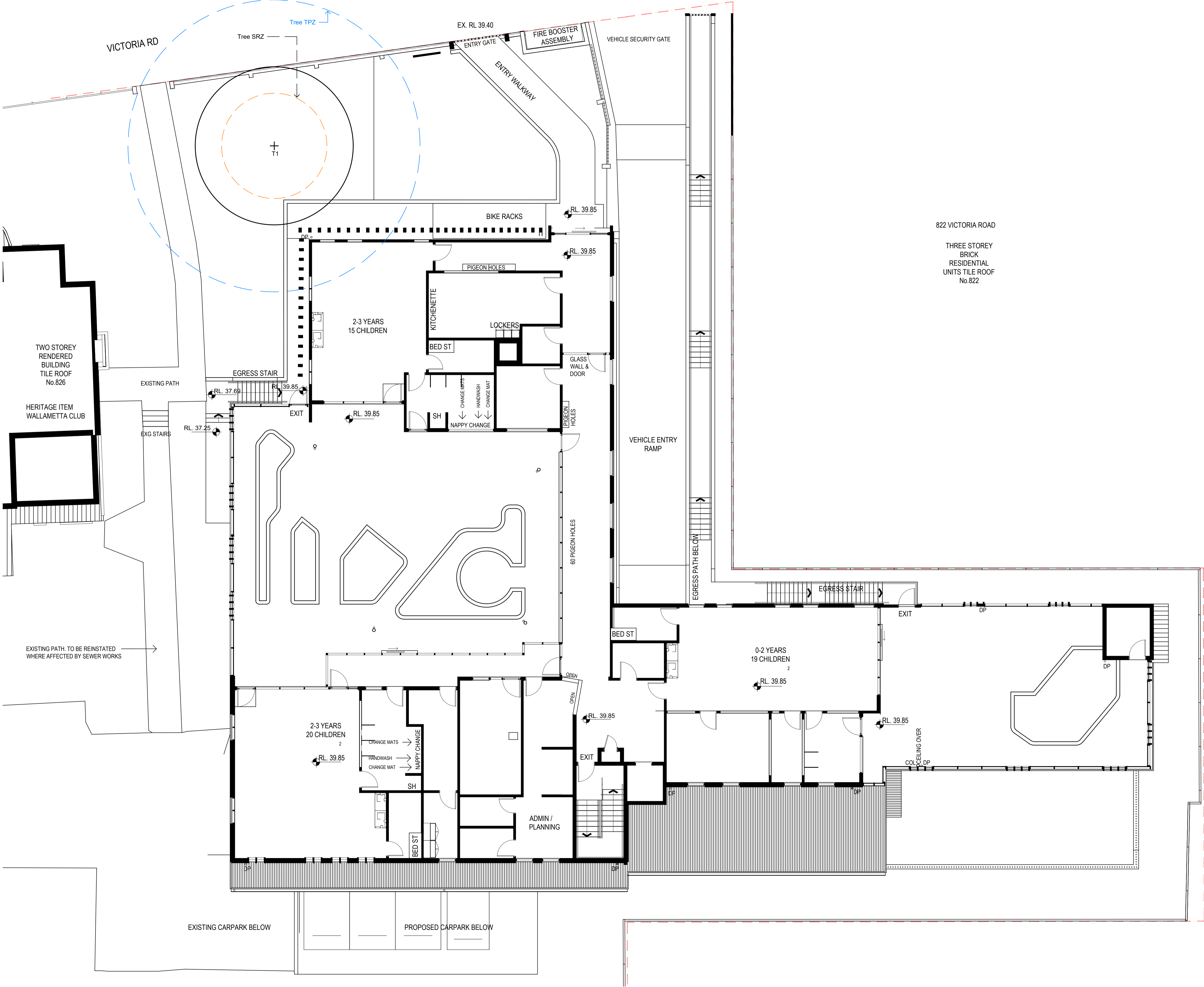
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DEVELOPMENT APPLICATION

Drawing Name
Coversheet

Scale	Drawing Number	Issue
Job Number	SS20-5010	000 D

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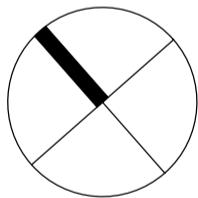
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Legend

- Existing tree to be retained
- Tree protection zone (TPZ)
(Refer to Arborist report for details)
- Structural Root Zone (SRZ)
(Refer to Arborist report for details)

Key Plan



Client

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DEVELOPMENT APPLICATION

Drawing Name
Existing tree management plan
Upper Ground

Scale 1:100 @ A1




Job Number
SS20-5010

Drawing Number
001

Issue
D

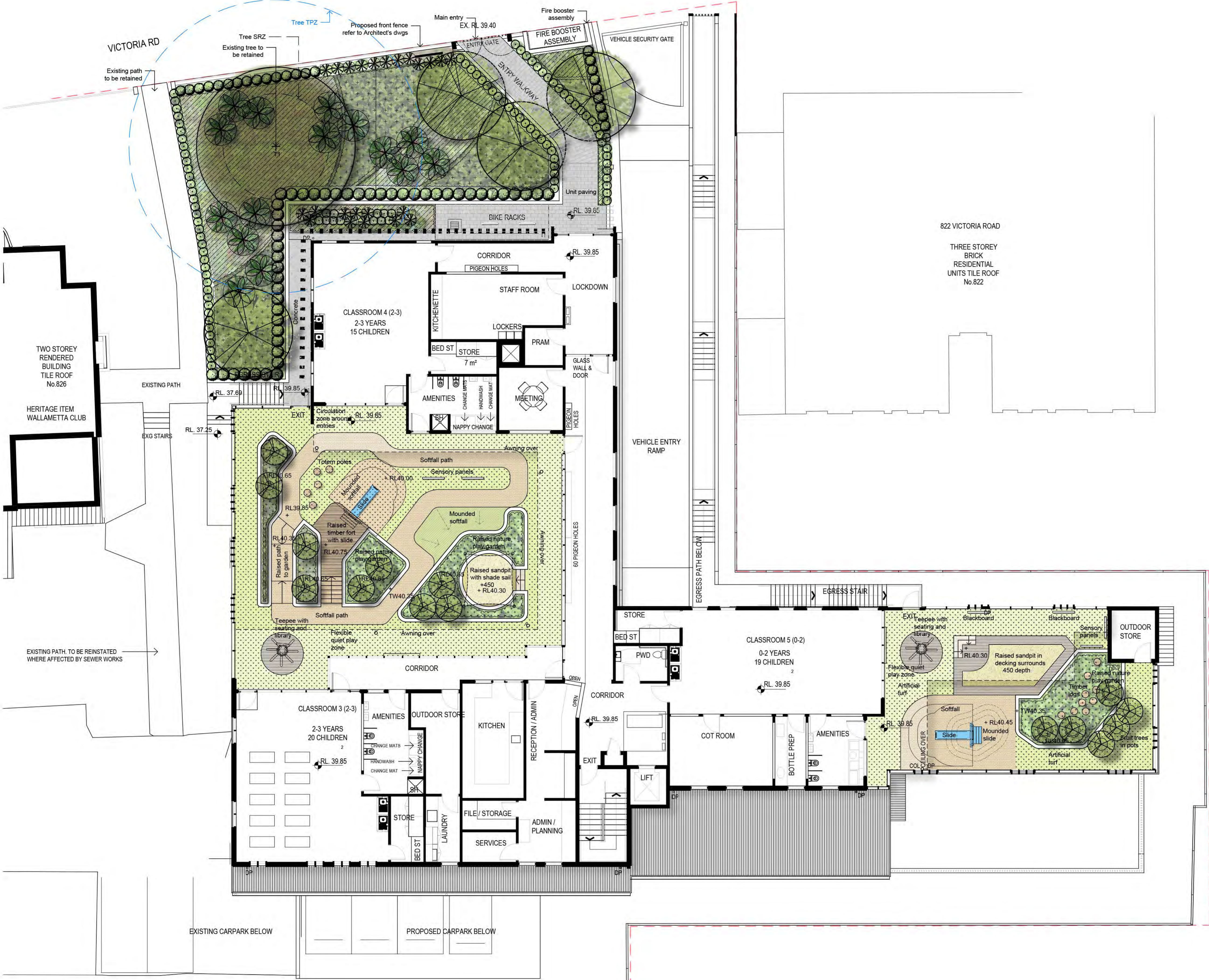
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Legend

	Existing tree to be retained
	Tree protection zone (TPZ) (Refer to Arborist report for details)
	Structural Root Zone (SRZ) (Refer to Arborist report for details)



002 D

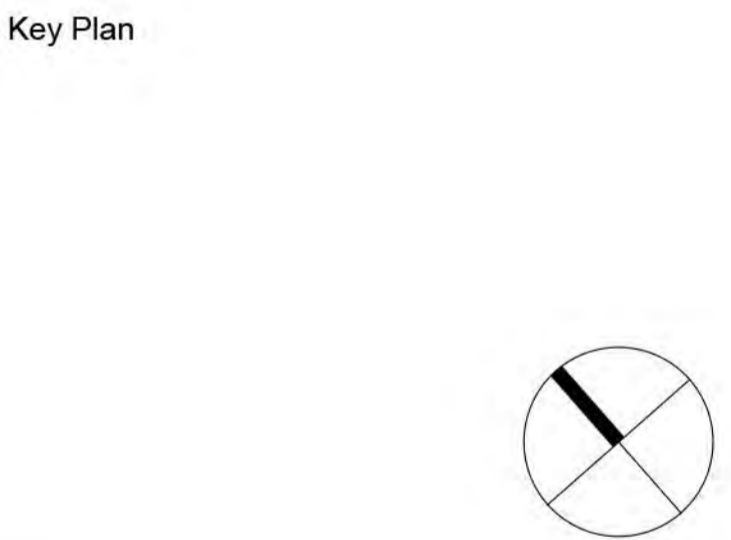


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A	Preliminary	NH	RS	02.09.2022
Issue	Revision Description	Drawn	Check	Date

- Legend**
- Existing tree to be retained
 - Proposed tree
 - Proposed shrub & accents
 - Proposed groundcovers
 - Artificial Turf
 - Rubber softfall surfacing
 - Timber decking
 - Sandpit
 - Unit pavers
 - Exposed aggregate concrete paving
 - Timber Teepee
 - Totem poles
 - Blockwork landscape wall
 - Shade sail



Client

Project

Childcare
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DEVELOPMENT APPLICATION

Drawing Name

General arrangement
Upper ground floor

Scale 1:100 @ A1

Job Number

SS20-5010

Drawing Number

101

Issue

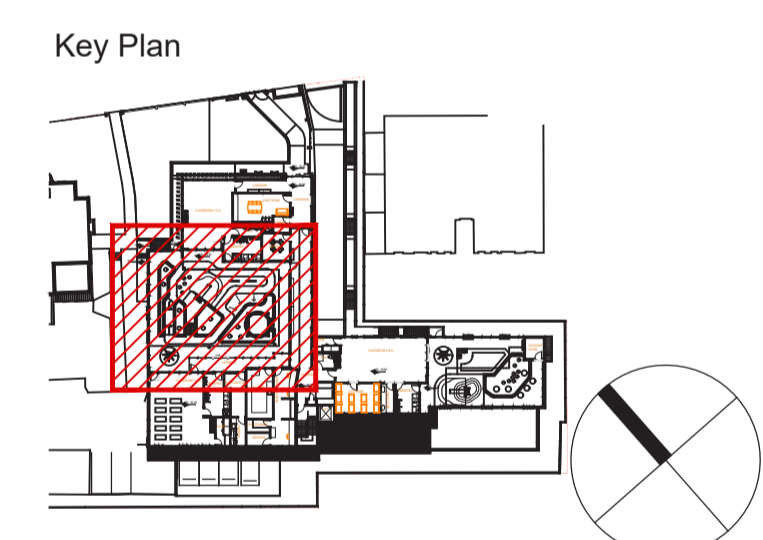
E

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Client

Project

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Drawing Name

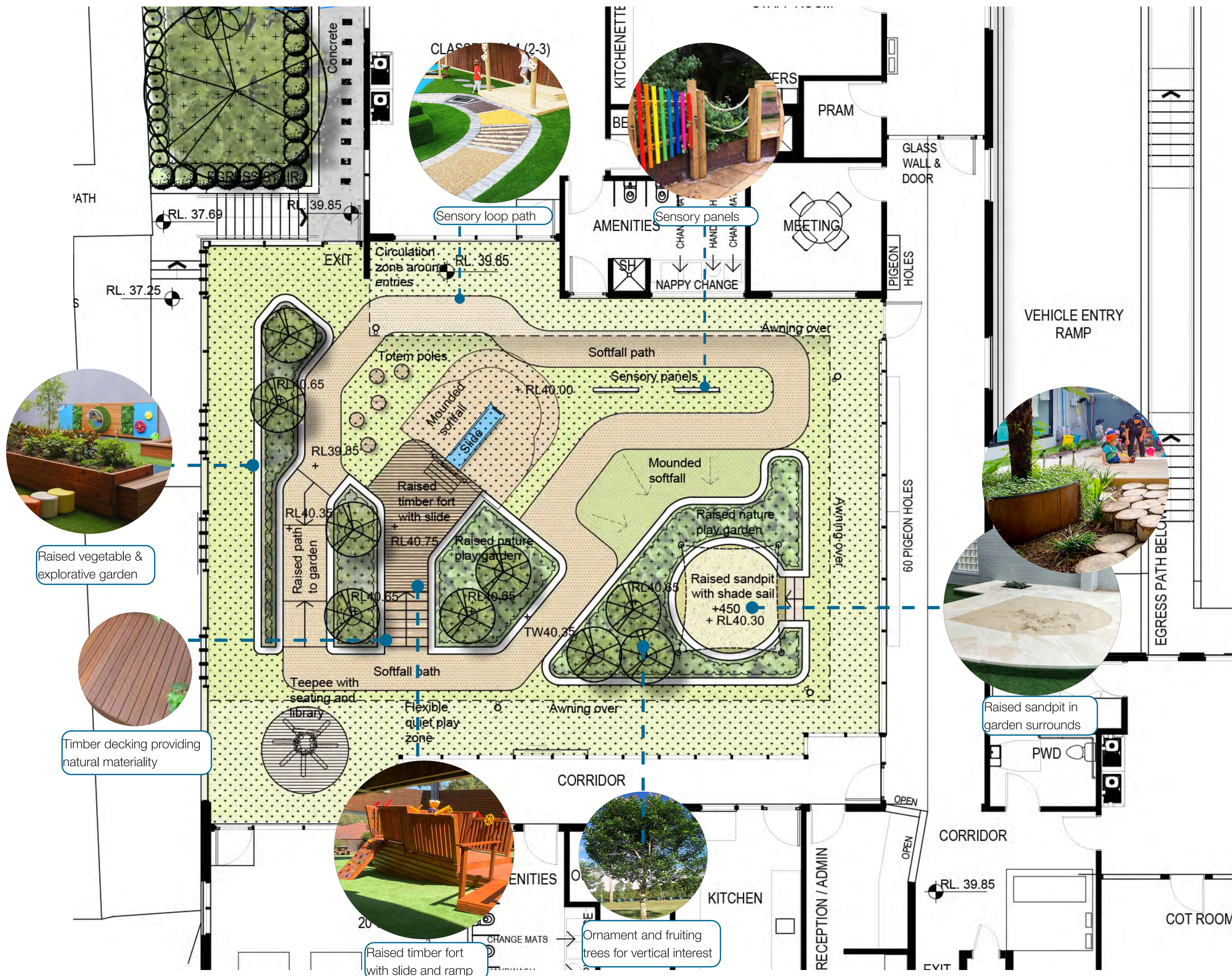
**Detailed plan-
Upper ground floor 1**

Scale 1:100 @ A1

Job Number

Drawing Number

Issue

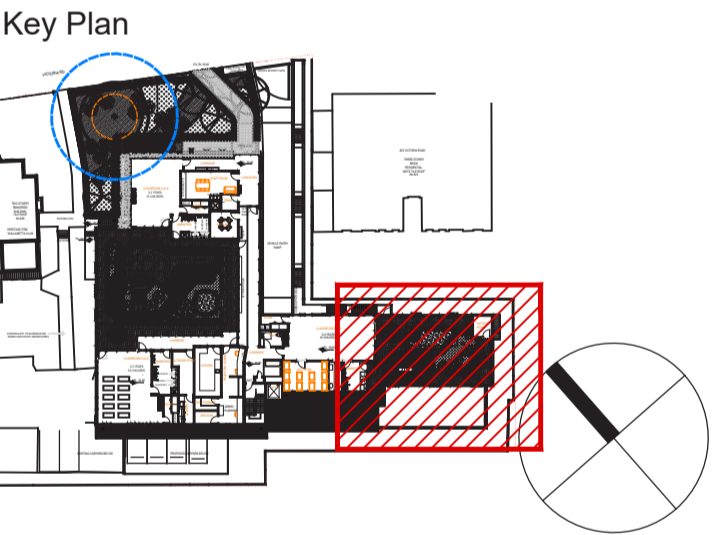


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 - Totem poles
 - Blockwork landscape wall
 - Shade sail

Key PI

Client



Project
Chilc
826

Client

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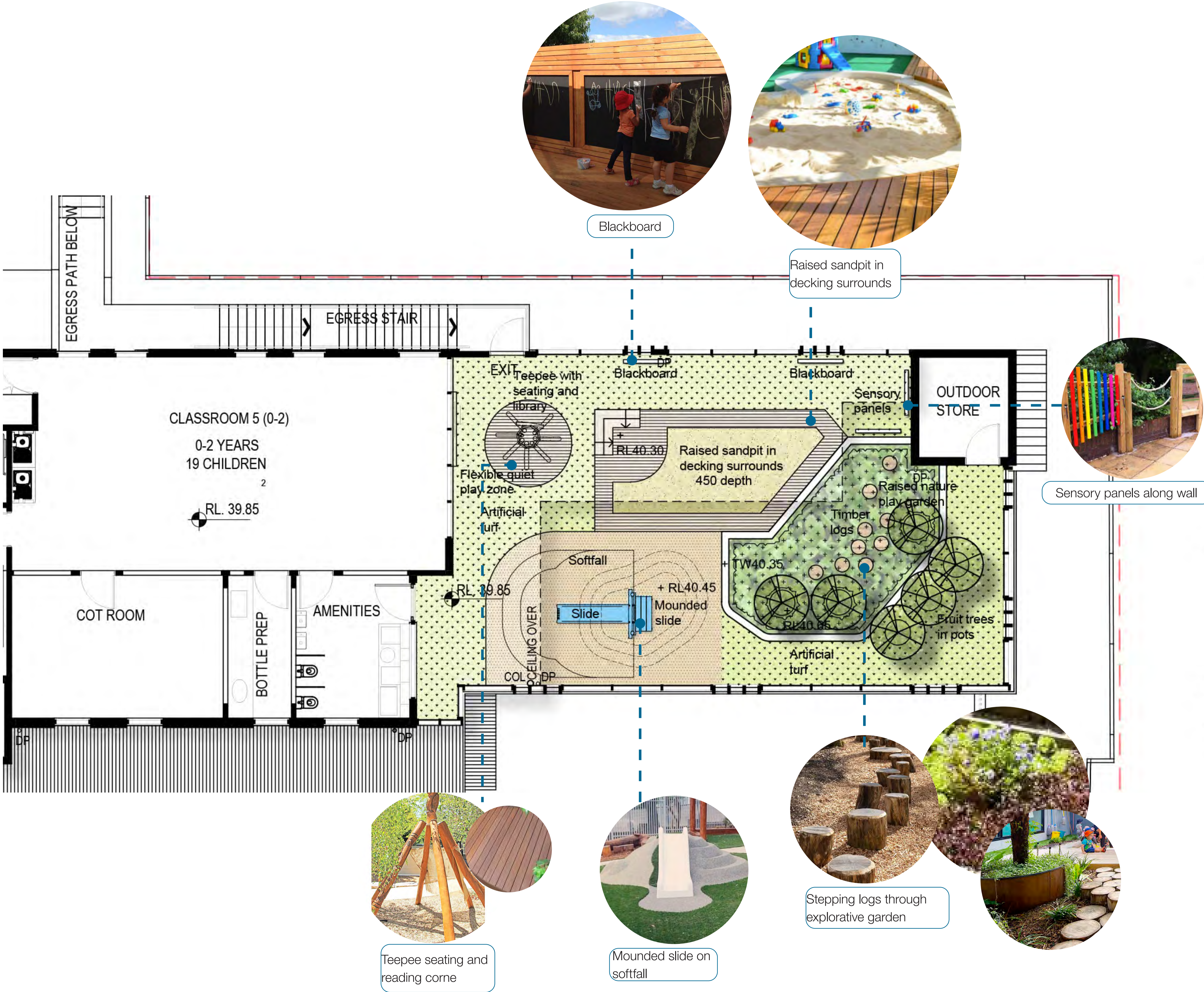
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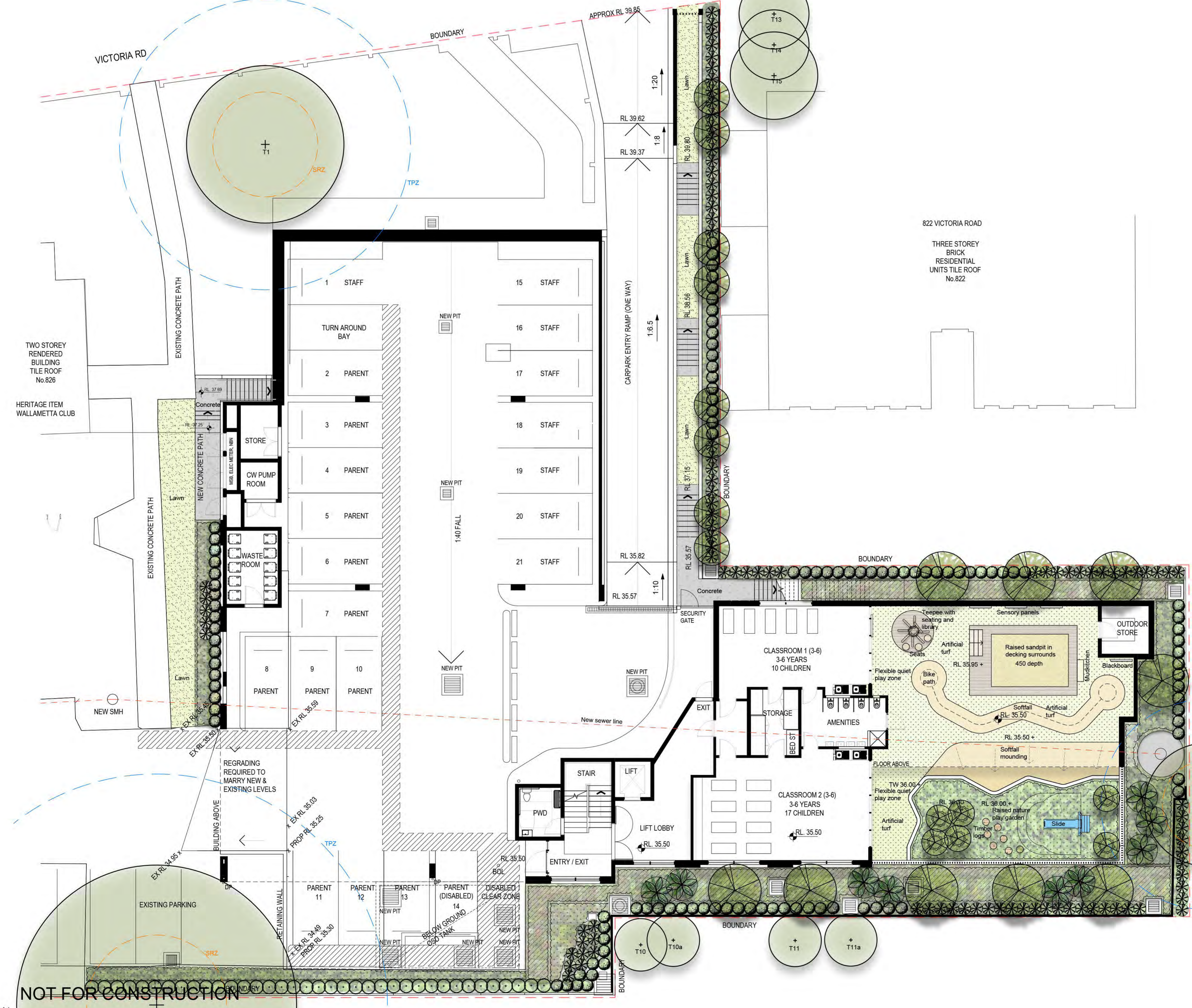
DEVELOPMENT APPLICATION

Drawing Name
Detailed plan-
Upper ground floor 2

Scale 1:100 @ A1
Job Number
Drawing Number
Issue

SS20-5010 103 E



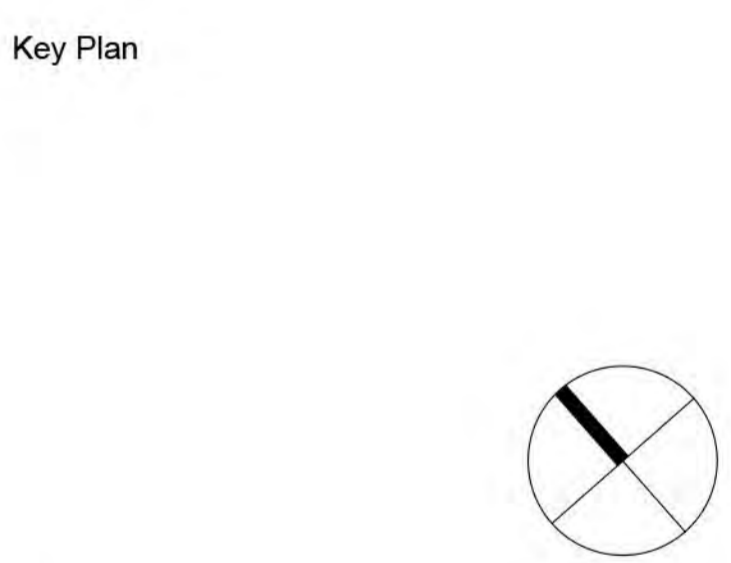


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 - Totem poles
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 - Shade sail



Client

Project

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DEVELOPMENT APPLICATION

Drawing Name

General arrangement
Lower ground floor

Scale: 1:100 @ A1






Job Number

SS20-5010

104 E

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Legend

	Existing tree to be retained
	Proposed tree
	Proposed shrub & accents
	Proposed groundcovers
	Artificial Turf

Client

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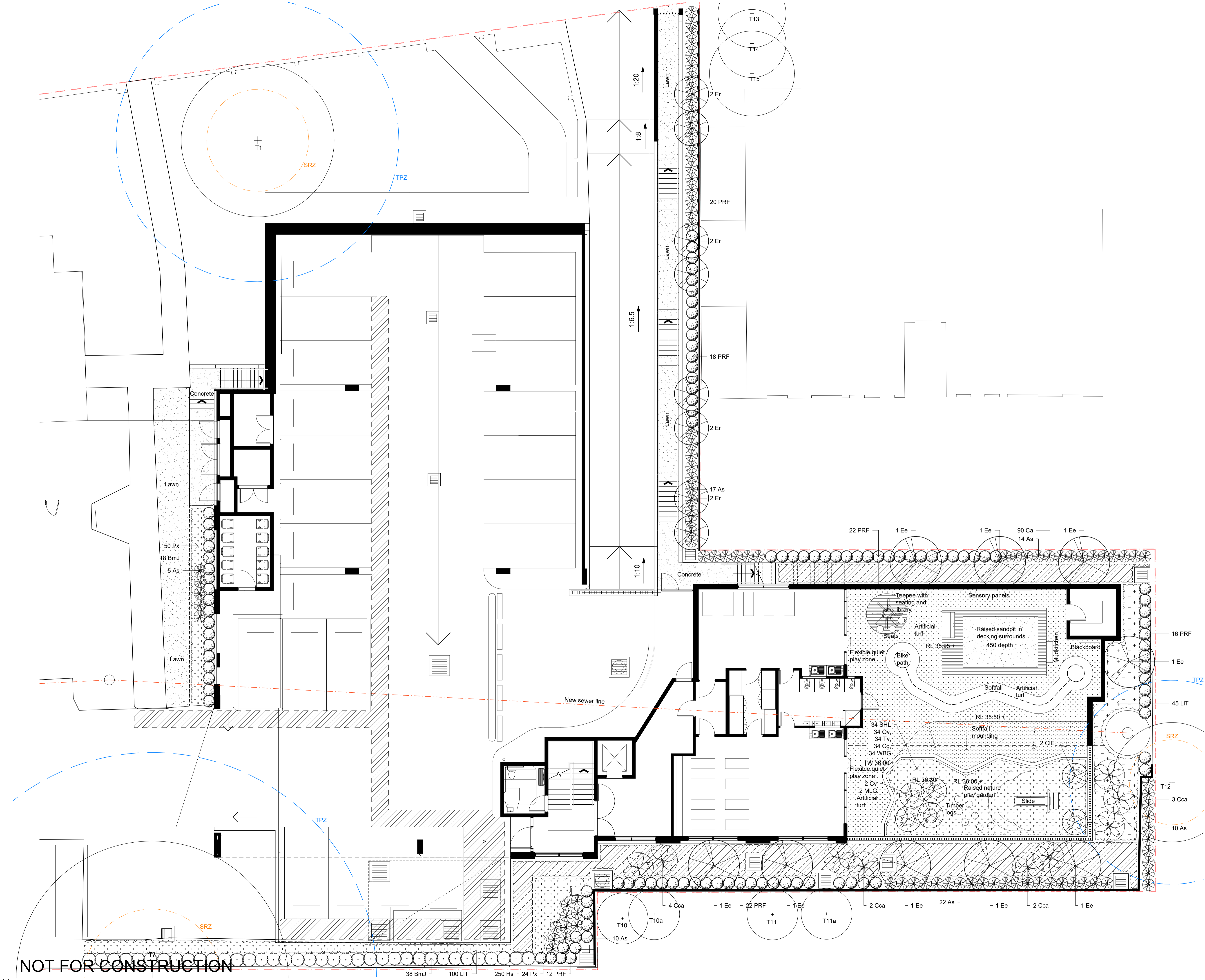
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Job Number Drawing Number Issue



SS20-5010 301 D

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Issue	Revision Description	Drawn	Check	Date

Legend

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- Proposed tree
- Proposed shrub & accents
- Proposed groundcovers
- Artificial Turf

Key Plan

Client
Project
Childcare
826 Victoria Road, Ryde

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DEVELOPMENT APPLICATION

Drawing Name
Planting plan
Lower ground floor

Scale 1:100 @ A1

Job Number
SS20-5010

Drawing Number
302

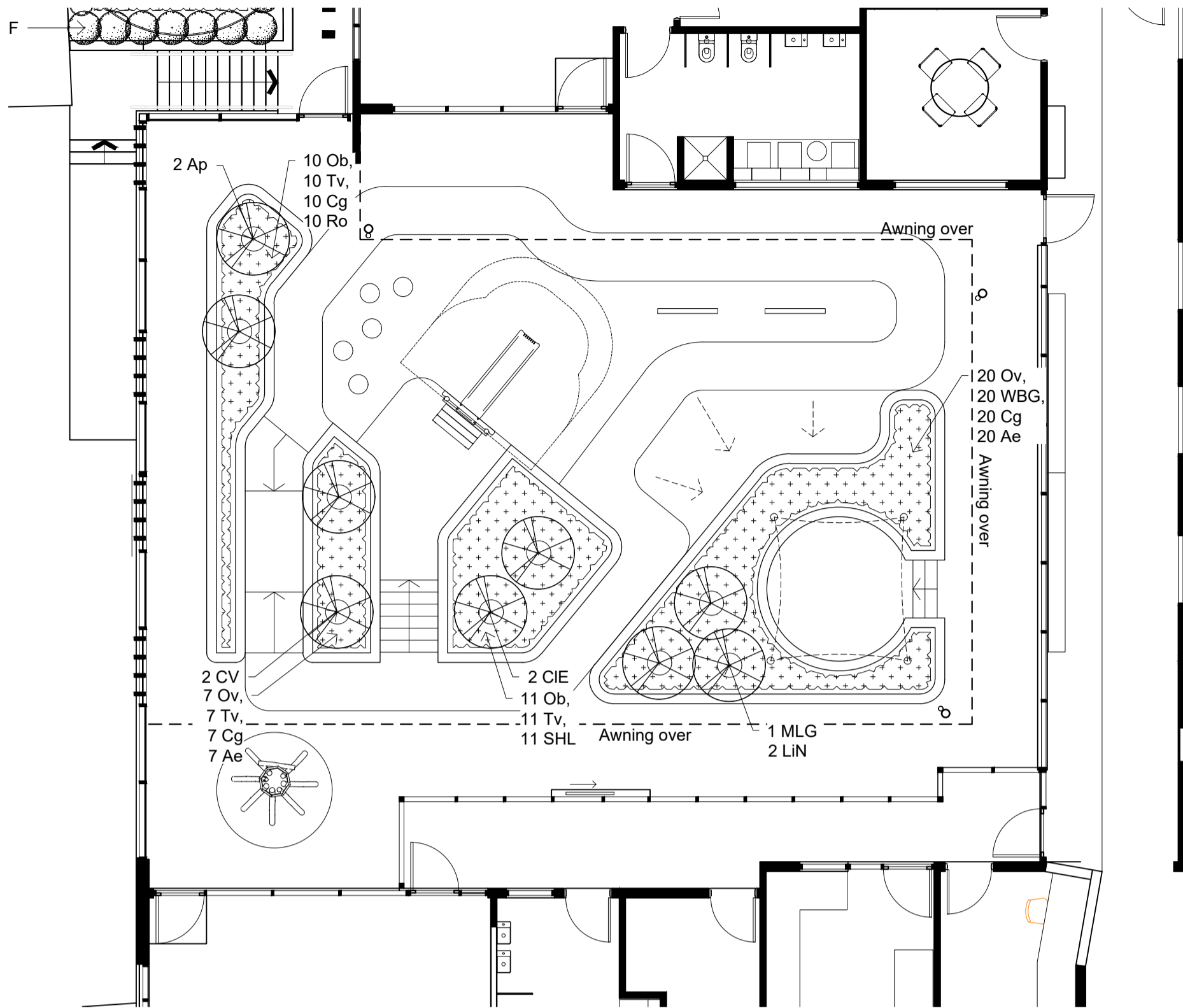
Issue
D

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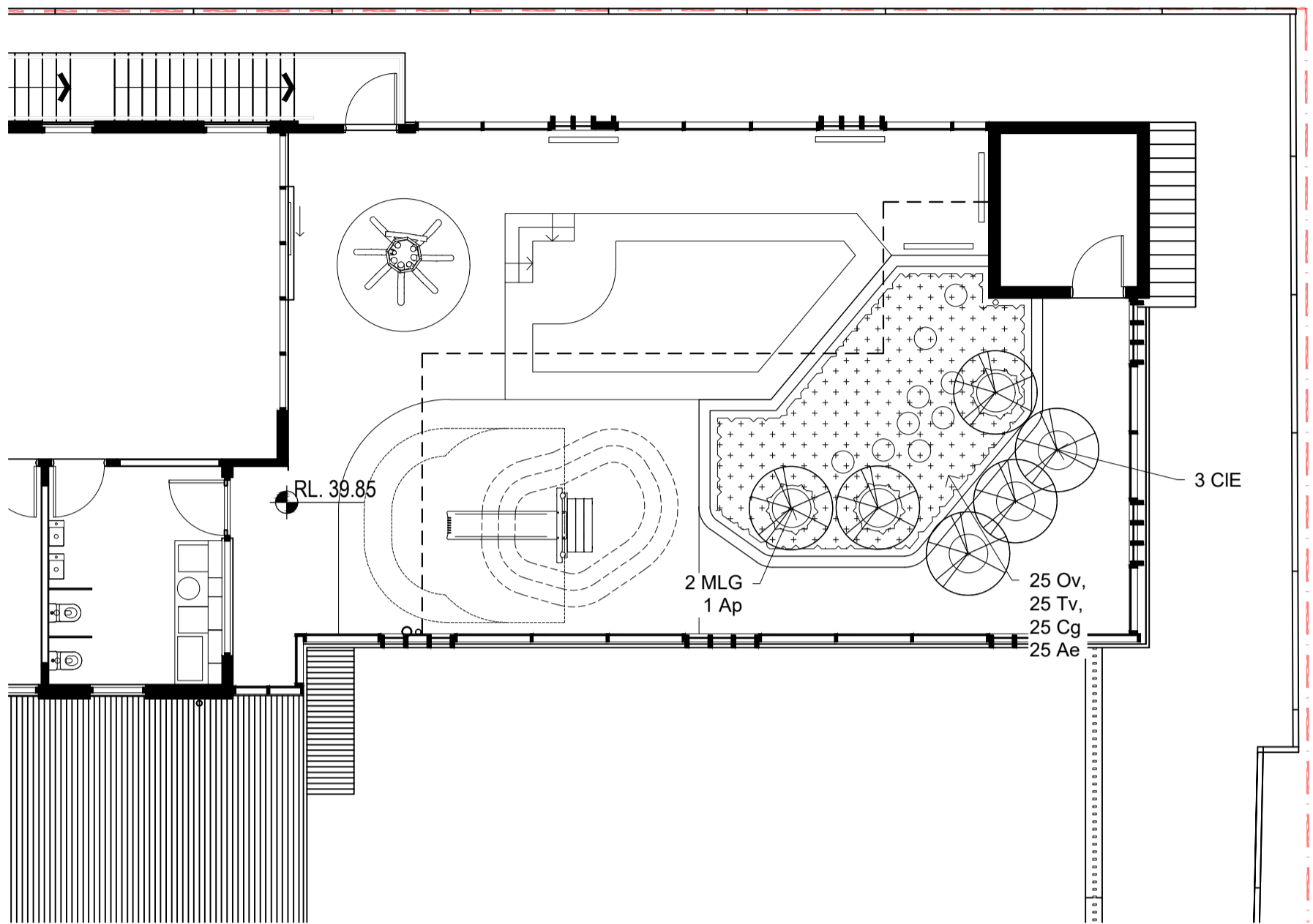
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Issue Revision Description Drawn Check Date

Legend

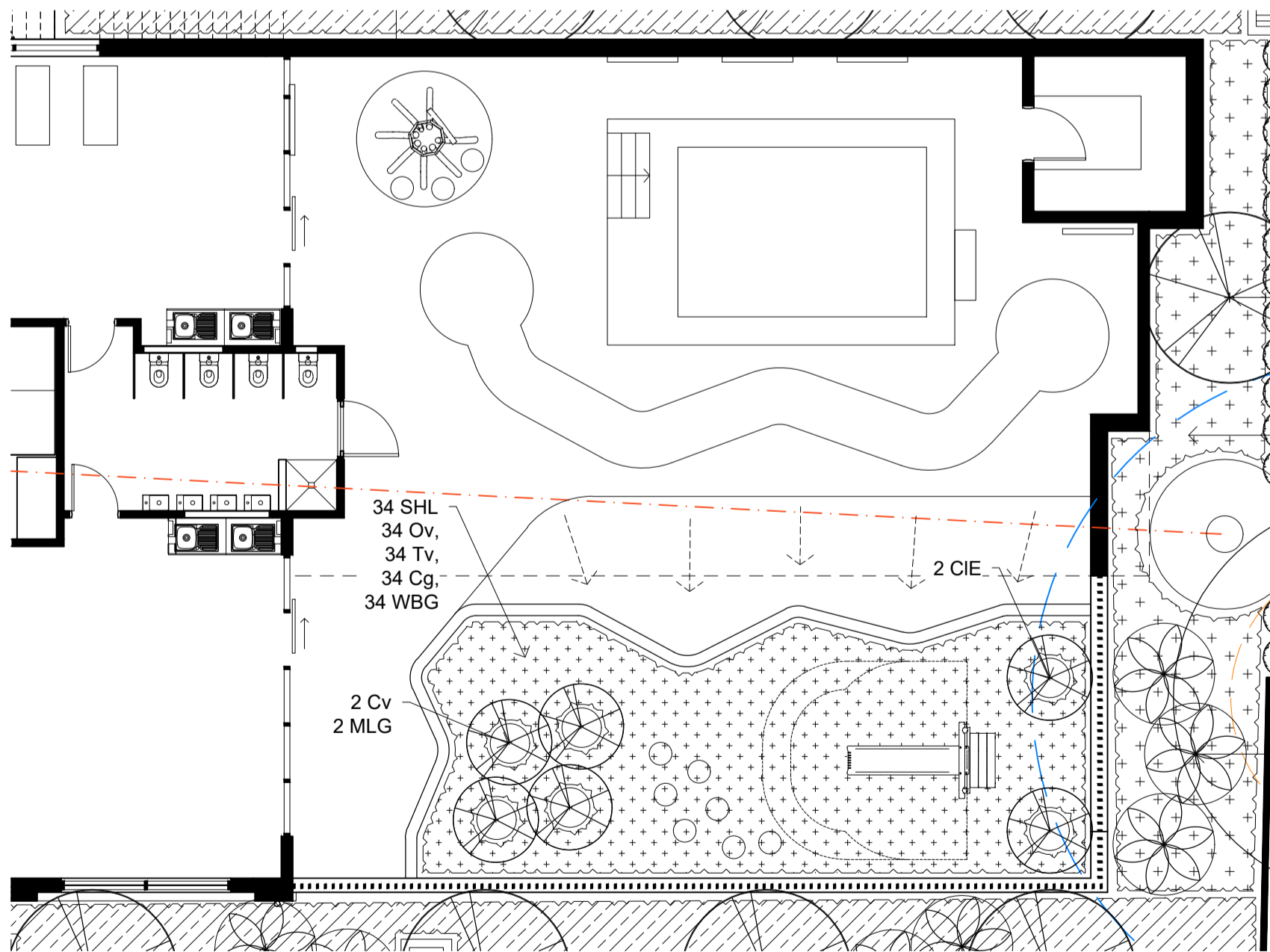
- Existing tree to be retained
- Proposed tree
- Proposed shrub & accents
- Proposed groundcovers
- Artificial Turf



Upper ground: 2-3 years

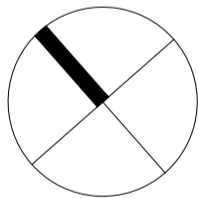


Upper ground: 0-2 years



Lower ground: 3-6 years

Key Plan



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Childcare
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Drawing Name

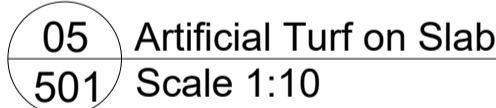
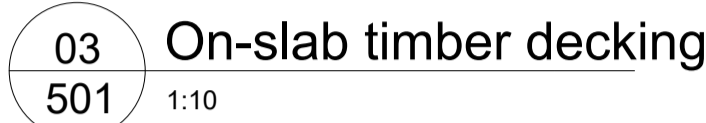
Planting plan

Upper & Lower ground outdoor play

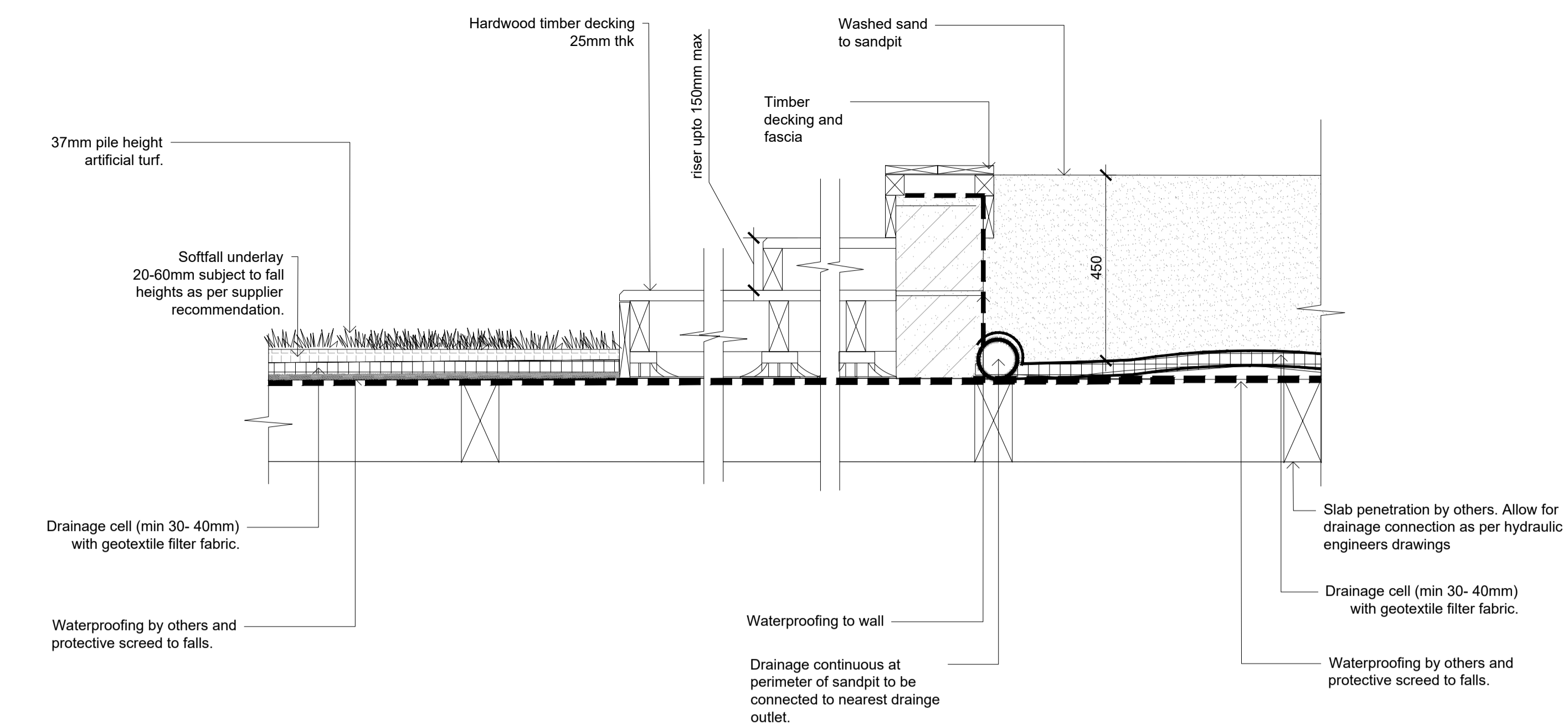
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Job Number Drawing Number Issue

SS20-5010 303 A

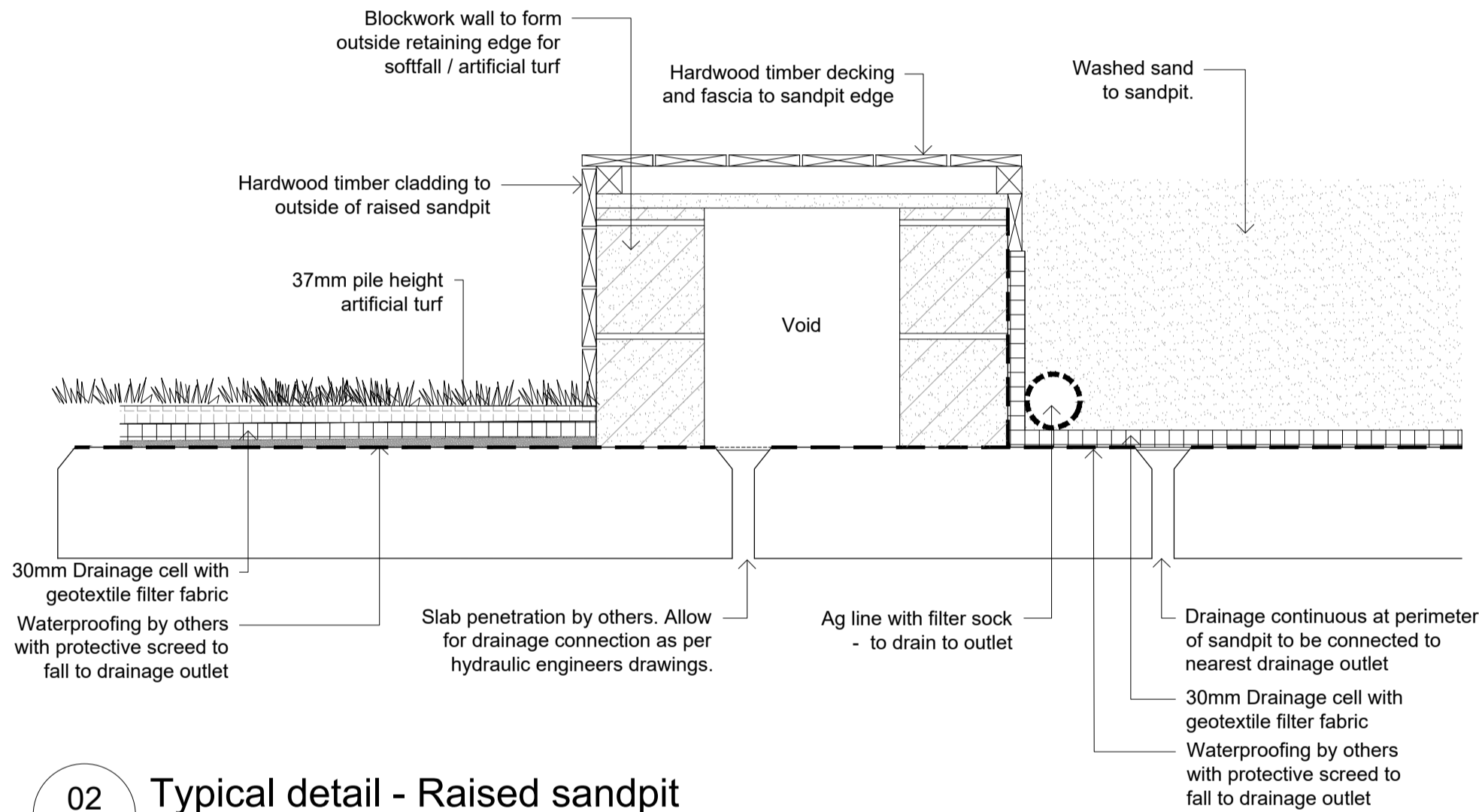
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SS20-5010 501 C



01 Typical Detail of Sand Pit on slab
502 Scale 1:10



02 Typical detail - Raised sandpit
502 1:10

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Issue	Revision Description	Drawn	Check	Date

Legend

Key Plan

Client

Project
Childcare
826 Victoria Road, Ryde

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DEVELOPMENT APPLICATION

Drawing Name
Landscape detail

Scale As shown
Job Number Drawing Number Issue
SS20-5010 501 B

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State Environmental Planning Policy (Transport & Infrastructure) 2021

Table 1

Chapter 3 - Educational Establishments and Child Care Facilities

Relevant Clauses	Proposed	Compliance
Part 3 Early education and care facilities – specific development controls		
<p>3.22 Concurrence of Regulatory Authority required for certain development.</p> <p>(1) This section applies to a centre-based childcare facility if:</p> <ul style="list-style-type: none"> a) The floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of 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. 	<p>The development complies with the indoor and outdoor unencumbered space requirements of the Regulation (see Clause 3.26(b) in this table).</p>	Yes
<p>3.23 Matters for consideration by consent authorities.</p> <p>Before determining a development application for a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline.</p>	<p>The application has been considered against the applicable provisions of the <i>Child Care Planning Guideline</i>.</p> <p>Refer to Table 2.</p>	Yes

Relevant Clauses	Proposed	Compliance
Part 3 Early education and care facilities – specific development controls		
<p>3.24 Additional matters for consideration by consent authorities.</p> <p>(2) The consent authority must consider the following matters before determining a development application for a centre-based childcare facility on land in a <i>prescribed zone</i>:</p> <p>a) Whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses,</p> <p>b) Whether the proposed development has the 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>Note: A '<i>Prescribed zone</i>' is:</p> <ul style="list-style-type: none"> • E4 General Industrial. • E5 Heavy Industrial. • IN1 General Industrial. • IN2 Heavy Industrial. 	<p>Not applicable.</p> <p>The site is not located within a prescribed zone.</p>	N/A
<p>3.25 Floor Space Ratio.</p> <p>(1) Development consent must not be granted for a centre-based childcare 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., 680.5m²).</p>	<p>The development proposes a floor space ratio of 0.47:1 (1,852m²).</p> <p>The GFA (which is used to calculate the FSR) can be broken up into the following distinct areas:</p> <ul style="list-style-type: none"> • Building GFA: 1,258m² • Building FSR: 0.32:1 	Yes

Relevant Clauses	Proposed	Compliance
Part 3 Early education and care facilities – specific development controls		
<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>Notes:</p> <ul style="list-style-type: none"> Consolidated site area: 3,950m². GFA includes the church. 	<ul style="list-style-type: none"> Outdoor Play Area GFA: 594m² Outdoor Play Area FSR: 0.380.15:1 Total GFA: 1,852m² Total FSR: 0.47:1 <p>The RLEP or RDCP do not set a maximum floor space ratio for a centre-based childcare facility.</p>	
<p>3.26 Non-Discretionary Development Standards.</p> <p>(1) The object of this section is to identify development standards for particular matters relating to a centre-based childcare 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 childcare facility:</p>		
<p>a) Location.</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 330m east of Little Zak's Academy at 87 Bowen Street, Ryde, 688m south-west of Lilypad Early Learning Centre at the Top Ryde Shopping Centre and 568m north-east of Shepherds Bay Montessori at 6A Nancarrow Avenue, Meadowbank.</p>	Yes
<p>b) Indoor or outdoor space.</p> <p>(i.) For development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> applies - the unencumbered area of</p>	<p><u>Indoor Unencumbered Space</u></p> <ul style="list-style-type: none"> Required: 263.25m² Provided: 291m² <p>Note: The following areas are excluded from unencumbered space:</p> <ul style="list-style-type: none"> Any passageway or thoroughfare (including door swings); Any toilet and hygiene facilities; 	Yes

Relevant Clauses	Proposed	Compliance
Part 3 Early education and care facilities – specific development controls		
<p>indoor space and the 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> <p>Notes: 3.25m² unencumbered indoor area/child required. 7.0m² unencumbered outdoor area/child required.</p>	<ul style="list-style-type: none"> Any nappy changing area or area for preparing bottles; Any area permanently set aside for the use or storage of cots; Any area permanently set aside for storage; Any area or room for staff or administration; Any other space that is not suitable for children; 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. <p><u>Outdoor Unencumbered Space</u></p> <ul style="list-style-type: none"> Required: 567m² Provided: 593m² <p>Note: The following areas are excluded from unencumbered space:</p> <ul style="list-style-type: none"> Any pathway or thoroughfare, except where used by children as part of the education and care program; Any car parking area; Any storage shed or other storage area; Any other space that is not suitable for children. 	
<p>c) Site area and site dimensions.</p> <p>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 consolidated frontage of 59.53m.</p> <p>Clause 2.1.1(b) of the RDCP includes a requirement for a minimum lot size of 800m² on a regular shaped site. The consolidated site is generally regular</p>	Yes

Relevant Clauses	Proposed	Compliance
Part 3 Early education and care facilities – specific development controls		
	in shape and has an area of 3,950m ² .	
d) Colour of building materials or shade structures. The development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.	Noted. The site is local heritage item. The colours have been reviewed by Council's Heritage Officer who does not raise any objection.	Yes
3.27 Development Control Plans. 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 RDGP 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 RDGP 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 RDGP 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	Noted. Refer to Table 2 below. Refer to Table 2 below.	Yes

Relevant Clauses	Proposed	Compliance
Part 3 Early education and care facilities – specific development controls		
setbacks or car parking rates).		

Table 2

Child Care Planning Guideline (September 2021)

Guideline	Compliance/Comment
Part 2 Design Quality Principles	
<p>Principle 1. Context</p> <p>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.</p> <p>Well-designed childcare facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.</p> <p>Well-designed childcare 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>Not Consistent Reason for Refusal</p> <p>The local area predominantly comprises a mix of residential buildings (as well as the monastery building) of varying age, density, size and architectural style.</p> <p>The subject site is therefore contextually regarded as a transitional area.</p> <p>The development is designed to respond to this transitional nature of the site and provides a building which is of a scale which blends with the scale of surrounding development.</p> <p>The site is located within proximity to bus routes on Victoria Road which provide access to West Ryde, Top Ryde, Macquarie Centre (and then on to Chatswood) and Parramatta.</p> <p>Notwithstanding the above, with respect to health and environmental conditions, the Air Quality Report (dated 22 July 2024 as prepared by Northstar Air Quality Pty Ltd) has been found by Council's Environmental Health Department to not adequately demonstrate that the site will be suitable for the proposed use in that it fails to demonstrate that</p>

	<p>pollutants of concern generated by vehicles using Victoria Road have been adequately assessed to satisfy Council that the potential risk to a vulnerable population is negligible.</p> <p>In this respect, the context of the site is not considered to be suitable for the development and this forms a reason to refuse the application.</p>
<p>Principle 2. Built Form</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>Consistent</p> <p>The development is designed to comply with 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 (although notable departures are seen in the prevalence of pre-zone residential flat buildings and which establish a visual reference to higher densities beyond that anticipated by the zone).</p> <p>With regards to bulk and scale, the development proposes a part one/part two storey structure. The building is generally of a height which is commensurate with that of surrounding development and, despite the overall lengths of the building, the side and rear facing elevations are heavily articulated by increased and varied setbacks, and the placement of outdoor play areas which provide visual breaks to the built form.</p> <p>The above suggests that the overall bulk and scale does not offend the established scale of surrounding development.</p> <p>Therefore, despite the difference in scale, the variegated building lengths together with compliant building height and floor space ratio indicate</p>

	that the development achieves a bulk and scale consistent to that of its surrounds and the expectations of the zone and is thus compatible to the existing and desired future character of the surrounding area.
<p>Principle 3. Adaptive learning spaces</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 appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.</p>	<p>Consistent</p> <p>The development provides 5 internal learning spaces and 3 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 cater for all students and different modes of learning.</p>
<p>Principle 4. Sustainability</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>Not Consistent</p> <p>The Air Quality Impact Assessment (dated 22 July 2024 as prepared by Northstar Air Quality Pty Ltd) includes (under Section 7 of that report) the following management, mitigation and monitoring measures which are to be implemented during the operation of the centre:</p> <p><u>Source Mitigation</u></p> <ul style="list-style-type: none"> • With respect to vehicle typologies using Victoria Road the Report relies upon a scenario whereby internal combustion engines are replaced by electric vehicles which would thereby reduce emissions. • The report recommends that vehicles entering and leaving the centre do so in a “smooth” manner and that the duration of queuing/idling traffic should be minimised. The report goes on to recommend the installation of

	<p>signs requiring engines to be shut off and that staggered pick-up/drop-off times be put into operation to avoid queuing.</p> <p><u>Receptor Mitigation</u> Receptors are defined in the report as outdoor play areas and air intakes.</p> <ul style="list-style-type: none"> • Locating air intakes towards the southern boundary (the rear abutting residential properties along Yerong Street). • Installation of mechanical ventilation to the proposed car park. • Training of teachers and staff on best ventilation practices (which include keeping windows and doors closed in ventilated classrooms to minimise and to keep air vents clear of items which may block airflow. • Staff to review the daily air quality forecast provided daily by the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) and adjust planned activities to account for the prevailing conditions. In this regard, the table below provides recommendations by NSW DCCEEW for child care centres: (sensitive groups including infants and children) although it should be noted that the Air Quality Monitoring Stations which provide data are not located at or near the subject site and therefore, accurate site-specific readings will not be obtainable: <table border="1" data-bbox="825 1816 1385 2047"> <tr> <th data-bbox="825 1816 1023 1966">Air Quality Category</th><th data-bbox="1023 1816 1385 1966">General health Advice and Recommended Actions</th></tr> <tr> <td data-bbox="825 1966 1023 2047">Good</td><td data-bbox="1023 1966 1385 2047"> <ul style="list-style-type: none"> • NO CHANGE needed to your </td></tr> </table>	Air Quality Category	General health Advice and Recommended Actions	Good	<ul style="list-style-type: none"> • NO CHANGE needed to your
Air Quality Category	General health Advice and Recommended Actions				
Good	<ul style="list-style-type: none"> • NO CHANGE needed to your 				

		normal outdoor activities.
	Fair	<ul style="list-style-type: none"> • REDUCE outdoor physical activity if you develop symptoms such as cough or shortness of breath. • Consider closing windows and doors until outdoor air quality is better. • Follow the treatment plan recommended by your doctor. • If you are concerned about symptoms call the 24-hour HealthDirect helpline on 1800 022 222 or see your doctor. • In a health emergency, call triple zero (000) for an ambulance.
	Poor	<ul style="list-style-type: none"> • AVOID outdoor physical activity if you develop symptoms such as cough or shortness of breath. • When indoors, close windows and doors until outdoor air quality is better. • Follow the treatment plan recommended by your doctor. • If you are concerned about symptoms call the

		<p>24-hour HealthDirect helpline on 1800 022 222 or see your doctor.</p> <ul style="list-style-type: none"> • In a health emergency, call triple zero (000) for an ambulance.
	Very Poor	<ul style="list-style-type: none"> • STAY INDOORS as much as possible with windows and doors closed until outdoor air quality is better. • If you feel that the air in your home is uncomfortable, consider going to a place with cleaner air (such as an air-conditioned building like a library or shopping centre) if it is safe to do so. • Actively monitor symptoms and follow the treatment plan recommended by your doctor. • If you are concerned about symptoms call the 24-hour HealthDirect helpline on 1800 022 222 or see your doctor. • In a health emergency, call triple zero (000) for an ambulance.
	Extremely Poor	<ul style="list-style-type: none"> • STAY INDOORS with windows and doors closed until

		<p>outdoor air quality is better and reduce indoor activity.</p> <ul style="list-style-type: none"> • If you feel that the air in your home is uncomfortable, consider going to a place with cleaner air (such as an air-conditioned building like a library or shopping centre) if it is safe to do so. • Actively monitor symptoms and follow the treatment plan recommended by your doctor. • If you are concerned about symptoms call the 24-hour HealthDirect helpline on 1800 022 222 or see your doctor. • In a health emergency, call triple zero (000) for an ambulance.
	<p>The report does not identify any periods ascribed to the above conditions, only to include the table as a reference to the criteria staff are to review on a daily basis.</p> <ul style="list-style-type: none"> • It is also recommended that strenuous activities in the outdoor play areas should be planned during times with anticipated lower traffic volumes using the surrounding road network (i.e. non-peak hour). 	

	<p>Although the report states that <i>the predicted incremental impacts within the childcare centre will be limited</i>, the above recommendations suggest that the site is susceptible to a heightened exposure to air pollution and the mitigation measures included (and when implemented) would severely impact upon the ability of the attending children to enjoy the full outdoor amenities that a child care centre is required to provide.</p> <p>Furthermore, the enhanced ventilation systems required to mitigate the environmental impact from pollution and the increased potential to use indoor classrooms in the event of a pollution event of 'Fair' to 'Extremely Poor' would result in greater energy demand, increased exhaust output and noise generated by such systems, and greater operational costs, all of which would not be considered to be environmentally sustainable.</p> <p>In this respect, and because the above measures are recommended to mitigate risk, it is considered that the site is not suitable for the proposed use.</p>
<p>Principle 5. Landscape</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</p>	<p>Consistent</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.</p> <p>If the application were to be supported, a condition is to be imposed which requires screen plantings to be installed along the southern (open) side of the exposed garage.</p>

<p>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>Principle 6. Amenity</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>Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.</p>	<p>Not Consistent Reason for Refusal</p> <p>The development exhibits a satisfactory response to the amenity to both the internal users of the facility and to the external neighbours.</p> <p>Internally, the development provides appropriate and efficient indoor and outdoor play areas which would have good levels of access to sunlight, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.</p> <p>Externally, the development has been designed to optimise solar access to the neighbouring residential properties at along Yerong Street to the south – largely achieved through site orientation and increased setting back of the upper level of the development along the southern elevation.</p> <p>Additionally, the development includes highlight windows and privacy screens along the full length of both side elevations.</p> <p>The Acoustic Report (as amended in Rev 5) prepared by Acoustic Logic dated 16 July 2024 has been reviewed by Council’s Environmental Health department which has determined that the report adequately demonstrates that:</p> <ul style="list-style-type: none"> • Compliance criteria within internal sleeping areas has been achieved.

	<ul style="list-style-type: none"> • The long-term impact of road vibration noise has been adequately considered. • The correct logging location has been chosen. • Noise from the rear car park area has been adequately considered. • Noise impact to the residential units at 820 Victoria Road has been adequately considered. <p>Notwithstanding the above, under 'good' operating conditions (as defined in the AQC table under Principle 4) the centre would provide for a good level of amenity, this is considered to be compromised should the air quality fall below a 'good' level.</p> <p>As seen in the table, any air quality condition less than 'good' would require a reduction or avoidance of the use of outdoor play areas such that a significant operational requirement for a child care centre would be rendered usable.</p> <p>That the applicant's Air Quality Impact Assessment has included this amongst other stringent mitigation measures indicates that the locating of this sensitive use adjacent to Victoria Road is not a wholly appropriate and entirely safe outcome such that it gives Council confidence that the health of children attending the centre will not be adversely affected.</p> <p>This forms a reason to refuse the application.</p>
<p>Principle 7 - Safety</p> <p>Well-designed childcare 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</p>	<p>Consistent Subject to Condition</p> <p>The development has been designed to provide safety and security features consistent with the 'Safer by</p>

<p>safety risk, and can be checked and maintained efficiently and appropriately.</p> <p>Good childcare 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 childcare facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</p>	<p>Design' approach established by the NSW Police.</p> <p>The application is designed to provide passive surveillance and to respond the principles of CPTED. This is addressed through the submitted Access Management Plan which details steps taken to ensure child, staff and building, security is maintained for both the centre and the monastery.</p> <p>The Access Management Plan may be included as a condition should this application be approved.</p>
Part 3 Matters for Consideration	
3.1 Site Selection and Location	
<p>C1. For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> • The acoustic and privacy impacts of the proposed development on the residential properties 	<p>Not Consistent Supported Subject to Condition</p> <p>With respect to visual privacy, the development includes windows along the full length of the north and south elevations. Should this application be approved, a condition may be imposed to require that the north and south-facing windows are frosted to address any potential overlooking and/or resolve a perception of being overlooked.</p> <p>With respect to acoustic privacy, the submitted Acoustic Report has been reviewed by Council's Environmental Health department which has determined that the development adequately demonstrates that:</p> <ul style="list-style-type: none"> • Compliance criteria within internal sleeping areas has been achieved. • The long-term impact of road vibration noise has been adequately considered. • The correct logging location has been chosen. • Noise from the rear car park area has been adequately considered.

<ul style="list-style-type: none"> • The setbacks and siting of buildings within the residential context. • Visual amenity impacts (e.g. additional building bulk and overshadowing, local character). • Traffic and parking impacts of the proposal on residential amenity. 	<ul style="list-style-type: none"> • Noise impact to the residential units at 820 Victoria Road has been adequately considered <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 one/part two storey structure. The building is of a height which is commensurate with that of surrounding development and, despite the overall lengths of the building, these elevations are heavily articulated by increased and varied setbacks and the placement of outdoor play areas which provide visual breaks to the built form.</p> <p>The above suggests that, although the proposed use is for a childcare centre, the bulk and scale does not offend the scale of surrounding development.</p> <p>Therefore, despite the difference in scale, the variegated building lengths together with compliant building height and floor space ratio indicate that the development achieves a bulk and scale consistent to that of its surrounds and the expectations of the zone and is thus compatible to the existing and desired future character of the surrounding area.</p>
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<p>For proposed developments in commercial and industrial zones, consider:</p> <ul style="list-style-type: none"> • 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 • The potential impact of the facility on the viability of existing commercial or industrial uses. 	<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 Victoria Road, the application has been reviewed by Council's Traffic Engineer who concludes:</p> <p><i>Applying the vehicle trip rates established by TfNSW Guide to Traffic Generating Developments (2002), the proposed childcare would generate 68 and 60 inbound and outbound vehicle trips during AM and PM peak periods respectively.</i></p> <p><i>All vehicle trips would directly enter and exit the site via Victoria Road. Considering high capacity offered by Victoria Road as a state classified road, such additional vehicle trips during peak periods would have negligible impact on the existing traffic operation on Victoria Road.</i></p> <p>Not applicable.</p>
<p>C2. When selecting a site, ensure that:</p> <ul style="list-style-type: none"> • The location and surrounding uses are compatible with the proposed development or use. • The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards. • There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed. • The characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> ○ length of street frontage, 	<p>Not consistent Reason for refusal</p> <p>The site is located within the R2 Low density residential zone and, although it is contained within a property which has been used for non-residential purposes for a considerable period of time, it does about 11 residential properties. Of those 11 properties, seven (7) will be directly adjacent to the centre, two (2) of which are residential flat buildings which contain a total of 24 apartments (i.e. 12 per building).</p> <p>Notwithstanding, with respect to acoustic impact, the submitted</p>

<ul style="list-style-type: none"> ○ lot configuration, ○ dimensions and overall size ○ number of shared boundaries with residential properties. ● the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas. ● where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use. Where the proposal relates to any heritage item, the development should retain its historic character and conserve significant fabric, setting or layout of the item. ● There are suitable drop off and pick up areas, and off and on street parking. ● The characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use. ● The site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities. ● It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	<p>Acoustic Report has been reviewed by Council's Environmental Health department which has determined that the Acoustic Report adequately demonstrates that:</p> <ul style="list-style-type: none"> ● Compliance criteria within internal sleeping areas has been achieved. ● The long-term impact of road vibration noise has been adequately considered. ● The correct logging location has been chosen. ● Noise from the rear car park area has been adequately considered. ● Noise impact to the residential units at 820 Victoria Road has been adequately considered. <p>With respect to the compatibility of the location to the development, the Air Quality Impact Assessment includes recommendations to address vehicle generated pollution and, although intended to protect the children of the centre, it is also considered that one of the mitigation measures suggests that vehicle generate pollution could be increased by the development by virtue of vehicle queuing into and out of the proposed car park. Given the airborne nature of vehicle emissions, it is not unreasonable to expect that increased pollution events such as this would not only be concentrated at the centre but would also have the potential to flow over into neighbouring residential property, particularly those neighbouring properties openly exposed to the car park and any exhaust vents which are recommended to be installed.</p> <p>The site is located on Victoria Road which is a classified road estimated to carry an average daily volume of 28,658 westbound vehicles per day (taken from the 7-day automatic</p>
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	<p>traffic count survey conducted in front of the site on Victoria Road in the westbound direction from 12:00AM, Sunday 14 August 2022 to 12:00AM, Sunday 21 August 2022 as contained the applicant's submitted Traffic Report dated 2 November 2022 as prepared by McLaren Traffic Engineering & Road Safety Consultants).</p> <p>It is noted that, according to the Transport for NSW 'Traffic Volume Viewer', Victoria Road carried in excess of 56,552 vehicles per day (circa 2022) – this comprises 26,613 westbound vehicles and 29,939 eastbound vehicles. Of this, 3,939 vehicles were trucks.</p> <p>Therefore, the submitted traffic report suggests an increase in westbound traffic since the TfNSW survey of 2022 by 2,045 vehicles daily.</p> <p>The report notes that the operating speeds of vehicles using this part of Victoria Road is 60.2kmh of which 6.7% of vehicles are heavy vehicles (trucks). Although Transport for NSW and Council's Traffic department have not raised any objection to the proposal (subject to conditions), the locating of the use, particularly with respect to the entering and leaving the site during peak hour is not considered to be satisfactorily respond to the requirement of Part C2 in that the location and surrounding uses (i.e. Victoria Road) are not compatible with the proposed development.</p> <p>This forms a reason for refusal.</p>
<p>C3. A childcare facility should be located:</p> <ul style="list-style-type: none"> Near compatible social uses such as schools and other educational establishments, parks and other public 	<p>Consistent</p> <p>The centre is located immediately adjacent to the St John Paul II Maronite Monastery.</p>

<p>open space, community facilities, places of public worship.</p> <ul style="list-style-type: none"> • Near or within employment areas, town centres, business centres, shops. • With access to public transport including rail, buses, ferries. 	<p>The site is located 1.2km south-east of the West Ryde Town Centre and 670m south-west of the Top Ryde Shopping Centre.</p> <p>Victoria Road has access to bus routes (551, 544 and 545) to West Ryde, Top Ryde, Macquarie Centre, and Parramatta.</p>
<p>C4. A childcare 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"> • Proximity to: <ul style="list-style-type: none"> ○ Heavy or hazardous industry, waste transfer depots or landfill sites. ○ LPG tanks or service stations. ○ water cooling and water warming systems. ○ odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses. ○ extractive industries, intensive agriculture, agricultural spraying activities. • Any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site. 	<p>Not Consistent Reason for Refusal</p> <p>As noted throughout this report, the applicant's Air Quality Impact Assessment has provided an analysis of vehicle generate pollution in relation to the site and proposed use.</p> <p>The Assessment has been reviewed by Council's Environment Health department who have identified that the data used in the Assessment has been sourced from an AQMS at an oval in Macquarie University, and in an area which bears no resemblance to the conditions of that part of Victoria Road in front of the site.</p> <p>The Assessment goes on to provide a set of stringent mitigation measures should pollution levels rise beyond a 'good' classification. These measures all include a reduction to avoidance of the use of outdoor play areas and also include progressive indoor ventilation strategies and medical responses.</p> <p>Despite the Assessment claiming that no adverse health impact would result from vehicle-related airborne pollution, the inclusion of such stringent mitigation measures imply otherwise and further suggests a potential and viable risk to the health of children attending the centre.</p>
<p>3.2 Local Character, streetscape and the public domain interface</p>	

<p>C5. The proposed development should:</p> <ul style="list-style-type: none"> • Contribute to the local area by being designed in character with the locality and existing streetscape. • build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place. • Reflect the predominant form of surrounding land uses, particularly in low density residential areas. • Recognise predominant streetscape qualities, such as building form, scale, materials and colours. • Include design and architectural treatments that respond to and integrate with the existing streetscape. • Use landscaping to positively contribute to the streetscape and neighbouring amenity. • Integrate car parking into the building and site landscaping design in residential areas. • 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 	<p>Consistent</p> <p>The development includes architectural treatments which respond to and integrate with the residential and features of the streetscape facing Victoria Road.</p> <p>The development includes sufficient landscaping to contribute towards the landscaped character of the streetscape.</p> <p>Car parking is located within the lower ground level and is not visible from the street.</p> <p>As noted previously, the valued characteristics of the neighbourhood is not consistently reflective of a R2 Low density Residential zone due to the prevalence of the monastery and the two neighbouring residential flat buildings.</p> <p>Notwithstanding its surrounds, the non-residential appearance of the centre is highly articulated and treated to minimise visual impact and is considered to respond the predominant form of surrounding land uses.</p> <p>Outdoor play space is located at two levels being the lower ground level and upper ground level. Although the elevated play areas are treated with acoustic barriers Council's EH has determined that the Acoustic Report adequately demonstrates that:</p> <ul style="list-style-type: none"> • Noise from the rear car park area has been adequately considered. • Noise impact to the residential units at 820 and 822 Victoria Road have been adequately considered. • The good design solutions have been employed to mitigate acoustic impact.
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<p>C6. Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> • Fencing to ensure safety for children entering and leaving the facility. • Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community • Integrating existing and proposed landscaping with fencing. 	<p>Consistent</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>C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the childcare facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>Not applicable</p> <p>The site will be occupied by the existing monastery and the childcare centre. Both uses will operate at differing times to ensure no overlap.</p>
<p>C8 Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> • Clearly defined street access, pedestrian paths and building entries • Low fences and planting which delineate communal/ private open space from adjoining public open space • Minimal use of blank walls and high fences. 	<p>Not applicable</p> <p>The site does not adjoin public parks, open space or bushland.</p>
<p>C9. Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>Consistent</p> <p>The street-facing fencing is picket style which is retained as a feature of the site and of the local area.</p>
<p>C10. High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	<p>Consistent</p> <p>The development does not include acoustic fencing along Victoria Road as the installation of such walls would be contrary to the heritage</p>

	significance of the site and to the streetscape generally.
3.3 Building orientation, envelope and design	
<p>C11. Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> • Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> ○ facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties. ○ placing play equipment away from common boundaries with residential properties. ○ locating outdoor play areas away from residential dwellings and other sensitive uses. • Optimise solar access to internal and external play areas. • Avoid overshadowing of adjoining residential properties. • Minimise cut and fill. • Ensure buildings along the street frontage define the street by facing it. • Ensure that where a childcare facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>Not Consistent Supported</p> <p><u>Setbacks</u></p> <p>The development includes a rear setback (being along the southern boundary abutting detached residential dwellings along Yerong Street) of between 1.5m to 6.5m at the ground floor level and a rear setback of between 6.7m and 9.7m is proposed at the upper floor level.</p> <p>Although the rear upper floor level is setback further than the ground floor level this is contrary to that anticipated in the R2 Low density Residential zone. This has been assessed separately under Part 3.3 of the RDCP where it was considered to be supportable.</p> <p>The rear (southern) elevation includes numerous windows which service administration, and classroom areas. No detail is provided as to the treatments of these windows.</p> <p>Given the purpose of the centre, these rooms would be high frequency usage and overlooking into the rear private open space areas and adjacent north-facing habitable rooms of neighbouring detached dwellings would be possible, and particularly the perception of being overlooked from these windows would be likely.</p> <p>These windows may be treated to mitigate overlooking through the installation of obscure glazing/film.</p>

	<p><u>Cut and Fill</u></p> <p>With respect to cut and fill, the development proposes an excavation depth of 2.4m at the northern (front) end of the site which then diminishes close to natural ground level at the rear. The development also includes fill within the front setback area which has a depth of approximately 1.3m.</p> <p>The excavation is to provide for the part basement car park for the centre, the vehicle ramp, and the and eastern wing. The total excavation has a volume of 2,130m³ which occupies the entire footprint of the development.</p> <p>Although the extent of the excavation is maximised it is contained entirely within the building footprint, is not visible from adjacent private and public domains, does not exacerbate any impact to neighbouring land and serves to reduce the overall height of the development.</p>
<p>C12. The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • Building height should be consistent with other buildings in the locality. • Building height should respond to the scale and character of the street. • Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility. • Setbacks should provide adequate access for building maintenance. • Setbacks to the street should be consistent with the existing character. • 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 	<p>Not Consistent Supported</p> <p>Building Height Permitted: 9.5m Proposed: 4.1m to 9.1m</p> <p>Floor Space Ratio Permitted: 0.50:1 (1,969.5m²) Proposed: 0.47:1 (1,852m²)</p> <p>Setbacks <u>Front</u> Lower Ground: 10m to 12m Upper Ground: 10m to 12m</p> <p><u>Side (East)</u> Lower Ground: 2.0m to 6.9m Upper Ground: 2.7m to 3.8m</p>

<p>space ratio of 0.5:1 is to apply to a child care facility in the R2 zone.</p> <p>Note: The western side setback indicates the setback to the monastery building.</p>	<p><u>Side (West)</u> Lower Ground: 7.5m to 12.5m Upper Ground: 7.5m to 12.5m</p> <p><u>Side (North)</u> Lower Ground: 2.0m Upper Ground: 2.0m</p> <p><u>Rear</u> Lower Ground: 1.5m to 6.5m Upper Ground: 6.7m to 9.7m</p> <p>The development includes a rear setback (being along the southern boundary abutting detached residential dwellings along Yerong Street) of between 1.5m to 6.5m at the ground floor level and a rear setback of between 6.7m and 9.7m is proposed at the upper floor level.</p> <p>Although the rear upper floor level is setback further than the ground floor level this is contrary to that anticipated in the R2 Low density Residential zone. This has been assessed separately under Part 3.3 of the RDCP where it was considered to be supportable.</p>
<p>C13. 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>Consistent</p> <p>The RDCP requires a front setback 6.0m. However, as the development is sited adjacent to a classified road, and that it is in proximity to a heritage listed building, the provision of a 10m front setback is considered as a minimum requirement in this instance.</p>
<p>C14. On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>Not Consistent Supported</p> <p>The development is located with a R2 Low density Residential zone which requires the following side and rear setbacks:</p> <ul style="list-style-type: none"> • Side: 1.5. • Rear: 8.0m to 13.7m.

	<p>(Note: The rear setback requirement is 25% of the length of the property or 8.0m, whichever is greater).</p> <p>The development proposes eastern side setbacks (given that this side faces a neighbouring residential property) of between 2.0m and 6.9m which is compliant, however a rear setback (being along the southern boundary abutting detached residential dwellings along Yerong Street) of between 1.5m to 6.5m is proposed at the ground floor level and a rear setback of between 6.7m and 9.7m is proposed at the upper floor level.</p> <p>Although the rear upper floor level is setback further than the ground floor level this is contrary to that anticipated in the R2 Low density Residential zone. This has been assessed separately under Part 3.3 of the RDCP where it was considered to be supportable.</p>
<p>C15. Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians. • directly accessible from the street where possible. • directly visible from the street frontage. • easily monitored through natural or camera surveillance. • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>Consistent</p> <p>Entry is located at two secure points at the front of the building and from within the car park.</p> <p>The entry is 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>C16 Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation. • linking all key areas of the site by level or ramped pathways that are accessible to prams and 	<p>Consistent</p> <p>The development has been designed to enable accessibility to all levels via the lift and ramps.</p>

<p>wheelchairs, including between all car parking areas and the main building entry.</p> <ul style="list-style-type: none"> • 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. 	
3.4 Landscaping	
<p>C17. Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context. • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>Consistent</p> <p>The Landscape Plans submitted with the application indicates that appropriate screen plantings are provided along the rear and side boundaries (abutting the residential area) with exception to a part of the southern boundary adjacent to the open car park. This may be conditioned to include screen plantings to mitigate visual impact to neighbouring property.</p>
<p>C18. Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings. • Taking into account streetscape, local character and context when siting car parking areas within the front setback. • Using low level landscaping to soften and screen parking areas. 	<p>Consistent</p> <p>The car park is located at the lower ground level (which is the ground level at the rear of the property) and may be concealed by screen plantings.</p>
3.5 Visual and acoustic privacy	
<p>C19. Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	<p>Not applicable</p> <p>The proposal is not a mixed-use development which contain overhanging balconies.</p>

<p>C20. Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • Appropriate site and building layout • Suitably locating pathways, windows and doors • Permanent screening and landscape design. 	<p>Consistent</p> <p>The indoor and outdoor play spaces are not viewable from public areas.</p>
<p>C21. Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • Appropriate site and building layout • Suitable location of pathways, windows and doors. • Landscape design and screening. 	<p>Not Consistent Supported Subject to Condition</p> <p>The development includes numerous windows which are arrayed along the rear elevation which service administration, and classroom areas. No detail is provided as to the treatments of these windows.</p> <p>Given the purpose of the centre, these rooms would be high frequency usage and overlooking into the rear private open space areas and adjacent north-facing habitable rooms of neighbouring detached dwellings would be possible, and particularly the perception of being overlooked from these windows would be likely.</p> <p>These windows may be treated to mitigate overlooking through the installation of obscure glazing/film however, it is unclear if such treatments would detract from the internal amenity of these rooms by creating an enclosed sense of space.</p>
<p>C22. A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • Ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to 	<p>Consistent</p> <p>The development includes acoustic barriers to the outdoor play areas to mitigate acoustic impact and overlooking.</p> <p>Council's Environmental Health department has determined that the Acoustic Report adequately demonstrates that the development would not have an adverse impact on residential properties.</p>

reduce noise levels e.g., acoustic fence, building, or enclosure.	
<p>C23. A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • Identify an appropriate noise level for a child care facility located in residential and other zones. • Determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • Determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	<p>Consistent</p> <p>The Acoustic Report (as amended) prepared has reviewed by. Council's Environmental Health department which has determined that the Report adequately demonstrates that:</p> <ul style="list-style-type: none"> • Compliance criteria within internal sleeping areas has been achieved. • The long-term impact of road vibration noise has been adequately considered. • The correct logging location has been chosen. • Noise from the rear car park area has been adequately considered. • Noise impact to the residential units at 820 Victoria Road has been adequately considered.
3.6 Noise and Air Pollution	
<p>C24. Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • Creating physical separation between buildings and the noise source • Orienting the facility perpendicular to the noise source and where possible buffered by other uses. • Using landscaping to reduce the perception of noise. • Limiting the number and size of openings facing noise sources. • Using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens). • Using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits. • Locating cot rooms, sleeping areas and play areas away from external noise sources. 	<p>Consistent</p> <p>The Acoustic Report (as amended) prepared has reviewed by. Council's Environmental Health department which has determined that the Report adequately demonstrates that:</p> <ul style="list-style-type: none"> • Compliance criteria within internal sleeping areas has been achieved. • The long-term impact of road vibration noise has been adequately considered. • The correct logging location has been chosen. • Noise from the rear car park area has been adequately considered. • Noise impact to the residential units at 820 Victoria Road has been adequately considered.
<p>C25. An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and</p>	<p>Consistent</p>

<p>examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> • On industrial zoned land • Where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 • Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • On a major or busy road • Other land that is impacted by substantial external noise. 	<p>The Acoustic Report (as amended) prepared has reviewed by. Council's Environmental Health department which has determined that the Report adequately demonstrates that:</p> <ul style="list-style-type: none"> • Compliance criteria within internal sleeping areas has been achieved. • The long-term impact of road vibration noise has been adequately considered. • The correct logging location has been chosen. • Noise from the rear car park area has been adequately considered. • Noise impact to the residential units at 820 Victoria Road has been adequately considered.
<p>C26. Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	<p>Not Consistent Reason for Refusal</p> <p>The site is situated on the southern side of Victoria Road which is a Classified Road.</p> <p>According to the Transport for NSW 'Traffic Volume Viewer', Victoria Road carries in excess of 56,552 vehicles per day (circa 2022) – this comprises 26,613 westbound vehicles and 29,939 eastbound vehicles. Of this, 3,939 vehicles are trucks.</p> <p>As discussed throughout this table, a primary concern, and the fundamental reason for the recommendation to refuse the application, is the impact of vehicle generated airborne pollution from Victoria Road on the health of children attending the centre.</p>
<p>C27. 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</p>	<p>Not Consistent Reason for Refusal</p> <p>An Air Quality Impact Assessment has been conducted on two separate</p>

<p>can meet air quality standards in accordance with relevant legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • Creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • Using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • Incorporating ventilation design into the design of the facility 	<p>occasions (and by two separate consultants) for this development.</p> <p>Both Assessments have been identified as including data which does not adequately nor accurately reflect the conditions on the site resulting from vehicle related airborne pollution.</p> <p>The first Assessment (dated 20 September 2022 as prepared by Airsafe for El Australia Pty Ltd) was reviewed by Council's Environmental health department who determined that the failed to adequately demonstrate that:</p> <ul style="list-style-type: none"> • Sampling locations were specific enough to ensure vehicle emissions from Victoria Road were accurately accounted for. • Appropriate standards were considered, as the Australian Building Code Board was referenced rather than to NEPM (National Environment Protection Measure for Ambient Air). • Critical parameters including PM2.5 and Nitrogen Dioxide were measured and considered. • The measurement time including the average measuring period for CO – Carbon Monoxide was considered. The report should address the time of day, as air quality is generally worse during peak hour traffic periods in the morning and afternoon. • Results could be verified, as there was a lack of measurement raw data attachments for numerous parameters for validation. • Atmospheric conditions of the date of the assessment were considered. <p>The second (and most recent) Assessment (dated 22 July 2024 as</p>
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	<p>prepared by Northstar Air Quality Pty Ltd) includes further data sourced from an AQMS at Macquarie University (the station is located at an oval in the grounds of the university) which has then been modelled to gauge what the estimated air quality impact would be at the subject site. The further data sourced from the Macquarie University AQMS is not site specific and does not provide an accurate representation of localised air quality at the subject site.</p> <p>The second assessment notably includes stringent mitigation measures which indicate that the site and the occupants of the centre would be subject to risk from airborne pollution such that the employment of the recommended mitigation measures would compromise the operation of the centre and the amenity of the children attending the centre due to the restricted use of outdoor play areas, should pollution levels rise above a 'good' rating (as determined by the AQC table published by NSW DCCEE).</p> <p>The second assessment was also reviewed by Council's Environmental Health department who determined that the assessment has still failed to adequately demonstrate that pollutants of concern have been adequately assessed to ensure that the potential risk to a vulnerable population are negligible.</p>
3.7 Hours of Operation	
<p>C28. Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it</p>	<p>Consistent</p> <p>The centre will operate between 7am to 6pm Monday to Friday and will be closed on weekends and public holidays.</p>

adjoins or is adjacent to non-residential land uses.	
C29. Within mixed use areas or predominantly commercial areas, the hours of operation for each childcare facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	<p>Not applicable</p> <p>The site is located within the R2 zone.</p>
3.8 Traffic, parking and pedestrian circulation	
<p>C30. 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"> • 1 space per 10 children. • 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children. <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> • the proposal is an adaptive re-use of a heritage item • the site is in a B8 Metropolitan Zone or other high-density business or residential zone • the site is in proximity to high frequency and well-connected public transport • 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) • there is sufficient on street parking available at appropriate times within proximity of the site. 	<p>Consistent</p> <p>The RDCP applies car parking rates to child care centres as follows:</p> <ul style="list-style-type: none"> • 1 space per 8 children. • 1 space per 2 employees. <p>The above rates equate to a required provision of 19 spaces. The development provides for 21 spaces.</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>
C31. In commercial or industrial zones and mixed-use developments, on street	Not applicable

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.	The proposal is not located in a commercial or industrial zone and is not a mixed-use development.
<p>C32. A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • The amenity of the surrounding area will not be affected • There will be no impacts on the safe operation of the surrounding road network. 	<p>Consistent</p> <p>This has been discussed earlier in this table (see C1).</p>
<p>C33. Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> • the prevailing traffic conditions • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic. 	<p>Not applicable</p> <p>The site is accessible from a classified road only. Alternative means of vehicular access is not available (i.e. from a secondary road).</p> <p>Transport for NSW have reviewed the proposal and provide their concurrence subject to conditions.</p>
<p>C34. Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p>Not applicable</p> <p>The site is not located within a cul-de-sac.</p>
<p>C35. The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility. • defined pedestrian crossings and defined/ separate paths included within large car parking areas 	<p>Consistent</p> <p>The car parking area is located within the lower ground floor level 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>

<ul style="list-style-type: none"> • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable 2 prams to pass each other • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities. • 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 • vehicles can enter and leave the site in a forward direction. • clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations. 	<p>Separate pedestrian access is also gained from the street via a 2.1m wide pathway which is physically separated from the driveway by 1.0m.</p> <p>Delivery may occur within the lower ground floor parking area.</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 5.0m wide vehicle crossover.</p>
<p>C36. Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • 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 • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 	<p>Not applicable</p> <p>The development is not mixed-use.</p>
<p>C37. Car parking design should:</p> <ul style="list-style-type: none"> • include a child safe fence to separate car parking areas from the building entrance and play areas. • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards 	<p>Consistent</p> <p>The car parking area is entirely separate from the indoor and outdoor areas and from the primary entrance to the centre.</p>

<ul style="list-style-type: none"> include wheelchair and pram accessible parking. 	<p>Accessible parking is located close to the lift and is available for wheelchair and pram accessibility.</p>
Part 4 Applying the National Regulations to development proposals	
A. INTERNAL PHYSICAL ENVIRONMENT	
<p>4.1 Indoor Space Requirements Regulation 107 Education and Care Services National Regulations</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p> <p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> passageway or thoroughfare (including door swings) used for circulation toilet and hygiene facilities nappy changing area or area for preparing bottles area permanently set aside for the use or storage of cots area permanently set aside for storage area or room for staff or administration kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen on-site laundry other space that is not suitable for children. <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>Consistent</p> <p>The development provides 291m² unencumbered indoor space which is 27.75m² above requirement.</p> <p>All unencumbered outdoor spaces are secure.</p>
<p>4.2 Laundry and hygiene facilities Regulation 106 Education and Care Services National Regulations</p> <p>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and</p>	<p>Consistent</p> <p>A separate laundry is located at the upper ground floor level.</p>

<p>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>4.3 Toilet and hygiene facilities Regulation 109 Education and Care Services National Regulations</p> <p>A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p> <p>Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p>	<p>Consistent</p> <p>Age appropriate toilet, washing and drying facilities are provided at both indoor levels of the centre.</p>
<p>4.4 Ventilation and natural light Regulation 110 Education and Care Services National Regulations</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>Consistent</p> <p>The centre is well ventilated via the openable doors which access the outdoor play areas.</p> <p>Sunlight access is gained via windows which are located at all side elevations and skylights.</p>
<p>4.5 Administrative Space Regulation 111 Education and Care Services National Regulations</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>Consistent</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>4.6 Nappy change facilities Regulation 112 Education and Care Services National Regulations</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>Consistent</p> <p>The centre provides facility at the upper ground floor level for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.</p>
<p>4.7 Premises designed to facilitate supervision Regulation 115 Education and Care Services National Regulations</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>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>Consistent</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>4.8 Emergency & evacuation procedures Regulations 97 and 168 Education and Care Services National Regulations</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"> • instructions for what must be done in the event of an emergency 	<p>Consistent</p> <p>The Plan of Management (POM) submitted with the application includes an Emergency Evacuation Plan and an emergency evacuation map which details muster points, the location of emergency equipment, and evacuation routes.</p>

<ul style="list-style-type: none"> • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service. 	
B. EXTERNAL PHYSICAL ENVIRONMENT	
<p>4.9 Outdoor space requirements Regulation 108 Education and Care Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.</p> <p><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"> • pathway or thoroughfare, except where used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children. <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p>	<p>Consistent</p> <p>The development provides 593m² unencumbered outdoor space which is 26m² above requirement.</p>

<p>4.10 Natural Environment Regulation 113 Education and Care Services National Regulations</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>Consistent</p> <p>The centre includes 201m² outdoor play area at the south-eastern corner of the site. The submitted Landscape Plan (Plan 302) shows this area to be occupied with various treatments including lawn and plantings to enable children to explore and experience an outdoor environment.</p>
<p>4.11 Shade Regulation 114 Education and Care Services National Regulations</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>Consistent Subject to Condition</p> <p>The plans indicate that adequate shaded areas (including trees and shade structures) are situated within all outdoor play areas.</p>
<p>4.12 Fencing Regulation 104 Education and Care Services National Regulations</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>Consistent</p> <p>The outdoor play areas are bounded by perimeter fences with minimum heights of between 1.8m and 2.4m.</p>
<p>4.13 Soil assessment Regulation 25 Education and Care Services National Regulations</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</p>	<p>Consistent</p> <p>The application includes a Geotechnical Investigation Report (dated 26 May 2022) which indicates</p>

<p>for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	<p>that the site contains fill and residual soil overlying shale bedrock.</p> <p>The application is accompanied by a Preliminary Site Investigation (dated 11 August 2022) which concludes that there is generally a low to moderate risk of potential contamination to be present on the site (most notably from the potential presence of asbestos containing material beneath the existing tennis court, hardstand car parking area and behind the current site fencing at the south-western boundary (as fibre cement sheeting). Nevertheless, the report recommends that the site can be made suitable for the development subject to the implementation of the recommendations contained in Section 6 of that report. Those recommendations include:</p> <ul style="list-style-type: none"> • Provision of a Hazardous Materials Survey prior to any demolition works being conducted. • Detailed walkover of the site following the removal of the tennis court and hardstand pavements at the car parking area. • Transportation of any soil material to a licenced landfill. <p>All the above supporting documents (including their recommendations) may be included by condition should this application be approved.</p>
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RYDE DEVELOPMENT CONTROL PLAN 2014

PART 3.2 – CHILD CARE CENTRES

Relevant Controls	Proposed	Compliance
Part 3.2 – Child Care Centres		
Clause 1.7 Child Care Centre Design		
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 Andrew O'Connell of Altis Architects who is a registered architect (Reg No. 9018) 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 Site Image Landscape Architects, 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
Technical Assessment Requirements		
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
2.1 Suitability of Location and Site for Child Care		
2.1.1 Preferred Locations		
<ul style="list-style-type: none"> Single use developments street frontage and width >20m. Corner allotments > 17m 	The site is not single use as it also accommodates a monastery. The site has a frontage of 59.53m.	Yes
<ul style="list-style-type: none"> Single use – minimum site area of 800m² – regular in shape 	The site is irregular in shape, accommodates a monastery and has an area of 3,950.6m ² .	
<ul style="list-style-type: none"> Not located on arterial or sub-arterial roads, refer Schedule 2 	The site is located on Victoria Road which is an arterial road (state).	No
<ul style="list-style-type: none"> Within mixed use developments on arterial and sub-arterial roads, located distant and facing away from road 	The site may be regarded as a mixed use development as it will accommodate a monastery and the child care centre.	Yes

	The site is located away from Victoria Road with the predominant functions of the centre being located away from the roadway.	
<ul style="list-style-type: none"> No battle-axe allotments 	The development seeks to consolidate the allotments on the site. The consolidated arrangement results in an irregularly shaped allotment which is generally rectangular and not a battleaxe arrangement.	Yes
<ul style="list-style-type: none"> Cul-de-sac not preferred. Applications for centres in CDS must demonstrate appropriate traffic management is provided 	Victoria Road is not a cul-de-sac.	Yes
<ul style="list-style-type: none"> Not located in proximity to a brothel (Part 3.1 Brothels under DCP 2006) 	The subject site is not located within close proximity to a registered brothel.	Yes
<ul style="list-style-type: none"> Site flat or gently sloping and well drained <ol style="list-style-type: none"> Assist design of useable indoor and outdoor areas at same grade Provide accessibility to all areas Assist drainage after rain 	<p>The site falls between 1.68m to 5.04m from the front boundary to the rear boundary. The slope has a gradient of 8.9% which translates to a ratio of 1:11.2 which is a moderate slope.</p> <p>The development includes an excavation depth of 2.4m at the northern (front) end of the site which then diminishes close to natural ground level at the rear. The development also includes fill within the front setback area which has a depth of approximately 1.3m.</p> <p>Access to the site is gained via the car park, internal stairs and ramps, and a pathway from the street frontage.</p> <p>Drainage is gained via gravity towards the rear where stormwater will then flow via an existing through-site drainage easement to Yerong Street.</p>	Yes
<ul style="list-style-type: none"> Aspect permits maximum solar access and natural ventilation 	The orientation of the site, and scale of the development, permits adequate solar access and ventilation into the centre and to neighbouring residential properties.	Yes
<ul style="list-style-type: none"> 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 	Due to the orientation of the site and location of surrounding buildings, the proposed centre is not unreasonably affected by overshadowing from existing neighbouring buildings.	Yes

<ul style="list-style-type: none"> Site not subject to undue overlooking from existing or future adjoining development 	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"> Sites located on street corners Sites share common boundaries with compatible non-residential uses Compatible land uses subject to acceptable traffic and parking 	<p>The proposed centre would accommodate 81 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"> The site is not located on a corner. The site shares its activity with a compatible non-residential use. The proposal enjoys dual access/egress onto Victoria Road and is supported by Council's City Infrastructure Traffic Engineer and Transport for NSW. 	Yes
<ul style="list-style-type: none"> 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. 	The proposed development would occupy a single consolidated site, though it would cater for 81 children, the centre building would share common boundaries with 7 adjoining residential properties.	No
<ul style="list-style-type: none"> 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. 	The proposal is not part of a mixed-use development which would classify the development as a work-based centre.	N/A
2.1.2 Environmental Risks/Hazards		
<ul style="list-style-type: none"> Not to be located on land affected by overland flow 	The subject site is not affected by overland flow.	Yes
<ul style="list-style-type: none"> 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 	Refer above	N/A
<ul style="list-style-type: none"> 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 	Refer above	N/A
<ul style="list-style-type: none"> Developments not to be located on Bush Fire Prone Land 	The subject site is not located on Bush Fire Prone Land.	Yes
<ul style="list-style-type: none"> The location is to take into consideration any other environmental health hazard including <ul style="list-style-type: none"> (i) Pollution created by car and other vehicle fumes (from high traffic volumes such as on arterial, sub arterial and collector roads); (ii) Existing and potential on and off-site electromagnetic fields; 	<ul style="list-style-type: none"> (i) The site is located on a classified road and is subject to potential pollution from a classified road. (ii) The site is not impacted by existing or proposed on or 	<p>Yes</p> <p>Yes</p>

<p>(iii) Contaminated land;</p> <p>(iv) Lead in painted surfaces, carpets, furnishings and roof void in existing buildings;</p> <p>(v) Asbestos or other contamination or poisoning in existing buildings;</p> <p>(vi) Proximity to service stations;</p> <p>(vii) Proximity to LPG tanks;</p> <p>(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;</p> <p>(ix) Proximity to transmission lines, railway lines, mobile phone towers.</p>	<p>off site electromagnetic fields.</p> <p>(iii) A Preliminary Site Investigation is submitted with the application which concludes that the site can be made suitable for use as a child care centre.</p> <p>(iv) Not applicable.</p> <p>(v) The Preliminary Site Investigation notes that asbestos may be present beneath the existing tennis court however, this can be safely removed and would not impact on the use of the site for the purposes of a child care centre.</p> <p>(vi) The site is not located within proximity to a service station.</p> <p>(vii) The site is not located within proximity to LPG tanks.</p> <p>(viii) The Air Quality Report (dated 22 July 2024 as prepared by Northstar Air Quality Pty Ltd) has been found by Council's Environmental Health Department to not adequately demonstrate that the site will be suitable for the proposed use in that it fails to demonstrate that pollutants of concern generated by vehicles using Victoria Road have been adequately assessed to satisfy Council that the potential risk to a vulnerable population is negligible.</p> <p>(ix) The site is not located in proximity to transmission lines, railway lines or mobile phone towers.</p>	<p>N/A</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>No</p> <p>N/A</p>
<ul style="list-style-type: none"> 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. 	<p>The application includes a Preliminary Site Investigation and an Air Quality Impact Assessment.</p> <p>With respect to the Preliminary Site Investigation, this report notes that asbestos may be present beneath the existing tennis court however, this can be safely removed and would not impact on the use of the site for the purposes of a child care centre.</p>	<p>No</p>

	With respect to the Air Quality Report, this has been found by Council's Environmental Health Department to not adequately demonstrate that the site will be suitable for the proposed use in that it fails to demonstrate that pollutants of concern generated by vehicles using Victoria Road have been adequately assessed to satisfy Council that the potential risk to a vulnerable population is negligible.	
<ul style="list-style-type: none"> 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 	The site has not previously been used as a petrol station, automotive repair workshops, or other activity associated with hazardous substances.	Yes
<ul style="list-style-type: none"> The site is not to be in a location likely to be affected by emissions of dust, fumes, noise, nor by frequent truck movements. 	<p>The site is located on Victoria Road which is a classified road estimated to carry an average daily volume of 28,658 westbound vehicles per day (taken from the 7-day automatic traffic count survey conducted in front of the site on Victoria Road in the westbound direction from 12:00AM, Sunday 14 August 2022 to 12:00AM, Sunday 21 August 2022 as contained the applicant's submitted Traffic Report dated 2 November 2022 as prepared by McLaren Traffic Engineering & Road Safety Consultants).</p> <p>It is noted that, according to the Transport for NSW 'Traffic Volume Viewer', Victoria Road carried in excess of 56,552 vehicles per day (circa 2022) – this comprises 26,613 westbound vehicles and 29,939 eastbound vehicles. Of this, 3,939 vehicles were trucks.</p> <p>Therefore, the submitted traffic report suggests an increase in westbound traffic since the TfNSW survey of 2022 by 2,045 vehicles daily.</p> <p>The report notes that the operating speeds of vehicles using this part of Victoria Road is 60.2kmh of which 6.7% of vehicles are heavy vehicles (trucks).</p> <p>With respect to the compatibility of the location to the development, the Air Quality Impact Assessment</p>	No

	<p>includes recommendations to address vehicle generated pollution and, although intended to protect the children of the centre, it is also considered that one of the mitigation measures suggests that vehicle generate pollution could be increased by the development by virtue of vehicle queuing into and out of the proposed car park. Given the airborne nature of vehicle emissions, it is not unreasonable to expect that increased pollution events such as this would not only be concentrated at the centre but would also have the potential to flow over into neighbouring residential property, particularly those neighbouring properties openly exposed to the car park and any exhaust vents which are recommended to be installed.</p> <p>Although Transport for NSW and Council's Traffic department have not raised any objection to the proposal (subject to conditions), the locating of the use, particularly with respect to the entering and leaving the site during peak hour is not considered to be satisfactorily respond to Clause 2.1.2 in that the location adjacent to a classified road Victoria Road is not compatible with the proposed development.</p>	
<ul style="list-style-type: none"> Consideration is to be given to the requirements of SEPP 55 and any land contamination policy adopted by Council. 	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"> All development applications for CCCs are required to identify: 		
<ul style="list-style-type: none"> Proposed total number of child care places. 	81 children	Yes
<ul style="list-style-type: none"> Proposed number of children by age group; 	<p>The proposed age group breakdown for the child care is as follows:</p> <p>0-2 years – 19 children 2-3 years – 35 children 3-6 years – 27 children</p>	Yes
<ul style="list-style-type: none"> Proposed number of staff including all full time and part time staff, and role of each staff member 	The number of educators to children ratios is regulated by the Education and Care Services National Regulations.	Yes

	<p>The ratios are provided as follows.</p> <p>0 to 2 years: 1:4 ratio. 2 to 3 years: 1:5 ratio. 3 to 6 years: 1:9 ratio.</p> <p>Proposed: 15 Educators plus 1 x supervisor and 1 x cook.</p>	
<ul style="list-style-type: none"> justification that the proposed number of children within each age group is consistent with current and projected future needs in the area 	<p>Clause 3.27 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> stipulates 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"> A site analysis to be submitted for new CCC developments including developments that involve the conversions of existing dwellings/other buildings 	A site analysis plan has been submitted with the application.	Yes
<ul style="list-style-type: none"> 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. 	The site analysis is based on the Survey Plan provided by C&A Surveyors.	Yes
3.0 Design and Character		
3.1 All Child Care Centres		
<ul style="list-style-type: none"> Designed in accordance with CPTED 	The development provides passive surveillance to Victoria Road	Yes
<ul style="list-style-type: none"> Orientated for year round natural light and ventilation and comfort in indoor spaces and outdoor spaces 	<p>The centre is 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"> Design to take advantage of natural lighting and opportunities to maximise solar access and natural ventilation 	<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"> Avoid the proximity to and use of large expanses of UV reflective surfaces 	The development is not located in close proximity to large expanses of UV reflective surfaces.	Yes
<ul style="list-style-type: none"> Maximize energy efficiency and sustainability and compliance with 	Able to comply	Yes

Part 7.1 Energy Smart, Water Wise under this DCP		
<ul style="list-style-type: none"> Building materials, appliances, utilities and fuel sources should be made with consideration for minimising energy requirements 	Able to comply	Yes
<ul style="list-style-type: none"> Appliances to be used/installed in the centre should have a minimum 3.5 star rating 	Able to comply	Yes
<ul style="list-style-type: none"> Designed to reflect desired/expected character of buildings in the area 	The site is located in proximity to a heritage item. The development is designed to respond to the character of the Item.	Yes
<ul style="list-style-type: none"> Frontages and entries are to be designed to be readily apparent from the street frontage 	The submitted plans show that the entry is readily apparent from Victoria Road.	Yes
<ul style="list-style-type: none"> SEE to demonstrate how the proposed design responds to the site analysis 	The SEE demonstrates how the proposed design responds to the site analysis.	Yes
<ul style="list-style-type: none"> To avoid mosquito bite infections all doors and window should be screened 	Capable of being achieved by the operator.	Satisfactory
<ul style="list-style-type: none"> Where fill is proposed to be used, clean fill must be used. 	This may be conditioned should the application be approved.	Yes Subject to condition
3.2 Detached Centres and Centres in Residential Areas		
<ul style="list-style-type: none"> Bulk, height, scale and appearance which is compatible with the surrounding development 	The bulk, height, scale and appearance is compatible with surrounding two storey residential developments.	Yes
<ul style="list-style-type: none"> Streetscape and character of the locality should be maintained 	Streetscape and character of locality is maintained.	Yes
<ul style="list-style-type: none"> 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. 	The proposal is for a part 1/part 2 storey centre. Notwithstanding, the proposal has a height of between 4.1m and 9.1m and is compliant with the maximum permitted building height under the RLEP 2014.	Yes
<ul style="list-style-type: none"> 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 	An assessment against these built form controls is provided below.	Refer below
<ul style="list-style-type: none"> Where lot consolidation is required must reflect existing subdivision pattern and building bulk. 	The development includes the consolidation of the lot. Given the historical use of the site over three lots, the consolidation will not	Yes

	change the subdivision pattern of the local area.	
Fencing, Gates & Security		
For CCCs in low density residential areas, consideration is to be given to requirements under Part 3.2 Dwellings and Duplexes.	A 1.2 metre high front fence is proposed. The fence is open paling style. Existing side and rear boundary fencing is to be retained.	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
4.1 Acoustic Privacy – for children in the centre		
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 10m from Victoria Road.	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).	The submitted Acoustic Report has been reviewed by Council's Environmental Health department which has determined that the Acoustic Report adequately demonstrates that: <ul style="list-style-type: none"> Compliance criteria within internal sleeping areas has been achieved. The long-term impact of road vibration noise has been adequately considered. 	Yes

	<ul style="list-style-type: none"> • The correct logging location has been chosen. • Noise from the rear car park area has been adequately considered. • Noise impact to the residential units at 820 Victoria Road has been adequately considered. 	
4.2 Acoustic Privacy – for adjoining residents		
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;	Playroom windows orientate to neighbouring residential properties.	No 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.	No 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).	<p>The Acoustic Report requires 1.5m and 1.8m high acoustic barriers to be installed along the sides of all outdoor play areas.</p> <p>The Acoustic Report (and its recommendations) would be included as a condition of consent should this application be approved.</p>	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.	<p>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.</p> <p>The side-facing windows are fixed and glazed (as recommended by the Acoustic Report) sufficiently to mitigate acoustic impact.</p>	No 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.	<p>An acoustic report has been submitted with the proposed development application prepared by Acoustic Logic.</p> <p>The report specifies pre and post development noise levels and abatement measures.</p>	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.	No 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 the Environmental Noise Impact Assessment prepared by Acoustic Logic.	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, group sizes and how rotated may be required to be submitted with the DA.	This information is specified in the Acoustic Noise Impact Assessment and in the Plan of Management.	Yes
4.3 Visual Privacy – for children in the centre		
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
4.3 Visual Privacy for adjoining residents		
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.	The development includes windows along both side elevations. A condition would be included requiring that the windows are obscure to avoid overlooking should this application be approved. With respect to noise, the development includes treatments which are designed to mitigate unreasonable impact to neighbouring dwellings such as	Yes Subject to condition

	<p>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 may be conditioned to be located between the lower ground/car park walls and rear boundary to the neighbouring residential area should this application be approved.</p>	
Windows and doors in the proposed centre are to be sited in locations which minimise loss of privacy to adjoining residences.	Discussed above.	Yes
5.1 Car Parking		
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.	<p>The proposal seeks 81 children and 17 staff.</p> <p>A total of 20 car parking spaces are required. This is provided.</p>	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
<p>Low density residential areas</p> <ul style="list-style-type: none"> Underground parking is not permitted in low density residential areas. The parking and driveway area is not to dominate the streetscape (refer Section 6.1 Landscape Design for treatment of these areas). 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 	<p>A part basement/undercroft parking is proposed. The parking is not fully underground and therefore not classified as a basement.</p> <p>The parking and driveway area do not dominate the streetscape.</p> <p>Victoria Road does not include any facility for on-street parking.</p>	<p>Supported</p> <p>Yes</p> <p>N/A</p>

which experience low traffic volumes. This is subject to not adversely affecting the safety and amenity of the adjacent area or causing traffic problems.		
5.2 On Site Manoeuvrability		
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 another way which still meets the following criteria: <ul style="list-style-type: none"> i. To provide a separate entrance and exit driveway access at a minimum safe distance from each other; ii. To enable vehicles to leave the site in a forward direction; iii. To enable vehicles using the entrances and exits to not endanger persons and vehicles using those accesses; and 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. 	N/A	N/A
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.	N/A The entrance and exit driveway are the same which has a width of 6.1m.	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
5.3 Impact on Traffic Flow		
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	Vehicles can enter and leave in a forward direction.	Yes

designed as a separate area to that required for manoeuvring in and out of parking spaces.	A designated drop off/pick up area has not been provided on the plans however, this can be managed in the designated parking area.	
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.</i></p> <p><i>A Traffic Impact Assessment prepared by McClaren Traffic has found that the additional traffic 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.</i></p>	Yes
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 and Parking Impact Assessment Report prepared by McLaren Traffic Engineering & Road Safety Consultants has been submitted.	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).	<p>Vehicle access to the development is gained from Victoria Road only, therefore concurrence from Transport for NSW is required as Traffic Generating Development.</p> <p>Transport for NSW have issued their concurrence subject to conditions which would be included in a consent should this application be approved.</p>	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).	A Road Safety Audit has been submitted with the application which indicates that between 2018 and 2021, five (5) crashes were recorded along the frontage of the site, four (4) of which occurred in darkness after 8pm, when the child care centre would not be operating.	Yes
5.4 Pedestrian Safety		
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
5.5 Accessibility		
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. 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.	The design is readily capable of compliance during Construction Certificate design phase and may be made subject to condition should this application be approved.	Yes Subject to condition
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.	N/A
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: 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. 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. 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). iv. Pathways with extra width (1200 mm - 1500 mm) and grades no steeper than 1:14 to allow easy circulation throughout the site. 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.	A continuous path of travel is provided from the street into every room and outdoor area. An internal lift is provided between the upper level of the centre and the car park. Achieved Achieved Main pathway is 1.2m wide and is not steeper than 1:14. One (1) accessible space is provided.	Yes Yes Yes Yes
6.1 General Landscape Design Requirement		
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	This application includes detailed landscaping plans prepared by Site Image Outside in Design Group. Sufficient information is notated on the landscape plans to determine	Yes

experience / skills in designing early childhood environments.	the proposed species, mature heights and number of trees.	
<p>The landscape plan must:</p> <ul style="list-style-type: none"> 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; 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); iii. Avoid plant species and landscape materials which may constitute a choking hazard in areas designed for use by babies and toddlers; iv. Incorporate landscape design of the outdoor play spaces in accordance with the requirements of Section 6.2.2 of this Part; v. Consider the effects of outdoor play on the compaction and erosion of soil and vegetation in choice of treatments; vi. Specify plants and surface treatments that consider the potential for tree roots to up-lift outdoor surfaces (footpaths, cycle tracks) and create hazards; vii. Identify opportunities for deep soil planting and choice of appropriate species to suit the conditions; and 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>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.</p> <p>No issues raised by Council's landscape architect.</p> <p>No issues raised by Council's landscape architect.</p> <p>See below.</p> <p>No issues raised by Council's Landscape Architect</p> <p>No issues raised by Council's landscape architect.</p> <p>No issues raised by Council's landscape architect.</p> <p>No issues raised by Council's 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 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	Achieved	Yes

vehicles entering/exiting the site, and to consider the use of materials and finishes to complement the neighbouring streetscape.		
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 northern (facing 822 Victoria Road), eastern and southern side boundaries (adjacent to residential properties).	Yes
Landscape setbacks/buffers may need to be provided for centres in commercial and industrial zones depending on the context of the development.	N/A – The site is in a residential zone.	N/A
6.2 Play Spaces		
Size & Functionality of Play Spaces 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 ² 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.	Yes
Outdoor Play Spaces All child care centres 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	Provided Provided	Yes Yes

<p>quiet areas for activities such as storytelling and finger painting);</p> <p>iii. An active area (e.g. climbing structure, digging patch);</p> <p>iv. A transition area (refer Section 6.2.4 of this Part); and</p> <p>v. Storage area(s).</p>	<p>Provided</p> <p>Provided</p> <p>Provided</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>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:</p> <p>i. Sandpits</p> <p>ii. Formal quiet areas</p> <p>iii. Secret places</p> <p>iv. Active areas</p> <p>v. Surfaces</p> <p>vi. Access corridors</p> <p>vii. Slowdown features</p> <p>viii. Elevated areas</p> <p>ix. Linkages</p> <p>x. Planting</p> <p>xi. Storage</p> <p>(Refer to further explanation in the DCP).</p>	<p>Provided</p> <p>Provided</p> <p>Provided</p> <p>Provided</p> <p>Provided</p> <p>Provided</p> <p>Provided</p> <p>Provided</p> <p>Provided</p> <p>Provided</p> <p>Provided</p>	<p>Yes</p>
<p>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.</p>	<p>Suitable planting proposed which will provide canopy cover</p>	<p>Yes</p>
<p>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>	<p>The plans indicate that adequate shaded areas (including shade structures) are situated within all outdoor play areas.</p>	<p>Yes</p>
<p>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>	<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>Yes</p>
<p>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.</p>	<p>Outdoor areas are capable of being suitably maintained.</p>	<p>Yes</p>
<p>Work based child care centres, and centres in mixed use facilities</p>		<p>N/A</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"> • 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; • 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 • 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. 	<p>The childcare is not proposed in a mixed use facility and is not a work based child care centre.</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 m² of space per child who will be using the area.</p>	<p>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>Indoor Play Spaces Shall be designed to:</p> <ol style="list-style-type: none"> Achieve passive surveillance from all rooms; Provide direct access to play areas; Allow maximum supervision of the indoor and outdoor play spaces; Allow subspaces to be set up with discernible divisions to offer a variety of play areas. 	<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>Transition Areas shall:</p> <ol style="list-style-type: none"> Be located between the indoor and outdoor areas; Be designed to allow for indoor and outdoor activities to be conducted under cover; Be designed to offer protection from unfavourable weather conditions, and not heat up excessively in summer; and Incorporate facilities for educational experiences and appropriate storage areas. 	<p>Transition areas have been provided.</p>	<p>Yes</p>
<p>Swimming Pools & Water Hazards 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>N/A</p>
<p>Any water containers (including buckets, paddling pools etc) which could constitute a drowning hazard are to be emptied</p>	<p>N/A – not proposed.</p>	<p>N/A</p>

immediately after use, or safely covered and/ or stored in a manner which prevents the collection of water which is accessible to children.		
7.0 Miscellaneous Controls		
Centre Facilities		
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 ² 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 ² in size.	Yes
The staff room is to include a minimum floorspace of 20m ² .	26m ² 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 ² 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 ² Proposed cot floorspace = 23m ² A condition may be imposed to increase the cot room area by 2m ² should this application be approved. 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 Victoria Road pedestrian entrance.	Yes
Signage		
All advertising and signage must be designed to comply with Part 9.1 Advertising Signs.	N/A – no signage proposed.	Yes
Exterior Lighting		
Lighting is to be provided to assist access via the main entrance.	Capable of being addressed via condition.	Yes Subject to condition
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 identification for visitors including emergency services.	Capable of being addressed via condition.	Yes Subject to condition

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.	Yes Subject to condition
Waste Storage and Management		
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 car 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"> i. whether a special removal service will be required for the removal / disposal of soiled nappies; ii. the frequency of removal of waste to ensure regular removal and avoid undue build up of garbage; iii. opportunities for avoidance, reuse and recycling of waste; 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); v. security of waste from access by children; vi. likely requirements for waste from kitchen facilities; and vii. impact of waste storage and collection on adjoining residential developments in terms of unsightliness, odour and noise. 	<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 and pedestrian access, landscaping and outdoor play areas.	The waste room is located within the parking area and will not be visible from the street.	Yes

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.	N/A
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.	N/A
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
7.5 Emergency Evacuation		
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"> i. The mobility of children and how this is to be accommodated during an evacuation; ii. The location of a safe congregation area, away from the evacuated building, busy roads and other hazards, and away from evacuation 	Refer above.	Yes

points for use by other occupants/tenants of the same building or of surrounding buildings; and 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).		
6.0 Out of School Hours		
Where an OOSH service is proposed in a childcare centre, the centre shall provide permanent separation of OOSH facilities from the remaining centre facilities. <i>Refer to further controls if DCP, if relevant.</i>	N/A – out of school hours is not proposed	N/A

PART 3.3 - DWELLING HOUSES AND DUAL OCCUPANCY

3.3 Dwelling Houses and Dual occupancy (as relevant)		
2.6.1 Deep Soil Areas		
<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> <p>Front garden areas to be permeable with the exception of the driveway, pedestrian path and garden walls.</p>	<p>24% (938m²) 1 x area @ 5.0m x 6.5m in rear setback</p> <p>Note: Existing = 22.8% (900m²) therefore increase by 38m² and a substantial improvement on the existing situation.</p> <p>The non-compliance is assessed against the objectives of the control as follows:</p> <ul style="list-style-type: none"> <i>To ensure that land retains its ability to absorb rain water so as to reduce stormwater runoff and to increase the moisture level of the soil for the use of trees and other vegetation.</i> <p>The development increases the provision of deep soil area from that of the existing situation. Although only by 38m², this would be sufficient, in conjunction with embedded stormwater management of the building, to reduce stormwater runoff beyond that which is currently available on the site.</p> <ul style="list-style-type: none"> <i>To ensure that each building allotment has a minimum deep soil area.</i> 	<p>No Supported</p>

3.3 Dwelling Houses and Dual occupancy (as relevant)		
	<p>The overall site area (3,950m²) would require 1,382.5m² of deep soil. The development provides 938m² which is 444.5m² deficient.</p> <p>Notwithstanding, the intent of the control is to facilitate stormwater management and a landscaped setting, both of which are applied within a typical residential setting.</p> <p>It is acknowledged that the site is not a typical residential setting and that the level of stormwater management and provision of landscape treatments on the site are a significant improvement from the existing situation and that both are functionally and aesthetically compatible to its R2 residential zone setting.</p> <ul style="list-style-type: none"> • To retain and enhance vegetation corridors. <p>The site is not subject to a vegetation corridor.</p> <ul style="list-style-type: none"> • To provide space for mature tree growth and other vegetation. <p>The development includes adequate provision for future mature tree growth (noting that the site does not currently include any notable mature trees).</p> <ul style="list-style-type: none"> • To generally retain existing mature trees and vegetation. <p>The site does not include any notable mature trees.</p> <ul style="list-style-type: none"> • To enable movement of fauna along vegetation corridors. <p>The site is not located within a vegetation corridor.</p>	
2.6.2 – Topography and Excavation		
<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>The non-compliance is assessed against the objectives of the control as follows:</p> <ul style="list-style-type: none"> • To retain natural ground levels and existing landform. 	<p>No Supported</p>

3.3 Dwelling Houses and Dual occupancy (as relevant)

(ii) the depth of excavation is limited to 1.2 m maximum; and iii. the maximum height of fill is 900 mm.

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 (and levels within the remainder of the site) 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.***

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. The are of fill which is within the front setback (facing Victoria Road), is at street level and does not have any visual impact upon the streetscape.

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 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***

3.3 Dwelling Houses and Dual occupancy (as relevant)		
	<p><i>unreasonable loss of privacy or security for neighbours.</i></p> <p>The excavation and fill does not result in an unreasonable loss of privacy or security for neighbours.</p> <p>The development is consistent with this objective.</p>	
2.7 Floor Space Ratio		
0.5:1 (3,939m ²)	The development proposes a floor space ratio of 0.47:1 (1,852m ²).	Yes
2.8 Building Height		
Height 9.5m	4.1m to 9.1m	Yes
Wall Plate height 7.5m (or 8m for a roof with a continuous parapet)	8m	Yes
2 storeys	2 storeys	Yes
2.9 Setbacks		
Front setback (10m)	Car Park: 10m to 12.0m Ground Floor: 10.0m to 12.0m	Yes Yes
Side setback (1.5m)	<p>Side (East adjacent to 820 Victoria) Ground Floor: 2.0m to 3.7m First Floor: 2.75m</p> <p>Side (East adjacent to 822 Victoria) Ground Floor: 6.9m First Floor: 6.9m</p>	Yes Yes Yes Yes
<p>Rear setback (8.0m to 13.7m)</p> <p>(See discussion after this table)</p>	<p>Ground Floor: 3.0m to 6.5m First Floor: 6.7m to 8.7m</p> <p>The non-compliance is assessed against the objectives of the control as follows:</p> <ul style="list-style-type: none"> <i>To provide an area for private outdoor recreation and relaxation.</i> <p>The site does not accommodate a residential use and therefore does not require space for private recreation and relaxation use.</p> <ul style="list-style-type: none"> <i>To allow space for vegetation, mature trees and deep soil zones.</i> <p>The overall site area (3,950m²) would require 1,382.5m² of deep soil. The development provides 938m² which is 444.5m² deficient.</p>	<p>No</p> <p>No</p> <p>Supported Subject to condition</p>

3.3 Dwelling Houses and Dual occupancy (as relevant)		
	<p>Notwithstanding, the intent of the control is to facilitate stormwater management and a landscaped setting, both of which are applied within a typical residential setting.</p> <p>It is acknowledged that the site is not a typical residential setting and that the level of stormwater management and provision of landscape treatments on the site are a significant improvement from the existing situation and that both are functionally and aesthetically compatible to its R2 residential zone setting</p> <ul style="list-style-type: none"> • <i>To separate dwellings to achieve privacy.</i> <p>The rear setbacks include windows which service administration and classroom areas. These windows may be fitted with obscure glazing to mitigate any overlooking (and perception of being overlooked).</p> <p>This may be included as a condition should this application be approved.</p> <ul style="list-style-type: none"> • <i>To enable contiguous vegetation corridors across blocks.</i> <p>The site is not located within a vegetation corridor.</p>	

Clause 2.9.3 – Rear Setbacks

The development includes a rear setback (being along the southern boundary abutting detached residential dwellings along Yerong Street) of between 1.5m to 6.5m at the ground floor level and a rear setback of between 6.7m and 9.7m is proposed at the upper floor level.

Although the rear upper floor level is setback further than the ground floor level this is contrary to that anticipated in the R2 Low density Residential zone.

Figures 1 and 2 below show the areas of non-compliance at the rear setback (shaded red).

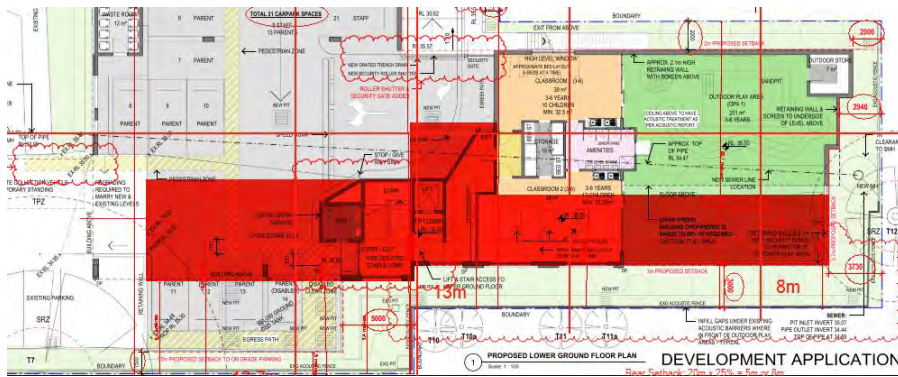


Figure 1 – Rear setback (Lower Ground Floor).



Figure 2 – Rear setback (Upper Ground Floor).

As seen above, the greater level of non-compliance was at the ground floor level which would not have a significant impact upon neighbouring property while the upper floor level was setback and articulated to a greater degree.

Furthermore, with respect to impact, the rear setback non-compliances were considered to not result in any unreasonable degree of impact from overshadowing \or visual privacy (which could be enhanced through additional treatments to windows such as screening or the installation of obscure film/glazing and which could be addressed by condition should this application be approved).

Clause 2.14.4 – View Sharing

The objective of Clause 2.14.4 seeks to *ensure that new dwellings endeavour to respect important views from living areas within neighbouring dwellings.*

The application is accompanied by a comprehensive view sharing analysis which examines view sharing from south-facing apartments at 822 Victoria Road.

Of the above properties, objections were received from Unit 3 at 822 Victoria Road with respect to view loss, which is located that the ground floor level (although the ground floor level is elevated at the rear of the building).

Unit 2 (being the western-most apartment) was inspected on 17 April 2023

Principle 1 - Nature of the views to be affected

“The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured”.

Comment

The south-west facing apartments at 822 Victoria Road overlook the south-eastern wing of the development towards distant views of Rhodes.

The apartments situated at the ground floor (which is elevated above garages at the rear) are Units 2 and 3, both of which have submitted an objection to the proposal obstructing views.

Inspection of views from Units 2 and 3 were conducted by a previous assessment officer where it was noted that only Unit 2 was inspected. Notwithstanding, both apartments are at the same floor level, of the same internal layout, offer the same views and are impacted by the same element of the development.

The views from the balcony of Unit 2 is shown in **Figure 1** below.



Figure 1 – View towards Rhodes from the balcony of Unit 2.

Views from the apartments at the second and third floors above are not impacted by the development.

Principle 2 - What part of the affected property the views are obtained

“The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic”.

Comment

A review of the floor plans for Units 2 and 3 reveal that the balcony services an open plan living/dining rooms. A bedroom (Bedroom 2) and a kitchen are located on opposite sides of the living/dining room and both have windows facing the rear boundary. With exception of a glazed door, all windows have standard sill heights.

Views from both apartments are obtained across a rear boundary and are enjoyed from standing position. As seen in **Figure 1**, the sitting position (which is lower than the standing position in the photograph) is compromised by sill heights to all windows and mature hedges at the rear of properties along Yerong Street.

Principle 3 - Extent of impact

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.

Comment

The views impacted by the development are from the living/dining room, kitchen and bedroom 2. **Figure 2** below shows the extent of impact (in yellow) on the same views depicted in **Figure 1**.



Figure 2 – Extent of impact resulting from the development (outlined in yellow).

As can be seen in **Figure 2** above, the impact is significant for Units 2 and 3 and may be assessed as severe.

Principle 4 - Reasonableness of the proposal that is causing the impact.

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

Comment

Figure 3 below shows the location of balconies at Units 2 and 3 of 822 Victoria Road in proximity to the development.

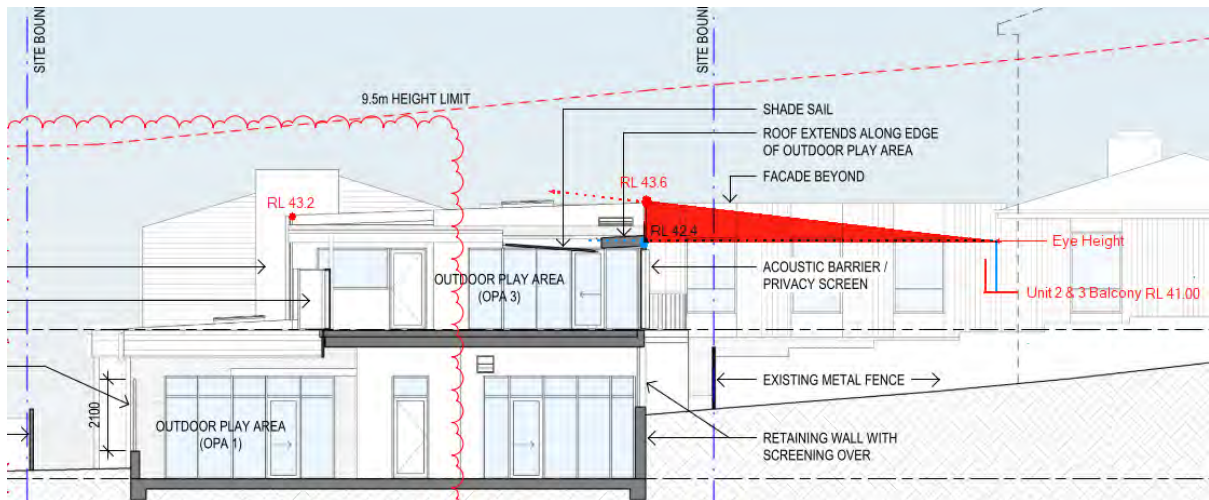


Figure 3 – View angles from Units 2 and 3 (in red).

As can be seen, the affected view is depicted by the red triangle with the angled view showing the deflection upward as a result of the building height and parapet. The bottom horizontal line shows the optimal angle the development needs to be lowered in order to maintain views from a standing position.

It is estimated that the building and parapet would need to be lowered by 1.2m noting that the parapet has a height of approximately 0.7m which means the building would need to be lowered by 0.5m.

The floor-to-ceiling heights in this section of the development are 2.7m at the upper ground floor level and 3.9m at the lower ground floor level.

The lowering of the building (by reducing the parapet and floor-to-ceiling heights (particularly at the lower ground floor level) was presented to the applicant who advised that:

“The current design strikes a balance between the site requirements of waste collection vehicle access, classroom and play space amenity, and impacts on neighbouring properties. Further reductions to the building height are either of little significance to view loss improvements, or adversely affect the amenity and capacity of the childcare centre”.

This is not entirely agreed with as the suggested height reductions are not affecting the remainder of the development nor the proposed floor levels in the car park. The reduction comes from the parapet and 0.5m from the floor-to-ceiling height at the lower ground floor level only and this is not considered to be an unreasonable solution to mitigating a loss to views where it can easily be achieved.

In this respect, it is considered that the a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours and, as a result the view impact is considered to be not acceptable and the view sharing unreasonable.

This issue forms a reason to refuse the application.

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 (81)	1 space per 8 children = 11 spaces	13 spaces	+2 spaces
Staff (17)	1 space per 2 employees = 9 spaces	8 spaces	-1 space
Total	20 spaces	21 spaces	Yes (+1 space)