



**4 JUNE 2020**

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**NOTICE OF MEETING**

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You are advised of the following meeting:

**THURSDAY 11 JUNE 2020.**

**City of Ryde Local Planning Panel Meeting No. 4/20**

**Council Chambers, Level 1A, 1 Pope Street, Ryde - 5.00pm**

## English

If you do not understand this letter, please come to the 1 Pope Street, Ryde (within Top Ryde Shopping Centre), Ryde, to discuss it with Council Staff who will arrange an interpreter service. Or you may ring the Translating & Interpreting Service on 131 450 to ask an interpreter to contact you. Council's phone number is 9952 8222. Council office hours are 8:30am to 5:00pm, Monday to Friday.

## Arabic

إذا لم تفهم محتوى هذه الرسالة، يرجى الحضور إلى 1 Pope Street، Ryde (في Top Ryde Shopping Centre)، Ryde، لمناقشتها مع موظفي المجلس الذين سوف يرتبون للاستعانة بمترجم شفهي. أو قد يمكنك الاتصال بخدمة الترجمة التحريرية والشفهية على الرقم 131 450 لتتطلب من المترجم الاتصال بك. رقم هاتف المجلس هو 9952 8222. ساعات عمل المجلس هي 8:30 صباحاً حتى 5:00 مساءً، من الاثنين إلى الجمعة.

## Armenian

Եթե դուք չեք հասկանում սույն նամակի բովանդակությունը, խնդրում ենք այցելել 1 Pope Street, Ryde (որը գտնվում է Top Ryde Shopping Centre-ի մեջ), Ryde, քննարկելու այն Քաղաքային Խորհրդի անձնակազմի հետ, ովքեր ձեզ համար կապահովեն թարգմանչական ծառայություն: Կամ կարող եք զանգահարել Թարգմանչական Ծառայություն 131 450 հեռախոսահամարով և խնդրել, որ թարգմանիչը ձեզ զանգահարի: Խորհրդի հեռախոսահամարն է 9952 8222: Խորհրդի աշխատանքային ժամերն են առավոտյան ժամը 8:30-ից մինչև երեկոյան ժամը 5:00, երկուշաբթիից մինչև ուրբաթ:

## Chinese

如果你不明白这封信的内容，敬请前往1 Pope Street, Ryde（位于Top Ryde Shopping Centre内），向市政府工作人员咨询，他们会为您安排口译服务。此外，您也可以拨打131 450联络翻译和口译服务，要求口译员与您联系。市政府电话号码为9952 8222。市政府办公时间为周一至周五上午8:30至下午5:00。

## Farsi

لطفاً اگر نمی توانید مندرجات این نامه را درک کنید، به نشانی 1 Pope Street، Ryde (در Top Ryde Shopping Centre) مراجعه کنید تا با استفاده از یک مترجم در این باره با یکی از کارکنان شورای شهر گفتگو کنید. یا آنکه می توانید با خدمات ترجمه کتبی و شفاهی به شماره 131 450 تماس گرفته و بخواهید که به یک مترجم ارتباط داده شوید. شماره تماس شورای شهر 9952 8222 و ساعات کاری آن از 8:30 صبح تا 5:00 بعد از ظهر روزهای دوشنبه تا جمعه است.

## Italian

Se avete difficoltà a comprendere questa lettera, venite in 1 Pope Street, Ryde (dentro al Top Ryde Shopping Centre), Ryde, per discutere con il personale del Comune che organizzerà un servizio di interpretariato. Potete anche contattare il Servizio di Traduzione e Interpretariato al 131 450 per chiedere a un interprete di contattarvi. Il numero di telefono del Comune è il 9952 8222. Gli orari di ufficio del Comune sono dalle 8.30 alle 17 dal lunedì al venerdì.

## Korean

이 서신을 이해할 수 없을 경우, 1 Pope Street, Ryde (Top Ryde Shopping Centre 내)에 오셔서 통역사 서비스를 주선할 시의회 직원과 논의하십시오. 혹은 통번역서비스에 131 450으로 전화하셔서 통역사가 여러분에게 연락하도록 요청하십시오. 시의회의 전화번호는 9952 8222입니다. 시의회 사무실 업무시간은 월요일에서 금요일, 오전 8시 30분에서 오후 5시까지입니다.

**Meeting Date: Thursday 11 June 2020**  
**Location: Council Chambers, Level 1A, 1 Pope Street, Ryde**  
**Time: 5.00pm**

*City of Ryde Local Planning Panel Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. City of Ryde Local Planning Panel Meetings will also be webcast.*

**NOTICE OF BUSINESS**

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## **DEVELOPMENT APPLICATIONS**

- 1 2 COOINDA CLOSE, MARSFIELD. CONSTRUCTION OF A TWO STOREY BOARDING HOUSE COMPRISING 8 X 2 BED BOARDING ROOMS AND A DOUBLE GARAGE. THE PROPOSAL PROVIDES 4 CAR PARKING SPACES, 2 MOTOR CYCLE PARKING SPACES AND 4 BICYCLE PARKING SPACES - LDA2019/0304**

**Report prepared by:** Senior Town Planner

**Report approved by:** Senior Coordinator - Major Development; Manager - Development Assessment; Director - City Planning and Environment

**File Number:** GRP/09/6/12/1/2 - BP20/522

### **City of Ryde Local Planning Panel Report**

<b>DA Number</b>	LDA2019/304
<b>Site Address &amp; Ward</b>	2 Cooinda Close, Marsfield West Ward
<b>Zoning</b>	R2 – Low Density Residential under RLEP 2014
<b>Proposal</b>	Construction of 2 storey boarding house comprising 8 x 2 bed boarding rooms and a double garage. The proposal provides 4 car parking spaces, 2 motorcycle parking spaces and 4 bicycle parking spaces.
<b>Property Owner</b>	Southern Star Petroleum Pty Ltd
<b>Applicant</b>	Nuovo Design Studio Pty Ltd
<b>Report Author</b>	Peggy Wong – Assessment Officer
<b>Lodgement Date</b>	3 September 2019
<b>No. of Submission</b>	First notification - 15 submissions and 2 petitions Second notification – 15 submissions
<b>Cost of Works</b>	\$1,351,504
<b>Reason for Referral to RLPP</b>	<u>Contentious Development</u> Development is the subject of 10 or more unique submissions by way of objection.

**ITEM 1 (continued)**

Recommendation	Refusal
Attachments	<b>Attachment 1</b> – Architectural & Landscape Plans <b>Attachment 2</b> – Stormwater Management Plans

**1. Executive Summary**

The following report is an assessment of a development application for the construction of a two (2) storey boarding house at No. 2 Cooida Close, Marsfield. The development application (as amended) proposes the construction of a boarding house containing eight (8) x 2 bed self-contained boarding rooms for 16 lodgers, four (4) car parking spaces (2 car spaces within the proposed garage), two (2) motorcycle spaces and four (4) bicycle spaces. The proposal also includes associated landscape works.

The first notification of the development application (DA) occurred between 13 September 2019 and 2 October 2019, and resulted in 15 submissions raising objection to the proposal, including two petitions containing a total of 137 signatures. The concerns raised related to overdevelopment of the site in a low density residential area, additional traffic and pedestrian safety impacts on surrounding streets, visual and amenity impacts on surrounding properties, that a transient population will erode the established sense of community and increased security issues, and will decrease property values. Concern was also raised that individual rooms could be hired out for other uses that are not associated with the boarding house.

The first notification also resulted in representations by three (3) Councillors on behalf of the local community raising objection to the proposal. Amended architectural and landscape plans were received on 31 March 2020 and surrounding properties were notified between 4 May 2020 and 22 May 2020. As a result, fifteen (15) submissions were received raising objection to the development. The objections reiterated the issues identified during the first notification relating to overdevelopment of the site, particularly the further intensification of the site with additional boarding house occupants, and adverse impacts on the amenity of surrounding properties.

Representation by two (2) Councillors was made on behalf of the community raising objection to the amended proposal.

The amended proposal reconfigured the layout of the boarding house from twelve (12) x 1 bed boarding rooms to eight (8) x 2 bed boarding rooms. Each of the boarding rooms are self-contained comprising a bathroom and kitchenette. The amended proposal includes 4 car parking spaces (2 car spaces within the proposed garage), 2 motorcycle spaces and 4 bicycle spaces adjacent to the southern boundary. External amendments include an increased front setback, reduction in carparking spaces and extent of hard paving within the front setback, and increased setback along the south-eastern boundary.

**ITEM 1 (continued)**

The amended proposal is considered to be out of character with the neighbourhood and does not demonstrate compliance with a number of planning controls specified in the State Environmental Planning Policy (Affordable Rental Housing) 2009 and the Ryde Development Control Plan 2014 for a boarding house. In particular, it is not considered acceptable as the proposed landscape within the front setback is inconsistent with the streetscape character of immediately surrounding developments. Furthermore, part of the entry patio protrudes into the front setback and the extent of hard paving, consisting of a wide driveway, concrete path and the entry patio, is excessive and does not complement the substantially landscaped gardens of properties in the vicinity of the site. Additional hard paving is also proposed between the front setback and the external wall of the boarding house to accommodate car and motorcycle spaces and associated vehicular access.

The amended proposal will result in poor amenity for adjoining properties, particularly visual and acoustic privacy as the amended Plan of Management is insufficient, and inadequate landscaping is proposed along the side and rear boundaries of the site. The amended proposal was also received with insufficient information including the following:

- Overshadowing diagrams have not been submitted to determine amenity impacts on adjoining properties.
- The landscape plan has not been prepared by a suitably qualified Landscape Architect and contains inconsistencies with the recommendations of the Arborist Report. The landscape plan as amended does not show sufficient landscaping that satisfies relevant provision in the Ryde DCP 2014 and will have adverse visual and privacy impacts on surrounding properties.
- A Traffic Impact Assessment should be prepared and submitted to address traffic implications resulting from the increase in density from the originally proposed 12 occupants to 16 occupants. In particular, the proposed impact of the development on on-street parking.
- The proposal has not satisfactorily demonstrated acceptable vehicular movements from the site in a forward direction. At least 2 of the 4 car parking spaces will likely result in cars reversing into Coinda Close. Given the proposed increase in density there is potential for vehicular and pedestrian conflict thus, increased risk to public safety.
- The proposed access for bicycles, motorbikes and garbage bins adjacent to the southern-western boundary measures 923mm wide and is insufficient. A width of at least 1.2 metres is required to ensure unimpeded manoeuvring is provided in the event that 'Motor Bike Parking 1' is occupied.
- The existing kerb inlet pit not identified on the drawings and the impact of the intensification of use on the existing vehicular crossing cannot be determined.

### ITEM 1 (continued)

- Stormwater and drainage information regarding the design of the connection point to Council assets and information to demonstrate that the proposal will not have any adverse impacts to the public domain and adjoining properties.

Given the reasons detailed above, the development application is recommended for refusal.

## 2. The Site and Locality

The site is irregular in shape with a curved frontage to Cooinda Close measuring approximately 11.2 metres and a site area of 912m<sup>2</sup>. The irregular shape of the site is formed by a north-western boundary measuring 31.31 metres, a northern (rear) boundary measuring 12.19 metres, a south-eastern (rear) boundary measuring 44.65 metres and a 26.6 metres southern boundary adjacent to a pedestrian pathway providing access between Cooinda Close and Karingal Circuit.

The site is currently occupied by a single storey brick dwelling containing 4 bedrooms, an attached garage and landscaping in the front and rear yards.

The site has a fall of 4.14 metres from the front (north-western) boundary (RL91.33) to the lowest point at the north-eastern corner of the site (RL87.19). The fall of the site from the south-western corner (RL91.18) to the southern corner (RL90.24) measures 940mm.

The site is at the end of the cul-de-sac and is immediately surrounded by single storey and two storey residential dwellings (refer Figure 1). Given the curvature of the cul-de-sac, the front building setbacks of existing dwellings in Cooinda Close are not consistent, with the front setbacks of No. 3 Cooinda Close measuring 7.9 metres and 9.8 metres at No. 1 Cooinda Close. The existing dwelling on the site has a front setback of 7.97 metres to the garage and 9.69 metres to the entry patio.

Photographs of the site and it's neighbourhood context are provided at Figures 2-8.



Figure 1: Aerial view of the subject site (shaded) and surrounds.



**ITEM 1 (continued)**



**Figure 2:** Site viewed from Coinda Close



**Figure 3:** View of site and adjacent pedestrian path to Karingal Ct



**Figure 4:** View of site (rear yard) from pedestrian pathway

**ITEM 1 (continued)**



**Figure 5:** Looking north west along pedestrian pathway towards Coinda Close



**Figure 6:** View of site and surrounding dwellings in Coinda Close



**Figure 7:** View of site and surrounding dwellings in Coinda Close

### ITEM 1 (continued)



**Figure 8:** Looking south-east from pedestrian pathway to the rear boundary of subject site and adjoining property (9 Karingal Ct)

### 3. The Proposal

The proposal (as amended) seeks approval for the construction of a boarding house containing eight (8) x 2 bed self-contained boarding rooms for 16 lodgers, four (4) car parking spaces, two (2) motorcycle spaces and four (4) bicycle spaces. The details of the proposal are as follows:

#### Ground Floor

The ground floor of the proposed development contains:

- 2 x 2 bed boarding rooms including 1 accessible room. Each boarding room contains an ensuite and kitchenette
- Internal communal areas including 2 living areas, a communal kitchen and dining room, communal laundry and bathroom
- Communal outdoor open space measuring 303.68m<sup>2</sup> adjacent to rear verandah
- 2 outdoor clothes lines
- External bin storage room
- 4 car parking spaces with 2 spaces in the garage and 2 behind the front setback of the boarding house
- 2 motor bike spaces
- A bicycle rack for 4 bicycles

The ground floor has a change in level of 1 metre between the circulation area adjacent to the entry and the common area in the northern portion of the boarding

**ITEM 1 (continued)**

house. A wheelchair lift is provided adjacent to the internal staircase providing access to the common area.

First Floor

The first floor of the proposed development contains:

- 6 x 2 bed boarding rooms. Each boarding room contains an ensuite and kitchenette.

The primary entrance to the boarding house from Coinda Close is along the driveway and a concrete path to the front patio. Two of the four car parking spaces are provided adjacent to the front elevation of the boarding house and is perpendicular to the garage. The proposed motorcycle and bicycle parking spaces are located between the external wall of the garage and the southern boundary. The proposal seeks to provide boarding house accommodation for up to 16 persons with no on site manager.

Figures 9 to 13 below show the proposed plan and elevations for the development.

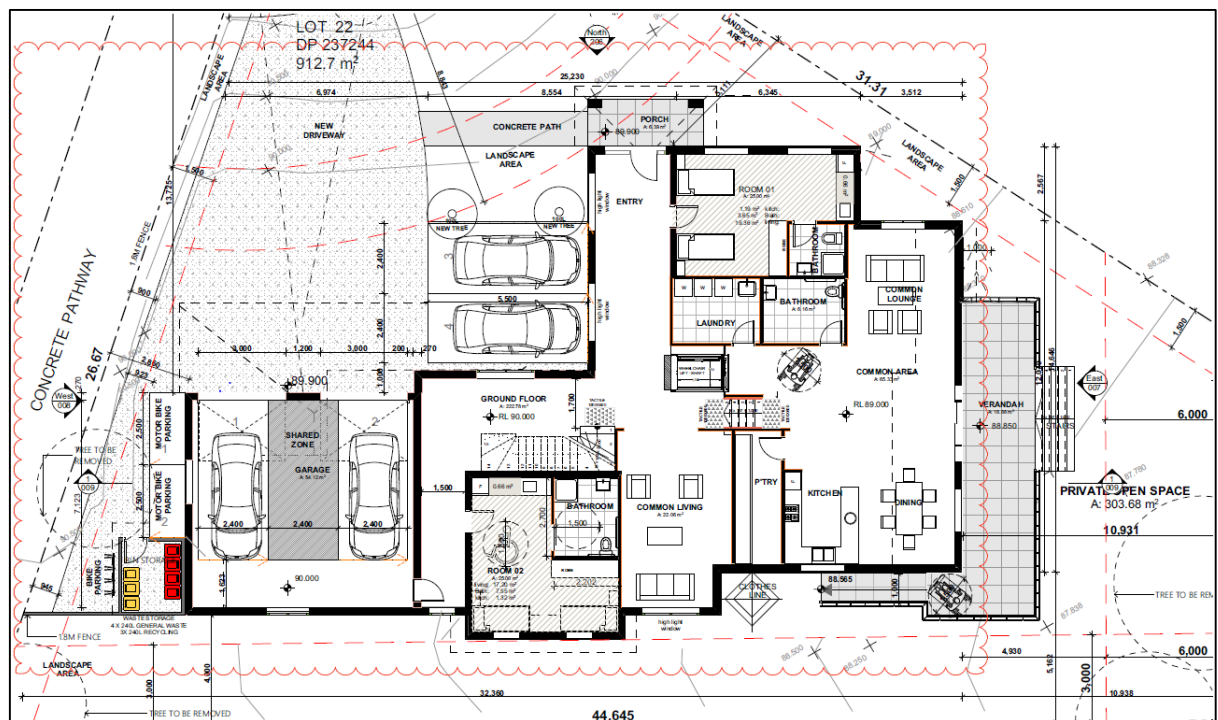
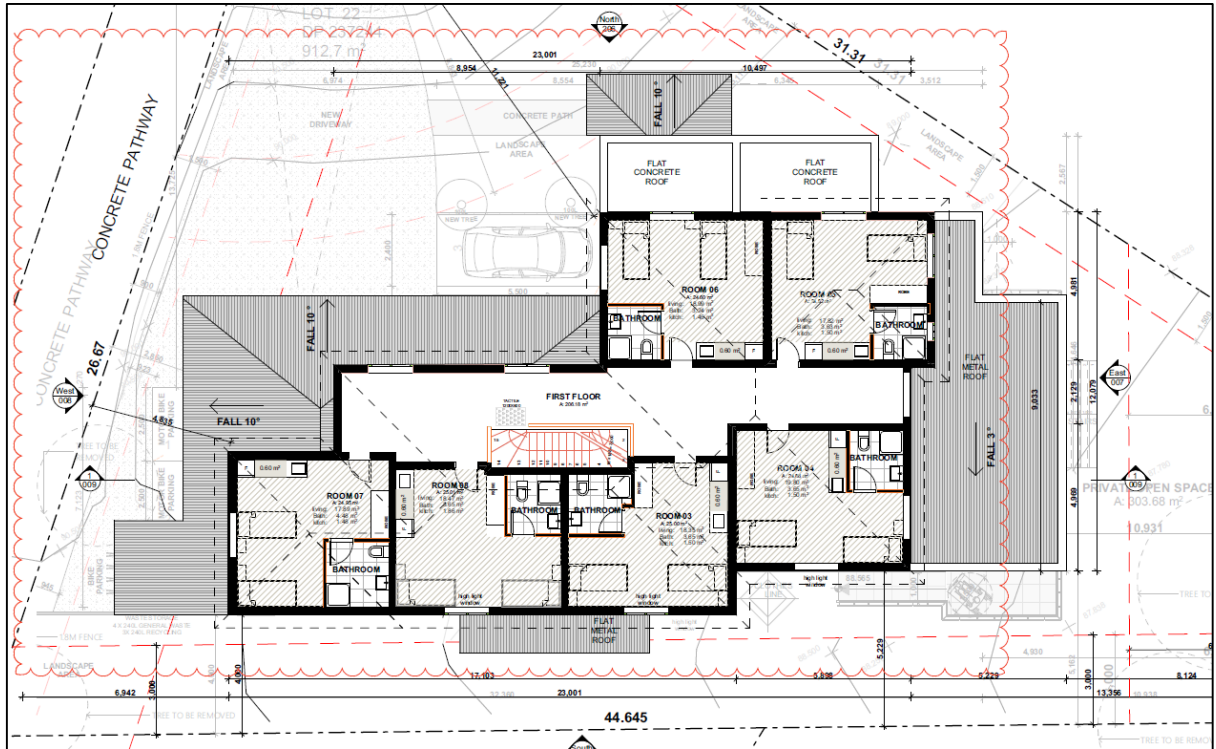
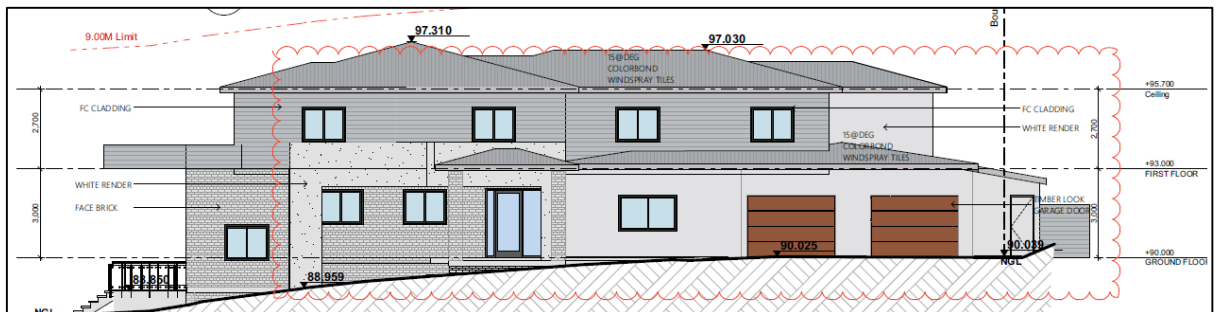


Figure 9: Ground floor plan

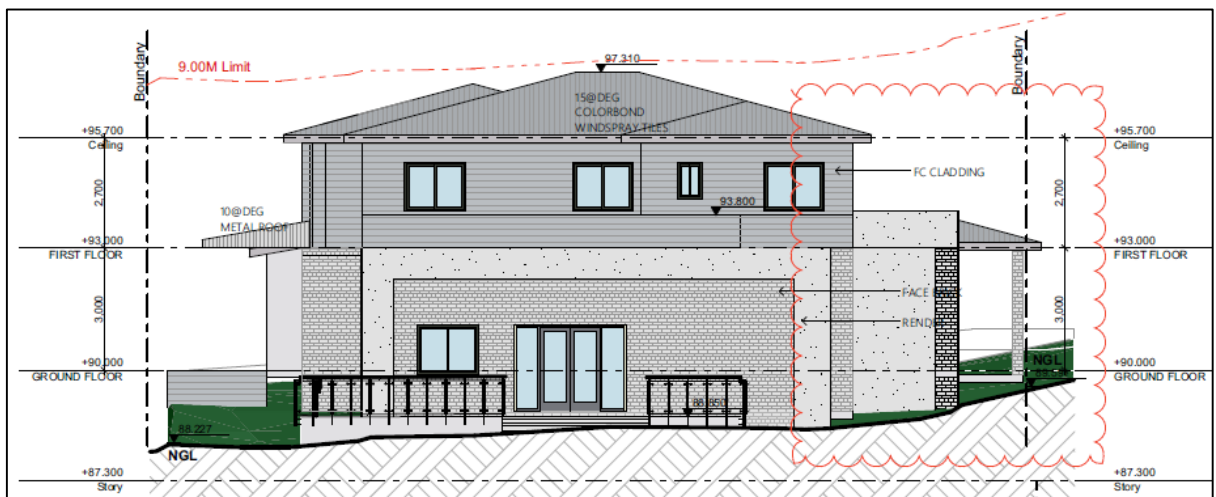
**ITEM 1 (continued)**



**Figure 10:** First floor plan

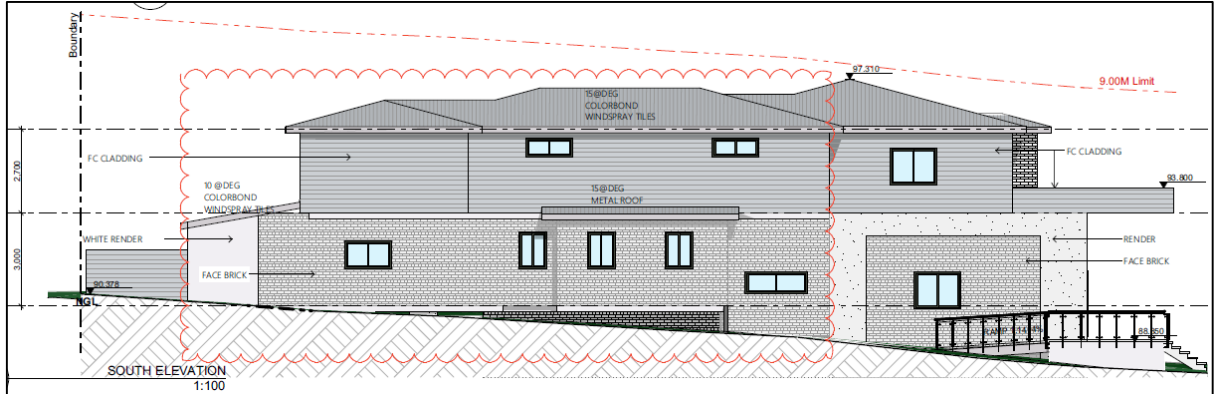


**Figure 11:** North elevation (Coinda Close)



**Figure 12:** East elevation (rear)

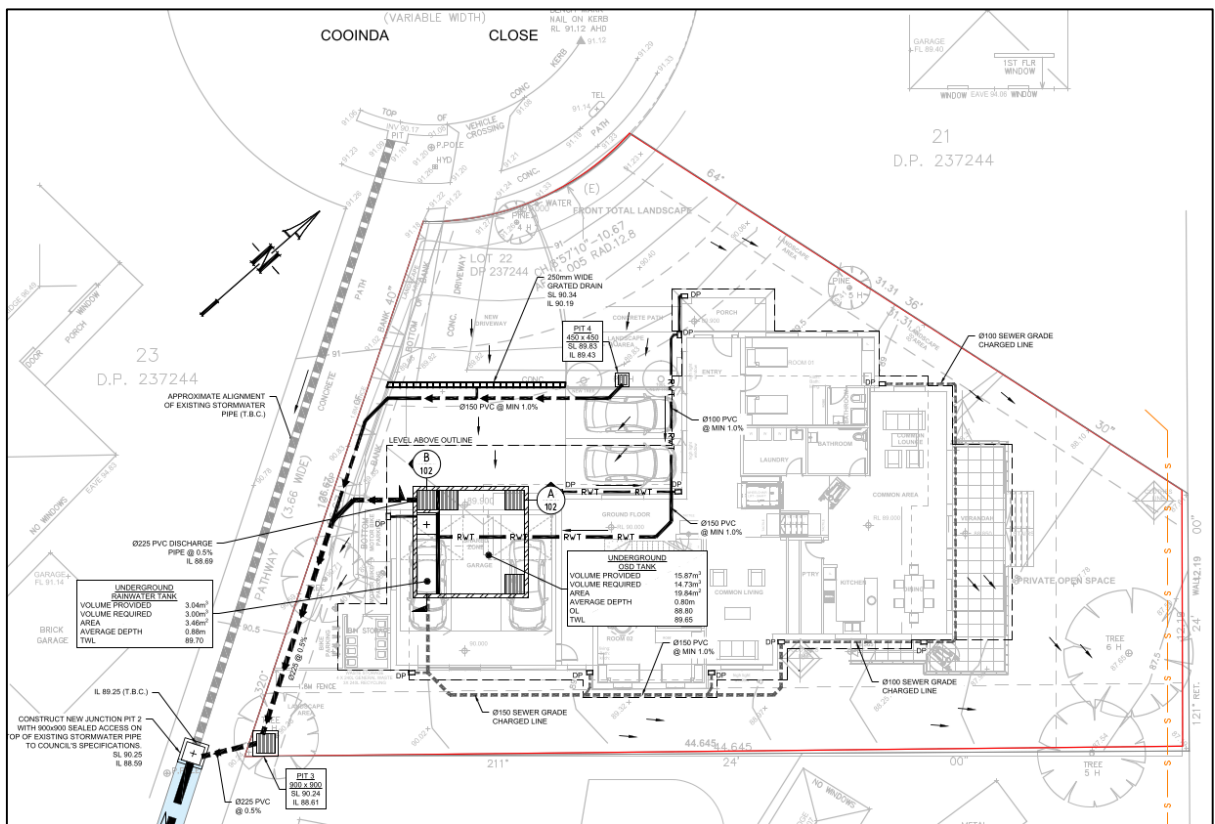
**ITEM 1 (continued)**



**Figure 13:** South elevation (adjacent to pedestrian pathway)

**Stormwater**

The proposed stormwater and on site detention plan includes installation of an underground OSD tank beneath the garage which drains to the south to an existing Council drain under the pedestrian pathway. The proposal also includes a grated drain halfway along the driveway and two new stormwater pits (Pit 3 at the south-eastern corner of the site and Pit 4 adjacent the car parking space No. 3). The proposed stormwater plan is shown in **Figure 14** below.



**Figure 14:** Proposed stormwater and on site detention plan

## ITEM 1 (continued)

### Landscaping

The proposed landscape plan has been amended in response to the amended architectural plans. The Arborist Report prepared by Treehaven Environscapes dated 26 June 2019 has not been updated and is relied upon for the amended proposal.

The proposed landscape plan contains inconsistencies with the Arborist Report regarding the trees to be retained or removed as part of the development. In particular, the landscape plan identifies six (6) trees for removal and does not include sufficient information such as identifying the existing trees along the north-western boundary or the Frangipani in the rear yard as being retained, removed or transplanted. A tree located adjacent to the south-eastern boundary of the site is within the boundaries of the adjacent property and owners consent has not been sought for tree removal.

The proposal also includes removal of an existing sandstone flagged bank on the southern boundary (refer to **Figure 16**), and new landscaping and turf along the southern boundary, northern boundary, within the front setback and the rear yard. The proposed landscaping includes new garden beds and planting consisting of 22 x 15 Litre Photinia robusta shrubs along the northern boundary and within the front garden, 20 x 5 Litre Acacia floribunda Buffalo shrubs and 4 x 75 Litre White Feather Honey myrtle trees within the front setback. The proposed landscape plan is shown in **Figure 15** below.



**Figure 15:** Proposed landscape plan

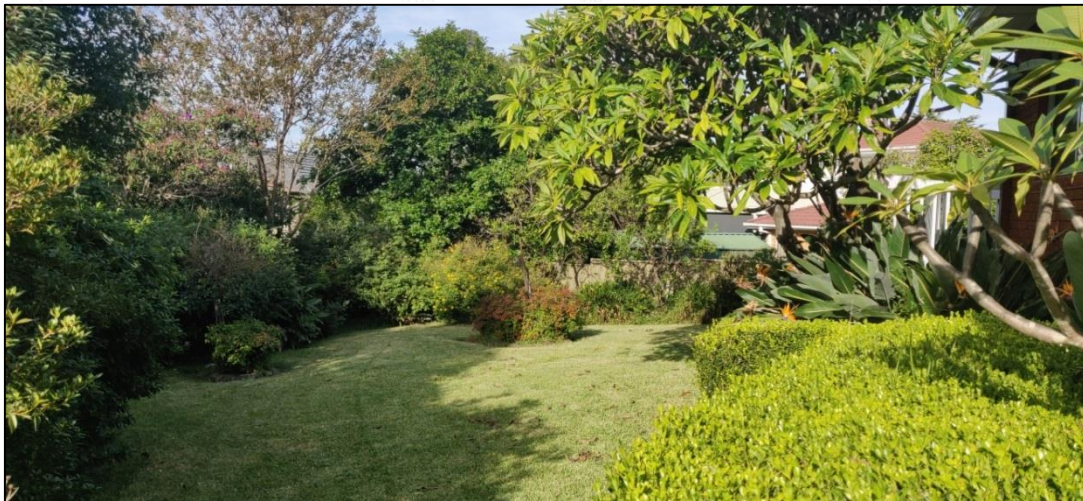
The proposal also includes a hard paved driveway that widens and curves from the front boundary towards the garage, a concrete pathway and patio within the front

**ITEM 1 (continued)**

setback. The proposed area of hard paving within the front garden area is 93.79m<sup>2</sup> (54% of front garden area).



**Figure 16:** Existing sandstone flagged bank along the southern boundary.



**Figure 17:** Existing landscaped rear yard looking towards the northern boundary.



**Figure 18:** Existing landscaping along northern rear boundary (No. 6 Karalee Close in background)



**ITEM 1 (continued)**



**Figure 19:** View east from rear yard to adjoining properties.



**Figure 20:** Existing landscaping and screening along the south-eastern boundary.

**Building siting and design**

The proposed building, at the outer most corner of the entry patio, is setback 7 metres from the front property boundary, 1.5 metres from the northern side boundary, 3 metres from the south-eastern rear boundary, and 1.5 metres from the southern side boundary. The proposal has a setback measuring 8.3 metres from the edge of the verandah to the northern rear boundary.

The front property boundary of the site and adjoining properties along Coinda Close follows the curvature of the cul-de-sac. As such the applicant has calculated the required front setback having regard to the existing front setback of adjacent properties and the curve matching the subject site's front property boundary.

The external materials and finishes of the proposed building comprises face brick, FC cladding, metal roofing, colourbond tiles, and cement rendering. The garage doors will have a finish that resembles timber and balustrades to the rear verandah comprised of metal and glazed panels. The proposal also includes a new 1.2 metre

**ITEM 1 (continued)**

high front fence and 1.8 metre high colourbond fences on the side and rear boundaries.

**Boarding house management**

The originally submitted application sought consent for the construction of a 2 storey boarding house containing 12 x 1 bed self-contained boarding rooms comprising a bathroom, kitchenette and laundry facilities communal indoor and outdoor areas on the ground floor, 4 car parking spaces, 4 motorcycle parking space and 5 bicycle spaces. The proposal also included facilities and car parking for a manager. The application included a Statement of Environmental Effects and Plan of Management for the proposed 12 room boarding house. As stated in the Plan of Management dated 26 August 2019, the originally proposed development was to be managed by a Strata Management company.

An amended Plan of Management was submitted on 8 May 2020. The amended Plan of Management does not provide for a boarding house manager or specify the engagement of a management company to manage the operation of the boarding house. Specific operational provisions to effectively minimise noise and amenity impacts on adjoining properties and maintain amenity for occupants have not been included in the amended Plan of Management.

**4. Background**

The application was lodged with Council on 3 September 2019. The original development application, before being amended by the applicant, was for the construction of a two (2) storey boarding house containing 12 x 1 bed self-contained boarding rooms with 6 car parking spaces, 2 motorcycle parking spaces and 6 bicycle spaces.

The applicant did not request a Pre-Lodgement Meeting with Council officers prior to the submission of the application.

On 9 September 2019, the Manager Development Assessment met the applicant to discuss key design issues and non-compliances with relevant development controls and recommended the applicant consider withdrawing the application.

On 10 September 2019, the applicant advised in writing that the proposal would not be withdrawn.

On 14 October 2019, a letter was sent to the applicant requesting the proposal be amended to address the following issues:

- **State Environmental Planning Policy (Affordable Rental Housing) 2009**
  - The gross floor area of 6 of the 12 boarding rooms exceeded the maximum area of 25m<sup>2</sup> in Clause 30(1)(b).
  - The number of motorcycle parking spaces was insufficient and did not satisfy Clause 30(1)(h).

**ITEM 1 (continued)**

- The setting of the proposed boarding house was inconsistent with the character of local area and did not satisfy Clause 30A.
- Ryde Development Control Plan 2014
  - The proposal was inconsistent with the objectives and provisions for boarding houses under Part 3.5 of RDCP 2014.
  - The proposal was inconsistent with the provisions for residential amenity, accessibility and internal building design in Part 3.5, Sections 3.2, 3.3 and 3.6 of RDCP 2014.
  - The setting of the proposed boarding house was inconsistent with the character of the local area and did not satisfy Part 3.3, Section 2.1 of the RDCP 2014.
- Stormwater Management
  - The proposal did not provide a safe overland flow path from the stormwater system during an emergency event and will impact downstream properties.
  - A drainage easement across the adjoining downstream property was required to be incorporated into the proposed development in accordance with Part 8.2 of the DCP.
- Insufficient information
  - The application was submitted with insufficient information including the following:
    - Detailed internal layouts including furniture layout in boarding rooms and communal areas to demonstrate satisfactory internal amenity;
    - Weather protection for communal outdoor areas;
    - Accessible paths for persons with disabilities between boarding rooms, internal communal areas and outdoor areas were not provided;
    - The submitted Plan of Management was inadequate and did not provide sufficient details specific to the proposed management of the premises;
    - Details of proposed levels within the car parking area were not provided to demonstrate compliance with Australian Standard AS2890.1 for standard and disabled car parking spaces; and
    - Swept path diagrams showing entry and exit from each nominated car space in accordance with Australian Standard AS2890.1.

A draft set of amended plans was provided by the applicant on 1 November 2019 in response to Council's letter dated 14 October 2019. The draft plans were reviewed by Council officers and the applicant was advised that the issues raised by Council remained unresolved and further design amendments were required.

On 28 February 2020, further correspondence was provided to the applicant relating to the draft amended plan regarding the design of car parking, motorcycle parking and bicycle parking for the boarding house. The applicant was advised that the revised design did not satisfy relevant provisions for car parking, access and garage

**ITEM 1 (continued)**

design under the Ryde DCP 2014 and was not supported. In addition, concern was raised with the reconfiguration of the internal and outdoor areas and impacts on residential amenity particularly privacy, accessibility and functionality. The amended proposal presented to Council was not considered to sufficiently address the issues raised in Council's 14 October 2019 letter and it was recommended that the application withdraw the application.

On 5 March 2020, the applicant contacted the assessing officer to discuss the issues raised relating to the draft amended plans and advised that amended plans would be formally submitted to address Council's outstanding concerns.

On 18 March 2020, an email was sent to the applicant advising that amended plans addressing outstanding issues are to be formally submitted no later than 31 March 2020 or the application would be determined based on the application currently with Council.

Amended plans were submitted to Council on 31 March 2020. The amended proposal reconfigured the layout of the boarding house from 12 self-contained boarding rooms for 12 lodgers with 6 car parking spaces, to 8 x 2 bed self-contained boarding rooms for a maximum of 16 lodgers. The proposal also reduced car parking spaces from 6 spaces to 4 spaces.

On 1 April 2020, an email was sent to the applicant advising that the amended plans were insufficient, requesting the submission of additional information including amended stormwater plans, an amended Statement of Environmental Effects, an amended Plan of Management and a BASIX Certificate relating to the amended architectural plans.

On 16 April 2020, Council's Senior Development Engineer discussed amendments to the proposed stormwater management plan with the applicant's stormwater engineer. The applicant advised that owners consent from adjoining properties could not be obtained for the creation of a drainage easement as requested in Council's letter dated 14 October 2019 and email dated 31 March 2020. The proposal plans to connect drainage to an existing Council drain located beneath the pedestrian pathway adjacent to the site. The applicant was advised that additional information was required to be submitted for consideration, including details of the proposed overland flow path, OSD bypass areas, safe overflow from the OSD system and details of all retaining walls.

Amended stormwater plans and an OSD Checklist were submitted on 28 April 2020. On 8 May 2020, an amended Statement of Environmental Effects, Plan of Management and Local Character Statement relating to the amended proposal were submitted to Council.

On 11 May 2020, an amended BASIX Certificate relating to amended proposal was submitted to Council.

**ITEM 1 (continued)****5. Planning Assessment**

An assessment of the development in respect to Section 4.15 of the *Environmental Planning and Assessment Act 1979* is detailed below.

**5.1 State Environmental Planning Instruments****State Environmental Planning Policy (Affordable Rental Housing) 2009**

The development is subject to Division 3 (Boarding Houses) of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The site is zoned R2 Low Density Residential under the Ryde Local Environmental Plan 2014 and the SEPP is applicable in accordance with Clause 26 and 27(1) and (2) which read as follows:

Clause 26 – Land to which this Division applies

*This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones -*

- a) *Zone R1 General Residential,*
- b) *Zone R2 Low Density Residential,*
- c) *Zone R3 Medium Density Residential,*
- d) *Zone R4 High Density Residential,*
- e) *Zone B1 Neighbourhood Centre,*
- f) *Zone B2 Local Centre,*
- g) *Zone B4 Mixed Use.*

Clause 27 – Development to which this Division applies

Clause 27(1) and (2) of the SEPP stipulates:

- 1) *This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.*
- 2) *Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.*

With respect to 27(1), “Boarding house” is defined under the SEPP (and the RLEP 2014) as follows:

“**boarding house** means a building:

- a) *that is wholly or partly let in lodgings, and*

**ITEM 1 (continued)**

- b) *that provides lodgers with a principal place of residence for 3 months or more, and*
- c) *that may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- d) *that has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,*
- but does not include backpackers' accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation."*

The proposed development for a boarding house satisfies the above definition.

With respect to Clause 27(2), an "accessible area" is defined under the SEPP as follows:

**"accessible area** means land that is within:

- a) *800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*
- b) *400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or*
- c) *400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday."*

The site is appropriately 302.5m from the bus stop located on Epping Road to the north (via Agincourt Road and Yarwood Street) and 314m to the bus stop located at the intersection of Epping Road and Culloden Road. The bus stops are serviced by six (6) bus routes (operating west and eastbound) being:

- 288: City Erskine Street to Epping
- 290: City Erskine Street to Epping via North Sydney & Macquarie University
- 291: McMahons Point to Epping
- 292: City Erskine Street to Marsfield via Macquarie Park
- 293: City Wynyard to Marsfield
- 550: Macquarie Park to Parramatta via Epping

The bus stops have regular services along the above bus routes with at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday<sup>1</sup>, and in this regard the site is identified as an accessible area as defined under the SEPP.

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<sup>1</sup> [Bus route information](#)

Routes 288, 290, 291, 292, and 550 are high frequency routes, in both directions, with services available every 10-20 minutes along Epping Road, between 6.00am and 9.00pm, Monday to Friday.

**ITEM 1 (continued)**
**Clause 29 – Standards that cannot be used to refuse consent**

Clause 29 stipulates that a consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2). Subclause (3) outlines the standards relating to the provision of private kitchen or bathroom facilities. The table below provides an assessment of the proposal against these standards.

<b>Clause 29 Standards which cannot be used to refuse consent</b>	<b>Required</b>	<b>Proposed</b>	<b>Complies</b>
<b>(1)(a) Floor Space Ratio</b>	Existing maximum FSR for any residential accommodation permitted on the land (i.e. 0.5:1).  Site area is 912m <sup>2</sup>	Ground floor: 222.8m <sup>2</sup> First Floor: 206m <sup>2</sup> Total GFA = 428.03m <sup>2</sup> FSR = 0.47: 1	Yes
<b>(2)(a) Building Height</b>	Maximum building height under LEP – 9.5m	The building has a maximum height of 7.96m at the ridge (RL97.31)	Yes
<b>(2)(b) Landscaped area</b>	Landscape treatment of front setback is compatible with streetscape	As discussed in relation to the character test following, the proposal will result in inadequate landscaping forward of the building and will not be compatible with the streetscape which is characterised by large landscaped setbacks.	<b>No</b>
<b>(2)(c) Solar access</b>	One or more communal living room receives at least 3 hours sunlight between 9am and 3pm at mid-winter	A minimum of 3 hours sunlight is provided to one or more communal living room windows at mid-winter.	Yes
<b>(2)(d) Private Open Space</b>	One area of at least 20m <sup>2</sup> with minimum dimension of 3m is	An area greater than 20m <sup>2</sup> of private open space provided at the	Yes

Bus routes 288, 291, 292 and 550 provide at least 1 service every hour, in both directions, between 8.00am to 6.00pm on Saturday and Sunday.

Route 290 operates a limited west bound service on Saturday at 4.54am and 6.07am, and an hourly service between 12.50am and 3.20am. On Sunday services are limited to hourly services between 6.00am – 7.00am and 11.00pm and 12.00midnight.

Route 293 provides a west bound service between Wynyard Station and Busaco Road, Marsfield (via Epping Road) in the afternoons, between 4.40pm and 7.20pm, Monday to Friday. The service is available every 20 minutes from Wynyard Station. The bus service does not operate on Saturday and Sunday.

**ITEM 1 (continued)**

Clause 29 Standards which cannot be used to refuse consent	Required	Proposed	Complies
	provided for use of lodgers.	rear of the site.	
<b>(2)(e) Parking</b>	At least 0.5 parking spaces are provided for each boarding room – minimum 4 spaces	4 car parking spaces are proposed including 2 car spaces in a double garage and 2 car spaces behind the front building setback. While the parking is provided, the position of the two spaces adjacent to the front building setback is not supported as further detailed below.	Yes
<b>(2)(f) Accommodation size</b>	Single rooms are at least 12m <sup>2</sup> , and 16m <sup>2</sup> in any other case, in area excluding private kitchen or bathroom facilities	The double boarding rooms range in area between 17.2m <sup>2</sup> to 19.8m <sup>2</sup> , excluding bathrooms and kitchenettes.	Yes
<b>(3) Facilities</b>	A boarding house may have a private kitchen or bathroom in each boarding room	Private kitchenette and bathroom is provided in each room.	Yes

**Clause 29 (2)(e) Parking**

The proposal provides two (2) motorcycle parking spaces, four (4) bicycle parking spaces and four (4) car spaces. Two (2) of the proposed car spaces are provided within the double garage and two (2) spaces adjacent to the building, behind the front building setback. Although the number of car, motorcycle and bicycle spaces satisfy Clause 29 of the SEPP, the provision of these spaces result in excessive hard paving within the front garden of the development and a uncharacteristically wide garage which are inconsistent with the character of surrounding developments in the street. Within the front building setback, the width of hard paving measures approximately 13.97 metres, comprising the driveway, concrete pathway and part of the front patio, compared to the width of the site measuring 22.57 metres (62% of the width of the site). This is further detailed below under *Clause 30A Character of local area*.

**Clause 30 – Standards for boarding houses**

Clause 30(1) stipulates that a consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:



**ITEM 1 (continued)**

<b>Clause 30 (1) Standards for boarding houses</b>	<b>Required</b>	<b>Proposed</b>	<b>Complies</b>
<b>(a) Common room</b>	Minimum one communal living room is 5 or more boarding rooms	2 communal living rooms are provided on the ground floor	Yes
<b>(b) Gross Floor Area</b>	No boarding room to have gross floor area exceeding 25m <sup>2</sup> excluding private kitchen and bathroom	Boarding rooms have areas between 17.2m <sup>2</sup> and 19.8m <sup>2</sup> , excluding bathrooms and kitchenettes	Yes
<b>(c) Occupancy</b>	No boarding room to be used by more than 2 adult lodgers	Each boarding room contains two beds for a maximum of 2 adults.	Yes
<b>(d) Kitchen/ Bathroom</b>	Adequate kitchen and bathroom facilities are required for a boarding house for the use of each lodger	Private kitchenettes and bathrooms are provided in each room.	Yes
<b>(e) Manager</b>	If a boarding house accommodates 20 or more lodgers a manager's dwelling shall be provided onsite	The proposal will accommodate a maximum of 16 lodgers. No manager is required.	N/A
<b>(g) Commercial zoning</b>	If the site is primarily zoned for commercial purposes ground floor not to be used for residential purposes	The site is zoned R2 – Low Density Residential.	N/A
<b>(h) Parking</b>	At least 1 motorcycle and bicycle parking space shall be provided for every 5 boarding rooms – 14 room - 3 motorcycle and bicycle spaces required	2 motorcycle and 4 bicycle spaces.	Yes

**Clause 30AA Boarding houses in Zone R2 Low Density Residential**

A consent authority must not grant development consent to a boarding house on land within Zone R2 Low Density Residential unless it is satisfied that the boarding house has no more than 12 boarding rooms. The proposed development has 8 boarding rooms, and thus complies with this clause.

**ITEM 1 (continued)****Clause 30A – Character of local area**

Clause 30A stipulates that a consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

The local area of the site is identified primarily as the environs of Coinda Close. Coinda Close is a cul-de-sac approximately 51 metres in length and comprising five (5) allotments, two (2) of which have primary street frontages to Agincourt Road. The properties within Coinda Close are irregular in shape and contain single storey and two storey residential dwellings. Existing dwellings at the cul-de-sac end of Coinda Close have front setbacks greater than 8 metres and are substantially landscaped (refer Figure 22 and 23).

More broadly, the site is located within an established low density residential neighbourhood. The subject site is of a size and configuration that is consistent with immediately surrounding properties and responds to the surrounding subdivision layout.

The character of the local area is characterised by a number of key elements of the front presentation of dwellings to the street including:

- the front setback of dwellings
- a distinct lack of built form elements such as patios or balconies in front of the front building line;
- landscaping; and
- front fencing.

In each of these elements the proposed development is inconsistent with the existing and desired future character of the local area or has provided insufficient information to demonstrate consistency in these areas.

As noted under the assessment of Clause 29 (2)(b) above, the extent of hard paving within the front setback to accommodate access and egress for four (4) car parking spaces is excessive and does not provide sufficient soft landscaping that is consistent with the character of front gardens in the vicinity of the site.

In addition to the width of the driveway, the front setback also contains hard paving comprising of a concrete pathway and the entry patio. The patio including the roof extends approximately 2.05 metres in front of the main building facade. Existing dwellings adjacent to the site are contained behind the front setback with no building structures protruding into the front garden area. The extent of hard paving, car parking and projection of the building forward of the front setback is visually dominating when viewed from the street.

The front setback for the proposed development has taken into consideration the setback of immediately adjoining properties within the street, particularly at the end of the cul-de-sac (refer Figure 21 below). The existing front setback of No. 1 Coinda Close is 9.77 metres and No. 3 Coinda Close has a front setback of 7.93 metres. As

**ITEM 1 (continued)**

surrounding properties have various front setbacks to ensure consistent building setbacks along the street, it is considered appropriate for the front setback of the site to be an average of the two immediately adjoining properties, measured at 8.85 metres.

While the front setback of 8.85 metres provides an appropriate transition between the adjoining properties at the end of the cul-de-sac, the projection of the patio into the front setback (approximately 6.84 metres from the front boundary) is out of character with the setting of surrounding dwellings and is not appropriate.

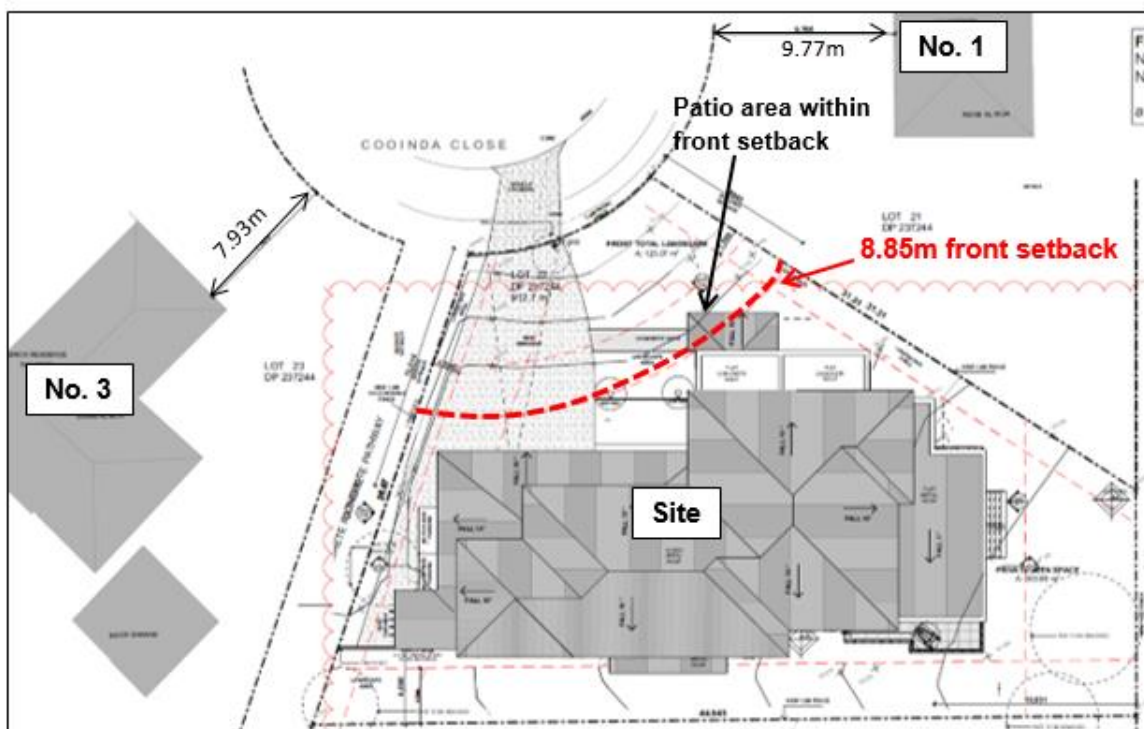


Figure 21: Front setbacks of site and surrounding properties.



Figure 22: Front setback and landscaping at No. 1 Cooinda Close

**ITEM 1 (continued)**



**Figure 23:** Front setback and landscaping at No. 3 and No. 19 Agincourt Road

With regard to landscaping, the submitted landscaped plan provides insufficient information and is inconsistent with the Arborist Report regarding existing trees to be retained, removed and transplanted. Insufficient details have been provided to address screen planting along the northern (rear), and south-eastern and south-western side boundaries to maintain visual privacy and the landscaped character of the site.

The proposal provides insufficient details relating to the proposed front and return fence adjacent to the pedestrian pathway along the south-western boundary. The proposed plan indicates that the front boundary will comprise of a 1.2m high fence and the side boundaries will comprise 1.8m high fences. Insufficient details have been provided regarding the design of the fences at the return of the front boundary. Given the visual prominence of the front boundary and return to the pedestrian pathway, the proposal has not sufficiently demonstrated that the proposed fences will be consistent with the character of the street.

*Planning Principle – Compatibility with the Urban Environment*

To further assess the compatibility of the development with the local area, the Planning Principle relating to the assessment of a proposed development's compatibility with the surrounding area provides key elements to consider. This was created in the determination of the Land and Environment Court appeal *Project Venture developments v Pittwater Council* [2005] NSWLEC 191. The consideration under the planning principle as relevant to the subject proposal includes the following:

- *Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.*

**ITEM 1 (continued)**

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*
- *For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks and landscaping**. In special areas, such as conservation areas, **architectural style and materials** are also contributors to character.*
- *Front **setbacks** and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. **Setbacks** from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.*
  - e)
- ***Landscaping** is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.*

With regard to the considerations in the planning principle above, assessment of relevant provisions in Part 3.3 and 3.5 of the RDCP 2014 relating to character of the local area (provided under Section 4.4 of this Report), built form controls and landscaping have identified that the amended proposal is incompatible with the setting of existing dwellings and landscaped character of the street. The proposal does not satisfy the considerations in the planning principle for development that is compatible with its urban context. Having regard to the assessment in the report above, the proposal is not considered compatible with the character of the local area and cannot be supported under Clause 30A of the SEPP (Affordable Rental Housing) 2009.

Clause 52 – No subdivision of boarding houses

In accordance with Clause 52, consent must not be granted for the strata subdivision or community title subdivision of a boarding house. The proposal does not seek approval for subdivision of the boarding house.

**ITEM 1 (continued)****State Environmental Planning Policy (Building Sustainability Index BASIX) 2004**

The proposed development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. Clause 3 of the Environmental Planning and Assessment Regulation 2000 defines a 'BASIX Affected Building' as any building that contains one or more dwellings, but does not include a hotel or motel.

In a NSW Land & Environment Court (LEC) case *SHMH Properties Australia Pty Ltd v City of Sydney Council [2018] NSWLEC 66* Commissioner Preston determined that, if rooms in a boarding house are capable of being used as a separate domicile (and therefore meeting the definition of a 'dwelling'), a BASIX certificate for the development will be required to accompany the development application.

The proposed boarding rooms each contain bathroom, kitchenette and laundry facilities and is therefore considered self-contained.

An amended BASIX Certificate has been submitted (No. 903989S\_03, dated 11 May 2020) which provides the development with a satisfactory target rating.

**State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55)**

The requirements of SEPP55 apply to the subject site.

In accordance with Clause 7 of SEPP55, Council must consider if the land is contaminated, if it is contaminated whether it is suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed development.

Currently the site contains a single storey residential dwelling house with an attached garage. Council records indicate that the site is an established residential use and has not been occupied for uses that potentially cause contamination. Therefore, further investigation of the site is not warranted and the site is considered suitable under SEPP55 for the proposed development without need for remediation.

Council's Environmental Health Officer has not raised issues with the proposal in regard to contamination as the site is not listed on the EPA contaminated land register and has been a residential use pre-1970s.

**State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The objective of this SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation. The subject site is not identified as containing significant urban bushland on Council's Environmentally Sensitive Areas map.

However, Council's Landscape Architect has raised concerns relating to insufficient landscape plans to adequately address removal of trees and other vegetation and its impact on the amenity of the area.

**ITEM 1 (continued)**

Further details are provided within Sections 5.4 and 10 of this report.

**State Environmental Planning Policy No. 19 – Bushland in Urban Areas**

The SEPP is applicable to the whole of the City of Ryde area and aims to protect and preserve bushland within urban areas. The site is not identified as containing bushland that is to be conserved in accordance with the provisions of the SEPP.

**Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is a deemed SEPP and applies to the subject site.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

**5.2 Ryde Local Environmental Plan 2014 (RLEP 2014)**

The following is an assessment of the proposed development against the applicable provisions from the RLEP 2014.

The site is zoned R2 Low Density Residential under the provisions of the RLEP 2014. The development is permitted in this zoning.

The aims and objectives for the R2 Low Density Residential zone in Clause 2.3 – Zone Objectives are as follows:

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

The development will provide for the housing needs of the community and contribute to variety of housing types. Therefore, the proposed development satisfies the objectives of the R2 Low Density Residential zone.

**ITEM 1 (continued)****Clause 4.3 Height of Buildings**

The maximum permitted building height for the site is 9.5 metres. The proposal has a maximum building height of 7.55 metres, measured to the ridgeline. The proposal complies with the maximum building height control for the site under RLEP 2014.

**Clause 4.4 Floor Space Ratio**

The maximum permitted FSR for the site is 0.5:1. The proposal seeks approval for a FSR of 0.47:1 which complies with the FSR control under RLEP 2014.

**Other Relevant Clauses****Clause 6.4 - Stormwater Management**

Clause 6.4 addresses stormwater management and requires the following matters to be considered:

- (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) *includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) *avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The amended proposal includes an underground OSD system beneath the garage and driveway with a drainage connection to Council's existing stormwater pipe located under the pedestrian pathway to the south of the site.

The proposed stormwater management plan requires the construction of a new junction pit within the pedestrian pathway. The proposed works will directly impact Council stormwater drainage assets and insufficient information has been provided to determine if the design is acceptable. Based on the above, it cannot be said that the proposal satisfies the requirements of Clause 6.4 and therefore the proposal is recommended for refusal.

**5.3 Draft Environmental Planning Instruments****Draft Remediation of Land State Environmental Planning Policy**

The draft SEPP is a relevant matter for consideration as it is an environmental planning instrument that has been placed on exhibition. The explanation of Intended Effects accompanying the draft SEPP advises:

*As part of the review of SEPP 55, preliminary stakeholder consultation was undertaken with Councils and industry. A key finding of this preliminary consultation was that although the provisions of SEPP 55 are generally effective, greater clarity is*



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*required on the circumstances when development consent is required for remediation work.*

The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of development applications. Refer to conclusions made in relation to SEPP 55.

**Draft Environment State Environmental Planning Policy**

The draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. The consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways and urban bushland areas. Changes proposed include consolidating SEPPs, which include the following:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site and the adjoining properties do not contain any remnant urban bushland, and as such, State Environmental Planning Policy No. 19 – Bushland in Urban Areas is not applicable to the proposal. Refer to conclusions made in relation to Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

**5.4 Ryde Development Control Plans 2014**

The relevant sections of the RDCP 2014 have been assessed below. It is noted that the site is not located within a specific town centre or special area under the RDCP 2014.

Part 3.5 of the RDCP 2014 provides the development controls which are applicable to boarding house developments in the City of Ryde. However, as per Section 1.6 of this Part, applicable controls for boarding houses are also contained within:

- Part 3.3 - Dwelling Houses and Dual Occupancy (Attached),
- Part 7.2 Waste Minimisation and Management.
- Part 9.3 Parking Controls

An assessment of the relevant sections of these Parts and of Part 3.5 is provided below.

**Part 3.3 – Dwelling Houses and Dual Occupancy (Attached)**

Part 3.3 of RDCP 2014 contains the controls for low density residential development within the R2 zone and establishes the objectives and controls to shape the desired future character of low density areas of Ryde. In this respect this Part of RDCP 2014 is important in reviewing the proposed development and its consistency with the local character of the area - both the built form and the landscaped character.

The inconsistency of the proposal with the following Sections of the RDCP 2014 collectively demonstrate the unsuitability of the proposed development for the site, and the impacts the development will have on the local area:

**ITEM 1 (continued)**

- Section 2.1 – Desired Future Character
- Section 2.2.1 – New Dwelling Houses
- Section 2.5.1 – Streetscape
- Section 2.5.3 – Pedestrian and Vehicle Safety
- Section 2.6.1 – Deep Soil Areas
- Section 2.9.1 – Front Setback
- Section 2.9.3 – Rear Setbacks
- Section 2.11 – Car Parking and Access
- Section 2.13 – Landscaping

These are further reviewed below.

**Section 2.1 Desired Future Character**

This section of the DCP outlines the desired future character low density areas. The relevant characteristics to this development are outlined below.

*“The desired future character of the low density residential areas of the City of Ryde is one that:*

- ...
- *Has dwellings located in a landscape setting which includes a clearly defined front garden and back yard;*
- *Has buildings which are well designed and have a high degree of amenity;*
- *Has streetscapes made up of compatible buildings with regard to form, scale, proportions (including wall plate heights) and materials;*
- *Has streetscapes with dwellings that have a generally consistent front setback and consistent street orientation;*
- *Has garages and other structures which are not prominent elements in the streetscape and which are compatible with the character of the dwelling;*
- ...
- *Has backyards, which are maximised in size;*
- *Has backyards which form a connected strip of vegetation in neighbourhoods and which include large trees;*
- *Has allotments with large deep soil areas which allow rainwater to be absorbed and trees to be planted;*
- *Has mature trees in streets, front gardens and backyards (existing mature trees are retained and new tree plantings encouraged)”*

As demonstrated through the assessment in this report, the proposed development is either inconsistent with the above characteristics for the desired future character of low density residential areas in the City of Ryde, or has provided insufficient information to demonstrate this.

**Section 2.2.1 – New Dwelling Houses**

Whilst the proposal is for a boarding house, the design of the building is reflective of the form of a new two storey dwelling and the local area it is situated is a low density residential area. Accordingly, the objectives and provisions in Clause 2.2.1 of this

**ITEM 1 (continued)**

part of the DCP are applicable in establishing the expected built form of the local area.

The development is inconsistent with the objectives of this clause as the overall scale of the boarding house presents as a large two storey dwelling where the front patio projects beyond the front setback for the site, and is inconsistent with the setting of properties within the local area. In particular, no structures of the adjoining properties project beyond the front setback and the front garden are similarly landscaped.

The proposal does not satisfy controls (a) and (e) of this section relating to landscape setting and garages. In particular, the double garage has a width of 8 metres, is considered excessive and visually prominent and contributes to the extent of hard paving required to service the car parking (including car spaces 3 and 4) on the site. The width of the driveway is out of character with the vehicular access for surrounding properties in the local area and does not provide for landscaping that is consistent with surrounding front gardens. These non-compliances are discussed in the report below.

**Section 2.5.1 – Streetscape**

In accordance with the objectives and provisions under Section 2.5.1, the proposal is required to demonstrate that the dwelling and gardens are consistent with the landscaped character of the street. The objectives for streetscape under this Section are as follows:

- 1. To ensure the existing landform and landscape setting of the street is retained and reinforced by new dwellings.*
- 2. To ensure new development is compatible with the positive characteristics of the existing streetscape and the desired future character of the low density residential areas.*
- 3. To encourage the design of well proportioned elevations.*
- 4. To ensure streets provide a high level of pedestrian amenity, access and safety.*
- 5. To ensure garages are not dominant elements in the streetscape.*
- 6. To ensure that the orientation of dwellings, garages and carports is consistent with the existing streetscape.*

The proposal fails to achieve the above objectives as the setting of the boarding house is inconsistent with adjoining properties as it projects beyond the front building line, the garage and driveway widths are excessive and visually dominate the front elevation when viewed from the street. The existing character of the street comprises of generous front setbacks with established landscaped gardens. In the vicinity of the site, residential developments are predominantly low density single storey and two storey dwellings.

In relation to the controls of this Section, the proposed development is of a scale and form that is out of character with the existing dwellings in the street as it presents a building forward of the established front setback, excessive car parking, excessive

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hardstand surfaces and insufficient landscaping and planting and does not satisfy Sections 2.5.1(b)(i), (iii) and (iv) and (d)(i) of this part of the RCP 2014.

With regard to fencing provisions under Section 2.5.1.(b)(ii), the proposal includes a 1.2 metre high front fence and 1.8 metre high fences along the southern boundary along the pedestrian path and along the north-western side boundary with No. 1 Cooinda Close. No fencing details have been submitted with the proposed development. Within the existing streetscape there are no front fences to properties with a primary frontage to Cooinda Close. The properties with secondary frontages to Cooinda Close also do not have fences along the primary or secondary frontages.

It is noted that a 1.2 metre high front fence may satisfy the provisions in the SEPP (Exempt and Complying Development Codes) 2008 and not require development consent. However, the proposed 1.8 metre high fence along the southern boundary that return to the front boundary requires development consent. No details have been provided of the fence to enable a proper assessment of the visual and amenity impacts of the proposed fence particularly at the intersection of the pedestrian pathway and the front boundary cannot be determined.

Having regard to the assessment of streetscape impacts above, the proposed development is not considered satisfactory and will have an adverse impact on the character of the streetscape and amenity of surrounding properties.

**Section 2.5.3 – Pedestrian and Vehicle Safety**

The proposal indicates that a 1.8 metre high boundary colourbond fence is to be construction along the southern boundary, along the length of the pedestrian pathway which connects to Cooinda Close. Given the proximity of the fence to the driveway, no information has been submitted to demonstrate the proposed fence will not have any adverse impacts on sightlines for drivers as they exit the site.

The proposal in its current form does not satisfy the objective under Section 2.5.3 to provide adequate sightlines for pedestrian safety and is inconsistent with Section 2.5.3(b) regarding fences that do not block sightlines from the driveway to the footpath or road. As pedestrian safety and amenity is a component of the public domain and therefore part of the streetscape, the proposal does not contribute to the amenity of the streetscape and is not supported.

**Section 2.9.1 – Front Setback**

The application as originally lodged with Council proposed a front setback of 7.852m to the front façade. To satisfy the objectives under Section 2.9.1(2) and (3) and provide a consistent building setback and front garden, the applicant agreed with Council officers that a front setback determined by the average of the setbacks at Nos. 1 and 3 was more appropriate than compliance with the 6 metre front setback control under Section 2.9.1(a).

A 6 metre front setback for the site will accommodate a building that is between 1.9 metres and 3.7 metres forward of the setback of adjoining properties in the cul-de-

**ITEM 1 (continued)**

sac. Such inconsistencies would have an adverse impact on the character of the street and is not desirable. Therefore, a variation to the front setback control was recommended with a front setback of 8.85 metres, being an average of the two neighbouring properties. Despite this however, the proposal projects into this setback area with the front patio setback 7m front the front boundary, projecting beyond the front of the buildings and presents a built form that is inconsistent with adjoining properties in the street. The proposal is inconsistent with immediately adjoining properties which are contained behind the front setback with no structures in the front setback, allowing for substantial landscaping in the front gardens of properties that contribute to the landscaped character of the street.

Section 2.9.3 – Rear Setbacks

In accordance with Section 2.9.3(a) dwellings are required to provide a rear setback measuring at least 25% of the length of the site or 8 metres, whichever is lesser. However, as the site is irregular in shape and is wider than it is long, a minimum rear setback of 4 metres is permitted under Section 2.9.3(b).

The proposed setback of the south-eastern boundary achieves a minimum of 4 metres except the ground floor boarding room which is setback 3 metres from the boundary (see Figure 24 below). The proposed 3 metre setback is not supported as two window openings to the boarding room will result in poor privacy and amenity for occupants and the adjoining property. In particular, the proposal does not provide landscape screening along side or rear boundaries and will result in adverse visual and acoustic impacts on occupants and adjoining properties.

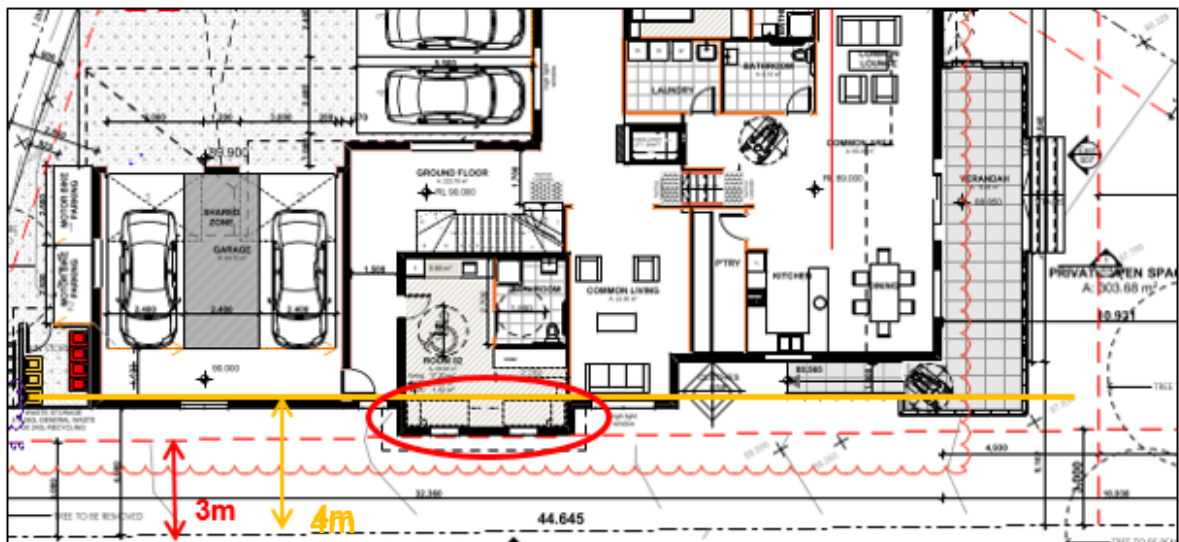


Figure 24: Proposed south-eastern setback at ground floor

Given the irregular shape of the site and orientation of the building to the street, the northern portion of the site is considered the rear garden.

**ITEM 1 (continued)****Section 2.11 – Car Parking and Access**

The proposal provides 4 car parking spaces contained in a double garage and 2 car spaces behind the front setback. The proposed car spaces satisfy the car parking requirements for an 8 room boarding house under Section 29(e)(iia) of the SEPP (Affordable Rental Housing) 2009.

In accordance with Section 2.11.1(i) of the RDCP 2014, the maximum permitted width of a garage is 6 metres or 50% of the frontage, whichever is lesser. The site has a curved frontage measuring 11.2 metres, therefore a maximum permitted width for a garage on the site is 5.6 metres. The proposed double garage has a width of 8 metres and does not comply with the DCP.

The proposal has a building frontage to Coinda Close of approximately 23.6 metres. The width of the garage occupies 34% of the building frontage to the street and is visually prominent. The proposed garage is inconsistent with garages on adjoining properties which do not exceed the garage width control and are not visually dominant when viewed from the street.

The width of the driveway is required to accommodate adequate turning circles and vehicular movement for four car parking spaces. Given the irregular shape of the site, the proposed width of the driveway varies in width from 4 metres at the front property boundary, 8.6 metres at the front setback and 10.11 metres adjacent to the garage. The extent of hard paving for driveway is excessive and detracts from the landscaped character of the street which comprises of substantial gardens.

It is noted that the proposed number of car parking spaces and arrangement seeks to satisfy the car parking requirement for 8 boarding rooms under Section 29(e) of the SEPP (Affordable Rental Housing) 2009. Given that the proposed intensification of the site requires car parking that will detract from the character of the streetscape, the proposal is not considered compatible with the character of the local area and is not suitable for the site.

**Section 2.13 – Landscaping**

In accordance with Section 2.13 landscaping incorporates private open space, gardens, driveways, parking area and utility areas within a site. Landscaping in the front and rear yards of a site are significant components of streetscape character.

The landscaped gardens within the front setback of properties in Coinda Close and surrounding streets are established with mature trees and are visually prominent.

The proposal has a combined hard paved area of 93.79m<sup>2</sup> (54%) within the front garden area comprising of the front setback and hard paved and soft landscaped areas located forward of the boarding house. The proposal does not satisfy Section 2.13(e) which requires no more than 40% of the garden to comprise of hard paving. The proposed front garden which is dominated by hard paving is out of character with the landscaped gardens in the vicinity of the site and will not enhance the character of the streetscape or local area.

**ITEM 1 (continued)**

In addition, the proposal removes existing planting along the side and rear boundaries of the site and has not proposed substantial replacement planting to provide sufficient screening between properties. In this regard, the proposal does not satisfy Section 2.13(i), (j) and (o) of RDCP 2014 and will have adverse amenity impacts on occupants of the boarding house and immediately adjoining properties.

Given the visibility of the side and rear boundaries from Coinda Close, the pedestrian pathway and adjoining properties, the proposed reduction in screen planting will detract from the landscaped character of the site and the local area when viewed from the public domain. The proposal does not satisfy the objectives in Section 2.13(1) to (4) inclusive, and will not contribute to the existing landscaped character of the street or amenity between properties.

**Part 3.5 – Boarding Houses**

Section 1.3 states that the objectives of Part 3.5 are:

1. *“To recognise boarding house accommodation as a component of the City of Ryde’s residential housing mix.*
2. *To facilitate the provision of high quality affordable rental housing in the form of boarding houses where permissible in residential and business zones in the City of Ryde.*
3. *To support government policy which facilitates the retention and mitigates the loss of existing affordable rental housing.*
4. *To encourage appropriate design of boarding house development to ensure the impact and operation does not interfere with surrounding land uses and amenity.*
5. *To provide controls for boarding houses that are not within “accessible area” as defined under the SEPP ARH.*
6. *To ensure that boarding houses are designed to be compatible with and enhance the local area character and the desired future character.*
7. *To ensure that any building that has been developed or adopted into a boarding house maintains a satisfactory standard of amenity for both the needs of occupants and neighbours alike”.*

Of the above objectives, it is considered that the development does not satisfy the following:

4. *To encourage appropriate design of boarding house development to ensure the impact and operation does not interfere with surrounding land uses and amenity.*

Given the issues identified within this report, the proposed development is not considered to be of appropriate design that is consistent with surrounding properties and it has not been adequately demonstrated that the intensification of the use of the site would not adversely impact upon the amenity of surrounding land uses.

6. *To ensure that boarding houses are designed to be compatible with and enhance the local area character and the desired future character.*

**ITEM 1 (continued)**

As demonstrated through the assessment of report, it is not considered that the proposed siting of the building is consistent with the established landscaped character of the streetscape and locality and will not contribute to the desired future character of the local low density residential area.

7. *To ensure that any building that has been developed or adopted into a boarding house maintains a satisfactory standard of amenity for both the needs of occupants and neighbours alike.*

As identified within this report, it is not considered that the development can ensure that its operation would not adversely impact upon the amenity of both the needs of occupants and neighbours alike.

The following table provides an assessment of the development against the applicable clauses of Part 3.5.

Provision	Required	Proposed	Complies
2.0 Location and Character	The design must demonstrate compatibility with character of local area and address: <ul style="list-style-type: none"> <li>• Existing character (streetscape and visual catchment areas)</li> <li>• Predominant building type</li> <li>• Predominant height</li> <li>• Predominant front setback and landscape treatment</li> <li>• Permissible FSR and site coverage</li> <li>• Predominant pattern of subdivision and spacing of buildings</li> <li>• Predominant parking arrangement</li> <li>• Predominant side setbacks</li> <li>• Predominant rear setback and rear landscaping</li> </ul>	A Local Character Statement has been submitted with the amended proposal. However, the proposal is not considered compatible with the character of the local area having regard to the predominant built form, car parking arrangement and landscaping of the front and rear yards.	<b>No</b>
2.3(b) Heritage	Within vicinity of heritage item needs to be sympathetic to heritage significance	The site is not within the vicinity of a heritage item.	Yes



**ITEM 1 (continued)**

Provision	Required	Proposed	Complies
2.3(e) and (f) Size and Scale	<p>A maximum of 12 boarding rooms are permitted.</p> <p>The bulk and scale of the development must demonstrate acceptable impacts for the street and adjoining properties relating to:</p> <ul style="list-style-type: none"> <li>• Overshadowing and privacy</li> <li>• Streetscape</li> <li>• Building setbacks</li> <li>• Parking and traffic impact</li> <li>• Landscape requirements</li> <li>• Visual impacts and impact on views</li> <li>• Impact on significant trees</li> <li>• Suitable lot size, shape and topography</li> </ul>	<p>The amended proposal contains 8 boarding rooms which does not exceed the maximum permitted 12 boarding rooms under Section 2.3(e).</p> <p>Amended shadow diagrams have not been provided therefore it cannot be determined if sufficient solar access will be maintained for adjoining properties.</p> <p>The design of the boarding house and setback to the south-eastern elevation will have visual privacy impacts on adjoining properties.</p> <p>The design of the boarding house and vehicular access within the front setback and front garden area is not compatible with the landscaped character of adjoining properties and streetscape.</p> <p>The requirement for the proposal to provide 4 car parking spaces, 2 motorcycle spaces and bicycle spaces results in excessive hard paving within the front setback which has an adverse visual impact on the streetscape.</p> <p>The amended proposal provides a lack of screen planting along the side and rear boundaries and will have visual and amenity impacts on adjoining properties.</p> <p>The amended landscape plan is inconsistent with the recommendations of the Arborist Report relating to retention, removal and transplant of existing trees. The amended proposal does not enhance the landscape character of the site and visual amenity for surrounding properties or the streetscape.</p>	<b>No</b>

**ITEM 1 (continued)**

Provision	Required	Proposed	Complies
2.4(n) Parking and Traffic	Parking is not to be located within communal open space or landscape areas	<p>The amended proposal has relocated all car parking spaces behind the front setback.</p> <p>Access to the car parking spaces is provided by a wide curved driveway approximately 8.9m measured at the front setback. Although the car parking spaces are not located within the front setback, the proposal requires an excessive amount of hard paved area to service the proposed car parking spaces which has a visual impact on the streetscape.</p>	Yes
3.2 Privacy and Amenity	Main entrance to be located and designed to address street	The main entrance with a patio fronts Cooinda Close.	Yes
	Access ways to front entrance located away from windows of boarding rooms for privacy	The window to Room 1 on the ground floor is immediately adjacent to the main entrance to the boarding house. Direct sight lines from the entry patio into Room 1 results in security and privacy impacts on future occupants.	<b>No</b>
	Designed to minimise and mitigate visual and acoustic privacy impacts on neighbours	<p>The amended proposal has incorporated some design elements to minimise privacy impacts on adjoining properties such as a setback ranging between 3 to 4 metres along the south-eastern boundary and use of highlight windows.</p> <p>Highlight windows minimises amenity impacts on adjoining properties however, highlight windows as the sole source of light and air to a boarding room provides poor amenity. Two of the eight boarding rooms rely on highlight windows.</p> <p>Room 2 on the ground floor has two windows with an outlook across the south-eastern rear boundary. Given the elevated floor</p>	<b>No</b>

**ITEM 1 (continued)**

Provision	Required	Proposed	Complies
		<p>level of the ground floor at this location, Room 2 will have direct sightlines to and privacy impacts on the private open space and rear of the adjoining property.</p> <p>The rear verandah adjacent to the communal living areas is elevated from the natural ground level of the rear yard and surrounding properties. No screen planting along the boundaries of the communal outdoor open space and no specific restrictions outlined in the Plan of Management to minimise the impact of 16 occupants and their visitors occupying communal outdoor open space is likely to have visual and acoustic privacy impacts on adjoining properties.</p> <p>An amended acoustic report has not been submitted with the amended proposal. The acoustic impact of the amended proposal on surrounding properties cannot be determined.</p>	
3.3 Accessibility	All boarding house developments to be accompanied by accessibility report	An amended Accessibility Report was not submitted with the amended architectural plans. An assessment cannot be made to determine if the amended proposal satisfies the relevant accessibility requirements under the BCA or Disability (Access to Premises) Standards 2010.	<b>No</b>
3.4 Waste Minimisation and Management	Required in accordance with Part 7.2 of the RDCP 2014	The proposed bin storage area does not adequately accommodate the required number of bins for the development or obstructed access to and from the point of collection.	<b>No</b>
3.5 Sustainability and Energy Efficiency	BASIX Certificate required	An amended BASIX Certificate has been received and is acceptable.	Yes

**ITEM 1 (continued)**

<p>3.6 Internal Building Design</p>	<p>Must make provision for laundry facilities, communal food preparation facilities, sanitary facilities and storage areas</p>	<p>Each boarding room has a bathroom and kitchenette and storage. Communal facilities include a laundry, bathroom, kitchen, dining and lounge rooms.</p>	<p>Yes</p>
	<p>Safety to be optimized by providing for overlooking of communal areas, provision of lighting and providing clear definition between public and private spaces</p>	<p>No communal living areas provide an outlook to public spaces. At the ground floor a window to the circulation space near the stairs has an outlook to Cooina Close. This window may provide some level of passive surveillance intermittently.</p> <p>The layout of the communal areas provides safety and security for occupants with internal communal areas overlooking outdoor open spaces.</p> <p>A bedroom window at the ground floor is immediately adjacent to the primary entrance to the development. This does not provide acceptable safety or security for the occupant of the boarding room.</p> <p>Proposed fences provide clear definition between public and private spaces. A side gate along the north-western boundary is not provided on the amended plans separating the front garden and side access to the rear of the site.</p>	<p>Partially complies</p>
<p>3.6(e)(i) Bedrooms</p>	<ul style="list-style-type: none"> <li>• Not to open directly onto a communal area</li> <li>• Must comply with SEPP (Affordable Rental Housing) 2009</li> <li>• Minimum 2.1m<sup>2</sup> required for basin and toilet plus 0.8m<sup>2</sup> for shower, 1.1m<sup>2</sup> for laundry which must include a tub and 2m<sup>2</sup> for a kitchenette</li> <li>• Kitchenettes must have</li> </ul>	<p>All boarding rooms open to a common hallway on both levels.</p> <p>Rooms do not exceed 25m<sup>2</sup> and comply with the areas specified in the SEPP (Affordable Rental Housing) 2009.</p> <p>Each boarding room contains a bathroom, kitchenette and laundry facilities. The areas provided for the kitchenettes range between 1.19m<sup>2</sup> and 1.86m<sup>2</sup>, with bench</p>	<p>Partially complies</p>

**ITEM 1 (continued)**

	small fridge, cupboards, shelves, microwave and 0.5m <sup>2</sup> of bench space	spaces between 0.6m <sup>2</sup> and 0.66m <sup>2</sup> . Whilst sufficient bench space is provided, the area of the kitchenettes are inadequate. The amended POM states that laundry facilities are provided in each room but this has not been clearly shown on the plans or calculations. A communal laundry is provided on the ground floor.	
3.6(e)(ii) Communal Living Room	<ul style="list-style-type: none"> <li>• Locate adjacent to communal open space to minimise impact on neighbours</li> <li>• Minimum size 15m<sup>2</sup> plus additional 15m<sup>2</sup> for each additional 12 persons</li> <li>• Openings to be oriented away from adjoining residential properties</li> </ul>	Communal living areas are facilities are located at the rear building on the ground floor.  87.39m <sup>2</sup> of communal living area consisting of two separate spaces is provided at ground level.  Window openings from the second living area and kitchen on the ground floor are on the south-eastern elevation adjacent to boundary with No. 9 Karingal Ct. However, the living room window is a highlight window and the kitchen window does not exceed the height of the boundary fence given the slope of the site. Overlooking of adjoining properties will be minimised.	Partially complies
3.6(e)(iii) Communal Kitchen and Dining Areas	<ul style="list-style-type: none"> <li>• To be in accessible location</li> <li>• Area to be minimum 6.5m<sup>2</sup> or 1.2m<sup>2</sup> per resident that does not contain a kitchenette and provide one sink and stove top cooker per 6 people</li> <li>• Combined kitchen/dining areas to have minimum 15m<sup>2</sup> area</li> </ul>	Each boarding room contains a kitchenette. However, a communal kitchen and dining area are located on the ground floor.  The communal kitchen, dining and pantry area is approximately 31m <sup>2</sup> . A dining room table and 6 chairs are provided.	Yes
3.6(e)(iv) Bathroom	Communal bathrooms must be accessible 24 hours a day	1 communal bathroom is provided on the ground floor.	Yes
3.6(e)(v) Laundry and Drying	Outside drying areas shall be located in communal	2 clothes drying areas are provided and are accessible from the	Yes

**ITEM 1 (continued)**

Facilities	open space	communal outdoor area.	
3.6(e)(vi) Management	Required to be managed. Plan of Management required addressing matters specified under Schedule 2.	<p>An amended Plan of Management (POM) has been submitted.</p> <p>The POM is not consistent with the requirements of Part 3.5 – Section 4.2 and Schedule 2 for the following reasons:</p> <ul style="list-style-type: none"> <li>• No provision for contact detail of the Manager</li> <li>• Emergency contact details have not been provided.</li> <li>• Definitions for 'loud' and 'noise' are not specified.</li> <li>• Detail on how to manage visitor car parking and minimise impact on immediate streets not provided.</li> <li>• Definition of cooking is not provided. House rule of no cooking in boarding room is inconsistent with the provision of a kitchenette and self-contained rooms.</li> <li>• Unclear who is responsible for the garden maintenance</li> <li>• The communal dining area does not provide sufficient seating of 1 chair per lodger</li> <li>• No complaints handling procedure provided</li> <li>• Inadequate detail clarifying how lodgers will manage the movement of bins for collection.</li> <li>• Details of security and fencing are inconsistent with amended plans.</li> <li>• Inadequate emergency evacuation procedures</li> <li>• No details on the operation and management of double rooms.</li> <li>• Detail of outdoor furniture is inconsistent with amended plans.</li> </ul> <p>It is noted that the NSW Police have raised concerns that the POM fails to demonstrate the operation</p>	No

**ITEM 1 (continued)**

		of the boarding house will satisfactorily manage safety, security or amenity impacts on future occupants and surrounding properties.	
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**Part 7.2 Waste Minimisation and Management**

Section 2.7 in Part 7.2 of the RDCP 2014 is applicable to the proposed development as the boarding house comprising of more than 12 lodgers is classified as a Class 3 building under the BCA.

The requirements for garbage and recycling for a Class 3 boarding house is provided as follows:

DCP requirement	DCP Control	Proposed	Compliance
<b>Section 2.3 – All developments</b>  Must provide space for on-site sorting and storage of waste and containers.		A bin storage room is provided adjacent to the garage measuring approximately 2.4m x 2.0m	<b>No.</b>  The bin storage room is inadequate and does not satisfy the minimum dimensions under Schedule 4.  To accommodate 2 rows of the proposed bins and circulation space, the minimum dimension of the bin storage room needs to be 2.25m x 2.8m.  Additional space is required to include a green bin. There is insufficient space available to store this bin in the bin storage room.
Storage areas and number of containers in accordance with Schedule 1 and 2.	1 x 240L garbage bin per 2 units 1 x 240L recycling bin per 2 units 1 x 240L green bin waste	4 x 240L garbage bins 3 x 240L recycling bins No green bin	<b>No.</b>  4 recycling bins are required for the development. At least 1 green bin should be provided.

**ITEM 1 (continued)**

DCP requirement	DCP Control	Proposed	Compliance
Additional space must be provided for storage of bulky waste		No bulky waste storage area has been provided.	<b>No</b>
Preparation of a Site Waste Minimisation and Management Plan		An amended Site Waste Minimisation and Management Plan has not been submitted with the amended proposal.	<b>No</b>
Gradient of 14:1 path between waste storage and collection point		The slope between the bin storage room and the footpath collection point has a gradient of 30:1.	Yes
<p><b>Section 2.7 – residential flat buildings of 4 storeys or more</b></p> <p>This section applies to residential components of mixed use developments including hotels, motels, serviced units, Class 3 boarding houses and backpacker accommodation.</p> <p>Waste and recycling storage rooms designed in accordance with Schedule 4</p>	<p>Minimum 700mm wide x 750mm deep space per bin</p> <p>Adequate access to and from bin storage area.</p>		<b>No.</b> See discussion in the table above.

Having regard to the assessment provided in the table above, the proposal does not provide sufficient space for waste and recycling storage and does not satisfy the requirements in Part 7.2 of the RDCP 2014.



**ITEM 1 (continued)****Part 9.3 – Parking Controls**

In accordance with Section 2.2 in Part 9.3 of the RDCP 2014, the minimum car parking rate for the proposed development is 0.2 spaces per boarding room. As such, a minimum of 2 spaces is required. The proposal provides 4 car parking spaces and complies.

As outlined in the report above, the proposed development provides car parking spaces that satisfy the car parking controls under Clause 29(e) of the SEPP (Affordable Rental Housing) 2009.

**Part 9.5 – Tree Preservation**

The amended landscape plan is inconsistent with the recommendations of the Arborist Report submitted with the application and contains inconsistencies that do not enable a proper assessment of the impact of the proposal on the landscaped character of the site and amenity of the local area.

In particular, the amended landscape plan includes insufficient information relating to the proposed retention, removal and transplantation of existing trees on the site and immediately adjacent properties as follows:

- Tree 2 is to be retained but is not shown on the landscape plan
- Tree 3 could be transplanted but is not shown on the landscape plan
- Tree 4 is to be removed but is not shown on the landscape plan
- Tree 5 is to be retained but is shown to be removed on the landscape plan
- Tree 6 is located on the adjacent property and is to be retained but is shown as being removed on the landscape plan
- Tree 7 is to be retained but is shown to be removed on the landscape plan

As such, the insufficient landscape plan submitted with the amended proposal forms reason for refusal of the application.

**5.5 Planning Agreements OR Draft Planning Agreements**

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

**5.6 Section 7.11 Development Contributions Plan 2007 Interim Update 2014**

Council's current Section 7.11 Development Contributions Plan 2007 (Interim Update (2014) effective 10 December 2014) requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal. The contribution that are payable with respect to the increase

**ITEM 1 (continued)**

housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$12,404.68
Open Space & Recreation Facilities	\$21,360.25
Civic & Urban Improvements	-
Roads & Traffic Management facilities	\$6,557.52
Cycleways	-
Stormwater Management Facilities	-
Plan Administration	\$604.83
<b>The total contribution is</b>	<b>\$40,927.28</b>

**5.7 Any matters prescribed by the regulations**

There are no matters prescribed by the Regulation that have not been satisfied.

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

The proposed development is considered to have an adverse environmental impact for the following reasons:

- The operation of the boarding house is considered to have a detrimental environmental and built form impacts on the locality as the proposal is inconsistent with the low density residential character of the locality.
- The proposed intensification of the site to provide 8 boarding rooms for a maximum 16 occupants requires car parking spaces that cannot be accommodated without excessive hard paving and adverse impacts on the landscaped character of the site and streetscape.
- The proposed development significantly reduces landscape planting within the site that is visible from surrounding properties and the public domain.
- The proposed setbacks and design, particularly adjacent to the south-eastern rear boundary will have adverse visual and acoustic privacy impacts on adjoining properties.
- The proposal has failed to demonstrate that vehicles reversing out of the driveway onto Coinda Close will not result in adverse safety impacts on pedestrians.

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

The proposed development is not compatible with the scale and character of existing developments in the vicinity of the site and will detract from the streetscape and character of the local area. In particular, the site cannot accommodate required services and facilities for the development in accordance with relevant planning controls including building setback, carparking and access, waste storage and landscaping.

**ITEM 1 (continued)**

The subject site is not a suitable location for the development of a boarding house as the site constraints do not enable an appropriate built form and landscaping treatments that minimises amenity impacts on surrounding residential properties and contribute to the character of the local area.

The site is at the end of a cul-de-sac, irregular in shape and shares a boundary with four (4) adjoining properties comprising single storey and two storey detached dwelling houses. The intensification of the use of the site to accommodate 16 lodgers is not compatible with the character of the low density residential area immediately surrounding the site and will detract from the amenity of the local area and adjoining properties.

The proposed development has not satisfactorily demonstrated that the site can achieve compliance with built form, landscaping and amenity provisions that are compatible with the low density residential character of the surrounding area. The proposed development on the site is considered an overdevelopment of the site as the boarding house will have unacceptable amenity impacts on adjoining properties and the character of the area.

Having regard to the above, the proposed development is not considered to be suitable for the subject site.

**8. The Public Interest**

Given the above assessment, it is not considered that approval of the application would not be in the public interest as the site is not suitable for the proposed development and the proposal fails to satisfy relevant provisions of the SEPP (Affordable Rental Housing) 2009 and RDCP 2014.

**9. Submissions**

In accordance with the RDCP 2014 Part 2.1 Notice of Development Applications, the proposal was advertised in *The Weekly Times* on 18 September 2019 and owners of surrounding properties were given notice of the application between 13 September to 2 October 2019. During the notification period, fifteen (15) submissions and 2 petitions with a total of 137 signatures objecting to the development were received.

Representations by three (3) Councillors on behalf of local residents were received objecting to the proposal.

The submissions raised objection to the proposal with respect to the following issues:

- Building bulk
- Boarding house use is out of character with the low density residential area
- Increase in vehicular and pedestrian traffic in the local area
- Additional demand for on street car parking
- Safety concern for pedestrians and children
- Excessive size of self-contained boarding rooms are equivalent to studio apartments

**ITEM 1 (continued)**

- Inappropriate increase in density
- The proposal will not be operated as an affordable housing development
- Amenity impacts (includes visual privacy, acoustic privacy and overshadowing)
- Operation of boarding house will have noise, pollution and security impacts
- Insufficient information to support the proposal
- Decrease property values
- Potential hire of rooms for non-residential uses
- Excessive waste generation and dumping
- Flooding impacts on downstream properties
- Construction noise impacts

As a result of design changes to address issues raised in Council's letter, the development was re-notified to surrounding property owners from 5 May 2020 to 22 May 2020. As a result of the re-notification, fifteen (15) submissions and representations by two (2) Councillors on behalf of the residents were received raising objection to the amended proposal. The issues raised in the submissions included the following:

**A. The density of the amended proposal with 16 persons, is out of character with low density dwellings in the area and will result in noise and privacy impacts on adjoining properties.**

**Comment:** The increase from 12 to 16 occupants is excessive in comparison to occupants and/or families occupying surrounding low scale residential dwellings in the local area.

The proposed built form, internal layout of boarding rooms and communal living areas, and management of the premises has failed to demonstrate that an increase in the number of occupants to 16 persons will not have any adverse amenity impacts on adjoining properties. This matter forms part of the recommendation for refusal.

**B. The internal configuration is similar to a block of 8 self-contained studio apartments. Apartments should not be approved in the area.**

**Comment:** The 8 self-contained boarding rooms are of a typical layout for a boarding house of this size. The proposal complies with the controls set out in SEPP (Affordable Rental Housing) 2009 relating to the layout, size and dimensions of boarding rooms. SEPP (Affordable Rental Housing) 2009 also specifies that boarding houses approved under the SEPP are not able to be subdivided.

Nonetheless, it is recognised that the proposal is of a scale and density that is out of keeping with the local area of the site, and this matter forms part of the recommendation for refusal.

**ITEM 1 (continued)**

- C. The development will not be providing affordable housing and will be managed as a commercial enterprise similar to apartment buildings.**

**Comment:** SEPP (Affordable Rental Housing) 2009 allows for the development of boarding houses that are not carried out on behalf of a social housing provider and there is no restriction on rental prices.

- D. The proposal will result in additional vehicular traffic that will impact pedestrian safety and amenity of surrounding properties. The proposal will also increase demand for on street parking in surrounding streets.**

**Comment:** The proposal has not provided sufficient information to address the impact of additional occupants on vehicular and pedestrian movements in Coinda Close and immediately surrounding streets. Council officers have raised concerns regarding vehicular movements and pedestrian safety particularly, vehicles not exiting the site in a forward direction.

The proposal in its current form is considered to have adverse impacts on the amenity of the street. This matter forms part of the recommendation for refusal.

- E. The size of the boarding house, window openings to the rear boundary and number of occupants will have privacy impacts on surrounding residents.**

**Comment:** The proposal does not provide a sufficient setback to the south-eastern rear boundary to minimise visual and acoustic privacy impacts on adjoining properties. The internal layout and window configurations to the ground floor provides poor amenity to occupants of the boarding house and does not mitigate amenity impacts on adjoining properties. The setting and design of the boarding house will have adverse impacts on the amenity of surrounding properties and is not supported.

- F. The proposal remains a 2 storey structure and has not addressed building bulk, overshadowing and visual privacy impacts on surrounding properties.**

**Comment:** The proposed boarding house projects beyond the front and rear (south-eastern) setbacks of an acceptable low density built form in the local area. The development will be visually prominent when viewed from the street and adjoining properties. The presentation of the boarding house is inconsistent with the built form of adjoining properties and is out of character with the streetscape. The proposed boarding house has a setback of 3 metres to the rear south-eastern boundary which is considered insufficient given the change in floor levels between the proposed ground floor and adjoining properties.

**ITEM 1 (continued)**

Amended shadow diagrams have not been submitted to show that the proposal will not have any adverse impacts on solar access to adjacent properties.

The proposal will have adverse impacts on the privacy of adjoining properties and forms reasons for refusal.

- G. Residents have been experiencing impacts from existing shared accommodation in the area such as excessive litter and waste, increased demand on street parking obstructing local streets, increase traffic and noise, and lack of care of private and public property.**

**Comment:** The amended Plan of Management provides insufficient information and does not demonstrate that the boarding house will be operated in a manner that will not result in additional amenity impacts on surrounding properties including excessive traffic in surrounding streets and impacts on pedestrian safety.

- H. The community does not want more boarding houses to replace family homes in the area as it will affect the character of the area.**

**Comment:** The community concerns regarding the character of the neighbourhood is that the proposal will detract from the family and low density character of the local area have been considered in the assessment of the application. The proposal is permissible under SEPP (Affordable Rental Housing) 2009, however in this instance, the construction of a boarding house containing 8 x 2 bed boarding rooms is considered out of character with the local area and will have adverse amenity impacts on surrounding properties.

- I. Boarding houses attract transient populations who reduce the sense of community spirit and the character of the neighbourhood created by long term residents and families.**

**Comment:** This is not a relevant reason for refusal.

- J. The proposed 4 car parking spaces will not meet the demands of 16 occupants and will increase on street parking and obstruct access to surrounding streets.**

**Comment:** The proposed number of car parking spaces satisfies the requirement under SEPP (Affordable Rental Housing) 2009. However, given the proposed intensification of the site to accommodate 16 occupants and any visitors, Council is not satisfied that the proposal has adequately considered traffic and parking, and pedestrian safety impacts on surrounding streets.

- K. Use of the communal living area and outdoor areas at the rear of the site will have noise and privacy impacts on adjoining properties.**

**Comment:** The orientation of the communal living areas (indoor and outdoor) and setback adjacent to the south-eastern boundary do not mitigate noise and privacy impacts on adjoining properties. The amended Plan of Management

**ITEM 1 (continued)**

does not include adequate operational provisions to ensure that occupants and visitors will not cause disturbances to the amenity of surrounding properties. This forms part of the reasons for refusal.

**L. The boarding rooms could be hired by sex workers with the building becoming an illegal brothel.**

**Comment:** Assessment of the development is limited to the scope of the proposal and assumptions cannot be made relating to uses that have not been included as part of the development application.

**M. Stormwater and flooding impacts on downstream properties.**

**Comment:** The amended proposal incorporates underground on site detention and drainage connection to an existing Council drain beneath the pedestrian pathway adjacent to the site. Council's Stormwater and Catchments team have advised that proposal has provided insufficient information and a proper assessment of the stormwater impacts on Council assets and surrounding properties cannot be completed. This forms part of the reasons for refusal.

**N. Devaluation of surrounding properties.**

**Comment:** Impacts on property values of surrounding developments is not a matter for consideration under Clause 4.15(1) of the *Environmental Planning and Assessment Act 1979*.

**O. The garbage bins servicing the boarding house cannot be accommodated on the street.**

**Comment:** The proposed bins can be reasonably accommodated at the collection point on the street adjacent to the site. As the bins will only be in the street temporarily to allow waste collection, it is not considered to have any adverse impact on the amenity of the street.

**P. Vehicular movements to and from the site will have light spill impacts on adjoining properties.**

**Comments:** The number of car parking spaces comply with the requirement under the SEPP (Affordable Rental Housing) 2009, however the proposed development has failed to demonstrate the boarding house is compatible with the character of the streetscape or local area. Light spill from vehicles entering and exiting the site contributes to the loss of amenity for surrounding properties. The proposal has cumulative impacts on residential amenity and is not supported.

**Q. The proposal will increase pedestrian and vehicular traffic in Karingal Ct and impact on the character and amenity for residents.**

**ITEM 1 (continued)**

**Comment:** The proposal has provided insufficient information to adequately address the traffic and pedestrian impacts of the proposed intensification of the use of the site. The proposal has failed to demonstrate that the increase of occupants will not have adverse impacts on the amenity or character of the area. This forms part of the reasons the application is recommended for refusal.

**R. Construction works will cause extensive disturbances to surrounding properties as the scale of the development is greater than a typical dwelling house.**

**Comment:** Construction phases and noise are typical for any scale of development, however developers must take measures to minimise noise from construction sites. Conditions of consent and standard construction times apply to development across the City of Ryde to limit the disruptions and noise impacts on surrounding properties.

**10. Referrals**

**Note:** Given the extensive history of this application, only the most recent comments have been provided below:

**NSW Police**

The proposal was referred to the NSW Police – Ryde Area Command. The Police raised concerns relating to security measures for the boarding house in accordance with Crime Prevention Through Environmental Design (CPTED) principles.

In addition, Police have raised concerns relating to increased traffic and noise impacts on surrounding residents and streets, and potential for increase complaints from residents.

It is recommended that a comprehensive CPTED report should be prepared by an accredited company outlining what safety and security measures would be adopted within the development. The Plan of Management should be amended to adequately address the following:

- Noise - the term 'Loud' in relation to noise be clearly defined and a provision included to restrict playing of amplified music at any time.
- Use of outdoor areas and alcohol consumption within the premises.
- A contact should be available 24 hours, 7 days a week in case of emergencies.
- How the Strata Manager will enforce rules

Assessing Officer comment:

The concerns raised by the NSW Police and recommendations to the Plan of Management to clearly define terms and operational management provisions of the premises are supported. The amended proposal and Plan of Management does not



**ITEM 1 (continued)**

satisfactorily address the concerns raised by the NSW Police. The insufficient information submitted forms reasons for refusal.

**City Works (Stormwater and Catchments)**

The amended stormwater plan was discussed with the Stormwater and Catchments team of Council's Assets and Infrastructure Department in regard to connection to Council's existing stormwater drain located beneath the pedestrian pathway adjacent to the site.

Stormwater and Catchments advised that insufficient information has been provided to appropriately determine if the design is acceptable. For a proper assessment of the stormwater drainage plan, the following must be provided:

- *All new pipes within Council's land must be minimum Class 4 with a minimum 1% slope. 0.8% could be considered if 1% is not viable.*
- *To demonstrate surcharges and pipe covers, a long section is required including, pipe invert levels, diameters, hydraulic grades, and surface levels.*
- *Details of the connection with Council pipe and new pipe proposed, as per Council standards.*
- *All services to be located at design stage. All services in the vicinity of the new proposed pipe, or crossing it, will have to be included in the design to ensure the proposal is viable.*
- *Catchment calculations discharging on the affected Council pipe to show the existing hydraulic situation and the hydraulic situation if the proposal is accepted.*
- *The stormwater management plan to be amended prior to development consent.*

**Assessing Officer Comment:**

The assessment carried out by the Assets and Infrastructure Department and the recommendation that additional information is required is supported as the proposed stormwater management plan will impact on existing Council assets and insufficient information does not allow Council to complete a proper assessment. Council must be satisfied that the proposal will not have any adverse impact on existing stormwater infrastructure and Council assets. This forms part of the reasons for the recommended refusal of the application.

**Senior Development Engineer**

The application was referred to Council's Senior Development Engineer on numerous occasions throughout the assessment of this application. The amended plans have been reviewed and the following comments have been provided:

*The Applicant has advised Council that the downstream owners have now refused to permit a drainage easement via their property. As a result, the Applicant has appointed a new stormwater engineer to provide an alternative stormwater system*

**ITEM 1 (continued)**

*that is capable of draining by gravity that connects directly to Council's public infrastructure located in the adjacent public footway. The amended stormwater plan, completed by Australian Consulting Engineers Pty Ltd, drawing number 171308 000, 101 to 104, Issue A, dated 24<sup>th</sup> April 2020, depicts an OSD system below the garage and front hardstand area. Although the impervious bypass area and location of the OSD does not technically comply with the requirements of Part 8.2 of Council's DCP, Council could consider the proposal on its merits.*

Vehicle Access and Parking

*The Applicant has failed to address Council's concern in relation to the exiting kerb inlet pit and its close proximity to the vehicular crossing. It is acknowledged the vehicular crossing is within the existing location, although considering the intensification of the development, Council are concerned regarding the maintenance of its asset. As the architectural plans do not depict the location of the kerb inlet pit in relation to the vehicular crossing, the application cannot be assessed appropriately.*

*The development has resulted in an overall reduction of boarding rooms (12 to 8 rooms), although the size of the rooms have significantly increased to accommodate up to 16 individuals whilst providing a total of four off-street parking spaces. The number of parking spaces technically complies with the requirements of the SEPP, however Council are concerned about the increase in density of potential occupants. Council require additional information to further understand the traffic implications, primarily in relation to on-street parking. A Traffic Impact Assessment was requested to appropriately address this concern.*

*The car spaces within the garage are most likely to reverse onto Coinda Close due to excessive movements required to enter and exit the space in a forward direction. As the development will increase the number of occupants significantly, it is expected the foot traffic along the adjacent public pathway will also increase and subsequently jeopardise public safety. As a result, all vehicles must be capable of forward entry and exit to the site within 3 manoeuvres or less.*

*The 923mm access path to the bicycle spaces, motorbike space 2, and bins area is not considered sufficient. This area requires a minimum 1200mm access path to safely manoeuvre around motorbike space 1.*

Assessing Officer comment:

Council's Senior Development Engineer's assessment that the proposed stormwater drainage, car parking and vehicular access contain insufficient information and cannot be supported in its current form is supported as the amended proposal results in a significant intensification of use for the site notwithstanding the reduction in boarding rooms from twelve (12) to eight (8) and the implications of additional vehicular volume and adequate access to and from the site need to be considered.

### ITEM 1 (continued) Environmental Health Officer

The application was referred to Council's Environmental Health Department for review. Council's Environmental Health Officer is satisfied that the site is suitable for the proposed development in accordance with provisions of SEPP 55.

The amended proposal does not include insufficient information, specifically, no acoustic assessment has been prepared for the amended proposal and the waste management plan does not address asbestos within the existing structure.

Council's Environmental Health Officer has recommended conditions relating to management of asbestos and construction waste, on-going waste management and operational management of the boarding house.

#### Assessing Officer comment:

Council's Environmental Health Officer's assessment of the site and contamination provisions under SEPP 55 is supported.

The insufficient information identified relating to the Waste Management Plan and recommendation of conditions to address management of asbestos and construction waste is noted. The proposed waste storage and management is inadequate, as assessed in the report above, and does not satisfy relevant provisions under Part 7.2 of the RDCP 2014.

### Landscape Architect

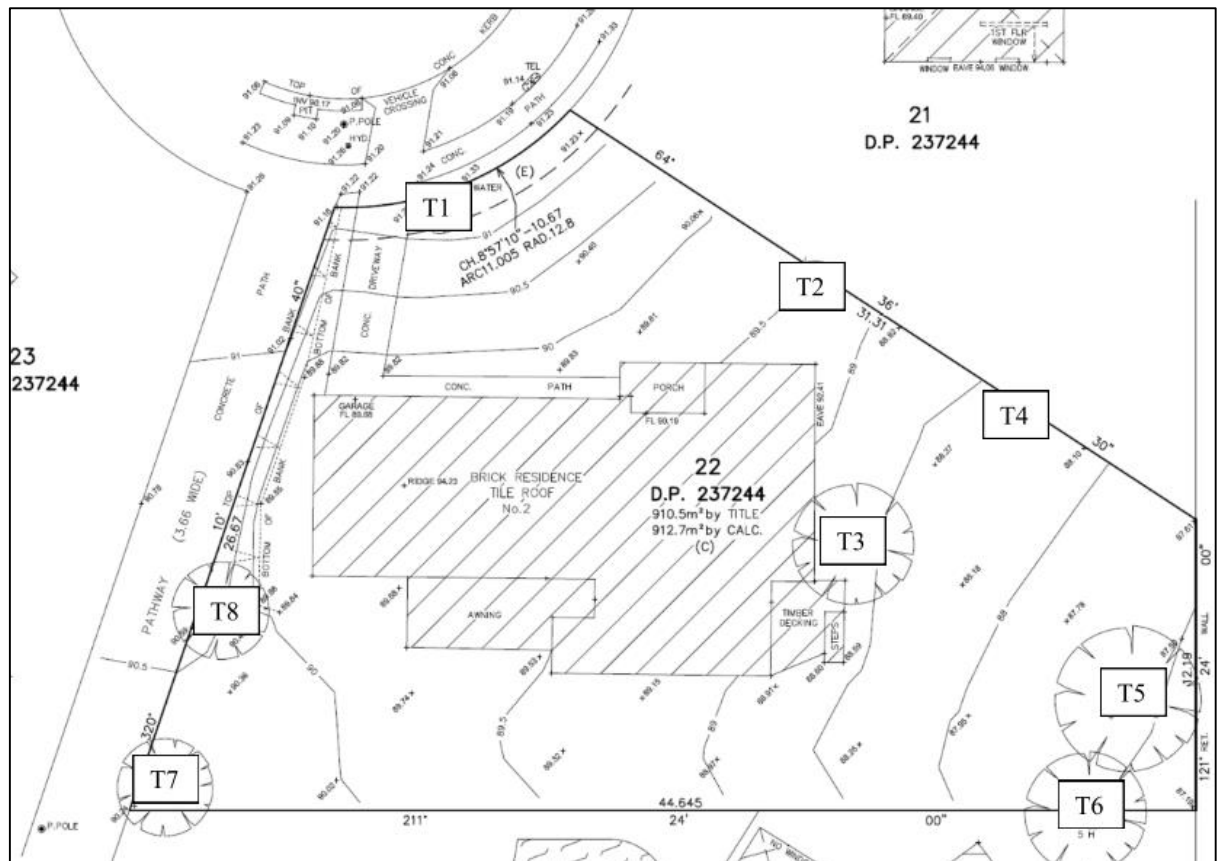
The amended proposal was referred to Council's Landscape Architect and comment was provided as follows:

*A summary of the existing trees identified by the Arborist are show in the table below, however the amended Landscape Plan has changed whether the tree is to be retained or removed.*

Tree No.	Species "Common name"	Proposed recommendation by Arborist	Comment
1	<b>Cupressus macrocarpa</b> Monterey cypress	Remove	Agree
2	<b>Cupressus macrocarpa</b> "Bruniana aurea" Monterey cypress	Retain <i>Not shown on amended Landscape Plan</i>	Agree
3	<b>Plumeria acutifolia</b> Frangipini	Could transplant	Agree - <i>Need to be incorporated into Landscape Plan</i>

**ITEM 1 (continued)**

4	<b>Cinnamomum camphora</b> Camphor Laurel	Remove Weed tree <i>Not shown on amended Landscape Plan</i>	Agree
5	<b>Lagerstroemia indica</b> Crape Myrtle	Retain <i>Shown to be removed on amended Landscape Plan</i>	Retain <i>Not affected by development</i>
6	<b>Glochidion ferdinandl</b> Cheese tree	Retain On adjoining property <i>Shown to be removed on amended Landscape Plan</i>	Retain <i>Not affected by development, and survey shows it to be on the adjoining property.</i>
7	<b>Magnolia x soulangeana</b> Chinese Magnolia	Retain <i>Shown to be removed on amended Landscape Plan</i>	Remove <i>Encroached by Stormwater pipes.</i>
8	<b>Tibouchina urvilleana</b> Lassiandra	Remove In development area	Agree



**Figure 25:** Tree location plan

**ITEM 1 (continued)**

*In addition the Amended Landscape Plan contradicts the Arborist Report regarding the trees that are to be retained or removed. The following trees are to be retained: T2, T5, T6 and the Camellias along the south eastern boundary. The following trees are to be removed T1, T4, T7 and T8. Tree 3 is to be transplanted.*

*The Landscape Plan is NOT satisfactory for the following reasons:*

- *It has NOT been prepared by a qualified Landscape Architect*
- *Screen planting has NOT been provided along the boundaries to provide privacy to adjoining properties*
- *There is no clear distinction between garden beds and turfed areas.*
- *The veranda needs to be a minimum 3 metres wide to provide sufficient depth for a table and chairs.*
- *The Camellias along the south east boundary should be retained to provide screening to adjoining properties. This needs to be shown on the Landscape Plan.*
- *The Arborist Report by Treehaven Environmentscapes dated 26/06/2019 has stated that Tree 3 (Frangipane) could be transplanted. This transplanted tree needs to be incorporated into the Landscape Plan.*
- *There is an existing sandstone flagged bank to the south west boundary. The Landscape Plan does not state if this bank is to be retained or removed. If removed the Plan needs to show how this steep bank is to be retained.*
- *The Amended Landscape Plan contradicts the Arborist Report regarding the existing trees that are to be retained or removed. The following trees are to be retained: T2, T5, T6 and the Camellias along the south eastern boundary. The following trees are to be removed T1, T4, T7 and T8. Tree 3 is to be transplanted. All existing trees need to be show on the Landscape Plan as retained or removed.*

*Major redesign of the Landscape Plan is needed to comply with the requirement as outlined above. Therefore the proposal cannot be supported in its current state.*

**Assessing Officer comment:**

Council's Landscape Architect assessment that the amended landscape plan is insufficient and cannot be supported in its current form is supported given the significant impact landscaping has on the character of the site and consistency with the existing character and amenity of adjoining properties. As such, insufficient information regarding the landscape plan forms a reason for refusal.

**11. Conclusion**

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979, the development application is recommended for refusal for the following reasons:

1. The proposed development is not suitable for the site as the intensification of use requires the provision of car parking and services that result in a built form and landscaping that is inconsistent with the existing character of

**ITEM 1 (continued)**

the local area and does not satisfy Clause 30A of the State Environmental Planning Policy (Affordable Rental Housing) 2009, Section 2.0 in Part 3.3, Section 2.1 in Part 3.5, and Section 1.1 in Part 9.3 of the Ryde Development Control Plan 2014.

2. The proposed development projects beyond the front setback for the site and the rear setback and is of a built form that is uncharacteristic of residential developments in the immediate vicinity of the site. The proposed development does not satisfy the objectives and provisions under Section 2.9.1 and 2.9.3 in Part 3.3 of the Ryde Development Control Plan 2014.
3. The proposed development has not satisfactorily demonstrated that the increase in density and vehicular traffic will not have any impact on pedestrian safety.
4. The proposed development does not provide a boarding house that is of high quality design and has not sufficiently mitigated amenity impacts on adjoining properties. In particular, visual and acoustic privacy has not been sufficiently addressed.
5. The proposed development provides for an inadequate level of amenity for the ground floor boarding room immediately adjacent to the primary entrance. The proximity of the boarding room window and building entry will have visual and acoustic privacy impacts on occupants and reduce security. In addition, the use of high light windows as sole openings to boarding rooms provides poor outlook and amenity.
6. Insufficient information has been provided to demonstrate the proposed front and return fences, particularly at the south-western boundary, is compatible the character of the streetscape.
7. The proposed development has failed to satisfactorily address stormwater management in accordance with Part 8.2 of the Ryde Development Control Plan 2014.
8. The Plan of Management lodged with the application does not provide adequate information as required by Part 3.5 of the DCP. The operation of the boarding house has not demonstrated management of the premises will minimise amenity impacts on surrounding properties.
9. The proposed development has not provided sufficient information to demonstrate the built form will not have any adverse overshadowing impacts on adjoining properties, particularly adjoining private open spaces.
10. The proposed intensification of the use comprising a 16 lodger boarding house is considered an overdevelopment of the site as the design will have adverse environmental and amenity impacts on the locality and surrounding properties.
11. The proposed development is not considered to be in the public interest.

**ITEM 1 (continued)****12. Recommendation**

Pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, the following is recommended:

A. That the Local Planning Panel refuse the Development Application LDA2019/0304 for the construction of a two storey boarding house containing eight (8) x two (2) bed, self-contained boarding rooms, 4 car spaces, 2 motorbike spaces and 4 bicycle spaces at No. 2 Cooina Close, Marsfield, for the reasons as follows:

1. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development does not comply with Clause 29(2)(b) and Clause 30A – Character of local area, of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* as the proposed landscaped areas in the front and rear of the site is out of character with existing landscaped setting of the local area, adjoining properties and the streetscape. In particular, the extent of hard paving to provide vehicular access and parking and lack of screen planting to adjoining properties is inconsistent with the landscaped character and garden settings in the vicinity of the site.
2. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the development does not comply with the following provisions of the *Ryde Development Control Plan 2014*:

Part 3.3 – Dwelling Houses and Dual Occupancy (Attached)

- *Clause 2.2.1(2), (3), (a) and (e) – New Dwelling Houses* in that:
  - the width of the garage and driveway is excessive and is visually dominant; and
  - the landscaped character of the site, comprising of excessive hard stand paving in the front garden detracts from the character of front gardens in the vicinity of the site.
- *Clause 2.5.1(2) to (5) and (b)(ii), (iii) and (iv) – Streetscape* in that:
  - the proposed building setback, landscaping and car parking is out of character with immediately surrounding developments and does not contribute to the existing streetscape or character of the low density residential area;
  - the width of the garage and driveway are excessive and dominants the front elevation of the boarding house, and is inconsistent with the built form or landscaped character of adjoining properties;
  - the intensification of use of the site and additional vehicles not leaving the premises in a forward direction increase risk to pedestrian safety;
  - insufficient information has been provided relating to the design of

**ITEM 1 (continued)**

- the front and side boundary fence and its relationship to the street and pedestrian pathway; and
- insufficient information has been provided to clearly show the retention, removal and transplanted of existing trees.
- *Clause 2.5.3(1) and (b) – Pedestrian and Vehicle Safety* in that:
  - insufficient information has been provided to demonstrate that additional vehicular traffic and movements into and out of the site will not result in adverse impacts on pedestrian safety and amenity;
  - the proposed 1.8 metre high side boundary fence will obstruct views of the footpath and road and does not provide sufficient sightlines to maintain pedestrian safety; and
  - vehicles that do not exit the site in a forward direction will have adverse impacts on pedestrian safety and amenity.
- *Clause 2.9.1(2) and (d) – Front Setback* in that the proposal projects beyond the front building line and is inconsistent with the setback and form of adjoining properties. The proposal is not compatible with the character of the streetscape.
- *Clause 2.9.3(3) and (b) – Rear Setback* in that the part of the boarding house projects beyond the permitted 4 metre setback to the south-eastern boundary and will have amenity impacts on occupants and surrounding properties.
- *Clause 2.11.1(g) and (i) – Car Parking* in that:
  - The width of the driveway is excessive in width and detracts from the landscaped character of the front garden; and
  - The width of the garage is excessive and is visually dominating when viewed from the street.
- *Clause 2.13(1) to (4), (e), (g), (j) and (k) – Landscaping* in that:
  - the proposal comprises excessive hard stand paving in the front setback and does not provide sufficient soft landscaping;
  - the proposal does not provide screen planting along side and rear boundaries to enhance privacy between occupants and adjoining properties; and
  - insufficient information has been provided relating to the landscape plan to demonstrate appropriate retention of existing trees and proposed landscaping that will enhance the character of the site, adjoining properties and streetscape.



**ITEM 1 (continued)**Part 3.5 – Boarding Houses

- *Clause 1.3(2), (4) and (6) – Objectives* in that the boarding house does not:
  - provide high quality affordable rental housing in the form of boarding houses;
  - ensure the design and operation would not adversely impact upon the amenity of surrounding properties;
  - enhance the character of the local area and is not compatible with existing landscaped areas and built form in the streetscape; and
  - provide for a satisfactory standard of amenity for the needs of the occupants.
- *Clause 2.1 – Design and Local Area Character* in that the proposed front patio projects beyond the front setback for the site and is inconsistent with the built form and setbacks of immediately surrounding properties. Therefore, the proposed development is not compatible with the character of the local area.
- *Clause 2.3(a) – Development subject to provisions of Part 2 of the SEPP (Affordable Rental Housing) 2009* in that the proposed development is not considered compatible with the character of the local area as required under Clause 2.1 in part 3.3 of the Ryde Development Control Plan 2014.
- *Clause 2.3 (e) and (f) – Size and Scale* in that:
  - the proposal has not demonstrated that there is an acceptable level of solar access has been provided to the adjoining properties;
  - the landscaping proposed does not provide an appropriate level of amenity for the occupants of the boarding house or adjoining properties; and
  - the two storey built form is visually prominent from adjoining properties as insufficient landscaping is proposed to minimise visual impact.
- *Clause 3.2(b) to (d) - Privacy and Amenity* in that:
  - the proposal provides for an inadequate level of amenity for several boarding rooms due to the location and design of the windows;
  - the proposal has not been designed to mitigate visual and acoustic impact on the amenity of future residents or adjoining properties; and
  - an Acoustic Report has not been provided which satisfactorily addresses acoustic impact on adjoining properties.

**ITEM 1 (continued)**

- *Clause 3.3(a) – Accessibility* in that an Accessibility Report has not been prepared relating to the amended proposal.
- *Clause 3.4(a) – Waste Minimisation and Management* in that:
  - the proposal does not provide adequate waste storage facilities to accommodate the required number of waste receptacles as required under Clause 2.7(b) and (c), and Schedules 2 and 4 in Part 7.2 of the *Ryde Development Control Plan 2014*; and
  - the narrow width of the access path between the bin storage to the collection point is inadequate and does not provide unobstructed access for the movement of bins without impacting adjacent motorcycle parking spaces.
- *Clause 3.6(e)(i)(d)(iii) and (iv) – Internal Building Design* in that:
  - the boarding rooms do not provide sufficient areas for kitchenettes; and
  - the proposal does not provide sufficient information to demonstrate adequate laundry facilities are provided within each boarding rooms.
- *Clause 4.1(2) – Objectives* in that:
  - the proposal has not demonstrated that the operation and management of the boarding house will ensure the safety and wellbeing of occupants; and
  - the proposal has not demonstrated that the operation will be managed in a manner that minimises amenity impacts on adjoining properties.
- *Clause 4.2 (a) to (d) – Management* in that the Plan of Management fails to provide the following information:
  - details of Manager who can be contacted particularly for emergencies;
  - the plan is not consistent with the plans and documentation provided;
  - the plan contains insufficient details relating to definitions of loud music and noise;
  - insufficient details are provided on emergency evacuation training; and
  - the plan does not provide details relating to complaints handling and recording procedure.

**ITEM 1 (continued)**Part 8.2 – Stormwater and Floodplain Management

- *Clause 1.3 – Objectives* in that Insufficient information has been provided to demonstrate the proposed stormwater management plan is safe, will not have any adverse impacts to adjoining properties and public safety, and minimises property damage.

Part 9.3 – Parking Controls

- *Clause 1.1(1) and (5) – Objectives* in that:
  - insufficient information has been provided to demonstrate that the proposal has identified and addressed traffic volumes and safety impacts from the proposed intensification of the site;
  - the proposal has failed to demonstrate that all vehicles will exit the site in a forward direction. Vehicles reversing out of the driveway will adversely impact on pedestrian safety in Coinda Close; and
  - the proposed car parking layout and access does not minimise visual impacts when viewed from the public domain and is not compatible with the character of the streetscape.

Part 9.5 – Tree Preservation

- *Clause 1.2(5) – Objectives* in that insufficient and inconsistent information provided in the landscape plan and Arborist Report does not enable consideration of retention of trees and appropriate landscaping of the site.
3. Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979 and Section 50(1)(a) and Schedule 1 of the Environmental Planning Assessment Regulations 2000, the proposal includes insufficient information and does not enable a proper assessment to determine the likely impacts of the proposal and the suitability of the site.
  4. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the development is not in the public interest because it fails to achieve the objectives and requirements of the applicable environmental planning instruments.

- B. That the objectors be advised of the decision.

**ITEM 1 (continued)**

**ATTACHMENTS**

- 1 Architectural & Landscape Plans - subject to copyright provisions -  
CIRCULATED UNDER SEPARATE COVER
- 2 Stormwater Plans - subject to copyright provisions - CIRCULATED UNDER  
SEPARATE COVER

Report Prepared By:

**Peggy Wong**  
**Senior Town Planner**

Report Approved By:

**Rebecca Lockart**  
**Senior Coordinator - Major Development**

**Sandra Bailey**  
**Manager - Development Assessment**

**Liz Coad**  
**Director - City Planning and Environment**





**4 JUNE 2020**

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**NOTICE OF MEETING**

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You are advised of the following meeting:

**THURSDAY 11 JUNE 2020.**

**City of Ryde Local Planning Panel Meeting No. 4/20**

**Council Chambers, Level 1A, 1 Pope Street, Ryde - 5.00pm**

## English

If you do not understand this letter, please come to the 1 Pope Street, Ryde (within Top Ryde Shopping Centre), Ryde, to discuss it with Council Staff who will arrange an interpreter service. Or you may ring the Translating & Interpreting Service on 131 450 to ask an interpreter to contact you. Council's phone number is 9952 8222. Council office hours are 8:30am to 5:00pm, Monday to Friday.

## Arabic

إذا لم تفهم محتوى هذه الرسالة، يرجى الحضور إلى 1 Pope Street، Ryde (في Top Ryde Shopping Centre)، Ryde، لمناقشتها مع موظفي المجلس الذين سوف يرتبون للاستعانة بمترجم شفهي. أو قد يمكنك الاتصال بخدمة الترجمة التحريرية والشفهية على الرقم 131 450 لتتطلب من المترجم الاتصال بك. رقم هاتف المجلس هو 9952 8222. ساعات عمل المجلس هي 8:30 صباحاً حتى 5:00 مساءً، من الاثنين إلى الجمعة.

## Armenian

Եթե դուք չէք հասկանում սույն նամակի բովանդակությունը, խնդրում ենք այցելել 1 Pope Street, Ryde (որը գտնվում է Top Ryde Shopping Centre-ի մեջ), Ryde, քննարկելու այն Քաղաքային Խորհրդի անձնակազմի հետ, ովքեր ձեզ համար կապահովեն թարգմանչական ծառայություն: Կամ կարող եք զանգահարել Թարգմանչական Ծառայություն 131 450 հեռախոսահամարով և խնդրել, որ թարգմանիչը ձեզ զանգահարի: Խորհրդի հեռախոսահամարն է 9952 8222: Խորհրդի աշխատանքային ժամերն են առավոտյան ժամը 8:30-ից մինչև երեկոյան ժամը 5:00, երկուշաբթիից մինչև ուրբաթ:

## Chinese

如果你不明白这封信的内容，敬请前往1 Pope Street, Ryde（位于Top Ryde Shopping Centre内），向市政府工作人员咨询，他们会为您安排口译服务。此外，您也可以拨打131 450联络翻译和口译服务，要求口译员与您联系。市政府电话号码为9952 8222。市政府办公时间为周一至周五上午8:30至下午5:00。

## Farsi

لطفاً اگر نمی توانید مندرجات این نامه را درک کنید، به نشانی 1 Pope Street، Ryde (در Top Ryde Shopping Centre) مراجعه کنید تا با استفاده از یک مترجم در این باره با یکی از کارکنان شورای شهر گفتگو کنید. یا آنکه می توانید با خدمات ترجمه کتبی و شفاهی به شماره 131 450 تماس گرفته و بخواهید که به یک مترجم ارتباط داده شوید. شماره تماس شورای شهر 9952 8222 و ساعات کاری آن از 8:30 صبح تا 5:00 بعد از ظهر روزهای دوشنبه تا جمعه است.

## Italian

Se avete difficoltà a comprendere questa lettera, venite in 1 Pope Street, Ryde (dentro al Top Ryde Shopping Centre), Ryde, per discutere con il personale del Comune che organizzerà un servizio di interpretariato. Potete anche contattare il Servizio di Traduzione e Interpretariato al 131 450 per chiedere a un interprete di contattarvi. Il numero di telefono del Comune è il 9952 8222. Gli orari di ufficio del Comune sono dalle 8.30 alle 17 dal lunedì al venerdì.

## Korean

이 서신을 이해할 수 없을 경우, 1 Pope Street, Ryde (Top Ryde Shopping Centre 내)에 오셔서 통역사 서비스를 주선할 시의회 직원과 논의하십시오. 혹은 통번역서비스에 131 450으로 전화하셔서 통역사가 여러분에게 연락하도록 요청하십시오. 시의회의 전화번호는 9952 8222입니다. 시의회 사무실 업무시간은 월요일에서 금요일, 오전 8시 30분에서 오후 5시까지입니다.

**Meeting Date: Thursday 11 June 2020**  
**Location: Council Chambers, Level 1A, 1 Pope Street, Ryde**  
**Time: 5.00pm**

*City of Ryde Local Planning Panel Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. City of Ryde Local Planning Panel Meetings will also be webcast.*

**NOTICE OF BUSINESS**

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## **DEVELOPMENT APPLICATIONS**

- 1 96 WEST PARADE, DENISTONE. CONSTRUCTION OF A TWO STOREY BOARDING HOUSE COMPRISING 8 X 2 BED BOARDING ROOMS AND A DOUBLE GARAGE. THE PROPOSAL PROVIDES 4 CAR PARKING SPACES, 2 MOTOR CYCLE PARKING SPACES AND 4 BICYCLE PARKING SPACES - LDA2019/0445**

**Report prepared by:** Consultant Planner

**Report approved by:** Senior Coordinator - Assessment; Manager - Development  
 Assessment; Director - City Planning and Environment

**File Number:** GRP/09/6/12/1/2 - BP20/523

### **City of Ryde Local Planning Panel Report**

<b>DA Number</b>	LDA2019/0445
<b>Site Address &amp; Ward</b>	96 West Parade, Denistone NSW 2114 Lot 2 in Deposited Plan 345520 West Ward
<b>Zoning</b>	R2 Low Density Residential
<b>Proposal</b>	Construction of a two storey child care centre for 96 children and 16 staff with basement parking for 18 vehicles. Proposed hours of operation are 7:00am to 6:00pm Monday to Friday.
<b>Property Owners</b>	Anthony Ceretto
<b>Applicant</b>	Designcorp Architects
<b>Report Author</b>	Brendon Clendenning Consultant Planner
<b>Lodgement Date</b>	13 December 2019
<b>Notification - No. of Submissions</b>	Seventeen (17) submissions received, all objecting to the proposed development.
<b>Cost of Works</b>	\$2,000,465.56
<b>Reason for Referral to LPP</b>	<b>Contentious development</b> – (b) in any other case – is the subject of 10 or more unique submissions by way of objection. <i>Schedule 1, Part 2 of Local Planning Panels Direction</i> <i>and</i>

**ITEM 1 (continued)**

	<b>Departure from development standards</b> – contravention of the floor space ratio development standard by more than 10% - <i>Schedule 1, Part 3 of Local Planning Panels Direction</i>
<b>Recommendation</b>	Refusal
<b>Attachments</b>	Attachment 1 – SEPP (Educational Establishments and Child Care Facilities) 2017, Clause 23 – Matters for consideration - (Provisions of the Child Care Planning Guideline)  Attachment 2 – LEP and DCP Compliance Table  Attachment 3 – Sydney Trains Conditions  Attachment 4 – Plans submitted with the LDA

**1. Executive Summary**

The subject development application (DA No. LDA2019/0445) was lodged on 13 December 2019 and seeks consent for the construction of a two storey child care centre for 96 children and 16 staff with basement parking for 18 vehicles. The child care centre would operate between 7am and 6pm Monday to Friday.

In accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 – Directions by the Minister, this application is reported to the Ryde Local Planning Panel for determination as it proposes a departure from a development standard in excess of 10%, and is contentious development, having received greater than ten (10) submissions.

The application was advertised in accordance with the provisions of the *Ryde Community Participation Plan* and seventeen (17) submissions were received objecting to the proposed development.

A detailed planning assessment of the submitted information identified a considerable number of issues with the proposal. On 26 March 2020, a letter detailing these issues and requesting that the DA be withdrawn was issued to the applicant.

The proposal has been assessed in accordance with the relevant environmental planning instruments and local provisions in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposal is not consistent with the requirements of the *Childcare Planning Guideline*, as well as with key development controls contained within the RDCP 2014.

The planning assessment has concluded that the proposal is not able to be supported, due to a wide array of reasons. Issues include the adverse impacts on the streetscape, amenity impacts to neighbouring properties, poor centre amenity,

### ITEM 1 (continued)

acoustic impacts, and inadequacies with the submitted traffic and parking assessment report.

The subject site is therefore not suitable for the proposed development. For the reasons outlined above, the subject application is recommended for refusal.

## 2. The Site and Locality

The site is legally described as Lot 2 within Deposited Plan 345520 and is known as No.96 West Parade, Denistone. The site is irregular in shape with a site area of 1,107m<sup>2</sup> (survey plan, based off title) and has a frontage to West Parade of 33.515 metres. The site has a fall towards the street of up to approximately 6 metres, when measured from the western corner to the eastern corner.



**Figure 1:** Aerial photograph of the site in context.

Source: Nearmap, 28 February 2020

Existing development on the site consists of a detached part single storey and part two storey dwelling house of brick construction with a tiled roof (**Figure 2**). Other development on the site consists of a carport with a metal roof adjacent to the southern side boundary and a small metal shed abutting the northern side boundary within the rear north-western corner. The site consists of some significant vegetation

**ITEM 1 (continued)**

abutting the front boundary, southern side boundary and western rear boundary. Large trees overhang the site from the adjoining properties to the north and south. Vehicular access is obtained via a central driveway and crossover. The site is burdened by a drainage easement in the eastern corner.



**Figure 2:** The site as viewed from West Parade  
Source: CPS Site Inspection, 10 January 2020.

The subject site is located on the western side of West Parade and within 900 metres of the West Ryde town centre precinct and within 200 metres of Denistone train station. Directly opposite the subject site is the Main Northern Railway Line which is partly screened by a line of vegetation (**Figure 3**).

Adjoining the north-western side boundary is 98 West Parade, which contains a two storey dwelling house of brick construction with a tiled roof (**Figure 4**) and detached weatherboard garage. Adjoining the south-eastern side boundary is No.13A Miriam Road which includes a single storey brick dwelling house with a metal roof containing solar panels (**Figure 5**) and No.13 Miriam Road which contains a part single/part two storey brick dwelling house with a tiled roof (**Figure 6**). Adjoining the subject site to the west is No.15 Miriam Road which contains a part single/part two storey brick dwelling house with a tiled roof (**Figure 7**).

Development within the surrounding area primarily consists of low-density residential accommodation (i.e. detached dwelling houses, dual occupancies and multi-dwelling housing). Low rise development also predominately characterises the area to the east of the railway line.

**ITEM 1 (continued)**



**Figure 3:** Main Northern Railway Line, partly screened by vegetation, to the east of the subject site.

Source: CPS Site Inspection, 10 January 2020.



**Figure 4:** The adjoining two storey dwelling house 98 West Parade.

Source: Google Maps, March 2019

**ITEM 1 (continued)**



**Figure 5:** The adjoining single storey dwelling house at 13A Miriam Road.  
Source: CPS Site Inspection, 10 January 2020.



**Figure 6:** The adjoining part single storey, part two storey dwelling house at 13 Miriam Road.  
Source: Google Maps, March 2019

**ITEM 1 (continued)**



**Figure 7:** The adjoining part single storey, part two storey dwelling house 15 Miriam Road.  
Source: Google Maps, March 2019

**3. The Proposal**

LDA2019/0445 seeks consent for the construction of a two storey child care centre for 96 Children and 16 staff with basement parking for 18 vehicles. Details of the proposed development are as follows:



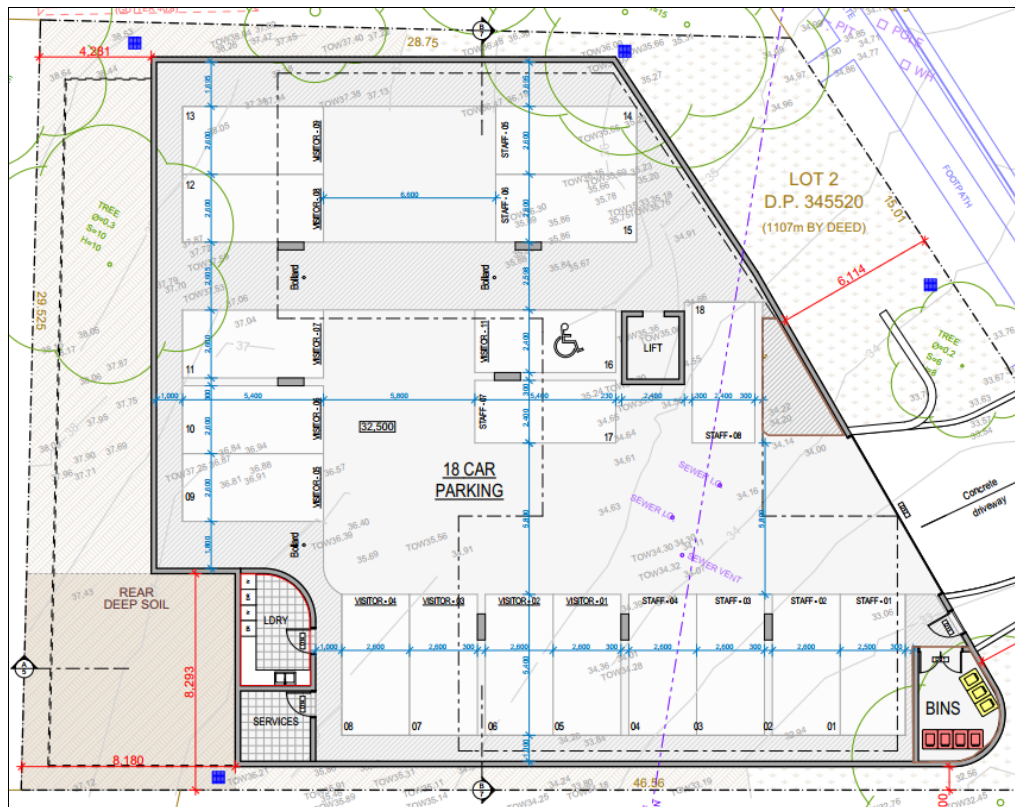
**Figure 8:** Proposed eastern elevation (West Parade).  
Source: Designcorp Architects, dated: 05/09/2019

**Basement – (Figure 9) containing:**



**ITEM 1 (continued)**

- 8 car parking spaces allocated to staff
- 10 car parking spaces allocated to visitors.
- Bin storage area, services room, laundry and lift providing access to the levels above.



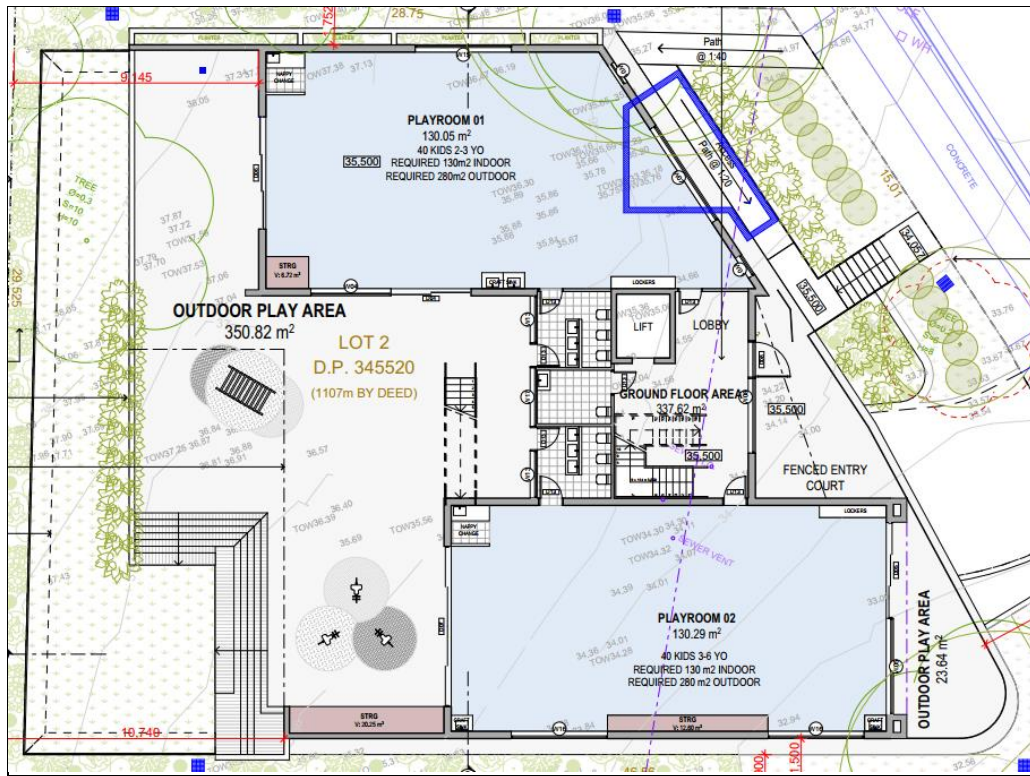
**Figure 9:** Extract of proposed basement plan.  
Source: Designcorp Architects, dated: 05/09/2019

**Ground Floor – (Figure 10) comprising:**

- A fenced entry courtyard which would provide access to the entry lobby.
- The entry lobby with access to the lift and stairs to the first floor.
- Two playroom areas with access to toilet and nappy change facilities, storage and a separate staff bathroom. The indoor playrooms (Playroom 1 and Playroom 2) with access to a large outdoor play area with fixed play equipment located at the rear of the ground floor.
- The outdoor play area would include a staircase leading up to the outdoor play space on the first floor. Notably the majority of the outdoor play area on the ground floor would be sunken beneath the surrounding land, and would be roofed by the first floor above.
- Playroom 2 has sliding doors to a small outdoor play space at the front of the ground floor orientated towards West Parade.

**ITEM 1 (continued)**

- The outdoor play space at the rear of the ground floor would also provide access via stairs up to an open lawn area within the rear setback.

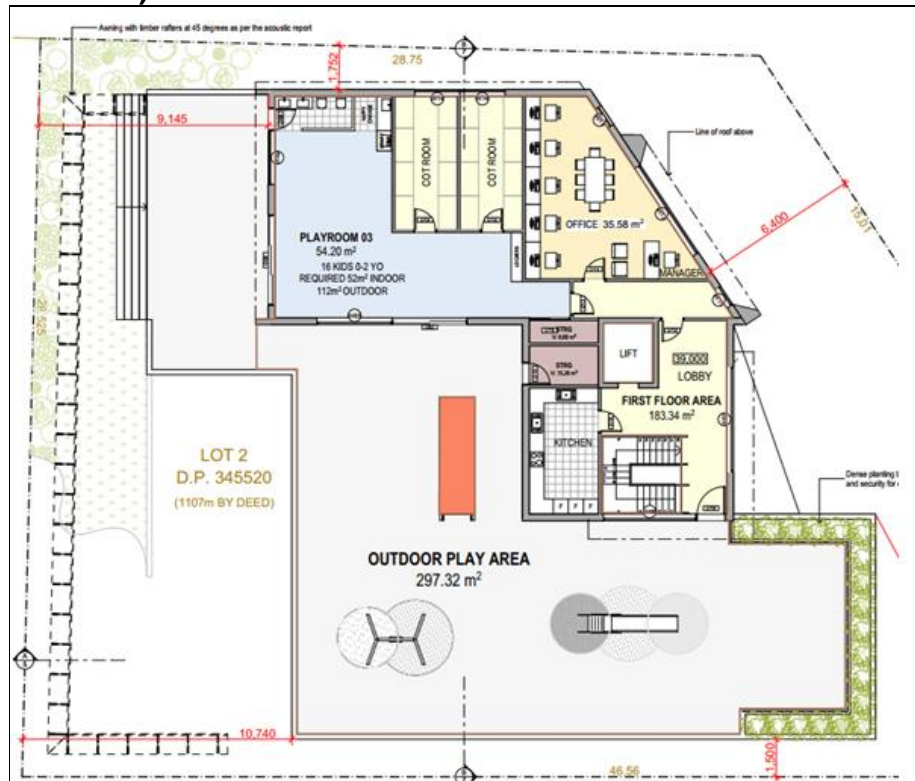


**Figure 10:** Extract of proposed ground floor plan.  
Source: Designcorp Architects, dated: 05/09/2019

**First Floor – (Figure 11) containing:**

- A lobby area, staff kitchen, staff office, two (2) cot rooms, two (2) storage rooms and an indoor play room (Playroom 3) with access to toilet and nappy change facilities.
- Outdoor play space with a rubber soft-fall underlay with fixed play equipment, and stairs leading down to the ground floor outdoor play space. The first floor outdoor play area would also provide access via stairs to the turfed outdoor play area within the rear setback.

**ITEM 1 (continued)**



**Figure 11:** Extract of proposed first floor plan.  
Source: Designcorp Architects, dated: 05/09/2019

External

Landscaping components of the front setback would include numerous tree and shrub plantings, groundcovers and boundary screen planting. A paved concrete driveway and crossover and separate paved pedestrian pathway would provide access to the basement. Central pedestrian access stairs and a paved disabled access ramp would provide access to the fenced entry courtyard on the ground floor.

The northern and southern side setbacks would include boundary screen plantings with the northern side boundary proposed to include a series of on-structure raised planting areas. The outdoor play space within the rear setback would include a large open turf area surrounded by an acoustic barrier and boundary screen planting.

**4. Background**

13 December 2019	The DA was lodged.
Advertising placed: 15 January 2020. Notification -10 January 2020 to 29 January 2020.	The DA was advertised in <i>The Weekly Times</i> and notified to surrounding properties. In response, seventeen (17) submissions were received objecting to the proposed development.
	The objectors raised a range of issues discussed later in this report.

**ITEM 1 (continued)**

26 March 2020

Following a preliminary assessment, a letter requesting that the application be withdrawn (“the Council Letter”) was forwarded to the applicant. A summary of the issues raised is provided below:

State Environmental Planning Policy (educational Establishments and Child Care Facilities) 2017 and the NSW Child Care Planning Guideline.

- Concurrence of the Regulatory Authority is required for applications that do not comply with the minimum outdoor space requirements.

Childcare Planning Guideline (CCPG)

- Various non-compliances with the requirements of the CCPG.

Acoustic Impact

- Various issues with the submitted acoustic report.

Ryde Local Environmental Plan

Floor Space Ratio (FSR)

- The proposal would include a non-compliant FSR, with the submitted calculations not adequately accounting for all proposed floor space (for instance in elevated and enclosed outdoor play spaces).

Ryde Development Control Plan 2014

- Insufficient parking.
- Inappropriate building presentation.
- Non-compliant rear setback would limit opportunities for deep soil planting.
- The external play areas would not provide sufficient natural planting and turfed areas.
- Details regarding managerial and support staff had not been provided.

Traffic Impact Assessment

- Various concerns relating to the submitted traffic impact assessment.

## ITEM 1 (continued)

	<p><u>Other issues</u></p> <ul style="list-style-type: none"> <li>- Various errors in inadequacies within the submitted documentation.</li> </ul>
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## 5. Planning Assessment

### 5.1 State Environmental Planning Instruments

Clause 7 of State Environmental Planning Policy No. 55 – Remediation of land (SEPP 55) requires Council to consider whether the site is contaminated, and if so whether it is suitable for the proposed development purpose.

A Preliminary Site Investigation Report (PSIR), prepared by Geotechnical Consultants Australia, dated 26 August 2019 has been submitted with the DA which considers the potential to encounter significant soil contamination or groundwater within the site to be low. The PSIR concludes that “the site is suitable for the proposed development, provided that all soil classification of excavated material as well as Hazardous Material Survey (HMS) be undertaken prior to construction”.

With consideration to the above (and assuming that a separate proposal/consent for demolition appropriately dealt with the removal of hazardous materials (if any)), it is unlikely that the site is contaminated and would therefore be suitable for the proposed development.

#### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The objective of this SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation. The subject site is mapped as containing significant urban bushland on Council’s Environmentally Sensitive Areas map.

A number of issues were raised by Council’s Consultant Landscape Architect/Arborist, in relation to impacts to trees on neighbouring sites. Further detail is provided within Section 10 of this report.

#### **State Environmental Planning Policy (Infrastructure) 2007**

Pursuant to Clause 85, the site is located adjacent to a rail corridor, being the Northern Rail heavy rail corridor. The proposal was referred to Sydney Trains for consideration and in response, the following comments were provided:

*...the proposed development has been assessed in accordance with the relevant Transport for NSW Assets Standards Authority standards and Sydney Trains requirements. To ensure that the proposed development is undertaken*

**ITEM 1 (continued)**

*in a safe manner Council is now requested to impose the conditions provided in Attachment A.*

The conditions required by Sydney Trains have been included as Attachment 3 to this report.

Consideration is required pursuant to Clause 87(1)(d) the impact of rail noise or vibration on non rail development as the proposal is for a child care centre. In accordance with Clause 87(2), consideration has been given to the guideline *Development near Rail Corridors and Busy Roads – Interim Guideline*. Sydney Trains has not raised any issues with the proposed development subject to conditions. The proposal is not for a residential purpose and is not subject to the noise criteria required by Clause 87(3).

**State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (“the ESEPP”)**Clause 23 Centre-based child care – matters for consideration by consent authorities

Clause 23 of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (SEPP) provides that:

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

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

The Guideline is structured as follows:

- Part 1 – Introduction
- Part 2 – Design Quality Principles
- Part 3 – Matters for consideration
- Part 4 – Applying the National Regulations to development proposals

Council had outlined a wide array of issues associated with the requirements of the Guideline. A detailed assessment of the proposal against provisions of the Guidelines is illustrated in the compliance table held in **Attachment 1**. The non-compliances identified in the compliance tables and communicated in Council’s letter of 26 March 2020 are identified below:

- The proposal would not provide sufficient outdoor space. A large portion of ground floor ‘outdoor’ space consisted of areas that would be more than two-thirds enclosed by walls greater than 1.4 metres in height (Outdoor Space Requirements, regulation 108, Part 4.9 of CCPG).

**ITEM 1 (continued)**

- The bulk and scale of the development was considered excessive (Design Quality Principle 2 – Built form of CCPG).
- Materials and finishes would be inconsistent with the desired future character and present poorly to adjoining sites (Building orientation, envelope, building design and accessibility, Part 3.3 of CCPG).
- The proposal would not enable optimal solar access to external play areas (Building orientation, envelope, building design and accessibility, Part 3.3 of CCPG) and (Shade, Regulation 114, Part 4.11 of CCPG).
- The proposal would excessively overshadow the north-west facing windows and solar panels at No.13A Miriam Road (Building orientation, envelope, building design and accessibility, Part 3.3 of CCPG).
- Excavation on the site was considered excessive with up to 6m proposed (Building orientation, envelope, building design and accessibility, Part 3.3 of CCPG).
- Compliance with the building height development standard would be reliant on significant excavation, the height, bulk and scale of the would be inconsistent with the two storey appearance on surrounding sites (Building orientation, envelope, building design and accessibility, Part 3.3 of CCPG) and (Design Quality Principle 2 -Built Form of CCPG).
- The proposed setbacks and window placements would not facilitate sufficient visual privacy to surrounding sites (Building orientation, envelope, building design and accessibility, Part 3.3 of CCPG).
- Side setbacks were considered to be inconsistent with those on surrounding sites (Building orientation, envelope, building design and accessibility, Part 3.3 of CCPG).
- Entry from the carpark would be limited to a single lift with no other safe path of travel (Traffic, parking and pedestrian circulation, Part 3.8 of CCPG).
- The ground floor play area at the front of the building would not provide sufficient acoustic shielding or visual privacy (Visual and acoustic privacy, Part 3.5 of CCPG). Further this area would not be effectively shielded from air pollution from road/railway traffic (Noise and Air Pollution, Part 3.6 of CCPG).
- Concerns were also raised over the insufficient height of the balustrades to prevent children climbing over (Fencing, regulation 104, Part 4.12 of CCPG).
- No separation proposed between the pedestrian accessway from the front of the carpark and the main driveway (Traffic, parking and pedestrian circulation, Part 3.8 of CCPG).
- Insufficient staff amenities. The office design would not allow for private consultation with parents (Administrative space, regulation 111, Part 4.5 of CCPG).
- The design of the external play areas would not provide a range of environments for children (Natural Environment, regulation 113 of ECSNR, regulation 113 Part 4.10 of CCPG)
- Shade sails have not been provided to shelter children from the sun on the first floor outdoor play area (Shade, Regulation 114, Part 4.11 of CCPG).
- Pedestrian crossings had not been proposed within the carpark (Traffic, parking and pedestrian circulation, Part 3.8 of CCPG).

**ITEM 1 (continued)**

- Pathways within the basement would be of an insufficient width to allow prams to pass each other (Traffic, parking and pedestrian circulation, Part 3.8 of CCPG).
- A delivery space had not been allocated (Traffic, parking and pedestrian circulation, Part 3.8 of CCPG).
- The proposed development would have an adverse effect on trees located on adjoining sites (Building orientation, envelope and design, Part 3.3 of CCPG).
- Unclear how some landscaped areas would be accessed due to the proposed acoustic barriers (Building orientation, envelope and design, Part 3.3 of CCPG).
- The proposal would fail to minimise safety risks to children (Design Quality Principle 7 - Safety of CCPG).
- Limited information had been provided regarding building evacuation (Emergency and Evacuation Procedures, Regulation 97 & 168, Part 4.8 of CCPG).

Irrespective of any specific numerical non-compliance, the overall design fails to achieve compliance with the descriptive Design Quality Principles. The concerns relating to the design are outlined throughout this report, and are summarised below:

- The large first floor balcony structure, proposed for the purpose of outdoor play areas, and wrapping around the majority of the proposed building, will be highly visible from the street and the majority of adjoining properties. These balconies are not compatible with the streetscape presentation or with the character of the locality. These areas are likely to exacerbate overshadowing and privacy impacts to neighbouring properties. The balcony has a limited setback, is long and continuous, and has limited landscape screening and articulation.
- The proposed development is largely unresponsive to the neighbourhood character. Nearby properties feature predominately brick and tile construction, with pitched roofs, amongst dense vegetation. The proposal is largely of a commercial character, with flat roofs, excessive entry features, a high proportion of street-facing glazing, and a prominent car park. The proposal provides a poor balance between the built form and landscaping.
- The proposal responds poorly to the relatively steep topography of the land. This results in a prominent semi-basement parking area and associated three storey building components towards the east and south, as well as sunken ground floor outdoor play space and extensive basement excavation towards the west and north. There are no variations to the floor levels at each level of the building, and the basement does not relate well to the rest of the building.
- The proposal provides of an uneven balance between indoor and outdoor play spaces on each floor with a surplus of outdoor space provided on the first floor. This will likely require children to be moved from ground floor indoor spaces to first floor outdoor spaces and does not achieve the desired adaptive learning spaces.

Further detailed discussion on selected issues is provided below:



## ITEM 1 (continued)

### Part 4.9 – Outdoor Space Requirements

Part 4 of the CCPG is concerned with the implementation of the *Education and Care Services National Regulations*. Regulation 108 requires 7.0m<sup>2</sup> of outdoor play space for each child.

The submitted Statement of Environmental Effects (SEE) states that the proposal exceeds this requirement. The plans nominate the following play space areas:

Play area	Nominated space figure	play	Number of children	Play space per child
Ground floor	350.82m <sup>2</sup>		80	4.39m <sup>2</sup>
First floor	320.96m <sup>2</sup>		16	20.06m <sup>2</sup>
Total	671.78m <sup>2</sup>		96	7m

The total figure provides for 7m<sup>2</sup> of space per child, which would be sufficient to comply with regulation 108. However, achieving compliance is reliant on an uneven balance between indoor and outdoor play space on each floor, with a surplus of outdoor space provided on the first floor. This will likely require children to be moved from ground floor indoor spaces to first floor outdoor spaces. Aside from being highly impractical, this will also likely increase the number of educators required to transport the children under supervision, especially if a ground floor indoor room is split for outdoor play purposes.

Although the development technically complies with the outdoor space requirement, Council is of the view that much of the rear ground floor outdoor space should not be included as outdoor play space for the following reasons:

- The area in question is not open for more than a third of the perimeter
- The perimeters are surrounded by walls more than 1.4m high (noting the large wall at the rear of the play area, which at its lowest point is approximately 1.5m high).
- The majority of the area is roofed.

This results in the area providing poor quality learning spaces and poor amenity for the children contrary to Principle 3 for adaptive learning spaces. The proposal has not adequately addressed the outdoor play space requirements.

### Solar Access and Shade

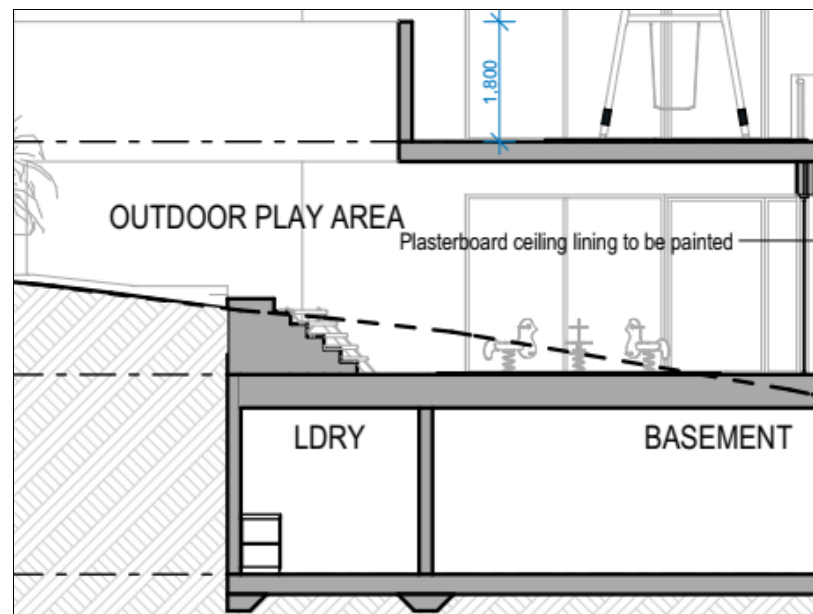
There are a number of separate provisions within the CCPG which provide guidance on the requirements for solar access.

A number of issues were raised in relation to the provision of solar access. Each of the issues is reproduced below:

**ITEM 1 (continued)**

- The development would not enable optimal solar access to external play areas, noting at June 21, the entirety of the ground floor external play area and the majority of the first-floor external play area would not receive direct solar access. Further, the development would excessively and unreasonably overshadow the north west-facing windows and solar panels at 13A Miriam Road.
- Excavation on the site would not be minimised, noting that significant excavation with depths of up to six metres is proposed across the site.
- Compliance with the building height standard is overly reliant on significant excavation of the site.
- There are no shade sails to provide shelter on the first floor, while the vast majority of the external areas would not receive sufficient solar access.
- The solar access plans only show the impacts of the building, and fail to show impacts associated with other structures (i.e. fences, acoustic barriers, etc.).

There are a number of general design provisions contained within the CCPG that relate to solar access, including Design Quality Principal 6 – Amenity, and Part 3.3, requiring solar access to be maximised, and overshadowing to be avoided. This is broadly consistent with the requirements of RDCP 2014. The proposal has failed to have adequate regard to these requirements. Of particular note, the proposal seeks a ground floor play space which is sunken beneath the surrounding ground levels as shown within the below extract of the submitted section plan (**Figure 12**):



**Figure 32:** Extract of submitted section plan showing sunken outdoor play area.  
Source: Designcorp Architects, dated: 05/09/2019

As well as being sunken below ground level, this area is almost entirely covered by the level above, with the only open area provided with a southern orientation. This element of the proposal provides exceptionally poor amenity.

These issues contribute to the reasons for refusal.

**ITEM 1 (continued)****State Environmental Planning Policy No. 19 – Bushland in Urban Areas**

Trees located on the neighbouring property at 94 West Parade are identified as containing urban bushland. These trees are marked for retention and protection; however Council's Consultant Landscape Architect/Arborist has raised a number of issues that have not been satisfactorily assessed by the applicant's submitted arboricultural impact assessment. As such, the provisions of the SEPP have not been satisfied.

**Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

This Plan applies to the whole of the Ryde Local Government Area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.

**5.2 Ryde Local Environmental Plan 2014 (RLEP 2014)**

A detailed assessment of applicable development standards is contained within the compliance checklist contained in **Attachment 2**. Outlined below are the following clauses applicable to the proposal.

Clause 2.3 - Zone Objectives and Land Use Table

Under RLEP 2014, the subject site is zoned R2 Low Density Residential. Residential development and more specifically a 'centre-based child care facilities' is permissible with consent within the R2 zone.

Objectives for residential zones:

The objectives of the R2 low density residential zone are as follows:

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

For reasons outlined elsewhere in the report, the proposal is contrary to the zone objectives.

**ITEM 1 (continued)**

The following table provides a summary of the key provisions that apply to the proposal:

Clause	Proposal	Compliance
<b>4.3(2) Height of Buildings</b>		
9.5m	The maximum height of the proposed development is 9m.  Roof Ridge RL:43.50 Existing Ground Level RL:34.50.	Yes
<b>4.4(2) Floor Space Ratio</b>		
0.5:1 (553.5m <sup>2</sup> )	Ground Floor – 554.8m <sup>2</sup> First Floor – 436.17m <sup>2</sup> Site Area (1,107m <sup>2</sup> – Deposited Plan) GFA = 990.97sqm FSR = 0.895:1	No
<b>4.6 Exceptions to development standards</b>		
(1) The objectives of this clause are as follows—  (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,  (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	No written request submitted; refer to the discussion below.	No
<b>5.10 Heritage Conservation</b>		
(1) The objectives of this clause are as follows—  (a) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,  (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views,  (c) To conserve archaeological sites,  (d) to conserve Aboriginal objects and Aboriginal places of heritage significance	The subject site does not contain an item of heritage; however, it is located within the vicinity of the following items of heritage significance listed within Schedule 5 of RLEP 2014:  <ul style="list-style-type: none"> <li>• 38 Miriam Road (item No. 220)</li> <li>• 30 Miriam Road (Item No.75)</li> <li>• 78 West Parade (Item No.164)</li> </ul> The proposal has been considered by Council's Heritage Advisor given the proximity to the Draft HCA and heritage items. However, the site's physical separation from the Draft HCA and items the proposal is not considered to result in any adverse heritage impacts.	Yes

**ITEM 1 (continued)**

<b>6.1 Acid Sulfate Soils</b>		
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The subject site is not affected by acid sulfate soils.	N/A
<b>6.2 Earthworks</b>		
(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	<p>A geotechnical report has been submitted, prepared by Geotechnical Consulting Engineers, dated 3 May 2019. The geotechnical report concludes that site may be suitable for the level of earthworks being proposed.</p> <p>The extent of earthworks proposed raise issues with the development design, as discussed throughout the report.</p>	Yes
<b>6.3 Flood Planning</b>		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p>	<p>The subject site is not affected by flooding. However, as per Council's Environmentally Sensitive Areas Map, the surrounding area is affected by flooding.</p> <p>The proposal was referred to Council's City Works (traffic and drainage) and Council's Senior Development Engineer who raised no objections to the proposed development subject to conditions.</p>	Yes
<b>6.4 Stormwater Management</b>		
(1) 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 proposed stormwater management system is supported by Council's Senior Development Engineer and Council's City Works drainage team.	Yes

Clause 4.6 – Exceptions Clause 4.6 – Exceptions to Development Standards.

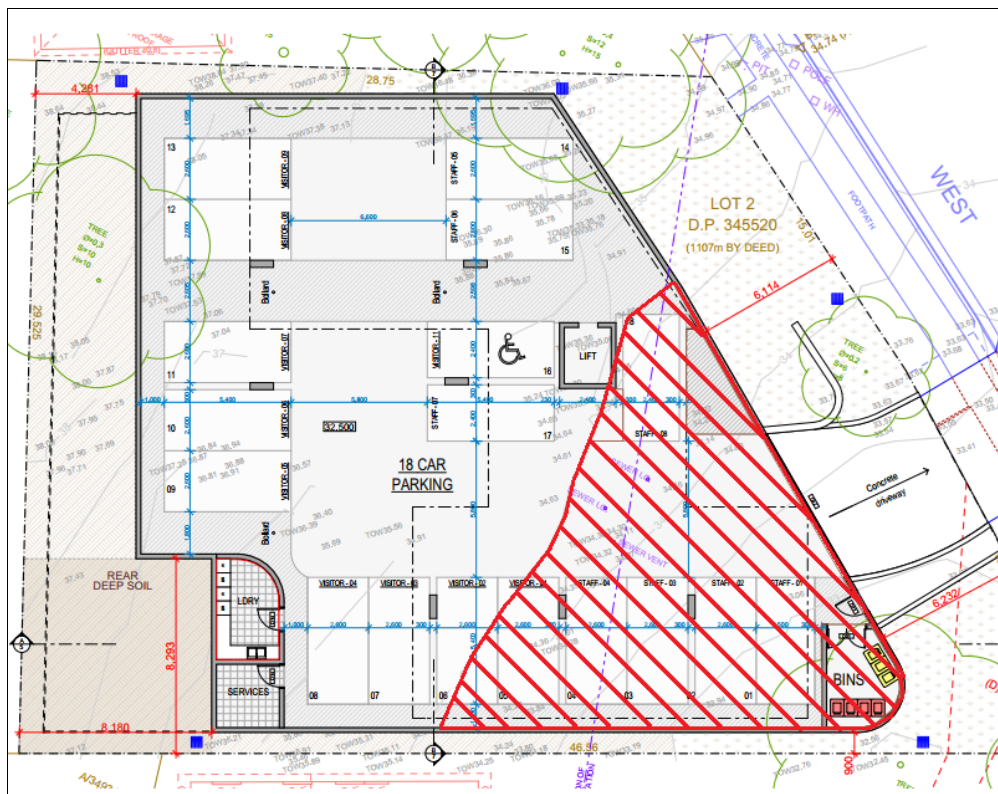
Clause 4.4(2) of RLEP2014 provides that the maximum floor space ratio (FSR) for a building on any land is not to exceed the FSR of 0.5:1.

As outlined within the Background (Section 4) of this report, the matter of the proposal's non-compliant FSR was raised in the Council Letter issued to the applicant. The Council Letter outlined that the submitted GFA calculation plans had inappropriately excluded the outdoor play spaces and parts of the basement from the GFA calculation. The Council Letter advised that the proposal included an FSR of approximately 0.895:1, when having regard to the definition of GFA contained within RLEP 2014.

**ITEM 1 (continued)**

The gross floor area definition as prescribed in the Dictionary of RLEP2014 only excludes terraces and balconies if the outer walls are less than 1.4 metres high. However, the outdoor play spaces contain outer walls of at least 1.4 metres in height (potentially partly required to address acoustic impacts) and therefore were included in the calculation of GFA.

In addition, the definition of ‘basement’ contained within RLEP 2014, excludes those areas where the floor level of the storey immediately above is greater than 1m above ground level (existing). On this basis, the south-eastern component of the basement garage (approximately one third of the total basement area) does not meet the definition of ‘basement’. Refer to image below which provides an estimate of the area excluded from the definition.



**Figure 13:** Estimate of area of basement level that does not meet the basement definition.

Source: Designcorp Architects, dated: 05/09/2019 (amended by CPS)

The definition of GFA does exclude any required parking (including access to that parking) and therefore parts of the basement level that are used for parking are excluded, irrespective of whether they are within an area that meets the ‘basement’ definition.

Otherwise, areas of the basement that would contribute to the GFA calculation, include the bin storage, surplus circulation space in the south-eastern corner, and the laundry (located further to the west). The total FSR figure is therefore likely to be even higher than 0.895:1.

**ITEM 1 (continued)**

It is noted that the proposal would comply with the FSR standard if the outdoor space areas and the entirety of the basement were excluded.

Clause 4.4(1) provides Floor Space Ratio objectives. Specifically, Clause 4.4(1)(a) prescribes the following:

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

The excessive size of the building, its associated bulk and scale and external materials and finishes would not be consistent with existing or the desired future character, and would present poorly both to adjoining properties and the public domain. Given the proposed development exhibits an excessive departure from the FSR development standard, the bulk and scale of the development is considered to be incongruous with adjoining development along West Parade.

As per clause 4.6(3) of RLEP2014, development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard. Given the absence of a clause 4.6 written request as per clause 4.6(3) of RLEP2014, the Local Planning Panel is unable to grant consent to the subject DA.

**5.3 Draft Environmental Planning Instruments****Draft Remediation of Land State Environmental Planning Policy**

The Draft SEPP is a relevant matter for consideration as it is an environmental planning instrument that has been placed on exhibition. The explanation of Intended Effects accompanying the draft SEPP advises:

*As part of the review of SEPP 55, preliminary stakeholder consultation was undertaken with Councils and industry. A key finding of this preliminary consultation was that although the provisions of SEPP 55 are generally effective, greater clarity is required on the circumstances when development consent is required for remediation work.*

The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of DAs. Refer to conclusions made in relation to SEPP 55.

**Draft Environment SEPP**

The draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. The consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways and urban bushland areas. Changes proposed include consolidating SEPPs, which include:

**ITEM 1 (continued)**

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Given the issues in relation to SEPP 19 discussed above, the proposal has not satisfied this draft instrument.

**5.4 Development Control Plans****Ryde Development Control Plan 2014 (RDCP 2014)**

The proposal is subject to the provisions of the following parts of RDCP2014:

- 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 & Floodplain Management;
- Part 8.3: Driveways;
- Part 9.3: Parking Controls

Clause 26(1) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* indicates 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 of the like, of children) does not apply to development for the purpose of a centre-based child care facility:

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

A detailed assessment of the proposal against the RDCP2014, Part 3.2 Child Care Centres is illustrated in the compliance table held in **Attachment 2**. It should be noted that, for centres located in low density residential areas, Part 3.2, clause 3.2 requires the development be designed to comply with the built form controls under Part 3.3 Dwelling Houses and Dual Occupancy of RDCP 2014, for example, FSR, height, setbacks.



**ITEM 1 (continued)**

Taking into consideration the above provisions of clause 26(1) of RDCP2014, the relevant non-compliances identified in the compliance tables are assessed and discussed in more detail below.

**Size Location and Site Selection**

Part 3.2(2) provides guidance on the suitability of certain locations for child care centres. This Part states that within low density residential areas, preference is given to smaller scale development (under 50 child care places), with corner sites potentially able to accommodate a larger number of children (i.e. up to 90 places).

This part of RDCP 2014 also acknowledges that co-location with other non-residential uses (e.g. schools, places of public worship) is preferable, and that additional constraints can present challenges to child care centres, particularly larger centres. These constraints include:

- Locations in close proximity to noise sources, such as railway lines).
- A southern orientation.
- A significant slope.
- A relatively high number of adjoining properties (i.e. greater than 3).

The subject site is location opposite a railway line; is not a corner site; is an irregular shaped site with a long southern boundary and a rear yard oriented towards the southern corner; has a relatively steep slope; and adjoins four allotments, including a southern adjoining battle axe allotment that contains a large rear yard, adjacent to the front of the subject site.

Whilst each of these individual constraints do not preclude the delivery of a childcare centre, when combined, they create particular challenges for larger centres. With a capacity of 96 children, the proposed centre represents an overdevelopment of this site, especially given the extensive parking and balcony areas that are required and which exacerbate the impact of the proposal.

**Rear Setback**

The proposal would include a rear setback of 4.3 metres to the outside edge of the outdoor play areas on the ground floor and first floor, which is non-compliant with minimum 8 metres and 25% of the length of site control prescribed within Section 2.9.3 of Part 3.3 of DCP2014.

Given the rear setback proposed, and the intensification of the use of the site, the proposal has not provided sufficient physical separation distance to the rear adjoining property.

The non-compliant rear setback, further projects the overall bulk and scale of the development onto adjoining properties and would contribute to overlooking and

**ITEM 1 (continued)**

overshadowing of adjoining dwellings. No justification has been provided by the applicant within the submitted statement of environmental effects.

Given the above, the non-compliant rear setback contributes to the proposal being an overdevelopment of the site and is therefore not supported. This forms part of the recommended reasons for refusal of the DA.

**Basement Car park and Three Storey Building**

In accordance with Section 5.1 of Part 3.2 of RDCP 2014, underground parking is not permitted in low density residential areas.

The Dictionary to RLEP 2014 states that basement areas are limited to those where the floor level of the storey immediately above is less than 1m above ground level (existing).

However, a portion of the south-eastern component of the basement garage does not meet this definition, given the floor level of the ground floor immediately above is greater than 1 metre above existing ground level.

The proposed development incorporates a part-basement garage in accordance with the definition of a 'basement' within RLEP 2014. The design of the carpark entrance would expose a significant portion of the lower ground floor/car park level to the public domain. This component of the basement does not meet the 'basement' definition. Aside from creating a dominant streetscape element, the large exposure of the lower ground floor level facilitates a design that results in the presentation of a part three-storey building design to the public domain.

The basement garage combined with the associated three-storey building component, further contributes to the excessive bulk and scale of the proposed development and as such, does not ensure the appearance of the development is of a high visual quality. The basement garage and three-storey building component is not supported and forms part of the recommended reasons for refusal of the DA.

**Car Parking**

Section 5.1 of Part 3.2 of RDCP 2014 prescribes the following car parking provisions:

- *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.*
- *Where calculations for car parking result in a fraction, the number is to be rounded up to the nearest whole number.*
- *One off-street accessible parking space is to be provided for use by persons using mobility aids.*

**ITEM 1 (continued)**

The proposal provides for 8 car parking spaces allocated to 16 staff members and 10 car parking spaces allocated for 96 children, which would not be sufficient to achieve compliance with the aforementioned control. There is a shortfall of 2 car parking spaces for parents/carers. However, Council's Senior Development Engineer has supported this aspect of the application, given the proposal is able to comply with the rates within the CCPG, for sites within 400m of a railway station.

This variation in car parking was also supported by Bitzios Consulting who undertook an independent peer review of the development on Council's behalf. The justification provided by Bitzios Consulting was based on a 2015 traffic and parking study completed by TEP Consulting on behalf of the RMS in respect to child care centres. This study identified that the larger child care centres have less parking demand per child than smaller centres, For centres with between 70 to 100 children, parking was recommended at 1 space per 6 children. This rate included parking for staff as well as parents/carers. Based on 96 children, this corresponds to 16 car parking spaces as proposed in this development.

Outdoor Play Spaces

Section 6.2.2 of Part 3.2 of RDCP 2014 prescribes the following design aims for outdoor play spaces:

- 30% natural planting area (excluding turf)
- 30% turfed area,
- 40% hard surfaces (sand, paving, timber platforms).

The proposal provides the following percentage breakdown within the outdoor play spaces:

- 4.10% (20.05m<sup>2</sup>) natural planting area.
- The proposal would not include any form of natural turfed areas.
- 95.89% (468.01m<sup>2</sup>) hard surface areas.

The excessive hard paved surfaces proposed throughout the outdoor play spaces do not provide for an attractive or functional space with a natural setting.

In addition, the excessive hard paving proposed throughout the outdoor play areas and absence of natural planting and deep soil areas, further contributes to the excessive bulk and scale of the proposed development and as such, does not ensure the appearance of the development is of a high visual quality.

The inability for the proposed outdoor play spaces to achieve the design aims specified above, forms one of the recommended reasons for refusal of the DA.

**ITEM 1 (continued)****5.4 Planning agreements or draft planning agreements**

The application is not the subject of any planning agreements or draft planning agreements.

**5.5 Section 7.11 Development Contributions Plan 2007 (Amendment 2010)**

The subject application has been recommended for refusal.

**5.6 Any matters prescribed by the regulations**

The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning, Industry and Environment and others. As the proposal is recommended for refusal, there are no further matters for consideration.

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

The proposal is inconsistent with the provisions of the ESEPP, RLEP 2014 and RDCP 2014. The development proposes numerous and significant variations to provisions within these instruments and plans. There are a number of impacts which arise from these non-compliances, and the proposal is not supported on this basis.

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

The subject site adjoins urban bushland and is located amongst a low density residential area, and opposite a railway line. These constraints require careful consideration to ensure that the site is suitable for the development. However, for the reasons outlined within this report, the site is unsuitable for the proposed development.

**8. The Public Interest**

Based on the assessment contained in this report, approval of the development is not in the public interest, and as such shall form a reason for refusal.

**9. Submissions**

The DA was advertised in *The Weekly Times* and notified to surrounding properties. In response, seventeen (17) submissions were received objecting to the proposed development.

The objections raised in the submissions are covered below, followed by a comment from the assessing planner:

**A. Impacts to local traffic, including concerns in relation to the submitted Traffic Management Plan.**

**ITEM 1 (continued)**

**Comment:** The application was referred to Bitzios Consulting Engineers, who concluded the applicant's Traffic Management Plan contained shortcomings relating to the assessment of traffic impacts. This matter forms part of the reasons for refusal.

**B. Impacts to on-street parking, noting the existing parking demand associated with the railway station.**

**Comment:** The proposal provides compliant parking to satisfy for the nominated number of educators. However, the application has not accounted for additional staff that might be needed aside from educators. In addition, the imbalance between the outdoor space areas at each level may require further educators at the centre which have not been accounted for in the proposed parking.

**C. The proposal does not comply with the floor space ratio development standard**

**Comment:** The proposal does not comply with the floor space ratio standard. Further, no clause 4.6 written request has been submitted to provide justification for the development standard contravention. This matter forms part of the recommendation for refusal.

**D. Streetscape and design issues**

**Comment:** The proposal has not adequately responded to the streetscape or the draft conservation area. It is agreed that the design and scale of the development is not appropriate in this location. The proposal has been considered by Council's Heritage Advisor who, due to the separation and two storey scale of the height is not considered to result in any adverse impacts upon the Draft HCA.

**E. Impacts of proposed building height, including in relation to solar access**

**Comment:** Although the proposal is compliant with the maximum building height development standard, achieving compliance is overly reliant on significant excavation of the site. Consequently, the building will present as unreasonably large, and will create other amenity impacts on neighbouring properties, including in relation to solar access. With a partial three-storey component, the proposal will however not comply with the two storey height control under RDCP2014. These matters form part of the reasons for refusal.

**F. Development is not compatible with the R2 zoning**

**Comment:** Whilst the development is permitted in the R2 zone, it is agreed that the development is not compatible with the R2 zoning of the land as it fails to satisfy the objectives of the zone.

**ITEM 1 (continued)****G. Privacy concerns, including:**

- **Southern windows looking into the living area of the residences and backyard of the dwelling to the south.**
- **Play area in the south-eastern corner some 3m above the backyard to the south with only a 1m glass balustrade as a separator.**
- **The rooftop outdoor play area will be subject to overlooking from 13 and 15 Miriam Road to the west.**

**Comment:** It is agreed that there will be some form of overlooking from the windows on the southern elevation of the proposal into the adjoining property living areas and private open space.

The outdoor play area accessed via Playroom 2 and orientated towards West Parade, would be elevated approximately 2.5 metres above existing ground level, given it is proposed above the basement component which projects forward from the ground floor above. The elevated nature of the outdoor play space, combined with the limited 1 metre height of the balustrade, would result in overlooking and subsequent loss of visual privacy to the adjoining private open space at 13A Miriam Road and is not supported.

It is agreed that the first floor outdoor play area would be subject to overlooking from the adjoining properties to the west at No.13 and No.15 Miriam Road.

**H. Acoustic Impacts**

**Comment:** As part of the assessment of the DA, the proposal was referred to Council's Environmental Health Officer for comment who noted deficiencies in the submitted acoustic report. Refer to comments later within the report.

**I. Flood risk due associated with the nearby creek and blocked drainage pits, creating an unsuitable location for almost 100 children.**

**Comment:** The proposed development was referred to Council's Senior Development Engineer for comment, who indicated that the site itself is not affected by flooding, despite the surrounding area begin affected. A Flood Impact Statement was not required, given Council's City Works (Traffic and Drainage) raised no objection to the proposed development.

**J. Trees and landscaping issues, including:**

- Impact to branches and roots on trees locate at 13 Miriam Road.
- Inadequate proposed tree plantings.
- Inappropriate tree selection of plantings, with a lack of native plantings
- Request for Council to provide additional protection for rare or endangered tree species root systems and harsher penalties for any harm caused to those species.

**ITEM 1 (continued)**

- Impact to trees located on the subject site.
- Plantings along southern boundary of subject site will not receive sufficient sunlight.
- Poor landscaping overall

Note: One submission had provided an independent arborist report to consider the impacts to trees located on 98 West Parade.

**Comment:** Council's Consultant Landscape Architect/Arborist has reviewed the comments above and provided the following responses:

- The trees located on the neighbouring allotment at No.13 Miriam Road are considered to be sufficiently distanced so as to be unaffected by the proposed building works. As such, this objection is not supported.
- The proposed tree plantings are not considered to be of sufficient mature dimensions to offer a high level of amenity or screening to the proposed built form or offer any natural shade to the outdoor play space. As such, concerns in relation to inadequate tree plantings are supported.
- Concerns in relation to inadequate tree selection are supported as detailed above, however the proposed native species use across the site is considered satisfactory.
- Objections in relation to the level of impact to other adjoining neighbouring trees is concurred and supported given the inadequate Arboricultural Implication Assessment & Tree Protection Specification submitted with the application.
- Objections in relation to proposed setbacks being in opposition to the Arboricultural
- Implication Assessment & Tree Protection Specification are concurred with and supported.

**K. Site is located in a non-preferred location, pursuant to Part 3.2 of RDCP 2014, including in relation to slope, use of adjoining and nearby land, amongst other reasons given.**

**Comment:** This provision relates to multi dwelling development. The proposal is for a child care centre. Concern is held none the less regarding the necessity for a sensitive design response given the location, and the inadequacies of the design are exacerbated by its particular location.

**L. Site may be affected by a covenant relation to tree planting within the corner of the property.**

**Comment:** The application is recommended for refusal, and if refused, the presence of the covenant would be largely immaterial. Irrespective, a covenant would not necessarily present as a barrier to approval given the provisions of clause 1.9A of

**ITEM 1 (continued)**

RLEP 2014 which gives the consent authority permission to suspend covenants for the purpose of enabling development on land.

**M.** Poor centre amenity, including in relation to unencumbered space, administrative space, lack of ventilation and solar access, inadequate size of cot rooms, inadequate pedestrian access, and requirement for all windows towards the rail line to be closed.

**Comment:** It is agreed that the centre will provide unacceptable amenity, particularly in relation to solar access and unencumbered outdoor space. This has formed part of the reasons for refusal.

**N. Errors or shortcomings with application documentation, including**

- Microclimate Report appears to be written for another location at 176 Quarry Road.
- The number of parking spaces nominated within the acoustic report does not match that shown on the architectural plans.
- Acoustic Report refers to Dahlia Street
- Inadequate noise modelling
- Fencing will not adequately account for 13 and 15 Miriam Road being raised above the proposed outdoor play area.
- Excavation up to 6m at the rear of the property as referenced within the geotechnical report is inappropriate.
- The geotechnical report does not mention the boundary shared with 13 Miriam Road.
- Inadequate space within cot rooms.
- Lack of operational details.

**Comment:** It is agreed that there are a number of errors contained within the information submitted with the application. In addition to those issues outlined above, the following additional errors were noted in the DA assessment:

- The submitted arborist report requires that a northern setback of 3 metres be provided to prevent impacts on trees on an adjoining site (98 West Parade); a minimum 900mm setback is proposed on the northern elevation, contrary to those recommendations.
- Noting that the site would need to be mechanically ventilated, there is no detail of any plant or equipment rooms, and the location(s) of plant equipment has not been specified; the service room in the basement is likely of an insufficient size to accommodate such equipment.
- The submitted wind impact assessment is for a site at 176 Quarry Road, Ryde.
- The submitted stormwater plans indicate that they are for stormwater management design only, and do not address any overland flow requirements.

The lack of suitable supporting information is included within the reasons for refusal.



**ITEM 1 (continued)****O. Inadequate side setbacks.**

**Comment:** Although the proposed side setbacks are compliant, there are a number of concerns with the proposed building envelope, including in relation to rear setbacks.

**P. Location of elevated outdoor play area within front of proposed building.**

**Comment:** The location of this play area creates a number of issues in relation to design, privacy impacts, as well as related impacts concerning the issues with the submitted acoustic report and privacy.

**Q. Inadequate provision of waste facilities**

**Comment:** The proposal provides sufficient waste area within the basement.

**R. Impact on draft heritage conservation area**

**Comment:** The subject site is not identified as an item of heritage significance or within a Heritage Conservation Area. The site is located within the vicinity of the draft Darvall Estate Heritage Conservation Area. The proposal has been considered by Council's Heritage Advisor, who has indicated given the site is separated from the draft HCA by multiple intervening developments, whereby there is a sense of disconnect and the subject site does not directly contribute to the draft HCA either visually or physically. The removal of vegetation and the scale and two-storey height of the proposed childcare centre, will not result in any loss of the landscaped setting or sensory appeal when viewed from within the HCA.

**S. Limited lighting details.**

**Comment:** Information on lighting is not required within a DA, and would be subject to compliance with relevant Australian Standards.

**T. Capacity of the centre.**

**Comment:** It is agreed that many of the recommended reasons for refusal may be able to be mitigated partly through a reduction in the number of children to be accommodated at the centre.

**U. Issues with proposed stormwater system and disabled parking, including in the requirement for additional setbacks to comply with the 8m separation distance from drainage easements identified within Part 8.4 of RDCP 2014.**

**Comment:** Council's Development Engineer has considered the proposed stormwater system and the proposed car park design, and has raised no objections. The 8m separation distance applies above a drainage easement, and this appears to have been misinterpreted.

**ITEM 1 (continued)****10. Referrals****INTERNAL REFERRALS****Traffic**

Council engaged Bitzios Consulting Engineers to undertake an independent peer review of the submitted Traffic and Parking Assessment prepared by McLaren Traffic Engineering (MTE) dated 28 June 2019. Bitzios identified the following:

**Parking**

- The submitted staff numbers are not inclusive of managerial staff, administrative staff, support staff and cleaners. The development has proposed 8 staff parking spaces based on 16 staff. These 8 staff spaces would be adequate to sufficiently cover all staff parking requirements.
- The development has proposed 10 car parking spaces for parents/carers. This parking rate is consistent with the car parking rates identified by TEF Consulting who completed a traffic and parking survey of child care centres on behalf of the RMS. This study identified that the larger centres required less parking demand per child. The parking allocations to staff and visitors are deemed appropriate.

**Design Issues**

- Inconsistent information regarding total number of parking spaces shown on the plans.
- Sightlines to West Parade at the access driveway had not been assessed.
- A longitudinal section of the ramp had not been provided and a gradient transition assessment in accordance with AS2890.

**Traffic estimates**

- The report had not specified the bus route frequencies during peak times.
- The report had relied upon superseded RTA Guide to Traffic Generating Developments 2002 which would only be applicable to childcare centres with 22-66 places.
- The applicant was advised that Council had relied upon the latest Childcare Centre Analysis Report (prepared by TEF in 2015 and published by RMS) which would result in 13-16% higher trip generation rates.
- The trip distribution pattern had ignored the Victoria Road/West Parade intersection.
- SIDRA models had not been provided for further assessment and had not been calibrated to actual back of queue lengths.

**ITEM 1 (continued)**

Having regard to the above, the proposed development is not supported as the above issues remain outstanding, and therefore form part of the recommended reasons for the refusal of the DA.

**City Works (Drainage)**

The proposal was referred to Council's City Works and Infrastructure (Drainage) Team for comment. No objection to the proposed methods of stormwater drainage was raised, subject to conditions.

**Development Engineer**

The proposal was referred to Council's Senior Development Engineer for comment. No objection to the proposal was raised, subject to conditions.

**Environmental Health Officer**

The proposal was referred to Council's Environmental Health Officer for comment. The following comments were provided:

***Air Quality:***

*An Ambient Air Quality Assessment Report has been submitted by Hazza Investment Pty Ltd, dated 26 August 2019 (Report No. E1952-1) as a part of the application.*

*Potential air quality impacts for the proposed childcare and traffic for West Parade are unlikely to occur, due to distance separation and expected traffic volumes from motor vehicle emissions.*

*Odour impacts for the proposed project are anticipated to achieve compliance, with closer residential sensitive receivers located in closer proximity to the sewer harvesting / recycling of wastewater from North Ryde Golf Course – located 2.5 km away.*

*Assessment of air quality parameters are compliant to the relevant sampling methodology for National Environment Protection (Ambient Air Quality) Measure and are compliant for the National Environment Protection (Ambient Air Quality) Measure 2019 (NEPM) pollutant criteria for major pollutants for PM10, Sulfur Dioxide, Nitrogen Dioxide and Carbon Monoxide.*

*The initial Air Quality Assessment for the proposed childcare indicate the site to be suitable for air quality, but recommend longer-term air quality monitoring to account for seasonal changes and variation in air pollutants, which Council support.*

**ITEM 1 (continued)**

**Noise and Rail Corridor:**

*An Acoustic Impact Assessment Report has been submitted by Rodney Stevens Acoustics Pty Ltd dated 9 May 2019 (Report No.190154R1) as a part of the application.*

*A rail corridor is present approximately 30-60 meter to the north /north-east of the site. Consideration for new childcare design considerations should ensure sufficient separation from ‘busy’ roads and rail corridors to avoid adverse noise and air quality impacts.*

*Road and rail traffic noise impacts have been modeled from the centre line of the road to approximately the middle of the outdoor play space on ground level to be compliant. Consideration for modeling should include impacts of the rail corridor into indoor rooms, for predicted noise for sleep disturbance of sleep areas.*

*The submissions from the public have been reviewed, in particular from neighboring properties for noise from the elevated outdoor play area, privacy, access to natural light for neighboring properties and increased traffic flow.*

*The following noise criterion - LAeq, 1hour for indoor play or sleep disturbance shall not exceed 40dB (A) for external noise impacts on children - AAAC Guideline for Child Care Centre Acoustic Assessment 2013.*

*The above noise criterion cannot be met unless all windows on the north, east and south facades remain closed. See below table.*

Table 5-2 Traffic Noise To Indoor Areas

Area	Predicted LAeq Road Traffic Noise Level – dB(A)		Noise Criterion LAeq – dB(A)	Compliance (Open / Closed)
	Windows Open	Windows Closed		
0-2 Years	40	30	40	Open
2-3 Years	46	36	40	Closed (road facing windows)
3-5 Years	46	36	40	Closed (road facing windows)
Cot	45	35	35	Closed

**Figure 14** Predicted Road Traffic Noise

**Source:** Acoustic Impact Assessment Report has been submitted by Rodney Stevens Acoustics Pty Ltd

**ITEM 1 (continued)**

*The City of Ryde Council DCP 2014 Criteria and Australian Standards AS/NZS2107 for sleeping areas also indicate sleep areas of 30dBa and internal activity areas of 40dBa. In all rooms except the 0-2 years' room, the 30dBa for sleep disturbance is exceeded.*

*Predicted noise generated from children during outdoor play at the closest residential receivers has been calculated to exceed the noise criterion when all children are outdoors playing at the same time.*

*Noise generated from the nearest sensitive receivers was predicted to be 44dB (A) with attenuation recommendations that include:*

- Only 50% of the children can engage in outdoor play at a time*
- No music is to be played in the outdoor areas*
- Children must be supervised at all times.*

*It is noted that only two sensitive receivers were identified in the noise sampling, when the proposed site shares a boundary with 4 residential properties and has two adjoining properties likely to be impacted by noise associated with the childcare.*

**CONCLUSION**

The proposal does not satisfy the requirements of Council's controls and cannot currently be supported without an updated acoustic report and additional noise mitigations measures. The proposal is not supported for the following reasons:

- Identified sensitive receivers for noise sampling included 2 receivers, with the proposed site sharing a boundary with 4 residential receivers*
- Predicted Noise emissions from outdoor play activities to the nearest residential receivers are in exceedance of the noise criterion when up to 96 children are playing outside at one time.*
- The exceedance is not specifically stated in the report. This creates a situation where children will be playing outdoors for a significant amount of the day. There is a potentially unacceptable impact on neighbouring residents if the number of children at play is not strictly monitored*
- More information is required as no predicted noise level was provided for 48 children at play, with only an example from a similar facility with 30 children provided.*
- Modelling of rail impacts on childcare provided for outdoor play space and not for internal rooms for potential noise disturbance on sleep areas.*

**ITEM 1 (continued)**

Planner's comments: The applicant was advised that the proposal would not satisfy the requirements of Council's controls and could not be supported. As such, the issues outlined above form part of the recommended reasons for the refusal of the DA.

**Landscape Architect/Arborist**

The proposal was referred to Council's Consultant Landscape Architect/Arborist for comment. A number of issues were raised, and these are summarised as follows:

- Tree Impacts – The proposed built form and associated ancillary works are not supported given the impacts anticipated to adjoining neighbouring trees to the north at No.98 West Parade and south at No.94 West Parade.
- Plan Inconsistencies - The Landscape Plans and Arboricultural Implication Assessment & Tree Protection Specification are inconsistent with the trees nominated for retention on site.
- Inappropriate Plant Species - A review of the plant schedule within the landscape documentation provided has revealed that a number of proposed species produce small fruits that may present as a choking hazard to small children.
- Insufficient Tree Planting – The landscape plan does not provide appropriate tree species selection to provide a high level of amenity to the development.
- Transition Areas – The utilisation of stairs as a mode of transition between the ground and first floor outdoor play areas is not considered suitable or convenient for small children or those with physical disabilities.
- Insufficient Unencumbered Outdoor Space – The proposal would include an insufficient amount of unencumbered outdoor space.
- Play Space Design – The outdoor play spaces associated with the development features excessive area of both turf and synthetic turf and an insufficient area of natural planting and hard surfaces.
- Insufficient Shade – the proposed first floor is highly exposed to the elements providing no fixed shade nor any canopy trees to offer natural shade.
- Maintenance Access - The proposal does not provide any opportunity for access to the outdoor play spaces other than through the building itself, precluding any appropriate access for maintenance of the outdoor areas.
- Acoustic Fence – The proposed landscape design has failed to consider the requirements of the acoustic fence to the perimeter of the outdoor play space.

**Heritage**

The application was considered by Council's Heritage Advisor who provided the following comments:

***Reason for the Heritage Referral:***

**ITEM 1 (continued)**

*The development proposal has been referred for heritage consideration as the subject site is within the vicinity of the draft Darvall Estate Heritage Conservation Area.*

**Statement of Cultural Significance:**

*'The Darvall Estate Heritage Conservation Area is culturally significant at a local level as a highly intact example of an early twentieth century subdivision in the Ryde area. It is historically significant for its association with the Darvall family, particularly Anthony Darvall, an alderman of Ryde who was responsible for the first subdivisions of the family estate, and for its demonstration of early town planning principles. It has aesthetic value for its high proportion of original building stock, with many high-quality homes built to a strict building covenant and representing a range of architectural styles from the late Federation and early interwar period. The area as a whole is representative of the boom in suburban development in the Denistone/Eastwood area in the early twentieth century as early land grants began to be subdivided and train stations were opened along the rail line.*

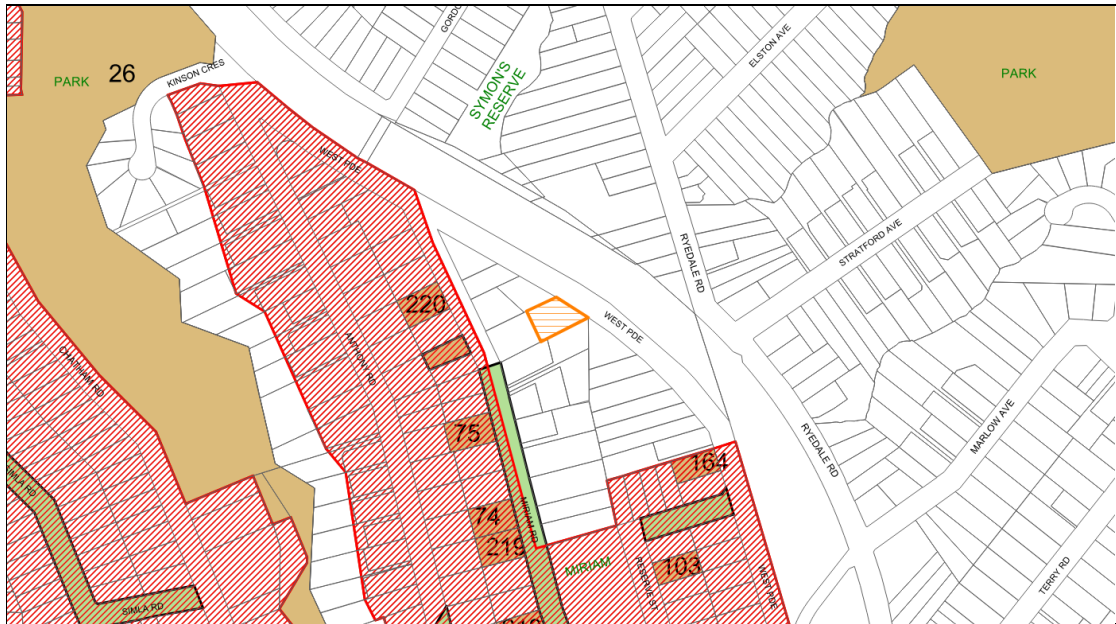
**Consideration of the heritage impacts:**

*Situated on the site is a single storey detached dwelling house which displays characteristics attributed to the early Post-War period. It retains its original silhouette and form with many key features extant, making it a good example of the architectural style. The dwelling is complemented by established landscaped gardens. However, it is not presently identified as an item of heritage significance and is unlikely to satisfy the Heritage Council of NSW significance assessment criteria in demonstrating heritage significance. Demolition of the dwelling is supported.*

*While the subject site is not identified as an item of heritage significance or within a Heritage Conservation Area, it is situated within the vicinity of the draft Darvall Estate Heritage Conservation Area. However, the site is separated from the draft HCA by multiple intervening developments, whereby there is a sense of disconnect and the subject site does not directly contribute to the draft HCA either visually or physically.*

*Given the topography of the site, being on the lower side of the HCA, the removal of vegetation and the scale and two-storey height of the proposed childcare centre, will not result in any loss of the landscaped setting or sensory appeal when viewed from within the HCA.*

## ITEM 1 (continued)



**Figure 14:** The subject site is shown by orange hatching at the centre of the frame, showing its relationship to the draft HCA and existing heritage items within the vicinity.

### **Recommendation**

*The proposed development is supported on heritage grounds and there are no conditions recommended.*

## 11. Conclusion

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

It is therefore recommended that the application be refused. The reasons for this decision are as follows:

- The proposal fails to achieve compliance with the floor space ratio development standard prescribed for the subject site, and no clause 4.6 written request has been provided.
- The proposal presents a range of non-compliances in relation to the CCPG and RDCP 2014 which result in an unacceptable built form and impacts to the streetscape and adjoining properties.
- A number of well-founded objections have been received following notification of the DA.



**ITEM 1 (continued)****12. Recommendation**

Pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*, that the Ryde Local Planning Panel refuse LDA2019/0445 for construction of a two storey child care centre for 96 children and 16 staff with basement parking for 18 vehicles, with proposed hours of operation 7:00am to 6:00pm Monday to Friday, for the following reasons:

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 *Ryde Local Environmental Plan 2014* in that:
  - a) The proposal is contrary to the objectives of the R2 Low Density Residential Zone.
  - b) The proposed development does not comply with Clause 4.4 of *Ryde Local Environmental Plan 2014*. The proposal seeks an FSR of 0.895:1 which contravenes the 0.5:1 maximum FSR prescribed for the subject site. No clause 4.6 written request to vary the development standard has been submitted by the applicant, and as such, development consent must not be granted to the DA.
  
2. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development does not satisfy *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* in that the proposal is contrary to a range of provisions contained within the *Child Care Planning Guideline*, including:
  - a) The proposal would not provide sufficient outdoor space. A large portion of ground floor 'outdoor' space consisted of areas that would be more than two-thirds enclosed by walls greater than 1.4 metres in height (Outdoor Space Requirements, regulation 108, Part 4.9 of CCPG).
  - b) The bulk and scale of the development is excessive (Design Quality Principle 2 – Built form of CCPG).
  - c) The materials and finishes are inconsistent with the desired future character and present poorly to adjoining sites (Building orientation, envelope, building design and accessibility, Part 3.3 of CCPG).
  - d) The proposal does not enable optimal solar access to external play areas (Building orientation, envelope, building design and accessibility, Part 3.3 of CCPG) and (Shade, Regulation 114, Part 4.11 of CCPG).
  - e) The proposal results in excessive overshadowing of the north-west facing windows and solar panels at No.13A Miriam Road (Building orientation, envelope, building design and accessibility, Part 3.3 of CCPG).
  - f) The proposal includes excavation up to 6m in depth which is considered excessive (Building orientation, envelope, building design and accessibility, Part 3.3 of CCPG).

**ITEM 1 (continued)**

- g) Compliance with the building height development standard is reliant upon significant excavation, the height, bulk and scale of the is inconsistent with the two storey appearance on surrounding sites (Building orientation, envelope, building design and accessibility, Part 3.3 of CCPG) and (Design Quality Principle 2 -Built Form of CCPG).
- h) The proposed setbacks and window placements would not facilitate sufficient visual privacy to surrounding sites (Building orientation, envelope, building design and accessibility, Part 3.3 of CCPG).
- i) The side setbacks are inconsistent with those on surrounding sites (Building orientation, envelope, building design and accessibility, Part 3.3 of CCPG).
- j) Entry from the carpark is limited to a single lift with no other safe path of travel (Traffic, parking and pedestrian circulation, Part 3.8 of CCPG).
- k) The ground floor play area at the front of the building does not provide sufficient acoustic shielding or visual privacy (Visual and acoustic privacy, Part 3.5 of CCPG). Further this area is not be effectively shielded from air pollution from road/railway traffic (Noise and Air Pollution, Part 3.6 of CCPG)
- l) Concern is held regarding the insufficient height of the balustrades to prevent children climbing over (Fencing, regulation 104, Part 4.12 of CCPG)
- m) There is no separation proposed between the pedestrian access way from the front of the carpark and the main driveway (Traffic, parking and pedestrian circulation, Part 3.8 of CCPG).
- n) The proposal provides for insufficient staff amenities. The office design does not allow for private consultation with parents (Administrative space, regulation 111, Part 4.5 of CCPG).
- o) The design of the external play areas does not provide a range of environments for children (Natural Environment, regulation 113 of ECSNR, regulation 113 Part 4.10 of CCPG)
- p) Shade sails have not been provided to shelter children from the sun on the first floor outdoor play area (Shade, Regulation 114, Part 4.11 of CCPG).
- q) Pedestrian crossings had not been proposed within the carpark (Traffic, parking and pedestrian circulation, Part 3.8 of CCPG).
- r) The pathways within the basement are of an insufficient width to allow prams to pass each other (Traffic, parking and pedestrian circulation, Part 3.8 of CCPG).
- s) A delivery space had not been allocated within the basement (Traffic, parking and pedestrian circulation, Part 3.8 of CCPG).
- t) The proposed development would have an adverse effect on trees located on adjoining sites (Building orientation, envelope and design, Part 3.3 of CCPG)

**ITEM 1 (continued)**

CCPG).

- u) It is unclear how some landscaped areas would be accessed due to the proposed acoustic barriers (Building orientation, envelope and design, Part 3.3 of CCPG).
  - v) The proposal fails to minimise safety risks to children (Design Quality Principle 7 - Safety of CCPG).
  - w) Limited information had been provided regarding building evacuation (Emergency and Evacuation Procedures, Regulation 97 & 168, Part 4.8 of CCPG).
3. Pursuant to Section 4.15(1)(a)(i) and (ii) of the *Environmental Planning and Assessment Act 1979*, insufficient information has been provided to demonstrate that nearby trees are able to be protected pursuant to *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, *State Environmental Planning Policy No. 19 – Bushland in Urban Areas* and Draft Environment SEPP given the unknown impacts to urban bushland. The proposal has not been supported by sufficient information to demonstrate the impacts upon vegetation.
4. Pursuant to Section 4.15(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development is inconsistent with Part 3.3 Dwelling Houses and Dual Occupancy and Part 3.2 Child care centres of the *Ryde Development Control Plan 2014*, specifically:
- a) The proposal is non-compliant with setbacks and exceeds the FSR development standard.
  - b) The topography of the site does not facilitate useable outdoor areas, noting that significant portions of such space would be located below ground level and covered. The maximum average fall across the site would be 6.01m (over a distance of 51.5m).
  - c) The development significantly overshadows adjoining sites. The design does not permit direct solar access to large proportions of the outdoor space.
  - d) The development is unlikely to facilitate appropriate cross-ventilation, noting the significant enclosure of the ground floor (created by the overhanging first floor outdoor area and the sealing of windows at the front of the site to mitigate acoustic impacts from the railway line).
  - e) The site is not a preferred location for larger centre in a residential area. The site is not a corner allotment, does not share boundaries with non-residential uses, and its scale and likely traffic generation is not consistent with surrounding sites.
  - f) The total number of educators provided is 16 and based on the number of

**ITEM 1 (continued)**

- children only. The staff provided does not include managerial staff, cooking staff has not been included with the submitted documentation.
- g) The proposed design does not reflect the desired/expected character of buildings in the area. The proposed flat roof design is inconsistent with the surrounding prominence of hipped roofed along West Parade. The design of the building reflects a commercial building and is not reflective of the desired character.
  - h) The proposal has not demonstrated satisfactory acoustic amenity for the centre or neighbouring properties.
  - i) The proposal has not demonstrated satisfactory visual amenity is achieved for the centre or neighbouring properties. There is potential for overlooking of the front play area (in front of Playroom 2 on the ground floor) as there is no ability for this area to be screened. The location of the outdoor play space orientated towards West Parade, accessed via Playroom 2 on the ground floor is considered to result in overlooking and subsequent loss of visual privacy to the private open space area of the adjoining battle-axe allotment at 13A Miriam Road.
  - j) The proposed development incorporates a part-basement garage. The basement carpark would require significant excavation and is located below existing ground level. The basement is set 3.4 metres forward of the front elevation. The design of the carpark entrance exposes a significant portion of the lower ground floor/carpark level to the public domain, creating a dominant streetscape element and presentation of a part three storey building.
  - k) A continuous path of travel has not been provided from the front of the site and from within the semi-basement car park.
  - l) The landscape design does not achieve the desired outcome. The proposal does not include the 30% natural planting area (4.1%), limited turf areas has been provided and the proposal includes 95.89% of the total outdoor play space as hard surfaces exceeding the 40% maximum.
5. There are numerous deficiencies and inconsistencies contained within the information submitted with the development application which inhibit the proper assessment of the proposal, including:
- a) The submitted arborist report appears to be incomplete. The design has not provided tree protection zones to trees on neighbouring properties as recommended by the arborist report.
  - b) The Acoustic Impact Assessment Report has been submitted by Rodney Stevens Acoustics Pty Ltd dated 9 May 2019 (Report No.190154R1) does not provide sufficient noise sampling. The noise emissions from outdoor

**ITEM 1 (continued)**

- play activities exceed the noise criterion and the plan of management does not address how this is to be mitigated and confirmed in the acoustic assessment. The exceedance is not specifically stated in the report. More information is required as no predicted noise level was provided for 48 children at play, with only an example from a similar facility with 30 children provided. Modelling of rail impacts on childcare provided for outdoor play space and not for internal rooms for potential noise disturbance on sleep areas.
- c) Limited information on mechanical plant or equipment rooms has been provided.
  - d) The Wind Impact Assessment relates to a different development at 176 Quarry Road.
  - e) The identified staff numbers are relative to the proposed children only. The number does not include managerial, administrative or necessary fill in staff. This will have implications for the provided car parking.
  - f) An Emergency Evacuation procedures and an emergency evacuation floor plan have not been submitted.
  - g) The plan of management has not included recommendations by supporting expert reports.
6. The site is unsuitable for the proposed development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* for the following reasons:
- a) The overall design fails to achieve compliance with the descriptive Design Quality Principles of the *Child Care Planning Guideline*. The proposal is contrary to the requirements of Part 3.2 and 3.3 of Ryde DCP resulting in an unsuitable development for the site.
  - b) The large first floor balcony structure, proposed for the purpose of outdoor play areas, and wrapping around the majority of the proposed building, will be highly visible from the street and the majority of adjoining properties. These balconies are not compatible with the streetscape presentation or with the character of the locality. These areas are likely to exacerbate overshadowing and privacy impacts to neighbouring properties. The balcony has a limited setback, is long and continuous, and has limited landscape screening and articulation.
  - c) The proposed development is largely unresponsive to the neighbourhood character. Nearby properties feature predominately brick and tile construction, with pitched roofs, amongst dense vegetation. The proposal is largely of a commercial character, with flat roofs, excessive entry features, a high proportion of street-facing glazing, and a prominent car park. The proposal provides a poor balance between the built form and landscaping.
  - d) The proposal responds poorly to the relatively steep topography of the

**ITEM 1 (continued)**

land. The proposal includes a prominent semi-basement parking area and associated three storey building components towards the east and south, as well as sunken ground floor outdoor play space and extensive basement excavation towards the west and north. There are no variations to the floor levels at each level of the building, and the basement does not relate well to the rest of the building.

- e) The proposal provides of an uneven balance between indoor and outdoor play spaces on each floor with a surplus of outdoor space provided on the first floor. This will likely require children to be moved from ground floor indoor spaces to first floor outdoor spaces and does not achieve the desired adaptive learning spaces.

- 7. Having regard to the reasons noted above, pursuant to the provisions of Section 4.15(1)(d) and Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, approval of the development application is not in the public interest.

**ATTACHMENTS**

- 1 SEPP and Child Care Planning Guidelines
- 2 LEP & DCP Compliance Checks
- 3 Sydney Trains Comments
- 4 Architectural Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

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**ATTACHMENT 1**

**State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

Relevant clauses	Compliance with standard/provision	Compliance
<b>Part 3 Early education and care facilities – specific development controls</b>		
22 Centre-based child care—concurrency of Regulatory Authority required for certain development	N/A	N/A
23 Centre-based child care—matters for consideration by consent authorities	Noted, refer to assessment below.	-
24. Centre-based child care facility in Zone IN1 or IN2 – additional matters for consideration by consent authorities.	The subject site is located within an R2 Low Density Residential Zone.	N/A
25. Centre-based child care—non-discretionary development standards	Assessment of the clause is as follows: (a) Noted (b) (i.) 312.57m <sup>2</sup> of indoor space provided, complying with regulation 107 (ii.) The proposal includes an area which is not genuine outdoor play space and therefore does not comply with regulation 108 (c) Noted (d) Noted. Heritage provisions do not apply.	No
26. Centre-based child care—development control plans	Noted.	-

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**ATTACHMENT 1**

**Child Care Planning Guideline August 2017**

Guideline	Compliance with standard/provision
<b>Part 2 Design Quality Principles</b>	
<p><b>Principle 1. Context</b>            Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood. Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.</p>	<p>The proposed development is not considered to complement the character of the surrounding area, and provides little consideration for the site context.</p>
<p><b>Principle 2. Built Form</b>            Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area. 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. Good design also uses a variety of materials, colours and textures. 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. 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>There are a number of concerns with the proposed built form:</p> <ul style="list-style-type: none"> <li>• The large first floor balconies are not compatible with the streetscape presentation or with the character of the locality. These areas are likely to exacerbate overshadowing and privacy impacts to neighbouring properties. The balcony has a limited setback, is long and continuous, and has limited landscape screening and articulation.</li> <li>• The proposed development is largely unresponsive to the neighbourhood character. The proposal is largely of a commercial character, with flat roofs, excessive entry features, a high proportion of street-facing glazing, and a prominent car park.</li> <li>• The proposal responds poorly to the relatively steep topography of the land. This results in a prominent semi-basement parking, as well as sunken ground floor outdoor play space and extensive basement excavation.</li> </ul>
<p><b>Principle 3. Adaptive learning spaces</b></p>	<p>There are concerns that the proposal</p>



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**ATTACHMENT 1**

<b>Guideline</b>	<b>Compliance with standard/provision</b>
<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. 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>provides an uneven balance between indoor and outdoor play space on each floor, with a surplus of outdoor space provided on the first floor. This will likely require children to be moved from ground floor indoor spaces to first floor outdoor spaces.</p> <p>The ground floor outdoor space will not provide high quality learning spaces. The majority of this area is roofed and results in high walls around the space.</p> <p>The development does not satisfy this Principle.</p>
<p><b>Principle 4. Sustainability</b></p> <p>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.</p>	<p>The proposed centre based childcare facility is not considered to provide adequate solar access or shading.</p>
<p><b>Principle 5. Landscape</b></p> <p>Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p>	<p>The proposed centre-based childcare centre does not respond well to the existing streetscape of landscaping. Refer to Council's Landscape Architect referral response.</p>
<p><b>Principle 6. Amenity</b></p> <p>Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity</p>	<p>There are a number of concerns with centre amenity in relation to unencumbered space, administrative</p>

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<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p>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.</p>	<p>space, lack of ventilation and solar access, inadequate size of cot rooms, inadequate pedestrian access, and requirement for all windows towards the rail line to be closed. The design of the outdoor play spaces is not supported.</p>
<p><b>Principle 7 - Safety</b>            Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.</p> <p>Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</p>	<p>The proposed centre-based childcare facility will achieve a satisfactory level of safety through the active and passive surveillance of play areas and the adjoining public domain.</p>
<p><b>Part 3 Matters for Consideration</b></p>	
<p><b>3.1 Site Selection and Location</b></p>	
<p><b>C1. For proposed developments in or adjacent to a residential zone, consider:</b></p> <ul style="list-style-type: none"> <li>• The acoustic and privacy impacts of the proposed development on the residential properties</li>   <li>• The setbacks and siting of buildings within the residential context</li> </ul>	<p>An acoustic report has been submitted with the proposed development application by Rodney Stevens Acoustics, dated 9 May 2019. Several issues have been raised with the acoustic report as discussed in the health officer's referral.</p> <p>The proposed centre based child-care facility has a front setback of 6.114m to the outside edge of the basement which protrudes above existing ground level.</p> <p>The following minimum setbacks have been provided to the side and rear boundaries from the ground floor:</p> <ul style="list-style-type: none"> <li>• Northern side boundary – 1.5m</li> <li>• Southern side boundary – 1.5m</li> <li>• Western rear boundary – 4.3m.</li> </ul> <p>The following setbacks have been provided to the side and rear boundaries from the</p>

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>Traffic and parking impacts of the proposal on residential amenity.</li> <li>For proposed developments in commercial and industrial zones, consider:               <ul style="list-style-type: none"> <li>Potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions</li> <li>The potential impact of the facility on the viability of existing commercial or industrial uses.</li> </ul> </li> </ul>	<p>first floor:</p> <ul style="list-style-type: none"> <li>Northern side boundary – 1.5m</li> <li>Southern side boundary – 1.5m</li> <li>Western rear boundary – 4.3m</li> </ul> <p>The setbacks to the rear boundary are not adequate and do not comply with RDCP 2014 requirements.</p> <p>A traffic report has been submitted with the proposed development application by McLaren Traffic Engineering and Road Safety Consultants, dated 28 June 2019. A number of issues with this report were raised by Bitzios.</p> <p>The proposal is located within a residential zone.</p>
<p><b>C2</b></p> <p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> <li>The location and surrounding uses are compatible with the proposed development or use</li> <li>The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</li> <li>There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed</li> <li>The characteristics of the site are suitable for the scale and type of development proposed having regard to: - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development</li> </ul>	<p>The subject site is located opposite a railway line; is not a corner site; is an irregular shaped site with a long southern boundary and a rear yard oriented towards the southern corner; has a relatively steep slope; and adjoins four allotments, including a southern adjoining battleaxe allotment that contains a large rear yard, adjacent to the front of the subject site</p> <p>Whilst each of these individual constraints do not preclude the delivery of a childcare centre, when combined, they create particular challenges for larger centres..</p>

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<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p>will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</p> <ul style="list-style-type: none"> <li>• Where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use</li> <li>• There are suitable drop off and pick up areas, and off and on street parking</li> <li>• The type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</li> <li>• It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</li> </ul>	
<p><b>C3.</b> A child care facility should be located:</p> <ul style="list-style-type: none"> <li>• Near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> <li>• Near or within employment areas, town centres, business centres, shops</li> <li>• With access to public transport including rail, buses, ferries</li> <li>• In areas with pedestrian connectivity to the local community, businesses, shops, services and the like.</li> </ul>	<p>The proposed development is located within proximity to the following:</p> <ul style="list-style-type: none"> <li>• 200m from Miriam Park</li> <li>• 330m from Denistone Sports Club</li> <li>• 350m from Darvall Park</li> <li>• 520m from Ryde Eastwood Leagues Club.</li> <li>• Within a 1km radius of West Ryde Public School and St Therese's Catholic School.</li> </ul> <p>The subject site is located within 700m of West Ryde Town Centre precinct which contains numerous business and shops.</p> <p>The subject site is located within 210m and 790m walking distance from Denistone and West Ryde train stations respectively.</p> <p>The subject site is located within close proximity of a railway station.</p>
<p><b>C4</b> A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p>	<p>The proposed development is located within an established low-density residential area and as such, staff, visitors</p>

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>• Proximity to:               <ul style="list-style-type: none"> <li>– Heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>– LPG tanks or service stations</li> <li>– water cooling and water warming systems</li> <li>– odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses.</li> </ul> </li> </ul>	<p>and children will not be exposed to any heavy or hazardous industries, or service stations. If demolition works were undertaken in accordance with relevant standards, children should not be foreseeably exposed to hazardous materials. Although the subject site is located directly opposite a rail line, on a collector road and within 750m of a State arterial road (Victoria Road), air quality and acoustic impact assessments have been carried out to demonstrate site suitability, subject to the recommendations.</p>
<p><b>3.2 Local Character, streetscape and the public domain interface</b></p>	
<p><b>C5</b> The proposed development should:</p> <ul style="list-style-type: none"> <li>• Contribute to the local area by being designed in character with the locality and existing streetscape</li> <li>• Reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>• Recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>• Include design and architectural treatments that respond to and integrate with the existing streetscape</li> <li>• Use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>• Integrate car parking into the building and site landscaping design in residential areas.</li> </ul>	<p>Refer to assessment of Design Quality Principles.</p>
<p><b>C6</b> Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>• Fencing to ensure safety for children entering and leaving the facility</li> <li>• Windows facing from the facility towards</li> </ul>	<p>No issues identified with proposed fencing.</p> <p>Windows have been provided on the</p>

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<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p>the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</p> <ul style="list-style-type: none"> <li>Integrating existing and proposed landscaping with fencing.</li> </ul>	<p>eastern front elevation which provides passive surveillance of West Parade adding an element of safety to the proposed development.</p> <p>The proposed landscape design has failed to consider the requirements of the acoustic fence to the perimeter of the outdoor play space.</p>
<p><b>C7</b> On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>A single building is proposed. All entry points have been designed for legibility and access by visitors.</p>
<p><b>C8</b> Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> <li>Clearly defined street access, pedestrian paths and building entries</li> <li>Low fences and planting which delineate communal/ private open space from adjoining public open space</li> <li>Minimal use of blank walls and high fences.</li> </ul>	<p>Entry to the proposed development is considered to be clearly defined.</p> <p>Low planting has been included in the front setback. No front fence is proposed.</p> <p>Largely blank walls proposed on southern elevation.</p>
<p><b>C9</b> Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>No front fencing is proposed.</p>
<p><b>C10</b> High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary</p>	<p>The proposal includes a 1.8m Colourbond fence surrounding the perimeter of the rear outdoor play space. Directly adjacent to the northern side boundary, southern side boundary and western rear boundary of the rear outdoor play space is a 2.2m high solid barrier with 45-degree timber rafters</p>

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	<p>and clear polycarbonate awning as recommended by the acoustic report in order for the child care centre to operate in an acoustically compliant manner.</p> <p>A 1m planting bed is also proposed between the 1.8m fence the acoustic barrier.</p>
<p><b>3.3 Building orientation, envelope and design</b></p>	
<p><b>C11</b> Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: - 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</li>   <li>• Optimise solar access to internal and external play areas</li>   <li>• Avoid overshadowing of adjoining residential properties</li>           <li>• Minimise cut and fill</li> </ul>	<p>The placement of window openings does not prevent unreasonable levels of overlooking.</p> <p>Playroom 2 on the ground floor provides access to an outdoor play area orientated towards West Parade which is elevated directly above the basement bin storage area. A 1m high balustrade surrounds the outdoor play area. However, the elevated nature and orientation of this outdoor play space is considered to result in overlooking and subsequent loss of visual privacy to the private open space area of the adjoining property at 13A Miriam Road Denistone.</p> <p>A review of the submitted shadow diagrams indicates the proposed development creates unreasonable impacts on solar access to neighbouring properties.</p> <p>Notably 13A Miriam Road includes solar panels on its roof structure which will not receive solar access.</p> <p>The maximum cut within the building footprint is in excess of 5.5m within the north-western area of the basement garage. This has been calculated from the finished floor level of the basement garage: RL:32.50 and the existing ground level RL:38.00.</p> <p>Stairs within the front setback and an access path with a grade of 1:20 provide</p>

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>• Ensure buildings along the street frontage define the street by facing it</li> <li>• Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul>	<p>access to the raised entry court. At the top of the stairs outside the building floor plate, 1.25m of fill is proposed in order to facilitate access to the fenced entry court area and ground floor. This has been calculated between the finished floor level at the top of the stairs at RL:35.500 and the respective existing ground level beneath at RL:34.25.</p> <p>There is no fill proposed inside or outside the building footprint.</p> <p>Insufficient information pertaining to finished floor RLs outside the building footprint within the landscaped areas. The proposed centre defines West Parade.</p> <p>The first floor outdoor play space is highly exposed to sunlight.</p>
<p><b>C12</b></p> <p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> <li>• Building height should be consistent with other buildings in the locality</li> <li>• Building height should respond to the scale and character of the street</li> </ul>	<p>The maximum building height of the proposed development is 9m. This has been calculated at the roof ridge RL:43.50 and an existing ground level contour directly below at EGL RL:34.50. While such a height is within the LEP building height standard, it is not consistent with residential development on surrounding sites.</p> <p>The proposed development would be located on a sloped site; whilst compliant with the 9.5m building height standard, it is not consistent with the height, bulk and character of the surrounding streetscape. Compliance with the building height standard is overly reliant on significant excavation of the site; the height, bulk and scale of the resultant part-three storey building is not consistent with the one-two storey appearance of surrounding sites.</p>



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<b>Guideline</b>	<b>Compliance with standard/provision</b>
<ul style="list-style-type: none"> <li>• Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li>   <li>• Setbacks should provide adequate access for building maintenance</li>   <li>• Setbacks to the street should be consistent with the existing character.</li> </ul>	<p>The proposed centre-based childcare facility has a setback on its northern and southern side boundaries of 1.5m to both the ground floor and first floor. There are a number of privacy issues with this proposal.</p> <p>The proposal does not provide any opportunity for access to the outdoor play spaces other than through the building itself, precluding any appropriate access for maintenance of the outdoor areas.</p> <p>The proposed centre based child-care facility has a front setback of 6.114m to the outside edge of the basement which protrudes above existing ground level.</p>
<p><b>C13</b> Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</p> <p>On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>	<p>West Parade is not a classified road.</p> <p>The proposal's front setback is short of the average setback of the neighbouring properties. However, the subdivision pattern is convoluted in this location, with the site adjoining a battle axe allotment to the south.</p>
<p><b>C14</b> On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>The side setbacks of the proposed development are considered to be consistent with the broader streetscape.</p> <p>However, the rear setback of 4.3m is non-compliant with the minimum 8m or 25% of the length of the site as specified within Part 3.3 of the Ryde Development Control Plan 2014.</p>
<p><b>C15</b> The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> <li>• Respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</li> <li>• Retains and reinforces existing built form and vegetation where significant</li> <li>• Considers heritage within the local</li> </ul>	<p>Refer to discussion of Design Quality Principles.</p>

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Guideline	Compliance with standard/provision
<p>neighbourhood including identified heritage items and conservation areas</p> <ul style="list-style-type: none"> <li>• Responds to its natural environment including local landscape setting and climate</li> <li>• Contributes to the identity of place</li> </ul>	
<p><b>C16</b> Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>• Located to allow ease of access, particularly for pedestrians</li> <li>• Directly accessible from the street where possible</li> <li>• Directly visible from the street frontage</li> <li>• Easily monitored through natural or camera surveillance</li> <li>• Not accessed through an outdoor play area.</li> <li>• In a mixed-use development, clearly defined and separate from entrances to other uses in the building.</li> </ul>	<p>The entry point to the proposed development allows for ease of access with a 1 in 40 to 1 in 20 pathway/access ramp which leads up to the fenced entry court.</p> <p>The entry to the proposed development is directly accessible from the street via an entry path with stairs and separate pedestrian access ramp.</p> <p>The front entry of the proposed centre-based child care facility is clearly visible from West Parade.</p> <p>The design primarily presents to the public domain and provides multiple opportunities for overlooking of the public domain.</p> <p>The front entry provides access to the internal lobby area on the ground floor.</p> <p>The proposal is not for mixed-use development.</p>
<p><b>C17</b> Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• Providing accessibility to and within the building in accordance with all relevant legislation</li> <li>• Linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry</li> <li>• Providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should</li> </ul>	<p>The development is able to comply with relevant standards.</p> <p>The design of the proposed development would provide disabled access provided to upper levels via access ramps and a lift.</p> <p>A continuous path of travel is provided throughout the building via the central core.</p>

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<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p>be avoided where possible</p> <ul style="list-style-type: none"> <li>Minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul>	<p>The extent of ramping has been minimised.</p>
<p><b>3.4 Landscaping</b></p>	
<p><b>C18</b> Appropriate planting should be provided along the boundary integrated with fencing.  Screen planting should not be included in calculations of unencumbered outdoor space.</p>	<p>A 1m boundary screen planting buffer has been provided between the 1.8m Colourbond fence and the 2.2m high acoustic barrier.</p>
<p><b>C19</b> Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> <li>Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</li> <li>Taking into account streetscape, local character and context when siting car parking areas within the front setback</li> </ul>	<p>Not applicable as basement car parking is proposed.  No car parking would be located within the front setback.</p>
<p><b>3.5 Visual and acoustic privacy</b></p>	
<p><b>C20</b> Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	<p>The proposed development is not a mixed-use development.</p>
<p><b>C21</b> Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> <li>Appropriate site and building layout</li> <li>Suitably locating pathways, windows and doors</li> <li>Permanent screening and landscape design.</li> </ul>	<p>The elevation of indoor and outdoor play spaces would contribute to overlooking issues from higher neighbouring properties.  Pathways, windows and doors are not considered to be suitably located.  Landscape screening is not adequate.</p>
<p><b>C22</b> Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p>	

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>• Appropriate site and building layout</li> <li>• Suitable location of pathways, windows and doors</li> <li>• Landscape design and screening.</li> </ul>	<p>Likely to be overlooking issues to adjoining properties.</p> <p>Pathways and doors suitably located. The windows on the southern elevation of the ground floor would likely excessively overlook the private open space area of the adjoining site.</p> <p>Refer to comments above.</p>
<p><b>C23</b> A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> <li>• provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</li> </ul>	<p>All adjoining properties surrounding the subject site contain a residential use. The proposal includes a 1.8m Colourbond fence along the side and rear boundary along with a 1m boundary screen planting buffer zone and 2.2m high solid barrier as recommended by the acoustic report.</p>
<p><b>3.6 Noise and Air Pollution</b></p>	
<p><b>C25</b> Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> <li>• Creating physical separation between buildings and the noise source</li> <li>• Using landscaping to reduce the perception of noise</li> <li>• Limiting the number and size of openings facing noise sources</li> <li>• Locating cot rooms, sleeping areas and play areas away from external noise sources.</li> </ul>	<p>The proposed has not provided sufficient physical separation to adjoining property given its failure to achieve compliance with the rear setback control.</p> <p>Refer to earlier comments in relation to screening planting.</p> <p>Proposal is reliant on north-eastern windows remaining closed.</p> <p>Play areas and cot rooms would be located towards the rear of the proposed development.</p>
<p><b>C26</b> An acoustic report should identify appropriate noise levels for sleeping areas and other non-</p>	<p>The subject site is located within the R2 zone and is not located within an ANEF</p>

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<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p>play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> <li>• On industrial zoned land</li> <li>• Where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</li> <li>• Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>• On a major or busy road</li> <li>• Other land that is impacted by substantial external noise</li> </ul>	<p>contour.</p> <p>Refer to Environmental Health Assessment for discussion of issues with acoustic report.</p>
<p><b>C27</b></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>The site is within an R2 zone. The site is not located in close proximity to a major road or industrial zone.</p>
<p><b>C28</b></p> <p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> <li>• creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution</li> <li>• using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway</li> <li>• incorporating ventilation design into the design of the facility</li> </ul>	<p>An Ambient Air Quality assessment report has been submitted by Geotechnical Consultant's Australia, dated 26 August 2019 which concludes that the subject site is located approximately 750m from the intersection of Victoria Road and West Parade and therefore pollutant concentration are reduced beyond 90%. In addition, given the separation distance it is expected only negligible amounts of potential motor vehicle emissions could reach the subject site.</p>
<p><b>3.7 Hours of Operation</b></p>	
<p><b>C29</b></p> <p>Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to</p>	<p>As per the submitted Statement of Environmental Effects, the proposed hours of operation are 7:00am to 6:00pm Monday</p>

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Guideline	Compliance with standard/provision
<p>7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>	<p>to Friday.</p>
<p><b>C30</b>            Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	<p>The subject site is located within the R2 zone; there is no surrounding commercial development.</p>
<p><b>3.8 Traffic, parking and pedestrian circulation</b></p>	
<p><b>C31.</b> Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates: Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> <li>• 1 space per 10 children</li> <li>• 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</li> </ul> <p>In other areas:</p> <ul style="list-style-type: none"> <li>• 1 space per 4 children.</li> </ul> <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> <li>• the proposal is an adaptive re-use of a heritage item</li> <li>• the site is in a B8 Metropolitan Zone or other high-density business or residential zone</li> <li>• the site is in proximity to high frequency and well-connected public transport</li> <li>• the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks)</li> <li>• there is sufficient on street parking available at appropriate times within proximity of the site.</li> </ul>	<p>The submitted Statement of Environmental Effects indicates that the childcare facility will employ 16 staff members and 96 children.</p> <p>The car parking rate applicable to the development is contained in Council's DCP. The development has a shortfall of 2 car parking spaces for parents/carers.</p> <p>Council's Development Engineer has supported this aspect of the application, given the proposal is able to comply with the rates within the CCPG, for sites within 400m of a railway station. However, concerns remain in relation to the underestimated staffing numbers.</p>

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<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p><b>C32</b> In commercial or industrial zones and mixed-use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</p>	<p>Not applicable – R2 zoned site.</p>
<p><b>C33</b> A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> <li>• the amenity of the surrounding area will not be affected</li> <li>• there will be no impacts on the safe operation of the surrounding road network.</li> </ul>	<p>A traffic report has been submitted with the proposed development application by McLaren Traffic Engineering and Road Safety Consultants. A peer review conducted by Bitzios has identified a number of shortcomings in this report.</p>
<p><b>C34.</b> Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> <li>• a classified road</li> <li>• roads which carry freight traffic or transport dangerous goods or hazardous materials.</li> </ul> <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> <li>• the prevailing traffic conditions</li> <li>• pedestrian and vehicle safety including bicycle movements</li> <li>• the likely impact of the development on traffic.</li> </ul>	<p>The subject site fronts a collector road being West Parade. The subject site is located within 750m of a state arterial road being Victoria Road. The traffic report, prepared by McLaren Engineering and Road Safety Consultants, concludes that the proposal will have no detrimental impact to the performance of the intersections or on residential amenity surrounding the subject site as a result of the generated traffic.</p> <p>A peer review conducted by Bitzios has identified a number of shortcomings in this report.</p>
<p><b>C35.</b> Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p>The subject site is located within West Parade which provides adequate access to and from the site in the event of an emergency.</p>
<p><b>C36.</b> The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p>	

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>• separate pedestrian access from the car park to the facility</li>   <li>• defined pedestrian crossings included within large car parking areas</li>           <li>• separate pedestrian and vehicle entries from the street for parents, children and visitors</li>   <li>• pedestrian paths that enable two prams to pass each other</li>   <li>• delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li>   <li>• in commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas</li>   <li>• vehicles can enter and leave the site in a forward direction.</li> </ul>	<p>A separate pedestrian access path has been provided from the car park to the facility within the basement.</p> <p>Pedestrian pathways have not been marked on the submitted plans within the basement car park.</p> <p>However, the submitted Traffic and Parking Impact Assessment recommended the following:</p> <p><b><u>Pedestrian Crossing:</u></b> The design includes a pedestrian crossing which connects the lift to the spaces on the western edge of the basement. This crossing should be line marked as a zebra crossing to ensure that vehicles give way to pedestrians at all times.</p> <p>Separate pedestrian and vehicle entries have been provided from West Parade.</p> <p>Pedestrian pathways are not of a sufficient width to allow prams to pass each other.</p> <p>A delivery and loading area has not been clearly designated on the submitted plans.</p> <p>The proposed development is not located in a commercial or industrial zone, therefore this control is not applicable.</p> <p>Complies.</p>
<p><b>C37.</b> Mixed use developments should include:</p> <ul style="list-style-type: none"> <li>• driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks</li> <li>• drop off and pick up zones that are exclusively available for use during the</li> </ul>	<p>Not applicable, as the site development is not for a mixed use.</p>



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<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p>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</p> <ul style="list-style-type: none"> <li>• parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</li> </ul>	
<p><b>C38.</b> Car parking design should:</p> <ul style="list-style-type: none"> <li>• include a child safe fence to separate car parking areas from the building entrance and play areas</li> <li>• provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> <li>• include wheelchair and pram accessible parking.</li> </ul>	<p>Child safe fencing has not been provided to separate car parking areas from the building entrance.</p> <p>Clearly marked accessible parking has been provided within the basement.</p> <p>Disabled parking has been provided within the basement.</p>
<p><b>Part 4 Applying the National Regulations to development proposal</b></p>	
<p><b>4.1 Indoor Space Requirements</b></p> <p><b>Regulation 107 Education and Care Services National Regulations</b> Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.</p> <p>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>Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications</p>	<p>The proposed centre-based child care facility provides 312.57m<sup>2</sup> of unencumbered indoor space for 96 children. This equates to 3.25m<sup>2</sup> of unencumbered indoor space for each child which is compliant with the Education and Care Services National Regulation.</p> <p>All unencumbered indoor spaces within the proposed development are secure and allow for safe supervision.</p> <p>The submitted development application indicates that two (2) internal cot/sleeping rooms will be provided adjacent to the indoor play area on the first floor for</p>

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**ATTACHMENT 1**

<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p>should indicate how these needs will be accommodated.</p> <p><b>Storage</b> It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> <li>• a minimum of 0.3m<sup>3</sup> per child of external storage space</li> <li>• a minimum of 0.2m<sup>3</sup> per child of internal storage space.</li> </ul>	<p>children aged between 0-2 years.</p> <p>The proposed childcare centre provides 35.15m<sup>3</sup> of external storage area. With 96 children proposed, this equates to 0.37m<sup>3</sup> of external storage space per child.</p> <p>The proposed centre-based childcare centre provides 27.92m<sup>3</sup> of internal storage space. With 96 Children proposed, this equates to 0.29m<sup>3</sup> of internal storage space per child and is therefore compliant.</p>
<p><b>4.2 Laundry and hygiene facilities</b></p> <p><b>Regulation 106 Education and Care Services National Regulations</b> 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.</p> <p><b>On site laundry</b> On site laundry facilities should contain:</p> <ul style="list-style-type: none"> <li>• a washer or washers capable of dealing with the heavy requirements of the facility</li> <li>• a dryer</li> <li>• laundry sinks</li> <li>• adequate storage for soiled items prior to cleaning</li> <li>• an on site laundry cannot be calculated as usable unencumbered play space for children (refer to Figure 2)</li> </ul> <p><b>External laundry service</b> A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.</p>	<p>Laundry facilities have been included in the basement level and therefore the proposed development is compliant with Regulation 106 (Education and Care Services National Regulations).</p> <p>The proposed laundry is large enough to accommodate appliances and storage.</p> <p>Internal laundry facilities have been provided. Any laundry not capable of being undertaken onsite and is contracted to an external provided would be required to comply with relevant standards.</p>
<p><b>4.3 Toilet and hygiene facilities</b></p>	

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Guideline	Compliance with standard/provision
<p><b>Regulation 109 Education and Care Services National Regulations</b></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. Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p> <p>Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants (refer to Figure 3). Design considerations could include:</p> <ul style="list-style-type: none"> <li>• junior toilet pans, low level sinks and hand drying facilities for children</li> <li>• a sink and handwashing facilities in all bathrooms for adults</li> <li>• direct access from both activity rooms and outdoor play areas</li> <li>• windows into bathrooms and cubicles without doors to allow supervision by staff</li> <li>• external windows in locations that prevent observation from neighbouring properties or from side boundaries</li> </ul>	<p>The toilet and nappy change facilities have been appropriately located for safe and convenient use with washing and drying facilities. It is considered age appropriate toilets have been provided.</p> <p>Junior toilet pans, low level sinks and hand drying facilities have been included.</p> <p>Low level sinks and handwashing facilities have been included within the bathrooms.</p> <p>Sink and handwashing facilities provided in all bathrooms.</p> <p>Direct access from activity rooms provided. Toilet facilities are accessible via the indoor and outdoor play space.</p> <p>Windows have been provided to bathrooms and cubicles.</p> <p>Location of external windows, prevents observation from neighbouring dwellings into the centre-based child care facility.</p>
<p><b>4.4 Ventilation and natural light</b></p> <p>Regulation 110 Education and Care Services National Regulations Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p> <p><b>Ventilation</b></p> <p>To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the</p>	<p>Windows to all four sides of the development have been provided. However, the acoustic report requires</p>

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**ATTACHMENT 1**

<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p>configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.</p> <p><b>Natural Light</b>            Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:</p> <ul style="list-style-type: none"> <li>• providing windows facing different orientations</li> <li>• using skylights as appropriate</li> <li>• ceiling heights. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.</li> </ul>	<p>street fronting windows to remain closed.</p> <p>Windows have been provided to all four sides of the building.</p> <p>No skylights proposed.</p> <p>2.5m floor to ceiling height proposed within the basement.</p> <p>3.2m floor to ceiling heights proposed on the ground floor.</p> <p>2.7m floor to ceiling heights proposed on the first floor.</p> <p>The floor to ceiling heights that are proposed within the indoor play space on the ground floor and first floor are proportional to room size.</p>
<p><b>4.5 Administrative Space</b></p> <p><b>Regulation 111 Education and Care Services National Regulations</b>            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>An Internal administrative office has been provided on the first floor. This area is not adequately sized to facilitate private conversations, particularly given the absence of other staff lunch facilities, etc.</p>
<p><b>4.6 Nappy change facilities</b>  <b>Regulation 112 Education and Care Services National Regulations</b></p>	

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**ATTACHMENT 1**

<b>Guideline</b>	<b>Compliance with standard/provision</b>
<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. 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>In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> <li>• properly constructed nappy changing bench or benches</li> <li>• a bench type baby bath within one metre from the nappy change bench</li> <li>• the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area</li> <li>• positioning to enable supervision of the activity and play areas.</li> </ul>	<p>The proposed centre-based childcare facility provides nappy change facilities within the indoor play areas on the ground floor and first floor which will prevent unsupervised access by children.</p> <p>Nappy changing benches have been provided.</p> <p>Bench type baby baths have been included on the submitted plans.</p> <p>Sinks/washing facilities are provided within the nappy change areas.</p> <p>Positioned within the indoor play spaces to allow for supervision.</p>
<p><b>4.7 Premises designed to facilitate supervision</b></p> <p><b>Regulation 115 Education and Care Services National Regulations</b></p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity. Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p> <p>Design considerations should include:</p> <ul style="list-style-type: none"> <li>• solid walls in children’s toilet cubicles (but no doors) to provide dignity whilst enabling supervision</li> <li>• locating windows into bathrooms or</li> </ul>	<p>The proposed centre has been designed to allow for supervision of the children from within the indoor and outdoor play spaces. The toilets facilities are laid out in a manner that enables supervision where required.</p> <p>Solid walls have not been provided between cubicles.</p>

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<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p>nappy change areas away from view of visitors to the facility, the public or neighbouring properties</p> <ul style="list-style-type: none"> <li>avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children</li> <li>avoiding multi-level rooms which compromise, or require additional staffing, to ensure proper supervision. If multilevel spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities.</li> </ul> <p>4.8 Emergency and evacuation procedures Regulations 97 and 168 Education and Care Services National Regulations Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> <li>instructions for what must be done in the event of an emergency</li> <li>an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit</li> <li>a risk assessment to identify potential emergencies that are relevant to the service</li> </ul> <p>Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency. Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:</p> <ul style="list-style-type: none"> <li>independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations</li> <li>a safe haven or separate emergency</li> </ul>	<p>Open nappy change facilities would be located out of view of visitors and adjoining sites.</p> <p>The rooms generally contain designs that enable supervision of all areas from a single space.</p> <p>Multi-level rooms are not proposed.</p> <p>Basic instructions are provided on the concept evacuation floor plans.</p> <p>Emergency and evacuation floor plan has been submitted.</p> <p>Risk assessment has not been submitted.</p> <p>A Plan of Management (or similar) has not been provided. There is only one escape route provided through the front of the site, and there is no muster point provided. The evacuation plans propose for all persons to congregate on the public footpath within the West Parade road reserve. There is no detail about how eight staff would control 96 children within this area (i.e. stopping them from re-entering the site or wondering onto the adjoining road, noting that the full contingent of staff are unlikely to be at the front of the site until it is fully evacuated).</p>

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<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p>area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation. An emergency and evaluation plan should be submitted with a DA and should consider:</p> <ul style="list-style-type: none"> <li>• the mobility of children and how this is to be accommodated during an evacuation</li> <li>• the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings</li> <li>• how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.</li> </ul>	<p>Further, there is no detail about the evacuation of children with mobility issues.</p>
<p><b>4.9 Outdoor Space requirements</b></p> <p><b>Regulation 108 Education and Care Services National Regulations</b></p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space.</p> <p><b>Verandahs as outdoor space</b></p> <p>Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> <li>• be open on at least one third of its perimeter</li> <li>• have a clear height of 2.1 metres</li> <li>• have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter</li> <li>• have adequate flooring and roofing • be designed to provide adequate protection from the elements.</li> </ul>	<p>The nominated unencumbered outdoor space equates to 7m<sup>2</sup> of space per child. However, this includes the ground floor play space which is not appropriate for inclusion (refer below). The proposal does not comply with this requirement.</p> <p>Based on the notations on the plans, the application proposes to utilise a large excavated area at the rear of the ground floor as 'outdoor space'. It is submitted that such areas should be excluded from the external space calculations for the following reasons:</p> <ul style="list-style-type: none"> <li>• The area in question is not open for more than a third of the perimeter</li> <li>• The perimeters are surrounded by walls more than 1.4m high (noting the large wall at the rear of the play area, which at its lowest point is approximately 1.5m high).</li> </ul>

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<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p><b>Simulated outdoor environments should include:</b></p> <p>more access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of the sky and clouds and movement outside the facility</p> <ul style="list-style-type: none"> <li>• skylights to give a sense of the external climate</li> <li>• a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment</li> <li>• sand pits and water play areas</li> <li>• dense indoor planting and green vegetated walls</li> <li>• climbing frames, walking and/or bike tracks</li> <li>• vegetable gardens and gardening tubs.</li> </ul>	<ul style="list-style-type: none"> <li>• The majority of the area is roofed.</li> </ul> <p>No simulated outdoor environments nominated.</p>
<p><b>4.10 Natural Environment</b></p> <p><b>Regulation 113 Education and Care Services National Regulations</b></p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p> <p>Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space. Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:</p> <ul style="list-style-type: none"> <li>• are known to be poisonous, produce toxins or have toxic leaves or berries</li> <li>• have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches.</li> </ul> <p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> <li>• provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment</li> </ul>	<p>There are very limited opportunities for shrubs and trees to be located within the play spaces, as they are mostly situated behind the acoustic barrier. Aside from a strip at the rear of the site that connects the two levels, there would be no landscaped areas, with the remainder of the area to have artificial turf with underlaid rubber mats.</p> <p>A number of proposed species produce small fruits that may present as a choking hazard to small children.</p>



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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>assist supervision and minimise opportunities for bullying and antisocial behaviour</li> <li>enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction.</li> </ul>	
<p><b>4.11 Shade</b></p> <p><b>Regulation 114 Education and Care Services National Regulations</b></p> <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p> <p><b>Solar access</b></p> <p>Outdoor play areas should:</p> <ul style="list-style-type: none"> <li>have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered.</li> <li>provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area</li> </ul> <p><b>Natural Shade</b></p> <p>Planting for shade and solar access is enhanced by:</p> <ul style="list-style-type: none"> <li>placing appropriately scaled trees near the eastern and western elevations</li> <li>providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter.</li> </ul> <p><b>Built shade structures</b></p> <p>Built structures providing effective shade include:</p> <ul style="list-style-type: none"> <li>permanent structures (pergolas, sails and verandahs)</li> <li>demountable shade (marquees and tents)</li> </ul>	<p>Shade sails have not been provided within the outdoor play space on the first floor to protect children from the sun.</p> <p>A review of the submitted shadow diagrams has revealed that at-least 30% of the ground area of the rear outdoor play space year-round will not receive solar access and that greater than 60% of this space is covered.</p> <p>The first floor outdoor play areas had not provide any tree plantings or shade sails to protect children from the sun.</p> <p>Refer to issues identified within Landscape referral.</p> <p>No built shade structures such as pergolas or roofs are proposed.</p> <p>The outdoor play space on the ground floor does not constitute an outdoor area by virtue of the following:</p>

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**ATTACHMENT 1**

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>• adjustable systems (awnings)</li> <li>• shade sails.</li> </ul>	<ul style="list-style-type: none"> <li>• It is not open on at least 1/3 of its perimeter.</li> <li>• Has a surrounding wall height of greater than 1.4m.</li> </ul>
<p><b>4.12 Fencing</b>  <b>Regulation 104 Education and Care Services National Regulations</b>          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. 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. 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>In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> <li>• prevent children climbing over, under or through fences</li> <li>• prevent people outside the facility from gaining access by climbing over, under or through the fence</li> <li>• Design considerations for side and rear boundary fences could include:             <ul style="list-style-type: none"> <li>• being made from solid prefinished metal, timber or masonry</li> <li>• having a minimum height of 1.8 metres</li> <li>• having no rails or elements for climbing higher than 150mm from the ground.</li> </ul> </li> </ul> <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking</p>	<p>Boundary fence heights and materials are not clear.</p> <p>There is concern about other fences surrounding outdoor areas as follows:</p> <ul style="list-style-type: none"> <li>• The fence enclosing the front of the first floor area is 1.5 metres high.</li> <li>• It is unclear whether the area at the southern end of the play area would be enclosed, noting that there may be a gap between the outdoor storage area and the acoustic barrier.</li> <li>• A 1m high balustrade would enclose the front outdoor play area, beyond which is the driveway to the basement.</li> </ul>

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**ATTACHMENT 1**

<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p>systems (refer to Figure 11).</p>	
<p><b>4.13 Soil Assessment</b>            Regulation 25 Education and Care Services National Regulations Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval. With every service application one of the following is required:</p> <ul style="list-style-type: none"> <li>• a soil assessment for the site of the proposed education and care service premises</li> <li>• if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children.</li> </ul>	<p>A preliminary contaminated land assessment (prepared by Geotechnical Consultants Australia, dated 26 August 2019 accompanies the application. It concludes that the site is unlikely to be contaminated, subject to recommendations contained within Section 12 of that document, which relate to demolition of structures, reuse/removal of soils and unexpected finds.</p>

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**ATTACHMENT 2**

**Compliance Assessment**

<b>LDA No:</b>	<b>LDA2019/0445</b>
<b>Date Plans Rec'd</b>	<b>13 December 2019</b>
<b>Address:</b>	<b>96 West Parade, Denistone</b>
<b>Proposal as lodged:</b>	<b>Construction of a two storey child care centre for 96 children and 16 staff with basement parking for 18 vehicles. Proposed hours of operation are 7:00am to 6:00pm Monday to Friday.</b>
<b>Constraints Identified:</b>	<b>Urban bushland, within 100m of a heritage item.</b>

**COMPLIANCE CHECK**

<b>RYDE LEP 2014</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<b>2.7 Demolition requires development consent</b>	Consent for demolition to be sought separately by complying development. In the event of approval, a condition is recommended that would require separate consent for demolition.	Yes
<b>4.3(2) Height</b> • 9.5m	9m Top of ridge RL 43.50 EGL – 34.50	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b> • 0.5:1	Ground Floor – 554.8m <sup>2</sup> First Floor – 436.17m <sup>2</sup>  GFA 990.97m <sup>2</sup> FSR - 0.895:1 Site Area (1,107m <sup>2</sup> – Deposited Plan)	No
<b>5.10 Heritage Conservation</b>	The subject site does not contain an item of heritage; however, it is located within the vicinity of the following items of heritage significance listed within Schedule 5 of RLEP 2014:  <ul style="list-style-type: none"> <li>• 38 Miriam Road (item No. 220)</li> <li>• 30 Miriam Road (Item No.75)</li> <li>• 78 West Parade (Item</li> </ul>	Yes

ITEM 1 (continued)		ATTACHMENT 2
	No.164) Council's Heritage Advisor has raised no objections to the development.	
<b>6.1 Acid Sulfate soils</b>	The subject site is not affected acid sulphate soils.	N/A
<b>6.2 Earthworks</b>	A geotechnical report has been submitted, prepared by Geotechnical Consulting Engineers, dated 3 May 2019. The geotechnical report concludes that the site may be suitable for the level of earthworks being proposed.  The extent of earthworks proposed raise issues with the development design, as discussed throughout the report.	Yes
<b>6.3 Flood planning</b>	The subject site is not affected by flooding. However, as per Council's Environmentally Sensitive Areas Map, the surrounding area is affected by flooding.  The proposal was referred to Council's City Works and Infrastructure team (traffic and drainage) and Council's Senior Development Engineer who raised no objections to the proposed development subject to conditions.	Yes
<b>6.4 Stormwater management</b>	The proposed stormwater management system is supported by Council's Senior Development Engineer and Council's City Works and Infrastructure (drainage) team.	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
<b>Part 3.2 – Child Care Centres</b>		
<b>Child Care Centre Design</b>		
A child care centre development is to be designed and drawn by a person who is an architect or who is	A review of the submitted documentation shows that the proposed development has	Yes

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**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
accredited by the Building Designers Association of NSW Inc.	been designed and drawn JB of TGS Landscape Architects who is registered under the NSW Architects Registration Board.	
The landscape plan must be designed and specified by a landscape architect with demonstrated experience in designing external spaces for child care centres due to the particular nature of the requirements (refer in particular the requirements in section 6 Landscaping and Play Spaces under this Part)	The Landscape plan has been designed and drawn by Jonathan Barraket of TGS Landscape Architects who is a registered landscape architect under the Australian Institute of Landscape Architects.	Yes
Child care centre development applications 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	A signed undertaking has been submitted demonstrating that the proposed centre-based childcare facility will be required to comply with the Children's Services Regulation 2004 before being able to trade/gain the appropriate licence.	Yes
<b>Technical Assessment Requirements</b>		
Technical assessments may also be required to be prepared and submitted with the development application, or while the development application is under assessment, to demonstrate support for the proposal and compliance with this DCP.	The submitted documents include technical assessments as required.	Yes
<b>Suitability of Location and Site for Child Care</b>		
<b>Preferred Locations</b>		
<ul style="list-style-type: none"> <li>- Single use developments street frontage and width &gt;20m. Corner allotments &gt; 17m</li>   <li>- Single use – minimum site area of 800m<sup>2</sup> – regular in shape</li> </ul>	<p>The proposed child care centre is not located on a corner allotment.</p> <p>Street frontage = 33.515m</p> <p>Lot 2 in DP345520 Total Site Area = 1107m<sup>2</sup></p> <p>The subject site is located on a collector road, as identified by</p>	<p>Yes</p>    <p>Yes</p>

**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
	Schedule 2 within Part 3.2 of DCP 2014.	
– Not located on arterial or sub-arterial roads, refer Schedule 2	The proposed child care centre is not located on an arterial or sub-arterial road.	Yes
– Within mixed use developments on arterial and sub-arterial roads, located distant and facing away from road	The proposal is not part of a mixed-use development.	Yes
– No battle-axe allotments	The site is not a battle axe allotment	Yes
– Cul-de-sac not preferred. Applications for centres in CDS must demonstrate appropriate traffic management is provided	West Parade is not a cul-de-sac.	Yes
– Not located in proximity to a brothel (Part 3.1 Brothels under DCP 2006)	No sex-service premises have been identified within close proximity to the subject site.	Yes
<p>– Site flat or gently sloping and well drained</p> <p>i. Assist design of useable indoor and outdoor areas at same grade</p> <p>ii. Provide accessibility to all areas</p> <p>iii. Assist drainage after rain</p>	<p>There is a rear-to-front fall on the site, with the topography varying considerably. The maximum average fall across the site would be 6.01m (over a distance of 51.5m).</p> <p>The topography of the site would not facilitate useable outdoor areas, noting that significant portions of such space would be located below ground level and covered.</p>	No
– Aspect permits maximum solar access and natural ventilation	The development would significantly overshadow adjoining sites. Further, the design would not permit direct solar access to large proportions of the outdoor space. The development is also unlikely to facilitate appropriate cross-ventilation, noting the significant enclosure of the ground floor (created by	No

**ITEM 1 (continued)**

**ATTACHMENT 2**

RYDE DCP 2014	PROPOSED	COMPLIANCE
	the overhanging first floor outdoor area and the sealing of windows at the front of the site to sufficiently mitigate acoustic impacts from the railway line.	
<ul style="list-style-type: none"> <li>- Located on land not affected by adverse overshadowing by existing or future development, undue heat loads from reflective surfaces of existing or future approved buildings on neighbouring sites</li> </ul>	Given the zoning and height limitations within the surrounding area, it is unlikely that the child care centre would be significantly overshadowed by existing or future development on surrounding sites.	Yes
<ul style="list-style-type: none"> <li>- Site not subject to undue overlooking from existing or future adjoining development</li> </ul>	It is considered likely that future development (specifically on higher elevations to the northwest and southwest) would be likely to overlook the subject site.	No
<ul style="list-style-type: none"> <li>- Preferred locations for larger centres in residential areas;</li> <li>- Sites located on street corners</li> <li>- Sites share common boundaries with compatible non-residential uses</li> <li>- Compatible land uses subject to acceptable traffic and parking</li> </ul>	The proposed centre would accommodate 96 places, and is therefore considered to be a larger centre. The development would not be located on a preferred site, noting that the site is not a corner allotment, does not share boundaries with non-residential uses, and its scale and likely traffic generation is not consistent with surrounding sites.	No
<ul style="list-style-type: none"> <li>- In low density residential zones, larger scale development (2 or more allotments, up to 90 children) share common boundaries with no more than 3 residential properties.</li> </ul>	The proposed development would occupy a single site, though it would cater for 96 children. It would share common boundaries with three adjoining residential properties.	Yes
<ul style="list-style-type: none"> <li>- Work based centres in mixed use developments adjacent to non-commercial/non-residential components to protect privacy and amenity of centre and neighbouring</li> </ul>	The proposal is not part of a mixed-use development.	N/A



**ITEM 1 (continued)**

**ATTACHMENT 2**

RYDE DCP 2014	PROPOSED	COMPLIANCE
workers/residents.		
<b>Assessing Child Care Needs and Size of Facility</b>		
<p>All development applications for child care centres are required to identify:</p> <p>i. Proposed total number of child care places.</p> <p>ii. Proposed number of children by age group;</p> <p>iii. Proposed number of staff including all full time and part time staff, and role of each staff member</p>	<p>The proposal seeks to accommodate 96 children.</p> <p>The proposed age group breakdown for the child care centre is as follows</p> <p>0-2 years – sixteen (16)            2-3 years – forty (40)            3-6 years – forty (40)</p> <p><i>The number of educators to children ratios is regulated by the Education and Care Services National Regulations.</i></p> <p><i>The ratios were updated on 1 January 2016. The ratios are provided as follows.</i></p> <p>1:4 (birth to 24 months)            1:5 (24-36 months)            1:10 (Older than 36 months)</p> <p>Proposed</p> <p>Playroom 1 – (2-3 years) – 40 children. – 8 educators required            8 educators provided.</p> <p>Playroom 2 – (3-6 years) – 40 children – 4 educators required            4 educators provided.</p> <p>Playroom 3 – (0-2 years) – 16 children – 4 educators required.            4 educators provided.</p> <p>Total number of required educators is 16. However, a</p>	<p>Yes</p> <p>Yes</p> <p>No</p>

**ITEM 1 (continued)**

**ATTACHMENT 2**

RYDE DCP 2014	PROPOSED	COMPLIANCE
	staff breakdown which includes, managerial staff, cooking staff has not been included with the submitted documentation.	
<b>Site Analysis</b>		
<ul style="list-style-type: none"> <li>- A site analysis to be submitted for new child care centre developments including developments that involve the conversions of existing dwellings/other buildings</li> <li>- A site analysis drawing must be based on a survey drawing produced by a qualified surveyor and contain a reference number and date. All levels are to be provided to AHD</li> </ul>	<p>A site analysis plan has been submitted by Design Corp Architects</p> <p>Site analysis is based on the Survey Plan provided by CC Surveying</p>	<p>Yes</p> <p>Yes</p>
<b>Design and Character</b>		
<ul style="list-style-type: none"> <li>• <b>All Child Care Centres</b></li> <li>- Designed in accordance with CPTED</li> <li>- orientated for year round natural light and ventilation and comfort in indoor spaces and outdoor spaces</li> <li>- design to take advantage of natural lighting and opportunities to maximize solar access and natural ventilation</li> </ul>	<p><i>Surveillance</i> It is considered that the proposed child care centre will provide opportunities for active and casual surveillance. The proposed building entry fronts West Parade and provides clear sightlines from internal areas and public spaces.</p> <p>The development is not well oriented for natural light to 'outdoor' play areas at the rear of the ground floor. Further, natural ventilation would be constrained by measures to minimise acoustic intrusion into the site from the railway.</p> <p>The design would not permit sufficient solar access to play areas and indoor areas towards the rear of the site. Further, design measures to minimise noise intrusion would affect the development's ability to provide</p>	<p>Yes</p> <p>No</p> <p>No</p>

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**ATTACHMENT 2**

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- avoid the proximity to and use of large expanses of UV reflective surfaces</li> <li>- maximize energy efficiency and sustainability and compliance with Part 7.1 Energy Smart, Water Wise under this DCP</li> <li>- building materials, appliances, utilities and fuel sources should be made with consideration for minimising energy requirements</li> <li>- appliances to be used/installed in the centre should have a minimum 3.5 star rating</li> <li>- designed to reflect desired/expected character of buildings in the area</li> </ul>	sufficient natural ventilation.	
	It is considered that the proposal is not located in proximity to large expanses of UV reflective surfaces.	Yes
	An Energy Efficiency Report has been submitted with the subject development application that addresses compliance with Section J of the Building Code of Australia – Energy Efficiency.	Yes
	Refer above.	Yes
	Refer above.	Yes
<ul style="list-style-type: none"> <li>- frontages and entries are to be designed to be readily apparent</li> </ul>	<p>The submitted plans show that the proposed building materials will comprise of a face brick and rendered brick finish with external stone walls and timber cladding which is considered to be consistent with the broader streetscape and reflect the desired future character of the area.</p> <p>However, the flat roof design proposed is not consistent with the typology of hipped roofing proposed throughout West Parade.</p> <p>The design of the building largely reflects that of a school or commercial building, and is not reflective of the area's current or desired character.</p>	No
	The submitted plans show that entries are readily apparent	Yes

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**ATTACHMENT 2**

RYDE DCP 2014	PROPOSED	COMPLIANCE
from the street frontage	from West Parade.	
– where fill is proposed to be used, clean fill must be used.	Can be addressed by conditions in the event of an approval.	Yes
<b>Setbacks</b>		
<b>Note:</b> For residential zones, setbacks are to be in accordance with the requirements of Part 3.3 (Dwelling Houses and Dual Occupancies)		
<ul style="list-style-type: none"> <li>• <b>Side</b> <ul style="list-style-type: none"> <li>○ <b>Single storey dwelling</b> <ul style="list-style-type: none"> <li>– 900mm to wall, includes balconies etc.</li> </ul> </li> <li>○ <b>First floor addition</b> <ul style="list-style-type: none"> <li>– 1500mm to wall, includes balconies etc.</li> </ul> </li> <li>○ <b>Two storey dwelling</b> <ul style="list-style-type: none"> <li>– 1500mm to wall, includes balconies etc.</li> </ul> </li> <li>○ Side setback to <b>secondary frontage</b> (cnr allotments): 2m to façade and garage/carports</li> </ul> </li> <li>• <b>Front</b> <ul style="list-style-type: none"> <li>– 6m to façade (generally)</li> </ul> </li> </ul>	<p>Proposed side setbacks:</p> <ul style="list-style-type: none"> <li>• Northwest: Minimum 1.5m</li> <li>• Southeast: Minimum 1.5m</li> </ul> <p>The proposal is not for a new structure, not additions.</p> <p>Proposed side setbacks:</p> <ul style="list-style-type: none"> <li>• Northwest: Minimum 1.5m</li> <li>• Southeast: Minimum 1.5m</li> </ul> <p>The subject site is not located on a corner allotment.</p> <p>Proposed front setbacks:</p> <ul style="list-style-type: none"> <li>• Minimum 5.7m (to front of the forward outdoor play area above the carpark entrance.</li> </ul> <p>The proposed centre based child-care facility has a front setback of 6.114m to the outside edge of the basement which protrudes above existing ground level</p> <p>The proposal is front setback is short of the average setback of the neighbouring properties.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>N/A</p> <p>No</p>

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RYDE DCP 2014	PROPOSED	COMPLIANCE
<p>- 2m to secondary street frontage</p> <p>- Garage setback 1m from the dwelling façade</p> <p>- Wall above is to align with outside face of garage below.</p> <p>- Front setback free of ancillary elements e.g. RWT,A/C</p> <p>• <b>Rear</b></p> <p>- 8m to rear of dwelling <b>OR</b> 25% of the length of the site, whichever is greater. <b>Note: 12.5m is 25% of site length (50m average length)</b></p> <p>• <b>Sites wider than they are long</b></p> <p>- One side setback of 8m or 20% of allotment width, whichever is</p>	<p>However, the subdivision pattern is convoluted in this location, with the site adjoining a battleaxe allotment to the south.</p> <p>No secondary street frontage.</p> <p>Basement garage proposed has been set forward 3.6m from ground floor façade above.</p> <p>The face of the carpark entrance would be set forward of the levels above</p> <p>The front setback is free of ancillary elements.</p> <p>Variable rear setback owing to irregularly-shaped allotment. The 8m requirement would apply to the northwest boundary, though the 25% requirement (i.e. 11.64m) would apply to the southeast boundary.</p> <p>The minimum proposed rear setbacks are as follows:</p> <ul style="list-style-type: none"> <li>• Minimum 4.3m (to rear play areas)</li> <li>• Minimum 8.63m (to building)</li> </ul> <p>However, the rear setback of 4.3m is non-complaint with the minimum 8m or 25% of the length of the site as specified within Part 3.3 of the Ryde Development Control Plan 2014.</p> <p>Site depth is greater than width.</p>	<p>N/A</p> <p>No</p> <p>N/A</p> <p>Yes</p> <p>No</p> <p>N/A</p>

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**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>greater. NB: Side setback on irregular allotments can be measured at the centre line of the site (must have 8x8 DSA).</p> <p>- Rear setback 4m min (in addition to 8m side setback)</p>	<p>Refer above</p>	<p>N/A</p>
<p><b>Privacy</b></p>		
<p><b>Acoustic Privacy – for children in the centre</b></p>		
<p>- 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. Noise amelioration incorporated into design</p>	<p>The submitted Acoustic Report does not provide information pertaining to Railway noise, given the Main Northern Railway Line is directly opposite the subject site.</p> <p>It is also unclear, as to whether the acoustic assessor has averaged road and rail noise (the former of which is significantly lower than some of the peak railway movements recorded earlier in the report), rather than trying to attenuate peak noise movements.</p> <p>The submitted Acoustic Report indicates glazing for all windows to play areas and cot rooms.</p> <p>It is also questioned why the acoustic barriers are proposed adjacent to the side and rear boundaries when these areas are not designated play areas.</p>	<p>No</p>
<p><b>Acoustic Privacy – for adjoining residents</b></p>		
<p>- Noise impacts on neighbouring properties are to be minimised by design measures including:</p> <p>i. Orientating the facility having regard to neighbouring property layout</p> <p>ii. Orientating playgrounds/outdoor play areas away from private open space</p>	<p>An acoustic report has been submitted with the proposed development application by Rodney Stevens Acoustics, dated 3 June 2019.</p> <p>The acoustic report concludes that the proposed childcare centre will not cause “offensive noise” levels to neighbouring</p>	<p>No</p>

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**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>areas, bedrooms and living areas</p> <p>iii. Using laminated or double glazing where necessary;</p> <p>iv. Designing fencing which minimises noise transmission and loss of privacy</p> <p>- child care centres in residential areas with a side boundary set back of less than 3 metres, noise buffering measures should be considered</p> <p>- Acoustic report submitted including recommendations for noise attenuation measures and specifies pre and post development noise levels.</p>	<p>residences, provided the noise measures recommended are implemented.</p> <p>However, Council's Environmental Health Officer reviewed the Acoustic Report and raised a number of issues as contained within their referral response</p> <p>Noise buffering in place, however issues with acoustic assessment.</p> <p>Acoustic report provides recommendations for noise attenuation measures.</p>	<p></p> <p>Yes</p> <p>Yes</p>
<b>Visual Privacy – for children in the centre</b>		
<p>- Indoor areas adjacent to public areas shall be screened to prevent direct sight lines.</p> <p>- Direct overlooking of indoor amenities and outdoor play spaces from public areas should be minimised through design features including:-</p> <p>i. Appropriate site and building layout;</p> <p>ii. Suitable location of pathways, windows and doors;</p> <p>iii. Permanent screening and landscaping.</p> <p>- Windows and doors in the proposed centre are to be sited in locations which maximise security for children attending the centre.</p>	<p>Vegetation and elevation of Playroom 02 with balustrading should prevent overlooking of play areas.</p> <p>There is potential for overlooking of the front play area (i.e. in front of Playroom 2 on the ground floor) as there is no ability for this area to be screened.</p> <p>The proposed windows of the indoor play areas allow for this opportunity whilst still being appropriately set back from the front boundary to maximise security. The locations of doors and windows should maximise security of children, as it would allow for surveillance of</p>	<p>Yes</p> <p>No</p> <p>Yes</p>

**ITEM 1 (continued)**

**ATTACHMENT 2**

RYDE DCP 2014	PROPOSED	COMPLIANCE
	approaches to the building.	
<b>Visual Privacy – for adjoining residents</b>		
<ul style="list-style-type: none"> <li>- Direct overlooking of adjoining main internal living areas and private open spaces should be minimised through:-               <ul style="list-style-type: none"> <li>i. Appropriate site and building layout;</li> <li>ii. Suitable location of pathways, windows and doors;</li> <li>iii. Landscaping and screening.</li> </ul> </li> <li>- Windows and doors in the proposed centre are to be sited in locations which minimise loss of privacy to adjoining residences</li> </ul>	<p>The location of the outdoor play space orientated towards West Parade, accessed via Playroom 2 on the ground floor is considered to result in overlooking and subsequent loss of visual privacy to the private open space area of the adjoining battle-axe allotment at 13A Miriam Road.</p> <p>Windows and doors to the proposed centre are not considered to be sited in locations which minimise privacy to adjoining properties.</p>	<p>No</p> <p>No</p>
<b>5.0 Car Parking, Traffic and Access</b>		
<b>Car Parking</b>		
<ul style="list-style-type: none"> <li>- All on-site parking areas are to be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2.</li> <li>- Off-street parking is to be provided at the rate of 1 space per 8 children, and 1 space per 2 staff. Stack parking for staff only and max 2 spaces</li> </ul>	<p>A traffic and parking report has been submitted with the application. Council engaged Bitzios Consulting Engineers to undertake a peer review of the Traffic and Parking Assessment. Bitzios was unsupportive of the assessment and proposal, partly in relation to the absence of a longitudinal section of the ramp and a gradient transition assessment in accordance with AS2890.</p> <p>The submitted basement plan indicates 8 parking spaces allocated for staff members and 10 spaces allocated to visitors. However, Council's Senior Development Engineer has supported this aspect of the application, given the proposal is able to comply with the rates within the CCPG, for sites within 400m of a railway station. The variation is also</p>	<p>Yes</p> <p>No</p>



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**ATTACHMENT 2**

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Parking requirement to be rounded up to nearest whole number</li> <li>- 1 accessible space located close to the continuous path of travel and where a minimum height clearance of 2.5 metres can be achieved</li> <li>• <b>Low Density Residential</b> <ul style="list-style-type: none"> <li>- Underground parking is not permitted</li> </ul> </li> <li>- not to dominate the streetscape</li> <li>• <b>Work based child care centres, and centres in mixed use facilities</b> <ul style="list-style-type: none"> <li>- Parking spaces and pick up/drop off a max 30m to centre main entrance, preferably at floor level. Direct access provided for those not at floor level,</li> </ul> </li> </ul>	<p>supported by Bitzios Consulting.</p> <p>Noted and applied.</p> <p>An accessible parking has been provided within the basement garage.</p> <p>The proposed development incorporates a part-basement garage in accordance with the definition of a 'basement' within LEP 2014. The basement carpark would require significant excavation and is located below existing ground level.</p> <p>Refer above. The design of the carpark entrance would expose a significant portion of the lower ground floor/carpark level to the public domain. Aside from creating a dominant streetscape element, the large exposure of the lower ground floor level facilitates a design that results in the presentation of a part three-storey building design to the public domain.</p> <p>The proposed development is not located within a mixed-use facility.</p> <p>Refer above</p>	<p>-</p> <p>Yes</p> <p>No</p> <p>No</p> <p>N/A</p> <p>N/A</p>
<ul style="list-style-type: none"> <li>- the drop off/pickup zones are to be exclusively available for use in conjunction with the child care centre throughout operating hours,</li> </ul>	<p>Refer above</p>	<p>N/A</p>

**ITEM 1 (continued)**
**ATTACHMENT 2**

RYDE DCP 2014	PROPOSED	COMPLIANCE
spaces are to be clearly marked		
<ul style="list-style-type: none"> <li>- Driveway access, manoeuvring areas and parking areas are not to be shared with access, parking, manoeuvring areas used by other uses or truck movements.</li> </ul>	Refer above	N/A
<b>On Site Manoeuvrability</b>		
<ul style="list-style-type: none"> <li>- 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</li> </ul>	Refer to Development Engineer and Bitzios comments.	No
<ul style="list-style-type: none"> <li>- Variation on the requirement for a "U" shaped driveway meets following criteria                             <ul style="list-style-type: none"> <li>- i. To provide a separate entrance and exit driveway access at a minimum safe distance from each other</li> <li>- ii. To enable vehicles to leave the site in a forward gear;</li> <li>- iii. To enable vehicles using the entrances and exits to not endanger persons and vehicles using those accesses;</li> <li>- iv. To ensure the front setback is not given over to traffic circulation and parking</li> </ul> </li> <li>- requirements which may unduly impact on streetscape and impact on the opportunity for landscaping to meet the requirements of Section 6 of this Part.</li> </ul>	Refer to Development Engineer and Bitzios comments.	No
<ul style="list-style-type: none"> <li>- Separation - Not &lt; 9m on turning circle of 15m and a</li> </ul>	Not required for basements with circulation area.	N/A
<ul style="list-style-type: none"> <li>- Separation - Minimum width of 12m between driveway laybacks.</li> </ul>	More than 12m separation provided between laybacks.	Yes
<ul style="list-style-type: none"> <li>- Vehicle's not to encroach on pedestrian access ways. Barriers etc. do not block accessible paths of travel</li> </ul>	There is no clear accessible path of travel to the front setback area if the lift were inoperable.	No
<ul style="list-style-type: none"> <li>- Separate pavement treatment to</li> </ul>	Not required for basements.	N/A

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**ATTACHMENT 2**

RYDE DCP 2014	PROPOSED	COMPLIANCE
distinguish driveway from parking spaces		
<b>Impact on Traffic Flow</b>		
<ul style="list-style-type: none"> <li>- Vehicles enter and leave the site in a forward direction. Drop off/pick up area designed separate to manoeuvring area</li> <li>- SEE addresses likely impacts on amenity of existing streets.</li>   <li>- No to be located on high volume roads, centres located on high volume roads incorporate measures to alleviate associated traffic problems</li>   <li>- Road Safety Audit required for applications on collector roads where volume exceeds 5000(AADT)</li> </ul>	<p>Basement complies.</p> <p>The SEE submitted addresses the likely impacts on amenity that the proposed development will have on the existing street.</p> <p>The proposed development is not located on a high-volume road.</p> <p>The subject site is located on West Parade which is listed as a collector road in accordance with Schedule 2 of DCP 2014.</p> <p>The volume and subsequent need for a road safety audit is unknown. However, an audit has not been requested.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Pedestrian Safety</b>		
<ul style="list-style-type: none"> <li>- Segregated from vehicle access with clearly defined paths</li>   <li>- Drop off/pick up points provided no more than 30m from main entrance, well lit, allows safe movement,</li>   <li>- Vehicle movements separated from pedestrian access by safety fencing, gates etc.</li> </ul>	<p>A separate pedestrian pathway has been provided to the entrance of the proposed development. However, pedestrian safety out of the basement is unknown. There is no clear delineation between pedestrian and vehicular movements.</p> <p>The drop off/pick up point has not been specified on the submitted plans.</p> <p>Safety fencing has not been provided to separate vehicle movements and pedestrian access.</p>	<p>No</p> <p>No</p> <p>No</p>
<b>Accessibility</b>		
- Access provided in accordance with	An access report has been	Yes

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<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>AS1428.1 and Part D of BCA, Part 9.2 of DCP 2014.</p> <ul style="list-style-type: none"> <li>- Minor alterations must not reduce accessibility, improvements must be made where possible,</li> <li>-</li> <li>- Other matters to be considered include:</li> <li>- Continuous path of travel from street/parking area into and within every room and outdoor area,</li> <li>- Pathways 1200mm-1500mm and grades no steeper than 1:14</li> <li>- One onsite parking space 3.6m wide with 2.5m height clearance</li> </ul>	<p>submitted which has been prepared by PSE Access Consulting, dated 17 May 2019.</p> <p>The proposal does not include building alterations.</p> <p>A continuous path of travel has not been provided from the front of the site and from within the semi-basement car park.</p> <p>The front pedestrian pathway is 1.6m in width. The front pedestrian access ramp is 1.2m in width and has a grade of 1:40 to 1:20.</p> <p>One accessible space has been provided within the basement that is 2.4m wide with a 2.5m height clearance.</p>	<p>N/A</p> <p>No</p> <p>Yes</p> <p>No</p>
<b>Landscaping and Play Spaces</b>		
<b>General Landscaping Requirement</b>		
<ul style="list-style-type: none"> <li>• <b>Landscape plan provided</b></li> <li>- Significant trees/vegetation to be retained and protection program during construction.</li> <li>- Hazardous plants avoided (poisonous, choking etc.)</li> <li>- Show landscaping of outdoor play spaces in accordance Section 6.2.2</li> <li>- Considers effect of outdoor play on soil</li> <li>- Considers potential of tree roots to up-lift outdoor surfaces</li> <li>- Identify opportunities for deep soil</li> </ul>	<p>The proposal was referred to Council's Consultant Landscape Architect/Arborist for comment. A number of issues were raised with regard to the following:</p> <ul style="list-style-type: none"> <li>- Tree Impacts</li> <li>- Plan Inconsistencies</li> <li>- Inappropriate Tree Species</li> <li>- Insufficient Tree Planting</li> <li>- Transition Areas</li> <li>- Insufficient Unencumbered Outdoor space.</li> </ul>	<p>No</p>

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RYDE DCP 2014	PROPOSED	COMPLIANCE
planting and appropriate tree species  - Shrubs and trees that offer range of textures, colours and scents, for children's learning experience  - Irrigation utilises rainwater or recycled water  - Landscaping setback of 2m along front boundary  - Landscape buffer provided along side and rear boundaries in residential zone, minimum width 1m	- Play Space Design - Insufficient Shade - Maintenance Access - Acoustic Fence  As such the proposed development is not supported from a landscape perspective.	
- Landscape/setback buffers for centres in commercial and industrial zones depending on context,	The subject site is not located within a commercial or industrial zone.	N/A
<b>Play Spaces</b>		
<b>Size and Functionality of Play Spaces</b>		
- Regular shapes with convenient access	The proposed internal and external play areas are not regularly shaped.	No
- Avoid location of play spaces in front setback	The outdoor play space directly adjacent to Playroom 2 within the front setback is not supported given it results in overlooking and visual privacy impacts to the adjoining battle-axe lot to the south at 13A Miriam Road.	No
- New centres – 10m <sup>2</sup> of unencumbered outdoor play space /child care place <b>inclusive</b> of transition area	It is noted that the outdoor play area does not comply the Childcare Planning Guideline under the <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities 2017)</i> (SEPP) which prevails over the DCP2014.	N/A SEPP Guidelines Prevail
- New centres – at 4.5m <sup>2</sup> of unencumbered indoor play space for each / child care place <b>exclusive</b> of transition areas.	It is noted that the indoor play area complies with the Childcare Planning Guideline under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities 2017) (SEPP) which prevails over the DCP2014.	N/A SEPP Guidelines Prevail

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<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<b>Outdoor Play Spaces</b>		
- Shaped to maximise supervision and useability and stimulates early learning	The design of the play areas would enable supervision of all areas.	Yes
<b>Designed to</b>		
- Be well drained	The proposal was referred to Council's Development Engineer, who raised no objection to the proposed methods of drainage, subject to conditions.	Yes
- Takes advantage of existing natural features and vegetation	Refer above.	Yes
<b>Designs aim for</b>		
- 30% natural planting area	20.05m <sup>2</sup> of natural planting has been provided within the rear outdoor play space which equates to 4.10% of the total outdoor play space of 488.06m <sup>2</sup> .	No
- 30% turfed area	Limited natural turf has been proposed.	No
- 40% hard surfaces (sand, paving, timber platforms)	468.01m <sup>2</sup> of hard surfaces provided which equates to 95.89% of the total outdoor play space of 488.06m <sup>2</sup> .	No
<b>Work based child care centres, and centres in mixed use facilities</b>		
- Where outdoor spaces are provided externally above ground level (refer section 3.4 of this Part):	The proposal child care centre is not work based nor located within a mixed-use facility	N/A
- i. make outdoor space of a similar quality to that achievable at ground floor level. designed to comply with requirements of section 6.2.2.	Refer above	N/A
- ii. measures implemented for protection from excessive wind and other adverse climatic conditions	Refer above	N/A
- iii. Adequate fencing is to be provided for the safety of the children and to prevent objects from being thrown	Refer above	N/A
- Outdoor storage space does not impede supervision of the play areas. 0.5m <sup>2</sup> of space per child who will be using the area.	Refer above	N/A
<b>Indoor Play Spaces</b>		
- a. Indoor play spaces shall be	The indoor play spaces are	Yes

**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
designed to: <ul style="list-style-type: none"> <li>- i. Achieve passive surveillance from all rooms;</li> <li>- ii. Provide direct access to play areas;</li> <li>- iii. Allow maximum supervision of the indoor and outdoor play spaces;</li> <li>- iv. Allow subspaces to be set up with discernible divisions to offer a variety of play areas.</li> </ul>	regularly shaped and encourage passive surveillance from all rooms.  The proposed internal viewing windows allow for supervision from internal common areas to the outdoor play areas. No subspaces are proposed.	Yes
<b>Miscellaneous Controls</b>		
<b>Signage</b>		
- All advertising and signage must be designed to comply with Part 9.1 Advertising Signs.	No signage proposed.	N/A
<b>Exterior Lighting</b>		
- Lighting is to be provided to assist access via the main entrance.	The submitted plans do not show proposed lighting, however this can be conditioned prior to the issue of the construction certificate.	Condition
- The street number of the building is to be visible from the street day and night, by lighting and/or reflective material	Can be conditioned to comply in the event of an approval.	Condition
- External lighting must not adversely impact adjoining properties.	Refer above	Condition
<b>Waste Storage and Management</b>		
- Waste management plan submitted	Waste management plan has been submitted with the proposed development application	Yes
- Adequate provision made for the storage and collection of waste and recycling in accordance with Part 7.2 of this DCP.	A bin storage area has been provided within the basement garage. Council's Environmental Health Officer raised no objection to the storage and collection of waste and recycling.	Yes
- In addition to the requirements of Part 7.2 of this Plan, applications for child care centre development are to address the following considerations.		
- special removal service required for the removal/disposal of nappies	Refer above	Refer above
- frequency of removal of waste to	Refer above	Refer above

**ITEM 1 (continued)**
**ATTACHMENT 2**

RYDE DCP 2014	PROPOSED	COMPLIANCE
ensure regular removal and avoid undue build up of garbage		
- opportunities for avoidance, reuse and recycling of waste	Refer above	Refer above
- convenience for staff of the location of bins	Refer above	Refer above
- security of waste from access by children	Refer above	Refer above
- . likely requirements for waste from kitchen facilities	Refer above.	Refer above.
- Impact of waste storage and collection on adjoining residential developments in terms of unsightliness, odour and noise	Refer above	Refer above
- Expansion – as far as possible to be visually and physically integrated into the design. Screening required for areas visible from street.	Proposal is for a new child care centre	N/A
- Where food preparation is carried out, waste area is to be covered and floor graded and drained, easily accessible and suitably screened	Council's Environmental Health Officer raised no objection to proposed kitchen design.	Yes
- Residential areas - 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 on-site access by waste collection vehicles	Refer above	Refer above
- Composting must not impact on amenity of adjoining premises or the centre	Refer above	Refer above
- Separate waste collection services including frequency and times must minimise noise impact on neighbouring properties	Refer above	Refer above
<b>Emergency Evacuation</b>		
- Fire Safety and Evacuation Plan complying with AS3745 prepared for all new centres and for developments resulting in an increase in places	Emergency Evacuation procedures and an emergency evacuation floor plan have not been submitted with the proposed development application.	No
The Fire Safety and Evacuation Plan	Refer above	No



**ITEM 1 (continued)**
**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
is to address: <ul style="list-style-type: none"> <li>- i. The mobility of children and how this is to be accommodated during an evacuation;</li> <li>- ii. The location of a safe congregation area, away from the evacuated building, busy roads and other hazards, and away from evacuation points for use by other occupants/tenants of the same building or of surrounding buildings; and</li> <li>- iii. The supervision of children during the evacuation and at the congregation area with regard to the capacity of the child care centre including child to staff ratios.</li> </ul>		
<b>Out of School Hours Care</b>		
- Where an OOSH service is proposed in a childcare centre, the centre shall provide permanent separation of OOSH facilities from the remaining centre facilities.	No out of school hours care proposed.	N/A
- Operational elements which are to be provided separately for each service include: <ul style="list-style-type: none"> <li>- i. amenities (toilet facilities)</li> <li>- ii. indoor play spaces, and</li> <li>- iii. outdoor play areas (especially where vacation care is proposed).</li> </ul>	Refer above	N/A
- Access to staff facilities should also be provided for staff of the OOSH facility	Refer above	N/A
- The operational elements are to be designed in accordance with any relevant controls under this Part (for example minimum area requirements for outdoor play areas, indoor play areas)	Refer above	N/A
- Proposed number of staff and child care places are to be provided in accordance <ul style="list-style-type: none"> <li>- with section 2.2 of this Part</li> </ul>	Refer above	N/A
- Parking requirements will be assessed in accordance with section 5 of this Part	Refer above	N/A
- Child care centres that include out of school hours care are not to result in an overdevelopment of the site.	Refer above	N/A

**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
- The total number of places approved for the centre will include places approved for out of school hours care where this is proposed	Refer above	N/A

<b>DEMOLITION</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
• Plan showing all structures to be removed.	No demolition proposed	N/A
• Demolition Work Plan	No demolition proposed	N/A
• Waste Management Plan	Plan submitted	Yes

**Certification**

I certify that all of the above issues have been accurately and professionally examined by me.

Name: Brendon Clendenning



Signature:

Date: ## April 2020

**ITEM 1 (continued)**

**ATTACHMENT 3**



**Attachment A**

- *The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".*
- *The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.*
- *Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.*
- *If required, prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.*

There are no LPP Planning Proposals